



**City of Ontario  
Planning Department**  
303 East "B" Street  
Ontario, CA 91764  
Phone: (909) 395-2036  
Fax: (909) 395-2420

## ***Williamson Act Uniform Application Packet***

Statewide concern over the rapid conversion of agricultural land to urban uses led to enactment of the Land Conservation Act of 1965, commonly referred to as the Williamson Act. This Act enabled the County of San Bernardino to establish an Agricultural Preserve. Once the preserve was established, property owners could contract with the County to preserve the property and quality for a property tax assessment based upon use and economic yield rather than the full market value of the property.

A Land Conservation Contract (LCC) has a minimum term of ten (10) years. However, this term is automatically renewed each year for an additional year, thereby keeping the term of the contract to a period of ten years. This perpetual contract continues until the administering entity (County or City) or the owner files a Notice of Non-renewal, which will then terminate the contract at the end of its remaining term, usually nine (9) years. When a Non-renewal is filed, the property tax assessment gradually reverts back to being computed based upon full market value rather than use. There are no penalties associated with Non-renewals.

Property owners desiring to remove the use restrictions imposed by their LCC prior to the expiration of the contracts' term (after a Non-renewal is filed) may petition to have the LCC canceled. Specific criteria must be met, a cancellation fee must be paid, and the reasonable cost of processing the petition must be paid before contracts can be canceled. The cancellation fee normally equals twelve and one-half (12.5%) percent of the property's current full market value.

With the annexation of the New Model Colony (NMC) in 1999, the City of Ontario assumed responsibility for administering land conservation contracts on those properties. Government Code Section 51243 provides that the annexing city "shall succeed to all rights, duties, and powers of the administering entity under the Land Conservation Contract." This application provides information and forms required to process non-renewal or cancellation of a Land Conservation Contract in the City of Ontario.

### **DEPOSITS / FEES**

1. Non-renewal for a Land Conservation Contract: \$500.00
2. Partial Non-renewal for a Land Conservation Contract: \$800.00
3. Cancellation of a Land Conservation Contract: \$5,242.00

Fees for work performed on these actions may include, but are not limited to, CEQA review, staff review, verification of legal description, City Attorney review, recording and submittal to the State Department of Conservation.

### **APPLICATION INFORMATION AND PROCEDURES**

Two options exist for non-renewal of a LCC. A total Non-renewal covers the entire area restricted by an LCC. The City will record the notice of Non-renewal within 20 days of it being filed. A total Non-renewal is not subject to discretionary review and is normally exempt from CEQA. A Partial Non-renewal covers only a portion of the area restricted by an LCC, is subject to discretionary approval by the City, and requires CEQA review.

Typically Land Conservation Contracts are automatically renewed the first of each calendar year. To have your request for Non-Renewal become effective for the coming year, a Notice of Non-renewal form must be filed with the Planning Department by October 1<sup>st</sup> unless your LCC has a renewal date other than January 1, in which case you must file at least 90 days prior to the renewal date. Once the request for Non-renewal has been recorded, the contract will be officially terminated in nine (9) years. For example, if a request for Non-renewal was filed between January 1 and October 1, 2000, it would become effective on January 1, 2001. The contract would then terminate nine (9) years from that date, on January 1, 2010. Please be advised that Notices of Partial Non-renewal

must be approved by the City of Ontario before they will become operative. When approved by the City of Ontario, the Notice of Partial Non-renewal only operates to terminate the LCC over that portion of property reflected in the Notice.

(CLC) – Cancellation of a Land Conservation Contract

As a supplement to the Non-renewal procedure, a landowner may petition for immediate cancellation of their LCC. Government Code Sections 51281 and 51282 specify the requirements for a petition for cancellation of a Land Conservation Contract. The cancellation process is outlined on page 16.



