

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



FROM: TLMA - Planning Department

SUBMITTAL DATE:
August 21, 2006

SUBJECT: Adoption of Resolution No. 2006-329, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Bautista Canyon Agricultural Preserve No. 1, Amendment No. 16, Map No. 937 – Applicant: Craig and Kathryn Deardorff – Engineer / Representative: Lattimer Engineering Inc. – Third Supervisorial District – Bautista Zoning Area – San Jacinto Valley Area Plan – 10.71 Acres (Gross)

RECOMMENDED MOTION: Adoption of Resolution No. 2006-329, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Bautista Canyon Agricultural Preserve No. 1, Amendment No. 16, Map No. 937, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On July 11, 2006, the Board of Supervisors tentatively approved a request by Craig and Kathryn Deardorff to diminish Bautista Canyon Agricultural Preserve No. 1 pursuant to Agricultural Map No. 937 and to cancel the land conservation contract as it applies to the 10.71-acre (gross) project site.
2. The subject parcel is located northerly of Whittier Avenue, south of and adjacent to Mayberry Avenue, easterly of New Chicago Avenue and west of and adjacent to Bautista Avenue in the East Hemet area of western Riverside County.

Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 8/22/06
Departmental Concurrence

COUNTY CLERK

AUG 21 2006

Policy

Consent

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

Prev. Agn. Ref.

District: Third

Agenda Number:

3 . 101

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2006-329, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Bautista Canyon Agricultural Preserve No. 1, Amendment No. 16, Map No. 937

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3. The alternative land use proposed for the subject parcel is Tentative Tract Map No. 30877 (TR30877) which will subdivide the 10.71-acre parcel into 16 single-family residential lots having a minimum lot size of 20,000 square feet and one detention basin lot.
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 \$124,875.00 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. 30877 (Assessor's Parcel No. 552-120-012-6) 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.

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RESOLUTION NO. 2006-329
CERTIFICATE OF TENTATIVE CANCELLATION
OF LAND CONSERVATION CONTRACT AND
DIMINISHMENT OF AGRICULTURAL PRESERVE
(Government Code Section 51283.4)

WHEREAS, William A. Mathews 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, 1974, and was recorded on November 14, 1973 as Instrument No. 148919 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Craig Deardorff, the subsequent property owner of Assessor's Parcel No. (APN) 552-120-012-6, filed a Notice of Nonrenewal on June 7, 2005, which notice was recorded on February 17, 2006 as Instrument No. 2006-0121742, in the Office of the County Recorder of Riverside County, California;

WHEREAS, Craig Deardorff, the current owner 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, BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1, AMENDMENT NO. 16, (DIMINISHMENT), MAP NO. 937," petitioned to cancel the contract and to diminish Bautista Canyon Agricultural Preserve No. 1, Map No. 233; and,

WHEREAS, a public hearing was held on this matter by the Riverside County Board of Supervisors on July 11, 2006; 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. 39923, 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. 30877 is the alternative use; and,

WHEREAS, Tract Map No. 30877 will divide the 10.71-acre parcel into sixteen (16) single-

FORM APPROVED
COUNTY COUNSEL

AUG 2 1 2006
[Signature]
BY: *[Signature]*

1 family residential lots having a minimum lot size of 20,000 square feet and one (1) detention basin
2 lot; and,

3 WHEREAS, the amount of the cancellation fee, pursuant to Section 51283.4 of the
4 Government Code, has been determined and certified by this Board to be \$124,875.00;

5 BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the
6 County of Riverside, State of California, in regular session assembled on August 29, 2006 that:

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

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

12 a. Payment within one year of the total amount of the cancellation fee of
13 \$124,875.00 to the Treasurer of Riverside County, or, if after one year
14 following the date of recordation of this Certificate of Tentative Cancellation,
15 payment of the recomputed fee referenced on page 3 of this resolution. This
16 condition shall not be interpreted as constituting a limitation on the period of
17 validity of this Certificate of Tentative Cancellation, nor shall an Extension of
18 Time application be required.

