



## **Williamson Act Contract Nonrenewal/Cancellation Application Form**

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303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

Dear Applicant:

In an effort to improve customer service and ensure development projects are processed as quickly as possible, the Planning Department finds it necessary to remind its clients that complete application submittals are crucial to the plan review process. In the past, accepting incomplete applications has led to errors and time delays at the end of the review process. I do not want this to happen to you.

Consequently, the Planning Department staff will only accept complete applications at time of submittal. All items requested by this application packet, along with the required filing fee, must be provided before the Planning Department counter staff can accept your application for filing. Please review all minimum requirements prior to submitting your application, as counter staff do not have the authority to waive any requirements.

Please remember that failure to provide all of the required plans and information will result in significant time delays in the processing of your application. If you have any questions regarding the necessity of any particular item required by this application packet, please feel free to contact the Planning Department counter supervisor to discuss your questions.

The Planning Department looks forward to a continued efficient and professional relationship with you in the future. If you have any questions, comments, or concerns regarding this matter, please feel free to contact the Planning Department at (909) 395-2036.

Respectfully,

A handwritten signature in blue ink, appearing to read "RZL", is written over a horizontal line.

Rudy Zeledon  
Planning Director

**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 interaction 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:

Scott Ochoa, City Manager ..... (909) 395-2396 or [sochoa@ontarioca.gov](mailto:sochoa@ontarioca.gov)  
Mike Lorenz, Police Chief ..... (909) 395-2710 or [mlorenz@ontarioca.gov](mailto:mlorenz@ontarioca.gov)  
Ethics Line .....(800) 500-0333



# Williamson Act Contract Nonrenewal/Cancellation Application Form

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

## GENERAL INFORMATION

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

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

\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

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

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

\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

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

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

\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**(For Staff Use Only)**

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

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

Cash    Check (# \_\_\_\_\_)

Credit Card

Receipt 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

## TYPE OF REVIEW REQUESTED (PLEASE CHECK ALL APPLICABLE BOXES)

- Contract Nonrenewal (application covers the total area under Land Conservation Contract)
- Partial Contract Nonrenewal (application covers a portion of the total area under Land Conservation Contract)
- Contract Cancellation

## PROJECT LOCATION

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

\_\_\_\_\_

Assessor's Parcel No(s). (attach additional sheets if necessary): \_\_\_\_\_

\_\_\_\_\_

**POLICY PLAN (GENERAL PLAN), ZONING & LAND USE INFORMATION**

Existing Policy Plan (General Plan) Land Use Designation(s): \_\_\_\_\_

Existing Zoning Designation(s): \_\_\_\_\_

Existing Land Use(s): \_\_\_\_\_

**PROJECT DESCRIPTION**

Fully describe the proposed project (*attach additional sheets if necessary—please be detailed and specific*): \_\_\_\_\_

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**LEGAL DESCRIPTION**

Provide the exact legal description for the property(ies) for which this application has been submitted (*attach additional sheets if necessary*):

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**PETITION FOR CANCELLATION – STATEMENT OF FACTS AND REASONS**

**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 the Planning Department, City Attorney, and 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 nonissuance of a Certificate of Tentative Cancellation). The City may issue a Certificate of Tentative Cancellation of the Land Conservation Contract if the petitioner presents sufficient evidence allowing the City to make one of the following findings:

(1) The cancellation is consistent with the purposes of the Williamson Act.

In order to support a determination that the cancellation is consistent with the purposes of the Act, supportable evidence must be provided for all of the following findings (*attach additional sheets if necessary*):

(a) That a Notice of Nonrenewal has been served: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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(c) That cancellation is for an alternative use which is consistent with the applicable provisions of the Ontario General Plan:

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(d) That cancellation will not result in discontinuous patterns of urban development:

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(e) 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) The cancellation is in the public interest.

In order to support a determination that the cancellation is in the public interest, supportable evidence must be provided for all of the following findings (*attach additional sheets if necessary*):

(a) That other public concerns substantially outweigh the objectives of the Williamson Act:

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(b) 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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**APPLICANT ACKNOWLEDGMENT**

I, the undersigned, do hereby certify and state that I am the applicant in the foregoing application, that I have read the foregoing application, and that I know the content thereof, and do further state that the same is true and correct to the best of my knowledge and belief.

Furthermore, I hereby agree to defend, indemnify, and hold harmless the City of Ontario or its agents, officers, and employees, from any claim, action or proceeding against the City of Ontario or its agents, officers or employees, to attack, set aside, void, or annul any approval by the City of Ontario, whether by its City Council, Planning Commission, or other authorized board or officer, as it pertains to this application. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

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

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

**PROPERTY OWNER ACKNOWLEDGMENT**

I, the undersigned, do hereby certify and state that I am the owner of the property in the foregoing application, that I have read the foregoing application, and that I know the content thereof, and do further state that the same is true and correct to the best of my knowledge and belief.

