

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

440 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
March 4, 2005

SUBJECT: Adoption of Resolution No. 2005-078, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 2, Map No. 907 – William Lyon Homes for Catherine & Steven Vander Stelt, Co-Trustees – 40 acres – Eastvale Area Plan – Second Supervisorial District

RECOMMENDED MOTION: Adoption of Resolution No. 2005-078, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 2, Amendment No. 25, Map No. 907, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On August 10, 2004, the Board of Supervisors tentatively approved a request by William Lyon Homes for Catherine & Steven Vander Stelt, Co-Trustees, to diminish Mira Loma Agricultural Preserve No. 2 pursuant to Agricultural Map No. 907, and to cancel the land conservation contract as it applies to the 40-acre site, which is located northerly of Schleisman Road, southerly of Cloverdale Road, east of and adjacent to Harrison Avenue and westerly of Sumner Avenue within the Eastvale Area Plan of the Riverside County General Plan.
2. The alternative land use proposed for the 40-acre site is Tentative Tract Map No. 31725 which would result in the development of one hundred twenty-four (124) single-family residential lots with a minimum lot size of 7,200 square feet, one open space lot, one storm drain lot and one 5-acre park.

Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Page)

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 3/7/05

Dep't Recomm.:	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Policy	<input checked="" type="checkbox"/>
Per Exec. Ofc.:	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Policy	<input checked="" type="checkbox"/>

Prev. Agn. Ref.

District: Second | Agenda Number:

3.40

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2005-078, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 2, Map No. 907

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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 \$1,000,000.00 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. 31725 (APN 144-040-006-1) 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.

RESOLUTION NO. 2005-078
CERTIFICATE OF TENTATIVE CANCELLATION
OF LAND CONSERVATION CONTRACTS AND
DIMINISHMENT OF AGRICULTURAL PRESERVE
(Government Code Section 51283.4)

WHEREAS, Sam and Annie Heida 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. 19483 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Catherine Vander Stelt and Steven Clarence Vander Stelt, as Co-Trustees of 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. 2, AMENDMENT NO. 25, (DIMINISHMENT), MAP NO. 907," petitioned to cancel the contract and to diminish Mira Loma Agricultural Preserve No. 2, Map No. 3; and,

WHEREAS, a public hearing was held on this matter by the Riverside County Board of Supervisors on August 10, 2004; 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. 39239, 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. 31725 is the alternative use; and,

WHEREAS, Tract Map No. 31725 will divide the 40-acre site into one hundred twenty-four (124) single-family residential lots with a minimum lot size of 7,200 square feet, one open

FEB 28 2005

BY *[Signature]*

COUNTY COUNSEL

1 space lot, one storm drain lot and one 5-acre park site; and,

2 WHEREAS, the amount of the cancellation fee, pursuant to Section 51283.4 of the
3 Government Code, has been determined and certified by this Board to be \$1,000,000.00;

4 BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the
5 County of Riverside, State of California, in regular session assembled on March 15, 2005 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 \$1,000,000.00 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. 31725 (Assessor's Parcel No. 114-040-006-1)
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.2, Map No. 3, dated February 5, 1968, as
28 amended, will be further amended by deleting therefrom the area shown on the

1 map entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 2,
2 AMENDMENT NO. 25, (DIMINISHMENT), MAP NO. 907," 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 Sam and
6 Annie Heida, dated January 1, 1971 and recorded February 26 1971, as
7 Instrument No. 19483, in the Office of the County Recorder of Riverside County,
8 California, will be canceled as said contract applies to land referenced in the
9 petition of Catherine Vander Stelt and Steven Clarence Vander Stelt, as Co-
10 Trustees, thereby removing from the effect of said contract the real property in
11 the County of Riverside, State of California, described in the exhibit entitled,
12 "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 2,
13 AMENDMENT NO. 25, (DIMINISHMENT), MAP NO. 907," a copy of which is
14 attached hereto and incorporated herein by reference.

