



Legislation Text

File #: 2020-1258, **Version:** 1

To: Board of Directors, Sonoma County Water Agency
Department or Agency Name(s): Sonoma County Water Agency
Staff Name and Phone Number: Blake Atkerson 547-1974
Vote Requirement: 4/5th
Supervisory District(s): Fifth

Title:

Grant of Easements to PG&E and AT&T for utility crossings in Colgan Channel

Recommended Action:

Adopt a Resolution determining that the granting of easements will not adversely affect the Sonoma County Water Agency in any respect and will not have significant adverse effect on the environment, authorizing the General Manager to execute (1) an Easement Deed with PG&E, and (2) a Grant of Easement with AT&T to allow for utility crossings within the Colgan Creek Channel. (4/5th Vote Required)(Fifth District)

Executive Summary:

The Sonoma County Water Agency (Sonoma Water) has been requested by Ryder Homes to grant utility easements to PG&E and AT&T over a portion of Sonoma Water's Colgan Creek Channel. The utility easements will allow Ryder Homes to construct a subdivision on property owned by Ryder Homes that abuts Colgan Channel. The utility easements are subject to a conservation easement over Colgan Creek Channel that the Sonoma County Agricultural Preservation and Open Space District (District) possesses. The District found that the utility easements do not adversely affect the District's conservation purposes within Colgan Creek Channel.

Sonoma Water's enabling legislation requires that the granting of any property rights be considered at no less than two regularly scheduled Board meetings. The Consideration of Grant of Easement to PG&E and AT&T for utility crossing in Colgan Channel was presented to the Board on December 15, 2020.

Discussion:

Sonoma Water owns and maintains the Colgan Creek Channel (Colgan Channel) which provides flood protection within the southwest portion of the City of Santa Rosa. Ryder Homes has requested that Sonoma Water grant utility easements to PG&E and AT&T to facilitate development of homes on a property abutting Colgan Channel. The portion of Colgan Channel that will be affected is located on the north side of Bellevue Avenue directly east of Elsie Allen High School.

On February 2, 2010, Sonoma Water granted a sewer easement over a portion of Colgan Channel to SWSR Associates LLC to allow for the development of the aforementioned housing development. SWSR Associates LLC is associated with Ryder Homes.

On April 8, 2016, Sonoma Water granted a conservation easement over Colgan Channel to the Sonoma County

Agricultural Preservation and Open Space District (District). The conservation easement was granted to the District in accordance with a three party agreement between Sonoma Water, the City of Santa Rosa, and the District that provided funding from the District to the City of Santa Rosa for development of public parks. The portion of Colgan Channel subject to the proposed utility easements is encumbered with the conservation easement granted to the District. The conservation easement restricts Sonoma Water from granting utility easements over Colgan Channel without prior consent from the District. District staff has reviewed the utility easements and determined that they will not adversely affect the District's conservation purposes within Colgan Channel. The District communicated to Sonoma Water staff that the notice requirements set forth in the conservation easement were satisfied by Sonoma Water.

Section Nine of Sonoma Water's enabling legislation allows the Board to authorize the granting of an easement to a private entity provided the grant of easement has been considered at no less than two regularly scheduled meetings of the Board of Directors. In addition, the grant of easement must not adversely affect Sonoma Water and must be granted for adequate consideration. Sonoma Water staff has reviewed Ryder Homes proposed construction of the utilities and determined that the grant of easement will not adversely affect Sonoma Water. The value of the easement has been determined to be of a nominal value. As such, Ryder Homes has agreed to reimburse Sonoma Water for all of Sonoma Water's cost to process the granting of the easement as adequate consideration.

The City of Santa Rosa (City) has completed environmental documentation in accordance with the California Environmental Quality Act (CEQA) for Ryder Homes' Project. The City prepared an Initial Study and filed a Mitigated Negative Declaration (IS/MND) for the Project. A motion was made and passed on July 24, 2008, by the Planning Commission of the City to approve the Project Resolution No. 11342. The Santa Rosa City Council approved the project September 9, 2008, Resolution No. 27199. A Notice of Determination for the Ryder Homes' Project was filed on January 26, 2010. The easement also has met all the requirements of Government Code, Section 65402, for General Plan consistency.

Sonoma Water has prepared a Notice of Determination in accordance with CEQA, the State CEQA Guidelines and Sonoma Water's Compliance Procedures under CEQA. As a Responsible Agency under CEQA, Sonoma Water staff considered the IS/MND as prepared by the City. With the incorporation of the mitigation measures identified in the IS/MND, the Project would not have an adverse impact upon the environment.

Prior Board Actions:

12/15/2020: Consideration of Grant of Easement to PG&E and AT&T for utility crossing in Colgan Channel

01/26/2010: Resolution of the Board of Directors of the Sonoma County Water Agency determining that the granting of easement will not adversely affect the Agency in any respect and will not have a significant adverse effect on the environment; authorizing the Chair to execute an easement agreement conveying property rights to SWSR Associates LLC; and authorizing the General Manager/Chief Engineer to file a notice of determination in accordance with the California Environmental Quality Act.

01/10/2010 Consideration of grant of easement to SWSR Associates LLC.

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses	14,500		
Additional Appropriation Requested			
Total Expenditures	14,500		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	14,500		
Use of Fund Balance			
Contingencies			
Total Sources	14,500		

Narrative Explanation of Fiscal Impacts:

Budgeted amount of \$14,500 is available from FY 2020/2021 appropriations for the Flood Control Zone 1A Laguna Mark West Fund. Ryder Homes has agreed to reimburse Sonoma Water the funds expended by Sonoma Water to process and grant the utility easements.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- 1) Resolution
- 2) Notice of Determination
- 3) PG&E Easement
- 4) AT&T Easement

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

None