

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

905 B



FROM: TLMA - Planning Department

SUBMITTAL DATE: October 27, 2003

SUBJECT: Adoption of Resolution No. 2003-499, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 5, Amendment No. 8, Map No. 885 – K. Hovanian Companies of California for Peter & Rita Gayle Boersma – 47.07 acres (net) – Prado-Mira Loma Zoning District – Second Supervisorial District

RECOMMENDED MOTION: Adoption of Resolution No. 2003-499, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 5, Amendment No. 8, Map No. 885, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On October 7, 2003, the Board of Supervisors tentatively approved a request by K. Hovanian Companies of California for Peter & Rita Gayle Boersma to diminish Mira Loma Agricultural Preserve No. 5 pursuant to Agricultural Map No. 885, and to cancel the land conservation contract as it applies to the 47.07-acre site located on the northeast corner of Schleisman Road and Hamner Avenue in the Eastvale area.
2. The alternative land use proposed for the site is Tentative Tract Map No. 31107 which would result in the development of one hundred and sixty (160) residential lots with a minimum lot size of 7,200 square feet, one (1) tot lot and one (1) water mitigation lot.
3. Upon adoption of the Certificate of Tentative Cancellation by the Board of

Robert C. Johnson, Planning Director

RCJ:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 11-10-03 *RCJ*

Department Recommendation: Consent Policy

Per Executive Office: Consent Policy

Prev. Agn. Ref.

Dist. Second

AGENDA NO.

3.33

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2003-499, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 5, Amendment No. 8, Map No. 885

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Supervisors, the landowner would be required to comply with the following conditions prior to the issuance of a Certificate of Final Cancellation:

- a. Payment within one year of the total amount of the cancellation fee of \$470,625.00 to the Treasurer of Riverside County, or, if after one year following the date of recordation of the Certificate of Tentative Cancellation, payment of a re-computed fee;
 - b. All conditions necessary for the County of Riverside to issue grading permits on Tract Map No. 31107 shall have been met.
4. Once all the conditions and contingencies enumerated on the Certificate of Tentative Cancellation have been satisfied, the landowners would notify the Board of Supervisors to that effect.
 5. Within 30 days of such notification, a Certificate of Final Cancellation would be executed and recorded, thereby removing the subject site from the effect of the land conservation contract and diminishing the agricultural preserve.

RESOLUTION NO. 2003-499
CERTIFICATE OF TENTATIVE CANCELLATION
OF LAND CONSERVATION CONTRACTS AND
DIMINISHMENT OF AGRICULTURAL PRESERVE
(Government Code Section 51283.4)

WHEREAS, Peter Vander Feer and Rieka Vander Feer entered into a Land Conservation Contract with the County of Riverside, pursuant to the Land Conservation Act of 1965 (Government Code Section 51200 et. seq.), which contract is dated January 1, 1971, and was recorded on February 26, 1971 as Instrument No. 19276 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Peter Boersma and Rita Gayle Boersma, the current owners of the property subject to the Land Conservation Contract referenced above, which property is described in the attached legal description entitled "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 5, AMENDMENT NO. 8, (DIMINISHMENT), MAP NO. 885," petitioned to cancel the contract and to diminish Mira Loma Agricultural Preserve No. 5, Map No. 6; and,

WHEREAS, a public hearing was held on this matter by the Riverside County Board of Supervisors on October 7, 2003; and,

WHEREAS, all procedures of the California Environmental Quality Act (CEQA) and Riverside County Rules to Implement the Act have been satisfied, including Environmental Assessment No. 38923, which consider the impacts of the establishment of the proposed alternative land use, as well as the impacts of this cancellation request; and,

WHEREAS, Tract Map No. 31107 is the alternative use; and

WHEREAS, Tract Map No. 31107 will divide the 47.07 acre parcel into one hundred and sixty (160) residential lots with a minimum lot size of 7,200 square feet, one (1) tot lot and one (1) water mitigation lot; and,

FORM APPROVED
COUNTY COUNSEL
OCT 30 2003

1 **WHEREAS, the amount of the cancellation fee, pursuant to Section 51283 of the**
2 **Government Code, has been determined and certified by this Board to be \$470,625.00;**

3 **BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the**
4 **County of Riverside, State of California, in regular session assembled on November 18, 2003**
5 **that:**

- 6 **1. The cancellation of said contract and diminishment of the agricultural preserve,**
7 **and the use of the land for the proposed alternative use are consistent with the**
8 **Riverside County Comprehensive General Plan.**
- 9 **2. The conditions with which the landowner must comply following the date of the**
10 **recording of this Certificate of Tentative Cancellation are as follows:**
 - 11 **a. Payment within one year of the total amount of the cancellation fee of**
12 **\$470,625.00 to the Treasurer of Riverside County, or, if after one year**
13 **following the date of recordation of this Certificate of Tentative**
14 **Cancellation, payment of the recomputed fee referenced on page 3 of this**
15 **resolution. This condition shall not be interpreted as constituting a**
16 **limitation on the period of validity of this Certificate of Tentative**
17 **Cancellation, nor shall an Extension of Time application be required.**
 - 18 **b. All conditions necessary for the County of Riverside to issue grading**
19 **permits on Tract Map No. 31107 (Assessor's Parcel No. 134-120-003-2)**
20 **have been met.**

