

TOLAY LAKE REGIONAL PARK

BASELINE DOCUMENTATION

Prepared for:

**Sonoma County Agricultural Preservation
& Open Space District**
747 Mendocino Avenue
Santa Rosa, CA 95403

Prepared by:

Circuit Rider Productions, Inc.
9619 Old Redwood Highway
Windsor, CA 95492

June 2006



S O N O M A C O U N T Y
**AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT**

TOLAY LAKE REGIONAL PARK PROPERTY CONSERVATION EASEMENT

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**TOLAY LAKE REGIONAL PARK PROPERTY
CONSERVATION EASEMENT
BASELINE DOCUMENTATION**

Sonoma County Agricultural Preservation and Open Space District

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ACKNOWLEDGEMENT OF CONDITION

The Tolay Lake Regional Park Property (the Property), encompassing about 1,737 acres of land owned by Sonoma County, is located within the Tolay Creek Watershed in the San Pablo Bay Hydrologic Unit in southeastern Sonoma County, between the cities of Petaluma and Sonoma. The Conservation Easement Agreement between Sonoma County and the Sonoma County Agricultural Preservation and Open Space District (the District) was approved by the District Board of Directors on September 27, 2005, Resolution No. 05-0840a.

This document, including the attached photographs and other exhibits and attachments - referenced as Baseline Documentation in Paragraph 12 of the Conservation Easement Deed and Agreement - is an accurate representation of the Tolay Lake Regional Park at the time of the conservation easement grant.

For Sonoma County Regional Parks:


Mary Burris, Director

Date: Sept. 18, 2006

For Sonoma County Agricultural Preservation and Open Space District:


Andrea Mackenzie, General Manager

Date: 9/25/2006

BASELINE SUMMARY

File Number: PP 04-09-02

Property Name: Tolay Lake Regional Park

Property Owner: Sonoma County Regional Parks

Contact Person: Mary Burns, Director

Phone Number: (707) 565-2041

Property Address: 5689 Lakeville Highway, Petaluma, CA 94954-9507

Mailing Address: 2300 County Center Drive, Suite 120 A, Santa Rosa, CA 95403

Easement

Acquisition Date: September 22, 2005

Assessors Parcel Numbers and Acreage:

Tolay Lake Ranch

068-060-057 (portion of)	218 acres ±
068-060-058 (portion of)	100 acres ±
068-070-004 (portion of)	356 acres ±
068-070-005 (portion of)	574 acres ±
068-080-001	<u>490</u> acres ±
Total:	1738 acres±

Zoning:

The Property consists of portions of five separate assessor parcels ranging between approximately 100 acres to approximately 575 acres in size; the parcels are zoned agricultural. Parcel No. 068-060-057 is zoned Land Intensive Agriculture (LIA) and Parcel Nos. 068-060-058, 068-070-004, 068-070-005, and 068-080-001 are zoned Land Extensive Agriculture (LEA). The LIA zoning designation has a 20-acre minimum lot size while the LEA zoning designation has a 1.5-acre minimum lot size. Both designations stipulate one residence per 60 acres; however they allow for “cluster development” into parcels as small as the minimum lot size with the remaining property reserved for agricultural use and no further potential for subdivision (Appraisal Associates 2003). In 1996, fifteen Administrative Certificates of Compliance (ACC) were recognized and recorded on the ranch. The ACCs legally recognize a historical parcel on the Property, thus enhancing the value of the Property and facilitating development (Appraisal Associates 2003). Given the zoning and ACCs, the ranch could potentially be divided into 28 single-family residence development parcels.

Location:

The Property is located north of San Pablo Bay in the Tolay Creek Watershed of the San Pablo Bay Hydrologic Unit in unincorporated southeastern Sonoma County off Lakeville Highway, southeast of the City of Petaluma and southwest of the City of Sonoma. There is direct access to the Property from Cannon Lane, a County maintained road off of Lakeville Highway, and from Spolini Road, off Stage Gulch Road. There is also access from an unpaved road from Lakeville Highway (see *Exhibit 1, Location Map*).

Approvals: Open Space Authority: Expenditure Plan Consistency – April 19, 2005
Resolution # 2005-004

Board of Directors: General Plan Consistency – April 19, 2005
Resolution # 05-0328

Approval of Conservation Easement
Deed and Agreement – September 27, 2005
Resolution # 05-0840

INTRODUCTION

This report documents the physical attributes, land use, improvements and easements, as well as biological and hydrologic features on the 1,737-acre Tolay Lake Regional Park Property (“the Property”), located north of San Pablo Bay in the Tolay Creek watershed southeast of the City of Petaluma and southwest of the City of Sonoma (see *Exhibit 1, Location Map*), relative to the Deed and Agreement conveying a conservation easement to the Sonoma County Agricultural Preservation and Open Space District (“the District”). The District will document changes in property conditions, in particular with regard to the development of the Tolay Lake Regional Park Master Plan, or newly discovered Property features, through semi-annual monitoring reports.

Information for this report was provided by the appraisal report (Appraisal Associates, January 28, 2003), the Feasibility Analysis for the Restoration of Tolay Lake (Ducks Unlimited, Inc., March 2005), the Phase I Environmental Site Assessment (EBA Engineering, February 2004), Hydrologic Feasibility Analysis for the Tolay Lake Ranch Property (Kamman Hydrology & Engineering, Inc., December 2003), and data provided by District staff and site visits by Circuit Rider Productions (CRP) staff members Rob Evans and Kate Reza on September 1, and Rob Evans on September 2, 7, 12, 22, and 29, 2005, and April 18, 2006. Photographs taken during these visits document the physical appearance of the Property. Aerial imagery (2004), developed by Air Photo USA, and Resource Strategies, Inc., was utilized to document large scale land features and for map development.

SUMMARY OF SIGNIFICANCE

About 200 acres in area, Tolay Lake was once the largest natural freshwater lake in Sonoma County. The Tolay Lake Regional Park Property comprises about 20% of the upper watershed of Tolay Creek, including a two-mile stretch of Tolay Creek (Sonoma County 2005a). The Property provides important open space, recreational potential, and scenic viewsheds, and the conservation easement protects the natural resources of the Property. The viewsheds of the Property from hilltops reaching 700 feet above sea level can be spectacular on clear days, giving views of San Pablo Bay, San Francisco, Mt. Tamalpais, Oakland, Mt. Diablo, Mt. St. Helena, and other scenic landscapes. The Property is nationally recognized as an important prehistoric gathering, foraging, and settlement site; it contains many important archaeological resources including charmstones, midden mounds, and burial sites (Archaeological Resource Service 2003).

The Property is “hydrologically and ecologically connected to a large block of protected lands in the historic Sonoma Baylands wetlands” (Sonoma County 2005a). The California Coastal Conservancy recognized the Property as a high priority acquisition, and Tolay Lake is recommended for protection and restoration by the San Francisco Baylands Ecosystem Goals Report (California Coastal Conservancy 2005a). The acquisition was determined consistent with the Sonoma County General Plan (Sonoma

County Permit and Resource Management Department 2004). Thus, the acquisition of the Tolay Lake Regional Park not only meets local conservation, recreation, and educational priorities, but also meets regional goals for Bay Area conservation, recreation, and education, and continental-scale goals by permanently providing refuge for migratory bird species along the Pacific Flyway.

The Tolay Creek watershed drains into the San Pablo Bay, a part of the San Francisco Bay Estuary. The Estuary is the largest on the Pacific Coasts of North and South America and consists of many types of upland and wetland habitats, including tidal flats, tidal marsh, salt ponds, dunes, seasonal wetlands, grasslands, oak woodlands, and riparian forest. The Property also provides important forage and/or nesting habitat for raptors and other birds of prey, passerines, ground nesters and upland game species, in addition to a wide variety of amphibians, reptiles, and mammals. Like much of the Bay Area, rapid development has impacted wildlife habitat and ecological function in the Estuary and surrounding uplands.

CONSERVATION PURPOSE

Paragraph 2 (Statement of Purpose) of the Conservation Easement Deed and Agreement reads:

“The Property comprises 20% of the upper watershed of Tolay Creek, an important watershed that is part of the North San Pablo Bay and drains into the San Pablo Bay National Wildlife Refuge. It is hydrologically and ecologically connected to a large block of protected lands in the historic Sonoma Baylands wetlands stretching from the mouth of Tolay Creek to the Petaluma River. The Property provides important refuge habitat for several species, and particularly for a wide variety of raptors, ground nesters, passerine species, migratory shorebirds and waterfowl . As a key upland parcel in the Sonoma Baylands system, the Property, consisting of wetlands, riparian and upland habitat, open grasslands and a wide valley floor which is bisected by Tolay Creek, has significant restoration potential. In particular, restoration of natural hydrologic function to the ancient Tolay Lake will provide critical structural and functional habitat for numerous wildlife species and plant communities and will benefit species that travel the Pacific Flyway. The Property will also provide low-intensity public outdoor recreation that is compatible with the Conservation Values. The Property's features described above, comprise the natural resource, open space and scenic values of the Property and are generally referred to collectively herein as ‘the Conservation Values’ of the Property. It is the purpose of this Easement to (a) conserve and protect, in perpetuity, the Conservation Values of the Property, (b) to enhance and restore the Conservation Values by specifically permitting the creation of an ecologically viable ecosystem capable of providing wetland habitat for endangered and threatened species, migratory shorebirds, and waterfowl, and (c) to prevent any uses of the Property that would significantly impair or interfere with these Conservation Values. This

purpose, as further defined by the provisions of this Easement, is generally referred to collectively herein as “the Conservation Purpose of this Easement.”

The conservation purpose is in accordance with goals outlined in the 1989 Sonoma County General Plan. Permitted and prohibited uses are specified in Exhibit “B” (Permitted and Restricted Uses of the Property) of the Deed and Agreement.

The Conservation Easement will meet several Natural Resource Objectives of the District Acquisition Plan 2000 including:

- ◆ Natural Resources Objective 3: “Acquire and preserve areas identified as high priority threatened and endangered species locations, including vernal pools and wetlands.”
- ◆ Natural Resources Policy 5b: “Assist local, regional and State agencies in establishing or expanding public parks which preserve Sonoma County’s unique natural habitats.”
- ◆ Recreation Objective 2: “Assist local regional, state and federal agencies and non-profit partners in establishing parks and preserves that protect Sonoma County’s unique natural habitats, scenic areas, and other open space resources of regional importance.”
- ◆ Recreation Policy 2d: “Utilize the District’s Competitive Matching Grant Program to provide grants to cities, the County, and other governmental agencies and non-profit organizations for local open space, public access, and recreation projects (Sonoma County Agricultural Preservation and Open Space District and Sonoma County Regional Parks Department 2005).”

PHYSICAL SETTING AND HYDROLOGY

The Property is located just north of San Pablo Bay. The majority of the Property is within the Tolay Lake basin, situated on a northwest-trending ridge that separates the Petaluma River valley and Sonoma Creek valleys in Sonoma County. The southwestern portion of the Property is located south of the ridgeline, and drains to the Petaluma River. Elevations range from 160 feet on the valley floor to 760 feet above sea level (see *Exhibit 2, Topographic Map*). The Tolay Lake basin is an elevated depression consisting of a volcanic substrate known as Sonoma Volcanics. Permeable locations in this layer yield water for wells, springs and seeps throughout the Property. The natural hydrology of the lake basin was altered in the late 1800s by removing the natural dam and constructing drainage ditches for the purpose of farming the lakebed, which has continued through today.

Historically, the lake was seasonally variable; preliminary analysis showed that the natural drainage divide was located approximately 2820 feet south of the Cardoza ranch and that the lake could have sustained a lake 14 feet deep before spilling over (Kamman Hydrology & Engineering 2003). During most years, Tolay Lake likely functioned as a large seasonal, semi-permanent marsh that existed as a permanent

wetland during years with heavy rainfall. Such a hydrologic regime would have supported emergent vegetation like cattails and bulrush that declined when depths exceeded 4 feet for an extended time period (Ducks Unlimited 2005). The lake was probably an important source of freshwater for human populations (see Land Use and History Section) and wildlife well into the dry summer months. Tolay Lake typically reaches maximum depths of about two to three feet during the winter rains and has been pumped dry during the spring to accommodate farming operations. During the winter, the maximum lake level extends upstream onto neighboring properties.

SOILS

The Tolay Lake basin consists of clay and clay loam soils. The Sonoma County Soil Survey (USDA, Soil Conservation Service, 1972) classifies soils on the Property into five soil map types: Clear Lake Clay Loam (CcA), Diablo Series (DbC, DbD, DbE, and DbF), Goudling Series (GID, GoF), Laniger Loam (LaC, LaD, and LaE2), and Haire Clay Loam (HcC, HcD, and HcE). Detailed descriptions of these soil types are included in Attachment C. Clear Lake Clay Loam usually occurs in flat basin areas and is formed under poorly drained conditions. It has a 3 – 5 foot depth to seasonal high water table, low permeability, high runoff potential and high shrink-swell potential¹. The Diablo series occupies slopes of varying steepness and has a low permeability, high runoff potential, and high shrink-swell potential. The Diablo series has high erosion potential that increases with steepness. The Goulding-Toomes Complex soil consists of clay loam on varying slope with moderate permeability and shrink-swell potential, and medium or high runoff and erosion potential. The Haire Clay Loam soils occupy slopes of varying steepness, have moderate permeability and shrink-swell potential, and high runoff potential (see *Exhibit 3, Soil Type Map*).

Previous land use practices including grazing, ditching, agricultural development, and road development have contributed to erosion and subsequent sedimentation in the watersheds.

GEOLOGY

The Tolay Lake basin depression is located within the Tolay Creek syncline, bordered to the east by steep hills related to the Adobe Creek anticline and to the west by the potentially active Tolay fault. The lake basin contains alluvial deposits formed by the depositional filling of the basin through erosional processes. The substrate underlying and bounding the lakebed consists of Pliocene volcanic flow, ash beds, tuffs, and debris that are collectively known as the Sonoma Volcanics (Kamman Hydrology and Engineering, Inc. 2003). The Sonoma Volcanics Formation is underlain by the Petaluma Formation, which consists predominantly of deposits of clay, shale, and sandstone and can yield significant amounts of water if wells penetrate far enough (EBA 2004).

¹ High shrink-swell potential indicates hazards to the maintenance of structures within or upon the soil.

The California Division of Mines delineates the eastern part of the Property as within the Alquist-Priolo Special Studies Zone for earthquake hazard, a regulatory zone that constrains activities in areas of active faults with a potential for surface fault rupture (EBA 2004). Earthquake fault zones are generally established about 500 feet along both sides of the surface trace of active faults. Any construction work in this area would require a professional Geologic Survey and may require building setbacks from fault traces or other design requirements as determined by a professional engineer (EBA 2004).

CLIMATE

Sonoma County has a Mediterranean climate with typically dry summers and mild, wet winters. The climate near the San Pablo Bay is heavily influenced by the Pacific Ocean and is characterized by mild seasonal temperatures, prevailing west to northwest winds, and frequent heavy fog. Temperatures tend to be more extreme further away from the mitigating effects of the Bay. Local southerly winds may also develop seasonally due to differential heating between Tolay Lake, Sonoma Creek valley, Petaluma River valley, and San Pablo Bay. Median annual precipitation is approximately 22.5 inches, but this amount varies widely with a maximum of 49.8 inches and a minimum of 9.7 inches over the period from 1914 to 1997 (Kamman Hydrology and Engineering, Inc. 2003).

The Property is characterized by nine habitat types including: Annual Grassland, Coastal Oak Woodland, Valley Foothill Riparian, Fresh Emergent Wetland, Wet Meadow, Vineyard, Cropland, Eucalyptus, and Lacustrine (see *Exhibit 4, Vegetation Type Map*). A brief description of the habitat types as well as a list of plants frequently encountered at each habitat type follows. It should be noted that many grasses and forbs could not be identified during the site visits due to seasonal dormancy and recent cattle grazing, and that the distinction of Annual Grassland habitat type and Wet Meadow habitat type on the Vegetation Type Map (Exhibit 4) is not precise. Plant species listed as “invasive exotic” have been designated such by the California Invasive Plant Council (Cal-IPC) and/or The Nature Conservancy (Bossard, et. al. 2000, The Nature Conservancy, 1989). Plant species listed as “noxious” include noxious weeds identified by the California Department of Food and Agriculture (Best, et. al. 1996).

VEGETATION

Annual Grassland

Non-native annual grasses are the dominant vegetation. This habitat type also includes forbs, perennial grasses and an occasional tree or shrub. Due to seasonal dormancy and recent grazing by cattle, most of the annual grasses and forbs could not be identified. Listed below are the species encountered during September field visits that

could be identified.

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
wild oat	<i>Avena sp.</i>
medusahead (invasive exotic - noxious)	<i>Taeniatherum caput-medusae</i>
Harding grass (invasive exotic)	<i>Phalaris aquatica</i>
plantain	<i>Plantago sp.</i>
tarweed	<i>Hemizonia sp.</i>
Queen Anne's lace	<i>Daucus carota</i>
mediterranean linseed (invasive exotic)	<i>Bellardia trixago</i>
fiddleleaf dock	<i>Rumex pulcher</i>
yellow starthistle (invasive exotic - noxious)	<i>Centaurea solstitialis</i>
purple starthistle (invasive exotic - noxious)	<i>Centaurea calcitrapa</i>
bull thistle (invasive exotic)	<i>Cirsium vulgare</i>
artichoke thistle (invasive exotic - noxious)	<i>Cynara cardunculus</i>

Coastal Oak Woodland

The Coastal Oak Woodland on the Property occurs on the north-facing slope at the northern most extent of the Property. Coast live oak, is the dominant tree species with California buckeye, California bay-laurel, and madrone as associates. Shrubs occurring in the understory include snowberry, poison oak, and coastal wood fern. There are several stands of California buckeye associated with rock outcrops just south of Tolay Creek near the eastern Property boundary. Listed below are plant species encountered within this habitat type on the Property.

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
coast live oak	<i>Quercus agrifolia</i>
California buckeye	<i>Aesculus californica</i>
madrone	<i>Arbutus menziesii</i>
California bay-Laurel	<i>Umbellularia californica</i>
snowberry	<i>Symphoricarpos albus</i>
poison oak	<i>Toxicodendron diversilobum</i>
coastal wood fern	<i>Dryopteris arguta</i>

Valley Foothill Riparian

The Valley Foothill Riparian habitat type within the Property is located along the lower portion of Tolay Creek below the lakebed, and in several of the drainages in the upper elevations of the Property. Willows (*Salix* spp.) are the dominant species of this habitat type on the Property. Listed below are plant species encountered within this habitat type on the Property.

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
willow	<i>Salix</i> spp.
California bay-laurel	<i>Umbellularia californica</i>
California buckeye	<i>Aesculus californica</i>
coast live oak	<i>Quercus agrifolia</i>
poison oak	<i>Toxicodendron diversilobum</i>
California wild rose	<i>Rosa californica</i>
coffeeberry	<i>Rhamnus californica</i>
creeping wild rye	<i>Leymus triticoides</i>
Himalayan blackberry (invasive exotic - noxious)	<i>Rubus discolor</i>
Fuller's teasel (invasive exotic)	<i>Dipsacus sativus</i>
poison hemlock (invasive exotic)	<i>Conium maculatum</i>

Lacustrine

The Lacustrine habitat on the Property include the four man-made ponds. Water primrose (*Ludwigia hexapetala*), an invasive exotic, is covering much of the surface of the pond adjacent to the ranch compound to the south. Duckweed (*Lemna* sp.) is covering much of the surface of the pond within the ranch compound. Vegetation in the ponds in the southeastern portion of the Property consists of phytoplankton suspended in water. The surrounding area of the eastern most pond has been impacted by cattle and is dominated by spiny cocklebur (*Xanthium spinosum*). Fresh Emergent Wetland and Valley Foothill Riparian habitat types surround the western pond.

Fresh Emergent Wetland

The Fresh Emergent Wetland habitat type on the Property is located in the lower elevation drainages that have been dredged for agricultural purposes. The presence of a variety of "obligate wetland plants" (OBL) indicates that a continuous and steady source of water is present either above or below ground during all seasons. "Facultative wetland plants" (FACW) also occur abundantly in this habitat. The following is a list of commonly found plants, along with their wetland designation in parentheses.

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
rush	<i>Juncus</i> spp. (FACW)
common tule	<i>Scirpus acutus</i> (OBL)
sedge	<i>Carex</i> spp. (OBL)
spikerush	<i>Eleocharis</i> sp. (OBL)
pennyroyal (invasive exotic)	<i>Mentha pulegium</i> (OBL)
Fuller's teasel (invasive exotic)	<i>Dipsacus sativus</i> (no indicator)
cattail	<i>Typha latifolia</i> (OBL)
swamp smartweed (noxious)	<i>Polygonum amphibium</i> var. <i>emersum</i> (OBL)

Wet Meadow

Wet Meadows on the Property are primarily associated with upland springs and seeps, and along upland edges of the Fresh Emergent Wetland habitat, occurring where water is at or near the surface most of the growing season. Wet Meadow soils, although they have little or no standing water, have a slow rate of permeability. Cattle have impacted much of the Wet Meadow habitat type on the Property, dominated by the following plants:

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
rush	<i>Juncus sp.</i>
sedge	<i>Carex sp.</i>
creeping wild rye	<i>Leymus triticoides</i>
spiny cocklebur (invasive exotic)	<i>Xanthium spinosum</i>
Himalayan blackberry (invasive exotic-noxious)	<i>Rubus discolor</i>
pennyroyal (invasive exotic)	<i>Mentha pulegium</i>
Fuller's teasel (invasive exotic)	<i>Dipsacus sativus</i>

Cropland

Croplands are typically established in areas with fertile soils on flat to gently rolling terrain. The Cropland habitat type on the Property consists of ± 150 acres on the Tolay lakebed and approximately 450 to 500 acres of relatively flat area to the east. Vegetables, including pumpkins, are currently being grown in the lakebed. Oats are grown in the area east of the lakebed. Cattle have access to the area following harvest for grazing. The habitat type is regularly disturbed by agricultural activities on the Property, resulting in the establishment of numerous agricultural weeds.

The lakebed is frequently flooded during high winter flows, offering habitat for waterfowl and shorebirds. Swamp smartweed (*Polygonum amphibium* var. *emersum*), designated a noxious weed by the California Department of Food and Agriculture, is widespread throughout the lakebed. It is a native species throughout much of North America and considered desirable in natural areas, providing food and cover for wildlife.

Vineyard

There is a 10-acre vineyard east of the Tolay lakebed supported by wood and wire trellises. The understory is made up of predominantly herbaceous annual non-native plants.

HABITATS AND WILDLIFE

The Property contains the seasonal Tolay Lake, riparian habitat, creeks, springs and seeps, moist grasslands, oak woodland, and annual grassland. Common reptiles and amphibians that may occur on the Property include western toad (*Bufo boreas*), gopher snake (*Pituophis skiltonianus*), western fence lizard (*Sceloporus occidentalis*), western rattlesnake (*Crotalus viridis*), long-nosed snake (*Rhinocheilus lecontei*), and western racer (*Coluber mormon*). Special status herpetofauna that have been observed in the vicinity include California tiger salamander (*Ambystoma californiense*), foothill yellow-legged frog (*Rana boylei*), California red-legged frog (*Rana aurora draytonii*), and western pond turtle (*Clemmys marmorata*). California red-legged frog and western pond turtle have been identified on the Property (California Coastal Conservancy 2005b). Mammals that potentially occur on the Property include bats, black-tailed jackrabbit (*Lepus californicus*), California ground squirrel (*Spermophilus beecheyi*), Western gray squirrel (*Sciurus griseus*), rodents, coyote (*Canis latrans*), and black-tailed deer (*Odocoileus hemionus*) (California Department of Fish and Game 2002). The Property also provides habitat for many types of birds including egrets, raptors – such as Northern Harrier (*Circus cyaneus*) and White Tailed Kite (*Elanus leucurus*) - rails, ducks, and songbirds – including Tricolored Blackbird (*Agelaius tricolor*). In winter, the lake provides refuge for migratory waterfowl. Special status bird species likely to occur on the Property include Golden Eagle (*Aquila chrysaetos*), Great Blue Heron (*Ardea herodias*) (protected when nesting), Cooper's Hawk (*Accipiter cooperii*), Sharp-shinned Hawk (*Accipiter striatus*), and Burrowing Owl (*Athene cunicularia*) (Ducks Unlimited 2005, California Coastal Conservancy 2005B).

IMPROVEMENTS

Improvements on the Property consist of several residences, barns and associated out buildings, a gasoline pump, a system of unpaved roads, several bridges, perimeter and interior fences, and developed springs and wells. There is also a system of culverts and ditches throughout the lake basin for drainage and irrigation and an on-site quarry within the Marvin and Rita Cardoza ownership provides gravel for road maintenance and repairs within the Property. The drainage ditches flow into Tolay Creek, which drains into the San Pablo Bay.

Exhibit 7, Property Improvements Table provides a list of improved structures on the Property and their estimated size and locations are depicted in Exhibit 6, Baseline Site Map: Feature Locations. The family members' houses are located in the residential compound. The granary, tractor barn, hay barn, old shop, storage shed, new shop, slaughter house, wine cellar, and new hay barn are also located in the compound area (see Exhibit 5, Baseline Site Map: Photo Locations, Exhibit 6, Baseline Site Map: Feature Locations, and Exhibit 11 Property Photographs). The Cardoza Barn is on the hill above the ranch compound. The Farm Stand is used for retail sales during the fall pumpkin season and also houses a small museum that describes the history of the Property and contains Native American artifacts collected onsite.

ROADS

Cannon Lane off Lakeville Highway and Spolini Road off Stage Gulch Road provide primary and secondary access to the Property. Cannon Lane is a paved, County maintained road. It dead-ends at the Property line where a gravel road to the residential compound begins. There is a deeded easement from the end of Cannon Lane to the Marvin and Rita Cardoza Property. There are also three right-of-way access routes to the Property: 1) Cardoza Lane through Pegasus Ranch to the west, which connects to Lakeville Highway; 2) southeast from the ranch compound along the western ridgetop through Roche Winery property, which connects to Highway 121; and 3) from Marvin and Rita Cardoza's portion of the Property in a northerly direction through the adjacent vineyard, which connects to Stage Gulch Road (Appraisal Associates 2003). The Cardoza Ranch road is the historic entrance to the ranch, which was lined with eucalyptus trees that are still present. There is also a system of private roads throughout the Property that range from maintained gravel roads in good condition to rangeland dirt roads. There is a causeway extending from the residential compound across Tolay Lake that connects the eastern and western portions of the ranch.

EASEMENTS AND AGREEMENTS

The Property is subject to various easements and agreements. The Property contains several typical utility and ingress/egress easements. PG & E holds an easement for a high-tension power line and service access roads. Right-of-way and other easements are described in detail in the Deed and Agreement (Sonoma County 2005a). None of the easements or any other agreements grant entities other than the owner prescriptive rights.

The Cardozas, the previous owners of the Property, executed a one-year residential back lease of the Property and a six-month back lease to wrap up farming operations (*see Attachment D, Lease Agreement*). Agricultural use of the Property is permitted "in accordance with the Tolay Lake Park Management Plan and at a level that is consistent with the Conservation Purpose of this easement, subject to approval by the District, Wildlife Conservation Board and State Coastal Conservancy" (Sonoma County 2005a).

The Cardozas submitted an application to the State Water Resources Control Board in 1996 to obtain water rights for 1100 acre-feet of water. This application is still pending. To obtain water rights for Tolay Lake restoration and management, several steps must be taken, the first of which is preparation of a petition to change the existing application to use for restoration of the lake. The costs of processing the water rights application are estimated at \$250,000 (Sonoma County Agricultural Preservation and Open Space District and Sonoma County Regional Parks Department 2005). There are a number of additional water rights permits and pending applications belonging to other property owners within the Tolay Lake basin watershed. The upstream diversions will impact

water flow, and thus restoration efforts, in the Tolay Lake basin. However, sufficient water supply exists for Tolay Lake restoration (Kamman Hydrologic and Engineering, Inc. 2003). It should be noted that the State Water Resources Control Board has not approved the Kanman water availability study (Kamman Hydrologic and Engineering, Inc. 2003), and other studies using State Water Resources Control Board protocol will be necessary to determine the water availability for lake restoration.

A stipulation of the funding from the Wildlife Conservation Board and California Department of Fish and Game (DFG) requires that a purpose of the Management Plan for the Property will be to restore Tolay Lake to a seasonal, shallow lake for the benefit of wildlife with only wildlife-compatible recreational uses allowed. To this end, Ducks Unlimited (2005) has prepared a feasibility analysis for the restoration of the lake to guide management decisions for the restoration of the lake. The analysis provides nine alternative scenarios for lake restoration and concludes that restoration within the Tolay Lake Basin is feasible and should be pursued. Working with upstream property owners to allow seasonal flooding, and incorporation of public education and recreation opportunities is recommended for the design stage of the restoration planning.

Stipulation of funding from the California Coastal Conservancy include the following immediate and permanent dedications after transfer of fee title: 1) that the 317.62 acre parcel of the Property currently owned by Rita and Marvin Cardoza shall be “dedicated for habitat preservation, open space protection and public access;” 2) a public access easement over a ridge trail corridor extending the length of the Property; 3) a conservation easement over the entire Tolay Creek riparian corridor from lakebed to Property boundary; and 4) a conservation easement to be offered to the California Department of Fish and Game over the Tolay Lake lakebed. Additional conditions of the funds include 1) a sign acknowledging Conservancy funding is to be erected and maintained on the Property; and 2) immediately upon repayment of the loan from the County of Sonoma, the remainder of the Property will be dedicated for habitat preservation, open space protection, and public access (California Coastal Commission 2005b). Upon acquisition, the Sonoma County Agricultural Preservation and Open Space District will begin to repay the loan from Sonoma County and will transfer fee ownership of the Property to Sonoma County Regional Parks.

LAND USE AND HISTORY

The Tolay Lake basin has been in use by humans for thousands of years. The earliest inhabitants were the Wappo, who are thought to have settled the Sonoma County region about 11 – 12,000 years ago. The Wappo were replaced by the Pomo about 9,000 years ago, and more recently, since about 3,500 years ago, the Coast Miwok utilized the basin area. The Miwok culture utilized wetland areas and expanded more rapidly than the earlier groups (Archeological Resource Services 2003). In 1860, Tolay Lake was mapped as an area of freshwater marsh about two miles long and one quarter mile wide, but other maps and renditions show different configurations, indicating that the lake’s size was variable (Ducks Unlimited 2005).

Tolay Lake is also known as “Charmstone Lake” due to the large number of prehistoric artifacts recovered from the lakebed after it was drained for farming in the 1870s. The Tolay lakebed is considered one of the most prolific locations where charmstones are found in the United States. The charmstones are carved rock objects thought to have served ceremonial and/or practical purposes. The stones may have been used to induce favorable fishing and hunting in various ceremonial activities, they may have been used in slingshots to hunt waterfowl, or they may have served as fishing weights or lures. The presence of thousands of charmstones, three prehistoric village sites, numerous middens and other prehistoric sites indicate short- and long-term occupation of the Tolay Lake basin by humans for at least the past 5000 years (Archaeological Resource Services 2003).

In 1996, a total of 20 prehistoric sites were recorded within Tolay Valley. The plethora of sites, many of which are in relatively undisturbed condition and some of which contain human remains, constitute an area which without a doubt “would qualify for listing on the National Register of Historic Places” (Archaeological Resource Services 2003 p. 7). Archaeological Resource Services (2003) recommends nomination of the Tolay Lake Ranch Property to the National Register of Historic places as a district. “A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development” (Archaeological Resource Services 2003 p. 12).

The Property is also significant historically. It has been occupied and used for agricultural practices by Mexicans and Americans since the early to mid 1800s. It was likely originally a part of the Petaluma Rancho, which at its largest covered 66,000 acres between Petaluma River and Sonoma Creek from the edge of the Bay northward to about where Glen Ellen is located today (EBA Engineering 2004). The rancho began to be divided into smaller holdings in the mid 1860s. The parcel containing the Property was subdivided in the 1860s and was initially over 10,000 acres. At this time it was called the Fair Ranch, and Tolay Lake was drained for farming operations sometime in the late 1800s. The parcel containing the Property was sold twice, and during that time, further subdivided, prior to purchase by the Cardoza family in the 1940s.

The Cardozas have operated the Property as a farm and ranch after obtaining ownership in the early 1940s. The Cardozas held yearly public gatherings at the granary in the compound and the pumpkin patch during October to celebrate Halloween. The Cardozas have recently used the property for agricultural purposes including grazing and crop propagation. Row crops, including pumpkin, are cultivated in the former lakebed, and a 10-acre vineyard is located within Marvin and Rita Cardoza’s ownership along the north end of Parcel 068-060-057. Most of the upland areas are rangeland; cattle acquire water from any of several developed wells, seeps, springs, creeks, or one of the two upland ponds located on the eastern portion of the Property.

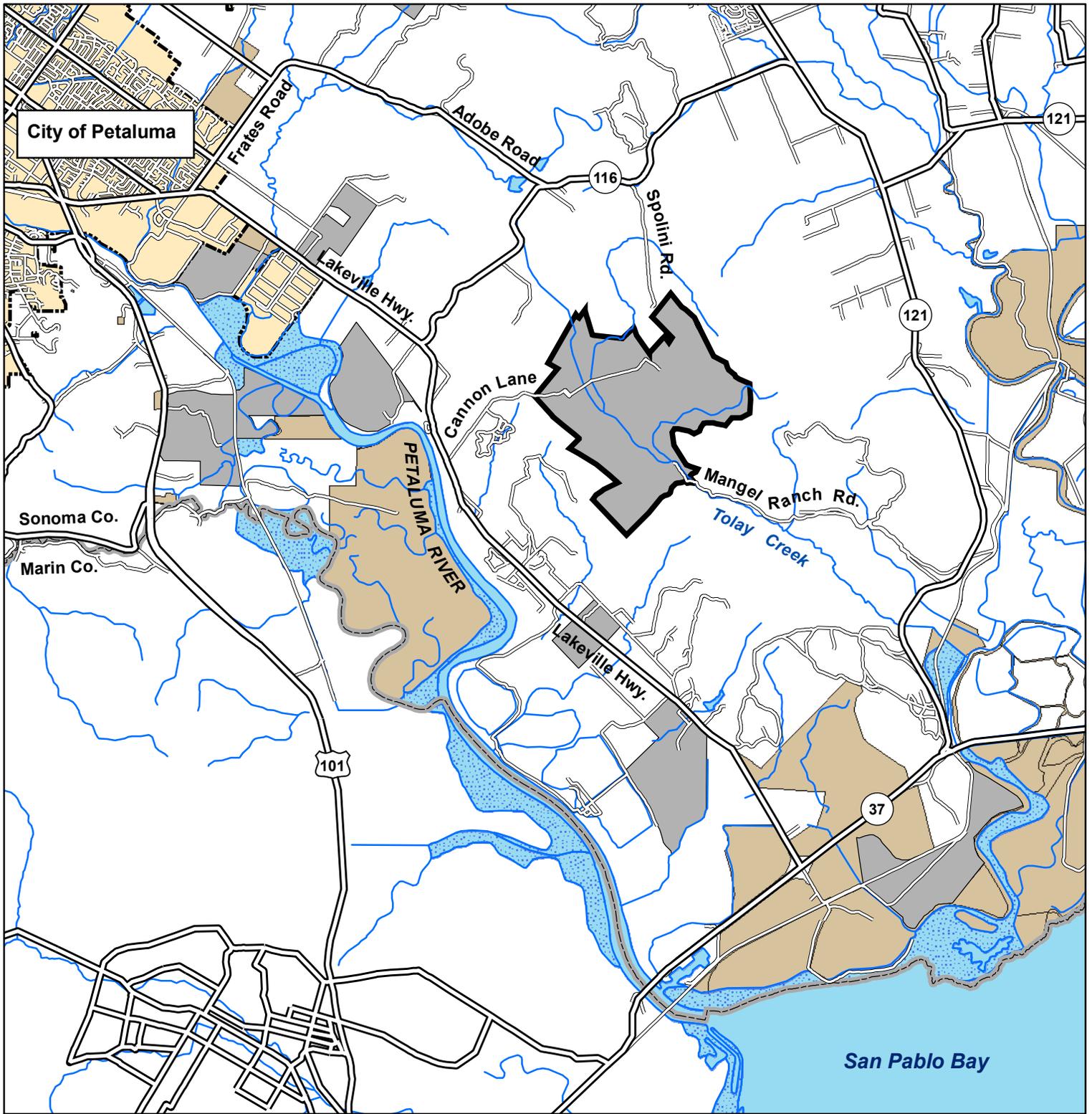
REFERENCES

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EXHIBITS

Exhibit 1	Location Map
Exhibit 2	Topographic Map
Exhibit 3	Soil Type Map
Exhibit 4	Vegetation Type Map
Exhibit 5	Baseline Site Map: Photo Locations
Exhibit 6	Baseline Site Map: Feature Locations
Exhibit 7	Property Improvements Table
Exhibit 8	Sonoma County General Plan Map
Exhibit 9	Assessor Parcel Map
Exhibit 10	Photograph Record
Exhibit 11	Property Photographs



**Tolay Lake Regional Park
Conservation Easement Baseline Document**

Exhibit 1

Location Map

Map Source:

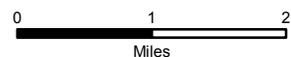
Sonoma County Agricultural Preservation & Open Space District

Prepared by:

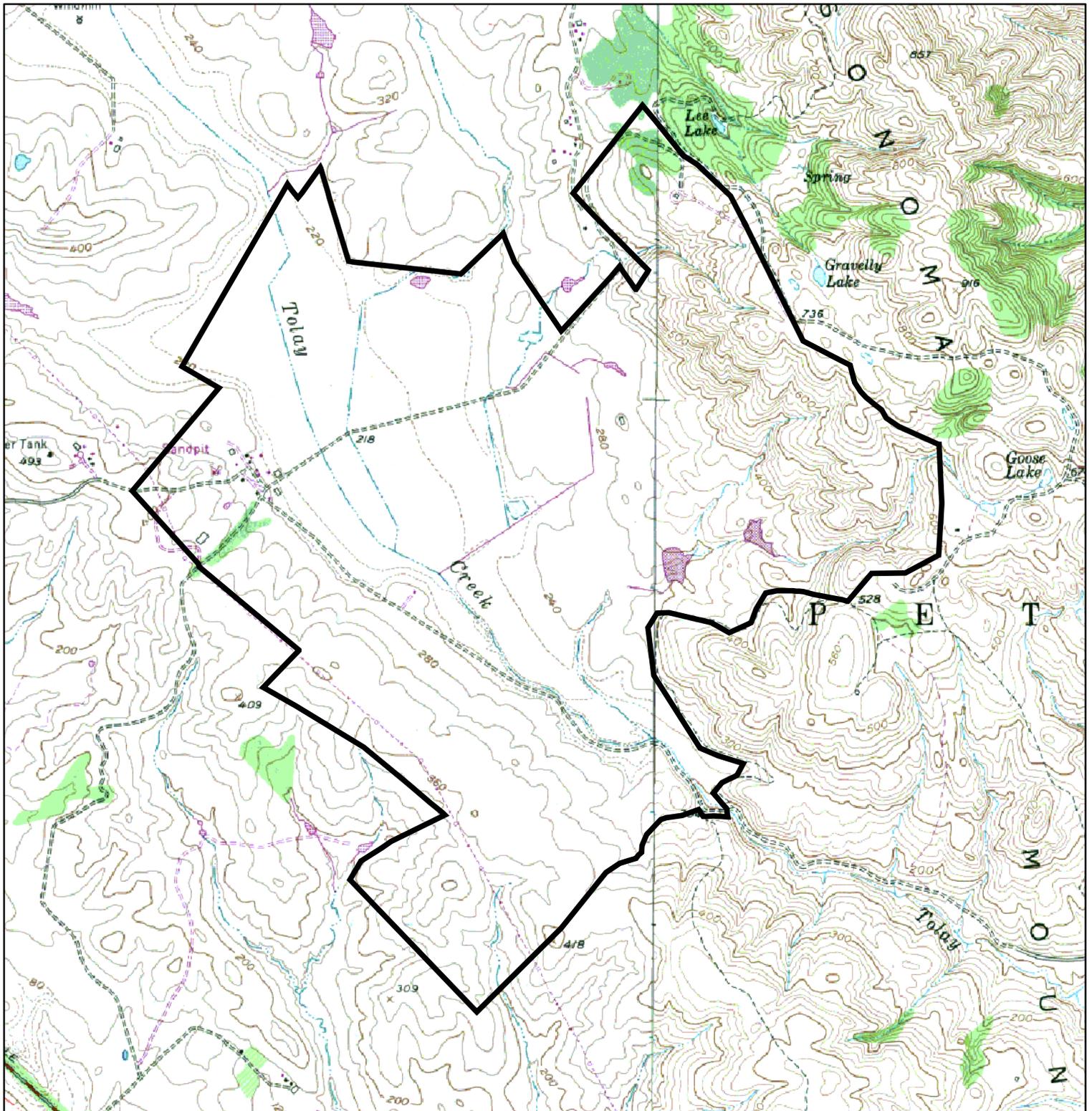
CIRCUIT RIDER PRODUCTIONS, INC.



