

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 RIVERSIDE, CALIFORNIA, APPROVING THE NONRENEWAL AND
4 TENTATIVE CANCELLATION OF WOODCREST AGRICULTURAL
5 PRESERVE NO. 3 AND THE MAP NO. 52 WILLIAMSON ACT LAND
6 CONSERVATION CONTRACT FOR AN APPROXIMATELY 10.6 ACRE
7 PARCEL LOCATED AT THE SOUTHEAST CORNER OF LURIN
8 AVENUE AND OBSIDIAN DRIVE, RIVERSIDE, CALIFORNIA,

9 WHEREAS, the City of Riverside received an application from Lurin Land I, LLC (“Lurin”)
10 for the Nonrenewal/Cancellation of a Williamson Act Land Conversation contract on an
11 approximately 10.6 acre parcel of property located at the southeast corner of Lurin Avenue and
12 Obsidian Drive, Riverside, California, identified as Assessor’s Parcel Number 266-100-025
13 (“Property”) as more particularly described in Exhibit “A” attached hereto and incorporated herein
14 by reference; and

15 WHEREAS, the Property lies within the Woodcrest Agricultural Preserve No. 3
16 (“Preserve”); and

17 WHEREAS, the Property is subject to a Land Conservation Contract recorded on February
18 27, 1970, as instrument number 19064 (“Contract”); and

19 WHEREAS, the Orangecrest Specific Plan provides that once there are cancellations of
20 Williamson Act contracts and the Preserve is diminished, the Preserve can be terminated; and

21 WHEREAS, the City of Riverside also received an application from Lurin for an alternative
22 land use on the Property to develop a Planned Residential Development with 41 single family
23 residential lots, including a park, and landscape area (“Project”); and

24 WHEREAS, the Property is currently Zoned as RA-SP Residential Agricultural and Specific
25 Plan (Orangecrest) Overlay Zones and has a General Plan Land Use Designation as LDR-Low
26 Density Residential; and

27 WHEREAS, upon the cancellation of the Contract the Property will revert to the R-1-13000
28 zone; and

WHEREAS, a Notice of Nonrenewal of the Contract was served on the City in accordance
with Government Code Section 51245 and was recorded on June 16, 2020, as instrument number
2020-0257388; and

1 WHEREAS, Government Code Section 51282 permits a landowner to petition the City
2 Council to cancel a land conservation contract; and

3 WHEREAS, pursuant to Government Code Section 51282, the City Council can grant
4 tentative approval for the cancellation of a land conservation contract if the City Council is able to
5 make specific findings; and

6 WHEREAS, the following facts warrant findings justifying the cancellation of the Contract:

7 Finding 1: Cancellation is consistent with the purposes of the California Land Conservation
8 Act of 1965 as follows:

9 A. The Property encompasses 10.6 acres and is not of sufficient size to support
10 economically viable agricultural production. As a result, the entire Property has been fallow since
11 2005. If the Property was the subject of an application for approval of a Land Conservation Contract
12 today, it could not be approved because it is not “devoted to agricultural use.”

13 B. The Property is contiguous to urban development and is surrounded on all
14 four sides by such development.

15 C. The Property is not classified as Important Farmland (Prime Farmland,
16 Unique Farmland or Farmland of Statewide Importance) by the California Department of
17 Conservation Farmland Mapping and Monitoring Program.

18 Finding 2: Cancellation is for land on which a Notice of Nonrenewal was served on the
19 City and was recorded on June 16, 2020, as instrument number 2020-0257388.

20 Finding 3: Cancellation is for an alternative use which is consistent with the applicable
21 provisions of the General Plan 2025, specifically: The alternative use of the Property is a 41-unit
22 single family residential development. The development is permitted by the R-1-13,000 zone that
23 will apply to the Property following cancellation of the Contract through approval of a Planned
24 Residential Development Permit which, pursuant to City Municipal Code section 19.780.010,
25 permits a higher density than the underlying zoning. The underlying zoning is consistent with the
26 General Plan Low Density designation for the Property.

27 Finding 4: Cancellation is not likely to result in the removal of additional lands from
28 agricultural use based on the following:

1 A. The Property is surrounded by urban uses. The adjacent property to the west
2 is owned by the City and will be developed as an urban City park. The adjacent property to the east
3 is graded with individual lots and streets for development of single-family residences. The adjacent
4 property to the south is partially developed with single family residences. The property to the north,
5 on the opposite side of Lurin Avenue, is partially developed with single family residences. None of
6 the surrounding property is devoted to agricultural uses. Development of the Property will not be a
7 catalyst for removal of additional property from agricultural use as such properties are not devoted to
8 such use.

