



## Legislation Text

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**File #:** 2021-1109, **Version:** 1

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**To:** Sonoma County Board of Supervisors & Board of Directors of Sonoma County Agricultural Preservation and Open Space District

**Department or Agency Name(s):** General Services, Sonoma County Agricultural Preservation and Open Space District

**Staff Name and Phone Number:** Caroline Judy, 565-8058; Pamela Asselmeier, 565-1753; Steph Tavares-Buhler, 565-7362

**Vote Requirement:** 4/5th

**Supervisorial District(s):** Third

**Title:**

Conveyance of and acceptance of fee title interest of Paulin Meadow (Parcel J) from County of Sonoma to Sonoma County Agricultural Preservation and Open Space District.

**Recommended Action:**

- A) Adopt a resolution of the Board of Supervisors:
  - i) Declaring Paulin Meadow (Parcel J) exempt surplus land pursuant to Government Code section 54221;
  - ii) Authorizing the Chair of the Board of Supervisors to execute a deed conveying the fee interest in Paulin Meadow (Parcel J) to the Sonoma County Agricultural Preservation and Open Space District.
  - iii) Authorize the Director of General Services to execute all instruments necessary to accomplish the transaction; and
  - iv) Directing the filing of a notice of exemption in compliance with the California Environmental Quality Act.
- B) Adopt resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District:
  - i) Authorizing the President to execute a deed accepting conveyance of a fee interest over Paulin Meadow (Parcel J);
  - ii) Determining that the acceptance of a fee interest over Paulin Meadow (Parcel J) at no cost to Ag + Open Space is consistent with Ag + Open Space's Expenditure Plan and the 2020 Sonoma County General Plan;
  - iii) Directing the filing of a notice of exemption in compliance with the California Environmental Quality Act; and
  - iv) 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 establish a permanent conservation easement over the property.

(4/5<sup>th</sup> Vote Required) (Third District)

**Executive Summary:**

In December 2018, the Board directed County staff to explore means to protect Paulin Meadow (Parcel J) as

open space, as part of the Board's decision to sell surplus lands at the Chanate Campus. The Board further directed that Paulin Meadow (Parcel J) be excluded from the inventory of Chanate Campus lands available for sale as surplus. This agenda item is in response to Board direction that feasible means for conservation of Paulin Meadow (Parcel J) would be brought back to the Board for consideration at a future date.

The County owns fee title to Paulin Meadow (Parcel J), identified by Sonoma County APN 180-090-016, ("Paulin Meadow (Parcel J)" or the "Property") which is part of the larger Chanate Campus. The Property is situated in northeastern Santa Rosa and consists of approximately 10.42 acres along Paulin Creek between the flood control facility located on the Sonoma County Water Agency Flood Control property and the Paulin Creek Preserve owned by Ag + Open Space. The Property is surrounded to the west and south by suburban residential development.

Paulin Meadow consists of open land in a predominantly natural state situated in a highly developed urban area. The open space character of this land provides visual respite for the public as well as remnant habitat for fish and wildlife. The Property provides vital open space to residents and visitors of the northeast quadrant of the city of Santa Rosa. Protection of open space along the creek channel is also particularly valuable for wildlife species within the urban area.

Pursuant to Board direction, the County has discussed options to protect Paulin Meadow (Parcel J) with the Sonoma County Agricultural Preservation and Open Space District ("Ag + Open Space"). To accomplish that protection, the County will convey the fee title interest in the Property to Ag + Open Space at no cost to Ag + Open Space. The grant deed conveying the property will include restrictions that ensure protection of natural and urban open space resources.

The conveyance will enable Ag + Open Space to protect the Property's natural and urban open space resources while allowing for passive public recreational and educational uses of the Property by incorporating it into its Paulin Creek Preserve. Ag + Open Space intends that the parcels will be conveyed in the future to an appropriate government or nonprofit entity, subject to a conservation easement protecting its natural resource, urban open space, and recreational and educational values. In order to ensure such protections survive the anticipated transfer of the Property to another entity, the deed includes restrictive language requiring that any future conveyance of the Property be conditioned upon the grant of a conservation easement to Ag + Open Space from the successor owner.

