

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

208B



FROM: TLMA – Planning Department

SUBMITTAL DATE:  
February 22, 2010

**SUBJECT: GENERAL PLAN AMENDMENT NO. 1043** – Entitlement/Policy – Applicant: MDMG Inc. - Engineer/Representative: MDMG, Inc. - First Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural: Rural Mountainous (RUR-RM) (10 Acre Minimum Lot Size) – Location: Northerly of the San Deigo County Line, southerly of Calle Uva, and westerly of Interstate 15 - 629.19 Gross Acres - Zoning: Rural Residential (R-R) - **REQUEST:** This General Plan Amendment proposes to amend the General Plan Land Use designation of the subject site from Rural: Rural Mountainous to Rural: Rural Residential- APN(s): 918-030-004, 918-040-001, 918-040-002, 918-040-005

**RECOMMENDED MOTION:**

The Planning Director recommends that the Board of Supervisors tentatively decline to adopt an order initiating proceedings for the above referenced general plan amendment based on the attached report. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

**BACKGROUND:**

The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on every GPA application and submit it to the Board of Supervisors. Prior to the submittal to the Board, comments on the application are requested from the Planning Commission, and the Planning Commission comments are included in the report to the Board. The Board will either approve or disapprove the initiation of proceedings for the GPA requested in the application. The consideration of the initiation of proceedings by the Planning Commission and the Board of Supervisors pursuant to this application does not require a noticed public hearing. However, the applicant was notified by mail of the time, date and place when the

Ron Goldman  
Planning Director

(continued on attached page)

RG:th

REVIEWED BY EXECUTIVE OFFICE

DATE 3/9/10  
Tina Grande  
Departmental Concurrence

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

Policy  
 Policy

Consent  
 Consent

Dep't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.

District: First

Agenda Number:

15.2

Planning Commission and the Board of Supervisors would consider this GPA initiation request.

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings on this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance.

**PLANNING COMMISSION  
MINUTE ORDER JANUARY 13, 2010  
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

**I. AGENDA ITEM 7.3: GENERAL PLAN AMENDMENT NO. 1043** – Entitlement / Policy – Applicant: MDMG Inc. - Engineer/Representative: MDMG, Inc. - First Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural: Rural Mountainous (RUR-RM) (10 Acre Minimum Lot Size) – Location: Northerly of the San Deigo County Line, southerly of Calle Uva, and westerly of Interstate 15 - 629.19 Gross Acres - Zoning: Rural Residential (R-R) - APN(s): 918-030-004, 918-040-001, 918-040-002, 918-040-005. (Continued from 10/28/09 and 12/2/09).

**II. PROJECT DESCRIPTION**

This General Plan Amendment proposes to amend the General Plan Land Use designation of the subject site from Rural: Rural Mountainous to Rural: Rural Residential.

**III. MEETING SUMMARY**

The following staff presented the subject proposal:

Project Planner, Tamara Harrison at 951-955-9721 or e-mail [tharriso@rctlma.org](mailto:tharriso@rctlma.org).

The following spoke in favor of the subject proposal:

Larry Markham, Applicant, 41635 Enterprise Circle N., Ste. B., Temecula, California 92590

Harold Meyers, Applicant's Representative, 30930 Cortez Ave. Vista, Temecula, California 92592

The following spoke in opposition of the subject proposal:

Rex Brinneman, Neighbor, 27250 Carancho Rd., Temecula, California 92590

No one spoke in a neutral position of the subject proposal.

**IV. CONTROVERSIAL ISSUES**

NONE

**V. PLANNING COMMISSION ACTION**

The Planning Commission, recommended to the Board of Supervisors;

**TO TENTATIVELY DECLINE TO INITIATE the GENERAL PLAN AMENDMENT**

**VI. CD**

The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at [cgriffin@rctlma.org](mailto:cgriffin@rctlma.org).

Agenda Item No.: 7.3  
Area Plan: Southwest  
Zoning District: Rancho California  
Supervisorial District: First  
Project Planner: Tamara Harrison  
Planning Commission: January 13, 2010

General Plan Amendment No. 1043  
Applicant: MDMG  
Engineer/Representative: MDMG

## COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

### RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisor **tentatively decline** to adopt an order initiating proceedings for General Plan Amendment No. 1043 from Rural: Rural Mountainous to Rural: Rural Residential and the Planning Commission made the comments below. The Planning Director continues to recommend that the Board of Supervisors tentatively decline to initiate General Plan Amendment No. 1043. For additional information regarding this case, see the attached Planning Department Staff Report(s).

### PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

The following comment(s) were provided by the Planning Commission to the Planning Director:

**Commissioner John Roth:** Mr. Roth indicated that the applicant had addressed his concerns in regards to access, water, and sewer to the property. Mr. Roth commented that the application should be allowed to move forward with some hesitation; ultimately the applicant will have to prove that the proposal has merit. He also inquired as to why the Santa Rosa Policy Area boundary stopped just north of the subject property. Staff was unable to provide the reasoning behind the determination of the boundary.

**Commissioner John Snell:** No Comments

**Commissioner John Petty:** No Comments

**Commissioner Jim Porras:** No Comments

**Commissioner Jan Zuppardo:** No Comments

**Agenda Item No.: 7.3**  
**Area Plan: Southwest**  
**Zoning District: Rancho California Area**  
**Supervisory District: First**  
**Project Planner: Tamara Harrison**  
**Planning Commission: January 13, 2010**  
**Continued From: July 22, 2009, October 28, 2009 and December 2, 2009**

**General Plan Amendment No. 1043**  
**E.A. Number 41876**  
**Applicant: MDMG**  
**Engineer/Rep.: MDMG**

## **COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT**

### **PROJECT DESCRIPTION AND LOCATION:**

The applicant proposes to amend the General Plan Land Use designation from "Rural Mountainous" (RM) (10 Acre Minimum Lot Size) to "Rural Residential" (RR) (5 Acre Minimum Lot Size) for an approximately 629.19 acre site. The project is northerly of the San Diego County line, southerly of Calle Uva and westerly of Interstate 15.

### **POTENTIAL ISSUES:**

The proposed site is located in the "Santa Rosa" community within the "Southwest Area Plan." Currently, the site is designated as Rural Mountainous which carries a 10 acre minimum lot size. Amending the land use designation to Rural Residential would reduce the minimum lot size required to 5 acre minimum lot size. The subject site is surrounded by the Rural Mountainous designation to the north, south and west and is bordered by the Open Space: Conservation designation to the east. The General Plan's "Santa Rosa Policy Area" can also be found to the north of the site.

As mentioned above, the Rural Mountainous land use designation requires a 10 acre minimum lot size and according to the General Plan is applied to those areas where a "minimum of 70% of the area has slopes of 25% or greater. It also applies to remote areas that are completely or partially surrounded by slopes greater than 25%, and that do not have both county-maintained access and access to community sewer and water systems." The subject site currently has two access points; however, neither of those access points are County maintained roads, the site is also surrounded by areas with steep terrain. The results of a slope analysis conducted for the site shows that approximately 457.1 or 72% of the subject sites total 629.19 acres contains slopes that area 25% or greater. The site's characteristics are highly consistent with its existing designation given the steep slopes, lack of existing water and sewer, fire danger, limited access and remoteness.

The subject site has been identified as having a "high risk" of fire hazard. The Safety element of the General Plan addresses these risks in a number of ways including deterring building in those "high risk" areas and providing secondary public access for the areas that are proposing developments. Primary access will be taken from a private easement that extends from Carancho Road to the northwest of the site and secondary access will be taken from a public easement that extends from Avenida Hierba Road to the north of the site. The primary access easement runs through APN's: 918-020-022 and 918-020-024 which shares the same owner as the subject site. The secondary

access easement runs through APN: 938-300-010 owned by American Contracting, Inc. who has granted the easement in favor of the subject site.

The terrain is a fundamental feature of the character of the Southwest area plan and the visual aspects should be preserved. The parcels in question possess slopes that may range from 15%-30% and potentially greater which can create an increase in potential public safety issues (i.e. slope failures and landslides) when developing and or grading the area at a higher density. The proposed change would again create an internal inconsistency between the Land Use Map/Element and the Safety Element of the General Plan.

No substantial evidence has been provided to show that new conditions or circumstances are present in the area to justify the proposed change. The surrounding area remains rural in character which is in keeping with the General Plan's vision for the area.

**RECOMMENDATION:**

The Planning Director recommends that the Board of Supervisors **tentatively decline** to adopt an order initiating proceedings for General Plan Amendment No. 1043 from Rural Mountainous to Rural Residential. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

**INFORMATIONAL ITEMS:**

1. This project was filed with the Planning Department on February 15, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$1942.64.
3. The project site is currently designated as Assessor's Parcel Numbers 918-030-004, 918-040-001, 918-040-002 and 918-040-005.

