

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

612B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
May 27, 2005

SUBJECT: CHANGE OF ZONE NO. 6919 / TENTATIVE TRACT MAP NO. 31826 / AGRICULTURAL PRESERVE NO. 915 – ENVIRONMENTAL IMPACT REPORT NO. 468 (SCH No. 2004051067) – The Brehm Communities – Second Supervisorial District – Prado-Mira Loma Zoning District – 106.95 acres – 355 residential lots – Schedule A – A-2-10 Zoning – Located south of Schleisman Road, west of the Cucamonga Creek Flood Control Channel and east of Hellman Avenue – REQUEST: CZ 6919 proposes to change the zoning on the subject site from Heavy Agriculture - 10 acre minimum lot size (A-2-10) to One Family Dwelling (R-1); TR31826 proposes development of a total of 355 residential lots on 106.95 acres, including 347 residential lots with a minimum of 7,200 square feet, a 2.75-acre park and 7 open space lots; and, AG 915 proposes cancellation of the associated land conservation contracts.

RECOMMENDED MOTION:

THE COMPREHENSIVE AGRICULTURAL PRESERVE TECHNICAL ADVISORY COMMITTEE, BY A MAJORITY VOTE, RECOMMENDS TO THE BOARD OF SUPERVISORS:

APPROVAL of AGRICULTURAL PRESERVE CASE NO. 915, to diminish Mira Loma Agricultural Preserve No. 4, as amended, and cancel the associated land conservation contracts in accordance with Agricultural Preserve Map No. 915.

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

[Signature]
DATE 5/31/05

[Signature]
Robert C. Johnson
Planning Director

RCJ:kb

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: Second | Agenda Number:

16.4

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The Planning Department recommended Approval; and,

THE PLANNING COMMISSION BY A VOTE OF 4-0 (Commissioner Porras was Absent) RECOMMENDS TO THE BOARD OF SUPERVISORS:

TENTATIVE CERTIFICATION of ENVIRONMENTAL IMPACT REPORT NO. 468, which has been completed in compliance with the EIR Guidelines and the Riverside County Rules to Implement CEQA; and,

TENTATIVE APPROVAL of CHANGE OF ZONE NO. 6919, based on the findings and conclusions incorporated in the staff report; and,

APPROVAL of TENTATIVE TRACT MAP No. 31826, 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. 6919 and Tentative Tract No. 31826 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 February 26, 2004.

Agricultural Preserve Case No. 915

Agricultural Preserve Case No. 915 is a request by Norco II, LLC, to diminish Mira Loma Agricultural Preserve No. 4, Map No. 5 and cancel the land conservation contracts as they apply to approximately 49 acres of the project site. This request is being processed in conjunction with Change of Zone No. 6919 (CZ 6919) and Tentative Tract No. 31826 (TR31826). TR31826 is the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contracts and proposes to develop the 106.95-acre project site with a total of 355 residential lots, including 347 residential lots with a minimum of 7,200 square feet, a 2.75-acre park and 7 open space lots.

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 letter dated June 3, 2004, the State concluded that the information contained in the application for tentative cancellation included sufficient supporting evidence to provide the Board with an adequate basis to support the finding required to cancel the proposed parcels of contracted land.

Staff concurs with CAPTAC's recommendation and the Planning Department also is recommending approval of the proposed cancellation and the diminishment of Mira

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Loma Agricultural Preserve No. 4, Map No. 5, as depicted on Map No. 915, 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 \$1,244,750.00 shall be paid;
2. All conditions necessary for the County to issue grading permits for Tract Map No. 31826 (Assessor's Parcel No. (APN) 144-050-001-7, 144-050-002-8, 144-050-003-9, 144-050-004-0, 144-050-005-1, 144-060-002-9, 144-060-003-0, 144-060-014-0) 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. Eight parcels comprise the 106.95-acre project site. However, only two parcels, totaling 30.58-acres, are subject to Williamson Act Contract and proposed for cancellation and deletion from Mira Loma Agricultural Preserve No. 4. The subject parcel is located south of Schleisman Road, west of the Cucamonga Creek Flood Control Channel and east of Hellman Avenue within the Eastvale Area Plan of the Riverside County General Plan.
2. The subject parcel was formerly used as a dairy but no longer supports any livestock.
3. The soils on the subject parcel are one hundred (100) percent Class I and Class II.
4. Harold E. Lee, Robert T. Lee and Helen June Lee entered into a land conservation contract with the County of Riverside for land (was APN 134-140-003-4 and became 144-060-002-9) within Mira Loma Agricultural Preserve No. 4. The contract is dated January 1, 1970 and was recorded on February 27, 1970 as Instrument No. 19048 in the Office of the County Recorder of Riverside, California.
5. A notice of non-renewal was filed with the Planning Department on January 15, 2004, and was recorded by the Riverside County Clerk and Recorder on March 5,

2004, as Instrument No. 2004-0156416. Pursuant to the notice of non-renewal the land conservation contract will expire January 1, 2014.

5. John Van Der Linden and Laura Van Der Linden entered into a land conservation contract with the County of Riverside for land (was APN 134-140-018-8 and became 144-060-014-0) within Mira Loma Agricultural Preserve No. 4. The contract is dated January 1, 1970 and was recorded on April 1, 1970 as Instrument No. 30492 in the Office of the County Recorder of Riverside, California.
6. A notice of non-renewal was filed with the Planning Department on February 20, 2004, and was recorded by the Riverside County Clerk and Recorder on April 29, 2004, as Instrument No. 2004-0313207. Pursuant to the notice of non-renewal the land conservation contract will expire January 1, 2014.
7. The landowner has applied for Tentative Tract Map No. 31826 in conjunction with Change of Zone No. 6919 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 106.95-acre project site with a total of 355 residential lots, including 347 residential lots with a minimum of 7,200 square feet, a 2.75-acre park and 7 open space lots.
8. Upon approval of Tentative Tract Map No. 31826 and Change of Zone No. 6919, the proposed alternative use will be consistent with the existing Riverside County General Plan and the proposed zoning.
9. The project site is contiguous to single-family residential dwellings, parcels which have existing urban entitlements and/or parcels which are in the process of obtaining urban entitlements.
10. Development of the contracted land will result in a more contiguous pattern of urban development than the non-contracted lands in the vicinity.
11. The cancellation fee was determined by the Riverside County Assessor's Office to be \$1,244,750.00.

CONCLUSIONS:

1. The cancellation is for land on which notices of non-renewal have 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 south, residential entitlements and/or pending urban entitlements to the north, south and east and the Riverside/San Bernardino County line to the west. 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 Eastvale Area Plan of the General Plan. The General Plan Land Use designations for the subject parcel is Medium-Density Residential, permitting 2-5 dwelling units per acre. Surrounding the project site are land use designations for urban development.
4. The cancellation will not result in discontinuous patterns of urban development as the subject parcel 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 south, east and northeast with existing urban entitlements to the west.