

1 Board of Supervisors

County of Riverside

2
3 RESOLUTION NO. 84-526

4 AMENDING THE RULES AND REGULATIONS
5 GOVERNING AGRICULTURAL PRESERVES
6 IN RIVERSIDE COUNTY

7 WHEREAS, The Rules and Regulations Governing Agricultural
8 Preserves in Riverside County, as adopted by the Board of
9 Supervisors pursuant to Section 51231 of the Government Code,
10 require certain amendments; and

11 WHEREAS, a public hearing was held by the Board of
12 Supervisors on November 6, 1984, on the proposed Rules and
13 Regulations Governing Agricultural Preserves; now, therefore,

14 BE IT RESOLVED, DETERMINED AND ORDERED by the Board of
15 Supervisors of the County of Riverside, State of California, in
16 regular session assembled on December 18, 1984, that the document
17 entitled Rules and Regulations Governing Agricultural Preserves in
18 Riverside County, dated December 18, 1984, is hereby adopted,
19 pursuant to Section 51231 of the Government Code, as the rules and
20 regulations for the administration of agricultural preserves in
21 the County of Riverside.

22
23 Roll Call resulted as follows:

24 Ayes: Abraham, Dunlap, Cenicerros, Younglove and Larson

25 Noes: None.

26 Absent: None

27
28 The foregoing is true and correct and a
resolution duly adopted by the Board of Super-
visors on the above date.

General Counsel, County of Riverside Board
John M. ...

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RULES AND REGULATIONS GOVERNING
AGRICULTURAL PRESERVES IN RIVERSIDE COUNTY

The following Rules and Regulations are adopted pursuant to California Government Code Section 51231 and shall govern the administration of agricultural preserves, including procedures for initiating, filing and processing requests to establish, enlarge, disestablish or diminish agricultural preserves, established in Riverside County pursuant to the California Land Conservation Act of 1965 (Government Code Sections 51200 et seq.) and Ordinance No. 509 of Riverside County. All agricultural preserves must be in conformance with these Rules and all provisions of the Williamson Act.

The Board declares that these Rules shall be construed as a continuation of the existing Rules and Regulations Governing Agricultural Preserves and not as a new enactment, except as to provisions of these Rules which are inconsistent therewith, and any application previously approved under the existing Rules and Regulations Governing Agricultural Preserves shall be deemed to comply with these Rules.

DIVISION I
GENERAL PROVISIONS

Section 101. Findings.

The County finds that these Rules are necessary for the promotion of the general welfare and the protection of the public interest in that:

1 (a) The preservation of the maximum amount of the limited supply
2 of agricultural land is necessary to the conservation of the
3 County's economic resources, and is necessary not only for
4 the maintenance of the agricultural economy of the County,
5 but also for the assurance of adequate, healthful and
6 nutritious food for future residents of the County.

7 (b) The discouragement of premature and unnecessary conversion
8 of agricultural land to urban uses is a matter of public
9 interest and will be of benefit to urban dwellers themselves
10 in that it will discourage discontinuous urban development
11 patterns which unnecessarily increase the costs of community
12 services to community residents.

13 (c) In a rapidly urbanizing society agricultural lands have a
14 definite public value as open space, and the preservation in
15 agricultural production of such lands, constitutes an
16 important physical, social, aesthetic and economic asset to
17 existing and pending urban or metropolitan developments.

18
19 Section 102. Definitions.

20 As used in these Rules, unless otherwise apparent from the
21 context:

22 (a) "Agricultural commodity" means any and all plant and animal
23 products produced in Riverside County for commercial
24 purposes.

25 (b) "Agricultural use" means use of land for the purpose of
26 producing an agricultural commodity for commercial purposes.

27 (c) "Agricultural preserve" or "preserve" means an area devoted
28 to those agricultural or other uses allowed under the

1 provisions of the Land Conservation Act of 1965, and those
2 compatible uses as designated and established by the Board
3 after notice and hearing.

4 (d) "Board" means the Board of Supervisors of Riverside County.

5 (e) "Compatible use" is any use so defined in Ordinance No. 509
6 of Riverside County.

7 (f) "Contract" means a Land Conservation Contract executed
8 between the County and the landowner in accordance with these
9 Rules.

10 (g) "County" means the County of Riverside, State of California.

11 (h) "Land Conservation Act of 1965" means those provisions of
12 the California Government Code commencing with Section 51200
13 which pertain to agricultural land and which is also known as
14 The Williamson Act.

