

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



105B

FROM: TLMA - Planning Department

SUBMITTAL DATE:
September 29, 2005

SUBJECT: CHANGE OF ZONE NO. 6883 / AGRICULTURAL PRESERVE CASE NO. 910 – EA39275 – Applicant: Gary L. McMillan and Patricia McMillan – Third Supervisorial District – Bautista Zoning Area – San Jacinto Valley Area Plan – Location: Northerly of Bautista Road, southerly of State Highway 74 and the San Jacinto River, approximately 2-1/2 miles easterly of Fairview Ave. and westerly of the San Bernardino National Forest – 48.76 Acres – Zoning: Rural Residential (R-R) – REQUEST: To change the zoning on 48.76 acres 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 Valle Vista Agricultural Preserve No. 2, Amendment No. 1, Map No. 910, 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. 2005-9 enlarging Valle Vista Agricultural Preserve No. 2;

Robert C. Johnson
Planning Director

RCJ:kb

(Continued On Attached Pages)

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

Robert C. Johnson
DATE 10/14/05

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: Third

Agenda Number:

16.3

The Honorable Board of Supervisors

RE: CHANGE OF ZONE NO. 6883 / AGRICULTURAL PRESERVE CASE NO. 910

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 Valle Vista 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. 39275**, 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. 39275, 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. 6883, 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 48.76-acre parcel is located in the lower San Jacinto Valley area of Riverside County, easterly of the City of Hemet. More specifically, southerly of Stetson Avenue, easterly of Pleasant Street and westerly of Fairview Avenue.
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 48.76 acres, meeting the size requirement; is contiguous to Valle Vista Agricultural Preserve No. 2; and, upon adoption of Change of Zone No. 6883, is properly zoned for inclusion into an agricultural preserve.
3. The parcel is designated Agriculture (AG) and Rural Mountainous (RM) 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 and Rural Mountainous designation.

4. Adjacent properties to the north are designated Very-Low Density Residential – Rural Community (VLDR-RC), Medium-Density Residential – Community Development (MDR-CD) and Agriculture; and, to the south, east and west, Rural Mountainous and Agriculture, both with a 10-acre minimum lot size and all within the Agriculture-Potential Development Study Area Policy Area. Surrounding areas further to the northwest and adjacent to State Highway 74 are properties designated for various types of rural residential, medium-density residential and commercial uses. To the south, east and west properties are designated Agriculture and Rural Mountainous. The subject parcel is located within the City of Hemet'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. 6883, meets this zoning requirement.
6. Areas adjacent to the subject parcel on the north and east are zoned A-1-10 and R-R. Areas adjacent to the south are zoned R-R and Natural Assets – 160 acre minimum lot size (N-A-160) and to the west R-R, A-1-10 and Residential Agriculture (R-A). 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 twenty-three percent of the subject property; Class III, IV and VI underlie thirty-nine percent of the subject property; and, Class VII and VIII underlie thirty-eight 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 \$442,660.00. The Assessor's Office has estimated that the assessed valuation of the property would decrease by \$373,616, if the parcel were subject to 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 parcel

is located near an area of known historical and/or archaeological resources and, although the Paleontological Sensitivity Map indicates that the general area of the subject parcel has a low to high probability of containing paleontological resources, the parcel supports an existing grove and prior land use most likely involved some type of agriculture. Impacts on paleontological resources are not expected from enlarging Valle Vista Agricultural Preserve No. 2 to include the proposed parcel.

11. Although State Highway 74 is located approximately 1 mile to the north of the subject parcel and is identified as State Eligible for designation as State Scenic Highway, 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 Valle Vista Agricultural Preserve No. 2.

