



Legislation Text

File #: 2021-0386, **Version:** 1

To: The Board of Directors of Sonoma County Agricultural Preservation and Open Space District, County of Sonoma Board of Supervisors

Department or Agency Name(s): Sonoma County Agricultural Preservation and Open Space District, Sonoma County Regional Parks

Staff Name and Phone Number: Louisa Morris, 565-1537; Steve Ehret, 565-1107

Vote Requirement: 4/5th

Supervisorial District(s): Fifth District

Title:

Wright Hill Ranch Regional Park and Open Space Preserve Transfer and Funding

Recommended Action:

- A) Adopt resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District:
 - i) Determining that the transfer of fee title to the Wright Hill Ranch Property to the County of Sonoma, subject to a conservation easement and recreation covenant, is consistent with Ag + Open Space's Expenditure Plan and the 2020 Sonoma County General Plan;
 - ii) Authorizing the General Manager to execute a transfer agreement with Regional Parks;
 - iii) Authorizing the President to execute a grant deed transferring fee title to the Wright Hill Ranch Property to the County of Sonoma;
 - iv) Authorizing the General Manager to execute an Assignment and Amendment No. 1 to Grant Agreement by and between the District, Regional Parks and the California State Coastal Conservancy;
 - v) Authorizing the President to execute a conservation easement and recreation covenant over the property, and associated certificates of acceptance;
 - vi) Consenting to the recordation of an irrevocable offer of dedication in favor of Ag + Open Space pursuant to Public Resources Code §5565.5;
 - vii) Dedicating the conservation easement interest to park and open space purposes pursuant to Public Resources Code section 5540;
 - viii) Directing the filing of a Notice of Exemption in compliance with the California Environmental Quality Act; and
 - ix) Authorizing recordation of all instruments necessary to accomplish the transaction, and directing the General Manager, in consultation with County Counsel, to take all other actions necessary or appropriate to transfer fee title to the County and to establish a permanent conservation easement and recreation covenant over the property.
- B) Adopt resolution of the Board of Supervisors of Sonoma County Regional Parks:
 - i) Authorizing the Director to execute a transfer agreement with Ag + Open Space;
 - ii) Authorizing the Director to execute an Assignment and Amendment No. 1 to Grant Agreement by and between Ag & Open Space, Regional Parks and the California State Coastal Conservancy;

- iii) Accepting the fee title to the Wright Hill Ranch Property;
- iv) Authorizing and directing the Chair to execute an Amended Irrevocable Offer to Dedicate Title in Fee and Declaration of Restrictive Covenants to the California State Coastal Conservancy, conservation easement, recreation covenant and irrevocable offer of dedication in favor of Ag + Open Space;
- v) Directing the filing of a Notice of Exemption in compliance with CEQA; and
- vi) Authorizing recordation of all instruments necessary to accomplish the transaction, and directing the Director of Regional Parks, in consultation with County Counsel, to take all other actions necessary or appropriate to accept fee title to the Property and to establish a permanent conservation easement and recreation covenant over the Property.

(4/5th Vote Required)(Fifth District)

Executive Summary:

The Sonoma County Agricultural Preservation and Open Space District (Ag + Open Space) acquired the 1,236 acre Wright Hill Ranch ("Property") in 2007 to preserve the natural and scenic resources while providing for public recreation. As part of the acquisition Ag + Open Space received grant funds in the amount of \$750,000 from the California State Coastal Conservancy. Originally, it was anticipated that the Property would be owned and operated by the California State Parks to expand Sonoma Coast State Park, but due to budgetary constraints and policy changes, State Parks was unable to accept title to the Property. Regional Parks expressed interest in partnership with Ag + Open Space to acquire and open the park, and Ag + Open Space proposes to transfer the Property to the County of Sonoma and to receive, in return, a conservation easement and recreation covenant. (4/5th vote required.) Ag + Open Space also proposes to grant funding to Regional Parks under Ag + Open Space's Initial Public Access and Operations and Maintenance Policy. (Majority vote required.)

