

AMENDED IN ASSEMBLY AUGUST 20, 2010

AMENDED IN ASSEMBLY JUNE 21, 2010

AMENDED IN SENATE MAY 10, 2010

AMENDED IN SENATE APRIL 6, 2010

SENATE BILL

No. 1124

Introduced by Senator Negrete McLeod

February 18, 2010

An act to repeal Chapter 377 of the Statutes of 2004, relating to land conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1124, as amended, Negrete McLeod. Land conservation: California Wildlife, Coastal, and Park Land Conservation Act: County of San Bernardino.

The California Wildlife, Coastal, and Park Land Conservation Act, an initiative measure approved by the voters in the June 7, 1988, statewide primary election, provided bond funds for wildlife, coastal, and parkland conservation. The initiative measure may be amended by a $\frac{2}{3}$ vote of the Legislature if the amendment is consistent with the purposes of the act. Existing law requires an applicant receiving state funds under the act to maintain any property acquired in perpetuity, as specified, and use the property only for the purposes stated in the act and to make no other use, sale, or other disposition of the property except as authorized by a specific act of the Legislature. Existing law requires the County of San Bernardino to sell property it owns within the Chino Agricultural Preserve that was purchased with the bond funds if the county meets certain conditions.

This bill would revise and recast that law to authorize the County of San Bernardino to sell *or exchange* property it owns within the Chino Agricultural Preserve that was purchased with grant funds ~~from provided pursuant to~~ the act if the county, among other things, ~~uses the proceeds from each sale only for the acquisition of replacement land or conservation easements within the preserve~~ *preserves all lands and conservation easements, acquired or dedicated, in perpetuity for agricultural preservation, as specified, or for open-space conservation purposes.* The bill would prohibit the county from selling ~~or acquiring, exchanging, or otherwise acquiring~~ replacement land or conservation easements unless and until the Board of Supervisors for the County of San Bernardino adopts a detailed land plan by December 31, 2011. The bill would require the land plan to meet certain conditions including that it identify each parcel of property acquired with grant funds and show which parcel will be sold, exchanged, purchased, or retained. This bill would also require the county to take certain steps to implement an adopted land plan, including recording a conservation easement for the purpose of agricultural preservation ~~and, as specified, or~~ open-space conservation on each property identified for retention by April 1, 2012.

The bill, among other things, would also require the county to provide a report to the California Department of Parks and Recreation on all expenditures and revenues from all of the sales or exchanges of land under the land plan, on the acreages of all lands or easements sold, exchanged, and held, and on any funds from all of the sales or exchanges of land under the land plan that have not been expended. The bill would authorize the county to, among other things, propose a plan to the department for the expenditure of any unexpended proceeds from land sales or exchanges under the land plan, to be approved by the department.

The bill would authorizes the county to, among other things, apply to the department for an extension of the deadline to submit a land plan if the county satisfies specified criteria. The bill would require the department to review and approve or disapprove the request within 60 days of receipt, among other things.

The bill would declare that these requirements are an amendment of the act within the meaning of Section 6 of the act and is consistent with the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. (a) The Legislature authorizes, pursuant to*
2 *paragraph (2) of subdivision (a) of Section 5919 of the Public*
3 *Resources Code, the County of San Bernardino to sell or exchange*
4 *property it owns within the Chino Agricultural Preserve that was*
5 *purchased with grant funds provided pursuant to the California*
6 *Wildlife, Coastal, and Park Land Conservation Act (Division 5.8*
7 *(commencing with Section 5900) of the Public Resources Code),*
8 *provided that the sale or exchange satisfies the original purposes*
9 *of the grant agreement between the county and department, except*
10 *as modified by paragraph (1), the conditions of subdivision (b) of*
11 *Section 5919 of the Public Resources Code, and all of the following*
12 *conditions:*

13 *(1) The County of San Bernardino shall preserve all lands and*
14 *conservation easements acquired or dedicated as authorized by*
15 *this subdivision in perpetuity for agricultural preservation,*
16 *including community gardens, agricultural heritage projects,*
17 *agricultural and wildlife education or wildlife habitat, or for*
18 *open-space conservation purposes.*

