

March 6, 2025

Jessica L. Diaz
Attorney at Law
805.882.1416 direct
jdiaz@bhfs.com

VIA EMAIL

Chair of the Sonoma County Board of Supervisors
Sonoma County Board of Supervisors
Clerk of the Board
575 Administration Drive, Room 102A
Santa Rosa, CA 95403

Re: Request for Continuance – Item No. 2025-0226, PLP23-0014 Russian River Floodplain Restoration Project

Dear Chairwoman Lynda Hopkins and Honorable Members of the Sonoma County Board of Supervisors:

Our law firm represents the Mariani family with respect to their interests in the Russian River Floodplain Restoration Project (PLP23-0014), currently agendized on your Board's March 11, 2025 agenda, as a Regular Calendar item at 10:05am. **I write to formally request a continuance of the hearing on this item.**

Given the significance and potential impact of the proposed Russian River Floodplain Restoration Project ("**Project**"), it is clear that additional time is necessary to continue the Mariani family's ongoing discussions with stakeholders and County staff—constructive discussion in which the Mariani family has invested significant time and resources. A brief continuance would allow the opportunity for these discussions to be completed. I am confident that allowing that process to run its course will, *at best*, eliminate any policy or legal dispute over the Project, and, *at the least*, significantly narrow and better define any remaining areas of dispute so that the Board of Supervisors can make an informed decision. The Mariani family and their entire team (including retained legal, civil engineering and planning resources) are committed to responsively moving this issue toward resolution.

The Mariani Family's Interests

For over a decade, the Mariani family has consistently expressed concerns regarding the future use of Assessor's Parcel Number ("APN") 066-300-049 ("Mariani Parcel"). The Mariani Family sold the Mariani Parcel in 1985 to Martin Marietta's predecessor, Kaiser Sand & Gravel, in fee and at a significant discount, rather than merely selling a mineral lease for fair market value. As valuable consideration for the lower purchase price of the fee parcel, the Mariani family obtained an option to

VIA EMAIL

March 6, 2025

Page 2

repurchase the Mariani Parcel at the conclusion of the reclamation process for one (1) dollar. The parties' undisputable intention was that the repurchase option of the Mariani Parcel retain material value. If the Project results in a practical wipe-out of that repurchase option's value and allowable uses—in particular, agricultural use, a failure of consideration would result and the Mariani family will be deprived of the benefit of their bargain.

Land Use and Agricultural Compatibility Issues

The Mariani Parcel is zoned as Land Intensive Agriculture (LIA) under the County of Sonoma Code, which permits a range of agricultural uses, including crop production, vineyards, and livestock grazing, as well as limited compatible uses such as agricultural processing and farmworker housing. (Sonoma County Code § 26-06-030.) While the County is not expressly proposing to change the LIA zoning designation as part of the Project, the indisputable practical effect of the Project is an elimination of these allowable agricultural uses. Discussions with the applicant, Endangered Habitats Conservancy (EHC), have underscored this impact—with the representative for EHC unequivocally expressing to the Mariani family that future agricultural use on the Mariani Parcel was plainly incompatible with the Project.

In addition to being inconsistent with the LIA zoning of the Mariani Parcel, a wipeout of potential agricultural use on the Mariani Parcel raises an issue under the California Environmental Quality Act ("CEQA"). The statutory exemption on which the County appears to rely requires the Project to comply with all federal, state, and local laws. (See Pub. Res. Code § 21080.56(d).) Appendix G of the CEQA Guidelines specifically asks whether a project would "[c]onflict with existing zoning for **agricultural use**." (Emphasis added.) At a minimum, the potential impacts of the Project, if not avoided through appropriate Project modifications and/or conditions of approval, will risk impairing agricultural potential, which is inconsistent with applicable County land use designations, plans, and policies.

Stakeholder Engagement and Project Objectives

Beyond any legal infirmity, moreover, a critical public policy issue also remains: the unnecessary impairment of the Mariani family's future use of the Mariani Parcel is inconsistent with the County's long tradition and policy of integrating land preservation and agriculture. The Mariani family commends the goals of the Project and is not opposed to the Project, beyond ensuring that the Mariani's property rights are protected.

To that end, the Mariani family has participated in a series of all-hands meetings involving EHC, the Coastal Conservancy, Martin Marietta, and Russian Riverkeeper. These meetings included constructive

VIA EMAIL

March 6, 2025

Page 3

and proactive preparation on the part of the Mariani family, including the development of a proposed agenda and the submission of an alternative proposal for consideration by the EHC/applicant team. Additionally, we have devoted substantial time and effort to drafting revisions to the proposed conditions of approval for the Project that we believe could be a compromise solution to resolve the concerns outlined above. These proposals have been shared with both the applicant team and County staff. Throughout this process, we have constructively and collaboratively engaged with all involved parties to address key issues and concerns. For example, on February 25th, I emailed representatives for EHC and the Coastal Conservancy proposed revisions to the conditions of approval and an invitation to engage in further discussions. With the exception of clarifying follow-up questions from Don McEnhill of Russian Riverkeeper, we received no further follow-up.

Continuance Request and Next Steps

We firmly believe that further progress can be made in collaboration with County staff and key stakeholders to reach additional agreement on revised conditions of approval that would better protect the interests of the Mariani family. However, additional time is necessary to achieve this. ***For this reason, we respectfully urge the Sonoma County Board of Supervisors to continue this item.*** Again, the Mariani family and their entire team remain committed to bringing this matter to a swift and mutually agreeable resolution.

Thank you for your time and attention to this matter. Please do not hesitate to contact me or our designated representative for the Mariani family directly, Jeanne Mariani, at (707) 494-4110.

