

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

503



**FROM:** Department of Waste Resources

**SUBMITTAL DATE:**  
August 15, 2016

**SUBJECT:** Resolution No. 2016-153, Notice of Intention to Establish a Restrictive Covenant Affecting County Owned Fee Interest In Real Property, Commonly Known As The Badlands Landfill, In The Unincorporated Area of the County of Riverside, State of California, Identified within a Portion of Assessor's Parcel Number 413-140-023, District 5, [\$0 – Department of Waste Resources Enterprise Funds], CEQA Exempt

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt Resolution No. 2016-153, Notice of Intention to Establish a Restrictive Covenant affecting County owned fee interest in real property, commonly known as the Badlands Landfill, in the County of Riverside, State of California, Identified within a Portion of Assessor's Parcel Number 413-140-023; and
2. Direct the Clerk of the Board to give notice pursuant to Government Code Section 6061.

**BACKGROUND:  
Summary**

(continued)

  
Hans Kernkamp  
General Manager, Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
<b>COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
<b>NET COUNTY COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

<b>SOURCE OF FUNDS:</b> N/A	<b>Budget Adjustment:</b>
	For Fiscal Year: 16/17

**C.E.O. RECOMMENDATION:**

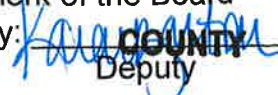
APPROVE  
  
BY: Steven C. Horn

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Tavaglione, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for public meeting on or after September 27, 2016 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley  
Nays: None  
Absent: None  
Date: September 13, 2016  
xc: Waste, COB

Kecia Harper-Ihem  
Clerk of the Board  
By:  COUNTY Deputy

12-1

FORM APPROVED COUNTY COUNSEL  
BY: Karin Watts-Bazan 8/17/16  
DATE: KARIN L. WATTS-BAZAN

Departmental Concurrence

- A-30
- 4/5 Vote
- Positions Added
- Change Order

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Resolution No. 2016-153, Notice of Intention to Establish a Restrictive Covenant affecting County owned fee interest in real property, commonly known as the Badlands Landfill, in the County of Riverside, State of California, Identified with Assessor's Parcel Number 413-140-023, District 5, [\$0 – Department of Waste Resources Enterprise Funds], CEQA Exempt**

**DATE: August 15, 2016**

**PAGE: 2 of 2**

**BACKGROUND:**

**Summary**

In May 2005, the Board of Supervisors adopted a Mitigated Negative Declaration (MND) for the Badlands Landfill Solid Waste Facility Permit Revision Environmental Assessment No. 39813, which analyzed the addition of a sedimentation basin, among other improvements, at the Badlands Landfill. In November 2005, the Department of Waste Resources ("Department") submitted an application for a Streambed Alteration Agreement ("SAA") to the California Department of Fish and Wildlife ("CDFW"). As part of the SAA application, the Department prepared a Conceptual Habitat and Hydrology Mitigation Monitoring Plan ("HMMP") addressing the loss of 0.64 acres of jurisdictional waters under the control of the CDFW. The HMMP proposed mitigation, including the permanent preservation of 1.02 acres of streambed and vegetated area in the northwest portion of Badlands Landfill ("Restricted Property"). While the southwest sedimentation basin was completed in 2008, the subject property remains undeveloped and in a natural state. The Department proposes to establish certain restrictive covenants affecting the Restrictive Property ("Restrictive Covenant") by way of recording a Declaration of Restrictive Covenants that limits the activities within the Restricted Property while retaining County ownership and control.

Resolution No. 2016-153 has been approved as to form by County Counsel.

**Impact on Residents and Businesses**

There will be no impact on residents or businesses.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Price Reasonableness**

N/A

Attachments:

1. Resolution No. 2016-153

2  
3 **RESOLUTION NO. 2016-153**

4 **NOTICE OF INTENTION TO ESTABLISH A RESTRICTIVE COVENANT**  
5 **AFFECTING COUNTY OWNED FEE INTEREST IN REAL PROPERTY,**  
6 **COMMONLY KNOWN AS THE BADLANDS LANDFILL,**  
7 **IN THE UNINCORPORATED AREA OF THE COUNTY OF RIVERSIDE,**  
8 **STATE OF CALIFORNIA, IDENTIFIED WITHIN A PORTION OF**  
9 **ASSESSOR'S PARCEL NUMBER 413-140-023**

