

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. 2006-331, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 3, Amendment No. 4, Map No. 968 – Applicant: D. R. Horton Los Angeles Holding Co., Inc. – Engineer / Representative: Adams Streeter Civil Engineers, Inc. – Second Supervisorial District – Prado-Mira Loma Zoning District – Eastvale Area Plan – 44.50 Acres (Gross)

**RECOMMENDED MOTION:** Adoption of Resolution No. 2006-331, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 3, Amendment No. 4, Map No. 968, based upon the hereinafter listed findings and conclusions:

**FINDINGS:**

1. On July 25, 2006, the Board of Supervisors tentatively approved a request by D. R. Horton Los Angeles Holding Co., Inc., to diminish Mira Loma Agricultural Preserve No. 3 pursuant to Agricultural Map No. 968 and to cancel the land conservation contract as it applies to the 44.50-acre portion of the 54.60-acre project site.
2. The subject parcel is located north of and adjacent to Schleisman Road, southerly of the San Bernardino/Riverside County line, east of and adjacent to Hellman Avenue and the San Bernardino/Riverside County line and westerly of the Cucamonga Creek Flood Control Channel in western Riverside County.

Robert C. Johnson  
Planning Director

RCJ:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 8/22/06 rmj  
Departmental Conference

COUNTY COUNSEL

AUG 21 2006

BY [Signature]

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

Prev. Agn. Ref.

District: Second

Agenda Number:

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2006-331, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 3, Amendment No. 4, Map No. 968

August 21, 2006

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3. The alternative land use proposed for the subject parcel is Tentative Tract Map No. 32491 (TR32491) which will subdivide the 54.60-acre project site into 174 single-family residential lots with a minimum lot size of 7,200 square feet, two (2) water mitigation lots and four (4) open space lots.
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 \$1,529,625.00 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. 32491 (Assessor's Parcel No. 144-020-001-4, 144-020-002-5 and 144-020-003-6) 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.

**RESOLUTION NO. 2006-331**

**CERTIFICATE OF TENTATIVE CANCELLATION  
OF LAND CONSERVATION CONTRACT AND  
DIMINISHMENT OF AGRICULTURAL PRESERVE**

**(Government Code Section 51283.4)**

WHEREAS, Tena Koopman 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, 1976, and was recorded on January 28, 1976 as Instrument No. 11830 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Steve Fitzpatrick, as authorized representative of D. R. Horton Los Angeles Holding Co., Inc., the subsequent property owner of Assessor's Parcel No. (APN) 144-020-003-6, filed a Notice of Nonrenewal on March 28, 2006, which notice was recorded on May 5, 2006 as Instrument No. 2006-0329406, in the Office of the County Recorder of Riverside County, California;

WHEREAS, D. R. Horton Los Angeles Holding Co., Inc., 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, MIRA LOMA AGRICULTURAL PRESERVE NO. 3, AMENDMENT NO. 4, (DIMINISHMENT), MAP NO. 968," petitioned to cancel the contract and to diminish Mira Loma Agricultural Preserve No. 3, Map No. 347; and,

WHEREAS, a public hearing was held on this matter by the Riverside County Board of Supervisors on July 25, 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. 39882, 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. 32491 is the alternative use; and,

WHEREAS, Tract Map No. 32491 will divide the 54.60-acre project site into 174 single-

1 family residential lots with a minimum lot size of 7,200 square feet, two (2) water mitigation lots and  
2 four (4) open space lots; 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 \$1,529,625.00;

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 \$1,529,625.00 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. 32491 (APN 144-020-001-4, 144-020-002-5 and 144-020-003-6)  
21 shall have been met.

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

28 1. Mira Loma Agricultural Preserve No. 3, Map No. 347, dated December 9, 1975, as  
29 amended, will be further amended by deleting therefrom the area shown on the map

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entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 3, AMENDMENT NO. 4, (DIMINISHMENT), MAP NO. 968," and described by boundary description thereof, said map and description both being on file in the Office of the Clerk of the Board.

2. The Land Conservation Contract between the County of Riverside and Tena Koopman dated January 1, 1976 and recorded January 28, 1976 as Instrument No. 11830, in the Office of the County Recorder of Riverside County, California, will be canceled as said contract applies to land referenced in the petition of D. R. Horton Los Angeles Holding Co., Inc., thereby removing from the effect of said contract the real property in the County of Riverside, State of California, described in the exhibit entitled, "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 3, AMENDMENT NO. 4, (DIMINISHMENT), MAP NO. 968," a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that, if the cancellation fee of \$1,529,625.00 is not paid within one year following the recordation of this Certificate of Tentative Cancellation, the fee shall be recomputed pursuant to Government Code Section 51283.4 (a), and the landowner shall be required to pay the recomputed fee as a condition to final cancellation of the contract.

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

FORM APPROVED  
COUNTY COUNSEL

AUG 21 2006

BY *Mich. Leon*

**EXHIBIT A  
MIRA LOMA AGRICULTURAL PRESERVE NO. 3  
MAP NO. 968  
(DIMINISHMENT)**

THAT PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY SECTIONIZED SURVEY OF THE JURUPA RANCHO, RECORDED IN BOOK 9, PAGE 33 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, LYING SOUTHERLY OF A LINE DRAWN PARALLEL WITH AND NORTH 1537.40 FEET FROM THE SOUTH LINE OF SAID SECTION.

EXCEPT THE SOUTH 30.00 FEET AND THE WEST 30.00 FEET FOR ROAD PURPOSES.

<b>Assessor Parcel No.</b>	<b>Acres (net)</b>	<b>Owners</b>
<b>144-020-003-6</b>	<b>44.5</b>	<b>D R Horton Los Angeles Holding Co., Inc.</b>
<b>Total</b>	<b>44.5</b>	

# MAP NO. 4 MIRA LOMA AGRICULTURAL PRESERVE NO. 3

AMENDED BY MAPS NO. 31, 347, 897, 968

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



**AMENDMENTS:**

- NO. 1, (ENLARGEMENT), AUGUST 4, 1969, MAP NO. 31
- NO. 2, (ENLARGEMENT), DECEMBER 9, 1975, MAP NO. 347
- NO. 3, (DIMINISHMENT), MARCH 23, 2004, MAP NO. 897
- NO. 4, (DIMINISHMENT), , MAP NO. 968

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

