

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

918B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
February 01, 2012

SUBJECT: Adoption of Resolution No. 2012-041 – Diminishment of Winchester Agricultural Preserve No. 2, Map No. 60 – Agricultural Preserve Case and Map No. 1022 – Applicant: Domenigoni - Barton Properties – Third/Third Supervisorial District – Harvest Valley - Winchester – Area Plan – 1023.77 Acres (Gross).

RECOMMENDED MOTION: Adoption of Resolution No. 2012-041 for the Diminishment of Winchester Agricultural Preserve No. 2, Map No. 60, based upon the hereinafter listed findings and conclusions.

BACKGROUND:

Domenigoni and Barton Properties (Applicant), entered into a land conservation contract with the County of Riverside in 1970. The site is located northerly of Keller Road, southerly of Holland Road and both easterly and westerly of Highway 79. (See attached Exhibit A.)

The Applicant filed a notice of non-renewal on November 4, 1999, which was recorded on December 30, 1999. The land conservation contract for the property expired on January 1, 2010. Under both the County's Rules and Regulations Governing Agricultural Preserves and the State of California's Williamson Act Program, a landowner may apply to have property removed from the boundaries of an agricultural preserve once the contract has expired. Since the land conservation contract expired in 2010, the Applicant applied to have the subject site removed from the boundaries of the agricultural preserve. The attached Resolution 2012-041 (Exhibit B) formally accomplishes this action.

The diminishment of the site is consistent with the Williamson Act, the Rules and Regulations Governing Agricultural Preserves in Riverside County and with the County's General Plan.

Carolyn Syms Luna

Carolyn Syms Luna
Planning Director

REVIEWED BY COUNTY COUNSEL

REVIEWED BY EXECUTIVE OFFICE

DATE *2/14/12*

DATE *2/12/12*

Michelle Clack

Departmental Concurrence

Dep't ecomm.: Policy

Per Exec. Ofc.: Consent

Per Exec. Ofc.: Policy

Prev. Agn. Ref.

District: 3/3

Agenda Number:

3.40

EXHIBIT A
WINCHESTER
AGRICULTURAL PRESERVE NO. 2
MAP NO. 60

All of the unincorporated territory of Riverside County, State of California, described as follows:

All of Section 22; the east half of the northeast quarter of Section 9; the west half of Section 10; the north one half of Sections 16 and 17; and the southeast quarter of Section 16.

All in Township 6 South, Range 2 West.

Excepting therefrom that portion conveyed to Metropolitan Water District by settlement agreement and as stipulated by Final Order No. 229049, date July 16, 1997.

Excepting therefrom those portions conveyed to the State of California by a Final Order of Condemnation recorded June 27, 2007 as Instrument No. 2007-0418200 of official records.

Excepting therefrom that portion conveyed to the State of California by Deed recorded January 20, 2011 as Instrument No. 2011-0032171 of official records.

Excepting therefrom that portion conveyed to the County of Riverside by Deed recorded January 20, 2011 as Instrument No. 2011-0032164 of official records.

Excepting therefrom that portion conveyed to the County of Riverside by Deed recorded January 20, 2011 as Instrument No. 2011-0032165 of official records.

Owners: Domenigoni-Barton Properties, Francis Domenigoni Family Trust, Holland Heritage 120, LLC, WW 550, LLC and Fred 160, LLC.
Acres: 1023.77
APN: See Attached List

DOMENIGONI-BARTON PROPERTIES

WINCHESTER PROPERTIES (T6S,R2W)

SECTION	APN	ACRES	COMMENTS	New Entities
9	466-150-007	78.16		Holland Heritage 120, LLC
10	466-180-018	2.74	466-180-016	Holland Heritage 120, LLC
	466-170-023	1.91	Old APN # 466-170-005 (80 Acres)	Holland Heritage 120, LLC
	466-170-033	37.57	446-170-024	Holland Heritage 120, LLC
16	466-240-002	158.44		WW 550, LLC
(PM16335)	466-240-003	79.50		Fred 160, LLC
	466-240-004	79.29		Fred 160, LLC
	466-250-028	158.19	Old APN # 466-250-027	WW 550, LLC
15	466-260-001	0.07		WW 550, LLC
17	466-330-009	17.93		DBP
	466-330-010	19.44		DBP
	466-330-011	19.46		DBP
	466-330-012	19.49		DBP
	466-330-013	79.06		DBP
22	472-120-006	5.56	Old APN # 472-120-001 and 467-080-005	WW 550, LLC
	472-120-002	30.21	Old APN # 467-080-006	WW 550, LLC
	472-120-003	69.66	Old APN # 467-080-007	WW 550, LLC
	472-130-001	7.05	Old APN # 467-090-001	WW 550, LLC
	472-130-002	122.47	Old APN # 467-090-002	WW 550, LLC

