

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

501 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
December 6, 2004

SUBJECT: SPECIFIC PLAN NO. 330 / CHANGE OF ZONE NO. 6702 / TENTATIVE TRACT MAP NO. 30908 / TENTATIVE TRACT MAP NO. 30909 / AGRICULTURAL PRESERVE NO. 867 – ENVIRONMENTAL IMPACT REPORT NO. 448 – Springbrook Investments, L.P. – Fifth Supervisorial District – University Zoning District – 184.50 acres – 650 Residential Lots – Schedule A – R-1-20,000, R-A-20,000 and A-1-10 Zoning – Located northerly of Palmyrita Avenue, south of and adjacent to Center Street and east of and adjacent to the Gage Canal – REQUEST: SP 330 proposes development of approximately 650 residential lots, 1 regional park, 2 pocket parks and open space areas with community trails throughout; CZ 6702 proposes to change the zoning on the subject site from One-Family Dwelling - 20,000 square foot min. lot size (R-1-20,000), Residential Agricultural - 20,000 square foot min. lot size (R-A-20,000) and Light Agriculture (A-1-10) to Specific Plan (SP); TR30908 proposes to subdivide 105.15 acres into 437 residential lots, 11 open space lots and 2 parks; TR30909 proposes to subdivide 78.8 acres into 213 residential lots, 1 regional park, 10 open space lots, and 1 reservoir site; and, AG 867 proposes cancellation of the associated land conservation contracts.

Departmental Concurrence

RECOMMENDED MOTION:

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

APPROVAL of AGRICULTURAL PRESERVE CASE NO. 867, to diminish Highgrove Agricultural Preserve No. 1, as amended, and cancel the associated land conservation contracts in accordance with Agricultural Preserve Map No. 867.

Robert C. Johnson
Planning Director

RCJ:kb

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 12/19/04

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

Prev. Agn. Ref.

District: Fifth

Agenda Number:

16.10

The Honorable Board of Supervisors

RE: SPECIFIC PLAN NO. 330 / CHANGE OF ZONE NO. 6702 / TENTATIVE TRACT MAP NO. 30908 / TENTATIVE TRACT MAP NO. 30909 / AGRICULTURAL PRESERVE NO. 867 –
December 6, 2004

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The Planning Department recommended Approval; and,
THE PLANNING COMMISSION BY A VOTE OF 4-1 RECOMMENDS TO THE BOARD OF SUPERVISORS:

CERTIFICATION of ENVIRONMENTAL IMPACT REPORT NO. 448, which has been completed in compliance with the EIR Guidelines and the Riverside County Rules to Implement CEQA; and,

TENTATIVE APPROVAL of SPECIFIC PLAN NO. 330, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report; and,

TENTATIVE APPROVAL of CHANGE OF ZONE NO. 6702, based on the findings and conclusions incorporated in the staff report; and,

APPROVAL of Tentative Tract Map No. 30908, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

APPROVAL of Tentative Tract Map No. 30909, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

BACKGROUND:

Related to Specific Plan No. 330, Change of Zone No. 6702, Tentative Tract No. 30908 and Tentative Tract No. 30909 is an application to diminish an agricultural preserve and to cancel the associated land conservation contracts. The Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered this application on November 21, 2002.

Agricultural Preserve Case No. 867

Agricultural Preserve Case No. 867 is a request by Springbrook Investments, L.P. to diminish Highgrove Agricultural Preserve No. 1, Map No. 63 and cancel the land conservation contracts as they apply to 54.59 acres of the project site. This request is being processed in conjunction with Specific Plan No. 330 (SP 330), Change of Zone No. 6702 (CZ 6702), Tentative Tract No. 30908 (TR30908) and Tentative Tract No. 30909 (TR30909). SP 330, TR30908 and TR30909 are the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contracts. SP 330 proposes to develop the 184.50-acre project site with approximately 650 residential lots in medium-high density residential neighborhoods. Implementing SP 330 are TR30908, a proposal to subdivide 105.15 acres into 437 residential lots with a minimum lot size of 5,000 square feet, 11 open space lots and 2 parks; and, TR30909, a proposal to subdivide 78.80 acres into 213 residential lots with a minimum lot size of 4,000 square feet, 1 regional park, 10 open space lots and 1 reservoir site.

