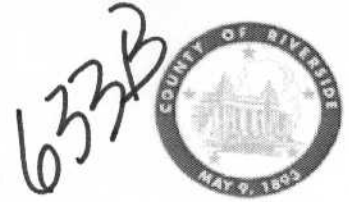


SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
February 20, 2006

SUBJECT: Adoption of Resolution No. 2006 016, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 10, Map No. 936 – Applicant: Andy and Diane Dyt – Engineer / Representative: Albert A. Webb Associates – Second Supervisorial District – Prado-Mira Loma Zoning District – Eastvale Area Plan – 31.92 Acres (Net)

RECOMMENDED MOTION: **Adoption of Resolution No. 2006-016**, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 10, Amendment No. 6, Map No. 936, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On September 27, 2005, the Board of Supervisors tentatively approved a request by Andy and Diane Dyt to diminish Mira Loma Agricultural Preserve No. 10 pursuant to Agricultural Map No. 936 and to cancel the land conservation contract as it applies to the 31.92-acre portion of a 68.84-acre parcel.
2. The subject parcel is located north of and adjacent to Cloverdale Road, south of and adjacent to the Riverside/San Bernardino County line, east of and adjacent to Archibald Avenue and west of and adjacent to Harrison Avenue in the Eastvale area of western Riverside County.

REVIEWED BY EXECUTIVE OFFICE  
*[Signature]*  
DATE 2/21/06

FORM APPROVED COUNTY COUNSEL

FEB 21 2006

BY *[Signature]*

RCJ:kb

*David Mares for*  
Robert C. Johnson  
Planning Director

(Continued On Attached Page)

Policy  Policy

Consent  Consent

Dep't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Second | Agenda Number:

3.50

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2006-016, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 10, Map No. 936

February 20, 2006

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3. The alternative land use proposed for the subject parcel is Tentative Tract No. 32797 (TR32797) which will subdivide the 68.84-acre parcel into 117 single-family residential lots with a minimum lot size of 7,200 square feet, seven (7) open space lots and one (1) 26.34-acre remainder lot. The portions of the parcel not subject cancellation of the land conservation contract and diminishment from the boundaries of the affected agricultural preserve are the 26.34-acre remainder lot and the 10.53-acres included in the Southern California Edison easement traversing the eastern portion of the parcel.
4. 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 \$518,625.00 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. 32797 (portion of APN 164-010-006-4) shall have been met.
5. 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.
6. 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. 2006-016

CERTIFICATE OF TENTATIVE CANCELLATION  
OF LAND CONSERVATION CONTRACTS AND  
DIMINISHMENT OF AGRICULTURAL PRESERVE

(Government Code Section 51283.4)

WHEREAS, John Vander Schaaf and Henrietta Vander Schaaf 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, 1978, and was recorded on January 11, 1978 as Instrument No. 5949 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Andy Dyt and Diane Dyt, the subsequent property owners of APN 164-010-006-4, filed a Notice of Nonrenewal on April 7, 2004, which notice was recorded on May 7, 2004 as Instrument No. 2004-0336574, in the Office of the County Recorder of Riverside County, California;

WHEREAS, Andy Dyt and Diane Dyt, the current owners 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. 10, AMENDMENT NO. 6, (DIMINISHMENT), MAP NO. 936," petitioned to cancel the contract on a portion of the property and to diminish Mira Loma Agricultural Preserve No. 10, Map No. 464; and,

WHEREAS, a public hearing was held on this matter by the Riverside County Board of Supervisors on September 27, 2005; and,

WHEREAS, all provisions of the California Environmental Quality Act (CEQA) and the Procedures for Implementing CEQA in Riverside County have been satisfied, including Environmental Assessment No. 39910, which consider the impacts of the establishment of the proposed alternative land use, as well as the impacts of this cancellation request; and,

1           WHEREAS, Tract Map No. 32797 is the alternative use; and,

2           WHEREAS, Tract Map No. 32797 will divide the 68.84-acre parcel into one hundred  
3 seventeen (117) single-family residential lots with a minimum lot size of 7,200 square feet, seven (7)  
4 open space lots and one (1) 26.34-acre remainder lot; and,

5           WHEREAS, the portions of the parcel not subject to cancellation of contract and  
6 diminishment from Mira Loma Agricultural Preserve No. 10 are the 26.34-acre remainder lot and  
7 the 10.53-acres included in the Southern California Edison easement traversing the eastern portion  
8 of the parcel; and,

9           WHEREAS, the amount of the cancellation fee, pursuant to Section 51283.4 of the  
10 Government Code, has been determined and certified by this Board to be \$518,625.00;

11           **BE IT RESOLVED, FOUND, AND DETERMINED** by the Board of Supervisors of the  
12 County of Riverside, State of California, in regular session assembled on February 28, 2006 that:

13           1.     The cancellation of said contract and diminishment of the agricultural preserve, and  
14                 the use of the land for the proposed alternative use are consistent with the Riverside  
15                 County General Plan.