FRANCIS DOMENIGONI FAMILY TRUST

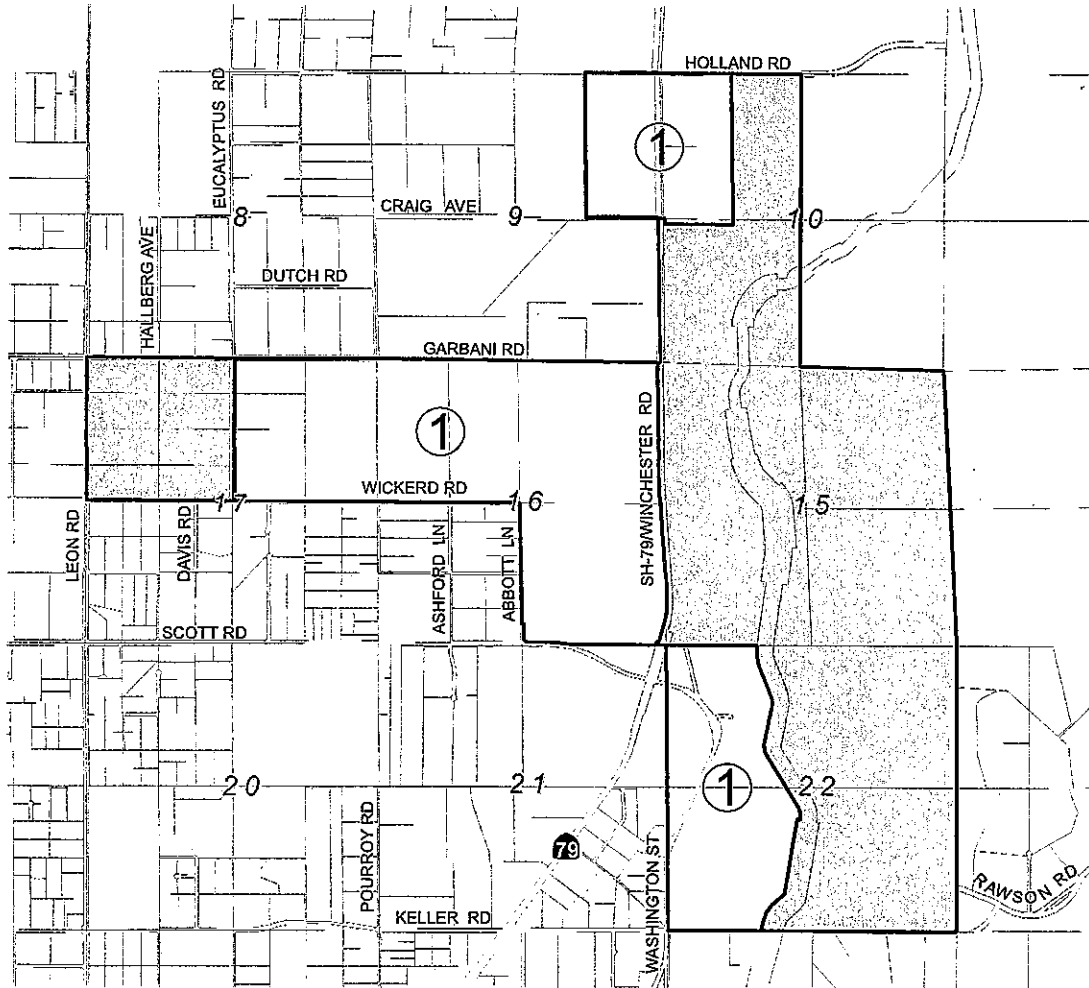
SECTION	APN	ACRES	COMMENTS	
10	466-170-032	37.57	Formerly 466-170-018 and 466-170-026	<i>No change anymore deal</i>

OK

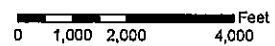
MAP NO. 60 WINCHESTER AGRICULTURAL PRESERVE NO. 2

AMENDED BY MAP NO. 1022

T. 6 S., R. 2 W.



AMENDMENTS:
NO. 1, (DIMINISHMENT), MAP NO. 1022



ADOPTED ON NOVEMBER 17, 1969
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.

