

---

Date: December 12, 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, Authorizing Funding of \$3.5 Million Towards the Acquisition of the McCormick Ranch Property by Sonoma County Regional Parks, Authorizing the Execution of a Second Amendment to the McCormick Ranch Conservation Easement and a Recreation Covenant, and Delegating Certain Duties to the General Manager**

**Whereas**, Sonoma Land Trust is the fee title owner of an approximately 253-acre property located , located along the Sonoma and Napa County border between Hood Mountain Regional Park and Open Space Preserve and Sugarloaf Ridge State Park, Sonoma County, California which parcels (APN: 030-010-011, 030-010-012, 030-040-003, 030-040-008, 030-040-009, 030-040-010, 030-050-019, and 051-010-090) are commonly known as the McCormick Ranch property (“McCormick Ranch”); and

**Whereas**, the General Manager of the Sonoma County Agricultural Preservation and Open Space District (District) has negotiated and is recommending a contribution of District funding toward the purchase of the fee interest in the McCormick Ranch, conditioned upon the acquisition of an amended conservation easement and recreation covenant by the District; and

**Whereas**, the conservation easement fulfills policies in the District’s Vital Lands Initiative, including policies to preserve Community Identity, Healthy Communities, Water, and is appropriate for Regional Parks purposes; and

**Whereas**, by its Resolution No. 2023-011, dated November 2, 2023 the Sonoma County Agricultural Preservation and Open Space Fiscal Oversight Commission determined that proposed purchase price for the fee interest, which is equal to or less than the value set forth in the appraisal, does not exceed the fair market value; and

**Whereas**, the amended conservation easement is subject to the District’s Easement

Amendment Policy, which requires this Board to make the following findings prior to its approval of the proposed easement amendment:

- a. The amended conservation easement is clearly consistent with the conservation purpose of the easement because the amendment maintains the natural scenic beauty, existing openness, agricultural utility, and natural condition protected by the Easement.
- b. The amendment enhances and otherwise does not impair the conservation values of the land subject to the easement because there will be no structures or improvements permitted other than those associated with trails and low-impact camping.
- c. The amendment does not undermine the perpetual nature of the conservation easement because the amended easement will also be perpetual.
- d. The amendment is not precluded by the easement or by state or federal law.
- e. The amendment of the original conservation easement does not reconvey any interest in land that has been expressly extinguished by the original conservation easement because the amended easement is more restrictive in every way in (1) limiting use in the three building envelopes to low-impact camping (whereas the original conservation easement allows construction of three residential structures and all associated infrastructure); (2) restricting all structures and improvements those associated with trails and low-impact camping; (3) prohibiting development of structures and improvements to no more than one acre (whereas the original conservation easement allows construction on 13.57 acres within in the three building envelopes); and (4) limiting agricultural use to grazing for vegetation management.
- f. The amendment is the minimum change necessary to satisfy the purpose of the amendment, which is to allow the property to be utilized for natural resource protection as well as public recreation and education.
- g. The amendment is consistent with the District's Vital Lands Initiative and other applicable District policies.
- h. The amendment is consistent with all applicable land use and zoning regulations.
- i. The amendment incorporates, to the maximum extent practical and legally permissible, the language used by the District in its current conservation easements.
- j. The amendment will not result in the District paying more or receiving less than fair market value for the rights that will be acquired and conveyed via the amendment, as determined by the Fiscal Oversight Commission via Resolution No. 2023-011, adopted on November 2, 2023.

**Whereas**, for the foregoing reasons, the amendment conforms with the requirements of

the California Civil Code and the District's Easement Amendment Policy.

**Now, Therefore, Be It Resolved** that these Board of Directors hereby find, determine, declare and order as follows:

1. *Truth of Recitals.* That the foregoing recitations are true and correct.
2. *General Plan Consistency.* That the fee acquisition of the McCormick Ranch by Regional Parks and acquisition of an Amended Conservation Easement and Recreation Covenant by the District ("the Project") further implements the 2020 Sonoma County General Plan. The Project supports goals and policies in Land Use, Open Space and Resource Conservation, in water, scenic resources, natural resources and recreational and educational resources.
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 scenic landscape, biotic habitat areas along Mark West Creek, and provides public access to open space with recreational and educational opportunities.
4. *California Environmental Quality Act; Notices of Exemption.* That the Project 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), (B) & (F) and Cal. Code of Regs. Tit. 14, § 15325(a), (c) & (f)), 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; and preservation of open space or lands for park purposes. It is also exempt pursuant to Sections 15316 and 15317 of Title 14 of the California Code of Regulations, because the purpose of the acquisition is establish a park and to maintain the open space character of the area. Immediately upon adoption of this resolution, the General Manager of the District is directed to file with the County Clerk and the Office of Planning and Research, 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. *District Board President Authority to Sign Contracts.* That the District Board President is authorized and directed to execute, on behalf of the District that certain agreement entitled "Second Amended Deed and Agreement By and Between County of Sonoma 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, as well as the "Recreation Conservation Covenant" together with the associated certificate of acceptance required by Government Code Section 27281.

6. *Consistency with Ag + Open Space Policy and State Civil Code.* The conservation easement amendment complies with the requirements of the District's Easement Amendment Policy and Civil Code Section 815 *et seq.* in that it is entirely more restrictive than the original conservation easement and it does not impair the perpetual nature of the protections manifest in the original conservation easement.

7. *Closing Documents.* That County 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 Managers for District is authorized to make any technical, non-substantive changes in the Second Amended Conservation Easement and other closing documents, respectively, prior to recordation with the prior approval of County Counsel. With approval of County Counsel and the District's surveyor, the General Manager for District 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.

8. *Payment of Purchase Price and Costs of Escrow.* That, at the request of District's 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 \$3,500,000 payable to First American Title Company, and in such other amounts necessary for associated transactional costs requested.

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

10. *Irrevocable Offer of Dedication.* Pursuant to Public Resources Code 5565.5, the District Board of Directors consents to the recordation by Sonoma Water of a certain Irrevocable Offer to Dedicate the fee interest in the preserve to the District, as contemplated by the Recreation Covenant authorized hereunder.

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

**Directors:**

Gorin:                      Rabbitt:                      Gore:                      Hopkins:                      Coursey:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**