

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



**ITEM: 3.15
(ID # 21166)**

MEETING DATE:
Tuesday, May 02, 2023

FROM : FACILITIES MANAGEMENT AND RIVERSIDE COUNTY PROBATION
DEPARTMENT :

SUBJECT: FACILITIES MANAGEMENT-REAL ESTATE (FM-RE) AND RIVERSIDE COUNTY PROBATION DEPARTMENT: Approval of the Second Amendment to License Agreement between County of Riverside as Licensee and Banning Sportsman Club, Inc., as Licensor, 250 Mias Canyon Road, Probation Department, 2-Year License Extension, CEQA Exempt Pursuant to State CEQA Guidelines Sections 15301 and 15061(b)(3); District 5. [Total Cost \$15,100; 100% - Probation Department General Fund] (Clerk to File Notice of Exemption)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Class 1 - Existing Facilities Exemption and Section 15061(b)(3), "Common Sense" Exemption;
2. Approve the attached Second Amendment to License Agreement between the County of Riverside, a political subdivision of the State of California, as Licensee, and Banning Sportsman Club, Inc., a California Corporation, as Licensor, and authorize the Chair of the Board to execute the same on behalf of the County; and
3. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk within five (5) working days of approval by the Board.

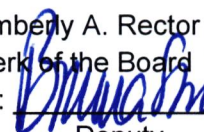
ACTION:Policy


Rose Salgado, Director of Facilities Management 4/10/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: May 2, 2023
xc: FM, Probation, Recorder

Kimberly A. Rector
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	\$ 0	\$7,550	\$15,100	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 100% - Probation Department General Fund - 10000			Budget Adjustment:	No
			For Fiscal Year:	23/24-24/25

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On October 22, 2019, the County of Riverside (County) approved a License Agreement (License) on behalf of the Probation Department with Banning Sportsman Club (Minute Order 3-9). The License is for the use of a shooting range located at 250 Mias Canyon Road, Banning, California. The shooting range is necessary for training operations of the Probation Department and continues to meet their needs.

On August 17, 2021, the Board of Supervisors approved Minute Order 3.11, the First Amendment, extending the term two years. This Second Amendment (Amendment) to License Agreement submitted for Board of Supervisor’s approval, extends the term for two additional years commencing July 1, 2023 and terminating June 30, 2025.

Pursuant to the California Environmental Quality Act (CEQA), the Second Amendment was reviewed and determined to be categorically exempt from CEQA under State CEQA Guidelines Section 15301, Class 1 – Existing Facilities exemption and Section 15061(b)(3), “Common Sense” Exemption. The proposed project, the Second Amendment, is the continuation of the letting of property involving existing facilities.

The Amendment is summarized below as follows:

Licensors: Banning Sportsman Club, Inc.
P.O. Box 841
Banning, California 92220

Premises: 250 Mias Canyon Road, Banning California

Term: July 1, 2023 through June 30, 2025

Annual Rent Payment: Current \$6,000.00 per year New \$7,200.00 per year

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

Maintenance: Provided by Licensor

Utilities: Provided by Licensor

Impact on Residents and Businesses

This agreement will assist the Probation Department in meeting its staff training requirements which in turn improve public safety and benefit the residents and businesses within the County.

Additional Fiscal Information

See attached Exhibits A and B. All associated costs for this Amendment will be budgeted in FY23/24 - FY24/25 by the Probation Department. Probation will reimburse FM-RE for all associated License costs on an annual basis.

Contract History and Price Reasonableness

This is a two-year License extension and includes an equitable rent based on the use.

License

Date and M.O.

License	October 22, 2019 (M.O. 3-9)
First Amendment to License	August 17, 2021 (M.O. 3.11)

ATTACHMENTS:


- Exhibits A & B
- Second Amendment to Lease
- Notice of Exemption
- Aerial MT#21166

MH:ap/03072023/BA015/30.907


Veronica Santillan, Principal Management Analyst 4/25/2023


Aaron Gettis, Deputy County Counsel 4/19/2023

County of Riverside
Facilities Management
3450 14th St, 2nd Floor, Riverside, CA

FOR COUNTY CLERK USE ONLY		
FILED / POSTED		
County of Riverside Peter Aldana Assessor-County Clerk-Recorder		
E-202300477 05/03/2023 05:00 PM Fee: \$ 50.00 Page 1 of 2		
Removed:	By:	Deputy
		

NOTICE OF EXEMPTION

March 9, 2023

Project Name: Approval of Second Amendment to License Agreement with Banning Sports Club, Inc, Banning

Project Number: FM042130001500

Project Location: 250 Mias Canyon Road, east of Bluff Street, Banning, California 92220, Assessor's Parcel Number (APN) 531-110-005

Description of Project: On October 22, 2019, the County of Riverside (County) approved a License Agreement (License) on behalf of the Probation Department with Banning Sportsman Club (Minute Order 3-9). The License is for the use of a shooting range located at 250 Mias Canyon Road, Banning, California. The shooting range is necessary for training operations of the Probation Department and continues to meet their needs.

