

Resolution Number 09-

County of Sonoma
Santa Rosa, California

May 12, 2009
DRH06-0005 Steve Padovan

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ACCEPTING THE FEE SIMPLE CONVEYANCE OF THE MARK WEST CREEK RIPARIAN CORRIDOR AS A CONDITION OF THE PROJECT APPROVAL FOR DESIGN REVIEW FILE DRH06-0005 AND TO SATISFY THE OBJECTIVES AND POLICIES IN THE AIRPORT INDUSTRIAL AREA SPECIFIC PLAN RELATED TO MARK WEST CREEK ON A PORTION OF A 19.54 ACRE PARCEL LOCATED AT 3200 NORTH LAUGHLIN ROAD, SANTA ROSA; APN 059-190-001.

WHEREAS, on October 21, 2008, the Board of Supervisors ("the Board") of the County of Sonoma ("the County") adopted Resolution No. 08-0904 denying an appeal from a decision of the Planning Commission, adopting a Mitigated Negative Declaration and Mitigation Monitoring Program, and approving the design review for a 155,294 square foot distribution facility and an 8,400 square foot maintenance facility "the Project" on a vacant 19.54 acre parcel located at 3200 North Laughlin Boulevard, Santa Rosa; APN 059-190-001; Zoning: MP (Industrial Park), 2 acre average lot size, BR (Biotic Resource), F1 (Floodway), F2 (Floodplain), VOH (Valley Oak Habitat); Supervisorial District No. 4; and

WHEREAS, the Board previously found that the Project would not result in any significant impacts to the environment because, among other reasons, the riparian corridor along Mark West Creek would be protected by requiring an average 100' foot buffer from the top of the creek bank to any new development, as is set forth in paragraph 3.5(h) on page 11 of Resolution 08-0904 and in the Revised Mitigated Negative Declaration, dated September 2, 2008, on page 12; and

WHEREAS, in order to ensure compliance with the Sonoma County Airport Industrial Area Specific Plan ("Specific Plan"), the County conditioned the approval of the Project on the fee simple conveyance of the riparian corridor along Mark West Creek, as is set forth in Condition No. 86 of the Conditions of Approval for the Project; and

WHEREAS, land conveyed to a governmental agency, such as the County, does not require a parcel map under Government Code section 66428(a)(2); and

WHEREAS, the applicant, Liquid Investments, Inc. has prepared a legal description of the Mark West Creek riparian corridor, as measured from the centerline of the creek and averaging 100 feet from the top of the creek bank, and a grant deed conveying the riparian corridor to the County. A true and correct copy of the legal description is attached to this Resolution as Attachment A and a true and correct copy of the grant deed is attached to this Resolution as Attachment B.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors, based on the foregoing findings and the record of the proceedings, hereby declares and orders as follows:

1. The foregoing findings are true and correct and are adopted as herein above set forth.
2. The conveyance of the Mark West Creek Riparian Corridor complies with the objectives and policies contained within the Land Use and Open Space Element of the Sonoma County Airport Industrial Area Specific Plan.
3. The County's acceptance of the Mark West Creek Riparian Corridor on APN 059-190-001 will benefit the County and its residents by preserving the riparian corridor along Mark West Creek.
4. Conveyance of the riparian corridor, as is set forth in the attached grant deed and legal description, is exempt from a parcel map requirement under Government Code section 66428(a)(2) because the land is being conveyed to the County, a government agency.
5. The conveyance of the riparian corridor satisfies Condition of Approval No. 86 of Design Review file DRH06-0005.

BE IT FURTHER RESOLVED that the Chair of the Board is hereby authorized to accept the grant deed and execute any documents or take any further action reasonably necessary to complete the conveyance of the riparian corridor along Mark West Creek to the County.

BE IT FURTHER RESOLVED that the Board designates the Clerk of the Board as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, CA 95403.

SUPERVISORS VOTE:

Brown: Kerns: Zane: Carrillo: Kelley:

Ayes: Noes: Absent: Abstain:

SO ORDERED.