-  Tolay Lake Regional Park Boundary
-  Regional Cities
-  District Conservation Holdings and Projects
-  Public Lands



Note: This map is for illustrative purposes only and is not intended to be a definitive property description.



**Tolay Lake Regional Park
Conservation Easement Baseline Document**

Exhibit 2

Topographic Map

Map Source:

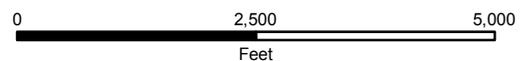
Sonoma County Agricultural Preservation & Open Space District
SureRaster Maps, Inc.; USGS Quadrangle, Petaluma River

Prepared by:

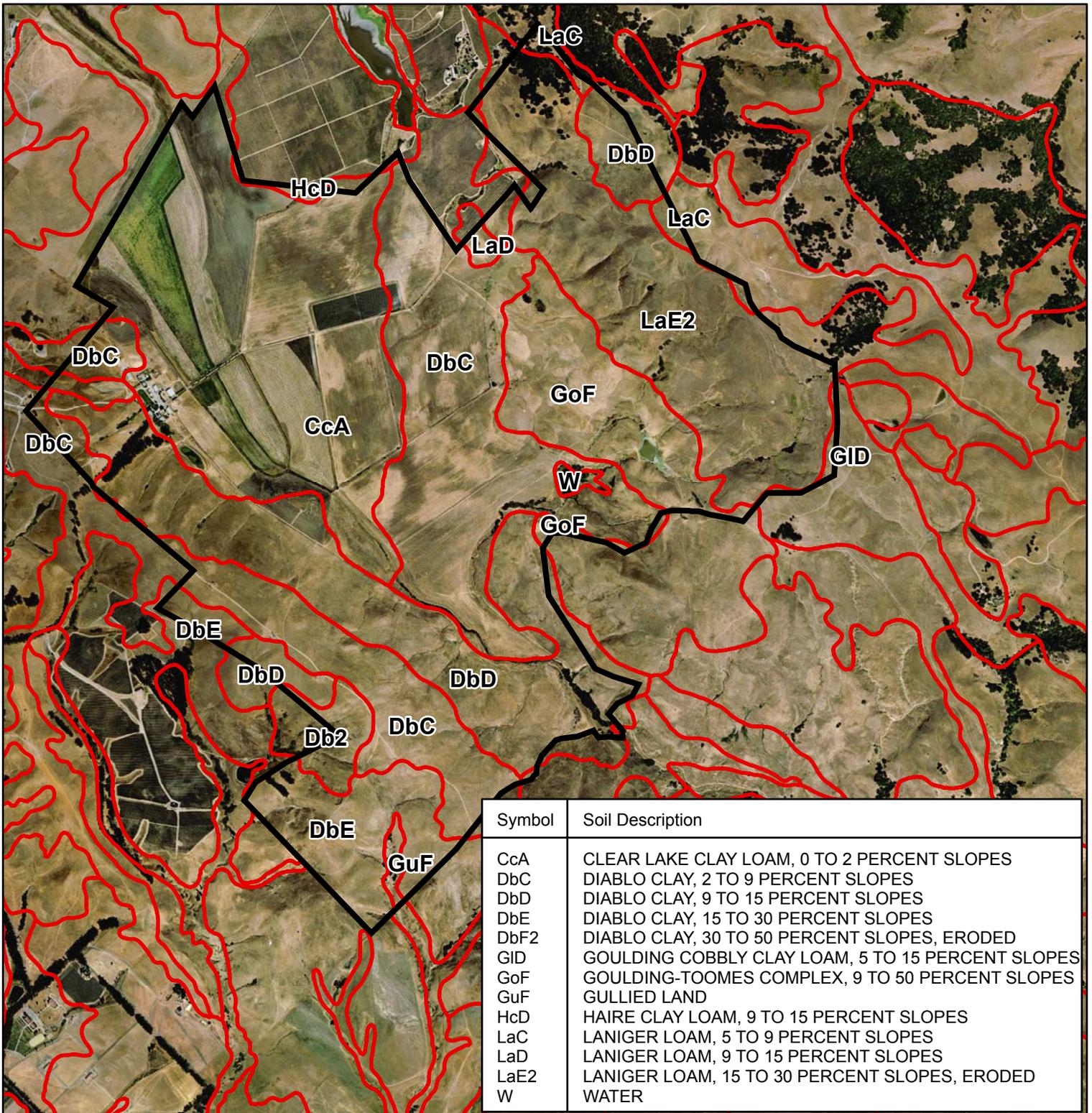
CIRCUIT RIDER PRODUCTIONS, INC.



 Tolay Lake Regional Park Boundary



Note: This map is for illustrative purposes only and is not intended to be a definitive property description.



**Tolay Lake Regional Park
Conservation Easement Baseline Document**

Exhibit 3

Soil Type Map

Map Source:

Sonoma County Agricultural Preservation
& Open Space District
Soil Survey Geographic Data
(SSURGO), NRCS
Resource Strategies, Inc./AirPhoto USA 2004

Prepared by:

CIRCUIT RIDER PRODUCTIONS, INC.



Soil Type Boundary

Tolay Lake Regional Park Boundary



Note: This map is for illustrative purposes only and is not intended to be a definitive property description.

Tolay Lake Regional Park Baseline Document

Vegetation Type Map

Map Source:

Sonoma County Agricultural Preservation & Open Space District
County of Sonoma Regional Parks Department
Resource Strategies, Inc./AirPhoto USA 2004

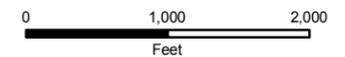
Habitat Type Boundaries

-  Lacustrine
-  Fresh Emergent Wetland
-  Montane Riparian
-  Other Habitat Types

Invasive Plants

-  acacia (*Acacia sp*)
-  eucalyptus (*Eucalyptus globulus*)
-  Himalayan blackberry (*Rubus discolor*)
-  water primrose (*Ludwigia uruguayensis*)

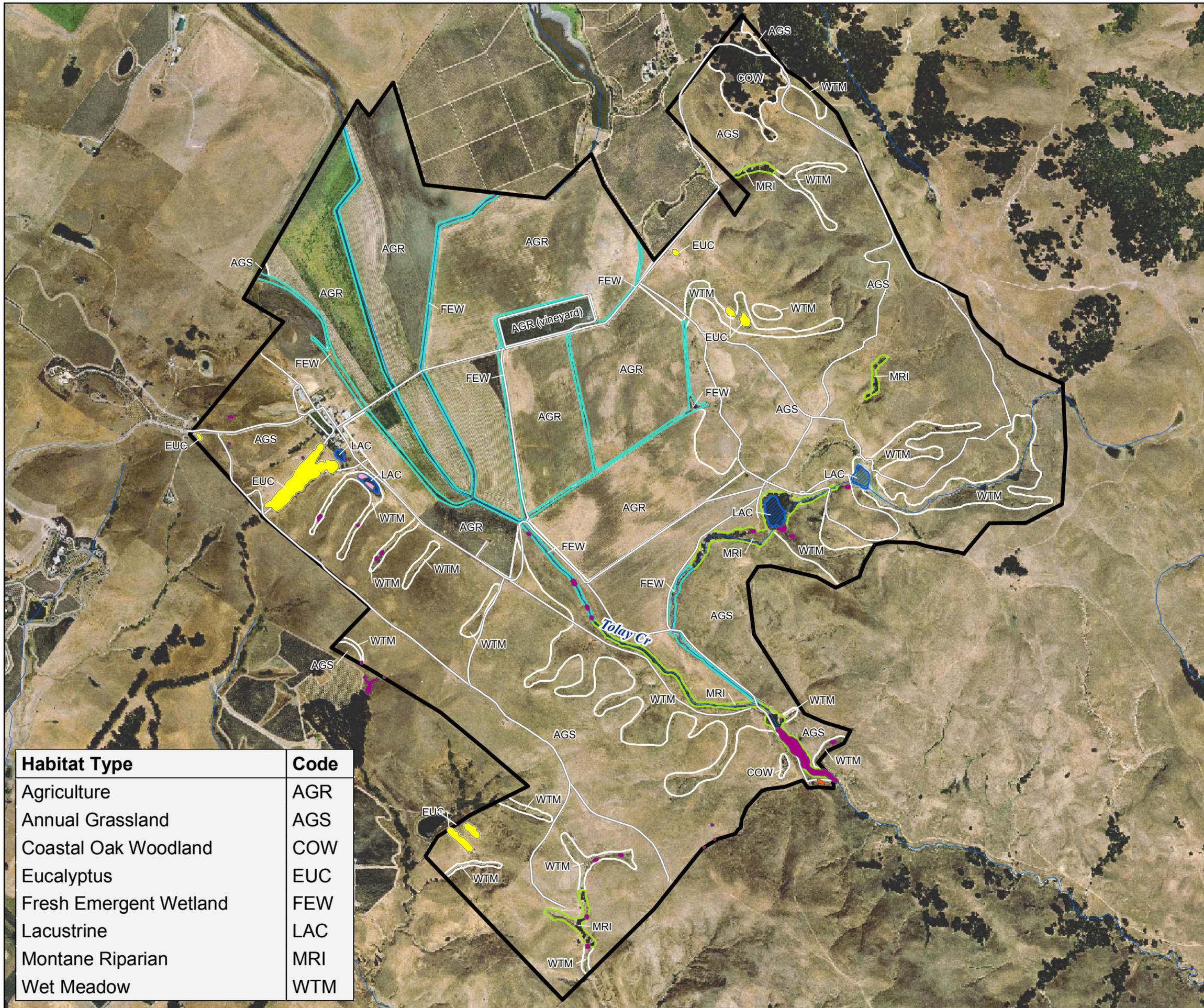
-  Road
-  Stream
-  Tolay Lake Regional Park Boundary



Note: This map is for illustrative purposes only and is not intended to be a definitive property description.



Prepared By:
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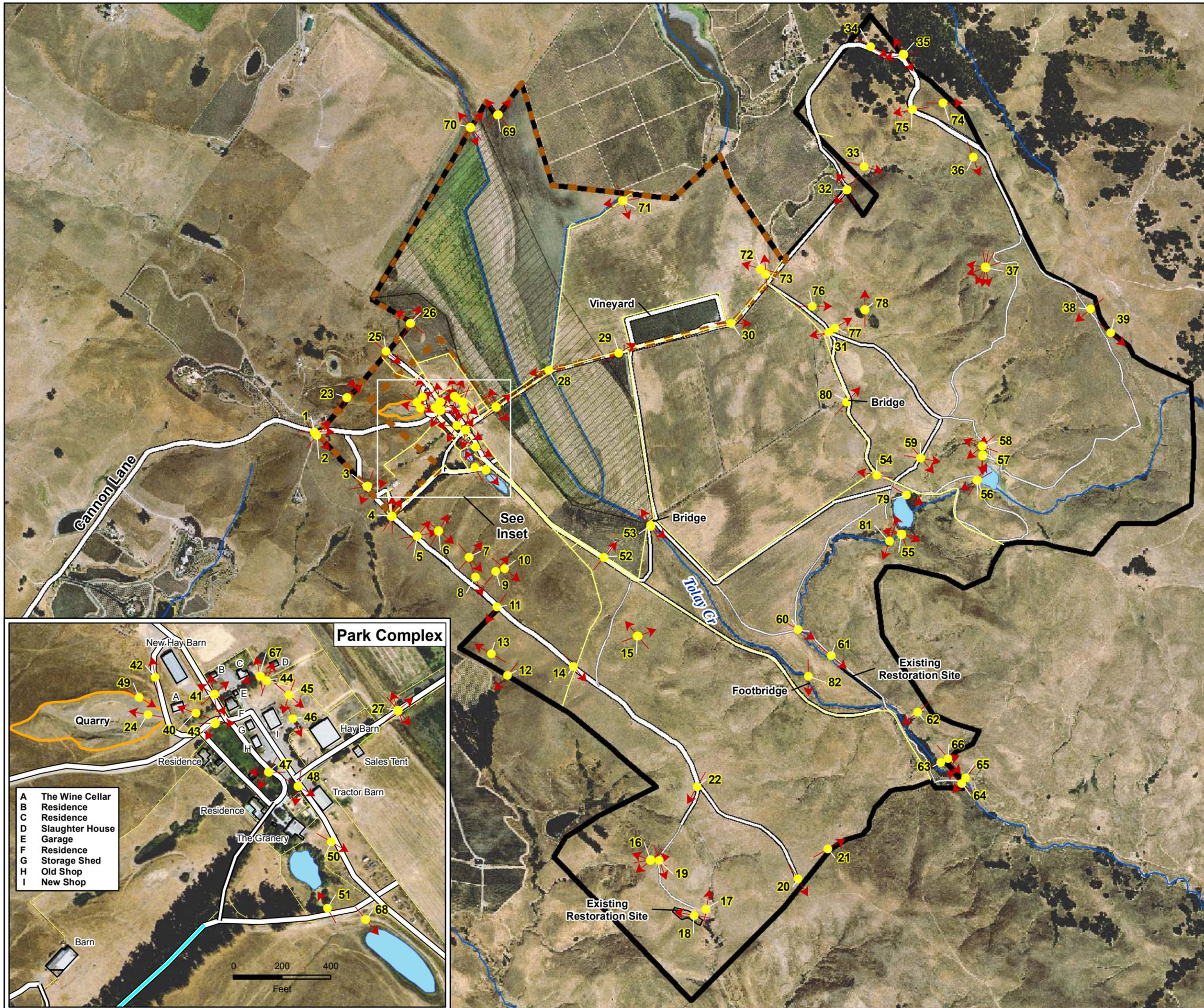
Habitat Type	Code
Agriculture	AGR
Annual Grassland	AGS
Coastal Oak Woodland	COW
Eucalyptus	EUC
Fresh Emergent Wetland	FEW
Lacustrine	LAC
Montane Riparian	MRI
Wet Meadow	WTM

Tolay Lake Regional Park Baseline Document

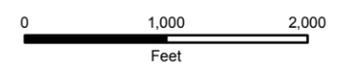
Baseline Site Map: Photo Locations

Map Source:

Sonoma County Agricultural Preservation
& Open Space District
County of Sonoma Regional Parks Department
Ray Carlson & Associates
Resource Strategies, Inc./AirPhoto USA 2004



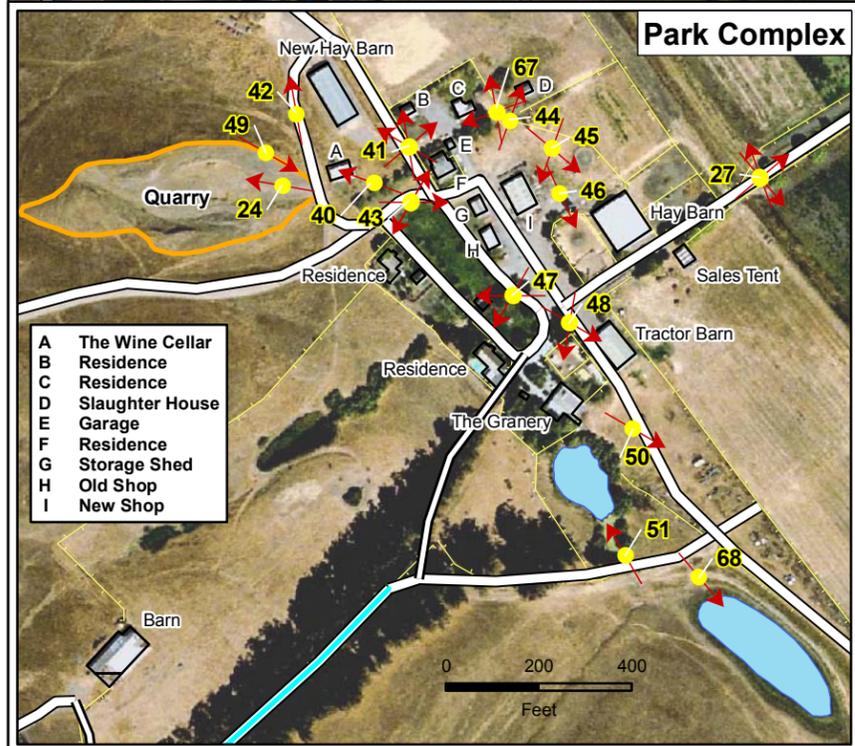
- 16 Photograph Location and Direction
- Interior Fencing
- 2-Wheel Drive, All-Weather Road
- 2-Wheel Drive, Seasonal Road
- 4-Wheel Drive, Seasonal Road
- Stream
- Wildlife Conservation Board/ Department of Fish and Game Easement Boundary
- Tolay Lake Ranch Conservation Easement Boundary: Document # 2005144645, 09/29/2005
- Tolay Lake Regional Park Boundary
- Pond



Note: This map is for illustrative purposes only and is not intended to be a definitive property description.



Prepared By:
CIRCUIT RIDER PRODUCTIONS, INC.



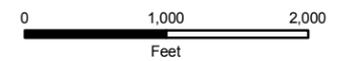
Tolay Lake Regional Park Baseline Document

Baseline Site Map: Feature Locations

Map Source:

Sonoma County Agricultural Preservation & Open Space District
County of Sonoma Regional Parks Department
Ray Carlson & Associates
Resource Strategies, Inc./AirPhoto USA 2004

-  Culvert
-  Debris
-  Well
-  Old Concrete Well Casing
-  Developed Spring
-  Points of Water Diversion (1996 water rights application)
-  Interior Fencing
-  2-Wheel Drive, All-Weather Road
-  2-Wheel Drive, Seasonal Road
-  4-Wheel Drive, Seasonal Road
-  Stream
-  Wildlife Conservation Board/ Department of Fish and Game Easement Boundary
-  Tolay Lake Ranch Conservation Easement Boundary: Document # 2005144645, 09/29/2005
-  Tolay Lake Regional Park Boundary
-  Erosion
-  Pond



Note: This map is for illustrative purposes only and is not intended to be a definitive property description.



Prepared By:
CIRCUIT RIDER PRODUCTIONS, INC.

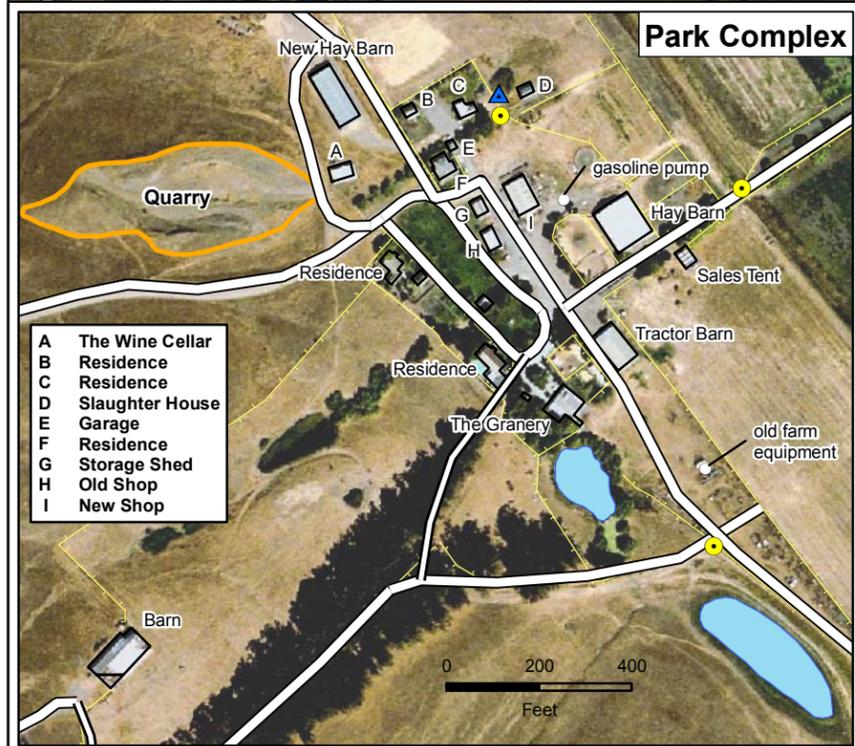
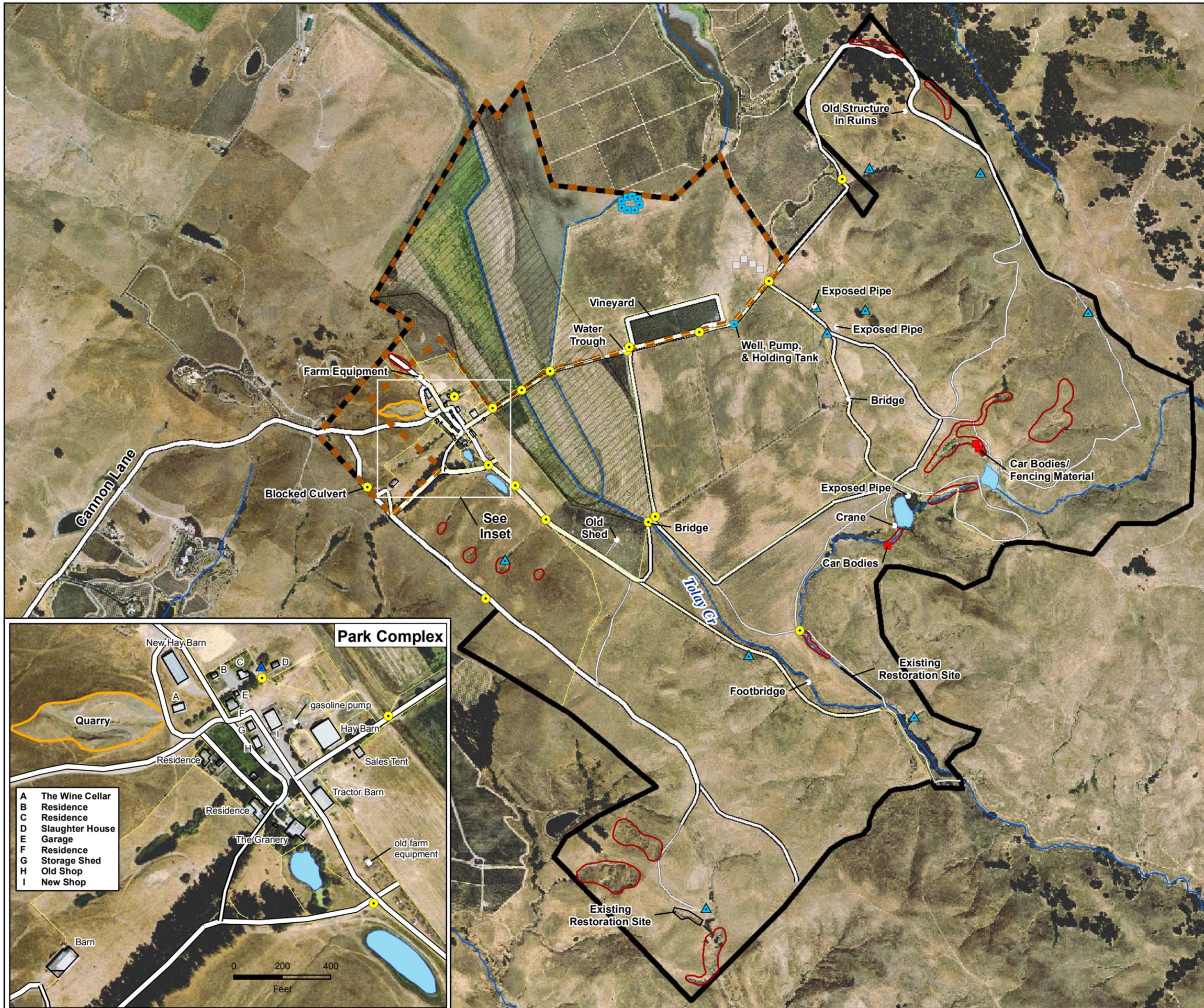


Exhibit 7

Tolay Lake Regional Park Property Baseline Document

PROPERTY IMPROVEMENTS TABLE

Note: Photograph locations are shown on Exhibit 5, Site Map: Photo Locations

Location#	Photo #	Photo Point Location Description	Subject
3	3.2	Under transmission lines 15 feet east of dirt road along western Property boundary	10,912 ft ² Cardoza Barn
40	40	From white fence near entrance to Property compound	1,440 ft ² shed (wine cellar)
41	41.1	From 25 feet NW of green gate leading to NW portion of compound	6,250 ft ² hay barn
41	41.2	From 25 feet NW of green gate leading to NW portion of compound	520 ft ² residence ("Julie's house")
41	41.3	From 25 feet NW of green gate leading to NW portion of compound	900 ft ² residence ("Manuel's house")
42	42	From 25 feet NW of green gate leading to NW portion of compound	Farm equipment
43	43.1	100 feet NE of main access gate to compound	1,408 ft ² residence ("Vera's house")
43	43.2	100 feet NE of main access gate to compound	1,125 ft ² shop ("old shop") and 875 ft ² shed ("storage shed")
43	43.3	100 feet NE of main access gate to compound	1,500 ft ² residence ("Paul's house")
44	44	From clearing, 120 feet south of subject	600 ft ² shed ("slaughter house")
45	45.1	50 feet W of corral	8,500 ft ² barn ("hay barn")
45	45.2	50 feet W of corral	3,750 ft ² shop ("new shop")
46	46	30 feet NW of silo	Gasoline pump
47	47.1	From driveway	2,476 ft ² residence ("Marvin and Rita's house")
47	47.2	From driveway	~ 600 ft ² shed
48	48.1	From driveway	4,500 ft ² barn ("tractor barn")
48	48.2	From driveway	2,500 ft ² barn ("farm stand")
51	51	From SE edge of pond	Pond adjacent to compound
52	52	From gate at N edge of road	Old shed or residence (~ 700 ft ²)
9	9	Approximately 1200 feet N of western Property line road	Developed spring
17	17	Approximately 1000 feet W of eastern Property line	Developed spring

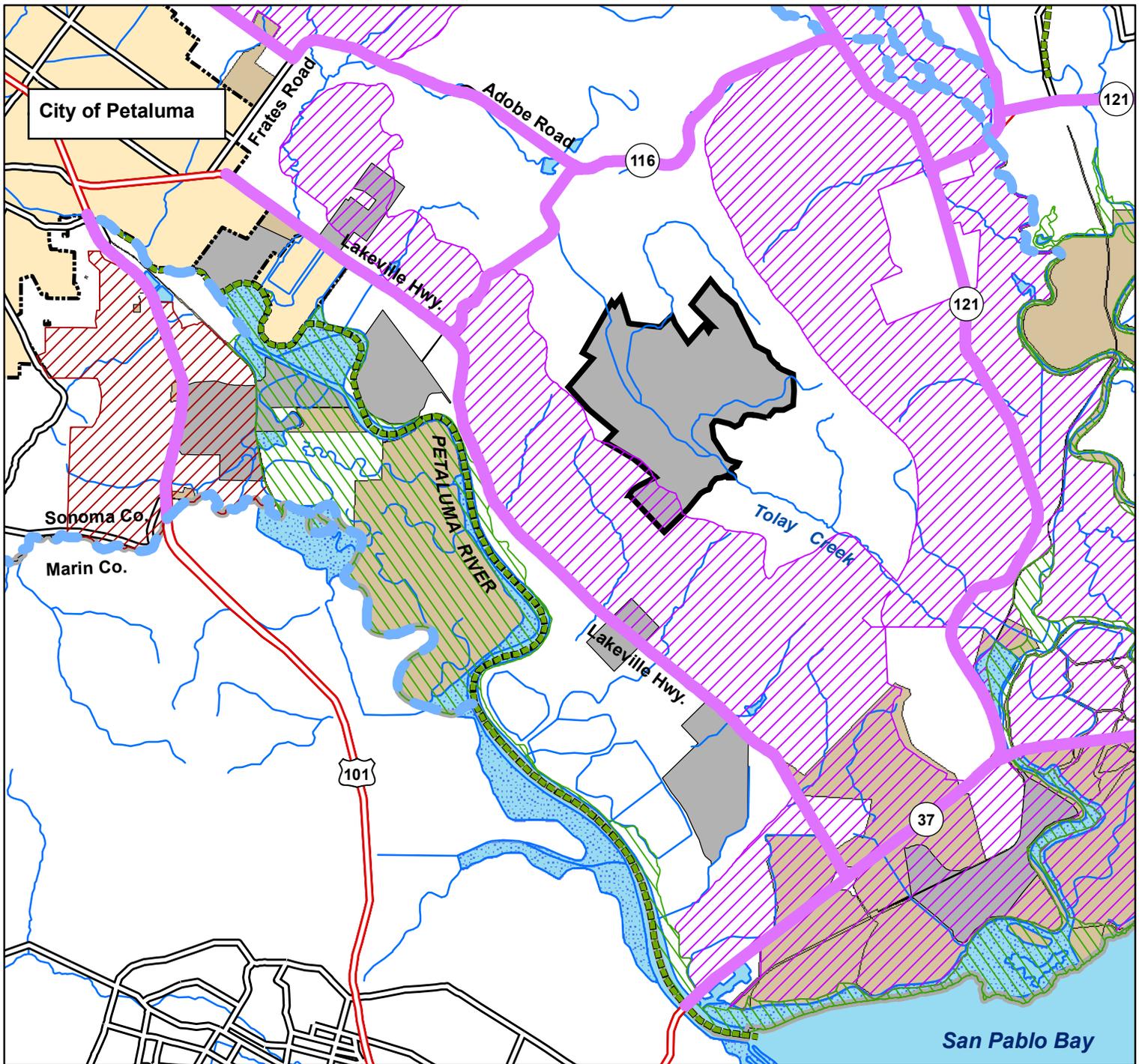
Exhibit 7

Tolay Lake Regional Park Property Baseline Document

PROPERTY IMPROVEMENTS TABLE

Note: Photograph locations are shown on Exhibit 5, Site Map: Photo Locations

Location#	Photo #	Photo Point Location Description	Subject
24	24	From 40 feet SW of historic shed with rock foundation	Quarry
27	27.3	From center of road	Road across lakebed
30	30	From center of road	Well, pump and holding tank
31	31	400 feet SW of eucalyptus grove	Developed spring
33	33.1	From 300 feet N of road along vineyard	Developed spring
36	36	100 feet SW of Property line	Developed spring
38	38	From end of road 40 feet SW of Property line	Spring with water trough; lower pond in background
55	55.1	20 feet SE of outflow point	Lower pond
56	56.2	From earthen dam on upper pond	Upper pond
57	57.2	15 feet S of outflow from upper pond	Upper pond
62	62	30 feet N of water trough at edge of wetland	Developed spring
67	67.2	From culvert, 300 feet W of shed	Developed spring
68	68	From 30 feet S of gate	Pond with <i>Ludwigia</i> sp.
71	71.1	From approximately 80 feet SE of neighboring vineyard	Western-most well (one of eight) along perimeter of basin
71	71.2	From approximately 80 feet SE of neighboring vineyard	Pallets over two wells along perimeter of basin
72	72	One hundred feet west of road, 600 feet north of vineyard	Old concrete well casing
76	76	Forty feet north of road	Exposed PVC coming from developed spring
77	77	Fifty feet north of developed spring (concrete structure)	Exposed steel pipe leading to developed spring
78	78	Fifty feet NE of large eucalyptus	Developed spring
79	79	Northern edge of lower pond	Four inch PVC with valve
80	80	From approximately 40 feet south of bridge	Stone footing of bridge
82	82	From top of levee approximately 100 feet NE of footbridge	Footbridge over Tolay Creek



Tolay Lake Regional Park Conservation Easement Baseline Document

Exhibit 8

Sonoma County General Plan Map

Map Source:

Sonoma County Agricultural Preservation & Open Space District

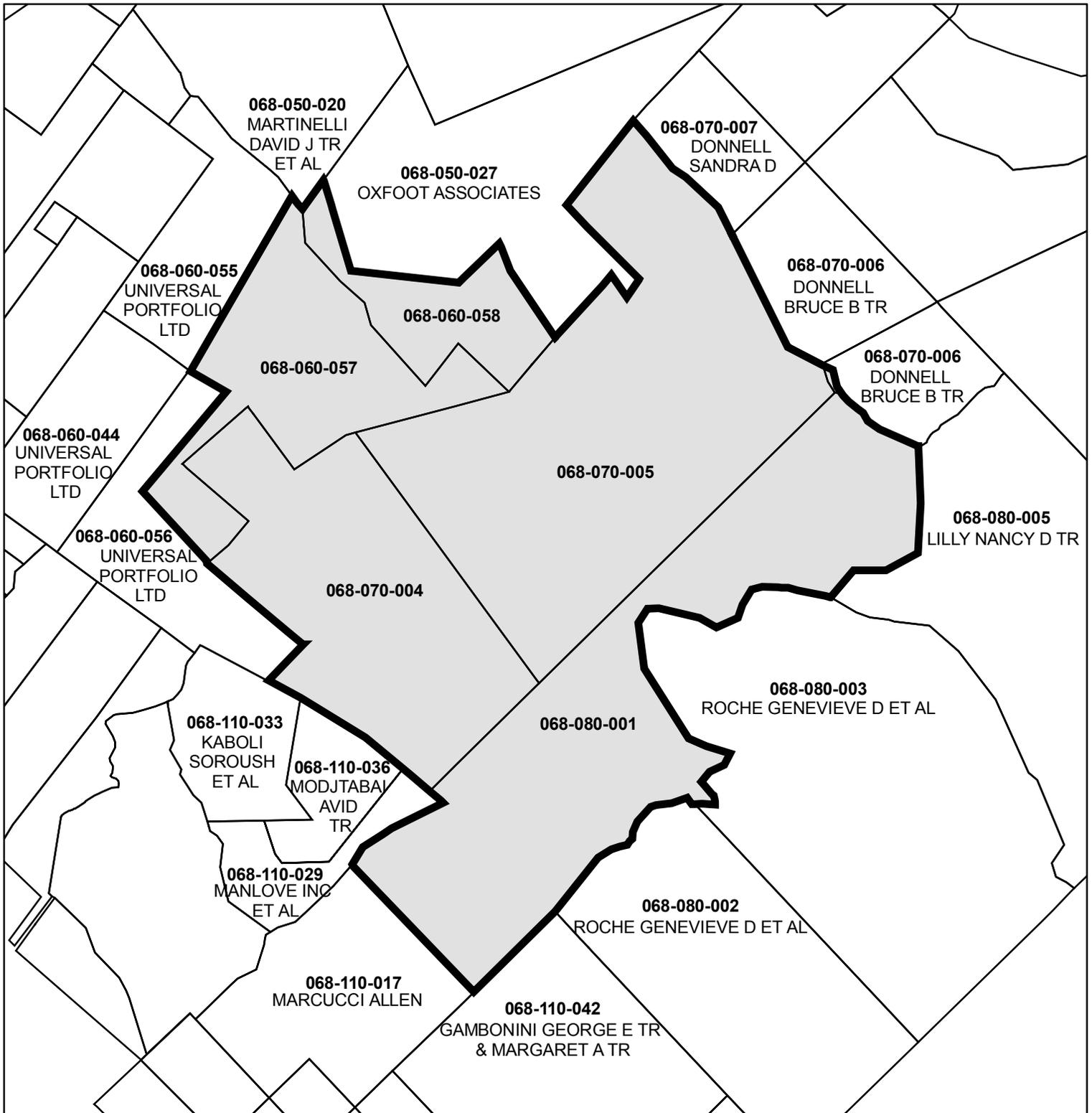
Prepared by:

CIRCUIT RIDER PRODUCTIONS, INC.



- Proposed Trails
- Riparian Corridor
- Scenic Corridor
- Scenic Landscape Unit
- Critical Habitat Area
- Community Separator
- Tolay Lake Regional Park Boundary
- Regional Cities
- District Conservation Holdings and Projects
- Public Lands

Note: This map is for illustrative purposes only and is not intended to be a definitive property description.



**Tolay Lake Regional Park
Conservation Easement Baseline Document**

Exhibit 9

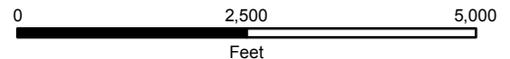
Assessor Parcel Map



 Tolay Lake
Regional Park Boundary

Map Source:

Sonoma County Agricultural Preservation
& Open Space District
Sonoma County Assessor's Office



Prepared by:

CIRCUIT RIDER PRODUCTIONS, INC.