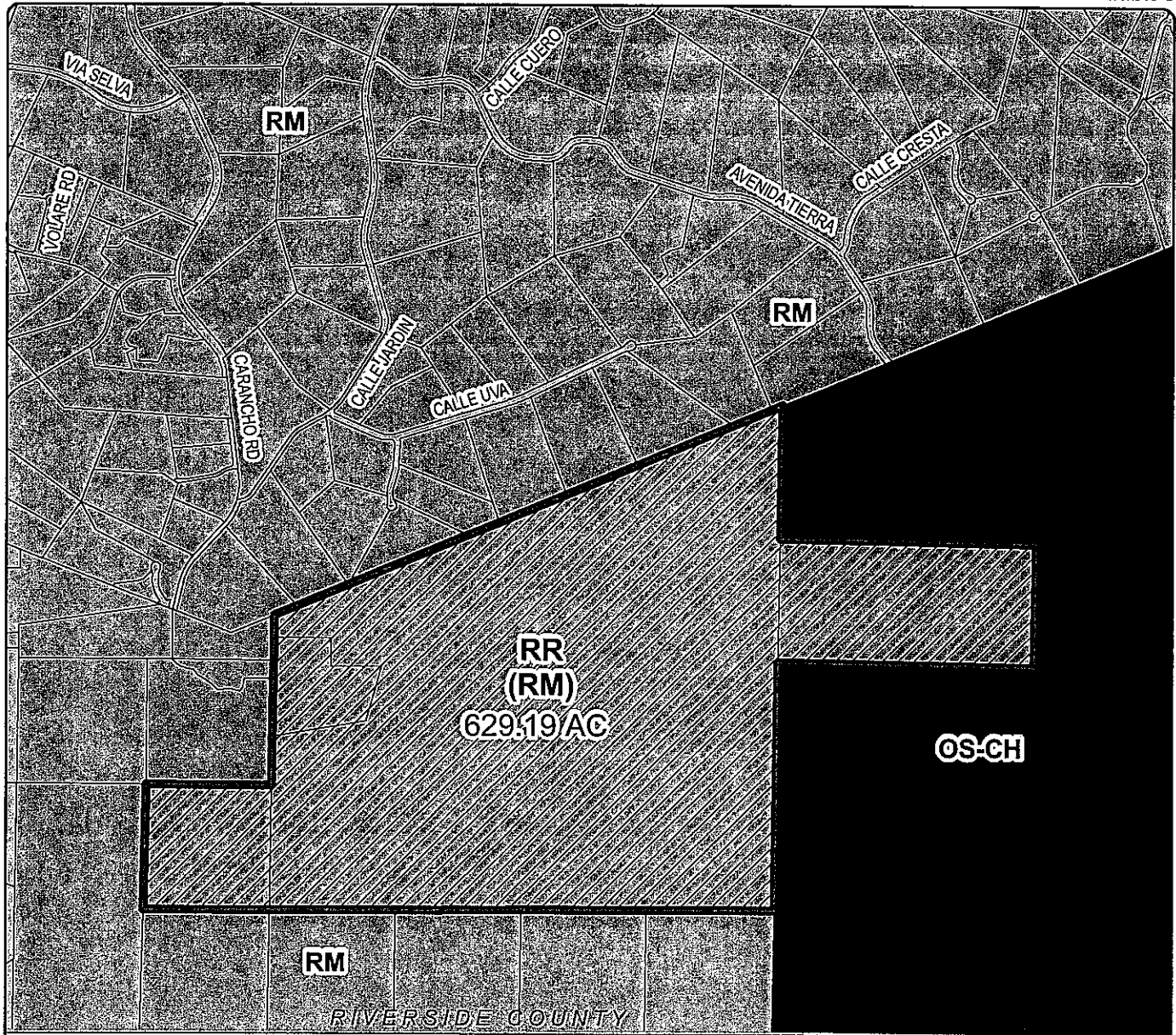
RIVERSIDE COUNTY PLANNING DEPARTMENT

GPA01043

PROPOSED GENERAL PLAN

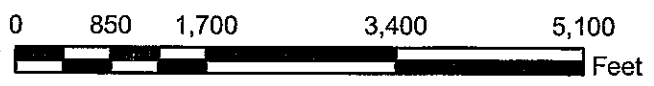
Supervisor Buster  
District: 1

Date Drawn: 10/14/09  
Exhibit 6

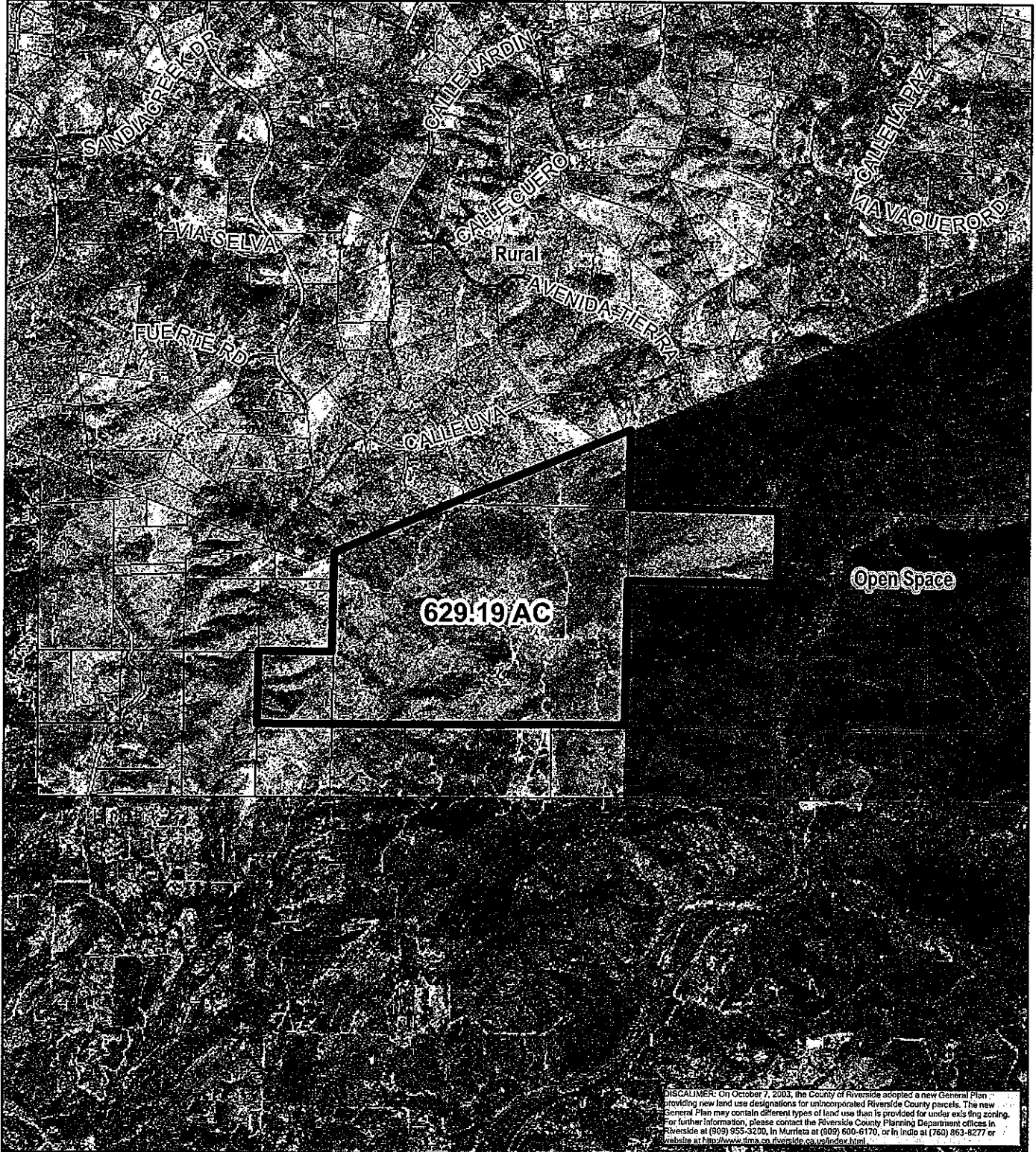


Zoning Area: Rancho California  
Township/Range: T8SR3W  
Section: 29, 31,32 & 33

Assessors Bk. Pg. 918-03 & 04  
Thomas Bros. Pg. 977 J7  
Edition 2009



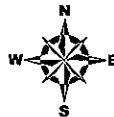
DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.tlma.co.riverside.ca.us/index.html>



