

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



ITEM
3.37
(ID # 10495)

MEETING DATE:

Tuesday, August 27, 2019

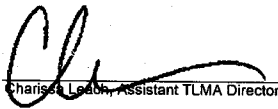
FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Agricultural Preserve Case No. 180003 (APE180003) - Approval of a Williamson Act Land Conservation Contract - CEQA exempt pursuant to State CEQA Guidelines section 15317 - Applicant: Kathy Jones - Owners: The Entrust Group fbo Carl S. Maggio Roth IRA - Fourth Supervisorial District - Lower Coachella Valley District - Agriculture: Agriculture (10 Acre Minimum) - Location: North of 71st Avenue, west of Hayes Street, south of 70th Avenue, and east of Grant Street - 155.59 acres - Zoning: Light Agriculture 20 Acre Minimum (A-1-20) - REQUEST: Approval of Land Conservation Contract for the Coachella Valley Agricultural Preserve No. 16, Map No. 443 - APN: 729-120-001, 729-120-002 and 729-120-008. 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. 16, Map No. 443, based upon the hereinafter listed findings and conclusions set forth herein; and

ACTION: Policy


Charisee Leeb, Assistant TLMA Director


8/19/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Spiegel 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: August 27, 2019
xc: Planning

Kecia R. Harper
Clerk of the Board

By 
Deputy

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

- 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.

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:

- The subject property is located north of 71st Avenue, west of Hayes Street, south of 70th Avenue, and east of Grant Street in Coachella Valley Agricultural Preserve No. 16.
- A previous owner of the subject property entered into a Land Conservation Contract with the County on January 1, 1971, which was recorded on February 26, 1971, as Instrument No. 19314. Also, a previous owner of the subject property entered into a Land Conservation Contract with the County on January 1, 1977, which was recorded on October 20, 1977, as Instrument No. 208408.
- Subsequently, a notice of nonrenewal was filed on the subject property which was recorded on June 24, 2005, as Instrument No. 2005-0500663. This notice caused the previous contract, as it applies to the subject property, to expire on December 31, 2014. Also, another notice of nonrenewal was filed on the subject property which was recorded on March 08, 2006, as Instrument No. 2006-0164706. This notice caused the previous contract as it applies to the subject property to expire on December 31, 2015.
- The current owners of the subject property, The Entrust Group fbo Carl S. Maggio Roth IRA, have 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.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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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.
6. The land is eligible to be under contract because it is within the approved and existing Coachella Valley Agricultural Preserve No. 16, Map No. 443 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 155.59 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 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

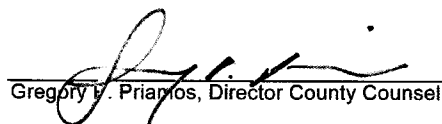
None. The proposed action is the re-instatement of a contract within an existing agricultural preserve to allow the property owner to benefit from reduced property taxes in exchange for keeping that property under agricultural use.

ATTACHMENTS:

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


Jason Farin, Senior Management Analyst

8/21/2019


Gregory P. Priamos, Director County Counsel

8/19/2019

RECORDING REQUESTED BY:

CLERK OF THE BOARD
DEPARTMENT
(CAC - 1ST FLOOR)

WHEN RECORDED MAIL TO:

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

DOC # 2005-0500663
06/24/2005

Conformed Copy
Has not been compared with original
Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

Filed 1-25-05
OK'D 6-24-05

AGN00092

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 January 1, 1971 and recorded on February 26, 1971 as Instrument No. 19314 in the Office of the Recorder of Riverside County, California. The real property affected by this notice is located in the Coachella Valley Agricultural Preserve No. 16, Map No. 130. Dated: ~~12-18-04~~ 2-16-71.