Sincerely,



JESSICA L. DIAZ

cc: Jennifer Klein, Sonoma County Counsel
Robert Pennington, Permit Sonoma
Michael Beck, Endangered Habitats Conservancy
James Ryan, Attorney at Law, Legal Counsel for Endangered Habitats Conservancy
Michael Bowen, California Coastal Conservancy
Jordan Fong, Legal Counsel for California Coastal Conservancy
John Gillan, Counsel for Martin Marietta
Erika Guerra, Martin Marietta

VIA EMAIL

March 6, 2025

Page 4

32888424.1

From: [Robert Pennington](#)
To: [Stacie Groll](#)
Subject: FW: March 11th BoS Meeting - Request for Continuance of Russian River Floodplain Restoration Project
Date: Friday, March 7, 2025 8:28:20 AM
Attachments: [March 6 2025 - Request for continuance of RR Floodplain Restoration Projec\(32888424.1\).pdf](#)

FYI

From: Diaz, Jessica L. <jdiaz@bhfs.com>
Sent: Thursday, March 6, 2025 10:24 PM
To: Lynda Hopkins <Lynda.Hopkins@sonoma-county.org>; James Gore <James.Gore@sonoma-county.org>; Chris Coursey <Chris.Coursey@sonoma-county.org>; David Rabbitt <David.Rabbitt@sonoma-county.org>; Rebecca Hermosillo <Rebecca.Hermosillo@sonoma-county.org>; BOS <BOS@sonoma-county.org>
Subject: March 11th BoS Meeting - Request for Continuance of Russian River Floodplain Restoration Project

Dear Chair of the Sonoma County Board of Supervisors and Honorable Members of the Board of Supervisors,

Please find attached a letter on behalf of the Mariani family concerning an item on the March 11th agenda, PLP23-0014 Russian River Floodplain Restoration Project. On behalf of the Mariani family, ***we are requesting a continuance of the public hearing***, for the reasons outlined in the attached letter.

With all rights reserved to raise further comments on the project.

Thank you sincerely for your time and consideration.

Sincerely,

Jessica L. Diaz
Brownstein Hyatt Farber Schreck, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101
805.882.1416 tel
jdiaz@bhfs.com

Brownstein - we're all in.

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended

recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303) 223-1300 and delete the message. Thank you.

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

Warning: If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.

From: [Robert Pennington](#)
To: [Stacie Groll](#)
Subject: FW: March 11th BoS Meeting - Request for Continuance of Russian River Floodplain Restoration Project
Date: Friday, March 7, 2025 12:53:49 PM

FYI

From: Erika Guerra <Erika.Guerra@martinmarietta.com>
Sent: Friday, March 7, 2025 12:50 PM
To: Robert Pennington <Robert.Pennington@sonoma-county.org>
Subject: FW: March 11th BoS Meeting - Request for Continuance of Russian River Floodplain Restoration Project

From: John Gillan <John.Gillan@martinmarietta.com>
Sent: Friday, March 7, 2025 12:40 PM
To: 'Diaz, Jessica L.' <jdiaz@bhfs.com>; Lynda Hopkins <lynda.hopkins@sonoma-county.org>; james.Gore@sonoma-county.org; Chris.Coursey@sonoma-county.org; David.Rabbitt@sonoma-county.org; rebecca.hermosillo@sonoma-county.org; bos@sonoma-county.org
Subject: RE: March 11th BoS Meeting - Request for Continuance of Russian River Floodplain Restoration Project

Dear Chair and Honorable Members of the Board of Supervisors: As the fee owner of the subject property, Martin Marietta supports the continuance request filed by the Mariani family yesterday so as to allow all interested parties to continue their collaborative discussions on this matter.

Please feel free to contact me if you have any questions.

John A. Gillan
Associate General Counsel & Head of Sustainability
4123 Parklake Avenue
Raleigh, NC 27612

919-783-4657

John.gillan@martinmarietta.com

From: Diaz, Jessica L. <jdiaz@bhfs.com>
Sent: Friday, March 7, 2025 1:24 AM
To: Lynda Hopkins <lynda.hopkins@sonoma-county.org>; james.Gore@sonoma-county.org;

Chris.Coursey@sonoma-county.org; David.Rabbitt@sonoma-county.org;
rebecca.hermosillo@sonoma-county.org; bos@sonoma-county.org

Subject: March 11th BoS Meeting - Request for Continuance of Russian River Floodplain Restoration Project

EXTERNAL SENDER – PLEASE ASSESS AND VERIFY

Dear Chair of the Sonoma County Board of Supervisors and Honorable Members of the Board of Supervisors,

Please find attached a letter on behalf of the Mariani family concerning an item on the March 11th agenda, PLP23-0014 Russian River Floodplain Restoration Project. On behalf of the Mariani family, ***we are requesting a continuance of the public hearing***, for the reasons outlined in the attached letter.

With all rights reserved to raise further comments on the project.

Thank you sincerely for your time and consideration.

Sincerely,

Jessica L. Diaz

Brownstein Hyatt Farber Schreck, LLP

1021 Anacapa Street, 2nd Floor

Santa Barbara, CA 93101

805.882.1416 tel

jdiaz@bhfs.com

Brownstein - we're all in.

STATEMENT OF CONFIDENTIALITY & DISCLAIMER: The information contained in this email message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify us immediately by calling (303) 223-1300 and delete the message. Thank you.

THIS EMAIL ORIGINATED OUTSIDE OF THE SONOMA COUNTY EMAIL SYSTEM.

Warning: If you don't know this email sender or the email is unexpected, **do not** click any web links, attachments, and **never** give out your user ID or password.