Note: This map is for illustrative purposes only and is not intended to be a definitive property description.

Exhibit 10
Tolay Lake Regional Park Property
Baseline Document
PHOTOGRAPH RECORD

Date: 09/01/05, 09/02/05, 09/07/05, 04/18/06

Focal Length: 35 mm

Note: Photograph locations are shown on Exhibit 5, Site Map: Photo Locations

Photographer: R. Evans

Film Type: Digital

Page: 1

Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
1	1	6409998.9, 1836730.4	From Cannon Road, 50 feet west of entrance gate to Property	Access to Property off Cannon Road	90°
2	2.1	6410032.4, 1836682.6	30 feet south of Cannon Road gate	Western Property line south of Cannon Road entrance with transmission towers in background	140°
2	2.2	6410032.4, 1836682.6	30 feet south of Cannon Road gate	Western Property line north of Cannon Road entrance with Cannon Road in foreground	40°
3	3.1	6410712.8, 1835997.0	Under transmission lines 15 feet east of dirt road along western property boundary	Blocked culvert	200°
3	3.2	6410712.8, 1835997.0	Under transmission lines 15 feet east of dirt road along western Property boundary	Barn with eucalyptus grove in background	80°
4	4.1	6411042.2, 1835596.3	From dirt road along western Property boundary under transmission lines	Spiny cocklebur infestation	360°
4	4.2	6411042.2, 1835596.3	From dirt road along western Property boundary under transmission lines	Eucalyptus grove, historic entrance to compound	30°
5	5.1	6411389.0, 1835329.1	Along western Property line road, approximately 1000 feet SE of eucalyptus grove	Purple star thistle	40°
5	5.2	6411389.0, 1835329.1	Along western Property line road, approximately 1000 feet SE of eucalyptus grove	Yellow star thistle	80°

Exhibit 10
Tolay Lake Regional Park Property
Baseline Document
PHOTOGRAPH RECORD

Date: 09/01/05, 09/02/05, 09/07/05, 04/18/06

Focal Length: 35 mm

Note: Photograph locations are shown on Exhibit 5, Site Map: Photo Locations

Photographer: R. Evans

Film Type: Digital

Page: 2

Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
6	6.1	6411676.5, 1835394.6	Approximately 400 feet N of western Property line	Head cut in seasonal wetland (wet meadow habitat) drainage	130°
6	6.2	6411676.5, 1835394.6	Approximately 400 feet N of western Property line	Drainage with Himalayan blackberry infestation	30°
7	7.1	6412090.4, 1835047.7	Approximately 400 feet N of western Property line	Head cut in seasonal wetland (wet meadow habitat) drainage	140°
7	7.2	6412090.4, 1835047.7	Approximately 400 feet N of western Property line	Seasonal wetland (wet meadow habitat) drainage	40°
8	8	6412172.5, 1834770.9	Approximately 100 feet N of western property line and 600 feet SW of developed spring	Purple star thistle infestation	160°
9	9	6412449.6, 1834854.3	Approximately 1200 feet N of western Property line road	Developed spring with Himalayan blackberry	40°
10	10	6412567.2, 1834885.5	Approximately 40 feet south of developed spring	Bull thistle	130°
11	11	6412455.1, 1834371.7	From road at Property corner	Western property line with neighboring vineyard in background	215°
12	12	6412597.0, 1833451.3	25 feet N of property line near neighboring vineyard	Himalayan blackberry at Property line	220°
13	13	6412384.1, 1833750.1	Approx. 130 feet N of western Property line and neighboring vineyard	Drainage along western portion of Property	300°
14	14	6413499.1, 1833572.9	20 feet W of gate	Interior gate with artichoke thistle and transmission tower in background	140°

Exhibit 10
Tolay Lake Regional Park Property
Baseline Document
PHOTOGRAPH RECORD

Date: 09/01/05, 09/02/05, 09/07/05, 04/18/06

Focal Length: 35 mm

Note: Photograph locations are shown on Exhibit 5, Site Map: Photo Locations

Photographer: R. Evans

Film Type: Digital

Page: 3

Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
15	15.1	6414360.7, 1833984.7	Approximately 2000 feet N of western Property line road	Compound and Tolay lakebed in background	320°
15	15.2	6414360.7, 1833984.7	Approximately 2000 feet N of western Property line road	Ponds in background to left; Tolay Creek in background to right	70°
16	16.1	6414534.2, 1830974.1	40 feet W of road	Slump scarp	80°
16	16.2	6414534.2, 1830974.1	40 feet W of road	Eucalyptus grove with neighboring pond in background	290°
16	16.3	6414534.2, 1830974.1	40 feet W of road	Old slump with neighboring property to south and Petaluma River in background	230°
17	17	6415284.7, 1830320.7	Approximately 1000 feet W of eastern Property line	Developed spring with willows in background	10°
18	18	6415119.4, 1830232.0	From N edge of exclosure fence	Restoration planting within cattle exclosure fence	280°
19	19	6414656.2, 1830960.0	From road	Drainage at southeast corner of Property with neighboring property in background	160°
20	20	6416527.8, 1830712.6	From road, 40 feet NW of Property line	Gate at road end at southeast Property line	150°
21	21	6416932.7, 1831127.9	15 feet W of Property line fence, approximately 600 feet N or road end	Himalayan blackberry along eastern Property line	60°
22	22	6415164.7, 1831956.0	From junction of ranch roads	Dirt ranch road to southern portion of Property	210°

Exhibit 10
Tolay Lake Regional Park Property
Baseline Document
PHOTOGRAPH RECORD

Date: 09/01/05, 09/02/05, 09/07/05, 04/18/06

Focal Length: 35 mm

Note: Photograph locations are shown on Exhibit 5, Site Map: Photo Locations

Photographer: R. Evans

Film Type: Digital

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Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
23	23.1	6410439.2, 1837191.9	Property line fence approximately 50 feet from transmission tower	Property line with lakebed in background	50°
23	23.2	6410439.2, 1837191.9	Property line fence approximately 50 feet from transmission tower	Northwestern Property line and Tolay lakebed in background, neighboring property in foreground	20°
24	24	6411421.2, 1837047.6	From 40 feet SW of historic shed with rock foundation	Quarry	280°
25	25	6410963.0, 1837808.0	Property line fence	Road cut through mound	130°
26	26.1	6411299.4, 1838194.6	Property corner fence line	New Property line and Tolay lakebed in background	30°
26	26.2	6411299.4, 1838194.6	Property corner fence line	Southwest Property line	310°
27	27.1	6412451.5, 1837064.1	From center of road	Berm on left; Tolay lakebed on right	340°
27	27.2	6412451.5, 1837064.1	From center of road	Berm on right; Tolay lakebed with pumpkins and sunflowers to the left	140°
27	27.3	6412451.5, 1837064.1	From center of road	Road across lakebed	50°
28	28	6413154.3, 1837556.1	From NW edge of road at culvert	Tolay lakebed with swamp smartweed in foreground and compound in background	260°
29	29	6414111.8, 1837791.8	From center of road 50 feet S of gate	Cattle in foreground, vineyard in background, gravel road with gate	60°

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PHOTOGRAPH RECORD

Date: 09/01/05, 09/02/05, 09/07/05, 04/18/06

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Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
30	30	6415628.4, 1838184.2	From center of road	Well, pump and holding tank	90°
31	31	6416937.9, 1838064.3	400 feet SW of eucalyptus grove	Developed spring with Tolay lakebed and ranch compound in background	260°
32	32.1	6417184.1, 1839984.2	From 90 ° bend in road	Western Property line with neighboring vineyard to right	220°
32	32.2	6417184.1, 1839984.2	From 90° bend in road	Access road located on adjacent property	330°
33	33.1	6417420.5, 1840292.2	From 300 feet N of road along vineyard	Developed spring	105°
34	34	6417512.9, 1841900.5	From road along drainage	Drainage through coastal oak woodland habitat	120°
35	35.1	6417949.2, 1841796.9	From Property boundary fence line, 30 feet N of road	Old bridge in foreground, firewood cutting operation in background	260°
35	35.2	6417949.2, 1841796.9	From Property boundary fence line, 30 feet N of road	Northern Property boundary	330°
35	35.3	6417949.2, 1841796.9	From Property boundary fence line, 30 feet N of road	Northern Property boundary	150°
36	36	6418892.2, 1840416.2	100 feet SW of Property line	Developed spring	160°
37	37.1	6419055.7, 1838933.4	60 feet west of top of knoll	Panoramic. Eastern portion of Property with upper pond, lower pond and San Pablo Bay and Mount Tamalpais in background	170°

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Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
37	37.2	6419055.7, 1838933.4	60 feet west of top of knoll	Panoramic. Eastern portion of Property with upper pond, lower pond and San Pablo Bay and Mount Tamalpais in background	190°
37	37.3	6419055.7, 1838933.4	60 feet west of top of knoll	Panoramic. Eastern portion of Property with upper pond, lower pond and San Pablo Bay and Mount Tamalpais in background	210°
37	37.4	6419055.7, 1838933.4	60 feet west of top of knoll	Panoramic. Tolay lakebed in foreground, ranch compound in background and neighboring vineyard at right	250°
37	37.5	6419055.7, 1838933.4	60 feet west of top of knoll	Panoramic. Tolay lakebed in foreground, ranch compound in background and neighboring vineyard at right	280°
38	38	6420474.8, 1838373.8	From end of road 40 feet SW of Property line	Spring with water trough; lower pond in background	230°
39	39	6420750.4, 1838055.7	From fence line along NE portion of Property	Far eastern portion of Property	130°
40	40	6411617.8, 1837053.4	From white fence near entrance to Property compound	1,440 ft ² shed (wine cellar)	290°
41	41.1	6411693.6, 1837132.4	From 25 feet NW of green gate leading to NW portion of compound	6,250 ft ² hay barn	300°

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Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
41	41.2	6411693.6, 1837132.4	From 25 feet NW of green gate leading to NW portion of compound	520 ft ² residence ("Julie's house")	350°
41	41.3	6411693.6, 1837132.4	From 25 feet NW of green gate leading to NW portion of compound	900 ft ² residence ("Manuel's house")	50°
42	42	6411451.8, 1837203.4	From 25 feet NW of green gate leading to NW portion of compound	Farm equipment	350°
43	43.1	6411699.9, 1837011.6	100 feet NE of main access gate to compound	1,408 ft ² residence ("Vera's house")	210°
43	43.2	6411699.9, 1837011.6	100 feet NE of main access gate to compound	1,125 ft ² shop ("old shop") and 875 ft ² shed ("storage shed")	90°
43	43.3	6411699.9, 1837011.6	100 feet NE of main access gate to compound	1,500 ft ² residence ("Paul's house")	30°
44	44	6411912.2, 1837189.5	From clearing, 120 feet south of subject	600 ft ² shed ("slaughter house")	20°
45	45.1	6412003.0, 1837127.3	50 feet W of corral	8,500 ft ² barn ("hay barn")	130°
45	45.2	6412003.0, 1837127.3	50 feet W of corral	3,750 ft ² shop ("new shop")	200°
46	46	6412019.8, 1837030.6	30 feet NW of silo	Gasoline pump	155°
47	47.1	6411917.6, 1836811.5	From driveway	2,476 ft ² residence ("Marvin and Rita's house")	210°
47	47.2	6411917.6, 1836811.5	From driveway	~ 600 ft ² shed	270°

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Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
48	48.1	6412040.9, 1836752.5	From driveway	4,500 ft ² barn ("tractor barn")	120°
48	48.2	6412040.9, 1836752.5	From driveway	2,500 ft ² barn ("farm stand")	190°
49	49	6411386.9, 1837116.4	From W edge of quarry	Overview of compound	120°
50	50	6412176.9, 1836524.5	From road 200 feet SE of tractor barn	Old farm equipment	120°
51	51	6412161.9, 1836254.8	From SE edge of pond	Pond adjacent to compound	330°
52	52	6413907.9, 1835047.7	From gate at N edge of road	Old shed or residence (~ 700 ft ²)	40°
53	53.1	6414539.0, 1835466.0	30 feet SE of bridge	Bridge across Tolay Creek	330°
53	53.2	6414539.0, 1835466.0	30 feet SE of bridge	Tolay Creek below bridge	130°
54	54	6417583.9, 1836148.0	Approximately 1000 feet west of lower pond	Undeveloped spring (impacted by cattle)	280°
55	55.1	6417923.0, 1835350.1	20 feet SE of outflow point	Lower pond with old crane	340°
55	55.2	6417923.0, 1835350.1	20 feet SE of outflow point	Outflow of lower pond	280°
55	55.3	6417923.0, 1835350.1	20 feet SE of outflow point	Lower pond watershed with natural springs in background	110°

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Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
56	56.1	6418944.7, 1836078.1	From earthen dam on upper pond	Drainage to lower pond with lower pond in background	240°
56	56.2	6418944.7, 1836078.1	From earthen dam on upper pond	Upper pond	30°
57	57.1	6419018.0, 1836412.0	15 feet S of outflow from upper pond	Outflow lined with concrete with spiny cocklebur, purple star thistle, yellow star thistle	5°
57	57.2	6419018.0, 1836412.0	15 feet S of outflow from upper pond	Upper pond	180°
58	58.1	6419008.5, 1836534.6	Approximately 50 feet N of upper pond outflow	Old car body in eroded drainage below upper pond	230°
58	58.2	6419008.5, 1836534.6	Approximately 50 feet N of upper pond outflow	Old car body and fencing material in eroded drainage below upper pond	290°
59	59.1	6418187.7, 1836370.9	From edge of road below upper pond	Bank erosion in drainage below upper pond	100°
59	59.2	6418187.7, 1836370.9	From edge of road below upper pond	Wetland (in background) between upper and lower pond	140°
60	60	6416529.5, 1834067.0	From culvert at road crossing	Culvert at crossing of lower pond drainage; yellow star thistle	120°
61	61	6416976.5, 1833715.0	From road at W end of exclusion fence	Exclusion fence around drainage from lower pond with restoration planting	130°
62	62	6418141.0, 1832956.1	30 feet N of water trough at edge of wetland	Developed spring and wetland with Tolay Creek in background	230°

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Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
63	63	6418459.0, 1832286.8	80 feet SW of gate	Drainage at eastern portion of Property with Property line fence at right	70°
64	64	6418734.0, 1832010.1	From fallen down Property line fence, 50 feet S of Tolay Creek	<i>Acacia dealbata</i> at left; Tolay Creek at southern Property boundary at right; rock outcrop with <i>Aesculus californica</i> grove in background	310°
65	65	6418784.1, 1832075.2	From 20 feet NE of crossing	Southern Property line at Tolay Creek crossing	220°
66	66	6418552.3, 1832338.6	From Property corner fence line	Property line fence with Tolay Creek at right (breached area in background)	140°
67	67.1	6411883.4, 1837206.0	From culvert, 30 feet W of shed	Drainage from compound leading to Tolay lakebed	250°
67	67.2	6411883.4, 1837206.0	From culvert, 300 feet W of shed	Developed spring	350°
68	68	6412320.4, 1836206.6	From 30 feet S of gate	Pond with <i>Ludwigia</i> sp.	140°
69	69.1	6412472.9, 1840991.9	From Property line fence corner	Property line with neighboring vineyard in background	40°
69	69.2	6412472.9, 1840991.9	From Property line fence corner	Property line with neighboring property/Tolay Creek in background	320°
70	70.1	6412103.4, 1840817.4	From Property line fence at Tolay Creek intercept	Tolay lake bed at northwest Property line	320°
70	70.2	6412103.4, 1840817.4	From Property line fence at Tolay Creek intercept	Tolay lake bed at northwest Property line	40°

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Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
70	70.2	6414156.6, 1839828.5	From Property line fence at Tolay Creek intercept	Tolay lakebed with ranch compound in background	160°
71	71.1	6414156.6, 1839828.5	From approximately 80 feet SE of neighboring vineyard	Western-most well (one of eight) along perimeter of basin	260°
71	71.2	6416018.8, 1838920.1	From approximately 80 feet SE of neighboring vineyard	Pallets over two wells along perimeter of basin	160°
72	72	6416091.2, 1838853.0	One hundred feet west of road, 600 feet north of vineyard	Old concrete well casing	285°
73	73	6418486.9, 1841145.2	Thirty feet west of road	Drainage coming from adjacent vineyard	355°
74	74	6418067.8, 1841057.6	Approximately 200 feet south of Property line fence	Erosion in drainage near northeast Property boundary	90°
75	75	6411883.4, 1837206.0	From center of road	Old structure in ruins	260°
76	76	6416722.7, 1838416.2	Forty feet north of road	Exposed PVC coming from developed spring	90°
77	77	6417030.8, 1838128.4	Fifty feet north of developed spring (concrete structure)	Exposed steel pipe leading to developed spring	60°
78	78	6417430.9, 1838369.4	Fifty feet NE of large eucalyptus	Developed spring	360°
79	79	6417995.2, 1835876.4	Northern edge of lower pond	Four inch PVC with valve	120°

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Location #	Photo #	State Plane Coordinates	Photo Point Location Description	Subject	Direction
80	80	6417183.6, 1837135.3	From approximately 40 feet south of bridge	Stone footing of bridge	42°
81	81	6417759.7, 1835256.2	From down stream end of concrete spillway	Old car body in eroded drainage below lower pond – eastern portion of Property	200°
82	82	6416665.1, 1833438.5	From top of levee, approximately 100' NE of footbridge	Footbridge over Tolay Creek	179°

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Location #1
Photograph #1

Access to Property off Cannon Road



Location #2
Photograph #2.1

Western Property line south of
Cannon Road entrance with
transmission towers in background

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Location #2
Photograph #2.2

Western Property line north of
Cannon Road entrance, with
Cannon Road in foreground



Location #3
Photo #3.1

Blocked culvert

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Location #3
Photograph #3.2

Barn with eucalyptus grove in
background



Location #4
Photograph #4.1

Spiny cocklebur infestation

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Location #4
Photograph #4.2

Eucalyptus grove, historic entrance
to compound



Location #5
Photograph #5.1

Purple star thistle

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Location #5
Photograph #5.2

Yellow star thistle



Location #6
Photograph #6.1

Head cut in seasonal wetland
(wet meadow habitat) drainage

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Location #6
Photograph #6.2

Drainage with Himalayan
blackberry infestation



Location #7
Photograph #7.1

Head cut in seasonal wetland
(wet meadow habitat) drainage

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Location #7
Photograph #7.2

Seasonal wetland (wet
meadow habitat) drainage



Location #8
Photograph #8

Purple star thistle infestation

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Location #9
Photograph #9

Developed spring with
Himalayan blackberry



Location #10
Photograph #10

Bull thistle

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Location #11
Photograph #11

Western Property line
with neighboring vineyard in
background



Location #12
Photograph #12

Himalayan blackberry
at Property line

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Location #13
Photograph #13

Drainage along western
portion of Property



Location #14
Photograph #14

Interior gate with artichoke thistle
and transmission tower
in background

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Location #15
Photograph #15.1

Compound and Tolay lakebed
in background



Location #15
Photograph #15.2

Ponds in background to left;
Tolay Creek in background to right

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Location #16
Photograph #16.1

Slump scarp



Location #16
Photograph #16.2

Eucalyptus grove with neighboring
pond in background

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Location #16
Photograph #16.3

Old slump with neighboring
property to south and Petaluma
River in background



Location #17
Photograph #17

Developed spring with willows
in background

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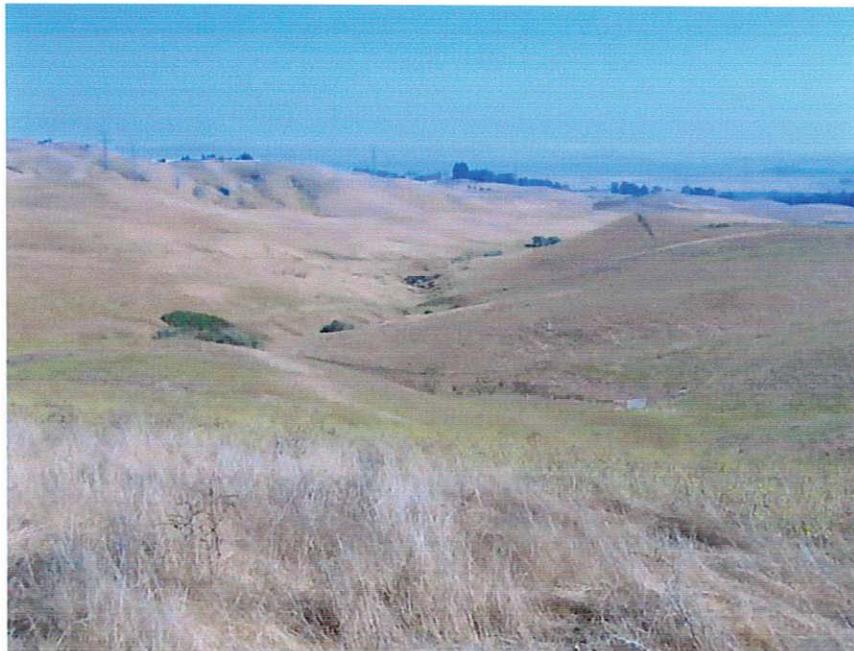
LANDOWNER CERTIFICATION:

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Location #18
Photograph #18

Restoration planting within
cattle-exclosure fence



Location #19
Photograph #19

Drainage at southeast corner of
Property with neighboring property
in background

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Location #20
Photograph #20

Gate at road end along
southeastern Property line



Location #21
Photograph #21

Himalayan blackberry along
eastern Property line

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Location #22
Photograph #22

Dirt ranch road to southern
portion of Property



Location #23
Photograph #23.1

Property line with lakebed
in background

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Location #23
Photograph #23.2

Northwestern Property line and
Tolay lakebed in background;
neighboring property in
foreground



Location #24
Photograph #24

Quarry

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BASELINE DOCUMENT**

PHOTOGRAPH RECORDS

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Sonoma County Agricultural
Preservation and Open Space District
BASELINE DOCUMENTATION

DOCUMENTATION BY: RE DATE: 6/14/06

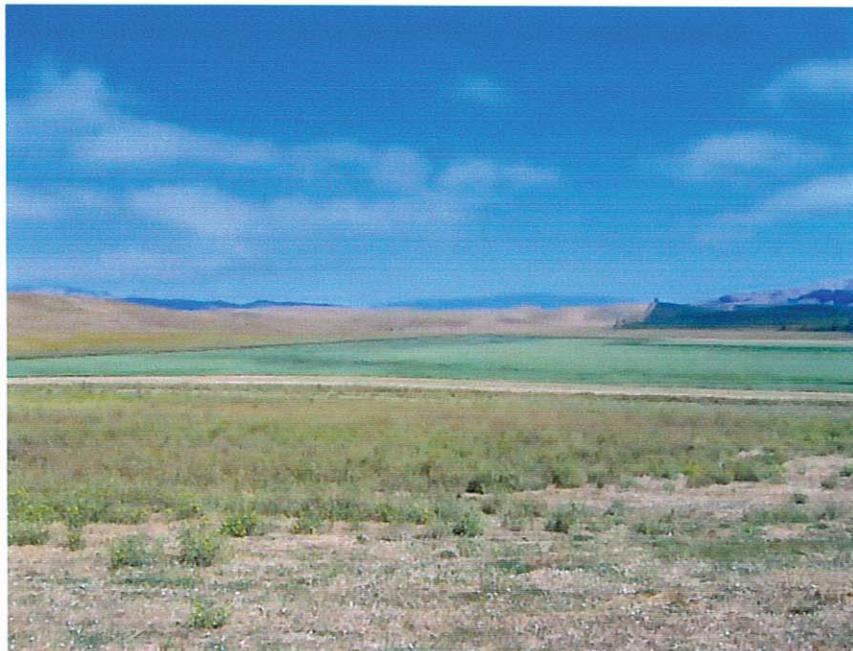
LANDOWNER CERTIFICATION:

BY: SE DATE: 8/10/06



Location #25
Photograph #25

Road cut through mound



Location #26
Photograph #26.1

Northwestern Property line
and Tolay lakebed in
background

EXHIBIT 11

**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENT**

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Location #26
Photograph #26.2

Southwestern Property line



Location #27
Photograph #27.1

Berm on left; Tolay lakebed
on right

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Location #27
Photograph #27.2

Berm on right; Tolay lakebed
with pumpkins and sunflowers
to the left



Location #27
Photograph #27.3

Road across lakebed

EXHIBIT 11

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Location #28
Photograph #28

Tolay lakebed with swamp
smartweed in foreground and
compound in background



Location #29
Photograph #29

Cattle in foreground, vineyard in
background, gravel road with gate

EXHIBIT 11

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Location #30
Photograph #30

Well, pump and holding tank



Location #31
Photograph #31

Developed spring with Tolay
lakebed and ranch compound
in background

EXHIBIT 11

**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENT**

PHOTOGRAPH RECORDS

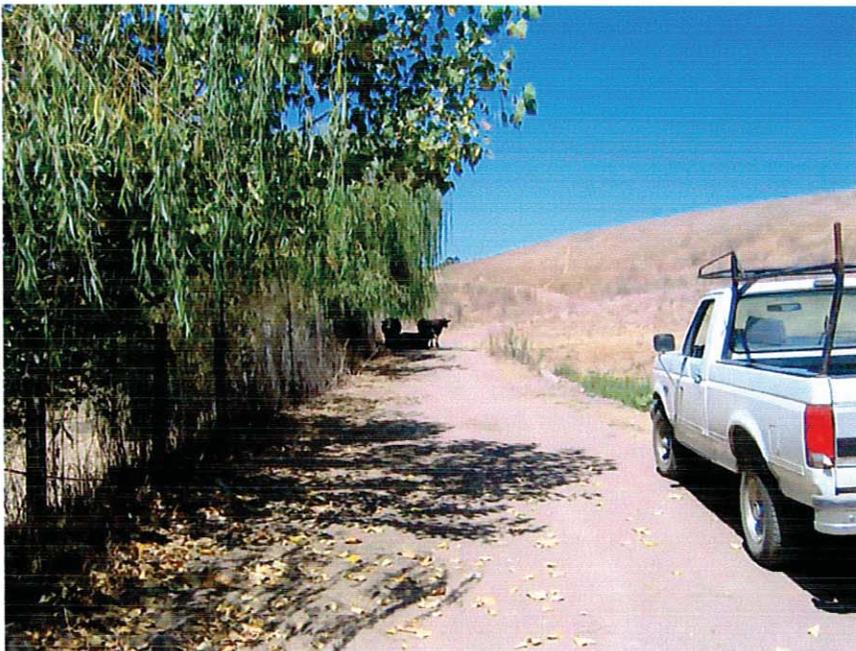
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Location #32
Photograph #32.1

Western Property line with
neighboring vineyard to right



Location #32
Photograph #32.2

Access road located on
adjacent property

EXHIBIT 11

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Location #33
Photograph #33

Developed spring



Location #34
Photograph #34

Drainage through coastal
oak woodland habitat

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Location #35
Photograph #35.1

Old bridge in foreground firewood
cutting operation in background



Location #35
Photograph #35.2

Northern Property boundary

EXHIBIT 11

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Location #35
Photograph #35.3

Northern Property boundary



Location #36
Photograph #36

Developed spring

EXHIBIT 11

**TOLAY LAKE REGIONAL PARK PROPERTY
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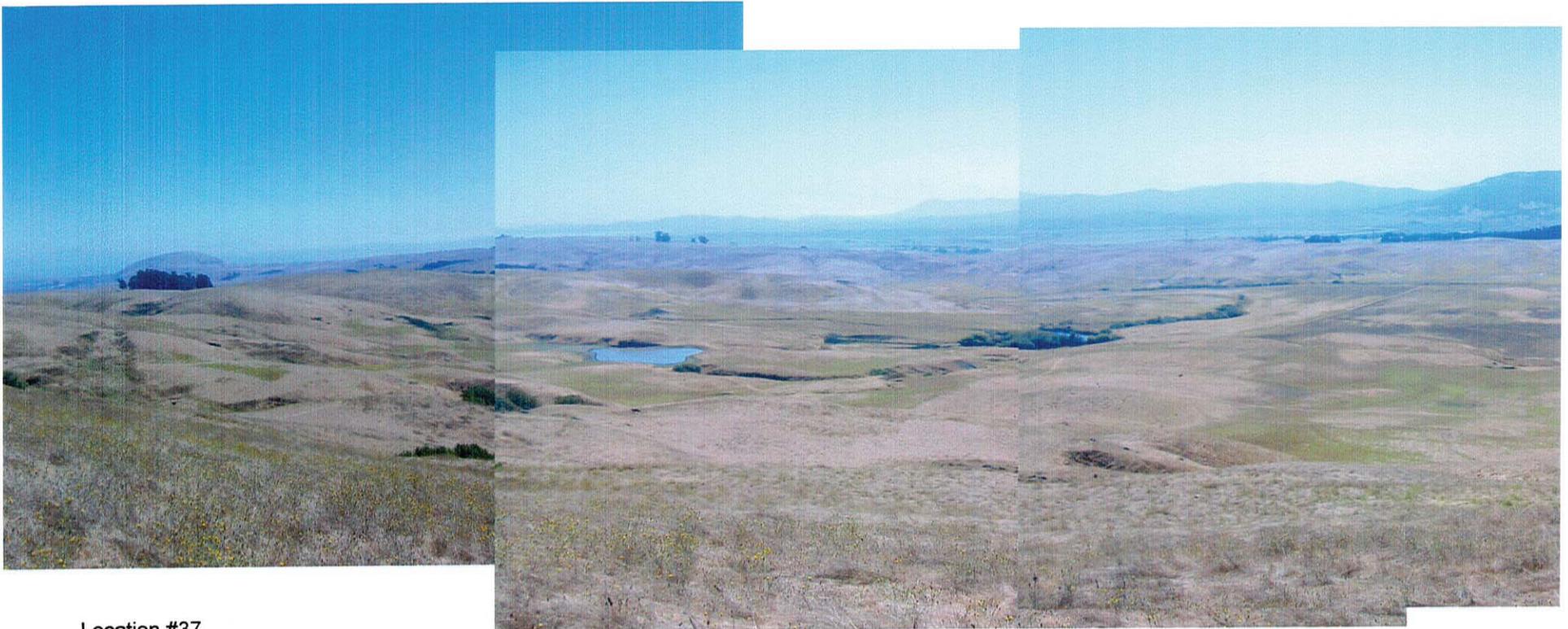
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Location #37
Photograph #37.1, 37.2, & 37.3

Panoramic. Eastern portion of Property with upper pond, lower pond and San Pablo Bay and Mount Tamalpais in background.

EXHIBIT 11

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Location #37
Photograph #37.4 & 37.5

Panoramic. Tolay lakebed in foreground, ranch compound in background and neighboring vineyard at right

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Location #38
Photograph #38

Spring with water trough;
lower pond in background



Location #39
Photograph #39

Far eastern portion of Property

EXHIBIT 11

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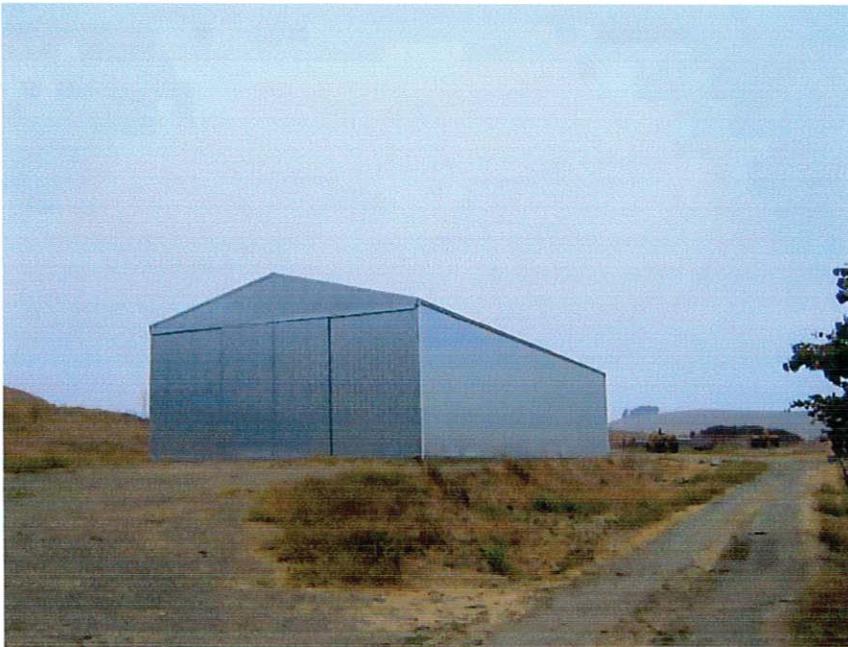
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Location #40
Photograph #40

1,440 ft² shed ("wine cellar")



Location #41
Photograph #41.1

6,250 ft² hay barn

EXHIBIT 11

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Location #41
Photograph #41.2

520 ft² residence
("Julie's house")



Location #41
Photograph #41.3

900 ft² residence
("Manuel's house")

EXHIBIT 11

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Location #42
Photograph #42

Farm equipment



Location #43
Photograph #43.1

1,408 ft² residence
("Vera's house")

EXHIBIT 11

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Location #43
Photograph #43.2

1,125 ft² shop ("old shop") and
875 ft² shed ("storage shed")



Location #43
Photograph #43.3

1,500 ft² residence
("Paul's house")

EXHIBIT 11

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Location #44
Photograph #44

600 ft² shed
("slaughter house")



Location #45
Photograph #45.1

8,500 ft² barn ("hay barn")

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Location #45
Photograph #45.2

3,750 ft² shop ("new shop")



Location #46
Photograph #46

Gasoline pump

EXHIBIT 11

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Location #47
Photograph #47.1

2,476 ft² residence
("Marvin and Rita's house")



Location #47
Photograph #47.2

~ 600 ft² shed

EXHIBIT 11

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Location #48
Photograph #48.1

4,500 ft² barn ("Tractor barn")



Location #48
Photograph #48.2

2,500 ft² barn ("Farm stand")

EXHIBIT 11

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Location #49
Photograph #49

Overview of ranch compound



Location #50
Photograph #50

Old farm equipment

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Location #51
Photograph #51

Pond adjacent to compound



Location #52
Photograph #52

Old shed or residence
(~ 700 ft²)

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Location #53
Photograph #53.1

Bridge across Tolay Creek



Location #53
Photograph #53.2

Tolay Creek below bridge

EXHIBIT 11

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Location #54
Photograph #54

Undeveloped spring
(impacted by cattle)



Location #55
Photograph #55.1

Lower pond with old crane

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Location #55
Photograph #55.2

Outflow of lower pond



Location #55
Photograph #55.3

Lower pond watershed with
natural springs in background

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Location #56
Photograph #56.1

Drainage to lower pond with
lower pond in background



Location #56
Photograph #56.2

Upper pond

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Location #57
Photograph #57.1

Outflow lined with concrete with
spiny cocklebur, purple star thistle,
yellow star thistle



Location #57
Photograph #57.2

Upper pond

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Location #58
Photograph #58.1

Old car body in eroded
drainage below upper pond



Location #58
Photograph #58.2

Old car body and fencing
material in eroded drainage
below upper pond

EXHIBIT 11

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Location #59
Photograph #59.1

Bank erosion in drainage
below upper pond



Location #59
Photograph #59.2

Wetland (in background)
between upper and lower pond

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Location #60
Photograph #60

Culvert at crossing of lower pond
drainage; yellow star thistle



Location #61
Photograph #61

Exclusion fence around drainage
from lower pond with restoration
planting

EXHIBIT 11

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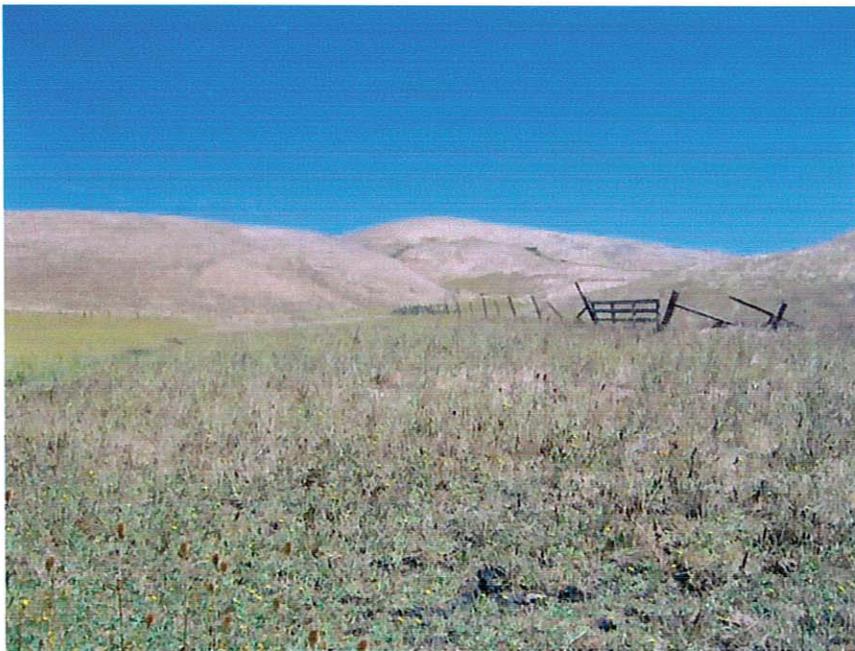
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Location #62
Photograph #62

Developed spring and wetland
with Tolay Creek in background



Location #63
Photograph #63

Drainage at eastern portion of
Property with Property line fence
at right

EXHIBIT 11

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Location #64
Photograph #64

Acacia dealbata at left; Tolay Creek
at southern Property boundary at
right; rock outcrop with *Aesculus
californica* grove in background



Location #65
Photograph #65

Southern Property line at
Tolay Creek crossing

EXHIBIT 11

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Location #66
Photograph #66

Property line fence with Tolay
Creek at right (breached area
in background)



Location #67
Photograph #67.1

Drainage from compound
leading to Tolay lakebed

EXHIBIT 11

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Location #67
Photograph #67.2

Developed spring



Location #68
Photograph #68

Pond with *Ludwigia* sp.

