

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

933 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
February 15, 2008

SUBJECT: Adoption of Resolution No. 2008-105, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 10, Amendment No. 7, Map No. 980 – Applicant: Michael and Deanna Stelzer – Engineer / Representative: Trip Hord & Associates – Second Supervisorial District – Prado-Mira Loma Zoning District – Eastvale Area Plan – 40.95 Acres (Gross)

RECOMMENDED MOTION: Adoption of Resolution No. 2008-105, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 10, Amendment No. 7, Map No. 980, based upon the hereinafter listed findings and conclusions:

FINDINGS:

1. On December 18, 2007, the Board of Supervisors tentatively approved a request by Michael and Deanna Stelzer to diminish Mira Loma Agricultural Preserve No. 10 pursuant to Agricultural Map No. 980 and to cancel the land conservation contract as it applies to the 40.95-acre (gross) project site.
2. The subject parcel is located northerly of 65th Street, southerly of the Riverside/San Bernardino County line and south of and adjacent to Limonite Avenue, easterly of the Riverside/San Bernardino County line and east of and adjacent to Archibald Avenue and westerly of Harrison Avenue in the Eastvale area of western Riverside County.

Ron Goldman
Planning Director

RG:kb

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 2/19/08
Tina Grande
Departmental Concurrence

FORM APPROVED COUNTY COUNSEL

BY: MINH C. TRAN
DATE 2-15-08

Policy

Consent

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

Prev. Agn. Ref.

District: Second

Agenda Number:

3.59

The Honorable Board of Supervisors

RE: Adoption of Resolution No. 2008-105, a Certificate of Tentative Cancellation of a Land Conservation Contract and Diminishment of Mira Loma Agricultural Preserve No. 10, Amendment No. 7, Map No. 980

February 15, 2008

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3. The alternative land use proposed for the subject parcel is Plot Plan No. 22277 (PP22277), which will implement the development of a commercial and industrial retail center consisting of 15 buildings and include: a fitness center, drugstore, bank, restaurant, car wash, mini storage, market, 3 fast food establishments, 3 retail shops, and 2 multi tenant research and development buildings. Parcel Map No. 35061 (PM35061), processed currently with PP22277, will subdivide the subject site into 13 industrial and commercial parcels, including one parcel for condominium purposes.
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 \$1,062,500.00 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 Parcel Map No. 35061 or Plot Plan No. 22277 (Assessor's Parcel No. 144-030-028-0 and 144-030-012-5), whichever comes first, 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. 2008-105
CERTIFICATE OF TENTATIVE CANCELLATION
OF LAND CONSERVATION CONTRACT AND
DIMINISHMENT OF AGRICULTURAL PRESERVE
(Government Code Section 51283.4)**

WHEREAS, Steven Litwin 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 24, 1971 as Instrument No. 18031 in the office of the County Recorder of Riverside County, California; and,

WHEREAS, Mike C. Stelzer and Deanna Mae Stelzer, the subsequent property owners of Assessor's Parcel No. (APN) 144-030-028-0, filed a Notice of Nonrenewal on August 17, 1999, which notice was recorded on August 25, 1999 as Instrument No. 1999-381939, in the Office of the County Recorder of Riverside County, California;

WHEREAS, Mike C. Stelzer and Deanna Mae Stelzer, as Co-Trustees of the Stelzer Family Trust established June 27, 2001, by Mike C. Stelzer and Deanna Mae Stelzer, as Trustors, 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. 7, (DIMINISHMENT), MAP NO. 980," petitioned to cancel the contract and to diminish Mira Loma Agricultural Preserve No. 10, Map No. 134; and,

WHEREAS, a public hearing was held on this matter by the Riverside County Board of Supervisors on December 18, 2007; 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. 41138, which consider the impacts of the establishment of the proposed alternative land use, as well as the impacts of this cancellation request; and,

FORM APPROVED COUNTY COUNSEL
BY:  2-15-08
DATE
MINH C. TRAN

1 **WHEREAS, Plot Plan No. 22277 is the alternative use; and,**

2 **WHEREAS, Plot Plan No. 22277 will implement the development of a commercial and**
3 **industrial retail center consisting of 15 buildings and include: a fitness center, drugstore, bank,**
4 **restaurant, car wash, mini storage, market, 3 fast food establishments, 3 retail shops, and 2 multi**
5 **tenant research and development buildings. Parcel Map No. 35061, processed currently with**
6 **PP22277, will subdivide the subject site into 13 industrial and commercial parcels, including one**
7 **parcel for condominium purposes; and,**