Area  
Plan: Rancho California  
Township/Range: T8SR3W  
Section: 29,31,32,&33

**RIVERSIDE COUNTY PLANNING DEPARTMENT**

Assessors  
Bk. Pg. 918-03&04  
Thomas  
Bros. Pg. 977 J7



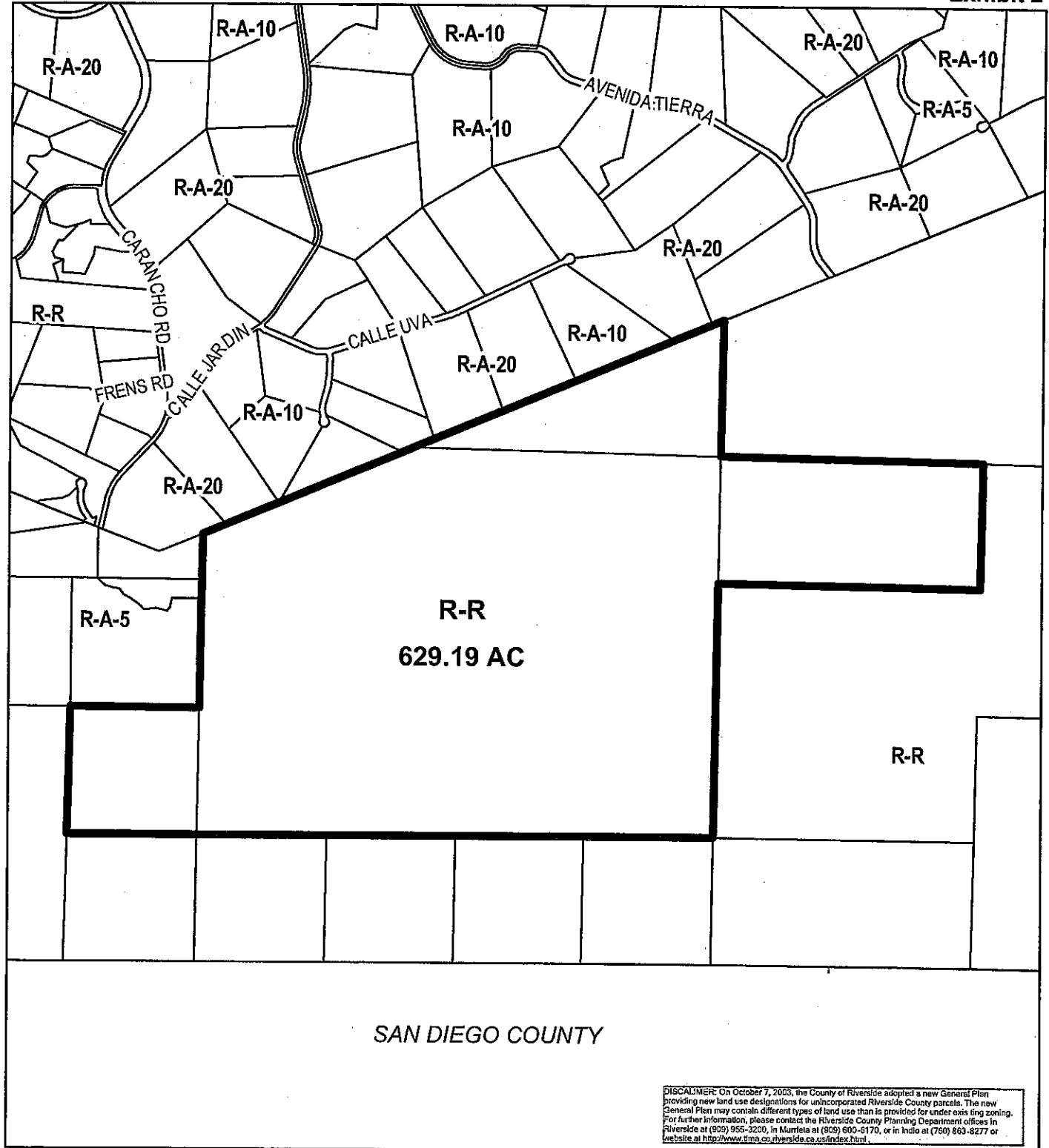


Supervisor Buster  
District 1  
Date Drawn: 3/11/08

# GPA01043

## EXISTING ZONING

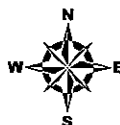
Planner: Amy Aldana  
Date: 3/11/08  
Exhibit 2

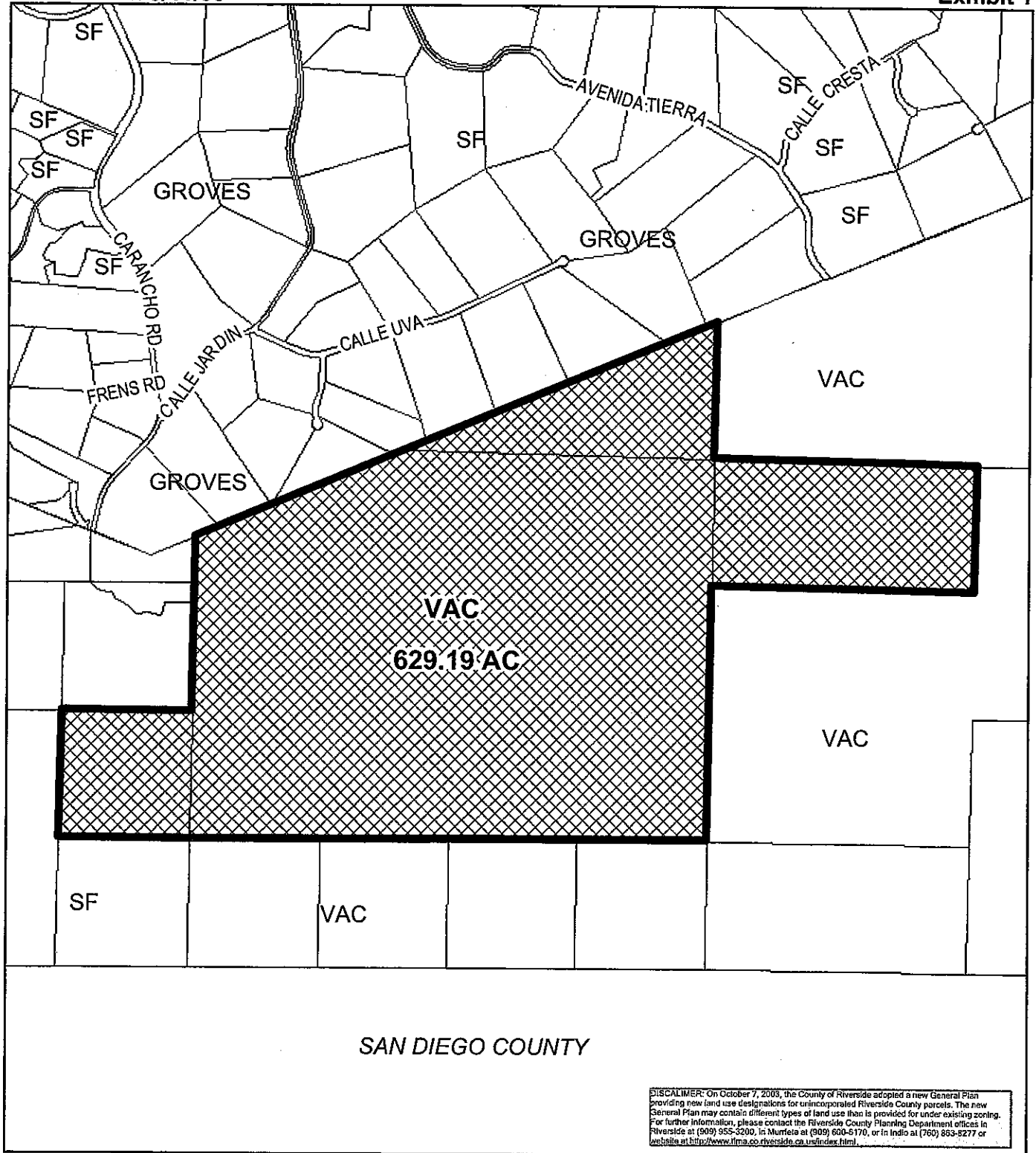


Zone  
Area: Rancho California  
Township/Range: T8SR3W  
Section : 29,31,32&33

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors  
Bk. Pg. 918-03&04  
Thomas  
Bros. Pg. 977 J7





DISCLAIMER: On October 7, 2008, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 955-3200, in Murfeta at (909) 600-5170, or in Indio at (760) 863-8277 or website at <http://www.rtpa.co.riverside.ca.us/index.html>.

**RIVERSIDE COUNTY PLANNING DEPARTMENT**

Zone  
Area: Rancho California  
Township/Range: T8SR3W  
Section : 29,31,32&33



Assessors  
Bk. Pg. 918-03&04  
Thomas  
Bros. Pg. 977 J7







### **WATER SERVICE TO THE ROCK MOUNTAIN AREA SOUTH OF CARANCHO ROAD**

Western Municipal Water District and Rancho California Water District over the past year have been investigating ways to provide water supply to the Rock Mountain Area. As can be seen on the enclosed map, the area is comprised of approximately 1,355 acres and can be accessed from the north via Carancho Road and from the south through Fallbrook. Due to the remote, rural nature of the area, the area is sparsely developed, and those parcels that are developed have individual wells for water.