10 **WHEREAS**, the County of Riverside ("County") is the owner of certain real property  
11 located in the unincorporated area of Riverside County, State of California, consisting of  
12 approximately 16.2 acres, identified within a portion of Assessor's Parcel Number 413-140-023,  
13 commonly known as the Badlands Landfill, (the "Property"), more particularly described in the  
14 Legal Description in "Exhibit A", attached hereto and by this reference incorporated herein; and

15 **WHEREAS**, the County Department of Waste Resources ("Department") operates the  
16 Badlands Landfill, located adjacent to the area depicted on the Badlands Cycle Park Preservation  
17 Area exhibit, as shown in "Exhibit B", attached hereto and by this reference incorporated herein;  
18 and

19 **WHEREAS**, on May 24, 2005, M.O. 12-4, the County Board of Supervisors adopted a  
20 Mitigated Negative Declaration ("MND") for the Badlands Landfill Solid Waste Facility Permit  
21 Revision Environmental Assessment No. 39813, which analyzed the addition of a sedimentation  
22 basin, among other improvements, at the Badlands Landfill and approved the Solid Waste  
23 Facility Permit Revision for the Badlands Landfill; and

24 **WHEREAS**, the Conceptual Habitat and Hydrology Mitigation Monitoring Plan  
25 ("HMMP") submitted as part of an application for a Streambed Alteration Agreement ("SAA")  
26 with California Department of Fish and Wildlife ("CDFW"), addressed the loss of 0.64 acres of  
27 jurisdictional waters under the control of the CDFW; and  
28

FORM APPROVED COUNTY COUNSEL  
BY: Synthia M. Gunzel 8-17-16  
DATE  
SYNTHIA M. GUNZEL

1           **WHEREAS**, the HMMP, proposed mitigation, including the permanent preservation of  
2 1.02 acres of streambed and vegetated area in the northwest portion of Badlands Landfill;

3           **WHEREAS**, in consideration for the impact of the loss of 0.64 acres CDFW  
4 jurisdictional waters, the County, as owner of the property, its assigns and successors in interest,  
5 hereby irrevocably covenant that the 16.2 acres as shown on attached Exhibit “B” and contained  
6 within the legal description Exhibit “A” are held and hereafter shall be established under and by  
7 way of recording a Declaration of Restrictive Covenants affecting the Property, subject to the  
8 permanent preservation of the streambeds and vegetated areas;

9           **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED and**  
10 **NOTICE IS HEREBY GIVEN** by the Board of Supervisors of the County of Riverside,  
11 California, (“Board”) in regular session assembled on September 13, 2016, that this Board  
12 intends to authorize to establish certain restrictive covenants affecting the Property under a  
13 Declaration of Restrictive Covenants (“Restrictive Covenant”) on or after September 27, 2016 on  
14 real property: Certain real property located in the Unincorporated Badlands Area of the County  
15 of Riverside, State of California, identified by and as a portion Assessor Parcel Number 413-140-  
16 023 and, more particularly described in Exhibit “A” for the aforementioned Assessor’s Parcel  
17 Number, attached hereto and thereby made a part hereof. The terms and conditions of the  
18 proposed Restrictive Covenant are as follows: The County of Riverside will ensure the restricted  
19 property will be preserved in a natural condition, as defined in the Restrictive Covenant, in  
20 perpetuity and prevent any use of the restricted property that will impair or interfere with the  
21 conservation value of the restricted property. The Restrictive Covenant will confine the use of  
22 the restricted property to such activities that are consistent with those outlined in the Restrictive  
23 Covenant, including without limitation, those involving the preservation, restoration, and  
24 enhancement of native species and their habitats.

25           **BE IT FURTHER RESOLVED AND DETERMINED** that the Clerk of the  
26 Board of Supervisors is directed to give notice hereof as provided in Section 6061 of the  
27 Government Code.

