

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

714B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
November 21, 2005

SUBJECT: SPECIFIC PLAN NO. 335 / CHANGE OF ZONE NO. 6848 / TENTATIVE PARCEL MAP NO. 31645 / AGRICULTURAL PRESERVE NO. 919 – ENVIROMENTAL IMPACT REPORT NO. 465 (SCH NO. 2003121166) – Applicant: Lewis Investment Co., LLC – Engineer / Representative: Albert A. Webb Associates – Second Supervisorial District – Prado-Mira Loma Zoning District – Jurupa Area Plan: Community Development: High-Density Residential With Community Center Overlay (CD-HDR W/CCO) (8-14 Dwelling Units Per Acre) – Location: North of and adjacent to Bellegrave Avenue, southerly of Cantu-Galleano Ranch Road, east of and adjacent to Hamner Avenue and the Riverside/San Bernardino County line and west of and adjacent to Interstate 15 – 195.8 Acres (Net) – 16 Lots – Zoning: Heavy Agriculture - 10 Acre Minimum (A-2-10) and Industrial Park (I-P) – REQUEST: To change the zoning on 195.8 acres currently zoned Heavy Agriculture (A-2-10) and Industrial Park (I-P) to Specific Plan (SP) and Schedule E subdivision into 16 parcels, ranging between 3.17 to 18.44 acres (gross) or 2.4 to 16.7 acres (net). The subdivision will implement the Specific Plan and include design standards for the development of 1,750 single-family detached and attached residential units on approximately 131 acres, 11.31 acres of mixed use commercial, a 13-acre community park, 6.32 acres of private recreational facilities, and an 8.08-acre elementary (K-8) school site. The proposal includes cancellation of the associated land conservation contracts on three (3) parcels totaling 95.89 acres and diminishment of said parcels from the affected agricultural preserve.

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

DATE 11/22/05

RECOMMENDED MOTION:

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

Robert C. Johnson
Planning Director

RCJ:kb

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: Second | Agenda Number:

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APPROVAL of **AGRICULTURAL PRESERVE CASE NO. 919**, to diminish Mira Loma Agricultural Preserve No. 2, as amended, and cancel the associated land conservation contracts in accordance with Agricultural Preserve Map No. 919.

The Planning Department recommended Approval; and,
THE PLANNING COMMISSION UNANIMOUSLY RECOMMENDS TO THE BOARD OF SUPERVISORS:

TENTATIVE CERTIFICATION of **ENVIRONMENTAL IMPACT REPORT NO. 465**, 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. 335**, 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. 6848**, from A-2-10 and IP to SP, in accordance with Exhibit No. 2 pending final adoption of the final zoning ordinance by the Board of Supervisors; and,

APPROVAL of **TENTATIVE PARCEL MAP NO. 31645**, 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. 335, Change of Zone No. 6848 and Tentative Parcel Map No. 31645 is an application to diminish an agricultural preserve and to cancel the associated land conservation contracts on a portion of the project site. The Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered this application on August 12, 2004.

Agricultural Preserve Case No. 919

Agricultural Preserve Case No. 919 is a request by Lewis Investment Company, LLC; to diminish Mira Loma Agricultural Preserve No. 1, Map No. 2 and cancel the land conservation contracts as they apply to 94.89 acres of the project site. This request is being processed in conjunction with Specific Plan No. 335 (SP 335), Change of Zone No. 6848 (CZ 6848) and Tentative Parcel Map No. (PM31645). SP 335 and PM31645 are the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contracts. The subdivision will implement the specific plan by dividing the project site into 16 parcels, ranging between 3.17 to 18.44 gross acres (2.4 to 16.7 net acres), thus creating legally defined boundaries to planning areas within the specific plan. SP 335 establishes standards and design guidelines for development of

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the 195.8-acre project site with 1,750 single-family detached and attached residential units on approximately 131 acres, 11.31 acres of mixed use commercial, a 13-acre community park, 6.32 acres of private recreational facilities, and an 8.08-acre elementary (K-8) school site.

Additionally, the applicant is proposing that the elementary school site, the community park site and the well site which is located within the community park be annexed to the Jurupa Unified School District, the Jurupa Area Recreation and Parks District and the Jurupa Community Services District, respectively. In the event that the Jurupa Unified School District does not wish to acquire the elementary school site, the applicant has proposed to develop the planning area with very-high density residential uses (14-22 dwelling units/acre) with an allowable maximum of 160 units, for an overall total of 1,910 single-family residential units under the specific plan.