15 **BE IT FURTHER RESOLVED** that, if the cancellation fee of \$1,000,000.00 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. 2
MAP NO. 907
(DIMINISHMENT)**

Real property in the unincorporated area of the County of Riverside, State of California, described as follows:

The Northwest quarter of the Southeast quarter of Section 26, Township 2 South, Range 7 West, as shown by sectionized survey of Jurupa Rancho recorded in Book 9, Page 33 of Maps, San Bernardino County Records;

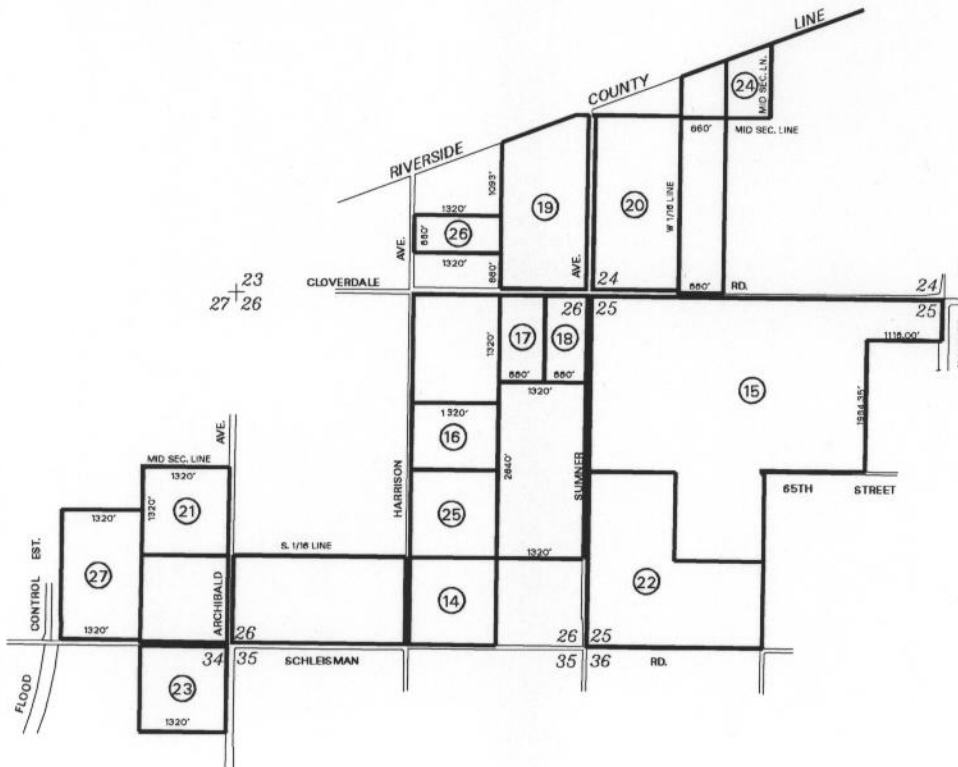
Excepting therefrom the Westerly 25 feet thereof in Harrison Avenue.

Assessor Parcel No.	Acres (net)	Owners
144-040-006-1	40.00	Catherine Vander Stelt and Steven Clarence Vander Stelt
Total	40.00	

MAP NO. 3 MIRA LOMA AGRICULTURAL PRESERVE NO. 2

AMENDED BY MAPS NO. 7, 26, 148, 253, 256, 393, 595,
714, 736, 783, 784, 785, 797, 815, 822, 821, 849, 863,
879, 886, 890, 907, 913, 914

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



AMENDMENTS:

- NO. 14, (DIMINISHMENT), OCTOBER 26, 1999, MAP NO. 822
- NO. 15, (DIMINISHMENT), MARCH 7, 2000, MAP NO. 821
- NO. 16, (DIMINISHMENT), MAP NO. 841
- NO. 17, (DIMINISHMENT), MAP NO. 848
- NO. 18, (DIMINISHMENT), FEBRUARY 5, 2002, MAP NO. 849
- NO. 19, (DIMINISHMENT), JULY 16, 2002, MAP NO. 863
- NO. 20, (DIMINISHMENT), APRIL 8, 2003, MAP NO.879
- NO. 21, (DIMINISHMENT), MAP NO. 881
- NO. 22, (DIMINISHMENT), MAP NO. 882
- NO. 23, (DIMINISHMENT), MARCH 11, 2003, MAP NO. 886
- NO. 24, (DIMINISHMENT), APRIL 8, 2003, MAP NO. 890
- NO. 25, (DIMINISHMENT), MAP NO. 907
- NO. 26, (DIMINISHMENT), FEBRUARY 24, 2004, MAP NO. 913
- NO. 27, (DIMINISHMENT), FEBRUARY 24, 2004, MAP NO. 914

ADOPTED ON FEBRUARY 5, 1968
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.

