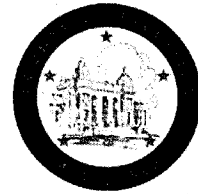


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM
3.56
(ID # 9938)

MEETING DATE:

Tuesday, August 27, 2019

FROM: TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Agricultural Preserve Case No. 193 - Williamson Act Land Conservation Contract. CEQA exempt pursuant to State CEQA Guidelines section 15317. Applicant: Nicholas Bozick - Engineer/Representative: BFIT 2004 LLC, Grand Star Properties, LLC, Citrine Enterprises, LLC, Graysen Properties, LLC - Fourth Supervisorial District - Lower Coachella Valley District - Agriculture: Agriculture (10 Acre Minimum) - Location: North of 66th Avenue, east of Johnson Street, south of 62nd Avenue, and west of Hayes Street - 779.67 acres - Zoning: Light Agriculture (A-1) 20 Acre Minimum - REQUEST: Approval of Land Conservation Contract for the Coachella Valley Agricultural Preserve No. 61, Map No. 506 - APN: 727-113-009, 727-113-010, 727-060-001, 727-060-003, 727-040-001 and 727-040-016. 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. 61, Map No. 506, based upon findings and conclusions set forth herein; and

ACTION: Policy

Charissa Leach, 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, State, ACR

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 66th Avenue, east of Johnson Street, south of 62nd Avenue, and west of Hayes Street in Coachella Valley Agricultural Preserve No. 61.
- A previous owner of the subject property entered into a Land Conservation Contract with the County on January 1, 1979, which was recorded on May 21, 1979, as Instrument No. 104094.
- Subsequently, a notice of nonrenewal was filed on the subject property which was recorded on October 18, 1990, as Instrument No. 382748. This notice caused the previous contract as it applies to the subject property to expire on December 31, 1999.
- The current owners of the subject property, BFIT 2004, LLC, Grand Star Properties, LLC, Citrine Enterprises, LLC, Graysen Properties, LLC, 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.
- 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. 61, Map No. 506, 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 779.67 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 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**



Jason Farin, Senior Management Analyst

8/22/2019



Gregory V. Priamos, Director County Counsel

8/19/2019



RIVERSIDE COUNTY PLANNING DEPARTMENT

OK 10-2-90
Cezgul

382748

PLEASE SUBMIT THIS FORM TO THE PLANNING DEPARTMENT WITH A \$25.00 FILING FEE

Recorded at the request of, and to be returned to:

Riverside County Planning Department
4080 Lemon Street, Ninth Floor
Riverside, CA 92501

Clerk of the Board of Supervisors
4080 Lemon Street, 14th Floor
Riverside, CA 92501

CC: Planning Department

NOTICE OF NON-RENEWAL

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, 1979 and recorded on May 21, 1979, as Instrument No. 104094 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. 61 (Amend. 11), Map No. 506

Dated: September 26, 1990

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

On September 26, 1990

before me personally appeared

Michael Bozick, Bobbie J. Bozick,
Lucille Tidwell, Nicholas L. Bozick
and Cynthia L. Bozick

known to me to be the persons

whose names are

subscribed to the within instrument and

acknowledged that they

executed the same.

Marylou T. Barbers
Marylou T. Barbers
Notary Public

MR. GRAPE VINEYARDS, INC.

Michael Bozick

Delores J. Bozick

Lucille Tidwell

Nicholas L. Bozick

Cynthia L. Bozick
Owner(s)

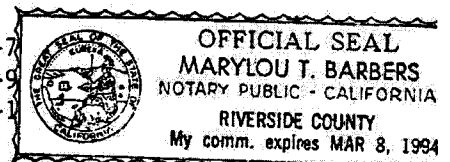
Mailing Address:

P.O. Box 698

Mecca, Ca. 92254

Code Area and parcel number(s) of land affected:

727-040-001-7
727-060-001-9
727-060-003-1



45-084 Paseo Sereno, Indio, CA 92201

382748

382748

RECEIVED FOR RECORD
AT 8:30 O'CLOCK A.M.

OCT 18 1990

Recorded in Official Records
of Riverside County, California

Will [Signature] Recorder
Fees \$ 0

RECEIVED

OCT 02 1990

RIVERSIDE COUNTY
PLANNING DEPARTMENT

1990 NOV -7 AM 9:37

RECEIVED BY FIELD UNIT
CLERK/BOARD OF SUPERVISORS

1990 OCT -9 PM 12:14

RECEIVED BY FIELD UNIT
CLERK/BOARD OF SUPERVISORS

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE ss.