The Honorable Board of Supervisors

RE: SPECIFIC PLAN NO. 330 / CHANGE OF ZONE NO. 6702 / TENTATIVE TRACT MAP NO. 30908 / TENTATIVE TRACT MAP NO. 30909 / AGRICULTURAL PRESERVE NO. 867 – December 6, 2004

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CAPTAC met on November 21, 2002 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 letter dated November 8, 2004, the State found that the application provided sufficient supporting evidence to permit the Board to make the finding required to cancel the subject parcels of contracted land.

The Planning Department is recommending APPROVAL of the diminishment of Highgrove Agricultural Preserve No. 1, Map No. 63, as depicted on Map No. 867, 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 \$360,562.50.00 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Tract Map No. 30908 (Assessor's Parcel No. (APN) 255-110-011, 255-130-001 through -004, 255-130-008 through -011, and 255-140-001) and Tract Map No. 30909 (APN 255-170-006 through -009, 255-190-008 and -009) 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. Six parcels comprise the 54.59 acres (net) of contracted land proposed for deletion from Highgrove Agricultural Preserve No. 1. Four of the parcels are located northerly of Palmyrita Avenue, south of and adjacent to Spring Street, east of and adjacent to the terminus of Murphy Avenue and west of and adjacent to Murphy Avenue. The two remaining parcels are located northerly of Spring Street, south of and adjacent to Center Street, easterly of Mount Vernon Avenue and westerly of Pope Kirolos Avenue within the Highgrove Area Plan of the Riverside County General Plan.
2. The parcels sustain active and abandoned citrus groves.
3. The soils on the site are one hundred (100) percent Class I and Class II.

The Honorable Board of Supervisors

RE: SPECIFIC PLAN NO. 330 / CHANGE OF ZONE NO. 6702 / TENTATIVE TRACT MAP NO. 30908 / TENTATIVE TRACT MAP NO. 30909 / AGRICULTURAL PRESERVE NO. 867 –
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4. Four separate contracts apply to the subject property. The first of these contracts applies to assessor's parcel number: 255-170-009-7. Amy A. Sarles aka Amy A. Hoyt entered into a land conservation contract with the County of Riverside for land within Highgrove Agricultural Preserve No. 1. This contract is dated January 1, 1970 and was recorded on May 13, 1970 as Instrument No. 45024.
5. A notice of non-renewal for this parcel was filed on this contract on September 9, 1998 and was recorded by the Riverside County Clerk and Recorder on October 5, 1998 as Instrument No. 428299. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2008.
6. The second of these contracts applies to assessor's parcel numbers: 255-140-001-6, 255-140-020-3 and 255-170-008-6. Denis W. Kidd and the Estate of Benjamin A. Kidd, deceased, entered into a land conservation contract with the County of Riverside for land within Highgrove Agricultural Preserve No. 1. This contract is dated January 1, 1970 and was recorded on May 13, 1970 as Instrument No. 45025.
7. A notice of non-renewal was filed for these parcels on September 9, 1998 and was recorded by the Riverside County Clerk and Recorder on October 5, 1998 as Instrument No. 428301. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2009.
8. The third of these contracts applies to assessor's parcel number: 255-130-002-6. Denis W. Kidd entered into a land conservation contract with the County of Riverside for land within Highgrove Agricultural Preserve No. 1. This contract is dated January 1, 1970 and was recorded on May 13, 1970 as Instrument No. 45028.
9. A notice of non-renewal was filed for this parcel on September 9, 1998 and was recorded by the Riverside County Clerk and Recorder on October 5, 1998 as Instrument No. 428300. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2008.
10. The fourth and final contract applies to assessor's parcel number: 255-130-009-3. Gertrude Thompson entered into a land conservation contract with the County of Riverside for land within Highgrove Agricultural Preserve No. 1. This contract is dated January 1, 1972 and was recorded on February 29, 1972 as Instrument No. 26462.
11. A notice of non-renewal was filed for this parcel on December 10, 1999 and was recorded by the Riverside County Clerk and Recorder on December 30, 1999 as Instrument No. 1999-564990. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2010.