EXHIBIT 11

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Location #69
Photograph #69.1

Property line with neighboring
vineyard in background



Location #69
Photograph #69.2

Property line with neighboring
property and Tolay Creek in
background

EXHIBIT 11

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Location #70
Photograph #70.1

Tolay lakebed at northwestern
Property line



Location #70
Photograph #70.2

Tolay lakebed at northwestern
Property line

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Location #70
Photograph #70.3

Tolay lakebed with compound
in background



Location #71
Photograph #71.1

Western-most well (one of eight)
along perimeter of basin

EXHIBIT 11

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Location #71
Photograph #71.2

Pallets over two wells along
perimeter of basin



Location #72
Photograph #72

Old concrete well casing

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Location #73
Photograph #73

Drainage coming from adjacent
vineyard



Location #74
Photograph #74

Erosion in drainage near northeast
Property boundary

EXHIBIT 11

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BASELINE DOCUMENT**

PHOTOGRAPH RECORDS

Dates of Photographs: 09/01, 09/02, 09/07, 09/12, 09/22 and 09/29/05,
04/18/06

Sonoma County Agricultural Preservation and Open Space District BASELINE DOCUMENTATION	
DOCUMENTATION BY: <u>RE</u>	DATE: <u>6/14/06</u>
LANDOWNER CERTIFICATION:	
BY: <u>SE</u>	DATE: <u>8/19/06</u>



Location #75
Photograph #75
Old structure in ruins



Location #76
Photograph #76
Exposed PVC coming from
developed spring

EXHIBIT 11

**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENT**

PHOTOGRAPH RECORDS

Dates of Photographs: 09/01, 09/02, 09/07, 09/12, 09/22 and 09/29/05,
04/18/06

Sonoma County Agricultural
Preservation and Open Space District
BASELINE DOCUMENTATION

DOCUMENTATION BY: RE DATE: 6/14/06

LANDOWNER CERTIFICATION:

BY: SE DATE: 8/10/06



Location #77
Photograph #77

Exposed steel pipe leading to
developed spring



Location #78
Photograph #78

Developed spring

EXHIBIT 11

**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENT**

PHOTOGRAPH RECORDS

Dates of Photographs: 09/01, 09/02, 09/07, 09/12, 09/22 and 09/29/05,
04/18/06

Sonoma County Agricultural
Preservation and Open Space District
BASELINE DOCUMENTATION

DOCUMENTATION BY: PE DATE: 6/14/06

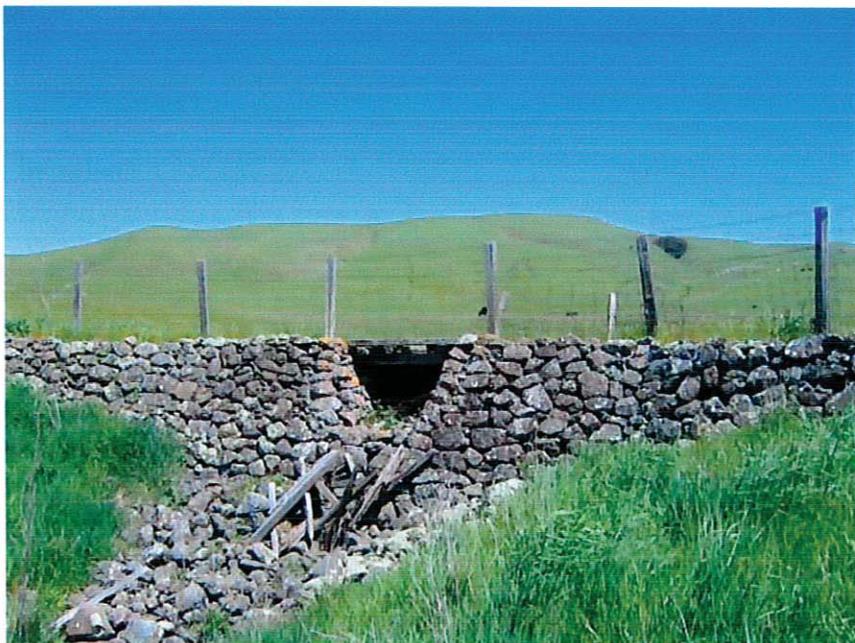
LANDOWNER CERTIFICATION:

BY: SS DATE: 8/19/06



Location #79
Photograph #79

Four inch PVC with valve



Location #80
Photograph #80

Stone footing of bridge

EXHIBIT 11

**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENT**

PHOTOGRAPH RECORDS

Dates of Photographs: 09/01, 09/02, 09/07, 09/12, 09/22 and 09/29/05,
04/18/06

Sonoma County Agricultural
Preservation and Open Space District
BASELINE DOCUMENTATION

DOCUMENTATION BY: JE DATE: 6/14/06

LANDOWNER CERTIFICATION:

BY: SE DATE: 8/10/06



Location #81
Photograph #81

Old car body behind willows in
eroded drainage below lower pond –
eastern portion of Property



Location #82
Photograph #82

Foot bridge over Tolay Creek

ATTACHMENTS

- Attachment A Deed and Agreement, including Exhibit "B"
(Permitted & Restricted Uses of the Property)
- Attachment B Applicable Zoning Regulations
- Attachment C Soil Descriptions
- Attachment D Lease Agreement
- Attachment E Map: Tolay Lake Ranch Wetland Areas and
Sensitive Species (Napa Valley Vineyard
Engineering, Inc. & Parsons Corporation)
- Attachment F Matching Grant Agreement

**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENTATION**

ATTACHMENT A

Deed and Agreement, including Exhibit "B"
(Permitted & Restricted Uses of the Property)

RECORDING REQUESTED BY AND
RETURN TO:

Sonoma County Agricultural
Preservation and Open Space District
575 Administration Drive, Room 102A
Santa Rosa, CA 95403



2005144645 ¹

OLD REPUBLIC TITLE CO.
09/29/2005 08:00 CEDEED
RECORDING FEE: 0.00
PAID

OFFICIAL RECORDS OF
SONOMA COUNTY
EVEE T. LEWIS
25 PGS



DEED AND AGREEMENT
BY AND BETWEEN
COUNTY OF SONOMA
AND
THE SONOMA COUNTY AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT

The County of Sonoma, a political subdivision of the State of California (hereinafter referred to as GRANTOR), and the Sonoma County Agricultural Preservation and Open Space, a public agency formed pursuant to the provisions of Public Resources Code sections 5500 et seq. (hereinafter DISTRICT), its successors and assigns, agree as follows:

RECITALS

A. GRANTOR is the owner in fee simple of certain real property (hereinafter "the Property") located in Sonoma County and more particularly described in Exhibit "A," attached hereto and made a part of hereof.

B. In 1990 the voters of Sonoma County approved the creation of DISTRICT and the imposition of a transactions and use tax by the Sonoma County Open Space Authority ("the Authority"). The purpose for the creation of DISTRICT and the imposition of the tax by the Authority was to preserve agriculture and open space by acquiring interests in appropriate properties from willing sellers in order to meet the mandatory requirements imposed on the County and each of its cities by Government Code sections 65560 et seq. and by the open space elements of their respective general plans. In order to accomplish that purpose, DISTRICT entered into a contract with the Authority whereby, in consideration of that entity financing DISTRICT's acquisitions, DISTRICT agreed to and

did adopt an acquisition program that was in conformance with the Authority's voter approved Expenditure Plan.

C. On April 19, 2005 DISTRICT's Board of Directors, in its Resolution No. 05-0328 determined, pursuant to Government Code section 65402 and Sonoma County Ordinance No. 5180, that the acquisition was consistent with the 1989 Sonoma County General Plan (specifically the Plan's Agricultural Resources and Open Space elements) because limited agricultural uses could continue on the property without interfering with potential low intensity outdoor recreation uses; the proposed conservation easement will allow for such agricultural uses, and ensure protection of the property's scenic, biotic, sensitive habitat and cultural resource values, including Tolay Lake; the acquisition will limit development of the land to low-intensity public outdoor recreation, resource restoration and enhancement, and other uses consistent with preservation of the area's open and scenic character; acquisition of the property, including the proposed conservation easement, will protect critical habitat for species including red-legged frog and western pond turtle. Further, the Open Space Element Map identifies "Planned Future Park" sites to indicate general areas where a need exists for parks. Proposed park sites for the south county are shown on the Open Space Element map for both the Petaluma and Sonoma Valley planning areas. Policy PF-2e, Public Facilities Element, states in part, "In the event that a proposed park or school site is designated on the land use or open space map, consider the designation as applying to a general area rather than a particular parcel." This general location provision of the General Plan has been routinely and uniformly followed by the Board for prior park acquisitions. Acquisition of the Tolay Lake property for a regional park is consistent with the General Plan in that it will provide public recreation in an area of the county with a designated need and is considered a public benefit. On April 19, 2005 the Authority determined, in its Resolution No. 2005-004 that the acquisition was consistent with its Expenditure Plan.

D. DISTRICT has the authority to acquire conservation easements by virtue of Public Resources Code section 5540 and possesses the ability and intent to enforce the terms of this Agreement.

E. As a condition of grant funds contributed to the acquisition of this Property, GRANTOR conveyed a conservation easement to the Department of Fish and Game that requires the creation of a Restoration and Management Plan for Tolay Lake.

NOW THEREFORE, in consideration of the foregoing recitations and of the mutual covenants, terms, conditions, and restrictions herein set forth and other valuable consideration receipt of which is hereby acknowledged, GRANTOR and DISTRICT agree as follows:

1. **Grant and Acceptance of Conservation Easement.** Pursuant to the common and statutory law of the State of California including the provisions of Civil Code sections 815 to 816, inclusive, GRANTOR hereby grants to DISTRICT and DISTRICT accepts a conservation easement (hereinafter “this Easement” or “the Easement”) in the Property in perpetuity.

2. **Statement of Purpose.** The Property comprises 20% of the upper watershed of Tolay Creek, an important watershed that is part of the North San Pablo Bay and drains into the San Pablo Bay National Wildlife Refuge. It is hydrologically and ecologically connected to a large block of protected lands in the historic Sonoma Baylands wetlands stretching from the mouth of Tolay Creek to the Petaluma River. The Property provides important refuge habitat for several species, and particularly for a wide variety of raptors, ground nesters, passerine species, migratory shorebirds and waterfowl . As a key upland parcel in the Sonoma Baylands system, the Property, consisting of wetlands, riparian and upland habitat, open grasslands and a wide valley floor which is bisected by Tolay Creek, has significant restoration potential. In particular, restoration of natural hydrologic function to the ancient Tolay Lake will provide critical structural and functional habitat for numerous wildlife species and plant communities and will benefit species that travel the Pacific Flyway. The Property will also provide low-intensity public outdoor recreation that is compatible with the Conservation Values. The Property's features described above, comprise the natural resource, open space and scenic values of the Property and are generally referred to collectively herein as “the Conservation Values” of the Property. It is the purpose of this Easement to (a) conserve and protect, in perpetuity, the Conservation Values of the Property, (b) to enhance and restore the Conservation Values by specifically permitting the creation of an ecologically viable ecosystem capable of providing wetland habitat for endangered and threatened species, migratory shorebirds, and waterfowl, and (c) to prevent any uses of the Property that would significantly impair or interfere with these Conservation Values. This purpose, as further defined by the provisions of this Easement, is generally referred to collectively herein as “the Conservation Purpose of this Easement.” (hereinafter “the Conservation Purpose of this Easement”)

3. **Affirmative Rights Granted to the DISTRICT.** GRANTOR conveys the following rights to DISTRICT:

3.1 **Protecting Conservation Values.** DISTRICT shall have the right to identify, preserve and protect the Conservation Values of the Property; and

3.2 **Property Inspections.** DISTRICT shall have the right to enter upon the Property and to inspect, observe, and study the Property for the purposes of (i) identifying the current uses and practices thereon and the condition thereof, (ii) monitoring the uses and practices regarding the Property to determine whether they are consistent with this Easement, and (iii) enforcing the terms of this Easement pursuant to Section 13 below. Entry shall be permitted at least once a year at reasonable times, upon 24 hours' prior notice to GRANTOR, and shall be made in a manner that will not unreasonably interfere with GRANTOR's use and quiet enjoyment of the Property pursuant to the terms and conditions of this Easement. Each entry shall be for only so long a duration as is reasonably necessary to achieve the inspection, monitoring and subsequent enforcement, if applicable, but may not be limited to a single physical entry during a single twenty-four hour period.

3.3 **Approval of Certain Activities.** DISTRICT shall have the right to review and approve proposed uses and activities as more specifically set forth in Section 4 and Exhibit B herein, and in accordance with Section 7.

4. **Prohibited and Restricted Uses of the Property.** Any activity on the Property or use of the Property which is inconsistent with the Conservation Purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the activities and uses described in Exhibit B attached hereto are expressly prohibited or restricted.

5. **GRANTOR's Reserved Rights.** In addition to the express rights reserved in Exhibit B, GRANTOR reserves to Itself and to GRANTOR's personal representatives, heirs, successors and assigns, all rights accruing from their ownership of the Property, including the right to engage in, or permit or invite others to engage in all uses of the Property that are not expressly prohibited or restricted herein and are not inconsistent with the Conservation Purpose of this Easement. Without limiting the generality of the foregoing, and subject to the terms of Exhibit B, the following rights are expressly reserved:

5.1. **Recreational and Educational Use.** GRANTOR reserves the right to use the Property for low-intensity, recreational and/or educational purposes, so long as no significant surface alteration, significant impact to natural resources, or other development of the land occurs in connection with such use, and so long as such use is consistent with the terms, conditions and Conservation Purpose of this Easement, which rights include, but are not limited to, hiking, horseback riding, bike riding, and nature study. All recreational and educational activities shall be consistent with the Tolay Lake Park Management Plan and the Restoration and Management Plan for Tolay Lake.

5.2. **Habitat Enhancement:** GRANTOR reserves the right to conduct restoration activities in accordance with the Restoration and Management Plan for Tolay Lake which will be developed in partnership with the California Department of Fish and Game subject to the approval of the DISTRICT in accordance with the provisions of Paragraph 7 of this Easement. To undertake conservation and restoration activities including, but not limited to, bank and soil stabilization, practices to reduce erosion, enhancement of plant and wildlife habitat; and activities which promote biodiversity in accordance with sound, generally accepted practices and all applicable laws, ordinances and regulations. All restoration and enhancement activities shall be consistent with the Restoration and Management Plan for Tolay Lake and the Tolay Lake Park Management Plan.

5.3 **Fire Management.** To undertake fire management plans for the purpose of fire control and/or natural resource management. Such methods may include prescriptive burning, limited brush removal, and grazing of the Property consistent with a Rangeland Management Plan prepared by GRANTOR or a qualified professional. DISTRICT shall receive prior notification of such plans which shall be approved by the California Department of Forestry and Fire Protection and appropriate local fire protection and permitting agencies.

5.4 **Plant Collection.** GRANTOR reserves the right to permit limited supervised collection of plant materials for cultural interpretive uses at a level that is consistent with the Conservation Purpose of this Easement.

The allowed uses, practices and rights to improve the Property which are not retained by GRANTOR under Sections 5.1, 5.2, 5.3, and 5.4 above or allowed under Exhibit B are hereby extinguished. In the event that such extinguishment is determined to be unlawful or otherwise unenforceable, then those uses, practices and rights contributing to the improvement of the Property are hereby assigned by GRANTOR to DISTRICT. Neither GRANTOR nor DISTRICT shall use or receive the benefit from any increase in allowable uses, practices and rights to improve the Property, that are inconsistent with this Easement, resulting from any change in applicable governmental land use regulations.

6. **Merger of Parcels.** GRANTOR acknowledges that the Property currently consists of separate parcels as shown on the current Sonoma County Assessment Roll. GRANTOR further acknowledges that one or more additional parcels may exist on the Property through the recognition of previously unrecognized parcels created by patent or deed conveyances, subdivisions, lot line adjustments, surveys, recorded or unrecorded maps or other documents and, that existing or future land use regulations might permit

these parcels to be sold or otherwise conveyed separately from one another as separate legal parcels. It is the intent of GRANTOR and DISTRICT to prevent the separate conveyance of any of these parcels. To the extent not already accomplished as a condition precedent to the acceptance by DISTRICT of this Easement, GRANTOR shall apply for and pursue to completion an application to the County of Sonoma, or, such other governmental agency having jurisdiction, for the consolidation or merger of any existing parcels or claimed parcels of the Property into a single parcel. If the parcels cannot be merged because of their lack of contiguity or for any other reason, GRANTOR shall pursue and secure such other applicable legal restrictions so that no such existing parcels or claimed parcels may be separately sold or conveyed from the others or the property as a whole.

7. **Notice and Approval Procedures.** Some uses permitted by this Easement require that prior written notice be given by GRANTOR to DISTRICT, while other uses permitted by this Easement require the prior written approval of DISTRICT. Any activity proposed to be done or undertaken by GRANTOR which requires prior notice or the prior approval of DISTRICT shall be commenced only after satisfaction of the requirements of this Section and of Section 18. Notice shall be given or approval requested by using the appropriate form available at DISTRICT's offices. DISTRICT may consider notices and requests for approval in different forms, provided that all necessary information is provided to permit DISTRICT to make an informed judgment as to the consistency of the GRANTOR's request with the terms of this Easement.

7.1 **Uses/Activities Requiring Notice to DISTRICT.** GRANTOR shall deliver the notice to DISTRICT at least forty-five (45) days prior to the commencement of any use or practice requiring notification.

7.2 **Uses/Activities Requiring Prior Approval from DISTRICT.** DISTRICT shall have forty-five (45) days from the receipt of a complete request for approval to review the proposed use or practice and to approve, conditionally approve, approve with modifications, disapprove or otherwise respond to the request. If the request for approval is approved, conditionally approved or approved with modifications, the requested use or practice may only be undertaken in accordance with the terms, conditions and modifications of the approval. DISTRICT's decision to disapprove a request for approval shall be supported by a finding that the requested use or practice is inconsistent with the Conservation Purpose of this Easement or that the request for approval is incomplete or inaccurate. The approval of the DISTRICT obtained in one circumstance shall not be deemed or construed to be a waiver by DISTRICT of any subsequent change in use or practice.

7.3 **DISTRICT's Failure to Respond.** Should DISTRICT fail to post its response to GRANTOR's request for approval within forty-five (45) days of the receipt of said notice, GRANTOR shall send a second notice by registered or certified mail. Should DISTRICT fail to respond to the second notice within ten (10) days of the receipt thereof, GRANTOR may appeal to DISTRICT's Board of Directors.

7.4 **Non-Permitted Uses; DISTRICT's Approval.** In the event GRANTOR desires to commence a use or practice on the Property which is not expressly reserved or prohibited in Exhibit B or Section 5, GRANTOR shall seek DISTRICT's prior written approval of such use or practice in accordance with the procedure set forth in Section 7.2 above. The exercise of any use or practice pursuant to a right not expressly reserved in Exhibit B or Section 5 may constitute a breach of this Easement and be subject to the provisions of Section 13.

8. **Costs and Liabilities Related to the Property.**

8.1 **Maintenance of the Property.** GRANTOR agrees to bear all costs and liabilities of any kind related to the operation, upkeep, and maintenance of the Property and does hereby indemnify and hold DISTRICT harmless therefrom. Without limiting the foregoing, GRANTOR agrees to pay any and all real property taxes, fees, exactions and assessments and each of them levied or imposed by local, state or federal authorities on the Property. GRANTOR shall be solely responsible for any costs related to the maintenance of general liability insurance covering acts on the Property. Except as specifically set forth in Section 9.2 below, DISTRICT shall have no responsibility whatever for the operation of the Property, the monitoring of hazardous conditions thereon, or the protection of GRANTOR, the public, or any third parties from risks relating to conditions on the Property. GRANTOR hereby agrees to indemnify and hold DISTRICT harmless from and against any damage, liability, claim, or expense (including attorneys' fees) relating to such matters. Without limiting the foregoing, DISTRICT shall not be liable to GRANTOR or any other person or entity in connection with consents given or withheld hereunder, or in connection with any entry upon the Property occurring pursuant to this Easement, or on account of any claim, liability, damage, or expense suffered or incurred by or threatened against GRANTOR or any other person or entity, except as such claim, liability, damage, or expense is the result of DISTRICT'S negligence, gross negligence, or intentional misconduct.

8.2 **Hazardous Materials.** Notwithstanding any other provision of this Easement to the contrary, the parties do not intend and this Easement shall not be construed such that (1) it creates in DISTRICT the obligations or liabilities of an "owner" or "operator" as those words are defined and used in environmental laws, as defined

below, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 United States Code, sections 9601 et seq. and hereinafter "CERCLA") or (2) it creates in DISTRICT the obligations or liabilities of a person described in 42 United States Code section 9607(a)(3) or (3) DISTRICT has the right to investigate and remediate any hazardous materials, as defined below, associated with the Property or (4) DISTRICT has any control over GRANTOR'S ability to investigate and remediate any hazardous materials associated with the Property. GRANTOR represents, warrants and covenants to DISTRICT that GRANTOR'S use of the Property shall comply with all environmental laws as that phrase is defined below. For the purposes of this Easement:

i. The term "hazardous materials" includes, without limitation, any flammable explosives, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, or related materials defined in CERCLA, the Hazardous Materials Transportation Act, as amended (49 United States Code sections 1801 et seq.), the Resource Conservation and Recovery Act of 1976, as amended (42 United States Code sections 6901 et seq.), sections 25117 and 25316 of the California Health & Safety Code, and in the regulations adopted and publications promulgated pursuant to them, or any other federal, state, or local environmental laws, ordinances, rules, or regulations concerning the environment, industrial hygiene or public health or safety now in effect or enacted after this date of this Easement.

ii. The term "environmental laws" includes, without limitation, any federal, state, local or administrative agency statute, regulation, rule, ordinance, order or requirement relating to environmental conditions or hazardous materials.

9. Indemnities.

9.1 GRANTOR'S Indemnity. GRANTOR shall hold harmless, indemnify, and defend DISTRICT, its agents, employees, volunteers, successors and assigns, from and against damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with (i) injury to or the death of any person, or physical damage to property resulting from any act, omission, condition or other matter related to or occurring on or about the Property, except as such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of DISTRICT (it being the intent of this provision to limit GRANTOR'S indemnity to the proportionate part of DISTRICT'S damage, liability, claim or expense for which GRANTOR is responsible); and (ii) the obligations specified in Section 8. In the event of any claim, demand, or legal complaint against DISTRICT, the right to the indemnification provided by this Section 9.1 shall not apply to any cost, expense, penalty,

settlement payment, or judgment, including attorneys' fees, incurred prior to DISTRICT'S written notice of such claim, demand, or legal complaint to GRANTOR, unless GRANTOR has acquired knowledge of the matter by other means, nor to any costs, expenses, or settlement payment, including attorneys' fees, incurred subsequent to that notice unless such cost, expense, or settlement payment shall be approved in writing by GRANTOR, which approval shall not be unreasonably withheld.

9.2 **DISTRICT'S Indemnity.** DISTRICT shall hold harmless, indemnify, and defend GRANTOR, its heirs, devisees, successors and assigns, from and against all damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property and attributable to DISTRICT, except to the extent that such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of GRANTOR (it being the intent of this provision to limit DISTRICT'S indemnity to the proportionate part of GRANTOR'S damage, liability, claim or expense for which DISTRICT is responsible). In the event of any claim, demand, or legal complaint against GRANTOR, the right to the indemnification provided by this Section 9.2 shall not apply to any cost, expense, penalty, settlement payment, or judgment, including attorneys' fees, incurred prior to GRANTOR'S written notice of such claim, demand, or legal complaint to DISTRICT, nor to any costs, expenses, or settlement payment, including attorneys' fees, incurred subsequent to that notice unless such cost, expense, or settlement payment shall be approved in writing by DISTRICT, which approval shall be in DISTRICT'S sole discretion. DISTRICT hereby also agrees to hold harmless, indemnify and defend GRANTOR from and against all damages, liabilities, claims and expenses, including attorneys' fees, asserted against GRANTOR by any officer, agent, employee, or volunteer of DISTRICT, for personal injury and/or property damage arising out of any inspection or visit to the Property by any such officer, agent, employee or volunteer of DISTRICT, except to the extent that such injury is attributable to the negligence, intentional act or willful misconduct of GRANTOR.

10. **Public Access to the Property.** Nothing in this Easement shall be construed to preclude GRANTOR's right to grant access to third parties across the Property, provided that such access is allowed in a reasonable manner and is consistent with the Conservation Purpose of this Easement and so long as such activity is undertaken subject to the terms and conditions of this Easement.

11. **Interpretation and Construction.** To the extent that this Easement may be uncertain or ambiguous such that it requires interpretation or construction, then it shall be

interpreted and construed in such a way that meets the Conservation Purpose of this Easement. It is the intention of the parties that any interpretation or construction shall promote the Conservation Purpose of this Easement.

12. **Baseline Documentation for Enforcement.** District acknowledges that the present uses of the Property are consistent with the Conservation Purpose of this Easement. In order to establish the present condition of the Property, DISTRICT, in consultation with GRANTOR will prepare a Baseline Documentation Report within three (3) months of the execution of this Easement which will be maintained on file with DISTRICT and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this Easement. The parties agree that the Baseline Documentation Report is intended to provide an accurate representation of the Property at the time of the execution of this Easement. GRANTOR and DISTRICT recognize that changes in natural resource management practices and management of the recreational uses of the property may dictate an evolution of the management of the Property, consistent with the Conservation Purpose of this Easement.

13. **Remedies for Breach.**

13.1 **DISTRICT's Remedies.** In the event of a violation or threatened violation of any term, condition, covenant, or restriction contained in this Easement, DISTRICT may, following notice to GRANTOR, which notice shall contain a reasonable and specific cure period, institute a suit to enjoin and/or recover damages for such violation and/or to require the restoration of the Property to the condition that existed prior to such violation. The notice shall be a general written notification of the condition claimed by the DISTRICT to be a violation that is either mailed or otherwise delivered by DISTRICT to GRANTOR. If DISTRICT reasonably determines that circumstances require immediate action to prevent or mitigate damage to the values protected by this Easement, DISTRICT may pursue its remedies under this paragraph without waiting for the cure period to expire, and shall have the right, upon the giving of 24 hours' notice, to enter the Property for the purpose of assessing damage or threat to the Conservation Values protected by this Easement and determining the nature of curative or mitigation actions that should be taken. DISTRICT's rights under this Section apply equally in the event of either actual or threatened violations of the terms of this Easement, and GRANTOR agrees that DISTRICT's remedies at law for any violation of the terms of this Easement are inadequate and that DISTRICT shall be entitled to the injunctive relief described herein, both prohibitive and mandatory, in addition to such other relief, including damages, to which DISTRICT may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

13.2 **DISTRICT'S Discretion.** Enforcement of the terms of this Easement shall be at the sole discretion of DISTRICT, and any forbearance by DISTRICT to exercise its rights under this Easement in the event of any breach of any term of this Easement by GRANTOR shall not be deemed or construed to be a waiver by DISTRICT of such term or of any subsequent breach of the same or any other term of this Easement. Any failure by DISTRICT to act shall not be deemed a waiver or forfeiture of DISTRICT'S right to enforce any term, condition, covenant, or purpose of this Easement in the future.

13.3 **Liquidated Damages.** Inasmuch as the actual damages resulting from the loss [or depreciation] of the Conservation Values of the Property and caused by its breach by GRANTOR are uncertain and would be impractical or extremely difficult to measure, the parties agree that the damages allowed by Civil Code section 815.7(c) shall be measured as follows:

(a) For an improvement prohibited by this Easement, an amount equal to the product of (i) the market value of the improvement, (ii) the length of time that the improvement exists on the Property (in terms of years), and (iii) the then current annual interest rate for post judgment interest; and

(b) For an activity or change in use prohibited by this Easement, whether or not it involves an improvement, an amount equal to any economic gain realized by GRANTOR because of the activity or change in use; and (c) For an activity or change in use prohibited by this Easement, whether or not it involves an improvement and where there is no measurable economic gain realized by GRANTOR, the product of (i) the cost of restoration, as set forth in a written estimate by a qualified person selected by DISTRICT, (ii) the length of time that the prohibited activity or use continues (in terms of years) and (iii) the then current annual interest rate for post judgment interest.

13.4 **GRANTOR'S Compliance.** If DISTRICT, in the notice to GRANTOR, demands that GRANTOR remove an improvement, discontinue a use or both and claims the damages allowed by Civil Code section 815.7(c), then GRANTOR may mitigate damages by fully complying with DISTRICT'S notice within the cure period provided therein. In the event of litigation arising out of the notice, brought either by GRANTOR or by DISTRICT, in which GRANTOR prevails, then GRANTOR shall be entitled to economic damages; provided, however, that neither DISTRICT nor GRANTOR shall be entitled to damages where DISTRICT has not claimed damages in its notice.

13.5 **Remedies Nonexclusive.** The remedies set forth in this Section 13 are not intended to displace any other remedy available to either party as provided by this Easement, Civil Code sections 815 et seq. or any other applicable local, state or federal law.

14. **Acts Beyond GRANTOR'S Control.** Nothing contained in this Easement shall be construed to entitle DISTRICT to bring any action against GRANTOR for any injury to or change in the Property resulting from causes beyond GRANTOR'S control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by GRANTOR under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes so long as such action, to the extent that GRANTOR has control, is designed and carried out in such a way as to further the Conservation Purpose of this Easement.

15. **Condemnation.** In the event that the Property or some portion thereof is condemned for public use by an entity other than DISTRICT, the market value for purposes of just compensation shall be determined as though this Easement did not exist and GRANTOR and DISTRICT shall share the compensation on the following basis: GRANTOR 38% and DISTRICT 62%. In the apportionment of the proceeds from an eminent domain proceeding, an adjustment shall be made in GRANTOR's favor for any increase in value after the date of this Easement that is attributable to improvements; provided such increase in value is earned through GRANTOR's efforts and is not the result of value added by this easement, the passage of time or other passive means; and provided, further, that such increase in value is not the result of activities constituting a breach of this Easement.

16. **Agreement to Bind Successors.** The Easement herein granted shall be a burden upon and shall continue as a restrictive covenant and equitable servitude running in perpetuity with the Property and shall bind GRANTOR, GRANTOR'S heirs, personal representatives, lessees, executors, all persons claiming under GRANTOR, successors, including but not limited to purchasers at tax sales, and assigns forever. The parties intend that this Easement shall benefit and burden, as the case may be, their respective successors, assigns, heirs, executors, administrators, agents, employees, and all other persons claiming by or through them pursuant to the common and statutory law of the State of California, including, *inter alia*, Civil Code sections 815-816.

17. **Subsequent Deeds and Leases.** GRANTOR agrees that a clear reference to this Easement will be made in any subsequent deed, or other legal instrument, by means of which any interest in the Property (including, but not limited to, a leasehold interest) is conveyed, that GRANTOR will attach a copy of this Easement to any such instrument,

and that GRANTOR will notify DISTRICT in writing ten (10) days prior to any such conveyance. These obligations of GRANTOR shall not be construed as a waiver or relinquishment by DISTRICT of rights created in favor of DISTRICT by this Easement.

18. **Notices.** All notices, (including requests, demands, approvals, or communications) under this Easement shall be in writing.

18.1 **Method of Delivery.** Notice shall be sufficiently given for all purposes as follows:

(a) When personally delivered to the recipient, notice is effective on delivery.

(b) When mailed first class to the last address of the recipient known to the party giving notice, notice is effective on delivery.

(c) When mailed by certified mail with return receipt requested, notice is effective on receipt if delivery is confirmed by a return receipt.

(d) When delivered by overnight delivery with charges prepaid or charged to the sender's account, notice is effective on delivery if delivery is confirmed by the delivery service.

(e) When sent by telex or fax to the last telex or fax number of the recipient known to the party giving notice, notice is effective on receipt as long as (1) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery or (2) the receiving party delivers a written confirmation of receipt. Subject to the foregoing requirements, any notice given by telex or fax shall be considered to have been received on the next business day if it is received after 5 p.m. (recipient's time) or on a non-business day.

18.2 **Refused, Unclaimed, or Undeliverable Notices.** Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be considered to be effective as of the first date that the notice was refused, unclaimed, or considered undeliverable by the postal authorities, messenger, or overnight delivery service.

18.3 **Addresses.** Addresses for purposes of giving notice are set forth below:

To GRANTOR: Director of Regional Parks
County of Sonoma
2300 County Center Drive, 120A
Santa Rosa, CA 95403

To DISTRICT: General Manager
Sonoma County Agricultural Preservation
and Open Space District
747 Mendocino Avenue
Santa Rosa, CA 95401

19. **Entire Agreement; Severability.** This instrument sets forth the entire agreement of the parties with respect to the Easement and supercedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in a written amendment executed by GRANTOR and DISTRICT and recorded by the Sonoma County Recorder. In the event any provision of this Easement is determined by the appropriate court to be void and unenforceable, all remaining terms and conditions will remain valid and binding.

20. **Estoppel Certificates.** DISTRICT shall, at any time during the existence of the Easement, upon not less than thirty (30) days' prior written notice from GRANTOR, execute and deliver to GRANTOR a statement in writing certifying that the Easement is unmodified and in full force and effect (or, if modified, stating the date of execution and date of recording of the respective amendment) and acknowledging that there is not, to DISTRICT'S knowledge, any default by GRANTOR hereunder, or, if DISTRICT alleges a default by GRANTOR, specifying such default. DISTRICT's obligation to deliver the statement of certification is conditioned on GRANTOR's reimbursing DISTRICT for all costs and expenses reasonably and necessarily incurred in its preparation as determined by DISTRICT's General Manager.

IN WITNESS WHEREOF, GRANTOR and DISTRICT have executed this Easement this 27th day of September 2005.

GRANTOR:
COUNTY OF SONOMA

By 
Chair of the Board of Supervisors
Tim Smith

DISTRICT:

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE
DISTRICT

By

[REDACTED]

President of the Board of Directors
Tim Smith

ATTEST:

[REDACTED]

ex-officio Clerk of the Board of Directors

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

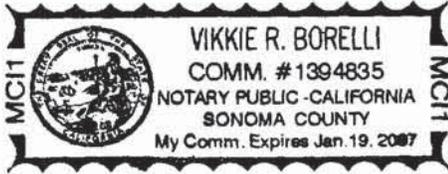
State of California }
 County of Sonoma } ss.

September 27, 2005 before me, Vikkie Borelli, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Jim Smith, Chair Board of Supervisors
Jim Smith, President Ag + Open Space Dist.
Name(s) of Signer(s)

- personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.



Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

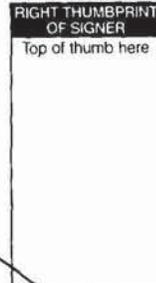
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



(RITA & MARVIN PARCEL)

EXHIBIT A

The Real property

The land referred to is situated in the unincorporated area of the County of Sonoma, State of California, and is described as follows:

TRACT ONE:

PARCEL ONE:

LOT 3, as said lot is shown and delineated upon that certain Parcel Map No. 7704, filed August 10, 1982 in Book 336 of Maps, Pages 33 and 34, Sonoma County Records.

A.P. No. 068-060-057

PARCEL TWO:

AN EASEMENT for road and utility purposes, 50 feet in width, over and across Lot 2, as said Lot and easement are shown on the map referred to herein.

TRACT TWO:

PARCEL ONE:

LOT 4, as said lot is shown and delineated upon that certain Parcel Map No. 7704, filed August 10, 1982 in Book 336 of Maps, Pages 33 and 34, Sonoma County Records.

A.P. No. 068-060-058

PARCEL TWO:

AN EASEMENT for road and utility purposes, 50 feet in width, over and across Lot 2, as said Lot and easement are shown on the map referred to herein.

PARCEL THREE:

AN EASEMENT for pedestrian and vehicular ingress and egress more particularly described as follows:

A RIGHT-OF-WAY easement, a uniform strip of land 12 feet in width, across the lands of Martinelli as said lands are described by Deed recorded in Book 1512 of Official Records, Page 45, Sonoma County Records, the center line of which is more particularly described as follows:

BEGINNING at a point in the centerline of an existing road on the Northerly boundary line of the lands of Gilardi as said lands are described by Deed recorded

in Book 3538 of Official Records, Page 835, Sonoma County Records, from which a set 3/4" iron pipe, on the Northerly line of said lands of Gilardi, tagged LS 5092, bears South 67° 03' 53" West 10.00 feet and also from said point of beginning a set 3/4" iron pipe, tagged LS 5092, at an existing 6" x 8" fence corner post, at the Northwesterly corner of said lands of Gilardi, bears South 67° 03' 53" West 2856.53 feet; thence Northerly from said point of beginning the following courses along the center line of an existing road: North 23° 05' West 105.67 feet to a curve concave Easterly having a radius of 200.00 feet, Northerly along said curve through a central angle of 8° 04' for a distance of 28.16 feet, North 15° 01' West 407.05 feet to an angle point, North 6° 16' West 171.60 feet to a curve concave Easterly having a radius of 380.00 feet, Northerly along said curve through a central angle of 11° 45' for a distance of 77.93 feet, North 5° 29' East 227.7 feet to an angle point, North 8° 08' East 89.00 feet to a curve concave Westerly having a radius of 205.00 feet, Northerly along said curve through a central angle of 27° 18' for a distance of 97.68 feet, North 19° 10' West 36.00 feet to a curve concave Easterly having a radius of 810.00 feet, Northerly along said curve through a central angle of 8° 03' for a distance of 113.80 feet, North 11° 07' West 220.00 feet to a curve concave Westerly having a radius of 390.00 feet, Northerly along said curve through a central angle of 37° 10' for a distance of 252.99 feet, North 48° 17' West 74.40 feet to a curve concave Easterly having a radius of 270.00 feet, Northerly along said curve through a central angle of 27° 37' for a distance of 130.14 feet, North 20° 40' West 60.60 feet to an angle point, North 28° 44' West 50.05 feet to a curve concave Easterly having a radius of 450.00 feet, Northerly along said curve through a central angle of 18° 32' for a distance of 145.56 feet, North 10° 12' West 78.00 feet to a curve concave Westerly having a radius of 170.00 feet, Northerly along said curve through a central angle of 42° 22' for a distance of 125.70 feet, North 52° 34' West 67.99 feet to a curve concave Northeasterly having a radius of 130.00 feet, Northerly along said curve through a central angle of 20° 04' for a distance of 45.53 feet, North 32° 30' West 88.00 feet to an angle point, North 35° 00' West 95.00 feet to an angle point and North 28° 00' West 41 feet more or less to the Southerly line of State Highway 116 (Stage Gulch Road).

