

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

126B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
April 6, 2004

SUBJECT: AGRICULTURAL PRESERVE CASE NO. 895 – Stonegate Development for Clarence Lee Small, Jr. – Third Supervisorial District - Winchester Zoning Area – 53.11 acres (net) – A-1-10 Zoning – Located north of and adjacent to Simpson Road, southerly of Grand Avenue, easterly of Leon Road and westerly of Beeler Road – REQUEST: Diminish Winchester Agricultural Preserve No. 10, Map No. 82, as amended, and cancel the associated land conservation contract.

RECOMMENDED MOTION:

The Comprehensive Agricultural Preserve Technical Advisory Committee recommends:

DENIAL of AGRICULTURAL PRESERVE CASE NO. 895.

The Planning Department recommends:

APPROVAL of AGRICULTURAL PRESERVE CASE NO. 895, to diminish Winchester Agricultural Preserve No. 10, Map No. 82, as amended, and cancel the associated land conservation contract in accordance with Agricultural Preserve Map No. 895, based upon the hereinafter listed findings and conclusions.

BACKGROUND:

Agricultural Preserve Case No. 895 is a request by Stonegate Development for Clarence Lee Small, Jr. to diminish Winchester Agricultural Preserve No. 10, Map No. 82 and cancel the land conservation contract as it applies to the 53.11-acre site.

Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Pages)

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 4/18/04

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

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

16.6

This request is being processed in conjunction with Tentative Tract Map No. 30989 (TR30989) and Change of Zone No. 6743 (CZ6743). The Board of Supervisors tentatively approved TR30989 and CZ6743 on March 16, 2004. TR30989 is the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contract. TR30989 will subdivide the 53.11 acres (net) into 202 single-family lots with a minimum lot size of 7,200 square feet and include one (1) park site, one (1) detention basin, one (1) water quality basin and one (1) landscape lot.

The Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered this application on June 19, 2004. CAPTAC recommended DENIAL based on its findings, which are contained in the attached CAPTAC report. This recommendation was supported by the State Department of Conservation who, upon review of Agricultural Preserve Case No. 895, 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.

However, the Planning Department does not concur with this recommendation, and is recommending APPROVAL of the diminishment of Winchester Agricultural Preserve No. 10, Map No. 82, as depicted on Map No. 895, and cancellation of the associated land conservation contract.

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 \$262,462.50 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Tract Map No. 30989 (Assessor's Parcel No. 462-020-040-4, 462-020-041-5, 462-020-044-8, 462-020-046-0 and 462-020-047-1) 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:

1. The 53.11-acre site proposed for deletion from Winchester Agricultural Preserve No. 10 is located north of and adjacent to Simpson Road, southerly of Grand Avenue, easterly of Leon Road and westerly of Beeler Road.
2. The site currently is utilized for wheat cultivation.

3. The soils on the site are eighty (80) percent Class I and Class II.
4. Security Pacific National Bank entered into a land conservation contract with the County of Riverside for land within Winchester Agricultural Preserve No. 10. The contract is dated January 1, 1970 and was recorded on March 25, 1970 as Instrument No. 27904 in the Office of the County Recorder of Riverside, California.
5. A notice of non-renewal was filed with the Planning Department on May 21, 2003, determined to be complete on August 22, 2003, and was recorded by the Riverside County Clerk and Recorder on August 29, 2003, as Instrument No. 2003-667917. Pursuant to the notice of non-renewal, the land conservation contract will expire on the aforementioned assessor's parcel numbers on January 1, 2013.
6. The landowner has applied for TR30989 in conjunction with CZ6743 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 parcels into 202 single-family residential lots with a minimum lot size of 7,200 square feet and include one (1) park site, one (1) detention basin, one (1) water quality basin and one (1) landscape lot.
7. The proposed alternative use is consistent with the Riverside County General Plan, adopted on October 7, 2003. The General Plan Land Use Designation on the subject property is Community Development – Medium-Density Residential (MDR) (2-5 dwelling units/acre). Upon approval of CZ6743, the proposed alternative use will be consistent with the proposed zoning.
8. Parcels located in the immediate vicinity of the site are zoned Rural Residential (R-R). The R-R zone allows residential, commercial and industrial/manufacturing land uses subject to approval of the appropriate land use permit.
9. Immediately north of the subject site is the closed Double Butte Landfill, which encompasses approximately 580 acres. The General Plan Land Use Designation for the landfill, as well as for properties located to immediately west of the site, is Community Development – Public Facilities (PF). Parcels located south of the site are designated for residential development and include MDR, Medium-High Density Residential (MHDR) (5-8 dwelling units/acre) and Very-Low Density Residential (VLDR) (1 dwelling unit/acre). Parcels located to the west of the site are also designated MDR.
10. Urban development or entitlements for urban development exist to the northwest, south, southeast, southwest and west of the site 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.

- Adopted Specific Plan No. 293 (SP293), an approximately 2,000-acre master planned community approved for a maximum of 5,633 residential units is located westerly and immediately southerly of the site. The County is currently processing TR30266, TR30322, TR30653, TR30806, TR30807, TR30808, TR31100, TR31141 and TR31142, all located within SP293 and totaling 2,183 residential lots.
 - Adopted SP260, an approximately 1,508-acre master planned community approved for a maximum of 2,388 residential lots, of which 860 residential units are built, is located northwesterly of the subject site. TR28801 and TR29495, both located within SP260, have been approved for a maximum of 566 and 384 residential lots, respectively. TR31545, TR31546, TR29326, TR29328, TR29327, TR29262 and TR29905, currently being processed through the County, total 829 residential lots and are all located with SP260.
 - Adopted SP301, lying west of and adjacent to SP260 and northwest of the subject site, is an approximately 1,548 acre master planned community approved for a maximum of 4,063 residential lots.
 - Adopted SP158, another master planned community on 1,857 acres and, as amended, approved for a maximum of 5,254 residential lots, of which 3,850 residential units have been built, as well as allowing light industrial type uses, lies somewhat southwest of the subject site.
 - Adopted SP247 is located south of SP158 and was approved, as amended, for a maximum of 1,158 residential lots on 251 acres.
 - Adopted SP288, a 222-acre master planned community, is located southeast of the subject site and is approved, as amended, for a maximum of 795 residential lots.
 - Adjacent to the east and southerly of SP288 are adopted SP310 and SP322, both master planned communities incorporating mixed land uses. Together SP310 and SP322 encompass 2,499 acres and were approved for a maximum of 5,021 residential lots.
11. Agricultural preserves located in the vicinity of the site include Winchester Agricultural Preserve No. 21, No. 22, No. 26 and No. 27. Only one parcel remains under land conservation contract within these agricultural preserves. Within the affected agricultural preserve, only three parcels will remain under land conservation contracts upon approval of Agricultural Preserve Case No. 895.

11. 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 \$262,462.50.

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 northwest, south, southeast, southwest and west. Parcels located within surrounding agricultural preserves, which at one time may have been subject to land conservation contract, are now either no longer under contract, not within an agricultural preserve, or are in the process of diminishing from the boundaries of the affected agricultural preserve.
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 non-contracted land.