12. The landowner has applied for SP 330, CZ 6702, TR30908 and TR30909 as the alternative use of the site, as required by the cancellation procedures for a land conservation contract. SP 330 proposes to develop the 184.50-acre project site with approximately 650 residential lots in medium-high density residential neighborhoods. TR30908 and TR30909 are located within the boundaries of SP 300 and subdivide 105.15 acres into 437 residential lots with a minimum lot size of 5,000 square feet, 11 open space lots and 2 parks, and subdivide 78.80 acres into 213 residential lots with a minimum lot size of 4,000 square feet, 1 regional park, 10 open space lots and 1 reservoir site, respectively.
13. 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.
14. The site is contiguous to residential development and the Riverside County/San Bernardino County line on the north, residential entitlements to the south, and areas to the east and west of the subject parcels are not within an agricultural preserve, are zoned for residential development, and, are part of the alternative land use proposal for this project.
15. Development of the contracted land will result in a more contiguous pattern of urban development than the non-contracted lands in the vicinity.
16. The cancellation fee was determined by the Riverside County Assessor's Office to be \$360,562.50.

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 and the Riverside County/San Bernardino County line on the north and west and residential entitlements to the south and east. Lands immediately surrounding the subject parcels, 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.
3. The cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan. The pattern of development was anticipated during the Riverside County General Plan Update and recognized through adoption of the current land use designations within the Highgrove Area

The Honorable Board of Supervisors

RE: SPECIFIC PLAN NO. 330 / CHANGE OF ZONE NO. 6702 / TENTATIVE TRACT MAP
NO. 30908 / TENTATIVE TRACT MAP NO. 30909 / AGRICULTURAL PRESERVE NO. 867 –
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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. Surrounding the subject parcels are similar development (SP 330) and Low-Density Residential.

4. The cancellation will not result in discontinuous patterns of urban development as the subject parcels are 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.

**EXHIBIT A
HIGHGROVE
AGRICULTURAL PRESERVE NO. 1
MAP NO. 867
(DIMINISHMENT)**

All real property in the unincorporated area of the County of Riverside, State of California, described as follows:

PARCEL 1:

NORTHEAST QUARTER OF NORTHWEST QUARTER OF SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN BY UNITED STATES GOVERNMENT SURVEY;

EXCEPTING THEREFROM AN EASEMENT OF RIGHT OF WAY FOR PUBLIC ROAD OVER THE EASTERLY 20 FEET THEREOF, AS GRANTED TO RIVERSIDE COUNTY BY DEED RECORDED JANUARY 10, 1901 IN BOOK 148 PAGE 28 OF DEEDS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM ANY PORTION INCLUDED IN SPRING STREET ALONG THE NORTH LINE THEREOF.

Assessor's Parcel Number: 255-130-002

Owner: Dennis W. Kidd

Acreage: 9.20

PARCEL 2:

ALL THAT PORTION OF LOTS 3 AND 4 OF ROBINSON TRACT, AS SHOWN BY MAP ON FILE IN BOOK 2 PAGE 17 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING ON THE MESA NORTH OF THE NORTHERLY BANK OF ARROYO;

EXCEPTING THEREFROM THE EAST 20 FEET OF LOT 3 FOR ROAD PURPOSES.

Assessor's Parcel Number: 255-140-001

Owner: Dennis W. Kidd

Acreage: 5.88

PARCEL 3:

ALL THAT PORTION OF LOTS 1 AND 2 OF ROBINSON TRACT, AS SHOWN BY MAP ON FILE IN BOOK 2 PAGE 17 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING ON THE MESA NORTH OF THE NORTHERLY BANK OF ARROYO;

EXCEPTING THEREFROM THE WEST 20 FEET OF LOT 2 FOR ROAD PURPOSES.

