## County of Sonoma
### Agenda Item Summary Report

**Clerk of the Board**
575 Administration Drive
Santa Rosa, CA 95403

**To:** The Board of Directors of the Sonoma County Agricultural Preservation and Open Space District and the Sonoma County Board of Supervisors

**Board Agenda Date:** October 9, 2018

**Vote Requirement:** 4/5

**Department or Agency Name(s):** Sonoma County Agricultural Preservation and Open Space District, Sonoma County Regional Parks

**Staff Name and Phone Number:** Stuart Martin, SCAPOSD 565-7362; Steve Ehret, SCRP 565-1107

**Supervisorial District(s):** 1st and 4th

**Title:** Mark West Creek Regional Park & Open Space Preserve (0530) Transfer and Acquisition

**Recommended Actions:**

Approve resolutions of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District and the Board of Supervisors of the County of Sonoma taking the necessary actions to transfer and acquire properties comprising the Mark West Creek Regional Park & Open Space Preserve subject to a conservation easement and a recreation conservation covenant and making related determinations.

**Executive Summary:**

The Sonoma County Agricultural Preservation and Open Space District and Sonoma County Regional Parks have partnered to assemble 1,192 acres for a new regional park, the Mark West Creek Regional Park & Open Space Preserve, which lies off Porter Creek Road just northeast of Santa Rosa. The centerpiece of the new park and preserve is over 2.5 miles of Mark West Creek, its tributaries, and an extensive riparian woodland which provides protection of endangered species and significant natural habitat. In addition, the park and preserve will provide a variety of public recreation and education opportunities. This Board item will approve the transfer of the Sonoma County Agricultural Preservation and Open Space District-owned properties to the County of Sonoma; will authorize the acquisition by Sonoma County Regional Parks of the final desired park addition, the Cresta 3 property; will provide Sonoma County Agricultural Preservation and Open Space District funding to Sonoma County Regional Parks for initial public access and operations and maintenance; and, will authorize Sonoma County Regional Parks to convey a conservation easement and a recreation conservation covenant to the Sonoma County Agricultural Preservation and Open Space District covering the entire park and preserve.
Discussion:

**Background/Significance**

Since 2002, the Sonoma County Agricultural Preservation and Open Space District (“Ag + Open Space”) has acquired and holds title to five Mark West properties: Cresta 1 (APNs 079-090-008, &-016), McCullough 1 (APNs 028-060-047, -048, -053, -054, -056, -062, -063, & 028-070-036), McCullough 2 (028-060-064, -066 & -067), Cresta 2 (079-090-013 & 014), and Wendle (028-060-058) (“Ag + Open Space-Owned Properties”). In addition, Ag + Open Space acquired a conservation easement over a portion of McCullough 1 prior to the purchase of the McCullough fee interest. These properties, with the addition of the proposed Cresta 3 property (APN 079-090-015), will make up the future Mark West Creek Regional Park & Open Space Preserve, and are collectively referred to as the “Mark West Properties”. The project will be 1,192 acres. The transfer of the Ag + Open Space-Owned Properties to Sonoma County Regional Parks (“Parks”), the acquisition by Parks of the Cresta 3 property, and the conveyance by Parks to Ag + Open Space of a conservation easement and a recreation conservation covenant covering the Mark West Properties make up the project (“Project”).

The Ag + Open Space-Owned Properties were acquired for a total cost of $23,386,500 which consists of $22,916,500 in Measure F sales tax revenue funds and $470,000 in other funds. John McCullough donated $850,000 from the sale of McCullough 1 to the Regional Parks Foundation to help realize the future Mark West Creek Regional Park & Open Space Preserve. Out of this $850,000, $150,000 was used for the Cresta 2 acquisition. The California State Department of Parks and Recreation Habitat Conservation Fund is contributing $320,000 in Habitat Conservation Funds to be distributed equally between the Wendle acquisition ($160,000) and the McCullough 2 acquisition ($160,000).

The Mark West Properties contain a large riparian area associated with Mark West Creek, Porter Creek, and Mill Creek. The acquisition of Cresta 3 will protect an additional .5 miles of Porter Creek. Porter Creek and Mill Creek flow into Mark West Creek. Mark West Creek is one of the few creeks in the Russian River watershed that supports populations of endangered Coho Salmon and Steelhead. The Project will protect about 2.5 lineal miles of Mark West Creek and its associated riparian area which provides a contiguous wildlife corridor for many species, and protects water quality in the creek.

Much of the Mark West Properties provide a scenic vista from Porter Creek Road, a designated Scenic Corridor. Riparian restoration work is taking place in the large meadow located on the Cresta 1 property. The restoration work will expand the Mark West Creek riparian area to restore habitat and increase flood protection.

On October 8, 2017, the Tubbs fire damaged all of the Mark West Properties to varying degrees. A number of buildings were destroyed on the McCullough 2, Wendle, and Cresta 3 properties. As a result, Parks and Ag + Open Space fell out of contract on Wendle and Cresta 3. After reappraising Wendle and Cresta 3, new purchase contracts were renegotiated after the fire.

In addition, the fire damaged vegetation in a patchwork fashion throughout all of the Mark West Properties. The damage varied by species type and location, and some locations were completely untouched. Most of the fire-resistant vegetation, especially redwood and oak, are recovering well. Other species such as bay and big leaf maple are re-sprouting from their stumps and growing quickly. The Project will provide a living example of how fire impacts landscapes, and how nature recovers from fire.
Transfer Agreement

Upon a four-fifths vote of its Board of Directors, Ag + Open Space will transfer the Ag + Open Space-Owned Properties to Parks pursuant to California Public Resources Code Section 5540.6, which allows Ag + Open Space to convey an Ag + Open Space property to another public agency for park or open space purposes, subject to certain specified conditions. Parks intends to accept the conveyance of the Ag + Open Space-Owned Properties and record a Certificate of Acceptance.

In accordance with Public Resources Code Sections 5546 and 5540.6, Ag + Open Space and Parks propose to enter into a Transfer Agreement that commits each agency to the following outcomes, amongst others:

1. Transfer of the Ag + Open Space-Owned Properties to the County, to be managed by Parks.
2. Recordation of a conservation easement to protect the natural, scenic, and recreational values of the Mark West Properties.
3. Recordation of a recreation conservation covenant to ensure that the Mark West Properties remain available for public outdoor recreation and education purposes in perpetuity.
4. $2,024,756 in Ag + Open Space funding to be made available to Parks through reimbursement for Initial Public Access and Operation and Maintenance (“IPAOM”) activities on the Mark West Properties.
5. Reimbursement to Ag + Open Space for certain acquisition costs totaling $370,000;
6. Tenant relocation costs will be paid by Ag + Open Space if the tenant relocates within the first three years after closing.