16           2.     The conditions with which the landowner must comply following the date of the  
17                 recording of this Certificate of Tentative Cancellation are as follows:

18                 a.     Payment within one year of the total amount of the cancellation fee of  
19                         \$518,625.00 to the Treasurer of Riverside County, or, if after one year  
20                         following the date of recordation of this Certificate of Tentative Cancellation,  
21                         payment of the recomputed fee referenced on page 3 of this resolution. This  
22                         condition shall not be interpreted as constituting a limitation on the period of  
23                         validity of this Certificate of Tentative Cancellation, nor shall an Extension of  
24                         Time application be required.

25                 b.     All conditions necessary for the County of Riverside to issue grading permits  
26                         on Tract Map No. 32797 (portion of Assessor's Parcel No. 164-030-001-5)  
27                         shall have been met.

28           **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** that the Clerk of this Board  
29 shall file and record copies of this resolution, map and boundary description, in the Office of the

1 County Recorder of Riverside County, California, and transmit copies thereof to the Director of  
2 Conservation of the State of California, the Treasurer of Riverside County, and the Assessor of  
3 Riverside County; and, that, upon fulfillment of all of the conditions, the landowner will be entitled  
4 to a final certificate of cancellation which provides as follows:

- 5 1. Mira Loma Agricultural Preserve No. 10, Map No. 464, dated January 31, 1978, as  
6 amended, will be further amended by deleting therefrom the area shown on the map  
7 entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 10, AMENDMENT  
8 NO. 6, (DIMINISHMENT), MAP NO. 936," and described by boundary description  
9 thereof, said map and description both being on file in the Office of the Clerk of the  
10 Board.
- 11 2. The Land Conservation Contract between the County of Riverside and John Vander  
12 Schaaf and Henrietta Vander Schaaf dated January 1, 1978 and recorded January  
13 11, 1978 as Instrument No. 5949, in the Office of the County Recorder of Riverside  
14 County, California, will be canceled as said contract applies to land referenced in the  
15 petition of Andy Dyt and Diane Dyt thereby removing from the effect of said contract  
16 the real property in the County of Riverside, State of California, described in the  
17 exhibit entitled, "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO.  
18 10, AMENDMENT NO. 6, (DIMINISHMENT), MAP NO. 936," a copy of which is  
19 attached hereto and incorporated herein by reference.

20 BE IT FURTHER RESOLVED that, if the cancellation fee of \$518,625.00 is not paid within  
21 one year following the recordation of this Certificate of Tentative Cancellation, the fee shall be  
22 recomputed pursuant to Government Code Section 51283.4 (a), and the landowner shall be required  
23 to pay the recomputed fee as a condition to final cancellation of the contract.

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

**EXHIBIT A**  
**MIRA LOMA AGRICULTURAL PRESERVE NO. 10**  
**MAP NO. 936**

PARCEL 1:

That portion of southwest quarter of Fractional Section 23, Township 2 South, Range 7 West, as shown by Sectionalized Survey of the Jurupa Rancho on file in Book 9 of Maps at Page 33 thereof, Records of San Bernardino County, California, said portion being described as follows:

**COMMENCING** at the intersection of the centerline of Cloverdale Avenue (30.00 feet in half width) with the centerline of Harrison Avenue (60.00 feet in full width);

Thence North 00° 07' 26" West along said centerline of Harrison Avenue, a distance of 30.00 feet;

Thence South 89° 53' 47" West, a distance of 30.00 feet to the **TRUE POINT OF BEGINNING** said point being on the northerly right-of-way line of Cloverdale Avenue;

Thence continuing South 89° 53' 47" West along said northerly right-of-way line of Cloverdale Avenue, a distance of 755.87 feet to a point on the southeasterly right-of-way line of that certain easement conveyed to Southern California Edison Company by deed recorded September 25, 1969, Official Records of Riverside County, California;

Thence North 29° 10' 59" East along said southeasterly right-of-way line, a distance of 1,504.93 feet;

Thence North 31° 37' 05" East along said southeasterly right-of-way line, a distance of 36.54 feet to a point on the westerly right-of-way line of said Harrison Avenue;

Thence South 00° 07' 26" East along said westerly right-of-way line, a distance of 1,343.66 feet to the **TRUE POINT OF BEGINNING**.

