



# Land Use Committee

*City of Arts & Innovation*

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**TO: LAND USE COMMITTEE MEMBERS DATE: SEPTEMBER 9, 2024**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 4  
DEPARTMENT**

**SUBJECT: REVIEW THE DIMINISHMENT OF AGRICULTURAL PRESERVE NO. 3 AND THE  
CANCELLATION OF A WILLIAMSON ACT LAND CONSERVATION CONTRACT  
FOR MAP NO. 52 TO FACILITATE THE FUTURE CONSTRUCTION OF A  
SINGLE-FAMILY RESIDENCE ON AN APPROXIMATELY 0.91-ACRE PARCEL  
LOCATED AT THE NORTHEAST CORNER OF LURIN AVENUE AND OBSIDIAN  
DRIVE**

## **ISSUE:**

For the Land Use Committee to: 1) Review the diminishment of Agricultural Preserve No. 3 (Assessor Parcel Number 266-090-021); and 2) the cancellation of Williamson Act Land Conservation Contract for Map No. 52, to facilitate the future construction of a single-family residence on a 0.91-acre parcel located on the north side of the intersection of Lurin Avenue and Obsidian Drive.

## **RECOMMENDATIONS:**

That the Land Use Committee:

1. Review and direct staff to prepare a report regarding the Agricultural Preserve Diminishment and cancellation of a Williamson Act Land Conservation Contract for City Council's determination;
2. Recommend that the City Council approve a resolution to diminish Agriculture Preserve No. 3; and
3. Recommend that the City Council approve a resolution to cancel a Williamson Act Land Conservation Contract for Map No. 52

## **BACKGROUND:**

### *Legislative History*

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to administer contracts with private landowners for the purpose of restricting specific parcels of land to agricultural uses. In return, landowners receive property tax

assessments which are typically lower because the tax assessments are based upon agricultural uses as opposed to full potential market value.

An agricultural preserve is a defined area within which a city or county enters into contracts with landowners. Only land located within an agricultural preserve is eligible for a Williamson Act contract. Preserves are regulated by rules and restrictions in an adopted resolution by the jurisdiction to ensure that the land is maintained for agricultural or open space use.

### *Local History*

In 1983, the City Council adopted Resolution No. 14923 creating procedures for the establishment and administration of Agricultural Preserves pursuant to the Conservation Act of 1965. On August 8, 2000, the City Council approved Resolution No. 19740 (Attachment 1) revising the procedures and establishing an Agricultural Preserve Technical Committee (APTAC). The APTAC is comprised of the Land Use Committee and the Planning Director (Community & Economic Development Director). The APTAC's function is to review each agricultural preserve application and/or diminishment and prepare a report regarding the application for the City Council.

### *Site Background*

The 0.91-acre vacant parcel (APN 266-090-021) is bounded by Lurin Avenue on the south and Woodcrest Lane on the north and is generally situated on the northeast corner of the intersection of Lurin Avenue and Obsidian Drive. The parcel is surrounded by single family residences on the north, east, and west and single-family residences and city owned property (Parks and Recreation) to the south (across Lurin Avenue) (Attachment 2 and 3).

Under the jurisdiction of the County of Riverside, on January 1, 1970, the property owner entered into a Williamson Act Land Conservation Contract ("Contract"), Instrument Number 19065 (Attachment 4), which was recorded with the County of Riverside. The Contract was for a 10-acre property that included the subject 0.91-acre parcel. The subject property previously had a horse barn that was demolished in the 1990's

On May 6, 2008, the property was annexed into the City as part of Annexation 107. The property was also placed in the LDR – Low Density Residential General Plan Land Use Designation (Attachment 5). The property was incorporated into the Orangecrest Specific Plan and the project site was located in Planning Area 107-C, which assigned a zoning classification of OSP-RA – Orangecrest Specific Plan-Residential Agricultural Zone (Attachment 6). The Orangecrest Specific Plan indicated that this parcel would be restricted to agricultural uses until such time the Contract is cancelled and Woodcrest Agricultural Preserve No. 3 is diminished, then the property's zoning can be converted to R-1-13000 Single-Family Residential Zone.

On February 2, 2024, the City was served a Notice of Nonrenewal and Cancellation by the property owner for the Contract which was recorded March 1, 2024 (Instrument No. 2024-0057611) (Attachment 9).

### *Benefit to the Community*

Diminishment of Agricultural Preserve No. 3 and Cancellation of the Williamson Act Contract on the site will facilitate the development of housing. As expressed by the Governor of California and the State Legislature, California is facing a housing crisis with production being a priority. Available housing is of vital statewide and City importance. The Property is not classified as Important Farmland and has not been devoted to agricultural uses since approximately the early 1980's.