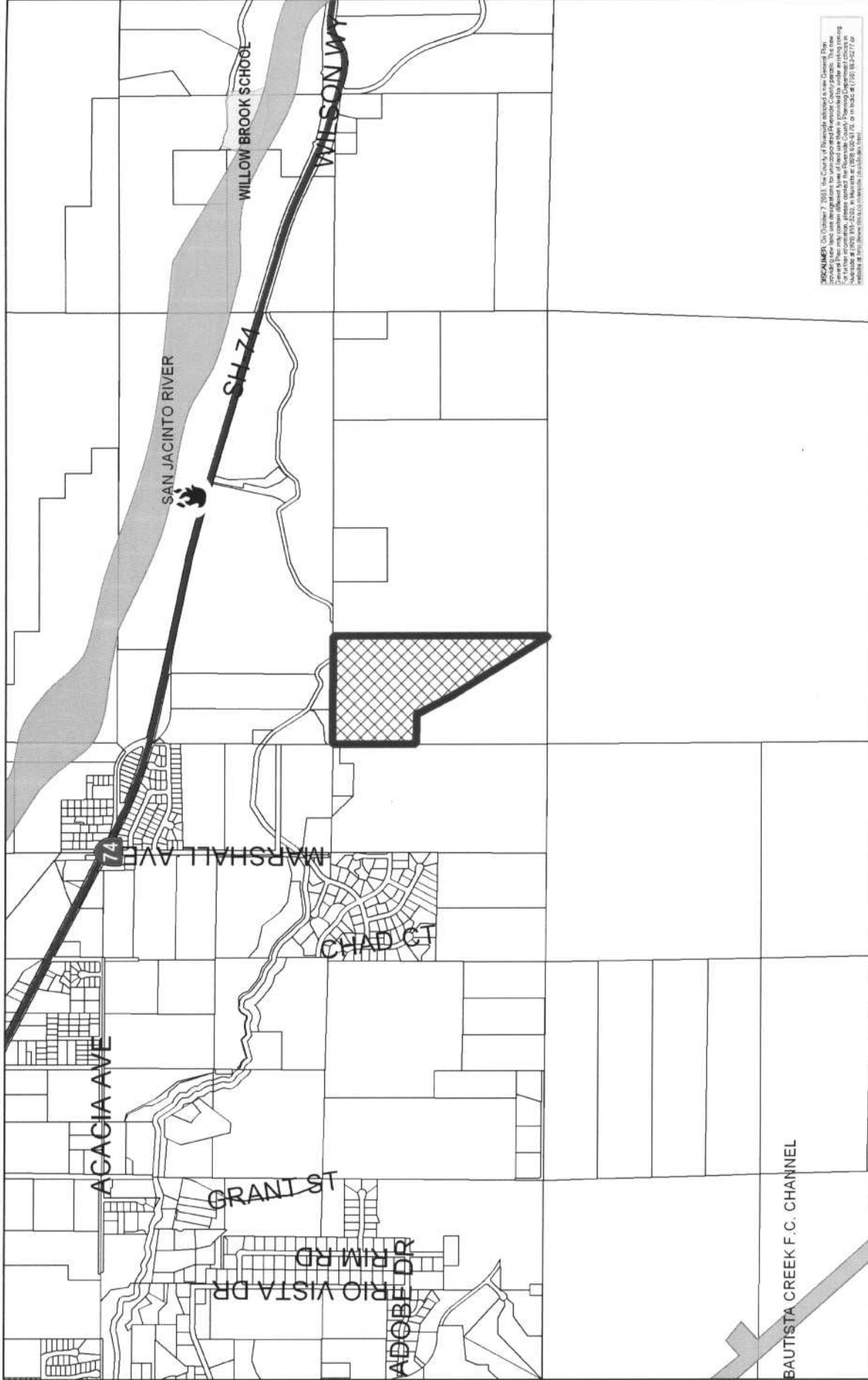
CONCLUSION:

1. The enlargement of Valle Vista Agricultural Preserve No. 2, Amendment No. 1, Map No. 910, is consistent with the Riverside County General Plan.
2. The enlargement of Valle Vista Agricultural Preserve No. 2, Amendment No. 1, Map No. 910, will be consistent with the zoning on the property upon adoption of Change of Zone No. 6883.
3. The enlargement of Valle Vista Agricultural Preserve No. 2, Amendment No. 1, Map No. 910, 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