9 B. The Property is located within the Orangecrest Planned Community Specific
10 Plan Overlay Zone ("Specific Plan") area, which has been developed and will continue to be
11 developed with residential and other uses. The Property will be developed in accordance with the R-
12 1-13,000 zone, the Planned Residential Permit, the Specific Plan and the General Plan 2025.

13 Finding 5: Cancellation will not result in discontinuous patters of urban development
14 based on the following:

15 A. The Property is situated within the Specific Plan area. Implementation of the
16 Specific Plan will ensure that the area in which the Property is situated will be developed
17 harmoniously and in a manner consistent with the planning and development requirements of the
18 City.

19 B. As stated above, the Property is adjacent to property devoted to urban
20 development.

21 Finding 6: There is no proximate noncontracted land which is both available and suitable
22 for the use to which the contracted land be put, or, that development of the contracted land would
23 provide more contiguous patterns of urban development than development of proximate
24 noncontracted land. Specifically:

25 A. All of the proximate land surrounding the Property is situated with the
26 Specific Plan area. If not already developed, all of such land will be developed in accordance with
27 the Specific Plan.

28 B. As stated above, the Property is surrounded by urban uses.

1 C. No other noncontracted land is available in proximity of the Property for
2 development of single family residences per the local Multiple Listing Service because no such
3 noncontracted land is for sale that has the requisite zoning or General Plan designation for
4 comparable single family residential development.

5 Finding 7: Cancellation is in the public interest because other public concerns
6 substantially outweigh the objectives of the California Land Conservation Act of 1965. Specifically:

7 A. As continually expressed by the incumbent Governor of California and the
8 State Legislature, the state is faced with a housing crisis. Production of housing is a matter of the
9 highest priority for the state. The availability of housing is of vital statewide importance as well as
10 of vital importance to the City.

11 B. As stated above, the Property is not classified as Important Farmland, is not
12 devoted to agricultural uses, and has been fallow since 2005. The Property is therefor not fulfilling
13 the objectives of the Land Conservation Act of 1965. Given the emphasis on the production of
14 housing for all economic segments of the community, cancellation is in the public interest because it
15 facilitates the production of 41 badly needed housing units which significantly outweighs the fallow
16 condition of the Property.

17 WHEREAS, the City believes that the statutory obligations for the cancellation of the
18 Contract is consistent with the purposes of the Williamson Act; and

19 WHEREAS, the County of Riverside Office of the Assessor has determined that the
20 cancellation value of the Property is \$2,255,000 and pursuant to Government Code Section 51283,
21 the fee for cancellation shall be 12 ½ percent of the cancellation value; and

22 WHEREAS, the 12 ½ percent fee is \$281,875; and

23 WHEREAS, a mitigated negative declaration("MND") was prepared for the alterative use
24 and the cancellation of the Contract; and

25 WHEREAS, the Planning Commission considered the MND and alternative use at its
26 meeting of July 22, 2021 and approved the Project; and

27 WHEREAS, a duly notice public hearing was held on September 7, 2021, concerning the
28 application for tentative cancellation of the Contract and the Preserve regarding the Property, at
which time all interested persons were given full opportunity to be heard and to present evidence.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside,
2 California, as follows:

3 Section 1: The above recitals are incorporated herein as if set forth in full.

4 Section 2: The Mitigated Negative Declaration for the Project and the cancellation of the
5 Contract and the Preserve are hereby adopted.

6 Section 3: The City Council finds and determines that the cancellation of the Contract
7 and the Preserve in regard to the Property is consistent with the Purposes of the Williamson Act and
8 is the public interest. The City Council makes the following findings in support of the cancellation:

9 Finding 1: Cancellation is consistent with the purposes of the California Land Conservation
10 Act of 1965 as follows:

11 A. The Property encompasses 10.6 acres and is not of sufficient size to support
12 economically viable agricultural production. As a result, the entire Property has been fallow since
13 2005. If the Property was the subject of an application for approval of a Land Conservation
14 Contract today, it could not be approved because it is not “devoted to agricultural use.”

15 B. The Property is contiguous to urban development and is surrounded on all
16 four sides by such development.

17 C. The Property is not classified as Important Farmland (Prime Farmland,
18 Unique Farmland or Farmland of Statewide Importance) by the California Department of
19 Conservation Farmland Mapping and Monitoring Program.

20 Finding 2: Cancellation is for land on which a Notice of Nonrenewal was served on the
21 City and was recorded on June 16, 2020, as instrument number 2020-0257388.