28

2 **RESOLUTION 2016-153**

3 **NOTICE OF INTENTION TO ESTABLISH A RESTRICTIVE COVENANT**  
4 **AFFECTING COUNTY OWNED FEE INTEREST IN REAL PROPERTY,**  
5 **COMMONLY KNOWN AS THE BADLANDS LANDFILL,**  
6 **IN THE UNINCORPORATED AREA OF THE COUNTY OF RIVERSIDE,**  
7 **STATE OF CALIFORNIA, IDENTIFIED WITHIN A PORTION OF**  
8 **ASSESSOR'S PARCEL NUMBER 413-140-023**

9 ADOPTED by Riverside County Board of Supervisors on September 13, 2016.

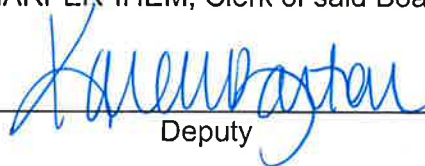
10 ROLL CALL:

11 Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley  
12 Nays: None  
13 Absent: None

14 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of  
15 Supervisors on the date therein set forth.

16 KECIA HARPER-IHEM, Clerk of said Board

17 By: \_\_\_\_\_

  
Deputy

## EXHIBIT A

### Legal Description

A portion of Section 32, Township 2 South, Range 2 West, described as follows:

Beginning at the Northwest corner of Section 32,

Thence N. 89°25'04" E., a distance of 2,781 feet to the true point of beginning:

Thence S. 12° 11' 30" E., a distance of 245 feet

Thence S. 46° 18' 43" W., a distance of 385 feet

Thence N. 40° 57' 53" W., a distance of 97 feet

Thence N. 61° 42' 15" W., a distance of 179 feet

Thence S. 37° 54' 59" W., a distance of 108 feet

Thence S. 51° 56' 09" E., a distance of 324 feet

Thence S. 17° 54' 04" E., a distance of 151 feet

Thence S. 59° 22' 47" W., a distance of 109 feet

Thence S. 88° 01' 28" W., a distance of 213 feet

Thence N. 57° 07' 12" W., a distance of 351 feet

Thence N. 73° 48' 52" W., a distance of 328 feet

Thence S. 07° 29' 34" W., a distance of 78 feet

Thence S. 71° 22' 16" E., a distance of 294 feet

Thence S. 54° 11' 39" E., a distance of 269 feet

Thence S. 32° 30' 24" E., a distance of 101 feet

Thence S. 41° 55' 22" W., a distance of 225 feet

Thence S. 65° 52' 01" W., a distance of 122 feet

Thence N. 51° 08' 29" W., a distance of 111 feet

Thence S. 64° 08' 47" W., a distance of 53 feet

Thence S. 17° 31' 52" E., a distance of 106 feet

Thence S. 66° 53' 57" E., a distance of 87 feet

Thence N. 83° 06' 39" E., a distance of 73 feet  
Thence N. 69° 15' 34" E., a distance of 329 feet  
Thence N. 00° 50' 36" E., a distance of 192 feet  
Thence N. 84° 11' 26" E., a distance of 258 feet  
Thence N. 70° 28' 34" E., a distance of 513 feet  
Thence S. 14° 34' 56" E., a distance of 355 feet  
Thence S. 27° 23' 57" E., a distance of 309 feet  
Thence S. 68° 51' 15" E., a distance of 110 feet  
Thence N. 08° 19' 38" E., a distance of 115 feet  
Thence N. 26° 30' 35" W., a distance of 217 feet  
Thence N. 16° 01' 58" W., a distance of 295 feet  
Thence N. 05° 01' 15" W., a distance of 233 feet  
Thence N. 57° 04' 58" E., a distance of 88 feet  
Thence S. 42° 30' 42" E., a distance of 85 feet  
Thence S. 60° 22' 04" E., a distance of 159 feet  
Thence S. 15° 01' 07" E., a distance of 85 feet  
Thence S. 23° 02' 39" E., a distance of 116 feet  
Thence N. 62° 47' 23" E., a distance of 96 feet  
Thence N. 07° 55' 19" W., a distance of 167 feet  
Thence N. 42° 45' 18" W., a distance of 212 feet  
Thence N. 46° 36' 01" W., a distance of 166 feet  
Thence N. 25° 16' 06" E., a distance of 146 feet  
Thence N. 27° 36' 55" W., a distance of 57 feet  
Thence S. 75° 46' 40" W., a distance of 65 feet  
Thence S. 49° 10' 57" W., a distance of 43 feet  
Thence S. 33° 52' 18" W., a distance of 432 feet  
Thence S. 74° 34' 48" W., a distance of 339 feet

Thence N. 22° 54' 59" W., a distance of 154 feet

Thence N. 57° 03' 32" E., a distance of 378 feet

Thence N. 27° 09' 52" E., a distance of 246 feet

Thence N. 77° 41' 34" E., a distance of 251 feet

Thence N. 07° 03' 44" W., a distance of 96 feet

Thence S. 89° 25' 04" W., a distance of 514 feet to the true point of beginning.



