

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



ITEM
3.22
(ID # 9123)

MEETING DATE:

Tuesday, June 4, 2019

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Agricultural Preserve Case No. 00185 - Approval of a Williamson Act Land Conservation Contract. CEQA exempt pursuant to State CEQA Guidelines section 15317. Applicant: Michael Bozick - Engineer/Representative: Mali Basta Ranches, LLC - Fourth Supervisorial District - Lower Coachella Valley District - Agriculture: Agriculture (10 Acre Minimum) - Location: North of 57th Avenue, east of Pierce Street, south of Airport Blvd., and west of Fillmore Street - 56.15 acres - Zoning: Heavy Agriculture (A-2) 20 Acre Minimum - REQUEST: Approval of Land Conservation Contract for the Coachella Valley Agricultural Preserve No. 4, Map No. 167 - APN: 757-190-007 and 757-190-009. District 4. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **FIND** the approval of the attached Land Conservation Contract exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15317;
2. **APPROVE** and **AUTHORIZE** the chairman of the Board of Supervisors to execute the attached Land Conservation Contract for real property located within the Coachella Valley Agricultural Preserve No. 4, Map No. 167, based upon findings and conclusions set forth herein; and
3. **DIRECT** the Clerk of the Board of Supervisors to record the contract with the Office of the County Recorder and transmit copies thereof to the Riverside County Planning Department, the State of California Director of Conservation, and the Office of the Assessor of Riverside County.


ACTION:Policy


Charles Leach, Assistant TLMA Director 5/24/2019

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: June 4, 2019
xc: Planning, State, Recorder

Kecia Harper
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees (100%)			Budget Adjustment: No	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Williamson Act, also known as the California Land Conservation Act of 1965, allows local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In exchange, these landowners are provided a reduction in property taxes based upon farming and open space uses rather than higher taxed non-agricultural uses.

FINDINGS:

1. The subject property is located north of 57th Avenue, east of Pierce Street, south of Airport Boulevard, and west of Fillmore Street in Coachella Valley Agricultural Preserve No. 4.
2. A previous owner of the subject property entered into a Land Conservation Contract with the County on January 1, 1972, which was recorded on February 25, 1972, as Instrument No. 24573.
3. Subsequently, a notice of nonrenewal was filed on the subject property which was recorded on September 13, 2004, as Instrument No. 2004-0725262. During the Notice of Non-Renewal the project acreage was totaled to be 58.67. However, the actual acreage is 56.15. This notice caused the previous contract as it applies to the subject property to expire on December 31, 2013.
4. The current owner of the subject property, Mali Basta Ranches, LLC, has requested to enter into a new Land Conservation Contract as provided for in Resolution No. 84-526, Rules and Regulations Governing Agricultural Preserves in Riverside County.
5. There are no cities within one mile of the subject property and it currently meets all size, zoning, and use requirements necessary to be placed under a new Land Conservation Contract.

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

6. The land is eligible to be under contract because it is within the approved and existing Coachella Valley Agricultural Preserve No. 4, Map No. 167, and the land is devoted to row crop agricultural production, which is an eligible agricultural use to be the subject of a Land Conservation Contract between the County and the landowner.

7. The approval and execution of this Land Conservation Contract for the 56.15 acres does not authorize development on the property. It only places real property that was previously subject to a Williamson Act Land Conservation Contract back under the terms and obligations of the attached Land Conservation Contract. As a result, approval of this Land Conservation Contract is exempt from the State CEQA Guidelines section 15317 which provides the making and renewing of open space contracts under the Williamson Act are exempt from CEQA.

CONCLUSION:

1. The execution of this land contract is consistent with the provisions of the Land Conservation Act of 1965 and the Resolution No. 84-526, Rules and Regulations Governing Agricultural Preserves in Riverside County as adopted by the Board of Supervisors.

2. The execution of this contract is consistent with the Riverside County General Plan.

Impact on Residents and Businesses

None. The proposed action is the approval of a Williamson Act Land Use Contract on land within an existing agricultural preserve to allow the property owner to benefit from reduced property taxes.