(See attached Legal)

Assessor's parcel Number(s) of land affected: 729-120-001-8; 729-120-002-9

ORIGINAL OWNER(S)

Donald T. Randall

CURRENT OWNER(S)

Sun & Sands Enterprises, LLC, a California limited liability company

Sun & Sands Enterprises, LLC, a California limited liability company

By: Charles Hodges
Charles Hodges
Its: Managing Member

(All original and current owners must be listed)

Acknowledgement of Receipt
Nancy Romero, Clerk of the Board

By: David Schlemmer
Deputy

Date: 6-24-05

Owens Park

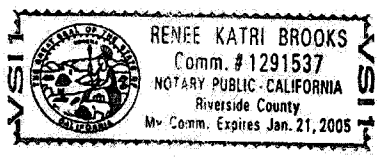
COPY

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

On Nov. 22, 2004, before me, Renee Katri Brooks, notary public, personally appeared Charles Hodges, personally known to me - OR - proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

Renee Katri Brooks



**EXHIBIT A
 COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 16
 MAP NO. 130
 (NOTICE OF NON-RENEWAL)**

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

PARCEL 1:

The Northeast quarter of the Northwest quarter of Section 27, Township 7 South, Range 9 East, San Bernardino Base and Meridian, according to the Official Plat thereof;

EXCEPT the Easterly 30 feet, as conveyed to the County of Riverside, by Deed recorded January 31, 1951 in Book 1240, Page 310, of Official Records of Riverside County, California.

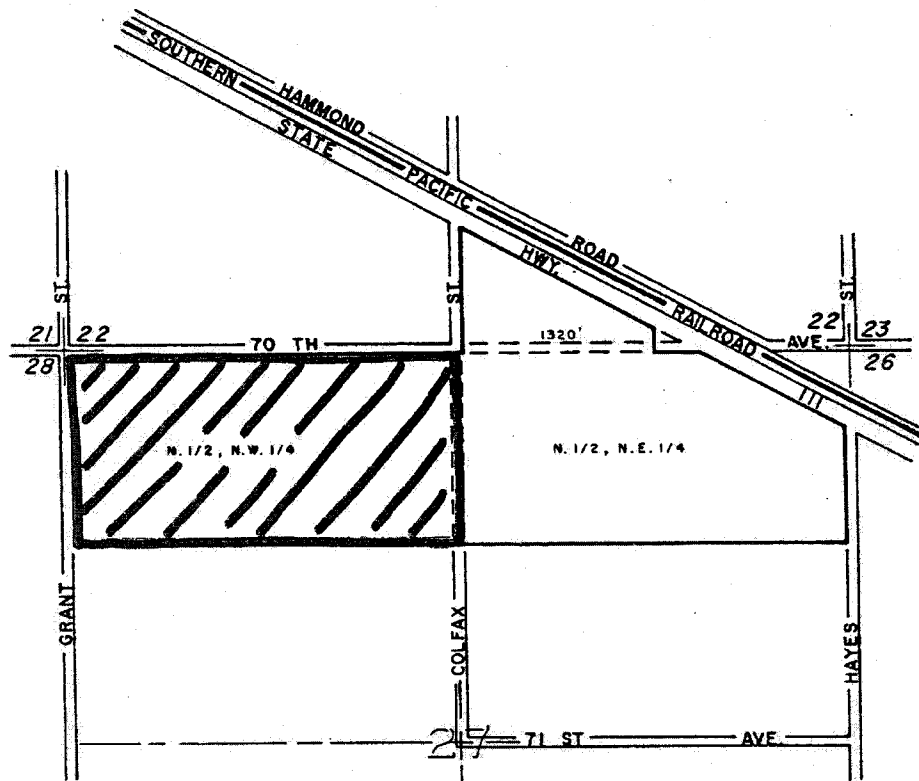
PARCEL 2:

The Northwest quarter of the Northwest quarter of Section 27, Township 7 South, Range 9 East, San Bernardino Base and Meridian, according to the Official Plat thereof.

Assessor Parcel No.	Acres (net)	Owners
729-120-001-8	40.0	Sun and Sands Enterprises, LLC
729-120-002-9	39.1	Sun and Sands Enterprises, LLC
Total	79.1	

MAP NO. 130 COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 16

T. 7 S., - R. 9 E.



APN 729-120-001-8
729-120-002-9

ADOPTED ON FEBRUARY 16, 1971
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA



DOC # 2006-0164706

03/08/2006 08:00A Fee:NC

Page 1 of 6

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



RECORDING REQUESTED BY:

CLERK OF THE BOARD DEPARTMENT
(CAC - 1ST FLOOR)

WHEN RECORDED MAIL TO:

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

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					1			✓	LC
A	R	L			COPY	LONG	REFUND	NCHG	EXAM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

FILED 6-28-05
OK'D 8-31-05

AGN 00112

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 January 1, 1977 and recorded on October 20, 1977 as Instrument No. 208408 in the Office of the Recorder of Riverside County, California. The real property affected by this notice is located in the Coachella Valley Agricultural Preserve No. 16, Map No. 443. Dated: July 5, 1977.

