

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

411 B



FROM: TLMA - Planning Department

SUBMITTAL DATE: November 6, 2003

SUBJECT: Adoption of Resolution No. 2003-520, a Certificate of Tentative Cancellation of a Land Conservation Contract and Disestablishment of Mira Loma Agricultural Preserve No. 6, Amendment No. 6, Map No. 891 – Standard Pacific Homes for Standard Pacific Corporation; Gladys M. Gonzalez, Teresa E. Gonzalez and Ellen M. Gonzalez Simmons; and, Frederick W. Koning, Victor A. Koning, Adriana D. Koning, Betty L. Zwart and Koning-Meines Dairy, L.P. – 76.31 acres (net) – Prado-Mira Loma Zoning District – Second Supervisorial District

RECOMMENDED MOTION: Adoption of Resolution No. 2003-520, a Certificate of Tentative Cancellation of a Land Conservation Contract and Disestablishment of Mira Loma Agricultural Preserve No. 6, Amendment No. 6, Map No. 891, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On November 4, 2003, the Board of Supervisors tentatively approved a request by Standard Pacific Homes for Standard Pacific Corporation; Gladys M. Gonzalez, Teresa E. Gonzalez and Ellen M. Gonzalez Simmons; and, Frederick W. Koning, Victor A. Koning, Adriana D. Koning, Betty L. Zwart and Koning-Meines Dairy, L.P., to disestablish Mira Loma Agricultural Preserve No. 6 pursuant to Agricultural Map No. 891, and to cancel the land conservation contract as it applies to the 65.37-acre portion of the site located on the northeast corner of Schleisman Road and Hamner Avenue in the Eastvale area.
2. The alternative land use proposed for the 76.31-acre site, which includes the


 Robert C. Johnson, Planning Director

RCJ:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE
Jenny G. [Signature]
 DATE 12/10/03

Department Recommendation: Consent Policy
 Per Executive Office: Consent Policy

DEC 10 10:10 AM '03

Prev. Agn. Ref.

Dist. Second

AGENDA NO. 3.20

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2003-520, a Certificate of Tentative Cancellation of a Land Conservation Contract and Disestablishment of Mira Loma Agricultural Preserve No. 6, Amendment No. 6, Map No. 891

November 6, 2003

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10.94-acre parcel (Assessor's Parcel No. 130-060-017-2) no longer subject to a Land Conservation Act contract but located within the boundaries of Mira Loma Agricultural Preserve No. 6, is Tentative Tract Map No. 30735 which would result in the development of two hundred and fifty-five (255) single-family residential lots and two (2) open space lots.

3. Upon adoption of the Certificate of Tentative Cancellation by the Board of 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 \$621,000.00 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. 30735 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 disestablishing the agricultural preserve.

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RESOLUTION NO. 2003-520
CERTIFICATE OF TENTATIVE CANCELLATION
OF LAND CONSERVATION CONTRACTS AND
DISESTABLISHMENT OF AGRICULTURAL PRESERVE
(Government Code Section 51283.4)

WHEREAS, Jane Koning and John Walter Koning, husband and wife, 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. 19418 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Gladys M. Gonzalez, Teresa E. Gonzalez and Ellen M. Gonzalez Simmons, the current owners of Assessor's Parcel No. 130-060-016-1, and Standard Pacific Corporation, the current owner of Assessor's Parcel No. 130-060-015-0 and 130-060-001-7, the property subject to the Land Conservation Contract referenced above, all of which property is described in the attached legal description entitled "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 6, AMENDMENT NO. 6, (DISESTABLISHMENT), MAP NO. 891," petitioned to cancel the contract and to disestablish Mira Loma Agricultural Preserve No. 6, Map No. 19; and,

WHEREAS, Frederick W. Koning, Victor A. Koning, Adriana D. Koning, Betty L. Zwart and Koning-Meines Dairy, L.P., the current owners of Assessor's Parcel No. 130-060-017-2, filed a Notice of Nonrenewal on September 18, 1990, which notice was recorded on October 18, 1990 as Instrument No. 382738, in the Office of the County Recorder of Riverside County, California;

WHEREAS, the filing of the Notice of Nonrenewal resulted in the expiration of the contract as it applies to Assessor's Parcel No. 130-060-017-2 on January 1, 2000, pursuant to Government Code Section 51246.