15 (i) "Proximate, noncontracted land" means land not restricted by
16 contract pursuant to these Rules, which is sufficiently close
17 to land which is so restricted that it can serve as a
18 practical alternative for the use which is proposed for the
19 restricted land.

20 (j) "Rules" means these "Rules and Regulations Governing
21 Agricultural Preserves in Riverside County."

22 (k) "Suitable" for the proposed use as used in Sections 510 and
23 511 of these Rules, means that salient features of the
24 proposed use can be served by land not restricted by contract
25 pursuant to these Rules. Such nonrestricted land may be a
26 single parcel or may be a combination of contiguous or
27 discontiguous parcels.
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DIVISION II

ESTABLISHMENT OF AGRICULTURAL PRESERVES

Section 201. Agricultural Preserve Application.

Any landowner or group of landowners may initiate an application to the Board to establish an agricultural preserve or to enlarge the size of the preserve. An application to establish a preserve or to enlarge a preserve may also be initiated by the Board on recommendation of the Open Space Resources Committee but shall not be acted upon until the Owner Petition for each owner of any parcel of land included within the application has been filed by the owner.

Section 202. Lands Eligible for Preserves.

Only land that is engaged in an agricultural use, a compatible use, or any other use delineated in the Land Conservation Act of 1965 is eligible to be included in an agricultural preserve. No agricultural preserve shall be established that completely surrounds land devoted to an agricultural use or compatible use that is not included within the preserve.

Section 203. Size of Preserve.

No agricultural preserve shall be established unless it contains at least 100 acres of contiguous parcels of land; however, in order to meet this requirement two or more parcels may be combined. Enlargements of existing agricultural preserves shall consist of no less than 10 acres contiguous to the existing agricultural preserve.

1 Sect 04. Agricultural Preserve Zoning.

2 Only land that currently has agricultural zoning as defined in
3 Ordinance No. 348, Section 21.3; or for which the applicant has
4 filed a request for a change of zone to such zoning, shall be
5 included within an agricultural preserve. The request for a
6 change of zone, if necessary, shall be filed concurrently with the
7 agricultural preserve application. An environmental assessment
8 shall be required for the change of zone request.

9
10 Section 205. Contents of Applications for Establishments or
11 Enlargements.

12 The Planning Department shall provide forms on which applications
13 for establishments or enlargements are to be made. An
14 application, to be complete, must contain the following
15 information:

- 16 (1) The name of the applicant and his address and telephone
17 number. If the applicant has a representative, the name,
18 address and telephone number of the representative.
- 19 (2) A statement setting forth whether the basis of the
20 application is the establishment or enlargement of an
21 agricultural preserve.
- 22 (3) A legal description of the exterior boundaries of the land
23 to be included within the agricultural preserve.
- 24 (4) The names and addresses of the owners of the land involved
25 in the application.
- 26 (5) The acreage and assessment numbers of the land involved in
27 the application.
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- 1 (6) An Owner's Petition for each separate ownership of land
2 involved in the application. A husband and wife, a
3 partnership, a corporation, a trust, or a joint ownership
4 shall be considered as one owner.
- 5 (7) A map of the land affected by the application showing the
6 properties belonging to the separate ownerships.
- 7 (8) A nonrefundable filing fee as set forth in Section 706 of
8 these Rules for each application and for each Owner's
9 Petition.

10
11 Section 206. Owner's Petition for Establishments or Enlargements.

12 The Owner's Petition is the verified petition of an owner of each
13 parcel of land listed in an application for the creation of a
14 preserve or the addition of land to an existing preserve which
15 shall be filed with the application. The petition shall be on
16 forms provided by the Planning Department. A petition, to be
17 complete, must contain the following information:

- 18 (1) The name of the owner petitioner.
- 19 (2) The names and addresses of all record owners of the property
20 proposed to be included within a preserve, including the
21 names and addresses of all persons holding a mortgage or
22 beneficial interest under a trust deed in the property.
- 23 (3) If owner is a partnership or a corporation, a notarized
24 statement from said partnership or corporation indicating
25 that the petitioner is authorized to act on behalf of the
26 partnership or corporation, shall be included.
- 27 (4) A complete legal description of boundaries of the
28 petitioner's property as shown in the deed or title insurance
policy.

