

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

846 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 16, 2004

SUBJECT: CHANGE OF ZONE NO. 6747 / TENTATIVE TRACT MAP NO. 30933 / AGRICULTURAL PRESERVE NO. 880 - EA38884 - Trimark Pacific Homes, L.P. - Second Supervisorial District - Prado-Mira Loma District - 19.84 Acres - 65 Lots - A-2-10 Zoning - Schedule A - Located west of Archibald and north of Schleisman Road - REQUEST: CZ6747, proposes to change the zoning on the property from Heavy Agriculture - 10 acre minimum (A-2-10) to One-Family Dwelling (R-1) / TR30933, proposes to divide 19.84 acres into 65 single family residential lots with a minimum lot size of 7,200 square feet. / AG00880, proposes cancellation of the associated land conservation contract.

CONTROVERSIAL ISSUES: None

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. 38884, 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. 880, to diminish Mira Loma Agricultural Preserve No. 10, as amended, and cancel the associated land conservation contract in accordance with Agricultural Preserve Map No. 880.

TENTATIVE APPROVAL of Change of Zone No. 6747, 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,

Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Pages)

REVIEWED BY EXECUTIVE OFFICE

Shirley J. Guff
DATE 1/16/04

Departmental Concurrence

- Policy
- Consent
- Dept't Recomm.:
- Policy
- Consent
- Per Exec. Ofc.:

Prev. Agn. Ref. | District: Second | Agenda Number:

16.5

The Honorable Board of Supervisors

RE: CHANGE OF ZONE NO. 6747 / TENTATIVE TRACT MAP NO. 30933 / AGRICULTURAL PRESERVE NO. 880 -

January 16, 2004

Page 2 of 4

APPROVAL of Tentative Tract Map No. 30933, subject to the attached conditions of approval, based on the findings and conclusions incorporated in the staff report.

BACKGROUND:

Related to Change of Zone No. 6747 and Tentative Tract No. 30933 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. 880

Agricultural Preserve Case No. 880 is a request by Trimark Pacific Homes, L.P. to diminish Mira Loma Agricultural Preserve No. 10, Map No. 134 and cancel the land conservation contract as it applies to the 19.84-acre parcel. Change of Zone No. 6747 and Tentative Tract No. 30933 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. 10, Map No. 134, as depicted on Map No. 880, 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 \$168,750.00 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Tract Map No. 30933 (Assessor's Parcel No. 134-030-023-2) 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 19.84-acre site proposed for deletion from Mira Loma Agricultural Preserve No. 10 is located northerly of Schleisman Road, southerly of the Riverside County line, easterly of Archibald Avenue and westerly of Hellman Avenue.

The Honorable Board of Supervisors

RE: CHANGE OF ZONE NO. 6747 / TENTATIVE TRACT MAP NO. 30933 / AGRICULTURAL PRESERVE NO. 880 -

January 16, 2004

Page 3 of 4

2. The site currently sustains an operating dairy with approximately two hundred (200) dairy cows.
3. The soils on the site are one hundred (100) percent Class I and Class II.
4. Corporation of the President of the East Los Angeles Stake of the Church of Jesus Christ of Latter Day Saints, a corporation sole, entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 10. The contract is dated January 1, 1971 and was recorded on February 24, 1971 as Instrument No. 18235 in the Office of the County Recorder of Riverside, California.
5. A notice of non-renewal was filed with the Planning Department on September 18, 2003, and was recorded by the Riverside County Clerk and Recorder on January 7, 2004, as Instrument No. 2004-0010706. Pursuant to the notice of non-renewal, the land conservation contract will expire on APN 134-030-023-2 on January 1, 2014.
6. The landowner has applied for Tentative Tract Map No. 30933 in conjunction with Change of Zone No. 6747 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 65 single-family residential lots.
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. 6747, the proposed alternative use will be consistent with the proposed zoning.
8. The site is contiguous to residential development on the northeast, east, southeast and south and parcels located to the immediate north, south, east and west of the site have approved entitlements for urban development 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 \$168,750.00.

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 on the northeast, east, southeast and south. Parcels located to the immediate north, south, east and west of the subject 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

The Honorable Board of Supervisors

RE: CHANGE OF ZONE NO. 6747 / TENTATIVE TRACT MAP NO. 30933 / AGRICULTURAL

PRESERVE NO. 880 -

January 16, 2004

Page 4 of 4

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.