

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

330 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
December 12, 2007

SUBJECT: AGRICULTURAL PRESERVE CASE NO. 980 / GENERAL PLAN AMENDMENT NO. 834 / CHANGE OF ZONE NO. 7445 / TENTATIVE PARCEL MAP NO. 35061 / PLOT PLAN NO. 22277 / CONDITIONAL USE PERMIT NO. 3568 / VARIANCE NO. 1825 – EA41138 – Applicant: Michael and Deanna Stelzer – Engineer / Representative: Trip Hord & Associates – Second Supervisorial District – Prado-Mira Loma Zoning District – Eastvale Area Plan: Community Development: Light Industrial and Medium Density Residential (CD-LI and CD-MDR) and Open Space: Recreational (OS-R) – Location: Northerly of 65th Street, southerly of the Riverside/San Bernardino County line and south of and adjacent to Limonite Avenue, easterly of the Riverside/San Bernardino County line and east of and adjacent to Archibald Avenue and westerly of Harrison Avenue – 40.95 Gross Acres (35.50 Net Acres) – 13 Industrial/Commercial Lots – Zoning: Heavy Agriculture - 10 Acre Minimum (A-2-10) – REQUEST: To amend the current General Plan Land Use Designation, change the zoning on site, allow a Schedule E subdivision into 13 industrial and commercial pads, implement development of a mixed commercial retail and light industrial center, permit alcohol sales for off site consumption and allow the sign program to exceed Ordinance No. 348 standards. The proposal includes cancellation of the associated land conservation contract on 32.40 acres and diminishment of the parcel from the affected agricultural preserve.

RECOMMENDED MOTION:

THE COMPREHENSIVE AGRICULTURAL PRESERVE TECHNICAL ADVISORY COMMITTEE, BY A MAJORITY VOTE (COOPERATIVE EXTENSION WAS NOT PRESENT), RECOMMENDS TO THE BOARD OF SUPERVISORS:

APPROVAL of AGRICULTURAL PRESERVE CASE NO. 980, to diminish Mira Loma


Jerry Jolliffe for
Deputy Planning Director

Ron Goldman
Planning Director

RG:kb

REVIEWED BY EXECUTIVE OFFICE

DATE 12/10/07
Tina Grande

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

Prev. Agn. Ref. | **District:** Second | **Agenda Number:**

15.4

The Honorable Board of Supervisors

RE: AGRICULTURAL PRESERVE CASE NO. 980 / GENERAL PLAN AMENDMENT NO. 834 / CHANGE OF ZONE NO. 7445 / TENTATIVE PARCEL MAP NO. 35061 / PLOT PLAN NO. 22277 / CONDITIONAL USE PERMIT NO. 3568 / VARIANCE NO. 1825 –

December 12, 2007

Page 2 of 2

Agricultural Preserve No. 10, as amended, and cancel the associated land conservation contract in accordance with Agricultural Preserve Map No. 980.

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. 41138, based on the findings incorporated in the initial study and the conclusions that the project will not have a significant effect on the environment; and,

TENTATIVE APPROVAL of GENERAL PLAN AMENDMENT NO. 834, from Community Development: Light Industrial and Medium Density Residential (CD-LI and CD-MDR) and Open Space: Recreational (OS-R) to CD-LI and Community Development: Commercial Retail (CD-CR) in accordance with Exhibit 6 pending the adoption of the general plan amendment resolution by the Board of Supervisors, based on the findings and conclusions incorporated in the staff report; and,

TENTATIVE APPROVAL of CHANGE OF ZONE NO. 7445, from A-2-10 to Manufacturing -Service Commercial (M-SC) and General Commercial (C-1/C-P) in accordance with Exhibit #3 pending final adoption of the Zoning Ordinance by the Board of Supervisors, based on the findings and conclusions incorporated in the staff report; and,

APPROVAL of TENTATIVE PARCEL MAP NO. 35061, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report; and,

APPROVAL of PLOT PLAN NO. 22277, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report; and,

APPROVAL of a FINDING OF PUBLIC CONVENIENCE AND NECESSITY, based on the findings incorporated in the staff report; and,

