

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

539B



**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
July 10, 2006

**SUBJECT:** AGRICULTURAL PRESERVE CASE NO. 968 – Applicant: D R Horton Los Angeles Holding Co. – Engineer / Representative: Adams Streeter Civil Engineers, Inc. – Second Supervisorial District – Prado-Mira Loma Zoning District – Eastvale Area Plan: Community Development: Medium Density Residential (CD-MDR) (2-5 Dwelling Units Per Acre) – Location: North of and adjacent to Schleisman Road, southerly of the San Bernardino / Riverside County line, east of and adjacent to Hellman Avenue and the San Bernardino / Riverside County line and westerly of the Cucamonga Creek Flood Control Channel – 54.60 Gross Acres – 174 Residential Lots – Zoning: Heavy Agriculture - 10 Acre Minimum (A-2-10) – REQUEST: AG 968 proposes cancellation of the associated land conservation contract on a 44.50-acre portion of the project site and diminishment of said portion from the affected agricultural preserve.

**CONTROVERSIAL ISSUES:** None

**RECOMMENDED MOTION:**

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

**APPROVAL** of AGRICULTURAL PRESERVE CASE NO. 968, to diminish Mira Loma Agricultural Preserve No. 3, as amended, and cancel the associated land conservation contract in accordance with Agricultural Preserve Map No. 968.

**BACKGROUND:**

Agricultural Preserve Case No. 968 (AG 968) is a request by D R Horton Los Angeles

Robert C. Johnson  
Planning Director

RCJ:kb

REVIEWED BY EXECUTIVE OFFICE

DATE 7/11/06 [Signature]

Departmental Concurrence

Policy  
 Policy

Consent  
 Consent

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

Prev. Agn. Ref.

District: Second | Agenda Number:

Holding Co. to diminish Mira Loma Agricultural Preserve No. 3, Map No. 347, and cancel the land conservation contract as it applies to a 44.5-acre portion of the project site. Related to AG 968, are Change of Zone No. 7079, Tentative Tract Map No. 32491 and Environmental Assessment No. 39882, which found that the project will not have a significant effect on the environment. The Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered this application on May 16, 2006.

**Agricultural Preserve Case No. 968**

Agricultural Preserve Case No. 968 is a request by D R Horton Los Angeles Holding Co. to diminish Mira Loma Agricultural Preserve No. 3, Map No. 347, and cancel the land conservation contract as it applies to the 44.5-acre portion of the 54.60-acre project site. Change of Zone No. 7079 (CZ 7079) and Tentative Tract No. 32491 (TR32491) are the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contract and proposes a Schedule A subdivision on the 54.60-acre project site with 174 single-family residential lots with a minimum lot size of 7,200 square feet, two (2) water mitigation lots and four (4) open space lots.

CAPTAC met on May 16, 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. The deadline for the State to submit their comments is July 14, 2006. To date, no comments have been received; however, staff anticipates that the State will concur with the CAPTAC findings based on comments that have been received for other similar development projects in the area.

Staff concurs with CAPTAC's recommendation and the Planning Department also is recommending approval of the proposed cancellation and the diminishment of Mira Loma Agricultural Preserve No. 3, Map No. 347, as depicted on Map No. 968, 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 \$1,529,625.00 shall be paid;
2. All conditions necessary for the County to issue grading permits for Tract Map No. 32491 (Assessor's Parcel No. (APN) 144-020-001-4, 144-020-002-5, and 144-020-003-6) 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. Three parcels comprise the approximately 54.60-acre project site. However, only one parcel, totaling 44.50-acres (APN 144-020-003-6), is subject to Williamson Act Contract and proposed for cancellation and deletion from Mira Loma Agricultural Preserve No. 3. The parcels are located north of and adjacent to Schleisman Road, southerly of the San Bernardino/Riverside County line, east of and adjacent to Hellman Avenue and the San Bernardino/Riverside County line and westerly of the Cucamonga Creek Flood Control Channel in the Eastvale area of the Riverside County.
2. The subject parcels were formerly used as a dairy but are currently vacant.
3. The soils on the subject parcels are one hundred (100) percent Class I and Class II.
4. Tena Koopman entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 3. The contract is dated January 1, 1976 and was recorded on January 28, 1976 as Instrument No. 11830 in the Office of the County Recorder of Riverside, California.
5. A notice of non-renewal was filed with the Planning Department on March 28, 2006 and was recorded by the Riverside County Clerk and Recorder on May 5, 2006, as Instrument No. 2006-0329406. Pursuant to the notice of non-renewal the land conservation contract will expire January 1, 2016.
7. The landowner applied for TR32491 in conjunction with CZ 7079 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 approximately 54.60-acre project site with 174 single-family residential lots with a minimum lot size of 7,200 square feet, two (2) water mitigation lots and four (4) open space lots.
8. Upon approval of TR32491 and CZ 7079, 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 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 \$1,529,625.00.

**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 site is contiguous to residential entitlements and/or pending urban entitlements to the south, east and west and the Riverside/San Bernardino County line located to the west. Most of the land located in the Eastvale area of Riverside County, 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 cities of Chino, Chino Hills and Ontario are located adjacent to the County's northern and western boundaries and are experiencing similar urban growth. Most agricultural lands located in these areas are either no longer under agricultural preserve contract or have had notices of non-renewal filed. The City of Ontario, northwest of the subject parcel and the County line, has adopted the New Model Colony, a General Plan Amendment that provides for long-term urban development encompassing approximately 8,200 acres, much of which is former agricultural land.
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 designation for the subject parcels is Medium-Density Residential, permitting 2-5 dwelling units per acre. Surrounding the project site are land use designations for similar urban development.
4. The cancellation will not result in discontinuous patterns of urban development as the subject parcels are located adjacent to existing and/or pending 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 existing and/or pending urban entitlements to the north, south, east and west.