21 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED that the Clerk of this**
22 **Board shall file and record copies of this resolution, map and boundary description, in the**
23 **Office of the County Recorder of Riverside County, California, and transmit copies thereof to**
24 **the Director of Conservation of the State of California, the Treasurer of Riverside County, and**
25 **the Assessor of Riverside County; and, that, upon fulfillment of all of the conditions, the**
26 **landowner will be entitled to a final certificate of cancellation which provides as follows:**

- 27 **1. Mira Loma Agricultural Preserve No. 5, Map No. 6, dated February 10, 1969, as**
28 **amended, will be further amended by deleting therefrom the area shown on the**

1 map entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 5,
2 AMENDMENT NO. 8, (DIMINISHMENT), MAP NO. 885," and described by
3 boundary description thereof, said map and description both being on file in the
4 Office of the Clerk of the Board.

- 5 2. The Land Conservation Contract between the County of Riverside and Peter
6 Vander Feer and Rieka Vander Feer, dated January 1, 1971 and recorded
7 February 26, 1971, as Instrument No. 19276, in the Office of the County Recorder
8 of Riverside County, California, will be canceled as said contract applies to land
9 referenced in the petition of Peter Boersma and Rita Gayle Boersma, thereby
10 removing from the effect of said contract the real property in the County of
11 Riverside, State of California, described in the exhibit entitled, "EXHIBIT A,
12 MIRA LOMA AGRICULTURAL PRESERVE NO. 5, AMENDMENT NO. 8,
13 (DIMINISHMENT), MAP NO. 885," a copy of which is attached hereto and
14 incorporated herein by reference.

15 BE IT FURTHER RESOLVED that, if the cancellation fee of \$470,625.00 is not paid
16 within one year following the recordation of this Certificate of Tentative Cancellation, the fee
17 shall be recomputed pursuant to Government Code Section 51283.4 (a), and the landowner shall
18 be required to pay the recomputed fee as a condition to final cancellation of the contract.

19 BE IT FURTHER RESOLVED that, upon application of the landowner, the Board may
20 hereafter amend a tentatively approved specified alternative use if the Board finds that such
21 amendment is consistent with the findings made pursuant to Government Code Section 51282.

**EXHIBIT A
MIRA LOMA AGRICULTURAL PRESERVE NO. 5
AMENDMENT NO. 8
(DIMINISHMENT)
MAP NO. 885**

LOT 29, 30, 31 AND 32 OF KINGSTON TRACT, AS PER MAP RECORDED IN BOOK 12, PAGE 6 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, TOGETHER WITH THAT PORTION OF OLIVE STREET LYING SOUTHERLY OF SAID LOTS 29 AND 30 AND NORTHERLY OF SAID LOTS 31 AND 32, VACATED BY ORDER OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, A CERTIFIED COPY OF WHICH WAS RECORDED FEBRUARY 11, 1930 IN BOOK 840, PAGE 193 OF DEEDS, RECORDS OF RIVERSIDE COUNTY.

EXCEPT FROM SAID LOTS 29 AND 32 THE WESTERLY 60 FEET MEASURED FROM THE CENTER LINE OF ADAMS AVENUE, CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED MARCH 5, 1943, IN BOOK 570, PAGE 548, OF OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ANY PORTION LYING WITHIN SCHLEISMAN ROAD THEREOF.

Assessor Parcel No.	Acres	Owners
134-120-003-2	47.07	Peter Boersma & Rita Gayle Boersma
Total	47.07	

MAP NO. 6 MIRA LOMA AGRICULTURAL PRESERVE NO. 5

AMENDED BY MAPS NO. 35, 62, 184, 597, 788, 817, 869, 885

T.2S., R.6W. S.B.B. & M.
T.2S., R.7W. S.B.B. & M.



AMENDMENTS:

- NO. 1, (ENLARGEMENT), DENIED, MAP NO. 35
- NO. 2, (ENLARGEMENT), FEBRUARY 24, 1970, MAP NO. 62
- NO. 3, (ENLARGEMENT), JANUARY 25, 1972, MAP NO. 184
- NO. 4, (DIMINISHMENT), MAY 7, 1985, MAP NO. 597
- NO. 5, (DIMINISHMENT), MAY 3, 2000, MAP NO. 788
- NO. 6, (DIMINISHMENT), AUGUST 17, 1999, MAP NO. 817
- NO. 7, (DIMINISHMENT), FEBRUARY 4, 2003, MAP NO. 869
- NO. 8, (DIMINISHMENT), MAP NO. 885

ADOPTED ON FEBRUARY 10, 1969
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.