CZ06883 VICINITY MAP

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

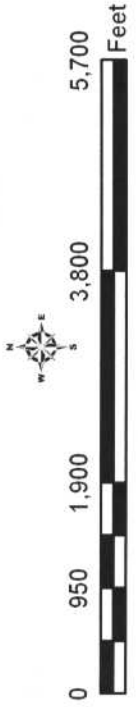


DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan. The new General Plan includes a new map of Riverside County. The new map of Riverside County is available on the County's website at www.riversidecounty.net. For further information, please contact the Riverside County Planning Department at (951) 953-2120, in Riverside at (951) 953-1701, or in Indio at (760) 862-2770.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone **Bautista**
District: **Bautista**
Township/Range: **T5SR1E**
Section : 14

ASSESSORS **553-21**
BK. PG.
THOMAS **842 E1**
BROS.PG



Supervisor Stone
District 3

CZ06883

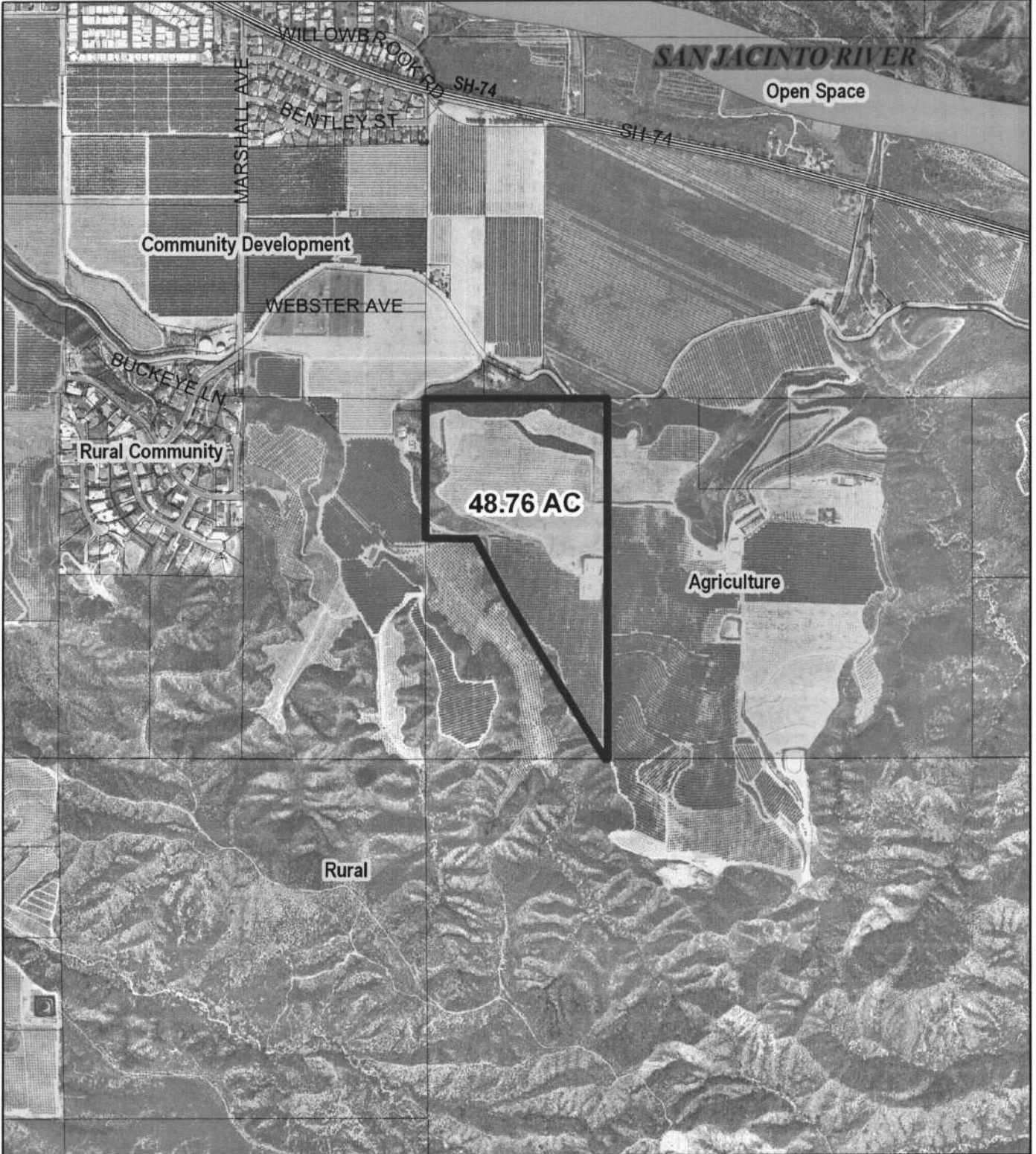
Planner: Kathleen Browne

DATE DRAWN 4/29/05

DEVELOPMENT OPPORTUNITY

Date: 5/25/05

Exhibits Overview



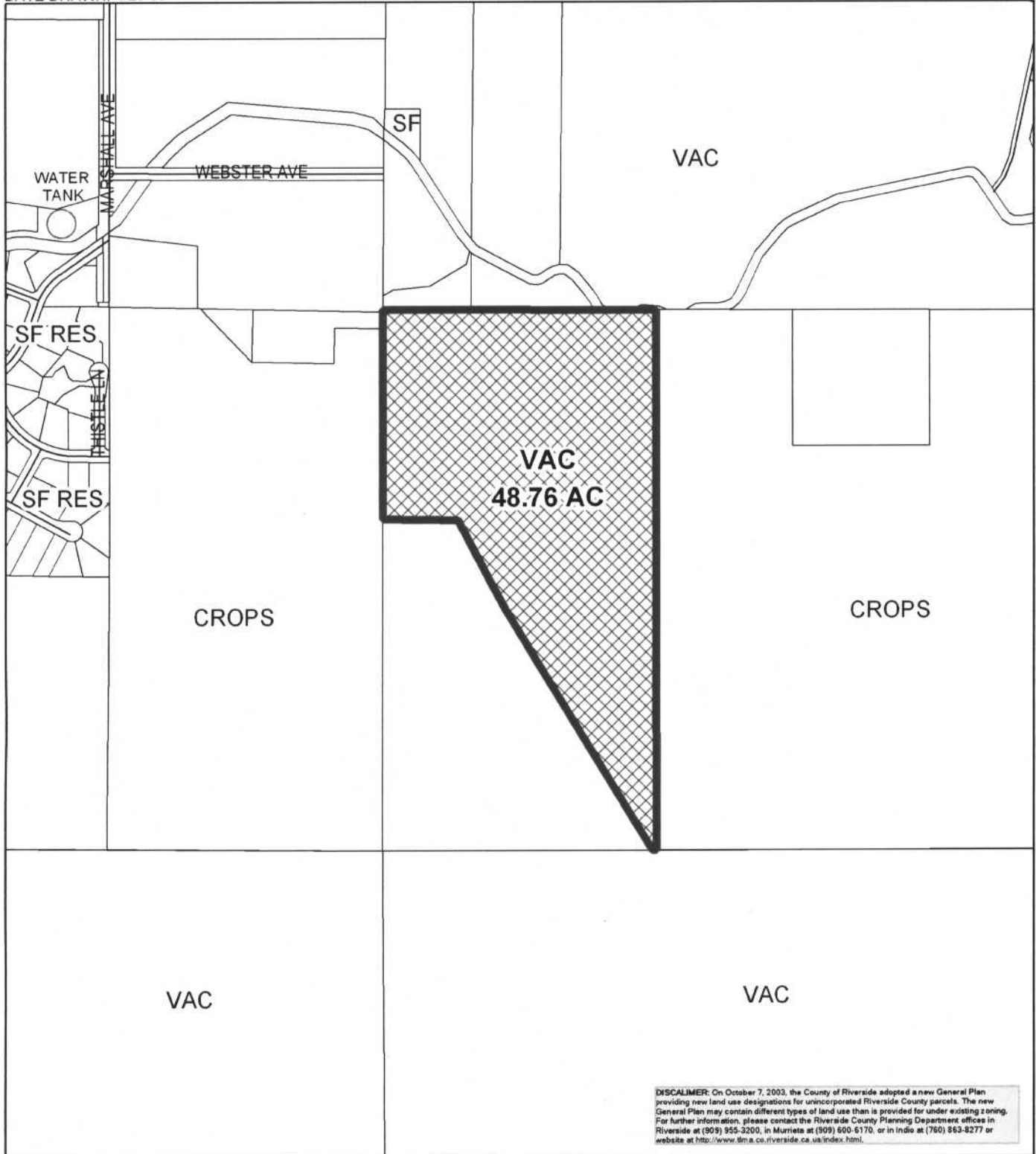
RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: **Bautista**

