

Senate Bill No. 1124

CHAPTER 321

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

[Approved by Governor September 25, 2010. Filed with
Secretary of State September 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1124, 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 provided pursuant to the act if the county, among other things, 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, 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, as specified, or open-space conservation on each property identified for retention by April 1, 2012.

The bill 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 authorize 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) An environmental review accompanies the land plan.

(F) The land plan was provided to the department for its review and approval no less than 90 days prior to the county’s adoption. The land plan must be approved by the department before it can be approved by the board. If the department does not approve or disapprove the land plan within 45 days of receipt, it must provide written comments to the county setting forth its concerns or suggested modifications to the county that could lead to the department’s approval if the land plan was accordingly modified.

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

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

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

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

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

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

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

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

(E) Prior to closing any real property transactions with respect to the land plan, the county shall submit independent appraisals of the land to be sold or exchanged and the land to be acquired to the department for concurrence with state appraisal standards. The county and department shall make these appraisals available to the public no later than 60 days following the sale or exchange of the last property to be disposed.

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

(d) (1) After the approved land plan is fully implemented, the county shall provide a report to the department 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. If there are unexpended proceeds from the sales or exchanges of land under the land plan, the county may propose a plan to the department for the expenditure of these funds for the acquisition of land or easements, or capital improvements to land or easements purchased with grant funds.

(2) With the exception of revenues from the sale or exchange of land, the county may use all income generated from the properties it owns within the preserve that were purchased with grant funds, or that were acquired by exchange or purchase as authorized herein, for the acquisition of additional

replacement land within the preserve pursuant to the land plan or for the improvement, operation, and maintenance of existing or replacement land within the preserve.

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

(e) If the county fails to adopt a detailed land plan by December 31, 2011, that satisfies the criteria outlined in this section, it may apply to the department to extend the deadline specified in subdivision (c) to a specific different date. Elements or requirements of the land plan shall not be eliminated or substantively modified as part of the extension. The department shall review and approve or disapprove the request to extend the deadline within 60 days of receipt from the county. If the department disapproves the request for extension or modifies the requested date of the extension, it shall provide the reasons in writing to the county. If the county does not apply for an extension of the deadline or the department does not approve an amendment, the county shall record a conservation easement on all lands purchased within the preserve with grant funds no later than June 1, 2012. Before recordation, each conservation easement shall be approved by the department. Each conservation easement shall be for the purposes set forth in paragraph (1) of subdivision (a), and each shall be in perpetuity. The department shall review and approve or disapprove each conservation easement within 60 days of receipt from the county. If the department disapproves the conservation easement, it shall provide the reasons in writing to the county.

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

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

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