The Rock Mountain Area is within Western's General District and is eligible for water service, however, due to its location and rural nature, no water facilities have ever been constructed. Property owners in the northerly portion of the area near the end of Carancho Road have contacted Western regarding the possibility of water service because their individual wells have falling water levels and lower flow rates. They have indicated a desire to connect to a potable "public" system for reliable service.

Western proceeded with investigating water supply options for the area. Since this area is remote to Western's retail service area, Western contacted Rancho California Water District, and Fallbrook Public Utilities Department ("Fallbrook") to see what opportunities existed for service. The range of possibilities ranged from full retail water service with fire flow, to limited water service and no fire flow with water deliveries from Rancho or Fallbrook.

After considerable investigation, the following was concluded:

1. Western has no retail water distribution facilities within or near the Rock Mountain Area.
2. For Western to provide water service to the area, Western would have to enter into an interagency agreement with Rancho or Fallbrook (or both) for conveyance of water supply to the area through their systems.
3. Due to geographic proximity of the Riverside/San Diego County line to the Rock Mountain Area, jurisdictional issues related to water supply are problematic for deliveries of water to the Rock Mountain Area through Fallbrook's system.

assumptions made for development densities in the Rock Mountain Area. This expense would be for improvements to have water supply at the end of Carancho Road. Additional costs would be required to build a water distribution system within the Rock Mountain Area.

5. Riverside County General Plan land use designations call for a maximum development density of one unit per 10 acres. Thus with a total of approximately 1,355 acres in the area, the total number of units to fund the cost for water system improvements to provide water supply to the area would be approximately 135.

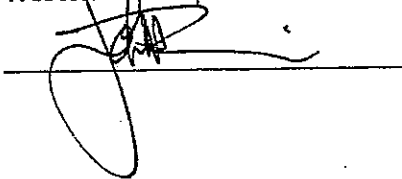
With the above conclusions, it became apparent that provision of full service to the area would be cost prohibitive. As an alternative, Western and Rancho investigated the possibility of providing a "limited" water supply to the area. This concept is based on delivery of an amount of water to the Rock Mountain Area from Rancho's system that can be accomplished without upgrades to Rancho's system. Based on system hydraulics, Rancho can deliver to Western a supply of 500 gpm for the Rock Mountain Area through a master meter connection at the terminus of its system in Carancho Road. Western and Rancho have entered into an interagency agreement regarding this limited water supply.

Since the water supply is limited, Western's Board of Directors recently approved an allocation plan for the limited water supply. This water allocation plan equitably splits the limited 500 gpm supply by acre within the Rock Mountain Area. Using this plan, each acre of land within the Rock Mountain Area is eligible to receive approximately 0.37 gpm/acre. Thus, if a person owns a 10-acre parcel the parcel would be eligible for 3.7 gpm. Upon payment of appropriate charges and costs, the limited water supply delivery will be through a flow-controlled meter installed at the terminus of Carancho Road. Each property that acquires service will be required to install their own privately owned, operated and maintained lateral from the meter at the end of Carancho Road to their property.

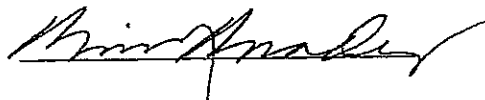
This limited water supply approach will be similar to having a well and require the installation of a private storage tank for fire protection. A Declaration of Restriction will be executed by the owner of each property acquiring limited water service and recorded with the County Recorder memorializing the limited water supply arrangement for each property.

Should you be interested in finding out more about this opportunity to receive limited water service for your property, please contact Jeff Sims at Western at (951) 789-5021.

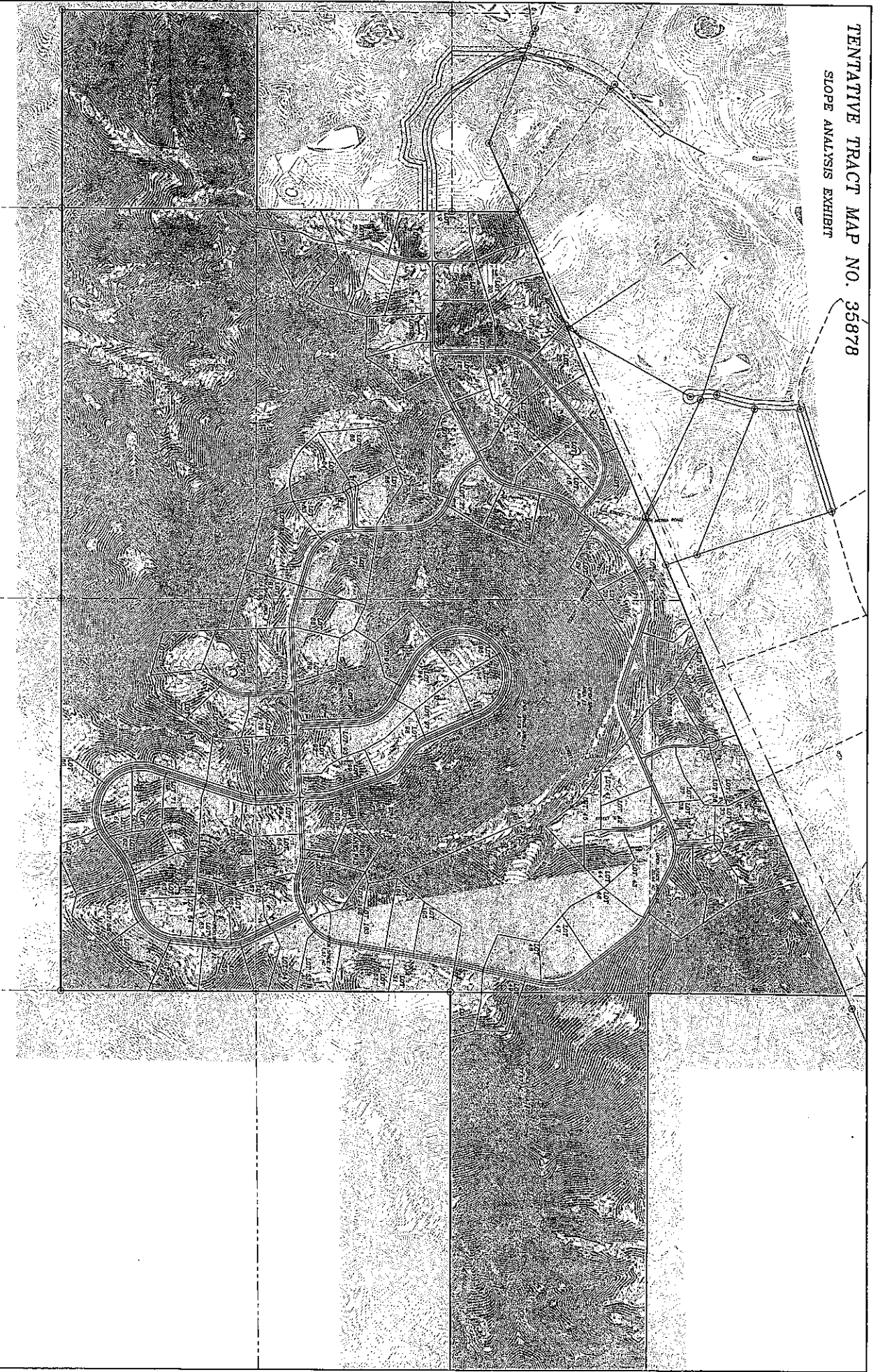
JOHN V. ROSSI  
General Manager  
Western Municipal Water District



BRIAN BRADY  
General Manager  
Rancho California Water District

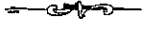


TENTATIVE TRACT MAP NO. 35878  
SLOPE ANALYSIS EXHIBIT

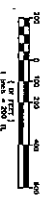


Slopes Table

Number	Area	Area	Area	Area	Area
1	1.000	1.000	1.000	1.000	1.000
2	1.000	1.000	1.000	1.000	1.000
3	1.000	1.000	1.000	1.000	1.000
4	1.000	1.000	1.000	1.000	1.000
5	1.000	1.000	1.000	1.000	1.000
6	1.000	1.000	1.000	1.000	1.000
7	1.000	1.000	1.000	1.000	1.000
8	1.000	1.000	1.000	1.000	1.000
9	1.000	1.000	1.000	1.000	1.000
10	1.000	1.000	1.000	1.000	1.000



Sheet	Number
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	



DESIGNED BY  
**MDMG**  
 METROPOLITAN DEVELOPMENT CONSULTANTS, INC.  
 4514 15th Street, Suite 202  
 Berkeley, CA 94710  
 (415) 841-1000

DATE: 12/15/00  
 SHEET NO. 3

## *Justification for General Plan Amendment Change of Land Use*

Site: APN# 918-030-004, 918-040-001, 918-040-002, 918-040-005  
South West Area Plan  
Sandia Creek Area

Case #: GPA 1043

Applicant: MDMG inc.

The proposed amendment will modify the "*Rural Mountainous*" land use of the subject as follows.

- Change 647.57 acres of land from RM to *RR Rural Residential*.

The following justification is cited.