Township/Range: T5SR1E
SECTION: 14



ASSESSORS 553-21
BK. PG.
THOMAS 842 E1
BROS.PG



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: **Bautista**

Township/Range: **T5SR1E**
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Supervisor Stone
District 3

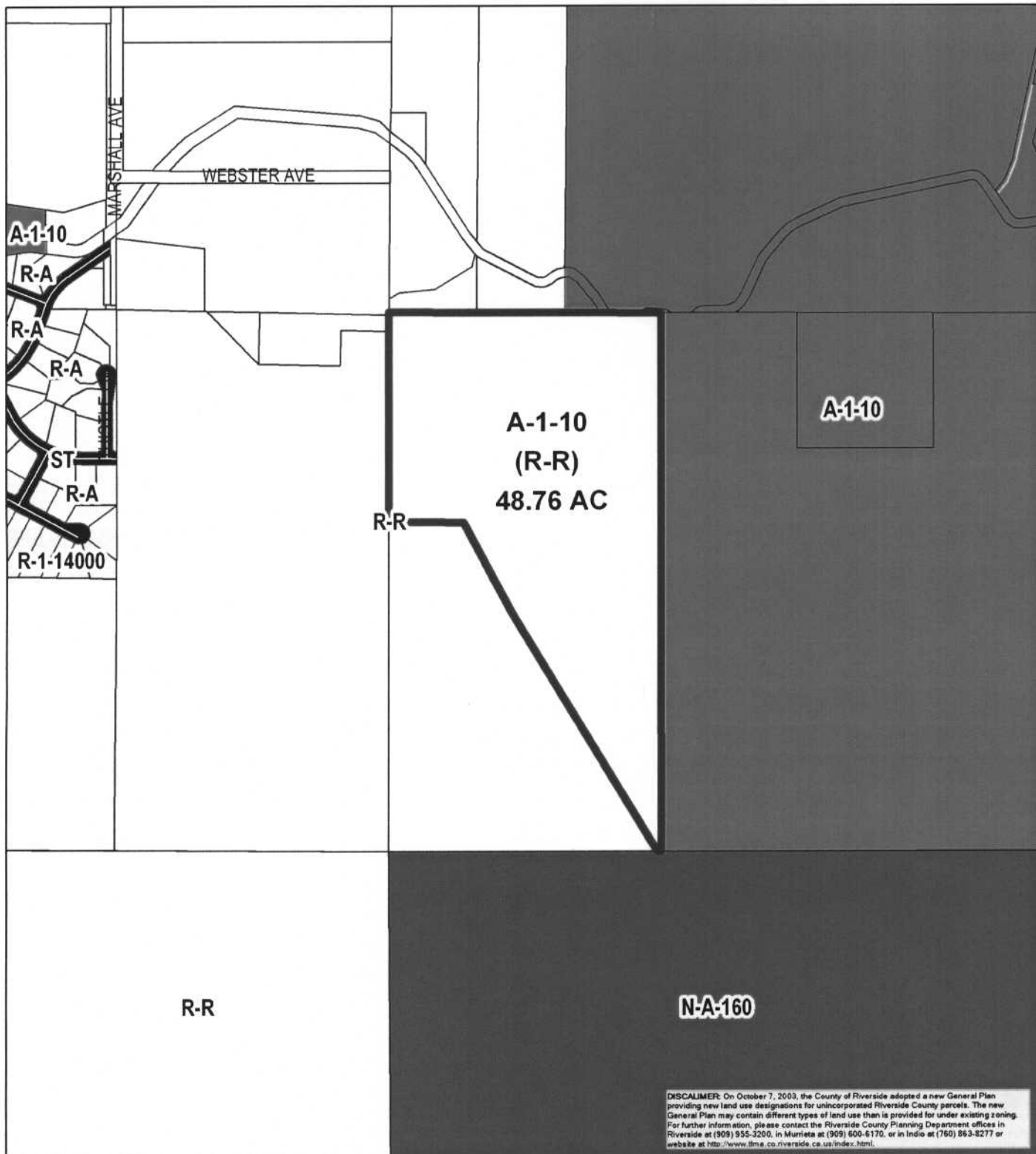
DATE DRAWN: 4/29/05

CZ06883 PROPOSED ZONING

Planner: Kathleen Browne

Date: 5/25/05

Exhibit 2



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200, in Murrieta at (951) 600-6170, or in Indio at (760) 963-8277 or website at <http://www.time.co.riverside.ca.us/index.html>.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone Area: **Bautista**

