

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



FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 11, 2007

SUBJECT: AGRICULTURAL PRESERVE CASE NO. 933 / CHANGE OF ZONE NO. 7087 / TENTATIVE TRACT MAP NO. 32819 – EA39902 – Applicant: Michael R. McMillan, Trustee – Engineer / Representative: Matthew Fagan – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agriculture (AG) – Location: Northerly of Los Nogales Road, south of Rancho California Road, east of Anza Road and westerly of Camino Del Vino – 84.69 Gross Acres – 12 Residential Lots – Zoning: Citrus Vineyard - 20 Acre Minimum (C/V-20) – REQUEST: To change the zoning on the site from C/V-20 to Citrus Vineyard (C/V). The tentative tract map is a Schedule D subdivision of 84.69 gross acres into 12 clustered residential lots with a minimum lot size of 1.5 acres, totaling 32.4 gross acres; three vineyard production lots, totaling 31.56 gross acres; and, one 20.06 gross acre commercial winery lot. The proposal includes cancellation of the associated land conservation contract on the 84.69 gross acres and diminishment of the parcels from the affected agricultural preserve.

RECOMMENDED MOTION:

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

DENIAL of AGRICULTURAL PRESERVE CASE NO. 933, to diminish Rancho California Agricultural Preserve No. 11, as amended, and cancel the associated land conservation contract in accordance with Agricultural Preserve Map No. 933.

Ron Goldman
Ron Goldman
Interim Planning Director

RCJ:kb

REVIEWED BY EXECUTIVE OFFICE

DATE 1/11/07

Departmental Concurrence

Policy

Policy

Consent

Consent

Dept's Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.

District: Third

Agenda Number:

16.5

PLANNING DEPARTMENT
RECEIVED RIVERSIDE COUNTY
JAN 11 2007

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The Planning Department recommended Approval; and,

THE PLANNING COMMISSION UNANIMOUSLY RECOMMENDS TO THE BOARD OF SUPERVISORS:

ADOPTION of a Mitigated Negative Declaration for Environmental Assessment NO. 39902, 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. 7087, from Citrus Vineyard - 20 Acre Minimum (C/V-20) to Citrus Vineyard (C/V), in accordance with Exhibit #3, based on the findings and conclusions incorporated in the staff report; and,

APPROVAL of TENTATIVE TRACT MAP NO. 32819, 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. 7087 and Tentative Tract No. 32819 is an application to diminish an agricultural preserve and to cancel the associated land conservation contract. The Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered this application on April 7, 2005.

Agricultural Preserve Case No. 933

Agricultural Preserve Case No. 933 is a request by Michael McMillan, Trustee, to diminish Rancho California Agricultural Preserve No. 11, Map No. 321, and cancel the land conservation contract as it applies to the 84.69 gross acre project site. This request is being processed in conjunction with Change of Zone No. 7087 (CZ 7087) and Tentative Tract Map No. 32819 (TR32819). TR32819 is the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contract and diminishment of the parcel from the affected agricultural preserve. The tract map will subdivide the project site into 12 clustered residential lots having a minimum lot size of 1.5 acres, totaling 32.4 gross acres; three vineyard production lots, totaling 31.56 gross acres; and, one 20.06 gross acre commercial winery lot.

CAPTAC met on April 7, 2005 and recommended DENIAL 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 November 15, 2006, the State found that, based upon the information provided, the Board could not make the five required consistency findings. The State's letter concluded that the removal of adjacent land from agricultural use is likely, that the application lacked substantial supporting evidence for

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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 will provide a more contiguous pattern of urban development than development of proximate noncontracted land.

However, the Planning Department does not concur with CAPTAC or the State's conclusion, and is recommending APPROVAL of the diminishment of Rancho California Agricultural Preserve No. 11, Map No. 321, as depicted on Map No. 933, and cancellation of the associated land conservation contract, 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 \$675,097.50 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Tract Map No. 32819 (Assessor's Parcel No. 942-220-003-8, 942-220-004-9, 942-220-005-0, 942-220-006-1) 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 84.69 gross acre site is comprised of four parcels and located northerly of Los Nogales Road, south of Rancho California Road, east of Anza Road and westerly of Camino Del Vino in the Rancho California area of western Riverside County.
2. The project site currently supports citrus groves.
3. The soils on the site are eighty (80) percent Class I and Class II; ten (10) percent Class III, IV, and VI; and, ten (10) percent Class VII and VIII.
4. Brookside Enterprises, Incorporated, entered into a land conservation contract with the County of Riverside for land within Rancho California Agricultural Preserve No. 11. This contract is dated January 1, 1975 and was recorded on

February 28, 1975 as Instrument No. 24278 in the Office of the County Recorder of Riverside, California.