PARCEL FOUR:

AN EASEMENT for pedestrian and vehicular ingress and egress more particularly described as follows:

A RIGHT-OF-WAY easement, a uniform strip of land 12 feet in width, across the lands of Gilardi as described in that Deed recorded in Book 3538 of Official Records, Page 835, Sonoma County Records, the centerline of which is more particularly described as follows:

COMMENCING at a found 1/2" iron pipe, tagged L.S. 5092, at a fence corner, the Southwesterly corner of said lands of Gilardi; thence North 66° 59' 40" East, 2334.15 feet along the Southerly line of said lands of Gilardi, to the point of beginning of said centerline at the centerline of an existing road and a point on a curve concave Westerly having a radius of 300.00 feet from which a radial line of said curve bears South 76° 33' 43" West; thence Northerly the following courses along said existing road; Northerly along said curve through a central angle of 4° 33' 43" for a distance of 23.89 feet, North 18° 00' 00" West 54.35 feet, North 11° 30' 00" West 201.40 feet, North 13° 45' 00" West 126.10 feet to a curve concave Easterly having a radius of 300.00 feet, Northerly along said curve through a central angle of 20° 55' 00" for a distance of 109.52 feet, North 7° 10' 00" East, 186.00 feet to a curve concave Easterly having a radius of 400.00 feet, Northerly along said curve through a central angle of 16° 50' 00" for a distance of 117.52 feet to a curve concave Southeasterly having a radius of 210.00 feet, Northerly and Northeasterly along said curve through a central angle of 37° 00' 00" for a distance of 135.61 feet, North 61° 00' 00" East 146.68 feet to a curve concave Northwesterly having a radius of 310.00 feet, Northeasterly and Northerly along said curve through a central angle of 71° 15' 00" for a distance of 385.50 feet, North 10° 15' 00" West 81.75 feet, North 18° 00' 00" West 152.50 feet, North 31° 30' 00" West 186.32 feet to a curve concave Westerly having a radius of 250.00 feet, Northerly along said curve through a central angle of 28° 20' 00" for a distance of 114.90 feet, North 57° 50' 00" West 172.74 feet to a curve concave Easterly having a radius of 620.00 feet, Northerly along said curve through a central angle of 18° 52' 00" for a distance of 204.16 feet, North 38° 58' 00" West 180.00 feet to a curve concave Easterly having a radius of 180.00 feet, Northerly along said curve through a central angle of 29° 18' 00" for a distance of 92.05 feet, North 9° 40' 00" West 133.04 feet to a curve concave Easterly having a radius of 940.00 feet, Northerly along said curve through a central angle of 7° 28' 00" for a distance of 122.50 feet, North 2° 12' 00" West 74.14 feet to a curve concave Westerly having a radius of 415.00 feet, Northerly along said curve through a central angle of 20° 53' 00" for a distance of 151.26 feet and North 23° 05' 00" West 2.32 feet to the Northerly line of said lands of Gilardi, from which a set 3/4" iron pipe tagged L.S. 5092 bears South 67° 03' 53" West 10.00 feet.

PARCEL FIVE:

A 40 FOOT easement for road and utility purposes over Lot 2 as shown upon Parcel Map No. 5085-A filed October 14, 1976 in Book 240 of Maps at Pages 23, 24 and 25, Sonoma County Records and as further described in a deed recorded May 21, 1985 as Document No. 1985- 31917, Official Records.

Exhibit B
Prohibited and Restricted Uses of the Property

1. **Subdivision/Development Rights.** The legal or de facto subdivision of the Property or any of its constituent parcels for any purpose, including but not limited to gaining recognition of previously unrecognized parcels created by patent or deed, conveyance, subdivision or survey; the seeking of a partition remedy in a lawsuit; the transfer of development rights within or outside the ownership of the Property; and/or the sale, alienation, finance or conveyance of one parcel of the Property apart from the sale of the entire Property is prohibited, except through the power of Eminent Domain. Notwithstanding anything stated to the contrary in the previous sentence, GRANTOR may, subject to DISTRICT's prior written approval, undertake the following actions:

1.1 **Conveyance for Conservation Purposes.** GRANTOR may voluntarily convey a portion of the Property to a government or non-profit entity exclusively for conservation or public access purposes.

1.2 **Boundary Line Adjustments.** GRANTOR may relocate one or more boundary lines between two or more of the existing contiguous parcels on the Property, where the land taken from one parcel is added to a contiguous parcel and neither a greater number of parcels nor a greater number of buildable parcels than originally existed are thereby created.

2. **Commercial Uses.** Any commercial use of or activity on the Property is prohibited, except for the following rights reserved by GRANTOR:

2.1 **Recreational Use.** Recreational concessions or short-term special events may be operated on the Property in accordance with the Tolay Lake Park Management Plan and at a level that is consistent with the Conservation Purpose of this Easement.

2.2 **Park Complex/Visitor Center.** GRANTOR may develop visitor-serving uses within the Park Complex Area in accordance with the Tolay Lake Park Management Plan and at a level that is consistent with the Conservation Purpose of this Easement.

2.3 **Agricultural Use.** In addition to the rights reserved in Paragraph 5.3 of this Easement, GRANTOR reserves the right to engage in limited agricultural use of the Property in accordance with the Tolay Lake Park Management Plan and at a level that is consistent with the Conservation Purpose of this easement, subject to approval by the District, Wildlife Conservation Board and State Coastal Conservancy.

3. **Recreational Use.** Any recreational use of the property that would adversely impact the conservation values of the property is prohibited, including the following:

3.1 Camping. The use of the Property for limited or supervised camping by permit is allowed at a level that is consistent with the Conservation Purpose of this Easement. Any other camping on the Property shall be consistent with the Conservation Purpose of this Easement and shall be subject to approval by the District, Wildlife Conservation Board and State Coastal Conservancy.

3.2 Water based recreation on lake and ponds. Any public use of existing or restored water bodies for motorized watercraft is prohibited. Any use of non-motorized watercraft must be consistent with the Lake Restoration and Management Plan and Conservation Easement held by the Department of Fish and Game and must be consistent with the Conservation Purpose of this Easement.

3.3 Ball fields. The development of ball fields is prohibited.

3.4 Night lighting. The development or installation of lighting to allow for public recreational uses outside of a Park Complex/Visitor Center Area past sunset is prohibited.

4. **Residential Use.** Any residential use of or activity on the Property is prohibited, except for the following rights reserved by the GRANTOR relating to residential use of the Property.

4.1 To lease one or more of the residences on the Property consistent with the terms, conditions, and purpose of this Easement.

5. **Structures and Improvements.** No residences, buildings or other structural improvements, shall be placed, constructed or reconstructed on the Property, other than as provided for in the Park Management Plan.

5.1 Maintenance, Repair or Replacement of Existing Structural Improvements. GRANTOR may maintain, renovate, or replace agricultural, residential, and related buildings, structures and improvements, whether existing at the date hereof or constructed subsequently pursuant to the provisions of this Easement, in their present location as described in the Baseline Report and shown on the Baseline Site Map; provided that any renovation, or replacement of an existing building, structure, or improvement may not substantially alter its character or function or increase its present height, or the land surface area it occupies.

5.2 New Structural Improvements for Recreational, Educational or Interpretive Uses. GRANTOR may place or construct, after prior written approval of the DISTRICT, additional buildings, structures and improvements necessary for the permitted recreational, educational, or interpretive use of the Property, provided that any additional buildings, structures and improvements are located within the Park Complex Area as more particularly described in the Baseline Report and shown on the Baseline Site Map.

5.3 Roads. Construction of new roads, reconstruction or expansion of existing roads is subject to the DISTRICT's prior written approval, and are restricted to roads as may be directly required for uses and activities permitted herein, so long as such road construction, expansion or reconstruction is otherwise consistent with the purposes, terms and conditions of this Easement. Roads shall be constructed and maintained so as to minimize erosion and sedimentation and ensure proper drainage, utilizing Best Management Practices as recommended by the U.S. Forest Service, California Department of Forestry & Fire Protection or other similar or successor entity. Roads may not be paved with asphalt, concrete or other impervious surface unless such paving is identified in and consistent with the Park Management Plan or required by any law, code, ordinance or regulation. Roads that are abandoned, permanently closed and/or decommissioned shall be restored, stabilized and ensured of proper drainage.

5.4 Fences. Construction of new fences is restricted to fencing only as necessary for agricultural uses, natural resources protection or other uses accessory to the residential or recreational use of the Property. Such fencing must be the minimum necessary for such uses. In the event of destruction or deterioration of any fences, whether existing at the date hereof or constructed subsequently pursuant to the provisions of this Agreement, GRANTOR may replace such fencing with a fence of similar size (i.e., no greater in height or length), function, capacity and location, without prior notice to or approval by DISTRICT, provided, however, that such replacement: (i) is consistent with the conservation purpose of this Agreement, including the preservation of scenic values; (ii) does not impede wildlife movement; and (iii) complies with the DISTRICT'S current standards for fences on conservation lands. In the event any fence, or portion thereof, becomes unnecessary for the uses described in this paragraph, GRANTOR shall remove such fencing from the Property.

5.5 Utilities. Expansion, development or construction of utilities, including but not limited to electric power, septic or sewer, communication lines, and water storage and delivery systems ("Utility Systems") is prohibited, provided however, that, upon written notification to DISTRICT, GRANTOR may reconstruct, replace and maintain the current Utility Systems, and subject to DISTRICT's approval, develop and expand the Utility Systems when directly required for the uses permitted in Paragraphs 4 and 5 of this Easement, so long as such expansion is constructed in a manner that is otherwise consistent with the purposes, terms and conditions herein.

5.6 **Signs.** The construction of outdoor advertising structures such as signs and billboards is prohibited, provided however, that GRANTOR reserves the right to construct signs on the Property which are necessary to accomplish the permitted uses herein, so long as such signs are constructed, placed or utilized in a manner that is otherwise consistent with the purposes, terms and conditions of this Easement, and that no sign other than Park Entry signs exceed thirty-two (32) square feet in size and/or be artificially illuminated without prior written approval of the DISTRICT. Any signs to be placed on the property must comply with the Matching Grant Agreement between GRANTOR and DISTRICT.

6. **Water Resources.** Except as may be necessary to implement the Lake Restoration and Management Plan as described in Paragraph 5.2 of this Agreement, relating to the maintenance, replacement, development and expansion of water storage and delivery systems, the draining, filling, dredging, diking, damming or other alteration, development or manipulation of watercourses, springs and wetlands is prohibited; provided, however, that GRANTOR may conserve riparian, wetland and instream habitats for fish and wildlife, and may take necessary actions in the event of an emergency situation.

7. **Easements.** The granting of new temporary or permanent easements, and the modification or amendment of existing easements is prohibited without the approval of the DISTRICT. New easements or easement modifications shall only be granted where they will remove or significantly lessen the impact of existing easements of record on the Conservation Values set forth in this Easement or if such new or modified easement furthers the Conservation Purpose of this Easement. It is the duty of GRANTOR to prevent the use of the Property by third parties which may result in the creation of prescriptive rights which may be inconsistent with the conservation purpose of this Easement.

8. **Motorized Vehicles.** Motorized vehicles shall not be used off roads, except in an emergency, or directly in connection with permitted agricultural, conservation, wildlife or recreation management activities and when otherwise consistent with the purposes, terms and conditions herein.

9. **Soil Degradation.** Any use or activity that causes soil degradation, loss of productivity, or erosion, or contributes to the pollution of any surface or sub-surface waters is prohibited.

10. **Mineral Exploration.** The exploration for, or development and extraction of, geothermal resources, minerals and hydrocarbons by any surface or sub-surface mining or any other method is prohibited; provided however, that GRANTOR may use rock material from the existing quarry site, as designated on the Baseline Site Map, on site and in connection with the permitted uses under the terms of this Easement.

11. **Storage/Dumping.** The dumping, release, burning, permanent storage, or other disposal of wastes, refuse, debris, motorized vehicles or hazardous substances is prohibited; except for the

following rights reserved by GRANTOR in connection with the permitted uses under the terms of this Easement:

- 11.1 Storage of Materials Related to Permitted Uses. The storage of vehicles, building materials, machinery or agricultural supplies required for permitted uses may be stored in existing agricultural structures as delineated on the Baseline Site Map, so long as such storage is consistent with law, public health and sound agricultural practices.
- 11.2 Storage of Construction Materials. Construction and other work materials which are visible from public roadways may be stored outside while work is in progress for a period not to exceed ninety (90) days.

12. **Surface Alteration or Excavation.** Any alteration of the contour of the Property in any manner whatsoever including, but not limited to, excavating or removing soil, sand, gravel, rock, peat or sod is prohibited, except as necessary in connection with the permitted uses as provided in this Easement.

13. **Tree Removal.** The harvesting, cutting, removal, or destruction of any trees is prohibited, provided, however, that GRANTOR reserves the right to cut or remove trees as reasonably necessary for personal, non-commercial use on the Property, including without limitation (a) to control insects and disease, (b) to prevent personal injury and property damage, (c) to allow construction or repair of residential, recreational, educational, or agricultural structures and improvements, (d) to allow for habitat restoration activities, and (e) as necessary for the purpose of fire control and/or natural resource management as more specifically defined in Section 5.3 of the Easement.

CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)
OF REAL PROPERTY BY THE
BOARD OF DIRECTORS OF THE
SONOMA COUNTY AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT

This is to certify that the interests in real property conveyed by the Conservation Easement Agreement dated September 22, 2005, from the County of Sonoma to the Sonoma County Agricultural Preservation and Open Space District, a governmental agency formed pursuant to the provisions of Public Resources Code Section 5506.5, is hereby accepted by the President of the Board of Directors on behalf of the District pursuant to the authority conferred by Resolution No. 05-0840 of the Board of Directors, Dated September 27, 2005, and the District consents to the recording thereof by its duly recognized officer.

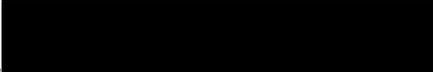
Sonoma County Agricultural
Preservation and Open Space District

Dated: 9/27/05

B

Tim Smith, President
Board of Directors

ATTEST:


Eeve T. Lewis, County Clerk and
ex-officio clerk of the Board of Directors

**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENTATION**

ATTACHMENT B

Applicable Zoning Regulations

Article 04.

LIA Land Intensive Agriculture District.

Sec. 26-04-005. Purpose.

Purpose: to enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land; and to implement the provisions of the land intensive agriculture land use category (Section 2.7.1) of the general plan and the policies of the agricultural resources element. (Ord. No. 4643, 1993.)

Sec. 26-04-010. Permitted uses.

(a) On parcels exceeding two (2) acres, raising, feeding, maintaining and breeding of farm animals. When such farming involves animals which are continuously confined, such as veal calves, poultry, hogs and pigs, dairy cows, or similar livestock which may result in concentrations of animal waste, the use shall be subject to issuance of a zoning permit based upon written approval of the Sonoma County public health department and the applicable Regional Water Quality Control Board of a confined animal management plan. Horses, goats, sheep and similar farm animals are not considered to be confined animals for purposes of this chapter. The plan shall include provisions for:

- (1) Containment of waste to the site,
- (2) Reuse or disposal of waste in accordance with health and/or water quality regulations,
- (3) Mitigation of potential water quality impacts due to surface runoff of waste,
- (4) Control of vectors.

In the event that the confined animal use is proposed within five hundred feet (500') of a nonagricultural land use category, it shall require prior approval of a use permit;

(b) On parcels of two (2) acres or less, raising, feeding, maintaining and breeding of not more than one (1) of the following per twenty thousand (20,000) square feet of area:

- (1) Five (5) hogs or pigs,
- (2) One (1) horse, mule, cow or steer,
- (3) Five (5) goats, sheep or similar animals,
- (4) Fifty (50) chickens or similar fowl,
- (5) Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals.

(6) The above limitations may be modified by the planning director upon submittal of a proposal statement which describes the extent of the domestic farming use and which is signed by the owners of all property within three hundred feet (300') of the subject property. The planning director may require the applicant to obtain a use permit if the director determines that the project might be detrimental to surrounding uses.

(7) 4-H and FFA animal husbandry projects are permitted without limitation of parcel size, provided that the parcel contains at least twenty thousand (20,000) square feet and provided further a letter of project authorization is first submitted by the project advisor. The planning director may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses;

(c) Beekeeping;

(d) The growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, including wholesale nurseries. Except as noted below, agricultural cultivation shall not be permitted in the following areas:

(1) Within one hundred feet (100') from the top of the bank of the Russian River Riparian Corridor,

(2) Within fifty feet (50') from the top of the bank of designated flatland riparian corridors,

(3) Within twenty-five feet (25') from the top of the bank of designated upland riparian corridors,

Agricultural cultivation may be allowed in those areas designated in subsection (d)(1) through (3) above upon approval of a management plan which includes appropriate mitigations for potential erosion, bank stabilization and biotic impacts. This plan may be approved by the planning director or by use permit pursuant to Section 26-04-020(a);

(e) Agricultural support services involving no more than one (1) employee and occupying no more than one-half (1/2) acre of land and subject, at a minimum to the criteria of general plan Policies AR-5c and AR-5d. Such services may include incidental sales of products related to the support service use but shall not include additional walk-in, over-the-counter retail sales.

The following factors shall be considered in determining an agricultural support service to be "clearly subordinate to on-site agricultural production" as provided in above Policy AR-5c:

(1) The geographic area of the lot devoted to the support service use in comparison to that remaining in agricultural production,

(2) Whether or not new structures or significant expansion of existing structures are needed to accommodate the support service use,

(3) The relative number of employees devoted to the support service use in comparison to that needed for agricultural production;

(f) Incidental cleaning, grading, packing, polishing, sizing and similar preparation of crops which are grown on the site, but not including agricultural processing;

(g) Temporary or seasonal sales and promotion and incidental storage of crops which are grown or animals which are raised on the site;

(h) Residential uses include the following:

(1) Single-family detached dwelling unit(s) in accordance with the residential density permitted by the general plan land use element, or permitted by a "B" combining district, whichever is more restrictive. These unit(s) may be manufactured homes, but only one (1) may be a manufactured home without a permanent foundation.

A manufactured home without a permanent foundation shall require prior approval of a zoning permit notice of which shall be posted at least ten (10) days prior to issuance, during which an appeal may be filed and processed pursuant to Section 26-92-040. Issuance of the zoning permit shall be subject, at a minimum, to the following conditions:

(i) The manufactured home shall be at least twelve feet (12') in width except those that are owned and occupied on the effective date of the ordinance codified in this chapter,

(ii) The manufactured home shall be skirted. All skirting shall be of a type approved by the state of California,

(iii) The manufactured home shall have one patio awning with a minimum dimension of nine feet (9') by twenty feet (20') and either a garage, carport or awning with a minimum dimension of ten feet (10') by twenty feet (20') for covered parking,

(iv) All manufactured home sites shall be landscaped, and

(v) The manufactured home shall be occupied by the owner of the property or a relative of the owner,

(2) One (1) detached farm family dwelling unit per lot provided that a Williamson Act contract is in effect and that the following requirements are met:

(i) An agricultural easement having a term equal to the useful life of the structure, but in no event less than twenty (20) years, shall be offered to the county at the time of application,

(ii) A covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that, in the event that the agricultural use is terminated on the property, the farm family dwelling shall become a nonconforming residential use,

(3) One (1) dwelling unit for full-time agricultural employees for each of the following agricultural uses conducted on the site:

(i) At least fifty (50) mature cows or one hundred (100) beef cattle,

(ii) At least twenty (20) acres of grapes, apples, pears, prunes,

(iii) At least twenty thousand (20,000) broilers, fifteen thousand (15,000) egg-layers or three thousand (3,000) turkeys,

(iv) At least two hundred fifty (250) sheep or goats, fifty (50) dairy goats or hogs,

(v) At least thirty (30) mature horses,

(vi) Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse or outdoor containers or three (3) acres of field-grown plant materials,

(vii) Any other agricultural use which the planning director determines to be of the same approximate agricultural value and intensity as subsections (h)(3)(i) through (vi) of this section.

The dwelling unit(s) may be conventionally built homes or manufactured homes (with or without permanent foundations); provided, that manufactured homes without a permanent foundation shall require a zoning permit approved in the manner described in subsection (h)(1) of this section. Prior to the issuance of building or zoning permits for the employee unit(s), the property owner shall place on file with the planning department an affidavit that the unit(s) will be used to house persons employed on the premises for agricultural purposes. Further, a covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that in the event that the agricultural use is terminated on the property, the agricultural employee dwelling shall become a nonconforming residential use,

(4) Self-contained recreational vehicles and/or travel trailers to house persons solely employed on the site for agricultural purposes for less than ninety (90) days, subject to the following:

The property owner must submit a written affidavit to the planning department, stating that the recreational vehicle and/or travel trailer will only be used to house persons solely employed on the site of a bona fide agricultural enterprise. A "bona fide agricultural enterprise" is defined, for this purpose, as an operation which derives its primary and principal income from agricultural production. The recreational vehicle or trailer shall be immediately removed from the site when it is no longer occupied by persons who are solely employed on the site,

(5) Seasonal farmworker housing which meets the standards set forth in Section 26-88-010(l). Seasonal farmworker housing shall also conform to such public health, building and fire safety criteria as may be established by resolution or ordinance of the board of supervisors,

(6) Year-round farmworker housing which meets the standards set forth in Section 26-88-010(p). Year-round farmworker housing shall also conform to such public health, building and fire safety criteria as may be established by resolution or ordinance of the board of supervisors,

(7) One guest house per lot,

(8) One (1) travel trailer per lot for use as temporary housing in accordance with Section 26-88-010(q) and provided that a travel trailer administrative permit is obtained and renewed annually;

(9) One (1) second dwelling unit per lot, pursuant to Section 26-88-060, provided that the water supply for the second dwelling unit is proposed to be located within a designated Class 1, 2 or 3 groundwater availability area. Second units may be established within designated Class 4 water-scarce areas only where a hydro-geotechnical report, as defined, certifies that the establishment and continuation of the secondary residential use will not have significant adverse impacts on local or cumulative groundwater availability or yield.

(i) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the Agricultural Resources Element:

(1) Boarding of horses subject to issuance of a zoning permit,

(2) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any home occupation use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder,

(3) Small residential community care facilities,

(4) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice," is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040,

(5) Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, where these uses are incidental to the primary use,

(6) Small family day care,

(7) Pet fancier facilities, provided, that a pet fancier license is obtained from the division of animal regulation and renewed annually,

(8) Public parks,

(9) Craft sales and garage sales not exceeding two (2) sales days per calendar year provided that prior notification is given to the California Highway Patrol and that adequate off-street parking is provided,

(10) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130,

(11) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section,

(12) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section,

(13) Small wind energy systems not located within a county-designated urban service area or within two thousand five hundred feet (2,500') of a county-designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;

(j) Accessory buildings and uses appurtenant to the operation of the permitted uses. Accessory buildings may be constructed on vacant parcels of two (2) acres or more in advance of a primary permitted use. On vacant parcels less than two (2) acres, accessory buildings may only be constructed if less than one hundred twenty (120) square feet or as incidental to an existing agricultural use;

(k) Minor timberland conversions, subject to compliance with the requirements of Section 26-88-140;

(l) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section. (Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(b), 2003; Ord. No. 5429 § 3(a), 2003; Ord. No. 5361 § 2(a), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 5016 § 1(A), 1997; Ord. No. 4985 § 1(b), 1996; Ord. No. 4973 § 3(a), 1996; Ord. No. 4723 § 1(b), 1993; Ord. No. 4653 § 1(c), 1993; Ord. No. 4643, 1993.)

Sec. 26-04-020. Uses permitted with a use permit.

(a) Agricultural cultivation in the following areas, for which a management plan has not been approved pursuant to Section 26-04-010(d):

(1) Within one hundred feet (100') from the top of the bank in the Russian River Riparian Corridor,

(2) Within fifty feet (50') from the top of the bank in designated flatland riparian corridors,

(3) Within twenty-five feet (25') from the top of the bank in designated upland riparian corridors;

(b) Livestock feed yards, animal sales yards;

(c) Commercial mushroom farming;

(d) Commercial stables not permitted under Section 26-04-010(i)(1), riding academies, equestrian riding and driving clubs, and hunting clubs;

(e) Commercial aquaculture, provided that, at a minimum, the use does not adversely affect biotic resources and does not take place on prime soils;

(f) Agricultural support services with more than one (1) and a maximum of three (3) employees or occupying more than one half (1/2) acre of land, but otherwise subject to the same criteria as Section 26-04-010(e);

(g) Preparation of agricultural products which are not grown on site, processing of agricultural product of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of general plan Policies AR-5e and AR-5f;

(h) Slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards which serve agricultural production in the local area and subject, at a minimum, to the criteria of general plan Policies AR-5e and AR-5f;

(i) Retail nurseries involving crops/plants which are not grown on the site;

(j) Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of general plan Policies AR-6d and AR-6g. This subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-04-010(g);

(k) Promotional or marketing accommodations for private guests, provided, that the use, at a minimum, meets all of the following criteria:

- (1) The use promotes or markets agricultural products grown or processed on the site,
- (2) The scale of the use is appropriate to the production and/or processing use on the site,
- (3) The use complies with general plan Policies AR-6d and AR-6g,
- (4) No commercial use of private guest accommodations is allowed;

(l) Dwelling unit(s) for full time agricultural employees which are transferred from another lot within this district and which are under the same ownership as the subject property. The number of units allowed shall be determined by the standards in Section 26-04-010(h)(3). The units shall be located on the receiving parcel such that they are closer to the primary dwelling unit than to the property line;

(m) Farm labor camps not permitted by Section 26-04-010(h);

(n) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the Agricultural Resources Element:

- (1) Game preserves and refuges;
- (2) Public schools, subject, at a minimum, to the criteria of general plan Policy LU-6e;
- (3) Private nursery, primary or secondary schools, and churches subject, at a minimum, to the criteria of general plan Policy LU-6f;
- (4) Cemeteries;
- (5) Commercial kennels;
- (6) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law;
- (7) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130;
- (8) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;

- (9) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;
- (10) Application of sludge from wastewater treatment plants to agricultural land subject, at a minimum, to the criteria of general plan Policies PF-2q and PF-2r;
- (11) Art studios and arts and crafts centers not involving retail or wholesale sales. A use permit for such uses may be granted only when the use is conducted within an existing abandoned agricultural building feasible for such use;
- (12) Granges and similar community service facilities which do not adversely impact agriculture in the area;
- (13) Large residential community care facility;
- (14) Day care center;
- (15) Large family day care;
- (16) Golf courses and driving ranges shall be at the sole discretion of the county and subject, at a minimum, to the following criteria:
- (i) The proposed use is adjacent to a designated urban service boundary or includes an irrevocable offer of offsite unutilized development rights for all lands between the use and the urban service boundary,
 - (ii) Permanent open space or agricultural preservation is provided for the site of the proposed use and all areas for which development rights are acquired,
 - (iii) The use is located in close proximity to an existing wastewater treatment facility and includes the use of reclaimed wastewater in accordance with the regulations of the applicable regional water quality control agency,
 - (iv) The use is subject to design review approval and includes setbacks, buffers or other measures designed to minimize its impact on existing and potential agricultural uses in the area,
 - (v) Under no circumstances shall housing be included as part of the use, provided that a caretaker unit may be considered,
 - (vi) The use must be compatible with and not result in limitations on any agricultural operation,
 - (vii) The use shall not be conducted on lands subject to a Williamson Act contract or included in a Timber Production Zone,
 - (viii) Facilities associated with the golf course and/or driving range shall be limited to those which serve golfers on the course or range, such as locker and shower facilities, pro shop with incidental sales of golfing equipment, snack bar and maintenance operations. Such facilities shall not include restaurants, other retail sales, lodging or similar uses,
 - (ix) Driving ranges shall not be operated during nighttime hours.

In the event that the above uses are proposed within a designated community separator, the criteria established by general plan Policy OS-1c shall supersede the above criteria,

(17) Craft sales and garage sales involving three (3) or four (4) sales days per year;

(18) Small wind energy systems located within a county-designated urban service area or within two thousand five hundred feet (2,500') of a county-designated urban service area, subject to the standards in Section 26-88-135.

(o) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any live/work use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder.

(p) Other nonresidential uses which in the opinion of the planning director area of a similar and compatible nature to those uses described in this section. (Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(c), 2003; Ord. No. 5429 § 3, 2003; Ord. No. 5361 § 2(i), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 4973 § 3(b), 1996; Ord. No. 4781 § 2(B), 1994; Ord. No. 4643, 1993.)

Sec. 26-04-030. Permitted residential density and development criteria.

The use of land and structures within this district is subject to this article, the general regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.

(a) **Density.** Residential density shall be between twenty (20) and one hundred (100) acres per dwelling unit as shown in the general plan land use element or permitted by a "B" combining district, whichever is more restrictive. However, dwelling units described in Section 26-04-010(h)(2) through (7) inclusive may be permitted in addition to the residential density.

(b) **Minimum Lot Size.** The minimum lot size for creation of new parcels shall be twenty (20) acres, provided, that it shall also meet the criteria of general plan Policy AR-8c. In such cases where lots are clustered, a protective easement shall be applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area.

(c) **Minimum Lot Width.** The minimum average lot width within each lot is one hundred twenty-five feet (125').

(d) **Maximum Building Height.**

(1) Thirty-five feet (35') except that agricultural buildings and structures may reach up to fifty feet (50'). Additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured.

(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.

(e) **Maximum Lot Coverage.** Thirty-five percent (35%). Lot coverage limitations may be waived by the planning director for commercial greenhouses and swimming pools.

(f) Yard Requirements.

(1) Front Yard. Thirty feet (30') except where combined with any B district and in no case shall the setback be less than fifty-five feet (55') from the centerline of all roads and streets, except as may be otherwise indicated on the district maps.

(2) Side Yard. Minimum ten feet (10').

(3) Rear Yard. Twenty feet (20').

(4) Watering troughs, feed troughs, accessory buildings used for the housing or maintenance of farm animals and accessory buildings and runs used for the housing or maintenance of kennel animals shall be located at least fifty feet (50') from the front property line, twenty feet (20') from any side or rear property line, and thirty feet (30') from any dwelling on the adjacent property.

(5) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty-five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with garages or carports, the required front yard may be reduced to a depth equal to the average of the front yards of the such garages or carports. However, in no case shall the front yards be reduced to less than ten feet (10'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard.

Notwithstanding the above, if a residence is elevated to meet flood requirements, the space underneath the structure may be utilized for a garage or carport if it will meet building codes, even if the ten foot (10') to twenty foot (20') setback cannot be met, subject to approval of administrative design review.

(6) Cornices, eaves, canopies, bay windows, fireplaces and/or other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one-third of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard.

(7) Where twenty-five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the limitations of subsection (f)(5) of this section.

(8) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such buildings shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the Uniform Building Code. (Ord. No. 3932.)

(9) The yard requirements of subsections (f)(1) and (2) of this section may be reduced up to fifty percent (50%) for agricultural buildings and structures if necessary for efficient farming operation.

(g) In compliance with applicable sections of the State Subdivision Map Act and the subdivision ordinance, a two (2)-way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:

(1) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purposes of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.

(2) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease.

(3) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel.

(4) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract.

(5) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.

(6) The farmworker housing project is provided pursuant to Section 26-88-010(l) (Seasonal farmworker housing) or Section 26-88-010(o) (Year-round farmworker housing), and includes provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.

A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract. (Ord. No. 5569 § 9, 2005; Ord. No. 4973 § 1(c), 1996; Ord. No. 4927 §§ 1, 6, 11, 1996; Ord. No. 4643, 1993.)

Article 06.

LEA Land Extensive Agriculture District.

Sec. 26-06-005. Purpose.

Purpose: to enhance and protect lands best suited for permanent agricultural use and capable of relatively low production per acre of land; and to implement the provisions of the land extensive agriculture land use category (Section 2.7.2) of the general plan and the policies of the agricultural resources element. (Ord. No. 4643, 1993.)

Sec. 26-06-010. Permitted uses.

(a) On parcels exceeding two (2) acres, raising, feeding, maintaining and breeding of farm animals. When such farming involves animals which are continuously confined, such as veal calves, poultry, hogs and pigs, dairy cows or similar livestock which may result in concentrations of animal waste, the use shall be subject to issuance of a zoning permit based upon written approval of the Sonoma County public health department and the applicable Regional Water Quality Control Board of a confined animal management plan. Horses, goats, sheep and similar farm animals are not considered to be confined animals for purposes of this chapter. The plan shall include provisions for:

- (1) Containment of waste to the site,
- (2) Reuse or disposal of waste in accordance with health and/or water quality regulations,
- (3) Mitigation of potential water quality impacts due to surface runoff of waste,
- (4) Control of vectors,

In the event that the confined animal use is proposed within five hundred feet (500') of a nonagricultural land use category, it shall require prior approval of a use permit;

(b) On parcels of two (2) acres or less, raising, feeding, maintaining and breeding of not more than one of the following per twenty thousand (20,000) square feet of area:

- (1) Five (5) hogs or pigs,
- (2) One (1) horse, mule, cow or steer,
- (3) Five (5) goats, sheep or similar animals,
- (4) Fifty (50) chickens or similar fowl,
- (5) Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals.

(6) The above limitations may be modified by the planning director upon submittal of a proposal statement which describes the extent of the domestic farming use and which is signed by the owners of all property within three hundred feet (300') of the subject property. The planning director may require the applicant to obtain a use permit if the director determines that the project might be detrimental to surrounding uses.

(7) 4-H and FFA animal husbandry projects are permitted without limitation of parcel size; provided, that the parcel contains at least twenty thousand (20,000) square feet and provided further, a letter of project authorization is first submitted by the project advisor. The planning director may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses;

(c) Beekeeping;

(d) The growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, including wholesale nurseries. Except as noted below, agricultural cultivation shall not be permitted in the following areas:

(1) Within one hundred feet (100') from the top of the bank of the Russian River Riparian Corridor,

(2) Within fifty feet (50') from the top of the bank of designated flatland riparian corridors,

(3) Within twenty-five feet (25') from the top of the bank of designated upland riparian corridors.

Agricultural cultivation may be allowed in those areas set out in subsections (d)(1) through (3) of this section upon approval of a management plan which includes appropriate mitigations for potential erosion, bank stabilization and biotic impacts. This plan may be approved by the planning director or by use permit pursuant to Section 26-06-020(a);

(e) Agricultural support services involving no more than one (1) employee and occupying no more than one half (1/2) acre of land and subject, at a minimum to the criteria of general plan Policies AR-5c and AR-5d. Such services may include incidental sales of products related to the support service use but shall not include additional walk-in, over-the-counter retail sales.

The following factors shall be considered in determining an agricultural support service to be "clearly subordinate to on-site agricultural production" as provided in Policy AR-5c:

(1) The geographic area of the lot devoted to the support service use in comparison to that remaining in agricultural production,

(2) Whether or not new structures or significant expansion of existing structures are needed to accommodate the support service use,

(3) The relative number of employees devoted to the support service use in comparison to that needed for agricultural production;

(f) Incidental cleaning, grading, packing, polishing, sizing and similar preparation of crops which are grown on the site, but not including agricultural processing;

(g) Temporary or seasonal sales and promotion and incidental storage of crops which are grown or animals which are raised on the site;

(h) Residential uses include the following:

(1) Single-family detached dwelling unit(s) in accordance with the residential density permitted by the general plan land use element, or permitted by a "B" combining district, whichever is more restrictive. These unit(s) may be manufactured homes, but only one (1) may be a manufactured home without a permanent foundation.

A manufactured home without a permanent foundation shall require prior approval of a zoning permit notice of which shall be posted at least ten (10) days prior to issuance, during which an appeal may be filed and processed pursuant to Section 26-92-040. Issuance of the zoning permit shall be subject, at a minimum, to the following conditions:

(i) The manufactured home shall be at least twelve feet (12') in width except those that are owned and occupied on the effective date of the ordinance codified in this chapter,

(ii) The manufactured home shall be skirted. All skirting shall be of a type approved by the state of California,

(iii) The manufactured home shall have one (1) patio awning with a minimum dimension of nine feet (9') by twenty feet (20') and either a garage, carport or awning with a minimum dimension of ten feet (10') and twenty feet (20') for covered parking,

(iv) All manufactured home sites shall be landscaped, and

(v) The manufactured home shall be occupied by the owner of the property or a relative of the owner,

(2) One (1) detached farm family dwelling unit per lot, provided that the following requirements are met:

(i) An agricultural easement having a term equal to the useful life of the structure, but in no event less than twenty (20) years, shall be offered to the county at the time of application,

(ii) A covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that, in the event that the agricultural use is terminated on the property, the farm family dwelling shall become a nonconforming residential use,

(3) One (1) dwelling unit for full-time agricultural employees for each of the following agricultural uses conducted on the site:

(i) At least fifty (50) mature cows or one hundred (100) beef cattle,

(ii) At least twenty (20) acres of grapes, apples, pears, prunes,

(iii) At least twenty thousand (20,000) broilers, fifteen thousand (15,000) egg-layers, or three thousand (3,000) turkeys,

(iv) At least two hundred fifty (250) sheep or goats, fifty (50) dairy goats or hogs,

(v) At least thirty (30) mature horses,

(vi) Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse or outdoor containers or three (3) acres of field-grown plant materials,

(vii) Any other agricultural use which the planning director determines to be of the same approximate agricultural value and intensity as subsections (h)(3)(i) through (vi) of this section.

The dwelling unit(s) may be conventionally built homes or manufactured homes (with or without permanent foundations), provided that manufactured homes without a permanent foundation shall require a zoning permit approved in the manner described in Section 26-06-010(h)(1). Prior to the issuance of building or zoning permits for the employee unit(s), the property owner shall place on file with the planning department an affidavit that the unit(s) will be used to house persons employed on the premises for agricultural purposes. Further, a covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that in the event that the agricultural use is terminated on the property, the agricultural employee dwelling shall become a nonconforming residential use,

(4) Self-contained recreational vehicles and/or travel trailers to house persons solely employed on the site for agricultural purposes for less than ninety (90) days, subject to the following:

The property owner must submit a written affidavit to the planning department, stating that the recreational vehicle and/or travel trailer will only be used to house persons solely employed on the site of a bona fide agricultural enterprise. A bona fide agricultural enterprise is defined for this purpose as an operation which derives its primary and principal income from agricultural production. The recreational vehicle or trailer shall be immediately removed from the site when it is no longer occupied by persons who are solely employed on the site,

(5) Seasonal farmworker housing which meets the standards set forth in Section 26-88-010(l). Seasonal farmworker housing shall also conform to such public health, building and fire safety criteria established by resolution or ordinance of the board of supervisors,

(6) Year-round farmworker housing which meets the standards set forth in Section 26-88-010(p). Year-round farmworker housing shall also conform to such public health, building, and fire safety criteria as may be established by resolution or ordinance of the board of supervisors,

(7) One guest house per lot,

(8) One (1) travel trailer per lot for use as temporary housing in accordance with Section 26-88-010(q) and provided that a travel trailer administrative permit is obtained and renewed annually;

(9) One (1) second dwelling unit per lot, pursuant to Section 26-88-060, provided that the water supply for the second dwelling unit is proposed to be located within a designated Class 1, 2 or 3 groundwater availability area. Second units may be established within designated Class 4 water-scarce areas only where a hydro-geotechnical report, as defined, certifies that the establishment and continuation of the secondary residential use will not have significant adverse impacts on local or cumulative groundwater availability or yield.