APPROVAL of CONDITIONAL USE PERMIT NO. 3568, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report; and,

APPROVAL of VARIANCE NO. 1825, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

The Honorable Board of Supervisors

RE: AGRICULTURAL PRESERVE CASE NO. 980 / GENERAL PLAN AMENDMENT NO. 834 / CHANGE OF ZONE NO. 7445 / TENTATIVE PARCEL MAP NO. 35061 / PLOT PLAN NO. 22277 / CONDITIONAL USE PERMIT NO. 3568 / VARIANCE NO. 1825 –

December 12, 2007

Page 3 of 3

BACKGROUND:

Related to General Plan Amendment No. 834, Change of Zone No. 7445, Tentative Parcel Map No. 35061, Plot Plan No. 22277, Conditional Use Permit No. 3568 and Variance No. 1825 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 July 12, 2007.

Agricultural Preserve Case No. 980

Agricultural Preserve Case No. 980 is a request by Michael and Deanna Stelzer to diminish Mira Loma Agricultural Preserve No. 10, Map No. 134, and cancel the land conservation contract as it applies to 32.40 net acres of the project site. This request is being processed in conjunction with General Plan Amendment No. 834 (GPA 834), Change of Zone No. 7445 (CZ 7445), Tentative Parcel Map No. 35061 (TR35061), Plot Plan No. 22277 (PP22277), Conditional Use Permit No. 3568 (CUP 3568) and Variance No. 1825 (VAR 1825).

PP22277 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. GPA 834 will amend the current General Plan Land Use Designation on 35.50 acres (net) from CD-LI, CD-MDR and OS-R to CD-LI on 24.77 and CD-CR on 10.73 acres; CZ 7445 proposes to change the zoning on the site from A-2-10 to M-SC on 24.77 acres and C-1/C-P on 10.73 acres; PM35061 is a Schedule E subdivision of the 35.50 net acres into 13 industrial and commercial parcels, including one (1) parcel for condominium purposes; and, PP22277 will implement development of a 260,108 square foot mixed commercial retail and light industrial center consisting of: 45,880 square feet of general retail with multi-tenant spaces, 40,000 square feet for a fitness center, 17,500 square feet of food services, 4,000 square feet for a bank, 46,440 square feet of research and development with multi-tenant spaces, 6,000 square feet for a car wash, 100,288 square feet of self storage, 186,890 square feet of landscaping, 825 parking stalls, and related storm drain, water quality, and improvements including the use of approximately 5.7 acres of SCE easement area for RV storage (subject to SCE approval) and result in the construction of 15 buildings. CUP 3568 will permit alcohol sales for off site consumption and VAR 1825 will allow the sign program to exceed Ordinance No. 348 standards and permit eight free-standing signs as well as affixed signage on all the buildings.

CAPTAC met on July 12, 2007 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 November 26, 2007, the State found

The Honorable Board of Supervisors

RE: AGRICULTURAL PRESERVE CASE NO. 980 / GENERAL PLAN AMENDMENT NO. 834
/ CHANGE OF ZONE NO. 7445 / TENTATIVE PARCEL MAP NO. 35061 / PLOT PLAN NO.
22277 / CONDITIONAL USE PERMIT NO. 3568 / VARIANCE NO. 1825 –

December 12, 2007

Page 4 of 4

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.

However, CAPTAC and the Planning Department do not concur with the State's conclusion, and are recommending APPROVAL of the diminishment of Mira Loma Agricultural Preserve No. 10, Map No. 134, as depicted on Map No. 980, 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 \$1,062,500.00 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Parcel Map No. 35061 or Plot Plan No. 22277, whichever comes first (Assessor's Parcel No. 144-030-028-0 and 144-030-012-5) 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 35.50-acre project site is located northerly of 65th Street, southerly of the Riverside/San Bernardino County line and south of and adjacent to Limonite Avenue, easterly of the Riverside/San Bernardino County line and east of and adjacent to Archibald Avenue and westerly of Harrison Avenue in the Eastvale area of western Riverside County.
2. The project site supports an existing dairy and beef cow production and sales facility.
3. The soils on the site are one hundred (100) percent Class I and Class II.

