

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



ITEM  
3.37  
(ID # 6771)

**MEETING DATE:**

Tuesday, April 24, 2018

**FROM :** TLMA-PLANNING:

**SUBJECT:** TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: FINAL ACTION FOR AGRICULTURAL PRESERVE NO. 1000 DIMINISHING RANCHO CALIFORNIA AGRICULTURAL PRESERVE NO. 18 – No Further CEQA Documentation Required – Applicant Foli Family Partnership – First Supervisorial District – Southwest Area Plan: Rural Mountainous – Rancho California Zoning Area – Zoning: Light Agriculture - 20 Acre Minimum – Location: Northwesterly corner of El Calamar Road and Carancho Road – REQUEST: Remove approximately 44.66 acres that are not currently subject to a land conservation contract from Rancho California Agricultural Preserve No. 18. [Applicant fees 100%.]

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

1. **FIND** that **NO NEW ENVIRONMENTAL DOCUMENT IS REQUIRED** because all potentially significant effects have been adequately analyzed in the previously adopted Mitigated Negative Declaration (MND), pursuant to applicable legal standards, and have been avoided or mitigated by the earlier MND. None of the conditions described in CEQA Guidelines Section 15162, related to subsequent negative declarations, exist based on the findings and conclusions incorporated in Environmental Assessment No. 41950, incorporated herein by reference; and,
2. **ADOPT RESOLUTION NO. 2018-082** approving the diminishment of Rancho California Agricultural Preserve No. 18, as shown on Map No. 1000, based upon the findings and conclusions incorporated in the resolution and this staff report.

**ACTION:** Policy


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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: April 24, 2018  
xc: Planning, State, ACR, Recorder

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	N/A	N/A	N/A	N/A
<b>NET COUNTY COST</b>	N/A	N/A	N/A	N/A
<b>SOURCE OF FUNDS:</b> Applicant Fees 100%			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	N/A

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

**BACKGROUND:**

**Summary**

After a public hearing on June 5, 2012 (Agenda No. 16.1), the Board adopted a Mitigated Negative Declaration (Environmental Assessment No. 41950) and took action on the following three cases: Tentative Tract Map No. 35815, Change of Zone No. 7659, and Agricultural Preserve No. 1000, as shown in the minutes of the proceedings (Attachment B). The action for the tentative tract map was final and conditions of approval 050 - Planning. 1 and 060 - Planning. 1 for Tentative Tract Map No. 35815 were placed on the map requiring final action on the diminishment of the agricultural preserve prior to recordation of the final map. The action on the change of zone was tentative, and final action requires the adoption of a zoning ordinance to establish the new zoning classification for the site. However, since the site must remain agriculturally zoned until the land conservation contract is no longer valid and the agricultural preserve diminished, the adoption of the associated zoning ordinance cannot occur until final action is taken on the agricultural preserve case. The action on the agricultural preserve case was also tentative and requires final action by the Board.

Subsequent to tentative approval of the agricultural preserve case, a Certificate of Tentative Cancellation and Diminishment (Resolution 2013-247) for AG No. 1000 was adopted on October 22, 2013, and recorded in the Office of the County Recorder on October 30, 2013 (Instrument No. 2013-0514294). The Certificate of Cancellation included three (3) conditions/contingencies that must be satisfied prior to issuance of a Certificate of Final Cancellation for the land conservation ("Williamson Act") contract (GC §51283.4). The three (3) conditions are as follows: (1) payment of the cancellation fee (\$78,125 for AG No. 1000); (2) meet all conditions necessary for the issuance of grading permits for the tentative tract map; and (3) notification by the applicant to the County when all conditions and contingencies are satisfied.

The Certificate of Tentative Cancellation was issued by the Board when the Williamson Act contract for the property was still active. However, a notice of nonrenewal for the above contract was filed and was recorded (Instrument No. 2007-0309675). As a result of the above notice, the Williamson Act contract expired on December 31, 2016. Since the project site is no longer subject to any land conservation contract, a Certificate of Final Cancellation and satisfaction of associated conditions/contingencies are no longer necessary.

