



Legislation Text

File #: 2022-0184, **Version:** 1

To: Board of Directors of the Sonoma County Agricultural Preservation and Open Space District

Department or Agency Name(s): Agricultural Preservation and Open Space District

Staff Name and Phone Number: Louisa Morris, 565-1537

Vote Requirement: Majority

Supervisory District(s): Fifth

Title:

AmeriCorps Trail Matching Grant Project

Recommended Action:

Adopt a resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District:

- A) Approving a \$126,943 grant to the City of Sebastopol for the AmeriCorps Trail project under the 2018 Matching Grant Program;
- B) Determining 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) Authorizing execution of a Matching Grant Agreement with the City of Sebastopol;
- D) Authorizing execution and acceptance of a conservation easement and a recreation conservation covenant;
- E) Dedicating the conservation easement to open space purposes pursuant to Public Resources Code Section 5540;
- F) Consenting to the recordation of an irrevocable offer of dedication in favor of the Sonoma County Agricultural Preservation and Open Space District pursuant to Public Resources Code Section 5565.5;
- G) Directing the filing of a Notice of Exemption for the Sonoma County Agricultural Preservation and Open Space District's grant funding to the City and the acquisition of the conservation easement and the recreation covenant; and
- H) Directing the General Manager to take all other actions necessary to record the conservation easement and recreation covenant contemplated by this board item, with minor, non-substantive modifications as may be approved by County Counsel.

(Fifth District)

Executive Summary:

During the 2018 Matching Grant Program ("Program") cycle, the Sonoma County Agricultural Preservation and Open Space District ("Ag + Open Space") Board of Directors accepted the City of Sebastopol's AmeriCorps Trail grant application to create and improve new trail connections with the AmeriCorps Trail. This item implements the Board's prior action by requesting authority to execute a \$126,943 Matching Grant Agreement with the City of Sebastopol ("City") to provide funds for the City's project.

To protect its investment and as a condition of funding, Ag + Open Space will receive a Conservation Easement

that will ensure that the conservation values of the property, which include natural resources, scenic values, urban open space, and recreation and education, will be preserved in perpetuity. Ag + Open Space will also receive a Recreation Conservation Covenant to ensure that the property remains open to the public in perpetuity.

Discussion:

As directed by the 2006 voter-approved Expenditure Plan, Ag + Open Space offers 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, within and near incorporated areas and other urbanized areas of Sonoma County. Since 1994, this unique program has provided over \$30 million in funding towards projects in all of the county's nine incorporated cities and numerous unincorporated communities, allowing partners to leverage funding to develop diverse and innovative projects throughout Sonoma County. The Matching Grant Program Guidelines were adopted by Ag + Open Space Board in 2012 and again were updated in 2019. They provide guidance to applicants and grantees on the conditions and processes of the Program.

In each Program cycle, the Board of Directors accepts projects into the Program after the application and evaluation process. Once projects are accepted into the Program, Ag + Open Space staff negotiates 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 five projects accepted by the Board on November 13, 2018 under the 2018 Matching Grant Program funding cycle.

Background

Ag + Open Space has provided several matching grants to City of Sebastopol to support many urban open space and recreational opportunities. In addition to the current project, Ag + Open Space has provided funding to the City of Sebastopol for Meadowlark Field, Sebastopol Railroad Forest, three phases of the Sebastopol Skategarden, and Tomodachi Park, all of which are near the current project. Balletto Ranch and the City of Santa Rosa Farms are nearby Ag + Open Space projects with other project partners.

Matching Grant Program- Project

The AmeriCorps Trail Matching Grant Project ("Project"), with a total amount of \$126,943 will fund a 48-foot long bridge across Zimpher Creek, which is part of the City's effort to improve 0.5 miles of public trail within the Laguna de Santa Rosa Wetlands Preserve ("Preserve"), which will provide a vital and missing link between the Joe Rodota and West County trail networks. The improved AmeriCorps Trail will include boardwalks, pergola/arbor entryways, management and interpretive signs, benches, public art, and the new bridge. The

Project is located between Highway 12, Morris Street, and the Laguna de Santa Rosa Wetlands Preserve on 10.8 acres of property owned by the City and adjacent to the Community Center to the north and Meadowlark Fields to the east (“the Property”). The Project, once completed, will formalize safe public access to parklands and open space in this urbanized area. As a condition of funding, the City will grant a conservation easement and will convey a recreation conservation covenant to Ag + Open Space over the Property.

