

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



104B

FROM: TLMA - Planning Department

SUBMITTAL DATE:
September 29, 2005

SUBJECT: CHANGE OF ZONE NO. 6881 / AGRICULTURAL PRESERVE CASE NO. 909 – EA39273 – Applicant: Gary L. McMillan and Patricia McMillan – Third Supervisorial District – Bautista Zoning Area – San Jacinto Valley Area Plan – Location: Southerly of Stetson Avenue, easterly of Pleasant Street and westerly of Fairview Avenue – 40 Acres – Zoning: Rural Residential (R-R) – REQUEST: To change the zoning on a 40-acre portion of the subject parcel from Rural Residential (R-R) to Light Agricultural - 10 acre minimum lot size (A-1-10). The associated agricultural preserve case proposes to enlarge the affected agricultural preserve and enter the property located within the enlargement area into a Land Conservation Contract.

CONTROVERSIAL ISSUES: None

RECOMMENDED MOTION:

THE COMPREHENSIVE AGRICULTURAL PRESERVE TECHNICAL ADVISORY COMMITTEE, BY UNANIMOUS VOTE, RECOMMENDS:

APPROVAL of the enlargement of Bautista Canyon Agricultural Preserve No. 2, Amendment No. 9, Map No. 909, based upon the hereinafter listed findings and conclusions.

In the event that the Board approves the enlargement of the agricultural preserve, Planning staff further recommends that the Board:

ADOPT Resolution No. 2005-8 enlarging Bautista Canyon Agricultural Preserve No. 2;

Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Pages)

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 10/11/05
Departmental Concurrence

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref. | **District:** Third | **Agenda Number:**

16.2

The Honorable Board of Supervisors

RE: CHANGE OF ZONE NO. 6881 / AGRICULTURAL PRESERVE CASE NO. 909

September 29, 2005

Page 2 of 4

AUTHORIZE the Chairman of the Board of Supervisors to execute the attached land conservation contract for the real property located within the enlargement area of Bautista Canyon Agricultural Preserve No. 2;

DIRECT the Clerk of the Board to record the contract with the County Recorder and transmit copies thereof to the Riverside County Planning Department, the Director of Conservation, State of California, and the Office of the Assessor of Riverside County.

The Planning Department recommended Approval; and,

THE PLANNING COMMISSION BY A VOTE OF 5-0 RECOMMENDS TO THE BOARD OF SUPERVISORS:

ADOPTION of a De Minimis Finding as follows: An Initial Study has been prepared by the Riverside County Planning Department for the project described in **ENVIRONMENTAL ASSESSMENT NO. 39273**, so as to evaluate the potential for adverse environmental impact; and, there is no evidence that the proposed project will have a potential adverse effect on wildlife resources; and,

ADOPTION of a Mitigated Negative Declaration for Environmental Assessment No. 39273, 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. 6881, from R-R to A-1-10, in accordance with Exhibit No. 2 pending final adoption of the final zoning ordinance by the Board of Supervisors; and,

FINDINGS:

1. The approximately 40-acre portion of the 80.33-acre parcel is located in the lower San Jacinto Valley, southerly of Stetson Avenue, easterly of Pleasant Street and westerly of Fairview Avenue. The remaining portion of the parcel is currently subject to contract and is located within the affected preserve.
2. Under the County's Rules and Regulations Governing Agricultural Preserves, the enlargement of an agricultural preserve requires that the land being added to a preserve must be at least 10 acres in size, contiguous to that preserve and have agricultural zoning, as defined by said Rules and Regulations. The subject property is 40-acres, meeting the size requirement; is contiguous to Bautista Canyon Agricultural Preserve No. 2; and, upon adoption of Change of Zone No. 6881, is properly zoned for inclusion into an agricultural preserve.
3. The parcel is designated Agriculture on the land use allocation map for the San Jacinto Valley Area Plan (SJVAP) and is located within an Agriculture-Potential Development Study Area Policy Area. The Agriculture designation permits open space, agriculture, and associated land uses (including limited commercial,

industrial, single-family residential and farm workers housing). The proposed enlargement of the agricultural preserve is consistent with the property's Agriculture designation.