8 **WHEREAS, the amount of the cancellation fee, pursuant to Section 51283.4 of the**
9 **Government Code, has been determined and certified by this Board to be \$1,062,500.00;**

10 **BE IT RESOLVED, FOUND, AND DETERMINED by the Board of Supervisors of the**
11 **County of Riverside, State of California, in regular session assembled on February 26, 2008 that:**

- 12 **1. The cancellation of said contract and diminishment of the agricultural preserve, and**
13 **the use of the land for the proposed alternative use are consistent with the Riverside**
14 **County General Plan.**
- 15 **2. The conditions with which the landowner must comply following the date of the**
16 **recording of this Certificate of Tentative Cancellation are as follows:**
 - 17 **a. Payment within one year of the total amount of the cancellation fee of**
18 **\$1,062,500.00 to the Treasurer of Riverside County, or, if after one year**
19 **following the date of recordation of this Certificate of Tentative Cancellation,**
20 **payment of the recomputed fee referenced on page 3 of this resolution. This**
21 **condition shall not be interpreted as constituting a limitation on the period of**
22 **validity of this Certificate of Tentative Cancellation, nor shall an Extension of**
23 **Time application be required.**
 - 24 **b. All conditions necessary for the County of Riverside to issue grading permits**
25 **on Parcel Map No. 35061 or Plot Plan No. 22277 (APN 144-030-028-0 and**
26 **144-030-012-5), whichever comes first, shall have been met.**

27 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED that the Clerk of this Board**
28 **shall file and record copies of this resolution, map and boundary description, in the Office of the**
29 **County Recorder of Riverside County, California, and transmit copies thereof to the Director of**

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

- 4 1. Mira Loma Agricultural Preserve No. 10, Map No. 134, dated February 16, 1971, as
5 amended, will be further amended by deleting therefrom the area shown on the map
6 entitled "MIRA LOMA AGRICULTURAL PRESERVE NO. 10, AMENDMENT
7 NO. 7, (DIMINISHMENT), MAP NO. 980," and described by boundary description
8 thereof, said map and description both being on file in the Office of the Clerk of the
9 Board.
- 10 2. The Land Conservation Contract between Steven Litwin and the County of
11 Riverside, dated January 1, 1971 and recorded February 24, 1971 as Instrument No.
12 18031, in the Office of the County Recorder of Riverside County, California, will be
13 canceled as said contract applies to land referenced in the petition of Michael and
14 Deanna Stelzer, thereby removing from the effect of said contract the real property in
15 the County of Riverside, State of California, described in the exhibit entitled,
16 "EXHIBIT A, MIRA LOMA AGRICULTURAL PRESERVE NO. 10,
17 AMENDMENT NO. 7, (DIMINISHMENT), MAP NO. 980," a copy of which is
18 attached hereto and incorporated herein by reference.

19 **BE IT FURTHER RESOLVED** that, if the cancellation fee of \$1,062,500.00 is not paid
20 within one year following the recordation of this Certificate of Tentative Cancellation, the fee shall be
21 recomputed pursuant to Government Code Section 51283.4 (a), and the landowner shall be required
22 to pay the recomputed fee as a condition to final cancellation of the contract.

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

**EXHIBIT A
MIRA LOMA AGRICULTURAL PRESERVE NO. 10
MAP NO. 980
(DIMINISHMENT)**

Parcel 1 as described and shown on that certain Notice of Lot Line Adjustment No. 4242, recorded January 30, 2001, as Instrument No. 2001-038743, Official Records.

Being that portion of the Northwest ¼ of the Northwest ¼ of Section 26, Township 2 South, Range 7 West, as shown by Sectionized Survey of the Jurupa Rancho, on file in Book 9, Page 33 of Maps, Records of San Bernardino County, California, described as follows:

Commencing at the Southwest corner of said Northwest ¼ of the Northwest ¼;

Thence North 89° 48' 44" East along the South line of said Northwest ¼ of the Northwest ¼, a distance of 50.00 feet for the **true point of beginning**;

Thence continuing North 89° 48' 44" East along said South line, a distance of 213.34 feet to a point on the Southeasterly line of that certain easement conveyed to Southern California Edison Company by deed recorded November 7, 1969, as Instrument No. 114384, Official Records of Riverside County, California, said easement is also shown on Record of Survey on file in Book 59, Page 22 of Records of Survey, Records of Riverside County, California;

Thence North 69° 31' 44" East along said Southeasterly line of said easement so conveyed, a distance of 1,113.45 feet to an angle point thereon;

