

City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: OCTOBER 22, 2024**

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

SUBJECT: ADOPT A RESOLUTION APPROVING THE TENTATIVE CANCELLATION OF A WILLIAMSON ACT LAND CONSERVATION CONTRACT AND AUTHORIZE THE DIMINISHMENT OF AGRICULTURAL PRESERVE NO. 3 TO FACILITATE THE FUTURE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AND AN ACCESSORY DWELLING UNIT ON AN APPROXIMATELY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF THE LURIN AVENUE AND OBSIDIAN DRIVE INTERSECTION

ISSUE:

Adopt a Resolution approving the Tentative Cancellation of the Williamson Act Land Conservation Contract, Instrument No. 19065 (Assessor Parcel Number 266-090-021) and authorize the diminishment of the Woodcrest Agricultural Preserve No. 3 upon the execution and recording of the Certificate of Final Cancellation of Williamson Act Land Conservation Contract, for an approximately 0.91-acre parcel, located on the north side of the Lurin Avenue and Obsidian Drive intersection.

RECOMMENDATIONS:

That the City Council:

1. Adopt the attached Resolution (Attachment 1), based on the findings set forth therein, approving the Tentative Cancellation of Williamson Act Land Conservation, Instrument No. 19065 (Assessor Parcel Number 266-090-021);
2. Authorize the City Manager, or his designee, to execute and record the Certificate of Tentative Cancellation of Williamson Act Land Conservation Contract (Attachment 2);
3. Authorize the City Manager, or his designee, to execute and record the Certificate of Final Cancellation of Williamson Act Land Conservation Contract (Attachment 3) upon notice of satisfaction of all conditions and contingencies required in the Certificate of Tentative Cancellation, and to execute any and all documents necessary to effectuate the cancellation of the Williamson Act Conservation Contract; and
4. Upon the execution and recording of the Certificate of Final Cancellation of the Williamson Act Land Conservation Contract, adopt the attached Resolution (Attachment 4) authorizing the diminishment of the Woodcrest Agricultural Preserve No. 3,

LAND USE COMMITTEE RECOMMENDATION:

The Land Use Committee met on September 9, 2024, with Chair Mill, Vice Chair Falcone and Member Cervantes present, to consider the Williamson Act Cancellation and Agricultural Preserve Diminishment (Attachment 5). After discussion, the Committee unanimously voted to recommend that the City Council approve resolutions to cancel the Williamson Act Land Conservation Contract and diminish Agricultural Preserve No. 3 on the project site.

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 6) revising the procedures and establishing an Agricultural Preserve Technical Committee (APTAC) which is comprised of the Land Use Committee. 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 north side 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 Department) to the south (across Lurin Avenue) (Attachment 7 and 8).

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 9), which was recorded with the County of Riverside. The subject 0.91-acre parcel was one of a multiple number of parcels that totaled 10-acres under the Contract. The site was previously used for agriculture through the 1980's, and a horse barn 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 incorporated into Planning Area 107-C of the Orangecrest Specific Plan and given a General Plan Land Use designation of LDR – Low Density Residential (Attachment 10) and Zoning classification of OSP-RA – Orangecrest Specific Plan - Residential Agricultural Zone (Attachment 11). The Orangecrest Specific Plan restricted the parcel to agricultural uses until such time the Contract is cancelled and this portion of the Woodcrest Agricultural Preserve No. 3 is diminished, then the property's zoning would convert 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 14).

On September 9, 2024, the Land Use Committee, acting as the APTAC, reviewed the application and recommended approval of the Resolutions to cancel a Williamson Act Land Conservation Contract and diminish Agricultural Preserve No. 3.

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 (Attachment 15).

Williamson Act Contract Cancellation

Pursuant to Government Code Section 51282, 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 city owned property (Parks and Recreation) 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.

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.

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 land which has not been agriculturally productive 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.

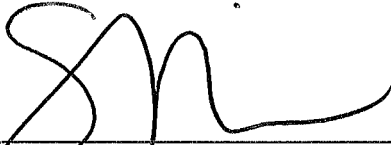
5. **Sustainability & Resiliency** – The proposed project will result in the development of vacant, unproductive land into a single-family residence that will meet the most up-to-date building Codes.

FISCAL IMPACT:

There is no immediate fiscal impact relating to this action. 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 potentially realize additional revenue from increased property taxes upon completion of the single-family residence, however at this point the revenue is non-quantifiable.

Prepared by: Judy Egüez, Senior Planner
Approved by: Jennifer A. Lilley, Community & Economic Development Director
Certified as to
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by: Mike Futrell, City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Concurs with;



Sean Mill, Chair
Land Use Committee

Attachments:

1. Resolution (cancelation/ag preserve)
2. Certificate of Tentative Cancellation of Land Conservation Contract
3. Certificate of Final Cancellation of Land Conservation Contract
4. Resolution – Ag Preserve
5. Land Use Committee Memo – September 9, 2024
6. Resolution No. 19740 – Agricultural Preserve Procedures
7. Location Map
8. Site photos
9. Conservation Contract
10. General Plan Map
11. Zoning and Specific Plan Map
12. Agricultural Preserve Map
13. Williamson Act Map
14. Notice of Nonrenewal
15. Alternative Use Site Plan
16. Presentation