Assessor's Parcel Number: 255-140-020

Owner: Dennis W. Kidd

Acreage: 4.81

PARCEL 4:

THE WEST ONE-HALF OF THE NORTH 25 ACRES OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN.

Assessor's Parcel Number: 255-170-008

Owner: Dennis W. Kidd

Acreage: 12.50

PARCEL 5:

THE EAST ONE-HALF OF THE NORTH 25 ACRES OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN.

Assessor's Parcel Number: 255-170-009

Owner: Dennis W. Kidd

Acreage: 12.50

PARCEL 6:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN.

Assessor's Parcel Number: 255-130-009

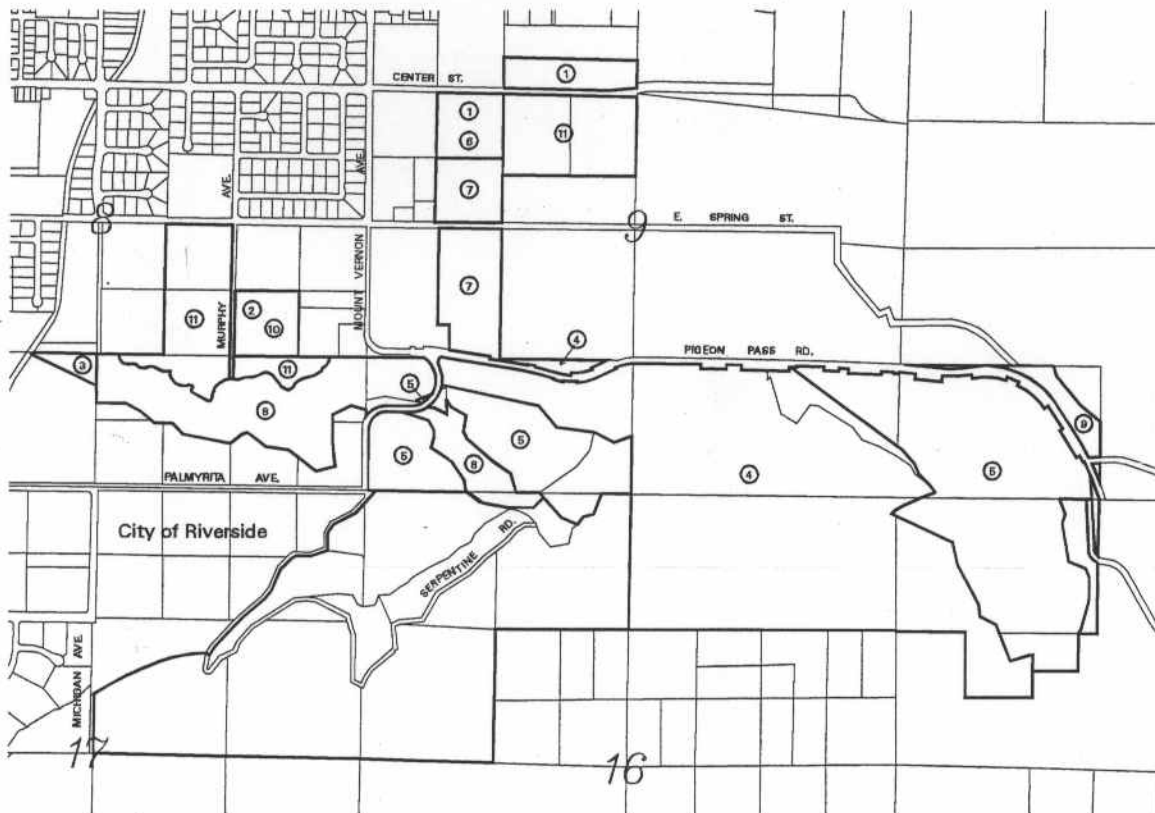
Owner: Helen N. Cardey

Acreage: 9.70

MAP NO. 63 HIGHGROVE AGRICULTURAL PRESERVE NO. 1

AMENDED BY MAPS NO. 125, 283, 482, 798, 810, 828, 833
839, 840, 858, 867

T2S, R4W S.B.B. & M.