- Parcels to the north are 5 acre minimum. Santa Rosa Policy Area modifies the RM land use to allow the 5 acre parcels. The change would be consistent with the growth and demand trending southward.
- Demand for premium view lots west of Temecula. The micro climate west of Temecula makes the area a very desirable area for estate homeowners. Further the area offers less congestion than other estate home other areas in the Temecula Valley. Most of the home sites west of Temecula have been built out spawning the demand.
- The RR land use would allow for cluster development of home sites of 2 ½ acres. Cluster development in this area would be the ideal balance of filling demand and conserving open space. Open space areas would be dedicated to the appropriate agency for conservation. This protects and furthers the vision for the area.



- The area is in the Santa Rosa Community Facilities District sphere of influence and would be annexed to them for road maintenance.
- Western Municipal Water District in cooperation with Rancho California Water District has agreed to service a cluster development with water.
- Perc tests on the subject land have confirmed the viability of a cluster development for the subject property.
- The land use remaining RM does not conserve land but allows the potential for agriculture to proliferate a once open area.

Allowing GPA 1043 a clustered development would serve everyone. A potential of 105 – 110 lots could be developed and more than 300 acres conserved in perpetuity.



Order No.  
Escrow No.  
Loan No.

WHEN RECORDED MAIL TO:

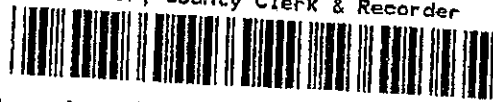
Keith Candee  
28924 Front St., Ste. 202  
Temecula, Ca. 92590

DOC # 2007-0336800

05/22/2007 08:00A Fee:13.00

Page 1 of 3

Recorded in Official Records  
County of Riverside  
Larry W. Ward  
Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
1			3						5
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
									603

DOCUMENTARY TRANSFER TAX \$.....  
..... Computed on the consideration or value of property conveyed; OR  
..... Computed on the consideration or value less liens or encumbrances  
Remaining at time of sale.

18

C  
603

Signature of Declarant or Agent determining tax - Firm name

# EASEMENT PRIMARY

C  
508

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Keith Candee

hereby GRANT (S) to

Thurber Ranch, LLC

A private easement for ingress and egress and public utility purposes  
As described in Exhibit "A" attached hereto.

Dated May 2, 2007

STATE OF CALIFORNIA }  
COUNTY OF Riverside } ss.

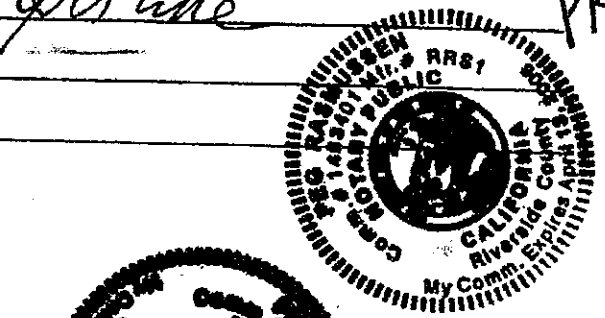
On May 2, 2007 PR before me,  
Peg Rasmussen, Notary Public  
personally appeared Keith Candee

Keith Candee  
By: [Signature] PR

personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.  
Signature Peg Rasmussen

MAIL TAX STATEMENTS TO:



(This area is for the official notary seal)

**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR PRIVATE ROADWAY EASEMENT**

BEING A 60.00 FOOT WIDE STRIP OF LAND OVER THAT PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 8 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS DESCRIBED IN DEED RECORDED JUNE 25, 2004 AS INSTRUMENT NO. 2004-0496624 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE CENTERLINE OF SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHERLY TERMINUS OF THE CENTERLINE OF CARANCHO ROAD AS SHOWN ON PARCEL MAP 4589, FILED IN BOOK 32, PAGES 61 THROUGH 80, OF PARCEL MAPS, IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE SOUTH 17°33'02" EAST, 118.35 FEET TO A 150.00 FOOT RADIUS, TANGENT CURVE, CONCAVE NORTHEASTERLY;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°42'49" AN ARC DISTANCE OF 41.14 FEET;

THENCE SOUTH 33°15'51" EAST, 332.86 FEET TO A 300.00 FOOT RADIUS, TANGENT CURVE, CONCAVE NORTHEASTERLY;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°52'43" AN ARC DISTANCE OF 72.67 FEET;

THENCE SOUTH 47°08'34" EAST, 142.38 FEET TO A 300.00 FOOT RADIUS, TANGENT CURVE, CONCAVE NORTHERLY;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 63°25'42" AN ARC DISTANCE OF 332.11 FEET TO A POINT OF REVERSE CURVE OF A 300.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 20°34'16" WEST;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°04'21" AN ARC DISTANCE OF 110.34 FEET;

THENCE SOUTH 89°29'55" EAST, 262.97 FEET TO THE EASTERLY LINE OF SAID SECTION 31 AND THE TERMINUS OF SAID STRIP OF LAND.

THE SIDELINES OF SAID STRIP SHALL BE SHORTENED NORTHWESTERLY SO AS TO TERMINATE IN THE WESTERLY AND NORTHERLY LINES OF SAID LAND DESCRIBED IN INSTRUMENT NO. 2004-0496624 AND SHORTENED EASTERLY SO AS TO TERMINATE IN SAID EASTERLY LINE OF SECTION 31.

CONTAINING 1.91 ACRES, MORE OR LESS.

**SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF**

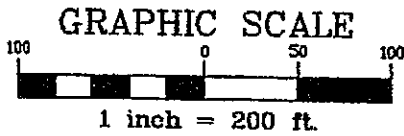


*Tim W. Brewer*

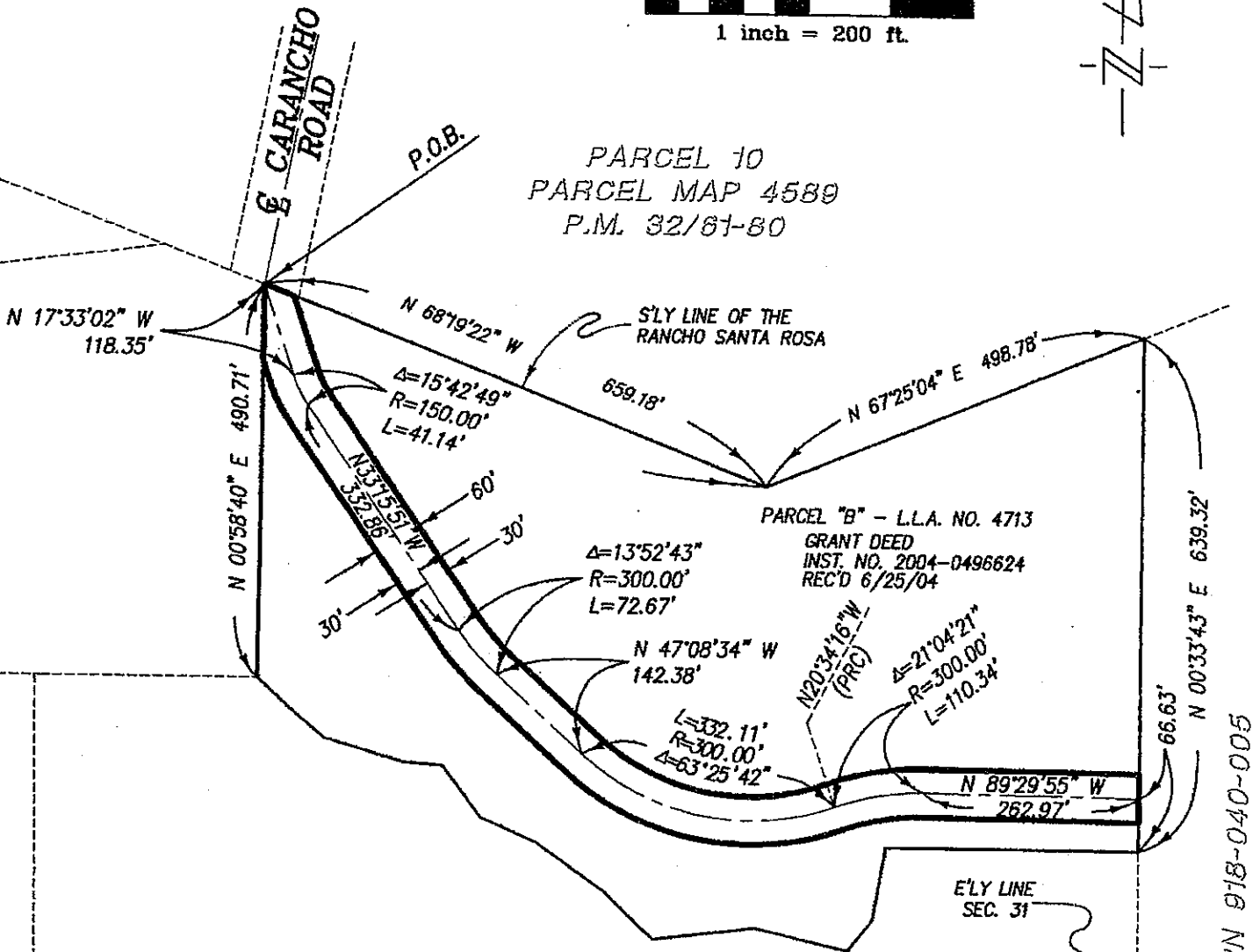


2007-0336800  
05/22/2007 08:00A  
2 of 3

# EXHIBIT "B"



PARCEL 10  
PARCEL MAP 4589  
P.M. 32/61-80



S.E. 1/4, N.E. 1/4  
SEC. 31, T. 8 S., R. 3 W.,  
S.B.B.M.



