



## Legislation Text

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**File #:** 2023-0510, **Version:** 1

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**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:** Olivia Fiori, 565-7349

**Vote Requirement:** Majority

**Supervisory District(s):** Fourth District

**Title:**

Soda Springs Ranch Open Space Preserve Fee Title and Conservation Easement Acquisition

**Recommended Action:**

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

- A) Authorize up to \$2,100,000 and escrow costs for the contribution of funding toward the City of Cloverdale's purchase of a fee interest in the Soda Springs Ranch Open Space Preserve Property and the District's acquisition of a conservation easement and recreation covenant over the Property;
- B) Determine that the acquisition is consistent with the Sonoma County Agricultural Preservation and Open Space District's Expenditure Plan and the 2020 Sonoma County General Plan;
- C) Authorize the President of the Board of Directors to execute a conservation easement and recreation covenant over the Property, and associated certificates of acceptance;
- D) Consent to the recordation of an irrevocable offer of dedication in favor of the District pursuant to Public Resources Code §5565.5;
- E) Determine pursuant to the California Environmental Quality Act that the project is exempt pursuant to Public Resources Code section 21080.28 and CEQA Guidelines sections 15325 and 15317, and direct the filing of a notice of exemption;
- F) Authorize all other actions to complete this transaction.

(Fourth District)

**Executive Summary:**

Soda Springs Ranch Open Space Preserve is a 208.72-acre property, located at 600 Cherry Creek Road in Cloverdale, California ("Property" or "Soda Springs Ranch Open Space Preserve"). Sonoma County Agricultural Preservation and Open Space District ("Ag + Open Space") is proposing to contribute funds towards the City of Cloverdale's purchase of a fee interest in the Property. The City of Cloverdale will convey a conservation easement and recreation conservation covenant to Ag + Open Space at closing. The conservation easement will protect the scenic, natural, recreational, and educational resource values of the property, which is adjacent to the City of Cloverdale and near the Porterfield Creek Trails Open Space Preserve. The recreation conservation covenant will ensure the Property is open to the public in perpetuity as a park and open space preserve after compliance with the California Environmental Quality Act (CEQA).

**Discussion:**

### **Property Characteristics/Project Significance**

Most of the Property is visible from Highway 101, Cloverdale Boulevard, and other public roads in Cloverdale. Porterfield Creek Trails Open Space Preserve is in close proximity, but not adjacent to, the southern Property boundary. The Property is undeveloped and has been historically used for timber harvest, hunting, grazing, equipment storage, personal recreation, and open space. The land is comprised of three assessor's parcels and there are four potential Certificates of Compliance. Current site improvements include a roof structure on APN 115-220-006, as well as a hand dug well, a spring, and city water meter that would need to be activated, and unpaved dirt access roads throughout the Property. There are urban residential properties along the entire eastern Property boundary.

The Property is in the Porterfield Creek watershed and contains 0.33 miles of the North Branch of Porterfield Creek. Additionally, 0.78 miles of an unnamed tributary to Cloverdale Creek runs along the Property's northern border, and other small, intermittent tributaries to Porterfield Creek and Cloverdale Creek cross the Property. The Property features mountainous land, with oak woodlands and other hardwoods, chaparral, grasslands, fir forest, as well as redwood groves and riparian vegetation surrounding the creeks.

### **Project Structure**

The Property will be purchased by Ag + Open Space and immediately transferred to the City of Cloverdale at closing. The City of Cloverdale will convey to Ag + Open Space a conservation easement at closing that requires the Property to be held under a single common ownership, preserves the Property's scenic qualities, and protects the Property's natural resources. The conservation easement will also allow recreational and educational opportunities consistent with protection and preservation of the Property's natural resources. The City of Cloverdale will also convey to Ag + Open Space at closing a recreation conservation covenant together with an offer to dedicate. The provisions of the recreation conservation covenant require the Property to remain open to the public for recreational and education purposes in perpetuity after compliance with the California Environmental Quality Act (CEQA). The project structure includes three Building Envelopes as follows: (1) a 0.8-acre Building Envelope for a ranger residence and visitor center, (2) subject to District approval, a 1-acre Building Envelope for a picnic area, fitness course, and staging area for the park and open space preserve in the general location as shown on the Project Structure Map; (3) a 0.06-acre Building Envelope near the intersection of West Second Street and North Foothill Boulevard, where the City may construct a sediment detention basin. The Easement also includes a 1-acre Camping Envelope and a 0.6-acre Building Envelope for up to 8 parking spaces the location of which has not yet been identified and is subject to District approval.

### **Conformance with Adopted Plans**

#### **Vital Lands Initiative**

Soda Springs Ranch Open Space Preserve is identified in the Vital Lands Initiative as being essential for the conservation of biodiversity by accomplishing the **Wildlands** Goals as described in the Vital Lands Initiative:

- Protect the highest priority oak woodlands, shrublands, grassland and other non-woody vegetation.

