

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

123 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 25, 2005

SUBJECT: CHANGE OF ZONE NO. 6977 / TENTATIVE TRACT MAP NO. 31726 / AGRICULTURAL PRESERVE NO. 922 – EA39580 – William Lyon Homes, Inc. – Second Supervisorial District – Prado-Mira Loma Zoning District – 58.30 acres (net) – 187 residential lots – Schedule A – A-2-10 zoning – Located northerly of Schleisman Road, southerly of Cloverdale Road, east of and adjacent to Archibald Avenue and west of and adjacent to Harrison Avenue – REQUEST: CZ 6977 proposes to change the zoning on the subject site from Heavy Agriculture (A-2-10) to One Family Dwelling (R-1); TR 31726 proposes to subdivide 58.30 acres (net) into 187 single-family residential lots with a min. lot size of 7,200 square feet and two open space lots; and, AG00922 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. 922, to diminish Mira Loma Agricultural Preserve No. 10, as amended, and cancel the associated land conservation contract in accordance with Agricultural Preserve Map No. 922.

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


Robert C. Johnson
Planning Director

RCJ:kb

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

DATE 2/1/05

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

Prev. Agn. Ref.

District: Second | Agenda Number:

16.3

The Honorable Board of Supervisors

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No. 39580, 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. 6977, from A-2-10 to R-1-7,200, 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. 31726, 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. 6977 and Tentative Tract No. 31726 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 August 12, 2004.

Agricultural Preserve Case No. 922

Agricultural Preserve Case No. 922 is a request by William Lyon Homes, Inc., to diminish Mira Loma Agricultural Preserve No. 10, Map No. 134 and cancel the land conservation contract as it applies to the 57.8-acre portion of the parcel. The remaining .50-acre portion of the parcel is nonrestricted land and, although part of the proposed project, not subject to cancellation. This request is being processed in conjunction with Change of Zone No. 6977 (CZ 6977) and Tentative Tract No. 31726 (TR31726). TR31726 is the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contract, a proposal to subdivide the 58.30-acre parcel into 187 single-family residential lots with a minimum lot size of 7,200 square feet and two open space lots.

CAPTAC met on August 12, 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 letter dated January 4, 2005, the State found that the application provided sufficient supporting evidence to permit the Board to make the finding required to cancel the subject parcel of contracted land.

The Planning Department is recommending approval of the diminishment of Mira Loma Agricultural Preserve No. 10, Map No. 134, as depicted on Map No. 922, 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 \$1,445,000.00 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Tract Map No. 31726 (Assessor's Parcel No. (APN) 144-030-001-5) 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 58.30-acre site proposed for deletion from Mira Loma Agricultural Preserve No. 10 is located northerly of Schleisman Road, southerly of Cloverdale Road, east of and adjacent to Archibald Avenue and west of and adjacent to Harrison Avenue within the Eastvale Area Plan of the Riverside County General Plan.
2. The site is currently operating as a dairy farm.
3. The soils on the site are one hundred (100) percent Class I and Class II.
4. Knudsen Corporation, a California Stock Corporation, incorporated September 10, 1935, entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 10 (APN 144-030-001-5). The contract for this parcel is dated January 1, 1971 and was recorded on February 25, 1971 as Instrument No. 18034 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 August 4, 2004 and was recorded by the Riverside County Clerk and Recorder on December 3, 2004, as Instrument No. 2004-0963724. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2005.
6. The landowners have applied for Tentative Tract Map No. 31726 in conjunction with Change of Zone No. 6977 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 187 single-family residential lots with a minimum lot size of 7,200 square feet and two open space 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. 6977, the proposed alternative use will be consistent with the proposed zoning.
8. The subject parcel is surrounded by urban development or entitlements for urban development. Land located immediately north, northeast, east and south of the subject parcel is zoned Planned Residential (R-4), which allows a minimum lot size of 3,500 square feet, and is either fully developed or has approved residential development pending.
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 \$1,445,000.00.

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, east and south and parcels located to the immediate west and southwest 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. 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. The General Plan Land Use designation for the subject parcel is Medium-Density Residential, permitting 2-5 dwelling units per acre, which, upon approval of CZ 6977 is consistent with the proposed alternative land use.
4. The cancellation will not result in discontinuous patterns of urban development as urban entitlements have been approved and/or are currently being processed through the County to the immediate north, northeast, east, south, southwest and west of the site and residential tracts have been developed to the north, northeast, east, southeast and south. As a result of these approved and pending developments, the proposed cancellation will not result in discontinuous patterns of urban development.

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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 south with existing development to the west.