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

However, final action on the tentatively approved diminishment is still necessary. The adoption of Resolution No. 2018-082 will approve Agricultural Preserve No. 1000 and will officially remove approximately 44.66 acres from Rancho California Agricultural Preserve No. 18.

**Impact on Residents and Businesses**

The impacts of this project have been evaluated through the environmental review and public hearing process by planning staff.

**SUPPLEMENTAL:**

**Additional Fiscal Information**


All fees are paid by the applicant. There is no General Fund obligation.

**ATTACHMENTS:**

**Attachment A:** Resolution No. 2018-082

**Attachment B:** Proceedings: Agenda No. 16.1, June 5, 2012 Public Hearing

  
\_\_\_\_\_  
Scott Bruckner 4/16/2018

  
\_\_\_\_\_  
Gregory V. Priamos, Director County Counsel 4/12/2018

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

KECIA HARPER-IHEM, CLERK OF THE BOARD  
RIVERSIDE CO. CLERK OF THE BOARD  
4080 LEMON STREET, 1<sup>ST</sup> FLOOR CAC  
P O BOX 1147 - RIVERSIDE, CA 92502

**MAIL STOP # 1010**

AND WHEN RECORDED MAIL TO:

**RETURN TO: STOP #1010**  
**RIVERSIDE COUNTY CLERK OF THE BOARD**  
P. O. BOX 1147 - RIVERSIDE, CA 92502

**2018-0165494**

04/30/2018 11:33 AM Fee: \$ 0.00

Page 1 of 9

Recorded in Official Records  
County of Riverside  
Peter Aldana  
Assessor-County Clerk-Recorder



380

**RESOLUTION NO. 2018-082**

Title of Document

**DIMINISHMENT OF RANCHO CALIFORNIA  
AGRICULTURAL PRESERVE NO. 18  
(GOVERNMENT CODE SECTION 51231)**

(Planning Department ~ Item 3.37 of 04/24/18)

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE  
FOR RECORDING INFORMATION

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**RESOLUTION NO. 2018-082**  
**DIMINISHMENT OF RANCHO CALIFORNIA**  
**AGRICULTURAL PRESERVE NO. 18**  
**(Government Code Section 51231)**

**WHEREAS**, in 1976 Gordon and Ruth Behn, husband and wife, owned an approximately 44.66-acre area of land located at northwesterly corner of El Calamar Road and Carancho Road in the unincorporated area of Riverside County, California (“Property”); and

**WHEREAS**, the Property was identified in 1976 as Assessor’s Parcel Number 903-180-006, which was legally described as Parcel No. 21 of Parcel Maps Book 8/78, records of Riverside County; Excepting therefrom, that portion in the Right of Way of Carancho Road and El Calamar Road; and

**WHEREAS**, the Property’s Assessor’s Parcel Number was changed to 933-040-017; and,

**WHEREAS**, Rancho California Agricultural Preserve No. 18, which included the Property, was established with the adoption of Map No. 354 on February 3, 1976 and subsequently amended by Map No. 438 on February 15, 1977, Map No. 456 on January 31, 1978, and Map No. 610 on February 26, 1985; and,

**WHEREAS**, Gordon and Ruth Behn entered into a land conservation contract for the Property pursuant to the Land Conservation Contract Act of 1965 (Government Code Section 51200 et seq.), in which said contract is dated January 1, 1976 and was recorded on February 26, 1976 as Instrument No. 1976-24977 in the office of the County Recorder of Riverside County, California; and,

**WHEREAS**, the Foli Family Partnership (“Owners”) became subsequent owner of the Property; and,

**WHEREAS**, on April 27, 2007, a Notice of Nonrenewal for the land conservation contract was filed by the Foli Family Partnership and recorded on May 9, 2007 as Instrument No. 2007-0309675, in the Office of the County Recorder of Riverside County, California; and,

**WHEREAS**, as a result of a notice of nonrenewal for the Property, the associated land

FORM APPROVED COUNTY COUNSEL  
BY: MICHELLE CLACK / DATE 4/16/18

1 conservation contract did not renew and remained in effect for the established term of ten (10) years  
2 from the last renewal date of the contract, which was January 1, 2007; and,

