

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**3.26**

The above referenced Item is moved under the Policy Calendar as Item 21.3 for Tuesday, January 30, 2024.

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



ITEM: 3.26  
(ID # 23734)

**MEETING DATE:**  
Tuesday, January 30, 2024

**FROM :** TLMA-PLANNING:

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: PLOT PLAN NO. 2300043 – CEQA Exempt per Section 15303 (New Construction or Conversion of Small Structures) and Section 15061(b)(3) (Common Sense) – Applicant: County of Riverside – Fourth Supervisorial District – Lower Coachella Valley District – Eastern Coachella Valley Area Plan: Community Development: Light Industrial (CD:LI) – Location: north of 37th Avenue, south of Church Street, east of Olive Street, and west of Grapefruit Boulevard – 9.3 Acres - Zoning: Manufacturing-Service Commercial (M-SC) - REQUEST: PPT2300043 is a request for a determination of compatibility of a public park in the Coachella Valley No. 18 Agricultural Preserve pursuant to Ordinance No. 509 – APN: 757-062-006 - [\$0]

**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 15061(b)(3) (Common Sense) and Section 15303 (New Construction or Conversion of Small Structures); and,

2. **APPROVE PLOT PLAN NO. 2300043**, determining that the proposed public park is a compatible use with the Coachella Valley Agricultural Preserve No. 18, based upon the findings and conclusions provided in this staff report.

**ACTION:**Policy

  
John Hildebrand, Planning Director 1/19/2024

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MINUTES OF THE BOARD OF SUPERVISORS

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<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>	\$	\$	\$	\$ 0
<b>NET COUNTY COST</b>	\$	\$	\$	\$ 0
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment: No</b>	
			<b>For Fiscal Year: 24/25</b>	

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

**BACKGROUND:**

**Project**

Plot Plan Case No. 230043 (PPT2300043) is a County-initiated proposal to determine that a public park that has been proposed by the Desert Recreation District (Exhibit "B") in the Thermal community is a compatible use within the Coachella Agricultural Preserve No. 18 pursuant to Ordinance No. 509, Paragraph 17 (the "Project"). The park will be located on a 9.3-acre parcel that is bounded by Church Street to the north, Olive Street to the west, and mid-block boundaries to the east and south and is referenced as APN 757-062-006 (the "Property"). Currently the Property is undeveloped and is planted with uncultivated and nonviable date trees and no longer serves as a productive date farm. The Property is within the boundaries of the Coachella Valley Agricultural Preserve No. 18 (Exhibit "C") and is subject to a land conservation contract (Exhibit "D"). There is no provision in the Williamson Act to terminate a land conservation contract by operation of law when private land, subject to a contract, is acquired by a special district, unless it is acquired via or in lieu of eminent domain.

The Land Conservation Act of 1965 ("Williamson Act," Government Code section 51200 et seq.) section 51231 provides for municipalities to adopt local rules for the administration of agricultural preserves, and the County adopted such rules in Resolution No. 84-526 and Ordinance No. 509. Land within the County's agricultural preserves can be used for all uses described as agricultural or compatible uses as listed in Ordinance No. 509. The ordinance allows for other uses that are not specifically listed to also be determined as compatible by the Board of Supervisors if they serve agricultural, recreational, or open space purposes and meet the requirements of Government Code section 51238.1. The Board's determination also complies with terms of the land conservation contract, which in Paragraph 6 state that the owner "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 No. 509."

**Agricultural Preserve**

Coachella Agricultural Preserve No. 18 was established on February 15, 1971. The subject property (APN 757-062-006) is 9.3 acres and has been part of the preserve since the

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establishment of the preserve by Map No. 132. The Coachella Agricultural Preserve No. 18 consists of 7 parcels, with 4 sets of ownership, and includes approximately 125 acres.

There have been no enlargements or diminishments of the agricultural preserve since it was established; however, the agricultural preserve is currently in transition. The area, including the subject Property, has historically been used primarily for date farming. Although some date trees remain, they have not been maintained, and are not viable for production. There have been several notices of non-renewal on 5 of the 7 parcels within the agricultural preserve.

- A Notice of Non-Renewal effective January 1, 2008, was filed on two parcels owned by Hummingbird Ranches and Coronado Inv Co, totaling 51.91 acres (APNs 757-090-020 and 757-090-007). The contract period has expired, and the parcels are not currently under contract. An agricultural preserve diminishment case (AG1001) was filed to exclude these parcels from the agricultural preserve on April 23, 2008; however, the case was not completed, and the application expired on May 10, 2012. These two parcels are also a part of the Thermal 551 Specific Plan (SP00369), which was approved in 2010, and are designated for Medium Density Residential uses.
- A Notice of Non-Renewal effective January 1, 2024 was filed on 3 parcels (APNs 757-062-002, 757-080-005, 757-090-022) owned by Christ Is Salvation Church, totaling 62 acres, including on a parcel that is immediately adjacent to the east and south. The parcels will remain under contract until the term of the contract expires.
- There have not been notices of non-renewal filed on the Property and another parcel in the agricultural preserve, APN 757-090-024 (2.4 acres).

Paragraph 17 of Ordinance No. 509 provides that the Board of Supervisors may authorize compatible uses that are not specifically listed, limited to certain parcels within an agricultural preserve. In this case, the requested determination is to limit the compatibility determination to only the Property owned by the Desert Recreation District within the Coachella Agricultural Preserve No. 18. A finding of compatibility will not alter the boundaries of the agricultural preserve, and the subject property will remain within Coachella Agricultural Preserve No. 18.

Land Conservation Contract

On January 1, 1971, D.S. Dunlap and Dorothy Dunlap, on behalf of the D. D. Dunlap Trust and the Dorothy Dunlap Trust (previous landowners) entered into a Land Conservation Contract pursuant to the Williamson Act with the County of Riverside. As neither party has provided a Notice of Non-Renewal to date, the Property is subject to the provisions of the Williamson Act contract. On March 20, 2023, the applicant completed a lot line adjustment to add approximately 4 acres to the lot along the southern boundary from the adjacent parcel to the south (Lot Line Case No. 220043). As both parcels are under the same land conservation contract, and the area under contract did not change, the lot line adjustment complied with the provisions of the Williamson Act.