19 *(2) By April 1, 2011, the County of San Bernardino shall place*
20 *a deed restriction on each property it acquired with grant funds*
21 *from the California Wildlife, Coastal, and Park Land Conservation*
22 *Act. The deed restriction shall be written for the purposes set forth*
23 *in paragraph (1) of this subdivision. Each deed restriction shall*
24 *be recorded with the County Recorder. Each deed restriction shall*
25 *be in effect until either a conservation easement is recorded on*
26 *the property, pursuant to subparagraph (A) of paragraph (2) of*
27 *subdivision (c), or until the County of San Bernardino sells or*
28 *exchanges the property.*

29 *(3) The County of San Bernardino satisfies all conditions in*
30 *paragraphs (1) and (2) of subdivision (c) that are necessary to*
31 *develop and implement the adopted plan.*

32 *(b) For purposes of this section, the following definitions apply:*

33 *(1) "County" means the County of San Bernardino.*

34 *(2) "Board" means the Board of Supervisors for the County of*
35 *San Bernardino.*

36 *(3) "Department" means the California Department of Parks*
37 *and Recreation.*

1 (4) “Plan” means the detailed land plan that is prepared to
2 show the existing and proposed disposition of lands purchased by
3 the County of San Bernardino in the Chino Agricultural Preserve
4 with funds from the California Wildlife, Coastal, and Park Land
5 Conservation Act (Division 5.8 (commencing with Section 5900)
6 of the Public Resources Code).

7 (5) “Grant funds” means the grant that was made to the County
8 of San Bernardino from the California Department of Parks and
9 Recreation provided pursuant to the California Wildlife, Coastal,
10 and Park Land Conservation Act (Division 5.8 (commencing with
11 Section 5900) of the Public Resources Code).

12 (6) “Preserve” means the Chino Agricultural Preserve as
13 defined by the boundaries of the 14,000-acre Chino Agricultural
14 Preserve as it existed on June 8, 1988, and includes property
15 surrounding the Chino airport.

16 (c) (1) The county shall not sell, exchange, or otherwise acquire
17 replacement land or conservation easements pursuant to this
18 section unless and until the board adopts a detailed land plan by
19 December 31, 2011. The adopted plan shall meet all of the
20 following conditions:

21 (A) It identifies each parcel of property acquired with grant
22 funds and shows which specific parcels the county will sell,
23 exchange, purchase, or retain.

24 (B) For each parcel to be sold, exchanged, purchased, or
25 retained, it identifies whether the parcel will be acquired or
26 retained in fee title or as a conservation easement.

27 (C) To the extent feasible and practical, the plan will maximize
28 the connectivity of lands for the purposes set forth in paragraph
29 (1) of subdivision (a).

30 (D) If the plan results in any net loss in acreage or habitat value
31 of protected land in comparison to what was purchased with grant
32 funds, the plan shall identify the additional replacement land within
33 the preserve that the county shall acquire or dedicate to
34 compensate for that loss.

35 (E) An environmental review accompanies the land plan.

36 (F) The land plan was provided to the department for its review
37 and approval no less than 90 days prior to the county’s adoption.
38 The land plan must be approved by the department before it can
39 be approved by the board. If the department does not approve or
40 disapprove the land plan within 45 days of receipt, it must provide

1 *written comments to the county setting forth its concerns or*
2 *suggested modifications to the county that could lead to the*
3 *department's approval if the land plan was accordingly modified.*

4 *(G) The county holds a public hearing before the board for the*
5 *purpose of reviewing the land plan and taking public comment.*
6 *The hearing shall be scheduled for a specific time during a*
7 *regularly scheduled meeting of the board, and shall be separately*
8 *noticed and publicized.*

9 *(H) The land plan and environmental review demonstrate that*
10 *there is no net loss in acreage or habitat value as a result of*
11 *implementation of the plan.*

12 *(I) The initial land plan approved by the county and the*
13 *department may be amended from time to time by the county so*
14 *long as it follows the same steps required for approving the initial*
15 *plan, including approval by the department.*

16 *(2) To implement the adopted land plan, the county shall take*
17 *the following steps, which are required to fulfill the adopted land*
18 *plan as well as any other actions that may be necessitated by the*
19 *land plan:*