Ag + Open Space and Parks propose to close the Cresta 3 acquisition and to transfer the Ag + Open Space-Owned Properties by November 26, 2018. Parks intends to provide interim access to the Mark West Creek Regional Park & Open Space Preserve shortly after closing, and then to open the Mark West Properties to the general public within five years from the date of transfer.

Conservation Easement and Recreation Conservation Covenant

When the County receives title to the all of the Mark West Properties, it will convey to Ag + Open Space a conservation easement that generally limits uses and activities to natural resource protection and recreational and educational uses. In addition, the conservation easement requires that revenue generated on the Mark West Properties be utilized to offset expenses operating the Mark West Creek Regional Park & Open Space Preserve.

Ag + Open Space will also receive a recreation conservation covenant over all the Mark West Properties, obligating the County to provide public access in perpetuity. Pursuant to the recreation conservation covenant, the Mark West Properties will be opened to the general public for outdoor recreational and educational use. In connection with the recreation conservation covenant, the County will record an irrevocable offer of dedication that will allow transfer of the Mark West Properties back to Ag + Open Space should, in the future, Parks, for any reason, be unable to keep the Mark West Properties open to the public.
**Funding: IPAOM Funding Request**

Parks has requested funds from Ag + Open Space pursuant to Ag + Open Space’s IPAOM policy, which allows Ag + Open Space to provide funding for a period of three years after transfer to operate and maintain as well as to assist in providing initial public access on recreational properties purchased with Ag + Open Space funds.

Parks has requested $1,450,900 for completing initial public access improvements on the Mark West Properties, specifically for planning, California Environmental Quality Act (“CEQA”), permitting, trail construction, repairs, bridge replacement, and signage necessary to provide initial public access. Park staff will conduct regular guided outings for the public to experience a "Park Preview" while the capital improvements are completed for public access. Additionally, Parks will organize a series of guided outings with transportation to provide equitable opportunities for youth and families from across Sonoma County to experience the park while becoming more informed about the missions of Ag + Open Space and Parks.

Parks has also requested $573,856 for cost of Operations and Maintenance during the first three years of ownership.

Finally, Parks has requested Ag + Open Space funding for a new bridge across Porter Creek to serve the main entrance to the Mark West Creek Regional Park & Open Space Preserve. This type of improvement is not a qualified expenditure pursuant to Ag + Open Space’s IPAOM policy except in extraordinary circumstances. Ag + Open Space staff have found that this request meets the criteria for an extraordinary circumstance because the existing bridge is not suitable for continued safe use. The bridge provides the only access over Porter Creek to the existing infrastructure and to the public staging area. Therefore, construction of the new bridge is necessary to provide initial public access of the park and preserve. The cost of the bridge is included in the total IPAOM funding amount above. Ag + Open Space staff is recommending that the Board of Directors approve the bridge funding.

In summary, Parks’ total request for IPAOM funding is $2,024,756.

**IPAOM Fund Status**

Upon a Majority vote of the Board of Directors, and in accordance with Ag + Open Space’s Measure F Expenditure Plan and its IPAOM Policy, Ag + Open Space may expend up to 10% of its sales tax revenue on initial public access, operation and maintenance. As of June 30, 2018, Ag + Open Space had an estimated $6,490,012 available in this fund. In addition to the existing reserve, Ag + Open Space will record 10% of annual open space tax revenue each year (annual average estimate is over $2.2 M) into this fund, as outlined below. Multi-year agreements are encumbered on a per year basis. Funds for future years are considered as committed.
In addition, Ag + Open Space anticipates requests from Parks for Carrington Ranch and from the Wildlands Conservancy for the Estero Americano property this fiscal year (2018-19).

**Cresta 3 Acquisition**

**Project Summary**
The Cresta 3 project is the fee acquisition of the 46.43-acre Cresta Ranch for the purpose of adding it to the future Mark West Creek Regional Park & Open Space Preserve. William J. Cresta, one of the three owners, will be granted a life estate over about 0.75 acres containing his existing house. Ag + Open Space is assigning its purchase agreement to Parks prior to closing so title will go directly to the County of Sonoma. Ag + Open Space will receive a conservation easement and recreation conservation covenant over all of the Mark West Properties, including Cresta 3, in the same escrow. Ag + Open Space’s IPAOM funding for the Mark West Properties also includes Cresta 3.

**Background/Project Significance**
Cresta 3 is located adjacent to Porter Creek Road northeast of Santa Rosa. The Cresta 3 property is adjacent to Cresta 2 and McCullough 1. Cresta 3 straddles 0.5 miles of Porter Creek upstream from its confluence with Mark West Creek. Cresta 3 also contains numerous buildings and related infrastructure including, equestrian facilities, a well, graveled parking area, main entry road access to Porter Creek Road, and a bridge across Porter Creek. The remainder of the property contains pasture, oak woodland, and riparian woodland.

The Cresta 3 acquisition will provide many important and essential amenities for the future park including the main access point for the public and park staff, public parking, the main trailhead, a location for park staff living quarters, and operations and maintenance facilities. Finally, the large horse arena and stables provide equestrian facilities. In addition to the benefit of the existing facilities that are very useful for the park operations, this acquisition avoids having to develop substantial park infrastructure in a location where development would have more impacts on the scenic and natural resources.

**Appraisal and Fiscal Oversight Commission “(FOC)”**
An appraisal was conducted by Andrew Plaine dated January 5, 2017 and updated March 5, 2018. Mr. Plaine valued the Cresta 3 fee interest at $1,700,000. The life estate for William J. Cresta was valued separately at $50,000. The Cresta 3 net value, subject to the life estate, is therefore $1,650,000.

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### Fund Balance and Budget Information

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<td>Budgeted 10% of FY 2018-19 Sales Tax revenues</td>
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<td>Encumbered funds as of July 1, 2018</td>
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<td>IPAOM Request for Mark West Creek Regional Park &amp; Open Space Preserve</td>
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<td>Committed Funds as of July 1, 2018</td>
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<td>Projected Ending Fund Balance as of June 30, 2019</td>
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Ag + Open Space’s FOC reviewed the appraisal at its April 5, 2018 meeting and determined that a payment for up to the appraised value would not exceed fair market value for the acquisition of the fee interest subject to the grant of the life estate. (Resolution No. 2018-003).

On October 5, 2017 and Sept. 20, 2018, the District’s Fiscal Oversight Commission determined that it can be reasonably concluded that the cumulative value of the conservation easement and recreation covenant to be received by the District is not less than the fair market value of the restricted fee interest the District is conveying. (Resolution # 2017-007 and 2018-008).