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Compatible Land Use

The Williamson Act allows for jurisdictions to determine what constitutes a "compatible use" (Gov. Code, § 51201(e)). The proposed Project is a public recreational park. As shown on the plot plan, the specific elements of the Project that are proposed to be determined to be a compatible use includes the following (see Exhibit "B" for a detailed listing):

- Open lawn areas and walking pathways
- Picnic tables with canopies, playground areas, performance stage
- Play fields - Soccer fields (2), baseball field, basketball court
- Public restroom building
- Parking area with approximately 70 spaces

Per Ordinance No. 509, Paragraph 17, **"Any use of a specific parcel of land which is determined to be a compatible use as related to differences in the location and circumstances of the owners of land in agricultural or compatible uses within the affected preserve and which is based on character, location or other particular circumstances of the specific parcel which are not applicable generally to other lands within that preserve..."** The development of the Property as a public park is a compatible use based on its location at the edge of the agricultural preserve, which minimizes impacts on the bulk of the agricultural land. It is also a reasonable and appropriate use for the community, since it is at the edge of the commercial and residential center of the Thermal community for which it will have important benefits. The Property is uniquely situated adjacent to a high school and elementary school, and its proximity to other public amenities creates a significant recreational value in the Property. By remaining open with minimal structures, the Property will also serve as buffer between the agricultural land further out within the agricultural preserve and the residential and commercial development to the west and north in the Thermal community, especially the substantial buildings and hardscape that make up the adjacent school property. The Property constitutes the northwest tip of the overall 125-acre agricultural preserve and consists of no more than approximately 7% (9.3 acres) of the overall acreage in the agricultural preserve.

Government Code section 51201(n) defines recreational uses as being compatible with agricultural uses, which is what the proposed public park is intended for. It facilitates outdoor activities, games, and sports, and only proposes ancillary structures such as restrooms and other structures which support outdoor activity.

Government Code Section 51238.1 specifies that uses approved on contracted lands shall be consistent with all the following principles of compatibility:

- **"The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves."** The proposed public park is on a parcel that has not been used for productive agricultural use for some time, therefore is no current agricultural use that is being displaced. Also, the nature of the proposed use is that minor structures

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will be erected on the property, with the largest developed areas being a bathroom building and a parking area. The limited level of financial investment and limited nature of outdoor structures and minimal land alterations make it feasible to convert the Property to agricultural uses in the future. An estimated two-thirds of the northern end of the property (approximately 6 acres) will remain as an open lawn area, which allows for the feasibility of reestablishing agricultural uses on this portion without necessitating the removal of any significant structures. The ownership of the Property by the Desert Recreation District will maintain the Property in its open state for a minimum of 30 years pursuant to the Desert Recreational District's covenants recorded on the Property.

- **“The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves...”** The proposed public park will not displace or impair agricultural operations. There are no existing agricultural operations on the Property currently, therefore there is no displacement on the Property. The existing date trees are nonviable and uncultivated and remain from a previous agricultural use. There are five contracted parcels, including the Property (see above) out of the seven total parcels in the agricultural preserve, with three of those parcels being in a non-renewal status. The 77-acre date farm (Woodspur Farms) to the south (APN 757-900-004) is not within this or any other agricultural preserve. The other contracted lands do not have current agricultural operations, the existing vegetation includes uncultivated date trees other areas are open and undeveloped.
- **“The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.”** The Property is bounded on two sides (north and west) by streets and non-contracted land. Across the street to the north is a vacant parcel and single family houses. Across the street to the west is a high school. To the east and west is a contracted parcel owned by Christ Is Salvation Church that has uncultivated date trees and the contract is in a non-renewal period. It is unlikely that an agricultural operation will be resumed in the future by a non-agricultural owner. As the proposed park maintains the land in an open state it is not more likely that the adjacent parcel will be used for other than an open-space use.

In addition, the following policy was taken into consideration.

- The County's General Plan recognizes this limitation in Policy LU 7.2 “Notwithstanding the Public Facilities designation, public facilities shall also be allowed in any other land use designation except for the Open Space-Conservation and Open Space-Conservation Habitat land use designations. For purposes of this policy, a public facility shall include all facilities operated by the federal government, the State of California, the County of Riverside, any special district governed by or operating within the County of Riverside or any city, and all facilities operated by any combination of these agencies.”

This determination of compatibility pursuant to Ordinance No. 509 does not represent approval authority by the County of the overall project. It has been submitted as a plot plan review to

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allow for the purposes of a limited review of the proposed use to determine the issue of compatibility.

General Plan Consistency

The Board's determination is limited to a finding of compatibility under Ordinance No. 509.

Environmental Analysis

In accordance with the California Environmental Quality Act ("CEQA"), the proposed use qualifies for exemptions under State CEQA Guidelines Section 15061(b)(3) (Common Sense) and Section 15303(e) (New Construction or Conversion of Small Structures). The proposed project is the installation of play and sports structures on disturbed land and maintaining the land for outdoor activity. Due to the small size of the developed portions of the park and the limited infrastructure to be added, it can be seen with certainty that there is no possibility that the park as a whole, or the County's limited action, will have a significant effect on the environment. The Class 3(e) exemption covers accessory (appurtenant) structures and examples of these structures include garages, carports, patios, swimming pools, and fences. The project is located in a disturbed area that was formerly used for agricultural uses. The proposed structures are accessory structures to the open soccer and baseball fields, and include fences, which are listed as examples. Over two-thirds of the area will be plated with lawn to be used for outdoor play. Small areas will be covered with sand, clay or decomposed granite. Hardscape will be used for the basketball court and parking lot. The bathroom building is less than 2,500 square feet in size. The picnic area will include tables and canopies and these structures are analogous to a patio which is specifically listed.

None of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. More specifically, the exceptions are not applicable pursuant to the following findings:

1. Cumulative Impact. All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The Project would not lead to cumulative impacts since it proposes maintaining the site as open space for outdoor recreational activity with small structures that facilitate the recreational activities. Therefore, the Project would not create a greater level of potential impacts beyond what already exists, and all future projects that are similar to, or are located within, the same area will be evaluated pursuant to CEQA. Therefore, this exception does not apply as there is no cumulative impact of successive projects at this time.
2. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The Project does not qualify as an unusual circumstance since it maintains the site generally as open space with small structures to facilitate outdoor recreational use. Therefore, there is no reasonable probability of significant environmental impacts from unusual circumstances for this Project.
3. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic

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highway. The Project is not located adjacent to a roadway designated as a State Scenic or eligible State Scenic Highway, nor does the site contain any scenic resources of note.

Therefore, this exception does not apply.

4. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. According to the California State Water Resources Control Board Geo Tracker website, the Project site is not located within a listed hazardous waste site. Therefore, the subject site is not classified as a Hazardous Waste Site and is not barred from receiving a categorical exemption.

5. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The Project site is not located near significant historical or cultural resources and, therefore, will not cause a substantial adverse change to these resources' significance.

For the reasons described above, none of the exceptions outlined in State CEQA Guidelines Section 15300.2 apply to the Project. Therefore, Article 19, Section 15301 (Existing Facilities) may be used to exempt the Project from CEQA. This environmental determination represents the independent judgment of Riverside County.