Matching Grant Agreement

According to the 2018 Matching Grant Program Guidelines, the Matching Grant Agreement requires the City of Sebastopol to provide a match of \$126,943, which will be comprised of funding from the City of Sebastopol and a Sonoma Water Watershed Partners Program (WPP) grant to the Laguna Foundation. The City’s match will be used for design, to complete public access improvements, and for operations and maintenance (see table below). Ag + Open Space Matching Grant Program funding will be used for construction of the 48-foot bridge over Zimpher Creek.

The City plans to begin and complete trail and bridge construction in summer/fall 2022. Under the terms of the Matching Grant Agreement, the City must complete improvements, expend all Ag + Open Space and matching funds, and formally open the new trail to the public by November 13, 2023.

Sebastopol’s AmeriCorps Trail Matching Grant Project Estimated Budget:

Task	Ag + Open Space Funding (AmeriCorps Trail Grant)	Match Funding	Total Cost
Design	-	\$12,694	\$12,694
Construction	\$126,943	\$50,779	\$50,779
Maintenance	-	\$63,470	\$63,470
TOTAL	\$126,943	\$126,943	\$253,886

Conservation Easement

In accordance with the Program Guidelines, all grant recipients are required to grant a Conservation Easement to Ag + Open Space. The Conservation Easement will protect the urban open space, natural resources, recreation and education, and scenic values of the Property in perpetuity by limiting use to public recreation and prohibiting all other subdivision and development.

The AmeriCorps Trail construction and future stewardship/public access activities will be consistent with protection of the following conservation values, as identified in the Conservation Easement:

- 1. Natural Resources.** Protection of natural resources, including Zimpher Creek. The project area has been a focus for Laguna de Santa Rosa’s riparian restoration activities.
- 2. Scenic Resources.** Protection of scenic resources, including natural open space areas. Much of the conserved area is visible from public roads and trails.
- 3. Recreational and Educational Resources.** The trail will connect to additional opportunities for hiking

and walking near Sebastopol, as well as link the regional Joe Rodota and West County trail networks. The City will install boardwalk through sensitive areas and create a safe bridge crossing over Zimpher Creek. Creating an official trail through this area will facilitate connections to existing trails near and far, as well as protect sensitive riparian resources, which are currently being used in a haphazard way by the public. The City will install pergola/arbor structures at trail entry points, so that the public is made aware of the trail and to encourage public use.

4. **Urban Open Space.** This project will permanently protect a new public space with trails in the City of Sebastopol and connect to existing City parks and recreation areas. The City plans to install an art piece (with benches), commissioned through the City's Public Art program, near the southern section of the trail, providing a destination and encouraging public use and exploration. The City has stormwater and other utility infrastructure within the area, which they will repair and maintain consistent with the conservation easement.

Recreation Covenant

When Ag + Open Space funds are used to create public amenities in park and open space areas, recipients are required to execute a Recreation Covenant, which assures that the property will be available for public outdoor recreation in perpetuity. Accordingly, a recreation covenant will be conveyed by the City. To secure the City's obligations under the Recreation Covenant, the City will record an irrevocable offer of dedication of the fee interest in the Property, which provides a remedy for Ag + Open Space in the unlikely event the City does not maintain public access to the Preserve. Pursuant to Public Resources Code 5565.5, the Board of Directors must consent to the making of the offer, as set forth in the resolution proposed for adoption.

Conformance with Adopted Plans

Sonoma County General Plan

The Project is consistent with the Sonoma County General Plan. Specifically, the Project implements several policies and objectives of the Open Space and Resource Conservation Element outlined in the Sonoma County General Plan 2020, including establishment of a countywide park and trail system that meets future recreational needs of the County's residents.

City of Sebastopol General Plan

On April 24, 2018, the Sebastopol Planning Commission found the AmeriCorps Trail Project to be consistent with its General Plan, specifically its policies calling for: integrated trails, providing access to open space and environmentally sensitive areas in a manner that ensures protection of biotic resources, collaboration with other entities with similar objectives, and working with Ag + Open Space. On May 15, 2018, the City of Sebastopol's City Council approved the design for the AmeriCorps Trail improvement project, determining that this project was consistent with the City's General Plan.

