

Date: March 31, 2021

Project Applicant: Alton Preserve, LLC, A California Limited Liability Company

Name Project: Alton Lane Conservation Bank (ALCB)

Planning Application Number: AGP21-0006

Property Address: Alton Lane, Santa Rosa, CA

Property APN: #034-002-081-00

Proposal Statement Author: Bill Keene, Project Applicant Representative

Proposal Statement

Project Goal: The Project Applicant owns a property that is critical for protecting habitat for endangered species located on the Santa Rosa Plain. State resources agencies have long sought to protect habitat located on the ALCB, and now the California Department of Fish and Wildlife (CDFW) is planning to take fee title to the ALCB subject to a new CDFW conservation easement that protects the natural and biological resources onsite.

Prior to taking title, CDFW will receive an endowment (\$1,309,000), to be held by the National Fish and Wildlife Foundation (NFWF) that will generate annual revenue sufficient to pay for ongoing management of the property for the benefit of the protected conservation values.

As part of acquisition, CDFW has asked that specific items listed in the title report, recorded by the County of Sonoma (County), be cleared before CDFW records the new conservation easement and subsequently takes fee title. These items include the following:

- Scenic Easements (Title Exception #9 and Title Exception #11);
- Williamson Act Contract (Title Exceptions #6A and #6B); and
- Septic Easement (Title Exception #8).

Applicant Requested Actions: The Project Applicant requests that the County do the following:

- Scenic Easements Title Exceptions #9 and #11. Eliminate or subordinate these two existing scenic easements that are on title to the property by the County. A new Conservation Easement, in favor of CDFW, would be recorded.
- Septic Easement Title Exception #8. Eliminate the septic easement (Title Exception #8)
- Williamson Act Contract Title Exceptions #6A and #6B. Either remove/cancel the existing Williamson Act Contracts or convert them to an Open Space Contract.

The summary of the Project Applicant's requested actions by the County is presented below.

In addition, the five title exceptions constituting the Project Applicant's request are detailed more fully in the information submitted by the Project Applicant with its Planning Application.

Scenic Easements (Title Exception #9 and Title Exception #11): The Project Applicant requests that the County eliminate both 6950 scenic easements recorded on the Alton Lane Conservation Bank in favor of a new Conservation Easement favoring CDFW. This easement will protect all of the County's original interests and, in addition, safeguard the natural resource values on the ALCB as required by CDFW.

With the recordation of CDFW's new easement, all of the County's original interests will be protected fully as the new easement allows no development or any use that will impair the scenic quality of the property. If the County is unable to eliminate these easements, then the Project Applicant requests that these two scenic easements be subordinated in favor of the CDFW's easement that it will record on the property.

Williamson Act Contract (Title Exception #6A and #6B): The Project Applicant requests that the County either: (a) determine that the existing Williamson Act (WA) contract terminates upon acquisition of ALCB by CDFW, a public agency with no property tax obligation, or (b) terminate the existing WA contract and replace it with a new County WA Open Space Contract. Also, it is requested that a new Williamson Act record through escrow after the CDFW easement has recorded.

Acquisition of fee title by CDFW is a two-step process. First, CDFW accepts an easement and subvention to protect the endangered species on the land, and second, after exhaustion of all banking credits, CDFW will take fee title to ALCB. The applicant further requests, due to the immediate need for mitigation credits to allow for needed housing, that the County expedite any new contract and provide for its automatic termination upon fee acquisition by CDFW.

Septic Easement (Title Exception #8): The Project Applicant requests that the County determine that the existing septic easement is ultra vires and of no effect, and thus eliminate the existing septic inspection easement. The easement was given to an individual, who, at the time the easement was recorded, was apparently under contract with the County of Sonoma to conduct septic inspections.

The easement itself is ultra vires since the County nominally required the dedication of an easement to an independent third party, which is of dubious legality. Failing the elimination of the septic easement by the County, the Project Applicant will proceed to locate the beneficiary of the septic easement and determine if the beneficiary is still living, and address this issue through either a quitclaim if the beneficiary is alive, or through a certificate of death if the beneficiary is deceased.

The Septic System is on another separate property.