Containing 16.2 acres, more or less.



Streambed and Vegetated Areas

Drainage # (Linear Ft.)	CDFW Streambed Acres	CDFW Vegetated Acres	Total
1 (168)	0.008		0.008
2 (2,059)	0.258	0.052	0.310
3 (688)	0.087		0.087
4 (535)	0.059		0.059
5 (694)	0.108		0.108
6 (196)	0.018		0.018
7 (171)	0.014		0.014
8 (550)	0.034	0.123	0.157
9 (63)	0.009		0.009
10 (800)	0.015	0.235	0.250
<b>TOTAL</b>	<b>0.610</b>	<b>0.410</b>	<b>1.020</b>

Legend

-  Badlands Cycle Park Preservation Area (16.2 Acres)
-  Landfill Property Boundary
-  Edge of Landfill Trash
-  Streambeds
-  Vegetated Areas

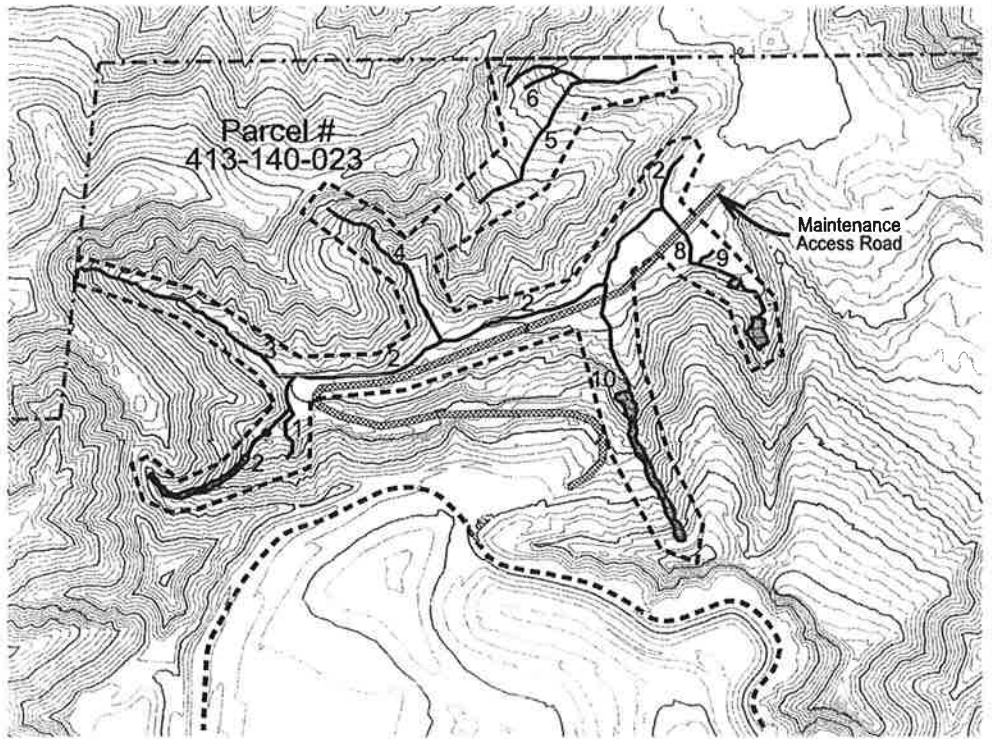


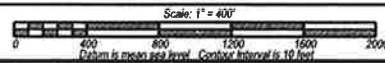
Exhibit B



Hana Kemkamp  
General Manager-Chief Engineer

Badlands Sanitary Landfill

Badlands Cycle Park Preservation Area



Project Title:	Deed Restriction	Designed By:	KJJ	Scale:	1"=400'
Folder/File:	sites/Badlands/16ba/projects	Drawn By:	KJJ	Date:	7 March 2016
Model Name:		Checked By:	AC	Flight Date:	June 2015