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 February 24, 2005, the State found that the application provided sufficient supporting evidence to permit the Board to make the finding required to cancel the 94.89-acre portion of the project site subject to contract.

The Planning Department is recommending APPROVAL of the diminishment of Mira Loma Agricultural Preserve No. 1, Map No. 2, as depicted on Map No. 919, 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 \$1,577,625.00 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Parcel Map No. 31645 (Assessor's Parcel No. 160-020-005-6, 160-020-006-7, 160-020-007-8, 160-020-010-0, 160-020-022-1 and 160-020-023-2) 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.

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FINDINGS:

1. The 94.89-acre (net) portion of the project site subject to contract is comprised of three parcels which are located north of and adjacent to Bellegrave Avenue, southerly of Cantu-Galleano Ranch Road, east of and adjacent to Hamner Avenue and the Riverside/San Bernardino County line and west of and adjacent to Interstate 15 in the Jurupa area of western Riverside County.
2. Diminishment of Mira Loma Agricultural Preserve No. 1, Map No. 2 includes the portion of the project site subject to contract as referenced above and an approximately 1-acre portion of Assessor's Parcel No. 160-020-023-2 which is not under contract but is located within the boundaries of the affected agricultural preserve.
3. The project site currently supports no livestock and existing structures associated with previous agricultural uses are being dismantled for removal.
4. The soils on the site are seventy-six (76) percent Class I and Class II and twenty-four (24) percent Class III, Class IV and Class VI.
5. Two separate contracts apply to the subject parcels. Anthony B. Barba and Frank Barba entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 1 (Assessor's Parcel Number 160-020-006-7 and 160-020-007-8). This contract is dated January 1, 1971 and was recorded on February 26, 1971 as Instrument No. 19459.
6. A notice of non-renewal was filed for these two parcels on March 23, 2004 and was recorded by the Riverside County Clerk and Recorder on May 6, 2004 as Instrument No. 2004-0336444. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2014.
7. James A. and William E. Stein entered into the second land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 1 (Assessor's Parcel No. 160-020-023-2). This contract is dated January 1, 1971 and was recorded on February 26, 1971 as Instrument No. 19437.
8. A notice of non-renewal was filed for this parcel on October 2, 1997 and was recorded by the Riverside County Clerk and Recorder on November 18, 1997 as Instrument No. 1997-0422942. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2007.
9. The landowner has applied for SP 335, CZ 6848 and PM31645 as the alternative use on the 195.8-acre project site which includes the three parcels subject to this

cancellation, as required by the cancellation procedures for a land conservation contract. SP 335 establishes standards and design guidelines for development of the master planned community with 1,750 single-family detached and attached residential units on approximately 131 acres, 11.31 acres of mixed use commercial, a 13-acre community park, 6.32 acres of private recreational facilities, and an 8.08-acre elementary (K-8) school site. PM31645 will implement the specific plan by dividing the project site into 16 planning areas, ranging between 3.17 to 18.44 gross acres or 2.4 to 16.7 net acres.

10. The proposed alternative use is consistent with the Riverside County General Plan, adopted on October 7, 2003. Upon approval of Change of Zone No. 6848, the proposed alternative use will be consistent with the proposed zoning.
11. The project site is surrounded by urban development or entitlements for urban development which are either developed or pending development. Land located south, southeast and southwest of the project site is primarily residential and zoned One Family Dwelling (R-1), General Residential (R-3) and Planned Residential (R-4). Land located north, east and west of the project site is primarily zoned Industrial Park (IP) and Manufacturing – Service Commercial.
12. Development of the contracted land will result in a more contiguous pattern of urban development than the non-contracted lands in the vicinity.
13. The cancellation fee was determined by the Riverside County Assessor's Office to be \$1,577,625.00.

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 project site is contiguous to residential development and/or urban entitlements on the south, southeast and southwest and parcels located to the immediate north, east and west 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 and northern boundaries 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

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for the subject parcels is High-Density Residential with a Community Center Overlay, permitting 8-14 dwelling units per acre, and, upon approval of CZ 6848, is consistent with the proposed alternative land use.

4. The cancellation will not result in discontinuous patterns of urban development as residential tracts have been developed and/or urban entitlements are being processed to the south, southeast, southwest and east of the project site. As a result of these approved and/or pending developments, the proposed cancellation will not result in discontinuous patterns of urban development.
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, southeast, southwest and east with existing development to the north and west.