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## Williamson Act Uniform Application

### GENERAL INFORMATION (print or type)

\*\*Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

\*\*Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Applicant's Representative: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

\*\* *Note: If the property owner or applicant is a trust, partnership, corporation or LLC, on a separate sheet, provide a listing of all persons that make-up the trust, partnership, corporation or LLC*

(For staff use only)

File No.: \_\_\_\_\_

Related Files: \_\_\_\_\_

Date: \_\_\_\_\_

Rec'd by: \_\_\_\_\_

Fees Paid: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

### TYPE OF REVIEW REQUESTED (please check all applicable boxes)

☐ Non-Renewal

☐ Partial Non-Renewal

☐ Cancellation

### PROJECT LOCATION

General Location/Address of Project: \_\_\_\_\_

Assessor's Parcel No(s): \_\_\_\_\_

### GENERAL PLAN, ZONING & LAND USE

Existing General Plan Designation: \_\_\_\_\_ Existing Zoning: \_\_\_\_\_

Existing Land Use: \_\_\_\_\_

### PROJECT DESCRIPTION (attach additional sheets if necessary)

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**LEGAL DESCRIPTION** (attach additional sheets if necessary)

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**PARTIAL OR COMPLETE NON RENEWAL** (Does this notice cover the entire contract area or a portion thereof?)

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**PETITION FOR CANCELLATION**

**PETITIONER'S STATEMENT OF FACTS**

**Please provide a statement of facts demonstrating how the petition for Cancellation meets the specified cancellation criteria of the Williamson Act** (This statement must include sufficient factual information to allow planning staff, the City Attorney and the City Council to determine whether the necessary findings can be supported. This statement should be as detailed as possible and include reference to supporting evidence and law where appropriate. Please be advised that a petition consisting of conclusory statements, unfounded opinions, or unsupported assumptions will be inadequate for the City Council to make the appropriate findings and may result in non-issuance of a Certificate of Tentative Cancellation). The City may issue a Certificate of Tentative Cancellation of the LCC if the petitioner presents sufficient evidence allowing the City to make one of the following findings:

1. That the cancellation is consistent with the purposes of the Williamson Act;

In order to support a determination that cancellation is consistent with the purposes of the Act, the City must receive evidence and make supportable findings on all of the following (attach additional sheets if necessary):

☐ That a Notice of Non-renewal has been served:\_\_\_\_\_

☐ A cancellation is not likely to result in the removal of adjacent lands from agricultural uses:

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☐ That cancellation is for an alternative use which is consistent with the applicable provisions of the Ontario General Plan;

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☐ That cancellation will not result in discontinuous patterns of urban development:

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☐ That there is no proximate non-contracted land which is both available and suitable for the alternative proposed use or that development of the subject property would provide more contiguous patterns of urban development than development of the proximate non-contracted land.

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Or

2. That cancellation is in the public interest.

If the City opts to determine that the cancellation is in the public interest, it must make both of the following findings (*attach additional sheets if necessary*):

☐ That other public concerns substantially outweigh the objectives of the Williamson Act:

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☐ That there is no proximate non-contracted land which is both available and suitable for the alternative use currently proposed for the subject property or that development of the subject property would promote more contiguous patterns of urban development than development of proximate non-contracted land:

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**PROPOSED SPECIFIED ALTERNATIVE USE**

Please provide a statement of the proposed specified alternative use for the property. Ultimate development of the property should be consistent with the proposed specified alternative use, however, this statement is for informational purposes only. Cancellation of a Land Conservation Contract does not constitute approval of a specified alternative land use, site plan or other entitlement.

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***APPLICANT AFFIDAVIT***

STATE OF CALIFORNIA                     )  
COUNTY OF SAN BERNARDINO        ) ss  
CITY OF ONTARIO                         )

I, \_\_\_\_\_, being duly sworn, depose and say that I am the applicant in the foregoing application, that I have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Applicant Signature

STATE OF CALIFORNIA                     )

COUNTY OF SAN BERNARDINO ) ss  
CITY OF ONTARIO )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(Date) (insert name and title of the officer)

Notary Public, personally appeared \_\_\_\_\_,  
Name(s) of Signer(s)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Place Notary Seal Above

***PROPERTY OWNER AFFIDAVIT***

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF ONTARIO )

