
Date: December 5, 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 Lands Commonly Known as Lafranchi (Laguna) (APN 057-080-029) for \$4,370,000.00 ; 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 Lafranchi (Laguna), an approximately 187-acre Conservation Easement located at 4100 Piner Road, Santa Rosa, California (“Lafranchi (Laguna)”); and

Whereas, the Conservation Easement fulfills policies to preserve Water and Community Identity 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 connected aquatic habitats and the lands that support this connectivity; protection of unique and scenic landscapes; protection of lands that provide visual relief from urbanized areas and highly traveled roads, including the most visible ridgelines and mountaintops and valleys; ensure that all Ag + Open Space actions support resiliency to climate change and extreme events and the avoidance or reduction of greenhouse gas emissions; and

Whereas, by its Resolution No. 2023-009, dated August 16, 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, and Water Resources Elements, including identification of important open space areas between and around the county’s cities and communities and maintaining them in a largely open or natural character with low intensities of development; preservation of the visual identities of communities by maintaining open space areas between cities and communities; identification and preservation of 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; preservation of the unique rural and natural character of Sonoma County; protection, restoration, and enhancement of the quality of surface and groundwater resources; and protection of existing groundwater recharge areas.
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 units, 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 State Office of Planning and Research and 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.
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 Lafranchi Land and Cattle Company, LLC 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 \$4,370,000.00 payable to First American Title Company (Escrow No. 659-1562), 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.