20 *(A) By April 1, 2012, the county shall record a conservation*
21 *easement for the purposes set forth in paragraph (1) of subdivision*
22 *(a) on each property identified for retention in the adopted plan.*

23 *(B) Within 90 days of the acquisition of any property in fee title,*
24 *the county shall record a conservation easement on the property*
25 *for the purposes set forth in paragraph (1) of subdivision (a).*

26 *(C) If the plan identifies a net loss in acreage or habitat value*
27 *of protected lands, the county shall acquire or dedicate additional*
28 *replacement land or conservation easements within the preserve*
29 *to compensate for that loss no later than one year following the*
30 *sale of the last property to be disposed. Any conservation easement*
31 *shall be for the purposes set forth in paragraph (1) of subdivision*
32 *(a).*

33 *(D) If the county acquires a conservation easement through*
34 *purchase or exchange in furtherance of the plan, the conservation*
35 *easement shall be for the purposes set forth in paragraph (1) of*
36 *subdivision (a).*

37 *(E) Prior to closing any real property transactions with respect*
38 *to the land plan, the county shall submit independent appraisals*
39 *of the land to be sold or exchanged and the land to be acquired to*
40 *the department for concurrence with state appraisal standards.*

1 *The county and department shall make these appraisals available*
2 *to the public no later than 60 days following the sale or exchange*
3 *of the last property to be disposed.*

4 *(F) Before recordation, each conservation easement shall be*
5 *approved by the department. Each conservation easement shall*
6 *be in perpetuity. The department shall review and approve or*
7 *disapprove each conservation easement within 60 days of receipt*
8 *from the county. If the department disapproves the conservation*
9 *easement, it shall provide the reasons in writing to the county.*

10 *(d) (1) After the approved land plan is fully implemented, the*
11 *county shall provide a report to the department on all expenditures*
12 *and revenues from all of the sales or exchanges of land under the*
13 *land plan, on the acreages of all lands or easements sold,*
14 *exchanged, and held, and on any funds from all of the sales or*
15 *exchanges of land under the land plan that have not been expended.*
16 *If there are unexpended proceeds from the sales or exchanges of*
17 *land under the land plan, the county may propose a plan to the*
18 *department for the expenditure of these funds for the acquisition*
19 *of land or easements, or capital improvements to land or easements*
20 *purchased with grant funds.*

21 *(2) With the exception of revenues from the sale or exchange*
22 *of land, the county may use all income generated from the*
23 *properties it owns within the preserve that were purchased with*
24 *grant funds, or that were acquired by exchange or purchase as*
25 *authorized herein, for the acquisition of additional replacement*
26 *land within the preserve pursuant to the land plan or for the*
27 *improvement, operation, and maintenance of existing or*
28 *replacement land within the preserve.*

29 *(3) All proposed uses of the funds from the sales or exchanges*
30 *of land shall be approved by the department and be eligible*
31 *expenditures under the California Wildlife, Coastal, and Park*
32 *Land Conservation Act (Division 5.8 (commencing with Section*
33 *5900) of the Public Resources Code).*

34 *(e) If the county fails to adopt a detailed land plan by December*
35 *31, 2011, that satisfies the criteria outlined in this section, it may*
36 *apply to the department to extend the deadline specified in*
37 *subdivision (c) to a specific different date. Elements or*
38 *requirements of the land plan shall not be eliminated or*
39 *substantively modified as part of the extension. The department*
40 *shall review and approve or disapprove the request to extend the*

1 *deadline within 60 days of receipt from the county. If the*
2 *department disapproves the request for extension or modifies the*
3 *requested date of the extension, it shall provide the reasons in*
4 *writing to the county. If the county does not apply for an extension*
5 *of the deadline or the department does not approve an amendment,*
6 *the county shall record a conservation easement on all lands*
7 *purchased within the preserve with grant funds no later than June*
8 *1, 2012. Before recordation, each conservation easement shall be*
9 *approved by the department. Each conservation easement shall*
10 *be for the purposes set forth in paragraph (1) of subdivision (a),*
11 *and each shall be in perpetuity. The department shall review and*
12 *approve or disapprove each conservation easement within 60 days*
13 *of receipt from the county. If the department disapproves the*
14 *conservation easement, it shall provide the reasons in writing to*
15 *the county.*