I, \_\_\_\_\_, being duly sworn, depose and say that I am the owner of the property in the foregoing application, that I have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Owner Signature

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF ONTARIO )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(Date) (insert name and title of the officer)

Notary Public, personally appeared \_\_\_\_\_,  
Name(s) of Signer(s)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Place Notary Seal Above

***MAILING LIST CERTIFICATION (required for public hearings)***

I, \_\_\_\_\_, hereby certify that the mailing list herewith provided pursuant to the Public Notice Requirements for the application, contains the names and addresses of all persons to whom all property is assessed as they appear on the latest available assessment roll of the County of San Bernardino within the area described and for a distance of one (1) mile (land under contract) from the exterior boundaries of the property legal described above.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name (print or type): \_\_\_\_\_



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## *Environmental Information Form*

### ***GENERAL REQUIREMENTS (print or type)***

Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Applicant's Representative: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

*(For staff use only)*

*File No.:* \_\_\_\_\_

*Related Files:* \_\_\_\_\_

*Date:* \_\_\_\_\_

*Rec'd by:* \_\_\_\_\_

*Fees Paid:* \_\_\_\_\_

*Receipt No.:* \_\_\_\_\_

### ***PROJECT DESCRIPTION (attach additional sheets if necessary)***

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### ***PROJECT LOCATION***

General Location/Address of Project: \_\_\_\_\_

Assessor's Parcel No(s): \_\_\_\_\_

### ***PROJECT INFORMATION***

Current General Plan Designation: \_\_\_\_\_

Present Zoning: \_\_\_\_\_

Present use of site: \_\_\_\_\_

Does this proposal involve a zone change: ☐ Yes ☐ No

If yes, what is the proposed zoning: \_\_\_\_\_

Does this proposal involve a variance, conditional use permit or zone change: ☐ Yes ☐ No

If yes, indicate type and nature of request: \_\_\_\_\_

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Will the project require certification, authorization or issuance of a permit by any public agency other than the City of Ontario? ☐ Yes ☐ No

If yes, please indicate what agencies: \_\_\_\_\_

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Site size: \_\_\_\_\_ sq. ft. \_\_\_\_\_ acres

Number of stories of construction: \_\_\_\_\_

Type of construction: \_\_\_\_\_

Amount of off-street parking provided: \_\_\_\_\_

Proposed scheduling: \_\_\_\_\_

Associated projects: \_\_\_\_\_

Anticipated incremental development: \_\_\_\_\_

For residential developments:

Number of units: \_\_\_\_\_

Unit sizes: \_\_\_\_\_

Anticipated sales prices or rents: \_\_\_\_\_

Household size anticipated: \_\_\_\_\_

For commercial developments:

Market/service area: ☐ Neighborhood ☐ City ☐ Regional

Square footage: \_\_\_\_\_

For industrial developments:

Use: ☐ Warehouse/Distribution ☐ Manufacturing ☐ Multi-tenant ☐ Other: \_\_\_\_\_

Square footage: \_\_\_\_\_

Estimated employees per shift: \_\_\_\_\_

For institutional developments:

Use/function: \_\_\_\_\_

Estimated employees per shift: \_\_\_\_\_

Estimated number of occupants: \_\_\_\_\_

Anticipated community benefits of project: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### ***SCHOOL INFORMATION***

School District(s) serving site: \_\_\_\_\_

High School serving Site: \_\_\_\_\_

Junior High/Middle School serving site: \_\_\_\_\_

Elementary School serving site: \_\_\_\_\_

### ***PROJECT IMPACTS (attach additional sheets to respond to any "yes" answers)***

		<u>Yes</u>	<u>No</u>
1.	Will the project result in a substantial alteration of any hill or to ground contours?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Will the project result in a change in scenic views or vistas from existing residential areas or public lands?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Will the project result in a change in pattern, scale or character of the general area of the project?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Will the project result in significant amounts of solid waste or litter?	<input type="checkbox"/>	<input type="checkbox"/>
5.	Will the project result in a change in dust, ash, smoke, fumes or odors in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>
6.	Will the project result in a change in stream or ground water quality or quantity, or alteration of existing drainage patterns?	<input type="checkbox"/>	<input type="checkbox"/>