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

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



# Williamson Act Contract Nonrenewal/Cancellation Application Form— Environmental Assessment Form

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

## GENERAL REQUIREMENTS

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

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

\_\_\_\_\_

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

Email: \_\_\_\_\_

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

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

\_\_\_\_\_

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

Email: \_\_\_\_\_

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

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

\_\_\_\_\_

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

Email: \_\_\_\_\_

<i>For staff use only</i>
File No.: _____
Related Files: _____
_____
Date: _____
Rec'd by: _____
Fees Paid: _____
<input type="checkbox"/> Cash <input type="checkbox"/> Check (# _____)
<input type="checkbox"/> Credit Card
Receipt No.: _____

## PROJECT DESCRIPTION (attach additional sheets if necessary)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## PROJECT LOCATION

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

Assessor's Parcel No(s). (attach additional sheets if necessary): \_\_\_\_\_

\_\_\_\_\_

## PROJECT INFORMATION

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

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

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

\_\_\_\_\_



**Environmental Information Form**

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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 (attach additional sheets if necessary): \_\_\_\_\_

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: \_\_\_\_\_

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: \_\_\_\_\_







## **Williamson Act Contract Nonrenewal/Cancellation Application Form— Minimum Filing Requirements**

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

### **MINIMUM FILING REQUIREMENTS**

**General Requirements.** The minimum requirements for filing a request for Land Conservation Contract Nonrenewal/Cancellation are listed below. An application that does not include the following plans and information will not be accepted for processing:

- Provide a completed *Williamson Act Contract Nonrenewal/Cancellation Application Form* and filing fees.
- Provide a completed *Environmental Information Form*.
- Copy of the current Land Conservation Contract that pertains to the subject property(ies).
- Provide an 8-1/2" x 11" map showing the subject property(ies) and reflecting portion of property subject to the Notice of Nonrenewal
- Provide photographs of the subject property(ies).
- Provide public hearing information prepared in accordance with the *Public Notice Requirements* of this checklist.
- One (1) CD or flash drive containing all submitted plans and exhibits, and required site photographs, in PDF, JPEG or TIFF format (see *Graphic Submittal Requirements*).
- Any other plans or information that the Planning Director deems necessary to facilitate processing of the application.

**Nonrenewal / Partial Nonrenewal.** The minimum additional requirements for filing a Nonrenewal or Partial Nonrenewal of a Land Conservation Contract are listed below:

- Provide a completed Notice of Nonrenewal of a Land Conservation Contract, or a completed Notice of Partial Nonrenewal of a Land Conservation Contract, as applicable.

**Cancellation.** The minimum additional requirements for filing a Cancellation of a Land Conservation Contract are listed below:

- Provide two (2) 11" x 17" copies of an illustrative land use plan, which generally depicts the Proposed Specified Alternative Land Use(s) described in the *Williamson Act Contract Nonrenewal/Cancellation Application Form*.
- Concurrently file a Notice of Nonrenewal of the Land Conservation Contract, or verify that a Notice of Nonrenewal of the Land Conservation Contract has been previously filed.

### **GRAPHIC SUBMITTAL REQUIREMENTS**

The minimum requirements for filing graphic files is as follows:

- All graphic files shall be provided in both PDF format, and JPEG or TIFF formats. No CAD files will be accepted in lieu of the required file format.** If you have any questions regarding the graphic submittal requirements, please contact the Planning Department at (909) 395-2036.
- To reduce the size of files, please reduce the physical size of drawings. Example: Reduce 36" x 48" sheet size to 11" x 17".
- Resolution should be large enough to allow text to be clearly read.
- Make sure you use **RGB**, not **CMYK** color mode before exporting to **JPEG** or **TIFF**.



**Williamson Act Contract Nonrenewal/Cancellation  
Application Form—  
Land Conservation Contract Notice of Nonrenewal**

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

This Notice of Nonrenewal of a Land Conservation Contract is executed on \_\_\_\_\_, 20\_\_\_\_, regarding the Land Conservation Contract No(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 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 hereof, 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 \_\_\_\_\_, 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 Nonrenewal 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 Nonrenewal of Land Conservation Contract No(s).\_\_\_\_\_ is deemed effective as of the 1st day of January, 20\_\_\_\_, and the termination date will be the 1st day of January, 20\_\_\_\_, as to that property described in Exhibit "A," attached.

I, the undersigned owner or officer of the property(ies) for which this application is made, being duly sworn, depose and say that the statements furnished above, and in the attached Exhibit, is true and correct to the best of my knowledge and belief.