On August 17, 2021, the Board of Supervisors approved Minute Order 3.11, a First Amendment to the License Agreement. The First Amendment to License Agreement extended the term for two years. A Second Amendment to License Agreement (Second Amendment) is now being sought which will extend the term for two additional years commencing July 1, 2023 and terminating June 30, 2025.

The Second Amendment to the License Agreement is defined as the proposed project under the California Environmental Quality Act (CEQA). The project is for the use of an existing facility and no expansion of the existing facility will occur. The operation of the facility will continue to provide services to the Probation Department. No additional direct or indirect physical environmental impacts are anticipated.

Name of Public Agency Approving Project: Riverside County

Name of Person or Agency Carrying Out Project: Riverside County Facilities Management


Exempt Status: State CEQA Guidelines Section 15301, Class 1, Existing Facilities Exemption; Section 15061(b) (3), "Common Sense" Exemption. Codified under California Code of Regulations Title 14, Article 5, Section 15061.

Reasons Why Project is Exempt: The proposed project is categorically exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The project will not cause an impact to an environmental resource of hazardous or critical concern nor would the project involve unusual circumstances that could potentially have a significant effect on the environment. The project would not result in impacts to scenic highways, hazardous waste sites, historic resources, or other sensitive natural environments, or have a cumulative effect to the environment. No significant environmental impacts are anticipated to occur with the Second Amendment to the License Agreement, permitting continued use of an existing facility.

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- **Section 15301 – Class 1 Existing Facilities Exemption:** This categorical exemption includes the operation, repair, maintenance, leasing, or minor alteration of existing public or private structures or facilities, provided the exemption only involves negligible or no expansion of the previous site’s use. The project, as proposed, is limited to the continued use of the existing shooting range facility. The project would not substantially increase or expand the use of the site; use is limited to the extension of term which will result in the continued use of the site in a similar capacity; therefore, the project is exempt as the project meets the scope and intent of the Class 1 Exemption identified in Section 15301, Article 19, Categorical Exemptions of the CEQA Guidelines.
- **Section 15061 (b) (3) – “Common Sense” Exemption:** In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b) (3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid*. This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68. The ruling in this case stated that if a project falls within a category exempt by administrative regulation or 'it can be seen with certainty that the activity in question will not have a significant effect on the environment', no further agency evaluation is required. With certainty, there is no possibility that the project may have a significant effect on the environment. The Second Amendment to the License Agreement is limited to an extension of term for continued use of an existing facility which will not expand the facility or increase the capacity or intensity of use of the site. The use and operation of the facility will be substantially similar to the existing use and will not create any new environmental impacts to the surrounding area. No impacts beyond the ongoing, existing use of the site would occur. Therefore, in no way, would the project as proposed have the potential to cause a significant environmental impact and the project is exempt from further CEQA analysis.

Therefore, the County of Riverside Facilities Management hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed:  Date: 3-9-2023
Mike Sullivan, Senior Environmental Planner
County of Riverside, Facilities Management

1 **SECOND AMENDMENT TO LICENSE AGREEMENT**

2 250 MIAS CANYON, BANNING, CALIFORNIA 92220

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5 This **SECOND AMENDMENT TO LICENSE AGREEMENT** (“Second
6 Amendment”), dated as of May 2nd, 2023, is entered by and between the
7 **COUNTY OF RIVERSIDE**, a political subdivision of the State of California, (“County” or
8 “Licensee”), and **BANNING SPORTSMAN CLUB, INC.**, a California Corporation,
9 (“Licensor”), sometimes collectively referred to as the “Parties”.

10 **RECITALS**

11 A. Banning Sportsman Club, Inc., as Licensor, and County, have entered
12 into that certain License Agreement dated October 22, 2019, (the “Original License”)
13 pursuant to which the Licensor has authorized the County to use the facility located at
14 250 Mias Canyon, Banning, California, as more particularly described in the Original
15 License.

16 B. The Original License has been amended by:

17 That certain First Amendment to License dated August 17, 2021, by and
18 between Banning Sportsman Club, Inc. a California corporation and County (“First
19 Amendment”), whereby the Parties amended the License to extend the term period
20 and amend the rental amounts.