**Impact on Residents and Businesses**

The impacts of this Project have been evaluated through the environmental review and public hearing process by Planning Department staff. The proposed Project will have a great benefit to the Thermal community by locating a sports and park facilities adjacent to the high school in the residential and commercial center of the community. The proposed Project will also benefit local businesses, including other agricultural operations, as it will maintain open land with minimal structures that will provide a suitable buffer between the agricultural and urban uses.

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|----------------------|--|
| <b>ATTACHMENT A.</b> | Draft BOS Resolution No. 2024-035                            |
| <b>ATTACHMENT B.</b> | Proposed Plot Plan and Request by Desert Recreation District |
| <b>ATTACHMENT C.</b> | Coachella Valley Agricultural Preserve No. 18, Map No. 132   |
| <b>ATTACHMENT D.</b> | Land Conservation Contract                                   |

		
Douglas Ordóñez Jr.		1/24/2024

	
Aaron Gettis, Deputy County Counsel	1/24/2024



**RESOLUTION NO. 2024-035**

**A DETERMINATION OF COMPATIBILITY PURSUANT TO ORDINANCE NO. 509**

**COACHELLA VALLEY**

**AGRICULTURAL PRESERVE NO. 18**

**(Government Code section 51238.1)**

**WHEREAS**, DD Dunlap Trust and Dorothy Dunlap Trust entered into a Land Conservation Contract with the County of Riverside pursuant to the California Land Conservation Act of 1965 (“the Williamson Act,” Government Code, § 51200 et seq.), which contract is dated January 1, 1971, and was recorded February 24, 1971, as Instrument No. 18027, in the Office of the County Recorder of Riverside County, California, which covered 122.74 acres made up of four parcels, including the parcel currently identified as Assessor’s Parcel No. (“APN” ) 757-062-006; and,

**WHEREAS**, the Desert Recreation District, a special district under the laws of the state of California, acquired APN 757-062-006 on October 11, 2017, and intends to develop a public park on its parcel, which is subject to the said contract and which is within the boundaries of the Coachella Valley Agricultural Preserve No. 18, and there being no provision in the Williamson Act to terminate a land conservation contract by operation of law when private land, subject to a contract, is acquired by a special district;

**WHEREAS**, the County has adopted rules pursuant to the Williamson Act (Government Code, § 51231) for the administration of agricultural preserves consisting of Resolution No. 84-526 and Ordinance No. 509, which require that the Board of Supervisors make a determination, if a use is not specifically listed, whether it is compatible with the agricultural preserve based on the requirements of Government Code section 51238.1;

**WHEREAS**, a compatibility determination is also required according to the terms of the Land Conservation Contract, which states in Paragraph 6 that the owner “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 No. 509”;

**WHEREAS**, pursuant to Paragraph 17 of Ordinance No. 509, the compatibility determination can

1 be limited to a certain parcel and does not need to apply to an entire agricultural preserve, or all agricultural  
2 preserves with the County, the County has determined to limit the determination to APN 757-062-00.

3 **WHEREAS**, the Desert Recreation District has submitted a plot plan showing the proposed  
4 structures on the 9.3-acre parcel which in general terms include open lawn area, walking pathways, picnic  
5 tables with canopies, playground areas, a performance stage, soccer fields, a baseball field, a basketball court,  
6 a restroom building and a parking area with approximately 70 spaces;

7 **WHEREAS**, in compliance with Ordinance No. 509, Paragraph 17, the property is uniquely situated  
8 adjacent to a high school, and its proximity to other public amenities creates a significant recreational value  
9 in the Property, and by remaining open with minimal structures, the Property will also serve as buffer between  
10 the agricultural land further out within the agricultural preserve and the residential and commercial  
11 development to the west and north in the Thermal community, especially the substantial buildings and  
12 hardscape that make up the adjacent school property;

13 **WHEREAS**, Government Code section 51201(n) states that recreational uses are compatible with  
14 agricultural uses, and the proposed public park facilitates outdoor activities, games, and sports, and only  
15 proposes ancillary structures such as restrooms and other structures which support outdoor activity;

16 **WHEREAS**, Government Code section 51238.1 states that uses approved on contracted lands shall  
17 be consistent with all of the following principles of compatibility:

- 18 (1) The use will not significantly compromise the long-term productive agricultural capability of the  
19 subject contracted parcel or parcels or on the other contracted lands in agricultural preserves.  
20 (2) The use will not significantly displace or impair current or reasonably foreseeable agricultural  
21 operations on the subject contracted parcel or parcels or on other contracted land in agricultural  
22 preserves.  
23 (3) The use will not result in the significant removal of adjacent contracted land from agricultural or  
24 open-space use.

25 **WHEREAS**, the proposed use will not significantly compromise the long-term productive  
26 agricultural capability of the subject contracted parcel or parcels or on the other contracted lands in  
27 agricultural preserves. The nature of the proposed use is that minor structures will be erected on the property,  
28 with the largest developed areas being a bathroom building and a parking area. The limited level of financial  
29 investment and limited nature of outdoor structures and minimal land alterations make it feasible to convert  
30 the Property to back to direct agricultural uses in the future. An estimated two-thirds of the northern end of

1 the property (approximately 6 acres) will remain as open grassy area, which allows for the feasibility of  
2 reestablishing agricultural uses on this portion without necessitating the removal of any significant structures.  
3 The ownership of the Property by the Desert Recreation District will maintain the Property in its open state  
4 for a minimum of 30 years pursuant to the Desert Recreational District's covenants recorded on the Property;

5 **WHEREAS**, the proposed public park will not displace or impair agricultural operations. The  
6 proposed public park is on a parcel that has not been used for productive agricultural use for some time, and  
7 therefore there is no current agricultural use that is being displaced. The existing date trees are nonviable  
8 and uncultivated and remain from a previous agricultural use. There are five contracted parcels, including  
9 Property (see above) out of the seven total parcels in the agricultural preserve, with three of those parcels  
10 being in a non-renewal status. The 77-acre date farm (Woodspur Farms) to the south (APN 757-900-004) is  
11 not within this or any other agricultural preserve. The other contracted lands do not have current agricultural  
12 operations, the existing vegetation includes uncultivated date trees; other areas are open and undeveloped;

13 **WHEREAS**, the Property is bounded on two sides (north and west) by streets and non-contracted  
14 land. Across the street to the north is a vacant parcel and single-family houses. Across the street to the west  
15 is a high school. To the east and west is a contracted parcel owned by Christ Is Salvation Church that has  
16 uncultivated date trees, and the contract is in a non-renewal period for that parcel. It is unlikely that an  
17 agricultural operation will be resumed in the future by a non-agricultural owner. As the proposed park  
18 maintains the land in an open state, it is not more likely that the adjacent parcel will be used for other than  
19 an open-space use. The use of the Property as a public park will not result in any of the surrounding  
20 properties, contracted or not, being removed from agricultural or open-space uses; and

21 **WHEREAS**, according to state law that governs special districts, General Plan Policy LU 7.2, and  
22 Ordinance No. 348, Section 18.2.a.B.1, the Project can be deemed consistent with the general plan and can  
23 proceed in the current zone and land use designation.