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

**NOTARY ACKNOWLEDGMENT**

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )  
CITY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
*Date* *Name of Notary Public*

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.

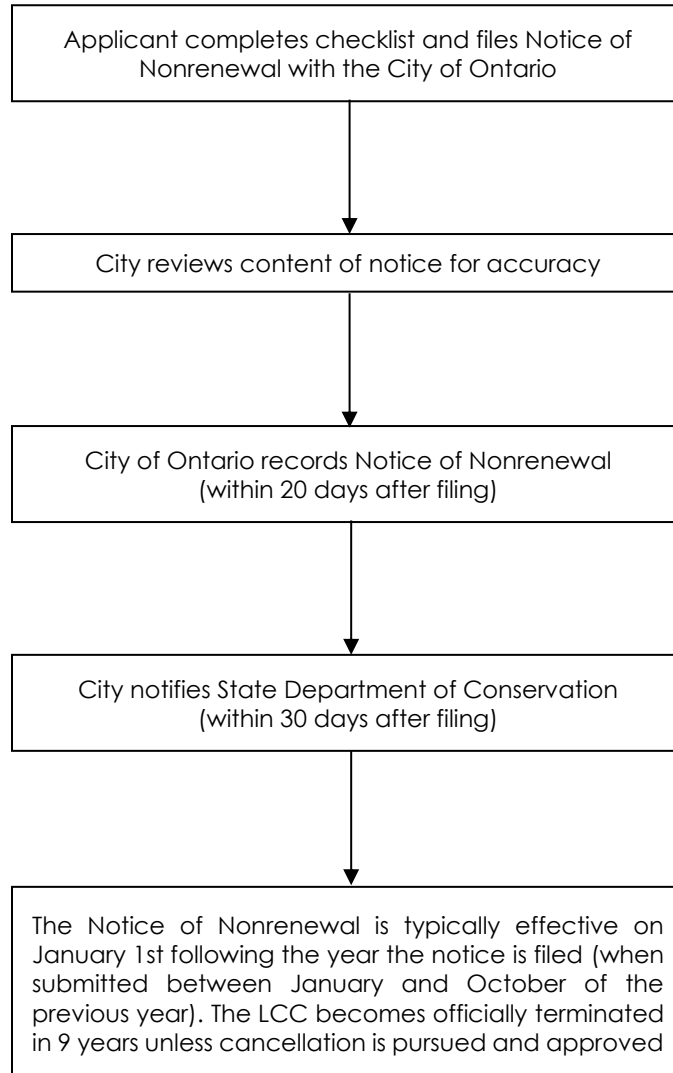
Signature \_\_\_\_\_

(Seal)



## **Williamson Act Contract Nonrenewal/Cancellation Application Form— Land Conservation Contract Nonrenewal Process**

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420





**Williamson Act Contract Nonrenewal/Cancellation  
Application Form—  
Land Conservation Contract Notice of Partial Nonrenewal**

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

This Notice of Partial Nonrenewal of a Land Conservation Contract is executed on \_\_\_\_\_, 20\_\_\_\_, regarding the Land Conservation Contract No(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 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 hereof, 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 \_\_\_\_\_, 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 Partial Nonrenewal 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 Nonrenewal of Land Conservation Contract No(s). \_\_\_\_\_ is deemed effective as of the 1st day of January, 20\_\_\_\_, and the termination date will be the 1st day of January, 20\_\_\_\_, as to that property described in Exhibit "A," attached.

I, the undersigned owner or officer of the property(ies) for which this application is made, being duly sworn, depose and say that the statements furnished above, and in the attached Exhibit, is true and correct to the best of my knowledge and belief.

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

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

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

Daytime Phone: \_\_\_\_\_



**Williamson Act Contract Nonrenewal/Cancellation Application —  
Land Conservation Contract Notice of Partial Nonrenewal**

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**NOTARY ACKNOWLEDGMENT**

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ )  
CITY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_,  
*Date* *Name of Notary Public*

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.