		<u>Yes</u>	<u>No</u>
7.	Will the project result in a significant change in existing noise or vibration levels in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>
8.	Will the project result in a site on filled land or on a slope of 10% percent or more?	<input type="checkbox"/>	<input type="checkbox"/>
9.	Will the project result in the use of potentially hazardous materials, such as toxic substances, flammables or explosives?	<input type="checkbox"/>	<input type="checkbox"/>
10.	Will the project result in a substantial change in demand for municipal services (police, fire, water, sewage, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>
11.	Will the project substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Does the project have any relationship to a larger project or series of projects?	<input type="checkbox"/>	<input type="checkbox"/>

### **ENVIRONMENTAL SETTING**

Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures.

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Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (single-family residential, apartments, shopping center, office building, etc.), and the scale of development (height, frontage, setback, rear yard, etc.)

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### **CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Name (*print or type*): \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_



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## Minimum Filing & Public Notice Requirements Checklist

### FILING REQUIREMENTS

**Non-Renewal:** The minimum requirements for the processing of an action for Non-Renewal of Land Conservation Contracts are listed below. Failure to file any of the required items may result in delays in processing:

- ☐ Completed *Williamson Act Uniform Application*
- ☐ Non-renewal Notice (Notarized and in a properly recordable format)
- ☐ 8 1/2' x 11" map showing subject properties and reflecting portion of property subject to the Notice of Non-renewal
- ☐ Legal Description
- ☐ Land Conservation Contract (LCC) that pertains to the subject property
- ☐ Filing Fees
- ☐ Photos of site
- ☐ Other

**Partial Non-Renewal:** The minimum requirements for the processing of an action for Partial Non-Renewal of Land Conservation Contracts are listed below. A Partial Non-renewal is subject to the City's discretionary approval and to CEQA review. Failure to file any of the required items may result in delays in processing and/or disapproval of the Partial Non-Renewal:

- ☐ Completed *Williamson Act Uniform Application*
- ☐ Partial Non-renewal Notice (Notarized and in a properly recordable format)
- ☐ Vesting Deed (legible copy)
- ☐ Completed *Environmental Information Form*
- ☐ 8 1/2' x 11" map showing subject properties
- ☐ Legal Description
- ☐ Land Conservation Contract (LCC) that pertains to the subject property.
- ☐ Filing Fees
- ☐ Photos of site
- ☐ Other

**Cancellation:** The minimum requirements for the processing of a Petition for Cancellation of Land Conservation Contracts are listed below. Failure to file any of the required items may result in delays in processing and/or disapproval of the Petition of Cancellation:

- ☐ Completed *Williamson Act Uniform Application*
- ☐ Completed Proposal of Specified Alternative Use
- ☐ Completed *Environmental Information Form*
- ☐ Vesting Deed (legible copy)
- ☐ 8 1/2' x 11" map showing subject properties
- ☐ Legal Description
- ☐ Land Conservation Contract (LCC) that pertains to the subject property
- ☐ Concurrent filing of Notice of Non-renewal of the Land Conservation Contract or verification that a Notice of Non-renewal of the Land Conservation Contract has been filed.
- ☐ Filing Fees
- ☐ Photos of site
- ☐ Public hearing information prepared in accordance with the *Public Notice Requirements*
- ☐ Other

### PUBLIC NOTICE REQUIREMENTS

The materials and information listed below must be submitted with applications requiring a public hearing or public notification:

- ☐ **Property Ownership List:** A mailing list containing the names, addresses, and assessor's parcel number of all owners of property under Williamson Act Contract within a radius of one (1) mile of the site, measured from the exterior boundaries of the property. This information shall be obtained from the latest equalized assessment rolls of San Bernardino County (*property ownership information may be obtained from the San Bernardino County Assessor's Office, 2314 S. Mountain Avenue, Ontario, California 91764, phone: 909-458-1300*). Include the name and address of the property owner, applicant, and representative of the mailing list.
- ☐ **Mailing Envelopes:** Two sets of stamped (pre-paid postage) business-size envelopes, with the name and address of each person on the mailing list. The return address shall read: "City of Ontario, Planning Department, 303 East "B" Street, Ontario, CA 91764.
- ☐ **Radius Map:** A map illustrating the 1 mile radius boundary and all parcels within the boundary (copies of the assessor's maps will be accepted).