**Grant Funding**

In fiscal year 2013-14, Parks was awarded a $320,000 Habitat Conservation Fund grant to assist with land acquisition for the Mark West Creek Regional Park & Open Space Preserve. The grant is administered by the California Department of Parks and Recreation. The primary purpose of the grant is to acquire approximately 322 acres as a portion of the future Mark West Creek Regional Park & Open Space Preserve including protecting endangered Coho and Steelhead habitat. The grant was originally awarded for Cresta 2 and another potential acquisition. The grant was amended to apply to the Wendle and McCullough 2 properties when they became available after the grant was awarded. The grant requires deed restrictions which run for 20 years in the form on file with the Clerk. The two properties subject to the deed restriction must be open to the public and protect natural resources during the deed restriction period. The grant will be distributed after closing.

**Cresta 3- William J. Cresta Life Estate**

As a condition of selling his property, William J. “Bill” Cresta, one of the owners of Cresta 3, requested a life estate for himself so he could stay in his current house for his lifetime. The life estate area totals approximately .75 acres, not including a road easement for access to Porter Creek Road. The life estate area includes a house, parking area, and a small pasture/garden. The life estate was valued by Andrew Plaine at $50,000. The life estate property will revert to the County of Sonoma upon termination of the life estate. The life estate agreement will be senior to the conservation easement, but there are restrictions added to the life estate to prevent activities that are in conflict with the protection of natural resources. The life estate will be recorded at the time of acquisition. Upon the expiration of Mr. Cresta’s life estate, a quitclaim from Mr. Cresta will be recorded to clarify the County’s title to the land.

**Cresta 3-Lease and Relocation**

Currently, there is one lease on the Cresta 3 property for the equestrian facilities. The horse facilities and associated pasture were leased up to August 21, 2017 to Equi-Ed, a horse riding therapy non-profit. Currently, Equi-Ed is staying on a month-to-month basis until closing. Parks has initiated discussions to create a new multi-year lease after closing.

Under State and Federal law, public agencies are required to pay relocation costs for tenants on the property. Ag + Open Space staff hired Kathy Wood, a relocation expert, to provide replacement housing valuation reports, relocation assistant services, and general relocation consulting. Via the proposed Transfer Agreement, Ag + Open Space will pay relocation costs until the end of the first lease in effect after closing, if applicable, or for three years, whichever is shorter. The County of Sonoma will be responsible for relocation costs after that date. Relocation costs are estimated to be $100,000. These costs may change depending upon the timing of the tenant’s moving out.
Original Conservation Easement – Amend and Replace
Ag + Open Space purchased the 285-acre McCullough conservation easement (“Original Conservation Easement”) in 2002 over a portion of the McCullough 1 property. The Original Conservation Easement was purchased to protect the natural resources found along a two mile length of Mark West Creek and its associated riparian area, grassland, and woodland. The Original Conservation Easement removed all subdivision rights, and allowed a 5-acre building envelope for one future 3,500 square foot residence, associated accessory residences, a 1,000 square foot garage, pool, utilities, roads, and other improvements associated with a home site. The building envelope could be located in one of two places. The Original Conservation Easement allowed for the restoration of an older residence for recreational use in another building envelope. In addition, the Original Conservation Easement allowed low intensity recreational use including hiking, horseback riding, hunting, and nature study. Finally, the Original Conservation Easement required organized and docent-led public access at least six times per year for recreational and educational purposes over a network of existing roads and trails.

The New Mark West Conservation Easement will cover all of the Mark West Properties. It will be significantly more restrictive than the existing Original Conservation Easement within the existing conservation easement footprint by eliminating virtually all development rights and associated improvement rights, and by eliminating hunting. In addition, amending and replacing the existing conservation easement will provide a variety of benefits to the park and preserve and its natural resources.

Ag + Open Space has used state of the art technology to determine areas of higher ecological importance associated with Mark West Creek to craft the new Mark West conservation easement, which restricts or eliminates existing and future roads and trails in those areas, where previously such uses may have been allowed under the Original Conservation Easement. In addition, compliance with and administration of a single conservation easement will be easier for both Parks and Ag + Open Space. Finally, the new Mark West conservation easement will clarify and update older easement language, which will improve both parties’ ability to administer and comply with the easement. Because the new Mark West conservation easement has all of these qualities, as further documented in the Board’s resolution, the amendment and replacement of the Original Conservation Easement is consistent with the Ag + Open Space’s Conservation Easement Amendment Policy.

Conformance with Adopted Plans

2020 Sonoma County General Plan
The Project is consistent with 2020 Sonoma County General Plan because the Mark West Properties are identified as a future park on the Open Space Plan map, and because a large portion of the Project area is highly visible from Porter Creek Road, a designated Scenic Corridor. The transaction supports the following General Plan goals:

1. Maintaining important open spaces around the county’s cities in a largely open or natural character. (LU-5)
2. Preserving important biotic resource areas and scenic features with consistent uses and intensities. (LU-10)
3. Preserving 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. (OSRC-3)
4. Protecting and enhancing the county’s natural habitats and diverse plant and animal communities. (OSRC-7), and particularly the riparian corridors and functions along Porter Creek. (OSRC-8)
5. Establishing a countywide park and trail system that meets future recreational needs of the county’s residents while protecting agricultural uses, with an emphasis on trails near urban areas and on public lands. (OSRC-17)

Ag + Open Space Acquisition Plan: Connecting Communities and the Land
The Project is consistent with Ag + Open Space’s Acquisition Plan, Connecting Communities and the Land, in the Greenbelts and Scenic Hillsides category, the Water, Wildlife and Natural Areas category, and the Recreation and Education category, specifically in policies to:

1. Protect scenic lands and prominent natural features that contribute to the unique identity of communities.
2. Preserve natural systems and lands that support diverse biological resources; and protect habitats important for the conservation and restoration of rare, threatened or endangered species.
3. Protect lands that provide viable habitat linkages for wildlife.
4. Protect lands that promote public access in proximity to urban communities; and ensure that Ag + Open Space-protected lands are managed to protect conservation values while allowing compatible public recreational and educational uses.

Ag + Open Space Fee Lands Strategy
The transfer of the Ag + Open Space-Owned Mark West Properties is identified as Tier One in the Fee Lands Strategy.

Ag + Open Space Expenditure Plan
The Project is consistent with Ag + Open Space’s Expenditure Plan because it protects the view from a designated Scenic Corridor; preserves a wildlife habitat corridor connected to neighboring protected lands; protects 2.5 miles of Mark West Creek, 0.5 miles of Porter Creek, and about 0.5 miles of Mill Creek all of which provide riparian restoration opportunities; and, provides public recreation that is consistent with protection of these values.

The IPAOM funding request is also consistent with Ag + Open Space’s Expenditure Plan.