4. Adjacent properties to the north, south, and west are also designated Agriculture and located within the Agriculture-Potential Development Study Area Policy Area. A small, older residential tract lies to the immediate east of the site and is designated Low-Density Residential – Rural Community. Surrounding areas further to the north, east and west are similarly designated Agriculture and to the south Agriculture and Rural Mountainous. The City of Hemet is located approximately 1.8 miles north of the northern boundary of the parcel and the parcel lies within the City's Sphere-of-Influence. The proposed enlargement of the agricultural preserve is consistent with surrounding land use designations.
5. The subject property is currently zoned Rural Residential (R-R). Under the County's Rules and Regulations Governing Agricultural Preserves, only land having an agricultural zoning, i.e., Light Agriculture (A-1), Light Agriculture with Poultry (A-P), Heavy Agriculture (A-2), Agriculture-Dairy (A-D), or Citrus/Vineyard (C/V), may be included within an agricultural preserve. The subject property, upon adoption of Change of Zone No. 6881, meets this zoning requirement.
6. Areas adjacent to the subject parcel on the north are also zoned A-1-10. Areas adjacent to the south, east and west are zoned R-R. The proposed enlargement of the agricultural preserve is consistent with the surrounding zoning.
7. The agricultural use on the subject parcel is grapefruit grove, consisting of newly planted and older trees. The majority of surrounding properties also are being used for agricultural production.
8. Class I and Class II soils underlie eighty-seven percent of the subject property; Class III, IV and VI underlie eight percent of the subject property; and, Class VII and VIII underlie four percent of the subject property. Additionally, a Soil Conservation Plan has been prepared for the property.
9. The last annual assessed valuation of the subject parcel was \$233,173.00. The Assessor's Office has estimated that the assessed valuation of the property would decrease by \$120,973.00, if the entire parcel were subject to a Land Conservation Contract.
10. There is no evidence that the land proposed to be included in the preserve has any historic value and there are no historical structures on the site. The Riverside County General Plan Archaeological Sensitivity Map does not indicate that the subject parcels are located near an area of known historical resources and, although the Paleontological Sensitivity Map indicates that the general area of the subject parcels

has a low to high probability of containing paleontological resources, both parcels support existing groves and prior land use most likely involved some type of agriculture. Impacts on paleontological resources are not expected from enlarging Bautista Canyon Agricultural Preserve No. 2 to include the proposed parcels.

11. Although portions of State Highways 74 and 79, located approximately 2 miles to the north of the subject parcel, are identified as State Eligible for designation as State Scenic Highways, the site is not located within a designated scenic corridor nor is there evidence of any scenic resources. The topography in the project area and the nature of the proposed use do not present significant potential for the obstruction of any scenic vista, or the creation of an aesthetically offensive site open to public view. No impacts to scenic resources are expected from the proposed enlargement of the Bautista Canyon Agricultural Preserve No. 2.

CONCLUSION:

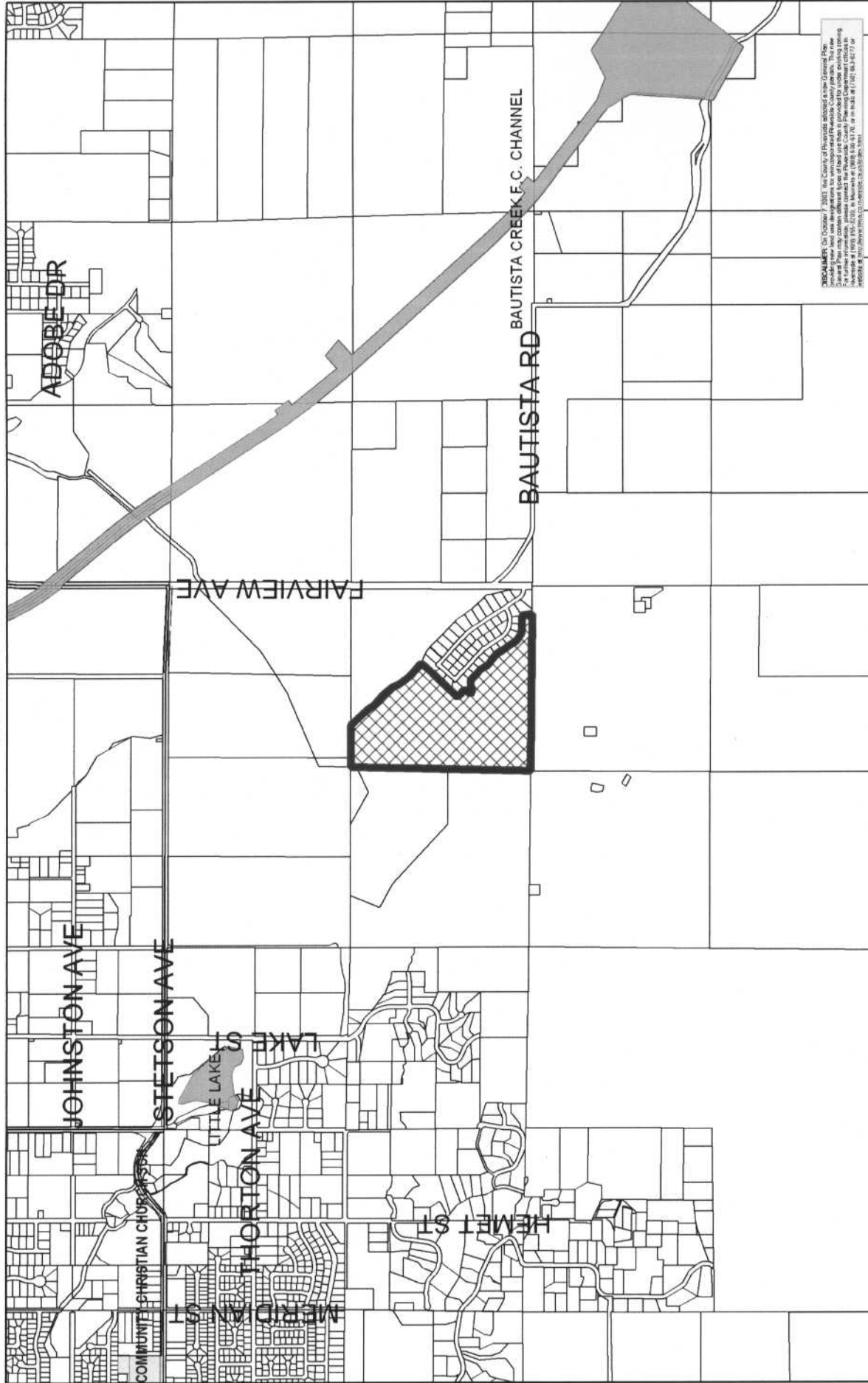
1. The enlargement of Bautista Canyon Valley Agricultural Preserve No. 2, Amendment No. 9, Map No. 909, is consistent with the Riverside County General Plan.
2. The enlargement of Bautista Canyon Valley Agricultural Preserve No. 2, Amendment No. 9, Map No. 909, will be consistent with the zoning on the property upon adoption of Change of Zone No. 6881.
3. The enlargement of Bautista Canyon Valley Agricultural Preserve No. 2, Amendment No. 9, Map No. 909, is consistent with the provisions of the Land Conservation Act of 1965 (Williamson Act) and with the Rules and Regulations Governing Agricultural Preserves in Riverside County.

Supervisor Stone
District 3

DATE DRAWN: 4/29/05

CZ06881 VICINITY MAP

Planner: Kathleen Browne
Date: 5/25/05
Exhibit 5



DISCLAIMER: On October 7, 2003, the City of Riverside adopted a new General Plan. The General Plan is a long-term policy statement that guides the City's future development. The General Plan is a living document that will be updated periodically. The City of Riverside is committed to providing the public with the most current information available. This map is based on the General Plan as of October 7, 2003. The City of Riverside is not responsible for any errors or omissions on this map. The City of Riverside is not responsible for any damages or losses resulting from the use of this map. The City of Riverside is not responsible for any actions taken by the public based on this map. The City of Riverside is not responsible for any actions taken by the public based on this map.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone **Bautista**
District: **Bautista**
Township/Range: **T5SR1E**
Section: **20**

