

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

443 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
July 20, 2004

SUBJECT: CHANGE OF ZONE NO. 6863 / TENTATIVE TRACT MAP NO. 31725 /
AGRICULTURAL PRESERVE NO. 907 – EA39239 – William Lyon Homes for Catherine &
Steven Vander Stelt, Co-Trustees – Second Supervisorial District – Eastvale Area Plan – 40
acres – 124 proposed lots – Schedule A – A-2-10 Zoning – Located northerly of Schleisman
Road, southerly of Cloverdale Road and east of and adjacent to Harrison Avenue / REQUEST:
CZ6863 proposes to change the zoning on the site from A-2-10 to R-1; TR31725 proposes to
subdivide 40 acres into 124 residential lots with a min. lot size of 7,200 square feet, one open
space lot, one storm drain lot and one 5-acre park site; and, AG00907 proposes cancellation of
the associated land conservation contract.

CONTROVERSIAL ISSUES:

Phasing of park – Resolved through Conditions of Approval.

RECOMMENDED MOTION:

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

APPROVAL of AGRICULTURAL PRESERVE CASE NO. 907, to diminish Mira Loma
Agricultural Preserve No. 2, as amended, and cancel the associated land conservation
contract in accordance with Agricultural Preserve Map No. 907.

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

Robert C. Johnson
Planning Director

RCJ:kb

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 7/22/04

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

Prev. Agn. Ref.

District: Second

Agenda Number:

16.2

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ADOPTION of a Mitigated Negative Declaration for Environmental Assessment No. 39239, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

TENTATIVE APPROVAL of Change of Zone No.6863, from A-2-10 to R-1 in accordance with Exhibit 3 pending final adoption of the final zoning ordinance by the Board of Supervisors; and,

APPROVAL of Tentative Tract Map No. 31725, 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. 6863 and Tentative Tract No. 31725 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. 907

Agricultural Preserve Case No. 907 is a request by William Lyon Homes for Catherine & Steven Vander Stelt, Co-Trustees, 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. 6863 and Tentative Tract No. 31725 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. In their comment letter dated June 3, 2004, the State concurred with CAPTAC's findings.

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 \$1,000,000.00 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Tract Map No. 31725 (Assessor's Parcel No. 144-040-006-1) shall have been met.

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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 40-acre site proposed for deletion from Mira Loma Agricultural Preserve No. 2, Map No. 3, is located northerly of Schleisman Road, southerly of Cloverdale Road, east of and adjacent to Harrison Avenue and westerly of Sumner Avenue within the Eastvale Area Plan of the Riverside County General Plan.
2. The site, once an operating dairy, is no longer used for agricultural purposes and is surrounded by urban development.
3. The soils on the site are one hundred (100) percent Class I and Class II.
4. Sam and Annie Heida entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 2 (APN 144-040-006-1). The contract for this parcel is dated January 1, 1971 and was recorded on February 26, 1971 as Instrument No. 19483 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 and considered complete on April 28, 2004 and was recorded by the Riverside County Clerk and Recorder on April 29, 2004, as Instrument No. 2004-0313206. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2014.
6. The landowners have applied for Tentative Tract Map No. 31725 in conjunction with Change of Zone No. 6863 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 124 single-family residential lots with a minimum lot size of 7,200 square feet, one open space lot, one storm drain lot and one 5-acre park site.
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. 6863, the proposed alternative use will be consistent with the proposed zoning.

8. The site is contiguous to residential development on the north, northeast and south and parcels located to the east of the site are developed or pending 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 \$1,000,000.00.

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 on the north, northeast and south and parcels located to the east of the subject site, which at one time may have been under a Land Conservation Contract, are now developed or pending urban development. 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.
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 designation for the subject parcel is Medium-Density Residential, permitting 2-5 dwelling units per acre.
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, east and south.