Prior to offering the fee interest to Ag + Open Space, the County staff explored potential ownership with the City of Santa Rosa. The City communicated that they would not take ownership of the Property. Therefore, the most likely potential future owner of the enlarged Paulin Creek Preserve is a nonprofit land trust with experience holding similar property interests.

Ag + Open Space will be responsible for the management and operation of Paulin Meadow (Parcel J), after conveyance of the fee interest. It intends to continue discussions with an experienced nonprofit land trust or land steward, regarding future management and/or ownership of the resulting enlarged Paulin Creek Preserve.

#### **Discussion:**

### **Background/Project Overview**

At its hearing on December 11, 2018, the Board gave direction to County staff to protect and conserve Paulin Meadow (Parcel J). County General Services Department Staff have worked with the staff of Ag + Open Space over the course of two years with several interruptions resulting from multiple disasters and corresponding EOC activations to create a feasible plan for conserving Paulin Meadow (Parcel J). During these negotiations, staff began to understand that the best way to meet the community's interests would be for Ag + Open Space to assume responsibility for management of the property as an addition to the Paulin Creek Preserve. Ag + Open Space has staff managing open space preserves and has funding available to care for the land and support a future entity in formally opening the property to the public. Therefore instead of conveying a conservation easement, Ag + Open Space and County representatives are proposing the conveyance to Ag + Open Space of the fee title interest in Paulin Meadow (Parcel J), which will enable Ag + Open Space to protect the conservation values of the Property. The County shall grant the fee interest in Paulin Meadow (Parcel J) for no monetary consideration payable by Ag + Open Space. No appraisal of the value of the Property has been prepared.

Paulin Meadow (Parcel J) is adjacent to other publicly owned parcels along Paulin Creek with similar natural resource, urban open space, and recreational values. The adjacent parcels consist of four assessor's parcels covering approximately 46 acres, as follows: (i) Paulin Meadow (Parcel J); (ii) lands to the west owned by Ag + Open Space commonly referred to as the "Paulin Creek Preserve" (sometimes identified as Parcels O and P) containing approximately 8.89 acres (APNs 180-820-010 and 180-820-009); and (iii) lands to the east owned by Sonoma County Water Agency ("SCWA") used for flood control and reservoir purposes (sometimes identified as Parcel N) containing approximately 26.57 acres (APN 180-090-007) (referred to herein as "SCWA Flood Control Parcel"). The parcels are all used for informal passive public recreation and collectively, they provide important aquatic and riparian habitat and offer a direct experience in nature in an urban context that is highly valued by the local community.

Paulin Meadow contains a mosaic of habitat types which consist of mixed oak and hardwood woodland, open oak savannah on the canyon slopes and edges, riparian woodland, grasslands, creek channel habitat in a step-pool pattern with relatively undisturbed riparian cover, seasonal creeks, and seasonal wetlands. Paulin Creek, a tributary of Santa Rosa Creek known to support steelhead trout, is the predominant feature of the area and runs through a portion of the Property. In addition to their inherent value, the natural resources on the Property provide important ecosystem services such as water filtration, storm water and flood management, air quality improvement, and carbon sequestration.

Ag + Open Space manages the Paulin Creek Preserve (Parcels O and P) to protect and preserve natural habitat and biotic resources and provide certain passive recreation and trails opportunities. The SCWA Flood Control Parcel (Parcel N) provides flood control protection, but also preserves natural habitat and biotic resources and provides certain recreation and walking trail opportunities. Paulin Meadow (Parcel J) possesses important natural habitat and biotic resources, including grassland, riparian forest, wetland, oak woodland, and aquatic habitat, with approximately 1 mile of informal trails.

