



## CITY OF MURRIETA

May 29, 2003

Mr. Ernest Perea  
EPC Land Planning Consultants  
5225 Canyon Crest Dr. #71-325  
Riverside, CA 92507

Re: VTM 31171 and Development Plan 03-032

Dear Mr. Perea:

At its meeting of May 28, 2003 the City of Murrieta Planning Commission acted to approve the above referenced project subject to the attached Findings and Conditions of Approval. There is a ten-day appeal period, which ends on June 9, 2003.

Pursuant to Section 711.4 of the State of California Fish and Game Code, a check made payable to the Clerk of the County of Riverside, in the amount of \$64.00 handling fee and \$1,250.00 certification fee, must be submitted to the City of Murrieta Planning Department for the filing of a Notice of Determination.

Sincerely,

Roger Scherer  
Senior Planner

encl.

BY PLANNING COMMISSION

**FINDINGS FOR  
VESTING TENTATIVE TRACT 31171 (Case No. 03-031)  
AND PLANNED RESIDENTIAL DEVELOPMENT 03-032  
IRVINE INVESTMENTS  
MAY 28, 2003**

**Based upon the hearing evidence, all written and oral testimony, and documents and exhibits, which are contained in the staff report for the above referenced case, the Planning Commission finds as follows:**

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

FACTS: Planned Residential Developments allowing single-family residential detached homes is a permitted land use in the General Plan for the Multiple-Use 3 (MU-3) designation. The General Plan establishes a density of 18 dwelling units per acre. The Planned Residential Development project is proposing 6.3 dwelling units per acre which is consistent with the General Plan maximum of 18 dwelling units per acre.

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

FACTS: The project meets all applicable development standards including, but not limited to, access, lot sizes, circulation, parking, landscaping, open space and lighting of the MU-3 Zone and Planned Residential Development standards.

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 site is not located in any known areas of subsidence, flood, earthquake, or liquefaction hazards and the project will not involve the release or production of hazardous materials. Conditions of Approval have been included to ensure compliance with all applicable zoning codes.

4. The site is physically suitable for the type of development proposed and takes into account topographical and drainage conditions, traffic circulation, and can be provided with necessary service facilities.

FACTS: All necessary service facilities are available and will be brought into the site as part of the development. The site topography is suitable for the type of development proposed.

PLANNING DEPARTMENT

DATE 5-28-03

BY PLANNING COMMISSION

5. The proposed use is allowed within the subject zoning district and complies with all applicable provisions of the Murrieta Development Code.

FACTS: The proposed Planned Residential Development project meets all applicable development standards including, but not limited to, access, lot size, circulation, provision for off-street parking, setbacks, private and common open space requirements of the Multiple Use 3 zone district as implemented through the Planned Residential Development provisions of the Development Code. The project is consistent with objectives and policies with regard to the environment, development and housing. No specific plans are applicable to the site.

6. There are adequate provisions for sanitation, water, and public utilities to ensure public convenience, health, safety, and general welfare.

FACTS: The project will connect to future services in Meadowlark Lane or these services will be extended to the project site as part of the development of the property. There are adequate provisions in place and accessible to the site so that no detriment to the public convenience, health, safety, or general welfare would occur.

7. The proposed use is in compliance with the provisions of the California Environmental Quality Act.

FACTS: A Mitigated Negative Declaration was prepared for the proposed project in accordance with section 15074 of the California Environmental Quality Act Guidelines. The Commission finds that the determination of a negative declaration can be made for the proposed project and instructs that the appropriate notice of determination be filed for the project.

PLANNING DEPARTMENT

DATE 5-28-03

BY Planning Commission

**CONDITIONS OF APPROVAL  
VESTING TENTATIVE TRACT MAP NO. 31171 (Case No. 03-031)  
DEVELOPMENT PLAN (03-032)  
IRVINE INVESTMENTS  
MAY 28, 2003**

**PLANNING:**

A Vesting Tentative Tract Map 31171 for the subdivision of 17.2 acres into 108 residential lots with a minimum lot size of 4,000 square feet and Development Plan 03-032 to follow Planned Residential Development standards.

1. The applicant 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. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
2. Any fees due the City of Murrieta for processing this project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
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 and \$1,250.00 certification fee. Said fees shall be paid to the Clerk/Recorder of the County of Riverside at the time the Notice of Determination 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 Determination, 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. 31171 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. The applicant shall pay all applicable mitigation fees or provide proof that all required fees have been paid in accordance with City policies and ordinances in effect at the time of permit issuance.

6. The proposed project lies within an area designated by the Western Riverside Council of Governments (WRCOG) and the City of Murrieta for the area wide Transportation Uniform Mitigation Fee (TUMF). The City adopted the TUMF Program on April 7, 2003. If the vesting tentative map does not record within three (3) years and an extension of time is required, the project may be subject to the payment of these fees prior to issuance of building permits unless exempted by ordinance. The fees shall be subject to the provisions of the enabling ordinance and based upon the fee schedule in effect at the time of building permit issuance.

