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### City Council Agenda Report

TO: MAYOR AND CITY COUNCIL

FROM: JACK MCGEE, INTERIM COMMUNITY DEVELOPMENT DIRECTOR *Jack McGee*

BY: PAUL SWANCOTT, ASSISTANT PLANNER

DATE: FEBRUARY 15, 2005

SUBJECT: TENTATIVE TRACT MAP NO. 33411, REVERSION OF ACREAGE OF TTM 26262 (RAFCO), LOCATED NORTH OF LOS ALAMOS ROAD AND EASTERLY OF ADOBE SPRINGS ROAD.

#### RECOMMENDATION

Authorize the filing of a Notice of Exemption and **APPROVE** Tentative Tract Map No. 33411 based on the Findings in Exhibit 1 and subject to the Conditions of Approval in Exhibit 2.

#### SUMMARY PROJECT DESCRIPTION

The applicant proposes the reversion to acreage of Tract Map No. 26262, which created 95-lots (87-single family lots, seven open space lots and one park). The proposed reversion to acreage will combine the existing lots and paper streets into one 33.3-acre lot.

#### BACKGROUND

Tentative Tract Map 26262 was part of an application to the City that included a zone change from Rural Residential (RR) to Single Family Residential (R-1). The tentative map application was originally submitted to Riverside County based upon a zoning density of 2-4 units per acre in the County's Southwest Area Plan. The zone change and tentative tract map were ultimately approved by the Murrieta City Council in September 1992 just after incorporation to the City.

In 1994 the City General Plan was adopted and the eastside area (including this property) was re-zoned to RR. The tract map was recorded in March 1998 based on the original approved design with 7,200 minimum lot sizes. The recorded tract map is not consistent with the current RR zoning of the property. The applicant states he does not wish to develop the project as approved per Tentative Tract Map No. 26262.

#### ANALYSIS

The reversion to acreage process is used to return subdivided land to its pre-subdivision condition including, but not limited to, such things as street dedications, impact fees and improvement securities. Details of the reversion process are identified in the State Subdivision Map Act. The reversion of acreage will release the property owner from the current liabilities associated with the approved tentative map.

After the reversion to acreage process is complete, future subdivision requests for this property must be consistent with the City's RR zoning (2.5 acre minimum lots). Staff supports the proposed reversion to acreage because it will eliminate the disparity between the single-family residential density (2-4 units/acre) on the recorded map and the current zoning of RR (0.4 units per acre). In addition, the density possible on the recorded map would be incompatible with the low density zoning to the south, east and west.

### **ENVIRONMENTAL DETERMINATION**

The reversion to acreage is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines.

### **NOTICING**

The project was noticed in accordance with Section 16.76 of the Development Code with an ad in the Californian newspaper, direct mailing to property owners within 500 feet and the posting of signs on the site.

### **Exhibits & Attachments**

Exhibit 1 - Findings for Approval

Exhibit 2 - Recommended Conditions of Approval

Exhibit 3 - Location Map

Exhibit 4 - Bluelines

**FINDINGS FOR  
TENTATIVE TRACT MAP NO. 33411 (004-057)  
OSMAN ELMENCHAWAI (RAFCO)  
FEBRUARY 15, 2005**

**Based upon the hearing information, all written and oral comments, and documents and exhibits, which are contained in the staff report for the above referenced case, the City Council finds as follows:**

1. The proposed project is consistent with the General Plan.

FACTS: The proposed reversion of acreage creating one parcel is a permitted land use in the Rural Residential designation within the General Plan.

2. The proposed project is consistent with the Subdivision Map Act, Murrieta Development Code, and all other applicable requirements of local ordinances and state law.

FACTS: The proposed reversion of acreage proposes no development. The project is consistent with the, Subdivision Map Act, Murrieta Development Code, and all other applicable requirements of local ordinances and state law.

3. The proposed project will not adversely affect the public health, safety, and welfare, nor be materially detrimental to the use, enjoyment, or valuation of persons or other property in the surrounding area.