24 **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors of  
25 the County of Riverside, State of California, in regular session assembled on January 30, 2024, that:

- 26 1. The development of a public park by the Desert Recreation District in Coachella Valley  
27 Agricultural Preserve No. 8, is a compatible use under the Williamson Act and the Rules and  
28 Regulations Governing Agricultural Preserves in Riverside County as adopted by the Board of  
29 Supervisors and is consistent with the provisions of the Land Conservation Act of 1965, the  
30 Riverside County General Plan, and the Rules and Regulations Governing Agricultural Preserves

1 in Riverside County.

- 2 2. The proposal is exempt from the California Environmental Quality Act (“CEQA”) pursuant to  
3 State CEQA Guidelines sections 15061(b)(3) and 15303 (New Construction or Conversion of  
4 Small Structures).

5 **BE IT FURTHER RESOLVED** that the Clerk of this Board shall file and record copies of this  
6 resolution in the Office of the County Recorder of Riverside County, California, and with the Office of the  
7 Assessor of Riverside County, California.





October 25, 2023

Riverside County  
Attn: Charissa Leach  
Asst. County Executive Officer,  
Public Works & Community Services TLMA Director

**RE: Ancillary Structure(s) at Thermal Park**

Charissa,

The District previously provided you with a letter regarding the proposed recreational use of Thermal Park consistent with the Williamson Act (A copy of that letter is attached). On October 13, 2023, You responded that "the County agrees that a recreational use is consistent with the Williamson Act allowable uses, provided that the park is completed pursuant to Williamson Act Section 51201(n), including the requirement *that ancillary structures necessary for a recreational use shall comply with the provisions of Section 51238.1.(emphasis added).*"

This follow up letter lists the park elements and how the District will complete the park in a manner that includes ancillary structures that comply with the provisions of Section 51283.1.

The project will include the following elements:

- 2 Multisport Field
- 1 Multisport Courts
- 1 Splash Pad
- Play Structures (for various ages) – Poured In Place surface
- 3 Walking Paths - concrete and decomposed granite
- seating
- Picnic Area
- Landscaping (including 201 trees and 100 other drought-tolerant plants) compatible with native plants
- A Parking Lot
- A Stage
- 4 Shade Structures
- 4 Wayfinding Signs
- 1 Historical/Community Sign
- 25 Trash Receptacles
- 1 Art Installation complementary to the area
- Restrooms and concession stand
- Fencing
- Energy Efficient Lighting
- 4 Water Stations

We have not been able to find any County guidance on this subject; therefore, our approach is based upon the provisions and legislative history of the Williamson Act and its amendments, as well as samples from other counties.

There are non-agricultural uses to the West and North of the project site. To be compatible with the underlying agricultural nature of the land, many of the recreational uses will be low-density, such as viewing, picnicking and walking. There will not be any motorized or mechanized recreational activities or golf courses. To serve the nearby communities, there will be sports fields and courts with energy efficient lighting, a walking path, a playground area and a splash pad. Generally, uses will be on compacted soil or vegetation without installation of impervious surfaces. The structures associated with ancillary uses will be designed to be compatible with the terrain. There will be restrooms with water and sewer to the site as well as electricity. The hours for the facility will be from 6am to 10pm. A conceptual site plan has been developed and is attached as well as the aerial photo of the surrounding area.

Please provide the next steps for the process to obtain approval for the ancillary structures included in the park project plan.

Regards,

A handwritten signature in blue ink, appearing to read 'T. Strange', is written over a horizontal blue line.

Troy Strange  
Planning and Public Works Director

Elizabeth L. Martyn  
martynlaw2000@aol.com

REPLY TO:  
☐ ROSEVILLE ☒ ONTARIO

## MEMORANDUM

**TO:** Troy Strange, Planning & Public Works Director  
**FROM:** Elizabeth L. Martyn, District Counsel  
**DATE:** October 12, 2023  
**SUBJECT:** Continuation of Agricultural Preserve Designation

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Recently, Desert Recreation District purchased 10 acres of property in Thermal for a new park; that property has a Williamson Act contract. To clarify, the District is not seeking a diminishment. Instead, as confirmed prior to the purchase of the property, the proposed public park use is consistent with the provisions of the Williamson Act, as described below.

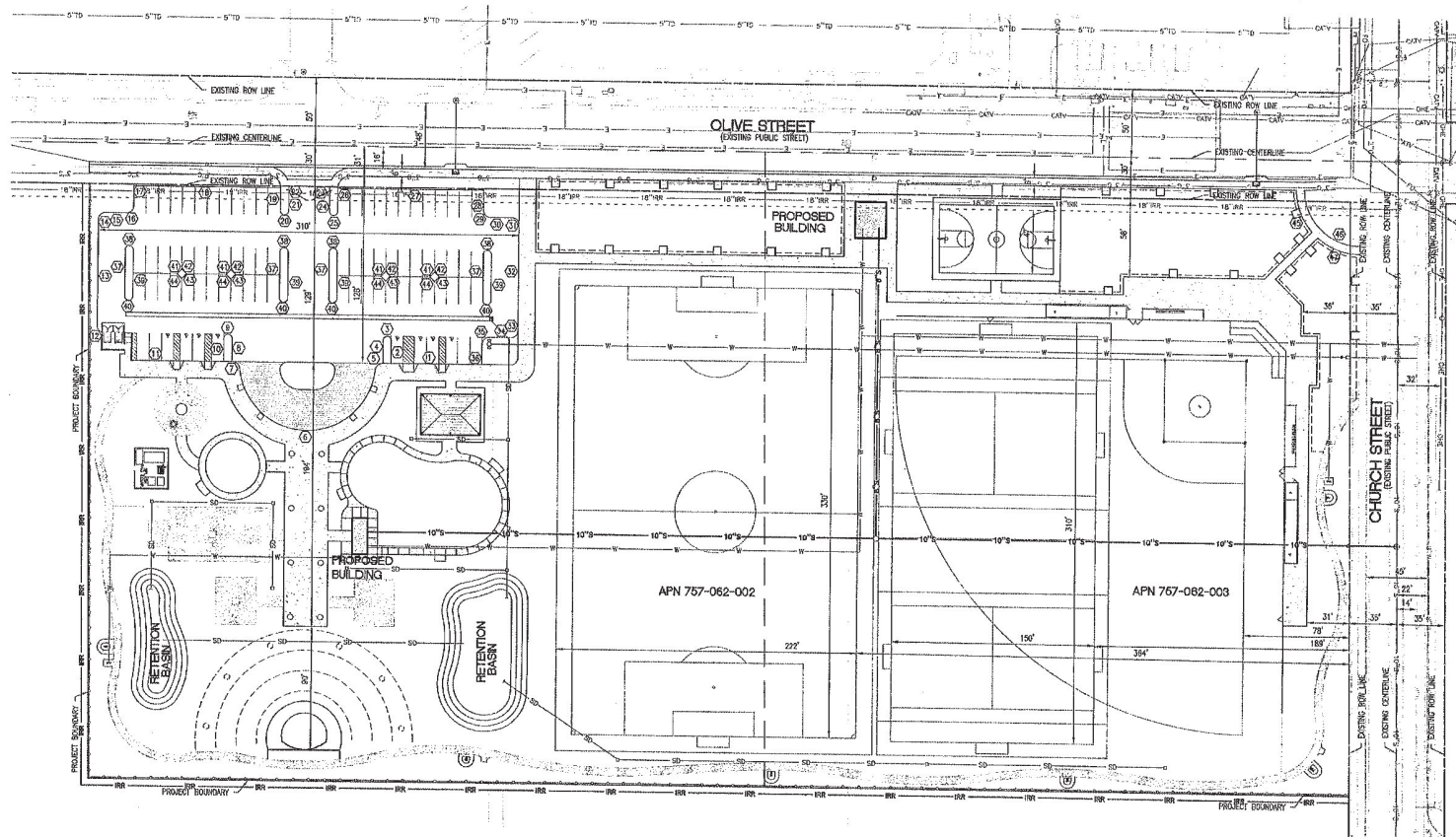
The allowable uses of property subject to a Williamson Act contract are set out in the Act, which governs the applicable uses here. Section 51201(n) provides for “recreational use” as follows:

*(n) “Recreational use” is the use of land in its agricultural or natural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for the recreational use of land as defined in this subdivision shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Any ancillary structures necessary for a recreational use shall comply with the provisions of Section 51238.1.*

In this case, the proposed uses within Thermal Park are those set out above, i.e. walking, hiking, picnicking, outdoor sports and related amenities. The District already is required by applicable law to limit its user fees to the reasonable cost of the services provided, plus overhead. The park use is open to the public. The District will pursue any and all steps to insure compatibility and meet County requirements.

Based upon our review, during the period of time in which the Williamson Act contract remains in place, the use of the property subject to the contract within the park meets the requirements of the Williamson Act and any or all County requirements. It is our understanding that agricultural uses remain on adjacent property which continues to be owned by the church from which the park property was purchased.



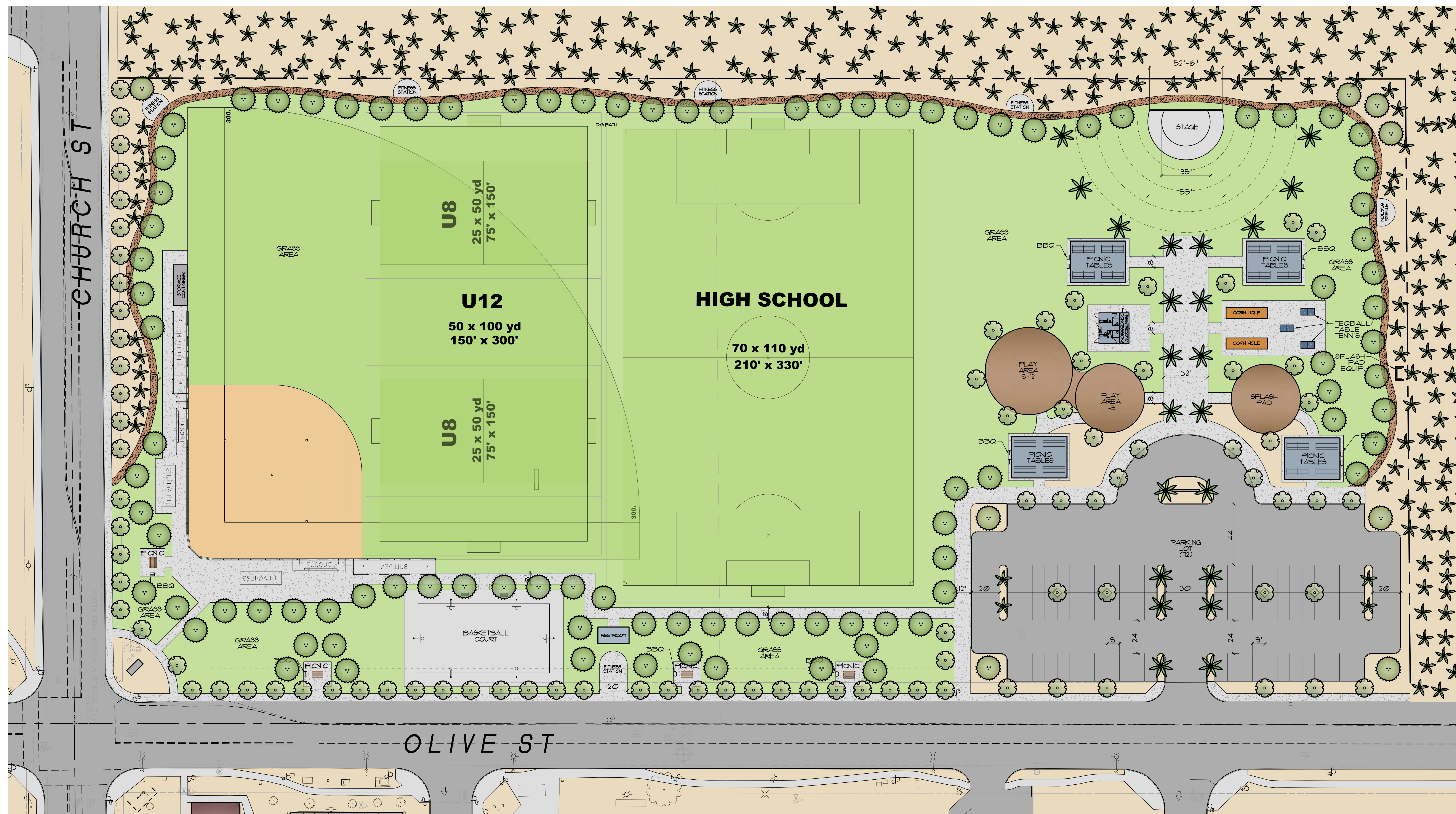


NO.	BR/PTG/DELTA	CURB DATA TABLE	INCHES	LENGTH	TANGENT
(1)	D=180'00"E		67.32		
(2)	D=180'00"E		17.00		
(3)	D=180'00"E	3.00'	9.42	0.00'	
(4)	D=180'00"E		17.00		
(5)	D=180'00"E	6.00'	8.78	5.38'	
(6)	D=180'00"E	30.00'	146.34'	463.98'	
(7)	D=180'00"E	6.00'	8.78	5.38'	
(8)	D=180'00"E		17.00		
(9)	D=180'00"E	3.00'	9.42	0.00'	
(10)	D=180'00"E		17.00		
(11)	D=180'00"E	5.00'	5.32	3.27'	
(12)	D=180'00"E		26.67		
(13)	D=180'00"E	3.00'	7.85	5.00'	
(14)	D=180'00"E		18.00		
(15)	D=180'00"E	6.00'	7.85	5.00'	
(16)	D=180'00"E		15.00		
(17)	D=180'00"E		108.00		
(18)	D=180'00"E		17.17		
(19)	D=180'00"E	3.00'	9.42	0.00'	
(20)	D=180'00"E		17.17		
(21)	D=180'00"E	15.00'	0.89	6.49'	
(22)	D=180'00"E	15.00'	1.61	6.51'	
