

RESOLUTION NO. 2019-030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, APPROVING CERTIFICATE OF TENTATIVE CANCELLATION OF LAND CONSERVATION CONTRACT NO. 71-310, AND REMOVING THE 3.1-ACRE SITE FROM THE CHINO AGRICULTURAL PRESERVE FOR ASSESSOR PARCEL NUMBERS: 0218-301-18 AND -20. PL18-0101 (AGRICULTURAL CONTRACT CANCELLATION).

WHEREAS, Howard Industrial Partners (the "Applicant"), has filed an application with the City of Chino (the "City") to cancel Land Conservation Contract No. 71-310 and remove the 3.1-acre site located at 9301 Remington Avenue from the Chino Agricultural Preserve (the "Project"); and

WHEREAS, the City adopted The Preserve Specific Plan in March 2003; and

WHEREAS, the City, upon annexation, assumed responsibility for administration of the Agricultural Preserve and Agricultural Contracts which existed in the area; and

WHEREAS, the City certified the Program Environmental Impact Report (EIR) for The Preserve, Chino Sphere of Influence – Subarea 2 (SCH# 2000121036) in March 2003, which serves as the environmental document for the contracted property; and

WHEREAS, the loss of prime farmland, acceleration of Williamson Act contract non-renewals and cancellations, and offsite relocation of dairies were identified as unavoidable significant impacts in the EIR, and a Statement of Overriding Considerations for these impacts was adopted; and

WHEREAS, the Chino City Council has gone on record in support of agricultural uses for as long as the landowner desires, and in support of conversion to urban uses when the landowner desires; and

WHEREAS, the proposed Agricultural Contract Cancellation will not have a significant adverse impact on the environment, except for those for which a Statement of Overriding Considerations has been adopted in The Preserve Environmental Impact Report. An Initial Study Checklist and a Mitigated Negative Declaration have been prepared, which identified no anticipated significant environmental impacts resulting from the proposed project; and

WHEREAS, the City has reviewed a request from the landowner to cancel an agricultural contract and remove the land from the Chino Agriculture Preserve; and

WHEREAS, the request has been processed in accordance with the provisions of state law and procedures adopted by the City Council; and

WHEREAS, the Planning Commission reviewed and held a public hearing on May 20, 2019, concerning the proposed Agricultural Contract Cancellation and has recommended the City Council approve the Project; and

WHEREAS, on June 18, 2019, the City Council held a duly noticed public hearing for the proposed Agricultural Contract Cancellation in compliance with law, entertained the written and oral report of staff, and took public testimony on the Project; and

WHEREAS, the City Council has completed its study of the application, finding that the proposed Project is consistent with the Williamson Act and is in the public interest as indicated below in the public interest findings.

NOW, THEREFORE, the City Council of the City of Chino, California, does hereby FIND, DETERMINE, and RESOLVE as follows:

A. The foregoing recitals are true and correct and incorporated herein.

B. Based on substantial evidence, both written and oral, from the public hearing, the City Council makes the following findings and takes the following actions on PL18-0101 (Agricultural Contract Cancellation).

1. *PL18-0101 (Agricultural Contract Cancellation):*

- a. *The cancellation is for land on which a notice of non-renewal has been served.* Notice of non-renewal on Contract 71-310 was served on August 17, 2018 and recorded on October 9, 2018.
- b. *Cancellation is not likely to result in the removal of adjacent lands from agricultural use.* The adjacent properties to the north, south and west have been developed or are entitled for light industrial uses. West of the project site was rezoned to urban uses in 2016 for the purpose of constructing an industrial park leaving the small 3.1-acre contracted parcel the only remaining parcel with an active Williamson Act Contract. There is no other land located near the project site under the City's jurisdiction that is under contract. North of the project site is under City of Ontario jurisdiction, but has been master planned for industrial uses. South of the project site is under City of Eastvale jurisdiction and entitled for industrial uses as well.
- c. *Cancellation is for an alternative use, which is consistent with the applicable provisions of the City's General Plan.* A General Plan Amendment and amendment to The Preserve Specific Plan have been submitted for the subject site to change the existing land use designation from Agriculture to Light Industrial. The proposed land use changes are consistent with the changing uses within the general vicinity of the project site and approval of the project is contingent on approval of the land use amendments. If either request is denied, the alternative land use would be deemed null and void.
- d. *Cancellation will not result in discontinuous patterns of urban development.* This region has transitioned in the last seven years to urban development with several large industrial parks being constructed within Chino City Limits west of the property. The conversion of the subject property to non-agricultural uses is consistent with the current development pattern and will result in a contiguous pattern of development. The subject property is the last parcel with development potential designated for agricultural uses in this area and the cancellation of the Williamson Act will allow for logical land use boundaries to complete the industrial development within the southeast portion of Chino. The properties to the north and south do not fall under Chino jurisdiction, but have transitioned to industrial uses with many having active entitlements or under construction.