(i) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the Agricultural Resources Element.

(1) Boarding of horses subject to issuance of a zoning permit,

(2) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any home occupation use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder,

(3) Small residential community care facilities,

(4) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040,

(5) Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, where these uses are incidental to the primary use,

(6) Small family day care,

(7) Pet fancier facilities, provided, that a pet fancier license is obtained from the division of animal regulation and renewed annually,

(8) Public parks,

(9) Craft sales and garage sales not exceeding two (2) sales days per calendar year provided that prior notification is given to the California Highway Patrol and that adequate off-street parking is provided;

(10) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130,

(11) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section,

(12) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section,

(13) Small wind energy systems not located within a county-designated urban service area or within two thousand five hundred feet (2,500') of a county-designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;

(j) Accessory buildings and uses appurtenant to the operation of the permitted uses. Accessory buildings may be constructed on vacant parcels of two (2) acres or more in advance of a primary permitted use. On vacant parcels less than two (2) acres, accessory buildings may only be constructed if less than one hundred twenty (120) square feet or as incidental to an existing agricultural use;

(k) Minor timberland conversions, subject to compliance with the requirements of Section 26-88-140;

(l) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;

(m) Bed and breakfast inns, containing not more than one (1) guest room, contained within a single-family dwelling, subject to issuance of a zoning permit. No bed and breakfast inn shall displace nor interfere with any existing agricultural use on the property. No bed and breakfast inn shall be located on land under Williamson Act contract. Food service shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services. No weddings, lawn parties or similar activities shall be permitted. No outdoor amplified sound shall be permitted. At least ten (10) days prior to issuance of a zoning permit pursuant to this subsection, a written notice stating: "The Sonoma County Permit and Resource Management Department will issue a zoning permit for a one guest room bed and breakfast inn on the property located at [address and APN] if a written appeal is not received within ten (10) days from the date of this notice" shall be posted on the subject parcel and shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within three hundred feet (300') of the subject parcel. If no written appeal is received during the ten (10)-day period following the posting and mailing or delivery of notice, a zoning permit shall be issued if the proposed inn satisfies the requirements of this subsection. In the event of a timely appeal, a hearing on the proposed inn shall be held before the board of zoning adjustments pursuant to Section 26-92-040 and the proposed inn shall be evaluated under the provisions of this subsection and the standards set forth in Section 26-92-080. (Ord. No. 5569 § 7, 2005; Ord. 5435 § 2(d), 2003; Ord. 5429 § 3(a), 2003; Ord. No. 5361 § 2(b), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 5265 § 1(b), 2001; Ord. No. 5016 § 1(B), 1997; Ord. No. 4985 § 1(b), 1996; Ord. No. 4973 § 3(a), 1996; Ord. No. 4723 § 1(c), 1993; Ord. No. 4653 § 1(d), 1993; Ord. No. 4643, 1993.)

Sec. 26-06-020. Uses permitted with a use permit.

(a) Agricultural cultivation in the following areas, for which a management plan has not been approved pursuant to Section 26-06-010(d):

(1) Within one hundred feet (100') from the top of the bank in the Russian River Riparian Corridor,

(2) Within fifty feet (50') from the top of the bank in designated flatland riparian corridors,

(3) Within twenty-five feet (25') from the top of the bank in designated upland riparian corridors;

(b) Livestock feed yards, animal sales yards;

(c) Commercial mushroom farming;

(d) Commercial stables not permitted under Section 26-06-010(i)(1), riding academies, equestrian riding and driving clubs, and hunting clubs;

(e) Commercial aquaculture, provided that, at a minimum, the use does not adversely affect biotic resources and does not take place on prime soils;

(f) Agricultural support services with more than one (1) employee or occupying more than one-half acre of land, but otherwise subject to the same criteria as Section 26-06-010(e);

(g) Preparation of agricultural products which are not grown on site, processing of agricultural products of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of general plan Policies AR-5e and AR-5f;

(h) Slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards which serve agricultural production in the local area and subject, at a minimum, to the criteria of general plan Policies AR-5e and AR-5f;

(i) Retail nurseries involving crops/plants which are not grown on the site;

(j) Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of general plan Policies AR-6d and AR-6g. This subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-06-010(g);

(k) Promotional or marketing accommodations for private guests, provided that the use, at a minimum, meets all of the following criteria:

- (1) The use promotes or markets agricultural products grown or processed on the site,
- (2) The scale of the use is appropriate to the production and/or processing use on the site,
- (3) The use complies with general plan Policies AR-6d and AR-6g,
- (4) No commercial use of private guest accommodations is allowed;

(l) Dwelling unit(s) for full-time agricultural employees which are transferred from another lot within this district and which is under the same ownership as the subject property. The number of units allowed shall be determined by the standards in Section 26-06-010(h)(3). The units shall be located on the receiving parcel such that they are closer to the primary dwelling unit than to the property line;

(m) Farm labor camps not permitted by Section 26-06-010(h);

(n) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the Agricultural Resources Element.

- (1) Game preserves and refuges,
- (2) Public schools, subject, at a minimum, to the criteria of general plan Policy LU-6e,
- (3) Private nursery, primary or secondary schools, and churches subject, at a minimum, to the criteria of general plan Policy LU-6f,

- (4) Campgrounds with a maximum of thirty (30) sites; provided, that the subject area is not under a Williamson Act contract, and subject, at a minimum, to the criteria of general plan Policy AR-6e,
- (5) Cemeteries,
- (6) Commercial kennels,
- (7) Private landing strips,
- (8) Bed and breakfast inns, containing not more than five (5) guest rooms, subject to Article 82 (Design Review), Article 86 (Parking Regulation), and the criteria of general plan Policy AR-6e. No bed and breakfast inn shall displace nor interfere with any existing agricultural use on the property. No bed and breakfast inn shall be located on land under Williamson Act contract. Food service shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services. Weddings, lawn parties or similar activities may be allowed if specifically authorized by the use permit. No outdoor amplified sound shall be permitted at any time. No bed and breakfast inn shall include the use of more than one (1) single-family dwelling and one (1) accessory structure for transient occupancy. No more than two (2) of the five (5) guest rooms allowed by this section may be located in the accessory structure, if any. If an accessory structure is used for transient occupancy, the total floor area available for use by guests, including guest rooms and common areas, shall not exceed six hundred forty (640) square feet. There shall be no internal doorway or passage between the area available for use by guests and any remaining area of the accessory structure, (Ord. No. 5265 1(c), 2001; Ord. No. 3662.)
- (9) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law,
- (10) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130,
- (11) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130,
- (12) Exploration and development of low temperature geothermal resources for other than power development purposes, provided that, at a minimum, it is compatible with surrounding land uses,
- (13) Application of sludge from wastewater treatment plants to agricultural land subject, at a minimum, to the criteria of general plan Policies PF-2q and PF-2r,
- (14) Art studios and arts and crafts centers not involving retail or wholesale sales. A use permit for such uses may be granted only when the use is conducted within an existing abandoned agricultural building feasible for such use,
- (15) Granges and similar community service facilities which do not adversely impact agriculture in the area,
- (16) Large residential community care facility,

(17) Day care center,

(18) Large family day care,

(19) Golf courses and driving ranges shall be at the sole discretion of the county and subject, at a minimum, to the following criteria:

(i) The proposed use is adjacent to a designated urban service boundary or includes an irrevocable offer of offsite unutilized development rights for all lands between the use and the urban service boundary,

(ii) Permanent open space or agricultural preservation is provided for the site of the proposed use and all areas for which development rights are acquired,

(iii) The use is located in close proximity to an existing wastewater treatment facility and includes the use of reclaimed wastewater in accordance with the regulations of the applicable regional water quality control agency,

(iv) The use is subject to design review approval and includes setbacks, buffers or other measures designed to minimize its impact on existing and potential agricultural uses in the area,

(v) Under no circumstances shall housing be included as part of the use, provided that a caretaker unit may be considered,

(vi) The use must be compatible with and not result in limitations on any agricultural operation,

(vii) The use shall not be conducted on lands subject to a Williamson Act contract or included in a Timber Production zone,

(viii) Facilities associated with the golf course and/or driving range shall be limited to those which serve golfers on the course or range, such as locker and shower facilities, pro shop with incidental sales of golfing equipment, snack bar and maintenance operations. Such facilities shall not include restaurants, other retail sales, lodging or similar uses,

(ix) Driving ranges shall not be operated during nighttime hours.

In the event that the above uses are proposed within a designated community separator, the criteria established by general plan Policy OS-1c shall supersede the above criteria.

(20) Craft sales and garage sales involving three (3) or four (4) sales days per year;

(21) Small wind energy systems located within a county-designated urban service area or within two thousand five hundred feet (2,500') of a county-designated urban service area, subject to the standards in Section 26-88-135.

(o) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any live/work use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder.

(p) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in Section 26-06-020. (Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(c), 2003; Ord. No. 5429 § 3, 2003; Ord. No. 5361 § 2(j), 2002; Ord. No. 5342 § 5, 2002; Ord. 4973 § 3(b), 1996; Ord. No. 4781 § 2(B), 1994; Ord. No. 4643, 1993.)

Sec. 26-06-030. Permitted residential density and development criteria.

The use of land and structures within this district is subject to this article, the general regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.

(a) **Density.** Residential density shall be between sixty (60) and three hundred twenty (320) acres per dwelling unit as shown in the general plan land use element or permitted by a B combining district, whichever is more restrictive. However, dwelling units described in Section 26-06-010(h)(2) through (7) inclusive may be permitted in addition to the residential density.

(b) **Minimum Lot Size.** The minimum lot size for creation of new parcels shall be 1.5 acres, provided that it shall also meet the criteria of general plan Policies AR-8c and AR-3b. In such cases where lots are clustered, a protective easement shall be applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area.

(c) **Minimum Lot Width.** The minimum average lot width within each lot is one hundred twenty-five feet (125').

(d) **Maximum Building Height.**

(1) Thirty-five feet (35') except that agricultural buildings and structures may reach up to fifty feet (50'). Additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured.

(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.

(e) **Maximum Lot Coverage.** Thirty-five percent (35%). Lot coverage limitations may be waived by the planning director for commercial greenhouses and swimming pools.

(f) **Yard Requirements.**

(1) **Front Yard.** Thirty feet (30') except where combined with any B district and in no case shall the setback be less than fifty-five feet (55') from the centerline of all roads and streets, except as may be otherwise indicated on the district maps.

(2) **Side Yard.** Minimum ten feet (10').

(3) **Rear Yard.** Twenty feet (20').

(4) Watering troughs, feed troughs, accessory buildings used for the housing or maintenance of farm animals and accessory buildings and runs used for the housing or maintenance of kennel animals shall be located at

least fifty feet (50') from the front property line, twenty feet (20') from any side or rear property line, and thirty feet (30') from any dwelling on the adjacent property.

(5) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty-five percent (25%) or more of the lots on any one block or portion thereof in the same zoning district have been improved with garages or carports, the required front yard may be reduced to a depth equal to the average of the front yards of the such garages or carports. However, in no case shall the front yards be reduced to less than ten feet (10'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard.

Notwithstanding the above, if a residence is elevated to meet flood requirements, the space underneath the structure may be utilized for a garage or carport if it will meet building codes, even if the ten foot (10') to twenty foot (20') setback cannot be met, subject to approval of administrative design review.

(6) Cornices, eaves, canopies, bay windows, fireplaces and/or other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one-third of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard.

(7) Where twenty-five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the limitations of Section 26-06-030(f)(5).

(8) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such building(s) shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the Uniform Building Code. (Ord. No. 3932.)

(9) The yard requirements of subsections (f)(1) and (2) of this section may be reduced up to fifty percent (50%) for agricultural buildings and structures if necessary for efficient farming operation.

(g) In compliance with applicable sections of the State Subdivision Map Act and the subdivision ordinance, a two (2)-way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:

(1) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purpose of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.

(2) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit

organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease.

(3) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel.

(4) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract.

(5) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.

(6) The farmworker housing project is provided pursuant to Section 26-88-010(l) (Seasonal farmworker housing) or Section 26-88-010(o) (Year-round farmworker housing), and includes provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.

A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract. (Ord. No. 5569 § 9, 2005; Ord. No. 4973 § 3(c), 1996; Ord. No. 4927 §§ 1, 6, 11, 1996; Ord. No. 4643, 1993.)

**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENTATION**

ATTACHMENT C

Soil Descriptions

The available water capacity is 9 to 11 inches. Runoff is rapid and the hazard of erosion is high.

This soil is used mainly for the production of timber. Capability unit VIe-1; woodland group 5.

Cibo Series

The Cibo series consists of well-drained clays underlain, at a depth of 30 to 55 inches, by strongly weathered, fine-grained, basic igneous rocks. These soils are on mountainous uplands. They are on hillsides and ridges surrounding the Russian River which flows through the north-central part of the county. Slopes are 15 to 50 percent. Elevation ranges from 400 to 1,500 feet. Annual rainfall is 40 to 60 inches, annual temperature is about 60° F., and the frost-free season is about 250 days. The vegetation is chiefly annual grasses, forbs, and scattered oaks. The Cibo soils are associated with the Boomer and Dibble soils.

In a typical profile dark-brown and dark yellowish-brown, slightly acid and neutral clay and gravelly clay extend to a depth of about 48 inches. At a depth of about 48 inches is decomposed and strongly weathered gabbro.

Cibo soils are used mainly for pasture and for grazing.

Cibo clay, 15 to 50 percent slopes (CbF).--This soil is on uplands. Most of the slopes are short and abrupt. In most places slopes range from 15 to 30 percent.

Typical profile in a pasture; convex slope of 28 percent that faces northwest; about 500 feet west of turnoff from West Side Road to MacMurray Ranch Road and about 1,600 feet north to road cut (SW1/4 NE1/4 sec. 19, T. 8 N., R. 10 W.); the profile was dry when examined:

- All--0 to 11 inches, dark-brown (10YR 4/3) clay, very dark grayish brown (10YR 3/2) moist; weak, medium, subangular blocky structure but granular in upper 2 inches; slightly hard, friable, sticky and plastic; common fine roots; common, fine, tubular pores; common thin clay films in pores; slightly acid (pH 6.5); gradual, wavy boundary.
- A12--11 to 27 inches, dark yellowish-brown (10YR 4/4) clay, dark brown (10YR 3/2) moist; moderate, medium, subangular blocky structure; hard, friable, sticky and plastic; common fine and medium roots; common slickensides; common, fine, tubular and interstitial pores; many moderately thick clay films in pores; neutral (pH 7.0); gradual, irregular boundary.
- C1--27 to 48 inches, dark yellowish-brown (10YR 4/4) gravelly clay, dark brown (10YR 3/3) moist; moderate, medium, subangular blocky structure; hard, friable, slightly sticky and plastic; a few fine roots; common, fine, tubular and interstitial pores; common slickensides; many moderately thick clay films in pores and on ped faces; neutral, (pH 7.0); about 15 percent gravel; gradual, irregular boundary.

C2--48 inches, variegated, strongly weathered gabbro that has some gravelly sandy clay; granular structure; friable, sticky and plastic; a few fine roots; a few, medium, tubular pores; continuous clay films in pores and on ped faces; neutral (pH 7.0); about 25 percent gravel. Seams of weathered parent material appear throughout the profile.

The A horizon ranges from dark gray and dark grayish brown to dark brown and dark yellowish brown in color. The percentage of gravel and stone varies from approximately 25 percent to very little. Depth to the C2 horizon varies from 30 to 55 inches.

Included in mapping are small areas of Boomer loam and Dibble clay loam, as well as soils that have a slope of less than 5 percent.

Permeability is slow in the subsoil of this Cibo soil. Runoff is medium to rapid, and the hazard of erosion is moderate to high. Fertility is moderate. The available water capacity is 4 to 9 inches.

This soil is used mainly for pasture or range. Capability unit VIe-5; range site 3.

Clear Lake Series

The Clear Lake series consists of clays that formed under poorly drained conditions. These soils are underlain by alluvium from basic and sedimentary rock. They are on plains and flat basin areas. They occur in an area that extends from approximately 5 miles south of Santa Rosa and east of Petaluma to north of the tidelands bordering San Francisco Bay. There are also scattered areas south and southwest of the town of Sonoma. Slopes are 0 to 5 percent. Elevation ranges from 20 to 300 feet. Annual rainfall is 22 to 35 inches, the annual temperature is 58° to 60° F., and the frost-free season is 260 to 280 days. Where not cultivated, the vegetation is chiefly annual or perennial grasses and forbs. The Clear Lake soils are associated with the Haire, Huichica, Reyes, Wright, and Zamora soils.

In a typical profile the surface layer is a dark-gray, medium acid and slightly acid clay about 39 inches thick. This is underlain by a dark-gray, moderately alkaline clay that has light gray mottles. At a depth of about 46 inches is gray and light brownish-gray, moderately alkaline clay. At a depth of about 60 inches is light-gray to white, mildly alkaline sandy clay loam.

Clear Lake soils are used mainly for growing oat-vetch hay and oat hay for dairy and horse feed. A few small areas are used for irrigated pasture and row crops.

Clear Lake clay, 0 to 2 percent slopes (CeA).--This soil is in poorly drained basins and on flood plains. Most of the acreage is characterized by extremely long, smooth areas.

Typical profile in an oat-hay pasture on Dangers Ranch; slope of 1 percent; 0.5 mile southeast of the junction of Corona and El Road (NW1/4 NW1/4 sec. 21, T. 5 N., R. 7 W.):

- Ap1--0 to 2 inches, dark-gray (N 4/0) clay, very dark gray (10YR 3/1) moist; fine and medium granular structure; hard, very firm, sticky and plastic; many fine, very fine, and micro roots; common, fine and very fine, interstitial pores; medium acid (pH 6.0), clear, wavy boundary.
- Ap2-- 2 to 8 inches, dark-gray (N 4/0) clay, very dark gray (10YR 3/1) moist; massive and coarse subangular blocky structure; very hard, very firm, sticky and plastic; many, fine, very fine, and micro roots; many, fine and very fine, interstitial pores; medium acid (pH 6.0); clear, wavy boundary.
- A11--8 to 25 inches, dark-gray (N 4/0) clay, black (10YR 2/1) moist; massive; extremely hard, extremely hard, extremely firm, sticky and plastic; many very fine and fine roots; common, very fine, tubular pores; many slickensides; medium acid (pH 6.0); gradual, smooth boundary.
- A12--25 to 39 inches, dark-gray (N 4/0) clay that has common, fine, distinct, light-gray mottles; black (10YR 2/1) when moist; massive; extremely hard, extremely firm, sticky and plastic; many very fine and fine roots; common, very fine, tubular pores; many slickensides; slightly acid (pH 6.5); gradual, smooth boundary.
- AC--39 to 46 inches, dark-gray (N 4/0) clay that has common, fine, distinct, light-gray mottles; black (10YR 2/1) when moist; massive; very hard, extremely firm, very sticky and plastic; common, very fine and micro roots; common, very fine, interstitial pores; many slickensides, moderately alkaline (pH 8.0); gradual, smooth boundary.
- C1ca--46 to 52 inches, gray (N 5/0) clay that has common, fine, distinct, light-gray mottles; very dark grayish brown (10YR 3/2) when moist; massive; very hard, extremely firm, very sticky and very plastic; common, very fine and fine roots; common, very fine and fine, tubular pores; many slickensides; moderately alkaline (pH 8.0); scattered lime blotches; gradual, smooth boundary.
- C2--52 to 60 inches, light brownish-gray (2.5Y 6/2) light clay that has white lime splotches; dark grayish brown (2.5Y 4/2) when moist; massive; very hard, extremely firm, sticky and plastic; a few very fine roots; common, very fine and fine, tubular pores; moderately alkaline (pH 8.0); large scattered lime blotches; clear, smooth boundary.
- C3--60 to 72 inches, light-gray (10YR 7/2) to white (10YR 8/2) sandy clay loam, light olive gray (5Y 6/2) moist; massive; hard, firm, slightly sticky and slightly plastic; a few, fine, tubular pores and common, very fine and fine, interstitial pores; many moderately thick clay films in pores; moderately alkaline (pH 8.0); disseminated lime; weakly effervescent.

The A horizon ranges from dark gray to black in color and from strongly acid to neutral in reaction.

The C horizon ranges from light brownish gray to gray to light gray and white in color and from clay to sandy clay loam in texture. Lime is usually encountered in the upper C horizon. The gravel content in the C horizon is variable but not more than 15 percent, by volume.

Included in mapping are small areas of Haire clay loam, Reyes silty clay, and Wright loam, as well as some soils that have slopes of up to 4 percent.

Permeability is slow. Runoff is slow, and the hazard of erosion is slight. Fertility is moderately high. The available water capacity is 8 to 10 inches. This Clear Lake soil is drained.

This soil is used mainly for producing oat-vetch hay or oat hay for feeding cattle and horses. Capability unit IIs-1.

Clear Lake clay, 2 to 5 percent slopes (CeB).-- This soil is similar to Clear Lake clay, 0 to 2 percent slopes, but it is steeper and less lime is encountered in the lower part of the soil than in the surface layer.

Included in mapping are small areas of Haire clay loam, Huichica loam, and Wright loam. Also included are some soils that have slopes of less than 2 percent. Some included areas have slightly steeper slopes along drainageways and upper edges of fans.

This Clear Lake soil is drained.

This soil is used mainly for producing oat hay. Capability unit IIs-5.

Clear Lake clay, ponded, 0 to 2 percent slopes (CfA).--This soil is similar to Clear Lake clay, 0 to 2 percent slopes. The soil is in basinlike areas and is subject to temporary ponding. This soil is more difficult to work, and the surface does not dry so fast as in adjacent areas. Cultivation and planting is delayed following the rainy season.

Included in mapping are small areas of Huichica loam, Wright loam, and Zamora silty clay loam.

The main use of this soil is for the production of oat-vetch hay and oat hay. In the Laguna de Santa Rosa near Sebastopol, some areas of this soil are inundated and stay wet into late spring. Much of this area is used as pasture or is planted to sudangrass. Occasionally, field corn is grown for silage. Capability unit IIIw-5.

Clear Lake clay loam, 0 to 2 percent slopes (CcA).--This soil is similar to Clear Lake clay, 0 to 2 percent slopes, but it has a clay loam surface layer, 10 to 15 inches thick, underlain by clay. This soil is on the Russian River alluvium and alluvial fans in the Alexander Valley northwest of Healdsburg and on the edges of the large bodies of Clear Lake clay south and southeast of Santa Rosa.

Included in mapping are small areas of Huichica loam and Wright loam. Also included are some soils that have slopes of 2 to 5 percent.

This Clear Lake soil is drained.

The main use of the soil is for irrigated pasture and for producing prunes and oat hay. It is somewhat easier to work than Clear Lake clay, 0 to 2

percent slopes, because of the clay loam surface layer. Capability unit IIs-5.

Clear Lake clay loam, 2 to 5 percent slopes (CcB).--This soil is similar to Clear Lake clay, 0 to 2 percent slopes, but it is steeper and has a clay loam surface layer about 10 to 15 inches thick. This soil is located in the Alexander Valley north-east of Healdsburg, and in the southeastern Santa Rosa plains.

Included in mapping are small areas of Huichica loam and Wright loam. Also included are some soils that have slopes of less than 2 percent.

This Clear Lake soil is drained.

This soil is used mainly for irrigated pasture and for producing prunes and oat hay. Capability unit IIe-5.

Clough Series

The Clough series consists of moderately well drained gravelly loams that have a very gravelly clay subsoil. At a depth of 12 to 34 inches these soils are underlain by an indurated hardpan. These soils are on old bench terraces. They are in the valleys along and above stream and river channels, on undulating slopes north of Healdsburg between Dry Creek and the Russian River. Some areas are scattered through the Sonoma Valley area between Kenwood and the town of Sonoma. Slopes are 2 to 30 percent. Elevation ranges from 200 to 500 feet. Annual rainfall is 30 to 50 inches, the annual temperature is 60° to 62° F., and the frost-free season is 220 to 250 days. The vegetation is chiefly oaks, manzanita, poison oak, annual grasses, and forbs, but there are occasional patches of Douglas-fir and redwood. The Clough soils are associated with the Haire, Manzanita, and Positas soils.

In a typical profile the surface layer is light yellowish-brown and yellowish-brown, strongly acid gravelly loam about 10 inches thick. The subsoil is strong-brown, very strongly acid, very gravelly clay loam and reddish-yellow and gray, very strongly acid, very gravelly clay. At a depth of about 23 inches is an indurated hardpan. At a depth of about 38 inches is stratified cobbly and gravelly old alluvium.

Clough soils are used mainly for grazing. A few areas have been cleared and are used for grapes and prunes. There are some areas of irrigated pasture.

Clough gravelly loam, 2 to 9 percent slopes (CgC).--This soil is on bench terraces. In most places, the slopes range from 3 to 6 percent.

Typical profile 3 miles north of Healdsburg, west of Norton Sky Ranch (SE1/4 NW1/4 sec. 6, T. 9 N., R. 9 W.); the profile was slightly moist at a depth of 4 inches when examined:

A1--0 to 4 inches, light yellowish-brown (10YR 6/4) gravelly loam, brown (7.5YR 4/4) moist; massive; soft, friable, slightly sticky and slightly plastic; many micro and very fine

roots and a few medium roots; many, very fine and fine, tubular and interstitial pores; common thin clay films in pores and bridges; strongly acid (pH 5.5); abrupt, wavy boundary.

A3--4 to 16 inches, yellowish-brown (10YR 5/4) gravelly loam; when moist, brown (7.5YR 4/4) and having common, fine, distinct, strong-brown mottles; massive; slightly hard, friable, slightly sticky and slightly plastic; many very fine, fine, and medium roots; many, very fine and fine, tubular and interstitial pores; many moderately thick clay films in pores and as bridges; strongly acid (pH 5.3); abrupt, wavy boundary.

B21t--10 to 18 inches, strong-brown (7.5YR 5/6) very gravelly clay loam, yellowish red (5YR 5/6) moist; massive; slightly hard, friable, sticky and plastic; common very fine roots and many fine roots; common, very fine and fine, tubular and interstitial pores; a few thin clay films in pores and as bridges; very strongly acid (pH 5.0); clear, wavy boundary.

B22t--18 to 23 inches, reddish-yellow (7.5YR 6/6) and gray (10YR 6/1) very gravelly clay; when moist, yellowish red (5YR 5/8) and having many, medium, prominent, light brownish-gray mottles; massive; slightly hard, friable, sticky and plastic; a few micro roots; many medium roots, and common coarse roots; many, fine, tubular and interstitial pores; common, moderately thick clay films in pores; very strongly acid (pH 5.0); abrupt, wavy boundary.

C1m--23 to 38 inches, strong-brown (7.5YR 5/6) and light-gray (10YR 6/1) indurated hardpan; when moist, light brownish gray (2.5Y 6/2) and having strong brown mottles; massive; a few very fine roots; very strongly acid (pH 4.5).

C2--38 to 60 inches, stratified cobbly and gravelly old alluvium.

The A horizon ranges from grayish brown to yellowish brown to light yellowish brown to reddish brown in color. Gravel and stone fragments range from 15 to 35 percent. The B horizon ranges from strong brown to reddish brown or reddish yellow in color. Gravel and stone fragments make up 35 to 60 percent of the B horizon.

Depth to the consolidated C1m horizon varies from about 20 to 34 inches.

Included in mapping are small areas of Manzanita gravelly silt loam and Positas gravelly loam. Also included are soils that have slopes of less than 2 percent.

Permeability is very slow in this Clough soil. Runoff is slow to medium, and the hazard of erosion is slight to moderate. Fertility is moderate. The available water capacity is 3.5 to 4.5 inches.

Some areas of this soil are used for grapes and hay. Other areas are used for range and grazing. Capability unit IIIe-3, range site 4.

Clough gravelly loam, 9 to 15 percent slopes (CgD).--This soil is similar to Clough gravelly loam, 2 to 9 percent slopes, but it is steeper and is 16 to 21 inches deep over the cemented hardpan.

Steinbeck loam. Also included are small areas with a surface layer that ranges from 8 to 20 inches in thickness. Scattered, small areas of Cotati soils have varying amounts of highly polished quartz gravel throughout the soil.

Permeability is slow in the subsoil of this Cotati soil. Runoff is medium, and the hazard of erosion is moderate. Fertility is low. The available water capacity is 4 to 6 inches. The effective rooting depth is 20 to 36 inches for those crops which have difficulty penetrating the slowly permeable subsoil.

This soil is used mainly for pasture. Capability unit IIIe-3; range site 2.

Cotati fine sandy loam, 9 to 15 percent slopes (CtD).--This soil is similar to Cotati fine sandy loam, 2 to 9 percent slopes, but the surface layer is 20 to 24 inches thick, and the clay subsoil is 6 to 8 inches thinner.

Included in mapping are small areas of Goldridge fine sandy loam and Steinbeck loam.

Runoff is rapid, and the hazard of erosion is high. The available water capacity is 4 to 5 inches.

This soil is used mainly for grazing. There are a few small chicken ranches and oat-vetch hay is grown in a few areas. Capability unit IVe-3; range site 2.

Cotati fine sandy loam, 15 to 30 percent slopes (CtE).--This soil is similar to Cotati fine sandy loam, 2 to 9 percent slopes but the surface layer is about 18 to 24 inches thick, and the subsoil is about 10 to 28 inches thick.

Included in mapping are small areas of Goldridge fine sandy loam and Sebastopol sandy loam.

Runoff is rapid, and the hazard of erosion is high. The available water capacity is 4 to 5 inches.

This soil is used mainly for pasture. Capability unit VIe-3; range site 2.

Diablo Series

The Diablo series consists of well-drained clay soils. At a depth of 25 to more than 60 inches the soils overlie interbedded calcareous fine-grained sandstone, clayey shale, and weathered siltstone. These soils are on terraces and rolling uplands. They are mainly in the south-central quarter of the county on the open grass hills west of Sonoma Valley and east of the Petaluma plains. Slopes are 2 to 50 percent. Elevation ranges from 200 to 1,200 feet. Annual rainfall is 22 to 35 inches, annual temperature is 58° to 60° F., and the frost-free season is 260 to 290 days. Where not cultivated, the vegetation is chiefly annual and perennial grasses and scattered oaks. The Diablo soils are associated with the Clear Lake, Haire, and Raynor soils.

In a typical profile the surface layer is dark-gray and very dark gray, slightly acid and moderately alkaline clay about 30 inches thick. The

next layer is dark-gray, moderately alkaline clay. At a depth of about 38 inches, is light olive-gray, moderately alkaline clay that extends to a depth of more than 60 inches.

Diablo soils are used mainly for pasture. A few of the less sloping and ridgetop areas are used for hay crops. The soils in this series are subject to land slippage, especially those that have steep slopes.

Diablo clay, 9 to 15 percent slopes (DbD).--This strongly sloping soil is on rolling hills. In most places, the slopes are long and smooth.

Typical profile in a grazed hayfield in good condition; slightly concave slope of 14 percent that faces southeast; on Sartori's Ranch 1,600 feet west and 1,000 feet south of the northernmost water tank on Manor Lane (SW1/4 NW1/4 sec. 13, T. 5 N., R. 7 W.); the profile was dry to a depth of 19 inches when examined:

- Ap--0 to 7 inches, dark-gray (N 4/0) clay, very dark gray (10YR 3/1) moist; strong, fine, subangular blocky structure that grades with depth to weak, coarse, subangular blocky structure; very hard, firm, very sticky and very plastic; many very fine and fine roots; many, very fine and fine, interstitial pores; slightly acid (pH 6.5); abrupt, wavy boundary.
- All--7 to 19 inches, very dark gray (N 3/0) clay that has common, fine, distinct, light-gray mottles; black (10YR 2/1) moist; massive; extremely hard, extremely firm, very sticky, and very plastic; many very fine and fine roots; common, very fine, tubular pores; slightly acid (pH 6.5) with a few small scattered lime concretions; gradual, smooth boundary.
- A12--19 to 30 inches, dark-gray (5Y 4/1) clay, very dark grayish brown (2.5Y 3/2) moist; weak, fine, subangular blocky structure; extremely hard, very firm, very sticky and very plastic; common very fine roots; common, fine, tubular pores; moderately alkaline (pH 8.0); a few small lime concretions and blotches; gradual, smooth boundary.
- AC--30 to 38 inches, dark-gray (N 4/0) clay that has many, medium, distinct, white mottles; olive gray (5Y 4/2) moist; massive; extremely hard, very firm, very sticky and very plastic; a few very fine roots; common, very fine, tubular pores; moderately alkaline (pH 8.0); scattered fine and medium lime blotches; common slickensides; gradual, smooth boundary.
- C1--38 to 46 inches, light olive-gray (5Y 6/2) clay, olive gray (5Y 4/2) moist; massive; extremely hard, very firm, very sticky and very plastic; a few very fine roots; common, very fine and fine, tubular pores; moderately alkaline (pH 8.0); scattered lime blotches; some tonguing of A horizon material; a few slickensides; gradual, wavy boundary.

C2--46 to 56 inches, light olive-gray (5Y 6/2) light clay, olive-gray (5Y 4/2) moist; massive; extremely hard, firm, sticky and plastic; very fine roots; common, very fine and fine, tubular pores; moderately alkaline (pH 8.0); a few large streaks of lime mixed with black material; fragments of weathered siltstone which break to medium subangular blocky structure; gradual, irregular boundary.

C3--56 to 73 inches, light olive-gray (5Y 6/2) clay, olive-gray (5Y 4/2) moist; massive; extremely hard, firm, very sticky and very plastic; very fine roots; common, very fine and fine, tubular pores; moderately alkaline (pH 8.0); large blotchy lime areas; many slickensides; small fragments of weathered siltstone.

The A horizon ranges from gray to very dark gray in color. Quantity and size of tonguing of the A horizon into the C horizon varies considerably over short distances. Flecks and blotches of lime are in the A horizon at depths ranging from 7 to 18 inches. The number and size of slickensides vary in the A and C horizons, but are nearly always discernible. Weathered sandstone, shale, or siltstone occur at depths of 40 inches to more than 60 inches.

Included in mapping are small areas of Clear Lake clay, Haire clay loam, and Raynor clay.

Permeability is slow. Runoff is medium, and the hazard of erosion is moderate. Fertility is moderately high. The available water capacity is 6 to 9 inches. The surface layer has deep, irregular cracks upon drying. The effective rooting depth is 40 to more than 60 inches. Land slippage is a concern to management in some areas of this soil.

Much of the soil on the lower slopes is used for producing oat hay or grain, and also oat-vetch hay. Other areas are used for range. Capability unit IIIe-5; range site 3.

Diablo clay, 2 to 9 percent slopes (DbC).--This soil is similar to Diablo clay, 9 to 15 percent slopes, but lime is generally closer to the surface than on the steeper slopes, and the surface layer is gray.

Included in mapping are small areas of Clear Lake clay, Haire clay loam, and Raynor clay.

Runoff is slow to medium, and the hazard of erosion is slight to moderate.

The main use of this soil is for oat hay and oat-vetch hay. Lower slopes are irrigated when water is available. In past years, some of the oat crop has been threshed for grain. Capability unit IIe-5.

Diablo clay, 15 to 30 percent slopes (DbE).--This soil is similar to Diablo clay 9 to 15 percent slopes, but the depth to weathered rock generally is 30 to 45 inches. This soil contains less lime than Diablo clay, 9 to 15 percent slopes, and the lime is not so near the surface. Slickensides are more pronounced and are more numerous in this soil.

Included in mapping are small areas of Haire clay loam and Raynor clay.

Runoff is medium to rapid, and the hazard of erosion is moderate to high. The available water capacity is 5 to 7 inches. Landslips are common on this soil.

This soil is used mainly for range. Capability unit IVe-5; range site 3.

Diablo clay, 15 to 30 percent slopes, eroded (DbE2).--This soil is similar to Diablo clay, 9 to 15 percent slopes. Small gullies are visible and sheet erosion is indicated by deposition at the lower end of the slopes. Depth to parent rock is 25 to 30 inches.

Included in mapping are small areas of Haire clay loam and Raynor clay.

Runoff is rapid, and the hazard of erosion is high. The available water capacity is 4 to 5 inches. The effective rooting depth is about 25 to 30 inches. This soil is subject to land slippage.

This soil is used mainly for range. Capability unit IVe-5; range site 3.

Diablo clay, 30 to 50 percent slopes (DbF).--This soil is similar to Diablo clay, 9 to 15 percent slopes, but the surface layer is not so thick and slickensides are more abundant. Depth to weathered rock is 30 to 40 inches.

Included in mapping are small areas of Haire clay loam and Raynor clay. Outcrops of basic rock and inclusions of Raynor clay are frequent on the steeper slopes.

Runoff is rapid, and the hazard of erosion is high. The available water capacity is 5 to 6 inches. Landslips are a concern to management on this soil.

This soil is used mainly for range. Capability unit VIe-5; range site 7.

Diablo clay, 30 to 50 percent slopes, eroded (DbF2).--This soil is similar to Diablo clay, 9 to 15 percent slopes, but it is eroded and the depth to weathered rock is 25 to 30 inches.

Included in mapping are areas of Raynor clay and scattered outcrops of basic rock. Other areas include places where landslides have occurred.

Runoff is rapid, and the hazard of erosion is high. The available water capacity is 4 to 5 inches. The effective rooting depth is 25 to 30 inches. This soil is subject to land slippage.

This soil is used mainly for range, though most has been overgrazed. In many places rock outcrops have reduced the plant cover on these steep slopes. Capability unit VIe-5; range site 7.

Dibble Series

The Dibble series consists of well-drained, clay loams that have a clay subsoil. They are underlain, at a depth of 30 to 60 inches, by fine-grained sandstone and brittle shale interbedded with siltstone. These soils are rolling and hilly and are on uplands. They are in the hills east of Windsor along

The main use of this soil where it is adjacent to Sebastopol soils is for apple orchards. Other inland areas between Cazadero and Annapolis have been cleared and are used for grazing. Still other areas are used for timber production. Capability unit IVe-1; woodland group 4.

Goldridge fine sandy loam, 9 to 15 percent slopes (GdD2).--This soil is similar to Goldridge fine sandy loam, 2 to 9 percent slopes, but the surface layer is less than 20 inches thick as a result of erosion.