Thence North 29° 24' 30" East along said Southeasterly line, a distance of 25.80 feet to a point on the East line of said Northwest ¼ of the Northwest ¼;

Thence North 00° 33' 08" East along said East line, a distance of 887.46 feet to a point on a line parallel with and distant South 30.00 feet, measured at a right angle, from the centerline of Cloverdale Road, as shown on said Record of Survey;

Thence North 89° 55' 46" West along said parallel line, a distance of 1,280.08 feet to a point on a line parallel with and distant East 50.00 feet, measured at right angles from the centerline of Archibald Avenue;

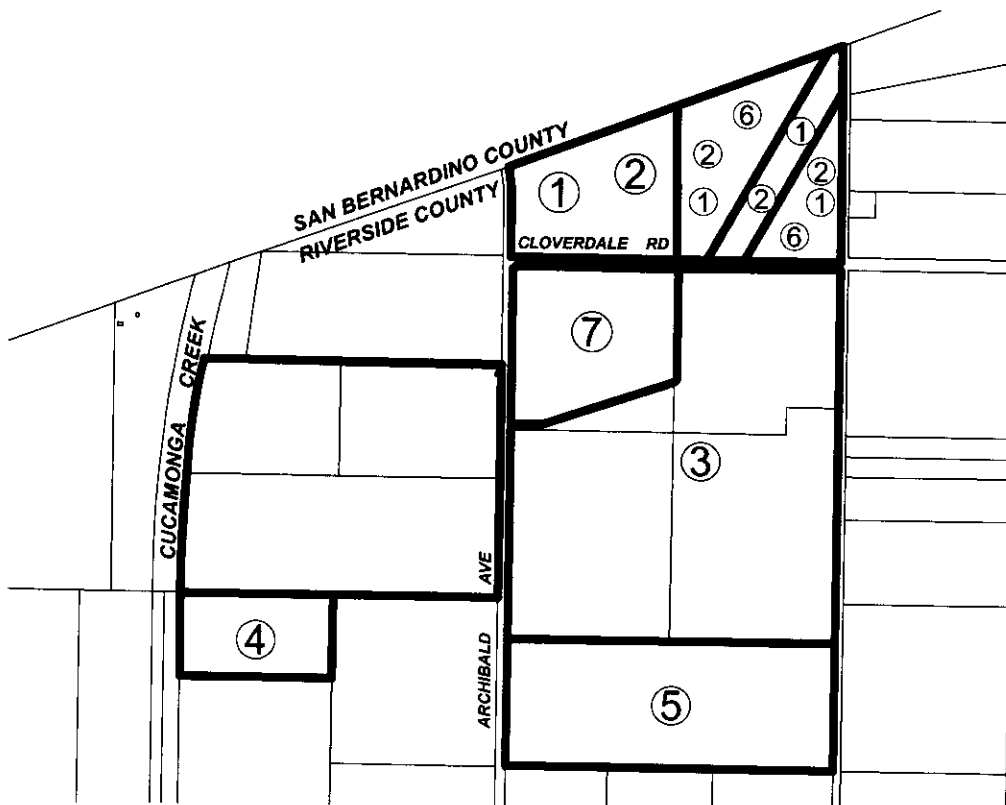
Thence South 00° 06' 17" East along said parallel line, a distance of 1,301.58 feet to the **point of beginning**.

Assessor Parcel No.	Acres (Gross)	Owners
144-030-028-0	40.95	Michael and Deanna Stelzer, as Co-Trustees of the Stelzer Family Trust
Total	40.95	

MAP NO. 134 MIRA LOMA AGRICULTURAL PRESERVE NO. 10

AMENDED BY MAP NO. 464, 598, 820, 880, 922, 936, 980

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



AMENDMENTS:

- NO. 1, (ENLARGEMENT), JANUARY 31, 1978 , MAP NO. 464
- NO. 2, (DIMINISHMENT), ABANDONED , MAP NO. 598
- NO. 3, (DIMINISHMENT), FEBRUARY 4, 2003, MAP NO. 820
- NO. 4, (DIMINISHMENT), OCTOBER 18, 2005, MAP NO. 880
- NO. 5, (DIMINISHMENT), FEBRUARY 28, 2006, MAP NO. 922
- NO. 6, (DIMINISHMENT), , MAP NO. 936
- NO. 7, (DIMINISHMENT), *February 26, 2008*, MAP NO. 980

ADOPTED ON FEBRUARY 16, 1971

BY THE BOARD OF SUPERVISORS

OF THE COUNTY OF RIVERSIDE,

STATE OF CALIFORNIA.