ASSESSORS **555-10**
BK. PG. **THOMAS**
BROS.PG **842 A4**





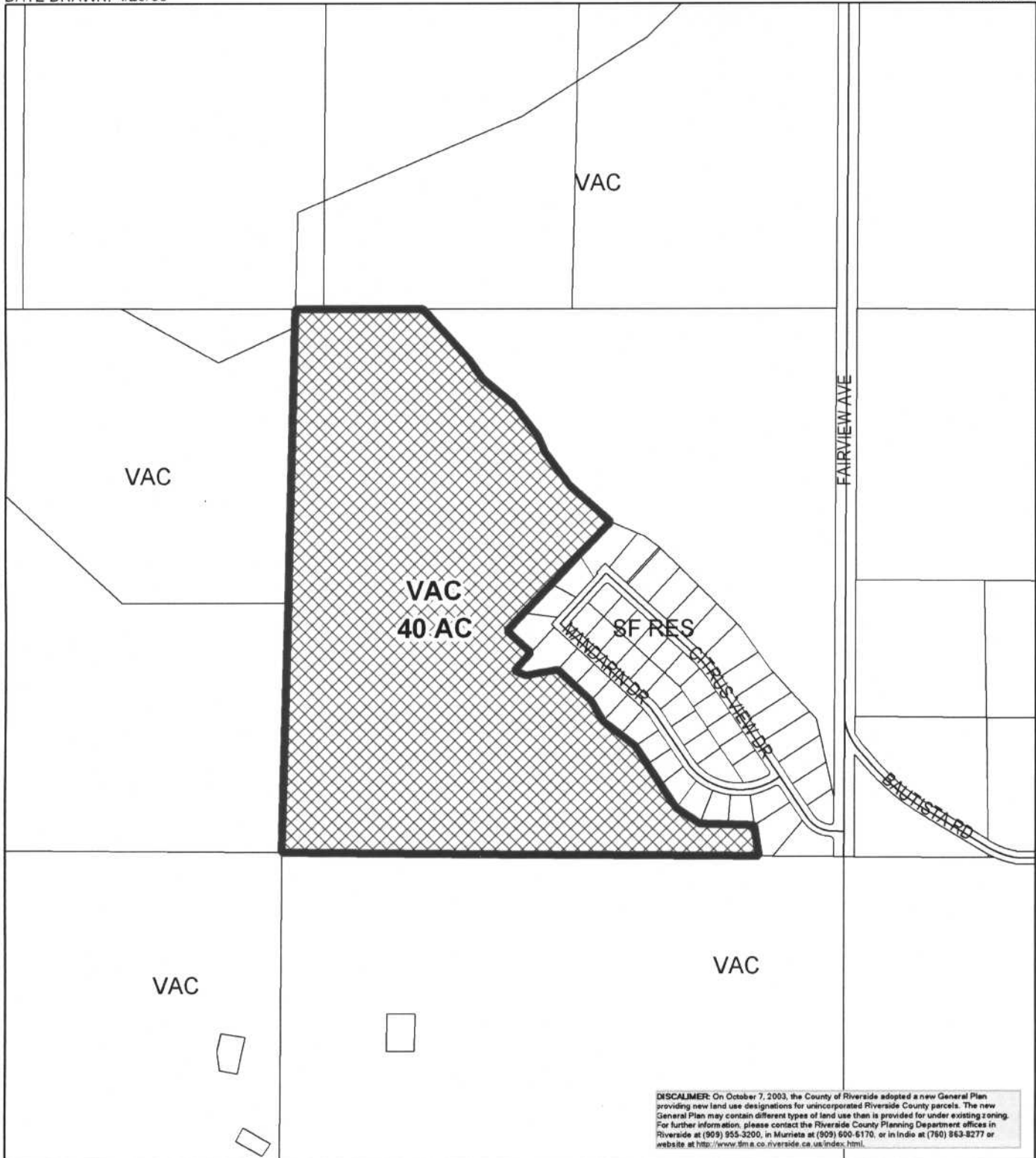
RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: **Bautista**