3 **WHEREAS**, on April 14, 2008, the Owners requested to have the Property removed from the  
4 boundaries of Rancho California Agricultural Preserve No. 22; and,

5 **WHEREAS**, on June 5, 2012, after a public hearing, the Board of Supervisors tentatively  
6 approved Agricultural Preserve No. 1000, “a proposal to diminish the Rancho California Agricultural  
7 Preserve No. 18 by 44.66 acres and cancel the associated land conservation contract...,” in association  
8 with the concurrent tentative approval of Change of Zone (CZ) No. 7659, approval of Tract Map (TR)  
9 No. 35815, and adoption of a Mitigated Negative Declaration for Environmental Assessment (EA) No.  
10 41950; and,

11 **WHEREAS**, on October 22, 2013, the Board of Supervisors adopted Resolution No. 2013-  
12 247, incorporated herein by reference, issuing a “Certificate of Tentative Cancellation” for the  
13 associated contract and tentatively removing the Property from Rancho California Agricultural  
14 Preserve No. 18, pursuant to the Land Conservation Act of 1965 (Government Code Section 512 et  
15 seq.) and the Rules and Regulations Governing Agricultural Preserves in Riverside County, as  
16 amended, provided in Resolution No. 84-526; and,

17 **WHEREAS**, all the provisions of the Rules and Regulation Governing Agricultural Preserves  
18 in Riverside County pursuant to Resolution No. 84-526 have been satisfied; and,

19 **WHEREAS**, the decision by the Board to diminish an agricultural preserve for land that is not  
20 subject to a land conservation contract shall be final upon the adoption of a resolution, pursuant to  
21 section 512 of the Rules and Regulations Governing Agricultural Preserves in Riverside County, as  
22 amended, and this diminishment is necessary to finalize the associated change of zone and record the  
23 final subdivision map for the Property; and

24 **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of  
25 Supervisors of the County of Riverside, State of California, in regular session assembled on April 24,  
26 2018, that:

- 27 1. The above recitals are true and correct and incorporated herein by reference.
- 28 2. Under the County of Riverside’s Rules and Regulations Governing Agricultural

1 Preserves and the California Land Conservation Act of 1965, a landowner may apply  
2 to have property removed from the boundaries of an agricultural preserve once the land  
3 is no longer subject to a land conservation contract.

- 4 3. The Land Conservation Contract for the Property expired on December 31, 2016.
- 5 4. A Certificate of Final Cancellation is no longer necessary.
- 6 5. The conditions set forth in the Certificate of Tentative Cancellation, provided in  
7 Resolution 2013-247, became no longer necessary when the contract expired.
- 8 6. The diminishment of the Rancho California Agricultural Preserve No. 18 is consistent  
9 with the provisions of the California Land Conservation Act of 1965 and the Rules and  
10 Regulations Governing Agricultural Preserves in Riverside County, as amended.
- 11 7. The Board of Supervisors' decision to diminish the agricultural preserve is final upon  
12 the adoption of this resolution.

13 **BE IT FURTHER RESOLVED** by the Board of Supervisors that:

- 14 1. The findings of Environmental Assessment (EA) No. 41950, incorporated herein by  
15 reference, determined that AG No. 1000 would not have a significant effect on the  
16 environment and resulted in the preparation of a Mitigated Negative Declaration,  
17 which was adopted by the Board on June 5, 2012, Agenda No. 16.1, after a public  
18 hearing, and no new environmental document is required.
- 19 2. AG No. 1000 amends the Rancho California Agricultural Preserve No. 18, established  
20 with Map No. 354, by removing the Property, as shown on Exhibit A, entitled "MAP  
21 NO. 354 RANCHO CALIFORNIA AGRICULTURAL PRESERVE NO. 18  
22 AMENDED BY MAP NO. 438, 456, 610, 1000" and legally described in Exhibit B,  
23 attached hereto and incorporated herein by reference, being on file in the Office of the  
24 Clerk of the Board.