7. Subsequent modifications of this approval, which do not intensify the use, including but not limited to reorientation of structures, changes to architecture, alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the Planning Manager or his designee, unless the Manager requires a Substantial Conformance or Revised Permit application in accordance with the Development Code.

8. This approval includes the approval of Planned Residential Development (PRD), (Development Plan 03-032) for a 108 unit residential project. The minimum lot size shall be 4000 square feet and shall follow all provisions of the Planned Residential Development standards within the City of Murrieta's Development Code. The project shall be constructed per the approved plans unless modifications are approved per condition #7.

9. The project shall provide a recreation amenity within the larger common open space area. This amenity shall be of a nature to provide recreational opportunities to the residents within the project (tot-lot, basketball court, pool, or other similar facility). The project applicant shall submit the final proposed amenity for review and approval of the Planning Division prior to issuance of the first building permit.

**Prior to recordation of the final map:**

10. Developers shall prepare a statement to be provided to the potential purchaser of each unit, and included in escrow for the sale thereof, indication the General Plan and zone designations for all properties abutting the Final Tract Map boundaries, with direction to contact the City of Murrieta. The use of signs, pennants, banners, streamers, flags, or similar attention getting devices is prohibited, unless specifically approved by the Planning Division.

11. Any delinquent property taxes shall be paid.

12. The Final Tract Map shall include easements for reciprocal access and parking if required..

PLANNING DIVISION  
MAY 28 2003  
CITY OF MURRIETA, CALIFORNIA

13. A Homeowner's Association shall be established for maintenance of the common areas. The subdivider shall submit the following documents to the City for review and approval by the City Attorney:

- a). A declaration of covenants, conditions, and restrictions; and
- b) A sample document conveying title to the purchaser of an individual lot or unit, which provides that, the CC&Rs are incorporated therein by reference.

14. The CC&Rs submitted for review shall provide for a minimum term of 60 years; provide for the establishment of a property owners association comprised of the owners of each individual lot or unit; provide for ownership of the common area by either the property owners association or the owners of each individual lot or unit as tenants in common and contain the following provisions verbatim:

- a) Notwithstanding any provision in this Declaration to the contrary, the following provision shall apply:
  - (i) The property owners association shall have the right to assess the owners of each individual lot or unit for the reasonable cost of maintaining the private parking areas, common areas, and recreational lots and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment.
  - (ii) An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of the assessment or other document creating the assessment lien.
  - (iii) This declaration shall not be terminated or substantially amended without prior written consent of the City of Murrieta or the City's successor in interest.
  - (iv) A proposed amendment shall be considered substantial if it affects the extent, usage or maintenance of the private streets, common areas, and recreational lots.
  - (v) In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws or the property owners association Rules and Regulations, if any, this declaration shall control.

**Prior to issuance of a grading permit:**

15. The Pechanga Band of Luiseno Indians shall be contacted to work with them to develop a management plan for any resources that may be unearthed, and to afford the

PLANNING COMMISSION  
MAY 28 2003  
PLANNING COMMISSION

Band an opportunity to monitor ground disturbing activities and participate in the decisions regarding collection and curation of any such resources. If any human remains are encountered during any grading activities, all ground disturbing activities in the vicinity of the discovery shall be terminated immediately and the County Coroner's office and the Pechanga Band of Luiseno Indians and the California Indian Legal Services shall be contacted to arrange for management of such remain.

**Prior to the issuance of occupancy permits:**

16. The final map shall be recorded for the phase that the units are located within.
17. Prior to occupancy clearance for the sales office, the developer shall post in a conspicuous place within the sales office a copy of the City's most recent General Plan/Zoning Map (or Specific Plan Land Use Map). A copy of the map shall be obtained from the Planning Division at the Developer's cost. In the event the map is amended, the developer shall post the amended map, to be paid for by the developer. The City will notify the developer if the map is amended.

**LANDSCAPING:**

Prior to the issuance of building permits:

18. Three copies of construction typical front yard landscaping plans and individual private erosion control slopes greater than 3 feet in vertical height, shall be submitted to the Planning Division and approved. A licensed Landscape Architect shall prepare the plans.
19. The above-described plans shall be in substantial conformance with the plans as approved by the City Landscape Architect, City Administrative Staff, Planning Commission and/or City Council. Notes, details, and specifications shall be included.
20. All landscape and irrigation plans shall be consistent with Title 16.28 of the Murrieta Municipal Code.
21. Landscape plans shall be drawn at a scale of 20 feet equal to 1 foot or larger. The City Landscape Architect will not accept plans drawn in 30 feet scale or smaller without prior approval.
22. Plant materials shall be installed from container sizes consistent with Murrieta Municipal Code, Landscaping Standards, Table 3-5, Minimum Required Mix of Plant Materials.
23. All ground covers shall be installed from living plant materials. Spacing shall be such that 100% coverage is achieved within 2 years of the installation.

