

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

425 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
June 19, 2006

SUBJECT: AGRICULTURAL PRESERVE CASE NO. 946 / CHANGE OF ZONE NO. 7120 / TENTATIVE PARCEL MAP NO. 32532 – CEQA Exempt – Applicant: Bob and Janice Lance – Engineer / Representative: Gabel, Cook and Associates – First Supervisorial District – Woodcrest Zoning District – Lake Mathews / Woodcrest Area Plan: Rural Community: Very Low Density Residential (RC-VLDR) (1 Acre Minimum) – Location: Northerly of Hibiscus Avenue, southerly of Gentian Avenue, easterly of Chicago Avenue and west of and adjacent to Cecil Avenue – 2.41 Gross Acres – 2 Residential Lots – Zoning: Light Agriculture - 10 Acre Minimum (A-1-10) – REQUEST: To change the zoning on the site from Light Agriculture - 10 Acre Minimum (A-1-10) to Light Agriculture - 1 Acre Minimum (A-1-1). The tentative parcel map is a Schedule H subdivision of 2.41 gross acres into two (2) residential lots with a minimum lot size of one (1) acre. The existing groves and residence located on the southern portion of the parcel will remain. The proposal includes cancellation of the associated land conservation contract on the one (1) acre northern portion of the 2.41 gross acres and diminishment of said portion from the affected agricultural preserve.

RECOMMENDED MOTION:

THE COMPREHENSIVE AGRICULTURAL PRESERVE TECHNICAL ADVISORY COMMITTEE UNANIMOUSLY RECOMMENDS TO THE BOARD OF SUPERVISORS:

APPROVAL of **AGRICULTURAL PRESERVE CASE NO. 946**, to diminish Woodcrest Agricultural Preserve No. 1, as amended, and cancel the associated land conservation contract in accordance with Agricultural Preserve Map No. 946.

Robert C. Johnson
Planning Director

RCJ:kb

REVIEWED BY EXECUTIVE OFFICE

DATE 6/21/06 sub

Departmental Concurrence

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: First

Agenda Number:

16.5

The Honorable Board of Supervisors
RE: AGRICULTURAL PRESERVE CASE NO. 946 / CHANGE OF ZONE NO. 7120 /
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The Planning Department recommended Approval; and,
**THE PLANNING COMMISSION UNANIMOUSLY RECOMMENDS TO THE BOARD
OF SUPERVISORS:**

TENTATIVE APPROVAL of CHANGE OF ZONE NO. 7120, based on the findings and conclusions incorporated in the staff report; and,

APPROVAL of TENTATIVE PARCEL MAP No. 32532, 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. 7120 and Tentative Parcel Map No. 32532 is an application to diminish an agricultural preserve and to cancel the associated land conservation contract on a portion of the parcel. The Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered this application on March 9, 2006.

Agricultural Preserve Case No. 946

Agricultural Preserve Case No. 946 is a request by Bob and Janice Lance to diminish Woodcrest Agricultural Preserve No. 1, Map No. 124, and cancel the land conservation contract as it applies to a one (1) acre portion of the project site. This request is being processed in conjunction with Change of Zone No. 7120 (CZ 7120) and Tentative Parcel Map No. 32532 (PM32532). PM32532 is the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contract on a portion of the site and diminishment of said portion from the affected agricultural preserve. The parcel map will subdivide the 2.41-gross acre project site into two (2) residential lots with a minimum lot size of one (1) acre.

CAPTAC met on March 9, 2006 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 May 30, 2006, the State found that the application lacked substantial supporting evidence for the Board to determine that there is no proximate noncontracted land that is available and suitable for the use proposed on the contracted land or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

(Additionally, as a separate issue, the State recommends that the County cancel the contract on the entire 2.41 gross acres and initiate non-renewal on the 5 remaining

parcels (totaling approximately 11 acres) located within Woodcrest Agricultural Preserve No. 1 under active contract as well as on other properties throughout the County where the affected agricultural preserve does not meet the presumptive minimum size requirements under the Williamson Act.)