25 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it ADOPTS Agricultural  
26 Preserve No. 1000, as described herein and shown on Exhibit A, entitled "MAP NO. 354 RANCHO  
27 CALIFORNIA AGRICULTURAL PRESERVE NO. 18 AMENDED BY MAP NO. 438, 456, 610,  
28 1000," incorporated herein by reference.

1           **BE IT FURTHER RESOLVED** by the Board of Supervisors that the Clerk of this Board  
2 shall file and record copies of this resolution, map entitled "MAP NO. 354 RANCHO CALIFORNIA  
3 AGRICULTURAL PRESERVE NO. 18 AMENDED BY MAP NO. 438, 456, 610, 1000," and  
4 boundary description in the Office of the County Recorder of Riverside County, California, and  
5 transmit copies to the Director of Conservation of the State of California and to the Assessor of  
6 Riverside County, California.

7     ///

8     ///

ROLL CALL:

Ayes:           Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays:           None  
Absent:         None

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

KECIA HARPER-IHEM, Clerk of said Board

By 

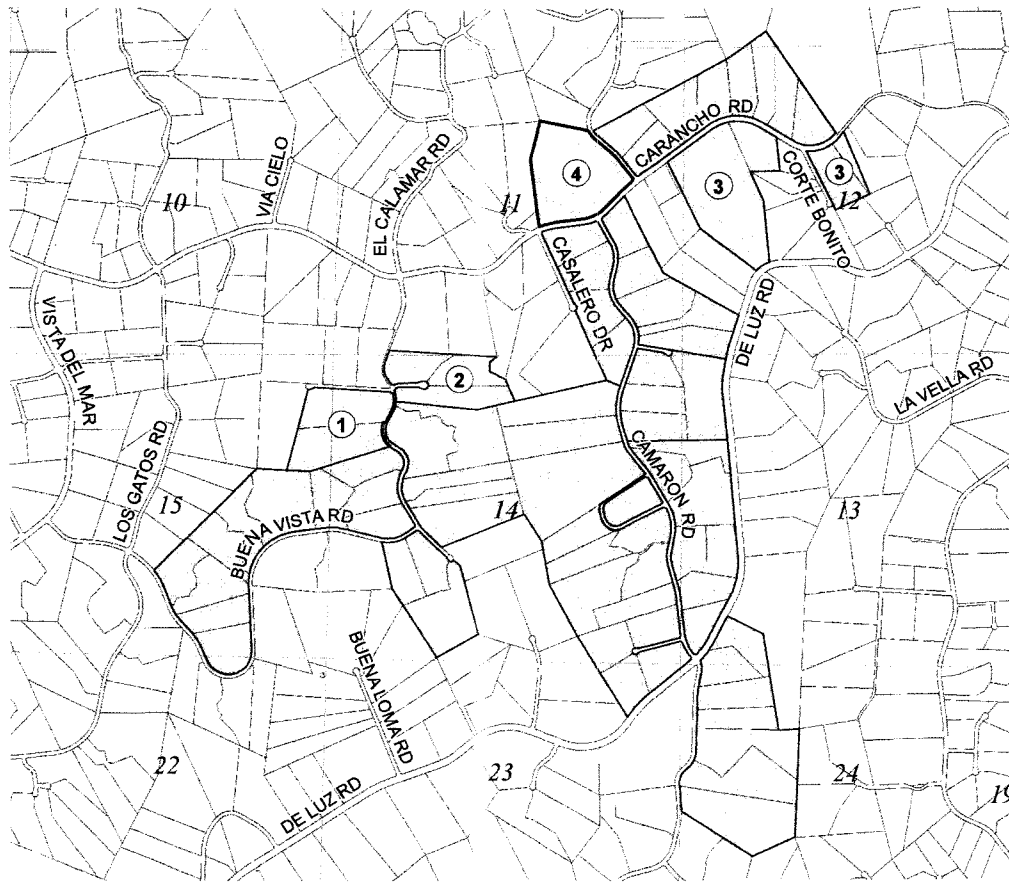
Deputy



# MAP NO. 354 RANCHO CALIFORNIA AGRICULTURAL PRESERVE NO. 18

AMENDED BY MAP NO. 438, 456, 610, 1000

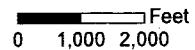
T. 8 S., R. 4 W. S. B. B. & M.



