

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

844 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 16, 2004

SUBJECT: CHANGE OF ZONE NO. 6748 / TENTATIVE TRACT MAP NO. 30893 / AGRICULTURAL PRESERVE NO. 881 - EA38885 - Trimark Pacific Homes, L.P. - Second Supervisorial District - Prado-Mira Loma District - 40 Acres - 125 Lots - A-2-10 Zoning - Schedule A - Located on the western side of Archibald Avenue, north of Schleisman Road - REQUEST: CZ6748, proposes to change the zoning on the subject property from Heavy Agriculture - 10 acre minimum (A-2-10) to One-Family Dwelling (R-1) / TR30893, proposes to divide 40 acres into 125 single family residential lots with a minimum lot size of 7,200 square feet and a 3-acre park. / AG00881, proposes cancellation of the associated land conservation contract.

RECOMMENDED MOTION:

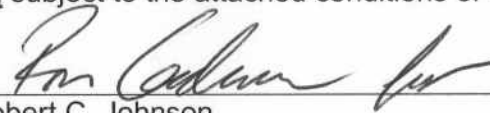
The Planning Department recommended Approval; and,
THE PLANNING COMMISSION BY A VOTE OF 5-0 RECOMMENDS:

ADOPTION of a Mitigated Negative Declaration for Environmental Assessment No. 38885, 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,

APPROVAL of Agricultural Preserve Case No. 881, to diminish Mira Loma Agricultural Preserve No. 2, as amended, and cancel the associated land conservation contract in accordance with Agricultural Preserve Map No. 881.

TENTATIVE APPROVAL of Change of Zone No. 6748, from A-2-10 to R-1 in accordance with Exhibit 2 pending final adoption of the final zoning ordinance by the Board of Supervisors; and,

APPROVAL of Tentative Tract Map No. 30893, subject to the attached conditions of approval,


Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Pages)

REVIEWED BY EXECUTIVE OFFICE

DATE Rehman

Departmental Concurrence

Dep't Recomm.: Policy Policy
 Consent Consent
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Second

Agenda Number:

16.4

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based on the findings and conclusions incorporated in the staff report; and,

APPROVAL of Exemption of lots 82, 83, 86, 110, 112, and 120 from the depth width ratio requirements of Section 3.8.C of County Ordinance 460.

BACKGROUND:

Related to Change of Zone No. 6748 and Tentative Tract No. 30893 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. 881

Agricultural Preserve Case No. 881 is a request by Trimark Pacific Homes, L.P. to diminish Mira Loma Agricultural Preserve No. 2, Map No. 3 and cancel the land conservation contract as it applies to the 40-acre parcel. Change of Zone No. 6748 and Tentative Tract No. 30893 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. However, the State Department of Conservation concluded that the petition for cancellation lacked substantial supporting evidence to permit the Board to reasonably find that it can cancel the contract based upon the required findings. The Planning Department does not concur with that recommendation, and is recommending approval of the diminishment of Mira Loma Agricultural Preserve No. 2, Map No. 253, as depicted on Map No. 881, based on the findings and conclusions incorporated in the staff 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 \$360,000.00 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Tract Map No. 30893 (Assessor's Parcel No. 134-030-011-1) 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:

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1. The 40-acre site proposed for deletion from Mira Loma Agricultural Preserve No. 2 is located northerly of Schleisman Road, southerly of the Riverside County line, easterly of Hellman Avenue and west of and adjacent to Archibald Avenue.
2. The site currently is utilized for growing green feed for dairy cows.
3. The soils on the site are one hundred (100) percent Class I and Class II.
4. Henriette C. Lee entered into two land conservation contracts with the County of Riverside for the same parcel of land within Mira Loma Agricultural Preserve No. 2. The first contract is dated January 1, 1973 and was recorded on June 14, 1972 as Instrument No. 77656 in the Office of the County Recorder of Riverside, California. The second contract, supercedes the original contract and is dated January 1, 1974 and was recorded on December 11, 1973 as Instrument No. 159901 in the Office of the County Recorder of Riverside, California.
5. A notice of non-renewal was filed with the Planning Department on July 31, 2003, and was recorded by the Riverside County Clerk and Recorder on October 1, 2003, as Instrument No. 2003-770550. Pursuant to the notice of non-renewal, the land conservation contract will expire on APN 134-130-011-1 on January 1, 2013.
6. The landowner has applied for Tentative Tract Map No. 30893 in conjunction with Change of Zone No. 6748 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 125 single-family residential lots and a 3-acre park.
7. The proposed alternative use is consistent with the Riverside County General Plan, adopted on October 7, 2003. Upon approval of Change of Zone No. 6748, the proposed alternative use will be consistent with the proposed zoning.
8. The site is contiguous to residential development or parcels with entitlements for urban development on the north, northeast, south, southeast, and east and parcels located to the northwest, west and southwest of the site are no longer under contract or are in the process of applying for urban development.
9. Development of the contracted land will result in a more contiguous pattern of urban development than the non-contracted lands in the vicinity.
10. The cancellation fee was determined by the Riverside County Assessor's Office to be \$360,000.00.

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. The site is contiguous to residential development or parcels with entitlements for urban development on the north, northeast, south, southeast, and east and parcels located to the

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northwest, west and southwest of the site, which at one time may have been under a Land Conservation Contract, are now either no longer under contract, not within an agricultural preserve, or are in the process of petitioning for a cancellation of the land conservation contract. The pattern of urban development occurs in an east to west direction, continuing to the Riverside County line. The cities of Chino, Chino Hills and Ontario are located adjacent to the County's western boundary and are experiencing similar urban growth.

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 discontinuous patterns of urban development.
5. Development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.