ATTACHMENTS:

- A. **LAND CONSERVATION CONTRACT**
- B. **NOTICE OF NON-RENEWAL**


Jason Farin, Senior Management Analyst

5/28/2019


Gregory V. Priamos, Director County Counsel

5/24/2019

RECORDING REQUESTED BY
RIVERSIDE COUNTY

THIS AREA FOR RECORDER'S USE ONLY

When recorded, return to:

Stop #1010
Clerk of the Board of Supervisors
Riverside CA, 1st Floor

4080 Lemon Street
Riverside, CA 92501
No fee, 6103 Government Code

2019-0203637

06/06/2019 11:46 AM Fee: \$ 0.00

Page 1 of 5

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



380

LAND CONSERVATION CONTRACT

COUNTY OF RIVERSIDE, herein called "County," and

Mali Basta Ranches, LLC

herein called "Owner," mutually agree:

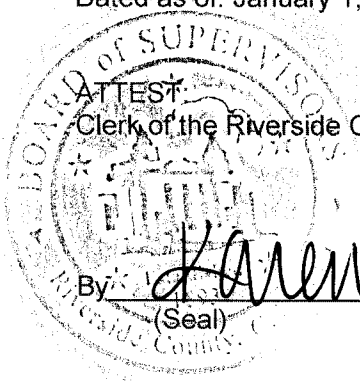
1. This contract is made pursuant to the California Land Conservation Act of 1965 (Government Code, Section 51200, et seq.) and affects the real property described in Exhibit "A" attached hereto and made a part of this contract, which lies within the Coachella Valley Agricultural Preserve No. 4, Map No. 167.
2. This contract shall take effect on January 1, 2019, and shall remain in effect for an initial term of 10 years.
3. On each anniversary date of this contract, one year shall be added to the initial term unless notice of non-renewal shall be given as provided in Section 51245 of the Government Code. Any notice of non-renewal referring to this contract shall be recorded by the County in the office of the County Recorder whenever the contract is not renewed.
4. This contract may be canceled only in accordance with Section 51280, et seq., of the Government Code relating to cancellation, as now written or hereafter amended.
5. When any portion of land subject to this contract is acquired by condemnation of the fee title, or by purchase in lieu thereof, for a public improvement, this contract shall become null and void thereafter as to such portion, and may be amended to correctly reflect the description of any portion not so acquired.
6. In consideration of the execution hereof by County, and the execution by County and other owners within the preserve of similar contracts, the Owner, during the term of this contract, including any renewal period, agrees to use the described land only for agricultural uses and such compatible uses as are permitted by or pursuant to the Uniform Rules established for the administration of agricultural preserves by Riverside County Ordinance Number No. 509. Said Uniform Rules are by this reference incorporated in and made a part of this contract.
7. In consideration of the execution hereof by the Owner and the execution of similar contracts by other property owners within the same agricultural preserve, County agrees not to authorize uses, other than uses permitted by or pursuant to said Uniform Rules, within said agricultural preserve, during the term of this contract or any renewal thereof. Nothing herein shall prohibit a change of boundaries of said agricultural preserve to omit lands not subject to such contract or to include additional lands.
8. Any notice to be given to the Owner pursuant to this contract or said Uniform Rules may be sent by U.S. Mail addressed to the Owner at the address shown below the signature of the Owner. Like notices to

County may be sent by U.S. Mail addressed to Clerk, Board of Supervisors, P.O. Box 1010, Riverside, CA 92502-1010. Either party may change such address by notice to the other.

- 9. This contract shall constitute a covenant running with the land herein described, and shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto. This contract may be enforced by either party or by any owner of land within the same agricultural preserve which is subject to a similar contract.

Dated as of: January 1, 2019

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE



ATTEST
Clerk of the Riverside County Board of Supervisors

BY [Signature]
Chairman, Board of Supervisors
KEVIN JEFFRIES

By [Signature]
(Seal) Deputy

FORM APPROVED COUNTY COUNSEL
BY: [Signature] 5/24/2019
LYNETTE M. CLYDE DATE

OWNER(S) SIGNATURE AND ADDRESS

Owner: Michael Bozick, Owner [Signature]
Owner: Bobbie J. Bozick, Owner [Signature]
Owner: _____
Owner: _____

Mailing Address: 65500 Lincoln Street, Mecca, California 92254

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Riverside)