FACTS: The proposed reversion of acreage proposes no development. The proposal will not adversely affect the public health, safety, and welfare, nor be materially detrimental to the use, enjoyment, or valuation of persons or other property in the surrounding area.

4. The proposed Reversion of Acreage complies with the provisions of the California Environmental Quality Act.

FACTS: The requirements of the California Environmental Quality Act have been met as it was found the project was exempt from CEQA in accordance with Section 15305, Class 5, Minor Land Alterations.

CONDITIONS OF APPROVAL  
FOR  
TENTATIVE TRACT MAP NO.33411 (RAFCO)

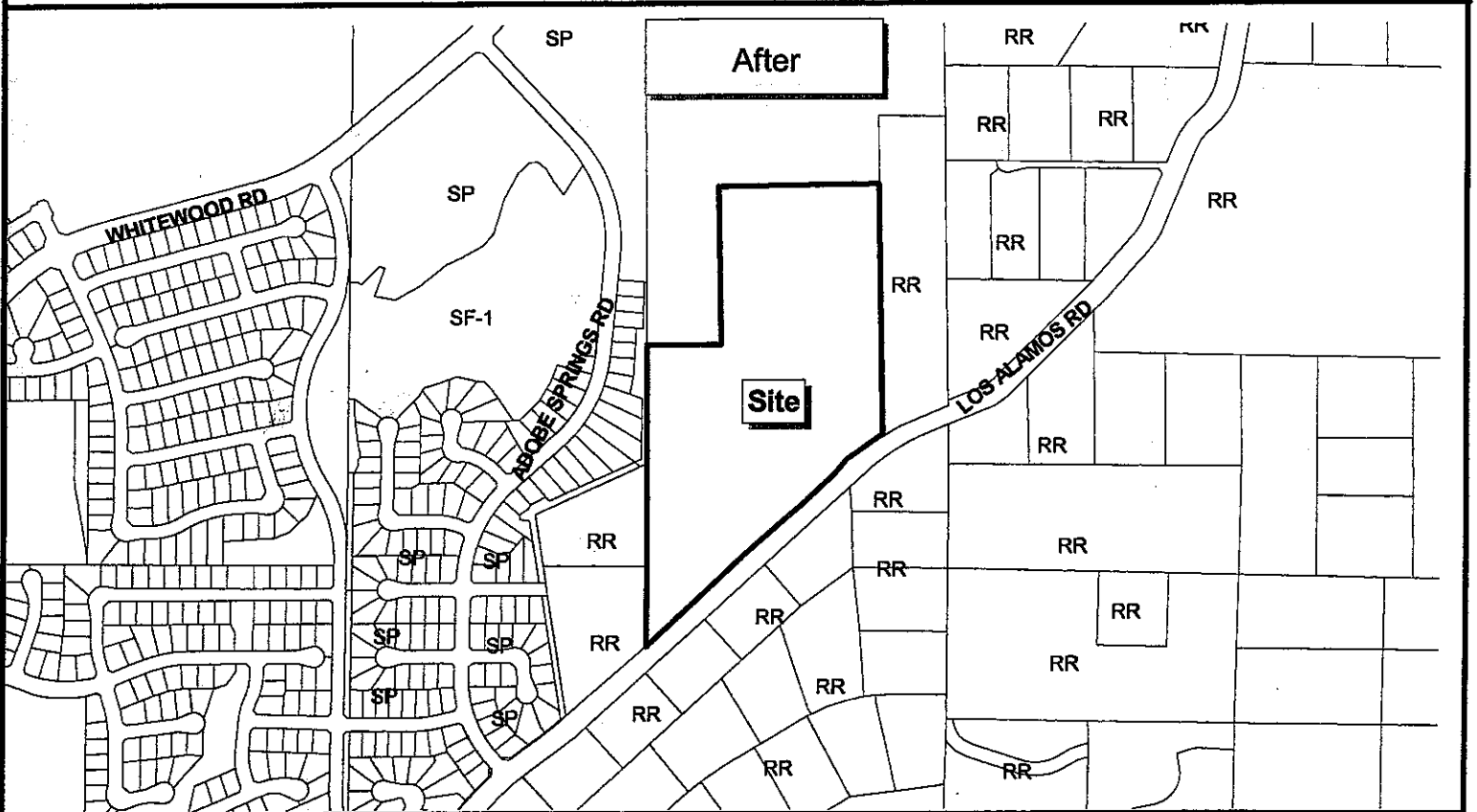
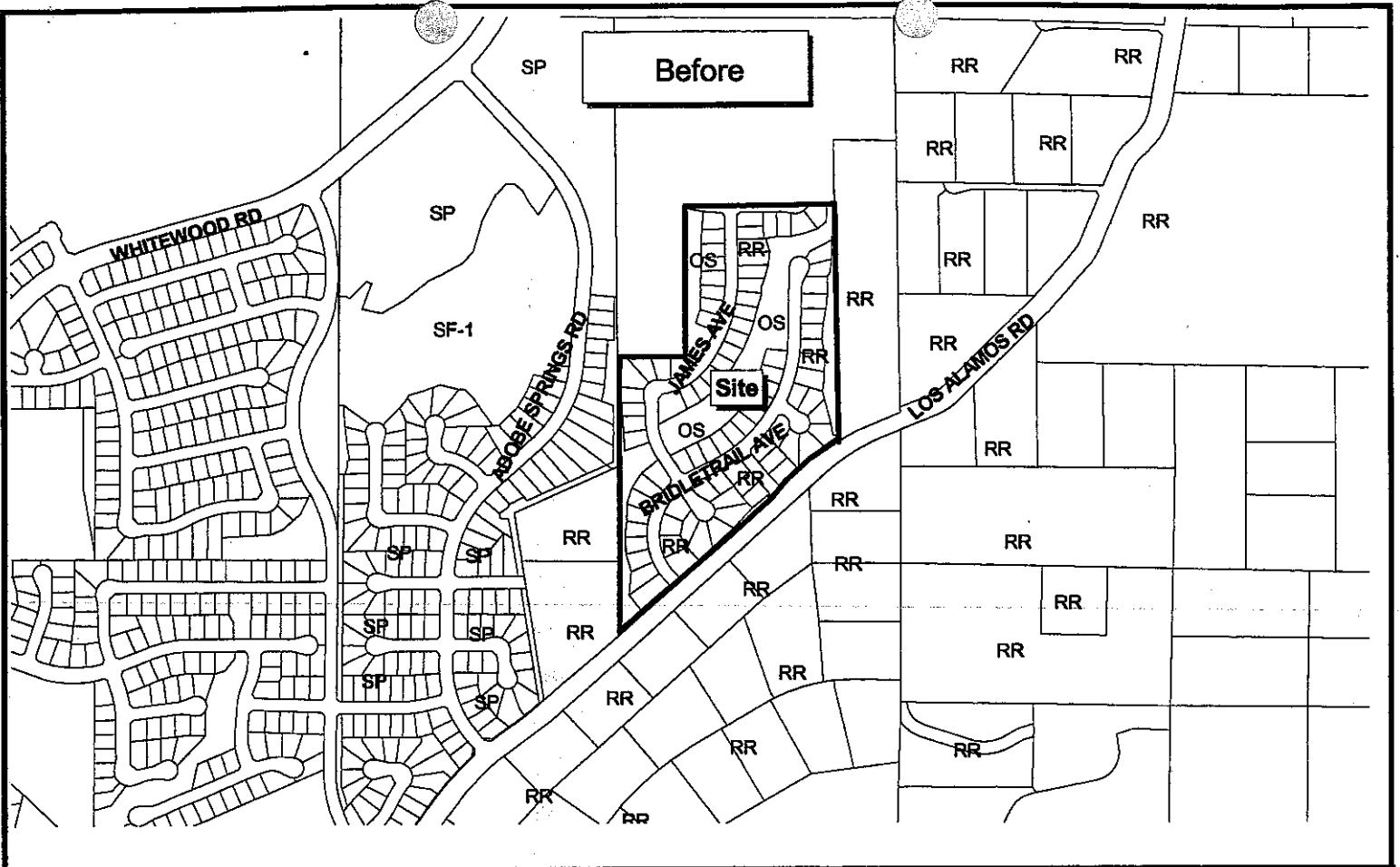
**PLANNING:**