- 1 (5) A statement as to the present use of the land and any
2 agricultural commodities produced on the land.
- 3 (6) A copy of a Soil Conservation Plan prepared by the Soil
4 Conservation Service or written authorization for the Soil
5 Conservation Service to release this information to the
6 Assessor.
- 7 (7) The acreage amount and the assessment number of the property
8 proposed to be included in the preserve.

9 A petition that does not contain the above information shall be
10 returned by the Planning Director along with the application it is
11 part of as being incomplete.

12 Section 207. Report of the Planning Director.

13
14 After the filing of a completed application and any attached owner
15 petitions, the Planning Director shall prepare a report on the
16 application for the Board. The report shall contain the
17 following:
18

- 19 (1) The report of the Comprehensive Agricultural Preserve
20 Technical Advisory Committee.
- 21 (2) A statement as to whether or not the application is
22 consistent with the general plan.
- 23 (3) A map showing the location and boundaries of any preserve
24 proposed to be established or any land proposed to be added
25 to an established preserve.
- 26 (4) A recommended motion regarding the application to establish
27 or enlarge an agricultural preserve.
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1 (5) A legal description of the exterior boundaries of the land
2 to be included within the agricultural preserve.

3 The report of the Planning Director shall be submitted to the
4 Board within 60 days after a completed application is filed with
5 the Planning Director.

6 The Board will not establish a preserve , or add lands to an
7 existing preserve, until it has received the report of the
8 Planning Director or until the time within which the Planning
9 Director has to report has elapsed.

10

11 Section 208. Hearing and Notice for Establishment or Enlargement.

12 Following the receipt of the report from the Planning Director, or
13 the elapse of the time within which the report should have been
14 received, the Clerk of the Board shall set the date and time for
15 public hearing on the application. *(30-day notice req'd to any City)*

16 Notice of the hearing shall be published pursuant to Section 6061 Once
17 of the Government Code and shall include a legal description, or
18 the assessor's parcel number, of the land which is proposed to be
19 included within the preserve.

20 Written notice, at least two weeks before the hearing, shall be
21 given to the Local Agency Formation Commission and to every city
22 within one mile of the exterior boundaries of the preserve.

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24 given to the applicant, his representative and to every owner of
25 land to be included within the preserve.

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27 Section 209. Decision of the Board to Establish or Enlarge
28 a Preserve.

1 Following the close of the public hearing, the Board shall render
2 its decision.

3 (1) A decision to establish or enlarge an agricultural preserve
4 shall be a tentative approval. The Planning Department will
5 give notice to all owners of real property within the
6 proposed preserve that they have 90 days after the date of of
7 of the Board to establish or enlarge an agricultural preserve
8 shall be made after all executed contracts have been filed
9 with the Planning Department. The final approval
10 establishing or enlarging a preserve shall be by Board
11 resolution. If contracts are not executed or returned within
12 90 days, the matter shall be returned to the Board agenda for
13 further decision by the Board.

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15 2) A decision to deny the establishment or enlargement of an
16 agricultural preserve shall be final at the time of initial
17 decision and shall be by minute order of the Board.

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DIVISION III

LAND CONSERVATION CONTRACTS

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4 Section 301. Lands Eligible for Contracts.

5 Only those lands designated by the County as agricultural
6 preserves, and located within an approved or tentatively approved
7 agricultural preserve and devoted to agricultural uses are
8 eligible to be the subject of a land conservation contract between
9 the County and the landowner.

10
11 Section 302. Request for Entry into Contract.

12 Any owner of land located within an approved or tentatively
13 approved preserve may request to enter into a contract with the
14 County of Riverside on forms provided by the Planning Department.
15 A filing fee as set forth in Section 706 of these Rules shall
16 accompany the filing of the application.

17 The application shall state whether or not the land is presently
18 devoted to an agricultural use and, if so, what that use is.

19 Section 303. Form of Contract and Conditions.

20 The conditions of the contract shall be similar for all preserves
21 and shall be on forms supplied by the County and adopted by the
22 Board of Supervisors. However, there may be differences within
23 the contracts for preserves so long as such differences are
24 related to differences in location and characteristics of the land
25 and comply with these Rules and the the requirements of the
26 Williamson Act.

27 Every land conservation contract shall:
28

1 (1) Provide for the exclusion of uses other than agricultural,
2 and other than those compatible with agricultural uses, for
3 the duration of the contract.