However, CAPTAC and the Planning Department do not concur with the State's conclusion, and are recommending APPROVAL of the diminishment of Woodcrest Agricultural Preserve No. 1, Map No. 124, as depicted on Map No. 946, and cancellation of the associated land conservation contract on said portion of the parcel, 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 \$12,500.00 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Parcel Map No. 32532 (Assessor's Parcel No. 280-060-004-6) 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 2.41-gross acre site is located northerly of Hibiscus Avenue, southerly of Gentian Avenue, easterly of Chicago Avenue and west of and adjacent to Cecil Avenue in the Woodcrest area of western Riverside County.
2. The project site was formerly part of a larger citrus grove and still supports fruit trees and row crops.
3. The soils on the site are one hundred (100) percent Class III, Class IV and Class VI.
4. Rolla L. Cook and Isabel M. Cook entered into a land conservation contract with the County of Riverside for land within Woodcrest Agricultural Preserve No. 1. This contract is dated January 1, 1971 and was recorded on February 26, 1971 as Instrument No. 19298 in the Office of the County Recorder of Riverside, California.

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5. A notice of non-renewal was filed and accepted as complete for recordation by the Planning Department on April 7, 2005. The notice of non-renewal was recorded by the Riverside County Clerk and Recorder on February 17, 2006 as Instrument No. 2006-0119240. Pursuant to the notice of non-renewal, the land conservation contract on the subject parcel will expire on January 1, 2015 (GC§51245 and R&T Code §426(c)).
6. The landowner has applied for Tentative Parcel Map No. 32532 in conjunction with Change of Zone No. 7120 as the alternative land use of the site, as required by the cancellation procedures for a land conservation contract. The parcel map proposes to subdivide the 2.41-gross acre project site into two (2) residential lots with a minimum lot size of one (1) acre.
7. Upon approval of Change of Zone No. 7120 and Tentative Parcel Map No. 32532, the proposed alternative use will be consistent with the existing Riverside County General Plan and the proposed zoning.
8. The project site is contiguous to large lot single-family residential dwellings to the north, south, east and west. The majority of land uses within the vicinity are Rural Community – Very-Low Density Residential with some Commercial Retail (CR) and Light Industrial (LI) uses further to the south along Van Buren Boulevard.
9. The subject parcel is located within the City of Riverside sphere-of-influence. Large portions of the Woodcrest area have been annexed into its boundaries while concurrent development applications for medium density residential subdivisions are processed through the City. Since a majority of the lands in the unincorporated area of Woodcrest are designated Rural Community – Very-Low Density Residential, the result is more of an infill type of urbanization.
10. The cancellation fee was determined by the Riverside County Assessor's Office to be \$12,500.00.

CONCLUSIONS:

1. The cancellation is for land on which a notice of non-renewal has been served.
2. CAPTAC members found unanimously that the proposed cancellation will not result in the removal of adjacent lands from agricultural use. The subject parcel is surrounded on the north, south, east and west by parcels which are designated as Rural Community – Very Low Density Residential (VLDR) 1 acre minimum lot size and zoned Light Agriculture – 10 acre minimum lot size (A-10-1), Light Agriculture – 1 acre minimum lot size (A-1-1) and Residential Agriculture – 5 acre minimum lot size (R-A-5). Only six (6) contiguous 2-1/2 acre parcels remain

within Woodcrest Agricultural Preserve No. 1 and all are currently under Williamson Act contract, including the subject site. Surrounding uses are similar large lot single-family residences and many of the properties still support citrus groves, although the properties may no longer be within an agricultural preserve or under contract. In general, this has resulted in a somewhat rural community that maintains agricultural uses. The current property owners have lived at this residence for approximately 30 years. This request for cancellation and parcel map is simply to establish another single-family residence on a portion of the property. The cancellation, in and of itself, will not result in the removal of adjacent lands from agricultural use.

3. The subject parcel is surrounded on the north, south, east and west by parcels which are designated as Rural Community - Very Low Density Residential (VLDR) 1 acre minimum lot size and zoned Light Agriculture - 10 acre minimum lot size (A-1-10), Light Agriculture – 1 acre minimum lot size (A-1-1) and Residential Agriculture – 5 acre minimum lot size (R-A-5). Surrounding uses are similar large lot single-family residences and many of the properties still support citrus groves. In general, this has resulted in a somewhat rural community that maintains agricultural uses. CAPTAC members found unanimously that the proposed alternative use is consistent with the Riverside County General Plan Land Use Designation and current zoning.
4. CAPTAC members found unanimously that the cancellation will not result in discontinuous patterns of urban development. Residential uses completely surround the subject site to the north, south, east and west. As a result of these existing uses, the proposed cancellation will not result in discontinuous patterns of urban development.
5. CAPTAC members found unanimously that development of the contracted land would provide more contiguous patterns of urban development than development of proximate, non-contracted land. Residential development currently surrounds the subject parcel on all sides.