***DECLARATION***

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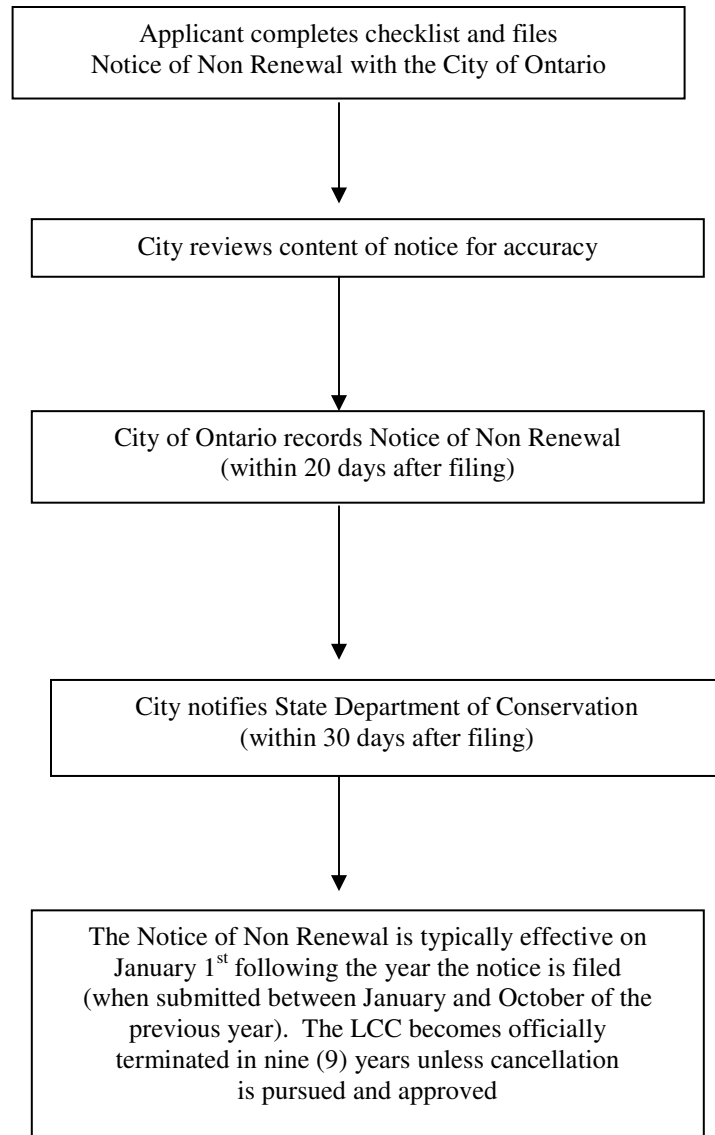
I hereby certify that the plans and information provided present all of the data and information required by this Checklist, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief. Furthermore, I understand that failure to provide the plans and information required by this checklist may result in this application not being accepted as complete for filing and/or processing.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name (print or type): \_\_\_\_\_

## Non-Renewal Process



## NOTICE OF NON-RENEWAL OF A LAND CONSERVATION CONTRACT

This Notice of Non-renewal of a Land Conservation contract is executed on \_\_\_\_\_, 20\_\_\_\_  
regarding the Land Conservation Contract Number(s) \_\_\_\_\_. This contract was recorded with  
the San Bernardino County Recorder on \_\_\_\_\_, 19\_\_\_\_ in Book \_\_\_\_\_, Page \_\_\_\_\_  
\_\_\_\_\_ of the public records (or as Instrument No. \_\_\_\_\_).