4 (2) Shall be binding upon, and inure to the benefit of, all
5 successors in interest of the owner. Whenever land under
6 contract is divided, the owner of any parcel may exercise,
7 independent of any other owner of a portion of the divided
8 land, any of the rights of the owner in the original
9 contract, including the right to give notice of nonrenewal
10 and to petition for cancellation. The effect of any such
11 action by the owner of a parcel created by the division of
12 land under contract shall not be imputed to the owners of the
13 remaining parcels and shall have no effect on the contract as
14 it applies to the remaining parcels of the divided land.

15
16 Section 304. Report to Board.

17 Prior to the contract being signed by the Board, the Planning
18 Director shall report to the Board on whether or not the land is
19 eligible to be the subject of a land conservation contract.

20
21 Section 305. Notice of Intent to Contract.

22 The Clerk of the Board of Supervisors shall give written notice to
23 any city within the County of its intention to consider a contract
24 which includes land within one mile of the exterior boundaries of
25 that city. Such notice shall be given at least 30 days prior to
26 the time the Board of Supervisors intends to consider the
27 execution of such a contract.

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Section 306. Term of Contract.

Each contract shall be for an initial term of no less than 10 years. Each contract shall provide that on the anniversary date of the contract or such other annual date as specified by the contract a year shall be added automatically to the initial term unless notice of nonrenewal is given as provided by Section 401 of these Rules.

Section 307. Recording of Land Conservation Contract.

No later than 20 days after the County enters into a contract with a landowner pursuant to these Rules, the Clerk of the Board of Supervisors shall record with the County Recorder a copy of the contract, which shall describe the land subject thereto, together with a reference to the map showing the location of the agricultural preserve in which the property lies. From and after the time of such recordation such contract shall impart such notice thereof to all persons as is afforded by the recording laws of the State of California.

DIVISION IV

NOTICE OF NONRENEWAL

Section 401. Notice of Nonrenewal.

If either the landowner or the County desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. Unless such written notice is served by the landowner at least 90 days prior to the renewal

1 date or by the County at least 60 days prior to the renewal date,
2 the contract shall be considered renewed as provided in Section
3 306 of these Rules.

4 Upon receipt by the owner of a notice from the County of
5 nonrenewal, the owner may make a written protest of the notice of
6 nonrenewal. The County may, at any time prior to the renewal
7 date, withdraw the notice of nonrenewal. Unless authorized by the
8 Board to serve a notice of nonrenewal on a portion of the owner's
9 land within an individual agricultural preserve, the notice of
10 nonrenewal shall be for nonrenewal of the contract for all of the
11 owner's land within an individual preserve.

12
13 Section 402. Notice of Nonrenewal on a Portion of an Owner's
14 Land within an Agricultural Preserve.

15 Upon request by the owner, the Board may authorize the owner to
16 serve a notice of nonrenewal on a portion of the land under a
17 contract.

18
19 Section 403. Form for Notice of Nonrenewal.

20 A notice of nonrenewal by the owner shall be submitted on forms
21 provided by the Planning Department. When the landowner is a
22 successor in interest to the owner who executed the contract, the
23 notice of nonrenewal shall be accompanied by proof of ownership,
24 such as a copy of the deed. The notice of nonrenewal shall be
25 submitted accompanied by the filing fee set forth in Section 706
26 of these Rules.

27
28 Section 404. Term Following Notice of Nonrenewal.

1 If the County or the landowner serves notice of intent in any year
2 not to renew the contract, the existing contract shall remain in
3 effect for the balance of the period remaining since the original
4 execution or the last renewal of the contract, as the case may be.

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6 DIVISION V

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DISESTABLISHMENT OF AGRICULTURAL PRESERVES

9 Section 501. Disestablishment or Diminishment of Agricultural
10 Preserve.

11 Any landowner or group of landowners may initiate an application
12 to terminate or diminish the size of a preserve.

13
14 Section 502. Land Ineligible for Removal from Preserve.

15 No land for which a land conservation contract has been executed
16 shall be removed from an agricultural preserve unless the contract
17 for the land is also cancelled.

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19 Section 503. Contents of Application for Disestablishments
20 or Diminishments.

21 The Planning Department shall provide forms on which applications
22 for disestablishments or diminishments are to be made. An
23 application, to be complete, must contain the following
24 information:

- 25 (1) The name of the applicant and his address and telephone
26 number. If the applicant has a representative, the name,
27 address and telephone number of the representative.

