

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

109B



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
April 28, 2011

REVIEWED BY EXECUTIVE OFFICE

DATE 6/16/11 RM

Tina Grande

Departmental Concurrence

**SUBJECT: AGRICULTURAL PRESERVE NO. 1005, CHANGE OF ZONE NO. 7744 and CONDITIONAL USE PERMIT NO. 3576** – EA41665 - Applicant: Andre Hozen - Engineer/Rep: Robert Tyler - First Supervisorial District – Rancho California Zoning District – Southwest Area Plan – Rural: Rural Mountainous (R:RM) (10 Acre Minimum) - Location: Northerly of De Luz Road, southerly of Buena Vista Road and easterly of Buena Loma Road – 1 Gross Acre – Rural Residential (R-R) and Light Agricultural - 10 Acre minimum (A-1-10) zoning - **REQUEST:** The **Agricultural Preserve** case proposes to cancel a Williamson Act Preserve contract and diminish a portion of the property from Rancho California No. 14. The **Change of Zone** proposes to change a portion of two existing lots from Light Agricultural - One Acre Minimum (A-1-1) to Rural Residential (RR). **Conditional Use Permit** is a proposal to legalize an existing private cemetery known as the Molokan Sanctuary - APN: 933-180-038.

**RECOMMENDED MOTION:**

**1) THE PLANNING DIRECTOR RECOMMENDS TO THE BOARD OF SUPERVISORS:**

**APPROVAL of AGRICULTURAL PRESERVE CASE NO. 1005**, a proposal to diminish Rancho California No.14 and cancel the associated land conservation contract as depicted on Map No. 1005, subject to the Conditions of Approval and based on the findings and conclusions contained in Attachment No. 1; and,

Carolyn Syms Luna  
Planning Director

Initials:  
CSL:dm/ms

(continued on attached page)

Policy

Consent

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

Prev. Agn. Ref.

District: First

Agenda Number:

16.1

The Honorable Board of Supervisors

Re: AGRICULTURAL PRESERVE NO. 1005, CHANGE OF ZONE NO. 7744 and  
CONDITIONAL USE PERMIT NO. 3576

Page 2 of 2

**2) AT THE DECEMBER 12, 2010 PLANNING COMMISSION HEARING, THE PLANNING DEPARTMENT RECOMMENDED APPROVAL; and THE PLANNING COMMISSION RECOMMENDS:**

**APPROVAL of CHANGE OF ZONE NO. 7744**, amending the zoning classification on a portion of the subject property from Light Agricultural 10 Acre Minimum (A-1-10) to Rural Residential (RR) in accordance with Exhibit #3, based upon the findings and conclusions incorporated in the staff report; and,

**APPROVAL of CONDITIONAL USE PERMIT NO. 3576**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

**BACKGROUND:**

Conditional Use Permit No. 3576 and Change of Zone No. 7744 are being processed concurrently with Agricultural Preserve Case No. 1005. The Environmental Assessment studied the impacts of the Agricultural Preserve cases in addition to the accompanying entitlements. The Conditional Use Permit and accompanying entitlements constitute 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 property consists of one lot with two APNs. Only a portion of one APN (3.07 of the 13.39 acres of APN 933-180-037), and the entirety of the second APN (0.32 acres of APN 933-180-038) is currently encumbered by an Agriculture Preserve and subsequent contract. The Conditional Use Permit proposes to legalize an existing private cemetery known as the Molokan Sanctuary. The proposal would permit the existing use, as well as permit an additional 250 interments.

Andre and Katherine Hozen are requesting consideration of Agricultural Preserve Case No. 1005 (AG01005). AG01005 proposes to diminish a total of 3.39 acres of Rancho California Agricultural Preserve No. 14, Map No. 329, and cancel the land conservation contract as it applies to a portion of the Conditional Use Permit site. On July 30, 2009, the Comprehensive Agricultural Preserve Technical Advisory Committee (CAPTAC) considered an application to diminish Rancho California Agricultural Preserve No. 14, Map No. 329, as depicted on Map No. 1005.

Pursuant to Government Code Section 51284.1, a copy of the complete application for tentative cancellation was submitted to the State Department of Conservation (SDC) for a mandatory 30-day review and comments. Staff received no responses. Appraisals are attached to this Form 11.

CAPTAC recommended APPROVAL of the proposed cancellation. The Planning Director concurs based on the findings and conclusions found in Attachment No. 1.