WHEREAS,

Hereinafter referred to as "OWNER" are all the known current owners of the \_\_\_\_\_ acres of real  
property described in Exhibit "A", (see attached map and legal description), attached hereto and made a  
part thereof, which is in the City of Ontario and which is all of the property subject to the provisions of  
the above referenced contract; and

WHEREAS, the OWNER either made and entered into this contract on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
or accepted same as an heir, successor or assign of the previous OWNER; and

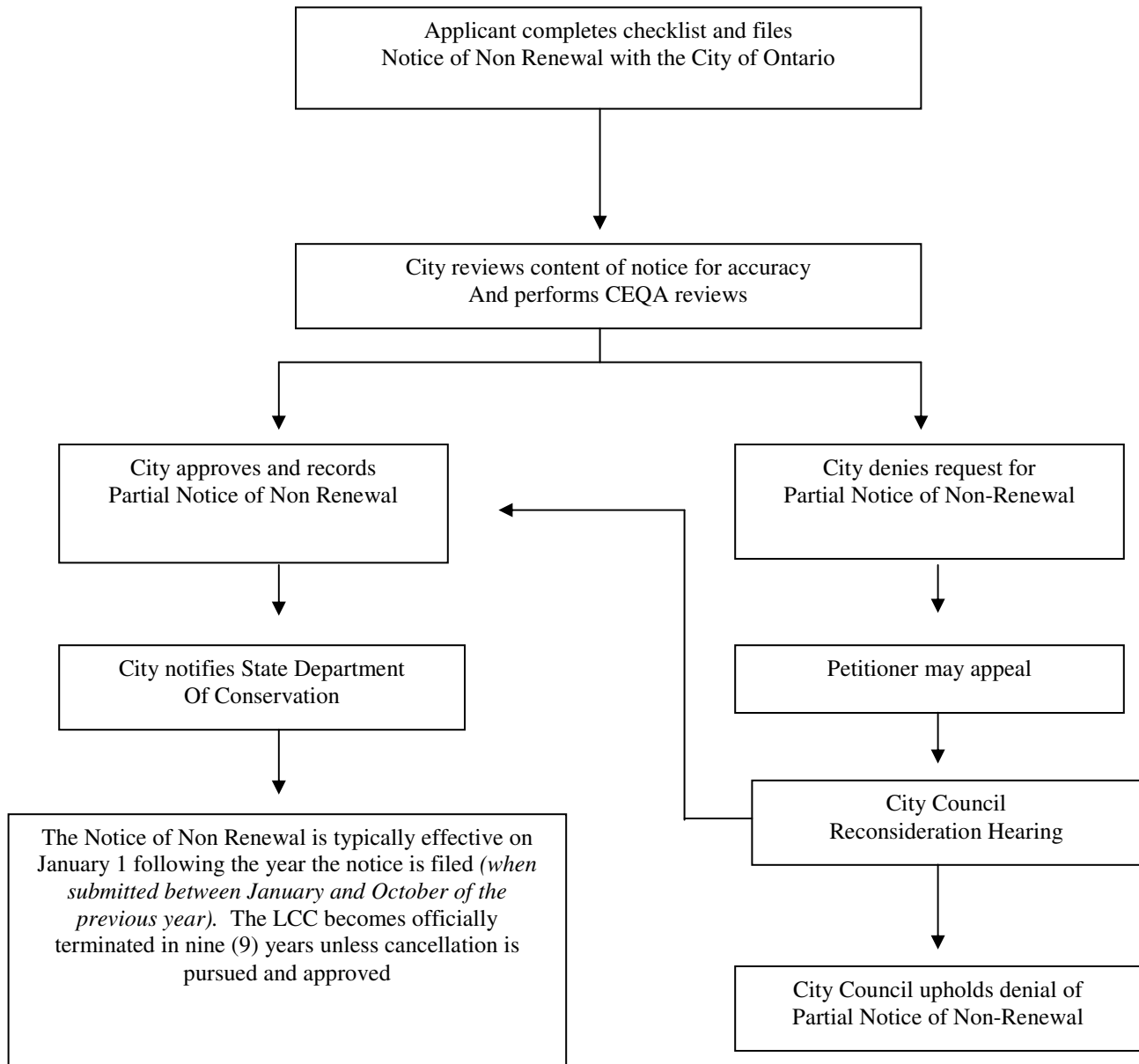
WHEREAS, the subject property was annexed to the City of Ontario on November 30, 1999; and