- 1 (2) A statement setting forth whether the basis of the
2 application is for the disestablishment or the diminishment
3 of an agricultural preserve.
- 4 (3) The name and map number of the affected agricultural
5 preserve.
- 6 (4) A legal description of the exterior boundaries of the
7 affected property.
- 8 (5) The names and addresses of the owners of the land involved
9 in this application.
- 10 (6) The acreages and assessment numbers of the land involved in
11 the application.
- 12 (7) A statement as to whether a notice of nonrenewal has been
13 served on the land involved in the application and the date
14 of the notice of nonrenewal.
- 15 (8) When the landowner is a successor in interest to the owner
16 who executed the contract with the County, the application
17 for disestablishment or diminishment shall be accompanied by
18 proof of ownership, such as a copy of the deed.
- 19 (9) A Petition for Cancellation of Contract.
- 20 (10) A map of the land affected by the application showing the
21 properties belonging to the separate ownerships.
- 22 (11) A non-refundable fee as set forth in Section 706 of these
23 Rules for the application.
- 24 (12) An Environmental Assessment Form and any additional filing
25 fees as may be appropriate.
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*"Cancellation" is
for contracts
only*

Section 504. Petition for Cancellation of Contract.

The Petition for Cancellation of Contract is a petition of an owner to the Board for cancellation of any contract as to all or part of the subject land, which shall be filed with the application for disestablishment or diminishment of an agricultural preserve. A petition for cancellation, to be complete, must contain the following information:

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(1) A statement requesting the Board to cancel the Land Conservation Contract, listing the preserve name, map number, and the instrument number of the contract and the date it was recorded and signed by the owner or one of the owners authorized to act on behalf of all the owners of the subject land. In the case of one owner authorized to act in behalf of all the owners, a copy of that authorization shall be attached to the petition for cancellation.

(2) The names and addresses of all record owners of the property proposed for deletion from Land Conservation Contracts, including the names and addresses of all persons holding a mortgage or beneficial interest in the property.

(3) A complete legal description of the boundaries of the petitioner's property as shown in the deed or title insurance policy.

(4) A statement outlining the proposed alternative land use for this property.

(5) Any written evidence establishing the lack of proximate noncontracted property which is both available and suitable for the proposed alternative land use.

(6) Required property owners notification information.

1 A petition for cancellation that does not contain the above
2 information shall be returned by the Planning Director along with
3 the application as being incomplete.

4
5 Section 505. Proposed Alternative Land Use.

6 The landowner's petition for cancellation shall be accompanied by
7 a proposal for a specified alternative use of the land. The
8 proposal shall be accompanied by all required applications for
9 these alternative uses and applicable fees. Forms for these
10 alternative uses of land shall be provided by the Planning
11 Department.

12 A petition for cancellation not accompanied by applications for
13 the proposed alternative uses of land and applicable fees shall be
14 returned by the Planning Director along with the application as
15 being incomplete.

16
17 Section 506. Report of the Planning Director.

18 After the filing of a completed application, attached petition for
19 cancellation, and applications for proposed alternative uses of
20 land, the Planning Director shall prepare a report on the
21 application for the Board. The report shall contain the
22 following:

- 23 (1) The report of the Comprehensive Agricultural Preserve
24 Technical Advisory Committee.
- 25 (2) A statement as to whether or not the application is
26 consistent with the general plan.
- 27 (3) A recommended motion regarding the application to
28 disestablish or diminish the agricultural preserve.

only for
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1 (4) A legal description of the exterior boundaries of the land
2 to be removed from agricultural preserve contract.

3 (5) A map showing the location and boundaries of the land to be
4 removed from agricultural preserve contract.

5 The report of the Planning Director shall be submitted to the
6 Board in conjunction with the proposed alternative uses of land.
7 The Board will not terminate or remove land from a preserve until
8 it has received the report of the Planning Director.

9
10 Section 507. Hearing and Notice for Disestablishment
11 or Diminishment.

12 Following the receipt of the report from the Planning Director,
13 the Clerk of the Board shall set the date and time for public
14 hearing on the application.

15 Notice of the proposed disestablishment or diminishment and
16 proposed cancellation of a contract ^{if any exist} shall be furnished by the
17 Board to the affected contract landowner by certified mail
18 directed to him at his last known address to the Board.

19 Notice of the hearing shall be published pursuant to Section 6061
20 of the Government Code and shall be mailed to the State Director
21 of Food and Agriculture ^{and} Conservation, and to every owner of
22 land under contract, and any portion of which is situated within
23 the same agricultural preserve and within one mile of the exterior
24 boundary of the land upon which the contract is proposed to be
25 cancelled.