**AMENDMENTS:**

- NO. 1, (ENLARGEMENT), FEBRUARY 15, 1977, MAP NO. 438
- NO. 2, (ENLARGEMENT), JANUARY 31, 1978, MAP NO. 456
- NO. 3, (ENLARGEMENT), FEBRUARY 26, 1985, MAP NO. 610
- NO. 4, (DIMINISHMENT), , MAP NO. 1000

ADOPTED ON FEBRUARY 3, 1976  
 BY THE BOARD OF SUPERVISORS  
 OF THE COUNTY OF RIVERSIDE,  
 STATE OF CALIFORNIA.



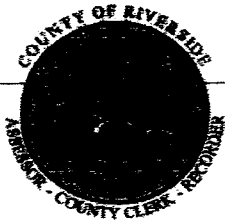
**EXHIBIT B  
LEGAL DESCRIPTION  
RANCHO CALIFORNIA AGRICULTURAL PRESERVE NO. 18  
MAP NO. 1000  
(DIMINISHMENT)**

The following described Real Property of Riverside County, State of California, described as follows:

Parcel No. 21 of Parcel Map Book 8/78-83, Records of Riverside County;

EXCEPTING therefrom, that portion in the Rights of Way of Carancho Road and El Calamar Road.:

<b>Assessor Parcel No.</b>	<b>Acres (net)</b>	<b>Owners</b>
<b>933-040-017-9</b>	<b>44.66</b>	<b>Foli Family Ltd. Partnership</b>
<b>TOTAL</b>	<b>44.66</b>	



**PETER ALDANA**  
**COUNTY OF RIVERSIDE**  
**ASSESSOR-COUNTY CLERK-RECORDER**

**Recorder**  
P.O. Box 751  
Riverside, CA 92502-0751  
(951) 486-7000

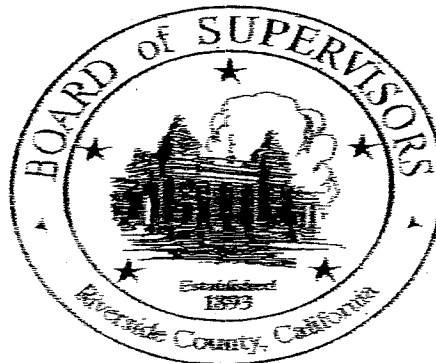
www.riversideacr.com

**CERTIFICATION**

Pursuant to the provisions of Government Code 27361.7, I certify under the penalty of perjury that the following is a true copy of illegible wording found in the attached document:

(Print or type the page number(s) and wording below):

CLARIFICATION OF THE SEAL for the Riverside County Board of Supervisors  
(embossed on document)



Date:

4-24-18

Signature:

*Karen Barton*

Print Name:

Karen Barton, Board Assistant, Riverside County Clerk of the Board

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

803 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
April 25, 2012

REVIEWED BY EXECUTIVE OFFICE

DATE 3/31/2012  
Tina Grande

Departmental Concurrence

**SUBJECT: AGRICULTURAL PRESERVE CASE NO. 1000, CHANGE OF ZONE NO. 7659, TENTATIVE TRACT MAP NO. 35815** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Foli Family Partnership – Engineer/Representative: VSL Engineering – First Supervisorial District – Rancho California Zoning Area – Southwest Area Plan – Rural: Rural Mountainous (RM) (10 Acre Minimum) and Santa Rosa Plateau Policy Area (5 Acre Minimum) – Location: Northwesterly corner of El Calamar Road and Carancho Road – 44.66 Gross Acres – Zoning: Light Agriculture – 20 Acre Minimum (A-1-20) – **REQUEST:** The Agricultural Preserve Case proposes to diminish the Rancho California Agricultural Preserve No. 18 by 44.66 acres. The Change of Zone proposes to change the current zoning classification from Light Agriculture – 20 Acre Minimum (A-1-20) to Residential Agricultural – 5 Acre Minimum (R-A-5). The Tentative Tract Map proposes a Schedule “D” subdivision of 44.66 acres into eight (8) residential parcels with a minimum parcel size of 5 acres. A total of 10.8 acres of this project will be held in conservation on proposed lots 1 through 5, and lot 8.