Township/Range: **T5SR1E**
Section : 14



ASSESSORS
BK. PG. 553-21
THOMAS
BROS.PG 842 E1

Supervisor Stone
District 3

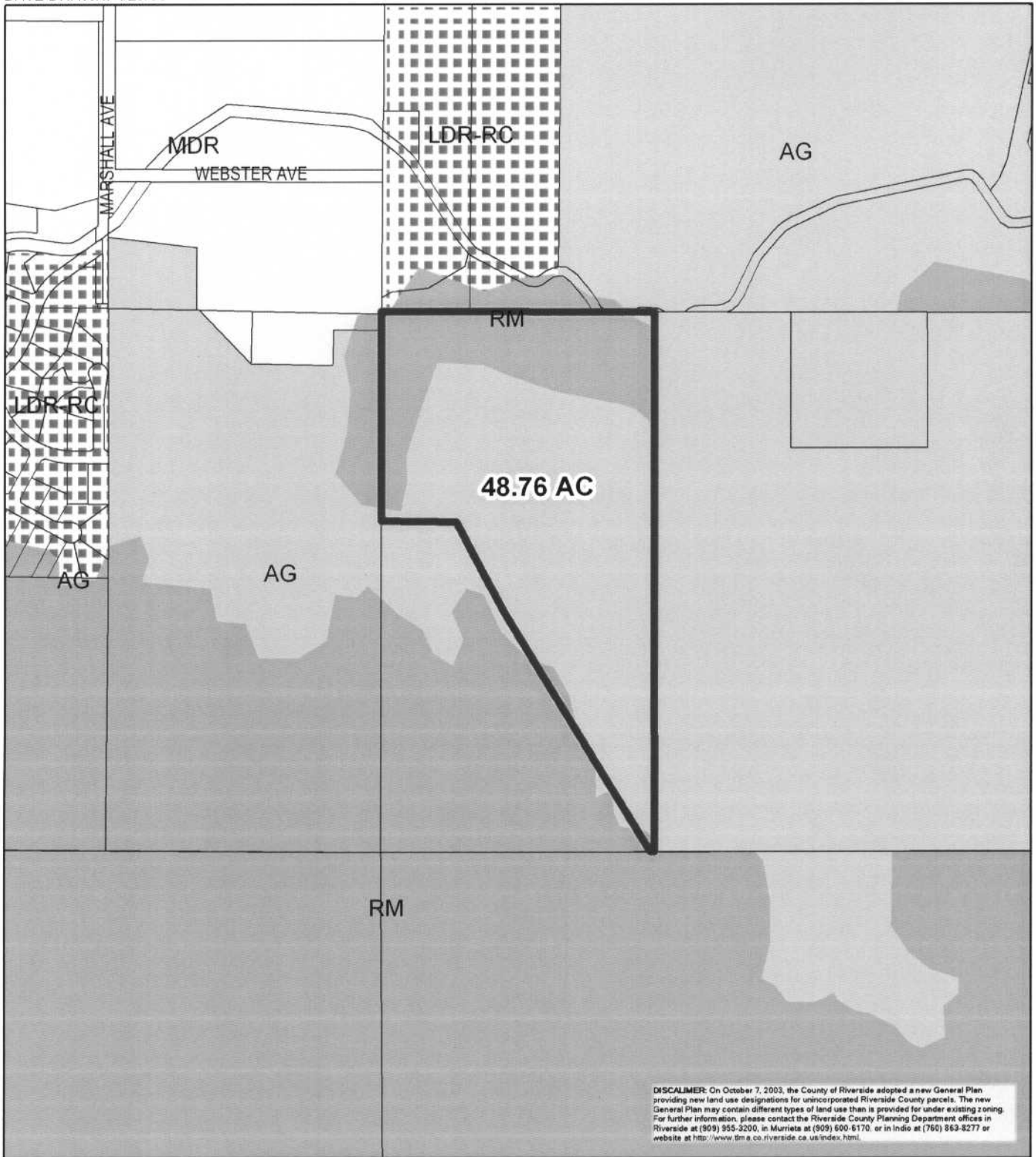
DATE DRAWN: 4/29/05

CZ06883 General Plan

Planner: Kathleen Browne

Date: 5/25/05

Exhibit 5



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: **Bautista**

Township/Range: **T5SR1E**
Section : 14



0 305 610 1,220 1,830



Feet

ASSESSORS
BK. PG. 553-21

THOMAS
BROS.PG 842 E1

RESOLUTION NO. 2005-9

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~~7~~, 2005, that, pursuant to the California Land Conservation Act of 1965 (Government Code Section 51200 et seq.), the Valle Vista Agricultural Preserve No. 2, Map No. 226, is amended by adding thereto the area shown on the map entitled, "VALLE VISTA AGRICULTURAL PRESERVE NO. 2, AMENDMENT NO. 1, (ENLARGEMENT), MAP NO. 910," 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. B.

**EXHIBIT A
VALLE VISTA AGRICULTURAL PRESERVE NO. 2
MAP NO. 910
(ENLARGEMENT)**

A parcel of land being a portion of the West one-half of the Southwest quarter of Section 14, Township 5 South, Range 1 East, San Bernardino Base and Meridian, being more particularly described as follows:

Commencing at the West quarter corner of said Section 14 as shown on a Record of Survey on file in Book 76, Page 42 of Records of Survey, Records of Riverside County, California, said point being the true point of beginning;