On April 12, 2017 before me, Amy Cassandra Walling, Notary Public
(Date) (Name and Title of officer)

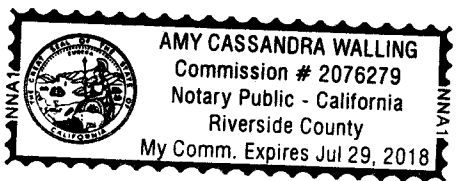
personally appeared Michael Bozick and Bobbie J. Bozick
(Name(s) of signer(s))

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal
[Signature]
Notary Public

{SEAL}



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

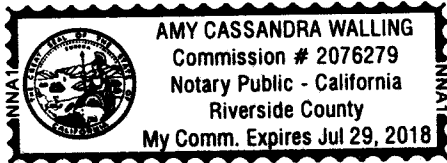
State of California)
County of Riverside)

On April 3, 2017 before me, Amy Cassandra Walling, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Michael Bozick and Bobbie J Bozick
Name(s) of Signer(s)

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature *Amy Walling*
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Land Conservation Contract Document Date: _____
Number of Pages: 2 Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Michael Bozick
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer's Name: Bobbie J Bozick
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____

Signer Is Representing: Mali Basta Ranches, LLC.

Signer Is Representing: Mali Basta Ranches, LLC.

**EXHIBIT A
COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 4
MAP NO. 167**

Real property in the unincorporated area of the County of Riverside, State of California, described as follows:

The Southerly 660' of the Easterly 3,960' of the South half of Section 24, Township 6 South, Range 8 East, San Bernardino Base and Meridian.

Assessor Parcel No.	Acres (net)	Owners
757-190-007-6	37.48	Michael and Bobbie J. Bozick
757-190-009-8	18.67	Michael and Bobbie J. Bozick
Total	56.15	