26 Section 508. Grounds for Cancellation of a Contract.

27 The Board may grant tentative approval for cancellation of a
28 contract only if it makes one of the following findings:

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1 (1) That the cancellation is consistent with the purposes of the
2 Land Conservation Act of 1965; or

3 (2) That cancellation is in the public interest.

4 For the purposes of this section, the uneconomic character of an
5 existing agricultural use shall not by itself be sufficient reason
6 for cancellation of the contract. The uneconomic character of an
7 existing use may be considered only if there is no other
8 reasonable or comparable agricultural use to which the land may be
9 put.

10

11 Section 509. Cancellation Consistent with the Land Conservation
12 Act of 1965.

13 For purposes of finding (1) of Section 508 of these Rules,
14 cancellation of a contract shall be consistent with the purposes
15 of the Land Conservation Act of 1965 only if the Board makes all
16 of the following findings:

17 (1) That the cancellation is for land on which a notice of
18 nonrenewal has been served pursuant to Section 401 of these
19 Rules and Government Code Section 51245.

20 (2) That cancellation is not likely to result in the removal of
21 adjacent lands from agricultural use.

22 (3) That cancellation is for an alternative use which is
23 consistent with the applicable provisions of the County
24 general plan.

25 (4) That cancellation will not result in discontinuous patterns
26 of urban development.

27 (5) That there is no proximate noncontracted land which is both
28 available and suitable for the use to which it is proposed

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1 the contracted land be put, or, that development of the
2 contracted land would provide more contiguous patterns of
3 urban development than development of proximate noncontracted
4 land.

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6 Section 510. Cancellation in the Public Interest.

7 For purposes of finding (2) of Section 508 of these Rules,
8 cancellation of a contract shall be in the public interest only if
9 the Board makes the following findings:

- 10 (1) That other public concerns substantially outweigh the
11 objectives of the Land Conservation Act of 1965; and
12 (2) That there is no proximate noncontracted land which is both
13 available and suitable for the use to which it is proposed
14 the contracted land be put, or, that development of the
15 contracted land would provide more contiguous patterns of
16 urban development than development of proximate noncontracted
17 land.

18
19 Section 511. Certificate of Tentative Cancellation.

- 20 (1) Upon tentative approval of a petition accompanied by a
21 proposal for a specified alternative use of the land, the
22 Clerk of the Board shall record in the Office of the County
23 Recorder a certificate of tentative cancellation, which shall
24 set forth the name of the landowner requesting the
25 cancellation, the fact that a certificate of cancellation of
26 contract will be issued and recorded at such time as
27 specified conditions and contingencies are satisfied, a
28 description of the conditions and contingencies which must be

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satisfied, and a legal description of the property.

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Conditions to be satisfied shall include payment in full of the amount of the fee computed under the provisions of Sections 513 and 514 of these Rules, together with a statement that unless the fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of the certificate of tentative cancellation, such fee shall be recomputed as of the date of notice described in paragraph (2) of this section. Any provisions related to the waiver of such fee or portion thereof shall be treated in the manner provided for in the certificate of tentative cancellation. Contingencies to be satisfied shall include a requirement that the landowner obtain all permits necessary to commence the project. The Board may, at the request of the landowner, amend a tentatively approved specified alternative use if it finds that such amendment is consistent with the findings made pursuant to Section 508 of the Rules.

- (2) The landowner shall notify the Board when he has satisfied the conditions and contingencies enumerated in the certificate of tentative cancellation. Within 30 days of receipt of such notice, and upon a determination that the conditions and contingencies have been satisfied, the Board shall execute a certificate of final cancellation of contract and cause the same to be recorded.
- (3) If the landowner has been unable to satisfy the conditions and contingencies enumerated in the certificate of tentative cancellation, the landowner shall notify the Board of the
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1 particular conditions or contingencies he is unable to
2 satisfy. Within 30 days of receipt of such notice, and upon
3 a determination that the landowner is unable to satisfy the
4 conditions and contingencies listed, the Board shall execute
5 a certificate of withdrawal of tentative approval of a
6 cancellation of contract and cause the same to be recorded.
7 However, the landowner shall not be entitled to the refund of
8 any cancellation fee paid.

9
10 Section 512. Decision of the Board for Disestablishment.

