

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

421 B



FROM: TLMA - Planning Department

SUBMITTAL DATE: 9/3/03

SUBJECT: CHANGE OF ZONE NO. 6757 / TENTATIVE TRACT MAP NO. 31107 / AGRICULTURAL PRESERVE NO. 885 - EA38923 - K. Hovanian Companies of California - Second Supervisorial District - Eastvale Area - 46 acres - 160 single family residential lots - A-2-20 zoning - Schedule A - Located on the eastern side of Hamner Avenue, north of Schleisman Road - REQUEST: CZ6757, proposes to change the zoning from Heavy Agriculture (A-2-20) to One Family Dwelling (R-1) / TR31107, proposes to divide the 46 acres into 160 single family residential lots with a min. lot size of 7,200 square feet, 1 tot lot, and 1 water mitigation lot. / AG00885, proposes cancellation of the associated land conservation contract.

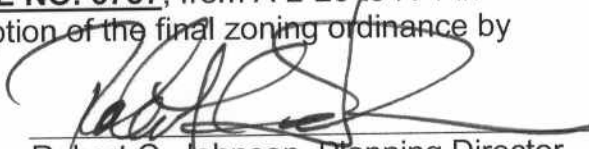
CONTROVERSIAL ISSUES: Bike trail system, tot lots and maintenance – resolved through modified conditions of approval.

RECOMMENDED MOTION:

The Planning Department Recommended Approval; and,
THE PLANNING COMMISSION BY A VOTE OF 5-0 RECOMMENDS TO THE BOARD OF SUPERVISORS:

ADOPTION of a MITIGATED NEGATIVE DECLARATION for ENVIRONMENTAL ASSESSMENT NO. 38923, based on the findings and mitigations incorporated in the initial study and the conclusion that the project, as conditioned, will not have a significant effect on the environment; and,

TENTATIVE APPROVAL of CHANGE OF ZONE NO. 6757, from A-2-20 to R-1 in accordance with Exhibit No. 2 pending final adoption of the final zoning ordinance by


Robert C. Johnson, Planning Director

RCJ: AR

(Continued On Attached Pages)

REVIEWED BY EXECUTIVE OFFICE
James Johnson
DATE 9/30/03

Department Recommendation: Consent Policy
Per Executive Office: Consent Policy

Prev. Agn. Ref.

Dist. Second

AGENDA NO.

16.4

the Board of Supervisors; and,

APPROVAL of TENTATIVE TRACT MAP NO. 31107, subject to the attached conditions of approval, based on the findings and conclusions incorporated in the staff report.

APPROVAL of AGRICULTURAL PRESERVE CASE NO. 885, to diminish Mira Loma Agricultural Preserve No. 5, as amended, and cancel the associated land conservation contract in accordance with Agricultural Preserve Map No. 885.

BACKGROUND:

Related to Change of Zone No. 6757 and Tentative Tract No. 31107 is an application to diminish an agricultural preserve and to cancel the associated land conservation contract. The Comprehensive Agricultural Preserve Technical Advisory Committee considered this application on April 24, 2003.

Agricultural Preserve Case No. 885

Agricultural Preserve Case No. 885 is a request by Rita Gayle and Peter Boersma, to diminish Mira Loma Agricultural Preserve No. 5, Map No. 6 and cancel the land conservation contract as it applies to the 47.07-acre site. Change of Zone No. 6757 and Tentative Tract No. 31107 are the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contract.

The Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) met on April 24, 2003 and recommended approval of the proposed cancellation based on the findings contained in the attached CAPTAC report.

Should the Board of Supervisors authorize tentative approval of the proposed cancellation, the applicant would be required to comply with the following conditions prior to issuance of a Certificate of Final Cancellation as outlined in Government Code Section 51283.4:

1. The cancellation fee of \$470,625.00 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Tract Map No. 31107 (Assessor's Parcel No. 134-120-003-2) shall have been met.

When all conditions and contingencies enumerated in the Certificate of Tentative Cancellation have been satisfied, the landowner shall notify the Board of Supervisors. Within 30 days of receipt of such notice, and upon determination that the conditions and

contingencies have been satisfied, the Board of Supervisors shall cause to be executed and recorded a Certificate of Final Cancellation.

FINDINGS:

1. The 47.07-acre site proposed for deletion from Mira Loma Agricultural Preserve No. 5 is located north of and adjacent to Schleisman Road, south of and adjacent to 68th Street, east of and adjacent to Hamner Avenue and westerly of Interstate 15 Freeway.
2. The site currently sustains an operating dairy with approximately two hundred (200) dairy cows.
3. The soils on the site are forty percent Class I and Class II, and sixty percent Class III, Class IV and Class VI.
4. Peter Vander Feer and Rieka Vander Feer, entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 5. The contract is dated January 1, 1971 and was recorded on February 26, 1971 as Instrument No. 19276 in the Office of the County Recorder of Riverside, California.
5. A notice of non-renewal was filed with the Planning Department on January 22, 2003, and was recorded by the Riverside County Clerk and Recorder on August 8, 2003, as Instrument No. 2003-604283. Pursuant to the notice of non-renewal the land conservation contract will expire January 1, 2013.
6. The landowner has applied for Tentative Tract Map No. 31107 in conjunction with Change of Zone No. 6757 as the alternative use of the site, as required by the cancellation procedures for a land conservation contract. The tract map proposes to subdivide the affected parcel into 160 single-family residential lots.
7. The proposed alternative use is consistent with the existing Riverside County Comprehensive General Plan and, upon approval of Change of Zone No. 6757, the proposed alternative use will be consistent with the proposed zoning.
8. The site is contiguous to residential development on the northwest, north, east, southeast and south and there are existing entitlements for urban development to the northeast, southwest and west.
9. Development of the contracted land will result in a more contiguous pattern of urban development than the non-contracted lands in the vicinity.

The Honorable Board of Supervisors
RE: CHANGE OF ZONE NO. 6757 / TENTATIVE TRACT MAP NO. 31107 /
AGRICULTURAL PRESERVE NO. 885 -
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10. The cancellation fee was determined by the Riverside County Assessor's Office to be \$470,625.00.

CONCLUSIONS:

1. The cancellation is for land on which a notice of non-renewal has been served.
2. The cancellation will not result in the removal of adjacent lands from agricultural use.
3. The cancellation is for an alternative use which is consistent with the applicable provisions of the County general plan.
4. The cancellation will not result in discontiguous patterns of urban development.
5. Development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.