FORM APPROVED
COUNTY COUNSEL
NOV 1 2003
BY *B.T.M.*

1 **WHEREAS, a public hearing was held on this matter by the Riverside County Board of**
2 **Supervisors on November 4, 2003; and,**

3 **WHEREAS, all procedures of the California Environmental Quality Act (CEQA) and**
4 **Riverside County Rules to Implement the Act have been satisfied, including Environmental**
5 **Assessment No. 38919, which consider the impacts of the establishment of the proposed**
6 **alternative land use, as well as the impacts of this cancellation request; and,**

7 **WHEREAS, Tract Map No. 30735 is the alternative use; and**

8 **WHEREAS, Tract Map No. 30735 will divide the 76.31-acre site into two hundred and**
9 **fifty-five (255) single-family residential lots and two (2) open space lots; and,**

10 **WHEREAS, the amount of the cancellation fee, pursuant to Section 51283 of the**
11 **Government Code, has been determined and certified by this Board to be \$621,000.00;**

12 **BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the**
13 **County of Riverside, State of California, in regular session assembled on December 16, 2003**
14 **that:**

- 15 **1. The cancellation of said contract and disestablishment of the agricultural**
16 **preserve, and the use of the land for the proposed alternative use are consistent**
17 **with the Riverside County Comprehensive General Plan.**
- 18 **2. The conditions with which the landowner must comply following the date of the**
19 **recording of this Certificate of Tentative Cancellation are as follows:**
 - 20 **a. Payment within one year of the total amount of the cancellation fee of**
21 **\$621,000.00 (the cancellation fee of each affected Assessor's Parcel No.**
22 **(APN) as follows: APN 130-060-001-7 is \$357,287.50; APN 130-060-015-0**
23 **is \$168,712.50; APN 130-060-016-1 is \$95,000.00; and, APN 130-060-017-2**
24 **is not subject to a cancellation fee) to the Treasurer of Riverside County,**
25 **or, if after one year following the date of recordation of this Certificate of**
26 **Tentative Cancellation, payment of the recomputed fee referenced on page**
27 **3 of this resolution. This condition shall not be interpreted as constituting**
28 **a limitation on the period of validity of this Certificate of Tentative**

1 Cancellation, nor shall an Extension of Time application be required.

- 2 b. All conditions necessary for the County of Riverside to issue grading
3 permits on Tract Map No. 30735 (Assessor's Parcel No. 130-060-001-7,
4 130-060-015-0, 130-060-016-1 and 130-060-017-2) have been met.

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

- 11 1. Mira Loma Agricultural Preserve No. 6, Map No. 19, dated February 24, 1969, as
12 amended, will be further amended by deleting therefrom the area shown on the
13 map entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 6,
14 AMENDMENT NO. 6, (DISESTABLISHMENT), MAP NO. 891," and described
15 by boundary description thereof, said map and description both being on file in
16 the Office of the Clerk of the Board.
- 17 2. The Land Conservation Contract between the County of Riverside and Jane
18 Koning and John Walter Koning, husband and wife, dated January 1, 1971 and
19 recorded February 26, 1971, as Instrument No. 19418, in the Office of the County
20 Recorder of Riverside County, California, will be canceled as said contract
21 applies to land referenced in the petitions of Gladys M. Gonzalez, Teresa E.
22 Gonzalez and Ellen M. Gonzalez Simmons and Standard Pacific Corporation,
23 thereby removing from the effect of said contract the real property in the County
24 of Riverside, State of California, described in the exhibit entitled, "EXHIBIT A,
25 MIRA LOMA AGRICULTURAL PRESERVE NO. 6, AMENDMENT NO. 6,
26 (DISESTABLISHMENT), MAP NO. 891," a copy of which is attached hereto and
27 incorporated herein by reference.
- 28 3. The Land Conservation Contract between the County of Riverside and Jane

