

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

708



FROM: TLMA - Planning Department

SUBMITTAL DATE:
September 3, 2009

SUBJECT: AGRICULTURAL PRESERVE CASE NO. 994 / CHANGE OF ZONE NO. 7611 / TENTATIVE PARCEL MAP NO. 35865 / PLOT PLAN NO. 23219 / ENVIRONMENTAL IMPACT REPORT NO. 515 – Intent to Tentatively Certify Environmental Impact Report – Applicant: Birtcher Developments, LLC – Second Supervisorial District – Prado-Mira Loma Zoning District – Eastvale Area Plan: Community Development: Light Industrial (CD:LI) (0.25-0.60 Floor Area Ratio) – Location: Northerly of 65th Street, southerly of the San Bernardino/Riverside County line, east of and adjacent to the Cucamonga Creek Flood Control Channel and west of and adjacent to Archibald Avenue – 53.37 Gross Acres (48.77 Net Acres) – 14 Industrial Parcels and four (4) Lettered Lots – Zoning: Heavy Agriculture - 10 Acre Minimum (A-2-10) – REQUEST: To change the zone on the site from A-2-10 to Industrial Park (I-P), allow a Schedule 'E' subdivision into 14 industrial parcels and four (4) lettered lots, implement development of 14 industrial buildings ranging between 12,638 square feet to 91,784 square feet for a total of 738,432 square feet, including 266,461 square feet of landscaping area, and 1,188 parking spaces. The proposal includes cancellation of the associated land conservation contract on 33.41 acres of the site and diminishment of the parcel from the affected agricultural preserve.

CONTROVERSIAL ISSUES: Truck Traffic/Truck Routes, Transportation/Circulation Concerns Relative to Public Safety, Air Quality, Land Use Compatibility.

RECOMMENDED MOTION:

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

Jerry Jolliffe, Deputy Planning Director for

[Signature]
Ron Goldman
Planning Director

RG:kb
[Signature]

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 9/10/09

Tina Grande

Departmental Concurrence

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: Second | Agenda Number:

16.1

The Honorable Board of Supervisors

RE: AGRICULTURAL PRESERVE CASE NO. 994 / CHANGE OF ZONE NO. 7611 / TENTATIVE PARCEL MAP NO. 35865 / PLOT PLAN NO. 23219 / ENVIRONMENTAL IMPACT REPORT NO. 515

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APPROVAL of AGRICULTURAL PRESERVE CASE NO. 994, to diminish Mira Loma Agricultural Preserve No. 10, Map No. 134, as amended, and cancel the associated land conservation contract in accordance with Agricultural Preserve Map No. 994.

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

CERTIFICATION of ENVIRONMENTAL IMPACT REPORT NO. 515, which has been completed in compliance with the EIR Guidelines and the Riverside County Rules to Implement CEQA pending resolution adoption by the Board of Supervisors;

APPROVAL of CHANGE OF ZONE NO. 7611, from A-2-10 to I-P, in accordance with Exhibit No. 2 pending adoption of the final zoning ordinance by the Board of Supervisors;

APPROVAL of TENTATIVE PARCEL MAP NO. 35865, 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. 23219, 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. 7611, Tentative Parcel Map No. 35865 and Plot Plan No. 23219 is an application to diminish an agricultural preserve and to cancel the associated land conservation contract on a portion of the project site. The Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered this application on May 19, 2009.

Agricultural Preserve Case No. 994

Agricultural Preserve Case No. 994 is a request by Birtcher Developments, LLC, to diminish Mira Loma Agricultural Preserve No. 10, Map No. 134 and cancel the land conservation contract as it applies to 33.41 acres (gross) of the project site. This request is being processed in conjunction with Change of Zone No. 7611 (CZ 7611), Tentative Parcel Map No. 35865 (PM35865) and Plot Plan No. 23219 (PP23219). PM35865 and PP23219 are the applicant's proposed alternative land use of the site upon cancellation of the current land conservation contract. PM35865 will subdivide the contracted and non-contracted portions of the project site into 14 industrial parcels and four (4) lettered lots (for internal roads and external road right-of-way) to allow development of 14 industrial buildings ranging between 12,638 square feet to 91,784 square feet for a total of 738,432

The Honorable Board of Supervisors

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square feet, including 266,461 square feet of landscaping area, and 1,188 parking spaces.