21 C. The Original License together with the Amendment are collectively
22 referred to hereinafter as the “License.”

23 D. The Parties now desire to extend the term and modify the rent.

24 **NOW THEREFORE**, for good and valuable consideration the receipt and
25 adequacy of which is hereby acknowledged, the parties agree as follows:

26 1. **Term.** Section 2 of the License is hereby amended as follows:

27 The term of this License shall be extended for a period of two (2) years effective July 1,
28 2023 and terminating June 30, 2025.

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1 2. **Consideration.** Section 3 of the License is hereby amended as follows:

2 County shall make yearly payments payable to The Banning Sportsman
3 Club, Inc., in the amount of seven thousand two hundred dollars (\$7,200.00) per year
4 based on a one day per month use, as rent for the Premises. Any additional usage will
5 be billed per day at \$600.00 per event. The County shall be bound by the guidelines
6 covering the use of the Range facilities attached hereto as **ATTACHMENT A** and by
7 this reference, incorporated herein. County will pay any and all charges on a yearly
8 basis, payable on July 1st of each year during the term of this License to:

9 Banning Sportsman Club

10 P.O. Box 841

11 Banning, California 92220

12 3. **Notice.** Section 12 of the License is hereby amended by the following:

13 County's Notification Address:

14 County of Riverside

15 Facilities Management – Real Estate Division

16 3450 14th Street, Suite 200

17 Riverside, CA 92501

18 ATTN: Deputy Director of Real Estate

19 (951) 955-4876

20 Additional Notification/Inquiries: FM-leasing@rivco.org

21 Licensor's Notification Address:

22 Banning Sportman Club

23 250 Mias Canyon

24 P.O. Box 841

25 Attn: Marshall Palmer

26 4. **Second Amendment to Prevail.** The provisions of this Second
27 Amendment shall prevail over any inconsistency of conflicting provisions of the
28

1 License, as heretofore amended, and shall supplement the remaining provisions
2 thereof.

3 5. **Miscellaneous.** Except as amended or modified herein, all the terms of
4 the Original License shall remain in full force and effect and shall apply with the same
5 force and effect. Time is of the essence in this Second Amendment and the License
6 and each and all their respective provisions. Subject to the provisions of the License
7 as to assignment, the agreements, conditions, and provisions herein contained shall
8 apply to and bind the heirs, executors, administrators, successors and assigns of the
9 parties hereto. If any provisions of this Second Amendment or the License shall be
10 determined to be illegal or unenforceable, such determination shall not affect any other
11 provision of the License and all such other provisions shall remain in full force and
12 effect. The language in all parts of the License shall be construed according to is
13 normal and usual meaning and not strictly for or against either Licensor or County.
14 Neither this Second Amendment, nor the Original License, nor any notice nor
15 memorandum regarding the terms hereof, shall be recorded by Licensee.

16 6. **Effective Date.** This Second Amendment to License shall not be binding
17 or consummated until its approval by the Riverside County Board of Supervisors and
18 fully executed by the Parties.


19 (Signatures on the following page)

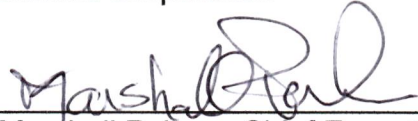
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1 **IN WITNESS WHEREOF**, the parties have executed this Second Amendment as of the
2 date first written above.

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4 COUNTY:
5 **COUNTY OF RIVERSIDE**, a political
6 subdivision of the State of California

LICENSOR:
7 **BANNING SPORTSMAN CLUB, INC.**,
8 a California Corporation

9
10 By: 
11 Kevin Jeffries, Chair
12 Board of Supervisors

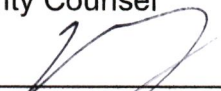
By: 
13 Marshall Palmer, Chief Executive Officer

By: 
14 Guy Thomas, Treasurer

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16 ATTEST:
17 Kimberly Rector
18 Clerk of the Board