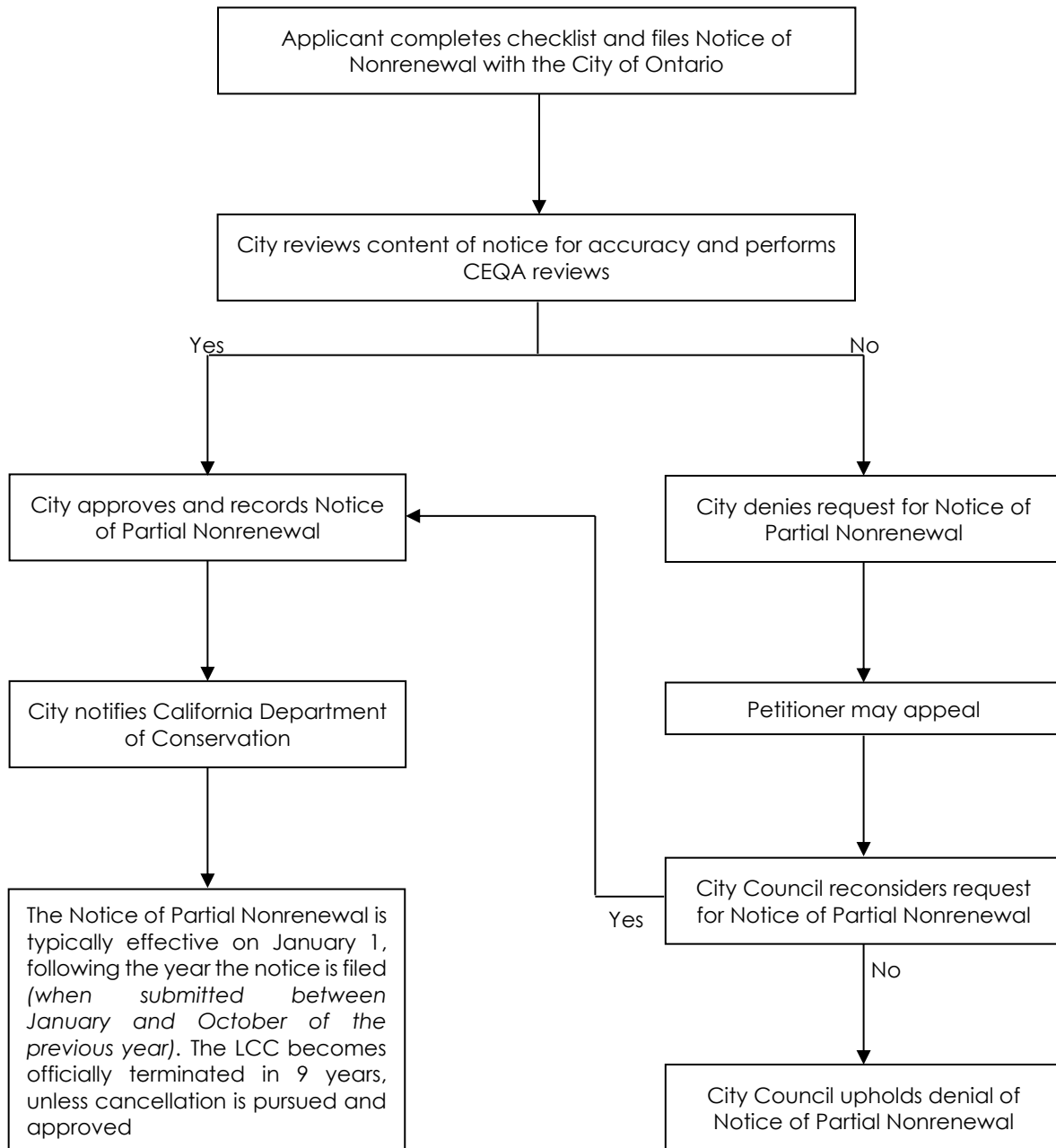
Signature \_\_\_\_\_

(Seal)



## Williamson Act Contract Nonrenewal/Cancellation Application Form— Land Conservation Contract Notice of Partial Nonrenewal

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420





## **Williamson Act Contract Nonrenewal/Cancellation Application Form— Land Conservation Contract Cancellation Process**

303 East B Street, Ontario, California 91764 Phone: 909.395.2036 / Fax: 909.395.2420

(1) 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.

(2) 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 Plan Environmental Impact Report, certified by the City Council on January 27, 2010, and all potential environmental impacts associated with the eventual expiration of nonrenewals were fully addressed and analyzed. However, the potential environmental impacts associated with cancellations were not reviewed and thus subsequent environmental review is required.

(3) 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.

(4) 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.

(5) 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.

(6) The City notices the Planning Commission public hearing on the petition for Cancellation.

(7) Within 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.

(8) 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.

(9) The City notices the City Council public hearing on the petition for Cancellation.

(10) 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.

(11) The City issues and records a "Certificate of Tentative Cancellation" with the County Recorder's Office.

(12) Within 30 days following approval 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.

(13) The owner satisfies any conditions and contingencies of canceling the contract (including payment of any applicable Cancellation Fee).

(14) 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 following 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.

(15) Provided all conditions and contingencies have been satisfied, the petition for cancellation is presented to the City Council for Final Cancellation.

(16) Within 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.