PLANNING DIVISION  
MAY 28 2003  
CITY OF MURRIETA, CALIFORNIA



33. Prior to the issuance of a grading permit, provide permission to grade letter from adjacent property owners affected by the proposed grading. Permission to grade letters shall be required from property owners affected by project grading for development, utility improvements, storm drain improvements and/or street improvements.
34. Provide permission to construct letter from property owners affected by:
  - a. Rip-rap construction for drainage facilities.
  - b. 'V'-ditch construction for drainage facilities.
  - c. Other storm drain facilities.
  - d. All roadway facilities.
35. Convey existing storm water flows through the property consistent w/existing .
36. Provide on-site detention for the incremental difference between improved and unimproved condition for the 10-year storm.
37. Dedicate and improve full half width plus one travel lane on Meadowlark Lane. Dedication and improvements shall comply with City Standard 103.
38. Internal Streets shall be constructed to the Planned Residential Development Standards in the Murrieta Development Code, Section 16.16.030 A 4 for Private Streets.
39. Development shall install Low Pressure Sodium street lights per City of Murrieta Standard 619 and 620A.
40. Developer shall form a Home Owners Association to provide for the maintenance of all street and storm drain facilities.
41. Street grades and cross fall shall meet City of Murrieta minimum standards.
42. All ingress and egress easements between lots shall be shown on the Final Map.
43. Maintain minimum Sight Distance at the entrance and at all internal intersections.
44. Secondary emergency access shall be take from the east-west leg of Cape Aire in compliance with the City of Murrieta Fire Department.

#### **STANDARD CONDITIONS OF APPROVAL**

##### **PAVING**

45. On site parking and drive areas shall be paved in conformance with the approved site plan and shall have a structural section recommended by a licensed civil or soil engineer. The engineer's recommendation shall be submitted with the grading plan submittal.

PLANNED RESIDENTIAL DEVELOPMENT  
MAY 28 2003  
CITY OF MURRIETA

SIGNAGE AND SITE DISTANCE

46. Monument signs and landscaping shall be located so as not to interfere with sight distance from existing driveways.

REQUIRED FEES AND PERMITS

47. The applicant shall pay all applicable Development Mitigation Impact Fees, including but not limited to;

- a. Development impact fees, Ordinance 196-98 payable prior to issuance of building permit.
- b. Kangaroo Rat Fee, payable at issuance of grading permit.
- c. Riverside County Area Drainage Fees, payable at issuance of grading permit.

Fees shall be based upon Residential Use Development Rates.

48. Prior to any work being performed in the public right of way, fees shall be paid and an encroachment permit shall be obtained from the Engineering Division. The applicant shall apply for an encroachment permit from the City for utility trenching, utility connection or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility.

49. Prior to the issuance of building permits, unless other timing is indicated, the applicant shall complete all street improvement plans, in conformance with all applicable City ordinances and standards, submit and obtain approval, post securities and execute agreements. Unless pre-approved by the City Engineer, prior to occupancy, all public improvements shall be installed in accordance with all applicable City ordinances.

DRAINAGE

50. Runoff from the development or partial phase of development of the property shall not exceed the existing natural discharge quantities for the 1,3,6 and 24-hour duration for the 2, 5 and 10-year frequency storms. The design of the detention basins shall provide for the retention of nuisance flow. Development shall detain the year and duration incremental storm runoff developed increased by means of on-site detention. Detention techniques shall include, but not be limited to: Parking lot detention or on-site detention basin or other methods approved by the City Engineer.

51. Applicant shall provide a drainage study prepared by a registered Civil Engineer identifying storm water runoff quantities expected from the site and upstream of the site. The study shall show all existing or proposed off-site public or private drainage facilities intended to discharge this runoff. The study shall include a capacity analysis verifying the adequacy of the facilities. The study shall show existing and developed 10-year and

PLANNED RESIDENTIAL DEVELOPMENT  
5-28-03  
CITY OF RIVERSIDE (unofficial)

100-year storm peak flows. Development shall detain the 10-year and incremental developed increased storm water runoff by means of on-site detention.

52. Street storm flows shall not exceed top of curb for the 10-year storm event and must be contained within the street right-of-way for the 100-year storm event.

53. The applicant shall accept and properly dispose of all existing offsite drainage flowing onto or through the site.

54. If possible all drainage shall be conveyed onto public property. No cross lot drainage shall be permitted.

55. Applicant shall protect all downstream properties from damages caused by alteration of the drainage patterns, i.e., concentrations or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement. A maintenance mechanism shall be in place for any private drainage facilities constructed on-site or off-site. Any grading or drainage onto private off site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected landowner.