5. The subject parcels are all included under this single contract.
6. A notice of non-renewal on Assessor's Parcel No. (APN) 942-220-004-9, 942-220-005-0 and 942-220-006-1 was filed and accepted as complete for recordation by the Planning Department on March 24, 2003. The notice of non-renewal was recorded by the Riverside County Clerk and Recorder on August 8, 2003 as Instrument No. 2003-604285.
7. A second notice of non-renewal on APN 942-220-003-8 was filed and accepted as complete for recordation by the Planning Department on April 7, 2003. However, this notice was inadvertently misfiled and the Clerk of the Board has not located the document to-date. The Planning Department requested that the applicant resubmit another signed and notarized notice when the Riverside County Clerk and Recorder's Office could not verify whether the first notice had been recorded without a reference number. This resubmitted notice was deemed complete on July 6, 2004 and recorded by the Riverside County Clerk and Recorder on July 27, 2004, as Instrument No. 2004-0578252. This resubmitted notice is considered effective as of 2003 due to County error.
8. Pursuant to both notices of non-renewal, the land conservation contract on the subject parcels will expire on January 1, 2013 (GC§51245 and R&T Code §426(c)).
9. The landowner has applied for Tentative Tract No. 32819 in conjunction with Change of Zone No. 7087 as the alternative land use of the site, as required by the cancellation procedures for a land conservation contract. The tract proposes to subdivide the 84.69 gross acre project site into 12 clustered residential lots having a minimum lot size of 1.5 acres, totaling 32.4 gross acres; three vineyard production lots, totaling 31.56 gross acres; and, one 20.06 gross acre commercial winery lot.
10. The project site is located in the Citrus Vineyard Rural Policy Area. This policy area and amended zoning text recognizes the need to provide for permanent preservation of vineyards while allowing for incidental commercial uses which provide economic viability to the primary vineyards and winery operations. Prior to the 2006 adoption of this new policy and design guidelines for development within this area, the transition of agricultural lands into 5-acre ranchettes was threatening to all but eliminate agricultural activities in this region. The new policy will result in the permanent preservation of approximately one-half of the agricultural lands located in the affected area. Therefore, the proposed

cancellation is not expected, in and of itself, to result in the removal of adjacent lands from agriculture.

11. Upon approval of Change of Zone No. 7087 and Tentative Tract Map No. 32718, the proposed alternative use will be consistent with the existing Riverside County General Plan, the Citrus/Vineyard Policy Area and the proposed zoning.
12. The project site is located east of and adjacent to Butterfield Stage Road and the City of Temecula. Approximately 3 miles to the west of the project site, traversing the City in a northerly/southerly direction, is the I-15 Freeway. A major transportation corridor in Southern California, land uses such as commercial retail, business park and industrial are located along both sides of the freeway. Medium to high density single-family residential development is found, or identified in the City's planning area, further east of the freeway and of State Highway 79. Butterfield Stage Road currently functions as the City's easterly boundary, with land uses becoming less urban and more agricultural, more specifically vineyards, in the unincorporated area. Because of the proximity of urban development to the project site, the proposed cancellation is not expected to result in discontinuous patterns of urban development.
13. Vacant parcels of non-contracted land lie to the north, south and east of the project site. However, most of the parcels, which lie adjacent to Vista Del Monte Road, Rancho California Road, and Calle Contento, are subdivided into smaller 5- and 10-acre "ranchettes." Larger parcels in proximity of the project site, which might accommodate this project, are already committed to proposed or approved subdivisions and are therefore not available or also under contract. The project site is located adjacent to the City of Temecula's city limits and medium to high density residential development. Therefore, development of the contracted land would provide more contiguous patterns of urban development than development of proximate, non-contracted land.
14. The cancellation fee was determined by the Riverside County Assessor's Office to be \$675,097.50.

CONCLUSIONS:

1. The cancellation is for land on which notices of non-renewal have been served.
2. The cancellation will not result in the removal of adjacent lands from agricultural use. The cancellation is consistent with the Citrus Vineyard Rural Policy Area and the adopted design guidelines for development in this area. The new policy, revised zoning text and design guidelines will result in the permanent preservation of approximately one-half of the agricultural lands located in the affected area.

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3. The cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan and the Citrus Vineyard Rural Policy Area.
4. The cancellation will not result in discontinuous patterns of urban development. The project site is located adjacent to the City of Temecula's city limits and urban residential development.
5. Development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land by promoting the logical extension of infrastructure and development from west to east.