

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

421 B



FROM: TLMA - Planning Department

SUBMITTAL DATE: July 15, 2004

SUBJECT: Adoption of Resolution No. 2004-363, a Certificate of Final 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. 2004-363, a Certificate of Final 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.

This cancellation was subject to the following conditions:

- a. Payment of the cancellation fee in the amount of \$470,625.00;
- b. Meet all conditions necessary for the County of Riverside to issue grading permits on Tract Map No. 31107.

Robert C. Johnson, Planning Director

(Continued On Attached Page)

RCJ:kb

REVIEWED BY EXECUTIVE OFFICE

DATE 7/16/04

Policy

Policy

Consent

Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. Ref.

Dist. Second

AGENDA NO

3.54

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2004-363, a Certificate of Final Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 5, Amendment No. 8, Map No. 885

July 15, 2004

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2. The cancellation fee of \$470,625.00 was paid to the County Treasurer on October 2, 2003.
3. All conditions necessary for the County of Riverside to issue grading permits on Tract Map No. 31107 have been met.

CONCLUSION:

1. All conditions of approval for the diminishment of Mira Loma Agricultural Preserve No. 5, Amendment No. 8, Map No. 885 and cancellation of the associated land conservation contract have been met.
2. The applicant is now eligible to receive a Certificate of Final Cancellation for Mira Loma Agricultural Preserve No. 5, Amendment No. 8, Map No. 885.

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RESOLUTION NO. 2004-363
CERTIFICATE OF FINAL 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
JUL 07 2004
BY *[Signature]*

1 WHEREAS, the amount of the cancellation fee, pursuant to Section 51283.4 of the
2 Government Code, has been determined and certified by this Board to be \$470,625.00;

3 WHEREAS, the following conditions have been met:

- 4 1. The cancellation fee in the amount of \$470,625.00 has been paid to the Treasurer of
5 Riverside County; and
- 6 2. All conditions necessary for the County of Riverside to issue grading permits on
7 Tract Map No. 31107 (Assessor's Parcel No. 134-120-003-2) have been met.

8 BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the
9 County of Riverside, State of California, in regular session assembled on July 27, 2004 that the
10 Clerk of this Board shall file and record copies of this resolution, map and boundary
11 description, in the Office of the County Recorder of Riverside County, California, and transmit
12 copies thereof to the Director of Conservation of the State of California, the Treasurer of
13 Riverside County, and the Assessor of Riverside County, and thereafter:

- 14 1. Mira Loma Agricultural Preserve No. 5, Map No. 6, dated February 10, 1969, as
15 amended, will be further amended by deleting therefrom the area shown on the map
16 entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 5, AMENDMENT NO. 8,
17 (DIMINISHMENT), MAP NO. 885," and described by boundary description thereof,
18 said map and description both being on file in the Office of the Clerk of the Board.
- 19 2. The Land Conservation Contract between the County of Riverside and Peter
20 Vander Feer and Rieka Vander Feer, dated January 1, 1971 and recorded February
21 26, 1971, as Instrument No. 19276, in the Office of the County Recorder of Riverside
22 County, California, will be canceled as said contract applies to land referenced in
23 the petition of Peter Boersma and Rita Gayle Boersma, thereby removing from the
24 effect of said contract the real property in the County of Riverside, State of
25 California, described in the exhibit entitled, "EXHIBIT A, MIRA LOMA
26 AGRICULTURAL PRESERVE NO. 5, AMENDMENT NO. 8, (DIMINISHMENT),
27 MAP NO. 885," a copy of which is attached hereto and incorporated herein by
28 reference.

**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), JULY 27, 2004, MAP NO. 885

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