(23)	D=180'00"E	3.00'	9.42	0.00'	
(24)	D=180'00"E		17.17		
(25)	D=180'00"E		17.17		
(26)	D=180'00"E	3.00'	9.42	0.00'	
(27)	D=180'00"E		17.17		
(28)	D=180'00"E	5.00'	7.85	5.00'	
(29)	D=180'00"E		15.00		
(30)	D=180'00"E	5.00'	7.85	5.00'	
(31)	D=180'00"E		15.00		
(32)	D=180'00"E	5.00'	7.85	5.00'	
(33)	D=180'00"E		15.00		
(34)	D=180'00"E	3.00'	9.42	0.00'	
(35)	D=180'00"E		15.00		
(36)	D=180'00"E	3.00'	9.42	0.00'	
(37)	D=180'00"E		15.00		
(38)	D=180'00"E	3.00'	9.42	0.00'	
(39)	D=180'00"E		15.00		
(40)	D=180'00"E	3.00'	9.42	0.00'	
(41)	D=180'00"E		15.00		
(42)	D=180'00"E	3.00'	9.42	0.00'	
(43)	D=180'00"E		15.00		
(44)	D=180'00"E	3.00'	9.42	0.00'	
(45)	D=180'00"E		15.00		
(46)	D=180'00"E	3.00'	9.42	0.00'	
(47)	D=180'00"E		15.00		



<b>DIGALERT</b> DIAL BEFORE YOU DIG 811 A PUBLIC SERVICE BY UNDERGROUND SERVICE ALERT	SEAL-COUNTY COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT APPROVED BY: _____ DATE: _____ R.C.E. NO. _____ EXP. 3/1/XX RECOMMENDED FOR APPROVAL: _____ DATE: _____	PROFESSIONAL ENGINEER No. 52824 Exp. 12/31/24 CIVIL STATE OF CALIFORNIA	<b>The Group</b> 44-000 Village Court, Ste. 100 Palm Desert, CA 92260 760.336.8750 • 760.340.0089 TheAltiumGroup.com ENGINEERING   PLANNING   SURVEY   ENVIRONMENTAL PREPARED UNDER THE DIRECT SUPERVISION OF: JAMES R. BAZIA, R.C.E. NO. 58391 DATE: EXP. 12/31/24	BENCHMARK NGS MONUMENT Y 1311 P.D. DX3447 0.80M SOUTHEAST ALONG STATE HIGHWAY 111 FROM THE JUNCTION OF AIRPORT BOULEVARD IN THERMAL, IN THE SOUTHEAST END OF THE NORTHEAST ADJUTMENT OF A BRIDGE OVER THE WHITEWATER RIVER, 18.4 FT NORTHEAST OF THE HIGHWAY CENTERLINE. ELEVATION= 550.29 NAVD 83 ± 500' THE ELEVATION LISTED ABOVE IS ACTUAL ELEVATION PLUS 500'	COUNTY OF RIVERSIDE <b>PRECISE GRADING AND DRAINAGE PLANS</b> HORIZONTAL CONTROL PLAN COMMUNITY OF THERMAL, CALIFORNIA FOR: DESERT RECREATION DISTRICT COUNTY FILE NO. _____	SHEET NO. <b>5</b> OF <b>6</b>
	MARK BY DATE ENGINEER _____ REVISIONS _____ APPL. DATE _____ COUNTY _____					