382718

On September 26, 1990

Lucille Tidwell

, before me, the undersigned, a Notary Public in and for said State, personally appeared

personally known to me or proved to me

President, and Bobbie J. Bozick

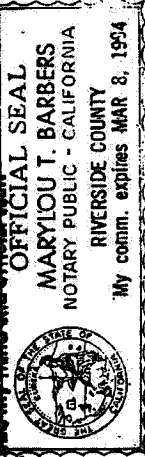
on the basis of satisfactory evidence to be the

known to me to be the

Secretary of the Corporation that executed the within instrument, known to me to be the persons

who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESSE my hand and the official seal



(Seal)

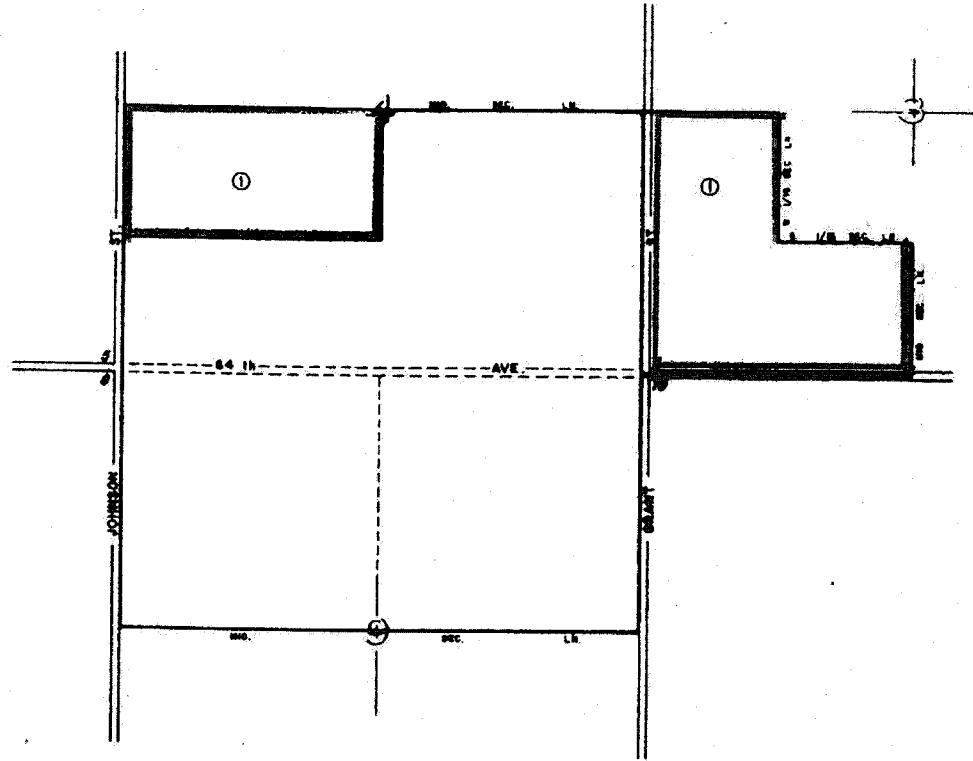
Marylou T. Barbers
(Notary Public's Signature)

45-084 Paseo Sereno, Indio, CA 92201

923277 8-22 28 PB Corporation Notarial Acknowledgment

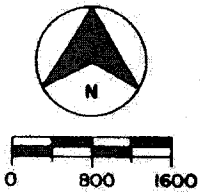
MAP NO. 301 COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 61

T. 7S - R. 9E
AMENDED BY MAP NO. 506



AMENDMENTS
AMENDMENT NO. 1, APRIL 17, 1979 MAP NO. 506

ADOPTED ON FEBRUARY 19, 1974
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.



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

2019-0340752

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

Page 1 of 5

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



242

LAND CONSERVATION CONTRACT

COUNTY OF RIVERSIDE, herein called "County," and

BFIT 2004, LLC., Grand Star Properties, LLC., Citrine Enterprises, LLC., and Graysen Properties, 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. 61, Map No. 506.
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

AUG 27 2019 3.56

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: Nicholas Bozick, Owner
Owner: Cynthia Beteta, Owner [Signature]
Owner: _____
Owner: _____

Mailing Address: 65500 Lincoln Street, Mecca, California, 92254

NOTARY ACKNOWLEDGMENT

California Notarial
Loose Certificate
attached

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 September 12, 2017 before me, Amy Cassandra Walling, Notary Public
(Date) (Name and Title of officer)
personally appeared Nicholas Bozick
(Name(s) of signer(s))

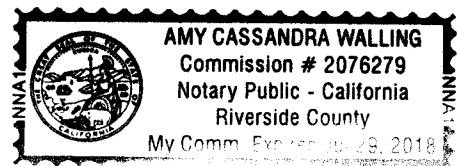
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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

Amy C Walling
Notary Public

{SEAL}



California All-Purpose Certificate of 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 ORANGE

s.s.