AMENDMENTS:

- NO. 1, (ENLARGEMENT), FEBRUARY 8, 1971, MAP NO. 125
 NO. 2, (ENLARGEMENT), FEBRUARY 19, 1974, MAP NO. 283
 NO. 3, (DELETION), NOVEMBER 28, 1978, MAP NO. 482
 NO. 4, (DIMINISHMENT), NOVEMBER 3, 1998, MAP NO. 798
 NO. 5, (DIMINISHMENT), JULY 20, 1999, MAP NO. 810
 NO. 6, (DIMINISHMENT), FEBRUARY 8, 2000, MAP NO. 828
 NO. 7, (DIMINISHMENT), MARCH 21, 2000, MAP NO. 833
 NO. 8, (DIMINISHMENT), MAP NO. 839
 NO. 9, (DIMINISHMENT), MAP NO. 840
 NO. 10, (DIMINISHMENT), MAP NO. 858
 NO. 11, (DIMINISHMENT), MAP NO. 867

ADOPTED ON FEBRUARY 24, 1970
 BY THE BOARD OF SUPERVISORS
 OF THE COUNTY OF RIVERSIDE,
 STATE OF CALIFORNIA.





ASSESSOR-COUNTY CLERK-RECORDER

Agricultural Division – Riverside District

4080 Lemon St, 5th Floor P.O. Box 12004

Riverside, CA 92504-2204

ph (909) 955-6203 fax: (909) 955-6216

GARY L. ORSO Assessor – Clerk – Recorder

To: Jim Venable, CHAIRMAN, BOARD OF SUPERVISORS
From: Gary L. Orso, ASSESSOR - CLERK - RECORDER
Re: CERTIFICATION OF CANCELLATION VALUATION OF LAND
FOR: PORTION OF PRESERVE HIGHGROVE #1 , MAP NO 867

CERTIFICATE OF CANCELLATION VALUE BASED ON CURRENT MARKET VALUE

I, the undersigned, hereby certify, pursuant to the provisions of Government Code Section 51283(a) and Title 18, California Administrative Code, Section 470, that the cancellation valuation for the below described property is as follows:

<u>Assessor's Parcel No.</u>	<u>Current Market Value</u>	<u>Cancellation Value</u>	<u>Cancellation Fee</u>
255130002-6	506,000	506,000	63,250.00
255130009-3	533,500	533,500	66,687.50
255140001-6	258,500	258,500	32,312.50
255140020-3	211,500	211,500	26,437.50
255170008-6	687,500	687,500	85,937.50
255170009-7	687,500	687,500	85,937.50
TOTAL:	<u>2,884,500</u>	<u>2,884,500</u>	<u>360,562.50</u>

Very truly yours,

GARY L. ORSO
ASSESSOR - CLERK - RECORDER

Date: 11/21/02

by Krista Rovello
KRISTA ROVELLO,
Sr. Agricultural Appraiser,
Riverside County Assessor



CITY OF RIVERSIDE

"People Serving
People"

December 8, 2004

Members of the Board of Supervisors
c/o Clerk of the Board
4080 Lemon Street
1st Floor, CAC
P.O. Box 1147
Riverside, CA 92502-1147

Subject: **Specific Plan 330 and Draft EIR 448 - Springbrook Ranch Estates**

Honorable Members of the Board:

This letter is in response to the Notice of Public Hearing on the above-referenced matter scheduled for December 14, 2004. Please refer to the enclosed letter dated September 22, 2004 wherein the City of Riverside provided comments on this case to the County Planning Commission. In that letter the City requested conditions be required related to arroyo preservation and payment of traffic impact fees to the City of Riverside. The applicant previously agreed in writing to these conditions, and it is our understanding that the conditions were approved by the County Planning Commission (see the enclosed letter from the Shopoff Group dated September 21, 2004). It is our further understanding that the proposed development has not been changed from that approved by the County Planning Commission. On this basis, we respectfully request that the Board approve the two additional conditions requested in our previous letter and approved by the County Planning Commission.

