

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

253 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
August 21, 2006

SUBJECT: Adoption of Resolution No. 2006-333 – Disestablishment of Winchester Agricultural Preserve No. 26 – Agricultural Preserve Case and Map No. 966 – Applicant: Olive Valley Development, LLC – Engineer / Representative: W. J. McKeever, Inc. – Third Supervisorial District – Homeland Zoning Area – Harvest Valley / Winchester Area Plan – ±122.27 Acres (Gross)

RECOMMENDED MOTION: Adoption of Resolution No. 2006-333 for the disestablishment of Winchester Agricultural Preserve No. 26, Map No. 966, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. The ±122.27-acres subject to this disestablishment is a portion of Assessor's Parcel No. (APN) 458-250-012-9 and is located north of and adjacent to the Stetson Avenue, southerly of State Highway 74, east of and adjacent to State Highway 79/Winchester Road and westerly of the City of Hemet city limits in western Riverside County.
2. Dairy Fresh Products Company entered into a land conservation contract with the County of Riverside for land within Winchester Agricultural Preserve No. 26, which contract is dated January 1, 1977, and was recorded on February 28, 1977, as Instrument No. 33156 in the Office of the County Recorder of Riverside County, California.
3. Pursuant to the Land Conservation Act of 1965, Dairy Fresh Products

Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 8/22/06 TRG

FORM APPROVED
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: Third

Agenda Number:

3 10

Company filed a notice of non-renewal on March 16, 1988, which notice was recorded on March 21, 1988, as Instrument No. 73689, and, as a consequence, the land conservation contract as it applies to the subject property expired on January 1, 1998.

4. Under both the County's Rules and Regulations Governing Agricultural Preserves and the Comprehensive General Plan's Williamson Act Program (i.e., Land Conservation Act of 1965), a landowner may apply to have property removed from the boundaries of an agricultural preserve, once the contract has expired.
5. The land conservation contract having expired, Olive Valley Development, LLC, as authorized representative of GA 79 Properties, LLC, has now applied to have said portion of APN 458-250-012-9 removed from the boundaries of the agricultural preserve.

CONCLUSION:

1. The disestablishment of Winchester Agricultural Preserve No. 26, Map No. 966, is consistent with the provisions of the Land Conservation Act of 1965 and the Rules and Regulations Governing Agricultural Preserves in Riverside County as adopted by the Board of Supervisors.
2. The disestablishment of Winchester Agricultural Preserve No. 26, Map No. 966, is consistent with the Riverside County General Plan.

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**RESOLUTION NO. 2006-333
DISESTABLISHMENT OF WINCHESTER
AGRICULTURAL PRESERVE NO. 26
PURSUANT TO NOTICE OF NONRENEWAL**

WHEREAS, Dairy Fresh Products Company entered into a land conservation contract with the County of Riverside pursuant to the California Land Conservation Act of 1965 (Government Code Section 51200 et seq.), which contract is dated January 1, 1977, and was recorded on February 28, 1977, as Instrument No. 33156, in the Office of the County Recorder of Riverside County, California; and,

WHEREAS, Dairy Fresh Products Company, the owner of Assessor's Parcel No. (APN) 458-250-012-9, filed a notice of non-renewal on March 16, 1988, which notice was recorded on March 21, 1988, as Instrument No. 73689, in the Office of the County Recorder of Riverside County, California;

WHEREAS, the filing of said Notice of Non-Renewal resulted in the expiration of the contract as it applies to the subject parcel on January 1, 1998, pursuant to Government Code Section 51246;

BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on August 29, 2006, that the Clerk of this Board shall file and record copies of this resolution, map and boundary description, in the Office of the County Recorder of Riverside County, California, with the Director of Conservation, State of California, and with the Office of the Assessor of Riverside County, California, and that:

1. Winchester Agricultural Preserve No. 26, Map No. 421, dated February 15, 1977, and on file in the Office of the Clerk of this Board, is further amended by deleting therefrom the area shown on the map entitled "AGRICULTURAL PRESERVE

FORM APPROVED
COUNTY COUNSEL

AUG 21 2006

[Handwritten signature]
BY: *[Handwritten initials]*

1 MAP NO. 966: AMENDMENT NO. 1 (DISESTABLISHMENT) OF WINCHESTER
2 AGRICULTURAL PRESERVE NO. 26" and described by boundary description
3 thereof, as fully set forth in the attached document entitled "EXHIBIT A,
4 WINCHESTER AGRICULTURAL PRESERVE NO. 26, MAP NO. 966
5 (DISESTABLISHMENT)," said map and description both being on file in the Office
6 of the Clerk of the Board.

- 7 2. The Land Conservation Contract between Dairy Fresh Products Company and the
8 County of Riverside, dated January 1, 1977, and recorded on February 28, 1977, as
9 Instrument No. 33156, in the Office of the County Recorder of Riverside County,
10 California, and as said contract applies to the subject property, has expired,
11 removing from the effect of said contract the real property in the County of
12 Riverside, State of California, described in the attached document entitled
13 "EXHIBIT A, WINCHESTER AGRICULTURAL PRESERVE NO. 26, MAP
14 NO. 966 (DISESTABLISHMENT)," which is made a part of this resolution.

15 **BE IT FURTHER RESOLVED** that the Clerk of this Board shall file and record copies
16 of this resolution, map and boundary description in the Office of the County Recorder of
17 Riverside County, California, with the Director of Conservation of the State of California, and
18 with the Office of the Assessor of Riverside County, California.

