

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

4456



FROM: TLMA - Planning Department

SUBMITTAL DATE:
February 13, 2007

SUBJECT: Adoption of Resolution No. 2007-048 – Diminishment of Bautista Canyon
Agricultural Preserve No. 1 – Agricultural Preserve Case and Map No. 965 – Applicant:
Arlington Veterinary Laboratories, Inc. – Engineer / Representative: Clifford J. Olsen – Third
Supervisory District – Bautista Zoning Area – San Jacinto Valley Area Plan – ±26.83 Acres (Net)

RECOMMENDED MOTION: Adoption of Resolution No. 2007-048 for the diminishment of
Bautista Canyon Agricultural Preserve No. 1, Map No. 965, based upon the hereinafter
listed findings and conclusions:

FINDINGS:

1. The ±26.83-acres subject to this diminishment is comprised of three parcels
(Assessor's Parcel No. (APN) 552-120-006-1, 552-120-009-4 and
552-120-013-7) and the southerly ±7.40-acres of APN 552-150-038-3. The
parcels are located north of and adjacent to the easterly extension of the
terminus of Whittier Avenue, southerly of Mayberry Avenue, east of and
adjacent to New Chicago Avenue and west of and adjacent to Bautista Creek
Flood Control Channel in western Riverside County.
2. Three separate Land Conservation Contracts affect the diminishment of
Bautista Canyon Agricultural Preserve No. 1, Map No. 965. The first of these
contracts was entered into by A. F. Gillette and Ruby J. Gillette, husband and
wife, with the County of Riverside for land within Bautista Canyon Agricultural
Preserve No. 1 (APN 552-120-009-4). The contract is dated January 1, 1971,


Ron Goldman
Planning Director

RG:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 2/13/07 BY [Signature]

FORM APPROVED
COUNTY CLERK

FEB 16 2007

BY [Signature]

☒ Policy

☐ Consent

Dep't Recomm.:

☒ Policy

☐ Consent

Per Exec. Ofc.:

Prev. Agn. Ref.

District: Third

Agenda Number:

and was recorded on February 26, 1971, as Instrument No. 19286 in the Office of the County Recorder of Riverside County, California.

3. Pursuant to the Land Conservation Act of 1965, Robert D. Olsen, Elva I. Olsen, Clifford J. Olsen and Sherry A. Olsen, the subsequent property owners of APN 552-120-009-4, filed a notice of non-renewal on November 25, 1981, which notice was recorded on December 4, 1981, as Instrument No. 225278, and, as a consequence, the Land Conservation Contract as it applies to the subject property expired on January 1, 1993.
4. The second of these contracts was entered into by Robert D. Olsen and Elva I. Olsen, husband and wife, with the County of Riverside for land within Bautista Canyon Agricultural Preserve No. 1 (APN 552-120-006-1). The contract is dated January 1, 1971, and was recorded on March 15, 1971, as Instrument No. 25626 in the Office of the County Recorder of Riverside County, California.
5. Pursuant to the Land Conservation Act of 1965, Robert D. Olsen and Elva I. Olsen, filed a notice of non-renewal on November 25, 1981, which notice was recorded on December 4, 1981, as Instrument No. 225279, and, as a consequence, the Land Conservation Contract as it applies to the subject property (APN 552-120-006-1) expired on January 1, 1993.
6. The third of these contracts was entered into by Arlington Veterinary Laboratories, Inc., a corporation, with the County of Riverside for land within Bautista Canyon Agricultural Preserve No. 1 (APN 552-120-013-7 and the southerly ± 7.40 -acres of APN 552-150-038-3). The contract is dated January 1, 1971, and was recorded on February 26, 1971, as Instrument No. 19440 in the Office of the County Recorder of Riverside County, California.
7. Pursuant to the Land Conservation Act of 1965, Clifford J. Olsen, as authorized agent and Treasurer of Arlington Veterinary Laboratories, Inc., filed a notice of non-renewal on November 25, 1981, which notice was recorded on December 4, 1981, as Instrument No. 225280, and, as a consequence, the Land Conservation Contract as it applies to the subject property (APN 552-120-013-7 and the southerly ± 7.40 -acres of APN 552-150-038-3) expired on January 1, 1993.
8. No Land Conservation Contract was executed for a portion of the land included within Bautista Canyon Agricultural Preserve No. 1 (APN 552-120-008-3).
9. No tax benefit has ever been received by the owner or owners of the real property in Bautista Canyon Agricultural Preserve No. 1, which is not subject to an executed Land Conservation Contract.