The Property is, therefore, not fulfilling the objectives of the Land Conservation Act of 1965. Additionally, the subject site is located in an urban area where the adjacent properties are not within an Agricultural Preserve or in a Williamson Act Contract. The subject site is a remnant parcel of an Agricultural Preserve and Williamson Act Contract that had encompassed a larger area at one point.

## **DISCUSSION:**

The property is located within Woodcrest Agricultural Preserve No. 3 and is subject to a Williamson Act Land Conservation Contract. The Orangecrest Specific Plan provides that once the Contract is cancelled and the Agriculture Preserve is diminished on the property, the property can be developed consistent with the R-1-13000 Single-Family Residential Zone development standards.

### *Diminishment of Agricultural Preserve No. 3*

The total acreage of Agricultural Preserve No. 3 has diminished over time to less than 100 acres and the remaining parcels in Agricultural Preserve No.3 are no longer contiguous as required by the Land Conservation Act of 1965. Upon diminishment of the Agricultural Preserve on this parcel, Agricultural Preserve No. 3 would reduce to 2.5 acres. Diminishment of the agricultural preserve on the subject parcel would not significantly impact the preserve's viability as a protected area because the subject parcel has not been used for agricultural uses since the early 1980's. The property owner plans to develop the site with a single-family residence and an Accessory Dwelling Unit, in compliance with the Orangecrest Specific plan and consistent with the development pattern of the area.

### *Williamson Act Contract Cancellation*

Pursuant to Government Code Section 52182, the City Council may grant Tentative Cancellation of a Williamson Act Land Conservation Contract if they are able to make specific findings. The following findings, or facts, have been identified to justify the cancellation of the Contract on the Property:

- 1) A Notice of Nonrenewal was served to the City and was recorded on March 1, 2024 (Instrument No. 2024-0057611) for the cancellation;
- 2) The cancellation will not result in the removal of adjacent lands from agricultural use as the subject site is surrounded by single family residences to the north, east, and west and single-family residences and a future City Park to the south;
- 3) The cancellation will facilitate an alternate use of single-family residential which is consistent with the provisions of the Low Density Residential General Plan Land Use designation;
- 4) The cancellation will not result in discontinuous patterns of urban development as it is surrounded by single-family residences; and
- 5) There is no proximate noncontracted land which is both available and suitable for use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land. The subject site is the last parcel of the last of the original 10-acre Williamson Act Contract. It is surrounded by residential development and cancellation of the contract would facilitate the development of a single-family residence which provides for a more compatible land use pattern.

## **STRATEGIC PLAN ALIGNMENT:**

The actions undertaken for the Agricultural Preserve Diminishment and the Williamson Act Contract cancellation contributes to the following Strategic Priority and Goal from the Envision Riverside 2025 Strategic Plan:

**Priority 2. Community Well Being** – Goal 2.1- Facilitate the development of a quality and diverse housing supply that is available and affordable to a wide range of income levels.

1. **Community Trust** — The proposed project aligns with the Community Trust Cross-Cutting Thread as the associated development proposal will be considered at the Land Use Committee and future City Council meeting.
2. **Equity** – Transitioning the Property out of its long-time unproductive status to allow housing benefits the community by increasing access to much needed housing for Riverside residents.
3. **Innovation** –The Williamson Act Cancellation and Agricultural Preserve Diminishment on fallow agriculturally zoned land which has not been productive since 1993 provides for housing to meet the community’s needs for housing.
4. **Fiscal Responsibility** – All project costs are borne by the property owner. Cancelling the Williamson Act and removal of the Agricultural Preserve enables the City to realize additional revenue from increased property taxes upon completion of a single-family residence.
5. **Sustainability & Resiliency** – The proposed project will result in the development of vacant, unproductive land into a single-family house that will meet the most up-to-date building Codes.

## **FISCAL IMPACT:**

All project costs are borne by the property owner. Removal of the property from a Williamson Act Contract and Agricultural Preserve enables the City to realize additional revenue from increased property taxes upon completion of the single-family residence.

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Certified as to  
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer  
Approved by: Rafael Guzman, Assistant City Manager  
Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. Resolution No. 19740 – Agricultural Preserve Procedures
2. Location Map
3. Site photos
4. Conservation Contract
5. General Plan Map
6. Specific Plan
7. Agricultural Preserve Map
8. Williamson Act Map
9. Notice of Nonrenewal
10. Site Plan
11. Presentation