By: 
19 Deputy

20
21 APPROVED AS TO FORM:
22 Minh C. Tran
23 County Counsel

By: 
24 ~~Ryan Yobke~~ Braden Holly
25 Deputy County Counsel

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~~Brooklyn~~

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ATTACHMENT A



PO BOX 841, BANNING CALIFORNIA, 92220

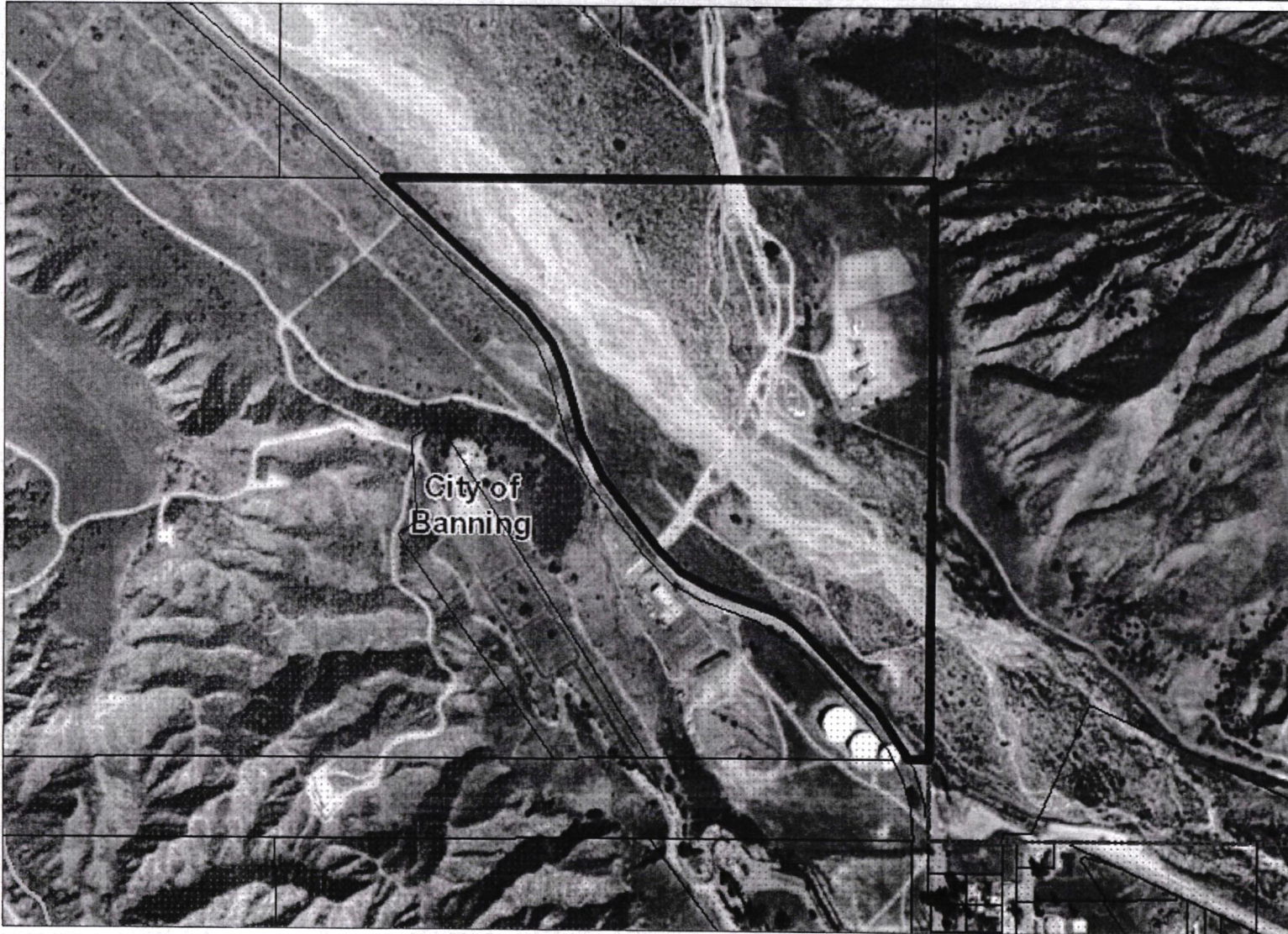
Changes to 2023 thru 2025 Range use contracts
New contracts shall be from July 1, 2023, to June 30, 2025

1. Range use fees will increase to **\$600.00** dollars per day.
2. Range hours will be from **0800 to 1630** hours. If additional hours are required arrangements must be made **30 days** in advance by contacting Club Officials Marshall Palmer (951-206-8134) or Mike Wirz (951-210-3373)
3. Use of Range facilities will be limited to the South Pistol/Rifle Range. This area is bordered on the south by a chain link fence, and on the north by a block wall and extends to the east to the berm area. All rounds shall be limited to Right and Left Lateral range limits and **shall** not go over the top of the berm at the east end of the range.
4. There **shall** be no extended range hours on Tuesdays after 1630 hours.
5. The North Pistol/Rifle Range **shall** remain open to Club Members during usage by contracted agencies. The North Range is located at the extreme North fence line of the Range facility and behind out buildings.

If there are concerns or questions regarding these changes, please feel free to contact me at 951-206-8134.

Respectfully,
Marshall Palmer
President
Banning Sportsmans Club

Probation Department
250 Mias Canyon Road, Banning, CA 92220



Legend

- Parcels
- Blueline Streams
- City Areas



IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

0 752 1,505 Feet

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Notes

District 5
Leased area outlined in black
APN 538-181-012