10. Under both the County's Rules and Regulations Governing Agricultural Preserves and the Comprehensive General Plan's Williamson Act Program (i.e., Land Conservation Act of 1965), a landowner may apply to have property removed from the boundaries of an agricultural preserve, once the contract has expired.
11. The Land Conservation Contracts having expired, Cliff J. Olsen, as authorized agent and Treasurer of Arlington Veterinary Laboratories, Inc., has now applied to have APN 552-120-006-1, 552-120-009-4 and 552-120-013-7) and the southerly ± 7.40 -acres of APN 552-150-038-3 removed from the boundaries of the agricultural preserve.
12. No Land Conservation Contract having been executed for that portion of land included in the Bautista Canyon Agricultural Preserve No. 1, Cliff J. Olsen, as authorized agent and Treasurer of Arlington Veterinary Laboratories, Inc., the property owner of APN 552-120-008-3, has requested to have the property removed from the boundaries of the agricultural preserve with this diminishment.

CONCLUSION:

1. The diminishment of Bautista Canyon Agricultural Preserve No. 1, Map No. 965, is consistent with the provisions of the Land Conservation Act of 1965 and the Rules and Regulations Governing Agricultural Preserves in Riverside County as adopted by the Board of Supervisors.
2. The diminishment of Bautista Canyon Agricultural Preserve No. 1, Map No. 965, is consistent with the Riverside County General Plan.

RESOLUTION NO. 2007-048
DIMINISHMENT OF BAUTISTA CANYON
AGRICULTURAL PRESERVE NO. 1
PURSUANT TO NOTICE OF NONRENEWAL

WHEREAS, three separate contracts were executed pursuant to the Land Conservation Act of 1965 (Government Code Section 51200, et seq.) for land within Bautista Canyon Agricultural Preserve No. 1.

WHEREAS, A. F. Gillette and Ruby J. Gillette, husband and wife, entered into the first of these land conservation contracts with the County of Riverside for Assessor's Parcel No. (APN) 552-120-009-4, which contract is dated January 1, 1971, and was recorded February 26, 1971, as Instrument No. 19287, in the Office of the County Recorder of Riverside County, California; and,

WHEREAS, Robert D. Olsen, Elva I. Olsen, Clifford J. Olsen and Sherry A. Olsen, the subsequent property owners of 552-120-009-4, filed a corresponding notice of non-renewal on November 25, 1981, which notice was recorded on December 4, 1981, as Instrument No. 225278, in the Office of the County Recorder of Riverside County, California;

WHEREAS, Robert D. Olsen and Elva I. Olsen, husband and wife, entered into the second of these land conservation contracts with the County of Riverside for Assessor's Parcel No. (APN) 552-120-006-1, which contract is dated January 1, 1971, and was recorded March 15, 1971, as Instrument No. 25626, in the Office of the County Recorder of Riverside County, California; and,

WHEREAS, Robert D. Olsen and Elva I. Olsen, filed a corresponding notice of non-renewal on November 25, 1981, which notice was recorded on December 4, 1981, as Instrument No. 225279, in the Office of the County Recorder of Riverside County, California;

WHEREAS, Arlington Veterinary Laboratories, Inc., a corporation, entered into the third of these land conservation contracts with the County of Riverside for Assessor's Parcel No. (APN) 552-120-013-7 and the southerly ± 7.40 -acres of APN 552-150-038-3, which contract is dated

COUNTY CLERK

FEB 16 2007
BY [Signature]

1 January 1, 1971, and was recorded February 26, 1971, as Instrument No. 19440, in the Office of the
2 County Recorder of Riverside County, California; and,

3 WHEREAS, Clifford J. Olsen, as authorized agent and Treasurer of Arlington Veterinary
4 Laboratories, Inc., filed a corresponding notice of non-renewal on November 25, 1981, which notice
5 was recorded on December 4, 1981, as Instrument No. 225280, in the Office of the County Recorder
6 of Riverside County, California;

7 WHEREAS, the filing of said Notices of Non-Renewal resulted in the expiration of the
8 contracts as they apply to the subject parcels on January 1, 1993, pursuant to Government Code
9 Section 51245 and 51246;

10 WHEREAS, the Board of Supervisors of the County of Riverside, State of California, in
11 regular session assembled on November 28, 1966, adopted Bautista Canyon Agricultural Preserve
12 No. 1, Map No. 1; and,