11 Following the close of the public hearing, the Board shall render
12 its decision. A decision to diminish or terminate an agricultural
13 preserve shall be made as follows:

- 14 (1) If none of the land is subject to an executed land
15 conservation contract, the decision shall be final upon the
16 
- 17 (2) If some or all of the land is subject to an executed land
18 conservation contract, the tentative approval of the
19 disestablishment or diminishment shall be by minute order and
20 the matter shall be referred back to the Planning Department
21 for the preparation of a Certificate of Tentative
22 Cancellation in accordance with the provisions of Section 511
23 of these Rules for adoption by the Board, or for preparation
24 of a Certificate of Final Cancellation for adoption by the
25 Board if all conditions of approval have been completed by
26 the applicant. Adoption of the Certificate of Tentative
27 Cancellation or the Certificate of Final Cancellation shall
28 be by resolution.

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2 Section 513. Cancellation Fee.

- 3 (1) Prior to any action by the Board giving tentative approval
4 to the cancellation of any contract, the County Assessor
5 shall determine the ~~full cash~~ ^{current market} value of the land as though it
6 were free of the contractual restriction. The Assessor shall
7 certify to the Board the cancellation valuation of the land
8 for the purpose of determining the cancellation fee.
- 9 (2) Prior to giving tentative approval to the cancellation of
10 any contract the Board shall determine and certify to the
11 County Auditor the amount of the cancellation fee which the
12 landowner must pay the County Treasurer as deferred taxes
13 upon cancellation. That fee shall be an amount equal to 12½
14 percent of the cancellation valuation of the property.
- 15 (3) If they find that it is in the public interest to do so the
16 Board may waive any such payment or any portion thereof, or
17 may extend the time for making such payment or a portion
18 thereof contingent upon the future use made of the land and
19 its economic return to the landowner for a period of time not
20 to exceed the unexpired period of the contract, had it not
21 been canceled, provided the requirements set forth in
22 Government Code Section 51283 are met.

23 Deferred taxes collected under the provisions of this section
24 shall be transmitted by the County Treasurer to the State
25 Controller in accordance with the requirements of Government Code
26 Section 51283(d).

27
28 Section 514. Additional Deferred Taxes.

1 In addition to the fee provided for in Section 513 of these Rules,
2 the Board shall require the payment of additional deferred taxes,
3 determined according to the provisions of Government Code Section
4 51283.1.

5 The additional deferred taxes shall be collected in the same
6 manner and at the same time as the cancellation fee provided for
7 in Section 513 of these Rules.

8
9 DIVISION VI.

10 COMPREHENSIVE AGRICULTURAL PRESERVE

11 TECHNICAL ADVISORY COMMITTEE

12
13
14 Section 601. Function of the Committee.

15 The function of the Comprehensive Agricultural Preserve Technical
16 Advisory Committee (CAPTAC) is to review and prepare a report on
17 applications involving agricultural preserves, and to advise the
18 Board on the administration of the agricultural preserves in the
19 County and on any matters relating to contracts entered into
20 pursuant to these Rules.

21 Section 602. Composition of the Committee.

22 The Comprehensive Agricultural Preserve Technical Advisory
23 Committee shall be composed of the Planning Director, who shall be
24 Chairman, the County's Open Space Resources Committee, and one
25 representative of each of the following:

- 26 (1) Agricultural Commissioner.
27 (2) U.S.D.A. Soil Conservation Service.

1 (3) University of California - Cooperative Extension, County of
2 Riverside.

3 (4) County Assessor.

4 The Office of County Counsel shall provide legal advice to the
5 CAPTAC upon request.
6

7 Section 603. Transmittal of Documents.

8 Upon filing of an application involving an agriculturalthe
9 Planning Director shall prepare and transmit to each member of the
10 Comprehensive Agricultural Preserve Technical Advisory Committee a
11 copy of the application and any accompanying owner petitions, a
12 vicinity map, and a proposed boundary map.
13

14 Section 604. Meetings.

15 The Comprehensive Agricultural Preserve Technical Advisory
16 Committee shall meet at the call of the Planning Director.
17

18 Section 605. Contents of Report.

19 The report of the Comprehensive Agricultural Preserve Technical
20 Advisory Committee shall contain:

21 (1) A statement as to whether or not the Comprehensive
22 Agricultural Preserve Technical Advisory Committee recommends
23 approval of the application and the reasons for said
24 recommendation.

25 (2) Any recommendation for modification of the application.