PARCEL 2

That portion of southwest quarter of Fractional Section 23, Township 2 South, Range 7 West, as shown by Sectionalized Survey of the Jurupa Rancho on file in Book 9 of Maps at Page 33 thereof, Records of San Bernardino County, California, said portion being described as follows:

**COMMENCING** at the intersection of the centerline of Cloverdale Avenue (30.00 feet in half width) with the centerline of Harrison Avenue (60.00 feet in full width);

Thence North 00° 07' 26" West along said centerline of Harrison Avenue, a distance of 30.00 feet to a point on the northerly right-of-way line of said Cloverdale Avenue;

Thence South 89° 53' 47" West along said northerly right-of-way line of said Cloverdale Avenue, a distance of 1048.24 feet to the **TRUE POINT OF BEGINNING** said point being on the northwesterly right-of-way line of that certain easement conveyed to Southern California Edison Company by deed recorded September 25, 1969, Official Records of Riverside County, California;

Thence continuing South 89° 53' 47" West along said northerly right-of-way line, a distance of 241.38 feet;

Thence North 00° 06' 26" West, a distance of 1208.62 feet to a point on the County line between San Bernardino County and Riverside County, as established by a survey recorded in Book 1, Page 81 of Records of Survey, Records of San Bernardino County, California;

Thence North 69° 00' 56" East along said County line, a distance of 1268.85 feet to a point on said northwesterly right-of-way line;

Thence South 31° 37' 05" West along said northwesterly right-of-way line, a distance of 257.26 feet to an angle point thereon;

Thence South 29° 10' 59" West along said northwesterly right-of-way line, a distance of 1653.37 feet to the **TRUE POINT OF BEGINNING**.

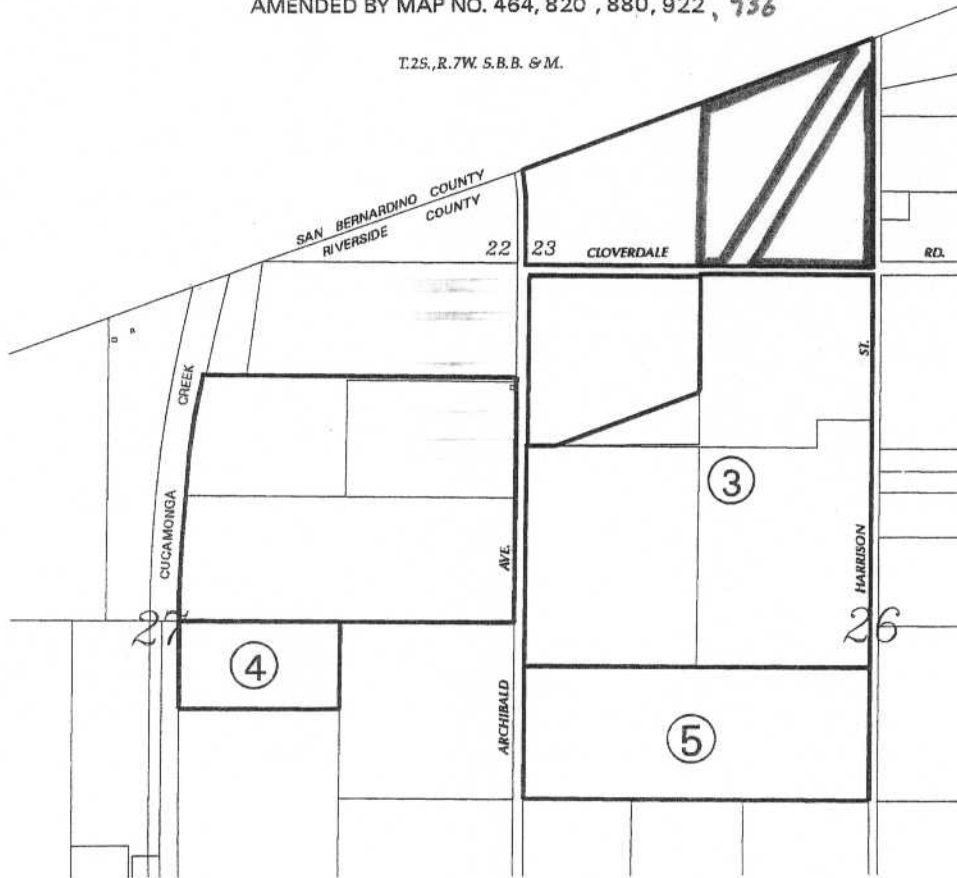
Assessor Parcel No.	Acres (net)	Owners
164-010-006-4 (por.)	31.92	Andy Dyt and Diane Dyt
<b>Total</b>	<b>31.92</b>	

922  
936

# MAP NO. 134 MIRA LOMA AGRICULTURAL PRESERVE NO. 10

AMENDED BY MAP NO. 464, 820, 880, 922, 936

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



AMENDMENTS:

- NO. 3, (DIMINISHMENT), FEBRUARY 4, 2003, MAP NO. 820
- NO. 4, (DIMINISHMENT), MAP NO. 880
- NO. 5, (DIMINISHMENT), MAP NO. 922

*No. 6, (Diminishment),*

*, Map No. 936*

ADOPTED ON FEBRUARY 16, 1971  
BY THE BOARD OF SUPERVISORS  
OF THE COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA.