SEC. 31, T.8 S., R. 3 W., S.B.M.

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT.

SHEET 1 OF 1

W.O. #

SCALE: 1" = 200'

DRAWN BY TB DATE 4/11/07

**EXHIBIT FOR PRIVATE ROADWAY EASEMENT**



RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

Name **Keith H. Candee**  
 Street Address **28924 Front Street, Suite 202**  
**Temecula, CA 92590**  
 City  
 State  
 Zip **APN # 938-300-010, 918-040-001**  
**# 918-040-002, 918-040-005**  
**#918-030-004**

**DOC # 2008-0071146**  
 02/13/2008

Conformed Copy

Has not been compared with original

**Larry W Ward**  
 County of Riverside  
 Assessor, County Clerk & Recorder

Space above this line for recorder's use

WOLCOTT'S FORMS, INC.

Since 1893

# EASEMENT *SECONDARY*

## FOR PUBLIC INGRESS, EGRESS AND COMMON UTILITIES

This agreement is made and entered into this 7<sup>TH</sup> day of FEBRUARY, 2008 by AMERICAN CONTRACTING, INC. a WYOMING CORPORATION hereinafter called "GRANTOR") being the owner of the following described real property:

AS RECORDED IN THE RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ON JULY 31, 2007 AS DOCUMENT #0494742 in exchange for valuable consideration, receipt of which is hereby acknowledged, and assigns to \_\_\_\_\_ (hereinafter called "GRANTEE") easement rights to:

**THURBER RANCH, LLC AS OWNER OF THOSE PROPERTIES DESCRIBED IN GRAND DEED RECORDED IN THE RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA ON 1-14-2004 AS DOCUMENT # 0025997, (HEREINAFTER CALLED "GRANTEE") EASEMENT RIGHTS TO, AND SAID EASEMENT IS MORE PARTIALLY DESCRIBED AS:**

### SEE EXHIBIT "A" AND "B" AND MADE PART HERETO

For the sole purpose of: \_\_\_\_\_

**INGRESS, EGRESS ROAD EASEMENT FOR THE GENERAL PUBLIC AND FOR ANY UTILITY REQUIRED TO SERVE THE PROPERTY OWNED BY THURBER RANCH, LLC.**

To have and to hold said easement, right and right-of-way unto the GRANTEE, his successors or assigns for a period of: **UNTIL THE END OF TIME.**

Subject to the following specific conditions and restrictions: \_\_\_\_\_

~~**UNLESS A QUIT CLAIM DEED IS RECORDED VACATING SAID EASEMENT BY GRANTEE**~~



Except as to the rights granted herein, the GRANTOR shall continue to have full use, occupancy and enjoyment of said real property. The GRANTEE hereby agrees to hold and save the GRANTOR harmless from any and all claims, liability and damages arising from the use, possession and occupancy of the real property as herein granted and hereby further agrees to pay for any and all damages.

This agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective heirs, administrators, executors, successors and assigns.

In witness whereof, the parties hereto have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_.

**GRANTOR**

American Contracting, Inc.  
A Wyoming Corporation  
By: Keith H. Candee  
Keith H. Candee  
Its: President

**GRANTEE**

Thurber Ranch, LLC  
By: Keith H. Candee  
Keith H. Candee  
Its: Manager - Member

STATE OF California )  
COUNTY OF Riverside )  
On February 7, 2008, before me, Peg Rasmussen, Notary Public,  
personally appeared Keith Candee

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Peg Rasmussen  
Signature (seal)



## EXHIBIT "A"

### NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT

That portion of Parcel 2 as shown by map on file in Book 115 of Maps at pages 32 and 33, thereof, records of Riverside County, California, lying in Santa Rosa Rancho, more particularly describes as follows:

**BEGINNING** at the northerly corner of said Parcel 2, said point also being on the westerly right of way line of Avenida Hierba (60.00 feet in width as described by Instrument No. 42292 Recorded 4/14/1975 Official Records, Riverside County, California);

Thence South  $64^{\circ}45'27''$  East along northerly line of said Parcel, a distance of 877.21 feet to the southerly line of said parcel, said line also being on the southerly line of Santa Rosa Rancho;

Thence South  $67^{\circ}27'06''$  West along said southerly lines, a distance of 81.00 feet to a line parallel to and distant 60.00 feet southerly, as measured at right angles from said northerly line;

Thence North  $64^{\circ}45'27''$  West along said parallel line a distance of 561.08 feet to the beginning of a tangent curve, concave southerly, having a radius of 300.00 feet;

Thence westerly along said curve through the a central angle of  $11^{\circ}33'18''$  with an arc length of 60.50 feet;

Thence North  $76^{\circ}18'44''$  West, a distance of 97.49 feet to the beginning of a tangent curve, concave southerly, having a radius of 100.00 feet;

Thence westerly along said curve through a central angle of  $10^{\circ}14'13''$  with an arc length of 17.87 feet;

Thence North  $86^{\circ}34'12''$  West, a distance of 41.04 feet to the beginning of a tangent curve, concave southerly, having a radius of 70.00 feet;

Thence westerly along said curve through a central angle of  $01^{\circ}01'34''$  with an arc length of 1.25 feet to the beginning of a non-tangent curve concave easterly having a radius of 50.00 feet, a radial line bears South  $24^{\circ}52'20''$  East, said curve also being on said westerly right of way line;


Thence northerly along said curve and said right of way line through a central angle of  $90^{\circ}25'32''$  with an arc length of 78.91 feet;



Thence North 25°17'37" West continuing along said right of way line, a distance of 50.00 feet to the beginning of a tangent curve, concave easterly, having a radius of 100.00 feet;

Thence northwesterly along said curve, and along said right of way line, through a central angle of 03°27'24" with an arc length of 6.03 feet to the **POINT OF BEGINNING**;

Containing 1.20 acres more or less.

  
\_\_\_\_\_  
Larry R. Markham R.C.E. No. 30657

2-7-08  
Date





RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

Name **Keith H. Candee**  
 Street Address **28924 Front Street, Suite 202**  
**Temecula, CA 92590**  
 City  
 State  
 Zip **APN # 938-300-010, 918-040-001**  
**# 918-040-002, 918-040-005**  
**#918-030-004**

**DOC # 2008-0071147**  
02/13/2008

Conformed Copy

Has not been compared with original

Larry W Ward  
 County of Riverside  
 Assessor, County Clerk & Recorder

Space above this line for recorder's use

WOLCOTTS FORMS, INC.

Since 1893

## EASEMENT

### TEMPORARY CONSTRUCTION

This agreement is made and entered into this 7<sup>TH</sup> day of FEBRUARY, 2008 by AMERICAN CONTRACTING, INC. a WYOMING CORPORATION (hereinafter called "GRANTOR") being the owner of the following described real property:

AS RECORDED IN THE RECORDS OF RIVERSIDE COUNTY CALIFORNIA, ON  
JULY 31, 2007 AS DOCUMENT #0494742 in exchange for valuable consideration, receipt of which is hereby acknowledged, and assigns to \_\_\_\_\_ (hereinafter called "GRANTEE") easement rights to:

**THURBER RANCH, LLC AS OWNER OF THOSE PROPERTIES DESCRIBED IN GRAND DEED RECORDED IN THE RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA ON 1-14-2004 AS DOCUMENT # 0025997, SAID EASEMENT IS MORE PARTIALLY DESCRIBED AS:**

**SEE EXHIBIT "A" AND "B" ATTACHED AND MADE A PART HERETO**

For the sole purpose of: \_\_\_\_\_

**TO CONSTRUCT A ROAD FOR THE GENERAL PUBLIC AND INCLUDING ANY UTILITY REQUIRED TO SERVE THE PROPERTY OWNED BY THURBER RANCH, LLC.**

To have and to hold said easement, right and right-of-way unto the GRANTEE, his successors or assigns for a period of:  
**UNTIL ALL IMPROVEMENTS HAVE BEEN COMPLETED.**

Subject to the following specific conditions and restrictions:  
**UNTIL A NOTICE OF SUBSTANTIAL COMPLETION HAS BEEN RECORDED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA (BY THE GRANTEE).**