MAP NO 46

COACHELLA VALLEY

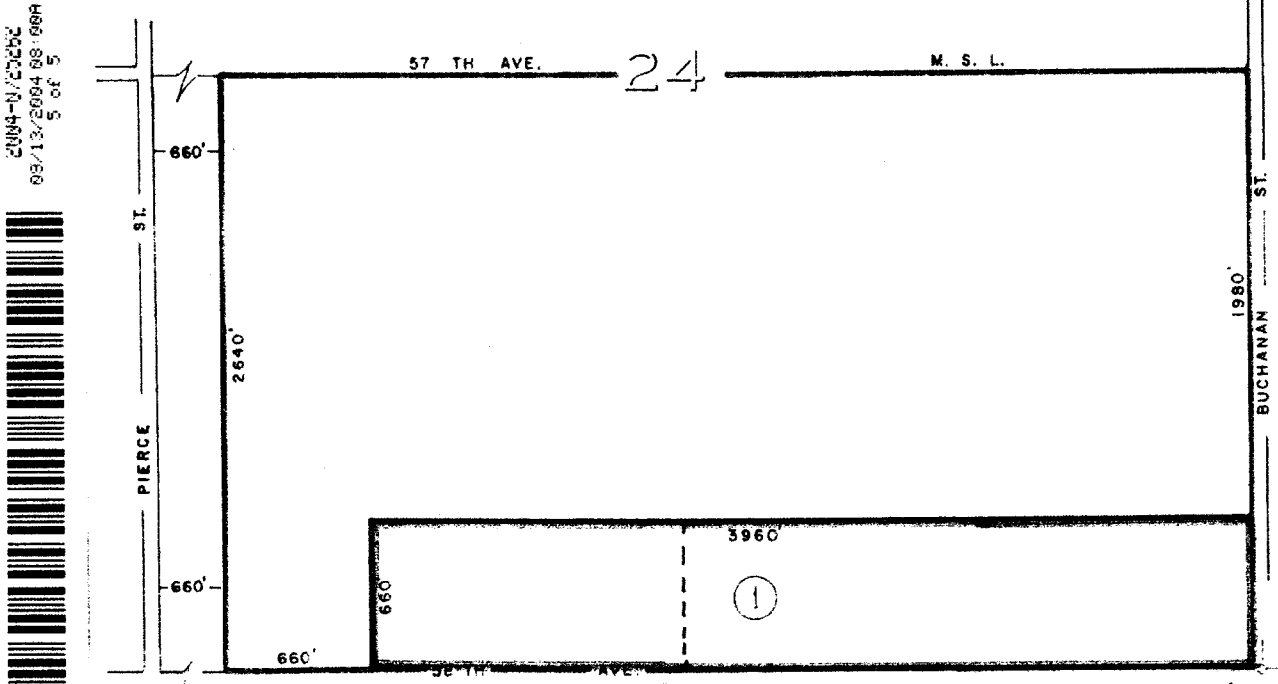
AGRICULTURAL

PRESERVE

NO. 4

AMENDED BY MAP NO. 167

T 6 S - R 8 E



2004-07/2004
 08/13/2004 08:00A
 5 of 5

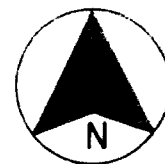


APN 757-190-007-6
 757-190-009-8

ANNEXATIONS

AMENDMENT NO. 1, JAN 16, 1972, MAP NO. 107

ADOPTED ON FEBRUARY 9, 1970
 BY THE BOARD OF SUPERVISORS
 OF THE COUNTY OF RIVERSIDE,
 STATE OF CALIFORNIA



SCALE IN FEET

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

CLERK OF THE BOARD
DEPARTMENT
(CAC - 1st Floor Annex)

AND WHEN RECORDED MAIL TO:

RETURN TO: **STOP #1010**

Clerk of the Board
(CAC Bldg. - 1st Floor Annex)

DOC # 2004-0725262

09/13/2004 08:00A Fee:NC

Page 1 of 5

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



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NOTICE OF NON-RENEWAL - AGRICULTURAL PRESERVE

Title of Document



(Property Owners: Michael Bozick & Bobbie J. Bozick)

(Located: Coachella Valley, California Agric. Preserve No. 4, Map 167)

(AGN00083)

(Planning Department)

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE
FOR RECORDING INFORMATION

ORIGINAL

PLEASE COMPLETE THIS INFORMATION



2004-0725262
09/13/2004 08:09A
2 of 5

RECORDING REQUESTED BY:

CLERK OF THE BOARD
DEPARTMENT
(CAC - 1st Floor)

AND WHEN RECORDED MAIL TO:

RETURN TO: STOP#1010
Clerk of the Board
(CAC Bldg. - 1st Floor)

THIS SPACE FOR RECORDERS USE ONLY

Rec'd 9/2/04
OK'd 9/3/04 f28

AGN00083

NOTICE OF NONRENEWAL

NOTICE IS HEREBY GIVEN pursuant to Section 51245 of the California Government Code that the undersigned, being all of the owners of the affected real property, elect not to renew Land Conservation Contract or Agreement dated 01/01/72 and recorded on 2/25/72 as Instrument No. 24573 in the Office of the County Recorder of Riverside County, California. The real property affected by this notice is located in the Coachella Valley Agricultural Preserve No. 4, Map No. 167. Dated: 02/09/70.

(See attached Legal)

Assessor's Parcel Number(s) of land affected: 757-190-009-8, 757-190-007-6

ORIGINAL OWNER(S)

Walter & Margaret Schmid

CURRENT OWNER(S)

Michael Bozick
Signature (Title and Company if applicable)
Michael Bozick
Print Name
Robert Bozick
Signature (Title and Company if applicable)
Bobbie J. Bozick
Print Name

Signature (Title and Company if applicable)

Print Name

Signature (Title and Company if applicable)

Print Name

(All original and current owners must be listed)

Acknowledgement of Receipt
Nancy Romero, Clerk of the Board

By: Nancy Romero
Deputy

Date: 9-10-04



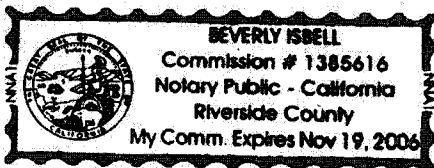
STATE OF CALIFORNIA, COUNTY OF Riverside

On August 6, 2004 before me personally appeared

Michael Bozick

Bobbie J. Bozick

personally known to me (or 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 THEY executed the same in authorized capacity(ies), and that THEY by 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,

