

Date: January 9, 2024

THE WITHIN INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL ON
FILE IN THIS OFFICE

Item Number: 1

Resolution Number: 24-0001

ATTEST: January 9, 2024

M. CHRISTINA RIVERA, Clerk/Secretary

BY Noelle Francis

☐ 4/5 Vote Required

**Resolution Of The Board Of Directors Of The Sonoma County Agricultural Preservation
And Open Space District**

Whereas, Larry K. Peter and Western Dairy Properties, LLC are the fee title owners of an approximately 481.51-acre property located at 3925, 4234, & 4235 Spring Hill Road, Petaluma, California; and

Whereas, Larry K. Peter is in contract to become the fee title owner prior to closing of a 100-acre portion of certain adjacent property located at 3803 Spring Hill Road, Petaluma, California, via lot line adjustment; and

Whereas, the General Manager has negotiated the purchase of a conservation easement over a total of approximately 581.51 acres located at 3925, 4234, 4235, & 3803 Spring Hill Road, Petaluma, California (Spring Hill Ranch);

Whereas, the Conservation Easement fulfills policies in the District's Vital Lands Initiative, including policies to preserve Agricultural Lands, Water, and Wildlands; and

Whereas, The Fiscal Oversight Commission will review the updated appraisal in a meeting on January 4, 2024, to consider if, by paying the updated appraised value, Ag + Open Space would not be paying more or receiving less than the fair market value for the acquisition of the conservation easement; and

Now, Therefore, Be It Resolved that this Board of Directors hereby finds, determines, declares and orders as follows:

1. *Truth of Recitals.* That the foregoing recitations are true and correct.
2. *General Plan Consistency.* That the acquisition of the Conservation Easement ("the Project") further implements the 2020 Sonoma County General Plan. The Project supports goals and policies in Land Use, Open Space and

Resource Conservation, Agriculture, and Water Resources Elements, including by reducing economic pressure for conversion of agricultural land to non agricultural use; maintaining the maximum amount of land in parcel sizes that a farmer would be willing to lease or buy for agricultural purposes; avoiding the conversion of agricultural lands to residential or nonagricultural commercial uses; 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; preserving the unique rural and natural character of Sonoma County for residents, businesses, visitors and future generations; protecting and enhancing the County's natural habitats and diverse plant and animal communities; 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; encourage the conservation of soil resources to protect their long term productivity and economic value; protecting, restoring and enhancing the quality of surface and groundwater resources to meet the needs of all reasonable beneficial uses; and protecting existing groundwater recharge areas.

3. *Expenditure Plan Consistency.* That the Project is consistent with the Expenditure Plan approved by the voters of Sonoma County in 2006 via Measure F, because it will protect the highest priority lands using a conservation easement as the primary tool for protection, and specifically preserves agriculturally productive land, scenic landscape units, biotic habitat areas, and riparian corridors and other areas of biotic significance.

4. *California Environmental Quality Act; Notice of Exemption.* That the acquisition of the Conservation Easement authorized by this resolution is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Sections 21000 and following) pursuant to Public Resources Code Section 21080.28(a)(1)(A) & (C) and Cal. Code of Regs. Tit. 14, § 15325(a) & (b)), which exempts from CEQA the acquisition, sale, or other transfer of interest in land by a public agency for the preservation of 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; for the prevention of encroachment of development into flood plains; and preservation of open space. In Addition, it is exempt 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. Immediately upon adoption of this resolution, the General Manager is directed to file with the County Clerk, and the County Clerk is directed to post and to maintain the posting of a notice of exemption pursuant to Public Resources Code Section 21152.

5. *Authority to Sign Contracts.* Following the removal of all liens and the subordination of senior interests that could result in foreclosure, the President is authorized and directed to execute, on behalf of the District that certain agreement entitled "Deed and Agreement By and Between Larry K. Peter and

Western Dairy Properties, LLC, and the Sonoma County Agricultural Preservation and Open Space District Conveying a Conservation Easement and Assigning Development Rights" together with the certificate of acceptance required by Government Code Section 27281.

6. *Closing Documents.* That the District's Counsel is hereby authorized and directed to prepare and deliver appropriate escrow instructions and other necessary documents to Old Republic Title Company to complete the transaction as described. The General Manager is authorized to make any technical, non-substantive changes in the Conservation Easement and other closing documents prior to recordation with the prior approval of the District's Counsel. With approval of the District's Counsel and the District's surveyor, the General Manager is further authorized to make minor changes to the Project Structure Map and Easement Designation Areas that do not change the total acreage protected, in order to make them conform to features that may be surveyed. The General Manager is further authorized and directed to execute any other documents, including grant agreements, necessary to complete this transaction as described.

7. *Payment of Purchase Price and Costs of Escrow.* That, at the request of the General Manager, the County Auditor is authorized and directed to draw a warrant or warrants against available funds in the County's Open Space Special Tax Account for the proposed acquisition in an amount not to exceed \$2,620,000 payable to Old Republic Title Company (Escrow No. 812022585), and in such other amounts necessary for associated transactional costs requested by the General Manager.

8. *Authorization for Recordation.* That the General Manager is authorized and directed to record with the Sonoma County Recorder the Conservation Easement and Certificate of Acceptance, and to deliver conformed copies of these documents, bearing evidence of recording, to the Clerk of the Board of Directors.

9. *Dedication.* That the Conservation Easement to be acquired by the District is hereby dedicated to open space purposes pursuant to Public Resources Code Section 5540.

Supervisors:

Gorin: Aye

Rabbitt: Aye

Gore: Aye

Hopkins: Aye

Coursey: Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

So Ordered.