**RECOMMENDED MOTION:**

**1) THE PLANNING DIRECTOR RECOMMENDS TO THE BOARD OF SUPERVISORS:**

**APPROVAL of AGRICULTURAL PRESERVE CASE NO. 1000**, a proposal that proposes to diminish the Rancho California Agricultural Preserve No. 18 by 44.66 acres and cancel the associated land conservation contract as depicted on Map No. 1000, subject to the conditions of approval and based on the findings and conclusions contained in Attachment No. 1 and pending adoption of the resolution for the Tentative

*Carolyn Syms Luna*  
Carolyn Syms Luna  
Planning Director

Initials:  
CSL:ms/hs/dm

(continued on attached pages)

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried by unanimous vote, **IT WAS ORDERED** that the above matter is tentatively approved as recommended, and staff is directed to prepare the necessary documents for final action.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None

Kecia Harper-Ihem  
Clerk of the Board

By *Debi...*  
Deputy

Date: ATTACHED TO FILED  
xc: WITH THE CLERK OF THE BOARD

Prev. Agn. Ref.

District: 1/1

Agenda Number:

16.1

Dept't Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

The Honorable Board of Supervisors

Re: AGRICULTURAL PRESERVE CASE NO. 1000, CHANGE OF ZONE NO. 7659,  
TENTATIVE TRACT MAP NO. 35815

Page 2 of 2

Certificate of Cancellation; and,

- 2) **AT THE SEPTEMBER 15, 2010 PLANNING COMMISSION HEARING, THE PLANNING DEPARTMENT RECOMMENDED APPROVAL; and THE PLANNING COMMISSION RECOMMENDS:**

**ADOPTION** of a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41950**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

**TENTATIVE APPROVAL** of **CHANGE OF ZONE NO. 7659**, amending the zoning classification for the subject property from Light Agriculture – 20 Acre Minimum (A-1-20) to Residential Agricultural – 5 Acre Minimum (R-A-5), in accordance with **Exhibit# 3**, based upon the findings and conclusions incorporated in the staff report, pending final adoption of the Zoning Ordinance by the Board of Supervisors; and,

**APPROVAL** of **TENTATIVE TRACT MAP NO. 35815**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

**BACKGROUND:**

The Foli Family Trust, is requesting consideration of Agricultural Preserve Case No. 345 (AG01000) proposing to diminish Rancho California Agricultural Preserve No. 18, Map No. 354, and cancel the land conservation contract as it applies to a portion of the Tentative Tract Map (which is the alternate proposed land use). On July 30, 2009 the Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered an application to diminish Rancho California Agricultural Preserve No. 18, Map No. 354, as depicted on Map No. 1000.

Pursuant to Government Code Section 51284.1, a copy of the complete application for tentative cancellation was submitted to the State Department of Conservation (SDC) for a mandatory 30-day review and comment period. Staff received no responses. Appraisals are attached to this Form 11.

CAPTAC recommended APPROVAL of the proposed diminishment citing that the cancellation was consistent with the provisions of the Agricultural Land Conservation Act of 1965. The Planning Department concurs with CAPTAC's conclusion.

Lastly, the Environmental Assessment (EA) that went to the Planning Commission did not include a reference to the Agricultural Case on the title page or in the project description. The Agricultural Case is not acted on by the Planning Commission in any way, so the information was essential at that stage. Additionally, the public will have another opportunity to review the document when public notice for the Board hearing is posted. It is important to note, however, that all analysis of environmental impacts were included in the EA. For Board, the EA title page and project description have been revised to include the Agricultural Case and the revised EA has replaced the original EA in the attached Staff Report package.