
Date: August 22, 2023

Item Number: _____

Resolution Number: _____

4/5 Vote Required

Resolution Of The Board Of Directors Of The Sonoma County Agricultural Preservation And Open Space District Making Certain Findings and Authorizing the Acquisition of a Conservation Easement Preserving Gillis Ranch Preserve for \$2,250,000.00; Authorizing and Directing the President to Execute the Conservation Easement and Associated Certificate of Acceptance; Directing the Recordation of Documents; Authorizing and Directing the General Manager to Take All Other Actions Necessary to Complete the Transaction; and Dedicating the Conservation Easement to Open Space Purposes Pursuant to Public Resources Code Section 5540.

Whereas, the General Manager has negotiated and is recommending the purchase of a conservation easement (“Conservation Easement”) preserving the Gillis Ranch Preserve, an approximately 139.1-acre property located at 1610 Cunningham Road, Sebastopol, California (“Gillis Ranch Preserve”); and

Whereas, the Conservation Easement fulfills policies to preserve Water, Agricultural Lands and Healthy Communities in the District’s Vital Lands Initiative, including protection of the highest priority riparian corridors and headwater streams; protection of the highest priority aquatic habitats and associated upland areas that support rare; unique, or special-status aquatic plants and animals; protection of lands that support diverse, sustainable, and productive agriculture; partnering to provide funding for a diverse portfolio of community open spaces, supporting the protection of conservation features and the connection of urbanized areas with natural and agricultural landscapes; and

Whereas, by its Resolution No. 2023-007, dated July 13, 2023, the Sonoma County Open Space Fiscal Oversight Commission determined that the proposed acquisition price for the Purchase of the Conservation Easement by the District does not exceed the fair market value of the Conservation Easement.

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”) is consistent with and furthers the implementation of 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 preservation of lands currently in agricultural production and lands with soils and other characteristics that make them potentially suitable for agricultural use; retain large parcel sizes and avoid incompatible non agricultural uses; to preserve roadside landscapes that have a high visual quality; to preserve the unique rural and natural character of Sonoma County; to protect and enhance the County’s natural habitats and diverse plant and animal communities; to protect and enhance Riparian Corridors and functions along streams, balancing the need for agricultural production and other land uses within the preservation of riparian vegetation, protection of water resources, flood control, bank stabilization, and other riparian functions and values; to encourage conservation of soil resources to protect their long term productivity and economic value; to protect, restore, and enhance the quality of surface and groundwater resources; to protect existing groundwater recharge areas; and to reduce economic pressure for conversion of agricultural land to non-agricultural use, and to maintain the maximum amount of land in parcel sizes that a farmer would be willing to lease or buy for agricultural purposes.
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, riparian corridors, and biotic habitat areas.
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 *et seq.*) 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. Alternatively, 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.

ATTACHMENT 1

5. *Authority to Sign Contracts.* That the President is authorized and directed to execute, on behalf of the District that certain agreement entitled “Deed and Agreement By and Between Gregory Gillis 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 First American 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 that do not change the total acreage protected, in order to make the map conform to features that may be surveyed. The General Manager, in consultation with County Counsel, is further authorized and directed to execute any other documents and agreements as may be 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 \$2,250,000.00 payable to First American Title Company (Escrow No. 660-6809), 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.

Directors:

Gorin: Rabbit: Gore: Hopkins: Coursey:

Ayes: Noes: Absent: Abstain:

So Ordered.