
Date: October 6, 2020

Item Number: _____

Resolution Number: _____

☒ 4/5 Vote Required

Resolution Of The Board Of Directors Of The Sonoma County Agricultural Preservation And Open Space District, County of Sonoma, State of California, Determining that the Acquisition of a Conservation Easement over Mattos Dairy is Consistent with the 2020 County General Plan and the District's Expenditure Plan; Determining that the Acquisition is Exempt from the California Environmental Quality Act; Authorizing Acquisition of the Conservation Easement over Mattos Dairy for \$3,210,000; 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, John Anthony Mattos, Jr., a married man, as his sole and separate property, John A. Mattos and Joni Mattos, as Trustees of the Mattos Family Trust, and John A. Mattos, Jr. and Joni E. Mattos, husband and wife, as community property with right of survivorship, are the fee title owners of an approximately 700.92-acre property located at 602 Hammel Road Petaluma, California ("Mattos Dairies"); and

Whereas, the General Manager has negotiated and is recommending the acquisition of a conservation easement over Mattos Dairies; and

Whereas, the Conservation Easement fulfills policies in the District's acquisition plan, Connecting Communities and the Land, including policies to protect agricultural lands near the urban edge that support a larger agricultural operation, preserve the diverse agricultural character and heritage of Sonoma county, protect lands that are visible from highly travelled roads that contribute to the rural character and sense of place, and protect open pasture as well as wetlands, riparian, and oak woodland areas, providing wildlife habitat, and preserving natural systems and lands that provide viable habitat linkages for wildlife; and

Whereas, by its Resolution No. 2020-005 dated July 23, 2020, the Sonoma County Open Space Fiscal Oversight Commission determined that the proposed purchase price for the Conservation Easement that is equal to or less than the value set forth in the appraisal does not exceed the fair market value; and

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") furthers several goals and policies in Sonoma County's General Plan 2020. The Project supports goals and policies in the Land Use, Open Space and Resource Conservation, Agricultural Resource, and Water Resources Elements, including protecting land currently in agricultural production and lands with soils and other characteristics that make them potentially suitable for agricultural use and retain large parcel sizes and avoiding incompatible non agricultural uses; Encourage conservation of undeveloped land, open space, and agricultural lands, protection of water and soil quality, restoration of ecosystems, and minimization or elimination of the disruption of existing natural ecosystems and flood plains; Identify and preserve 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; Preserve the unique rural and natural character of Sonoma County for residents, businesses, visitors and future generations; Maintain important open space areas between and around the county's cities in a largely open or natural character with low intensities of development; Protect and enhance the County's natural habitats and diverse plant and animal communities; In areas outside the Urban Service Areas, encourage property owners to utilize wildlife friendly fencing; Protect and enhance Riparian Corridors and functions along streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, flood control, bank stabilization, and other riparian functions and values; Use voluntary purchase or transfer of development rights programs to limit intrusion of residential development into agricultural lands; and 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 agricultural

productive land, biotic habitat areas, and scenic landscape units.

4. *California Environmental Quality Act; Notice of Exemption.* That the acquisition of the Conservation Easements 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) & (C), (formerly 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 natural conditions existing at the time of transfer, including plant and animal habitats, continuation of agricultural use of the land, 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.

5. *Authority to Sign Contracts.* That the President is authorized and directed to execute, on behalf of the District that certain agreement entitled "Deed of Agricultural Conservation Easement" 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 Fidelity 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. The General Manager is further authorized and directed to execute any other documents necessary to complete this transaction as described.

7. *Payment of 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 \$3,210,000 payable to *Fidelity National Title Co. (Escrow No. FSNX-7051500517-CT)*, and in such other amounts necessary for 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:

Rabbitt:

Zane:

Gore:

Hopkins:

Gorin:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.