13 WHEREAS, no Land Conservation Contract was executed for a portion of the land included
14 within Bautista Canyon Agricultural Preserve No. 1, Map No. 1 (APN 552-120-008-3); and,

15 WHEREAS, no tax benefit has ever been received by the owner or owners of the real
16 property in Bautista Canyon Agricultural Preserve No. 1, which is not subject to an executed Land
17 Conservation Contract; and,

18 WHEREAS, Clifford J. Olsen, as authorized agent and Treasurer of Arlington Veterinary
19 Laboratories, Inc., the property owner of APN 552-120-008-3, has requested to have the property
20 removed from the boundaries of the agricultural preserve with this diminishment; now, therefore,

21 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of
22 Supervisors of the County of Riverside, State of California, in regular session assembled on
23 February 27, 2007, that the Clerk of this Board shall file and record copies of this resolution, map
24 and boundary description, in the Office of the County Recorder of Riverside County, California,
25 with the Director of Conservation, State of California, and with the Office of the Assessor of
26 Riverside County, California, and that:

- 27 1. Bautista Canyon Agricultural Preserve No. 1, Map No. 1, dated November 28, 1966,
28 and on file in the Office of the Clerk of this Board, is further amended by deleting

therefrom the area shown on the map entitled "AGRICULTURAL PRESERVE MAP NO. 965: AMENDMENT NO. 18 (DIMINISHMENT) OF BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1" and described by boundary description thereof, as fully set forth in the attached document entitled "EXHIBIT A, BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1, MAP NO. 965 (DIMINISHMENT)," said map and description both being on file in the Office of the Clerk of the Board.

2. The Land Conservation Contract between A. F. Gillette and Ruby J. Gillette, husband and wife, and the County of Riverside, dated January 1, 1971, and recorded on February 26, 1971, as Instrument No. 19287, in the Office of the County Recorder of Riverside County, California, and as said contract applies to APN 552-120-009-4, has expired, removing from the effect of said contract the real property in the County of Riverside, State of California, described in the attached document entitled "EXHIBIT A, BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1, MAP NO. 965 (DIMINISHMENT)," which is made a part of this resolution.
3. The Land Conservation Contract between Robert D. Olsen and Elva I. Olsen, husband and wife, and the County of Riverside, dated January 1, 1971, and recorded on March 15, 1971, as Instrument No. 25626, in the Office of the County Recorder of Riverside County, California, and as said contract applies to APN 552-120-006-1, has expired, removing from the effect of said contract the real property in the County of Riverside, State of California, described in the attached document entitled "EXHIBIT A, BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1, MAP NO. 965 (DIMINISHMENT)," which is made a part of this resolution.
4. The Land Conservation Contract between Arlington Veterinary Laboratories, Inc., a corporation, and the County of Riverside, dated January 1, 1971, and recorded on February 26, 1971, as Instrument No. 19440, in the Office of the County Recorder of Riverside County, California, and as said contract applies to APN 552-120-013-7 and the southerly ± 7.40 -acres of APN 552-150-038-3, has expired, removing from the

1 effect of said contract the real property in the County of Riverside, State of
2 California, described in the attached document entitled "EXHIBIT A, BAUTISTA
3 CANYON AGRICULTURAL PRESERVE NO. 1, MAP NO. 965
4 (DIMINISHMENT)," which is made a part of this resolution.

5 BE IT FURTHER RESOLVED that the Clerk of this Board shall file and record copies of
6 this resolution, map and boundary description in the Office of the County Recorder of Riverside
7 County, California, with the Director of Conservation of the State of California, and with the Office
8 of the Assessor of Riverside County, California.

EXHIBIT A
BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1
MAP NO. 965
(DIMINISHMENT)

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

APN 552-150-038-3 (portion): Approximately 7.4 acres

Being a portion of Farm Lot 104 of the Lands of the Fairview Land and Water Company as shown by Map on File in Book 6, Page 307 of Maps, San Diego County Records, described as follows:

BEGINNING at the Southwest corner of said Lot 104, said corner being also identified on Record of Survey in Book 31, Pages 52-59 of Records of Survey, Riverside County Records;

THENCE North $00^{\circ} 13' 32''$ West along the West line of said Lot 104 a distance of 665.82 feet to a point 650.00 feet Southerly of the North line of said Lot 104, said North line being also the centerline of Mayberry Avenue;

THENCE north $89^{\circ} 51' 03''$ East parallel with said North line a distance of 497.98 feet to a point in a non-tangent curve concave Easterly having a radius of 2900.64 feet, a radial line to said point bears South $86^{\circ} 26' 28''$ West;