Included in mapping are small areas of Cotati fine sandy loam, Sebastopol sandy loam, and Steinbeck loam.

Runoff is medium, and the hazard of erosion is moderate. The available water capacity is 8 to 10 inches.

The main use of the soil is for apple orchards. Other areas are used for timber production. Capability unit IVe-1; woodland group 4.

Goldridge fine sandy loam, 15 to 30 percent slopes (GdE).--This soil is similar to Goldridge fine sandy loam, 2 to 9 percent slopes, but the surface layer is less than 16 inches thick. Slopes are moderately steep.

Included in mapping are small areas of Cotati fine sandy loam, Sebastopol sandy loam, and Steinbeck loam.

Runoff is medium to rapid, and the hazard of erosion is moderate to high. The available water capacity is 8 to 10 inches.

This soil is used mainly for timber and apple orchards. Inland areas between Cazadero and Annapolis have been cleared and are used for grazing. Capability unit VIe-1; woodland group 4.

Goldridge fine sandy loam, 15 to 30 percent slopes, eroded (GdE2).--This soil is similar to Goldridge fine sandy loam, 2 to 9 percent slopes, but there is moderate erosion. Soil depth to the substratum varies from 15 to 36 inches as a result of past erosion. Soft, weathered sandstone occurs at depths from 40 to more than 60 inches. Slopes are moderately steep.

Included in mapping are small areas of Cotati fine sandy loam, Sebastopol sandy loam, and Steinbeck loam.

Runoff is medium to rapid, and the hazard of erosion is moderate to high. The available water capacity is 7 to 9 inches.

This soil is used mainly as woodland. Areas adjacent to Sebastopol soils are used for apple orchards. Other areas inland from the coast between Cazadero and Annapolis, have been cleared and are used to grow grass. Capability unit VIe-1; woodland group 4.

Goldridge fine sandy loam, 30 to 50 percent slopes (GdF).--This soil is similar to Goldridge fine sandy loam, 2 to 9 percent slopes, but it is steep and occupies side hills. Soft sandstone occurs at a depth of 40 to more than 60 inches.

Included in mapping are small areas of Sebastopol sandy loam and Steinbeck loam.

Runoff is rapid, and the hazard of erosion is high. The available water capacity is 7 to 9 inches.

This soil is used mainly for Douglas-fir timber. Capability unit VIe-1; woodland group 5.

Goldridge fine sandy loam, 30 to 50 percent slopes, eroded (GdF2).--This soil is similar to Goldridge fine sandy loam, 2 to 9 percent slopes, but the surface layer is 10 to 20 inches thick because of moderate erosion. Sandstone occurs at depths of 40 to 50 inches. Accelerated erosion and occasional gullying have occurred in most places.

Included in mapping are small areas of Sebastopol sandy loam and Steinbeck loam.

Runoff is rapid, and the hazard of erosion is high. The available water capacity is 6 to 8 inches.

The main use of this soil is for timber production, chiefly Douglas-fir and redwood. Capability unit VIe-1; woodland group 5.

Goulding Series

The Goulding series consists of well-drained clay loams. These soils are underlain at a depth of 12 to 24 inches by metamorphosed basic igneous and weathered andesitic basalt of old volcanic formations. These soils are on mountainous uplands. They are mainly in the hilly, eastern third of the county from the Mark West Springs area southward to the vicinity of the town of Sonoma. Slopes are 5 to 75 percent. Elevation ranges from 500 to 2,500 feet. Annual rainfall is 30 to 50 inches, annual temperature is 54° to 56° F., and the frost-free season is 220 to 240 days. In most places the vegetation is chiefly annual and perennial grasses with scattered clumps of oak trees, manzanita, and small shrubs. The Goulding soils are associated with the Boomer, Henneke, Spreckels, and Toomes soils.

In a typical profile the surface layer is brown and dark-brown, slightly acid and medium acid clay loam about 11 inches thick. The subsoil is dark-brown, slightly acid very gravelly clay loam about 11 inches thick. Fractured basalt occurs at a depth of about 22 inches.

Goulding soils are used mainly for grazing by sheep and cattle. A few lower slope areas are used for such crops as cultivated oat and vetch hay or for dryland pasture.

Goulding clay loam, 5 to 15 percent slopes (GgD).--This moderately sloping to strongly sloping soil is on ridgetops and on low rolling hills. Most of the slopes are smooth.

Typical profile in a southeast-facing pasture in good range condition, 300 feet north of Guenza Road and about 3,000 feet west of Grange Road (SE1/4 NE1/4 sec. 8, T. 6 N., R. 7 W.); the profile was slightly moist when examined:

The use of this soil is similar to that of Goulding clay loam, 5 to 15 percent slopes. A few family-owned vineyards and orchards have been planted, but most of this soil is used for grazing. In some places, there are excavations 10 to 15 feet deep. These resulted from the digging of cobblestones for use in building the streets of San Francisco. Also, many miles of stone fences were built around fields now used for grazing. Capability unit IVE-8; range site 4.

Goulding cobbly clay loam, 15 to 30 percent slopes (GlE).--This soil contains more cobblestones and is shallower than Goulding clay loam, 5 to 15 percent slopes. The surface layer contains as much as 25 percent cobblestones and stones and ranges in depth from 16 to 20 inches. The parent rock under this soil is harder.

Included in mapping are small areas of Boomer loam, Spreckels loam, and Toomes loam. Also, outcrops of basaltic rock are scattered throughout areas of this soil.

Runoff is medium to rapid, and the hazard of erosion is moderate to high. The available water capacity is 3 to 3.5 inches.

This soil is used mainly for range. Capability unit VIe-8; range site 4.

Goulding cobbly clay loam, 30 to 50 percent slopes (GlF).--This soil is shallower than Goulding clay loam, 5 to 15 percent slopes. Depth ranges from 16 to 20 inches. The surface layer contains about 25 percent cobblestones and stones, by volume. The parent rock under this soil is harder.

Included in mapping are small areas of Boomer loam, Henneke gravelly loam, and Toomes rocky loam. Outcrops of basaltic rock are scattered throughout areas of this soil.

Runoff is rapid, and the hazard of erosion is high. The available water capacity is about 3 to 3.5 inches.

This soil is used mainly for range. Capability unit VIIe-8; range site 4.

Goulding cobbly clay loam, 30 to 50 percent slopes, eroded (GlF2).--This soil is similar to Goulding clay loam, 5 to 15 percent slopes but is shallower and contains 10 to 25 percent cobblestones and stones in the surface layer. It is seldom more than 12 to 18 inches deep because of soil erosion. Also, the parent rock under this soil is harder.

Included in mapping are small areas of Boomer loam, Henneke gravelly loam, and Toomes rocky loam. Outcrops of basaltic rock are scattered throughout areas of this soil.

Runoff is rapid, and the hazard of erosion is high. The available water capacity is about 2.5 to 3 inches.

This soil is used mainly for range. Capability unit VIIe-8; range site 8.

Goulding cobbly clay loam, 50 to 75 percent slopes (GlG).--This soil contains more cobblestones and is shallower than Goulding loam, 5 to 15 percent

slopes. Also, the parent material of this soil is harder. Depth of this Goulding soil ranges from 12 to 18 inches. The surface layer contains 10 to 25 percent cobblestones and stones by volume.

Included in mapping are small areas of Henneke gravelly loam and Toomes loam. Outcrops of basaltic rock are scattered throughout areas of this soil.

Runoff is very rapid, and the hazard of erosion is very high. The available water capacity is about 2.5 to 3 inches.

This soil is used for range. Capability unit VIIe-8; range site 8.

Goulding-Toomes complex, 9 to 50 percent slopes (GoF).--This complex is in the southeastern portion of the county and in the hills southeast of Santa Rosa over the Santa Rosa Mountains to north of Sears Point. Goulding soils make up about 45 percent of this complex and Toomes soils, about 45 percent; the remaining 10 percent is Rock land.

The Goulding soils have a profile similar to that of Goulding clay loam, 5 to 15 percent slopes, but are 16 to 24 inches deep to rock. Runoff is medium to rapid, and the hazard of erosion is moderate to high.

The Toomes soils resemble Toomes rocky loam, 2 to 30 percent slopes. Depth to rock is 5 to 20 inches. Surface runoff is medium to rapid, and the hazard of erosion is moderate to high.

These soils are used mainly for range. Capability unit VIIe-8; Goulding, range site 1; Toomes, range site 9.

Guenoc Series

The Guenoc series consists of well-drained gravelly silt loams that have a clay subsoil. At a depth of 20 to 40 inches the soils are underlain by andesitic basalt. These soils are on mountainous uplands. They are in the central part of the county east and north of Santa Rosa, and from the east side of the Russian River near Geyserville to south of the Alexander Valley in the foothills. Slopes are 5 to 15 percent. Elevation ranges from 400 to 1,000 feet. Annual rainfall is 30 to 50 inches, annual temperature is 58° to 60° F., and the frost-free season is 260 to 280 days. In most places the vegetation is chiefly grass, oak, and brush. The Guenoc soils are associated with the Boomer, Goulding, Spreckels, and Supan soils.

In a typical profile the surface layer is a weak-red, neutral gravelly silt loam and heavy loam about 17 inches thick. The subsoil is weak-red, slightly acid clay loam and clay. At a depth of about 38 inches is basalt mixed with medium acid red clay.

Guenoc soils are used for range and grazing. A few small areas are used for seeded dryland pasture.

Guenoc gravelly silt loam, 5 to 30 percent slopes (GrE).--This soil is on broad ridgetops or rolling hills. Most of the slopes are long.

Typical profile on a southeast-facing hill; slope of 5 percent; 8.5 miles north-northwest of Healdsburg (NE1/4 SW1/4 sec. 7, T. 10 N., R. 9 W.); the profile was moist below a depth of 14 inches when examined:

- A11--0 to 4 inches, weak-red (10YR 4/2) gravelly silt loam, dusky red (10R 3/3) moist; strong, fine, angular blocky structure; slightly hard, friable, slightly sticky and plastic; many very fine, fine, medium, and coarse roots; many, very fine and fine, tubular and interstitial pores; neutral (pH 7.0); clear, smooth boundary.
- A12--4 to 17 inches, weak-red (10R 4/3) heavy loam, dusky red (10R 3/3) moist; strong, fine and medium, subangular blocky structure; slightly hard, friable, slightly sticky and plastic; many fine, medium, and coarse roots; many, very fine, tubular pores; many thin clay films in pores and as bridges; neutral (pH 6.8); approximately 5 percent stones by volume; clear, wavy boundary.
- B1--17 to 26 inches, weak-red (10R 4/3) clay loam, dusky red (10R 3/3) moist; strong, fine and medium, subangular blocky structure; hard, friable, sticky and plastic; common medium and coarse roots; many fine and very fine, tubular pores; many thin clay films in pores and as bridges; slightly acid (pH 6.5); approximately 5 percent stones by volume; clear, wavy boundary.
- B2t--26 to 38 inches, weak-red (10R 4/4) clay, dark reddish brown (2.5YR 3/4) moist; strong, coarse, subangular blocky structure; extremely hard, very firm, very sticky, very plastic; many medium roots; a few, fine, tubular pores and common, very fine, tubular pores; continuous moderately thick clay films on ped faces, in pores, and as bridges; slightly acid (pH 6.5); strongly weathered rock fragments; clear, wavy boundary.
- R--38 inches, highly weathered basalt mixed with red (2.5YR 4/6) clay, dark reddish brown (2.5YR 3/4) moist; continuous thick clay films; medium acid (pH 6.0).

The A horizon ranges from red or weak red to dark reddish brown in color, and in texture from loam to silty clay loam with varying amounts of gravel. The B2 horizon varies from reddish brown to red or weak red in color and from heavy clay loam to clay in texture. Reaction generally is more acid as depth increases and ranges from neutral to medium acid. Depth to weathered basalt varies from 20 to 40 inches, sometimes within short distances.

Included in mapping are small areas of Goulding clay loam, Boomer loam, Spreckels loam, Supan silt loam, and rock outcrops.

Permeability is moderately slow in the subsoil of this Guenoc soil. Runoff is medium to rapid, and the hazard of erosion is moderate to high. Fertility is moderate. The available water capacity is 4 to 8 inches.

This soil is used mainly for grazing. Capability unit VIe-1; range site 1.

Guenoc gravelly silt loam, 30 to 75 percent slopes (GrG).--This soil is similar to Guenoc gravelly silt loam, 5 to 30 percent slopes, but it is steeper and is only 20 to 30 inches deep.

Included in mapping are small areas of Boomer loam, Goulding cobbly clay loam, Spreckels loam, and rock outcrops or stony areas.

Runoff is rapid to very rapid, and the hazard of erosion is high to very high. The available water capacity is 4 to 6 inches.

The main use of this soil is for grazing. Capability unit VIIe-1; range site 5.

Gullied Land

Gullied land (GuF) consists of gently sloping to steep, rounded hills that have been severely damaged by gullying. The largest acreage of Gullied land lies east of Petaluma between Penngrove and Lakeville. Smaller areas are in other parts of the county along streams and drainageways.

Gullying has occurred in places where excess runoff has cut into natural water courses on hillsides. Overgrazing by livestock has thinned or destroyed plant cover, and this has resulted in increased runoff and in aggravated headcutting of the gullies. In areas where overlying soil material has been eroded away, the parent material of soft coastal sandstone is exposed and is subject to severe erosion.

Gullied land provides drainageways for water that flows from nearby hills during rainy periods. Capability unit VIIIe-1.

Haire Series

The Haire series consists of moderately well-drained clay loams that have a clay subsoil, and are underlain by old terrace-alluvium from mixed sedimentary and basic rock sources. These soils are on terraces and rolling hills. They are mainly in the southeastern part of the county near the town of Sonoma and in scattered areas east and southeast of Healdsburg. Slopes are 0 to 30 percent. Elevation ranges from 100 to 800 feet. Annual rainfall is 25 to 45 inches, annual temperature is 58° to 60° F., and the frost-free season is 250 to 275 days. In most places the vegetation is chiefly annual and perennial grasses and scattered oaks, but some areas have a cover of pasture or hay. The Haire soils are associated with the Arbuckle, Clear Lake, Diablo, and Zamora soils.

In a typical profile the surface layer is grayish-brown, neutral and slightly acid clay loam about 24 inches thick. The subsoil is pale-brown, strongly acid clay about 12 inches thick. The substratum, to a depth of 60 inches or more, is pale-yellow and pale-brown, strongly acid very gravelly and cobbly clay loam.

Haire soils are used mainly for dryland pasture, sheep, and cattle. A few limited areas near Healdsburg are used for vineyards.

Haire clay loam, 0 to 9 percent slopes (HcC).-- This soil is on rolling terraces. Most of the slopes are smooth. In most places slopes range from 5 to 9 percent.

Typical profile in a pasture in fair condition; slightly convex northwest-facing slope of 7 percent; along a waterline leading to a water trough, 200 yards from Ramal Road in Sonoma Valley at the Wes Haire Ranch (NW1/4 NE1/4 sec. 2, T. 4 N., R. 5 W.); the profile was moist below 12 inches when examined:

- Ap--0 to 7 inches, grayish-brown (10YR 5/2) clay loam that has common, fine, distinct brown mottles; very dark grayish brown (10YR 3/2) moist; massive; slightly hard, friable, non-sticky and plastic; many very fine roots; many, very fine, tubular pores; neutral (pH 7.0); clear, smooth boundary.
- A1--7 to 12 inches, grayish-brown (10YR 5/2) clay loam, very dark grayish-brown (10YR 3/2) moist; massive; slightly hard, friable, slightly sticky and plastic; common fine roots; many very fine pores and common, fine, tubular pores; a few thin clay films in pores; slightly acid (pH 6.5); clear, smooth boundary.
- A3--12 to 24 inches, grayish-brown (10YR 5/2) clay loam; when moist, very dark grayish brown (10YR 3/2) and having common, fine, distinct dark reddish-brown mottles; massive; slightly hard, friable, sticky and plastic; a few very fine roots; many very fine and fine pores and a few, medium, tubular pores; a few thin clay films in pores; common worm casts; slightly acid (pH 6.5); abrupt, wavy boundary.
- B2t--24 to 36 inches, pale-brown (10YR 6/3) clay, dark grayish-brown (2.5Y 4/2) moist; weak, medium, columnar structure, lower part is massive; thin, discontinuous, bleached capping on columns; extremely hard, very firm, sticky and very plastic; a few very fine roots; common, very fine, tubular pores; continuous thick clay films as bridges; upper 2 or 3 inches of peds have black colloidal stains on faces; strongly acid (pH 5.5); gradual, wavy boundary.
- IIC--36 to 60 inches, pale-yellow (5Y 7/3) and pale-brown (10YR 6/3) very gravelly and cobbly clay loam; when moist, variegated dark brown (10YR 3/3) and olive brown (2.5Y 4/4) massive; sticky and plastic; a few fine roots; strongly acid (pH 5.2).

Depth to the unconsolidated IIC horizon varies from 30 to 60 inches. The A horizon textures vary from light clay loam to clay loam.

Included in mapping are small areas of Arbuckle gravelly sandy loam and Arbuckle gravelly loam, Clear Lake clay, Diablo clay, and Zamora silty clay loam.

Permeability is slow in the subsoil of this Haire soil. Runoff is slow to medium and the hazard of

erosion is slight to moderate. Fertility is moderate. The available water capacity is 6 to 8 inches.

This soil is used mainly for dryland pasture. Where water is available, irrigated pasture is grown. There are some vineyards in the Healdsburg area. Capability unit IIIe-3; range site 2.

Haire clay loam, 9 to 15 percent slopes (HcD).-- This soil is similar to Haire clay loam, 0 to 9 percent slopes, but it is 30 to 48 inches deep to the unconsolidated substratum.

Included in mapping are small areas of Arbuckle gravelly loam and Diablo clay.

Runoff is medium, and the hazard of erosion is moderate. The available water capacity is about 6 to 8 inches.

This soil is used mainly for dryland pasture and range. Some fields near Healdsburg, in a higher rainfall belt, have been used for vineyards. Where water is available, pastures are irrigated. Capability unit IVe-3; range site 2.

Haire clay loam, 9 to 15 percent slopes, eroded (HcD2).-- This soil is similar to Haire clay loam, 0 to 9 percent slopes, but it is steeper. The surface layer has been subjected to soil blowing. The average depth to the unconsolidated substratum is 24 to 26 inches.

Included in mapping are small areas of Arbuckle gravelly loam and Diablo clay.

Runoff is medium and the hazard of erosion is moderate. The available water capacity is 6 to 8 inches.

The main use of this soil is similar to Haire clay loam, 0 to 9 percent slopes. Capability unit IVe-3; range site 2.

Haire clay loam, 15 to 30 percent slopes (HcE).-- This soil is similar to Haire clay loam, 0 to 9 percent slopes, but it is steeper and in only about 24 to 30 inches deep to the unconsolidated substratum. The surface layer is generally 12 and 16 inches thick over the clay subsoil.

Included in mapping are small areas of Diablo clay.

Runoff is medium to rapid, and the hazard of erosion is moderate to high. The available water capacity is 6 to 8 inches.

This soil is used mainly for range. Capability unit VIe-3; range site 2.

Haire clay loam, 15 to 30 percent slopes, eroded (HcE2).-- This soil is similar to Haire clay loam, 0 to 9 percent slopes, but it is eroded. The surface layer is 10 to 14 inches thick over the clay subsoil. In some places the clay subsoil is exposed.

Included in mapping are small areas of Diablo clay.

Runoff is medium to rapid, and the hazard of erosion is moderate to high. The available water capacity is 5 to 7 inches.

This soil is used mainly for range. Capability unit VIe-3; range site 2.

Laniger Series

The Laniger series consists of well-drained loams. The soils are underlain, at a depth of 18 to 45 inches, by weathered rhyolite and rhyolitic tuff. These soils are on mountainous uplands. They are mainly in the southeastern part of the county and in the hills in the east-central area. Slopes are 5 to 50 percent. Elevation ranges from 600 to 2,000 feet. Annual rainfall is 30 to 60 inches, annual temperature is 60° to 62° F., and the frost-free season is 250 to 275 days. In most places the vegetation is oak and madrone trees, manzanita, and sparse stands of grass, but there are a few areas of Douglas-fir and redwood. The Laniger soils are associated with the Forward, Kidd, and Spreckels soils.

In a typical profile the surface layer is grayish-brown, strongly acid and medium acid loam about 17 inches thick. The subsoil is grayish-brown, medium acid loam about 12 inches thick. Rhyolite rock mixed with brown sandy loam occurs at a depth of 29 inches.

Laniger soils are used for range and grazing by sheep and cattle. A few small areas supporting conifers are used for the production of lumber.

Laniger loam, 9 to 15 percent slopes (LaD).--This strongly sloping soil is on uplands.

Typical profile in a pasture in fair condition; southwest-facing slope of 10 percent; about 2 miles northeast from the Old Adobe monument (NE1/4 SE1/4 sec. 18, T. 5 N., R. 6 W.); the profile was moist at a depth of 20 inches and below when examined:

- A11--0 to 6 inches, grayish-brown (10YR 5/2) loam, very dark grayish brown (10YR 3/2) moist; weak, fine, granular structure; hard, friable, nonsticky and slightly plastic; many very fine roots; common, very fine, tubular pores; strongly acid (pH 5.5); clear, smooth boundary.
- A12--6 to 17 inches, grayish-brown (10YR 5/2) loam, very dark brown (10YR 2/2) moist; moderate, medium, granular structure; slightly hard, friable, nonsticky and slightly plastic; common very fine and fine roots and many medium and coarse roots; many, very fine, tubular and interstitial pores; medium acid (pH 6.0); clear, smooth boundary.
- B2--17 to 29 inches, grayish-brown (10YR 5/2) loam, very dark brown (10YR 2/2) moist; moderate, medium, granular structure; slightly hard, friable, slightly sticky and slightly plastic; many very fine, fine, and medium roots; many, very fine and fine, tubular and interstitial pores; medium acid (pH 6.0); gradual, smooth boundary.
- C&R--29 to 41 inches, fractured rhyolite; brown (10YR 5/3) sandy loam in cracks, dark yellowish brown (10YR 3/4) moist; massive; very hard, firm, nonsticky and slightly plastic; a few very fine and fine roots along the cracks in bedrock; common moderately thick clay films along the cracks; medium acid (pH 6.0).

The A horizon ranges from brown to pale-brown in color and from sandy loam to light clay loam in texture. Some areas, generally supporting stands of oak and located in swales and draws on hillside locations, have an accumulation of grayish-brown clay in the B horizon. Depth to rhyolite or rhyolitic tuff varies from 25 to 45 inches.

Included in mapping are small areas of Forward gravelly loam, Kidd stony loam, and Spreckels loam.

Permeability is moderate in the subsoil of this Laniger soil. Runoff is medium, and the hazard of erosion is moderate. Fertility is moderate. The available water capacity is 5 to 7 inches.

The main use of this soil is for range and pasture. Capability unit IVE-1; range site 4.

Laniger loam, 5 to 9 percent slopes (LaC).--Depth of this Laniger loam averages about 40 inches, although it may be shallow as 30 inches or as deep as 45 inches. In other respects it is similar to Laniger loam, 9 to 15 percent slopes.

Included in mapping are small areas of Forward gravelly loam and Spreckels loam.

Runoff is slow, and the hazard of erosion is slight.

This soil is used mainly for pasture, but some areas have been used for growing oats and vetch for hay. Capability unit IIIe-1.

Laniger loam, 15 to 30 percent slopes (LaE).--This soil is very much like Laniger loam, 9 to 15 percent slopes, except that it is only 24 to 30 inches deep.

Included in mapping are small areas of Forward gravelly loam and Spreckels loam.

Runoff is medium to rapid, and the hazard of erosion is moderate to high. The available water capacity is approximately 4 to 5.5 inches.

This soil is used mainly for pasture and range. Capability unit VIe-1; range site 4.

Laniger loam, 15 to 30 percent slopes, eroded (LaE2).--This soil is similar to Laniger loam, 9 to 15 percent slopes, but depth to rhyolite or rhyolitic tuff ranges from 18 to 25 inches. It is steeper, and overuse has caused soil loss through erosion.

Included in mapping are small areas of Forward gravelly loam, Kidd gravelly loam, and Spreckels loam.

Runoff is medium to rapid, and the hazard of erosion is moderate to high. The available water capacity is 3 to 4 inches.

The primary use of this soil is for pasture and range. Capability unit VIe-1; range site 4.

Laniger loam, 30 to 50 percent slopes (LaF).--This soil is similar to Laniger loam, 9 to 15 percent slopes. It is approximately 20 to 30 inches deep and tends to be droughty. Most of this soil is underlain by hard rhyolite rock. A few areas have scattered rock outcrop and stones in the surface layers.

Included in mapping are small areas of Forward gravelly loam, Kidd stony loam, and Spreckels loam.

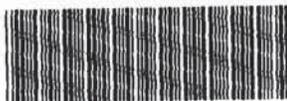
**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENTATION**

ATTACHMENT D

Memorandum of Lease Agreements

Recording Requested by and
When Recorded, Return to:

Sonoma County Regional Parks
2300 County Center Drive, Suite 120A
Santa Rosa, CA 95403



OLD REPUBLIC TITLE CO.
09/29/2005 08:00 LSE
RECORDING FEE: 0.00
PAID

2005144646

OFFICIAL RECORDS OF
SONOMA COUNTY
EEVE T. LEWIS

11 PGS



No Consideration - LEASE/OPTION - Less than 35 years - R&T 11911
MEMORANDUM OF LEASE AGREEMENTS

FOR VALUABLE CONSIDERATION, the County of Sonoma ("Landlord") has entered into two leases with Cardoza Ranches Inc. ("Tenant") on the terms and conditions contained in those certain unrecorded Residential Rental Agreement and Agricultural Lease Agreement dated September 1, 2005 (hereinafter the "Lease Agreements") pertaining to the leasing of the real property commonly known as 5869 Lakeville Highway, Petaluma, California consisting of approximately 1,737 acres, as more particularly described in Exhibit A attached hereto and incorporated herein by reference. In connection with the Lease Agreements, the parties have executed that certain Quitclaim Deed in the form attached hereto as Exhibit B.

IN WITNESS WHEREOF, the undersigned have executed this document so that third parties might have notice of the Lease Agreements.

Dated: September 29, 2005

TENANT: CARDOZA RANCHES, INC.

By: 
Marvin G. Cardoza and Rita M. Cardoza

COUNTY: COUNTY OF SONOMA

By: 
Mary Burns
Director, Regional Parks

APPROVED AS TO FORM FOR COUNTY:


Sheryl L. Bratton
Chief Deputy County Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

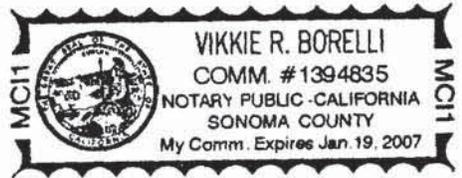
State of California }
 County of Sonoma } ss.

On September 27, 2005 before me, Vikie Borelli Notary Public
Date Name and Title of Officer (e.g., Jane Doe, Notary Public)

personally appeared Mary Burns
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.
 [Redacted Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

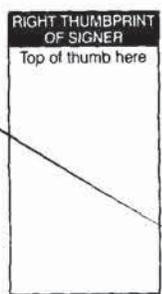
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



CARDOZA FAMILY RANCH
EXHIBIT " A"
LEGAL DESCRIPTION

ORDER NO. : 0816000677-GD

The land referred to is situated in the unincorporated area of the County of Sonoma, State of California, and is described as follows:

PARCEL ONE:

A TRACT of land in the Petaluma Rancho in Township 4 North, Range 6 West, Mount Diablo Base and Meridian, and being a portion of Fields 36, 43 and 44, and all or part of Fields 45 to 55 inclusive as shown upon the map of Lakeville Stock Farms, recorded April 25, 1934, in Book 50 of Maps, Pages 11, 12 and 13, said tract being more particularly described as follows:

COMMENCING at the most Easterly corner of the 145.82 acre tract conveyed to Quinto V. Silacci, et ux, by deed dated April 1, 1938, and recorded in Book 451 of Official Records, Page 355; thence along the Easterly line of said tract North 54° 04 1/2' West, 631.8 feet to the most Northerly corner of said tract; thence along the Easterly line of the 143.99 acre tract conveyed to said Silacci, by Deed dated October 4, 1916 and recorded in Book 345 of Deeds, Page 151; North 54° 45' West, 1198 feet to the most Northerly corner thereof; thence along the Easterly line of the 203.56 acre tract conveyed to Joseph N. Bello by Deed dated September 14, 1905, and recorded in Book 221 of Deeds, Page 256; North 54° West, 741.84 feet to the most Southerly corner of the 203.45 acre tract conveyed to Calvin W. Cannon by Deed dated March 10, 1923, and recorded in Book 37 of Official Records, Page 328; thence along the Southeasterly and Easterly line of said tract North 35° 15' East, 3463.02 feet; North 54° 45' West, 722.03 feet; North 55° 30' East, 1023 feet; North 35° 30' East, 1386 feet; North 19° East 330 feet; North 28° West 330 feet; North 53° 45' West, 864.60 feet to the most Northerly corner of said tract; thence along the Easterly line of the lands of Augustino S. Aguido, North 54° 45' West to the corner of the 650 acre tract conveyed to Rocco Ghisletta by Deed dated February 17, 1914, and recorded in Book 318 of Deeds, Page 274; thence along the Southeasterly line of said tract North 35° 30' East 550.44 feet to the Southwesterly line of the 295 acre tract conveyed to Matilde Piezzi by Deed dated August 2, 1915 and recorded in Book 333 of Deeds, Page 338; thence along the dividing line between the lands of Piezzi and the tract herein described, following the sinuosities of the edge of the Laguna de Tolay in a Southeasterly direction to the most Westerly corner of the 397 acre tract conveyed to Hellen F. McAuliffe, by Deed dated January 22, 1930, and recorded in Book 250 of Official Records, Page 414; thence along the Southwesterly line of said tract, South 5° East, 556.38 feet; South 43° East, 786.72 feet; South 48° 30' East 528 feet; South 12° 30' East, 352.44 feet; South 41° 30' East 1,331.88 feet; thence continuing along the boundary line of said lands, North 36° East, 620.40 feet; thence South 54° East 990 feet; thence North 40° 30' East 2389.20 feet; thence South 33° 45' East, 402.60 feet; thence North 36° East, 339.24 feet; thence North 45° 30' West, 1598.52 feet; thence North 36° East, 1207.14 feet; thence North 44° East, 417.80 feet to the common corner of Fields 55 and 56, being the Westerly corner of the lands conveyed by North Bay Farms Company to O. D. Donnell, Jr., by Deed dated December 30, 1941 and recorded December 31, 1941, in Book 540 of Official Records, Page 422; thence along the Westerly line of said lands being the dividing line between Fields 55 and 56, South 40° 13 1/2' East 888.06; thence South 56° 39' East, 255.95 feet; South 44° 44' East 543.09 feet to the common corner of Fields 33, 55 and 56; thence along the dividing line between Fields 33 and 55, South 44° 44' East, 176.57 feet; South 27° 09' East 2367.73 feet; South 63° 01' East

754.42 feet; South 15° 42' East 272.79 feet; South 35° 53' East 272.31 feet; South 54° 15' East 303.95 feet; South 25° 50' East 143.90 feet; South 57° 08' East, 240.66 feet; South 68° 19' East 612.15 feet; South 6° 37' East 370.26 feet; South 3° 42' East 546.63 feet; South 2° 55' West 722.37 feet; South 63° 04' West, 579.37 feet; North 89° 09' West, 460.97 feet; South 40° 11' West, 547.66 feet to the common corner to Fields 33, 34 and 55; thence leaving the lands of Donnell and along the dividing line between Fields 34 and 55, North 60° 52' West, 30.26 feet; North 79° 46' West, 424.31 feet; North 73° 21' West, 162.17 feet; North 85° 12' West, 47.15 feet; North 42° 51' West, 9.41 feet to the common corner of Fields 34, 55 and 54; thence along the dividing line between Fields 34 and 54; South 58° 17' West, 17.12 feet; North 33° 19' West, 5.10 feet; North 85° 32' West, 333.66 feet; South 73° 03' West 190.56 feet to the common corner to Fields 34, 53 and 54; thence along the dividing line between Fields 34 and 53 South 32° 56' West 262.29 feet; South 20° 39' West 238.12 feet; South 68° 44' West 264.44 feet; North 61° 23' West 288.78 feet; North 77° 57' West 649.37 feet; South 85° 16' West, 192.19 feet; South 30° 54' West 241.19 feet; South 03° 48' East 696.11 feet; South 33° 57' East, 1252.08 feet; South 66° 10' East, 268.72 feet; South 72° 31' East, 397.02 feet; South 28° 22' West, 191.65 feet; South 66° 12' West, 237.51 feet, South 38° 55' West, 198.09 feet; South 39° 56' East, 68.07 feet; South 44° 35' East, 197.06 feet; South 43° 59' East, 24.81 feet; South 26° 31' East, 32.88 feet; South 02° 26' East, 23.31 feet; South 34° 51' West, 19.08 feet; South 31° 07' East, 20.31 feet; South 07° 50' West, 37.44 feet; North 86° 13' West, 196.68 feet; South 84° 13' West 178.39 feet; North 36° 19' West, 17.36 feet North 14° 31' East, 15.64 feet; North 52° 44' West 47.40 feet to the common corner to Fields 35, 36 and 53; thence South 66° 46' West 271.43 feet; South 89° 54' West 233.73 feet; South 01° 50' West 13.09 feet; South 81° 31' West, 78.58 feet; South 39° 29' West 301.53 feet; South 24° 02' West, 173.64 feet South 05° 05' West, 98.63 feet; South 28° 03' West, 64.06 feet; South 55° 16' West 64.10 feet; South 71° 10' West 113.01 feet; South 67° 58' West 150.60 feet; South 57° 38' West 236.74 feet; South 39° 36' West, 116.39 feet; South 39° 20' West, 980.60 feet to the most Westerly corner of Field 35; said point being the common corner of Lots 15, 16, 20 and 21; LaCroze Survey Petaluma Rancho, as per map recorded February 8, 1864, in Book 8 of Maps, Page 13; thence along the dividing line between Lots 15 and 16, South 45° 13' West 1650.00 feet to the Easterly corner of the lands conveyed to Anastasio Raffaelli, et al, by Deed recorded April 25, 1919, in Book 368 of Deeds, Page 267; thence along the dividing line between the lands herein conveyed to Raffaelli, North 45° West, 2640.00 feet to an iron pipe monument marked "P. C. 6"; thence North 46° 16' West 26.41 feet; thence along the boundary line of the lands conveyed by North Bay Farms Company to Isabelle M. Neimela by Deed dated March 11, 1941 and recorded April 14, 1941 in Book 523 of Official Records, Page 133, North 24° 25' East, 327.1 feet; North 58° 17' East, 382.8 feet; North 85° 29' East 96 feet; North 62° 36' East, 924.3 feet; North 51° 44' West, 1566.1 feet; North 59° 29' West, 1182.6 feet; North 62° 14' West, 1707.7 feet; South 35° 22' West, 117.5 feet to the point of commencement.

BEING the same land conveyed by North Bay Farms Company to John S. Cardoza & Sons by Deed dated September 7, 1943, recorded October 5, 1943, in Book 586, Page 414, Official Records of Sonoma County.

EXCEPTING therefrom all that portion as described in a Deed of Partial Reconveyance from Transamerica Title Insurance Company to Lake Ranch Company recorded October 19, 1976, under Recorder's Series No. R-63189, Book 3140, Page 659, Sonoma County Records.

PARCEL TWO:

THE RIGHT to the use of stockyard and loading facilities in Field 8 as delineated on said Map of Lakeville Stock Farms in the manner and under the conditions set forth in a certain Deed dated December 30, 1941, from North Bay Farms Company to O. D. Donnel, Jr., which is recorded in Book 540 of Official Records, Sonoma County, California, at Page 422 thereof, and being the right reserved to North Bay Farms Company and its successors and assigns in and by that certain Deed dated May 12, 1943, from North Bay Farms Company to Claus Mangels and Cecilia Mangels, which on June 30, 1943 was recorded in Book 579 of Official Records, Sonoma County, California, at Page 386 thereof.

PARCEL THREE:

THE RIGHT to use the right of way from the common corner of Fields 35, 36 and 53; Southeasterly between Fields 35 and 53; 34 and 35; 22 and 34; 23 and 34; and along the Northeast line of Fields 23, 20, 19, 11 and between 6 and 7, to the Northwestern Pacific Railroad Right of Way; also the right of way between Fields 7 and 8, as all of said numbered fields are delineated on said Map of Lakeville Stock Farms, being the right reserved to North Bay Farms Company, its successors and assigns, in and by said Deed from North Bay Farms Company to said Claus Mangels and Celia Mangels.

PARCEL FOUR:

THE RIGHT which by Deed dated March 11, 1941, from North Bay Farms Company to Isabelle M. Niemela, recorded April 14, 1941, in Book 523 of Official Records, Sonoma County, California, at Page 133 thereof, was reserved to North Bay Farms Company and its successors and assigns to the use over the lands granted by said Deed of a roadway 40 feet in width as in said deed described.

A.P. Nos. 068-070-004 and -005 and 068-080-001

NOTE: Parcels Two and Three herein described are only being included so as to avoid the Company being the cause of excluding them from deeds or encumbrances, but **NO INSURANCE** is to be provided as to said parcels.

Anything to the contrary in the policy or endorsements thereto notwithstanding, said parcels are **NOT INSURED** even though they may be included as part of the description of the land described or referred to in the policy.

MARVIN AND RITA CARDOZA
EXHIBIT
LEGAL DESCRIPTION

ORDER NO. : 0816000676-GD

The land referred to is situated in the unincorporated area of the County of Sonoma, State of California, and is described as follows:

TRACT ONE:

PARCEL ONE:

LOT 3, as said lot is shown and delineated upon that certain Parcel Map No. 7704, filed August 10, 1982 in Book 336 of Maps, Pages 33 and 34, Sonoma County Records.

A.P. No. 068-060-057

PARCEL TWO:

AN EASEMENT for road and utility purposes, 50 feet in width, over and across Lot 2, as said Lot and easement are shown on the map referred to herein.

TRACT TWO:

PARCEL ONE:

LOT 4, as said lot is shown and delineated upon that certain Parcel Map No. 7704, filed August 10, 1982 in Book 336 of Maps, Pages 33 and 34, Sonoma County Records.