(See attached Legal)

Assessor's Parcel Number of land affected: 729-120-008-5.

ORIGINAL OWNERS(S)

Owens - Parks Lumber Company

CURRENT OWNER(S)

SUN & SANDS ENTERPRISES, LLC,
a California limited liability company

SUN & SANDS ENTERPRISES, LLC,
a California limited liability company

By:

Charles Hodges

Its: Managing Member

(All original and current owners must be listed)

Acknowledgement of Receipt
Nancy Romero, Clerk of the Board

By:
Deputy

2-15-06

ATTEST:
NANCY ROMERO, Clerk

By:
DEPUTY

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE)

Charles Hodges RKA

) ss

On June 10 2005, before me, Renee Katri Brooks Notary Public, personally appeared 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 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.

Renee Katri Brooks
Notary Public



ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Riverside } SS.

On June 10 2005 before me, Renee Katri Brooks
(DATE) (NOTARY)

personally appeared Charles Hodges
SIGNER(S)

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 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.
Renee Katri Brooks
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- INDIVIDUAL
- CORPORATE OFFICER
- _____ TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____
- _____
- _____

DESCRIPTION OF ATTACHED DOCUMENT

_____ TITLE OR TYPE OF DOCUMENT

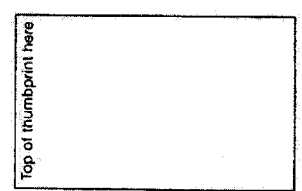
_____ NUMBER OF PAGES

_____ DATE OF DOCUMENT

_____ OTHER

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

RIGHT THUMBPRINT
OF
SIGNER



03/08/2006 08:00A
3 of 6





LARRY W. WARD
COUNTY OF RIVERSIDE
ASSESSOR-COUNTY CLERK-RECORDER

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

<http://riverside.asrclrec.com>

NOTARY CLARITY

Under the provisions of Government Code 27361.7, I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: RENEE KATRI BROOKS

Commission #: 1540321

Place of Execution: RIVERSIDE

Date Commission Expires: JAN 21, 2009

Date: 2-16-06

Signature: Sandi Schlemmer

Print Name: SANDI SCHLEMMER



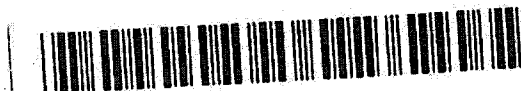
EXHIBIT A
COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 16
MAP NO. 443
(NOTICE OF NON-RENEWAL)

All the real property in the County of Riverside, State of California, described as follows:

The South half of the Northeast quarter of Section 27, Township 7 South, Range 9 East, San Bernardino Base and Meridian.

EXCEPT, The West, South, and East 30.00 feet as conveyed to the County of Riverside, by deed recorded January 14, 1964 as Instrument No. 4994.

Assessor Parcel No.	Acres (net)	Owners
729-120-008-5	76.49	Sun & Sands Enterprises, LLC
Total	76.49	