Discussion:

Acquisition and Property Significance

Ag + Open Space purchased the Wright Hill Ranch Property in 2007 for \$5.6 million. A portion of the acquisition funding (\$750,000) was provided by a grant from the California State Coastal Conservancy. The Property consists of approximately 1,236 acres east of Sonoma Coast State Park (Red Hill) and Highway One, north of Bodega Bay. The Property is visible from Highway One, which is a designated Scenic Corridor, and from other protected lands throughout the region, including the Sonoma Coast State Park, Willow Creek Addition, and Jenner Headlands. The parcel borders Sonoma Coast State Park on its entire northern and western boundaries. The Property is also bounded on the southeast by the Colliss property, protected by an Ag + Open Space conservation easement. The Property is characterized by varied topography and is east of Highway One, rising to a high point of 1,190 feet in elevation at the top of Wright Hill.

The Property has a diversity of natural habitats, including coastal prairie, coastal scrub, fresh wetlands distinguished by native sedges and rushes, rock outcrops, riparian forests, bay-madrone forests, oak woodlands, and redwood-fir forests. Special status species, such as the Townsend's big-eared bat, Harlequin lotus, Western dog violet (larval host for Myrtle's silverspot butterfly), and American badger have been

identified on the Property. The Property also has the potential to provide for significant public recreational opportunities. The Property is primarily open grassland, which affords spectacular views of the ocean and the coastal mountains to the east. In addition, the Property will provide opportunities to connect to the California Coastal Trail and has the potential to link to other public lands.

Transfer Agreement

With a four-fifths vote of its Board of Directors, Ag + Open Space will transfer the Property to Sonoma County Regional Parks pursuant to California Public Resources Code Section 5540.6, which allows Ag + Open Space to convey property that has been dedicated to park and open space purposes pursuant to the Public Resources Code to another public agency, subject to requirement that the new public agency (Regional Parks) continue to use the property for park and open space purposes and not to convey the property without voter approval. Regional Parks intends to accept the Property subject to these restrictions.

To facilitate the transaction, Ag + Open Space and Regional Parks propose to enter into a transfer agreement that commits each agency to the following actions, as further described below:

- Transfer of the Property to the County, to be managed by Regional Parks.
- Recordation of a conservation easement to protect the natural, scenic, agricultural and recreational values of the Property.
- Recordation of a recreation covenant to ensure that the Property remains available for public outdoor recreation and education in perpetuity.
- Ag + Open Space funding to be made available to Regional Parks through reimbursement for initial public access and operations and maintenance activities on the property.

Ag + Open Space and Regional Parks propose to transfer the Property by August 31, 2021.

Amended Irrevocable Offer to Dedicate Title In Fee and Declaration of Restrictive Covenants.

As part of the Conservancy's approval of the transfer of title to the Property from Ag + Open Space to Regional Parks, the Conservancy requires the execution of an Assignment and Amendment to the original Grant Agreement No. 07-054, and an Amended Irrevocable Offer to Dedicate Title in Fee and Declaration of Restrictive Covenants. The State Coastal Conservancy's Irrevocable Offer to Dedicate is already on title, so the District's offer to dedicate will be subordinate to the Coastal Conservancy's.

Conservation Easement and Recreation Covenant

When the County receives title to the Property, it will convey to Ag + Open Space a conservation easement that generally limits uses and activities on the Property to protection of natural and scenic resources and compatible recreation and educational activities and agriculture. In addition, the conservation easement requires that revenue generated on the Property be utilized to offset the expenses of operating the Property and other District-protected properties. Regional Parks will prepare a Master Plan addressing and balancing resource protection and public use.

Ag + Open Space will also receive a recreation covenant over the Property, obligating the County to provide public access in perpetuity. Pursuant to the recreation covenant, the Property will be opened to the general public for outdoor recreational and educational use. In connection with the recreation covenant, the County will record an irrevocable offer of dedication that will allow transfer of Wright Hill Ranch back to Ag + Open Space should Regional Parks, for any reason, become unable to keep the Property open to the public. As stated above, the District's offer to dedicate will be subordinate to the Coastal Conservancy's. However, the Coastal Conservancy will notify the District should executing their offer be necessary, giving the District an opportunity to accept fee transfer of the Property if Regional Parks desires this in the future.