Thank you for the opportunity to review and comment on this project.

Sincerely,

Ken Gutierrez
Planning Director

c: Thomas Evans, Interim City Manager
Michael Beck, Assistant City Manager
Greg Priamos, City Attorney
Dom Betro, Councilman Ward 1
Robert Johnson, County Planning Director
Larry Ross, Project Planner, County of Riverside
William Shopoff, The Shopoff Group

PLANNING DEPARTMENT

3900 MAIN STREET • RIVERSIDE, CALIFORNIA 92522 • (909) 826-5371
FAX: (909) 826-5981 • www.RiversideCa.gov



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CITY OF RIVERSIDE

September 22, 2004

Members of the Planning Commission
County of Riverside
4080 Lemon Street
Riverside, CA 92502-1409

SUBJECT: Springbrook Estates Specific Plan No. 330, Change of Zone 6702 and EIR No. 0448

Dear Members of the Planning Commission:


The City Council of the City of Riverside request that two additional conditions/mitigation measures as follows be included with any approvals of the referenced cases:

1. Prior to County's issuance of rough grading permits, the developer shall in good faith employ reasonable measures to meet the general intent for arroyo protection of the Arroyo Ordinance (City of Riverside Municipal Code § 17.28.020) with respect to the design of lots located in Planning Area 1 (Tract 30908) adjacent to the Springbrook arroyo. Such measures may include the reduction in pad area of certain lots, but shall not include any reduction in the total number of lots. This condition shall not apply to any trails that are located adjacent or within the Arroyo. The County shall retain exclusive power and jurisdiction to determine compliance with this condition.
2. Prior to the issuance of building permits, the developer shall pay a total of \$715 per unit to the City of Riverside to help mitigate traffic impacts from this project in the City of Riverside.

Attached to this letter request is a letter from the applicant, The Shopoff Group, agreeing to these additional conditions/mitigation measures.

Thank you for your attention to this request.

Sincerely,


Ken Gutierrez
Planning Director

- c: Larry Ross, Project Planner, County of Riverside
Rick Hoffman, Legislative Assistant to Supervisor Ashley
William Shopoff, The Shopoff Group
Lou Monville, O'Reilly Public Relations
Greg Priamos, City Attorney, City of Riverside

H:\CORR\springbrookbos.wpd

PLANNING DEPARTMENT

3900 MAIN STREET • RIVERSIDE, CALIFORNIA 92522 • (909) 826-5371
www.ci.riverside.ca.org



September 21, 2004

Mr. Ken Gutierrez
 Planning Director
 City of Riverside
 3900 Main Street, 3rd Floor
 Riverside, Ca 92501

VIA FAX (951) 826-5622

Dear Ken,

We are have reviewed the suggested additional mitigation measures proposed by the City of Riverside listed below:

1. Prior to County's issuance of rough grading permits, the developer shall in good faith employ reasonable measures to meet the general intent for arroyo protection of the Arroyo Ordinance (City of Riverside Municipal Code § 17.28.020) with respect to the design of lots located in Planning Area 1 (Tract 30908) adjacent to the Springbrook arroyo. Such measures may include the reduction in pad area of certain lots, but shall not include any reduction in the total number of lots. This condition shall not apply to any trails that are located adjacent or within the Arroyo. The County shall retain exclusive power and jurisdiction to determine compliance with this condition.
2. Prior to the issuance of building permits, the developer shall pay a total of \$715 per unit to the City of Riverside to help mitigate traffic impacts from this project in the City of Riverside.

We agree to honor these additional mitigation measures for Springbrook Estates project as we have discussed.

I appreciate the work of your office and the City Council to bring this negotiation to a successful resolution. We plan to continue to be good neighbors with the City and we look forward to working with you in the future.

Sincerely,

William A. Shopoff
 President

William A. Shopoff
 President

Edward J. Fitzpatrick
 Director of Development

Dave Grayson, Sr.
 Director of Marketing