19 b. All conditions necessary for the County of Riverside to issue grading permits
20 on Tract Map No. 30877 (APN 552-120-012-6) shall have been met.

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

27 1. Bautista Canyon Agricultural Preserve No. 1, Map No. 233, dated August 7, 1973, as
28 amended, will be further amended by deleting therefrom the area shown on the map
29 entitled "BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1,

1 AMENDMENT NO. 16, (DIMINISHMENT), MAP NO. 937," and described by
2 boundary description thereof, said map and description both being on file in the
3 Office of the Clerk of the Board.

- 4 2. The Land Conservation Contract between the County of Riverside and William A.
5 Mathews dated January 1, 1974 and recorded November 14, 1973 as Instrument No.
6 148919, in the Office of the County Recorder of Riverside County, California, will be
7 canceled as said contract applies to land referenced in the petition of Craig Deardorff
8 thereby removing from the effect of said contract the real property in the County of
9 Riverside, State of California, described in the exhibit entitled, "EXHIBIT A,
10 BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1, AMENDMENT NO.
11 16, (DIMINISHMENT), MAP NO. 937," a copy of which is attached hereto and
12 incorporated herein by reference.

13 BE IT FURTHER RESOLVED that, if the cancellation fee of \$124,875.00 is not paid within
14 one year following the recordation of this Certificate of Tentative Cancellation, the fee shall be
15 recomputed pursuant to Government Code Section 51283.4 (a), and the landowner shall be required
16 to pay the recomputed fee as a condition to final cancellation of the contract.

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

**EXHIBIT A
 BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1
 MAP NO. 937
 (DIMINISHMENT)**

That portion of Farm Lot 103 of the lands of Fairview Land and Water Co., as shown by map on file in Book 6, Page(s) 307 of Maps, San Diego County Records, described as follows:

Beginning at the Northeast corner of Lot 103;

Thence North 89° 51' West, 651 feet on the center line of Almond Avenue;

Thence South 0° 05' West, 650 feet;

Thence South 69° 51' 651 feet to the East line of said lot;