# THERMAL COMMUNITY PARK - FINAL CONCEPT

COMMUNITY WORKSHOP #4  
THERMAL, CA

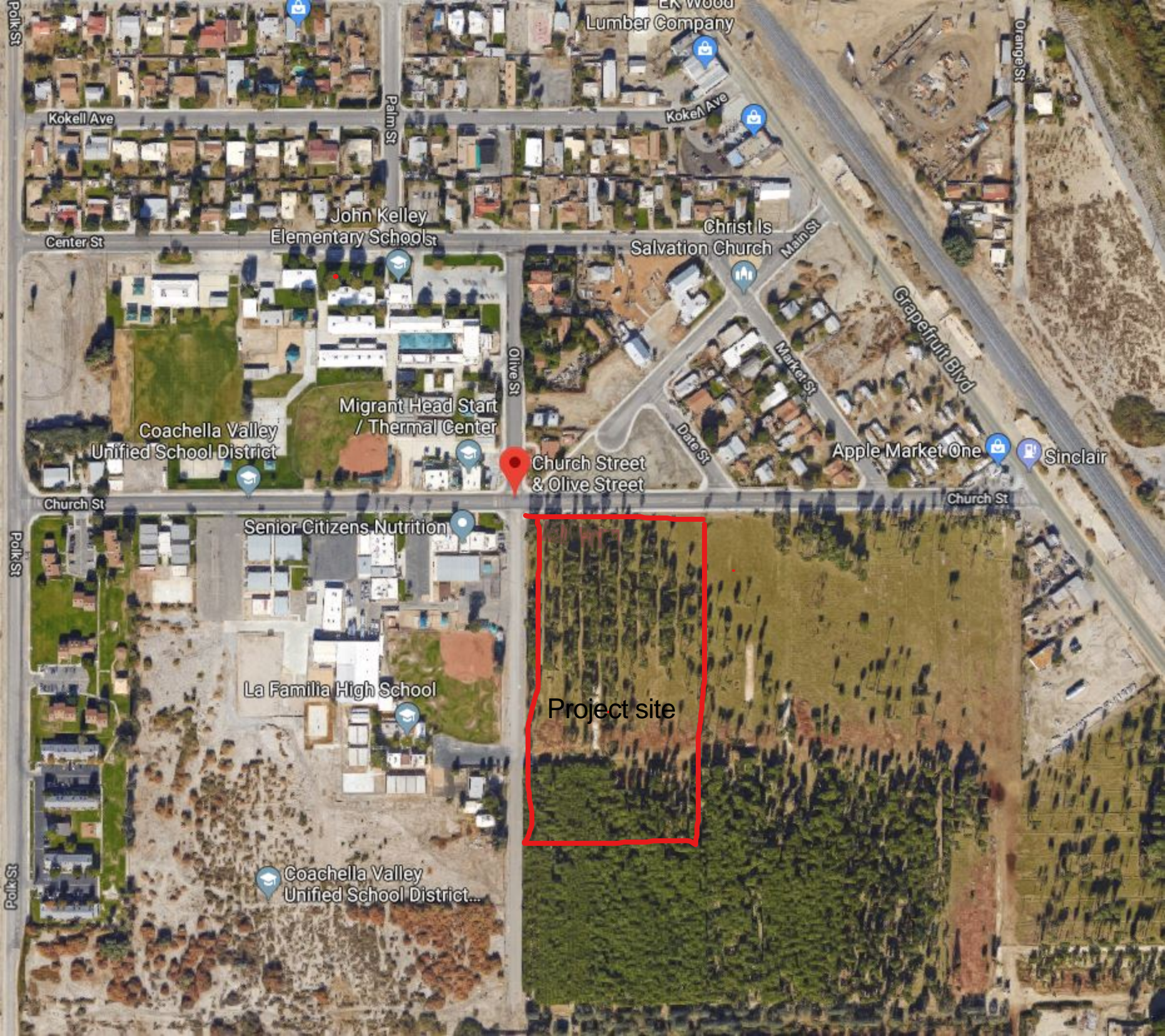


artistic conception

VIP3D







Project site



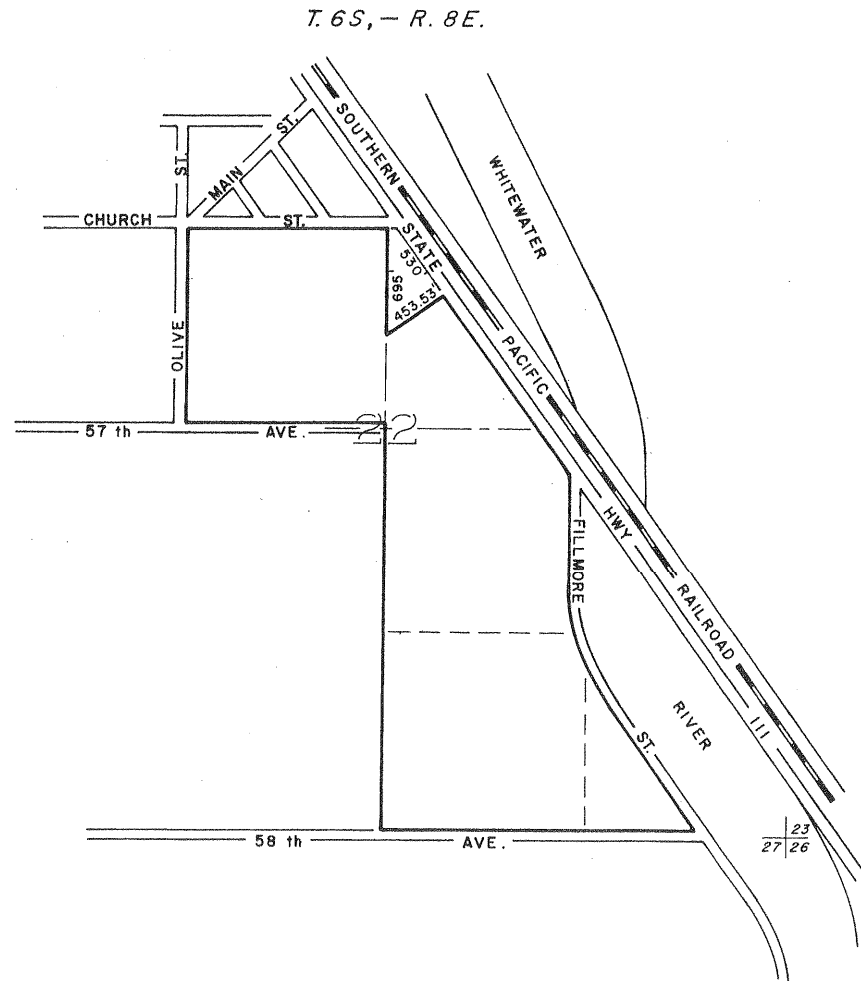
# MAP NO. 132

## COACHELLA VALLEY

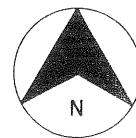
### AGRICULTURAL

### PRESERVE

## NO. 18



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





1802

Microfilm recording from 4-1-65 back and forth  
no further recording. Identify by account number  
and year of filing.

RECEIVED FOR RECORD

FEB 24 1971

30 Min. Past 9 o'clock A.M.  
At Request of

CLERK OF BOARD

Recorded in Official Records  
of Riverside County, California

*W.H. Dwyer*

Recorded  
FEE \$ NONE

LAND CONSERVATION CONTRACT

COUNTY OF RIVERSIDE, herein called "County" and D. S. Dunlap and  
Dorothy Dunlap as Trustees of the D. D. Dunlap Trust and D. S. Dunlap  
and Dorothy Dunlap as Trustees of the Dorothy Dunlap Trust,

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 No. 18 Agricultural Preserve. Map No. 132

2. This contract shall take effect on January 1, 1971, 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 cancelled only in accordance with Sections 51282, 51283, 51283.3, 51284 and 51285 of the Government Code.

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

180  
permitted by or pursuant to the Uniform Rules established for the administration of agricultural preserves by Riverside County Ordinance 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, Court House, Riverside, California. 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 January 1, 1971.

ATTEST:

Donald D. Sullivan, Clerk

By *Agnes Hughes*  
(Seal) Deputy

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

On February 10, 1971 before me  
personally appeared

Dorothy Dunlap and

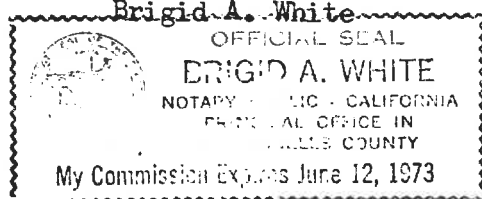
D. S. Dunlap

Known to me to be the persons whose  
names are subscribed to the within  
instrument and acknowledged that they  
executed the same.

*Brigid A. White*

Notary Public

Brigid A. White



COUNTY OF RIVERSIDE

By *W. A. McLean*  
Chairman, Board of Supervisors  
D. D. Dunlap Trust

OWNER: *Dorothy Dunlap* Trustee

OWNER: *D. S. Dunlap* Trustee

OWNER: *Dorothy Dunlap* Trustee

OWNER: *D. S. Dunlap* Trustee

Mailing Address: 3591 Long Beach Blvd.

