
Date: August 18, 2020

Item Number: _____
Resolution Number: _____

4/5 Vote Required

Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, Approving the Fee Title Acquisition of a portion of the Torr Property, in an amount not to exceed \$2,100,000, to be purchased by the County of Sonoma’s Regional Parks Department; Authorizing the President to Execute and Accept a Conservation Easement and Recreation Conservation Covenant over this property; Dedicating the Conservation Easement to Open Space; Consenting to the Recordation of an Irrevocable Offer of Dedication by the County of Sonoma; Authorizing Funding for Initial Public Access, Operations and Management; Delegating Certain Duties to the General Manager; and Authorizing All Other Actions Necessary to Complete the Transaction.

Whereas, the Sonoma County Regional Parks (“Parks”) proposes to acquire the 515-acre Torr Property located on Main Street and Bohemia Highway, just south of Monte Rio straddling both sides of Dutch Bill Creek in rural Western Sonoma County; and

Whereas, Parks proposes the acquisition of the Torr Property to create a new Regional Park and Open Space Preserve; and

Whereas, the General Manager of the Sonoma County Agricultural Preservation and Open Space District (“the District”) has negotiated and is recommending that the District contribute \$2,100,000 toward the acquisition of the 315.88 acres of the Torr Property Parks proposes to purchase (APNs 096-010-003 and 096-010-008); and

Whereas, as a component of the Project, the District’s General Manager is recommending an allocation of funds for use by the County of Sonoma of up to a total of \$250,000 over a period of three years for reimbursement of the County’s costs of providing initial public access, operations, and management of the Property; and

Whereas, the Project fulfills policies of the District’s acquisition plan, Connecting Communities and the Land in three categories: Greenbelts and Scenic Hillside; Water, Wildlife, and Natural Areas; and Recreation and Education, including policies to protect scenic lands and prominent natural features that are visible from highly traveled roads and highways and that contribute to the county’s rural character and sense of place; preserve natural systems and lands that support diverse biological resources; protect

habitats important for the conservation and restoration of rare, threatened or endangered species including serpentine habitats; protect lands that provide viable habitat linkages for wildlife; protect agricultural lands that are important to local agricultural heritage, and facilitate the continued agricultural use of farms and ranches; and partner to expand parks and preserves that protect the county's unique natural habitats, scenic areas and other open space values of regional importance, and ensure that District-protected lands are managed to protect conservation values while allowing compatible public recreational and educational uses; and

Whereas, that by its Resolution No. 2020-002, dated April 20, 2020, the Sonoma County Open Space Fiscal Oversight Commission determined that the district is not paying more, or receiving less, than the fair market value for the Torr conservation easement and recreation covenant; and

Whereas, the Torr property is intended to serve as part of the future Regional Park & Open Space Preserve ("Preserve");

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

- 1. Truth in Recitals.** The foregoing recitations are true and correct.
- 2. General Plan Consistency.** The Project furthers goals in the Land Use and Open Space and Resource Conservation Elements of the 2020 Sonoma County General Plan in that it preserves important biotic resource areas and scenic features with consistent uses and intensities; preserves 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; protects and enhances the county's natural habitats and diverse plant and animal communities; and helps to establish a countywide park and trail system that meets future recreational needs of the county's residents.
- 3. Expenditure Plan Consistency.** The Project is consistent with the Expenditure Plan approved by the voters of Sonoma County in 2006 in Measure F.
- 4. Fair Market Value.** That by its Resolution No. 2020-02, dated April 20, 2020, the Sonoma County Open Space Fiscal Oversight Commission determined that the acquisition price does not exceed fair market value of the open space interest being acquired.
- 5. Conservation Easement, Recreation Covenant, and Associated Certificates of Acceptance.** The President is authorized and directed to execute, on behalf of the District those certain agreements entitled "Deed and Agreement By and Between the County of Sonoma and the Sonoma County Agricultural Preservation and Open Space District Conveying a Conservation Easement and Assigning Development Rights" ("Conservation Easement") and "Torr Recreation Conservation Covenant" ("Recreation

Covenant”), together with the certificates of acceptance required by Government Code Section 27281.

- 6. Irrevocable Offer of Dedication.** Pursuant to Public Resources Code section 5565.5, the District hereby consents to the recordation of that certain agreement entitled “Irrevocable Offer of Dedication (Torr)” from the County of Sonoma.
- 7. Payment of Funds.** All expenditures under this Paragraph 7 are subject to the following:
 - i. No expenditures shall be made until the Conservation Easement, Recreation Covenant, and offer-to-dedicate are fully executed and delivered to the District for recording in the office of the Sonoma County Recorder.
 - ii. Expenditures shall be made only upon a determination by the District’s General Manager, or his designee, that the expenditure is consistent with this Resolution.
- 8. Delegation to Finalize and Record Documents.** The General Manager is authorized to make technical, non-substantive changes to the Conservation Easement, Recreation Covenant, and Irrevocable Offer of Dedication and other closing documents prior to recordation with the prior approval of the District's Counsel. The General Manager is further authorized to execute any other documents necessary to complete this transaction as described. The General Manager is further authorized and directed to record with the Sonoma County Recorder the Conservation Easement and the Recreation Covenant and to deliver conformed copies of these documents, bearing evidence of recording, to the Clerk of the Board of Directors.
- 9. Costs of Escrow.** That, at the request of the General Manager, the County Auditor draw a warrant or warrants against available funds in the County’s Open Space Special Tax Account in such amounts necessary to close escrow and secure a policy of title insurance.
- 10. Dedication.** The Conservation Easement to be acquired is hereby dedicated to open space purposes pursuant to Public Resources Code Section 5540.
- 11. Funding for Initial Public Access, Operations and Management.** After close of escrow and recordation of the Conservation Easement, Recreation Covenant, and Irrevocable Offer of Dedication, and at the request of the General Manager, the County Auditor shall draw a warrant or warrants against available funds in the County’s Open Space Special Tax Account in amounts not to exceed a total of \$250,000 over a period of three years for reimbursement to the County for its costs of providing initial public access and operation and management of the Property, in accordance with the terms of the IPAO&M agreement.
- 12. California Environmental Quality Act.** The project authorized by this resolution was previously determined to be exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code section 21080.28, because

the purpose of the project 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.

- 13. Posting.** The General Manager filed a notice of exemption for the project with the County Clerk on July 21, 2020 and the County Clerk posted and to maintained the posting of said notice of exemption pursuant to Public Resources Code Section 21152.

Directors:

Rabbitt:

Zane:

Gore:

Hopkins:

Gorin:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.