1. The land division hereby permitted is a Reversion of Acreage combining 95-lots (87-Single Family lots seven Open Space lots and one Park) into one lot and abandoning internal street rights-of-way for land previously subdivided by TR 26262. External street rights-of-way are intended to remain unaffected.
2. The applicant/land divider shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Murrieta, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeal boards, or legislative body concerning this approval Tentative Tract Map No. 33411 (Reversion of Acreage). The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
3. Pursuant to Section 711.4 of the State of California Fish and Game Code, the applicant is required to pay a \$64.00 handling fee. Said fees shall be paid to the Clerk/Recorder of the County of Riverside at the time the Notice of Exemption is filed pursuant to Section 21152 of the Public Resources Code. If this fee is not paid, the approval of this project shall not be operative, vested, or final. In order to comply with State mandated time lines for filing of a Notice of Exemption the above fee must be delivered to the Planning Department within two (2) working days after the date of final approval.
4. Tentative Tract Map No. 33411 shall record within three (3) years from the date of the approval or it shall become null and void unless an extension of time is granted pursuant to City ordinance.
5. All residential lots shall meet the minimum lot size and the Development Standards required by applicable zoning district. The minimum lot size shall be exclusive of any easements for public works or community services district purposes.
6. This land division shall comply with the State of California Subdivision Map Act and to all requirements of the City's Development Code, unless modified by the conditions listed herein.
7. The applicant, or any successor-in-interest to the land divider, shall be responsible for maintenance and upkeep of any slopes, trail easements, landscaped areas and irrigation systems within the land division until such time as those operations are the responsibility of the individual home owners, a home owners association, or any other successor-in-interest.

**Prior to final map recordation:**

8. After approval of the Tentative Map and prior to the expiration of the map, the applicant shall cause the real property included within the Tentative Map, or any part thereof, to be surveyed and a Final Map be submitted to the Engineering Department for review and approval.
9. The Planning and Engineering Department's shall review any final map to ensure compliance with approved tentative map. The lot size and dimensions shall be in conformance with the development standards of the Rural Residential Zone (RR) zone.
10. Prior to final map recordation, the Planning Department shall determine if the deposit based fees are in a negative balance. If so, any outstanding fees shall be paid by the applicant/developer.

**END CONDITIONS**



**Reversion to Acreage (RAFCO)**

1/5/05

Case No.: TR 26262 (RAC 004-057)

APN: 956352057



IN THE CITY OF MURRIETA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
**TRACT NO. 26262**

**NASLAND ENGINEERING**      **OCTOBER, 1994**

BEING A subdivision of Parcel 2 AND 3 of Parcel 449 649, as shown on the map on page 94 of maps, records of the county recorder's office, Riverside county, State of California.

**OWNER'S STATEMENT**

WE HEREBY STATE THAT WE ARE THE OWNERS OF THE LAND INCLUDED WITHIN THE SUBDIVISION SHOWN HEREON THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO THE PASSAGE OF THIS TITLE TO SAID LAND AND THAT WE SHOW WITHIN THE DISTINCTIVE BORDER LINE WE HEREBY DEDICATE TO PUBLIC USE FOR STREET AND PUBLIC UTILITY PURPOSES, LOTS A THROUGH I INCLUSIVE.

WE ALSO HEREBY DEDICATE TO THE CITY OF MURRIETA THE DRAINAGE EASEMENTS, AS SHOWN HEREON, FOR CONSTRUCTION AND MAINTENANCE OF DRAINAGE FACILITIES.

WE HEREBY DEDICATE THE RIGHTS OF EGRESS ALONG LOS ANGELES ROAD TO THE PUBLIC. THE OWNERS OF LOTS 80, 81, 82, 83, 84, AND 85 AGREE TO THE HIGHWAY AND DRAINAGE RIGHT TIME WITH HAVE NO RIGHTS OF ADVERSE EJECTMENT OR ASSIGNMENT OF INTEREST OR SMALL TENEMENTS IN THE DEDICATION AS TO THE PART WAVEHATED.