California Environmental Quality Act (“CEQA”)
The Board of Directors of the Sonoma County Agricultural Preservation and Open Space District must make findings under CEQA for both the proposed transfer of the Ag + Open Space-Owned Properties, receipt of a conservation easement and recreation conservation covenant, and for decisions regarding proposed funding. Ag + Open Space’s transfer of Ag + Open Space-Owned Properties and receipt of the conservation easement and recreation conservation covenant are categorically exempt from CEQA pursuant to 14 California Code of Regulations sections 15313(a) and (c) (acquisition of land for conservation purposes), 15316(a) (transfer of ownership of land in order to create parks when a
A park management plan has not yet been developed for the Park & Preserve. Sonoma County Regional Parks (“Parks”) will develop a park management plan for the recreational use of the Park & Preserve at some point in the future at which time the appropriate CEQA analysis will be conducted. Until that time, the Park & Preserve will remain in its natural condition. Parks will provide interim public use such as guided tours to acquaint the public with the Park & Preserve. The project is categorically exempt pursuant to CEQA Guidelines section 15325, 15316, 15307, 51304(e), and 15061(b)(3). No exceptions to these exemptions are applicable.

Escrow/Closing
Parks is currently in the due diligence phase of the Cresta 3 acquisition. The Cresta 3 escrow is scheduled to close no later than November 26, 2018. The transfer of the Ag + Open Space-Owned Properties and the conveyance of the conservation easement and the recreation conservation covenant will occur at the same time.

Proposed Board Actions

A) Adopt a resolution of the Board of Supervisors to:
   1. Make certain determinations pursuant to the California Environmental Quality Act;
   2. Authorize the Park’s Director to accept the assignment of the Cresta 3 purchase agreement from the Sonoma County Agricultural Preservation and Open Space District (“District”);
   3. Approve the acquisition of a fee interest in the Cresta 3 property and execute a Certificate of Acceptance;
   4. Accept the transfer of the Cresta 1, Cresta 2, McCullough 1, McCullough 2, and Wendle properties from the District to create the Mark West Creek Regional Park & Open Space Preserve;
   5. Grant a conservation easement and recreation conservation covenant to the District which will preserve the Mark West Properties and ensure their continued access to the public;
   6. Grant a life estate to William J. Cresta and reimburse the District $50,000 from the life estate sale; authorize the Parks Director to secure and record a quitclaim as to the life estate;
7. Authorize and direct the Parks Director to enter into a Transfer Agreement with the District;
8. Authorize the recordation of deed restrictions as required by grant from California Department of Parks and Recreation;
9. Authorize the Parks Director all other actions to complete these transactions in consultation with County Counsel.
10. Authorize the Chair to execute the Irrevocable Offer of Dedication pursuant to the Recreation Conservation Covenant.

B) Adopt a resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District ("District") to:
1. Determine that the acquisition of the Cresta 3 property by the County of Sonoma and the transfer of the District-Owned Properties from the District to the County of Sonoma for the purposes of creating the Mark West Creek Regional Park & Open Space Preserve is consistent with the County's 2020 General Plan;
2. Make certain determinations pursuant to the California Environmental Quality Act;
3. Determine the funding of the Cresta 3 acquisition and the transfer of the District-Owned Properties to the County of Sonoma is consistent with the District’s Expenditure Plan;
4. Authorize the assignment of the purchase agreement, and the contribution of up to $1,700,000 of the Districts’ Measure F funds, and other amounts necessary to close escrow and for associated transactional costs, to the County of Sonoma for the acquisition of the Cresta 3 property, which will be held by the County of Sonoma subject to a conservation easement and recreation covenant held by the District;
5. Authorize the transfer of the Cresta I, Cresta II, McCullough I, McCullough 2, and Wendle properties to the County of Sonoma, which will be held by the County of Sonoma subject to a conservation easement and recreation conservation covenant held by the District, to create the Mark West Creek Regional Park & Open Space Preserve;
6. Make findings pursuant to the Districts’ Easement Amendment Policy and authorize action to amend and replace the Original Conservation Easement with the new Mark West Conservation Easement;
7. Authorize the President to execute grant deed(s) to convey all of the District-Owned Properties to the County of Sonoma;
8. Authorize the President to execute the conservation easement and recreation conservation covenant over the Mark West Properties, along with certificates of acceptance for the same;
9. Authorize and direct the District’s General Manager to execute a transfer agreement with the County of Sonoma, pursuant to which funding for initial public access, operation and maintenance of the Mark West Properties will be provided; and dedicate the conservation easement to open space purposes;
10. Authorize the District’s General Manager to take all other actions to complete the transactions as described in consultation with County Counsel.
11. Make a finding pursuant to the Districts’ IPAOM resolution that the expenditure of District funds for the bridge replacement over Porter Creek is approved as an extraordinary circumstance as allowed by the resolution.
## Prior Board Actions:

The Board previously approved the following actions:

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<th>Date</th>
<th>Action Description</th>
<th>Resolution No.</th>
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<tr>
<td>July 10, 2018</td>
<td>Fee acquisition of the 47.14 Wendle property (post-fire). (Reso. #18-0282)</td>
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<td>May 22, 2018</td>
<td>Fee acquisition of the 275.5-acre McCullough 2 property. (Reso. #18-0189)</td>
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<td>December 6, 2016</td>
<td>Fee acquisition of the 47.14-acre Wendle property (pre-fire), and approval to</td>
<td>Reso 16-0456</td>
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<td>negotiate of the transfer of the Properties, including Cresta 3 and Wendle.</td>
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<td>January 29, 2014</td>
<td>Fee acquisition of the 21.5-acre Cresta 2 property. (Reso 14-0039)</td>
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<td>September 28, 2011</td>
<td>Application for grant funds from the Habitat Conservation Fund Program. (Reso 11-0520)</td>
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<td>August 18, 2009</td>
<td>Fee acquisition of the 460.96-acre McCullough 1 property. (Reso 09-0790)</td>
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<td>October 23, 2007</td>
<td>Fee acquisition of the 340-acre Cresta 1 property. (Reso 07-0895)</td>
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<td>April 23, 2002</td>
<td>Conservation easement acquisition over a 285-acre portion of the McCullough 1</td>
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<td></td>
<td>property. (Reso 02-0434)</td>
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## Strategic Plan Alignment

**Goal 2: Economic and Environmental Stewardship**

The Cresta 3 acquisition, and the transfer of the Ag + Open Space-Owned Properties will result in the creation of the Mark West Creek Regional Park & Open Space Preserve, providing recreational and educational opportunities for county residents and visitors, provide wildlife habitat and connectivity, and protect scenic vistas.
### Fiscal Summary