The Property has long been enjoyed by the public for walking, bird watching, outdoor education, and nature study. Access to this land provides rare recreational and educational opportunities in a predominantly urban/suburban environment. Public access to this Property can provide access to informal and formal trails on Parcels O, P, and N and between neighborhoods. The Property is not needed for County purposes within

the meaning of Government Code sections 25365(a) and 54221, but its transfer to Ag + Open Space for conservation purposes would be a proper agency use exempt from the procedural requirements of the California Surplus Land Act. Thus, County staff recommends declaring the Property “exempt surplus land” not needed for County use.

County General Services Department staff and Ag + Open Space staff have had numerous conversations with the City of Santa Rosa in an effort to determine whether the City would be willing to own or manage the properties. City staff have indicated that there are insufficient resources to do so. Ag + Open Space and County staff have also had several meetings over the years with neighborhood representatives who are interested in the management of the Property and Paulin Creek Preserve and are exploring whether a non-profit may be able to take on ownership of the two properties in the future.

The transfer of the fee interest in the Property will enable Ag + Open Space to protect the conservation values of the Property and limit future development of the Property to that which supports the natural resource, urban open space, and passive recreational and educational uses, by incorporating Paulin Meadow (Parcel J) into the Paulin Creek Preserve. Ag + Open Space owns the adjacent Parcels O and P in fee, and therefore accepting fee title to Parcel J is consistent to protecting the entire Paulin Creek Preserve. Ag + Open Space intends to continue working to identify an appropriate successor owner to take ownership of the resulting enlarged Paulin Creek Preserve, subject to a conservation easement. In order to realize the transfer of the property and enhance future use, Ag + Open Space may need to pursue formal access rights to the property from Chanate Road.

### **Conformance with Adopted Plans**

#### **Sonoma County General Plan 2020**

The conveyance of the fee interest to Ag + Open Space furthers several goals and policies in Sonoma County’s General Plan 2020, specifically in the Land Use, Open Space and Resource Conservation, and Water Resources Elements as noted below:

- Encourage conservation of undeveloped land, open space, and agricultural lands, protection of water and soil quality, restoration of ecosystems, and minimization or elimination of the disruption of existing natural ecosystems and flood plains. (Policy LU-11f)
- Preserve the unique rural and natural character of Sonoma County for residents, businesses, visitors and future generations (Goal OSRC-6)
- Provide for adequate parklands and trails primarily in locations that are convenient to urban areas to meet the outdoor recreation needs of the population, while not negatively impacting agricultural uses. (Objective OSRC-17.1)
- Protect, restore and enhance the quality of surface and groundwater resources to meet the needs of all beneficial uses. (Goal WR-1)
- Protect and enhance the County’s natural habitats and diverse plant and animal communities. (Goal OSRC-7)
- Protect and enhance Riparian Corridors and functions along streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, flood control, bank stabilization, and other riparian functions and values. (Goal OSRC-8)

### Ag + Open Space Acquisition Plan: Vital Lands Initiative

The project furthers several objectives and policies in the Vital Lands Initiative (“Vital Lands”), including the overarching goal of protecting areas with multiple conservation features. Additionally, protection of Paulin Meadow (Parcel J) will further the Vital Lands goals in the following categories:

- **Water:** protection of natural lands and aquatic habitats that support sustainable aquatic ecosystems and water resources.
- **Healthy Community:** protection of open space and publicly accessible lands in and near cities and communities and connect people with protected lands.
- **Wildlands:** protection of natural lands and terrestrial habitats that support plants, wildlife, and biodiversity.

### Ag + Open Space Expenditure Plan

Ag + Open Space is permitted by the 2006 Expenditure Plan to acquire fee interests for outdoor public recreation where the public use would not be inconsistent with the open space designations iterated in the plan. This acquisition is consistent with the 2006 Expenditure Plan because it would enable the Property to continue to be used for passive outdoor public recreation that is consistent with protecting areas of biotic significance and high scenic quality.