26 (3) If the application submitted is to establish a preserve or
27 to add lands to an existing preserve, the report shall also
28 include the Technical Advisory Committee's factual findings

- 1 (a) Present zoning of lands proposed to be included in the
2 preserve and surrounding land.
- 3 (b) Present land use of land proposed to be included in the
4 preserve and surrounding properties.
- 5 (c) Whether or not the land proposed to be included in the
6 preserve is presently employed in an agricultural use
7 and, if so, the agricultural commodities grown thereon.
- 8 (d) The agricultural commodities that may be grown on the
9 property proposed to be included in the preserve taking
10 into consideration the said type, water availability and
11 other conditions that may affect the growing of crops.
- 12 (e) Whether or not the existing or proposed agricultural
13 use of the land constitutes or could constitute a
14 nuisance, public or private, to the surrounding lands.
- 15 (f) The current assessed valuation and the estimated
16 reduction in assessed valuation if the real property
17 proposed to be included in the preserve enters into a
18 land conservation contract.
- 19 (g) A list of any cities that are within one mile of the
20 proposed boundaries of the preserve, and any comments
21 expressed by such a city on the application.
- 22 (h) The existence of any historic or scenic values to the
23 lands proposed to be included in the preserve.
- 24 (i) The acreages of each land owner included in the
25 application and the total acreage.
- 26 (4) If the application submitted is to disestablish a preserve
27 or to delete lands from a preserve, the report shall also
28 include the Technical Advisory Committee's findings and
conclusions as to the following:

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- (a) Whether a notice of nonrenewal has been served pursuant to the Williamson Act Section 401 of these Rules.
- (b) Whether the cancellation is likely to result in the removal of adjacent lands from agricultural use.
- (c) Whether the proposed alternative use of land is consistent with the provisions of the County general plan.
- (d) Whether the cancellation will result in discontinuous patterns of urban development.
- (e) Whether there is proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, whether the development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

DIVISION VII
MISCELLANEOUS PROVISIONS

Section 701. Filing of Map and Resolution.

Whenever an agricultural preserve is established, and so long as it shall be in effect, a map of such agricultural preserve and the resolution under which the preserve was established shall be filed and kept current with the County Recorder.

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Section 702. Filing of Map with State Director of Food and

1 Agriculture.

2 On or before the first day of September of each year, the Planning
3 Director shall file with the State Director of Food and
4 Agriculture a map of the County designating thereon all
5 agricultural preserves in existence at the end of the preceding
6 fiscal year.

7
8 Section 703. Rescission of Contract and Simultaneous Entry into
9 New Contract.

10 Notwithstanding any other provision of these Rules, the parties
11 may upon their mutual agreement rescind a contract in order
12 simultaneously to enter into a new contract pursuant to these
13 Rules which new contract would enforceably restrict the same
14 property for an initial term at least as long as the unexpired
15 term of the contract being so rescinded but not less than 10
16 years. Such action may be taken notwithstanding the prior serving
17 of a notice of nonrenewal relative to the former contract.

18
19 Section 704. Minimum Lot Sizes Within Agricultural Preserves.

20 Whenever a division of land is proposed within an agricultural
21 preserve, the total number of lots shall be determined pursuant to
22 the general plan for Riverside County and any applicable zoning
23 classification, whichever is more restrictive. In any event, no
24 parcel shall be created that is below the minimum size of 10
25 acres.

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1 Section 705. Filing Period for Agricultural Preserves.

2 No application to establish, terminate, enlarge or diminish an
3 agricultural preserve shall be received on or after November 1 of
4 any year until March 1 of the following year.

5 Section 706. Fees.

6 The fee for an application to create a preserve or add lands to a
7 preserve shall be \$400 plus \$40 for each owner's petition filed
8 with the application. There will also be a \$25 contract fee if
9 the application is approved. The fee for an application to
10 terminate or remove lands from a preserve shall be \$400. The
11 appropriate fee shall accompany the application and is not
12 refundable. There shall be no fee for an application initiated by
13 the Board of Supervisors; provided, however, that the \$40 fee for
14 each owner petition shall be payable with the contract fee when
15 the property is proposed to be placed under a Land Conservation
16 Contract. The fee for a Notice of Nonrenewal shall be \$25.
17

18 Section 707. Effective Date.

19 These Rules and Regulations shall apply to all applications filed
20 on or after March 1, 1985. All applications filed prior to March
21 1, 1985, and not finally acted upon by that date shall not be
22 finally determined until the information required by these Rules
23 and Regulations have been supplied.
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Dated: December 18, 1984

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