A.P. No. 068-060-058

PARCEL TWO:

AN EASEMENT for road and utility purposes, 50 feet in width, over and across Lot 2, as said Lot and easement are shown on the map referred to herein.

PARCEL THREE:

AN EASEMENT for pedestrian and vehicular ingress and egress more particularly described as follows:

A RIGHT-OF-WAY easement, a uniform strip of land 12 feet in width, across the lands of Martinelli as said lands are described by Deed recorded in Book 1512 of Official Records, Page 45, Sonoma County Records, the center line of which is more particularly described as follows:

BEGINNING at a point in the centerline of an existing road on the Northerly boundary line of the lands of Gilardi as said lands are described by Deed recorded in Book 3538 of Official Records, Page 835, Sonoma County Records, from which a set 3/4" iron pipe, on the Northerly line of said lands of Gilardi, tagged LS 5092, bears South 67° 03' 53" West 10.00 feet and also from said point of beginning a set 3/4" iron pipe, tagged LS 5092, at an existing 6" x 8" fence corner

post, at the Northwesterly corner of said lands of Gilardi, bears South 67° 03' 53" West 2856.53 feet; thence Northerly from said point of beginning the following courses along the center line of an existing road: North 23° 05' West 105.67 feet to a curve concave Easterly having a radius of 200.00 feet, Northerly along said curve through a central angle of 8° 04' for a distance of 28.16 feet, North 15° 01' West 407.05 feet to an angle point, North 6° 16' West 171.60 feet to a curve concave Easterly having a radius of 380.00 feet, Northerly along said curve through a central angle of 11° 45' for a distance of 77.93 feet, North 5° 29' East 227.7 feet to an angle point, North 8° 08' East 89.00 feet to a curve concave Westerly having a radius of 205.00 feet, Northerly along said curve through a central angle of 27° 18' for a distance of 97.68 feet, North 19° 10' West 36.00 feet to a curve concave Easterly having a radius of 810.00 feet, Northerly along said curve through a central angle of 8° 03' for a distance of 113.80 feet, North 11° 07' West 220.00 feet to a curve concave Westerly having a radius of 390.00 feet, Northerly along said curve through a central angle of 37° 10' for a distance of 252.99 feet, North 48° 17' West 74.40 feet to a curve concave Easterly having a radius of 270.00 feet, Northerly along said curve through a central angle of 27° 37' for a distance of 130.14 feet, North 20° 40' West 60.60 feet to an angle point, North 28° 44' West 50.05 feet to a curve concave Easterly having a radius of 450.00 feet, Northerly along said curve through a central angle of 18° 32' for a distance of 145.56 feet, North 10° 12' West 78.00 feet to a curve concave Westerly having a radius of 170.00 feet, Northerly along said curve through a central angle of 42° 22' for a distance of 125.70 feet, North 52° 34' West 67.99 feet to a curve concave Northeasterly having a radius of 130.00 feet, Northerly along said curve through a central angle of 20° 04' for a distance of 45.53 feet, North 32° 30' West 88.00 feet to an angle point, North 35° 00' West 95.00 feet to an angle point and North 28° 00' West 41 feet more or less to the Southerly line of State Highway 116 (Stage Gulch Road).

PARCEL FOUR:

AN EASEMENT for pedestrian and vehicular ingress and egress more particularly described as follows:

A RIGHT-OF-WAY easement, a uniform strip of land 12 feet in width, across the lands of Gilardi as described in that Deed recorded in Book 3538 of Official Records, Page 835, Sonoma County Records, the centerline of which is more particularly described as follows:

COMMENCING at a found 1/2" iron pipe, tagged L.S. 5092, at a fence corner, the Southwesterly corner of said lands of Gilardi; thence North 66° 59' 40" East, 2334.15 feet along the Southerly line of said lands of Gilardi, to the point of beginning of said centerline at the centerline of an existing road and a point on a curve concave Westerly having a radius of 300.00 feet from which a radial line of said curve bears South 76° 33' 43" West; thence Northerly the following courses along said existing road; Northerly along said curve through a central angle of 4° 33' 43" for a distance of 23.89 feet, North 18° 00' 00" West 54.35 feet, North 11° 30' 00" West 201.40 feet, North 13° 45' 00" West 126.10 feet to a curve concave Easterly having a radius of 300.00 feet, Northerly along said curve through a central angle of 20° 55' 00" for a distance of 109.52 feet, North 7° 10' 00" East, 186.00 feet to a curve concave Easterly having a radius of 400.00 feet, Northerly along said curve through a central angle of 16° 50' 00" for a distance of 117.52 feet to a curve concave Southeasterly having a radius of 210.00 feet, Northerly and Northeasterly along said curve through a central angle of 37° 00' 00" for a distance of 135.61 feet, North 61° 00' 00" East 146.68 feet to a curve concave Northwesterly having a radius of

310.00 feet, Northeasterly and Northerly along said curve through a central angle of 71° 15' 00" for a distance of 385.50 feet, North 10° 15' 00" West 81.75 feet, North 18° 00' 00" West 152.50 feet, North 31° 30' 00" West 186.32 feet to a curve concave Westerly having a radius of 250.00 feet, Northerly along said curve through a central angle of 28° 20' 00" for a distance of 114.90 feet, North 57° 50' 00" West 172.74 feet to a curve concave Easterly having a radius of 620.00 feet, Northerly along said curve through a central angle of 18° 52' 00" for a distance of 204.16 feet, North 38° 58' 00" West 180.00 feet to a curve concave Easterly having a radius of 180.00 feet, Northerly along said curve through a central angle of 29° 18' 00" for a distance of 92.05 feet, North 9° 40' 00" West 133.04 feet to a curve concave Easterly having a radius of 940.00 feet, Northerly along said curve through a central angle of 7° 28' 00" for a distance of 122.50 feet, North 2° 12' 00" West 74.14 feet to a curve concave Westerly having a radius of 415.00 feet, Northerly along said curve through a central angle of 20° 53' 00" for a distance of 151.26 feet and North 23° 05' 00" West 2.32 feet to the Northerly line of said lands of Gilardi, from which a set 3/4" iron pipe tagged L.S. 5092 bears South 67° 03' 53" West 10.00 feet.

PARCEL FIVE:

A 40 FOOT easement for road and utility purposes over Lot 2 as shown upon Parcel Map No. 5085-A filed October 14, 1976 in Book 240 of Maps at Pages 23, 24 and 25, Sonoma County Records and as further described in a deed recorded May 21, 1985 as Document No. 1985-31917, Official Records.

EXHIBIT B
QUITCLAIM DEED

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO

Sonoma County Regional Parks
2300 County Center Drive, Suite 120A
Santa Rosa, CA 95403

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

THIS AGREEMENT dated as of _____, 2005 is made by and between the County of Sonoma, a political subdivision of the State of California ("the County") and Cardoza Ranches Inc. ("Tenant").

1. *Quitclaim Deed.* Tenant, for the benefit of the County, hereby quitclaims all right, title and interest to the property as more particularly described in Exhibit "A" ("the Property") attached hereto and made a part hereof.

2. *Effective and Operative Dates.* This Quitclaim Deed shall be effective on the date shown above and shall become operative upon the sooner to occur of the following:

A. September 30, 2006; or

B. The earlier termination of that certain Residential Rental Agreement and the Agricultural Lease dated as of September 1, 2005.

IN WITNESS WHEREOF, the parties hereto have executed this Quitclaim Deed as of the day and year first above written.

TENANT: CARDOZA RANCHES, INC.

By _____

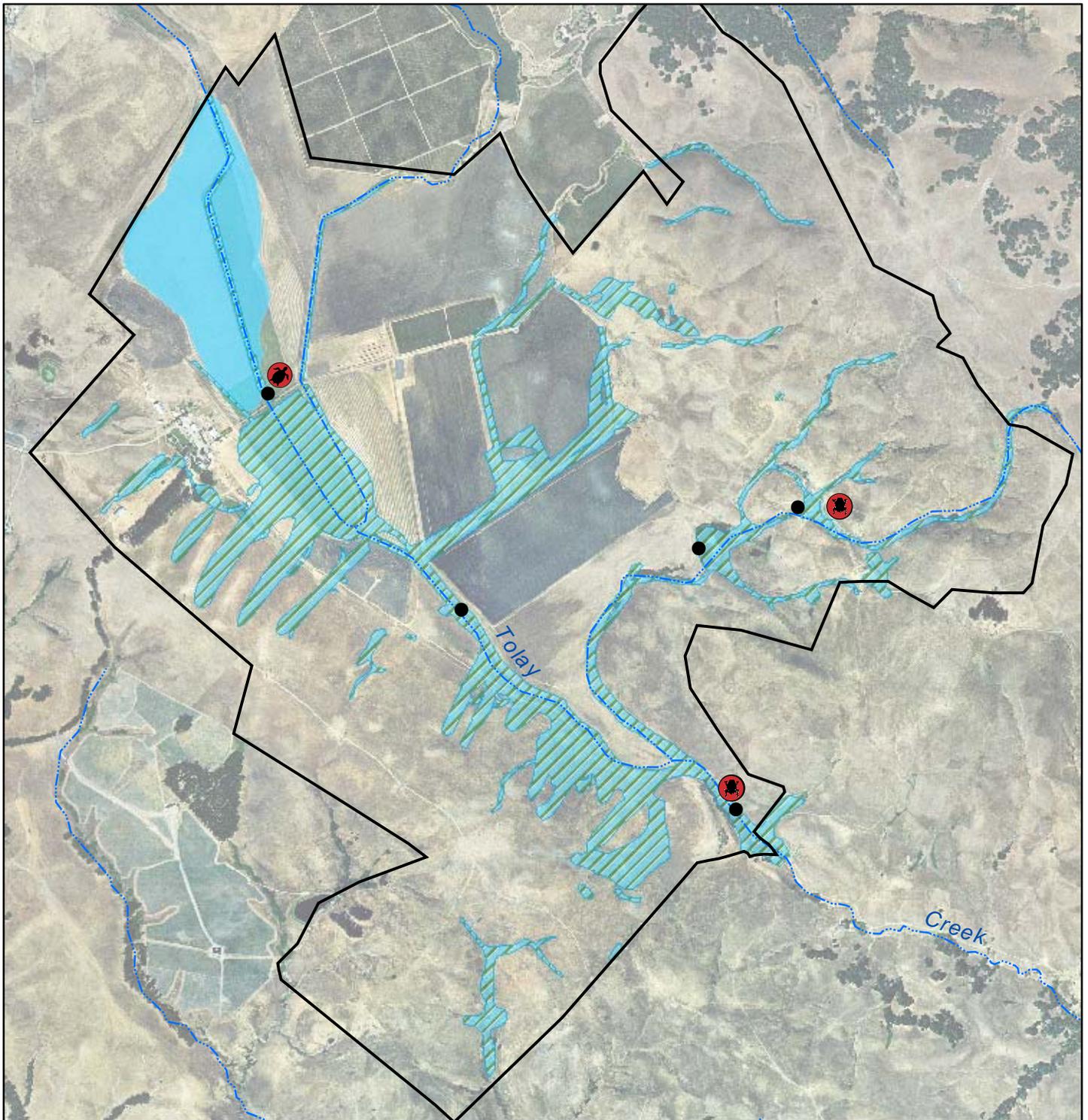
COUNTY: COUNTY OF SONOMA

By: _____
Mary Burns
Director, Regional Parks

**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENTATION**

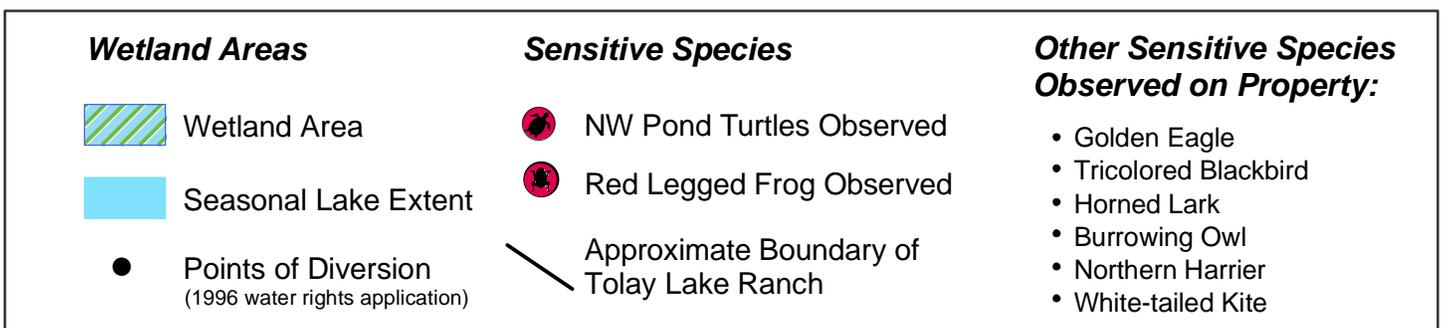
ATTACHMENT E

Map: Tolay Lake Ranch Wetland Areas and Sensitive Species
(Napa Valley Vineyard Engineering, Inc. & Parsons Corporation)



Map Date 5/13/04

TOLAY LAKE RANCH



**TOLAY LAKE REGIONAL PARK PROPERTY
BASELINE DOCUMENTATION**

ATTACHMENT F

Matching Grant Agreement

MATCHING GRANT AGREEMENT
TOLAY LAKE RANCH

THIS AGREEMENT is entered into on the 27th day of Sept., 2005, by and between the Sonoma County Agricultural Preservation & Open Space District ("the Open Space District"), a public agency, and the County of Sonoma, a political subdivision of the State of California ("the County") for the public use and enjoyment of that certain real property generally described as the Tolay Lake Ranch and more particularly described in the attached Exhibit "A" ("the Property") and is effective and operative immediately upon full execution.

Recitals

A. *Legal authority.* The Open Space District enters into this Agreement pursuant to the authority contained in California Public Resources Code Sections 5500 et seq. and particularly Sections 5540, 5540.6 and 5543, and other relevant provisions of law. The County enters into this Agreement pursuant to Government Code Section 25353 and other relevant provisions of law.

B. *Background.* The Open Space District has successfully negotiated the purchase of the Property with title to be conveyed by the sellers to the County for low-intensity, public outdoor recreation use. The purchase price is to be financed in part through grants from various State agencies and in part through lease-purchase agreements among the County, the County's Treasurer and the Open Space District.

C. *Statement of public purposes.*

1. *The Open Space District.* The property has significant open space values whose preservation is consistent with the 1990 voter-approved Expenditure Plan and sales tax measure. These values are expressed in the Conservation Easement to be conveyed by the County to the Open Space District.

2. *The County.* The County's primary interest in the Property is in its potential for low intensity public outdoor recreation that is compatible with and promotes its biological and cultural resources. The parties anticipate that the County will prepare a Park Master Plan and Resource Management Plan ("Park Management Plan") and appropriate environmental documents consistent with the Conservation Easement.

D. *Environmental Review.* The acquisition of the Property is exempt from the California Environmental Quality Act ("CEQA"; Public Resources Code Section 21000 et seq.) as is more fully explained in Notices of Exemption approved by the County's Board of Supervisors and the Open Space District's Board of Directors. Any development of the Property, however, by the County or funding of such development by the Open Space District, is expressly subject to compliance with all applicable laws, including CEQA.

Agreement

1. *Truth of Recitals.* All of the above recitals are true and correct.

2. *Purchase of Property.* The purchase price of the Property is \$18 million, payable to the sellers. The Open Space District will contribute \$11.1 million towards the purchase price and has secured grants from the Coastal Conservancy, the Department of Fish and Game and the Wildlife Conservation Board in the amounts of \$2 million, \$2 million and \$1 million, respectively. In addition, the County secured grants from National Oceanic and Atmospheric Administration, the Land and Water Conservation Fund, Proposition 12 Per capita funds, and the Park Acquisition Trust Fund in the amounts of \$488,246, \$202,980, \$477,078, and \$75,993 respectively (collectively "County's contribution"). Each of the public funding agencies will require a grant agreement (collectively "Grant Agreements") that defines the terms of its contribution. In addition, the private capital fundraising campaign raised \$579,785 towards the acquisition of the Property. Closing costs, and other costs associated with the close of escrow of the Property shall be paid by the Open Space District. The Open Space District shall take all actions necessary to close escrow on the Property pursuant to the terms and conditions listed in the escrow instructions. For the purposes of this Agreement, the term "close of escrow" shall refer to the date on which the transfer of the fee title to Property to the County is completed through the recording a grant deed to the Property and escrow is terminated.

3. *Open Space District's Additional Responsibilities.* The Open Space District shall accept a Conservation Easement over the Property from the County in a form to be mutually agreed upon by the parties.

4. *The County's Additional Responsibilities.* The following terms and provisions are conditioned upon the successful close of escrow of the Property.

a. *Conservation Easement.* The County shall convey a Conservation Easement to the District. The Conservation Easement will preserve the habitat and resource values of the Property while allowing for low-intensity, public outdoor recreation use. The parties understand that initially only a portion of the Property will be encumbered due to the lease-purchase arrangement. Once such financing is paid off the parties agree to take steps necessary to revise the conservation easement to include the balance of the Property.

b. *Preparation of a Park Management Plan and Environmental Documents.* The County shall immediately initiate preparation of a Park Management Plan (the "Plan") and appropriate environmental documents as necessary to develop the Property for low intensity public outdoor recreation. The Plan shall be consistent with the Conservation Easement and the Grant Agreements, and shall acknowledge and incorporate plans for protecting and restoring biological resources and securing and interpreting the cultural resources on the Property. The County shall submit the Plan to the Open Space District for review and approval. The County shall complete and approve the Plan and environmental documents on or before the fourth anniversary of the close of escrow.

c. *Implementation of Plan and Park Development.* The County shall implement the Plan and develop, operate and maintain the Property for habitat enhancement and restoration, public outdoor recreation, and associated educational use in accordance therewith and subject to all applicable laws and agreements including the Conservation Easement and the Grant Agreements. The County shall open the Property for public use within one year of the approval of the Plan and environmental documents.

d. *Extensions of Time.* The times set forth in Paragraph 4(c) may be extended by the Open Space District upon a showing by the County of good cause.

e. *Match.* The County's contribution of approximately \$1.5 million to the acquisition and the anticipated cumulative costs of developing and operating and maintaining the low intensity public outdoor recreational use of the Property shall constitute the match for the Open Space District's grant of \$11,176,018 million representing a contribution to the purchase price.

f. *Signage.* The County shall erect a sign, or signs, on the Property acknowledging the District's financial participation in the project within sixty (60) days. The number, design and wording of the sign or signs shall be submitted to the Open Space District's General Manager for approval prior to placement.

g. *Access.* The County and District recognize that the public will desire access to the Property before the Plan and associated environmental documents are completed and the Property is developed for public use. The County and District shall work cooperatively to provide for the public outdoor recreational use of the Property through organized docent-led tours as soon as practicable following the County's acceptance of fee title. The County and District shall also work cooperatively to provide for limited interim public use beyond the docent-led tours, provided that such use is protective of existing biological, cultural, and other unique resources. The County shall develop an Interim Public Use Plan and submit the plan to the Open Space District for review and approval, and complete any associated environmental documents that may be necessary to provide such use.

h. *Documentation.* The County agrees to keep and maintain full and complete records concerning its responsibilities under this Agreement and shall make such documents and records available to Open Space District for inspection at any reasonable time.

5. *Indemnification.* The County shall hold harmless, indemnify, and defend the Open Space District, its agents, employees, volunteers, successors and assigns, from and against damages, liabilities, claims and expenses, including reasonable attorneys' fees, arising from or in any way connected with (i) injury to or the death of any person, or physical damage to property resulting from any act, omission, condition or other matter related to or occurring on or about the Property, except as such damage, liability, claim or expense is the result of the negligence, gross negligence, or intentional misconduct of the Open Space District (it being the intent of this provision to limit the County's indemnity to the proportionate part of the Open Space District damage, liability, claim or expense for which the County is responsible); and (ii) the obligations of the County to maintain and operate the Property. In the event of any claim, demand, or legal complaint against the Open Space District, the right to the indemnification provided by this Paragraph 5 shall not apply to any cost, expense, penalty, settlement payment, or judgment, including attorneys' fees, incurred prior to the Open Space District's written notice of such claim, demand, or legal complaint to the County, unless the County has acquired knowledge of the matter by other means, nor to any costs, expenses, or settlement payment, including attorneys' fees, incurred subsequent to that notice unless such cost, expense, or settlement payment shall be approved in writing by the County, which approval shall not be unreasonably withheld.

6. *Merger and Interpretation.* This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. This Agreement shall be construed and enforced pursuant to the laws of the State of California, and shall be interpreted consistent to effect the purposes of this Agreement and the Conservation Easement for the Property.

7. *Amendments and Revisions.* The parties to this Agreement recognize that many of the details with respect to the use of the Property for habitat enhancement and restoration, public outdoor recreation, and associated educational purposes are dependent on future design and environmental work, and on related public review and necessary funding. Accordingly, the parties to this Agreement anticipate and agree to periodically review this Agreement against changed circumstances, including but not limited to, environmental, engineering and regulatory requirements for the purpose of proposing, reviewing and approving amendments and revisions. Any such amendments or revisions to this Agreement shall be reduced to writing prior to their effective date and shall be consistent with the Conservation Easement.

GRANTOR:

By: 

GRANTEE:

SONOMA COUNTY AGRICULTURAL
PRESERVATION AND OPEN SPACE
DISTRICT

By: 

Tim Smith
President of the Board of Directors

ATTEST:


EEVE T. LEWIS, County Clerk and
ex-officio Clerk of the Board of
Directors

EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Sonoma, State of California, and is described as follows:

TRACT ONE:

PARCEL ONE:

LOT 3, as said lot is shown and delineated upon that certain Parcel Map No. 7704, filed August 10, 1982 in Book 336 of Maps, Pages 33 and 34, Sonoma County Records.

A.P. No. 068-060-057

PARCEL TWO:

AN EASEMENT for road and utility purposes, 50 feet in width, over and across Lot 2, as said Lot and easement are shown on the map referred to herein.

TRACT TWO:

PARCEL ONE:

LOT 4, as said lot is shown and delineated upon that certain Parcel Map No. 7704, filed August 10, 1982 in Book 336 of Maps, Pages 33 and 34, Sonoma County Records.

A.P. No. 068-060-058

PARCEL TWO:

AN EASEMENT for road and utility purposes, 50 feet in width, over and across Lot 2, as said Lot and easement are shown on the map referred to herein.

PARCEL THREE:

AN EASEMENT for pedestrian and vehicular ingress and egress more particularly described as follows:

A RIGHT-OF-WAY easement, a uniform strip of land 12 feet in width, across the lands of Martinelli as said lands are described by Deed recorded in Book 1512 of Official Records, Page 45, Sonoma County Records, the center line of which is more particularly described as follows:

BEGINNING at a point in the centerline of an existing road on the Northerly boundary line of the lands of Gilardi as said lands are described by Deed recorded in Book 3538 of Official Records, Page 835, Sonoma County Records, from which a set 3/4" iron pipe, on the Northerly line of said lands of Gilardi, tagged LS 5092, bears South 67° 03' 53" West 10.00 feet and also from said point of beginning a set 3/4" iron pipe, tagged LS 5092, at an existing 6" x 8" fence corner

post, at the Northwesterly corner of said lands of Gilardi, bears South 67° 03' 53" West 2856.53 feet; thence Northerly from said point of beginning the following courses along the center line of an existing road: North 23° 05' West 105.67 feet to a curve concave Easterly having a radius of 200.00 feet, Northerly along said curve through a central angle of 8° 04' for a distance of 28.16 feet, North 15° 01' West 407.05 feet to an angle point, North 6° 16' West 171.60 feet to a curve concave Easterly having a radius of 380.00 feet, Northerly along said curve through a central angle of 11° 45' for a distance of 77.93 feet, North 5° 29' East 227.7 feet to an angle point, North 8° 08' East 89.00 feet to a curve concave Westerly having a radius of 205.00 feet, Northerly along said curve through a central angle of 27° 18' for a distance of 97.68 feet, North 19° 10' West 36.00 feet to a curve concave Easterly having a radius of 810.00 feet, Northerly along said curve through a central angle of 8° 03' for a distance of 113.80 feet, North 11° 07' West 220.00 feet to a curve concave Westerly having a radius of 390.00 feet, Northerly along said curve through a central angle of 37° 10' for a distance of 252.99 feet, North 48° 17' West 74.40 feet to a curve concave Easterly having a radius of 270.00 feet, Northerly along said curve through a central angle of 27° 37' for a distance of 130.14 feet, North 20° 40' West 60.60 feet to an angle point, North 28° 44' West 50.05 feet to a curve concave Easterly having a radius of 450.00 feet, Northerly along said curve through a central angle of 18° 32' for a distance of 145.56 feet, North 10° 12' West 78.00 feet to a curve concave Westerly having a radius of 170.00 feet, Northerly along said curve through a central angle of 42° 22' for a distance of 125.70 feet, North 52° 34' West 67.99 feet to a curve concave Northeasterly having a radius of 130.00 feet, Northerly along said curve through a central angle of 20° 04' for a distance of 45.53 feet, North 32° 30' West 88.00 feet to an angle point, North 35° 00' West 95.00 feet to an angle point and North 28° 00' West 41 feet more or less to the Southerly line of State Highway 116 (Stage Gulch Road).

PARCEL FOUR:

AN EASEMENT for pedestrian and vehicular ingress and egress more particularly described as follows:

A RIGHT-OF-WAY easement, a uniform strip of land 12 feet in width, across the lands of Gilardi as described in that Deed recorded in Book 3538 of Official Records, Page 835, Sonoma County Records, the centerline of which is more particularly described as follows:

COMMENCING at a found 1/2" iron pipe, tagged L.S. 5092, at a fence corner, the Southwesterly corner of said lands of Gilardi; thence North 66° 59' 40" East, 2334.15 feet along the Southerly line of said lands of Gilardi, to the point of beginning of said centerline at the centerline of an existing road and a point on a curve concave Westerly having a radius of 300.00 feet from which a radial line of said curve bears South 76° 33' 43" West; thence Northerly the following courses along said existing road; Northerly along said curve through a central angle of 4° 33' 43" for a distance of 23.89 feet, North 18° 00' 00" West 54.35 feet, North 11° 30' 00" West 201.40 feet, North 13° 45' 00" West 126.10 feet to a curve concave Easterly having a radius of 300.00 feet, Northerly along said curve through a central angle of 20° 55' 00" for a distance of 109.52 feet, North 7° 10' 00" East, 186.00 feet to a curve concave Easterly having a radius of 400.00 feet, Northerly along said curve through a central angle of 16° 50' 00" for a distance of 117.52 feet to a curve concave Southeasterly having a radius of 210.00 feet, Northerly and Northeasterly along said curve through a central angle of 37° 00' 00" for a distance of 135.61 feet, North 61° 00' 00" East 146.68 feet to a curve concave Northwesterly having a radius of

310.00 feet, Northeasterly and Northerly along said curve through a central angle of 71° 15' 00" for a distance of 385.50 feet, North 10° 15' 00" West 81.75 feet, North 18° 00' 00" West 152.50 feet, North 31° 30' 00" West 186.32 feet to a curve concave Westerly having a radius of 250.00 feet, Northerly along said curve through a central angle of 28° 20' 00" for a distance of 114.90 feet, North 57° 50' 00" West 172.74 feet to a curve concave Easterly having a radius of 620.00 feet, Northerly along said curve through a central angle of 18° 52' 00" for a distance of 204.16 feet, North 38° 58' 00" West 180.00 feet to a curve concave Easterly having a radius of 180.00 feet, Northerly along said curve through a central angle of 29° 18' 00" for a distance of 92.05 feet, North 9° 40' 00" West 133.04 feet to a curve concave Easterly having a radius of 940.00 feet, Northerly along said curve through a central angle of 7° 28' 00" for a distance of 122.50 feet, North 2° 12' 00" West 74.14 feet to a curve concave Westerly having a radius of 415.00 feet, Northerly along said curve through a central angle of 20° 53' 00" for a distance of 151.26 feet and North 23° 05' 00" West 2.32 feet to the Northerly line of said lands of Gilardi, from which a set 3/4" iron pipe tagged L.S. 5092 bears South 67° 03' 53" West 10.00 feet.

PARCEL FIVE:

A 40 FOOT easement for road and utility purposes over Lot 2 as shown upon Parcel Map No. 5085-A filed October 14, 1976 in Book 240 of Maps at Pages 23, 24 and 25, Sonoma County Records and as further described in a deed recorded May 21, 1985 as Document No. 1985-31917, Official Records.

The land referred to is situated in the unincorporated area of the County of Sonoma, State of California, and is described as follows:

PARCEL ONE:

A TRACT of land in the Petaluma Rancho in Township 4 North, Range 6 West, Mount Diablo Base and Meridian, and being a portion of Fields 36, 43 and 44, and all or part of Fields 45 to 55 inclusive as shown upon the map of Lakeville Stock Farms, recorded April 25, 1934, in Book 50 of Maps, Pages 11, 12 and 13, said tract being more particularly described as follows:

COMMENCING at the most Easterly corner of the 145.82 acre tract conveyed to Quinto V. Silacci, et ux, by deed dated April 1, 1938, and recorded in Book 451 of Official Records, Page 355; thence along the Easterly line of said tract North 54° 04 1/2' West, 631.8 feet to the most Northerly corner of said tract; thence along the Easterly line of the 143.99 acre tract conveyed to said Silacci, by Deed dated October 4, 1916 and recorded in Book 345 of Deeds, Page 151; North 54° 45' West, 1198 feet to the most Northerly corner thereof; thence along the Easterly line of the 203.56 acre tract conveyed to Joseph N. Bello by Deed dated September 14, 1905, and recorded in Book 221 of Deeds, Page 256; North 54° West, 741.84 feet to the most Southerly corner of the 203.45 acre tract conveyed to Calvin W. Cannon by Deed dated March 10, 1923, and recorded in Book 37 of Official Records, Page 328; thence along the Southeasterly and Easterly line of said tract North 35° 15' East, 3463.02 feet; North 54° 45' West, 722.03 feet; North 55° 30' East, 1023 feet; North 35° 30' East, 1386 feet; North 19° East 330 feet; North 28° West 330 feet; North 53° 45' West, 864.60 feet to the most Northerly corner of said tract; thence along the Easterly line of the lands of Augustino S. Aguido, North 54° 45' West to the corner of the 650 acre tract conveyed to Rocco Ghisletta by Deed dated February 17, 1914, and recorded in Book 318 of Deeds, Page 274; thence along the Southeasterly line of said tract North 35° 30' East 550.44 feet to the Southwesterly line of the 295 acre tract conveyed to Matilde Piezzi by Deed dated August 2, 1915 and recorded in Book 333 of Deeds, Page 338; thence along the dividing line between the lands of Piezzi and the tract herein described, following the sinuosities of the edge of the Laguna de Tolay in a Southeasterly direction to the most Westerly corner of the 397 acre tract conveyed to Hellen F. McAuliffe, by Deed dated January 22, 1930, and recorded in Book 250 of Official Records, Page 414; thence along the Southwesterly line of said tract, South 5° East, 556.38 feet; South 43° East, 786.72 feet; South 48° 30' East 528 feet; South 12° 30' East, 352.44 feet; South 41° 30' East 1,331.88 feet; thence continuing along the boundary line of said lands, North 36° East, 620.40 feet; thence South 54° East 990 feet; thence North 40° 30' East 2389.20 feet; thence South 33° 45' East, 402.60 feet; thence North 36° East, 339.24 feet; thence North 45° 30' West, 1598.52 feet; thence North 36° East, 1207.14 feet; thence North 44° East, 417.80 feet to the common corner of Fields 55 and 56, being the Westerly corner of the lands conveyed by North Bay Farms Company to O. D. Donnell, Jr., by Deed dated December 30, 1941 and recorded December 31, 1941, in Book 540 of Official Records, Page 422; thence along the Westerly line of said lands being the dividing line between Fields 55 and 56, South 40° 13 1/2' East 888.06; thence South 56° 39' East, 255.95 feet; South 44° 44' East 543.09 feet to the common corner of Fields 33, 55 and 56; thence along the dividing line between Fields 33 and 55, South 44° 44' East, 176.57 feet; South 27° 09' East 2367.73 feet; South 63° 01' East

754.42 feet; South 15° 42' East 272.79 feet; South 35° 53' East 272.31 feet; South 54° 15' East 303.95 feet; South 25° 50' East 143.90 feet; South 57° 08' East, 240.66 feet; South 68° 19' East 612.15 feet; South 6° 37' East 370.26 feet; South 3° 42' East 546.63 feet; South 2° 55' West 722.37 feet; South 63° 04' West, 579.37 feet; North 89° 09' West, 460.97 feet; South 40° 11' West, 547.66 feet to the common corner to Fields 33, 34 and 55; thence leaving the lands of Donnell and along the dividing line between Fields 34 and 55, North 60° 52' West, 30.26 feet; North 79° 46' West, 424.31 feet; North 73° 21' West, 162.17 feet; North 85° 12' West, 47.15 feet; North 42° 51' West, 9.41 feet to the common corner of Fields 34, 55 and 54; thence along the dividing line between Fields 34 and 54; South 58° 17' West, 17.12 feet; North 33° 19' West, 5.10 feet; North 85° 32' West, 333.66 feet; South 73° 03' West 190.56 feet to the common corner to Fields 34, 53 and 54; thence along the dividing line between Fields 34 and 53 South 32° 56' West 262.29 feet; South 20° 39' West 238.12 feet; South 68° 44' West 264.44 feet; North 61° 23' West 288.78 feet; North 77° 57' West 649.37 feet; South 85° 16' West, 192.19 feet; South 30° 54' West 241.19 feet; South 03° 48' East 696.11 feet; South 33° 57' East, 1252.08 feet; South 66° 10' East, 268.72 feet; South 72° 31' East, 397.02 feet; South 28° 22' West, 191.65 feet; South 66° 12' West, 237.51 feet, South 38° 55' West, 198.09 feet; South 39° 56' East, 68.07 feet; South 44° 35' East, 197.06 feet; South 43° 59' East, 24.81 feet; South 26° 31' East, 32.88 feet; South 02° 26' East, 23.31 feet; South 34° 51' West, 19.08 feet; South 31° 07' East, 20.31 feet; South 07° 50' West, 37.44 feet; North 86° 13' West, 196.68 feet; South 84° 13' West 178.39 feet; North 36° 19' West, 17.36 feet North 14° 31' East, 15.64 feet; North 52° 44' West 47.40 feet to the common corner to Fields 35, 36 and 53; thence South 66° 46' West 271.43 feet; South 89° 54' West 233.73 feet; South 01° 50' West 13.09 feet; South 81° 31' West, 78.58 feet; South 39° 29' West 301.53 feet; South 24° 02' West, 173.64 feet South 05° 05' West, 98.63 feet; South 28° 03' West, 64.06 feet; South 55° 16' West 64.10 feet; South 71° 10' West 113.01 feet; South 67° 58' West 150.60 feet; South 57° 38' West 236.74 feet; South 39° 36' West, 116.39 feet; South 39° 20' West, 980.60 feet to the most Westerly corner of Field 35; said point being the common corner of Lots 15, 16, 20 and 21; LaCroze Survey Petaluma Rancho, as per map recorded February 8, 1864, in Book 8 of Maps, Page 13; thence along the dividing line between Lots 15 and 16, South 45° 13' West 1650.00 feet to the Easterly corner of the lands conveyed to Anastasio Raffaelli, et al, by Deed recorded April 25, 1919, in Book 368 of Deeds, Page 267; thence along the dividing line between the lands herein conveyed to Raffaelli, North 45° West, 2640.00 feet to an iron pipe monument marked "P. C. 6"; thence North 46° 16' West 26.41 feet; thence along the boundary line of the lands conveyed by North Bay Farms Company to Isabelle M. Neimela by Deed dated March 11, 1941 and recorded April 14, 1941 in Book 523 of Official Records, Page 133, North 24° 25' East, 327.1 feet; North 58° 17' East, 382.8 feet; North 85° 29' East 96 feet; North 62° 36' East, 924.3 feet; North 51° 44' West, 1566.1 feet; North 59° 29' West, 1182.6 feet; North 62° 14' West, 1707.7 feet; South 35° 22' West, 117.5 feet to the point of commencement.

BEING the same land conveyed by North Bay Farms Company to John S. Cardoza & Sons by Deed dated September 7, 1943, recorded October 5, 1943, in Book 586, Page 414, Official Records of Sonoma County.

EXCEPTING therefrom all that portion as described in a Deed of Partial Reconveyance from Transamerica Title Insurance Company to Lake Ranch Company recorded October 19, 1976, under Recorder's Series No. R-63189, Book 3140, Page 659, Sonoma County Records.

PARCEL TWO:

THE RIGHT to the use of stockyard and loading facilities in Field 8 as delineated on said Map of Lakeville Stock Farms in the manner and under the conditions set forth in a certain Deed dated December 30, 1941, from North Bay Farms Company to O. D. Donnel, Jr., which is recorded in Book 540 of Official Records, Sonoma County, California, at Page 422 thereof, and being the right reserved to North Bay Farms Company and its successors and assigns in and by that certain Deed dated May 12, 1943, from North Bay Farms Company to Claus Mangels and Cecilia Mangels, which on June 30, 1943 was recorded in Book 579 of Official Records, Sonoma County, California, at Page 386 thereof.

PARCEL THREE:

THE RIGHT to use the right of way from the common corner of Fields 35, 36 and 53; Southeasterly between Fields 35 and 53; 34 and 35; 22 and 34; 23 and 34; and along the Northeast line of Fields 23, 20, 19, 11 and between 6 and 7, to the Northwestern Pacific Railroad Right of Way; also the right of way between Fields 7 and 8, as all of said numbered fields are delineated on said Map of Lakeville Stock Farms, being the right reserved to North Bay Farms Company, its successors and assigns, in and by said Deed from North Bay Farms Company to said Claus Mangels and Celia Mangels.

PARCEL FOUR:

THE RIGHT which by Deed dated March 11, 1941, from North Bay Farms Company to Isabelle M. Niemela, recorded April 14, 1941, in Book 523 of Official Records, Sonoma County, California, at Page 133 thereof, was reserved to North Bay Farms Company and its successors and assigns to the use over the lands granted by said Deed of a roadway 40 feet in width as in said deed described.

A.P. Nos. 068-070-004 and -005 and 068-080-001

NOTE: Parcels Two and Three herein described are only being included so as to avoid the Company being the cause of excluding them from deeds or encumbrances, but **NO INSURANCE** is to be provided as to said parcels.

Anything to the contrary in the policy or endorsements thereto notwithstanding, said parcels are **NOT INSURED** even though they may be included as part of the description of the land described or referred to in the policy.