On 09/14/17 before me, JUDITH MARQUINA, NOTARY PUBLIC
Name of Notary Public, Title

personally appeared Cynthia Beteta
Name of Signer (1)

Name of Signer (2)

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 of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____

containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) _____
Titles)

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- form(s) of identification
- credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

- Additional Signer
- Signer(s) Thumbprints(s)

Exhibit A
Coachella Valley Agricultural Preserve No. 61
Map 506

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

PARCEL 1:

The portion of the Northeast quarter of Section 9, Township 7 South, Range 9 East, San Bernardino Base and Meridian, according to the official plat thereof.

PARCEL 2:

The portion of the Northwest quarter of Section 9, Township 7 South, Range 9 East, San Bernardino Base and Meridian, according to the official plat thereof.

PARCEL 3.

The portion of the Southwest quarter of Section 4, Township 7 South, Range 9 East, San Bernardino Base and Meridian, according to the official plat thereof.

PARCEL 4.

The portion of the Southern half of Section 4, Township 7 South, Range 9 East, San Bernardino Base and Meridian, according to the official plat thereof.

PARCEL 5.

The portion of the Southwest quarter of Section 3, Township 7 South, Range 9 East, San Bernardino Base and Meridian, according to the official plat thereof.

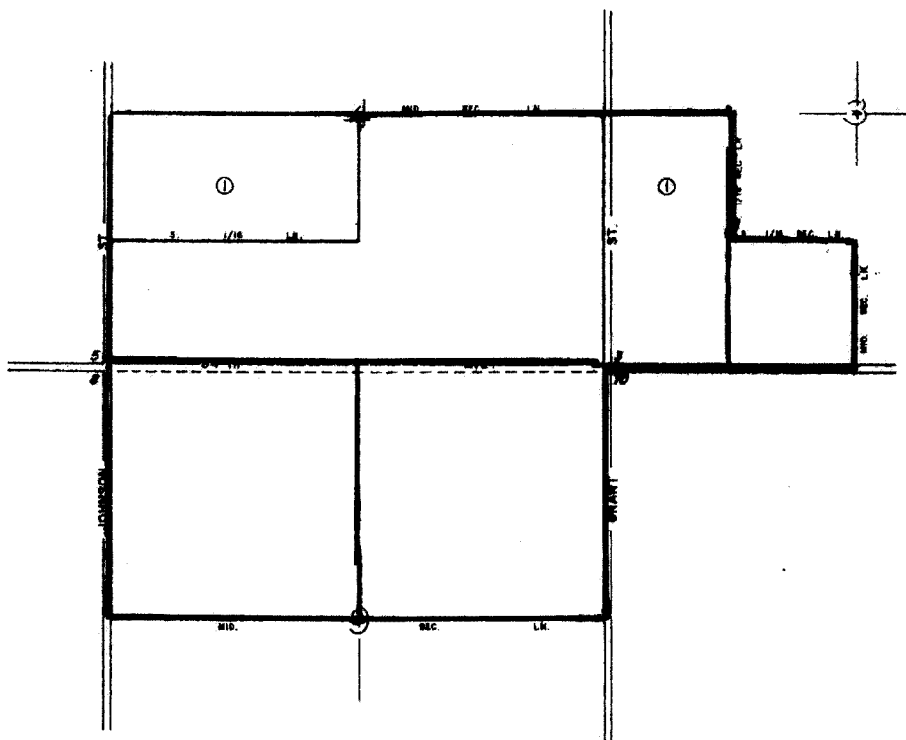
PARCEL 6.

The portion of the Southwest quarter of Section 3, Township 7 South, Range 9 East, San Bernardino Base and Meridian, according to the official plat thereof.

Assessor Parcel No.	Acres	Owners
727-113-010-0	164.84	BFIT 2004, LLC
727-113-009-0	165.84	Grand Star Properties, LLC
727-040-001-7	82.24	Citrine Enterprises, LLC
727-040-016-1	246.75	Graysen Properties, LLC
727-060-003-1	40.00	
727-060-001-9	80.00	
Total	779.67	

MAP NO. 301 COACHELLA VALLEY AGRICULTURAL PRESERVE NO. 61

T. 7S - R. 9E
AMENDED BY MAP NO. 506



AMENDMENTS
AMENDMENT NO. 1, APRIL 17, 1979 MAP NO. 506

ADOPTED ON FEBRUARY 19, 1974
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.