WHEREAS, the OWNER has filed this notice with the City of Ontario for Non-renewal of a Land  
Conservation Contract on \_\_\_\_\_, 20\_\_\_\_, and by so doing the OWNER understands and  
accepts the resulting change in property tax assessments under the provisions of the California Revenue  
and Taxation Code Section 426 and such other sections as are applicable; and

NOW, THEREFORE, the Non-renewal of Land Conservation Contract Number(s) \_\_\_\_\_  
is deemed effective as of the 1<sup>st</sup> day of January, 20\_\_\_\_ and the termination date will be the 1<sup>st</sup>  
day of January, 20\_\_\_\_ as to that property described in Exhibit "A".



## Partial Non-Renewal Process





# NOTICE OF PARTIAL NON-RENEWAL OF A LAND CONSERVATION CONTRACT

This Notice of Partial Non-renewal of a Land Conservation Contract is executed on \_\_\_\_\_, 20\_\_\_\_ regarding Land Conservation Contract Number(s) \_\_\_\_\_. This contract was recorded with the San Bernardino County Recorder on \_\_\_\_\_, 19\_\_\_\_ in Book \_\_\_\_\_, Page \_\_\_\_\_ of the public records (or as Instrument No. \_\_\_\_\_).

WHEREAS, \_\_\_\_\_

Hereinafter referred to as “OWNER” are all the known current owners of the \_\_\_\_\_ acres of real property described in Exhibit “A”, (see attached map and legal description), attached hereto and made a part thereof, which is in the City of Ontario and which is a portion of the property subject to the provisions of the above referenced contract; and

WHEREAS, the OWNER either made and entered into this contract on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, or accepted same as an heir, successor or assign of the previous OWNER; and

WHEREAS, the subject property was annexed to the City of Ontario on November 30, 1999; and

WHEREAS, the OWNER has filed this notice to the City of Ontario for Partial Non-renewal of a Land Conservation Contract on \_\_\_\_\_, 20\_\_\_\_, and by so doing the OWNER understands and accepts the resulting change in property tax assessments under the provisions of the California Revenue and Taxation Code Section 426 and such other sections as are applicable; and

NOW, THEREFORE, the Partial Non-renewal of Land Conservation Contract Number(s) \_\_\_\_\_, is deemed effective as of the 1<sup>st</sup> day of January, 20\_\_\_\_ and the termination date will be the 1<sup>st</sup> day of January, 20\_\_\_\_ as to that property described in Exhibit "A".

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF ONTARIO )

I, \_\_\_\_\_, being duly sworn, depose and say that I am the owner of the property in the foregoing application, that I have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge and belief.

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Owner Signature

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF ONTARIO )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
(Date) (insert name and title of the officer)

Notary Public, personally appeared \_\_\_\_\_,  
Name(s) of Signer(s)

Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Place Notary Seal Above

## CANCELLATION PROCESS

- ❑ The landowner initiates the process by filing a petition for Cancellation and a Proposal for Specified Alternative Use. The Williamson Act states that Tentative Cancellation shall be contingent on the landowner obtaining all permits necessary to commence the project/Specified Alternative Use. Therefore, the Specified Alternative Use must be consistent with the associated specific plan or the applicant must have City Council approval to develop the subject land without a specific plan.
- ❑ The City reviews the petition for Cancellation and Proposal for Specified Alternative Use and notifies petitioner as to completeness of the petition and proposal. Please note that the application is considered a “project” pursuant to the California Environmental Quality Act (CEQA). All Land Conservation Contracts were considered in the *Ontario Sphere of Influence Final Environmental Impact Report* in January 7, 1998 and all potential environmental impacts associated with the eventual expiration of non-renewals were fully addressed and analyzed. However, the potential environmental impacts associated with cancellations were not reviewed and thus subsequent environmental review is required.
- ❑ The City requests the County Assessor to determine the current fair market value of the land as though it were free of the contractual restriction. The City sends a copy of the valuation to the Department of Conservation and the applicant. Please note that the property valuation is valid for one year from the date of valuation.
- ❑ Within 45 days of receiving the assessor's determination of fair market value, the Department of Conservation or the property owner may request a formal review from the county assessor.
- ❑ The City sends a copy of the cancellation proposal and environmental document to the Department of Conservation no less than 30 days prior to a scheduled Planning Commission hearing. Please note that a Planning Commission hearing is not required by the Williamson Act. However, if the cancellation is processed along with other applications (e.g. Specific Plan), the Planning Commission will review the cancellation in conjunction with the other application(s) and will provide a recommendation to the City Council.
- ❑ The City notices the Planning Commission public hearing on the petition for Cancellation.
- ❑ Within ten (10) working days prior to the Planning Commission public hearing, the City sends notice of the hearing and a copy of the owner's petition to the Director of the Department of Conservation.
- ❑ The City holds the Planning Commission public hearing to consider evidence and public testimony. The Planning Commission makes the findings necessary to approve or deny the cancellation. If they determine that the findings can be made to approve the cancellation, the Planning Commission determines the cancellation fee based on the County Assessor's appraisal. The Planning Commission acts as a recommending body to the City Council.
- ❑ The City notices the City Council public hearing on the petition for Cancellation.
- ❑ The environmental document shall be certified/approved by the City Council. If the environmental document is approved, the City Council then reviews the cancellation to determine whether the necessary findings can be made to approve the cancellation. If the City Council determines that the findings can be made for cancellation, the City Council approves the Tentative Cancellation.
- ❑ The City issues and records a “Certificate of Tentative Cancellation” with the County Recorder's Office.
- ❑ Within thirty (30) days of the tentative cancellation, the City publishes its decision in at least one newspaper of general circulation within the City and delivers a copy of the published notice to the Director of the Department of Conservation.
- ❑ The owner satisfies any conditions and contingencies of canceling the contract (including payment of any applicable Cancellation Fee).
- ❑ The owner gives written notification to the City of satisfaction or failure to satisfy conditions and contingencies for cancellation. All conditions are to be satisfied within one year from the date of the recording of the tentative cancellation. If the landowner is unable to satisfy all conditions and contingencies, the landowner shall notify the City of

the particular conditions or contingencies he/she is unable to satisfy. Within 30 days of receipt of the notice, and upon a determination that the landowner is unable to satisfy the conditions and contingencies listed, the City Council shall execute a Certificate of Withdrawal of Tentative Approval of a Cancellation of Contract and cause the same to be recorded with the County Recorder's Office. The landowner shall not be entitled to the refund of any cancellation fee paid.

- ❑ Provided all conditions and contingencies have been satisfied, the petition for cancellation is presented to the City Council for Final Cancellation.
- ❑ Within thirty (30) days the owner sends a notice of satisfaction of all conditions and contingencies to the City, the City issues and records a "Certificate of Cancellation of Contract" with the County Recorder's Office.

## **ATTENTION**

The City of Ontario strives to provide you with efficient and effective service in a businesslike manner. We are committed to the principle that every dealing you have with the City must be based on honesty and integrity.

City employees are prohibited by law from soliciting or accepting money, services, or gifts of any kind in connection with the discharge of their duties.

If you are approached or are aware of any violation of this policy, please immediately contact any of the following:

Gregory Devereaux, City Manager    (909) 395-2010

Jim Doyle, Ontario Police Chief    (909) 395-2717

Ethics Line    (800) 500-0333