## EXHIBIT "A"

### TEMPORARY CONSTRUCTION EASEMENT

That portion of Parcel 2 as shown by map on file in Book 115 of Maps at pages 32 and 33, thereof, records of Riverside County, California, lying in Santa Rosa Rancho, more particularly describes as follows:

**BEGINNING** at the northwesterly corner of said Parcel 2, said point also being on the southerly right of way line of Avenida Hierba (60.00 feet in width as described by Instrument No. 42292 Recorded 4/14/1975 Official Records, Riverside County, California);

Thence South  $28^{\circ}30'14''$  West along the westerly line of said Parcel 2, a distance of 50.00 feet;

Thence South  $78^{\circ}49'58''$  East, a distance of 263.96 feet to a line parallel to and distant 110.00 feet southerly as measured at right angles from the northerly line of said Parcel 2;

Thence South  $64^{\circ}45'27''$  East along said parallel line, a distance of 516.41 feet to a point on the southerly line of said Santa Rosa Rancho;

Thence North  $67^{\circ}01'14''$  East along said southerly line, a distance of 67.05 feet to a line parallel to and distant southerly 60.00 feet of said northerly line of said parcel 2;

Thence North  $64^{\circ}45'27''$  West along said parallel line, a distance of 561.08 feet to the beginning of a tangent curve, concave southerly, having a radius of 300.00 feet;

Thence westerly along said curve through a central angle of  $11^{\circ}33'18''$  with an arc length of 60.50 feet;

Thence North  $76^{\circ}18'44''$  West, a distance of 97.49 feet to the beginning of a tangent curve, concave southerly, having a radius of 100.00 feet;

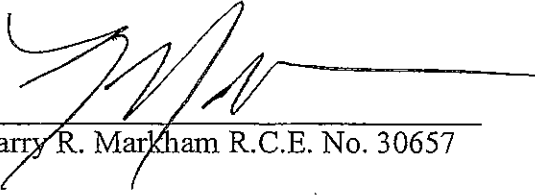
Thence westerly along said curve through a central angle of  $10^{\circ}14'13''$  with an arc length of 17.87 feet;

Thence North  $86^{\circ}32'57''$  West, a distance of 41.04 feet to the beginning of a tangent curve, concave southerly, having a radius of 70.00 feet;

Thence westerly along said curve through a central angle of  $01^{\circ}01'34''$  with an arc length of 1.25 feet to the beginning of a non-tangent curve westerly, having a radius of 50.00 feet, said point is also on the westerly right of way line of said Avenida Hierba, a radial line bears South  $24^{\circ}52'20''$  East;

Thence westerly along said curve, and said right of way line, through a central angle of 53°22'31" with an arc length of 46.58 of to the **POINT OF BEGINNING**;

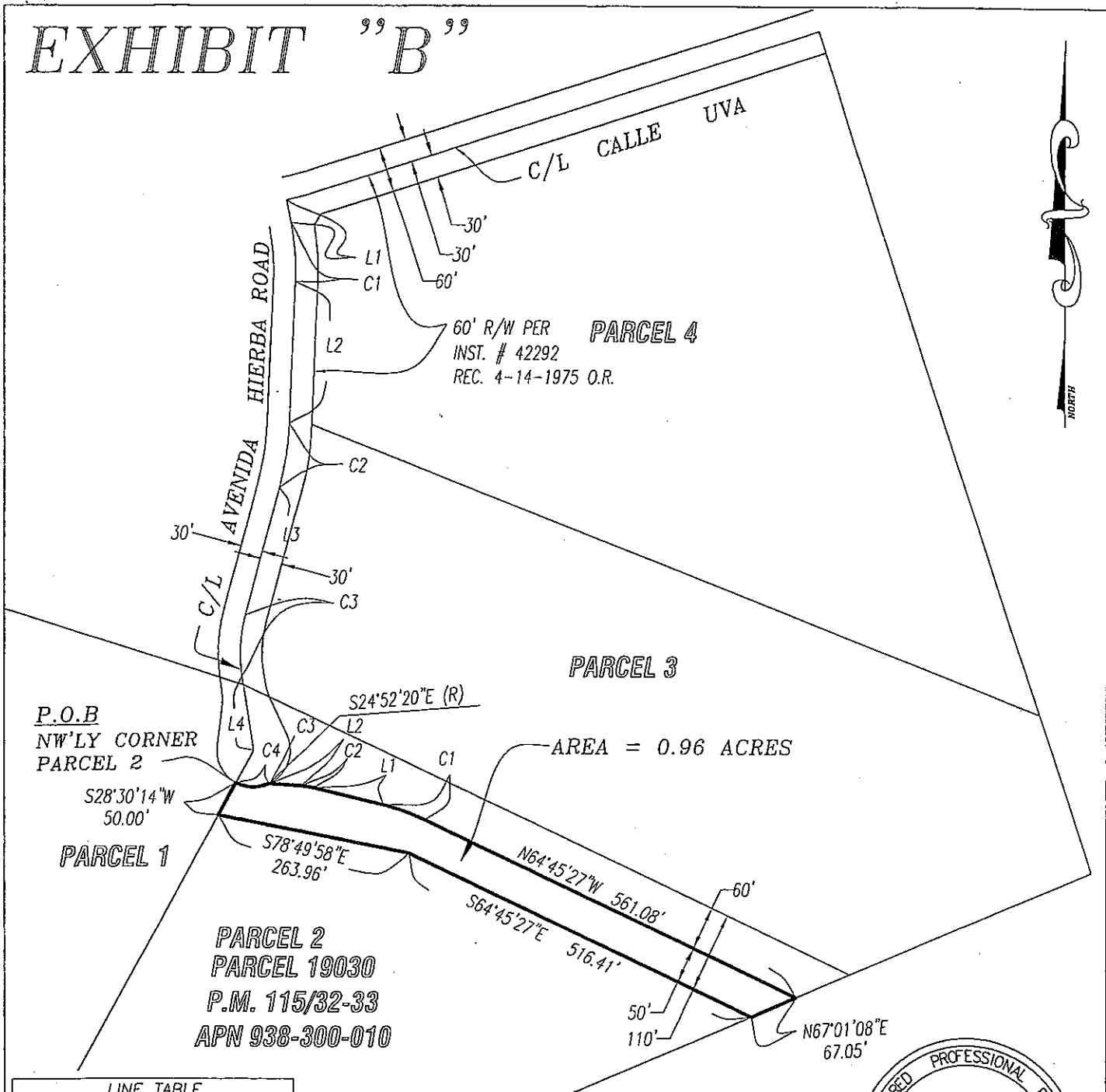
Containing **0.96** acres more or less.

  
Larry R. Markham R.C.E. No. 30657

2-7-08  
Date

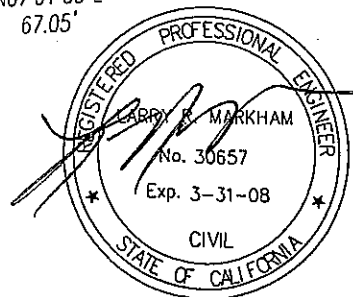


# EXHIBIT "B"



LINE TABLE		
NO.	DELTA	LENGTH
L1	N76°18'44"W	97.49'
L2	N86°32'57"W	41.04'

CURVE TABLE				
NO.	DELTA	RADIUS	TANGENT	LENGTH
C1	11°33'18"	300.00'	30.35'	60.50'
C2	10°14'13"	100.00'	8.96'	17.87'
C3	1°01'34"	70.00'	0.64'	1.25'
C4	53°22'31"	50.00'	25.13'	46.58'