**EXHIBIT A
WINCHESTER AGRICULTURAL PRESERVE NO. 26
MAP NO. 966
(DISESTABLISHMENT)**

The following described real property in the unincorporated area of the County of Riverside, State of California:

The Southeast quarter of Section 15, Township 5 South, Range 2 West, San Bernardino Meridian, according to the official plat thereof;

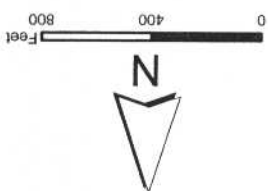
EXCEPTING therefrom the Westerly 30.00 feet, as conveyed to the County of Riverside, by deed recorded July 9, 1915, in Book 406, Page 278 of Deeds, Records of Riverside County, California;

ALSO EXCEPTING therefrom the South 40.00 feet, as conveyed to the County of Riverside, by Deed recorded July 31, 1915, in Book 406, Page 320 of Deeds, Records of Riverside County, California;

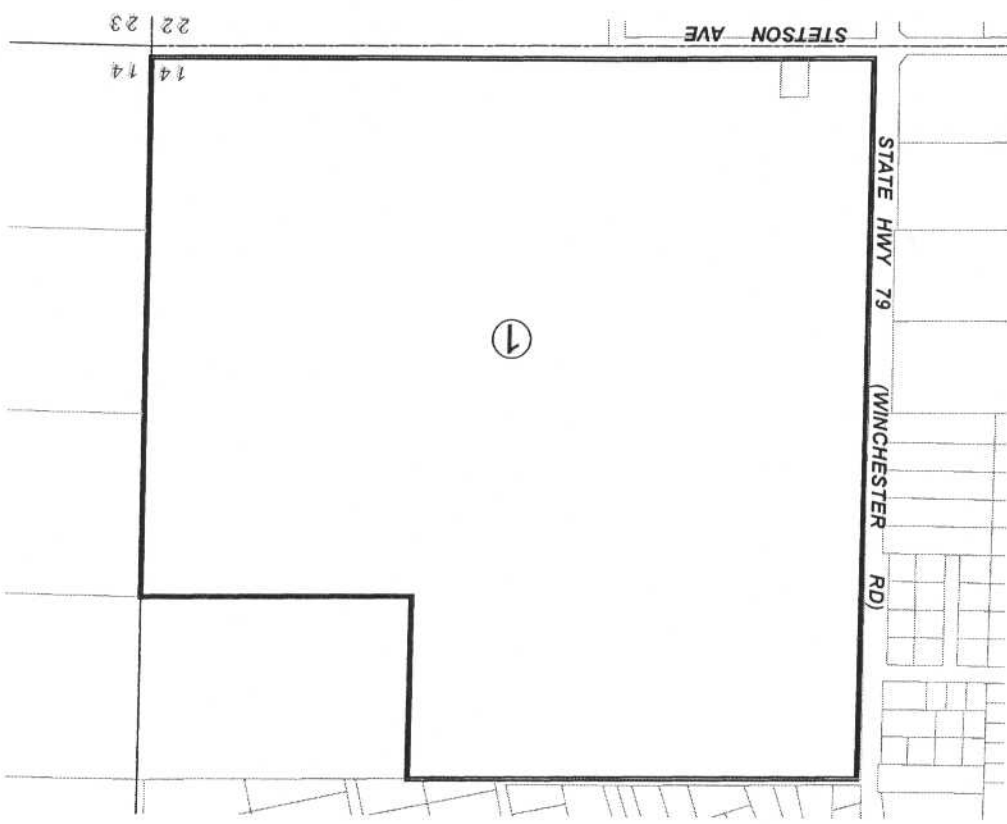
ALSO EXCEPTING that portion conveyed to the Eastern Municipal Water District by Deeds recorded November 9, 1989 as Instrument Nos. 392156 and 392157, respectively both of Official Records of Riverside County, California.

Assessor Parcel No.	Acres (net)	Owners
458-250-012-9 (por.)	±122.27	GA 79 Properties, LLC
Total	±122.27	

STATE OF CALIFORNIA
OF THE COUNTY OF RIVERSIDE,
BY THE BOARD OF SUPERVISORS
ADOPTED ON FEBRUARY 15, 1977



AMENDMENTS:
NO. 1, (DISESTABLISHMENT), AUGUST 29, 2006, MAP NO. 966



T. 5 S., R. 2 W.
AMENDED BY MAP NO. 966

MAP NO. 421
WINCHESTER
AGRICULTURAL
PRESERVE
NO. 26

3. Pursuant to the Land Conservation Act of 1965, Jack and Beatrice Moons filed a notice of non-renewal on October 2, 1986, which notice was recorded on October 8, 1986, as Instrument No. 249122, and, as a consequence, the land conservation contract as it applies to the subject property expired on January 1, 1996.
4. Under both the County's Rules and Regulations Governing Agricultural Preserves and the Comprehensive General Plan's Williamson Act Program (i.e., Land Conservation Act of 1965), a landowner may apply to have property removed from the boundaries of an agricultural preserve, once the contract has expired.
5. The land conservation contract having expired, Master Development Corporation, as authorized representative of Jack and Beatrice Moons, has now applied to have APN 144-010-008-0 and 144-010-013-4 removed from the boundaries of the agricultural preserve.

CONCLUSION:

1. The diminishment of Mira Loma Agricultural Preserve No. 3, Map No. 971, is consistent with the provisions of the Land Conservation Act of 1965 and the Rules and Regulations Governing Agricultural Preserves in Riverside County as adopted by the Board of Supervisors.
2. The diminishment of Mira Loma Agricultural Preserve No. 3, Map No. 971, is consistent with the Riverside County General Plan.