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<tr>
<th>Expenditures</th>
<th>FY 18-19 Adopted</th>
<th>FY 19-20 Projected</th>
<th>FY 20-21 Projected</th>
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<tr>
<td>Cresta 3 Budgeted Expenses</td>
<td>1,700,000</td>
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<tr>
<td>IPAOM funding (1/3 of 3 year request)</td>
<td>768,326</td>
<td>650,661</td>
<td>605,768</td>
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<td>Relocation Costs</td>
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<td><strong>Total Expenditures</strong></td>
<td><strong>2,468,326</strong></td>
<td><strong>750,661</strong></td>
<td><strong>605,768</strong></td>
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### Funding Sources

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<th>FY 18-19 Adopted</th>
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<th>FY 20-21 Projected</th>
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<td>General Fund/WA GF</td>
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<td>State/Federal</td>
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<tr>
<td>Fees/Other</td>
<td>2,468,326</td>
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<td>Use of Fund Balance</td>
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<td><strong>Total Sources</strong></td>
<td><strong>2,468,326</strong></td>
<td><strong>750,661</strong></td>
<td><strong>605,768</strong></td>
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### Narrative Explanation of Fiscal Impacts:

Ag + Open Space has adequate appropriations in its FY 18-19 budget for its $1,700,000 fee acquisition contribution and $768,326 for IPAOM funding. Funding for the acquisition and related costs comes from the dedicated Measure F sales tax that funds Ag + Open Space.

Any IPAOM expenditures will be over Ag + Open Spaces’ FY 18-19, 19-20, and 20-21, and will be eligible for Operations and Maintenance Fund classification. Appropriations will be made in the IPAOM fund in those years to include this commitment.

### Staffing Impacts

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<tr>
<th>Position Title (Payroll Classification)</th>
<th>Monthly Salary Range (A – I Step)</th>
<th>Additions (Number)</th>
<th>Deletions (Number)</th>
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### Narrative Explanation of Staffing Impacts (If Required):

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### Attachments:

1. General Plan 2020 Location Map  
2. Mark West Transfer Site Map  
3. Mark West Transfer Location Map  
4. Resolution of Agricultural Preservation and Open Space District Board of Directors  
5. Resolution of County of Sonoma Board of Supervisors

### Related Items “On File” with the Clerk of the Board:

1. Mark West Conservation Easement  
2. Mark West Recreation Conservation Covenant  
3. Transfer Agreement between the County and Ag + Open Space  
4. Draft Grant Deed for Cresta 3  
5. Draft Grant Deed for Mark West Transfer  
6. Certificate of Acceptance (Ag + Open Space) Conservation Easement  
7. Certificate of Acceptance (Ag + Open Space) Recreation Conservation Covenant  
8. Certificate of Acceptance (County) Cresta 3 Fee Title  
9. Certificate of Acceptance (County) Mark West Mark West Properties  
10. Notice of Exemption (Ag + Open Space)  
11. Notice of Exemptions 2012 (County)  
12. Notice of Exemption (County)  
13. Deed Restriction for Wendle (County)  
14. Deed Restriction McCullough 2 (County)  
15. Original Conservation Easement  
16. Assignment of Real Estate Purchase and Sale Agreement  
17. Cresta 3 Appraisal  
18. Cresta 3 Appraisal Update  
19. Life Estate Deed and Agreement  
20. Irrevocable Offer of Dedication (County)
Map Date: 8/17/2018

Sources: CPAD (protected lands); SCWA (streams); County GIS (roads, communities); ESRI (shaded relief)

This map is for illustrative purposes; it is not a definitive property description.

Mark West Creek Regional Park & Open Space Preserve Transfer Location Map

Perennial Waterway
Regional Parks Acquisition with District Funding
Intermittent Stream
District Fee Title
Street or Road
District Conservation Easement
District Transfer to Regional Parks
Other Protected Land

Incorporated City Land
Urban Service Area

Map Date: 8/17/2018

Sources: CPAD (protected lands); SCWA (streams); County GIS (roads, communities); ESRI (shaded relief)

This map is for illustrative purposes; it is not a definitive property description.

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Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, authorizing the President to execute a Grant Deed conveying the McCullough 1, McCullough 2, Cresta 1, Cresta 2, and Wendle Properties to the County of Sonoma; authorizing and directing the General Manager to enter into a Transfer Agreement with the County; authorizing the President to Execute a Conservation Easement and a Recreation Conservation Covenant as to the McCullough 1, McCullough 2, Cresta 1, Cresta 2, Wendle, and Cresta 3 properties; making certain findings pursuant to the District’s Easement Amendment Policy and pursuant to the California Environmental Quality Act; determining that the Project is consistent with the District’s Expenditure Plan and the County’s 2020 General Plan; dedicating the Conservation Easement pursuant to Public Resources Code Section 5540; authorizing funding to the County of Sonoma in connection with the Transfer; and authorizing all other actions necessary to complete the transactions that will establish the Mark West Creek Regional Park & Open Space Preserve.

Whereas, in the County’s 1989 and 2020 General Plan, a site in the vicinity of Mark West Creek near Porter Creek Road was identified as the proposed location of a new County Regional Park; and

Whereas, the Sonoma County Agricultural Preservation and Open Space District (“District”) has acquired approximately 1,145-acres through five separate acquisitions for conservation purposes, and for the purpose of creating the Mark West Creek Regional Park & Open Space Preserve: the Cresta 1 property (APN 079-090-008, 079-090-016), Cresta 2 property (APN 079-090-0013, 079-090-014), the McCullough 1 property (APNs 028-060-062, 028-060-063, 028-070-036, 028-060-047, 028-060-048, 028-060-053, 028-060-054, 028-060-056), McCullough 2 property (APNs 028-060-064, -066 & -067), and the Wendle property (APN 028-060-058) (“District-Owned Properties”) and the District is providing funding to the County for the Cresta 3 property (APN 079-090-015) acquisition; and collectively these six properties are called the “Mark West Properties;” and

Whereas, the 46.43-acre Cresta 3 property became available for fee purchase to add to the Mark West Creek Regional Park & Open Space Preserve, and at the direction of this Board, the General Manager of the Sonoma County Agricultural Preservation and Open
Space District has negotiated a purchase agreement with the owners of the Cresta 3 property to purchase a fee interest in the property, and grant a life estate at closing to one of the current owners, William J. Cresta; and

Whereas, the District intends to assign its purchase agreement for the Cresta 3 property to the County and to provide funds for the acquisition of the property directly by the County of Sonoma, subject to conditions further described herein; and

Whereas, the District-Owned Properties will be conveyed to the County of Sonoma in the same escrow as the Cresta 3 acquisition, with all properties subject to a Conservation Easement held by the District to insure that the Mark West Properties’ conservation values are permanently protected; and