16 *(f) This section does not exempt the county from the*
17 *requirements of the California Environmental Quality Act (Division*
18 *13 (commencing with Section 21000) of the Public Resources*
19 *Code).*

20 ~~SECTION 1. (a) The Legislature authorizes, pursuant to~~
21 ~~paragraph (2) of subdivision (a) of Section 5919 of the Public~~
22 ~~Resources Code, the County of San Bernardino to sell property it~~
23 ~~owns within the Chino Agricultural Preserve that was purchased~~
24 ~~with grant funds from the California Wildlife, Coastal, and Park~~
25 ~~Land Conservation Act (Division 5.8 (commencing with Section~~
26 ~~5900) of the Public Resources Code), provided that the sale meets~~
27 ~~the conditions of subdivision (b) of Section 5919 of the Public~~
28 ~~Resources Code and all of the following conditions:~~

29 ~~(1) The County of San Bernardino shall use all the proceeds~~
30 ~~from each sale only for the acquisition of replacement land or~~
31 ~~conservation easements within the Chino Agricultural Preserve.~~
32 ~~An exception to this may only be granted by the California~~
33 ~~Department of Parks and Recreation.~~

34 ~~(2) The County of San Bernardino shall preserve all lands and~~
35 ~~conservation easements acquired or dedicated as authorized by~~
36 ~~this subdivision in perpetuity for agricultural preservation and~~
37 ~~open-space conservation purposes.~~

38 ~~(3) By April 1, 2011, the County of San Bernardino shall place~~
39 ~~a deed restriction on each property it acquired with grant funds~~
40 ~~from the California Wildlife, Coastal, and Park Land Conservation~~

1 Act. The deed restriction shall be written for the purposes of
2 agricultural preservation and open-space conservation. Each deed
3 restriction shall be recorded with the County assessor. Each deed
4 restriction shall be in effect until either a conservation easement
5 is recorded on the property, pursuant to subparagraph (A) of
6 paragraph (2) of subdivision (e), or until the County of San
7 Bernardino sells or exchanges the property.

8 (4) The County of San Bernardino satisfies all conditions in
9 paragraph (1) of subdivision (e), and those conditions in paragraph
10 (1) of subdivision (e) that are necessary to implement the adopted
11 plan.

12 (b) For purposes of this subdivision, the following definitions
13 apply:

14 (1) “County” means the County of San Bernardino.

15 (2) “Board” means the Board of Supervisors for the County of
16 San Bernardino.

17 (3) “Department” means the California Department of Parks
18 and Recreation.

19 (4) “Plan” means the detailed land plan that is prepared to show
20 the existing and proposed disposition of lands purchased by the
21 County of San Bernardino in the Chino Agricultural Preserve with
22 funds from the California Wildlife, Coastal, and Park Land
23 Conservation Act (Division 5.8 (commencing with Section 5900))
24 of the Public Resources Code).

25 (5) “Grant funds” means the grant that was made to the County
26 of San Bernardino from the California Department of Parks and
27 Recreation from the California Wildlife, Coastal, and Park Land
28 Conservation Act (Division 5.8 (commencing with Section 5900))
29 of the Public Resources Code).

30 (6) “Preserve” means the Chino Agricultural Preserve as defined
31 by the boundaries of the 14,000-acre Chino Agricultural Preserve
32 as it existed on June 8, 1988 and includes property surrounding
33 the Chino airport.

34 (e) (1) The county shall not sell or acquire land or conservation
35 easements pursuant to this section unless and until the board adopts
36 a detailed land plan by December 31, 2011. The adopted plan shall
37 meet all of the following conditions:

38 (A) It identifies each parcel of property acquired with grant
39 funds and shows which specific parcels will be sold, exchanged,
40 purchased, or retained.