Ag + Open Space's Expenditure Plan

The grant is consistent with Paragraph 5 of the Ag + Open Space's Expenditure Plan insofar as it promotes

recreation and urban open spaces near incorporated areas.

Ag + Open Space's Vital Lands Initiative

The project furthers goals, objectives, and policies of Ag + Open Space's *Vital Lands Initiative* in the following categories:

- Community Identity: Protect open lands that surround and differentiate the County's urban areas and contribute to the unique scenic character of the County.
- Healthy Communities: Protect open space and publicly accessible lands in and near cities and communities and connect people with protected lands.
- Water: Protect natural lands and aquatic habitats that support sustainable aquatic ecosystems and water resources (including riparian habitat and groundwater recharge).

Laguna Preserve Restoration and Management Plan

The Project is also consistent with the Laguna Preserve Restoration and Management Plan (2015), which specifically identifies the AmeriCorps Trail connectivity gap, and calls for development of a pedestrian bridge and trail connection, as well as entry arbor features.

California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA), the City of Sebastopol prepared an initial study for the AmeriCorps Trail project. The City filed a Notice of Exemption for the project on May 22, 2018. Ag + Open Space concurs with the City Council's finding that the bridge installation project and related trail improvements are categorically exempt pursuant to CEQA Guidelines (Title 14 of the California Code of Regulations) sections 15303 (new construction of small structures), 15304 (minor alterations to land), and 15061(b)(3) (certainty of no significant effect on the environment).

Ag + Open Space's recordation of the Recreation Covenant, which requires recreational use of the Property consistent with existing uses of the Property, is exempt pursuant CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question (continued recreational use of the trails on the Property) may have a significant effect on the environment.

Ag + Open Space's acquisition of the conservation easement is exempt pursuant to CEQA Guidelines section 15317 because the purpose of the acquisition is to maintain the open space character of the area; and alternatively, it is exempt pursuant to Section 15325(a) and (f) because the purpose of the acquisition is to preserve the existing natural conditions and open space for park purposes, respectively.

Ag + Open Space Fiscal Oversight Commission Review

On March 3, 2022, Ag + Open Space's Fiscal Oversight Commission adopted Resolution No. 2022-001, determining that the acquisition price for the conservation easement and recreation covenant offered by the City to Ag + Open Space as a condition of the Matching Grant does not exceed the fair market value of these

interests.

Dedication

Consistent with Ag + Open Space's practice, the Board is asked to dedicate the conservation easement to open space purposes pursuant to Public Resources Code Section 5540. By taking this action, Ag + Open Space is restricting its ability to convey or relinquish the protections embodied in the conservation easement.

2018 Matching Grant Program Budget

On November 13, 2018, the Board of Directors accepted five projects totaling \$2,426,943 into the 2018 Program. The \$126,943 in funding for this project is budgeted for Fiscal Year 22-23.

Prior Board Actions:

November 13, 2018 (Agenda Item #49): The AmeriCorps Trail Matching Grant was recommended for acceptance into the Matching Grant Program by the Board of Directors.

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY 22-23 Projected	FY 23-24 Projected
Budgeted Expenses		\$126,943	
Additional Appropriation Requested			
Total Expenditures		\$126,943	
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other		\$126,943	
Use of Fund Balance			
Contingencies			
Total Sources		\$126,943	

Narrative Explanation of Fiscal Impacts:

Appropriations will be requested in the FY 22-23 recommended budget.

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 of the Board of Directors for the Sonoma County Agricultural Preservation and Open Space District
- 2- AmeriCorps Trail General Plan Map
- 3- AmeriCorps Trail Project Location Map
- 4- AmeriCorps Trail Project Structure Map
- 5- AmeriCorps Trail Matching Grant Agreement
- 6- AmeriCorps Trail Conservation Easement
- 7- AmeriCorps Trail Recreation Conservation Covenant

Related Items “On File” with the Clerk of the Board:

- 1- AmeriCorps Trail Offer-to-Dedicate
- 2- AmeriCorps Trail Notice of Exemption (proposed NOE)