CAPTAC met on May 19, 2009 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. To-date, no comments have been received from the State.

The Planning Department is recommending APPROVAL of the diminishment of Mira Loma Agricultural Preserve No. 10, Map No. 134, as depicted on Map No. 994, 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 \$960,500.00 shall be paid; and
2. All conditions necessary for the County to issue grading permits for Parcel Map No. 35865 and Plot Plan No. 23219 (Assessor's Parcel No. 144-010-033-2, 144-010-037-6, 144-010-038-7) 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 33.41-acre (gross) portion of the project site subject to contract is comprised of two (2) parcels which are located northerly of 65th Street, southerly of the San Bernardino/Riverside County line, east of and adjacent to the Cucamonga Creek Flood Control Channel and west of and adjacent to Archibald Avenue in the Eastvale Area Plan of western Riverside County.
2. Diminishment of Mira Loma Agricultural Preserve No. 10, Map No. 134, includes the portion of the project site subject to contract as referenced above and an adjacent 19.98-acre parcel (Assessor's Parcel No. 144-010-033-2) which is no longer under contract or located within the boundaries of the affected agricultural preserve.

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3. The project site currently supports no livestock and existing structures associated with previous agricultural uses are being dismantled for removal.
4. The Riverside County Geographic Information System indicates that approximately 30.7 acres of the project site is considered Prime Farmland and approximately 21.6 acres of the project site is considered Farmland of Local Importance.
5. Only one (1) contract applies to the subject parcels. Corporation of the President of the East Los Angeles Stake of the Church of Jesus Christ of Latter Day Saints, a corporation sole, entered into a land conservation contract with the County of Riverside for land within Mira Loma Agricultural Preserve No. 10 (Assessor's Parcel No. 134-020-009, 134-020-029 and 134-020-031). This contract is dated January 1, 1971 and was recorded on February 24, 1971 as Instrument No. 18235.
6. A notice of non-renewal was filed for these three (3) parcels on May 27, 2003 and was recorded by the Riverside County Clerk and Recorder on August 8, 2003 as Instrument No. 2003-604286. Pursuant to the notice of non-renewal, the land conservation contract will expire on January 1, 2013.
7. The landowner has applied for CZ 7611, PM35865 and PP23219 as the alternative use on the 53.37-acre (gross) project site which includes the two (2) parcels subject to this cancellation, as required by the cancellation procedures for a land conservation contract. PM35865 will subdivide the project site into 14 industrial parcels and four (4) lettered lots to allow development of 14 industrial buildings ranging between 12,638 square feet to 91,784 square feet for a total of 738,432 square feet, including 266,461 square feet of landscaping area, and 1,188 parking spaces.
8. 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.
9. The project site is located just south and east of the San Bernardino/Riverside County line in an area that is in the process of converting from agricultural uses. Parcels immediately to the north, south, east and west remain in agricultural use but are designated Community Development: Light Industrial (CD:LI) and zoned A-2-10. Land uses further to the north, south, east and west are primarily single-family residential and are zoned One-Family Dwelling (R-1), Planned Residential (R-4), Specific Plan (SP), General Commercial (C-1/C-P) and Manufacturing – Service Commercial.
10. Development of the contracted land will result in a more contiguous pattern of urban development than the non-contracted lands which may remain in the vicinity.

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11. The cancellation fee was determined by the Riverside County Assessor's Office to be \$960,500.00.

CONCLUSION:

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 south, east and west and parcels located immediately adjacent to the subject parcels 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 for the subject parcels is Community Development: Light Industrial (CD:LI) (0.25-0.60 Floor Area Ratio) and, upon approval of CZ 7611, the proposed alternative use will be consistent with the proposed zoning.
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 north, south, east and west 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 and east with existing development to the north and west.