

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

216 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
June 7, 2004

**SUBJECT:** CHANGE OF ZONE NO. 6824 / TENTATIVE TRACT MAP NO. 31386 /  
AGRICULTURAL PRESERVE NO. 899 – EA39104 – John Laing Homes – Second  
Supervisory District – Eastvale zoning district – 37.61 acres – 136 residential lots – Schedule A  
– A-2-10 and C-1 / C-P zoning – Located at the northwest corner of Hamner Avenue and  
Schleisman Road – REQUEST: CZ 6824 proposes to change the zoning on the subject site  
from Heavy Agriculture (A-2-10) and General Commercial (C-1/C-P) to One Family Dwelling  
(R-1); TR 31386 proposes to subdivide 36.74 acres into 136 single family residential lots with a  
min. lot size of 7,200 square feet; and, AG00899 proposes cancellation of the associated land  
conservation contract..

**RECOMMENDED MOTION:**

**THE COMPREHENSIVE AGRICULTURAL PRESERVE TECHNICAL ADVISORY  
COMMITTEE RECOMMENDS TO THE BOARD OF SUPERVISORS:**

**APPROVAL** of **AGRICULTURAL PRESERVE CASE NO. 899**, to diminish Mira Loma  
Agricultural Preserve No. 5, as amended, and cancel the associated land conservation  
contract in accordance with Agricultural Preserve Map No. 899.

The Planning Department recommended Approval; and,  
**THE PLANNING COMMISSION UNANIMOUSLY RECOMMENDS TO THE BOARD  
OF SUPERVISORS:**

**ADOPTION** of a **Mitigated Negative Declaration for Environmental Assessment  
No. 39104**, based on the findings incorporated in the initial study and the conclusion

*Robert C. Johnson*  
Robert C. Johnson  
Planning Director

RCJ:kb

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

DATE: 6/23/04

Policy  
 Policy

Consent  
 Consent

Dept't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Second | Agenda Number:

16.2

that the project will not have a significant effect on the environment; and,

**TENTATIVE APPROVAL** of Change of Zone No. 6824, from A-2-10 and C-1/C-P to R-1, in accordance with Exhibit No. 2 pending final adoption of the final zoning ordinance by the Board of Supervisors; and,

**APPROVAL** of Tentative Tract Map No. 31386, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

**BACKGROUND:**

Related to Change of Zone No. 6824 and Tentative Tract No. 31386 is an application to diminish an agricultural preserve and to cancel the associated land conservation contract. The Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered this application on February 26, 2004.

**Agricultural Preserve Case No. 899**

Agricultural Preserve Case No. 899 is a request by John Laing Homes to diminish Mira Loma Agricultural Preserve No. 5, Map No. 6 and cancel the land conservation contract as it applies to the 37.61-acre parcel. Change of Zone No. 6824 and Tentative Tract No. 31386 are the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contract.

CAPTAC met on February 26, 2004 and recommended approval of the proposed cancellation based on the findings contained in the attached CAPTAC report. Pursuant to Government Code Section 51284.1, a copy of the complete application for tentative cancellation was submitted to the State Department of Conservation for a mandatory 30-day review and comments. No comments have been received and the deadline for submitting the State's comments was May 20, 2004.

The Planning Department is recommending approval of the diminishment of Mira Loma Agricultural Preserve No. 5, Map No. 6, as depicted on Map No. 899, 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 \$940,250.00 shall be paid; and

The Honorable Board of Supervisors

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2. All conditions necessary for the County to issue grading permits for Tract Map No. 31386 (Assessor's Parcel No. (APN) 164-050-008-0 and 164-050-009-1) 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. Two parcels comprise the 37.61-acre site proposed for deletion from Mira Loma Agricultural Preserve No. 5, which is located north of and adjacent to Schleisman Road, south of and adjacent to 68<sup>th</sup> Street, easterly of Cleveland Avenue and west of and adjacent to Hamner Avenue within the Eastvale Area Plan of the Riverside County General Plan.
2. The site was formerly used as a dairy farm but is no longer used for agricultural purposes.
3. The soils on the site are seventy-five (75) percent Class I and Class II and twenty-five (25) percent Class III, Class IV and Class VI.
4. Kurt H. Iseli entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 5 (APN 164-050-008-0). The contract for this parcel is dated January 1, 1971 and was recorded on March 16, 1971 as Instrument No. 26204 in the Office of the County Recorder of Riverside, California.
5. A notice of non-renewal for this parcel was filed with the Planning Department on September 16, 2003 and was recorded by the Riverside County Clerk and Recorder on September 25, 2003, as Instrument No. 2003-747935. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2013.
6. Manuel Borges, Jr. and Mary Borges entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 5 (APN 164-050-009-1). The contract for this parcel is dated January 1, 1969 and was recorded on May 15, 1969 as Instrument No. 48085 in the Office of the County Recorder of Riverside, California.
7. A notice of non-renewal was filed with the Planning Department on September 16, 2003, was deemed complete on October 6, 2003, and was recorded by the

Riverside County Clerk and Recorder on January 7, 2004, as Instrument No. 2004-0010704. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2014.

8. The landowners have applied for Tentative Tract Map No. 31386 in conjunction with Change of Zone No. 6824 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 136 single-family residential lots with a minimum lot size of 7,200 square feet.
9. The proposed alternative use is consistent with the Riverside County General Plan, adopted on October 7, 2003. Upon approval of Change of Zone No. 6824, the proposed alternative use will be consistent with the proposed zoning.
10. The site is contiguous to residential development on the north, northeast and east and parcels located to the immediate west, northwest, southwest and south of the site have approved entitlements for urban development or are in the process of applying for urban development.
11. Development of the contracted land will result in a more contiguous pattern of urban development than the non-contracted lands in the vicinity.
12. The cancellation fee was determined by the Riverside County Assessor's Office to be \$940,250.00.

**CONCLUSIONS:**

1. The cancellation is for land on which notices 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 north, northeast and east and parcels located to the immediate west, northwest, southwest and south 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 affected land conservation contract. The pattern of urban development occurs in an east to west direction, continuing to the Riverside County line. This pattern of development was anticipated during the Riverside County General Plan Update and recognized through adoption of the current land use designations within the Eastvale Area Plan of the General Plan. The cities of Chino, Chino Hills and Ontario are located adjacent to the County's western boundary and are experiencing similar urban growth.

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3. The cancellation is for an alternative use which is consistent with the applicable provisions of the County general plan. As previously stated, the pattern of urban development within the area occurs in an east to west direction, continuing to the Riverside County line. This pattern of development was anticipated during the Riverside County General Plan Update and recognized through adoption of the current land use designations within the Eastvale Area Plan of the General Plan. The General Plan Land Use designations for the subject parcels are Medium-Density Residential, permitting 2-5 dwelling units per acre, and Commercial Retail.
4. The cancellation will not result in discontinuous patterns of urban development as the subject site is located adjacent to residential development and/or urban entitlements for residential development on the north, south, east and west.
5. Development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land by connecting existing urban development to the north, northeast and east with existing development to the west.