



## Legislation Text

**File #:** 2019-0189, **Version:** 1

**To:** Board of Directors of the Sonoma County Agricultural Preservation and Open Space District  
**Department or Agency Name(s):** Sonoma County Agricultural Preservation and Open Space District  
**Staff Name and Phone Number:** Jennifer Kuszmar, 565-7266  
**Vote Requirement:** 4/5th  
**Supervisory District(s):** 5th

### **Title:**

Sonoma-Marin Area Rail Transit District (SMART) Pathway Hearn to Bellevue Avenue Segment (0499) Matching Grant Project

### **Recommended Actions:**

- A) Adopt a resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District approving a \$282,760 matching grant to Sonoma-Marin Area Rail Transit District for the development of a portion of the Sonoma-Marin Area Rail Transit District pathway adjacent to the rail line.
- B) Determine that the project is consistent with the Sonoma County General Plan 2020 and the Sonoma County Agricultural Preservation and Open Space District's Expenditure Plan.
- C) Accept a conservation easement and a recreation conservation covenant from Sonoma-Marin Area Rail Transit District.
- D) Authorize execution of a matching grant agreement with Sonoma-Marin Area Rail Transit District.
- E) Determine that Sonoma-Marin Area Rail Transit District has complied with the California Environmental Quality Act for construction; direct the filing of a Notice of Exemption for the acceptance of the conservation easement and recreation conservation covenant.(Fifth District)(4/5th Vote Required)

### **Executive Summary:**

The Sonoma Marin Area Rail Transit District Pathway Hearn to Bellevue Matching Grant Project will fund the development of a 0.8 mile long by 12-foot wide public pathway within the Sonoma-Marin Area Rail Transit District railroad right of way in southwest Santa Rosa. The pathway will run parallel to the train tracks, and will be a segment of a 70-mile pathway along the entire Sonoma-Marin Area Rail Transit District railroad right of way in Sonoma and Marin Counties. The Sonoma-Marin Area Rail Transit District pathway will also connect to existing pathways. The Sonoma County Agricultural Preservation and Open Space District will hold a conservation easement and recreation covenant over the pathway and will enter into a Matching Grant Agreement with Sonoma-Marin Area Rail Transit District for the disbursement of grant funds.

### **Discussion:**

#### **Matching Grant Program**

As directed by the 2006 voter approved Expenditure Plan, Sonoma County Agricultural Preservation and Open Space District's (Ag + Open Space) administers a competitive Matching Grant Program on a biennial basis. The program makes grants available to cities, the County, other public agencies, and non-profit organizations for urban open space projects that provide open space preservation, community recreation, restoration of natural habitats, and public access opportunities. Since 1994, this unique program has provided over \$30 million in funding towards projects in all of the county's nine incorporated cities, allowing our partners to leverage funding to develop diverse and innovative projects throughout Sonoma County's communities.

In each Matching Grant Program cycle, the Board of Directors accepts projects into the program after the application and evaluation process. Once the projects are accepted into the program, Ag + Open Space staff begins to negotiate the terms of all required agreements and the applicant conducts all necessary steps to ensure that they can implement the project as described in their application. The timeline for this process can vary greatly due to a variety of factors including the negotiation of perpetual recorded agreements, executing purchase agreements, and securing grant matching funds. The potential grant funds for each project are not officially awarded until Ag + Open Space brings the project before the Board for final approval of the grant and all associated agreements. The subject project is one of seven projects accepted by the Board on September 18, 2012 under the 2011-12 Matching Grant Program funding cycle.

### **Background**

During the 2011-2012 Matching Grant Program funding cycle, the Sonoma-Marin Area Rail Transit District (SMART) submitted an application to build a 0.8 mile pathway along the rail line between Hearn and Bellevue Avenues. Ag + Open Space recommended funding in the amount of \$282,760 for the SMART Pathway Hearn to Bellevue Matching Grant Project in the 2011-12 funding cycle. Ag + Open Space's Board of Directors accepted the project into the Matching Grant Program on September 18, 2012. Since that acceptance, Ag + Open Space has worked with SMART to finalize the agreements while SMART was arranging for various regulatory permits and mitigation to construct the pathway.

On July 21, 2016, Ag + Open Space's Fiscal Oversight Commission approved Resolution #2016-007 that by accepting the conservation easement and recreation covenant as a condition of funding for the development of improvements on the SMART Hearn to Bellevue segment pathway, Ag + Open Space is not paying more or receiving less than the fair market value for the interests so received.

SMART completed the construction of the pathway between Hearn and Bellevue Avenue in December, 2016. The next segment north was constructed by Sonoma County Regional Parks and these two segments provide a connection to both the Joe Rodota Trail and the Prince Memorial Greenway. Finally, the pathway provides a future connection to the SMART station in Santa Rosa's Railroad Square.

### **Project Match**

As required under the Matching Grant Program Guidelines, the Matching Grant Agreement obliges SMART to provide a match of at least \$282,760. The match is comprised of funding from the State of California Enhanced Environmental Mitigation Program (EEMP) funds and SMART Measure Q sales tax funds.

SMART's match was used to complete the final design documents, construction, and permitting. According to SMART's Work Plan, the trail was opened to the public in October 2016.