Thence North 89° 38' 47" East along the East/West center of section line of said Section 14, a distance of 1,317.05 feet to the Northeast corner of West one-half of the Southwest quarter of said Section 14;

Thence South 00° 23' 35" East along the East line of the West one-half of the Southwest quarter of said Section 14, a distance of 1,301.80 feet to the Northeast corner of the South one-half of the West one-half of the Southwest quarter of said Section 14;

Thence South 00° 23' 35" East along the East line of said South one-half a distance of 1,301.80 feet to the Southeast corner of the South one-half of the West one-half of the Southwest quarter of said Section 14;

Thence South 89° 35; 21" West along the South line of said Southwest quarter a distance of 20.00 feet;

Thence North 31° 38' 09" West a distance of 1,358.26 feet;

Thence North 28° 06' 42" West a distance of 158.91 feet to a point on the Southerly line of the North one-half of the West one-half of the Southwest quarter of said Section 14;

Thence continuing North 28° 06' 42" West a distance of 333.15 feet;

Thence North 89° 34' 00" West a distance of 364.74 feet to a point on the West line of the Southwest quarter of said Section 14;

Thence North 00° 20' 08" West along said West line a distance of 1,002.37 feet to the point of beginning.

Assessor's Parcel No.	Acres (net)	Owners
553-210-013-2	48.76	Gary L. McMillan and Patricia A. McMillan
Total	48.76	