Long Beach, California 90807

EXHIBIT A

LEGAL DESCRIPTION

Coachella Valley No. 18 Agricultural Preserve, Map No. 132

All of that portion of the unincorporated territory of Riverside County, State of California, described as follows:

Beginning at the center of Section 22, T-6-S-R-8-E, SBBM. Thence south on the mid section line of said Section 22, to the northerly right of way line of 58th Avenue. Thence east to the westerly right of way line of Fillmore Street, thence northerly on said westerly right of way line to the southerly right of way line of Highway 111. Thence northerly on said right of way line to a point lying 530' south of Church Street, thence southwesterly 453.53', thence north 695' to the southerly right of way line of Church Street. Thence west on said right of way line to the easterly right of way line of Olive Street. Thence south on said right of way line to the northerly right of way line of 57th Avenue, thence easterly on said right of way line to the mid section line of said Section 22. Thence south to the point of beginning, excluding that portion described as follows:

That portion of the northeast 1/4 of said Section 22, lying south of Highway 111.

Parcel No. 9504-7570-62-001  
9503-7570-90-005  
9503-7570-90-006  
9501-7570-90-007

122.74 acres

1802

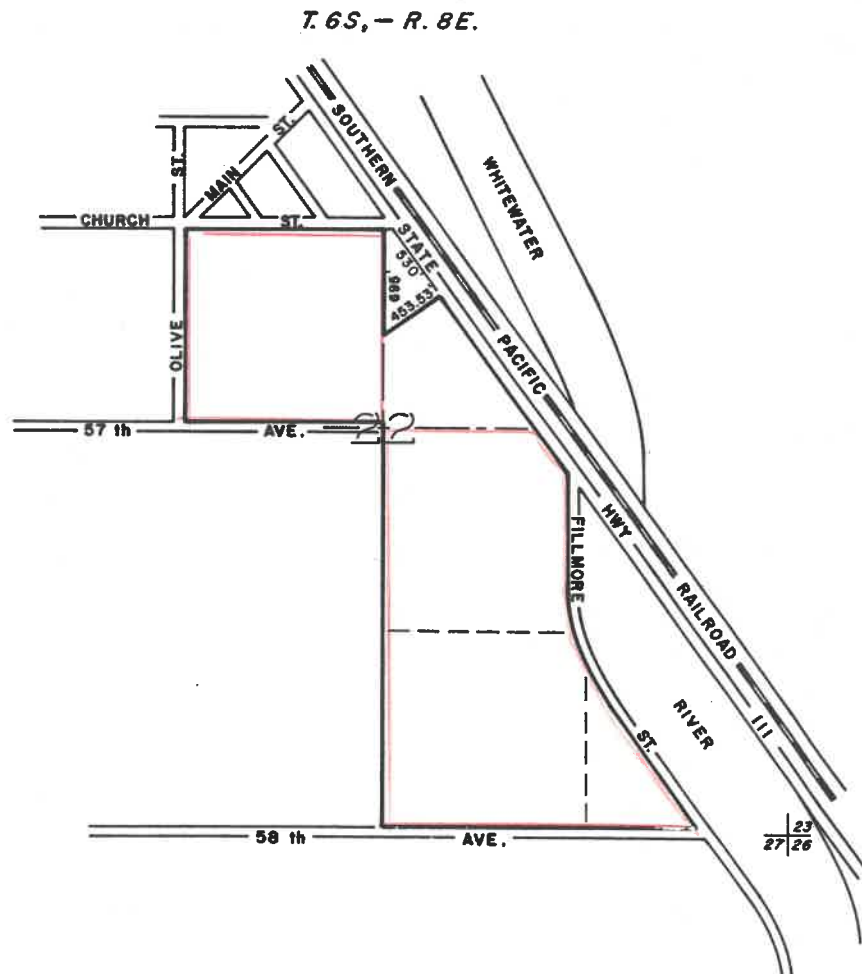
# MAP NO. 132

## COACHELLA VALLEY

### AGRICULTURAL

### PRESERVE

## NO. 18



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



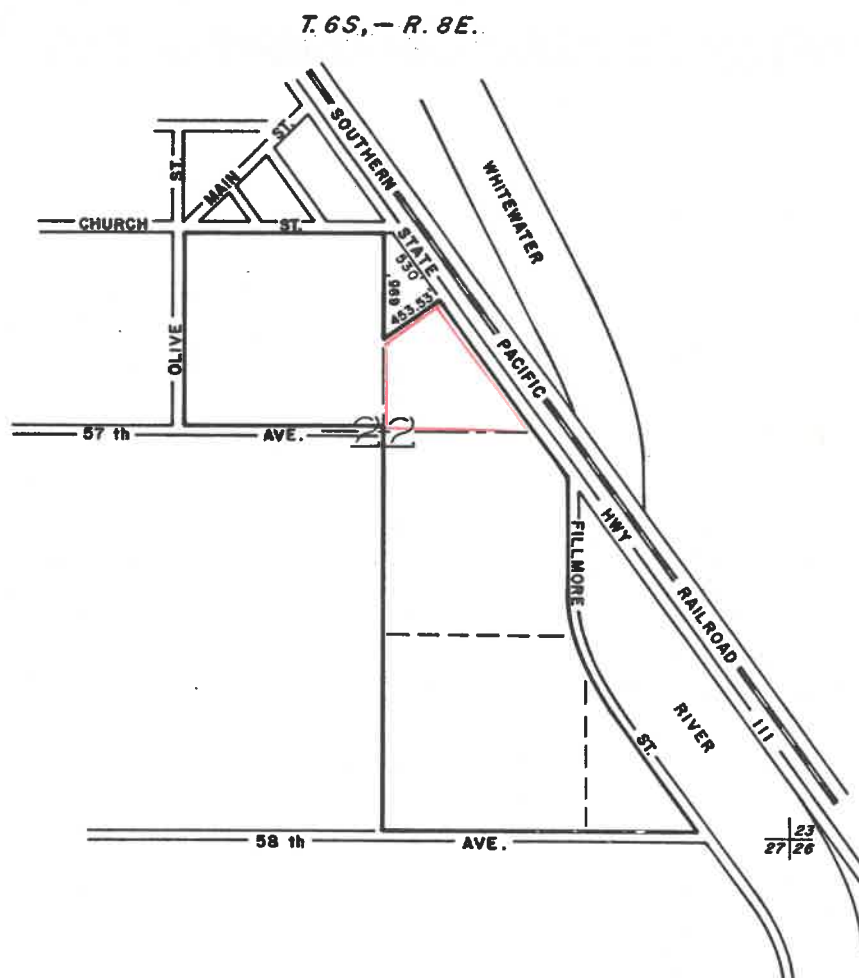
# MAP NO. 132

## COACHELLA VALLEY

## AGRICULTURAL

## PRESERVE

### NO. 18



ADOPTED ON FEBRUARY 16, 1971  
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