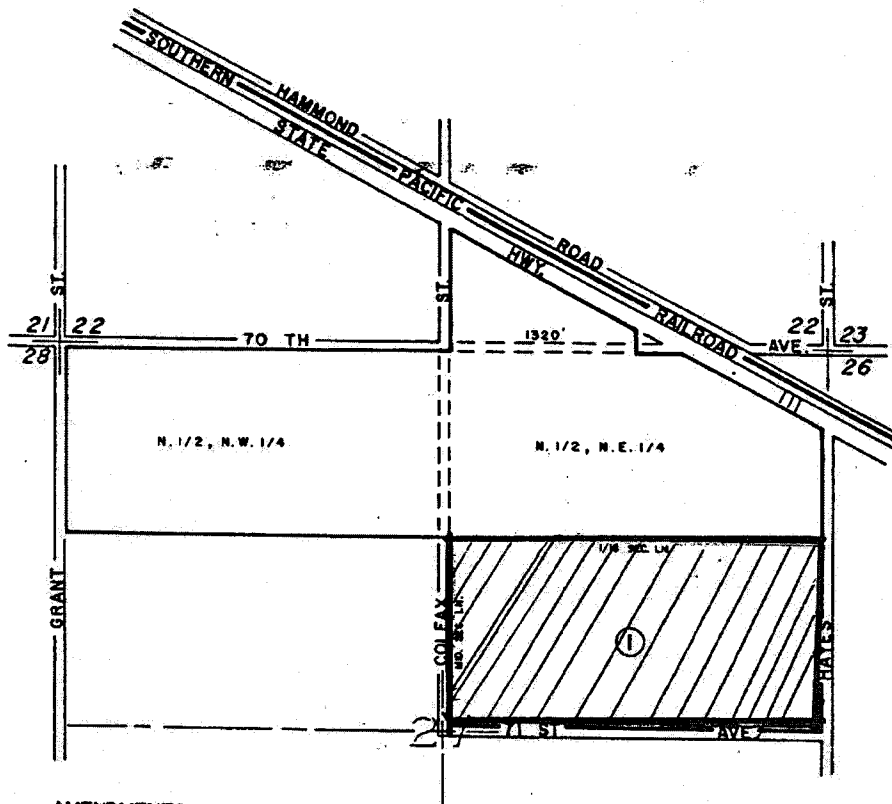


2006-0164706
03/08/2006 09:00A
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MAP NO. 130 COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 16

AMENDED BY MAP NO. 443

T. 7 S. - R. 9 E.

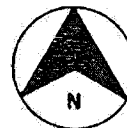


AMENDMENTS

AMENDMENT NO. 1, JULY 5, 1977 , MAP NO. 443

APN 729-120-008-5

ADOPTED ON FEBRUARY 16, 1971
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA



RIVERSIDE COUNTY PLANNING COMMISSION

2006-0164706
03/08/2006 08:00A
6 of 6



RECORDING REQUESTED BY
RIVERSIDE COUNTY

When recorded, return to:

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

No fee, 6103 Government Code

THIS AREA FOR RECORDER'S USE ONLY

2019-0340749

09/03/2019 11:34 AM Fee: \$ 0.00

Page 1 of 6

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



248

LAND CONSERVATION CONTRACT

COUNTY OF RIVERSIDE, herein called "County," and

The Entrust Group fbo Carl S. Maggio Roth IRA

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. 16, Map No. 443.
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] 8/14/2019
LYNETTE M. CLYDE DATE

OWNER(S) SIGNATURE AND ADDRESS

Owner: [Signature], The Entrust Group for Carl S. Maggio Roth IRA
Owner: _____
Owner: _____
Owner: _____

Mailing Address: 86-705 Avenue 54, Suite A, Coachella, CA 92236

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 Alameda)
On March 21, 2018 before me, Irena Vann, Notary Public,
(Date) (Name and Title of officer)
personally appeared Maria Lopez,
(Name(s) of signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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

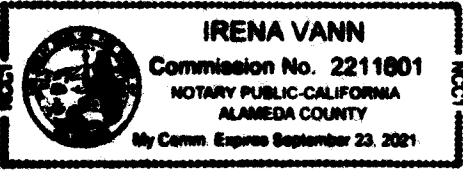


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16 MAP NO. 443

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EXCEPT the Easterly 30 feet, as conveyed to the County of Riverside, by Deed recorded January 31, 1951 in Book 1240, Page 310, of Official Records of Riverside County, California.