Whereas, the District also requires that a Recreation Conservation Covenant be conveyed to the District to insure that the properties will be permanently available for public access; and

Whereas, the District also desires to amend and replace a conservation easement currently encumbering 275 acres of the McCullough 1 property (“Original Conservation Easement”). The purpose of the Original Conservation Easement was to preserve the McCullough 1 property’s existing natural resource values, including oak woodlands, grasslands, and over two miles of riparian habitat along Mark West Creek. The new Conservation Easement that will be acquired by the District over all of the Mark West Properties, including the McCullough 1 property (“Mark West Conservation Easement”) will amend and replace the Original Conservation Easement to (1) enhance natural resource protections; (2) clarify permitted natural resource management and recreation and educational uses; and (3) update procedural provisions related to the Original Conservation Easement. This action is subject to the District’s Easement Amendment Policy, which requires this Board to make the following findings as to the proposed amendment:

A. The Mark West Conservation Easement is clearly consistent with the conservation purpose of the Original Conservation Easement insofar as both easements identify preservation of open space, and the natural and scenic values of the Property as primary conservation purposes, and both easements allow for recreational and educational uses of the Property, provided such uses are compatible with the primary conservation purposes;

B. The Mark West Conservation Easement enhances and otherwise does not impair the conservation values of the land subject to the Original Conservation Easement because the riparian area associated with Mark West Creek is restricted to less intensive uses under the Mark
West Conservation Easement, and the extent and intensity of development is significantly more limited than in the Original Conservation Easement;

C. The Mark West Conservation Easement does not undermine the perpetual nature of the Original Conservation Easement because the new Conservation Easement will also be perpetual and shall be dedicated to open space pursuant to Public Resources Code section 5540;

D. The amendment and replacement of the Original Conservation Easement with the Mark West Conservation Easement is not precluded by the Original Conservation Easement or by state or federal law;

E. The amendment and replacement of the Original Conservation Easement with the Mark West Conservation Easement does not reconvey any interest in land that has been expressly extinguished by the Original Conservation Easement because the Mark West Conservation Easement is more restrictive in a number of ways by (1) eliminating a 5-acre home site and an alternative building site with its associated buildings, vehicle traffic, utility systems, noise generation, light pollution, and other impacts on the natural environment allowed under the Original Conservation Easement; (2) restricting vehicle use only to park operations and maintenance, and public access to foot, bicycle, or horseback; and (3) prohibiting all buildings and utilities except a pit toilet associated with a trail camp; 4) prohibiting the reconstruction of the existing ‘Pelm’ residence on the McCullough 1 Property, which instead will be removed and the site restored; 5) eliminating hunting; and 6) restricting road and trails in the most sensitive areas associated with Mark West Creek.

F. The amendment embodied in the Mark West Conservation Easement is the minimum change necessary to satisfy the purpose of the Original Conservation Easement, which includes a need to clarify the conservation purpose and values of the McCullough 1 property, as well as permitted uses and activities;

G. The amending and replacement of the Original Conservation Easement with the Mark West Conservation Easement is consistent with the District’s Acquisition Plan and other applicable District policies now in effect insofar as it meets a number of policies in the “Recreation and Education” category of the District’s long-range Acquisition Plan by virtue of its nature as a partnership with the
County of Sonoma to acquire, develop, and manage land for a new park in proximity to an urban community. In addition, the amending and replacement of the Original Conservation Easement with the Mark West Conservation Easement will preserve and protect Sonoma County’s unique natural habitats, scenic areas and other open space values of regional significance;

H. The Mark West Conservation Easement is consistent with applicable land use and zoning regulations because (1) the current zoning for the property is Resources and Rural Development (RRD), and Diverse Agriculture (DA), which allows recreational uses where compatible with resource use; (2) the County of Sonoma General Plan designates a 60-acre minimum lot size on the Property; and the Mark West Conservation Easement and Recreation Conservation Covenant are consistent with these regulations;

I. The Mark West Conservation Easement incorporates, to the maximum extent practical and legally permissible, the language used by the District in its current conservation easements;

J. The amendment and replacement of the Original Conservation Easement with the Mark West Conservation Easement increases or has no effect on the appraised value of the interests retained by the District, as determined by the Fiscal Oversight Commission in its Resolution 2017-007 on October 5, 2017; and

Whereas, for the foregoing reasons, the Mark West Conservation Easement provides protections equal to or greater than those provided by the Original Conservation Easement in conformance with the requirements of California Public Resources Code Section 5540; and

Whereas, the Cresta 3 acquisition, the acceptance of the Mark West Conservation Easement and recreation conservation covenant, the Mark West Properties transfer to the County of Sonoma, and the amendment and replacement of the Original Conservation Easement with the Mark West Conservation Easement are collectively known as the Project (“Project”);

Whereas, the District’s General Manager is recommending an allocation of funds for use by the County of Sonoma over a period of three years for reimbursement of the County of Sonoma’s costs of providing initial public access, operations and maintenance (“IPAOM”) of the Mark West Properties; and is recommending that the Board of Directors fund the replacement of an existing bridge over Porter Creek as an extraordinary circumstance expenditure as allowed under the District’s IPAOM policy; and
Whereas, by its Resolution No. 2018-003 dated April 5, 2018, the District’s Fiscal Oversight Commission determined that the District’s Cresta 3 appraisal meets the District’s Guidelines and Standards, and the District’s proposed purchase price for the fee interest does not exceed the fair market value;

Whereas, by its Resolution No. 2017-007 dated October 5, 2017, and by Resolution #2018-008 on September 20, 2018, the District’s Fiscal Oversight Commission determined that the cumulative value of the conservation easement and the conservation recreation covenant at least equals the fair market value of the Mark West Properties.

Now, Therefore, Be It Resolved that this Board of Directors hereby finds, determines, and declares and orders as follows:

1. **Truth of Recitals.** The foregoing recitations are true and correct.

2. **General Plan Consistency.** The Project is consistent with the 2020 Sonoma County General Plan because it preserves open space with natural habitats, including a riparian corridor, diverse plant and animal communities, and essential habitat connectivity (LU-4 and OSRC-7 & 8), while providing for parklands with trails, located near the Santa Rosa urban area to meet the outdoor recreation needs of the population. (LU-5 and OSRC-17)

3. **Expenditure Plan Consistency.** The Project is consistent with the District’s Expenditure Plan because it provides for the protection of biotic habitat areas, riparian corridors and other areas of biotic significance, as well as the purchase of fee interests for outdoor public recreation where the public use would not be inconsistent with open space designations.