1 Koning and John Walter Koning, husband and wife, dated January 1, 1971 and
2 recorded February 26, 1971, as Instrument No. 19418, in the Office of the County
3 Recorder of Riverside County, California, has expired, removing from the effect
4 of said contract the real property (Assessor's Parcel No. 130-060-017-2) in the
5 County of Riverside, State of California, described in the attached document
6 entitled "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 6,
7 AMENDMENT NO. 6, (DISESTABLISHMENT), MAP NO. 891," a copy of
8 which is attached hereto and incorporated herein by reference.

9 **BE IT FURTHER RESOLVED** that, if the cancellation fee of \$621,000.00 is not paid
10 within one year following the recordation of this Certificate of Tentative Cancellation, the fee
11 shall be recomputed pursuant to Government Code Section 51283.4 (a), and the landowner shall
12 be required to pay the recomputed fee as a condition to final cancellation of the contract.

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

**EXHIBIT A
MIRA LOMA AGRICULTURAL PRESERVE NO. 6
AMENDMENT NO. 6
(DISESTABLISHMENT)
MAP NO. 891**

That certain real property situated in the State of California, County of Riverside described as follows:

Parcel A:

Parcel 1 of Parcel Map 22766, in the County of Riverside, State of California, as per plat recorded in Book 157 of Parcel Maps, Pages 65 and 66, inclusive, in the official records of Riverside County.

Assessor's Parcel No. 130-060-015-0

Parcel B:

Lot "M" of Fuller Rancho, central and easterly sections, as shown by map on file in Book 16, pages through 97, inclusive, of Maps, in the official records of Riverside County;

EXCEPTING THEREFROM that portion conveyed to the County of Riverside by deed recorded March 11, 1965 as instrument No. 27717, in the official records of Riverside County.

Assessor's Parcel No. 130-060-001-7

Parcel C:

Parcel 2 as shown by Parcel Map 22766, on file in Book 157, Pages 65 and 66, of Parcel Maps, records of Riverside County, State of California.

Assessor's Parcel No. 130-060-016-1

Parcel D:

Parcel 3 as shown by Parcel Map 22766, on file in Book 157, Pages 65 and 66, of Parcel Maps, records of Riverside County, State of California.

Assessor's Parcel No. 130-060-017-2

Assessor Parcel No.	Acres	Owners
130-060-015-0	17.76	Standard Pacific Corporation
130-060-001-7	37.61	Standard Pacific Corporation
130-060-016-1	10.00	Gladys M. Gonzalez, Teresa E. Gonzalez, Ellen M. Gonzalez Simmons
130-060-017-2	10.94	Frederick W. Koning, Victor A. Koning, Adriana D. Koning, Betty L. Zwart and Koning-Meines Dairy, L.P.
Total	76.31	

MAP NO. 19 MIRA LOMA AGRICULTURAL PRESERVE NO. 6

AMENDED BY MAPS NO. 50, 277, 607, 877, 878 , 891

T.2S.,R.7W S.B.B. & M.
T.3S.,R.7W S.B.B. & M.



AMENDMENTS:

- NO. 1, (ENLARGEMENT), FEBRUARY 9, 1970, MAP NO. 50
- NO. 2, (DIMINISHMENT), DECEMBER 11, 1973, MAP NO. 277
- NO. 3, (DIMINISHMENT), DECEMBER 4, 1984, MAP NO. 607
- NO. 4, (DIMINISHMENT), MAP NO. 877
- NO. 5, (DIMINISHMENT), APRIL 8, 2003, MAP NO. 878
- NO. 6, (DISESTABLISHMENT), DECEMBER 16, 2003, MAP NO. 891

ADOPTED ON FEBRUARY 24, 1969
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.