Beverly Isbell
Notary Public



EXHIBIT A
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MAP NO. 167
(NOTICE OF NON-RENEWAL)

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MAP NO 46

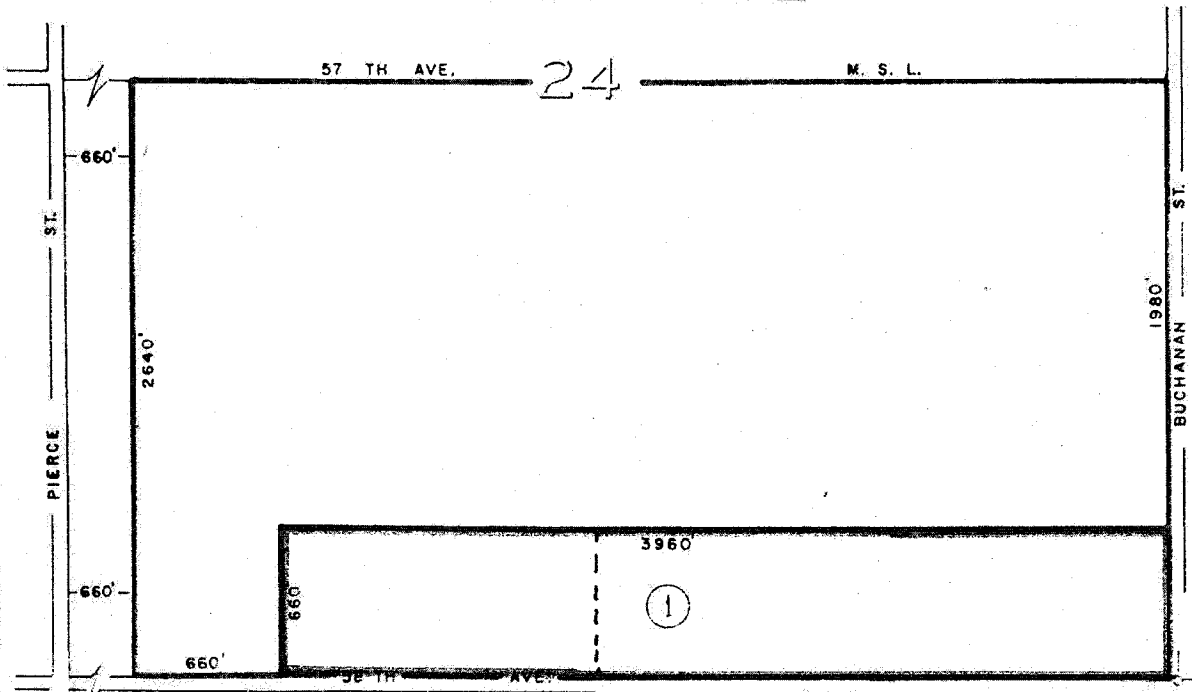
COACHELLA VALLEY AGRICULTURAL PRESERVE

NO. 4

AMENDED BY MAP NO. 167

T 6 S - R 8 E

2004-8/25/02
89/13/2004 05:00H
5 of 5

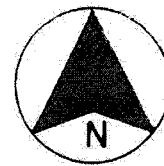


ADN 757-190-007-6
757-190-009-8

ANNEXATIONS

AMENDMENT NO. 1, JAN. 18, 1972, MAP NO. 107

ADOPTED ON FEBRUARY 9, 1970
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA



SCALE IN FEET



Riverside County Board of Supervisors Request to Speak

Submit request to Clerk of Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: BRAD ANDERSON

Address: _____

City: Rancho Mirage Zip: 92270

Phone #: 760 409 9134

Date: June 4, 2019 Agenda # 3.22-3.23-3.24
3.25-3.26

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ Support _____ Oppose _____ Neutral

Note: If you are here for an agenda item that is filed for "Appeal", please state separately your position on the appeal below:

_____ Support _____ Oppose _____ Neutral

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda/Public Comment:

Notwithstanding any other provisions of these rules, a member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES. Donated time is not permitted during Public Comment.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please ensure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin to flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman, may result in removal from the Board Chambers by Sheriff Deputies.