NOTICE OF ELECTION BY LAND DIVIDER TO DEFER PAYMENT OF DRAINAGE FEES



**TAX COLLECTOR'S CERTIFICATE**

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THIS OFFICE, AS OF THIS DATE, THERE ARE NO DEBTS AGAINST THE PROPERTY SHOWN ON THE MAP HEREON FOR UNPAID STATE, COUNTY AND LOCAL TAXES OR ASSESSMENTS COLLECTED AS TAXES NOW A LIEB BUT NOT YET PAYABLE.

R. WAYNE WATTS, COUNTY TAX COLLECTOR  
BY: *David White* DEPUTY

**LAND BOND CERTIFICATE**

I HEREBY CERTIFY THAT A BOND IN THE SUM OF \$5,000.00 HAS BEEN RECEIVED FROM THE SUBDIVIDER TO COVER THE PAYMENT OF ALL TAXES AND ASSESSMENTS COLLECTED AS TAXES NOW A LIEB BUT NOT YET PAYABLE AND SAID BOND HAS BEEN DULY APPROVED BY SAID BOARD OF SUPERVISORS.

CASHI TAX BOND  
COUNTY OF RIVERSIDE  
BY: *David White* DEPUTY

**STANDARD CONDITIONS**

PLANSUBMIT TO SECTION 54608 OF THE SUBDIVISION MAP ACT AND THE SIGNATURES OF THE FOLLOWING OWNERS OF EASEMENTS AND/OR OTHER INTERESTS HAVE BEEN OBTAINED:

CITY SUPERVISOR'S STATEMENT  
I HEREBY STATE THAT I HAVE REVIEWED THE MAP OF TRACT NO. 26262 CONSISTING OF 10 SHEETS AND I AM SATISFIED THAT SAID MAP IS ACCORDING TO THE CITY RECORDS.

**SURVEYOR'S STATEMENT**

I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA AND THAT THIS MAP CONSISTS OF TEN (10) SHEETS OF CORRELATIVE REPRESENTS A SURVEY MADE UNDER THE SUPERVISION, DIRECTION AND CONTROL OF THE SURVEYOR AND THAT THE SURVEY IS ACCORDING TO THE TERMS OF THE INSTRUMENT AGREEMENT FOR THE MAP AND THE INSTRUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE REPRODUCED AS SHOWN.

DIC NASLAND ENGINEERING  
EXPIRATION DATE: 09/30/97



**CITY ENGINEER'S STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THE INSTRUMENTS AND THE MAP CONSISTING OF 10 SHEETS OF THE SUBDIVISION MAP AND I AM SATISFIED THAT THE SAME AS IT APPEARED ON THE INSTRUMENTS AND THE MAP IS ACCORDING TO THE CITY RECORDS AND THE INSTRUMENTS ATTACHED AT THE TIME OF APPROVAL OF THE INSTRUMENTS AND THE MAP.

DATED: 9/2 1994  
CITY ENGINEER  
EXPIRATION DATE: 09/30/97

**CITY CLERK'S STATEMENT**

THE CITY COUNCIL OF THE CITY OF MURRIETA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, BY ITS CITY CLERK AND EX-OFFICIO MEMBERS OF THE CITY ENGINEERING BOARD AND THE CITY ENGINEERING BOARD HAS REVIEWED THE MAP AND THE INSTRUMENTS AND IS SATISFIED THAT THE MAP AND THE INSTRUMENTS ARE ACCORDING TO THE CITY RECORDS AND THE INSTRUMENTS ATTACHED AT THE TIME OF APPROVAL OF THE INSTRUMENTS AND THE MAP.

DATED: January 6, 1998  
BY: *Christina W. ...*  
EX-OFFICIO CLERK OF THE CITY OF MURRIETA

NOTICE OF ELECTION BY LAND DIVIDER TO DEFER PAYMENT OF DRAINAGE FEES



PAC-004-057      OCT 29 2004  
RECEIVED  
PLANNING DEPT.