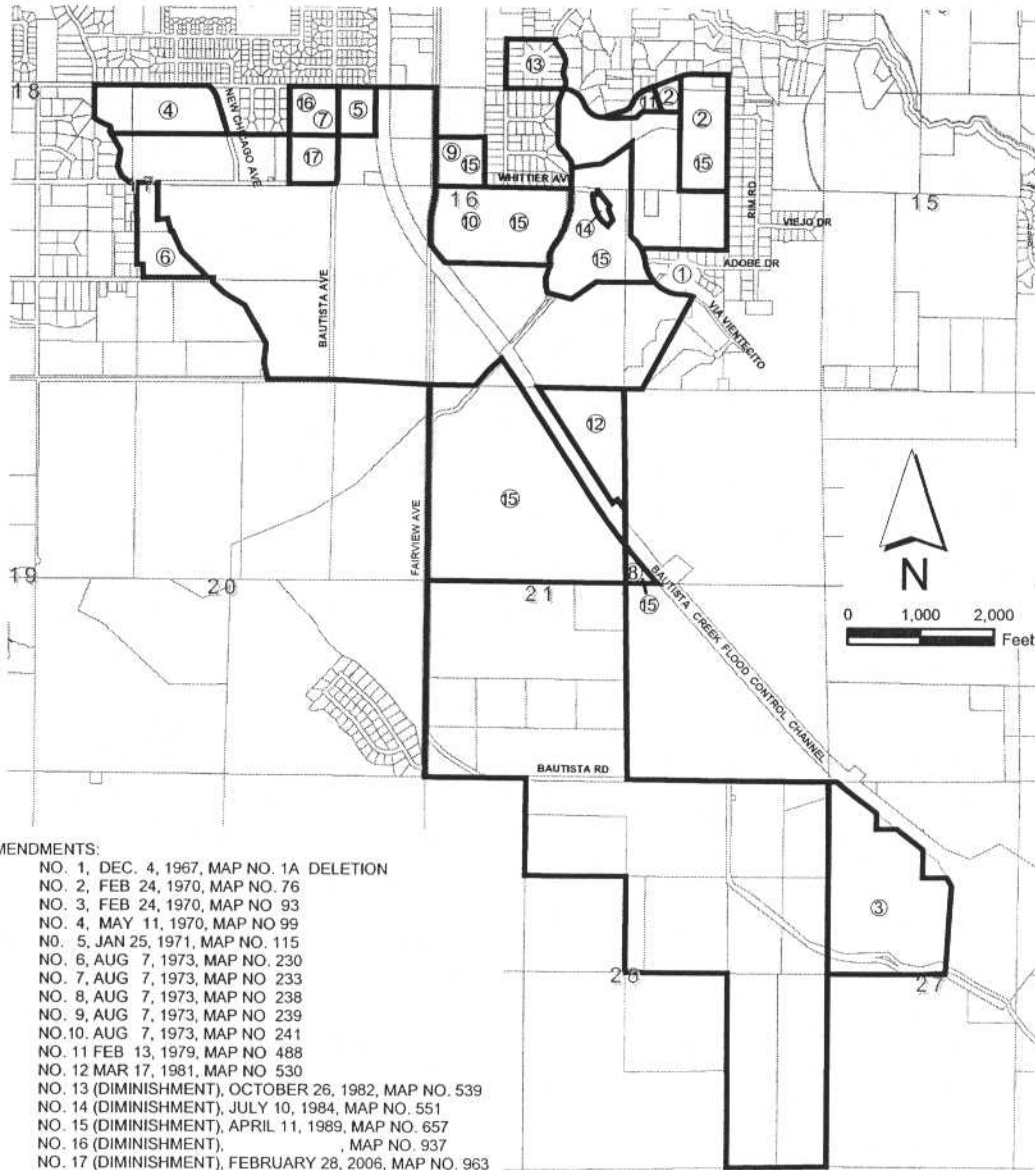
Thence North 0° 05' East, 650 feet on the East line of said Lot 103 to the point of beginning.

Excepting therefrom that portion of Almond Avenue.

Assessor Parcel No.	Acres (Gross)	Owners
552-120-012-6	10.71	Craig and Kathryn Deardorff
Total	10.71	

MAP NO. 1 BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 1

AMENDED BY MAP NO. 1a, 76, 93, 99, 115, 230, 233, 238, 239, 241, 488, 530, 539, 551, 657, 937, 963



- AMENDMENTS:
- NO. 1, DEC. 4, 1967, MAP NO. 1A DELETION
 - NO. 2, FEB 24, 1970, MAP NO. 76
 - NO. 3, FEB 24, 1970, MAP NO 93
 - NO. 4, MAY 11, 1970, MAP NO 99
 - NO. 5, JAN 25, 1971, MAP NO. 115
 - NO. 6, AUG 7, 1973, MAP NO. 230
 - NO. 7, AUG 7, 1973, MAP NO 233
 - NO. 8, AUG 7, 1973, MAP NO 238
 - NO. 9, AUG 7, 1973, MAP NO 239
 - NO.10, AUG 7, 1973, MAP NO 241
 - NO. 11 FEB 13, 1979, MAP NO 488
 - NO. 12 MAR 17, 1981, MAP NO 530
 - NO. 13 (DIMINISHMENT), OCTOBER 26, 1982, MAP NO. 539
 - NO. 14 (DIMINISHMENT), JULY 10, 1984, MAP NO. 551
 - NO. 15 (DIMINISHMENT), APRIL 11, 1989, MAP NO. 657
 - NO. 16 (DIMINISHMENT), MAP NO. 937
 - NO. 17 (DIMINISHMENT), FEBRUARY 28, 2006, MAP NO. 963

ADOPTED ON NOVEMBER 28, 1966
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.