**SMART Pathway Hearn to Bellevue Matching Grant Project Estimated Budget**

Task	Ag + Open Space Funding	Match Funding	Total Cost
Final Design	-	\$60,996	\$60,996
Permits		\$150,000	\$150,000
Construction	\$282,760	\$467,924	\$750,684
<b>TOTAL</b>	<b>\$282,760</b>	<b>\$678,920</b>	<b>\$961,680</b>

**Agreements**

As a condition of the matching grant funding, SMART will convey a conservation easement to Ag + Open Space that covers the pathway. SMART will also convey a recreation conservation covenant to ensure that the improvements funded by Ag + Open Space will be used as a pathway in perpetuity, available to the public for outdoor public recreation uses in a manner consistent with the conservation easement and SMART's Master Plan.

Finally, SMART and Ag + Open Space will enter into a Matching Grant Agreement. The Agreement outlines procedural and implementation requirements, record keeping, and general provisions to insure that the grant requirements are met.

**Conformance with Adopted Plans**

The SMART Pathway Hearn to Bellevue Matching Grant Project is in conformance with multiple adopted plans as follows:

Sonoma County General Plan

The Project conforms to the Sonoma County General Plan 2020. Applicable policies and objectives in the Land Use Element and the Open Space and Resource Conservation Element include:

OSRC-17 Establish a countywide trail system that meets future recreational needs of the County's residents. The emphasis of the trail system should be near urban areas and on public lands.

OSRC-18 Establish a Bikeways Network that provides a safe and supportive environment for bicyclists in Sonoma County, recognizing that bicycling is a viable mode of transportation and popular form of recreation.

SMART - Strategic Plan

On June 24, 2009 the SMART Board of Directors adopted a Strategic Plan which included the development of a multi-use, bicycle/pedestrian pathway and associated improvements along the SMART rail corridor.

Ag + Open Space - Expenditure Plan

Under the voter-approved Expenditure Plan, sales tax monies may be spent on urban open space and recreation projects within and near incorporated areas of Sonoma County. Further, it states that these funds shall be available through the Matching Grant Program. The grant is consistent with the Expenditure Plan, specifically within the category of other open space projects, including urban open space and recreation

projects within and near incorporated areas and other urbanized areas of the county.

#### Ag + Open Space - Connecting Communities and the Land, A Long-Range Acquisition Plan

The project furthers objective and policies in the Acquisition Plan by working with partners to provide recreational regional trail connections between urban areas, and working with partners to expand multi-use trail linkages between communities along publically owned rights of way.

#### CEQA

Pursuant to the California Environmental Quality Act (CEQA), the SMART Rail and Pathway Environmental Impact Report (EIR) was approved by the SMART Board on July 19, 2006, Resolution No. 2006-05, and a Supplemental EIR was approved on July 16, 2008 (SCH #2002112033), Resolution No. 2008-05. In addition, though no federal funds were spent on the construction of the project, a Categorical Exclusion Determination was completed on March 18, 2016, for the SMART Pathway, including the Hearn to Bellevue segment, with Caltrans as the Federal Highway Administration-designated lead agency.

Moreover Ag + Open Space's acquisition of a conservation easement and recreation conservation covenant, are exempt from CEQA pursuant to Section 15317 of Title 14 of the California Code of Regulations because the purpose of the project is to maintain the open space character of the pathway through the use of a conservation easement. Alternatively, the project is exempt pursuant to Section 15325 (f) of Title 14 of the California Code of Regulations because the conservation easement preserves the pathway as open space, and the recreation conservation covenant requires the pathway to be open for public use in perpetuity.

Further, pursuant to CEQA Guidelines section 15096, the Board of Directors, as a responsible agency, has independently considered the EIR adopted by Grantee's Board and finds that the EIR describes all proposed development of the SMART pathway, including the Hearn to Bellevue segment, and is adequate for use by the District in connection with awarding the matching grant. There have been no substantial changes to the Project or in the circumstances under which it will be undertaken that would require any revisions to the EIR prepared by SMART, nor is there any new information of any substantial importance with respect to either the District Grant Project or the Project as a whole. The EIR confirms that mitigation measures have been incorporated into the Project that will reduce any potential environmental impacts, including those portions that comprise the District Grant Project, to less than significant. The EIR is on file at the SMART office.

#### **Prior Board Actions:**

September 18, 2012: Board of Directors accepted the project into the Matching Grant Program. (*Board Action #25*)

#### **FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 18-19 Adopted</b>	<b>FY19-20 Projected</b>	<b>FY 20-21 Projected</b>
Budgeted Expenses	\$282,760		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$282,760</b>		

<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$282,760		
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$282,760</b>		

**Narrative Explanation of Fiscal Impacts:**

There is adequate appropriation for this purpose in the 2018/19 fiscal year.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A - I Step)</b>	<b>Additions (number)</b>	<b>Deletions (number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

**Attachments:**

1. Location Map
2. Site Map
3. BOD Resolution

**Related Items "On File" with the Clerk of the Board:**

1. Conservation Easement
2. Recreation Conservation Covenant
3. Matching Grant Agreement
4. Certificate of Acceptance
5. Notice of Exemption for CEQA