Township/Range: T5SR1E
SECTION: 20



ASSESSORS 555-10
BK. PG.
THOMAS 842 A4
BROS.PG



RIVERSIDE COUNTY PLANNING DEPARTMENT

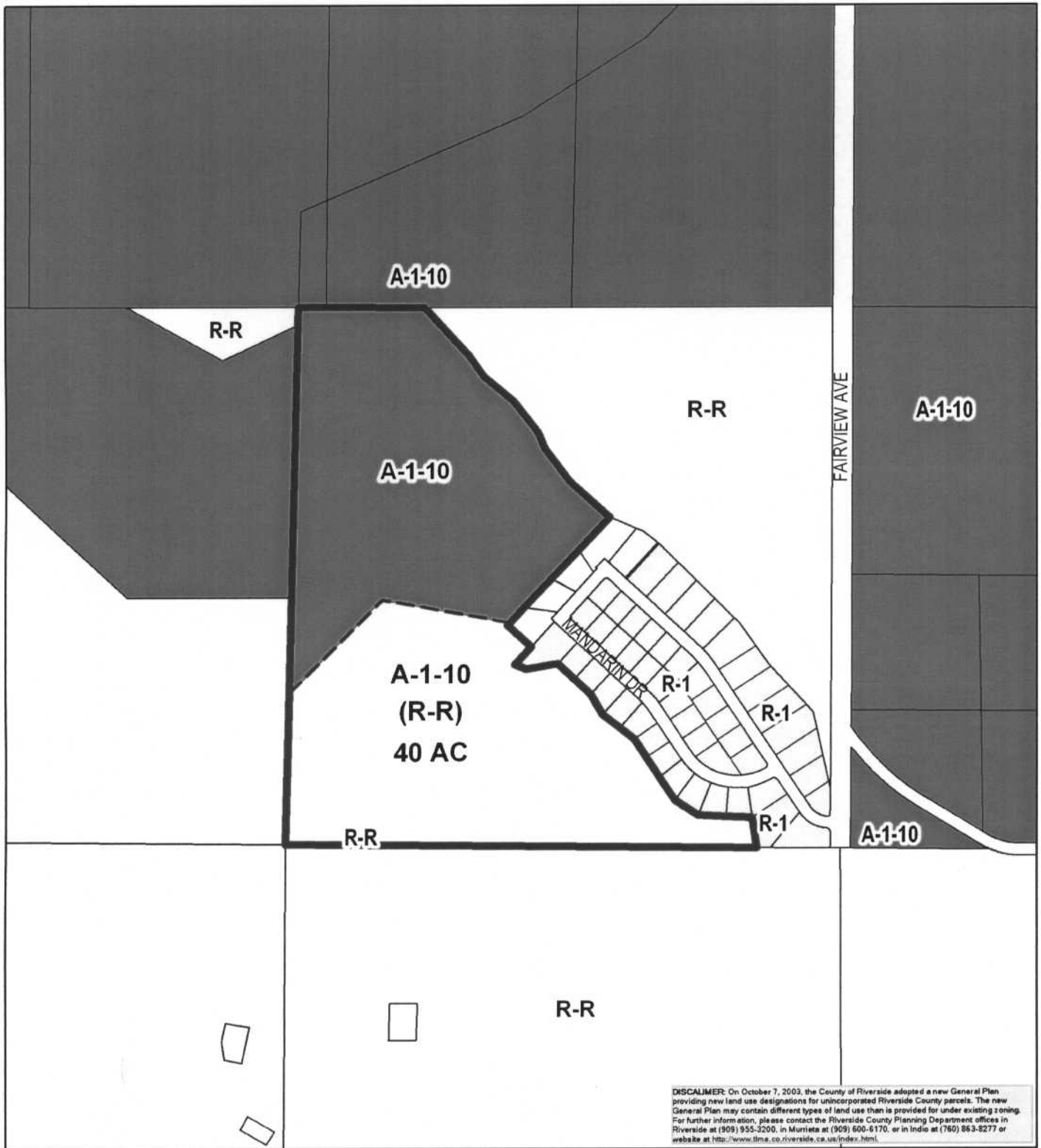
Zone
District: **Bautista**

Township/Range: **T5SR1E**
Section : 20



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THOMAS 842 A4
BROS.PG

CZ06881
PROPOSED ZONING

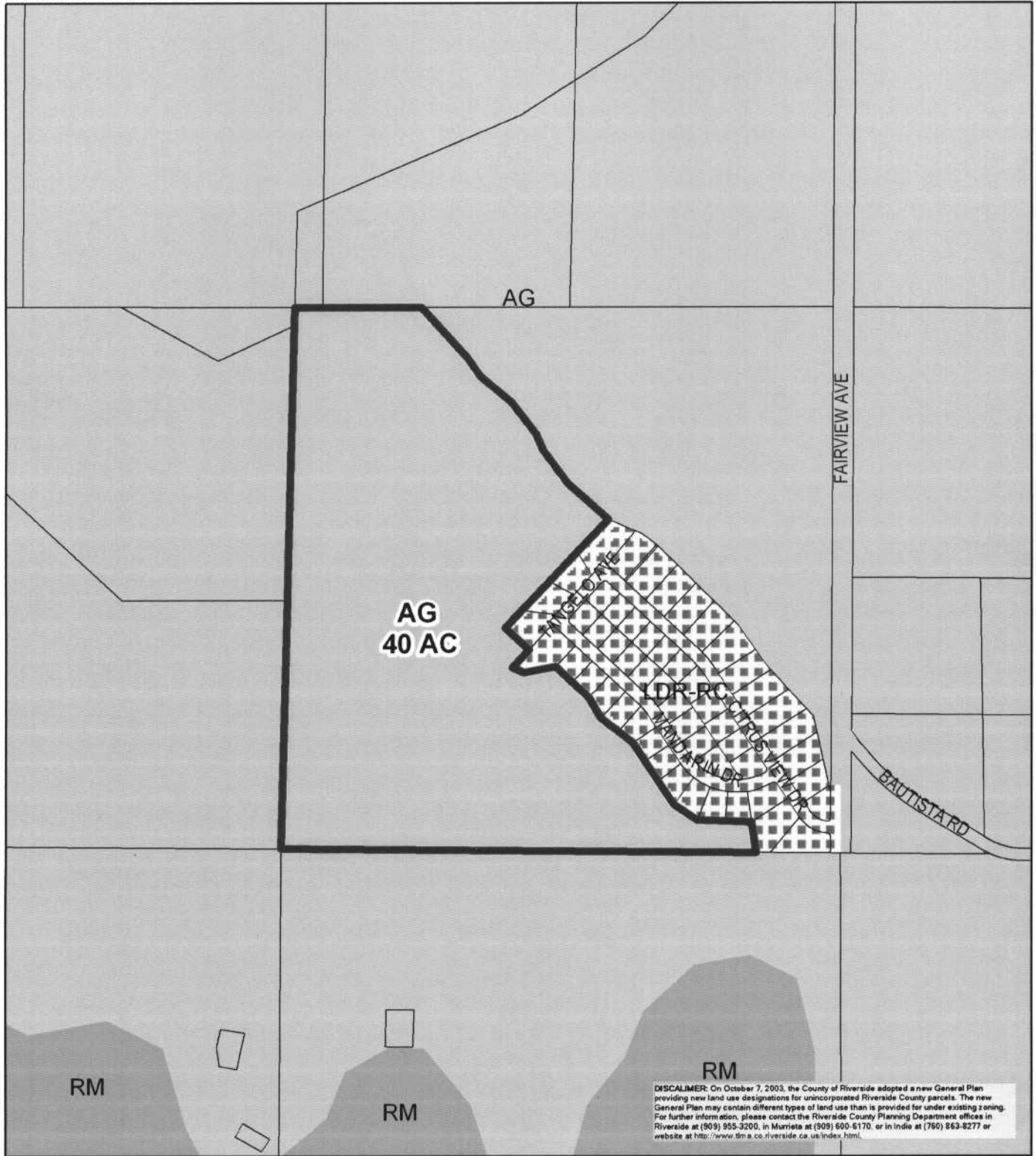


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THOMAS
BROS.PG **842 A4**

RESOLUTION NO. 2005-8

ENLARGING AN AGRICULTURAL PRESERVE

BE IT RESOLVED, by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on November ⁸ 2, 2005, that, pursuant to the California Land Conservation Act of 1965 (Government Code Section 51200 et seq.), the Bautista Canyon Agricultural Preserve No. 2, Map No. 147, is amended by adding thereto the area shown on the map entitled, "BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 2, AMENDMENT NO. 9, (ENLARGEMENT), MAP NO. 909," and described by boundary description thereof, said map and description both being on file in the office of the Clerk of this Board.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the enlargement of this agricultural preserve is consistent with the General Plan for Riverside County.

BE IT FURTHER RESOLVED that the Clerk of this Board shall endorse the fact of this adoption and the date thereof on said map and shall file copies of this resolution, said map and said boundary description with the County Recorder, Riverside County, California, with the Director of Conservation, State of California, and with the Office of the Assessor of Riverside County, California.