2020 Sonoma County General Plan

The transfer of fee title to the County and Ag + Open Space's receipt of the conservation easement and recreation covenant is consistent with 2020 Sonoma County General Plan policies. The Property is within a General Plan-identified Scenic Landscape Unit and has a General Plan designated trail (Sonoma Coast Trail). The transaction supports the following General Plan goals:

- Maintaining important open spaces around the county's cities in a largely open or natural character. (LU-5)
- Preserving important biotic resource areas and scenic features with consistent uses and intensities. (LU-10)
- Retaining the largely open, scenic character of important Scenic Landscape Units. (OSRC-2)
- Preserving roadside landscapes that have a high visual quality as they contribute to the living environment of local residents and to the county's tourism economy. (OSRC-3)
- Protecting and enhancing the county's natural habitats and diverse plant and animal communities. (OSRC-7)
- Establishing a countywide park and trail system that meets future recreational needs of the county's residents while protecting agricultural uses, with an emphasis on trails near urban areas and on public lands. (OSRC-17)
- Establishing the Coastal Trail that extends from Black Point southward to the Estero Americano. (OSRC-17d)

Ag + Open Space: Vital Lands Initiative

The transfer of fee title to the County and Ag + Open Space's receipt of the conservation easement and recreation covenant is consistent with Ag + Open Space's *Vital Lands Initiative*, in the Community Identity category, Healthy Communities category, Water category, and Wildlands category, specifically in policies to:

- Protect unique and scenic landscapes.
- Protect lands that provide visual relief from urbanized areas and highly travelled roads, including the most visible ridgelines and mountaintops and valleys.
- Prioritize projects that increase passive or low-intensity recreational opportunities using easements and recreation covenants.
- Ensure that Ag + Open Space protected lands transferred to recreational partners are open to the public and continue to protect conservation features.
- Partner with public agencies and non-profit organizations to ensure that all communities have open

space to enjoy.

- Protect the highest priority riparian corridors and headwater streams.
- Protect the highest priority aquatic habitats and associated upland areas that support rare, unique, or special-status aquatic plants and animals.
- Protect the highest priority oak woodlands, shrublands, grassland, and other non-woody species.
- Protect rare, unique, or particularly diverse vegetation communities.
- Protect highest priority habitats for rare, unique, or special-status terrestrial plants and animals.
- Protect lands critical for supporting high native biodiversity.
- Protect critical wildlife movement corridors and intact habitat areas.

In addition, protection of Wright Hill Ranch Regional Park and Open Space Preserve will offer essential opportunities for natural ecosystems, including wildlife, to adapt to climate change, offering protected landscapes that can provide climate change resilience.

Ag + Open Space Fee Lands Strategy

The Wright Hill Ranch is identified as a Tier One property for transfer in Ag + Open Space's approved *Fee Lands Strategy Update* (February 2021).

Funding: Transfer Agreement

Ag + Open Space will provide \$175,840 in funding to Regional Parks for two agriculture/resource protection projects that were underway at this Property, including fencing repairs and water infrastructure.

Funding: Initial Public Access and Operation and Maintenance Funding Request

Regional Parks has requested funds from Ag + Open Space, which allows Ag + Open Space to provide funding, for a period of three (3) years after transfer, to operate and maintain as well as to assist in providing initial public access on recreational properties purchased with the open space sales tax.

Regional Parks has requested \$482,500 to assist with planning for and construction of initial public access improvements on the Property, specifically for planning, CEQA, permitting, trail construction, and signage necessary to provide initial public access.

Regional Parks has requested \$220,000 for operation and maintenance costs during the first three years of ownership. Regional Parks will use revenue from grazing leases and fees from day use parking, camping, special events, and special use permits to cover any remaining costs that are not eligible for Ag + Open Space funding.

Regional Parks has also requested \$66,000 to fund park previews and guided outings, to occur before the initial public access trail work is completed.

Thus, Regional Parks' total request for funding under the IPAO&M Policy is \$768,500. The total budget for

IPO&M is \$978,500, which includes a contribution of \$210,000 from Regional Parks.