4. **California Environmental Quality Act.** The Project is exempt from review under the California Environmental Quality Act pursuant to Section 15313 of Title 14 of the California Code of Regulations because the purpose of the acceptance is to preserve access to public lands and waters to preserve the land in its natural condition; alternatively is exempt pursuant to Section 15317 of Title 14 of the California Code of Regulations because the purpose of the acceptance is to maintain the open space character of the area; and alternatively is exempt pursuant to Section 15325(a) and (c) of Title 14 of the California Code of Regulations because the purpose of the acceptance is to preserve the existing natural conditions and to allow for restoration of natural conditions, respectively.

5. **Assignment of Purchase Agreement to the County of Sonoma.** That the General Manager is authorized to assign, on behalf of the District, the Cresta 3 Purchase Agreement to the County of Sonoma for the purposes of ensuring that fee title to the Cresta 3 property may pass directly from the sellers to the County of Sonoma.
6. **Payment of Purchase Price and Costs of Escrow.** That, at the request of the General Manager, the Sonoma County Auditor shall draw a warrant or warrants against available District funds for the Cresta 3 fee purchase price in an amount not to exceed $1,700,000 payable into escrow for the proposed Cresta 3 fee acquisition, and in such other amounts necessary to close escrow, and for associated transactional costs requested by the General Manager.

7. **Authority to Execute Grant Deed for a Fee Interest – District-Owned Properties.** The Board President is authorized to execute a grant deed conveying fee title to the County of Sonoma for the District-Owned Properties.

8. **Authority to Execute Agreements and Certificate of Acceptance.** That the President is authorized to execute the Mark West Conservation Easement and Recreation Conservation Covenant, and related Certificates of Acceptance over the Mark West Properties.

9. **Transfer Agreement.** That the General Manager is authorized and directed to enter into the Transfer Agreement in the form on file with the Clerk.

10. **Approval of Amending and Replacing Easement.** The proposed amendment and replacement of the Original Conservation Easement over the McCullough 1 property with the Mark West Conservation Easement is consistent with the District’s Easement Amendment Policy and the proposed amendment and replacement is hereby approved.

11. **Authorization for Recordation.** That the General Manager is authorized and directed to record with the Sonoma County Recorder the District-Owned Properties Grant Deed, Mark West Conservation Easement and Recreation Conservation Covenant, and related certificates of acceptance and to deliver conformed copies of these documents, bearing evidence of recording, to the Clerk of the Board of Directors.

12. **Dedication.** That the Mark West Conservation Easement is hereby dedicated to open space purposes pursuant to Public Resources Code Section 5540.

13. **Funding for Initial Public Access, Operations and Management.** That, after transfer of fee title of the Mark West Properties to the County of Sonoma and recordation of the Mark West Conservation Easement and Recreation Conservation Covenant, and at the request of the General Manager, the Sonoma County Auditor shall draw a warrant or warrants against available funds in the County of Sonoma’s Open Space Special Tax Account in amounts not to exceed a total of $2,024,756 over a period of three years for reimbursement to the County of Sonoma for its costs of providing initial...
public access and operation and management of the Property, in accordance with the terms of the Transfer Agreement. In connection with this approval, the Board hereby authorizes the replacement of an existing bridge over Porter Creek as an “extraordinary circumstance” expenditure as allowed under the District’s IPAOM Policy, provided sufficient funds are available within the budget established by this Resolution and the Transfer Agreement.

14. Closing Documents. That the General Manager is authorized to make any technical, non-substantive changes in the life estate, Mark West Conservation Easement, Recreation Conservation Covenant, and closing documents prior to recordation with the prior approval of the Sonoma County Counsel. The General Manager is further authorized to execute any other documents necessary to complete this transaction as described, with prior approval of Sonoma County Counsel.

15. Notice of Exemption. That, immediately upon the adoption of this resolution, the General Manager is directed to post and to maintain the posting of a notice of exemption pursuant to Public Resources Code 21152.

Supervisors:

Gorin: Rabbitt: Zane: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

So Ordered.
Resolution of the Board of Supervisors of the County of Sonoma, State of California, approving acquisition of the 46.43-acre Cresta 3 property; authorizing the Board Chair to execute Certificates of Acceptance accepting Fee Title to the McCullough 1, Cresta 1, Cresta 2, Cresta 3, McCullough 2, and Wendle properties; Authorizing the Board Chair to execute a Conservation Easement and a Recreation Conservation Covenant in favor of the Sonoma County Agricultural Preservation and Open Space District; authorizing and directing the Director of Regional Parks to enter into a Transfer Agreement with the District; authorizing the Board Chair to execute a Grant Deed for a Life Estate to William J. Cresta; authorizing and directing the Director of Regional Parks to enter into agreements and accept a Grant from the State of California Habitat Conservation Fund for $320,000 to be applied towards acquisitions; making certain determinations pursuant to the California Environmental Quality Act; directing the filing of a Notice of Exemption; and authorizing the Director of Regional Parks to take all other actions necessary to complete the transactions that will establish the Mark West Creek Regional Park & Open Space Preserve.

Whereas, in the County’s 1989 General Plan a site in the vicinity of Mark West Creek near Porter Creek Road was identified as the proposed location of a new County Regional Park; and

Whereas, the Sonoma County Agricultural Preservation and Open Space District (“District”) has acquired 1,145 acres through five separate acquisitions for conservation purposes constituting a substantial portion of the new Mark West Creek Regional Park & Open Space Preserve: the Cresta 1 property (APN 079-090-008, 079-090-016), Cresta 2 property (APN 079-090-0013, 079-090-014), the McCullough 1 property (APNs 028-060-062, 028-060-063, 028-070-036, 028-060-047, 028-060-048, 028-060-053, 028-060-054, 028-060-056), the McCullough 2 property (APN 028-060-064, -066 & -067), and the Wendle property (APN 028-060-058) (the “District-Owned Properties”); and

Whereas, the 46.43-acre Cresta 3 property (APN 079-090-015) became available for fee purchase to add to the Mark West Creek Regional Park & Open Space Preserve, the
General Manager of the Sonoma County Agricultural Preservation and Open Space District has negotiated a purchase agreement with the owners of the Cresta 3 property to purchase a fee interest in the property, and grant a life estate at closing to one of the current owners, William J. Cresta; and

Whereas, the Director of Regional Parks is recommending: The assignment of the purchase agreement from the District to the County of Sonoma for the Cresta 3 property; acceptance of fee title interest in the Cresta 3 property; acceptance of the fee title interest in the District-Owned Properties; conveyance of a Conservation Easement and a Recreation Conservation Covenant to the District covering all of the properties; acceptance of the California Wildlife Habitat Conservation Fund grant; and the sale of a life estate to William J. Cresta over a portion of Cresta 3 for $50,000; subject to granting an Irrevocable Offer of Dedication to the District, and other specified conditions; and