FORM APPROVED
COUNTY COUNSEL

OCT 03 2005

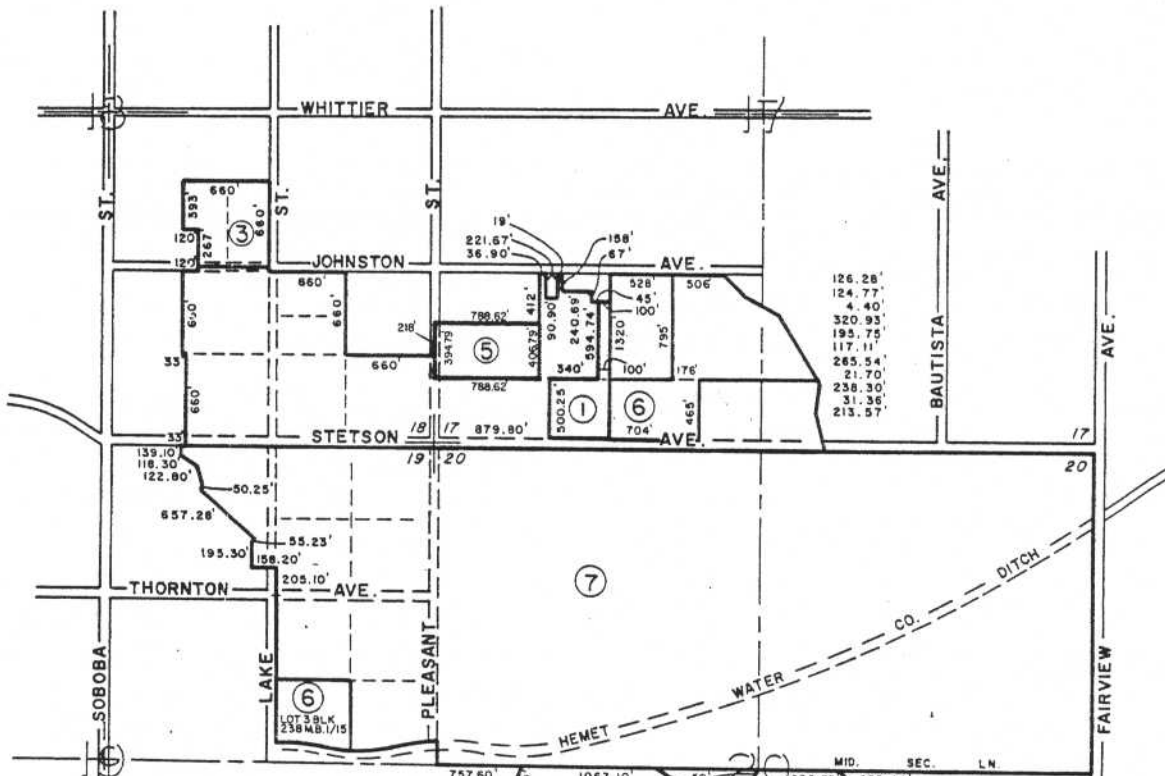
BY B. T. M. [Signature]

658
909

MAP NO. 147 BAUTISTA CANYON AGRICULTURAL PRESERVE NO. 2

T. 5S, - R. 1E.

AMENDED BY MAP NO. 257, 276, 453, 467, 472, 590, 658, 909

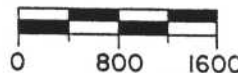


AMENDMENTS

- NO. 1, (ENLARGEMENT), SEPT. 25, 73, MAP NO. 257
- NO. 2, (ENLARGEMENT), DEC. 11, 1973, MAP NO. 276
- NO. 3, (DIMINISHMENT), AUTHORIZED ON FEB. 28, 1978
- NO. 4, (ENLARGEMENT), FEB. 14, 1978, MAP NO. 467
- NO. 5, (DIMINISHMENT), AUTHORIZED ON MAY 9, 1978
- NO. 6, (DIMINISHMENT), MAY 7, 1985 MAP NO. 590
- NO. 7, (DIMINISHMENT), APRIL 11, 1989, MAP NO. 658

ADOPTED ON JANUARY 18, 1972
BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA.

RIVERSIDE COUNTY PLANNING COMMISSION



909
10.8
9
(Enlargement)

Map No. 909