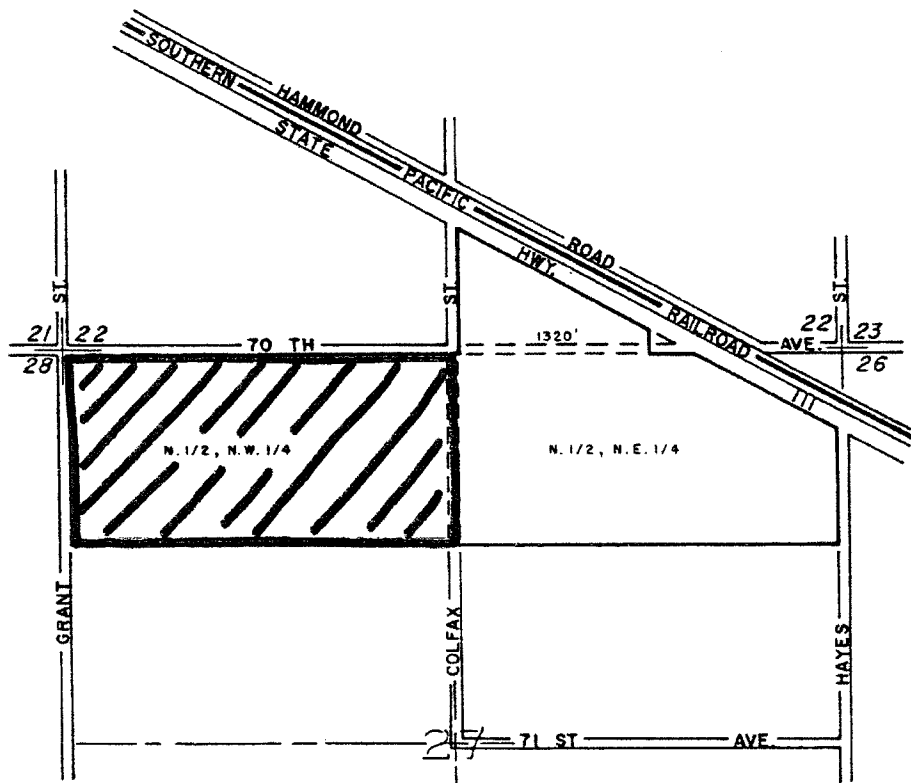
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MAP NO. 130 COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 16

T. 7S. - R. 9E.



APN 729-120-001-8
729-120-002-9

ADOPTED ON FEBRUARY 16, 1971
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
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16 MAP NO. 443

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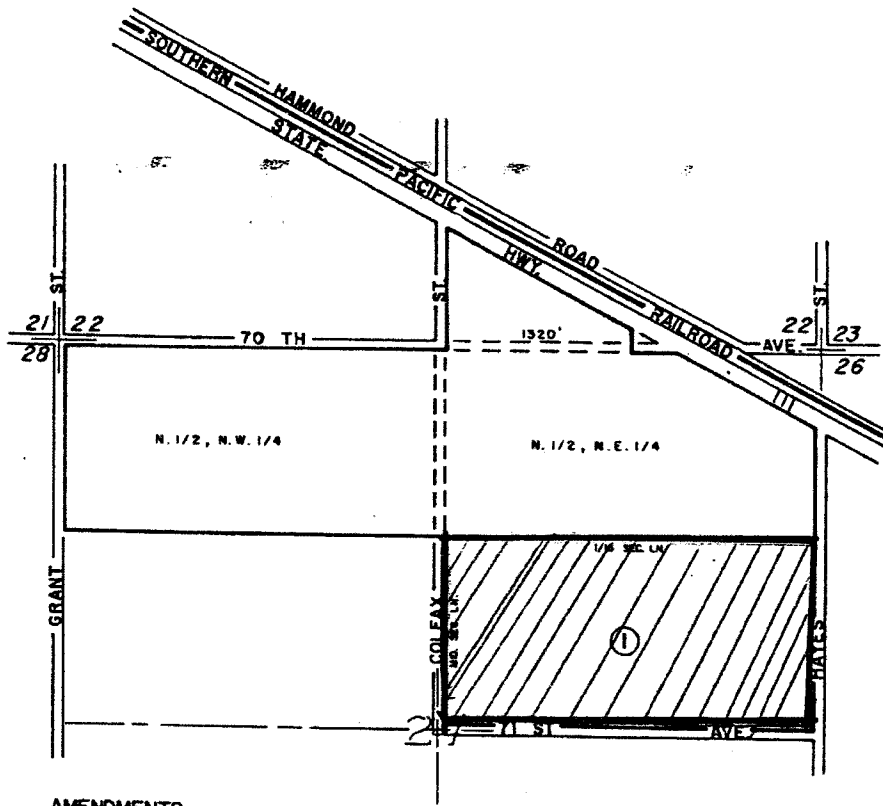
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Total	76.49	

MAP NO. 130 COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 16

AMENDED BY MAP NO. 443

T. 7S, - R. 9E.



AMENDMENTS

AMENDMENT NO. 1, JULY 5, 1977 , MAP NO. 443

APN 729-120-008-5

ADOPTED ON FEBRUARY 16, 1971
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA



RIVERSIDE COUNTY PLANNING COMMISSION

2006-0164706
03/08/2006 08:08A
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