22 Finding 3: Cancellation is for an alternative use which is consistent with the applicable
23 provisions of the General Plan 2025, specifically: The alternative use of the Property is a 41-unit
24 single family residential development. The development is permitted by the R-1-13,000 zone that
25 will apply to the Property following cancellation of the Contract through approval of a Planned
26 Residential Development Permit which, pursuant to City Municipal Code section 19.780.010,
27 permits a higher density than the underlying zoning. The underlying zoning is consistent with the
28 General Plan Low Density designation for the Property.

1 Finding 4: Cancellation is not likely to result in the removal of additional lands from
2 agricultural use based on the following:

3 A. The Property is surrounded by urban uses. The adjacent property to the west
4 is owned by the City and will be developed as an urban City park. The adjacent property to the east
5 is graded with individual lots and streets for development of single-family residences. The adjacent
6 property to the south is partially developed with single family residences. The property to the north,
7 on the opposite side of Lurin Avenue, is partially developed with single family residences. None of
8 the surrounding property is devoted to agricultural uses. Development of the Property will not be a
9 catalyst for removal of additional property from agricultural use as such properties are not devoted to
10 such use.

11 B. The Property is located within the Orangecrest Planned Community Specific
12 Plan Overlay Zone ("Specific Plan") area, which has been developed and will continue to be
13 developed with residential and other uses. The Property will be developed in accordance with the R-
14 1-13,000 zone, the Planned Residential Permit, the Specific Plan and the General Plan 2025.

15 Finding 5: Cancellation will not result in discontinuous patters of urban development
16 based on the following:

17 A. The Property is situated within the Specific Plan area. Implementation of the
18 Specific Plan will ensure that the area in which the Property is situated will be developed
19 harmoniously and in a manner consistent with the planning and development requirements of the
20 City.

21 B. As stated above, the Property is adjacent to property devoted to urban
22 development.

23 Finding 6: There is no proximate noncontracted land which is both available and suitable
24 for the use to which the contracted land be put, or, that development of the contracted land would
25 provide more contiguous patterns of urban development than development of proximate
26 noncontracted land. Specifically:

27 A. All of the proximate land surrounding the Property is situated with the
28 Specific Plan area. If not already developed, all of such land will be developed in accordance with
the Specific Plan.

1 B. As stated above, the Property is surrounded by urban uses.

2 C. No other noncontracted land is available in proximity of the Property for
3 development of single family residences per the local Multiple Listing Service because no such
4 noncontracted land is for sale that has the requisite zoning or General Plan designation for
5 comparable single family residential development.

6 Finding 7: Cancellation is in the public interest because other public concerns
7 substantially outweigh the objectives of the California Land Conservation Act of 1965. Specifically:

8 A. As continually expressed by the incumbent Governor of California and the
9 State Legislature, the state is faced with a housing crisis. Production of housing is a matter of the
10 highest priority for the state. The availability of housing is of vital statewide importance as well as
11 of vital importance to the City.

12 B. As stated above, the Property is not classified as Important Farmland, is not
13 devoted to agricultural uses, and has been fallow since 2005. The Property is therefor not fulfilling
14 the objectives of the Land Conservation Act of 1965. Given the emphasis on the production of
15 housing for all economic segments of the community, cancellation is in the public interest because it
16 facilitates the production of 41 badly needed housing units which significantly outweighs the fallow
17 condition of the Property.

18 Section 4: The City Council hereby determines and certifies the amount of the
19 cancellation fee Lurin shall pay the Riverside County Treasurer is \$281,875, which is 12 ½ percent
20 of the total cancellation value as determined by the County of Riverside Office of the Assessor.

21 Section 5: The City Council hereby tentatively approves the cancellation of the Contract
22 and the Preserve. The cancellation of the Contract and Preserve shall be contingent upon the
23 following conditions being satisfied:

24 1. The cancellation fee of \$281,875, as herein certified by the City, shall be paid
25 in full prior to the issuance of building permits. If the fee is not paid within one year from the date
26 of the recording of the certificate of tentative cancellation, such fee shall be recomputed pursuant to
27 Government Code Section 51283.4.

28 2. Lurin shall obtain final approval of the Project.

Section 6: The City Clerk shall certify and transmit to the County Recorder a certificate of tentative cancellation.

Section 7: Within 30 days of this determination, a copy of this Resolution shall be published in the Press Enterprise as a display advertisement of at least one-eighth page. A copy of the published notice shall be delivered to the Director of Conservation.

ADOPTED by the City Council this _____ day of _____, 2021.

PATRICIA LOCK DAWSON
Mayor of the City of Riverside

Attest:

DONESIA GAUSE
City Clerk of the City of Riverside

I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of the City of Riverside, at its meeting held on the _____ day of _____, 2021, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
City of Riverside, California, this _____ day of _____, 2021.

DONESIA GAUSE
City Clerk of the City of Riverside

CA 20-0522/lms/08/24/21