THENCE Southerly along the arc of said non-tangent curve through a central angle of $09^{\circ} 54' 47''$ an arc distance of 501.85 feet to the Northeast corner of Parcel 'B' as described in Lot Line Adjustment No. 3239 recorded December 4, 1990 as Instrument No. 439850, Riverside County Records;

THENCE North $88^{\circ} 33' 22''$ West along said Parcel 'B' a distance of 221.35 feet to the Northwest corner thereof;

THENCE continuing along the boundary of said Parcel 'B' South $00^{\circ} 13' 32''$ East a distance of 180.33 feet to the South line of said Lot 104;

THENCE North $89^{\circ} 29' 08''$ West along the South line of said Lot 104 a distance of 269.00 feet to the POINT OF BEGINNING.

APN 552-120-013-7: 9.02 acres

That portion of Farm Lot 103 of the Lands of the Fairview Land and Water Company, as shown by Map on File in Book 6, Page 307 of Maps, San Diego County Records, described as follows:

BEGINNING at the Southeast corner of said Lot 103, said point being in the center line of Chestnut Avenue;

THENCE North $0^{\circ} 05'$ East along the East line of said lot, 666.26 feet to a point 650 feet Southerly of the intersection of the said East line and the center line of Almond Avenue;

THENCE Westerly and parallel with the center line of Almond Avenue, 651 feet;

THENCE South $0^{\circ} 05'$ West, 666.95 feet to the center line of Chestnut Avenue;

THENCE South 89° 56' East on the center line of Chestnut Avenue, 582.40 feet, more or less, to the old Rancho Corner San Jacinto 30;

THENCE South 89° 11' East on the center line of Chestnut Avenue, 78.60 feet to the POINT OF BEGINNING.

APN 552-120-009-4: 7.54 acres

In Section 17, Township 5 South, Range 1 East, County of Riverside, State of California, a portion of Lots 102 and 103 of Fairview Tract, as shown by Map on File in Book 6, Page 307, of Maps, San Diego County Records, and a portion of the vacated right of way of Chicago Avenue, described as follows:

BEGINNING at a point 196 feet West of the center of Lot 103;

THENCE West to the East line of New Chicago Avenue;

THENCE Southeasterly along the said street line to the North line of Whittier Avenue;

THENCE East along the North line of Whittier Avenue a distance of 390 feet, more or less;

THENCE North 58 feet;

THENCE East 70 feet;

THENCE South 58 feet;

THENCE East 30 feet, more or less;

THENCE North 636.26 feet to the POINT OF BEGINNING.

APN 552-120-006-1: 2.87 acres

In the County of Riverside, State of California, the Westerly 196 feet of the Easterly 847 feet of Lot 103 of Lands of the Fairview Land and Water Company, as shown by Map on File in Book 6, Page 307 of Maps, Records of San Diego County, California;