Whereas, pursuant to California Government Code Section 65402 and in accordance with Section 2-76 of the Sonoma County Code, the Board of Directors of the District has determined in concurrent action that the proposed fee acquisitions by the County, and the related conveyances to the District, are consistent with the 2020 Sonoma County General Plan because they preserve open space with natural habitats, including a riparian corridor, diverse plant and animal communities, and essential habitat connectivity (LU 10 and OSRC-7 & 8), while providing for parklands with trails, located near the Santa Rosa urban area to meet the outdoor recreation needs of the population. (LU-5 and OSRC-17)

Whereas, Sonoma County Regional Parks (“County”) and the District have negotiated a Transfer Agreement which assigns responsibilities between the parties regarding the acquisition of Cresta 3 by the County, the transfer of the District-Owned Properties to the County, and the conveyance to the District by the County of a Conservation Easement and Recreation Conservation Covenant covering Cresta 3 and the District-Owned Properties; and

Whereas, the District’s Board of Directors have authorized the District to provide funds for the acquisition of the Cresta 3 property; and

Whereas, the County applied for, and was awarded, a $320,000 grant for the acquisition of the McCullough 2 and Wendle properties from the State of California’s Wildlife Habitat Conservation Fund, and $160,000 of this grant will be allocated towards the fee acquisition of each of these two properties, and as a condition of this grant funding, the County is required to record deed restrictions against these two properties in the form on file with the Clerk; and

Whereas, on September 28, 2011 the Board of Supervisors, by its resolution #11-0520 approved a Notice of Exemption for the acceptance of the transfer of the District’s McCullough 1, Cresta 1, Cresta 2, and McCullough 2 properties; and
Whereas, the acquisition of Cresta 3 by the County, and the transfer of the Wendle property from the District to the County, will join other properties to create the Mark West Creek Regional Park and Open Space Preserve, and are collectively known as the Project (“Project”);

Now, Therefore, Be It Resolved that this Board of Supervisors hereby finds, determines, and declares and orders as follows:

1. Truth of Recitals. The foregoing recitations are true and correct.

2. Authority to Accept the Assignment of the Cresta 3 Property Purchase Agreement. The Director of Regional Parks is authorized and directed to accept the assignment of the District’s July 19, 2018 Cresta 3 Purchase Agreement.

3. Authority to Execute Certificate of Acceptance for a Fee Interest – Cresta 3. The Board Chair is authorized to execute, on behalf of the County of Sonoma, a certificate of acceptance of fee title in the Cresta 3 Property pursuant to Government Code Section 27281.

4. Authority to Sell a Life Estate to William J. Cresta. The Board Chair is authorized to execute, on behalf of the County of Sonoma, a life estate agreement with William J. Cresta for a sales price of $50,000 in the form on file with the Clerk. The Director of Regional Parks is directed to secure Mr. Cresta’s signature on the quitclaim deed on file with the Clerk that will be retained by the Parks Department and is further directed to record the quitclaim deed upon the termination of the life estate.

5. Authority to Reimburse District. The Director of Regional Parks is authorized and directed to reimburse the District the $50,000 proceeds from the sale of the life estate to William J. Cresta, and to reimburse the District $320,000 from the California Wildlife Habitat Conservation Fund grant for the McCullough 2 and Wendle acquisitions when those amounts are reimbursed to the County after closing.

6. Authority to Execute Certificate of Acceptance for a Fee Interest – District-Owned Properties. The Board Chair is authorized to execute, on behalf of the County of Sonoma, a certificate of acceptance of fee title in the District-Owned Properties pursuant to Government Code Section 27281.

7. Conservation Easement and Recreation Conservation Covenant. The Board Chair is authorized to execute a Conservation Easement and a Recreation Conservation Covenant to be granted to the District over the Cresta 3 and District-Owned Properties in the form on file with the Clerk.
8. **Authority to Record Deed Restrictions.** The Director of Regional Parks is authorized to record the deed restrictions required by the California State Department of Parks and Recreation’s Habitat Conservation Fund grant in the form on file with the Clerk.

9. **Transfer Agreement.** That the Director of Regional Parks is authorized and directed to execute the Transfer Agreement with the District in the form on file with the Clerk.

10. **Authority to execute an Irrevocable Offer of Dedication.** That the Board Chair is authorized to execute an Irrevocable Offer of Dedication for the Mark West Properties to the District

11. **Closing Documents.** That the Director of Regional Parks is authorized to make any technical, non-substantive changes in the Conservation Easement, Recreation Conservation Covenant, Life Estate, Transfer Agreement, Irrevocable Offer of Dedication, and other closing documents prior to recordation with the prior approval of the County Counsel. The Director of Regional Parks is further authorized and directed to execute any other documents necessary to complete this transaction as described.

12. **Authorization for Recordation.** That the Regional Parks Director is authorized and directed to record with the Sonoma County Recorder the grant deeds and certificates of acceptance contemplated by this Resolution and to deliver conformed copies of these documents, bearing evidence of recording, to the Clerk of the Board of Supervisors.

13. **California Environmental Quality Act- Cresta 3 and Wendle.** That the Project authorized by this resolution consists of the acquisition by the County of fee title to the 46.43-acre Cresta 3 property, and the acceptance of the 47.14 acre Wendle property from the District. The Cresta 3 property and the Wendle property will not be open to the public until the County has prepared a Work plan for initial public access to the properties and completed CEQA compliance for future park development for the entire Mark West Creek Regional Park and Open Space Preserve. Therefore, the properties will remain in their current natural condition until the management plan and related CEQA compliance are completed. The transfer of the Cresta 3 property and the acceptance of the Wendle property authorized by this resolution is exempt pursuant to Section 15316(a) of Title 14 of the California Code of Regulations because the purpose of the Project is to transfer ownership of land in order to establish a park where the land is in a natural condition and the management plan for the park has not been prepared; acquisition of land for the purpose of preserving access to public lands and waters and preserving the land in its natural condition is exempt pursuant to Section 15313 of Title 14 of the California Code of Regulations. Alternatively, the acquisition 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 and pursuant to Section 15325(a) and (c) of Title 14 of the California Code of Regulations because the purpose of the acceptance is to preserve the existing natural conditions and to allow for restoration of natural conditions, respectively.

14. Notice of Exemption. That, immediately upon the adoption of this resolution, the Director of Regional Parks is directed to post and to maintain the posting of a notice of exemption with regard to the Cresta 3 acquisition and the Wendle acceptance pursuant to Public Resources Code 21152.

Supervisors:

Gorin: Rabbitt: Zane: Hopkins: Gore:
Ayes: Noes: Absent: Abstain:

So Ordered.