RIVERSIDE COUNTY PLANNING COMMISSION

Board of Supervisors

County of Riverside

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**RESOLUTION NO. 2012-041
DIMINISHMENT OF WINCHESTER
AGRICULTURAL PRESERVE NO. 2
(Government Code Section 51231)**

WHEREAS, Francis N. Domenigoni; Jean Domenigoni; Angelo O. Domenigoni; Julia M. Young; Frederick E. Domenigoni; and Elsa E. Barton, entered into a Land Conservation Contract with the County of Riverside pursuant to the California Land Conservation Act of 1965 (Government Code Section 51200 et seq.), which contract is dated January 1, 1970, and was recorded February 27, 1970, as Instrument No. 19058, in the Office of the County Recorder of Riverside County, California; and,

WHEREAS, said Land Conservation Contract is for a 1023.77 acre area located northerly of Keller Road, southerly of Holland Road, easterly of Eucalyptus Road, both easterly and westerly of Highway 79 in the unincorporated area of Winchester, Riverside County, California ("Property"); and,

WHEREAS, the Property is identified as Assessor's Parcel Numbers 466-150-007; 466-180-018; 466-170-023; 466-170-033; 466-240-002; 466-240-003; 466-240-004; 466-250-028; 466-260-001; 466-330-009; 466-330-010; 466-330-011; 466-330-012; 466-330-013; 472-120-006; 472-120-002; 472-120-003; 472-130-001; 472-130-002; and,

WHEREAS, in 1978 the Property was owned by Francis N. Domenigoni and Jean Domenigoni (Francis Domenigoni Family Trust), Frederick E. Domenigoni and Elsa E. Barton; and,

WHEREAS, in 1990 a family partnership was formed called Domenigoni-Barton Properties, a California General Partnership, whose partners were the Francis Domenigoni Family Trust, Frederick E. Domenigoni and Elsa E. Barton (Elsa E. Barton Trust U/D/T April 14, 1993); and,

FORM APPROVED COUNTY COUNSEL
BY:  DATE: 02/11/12
MICHELLE CLACK

1 **WHEREAS**, the Property collectively owned was placed in the ownership of
2 Domenigoni-Barton Properties; and,

3 **WHEREAS**, on November 4, 1999, in preparation for the Property's future development,
4 a Notice of Non-Renewal was filed by Domenigoni-Barton Properties and Francis Domenigoni
5 Family Trust which notice was recorded on December 30, 1999, as Instrument No. 564989, in the
6 Office of the County Recorder of Riverside County, California; and,

7 **WHEREAS**, the filing of the Notice of Nonrenewal resulted in the expiration of the Land
8 Conservation Contract as it applies to the Property on January 1, 2010, pursuant to Government
9 Code Section 51245 and 51246; and,

10 **WHEREAS**, Holland Heritage 120, WW 550 LLC, Fred 160 LLC and Craig 435 LLC are
11 entities that were formed to assist in the Property's development and have an ownership interest in
12 the Property; and,

13 **WHEREAS**, on January 19, 2011, Domenigoni-Barton Properties, as authorized
14 representative for the current Property's owner (Domenigoni-Barton Properties, the Francis
15 Domenigoni Family Trust, Holland Heritage 120, LLC, WW 550, LLC, and Fred 160, LLC)
16 requested to have the Property removed from the boundaries of Winchester Agricultural Preserve
17 No. 2.

18 **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of
19 Supervisors of the County of Riverside, State of California, in regular session assembled on
20 _____, that:

- 21 1. The above recitals are true and correct and incorporated herein by this reference.
- 22 2. Under the County of Riverside's Rules and Regulations Governing Agricultural
23 Preserves and the State of California's Williamson Act Program (i.e., Land
24 Conservation Act), a landowner may apply to have property removed from the
25 boundaries of an agricultural preserve, once the contract has expired.
- 26 3. Winchester Agricultural Preserve No. 2, Map No. 60, dated November 17, 1969, and
27 on file in the Office of the Clerk of this Board, is amended by deleting therefrom the
28 area shown on the map entitled "AGRICULTURAL PRESERVE MAP NO. 1022:

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AMENDMENT NO. 1 (DIMINISHMENT) OF WINCHESTER AGRICULTURAL PRESERVE NO. 2" and described by boundary description thereof, as fully set forth in the attached document entitled "EXHIBIT A, WINCHESTER AGRICULTURAL PRESERVE NO. 2 MAP NO. 1022 (DIMINISHMENT)," which is made part of this resolution, said map and description both being on file in the Office of the Clerk of the Board.

4. The diminishment of Winchester Agricultural Preserve No. 2, Map No. 60, is consistent with the provisions of the Land Conservation Act of 1965, the Riverside County General Plan, and the Rules and Regulations Governing Agricultural Preserves in Riverside County as adopted by the Board of Supervisors.
5. The diminishment is undertaken pursuant to maturation of the Notice of Nonrenewal filed on November 4, 1999 and subsequent expiration of the Land Conservation Contract.

BE IT FURTHER RESOLVED that the Clerk of this Board shall file and record copies of this resolution, map and boundary description in the Office of the County Recorder of Riverside County, California, with the Director of Conservation of the State of California, and with the Office of the Assessor of Riverside County, California.