56. All construction equipment shall be properly maintained and tuned to reduce air emissions, and prevent disposition of vehicle fluids on the ground.

#### GRADING

57. Prior to issuance of a grading permit, if any for this project, the applicant shall obtain, if required, a Notice of Intent from the Regional Water Quality Control Board (RWQCB) and provide to the City of Murrieta and receive approval of an adequate Storm Water Pollution Prevention Plan (SWPPP) pursuant to the RWQCB (San Diego Region, tel.#858-467-2952) and the City of Murrieta's ordinance establishing storm water/urban runoff management discharge controls. The permit requires the applicant to develop adequate Storm Water Pollution Prevention Plan(SWPPP) prior to commencement of construction activities. The applicant shall be responsible for implementation, monitoring, operation, and maintenance of the SWPPP until the construction is complete and a Notice of Termination (NOT) is filed with the State Water Resources Control Board. A copy of the SWPPP shall be provided to the City prior to issuance of grading permits and maintained on site for the duration of construction.

58. All grading activities shall minimize dust through compliance with AQMD Rule 403 which requires watering during earth moving operations, and the prevention of fugitive dust generated by the operations.

59. A soils investigation study shall be completed and approved prior to issuance of a grading permit. The soil investigation shall be subject to independent third party review at the expense of the applicant. All recommended measures identified in the soils report

03/28/03

5-28-03

03/28/03

shall be incorporated into the project design. Identify all seismic faults located within the project from the Fault Location Map.

60. Prior to commencing of any grading in excess of 50 cubic yards or paving in excess of 3,000 square feet, the applicant shall obtain a grading permit and approval prior to issuance of a building permit. The developer shall have an approved permit prior to the commencement of any clearing or grading of the site.

61. Prior to hauling dirt or construction materials to any proposed construction site within this project, the developer shall submit to and receive approval from the City Engineer for the proposed haul route. The developer shall comply with all conditions and requirements the City Engineer may impose with regards to the hauling operation.

62. In instances where a grading permit involves import or export, prior to obtaining a grading permit, the applicant shall obtain approval of the import/export location by the City Engineer.

63. Evidence of permission from property owners shall be required for any work located on adjacent properties.

#### CLEAN WATER RUNOFF

64. Clean water measures shall be in place and designed per the guidelines provided in the California Storm Water Best Practice Handbook.

65. Runoff discharge from the construction and fully developed site shall meet NPDES water quality requirements by implementing Best Management Practices (BMP's) on-site to prevent sediment, debris, oils, grease, and other pollutants from flowing through the public storm drain system. The plans shall specifically identify structural and non-structural Best Management Practices (BMPs) that will be designed into and implemented on this project to reduce the discharge of pollutants into the storm drain system to the maximum extent practicable. Structural BMP's shall be provided on-site. Maintenance of on-site BMP's shall be the responsibility of the applicant. Proof of a maintenance mechanism shall be provided prior to issuance of building permit.

#### EARTHQUAKE

66. On the grading plan, plot plan and street improvement plans; identify all seismic faults located within the project from the Fault Location Map.

#### LANDSCAPING

67. Plant and irrigate all slopes greater than or equal to 3 feet in vertical height with grass or ground cover to the satisfaction of the City Engineer. Slopes that exceed 15 feet in vertical height are to be planted with shrubs and/or trees.

PLANNING COMMISSION

5-28-03

PLANNING COMMISSION

UNDERGROUNDING

68. The applicant shall provide for the under grounding of all existing and proposed utility distribution facilities within the project unless exempt per Development Code. The applicant shall be responsible for the associated costs and arrangements with each public utility.

WATER AND SEWER

69. The applicant shall install all required water and sewer systems necessary to serve the project.

MONUMENTS

70. All existing street and property monuments within or abutting this project site shall be preserved consistent with Section 8771 of the California Business and Professions Codes. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per City Standards and file the necessary information with the County Surveyor's office as required by Section 8771.

**FIRE DEPARTMENT:**

71. The Tentative Tract Map shall comply with and implement all provisions of the Departments letter dated April 20, 2003, attached.

**COMMUNITY SERVICES DEPARTMENT:**

72. The streetscape on Meadowlark Lane shall be installed then either turned over to the Community Services District (CSD) or an HOA shall be formed to provide for continued maintenance of the area.

**MENIFEE UNION SCHOOL DISTRICT:**

73. The applicant shall pay school mitigation fees in place at the time of building permit. Please contact the Menifee Union School District at 909.672.1851 for specific fees.

**EASTERN MUNICIPAL WATER DISTRICT:**

74. Water and sewer will be provided by the Eastern Municipal Water District as stated in the attached letter dated January 30, 2003.

**END OF CONDITIONS**

57-28-03  
PLANNING COMMISSION