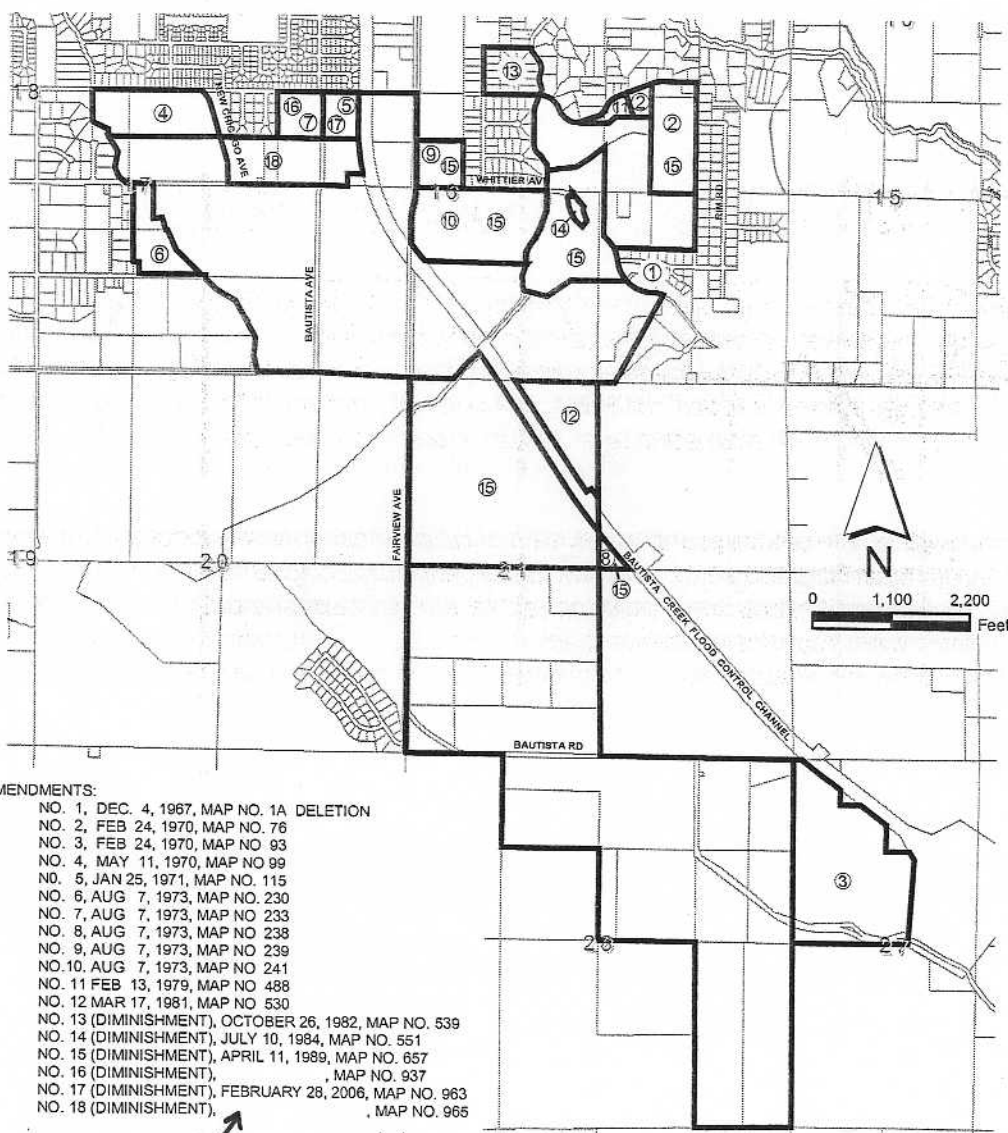
EXCEPTING therefrom the Northerly 650 feet thereof.

ALSO EXCEPTING therefrom that portion thereof in Whittier Avenue (Shown as Chestnut Avenue on said map).

Assessor Parcel No.		Acres (net)		Owners
552-150-038-3 (por)		7.40		Arlington Veterinary Laboratories, Inc.
552-120-013-7		9.02		Arlington Veterinary Laboratories, Inc.
552-120-009-4		7.54		Clifford J. Olsen, Sherry A. Olsen, Robert D. Olsen and Elva I. Olsen
552-120-006-1		2.87		Robert D. Olsen and Elva I. Olsen
		26.83		

MAP NO. 1 BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1

AMENDED BY MAP NO. 1a, 76, 93, 99, 115,
230, 233, 238, 239, 241, 488, 530, 539, 551, 657, 937, 963, 965



AMENDMENTS:

- NO. 1, DEC. 4, 1967, MAP NO. 1A DELETION
- NO. 2, FEB 24, 1970, MAP NO. 76
- NO. 3, FEB 24, 1970, MAP NO. 93
- NO. 4, MAY 11, 1970, MAP NO. 99
- NO. 5, JAN 25, 1971, MAP NO. 115
- NO. 6, AUG 7, 1973, MAP NO. 230
- NO. 7, AUG 7, 1973, MAP NO. 233
- NO. 8, AUG 7, 1973, MAP NO. 238
- NO. 9, AUG 7, 1973, MAP NO. 239
- NO. 10, AUG 7, 1973, MAP NO. 241
- NO. 11, FEB 13, 1979, MAP NO. 488
- NO. 12, MAR 17, 1981, MAP NO. 530
- NO. 13 (DIMINISHMENT), OCTOBER 26, 1982, MAP NO. 539
- NO. 14 (DIMINISHMENT), JULY 10, 1984, MAP NO. 551
- NO. 15 (DIMINISHMENT), APRIL 11, 1989, MAP NO. 657
- NO. 16 (DIMINISHMENT), MAP NO. 937
- NO. 17 (DIMINISHMENT), FEBRUARY 28, 2006, MAP NO. 963
- NO. 18 (DIMINISHMENT), MAP NO. 965

February 27, 2007

ADOPTED ON NOVEMBER 28, 1968
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.