1 ~~(B) For each parcel to be sold, exchanged, purchased and~~
2 ~~retained, it identifies whether the parcel will be acquired or retained~~
3 ~~in fee title or as a conservation easement.~~

4 ~~(C) To the extent feasible and practical, the plan will maximize~~
5 ~~the connectivity of lands for agricultural preservation and~~
6 ~~open-space conservation purposes.~~

7 ~~(D) If the plan results in any net loss in acreage or agricultural~~
8 ~~and open-space value of protected land in comparison to what was~~
9 ~~purchased with grant funds, the plan shall identify additional land~~
10 ~~within the preserve to compensate for that loss.~~

11 ~~(E) An environmental review accompanies the land plan.~~

12 ~~(F) The land plan was provided to the department for its review~~
13 ~~and approval no less than 90 days prior to the county's adoption.~~
14 ~~The land plan must be approved by the department before it can~~
15 ~~be approved by the board. If the department does not approve the~~
16 ~~plan it shall provide the reasons to the county.~~

17 ~~(G) The county holds a public hearing before the board for the~~
18 ~~purpose of reviewing the land plan and taking public comment.~~
19 ~~The hearing shall be scheduled for a specific time during a regularly~~
20 ~~scheduled meeting of the board, and shall be separately noticed~~
21 ~~and publicized.~~

22 ~~(H) The land plan and environmental review demonstrate that~~
23 ~~there is no net loss in acreage or agricultural and open-space value~~
24 ~~as a result of implementation of the plan.~~

25 ~~(2) To implement the adopted land plan, the county must take~~
26 ~~the following steps, which are required to fulfill the adopted land~~
27 ~~plan as well as any other actions that may be necessitated by the~~
28 ~~land plan:~~

29 ~~(A) By April 1, 2012, the county shall record a conservation~~
30 ~~easement for the purposes of agricultural preservation and~~
31 ~~open-space conservation on each property identified for retention~~
32 ~~in the adopted plan.~~

33 ~~(B) Within 90 days of the acquisition of any property in fee~~
34 ~~title, the county shall record a conservation easement on the~~
35 ~~property for the purposes of agricultural preservation and open~~
36 ~~space conservation.~~

37 ~~(C) If the plan identified a net loss in acreage or agricultural or~~
38 ~~open-space value of protected lands, the county shall acquire or~~
39 ~~dedicate additional land or conservation easements within the~~
40 ~~preserve to compensate for that loss no later than one year~~

1 following the sale of the last property to be disposed. Any
2 conservation easement shall be for the purposes of agricultural
3 preservation and open-space conservation.

4 ~~(D) If the county acquires a conservation easement through
5 purchase or exchange in furtherance of the plan, the conservation
6 easement shall be for the purposes of agricultural preservation and
7 open-space conservation.~~

8 ~~(E) Prior to closing any real property transactions with respect
9 to the land plan, the county shall submit independent appraisals
10 of the land to be sold and the land to be acquired to the department
11 for concurrence with state appraisal standards. The county shall
12 make these appraisals available to the public.~~

13 ~~(F) Before recordation, each conservation easement shall be
14 approved by the department. Each conservation easement shall be
15 in perpetuity.~~

16 ~~(d) If the county fails to adopt a detailed land plan by December
17 31, 2011 that meets the criteria outlined in this section it may apply
18 to the department for an amendment of the time requirement
19 specified in subdivision (c). No elements or requirements of the
20 land plan may be eliminated or substantively modified as part of
21 the amendment. If the county does not apply for an amendment
22 or the department does not approve an amendment, the county
23 shall record a conservation easement on all lands purchased within
24 the preserve with grant funds no later than April 1, 2012. Before
25 recordation, each conservation easement shall be approved by the
26 department. Each conservation easement shall be for the purposes
27 of agricultural preservation and open-space conservation, and each
28 shall be in perpetuity.~~

29 ~~(e) This section shall not be construed to exempt the county
30 from the requirements of the California Environmental Quality
31 Act (Division 13 (commencing with Section 21000) of the Public
32 Resources Code).~~

33 SEC. 2. Section 1 of this act is an amendment to the California
34 Wildlife, Coastal, and Park Land Conservation Act (Division 5.8
35 (commencing with Section 5900) of the Public Resources Code)
36 within the meaning of Section 6 of that act, and is consistent with
37 the purpose of that act.

38 SEC. 3. Chapter 377 of the Statutes of 2004 is repealed.

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