### Project Structure

This project would enable Ag + Open Space to protect the natural resource, recreational and educational, and urban open space values of Paulin Meadow (Parcel J) by accepting the fee interest in the Property and incorporating it into the adjacent Paulin Creek Preserve. The fee interest is restricted to ensure the protection of the conservation values by preventing any development inconsistent with such protection and requiring that any further transfers of the Property be conditioned upon the recordation of a conservation easement. During Ag + Open Space’s ownership, the County will retain a nonassignable reverter allowing the County to retake Paulin Meadow (Parcel J) if Ag + Open Space fails to comply with such restrictions.

### Fair Market Value Determination

The Fiscal Oversight Commission made a determination at its October 19, 2021 meeting that in accepting the fee interest from the County, Ag + Open Space is not paying more or receiving less than the fair market value (Resolution No. 2021-006).

### Recommendation

Staff of the County General Services and Ag + Open Space recommend that the Boards adopt their respective attached resolutions.

### Procedural Authority:

Under the California Surplus Land Act, this transaction is a transfer of exempt surplus land to a governmental agency for agency purposes, as defined by Government Code section 54221. Thus, the Property is not required to be offered for purchase to other parties in order to comply with the Surplus Land Act. The County has the procedural authority to transfer title to Ag + Open Space via Government Code Section 25365(a) on the basis that the property is not needed for County purposes.

The grant and acceptance of this conservation easement requires two Board Actions, namely to request Board of Supervisor’s approval to grant and convey the fee interest from the County to Ag + Open Space and, acting as the Board of Directors for Ag + Open Space, request the Board’s approval to authorize Ag + Open Space’s

acceptance of the fee interest. By approving this agenda item, and any required notice publication period, the Board would receive any public comments at its regular meeting on or after November 2, 2021 and approve the final conservation easement.

**CEQA**

The project is statutorily exempt from CEQA pursuant to California Public Resources Code Section 21080.28, and is categorically exempt from CEQA pursuant to State Guidelines Section 15325(a) & (b), all of which exempt from CEQA the acquisition, sale, or other transfer of interest in land by a public agency for the preservation of natural conditions existing at the time of transfer, including plant and animal habitats. In the alternative, this project is exempt from CEQA pursuant to State Guidelines Section 15317, which exempts from CEQA the acceptance of easements in order to maintain the open space character of an area. Staff will work to post a Notice of Exemption upon approval of the Board of this action.

**Prior Board Actions:**

County of Sonoma Agenda Item Summary report Approved December 11, 2018, Agenda Item 60 to approve Disposal of Chanate Campus.

**FISCAL SUMMARY**

Ag + Open Space Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	\$15,000	\$10,000	\$10,000
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$15,000	\$10,000	\$10,000
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	\$15,000	\$10,000	\$10,000

**Narrative Explanation of Fiscal Impacts:**

Ag + Open Space impacts

Funding for management of the Paulin Creek Preserve is already included in the current year budget. Funds would be used towards vegetation management and debris cleanup on the Paulin Meadow addition to the Preserve parcels. Funding needs to manage Paulin Meadow specifically are anticipated to decrease in the following two fiscal years. No additional encumbrances are requested at this time.

<b>Staffing Impacts:</b>			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)
	0	0	0
	0	0	0
	0	0	0

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

None

**Attachments:**

Attachment 1 - General Plan 2020 Location Map

Attachment 2 - Paulin Meadow (Parcel J) Site Map

Attachment 3 - Paulin Meadow (Parcel J) Location Map

Attachment 4 - Resolution of County of Sonoma Board of Supervisors

Attachment 5 - Resolution of Agricultural Preservation and Open Space District Board of Directors

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

On File 1 - Grant Deed

On File 2 - Notice of Exemption