Initial Public Access and Operations and Maintenance Fund Status

Per the Expenditure Plan, Ag + Open Space is allowed to expend up to 10% of its sales tax revenue on initial public access and operations and maintenance costs (IPO&M). For FY 20-21, the beginning IPO&M fund balance was \$9,165,062.

In addition, it is anticipated that Ag + Open Space will receive approximately \$2,589,379 in sales tax revenue in this new fiscal year towards eligible IPO&M costs for FY 20-21.

Ag + Open Space has three existing IPO&M agreements with recreational partners with available balances that total **\$2,719,233**. The District anticipates additional requests for IPO&M funds for at least three additional properties this fiscal year, including Calabazas Creek, Paulin Creek, and McCormick Ranch. There are sufficient funds available in the IPO&M fund for the Wright Hill Ranch IPO&M request as well as these anticipated future requests.

Fiscal Oversight Commission Approval

On April 15, 2021, the Fiscal Oversight Commission, in approving Resolution No. 2021-002, concluded that Ag + Open Space is not receiving less than the fair market value for transfer of the Property, subject to the conservation easement and recreation covenant that will be received in turn from Regional Parks.

California Environmental Quality Act

The Board must make findings under the California Environmental Quality Act (CEQA) for both the proposed transfer of the property and for decisions regarding proposed funding. Regional Parks plans to complete a Master Plan for proposed improvements to the Property at a future date, which will be subject to District and Board approval. CEQA for this future planning phase of Wright Hill Ranch Regional Park and Open Space Preserve will be completed within the next three years.

Ag + Open Space's transfer of the property and receipt of the conservation easement and recreation covenant is exempt from CEQA Pursuant to Public Resources Code section 21080.28, because the purpose of the transaction is to preserve the natural condition of the property including plant and animal habitats; restoration of natural conditions including plant and animal habitats; for continuing agricultural use of the land; prevention of encroachment of development into flood plains; preservation of historical resources; and preservation of open space or lands for park purposes. Until such time as the future master plan has been approved by the Board of Supervisors, the property will continue to be operated and maintained by Regional Parks consistent with the existing District-approved management plan. Environmental review in accordance with CEQA will occur before any project approval that authorizes physical changes to that land.

Prior Board Actions:

- Fee Acquisition of Wright Hill Ranch (Resolution #07-0736, dated August 28, 2007)
- Approval of Management Plans for Wright Hill Ranch and Calabazas Creek Open Space Preserves

(Resolution # 17-0096, dated February 21, 2017)

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	256,200	256,100	256,200
Additional Appropriation Requested	70,000	70,000	70,000
Total Expenditures	326,200	326,100	326,200
Funding Sources			
General Fund/WA GF	70,000	70,000	70,000
State/Federal			
Fees/Other	256,200	256,100	256,200
Use of Fund Balance			
Contingencies			
Total Sources	326,200	326,100	326,200

Narrative Explanation of Fiscal Impacts:

IPAO&M expenditures will be over Ag + Open Spaces' FY 21-22, 22-23, and 23-24 and will be eligible for Operations and Maintenance Fund classification. Appropriations will be made in the IPAO&M fund in those years to include this commitment.

\$768,500 was included in the proposed Regional Parks FY 2021-2022 Budget. The additional \$210,000 will be included in Q1 Consolidated Budget Adjustment.

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

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

1. General Plan 2020 Location Map
2. Wright Hill Ranch Site Map
3. Wright Hill Ranch Location Map
4. Resolution of Agricultural Preservation and Open Space District Board of Directors
5. Resolution of County of Sonoma Board of Supervisors

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

1. Wright Hill Ranch Conservation Easement
2. Wright Hill Ranch Recreation Covenant
3. Transfer Agreement between the County and Ag + Open Space
4. Grant Deed (Ag + Open Space to County)
5. Certificate of Acceptance (County) Fee Title of Wright Hill Ranch
6. Amended Irrevocable Offer to Dedicate Title In Fee (County to Conservancy)
7. Certificate of Acceptance (Ag + Open Space) Conservation Easement
8. Certificate of Acceptance (Ag + Open Space) Recreation Covenant
9. Notice of Exemption (Ag + Open Space)
10. Notice of Exemption (County)
11. Irrevocable Offer of Dedication (County)