- Protect rare, unique, or particularly diverse vegetation communities.
- Protect the 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.

The conserving of Soda Springs Ranch Open Space Preserve would complement and expand existing public access and recreation within the area and thus meets the following Vital Lands Initiative **Healthy Communities** Goals:

- Pursue partnerships for future acquisitions that expand, create, or connect new parks and open space preserves and trails.
- Partner with public agencies and non-profit organizations to ensure that all communities have open space to enjoy.
- Prioritize projects that increase passive or low-intensity recreational opportunities using easements and recreation covenants.

Finally, in terms of groundwater and riparian habitat, conservation of Soda Springs Ranch Open Space Preserve is essential to the following Vital Lands Initiative **Water** Goals:

- 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 connect aquatic habitats and the lands that support this connectivity.

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

The project 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:

- Maintain important open space areas between and around the county's cities in a largely open or natural character with low intensities of development. (Goal LU-5)
- Preservation of important scenic features. (Goal LU-10)
- 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)
- Identify and preserve 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. (Goal OSRC-3)
- Preserve the unique rural and natural character of Sonoma County for residents, businesses, visitors and future generations. (Goal OSRC-6)
- Protect and enhance the County's natural habitats and diverse plant and animal communities. (Goal OSRC-7)
- Identify and protect native vegetation and wildlife, particularly occurrences of special status species, wetlands, sensitive natural communities, woodlands, and areas of essential habitat connectivity. (Objective OSRC-7.1)
- Maintain connectivity between natural habitat areas. (Objective OSRC-7.5)
- Protect existing groundwater recharge areas. (Objective WR-2.3)

### **Ag + Open Space's Expenditure Plan**

The project is consistent with Ag + Open Space's Expenditure Plan, because it preserves biotic habitat areas, scenic landscape units, and scenic corridors, while offering opportunities for public recreation

### **Fiscal Oversight Commission Approval**

On October 20, 2022, The Fiscal Oversight Commission, in approving Resolution No. 2022-003, concluded that Ag + Open Space is not paying more or receiving less than the fair market value for acquisition of the Property by the City of Cloverdale subject to the conservation easement and recreation covenant that will be received by Ag + Open Space. After this meeting, an offer was extended to the landowner which was rejected. The landowner has previously engaged two separate appraisers to develop an opinion of value which differed from the value established in Ag + Open Space's appraisal. It can be difficult to reach agreement on purchase price when there are appraisals with different opinions of value. Ag + Open Space consulted with review appraiser Howard Levy to

determine the most cost efficient and effective appraisal product that considered all appraisal information available. A review appraisal in conformance with Uniform Standards of Professional Appraisal Practice (USPAP), that utilized the Ag + Open Space appraisal and the two previous appraisals initiated by the landowner was obtained. On April 6, 2023, the Fiscal Oversight Commission, in approving Resolution No. 2023-005 (on file with the Clerk of the Board), concluded that Ag + Open Space is not paying more or receiving less than the fair market value for acquisition of the Property by the City of Cloverdale subject to the conservation easement and recreation covenant that will be received by Ag + Open Space.

### **CEQA**

Pursuant to Public Resources Code Section 21080.28(a)(1)(A), (B) & (F) and Section 15325(a), (c) & (f) of Title 14 of the California Code of Regulations, the acquisition is exempt from CEQA because the purpose of the acquisition is to preserve the natural condition of the Property, including plant and animal habitats; the restoration of natural conditions including plant and animal habitats; and the preservation of open space or lands for park purposes. This acquisition is also exempt from CEQA pursuant to Section 15317 of Title 14 of the California Code of Regulations, because the purpose of the acquisition is to maintain the open space character of the area.

### **Prior Board Actions:**

N/A

### **FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 22-23 Adopted</b>	<b>FY 23-24 Projected</b>	<b>FY 24-25 Projected</b>
Budgeted Expenses	\$2,100,000		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$2,100,000</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$2,100,000		
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$2,100,000</b>		

### **Narrative Explanation of Fiscal Impacts:**

Ag + Open Space has adequate appropriations in its FY 22-23 budget for the \$2,100,000 contribution to fee and conservation easement acquisition, which is funded by Sonoma County voter approved Measure F.

<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):**

n/a

**Attachments:**

1. General Plan Map 2020
2. Location Map
3. Site Map
4. Resolution

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

1. Certificates of Acceptance
2. Notice of Exemption
3. Conservation Easement
4. Certificate of Acceptance Recreation Conservation Covenant
5. Recreation Conservation Covenant
6. Irrevocable Offer of Dedication
7. Fiscal Oversight Commission Resolution