- e. *There is no proximate non-contracted land which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-contracted land.* There is no other parcel of land within the vicinity of the project site of a comparable size that would accommodate for a single industrial building. All other vacant properties within the vicinity of the project site are either entitled, under contract with other developers, or encumbered by the runway protection zone (RPZ) for the Chino Airport.
2. *Public Interest Findings:*
    - a. *Other public concerns substantially outweigh the objectives of the Williamson Act.* Because the cancellation can be found to be consistent with the Williamson Act, there are no apparent inconsistencies to be outweighed. The cancellation is in the regional and statewide public interest because it represents the optimal use of an infill opportunity. The Preserve Specific Plan provides a community context unlike any other available in Chino or neighboring communities. It complements the economic and job-based development occurring on lands to the west, is compatible with the general aviation facility to the north, with the evolving environmental features and resources of the Prado Basin to the south, and with the urbanization in Eastvale to the east and Ontario to the north. The development of the site will provide jobs for those in the surrounding area and complete the industrial development that has occurred over the past seven years east of the Chino Airport and south of Merrill Avenue.
    - b. *There is no proximate non-contracted land which is both available and suitable for the alternative proposed use or that development of the subject property will provide more contiguous patterns of urban development than development of proximate non-contracted land.* There is no other parcel of land within the vicinity of the project site of a comparable size that would accommodate for a single industrial building. All other vacant properties within the vicinity of the project site are either entitled, under contract with other developers, or encumbered by the runway protection zone (RPZ) for the Chino Airport.
  3. *CEQA Findings.* An Initial Study/Mitigated Negative Declaration (MND) has been prepared that concludes with implementation of the mitigation measures, the proposed Project will not have a significant adverse effect on the environment. Potentially significant effects were identified and mitigation measures have been incorporated as part of the Mitigation Monitoring and Reporting Plan to ensure the effects remain at less-than-significant levels. The MND satisfies the requirements of CEQA and the CEQA Guidelines (California Public Resources Code, Section 21000 et seq.; 14 CCR 15000 et seq.).
  4. *Approval of PL18-0101 (Agricultural Contract Cancellation).* The City Council approves the tentative cancellation of Land Conservation Contract No. 71-310, PL18-0101 (Agricultural Contract Cancellation) subject to the Conditions of Approval attached hereto as Exhibit "A".
  5. *Actions by the City Clerk.* The City Clerk is hereby directed to attest as to the adoption of this Resolution as of the date set forth below and forthwith transmit a copy of this Resolution, by regular mail, to the Applicant at the address of record set forth in the Application.

PASSED, APPROVED AND ADOPTED THIS 18<sup>TH</sup> day of June 2019.

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EUNICE M. ULLOA, MAYOR

ATTEST:

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ANGELA ROBLES, CITY CLERK

State of California            )  
County of San Bernardino    ) §  
City of Chino                    )

I, Angela Robles, City Clerk of the City of Chino, do hereby certify the foregoing Resolution was duly adopted by the Chino City Council at a regular meeting held on the 18<sup>th</sup> day of June 2019, by the following votes:

AYES:     COUNCIL MEMBERS:

NOES:     COUNCIL MEMBERS:

ABSENT:   COUNCIL MEMBERS:

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ANGELA ROBLES, CITY CLERK

Attachments:  
Exhibit A – Conditions of Approval