The Honorable Board of Supervisors

RE: AGRICULTURAL PRESERVE CASE NO. 980 / GENERAL PLAN AMENDMENT NO. 834
/ CHANGE OF ZONE NO. 7445 / TENTATIVE PARCEL MAP NO. 35061 / PLOT PLAN NO.
22277 / CONDITIONAL USE PERMIT NO. 3568 / VARIANCE NO. 1825 –

December 12, 2007

Page 5 of 5

4. Steven Litwin entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 10 (Assessor's Parcel Number 144-030-028-0). This contract is dated January 1, 1971 and was recorded on February 24, 1971 as Instrument No. 18031 in the Office of the County Recorder of Riverside, California.
5. A notice of non-renewal was filed and accepted as complete for recordation by the Planning Department on August 17, 1999. The notice of non-renewal was recorded by the Riverside County Clerk and Recorder on August 25, 1999 as Instrument No. 1999-381939. Pursuant to the notice of non-renewal, the land conservation contract on the subject parcel will expire on January 1, 2009 (GC§51245 and R&T Code §426(c)).
6. The landowner has applied for PP22277 in conjunction with GPA 834, CZ 7445, PM35061, CUP 3568 and VAR 1825 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 35.50 net acres into 13 industrial and commercial parcels and the plot plan will implement development of a 260,108 square foot mixed commercial retail and light industrial center, including the construction of 15 buildings. The use permit will permit alcohol sales on Parcels 1 and 7 for off site consumption and implementation of a sign program, which the variance will allow to exceed standards identified in Ordinance 348, Section 19.4.
7. Upon approval of GPA 834 and CZ 7445, the proposed alternative use will be consistent with the existing Riverside County General Plan and the proposed zoning.
8. The Eastvale area of Riverside County is one of the most rapidly developing communities in the Inland Empire. Development encroaching from built-out areas to the west is putting increasing pressure on western Riverside County to provide areas for residential housing. Additionally, the Eastvale area being central to three major transportation corridors makes it a desirable location for warehouse/distribution uses. Most agricultural lands located west of Interstate 15 to the Riverside/San Bernardino County line are either no longer under agricultural preserve contract or have had notices of non-renewal filed.

The project site is contiguous to urban development and/or urban entitlements on the east, southeast, south and southwest. North of the subject parcel and the Riverside/San Bernardino County line is the New Model Colony, a City of Ontario adopted Specific Plan that provides for long-term urban development encompassing approximately 8,200 acres, much of which is former agricultural land. Similar long-term development plans for the conversion of large blocks of agricultural land are occurring to the west in the City of Chino (i.e., The Preserve).

These and other approvals indicate that the transition of land from agricultural uses to residential, as well as industrial and commercial land uses, has been occurring in the area for some time but primarily in the last 15-20 years. Continued urban development in this area will occur with or without the proposed cancellation and this cancellation, in and of itself, is not likely to result in the removal of adjacent lands from agricultural use and will provide for a contiguous pattern of urban development. Based on this fact, a majority of CAPTAC members concluded that the cancellation would not result in the removal of adjacent lands from agricultural use nor would it result in discontinuous patterns of urban development.

9. Development of the contracted land would provide more contiguous patterns of urban development than development of proximate, non-contracted land. There is very limited vacant land, contracted or non-contracted, remaining in the general vicinity of the site. What properties appear to be vacant have existing entitlements and/or associated development proposals being processed through the County at this time. Development of the subject site will connect existing urban development immediately north, south, east and west of the site. Additionally, this site is one of only two parcels in the Eastvale area which is located in the Archibald-Cloverdale Policy Area, allowing for a range of potential options for development in the event that the affected Airport Land Use Plan is amended in the future. If this were to occur, Archibald Avenue would be a preferable boundary between areas designated for industrial development and areas designated for other land uses. Commercial development could then be considered at this location to support adjacent areas designated for residential development on the east.
10. The cancellation fee was determined by the Riverside County Assessor's Office to be \$1,062,500.00.

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.
3. The cancellation is for an alternative use, which is consistent with the applicable provisions of the County General Plan.
4. The 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.