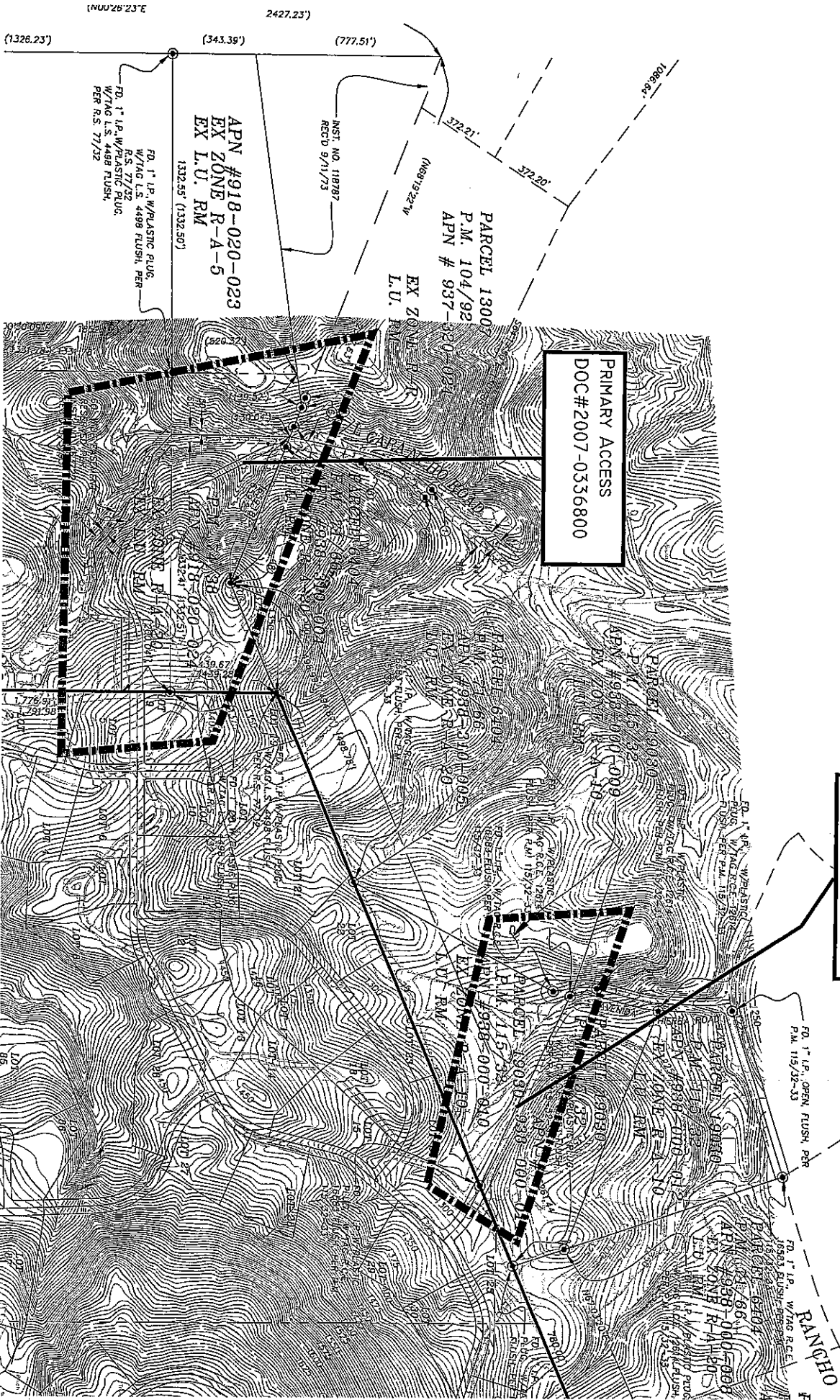


MARKHAM DEVELOPMENT MANAGEMENT GROUP, INC.  
 41635 Enterprise Circle N. - Suite B  
 Temecula, California 92590  
 (951)296-3466 TEL (951)296-3476 FAX

## RIVERSIDE COUNTY, CALIFORNIA

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) DESCRIBED IN THE ATTACHED DOCUMENT.

SHEET 1 OF 1 | TEMPORARY CONSTRUCTION EASEMENT  
 SCALE = 200" | SEC. 32, T.8S., R.3W | DATE 2/07/08  
 DRWN BY \_\_\_\_\_ DATE \_\_\_\_\_  
 CHKD BY \_\_\_\_\_ DATE \_\_\_\_\_



November 30, 2009

*VIA ELECTRONIC MAIL AND FACSIMILE*

Riverside County Planning Commission  
ATTN: Mike Harrod  
County of Riverside  
4080 Lemon St., 9<sup>th</sup> Floor  
Riverside, CA 92501

**RE: Item 5.0, General Plan Amendment Initiation Proceedings  
(December 2, 2009)**

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on these landowner-initiated GPA proposals, which once again call for planning rigor and retaining the integrity of the Foundation system.

Item 5.1, GPA 1033 (Southwest Area Plan)

*Concur with staff recommendation to decline to initiate.* Important new information is contained in the staff report that adds to the many compelling reasons to deny initiation. Specifically, according to the Rancho California Water District, the new agricultural uses would face a water shortage (and presumably further stress existing farms and vineyards), polluted runoff would pose a threat to drinking water quality in the Vail Lake reservoir, and there is a shortage of sewer treatment capacity.

As noted previously, this proposal to extend the Citrus Vineyard Policy Area to Vail Lake is wholly unsuited for this locale. As shown in the thorough staff report, it would introduce a type and intensity of development far in excess of that anticipated by the General Plan's Vail Lake Policy Area and the policies of SWAP. The small farm and commercial development model of Citrus Vineyard has no relevance to the biological, viewshed, and recreational imperatives of Vail Lake. No changed circumstances justify this wholesale change. A massive upzoning to 2-acre lots would introduce large scale residential uses into a high fire hazard area, decimate the biological resources needed for MSCHP assembly, and constitute a leapfrog pattern of development apart from services and infrastructure. Finally, according to the Planning Department, "The proposed amendment also creates an internal inconsistency among the Elements of the General Plan, particularly the Multipurpose Open Space Element and the Safety Element."

Item 5.2, GPA 985 (Elsinore)

*Concur with staff recommendation to decline to initiate.* This constrained site has serious and unresolved flood hazard issues, and the claim to provide needed



affordable housing does not stand up to scrutiny, as documented in the staff report. Furthermore, the change would likely interfere with MSCHP assembly and should not proceed unless and until facilitation of a reserve segment can be documented.

Item 5.3, GPA 1000 (Southwest Area Plan)

**Concur with staff recommendation to decline to initiate.** Conversion of this 379-acre rural location to Community Development/Specific Plan would defy all relevant planning principles. It would urbanize an intact rural area discontinuous from urban infrastructure and services, maximize greenhouse gas emissions, and, contrary to the recommendation of the Fire Hazard Reduction Task Force, place development in a rugged, high fire hazard location. No new circumstance justifies this Foundation change, which would thus conflict with the Administrative Element of the General Plan. According to the staff report, this increase in intensity "would be contrary to the existing character and land use pattern in the area."

Item 5.4, GPA 998 (French Valley)

**Concur with staff recommendation to decline to initiate.** The French Valley presents difficult challenges for MSHCP assembly, and this proposal to convert Rural land to Community Development within a Criteria Cell would prejudice preserve assembly. The steep slopes also present landslide hazards. For these reasons, the project could, according to staff, create General Plan inconsistencies involving the Land Use Multi-Purpose Open Space, and Safety Elements. Surrounding parcels are intact Rural, and no changed circumstances justify piecemeal urbanization of an area generally recognized as an important community separator.

Item 5.5, GPA 977 (Mead Valley/Elsinore)

**Concur with staff recommendation to decline to initiate.** This is a massive proposal to redesignate 405 acres of Rural Mountainous and Rural Residential to Rural Community 1-acre lots. Discontinuous from infrastructure and services, and not responding to changed circumstances, the proposal utterly lacks planning merit. Indeed, due to public safety and MSHCP conflicts, staff concluded that:

This amendment would potentially create inconsistency between the Land Use Element and the Safety Element by increasing density in an area with steep slopes, high fire hazard and no nearby fire stations, limited access, and subject to flooding. Increasing the density/intensity of allowable land use on the site, as proposed by this amendment, would also exacerbate potential conflicts between such uses and the conservation requirements as set forth in the MSHCP, causing inconsistencies between the Land Use Element and the Multi-Purpose Open Space Element of the General Plan.

Item 5.6, GPA 1043 (Southwest Area Plan)

**Concur with staff recommendation to decline to initiate.** This 629-acre property in rugged terrain is remote from infrastructure and services and is at high fire risk. Uses

should not be intensified here. Furthermore, the Riverside County Fire Hazard Reduction Task Force made the following recommendation:

*Update the Riverside County General Plan and complete consistency zoning actions to limit residential growth within or adjacent to high fire hazard areas.*

As staff notes, the proposal would be inconsistent with the General Plan vision for the area, create internal inconsistencies in the General Plan, and reflects no changed circumstances.

Item 5.7, GPA 988 (Elsinore)

*Concur with staff recommendation to decline to initiate.* This proposal responds to no changed circumstances. It would intensify residential uses within a very high fire hazard area, contrary to the recommendation of the Fire Hazard Reduction Task Force. The current designation correctly reflects the viewshed and buffer characteristics of the area, and should not be altered. According to staff, "Increasing the intensity of uses on the site could also potentially create inconsistencies amongst the Land Use element and the Safety element of the General Plan."

Item 5.8, GPA 943 (Winchester)

*Concur with staff recommendation to decline to initiate,* as the proposal would violate an established boundary of Community Development and Rural Community.

Item 5.9, GPA 1001 (Winchester)

*Concur with staff recommendation to decline to initiate,* as the proposal would violate an established boundary of Community Development and Rural Community.

Item 5.10, GPA 921 (Menifee Valley/Sun City)

*Disagree with staff recommendation for initiation.* This 78-acre Rural property is in an area previously identified in the General Plan for its rural character and it may function as a "community separator." No significant new circumstances justify a foundation change to Community Development. *Indeed, with the incorporation of Menifee, any urbanization should proceed over time through an orderly process of annexation rather than through piecemeal approvals in the unincorporated area.* No absorption analysis has demonstrated the need for more urban-designated land in the region, and even if so, there is no indication that this site is optimal from a greenhouse gas or planning perspective.

Item 5.11 GPA 931 (French Valley)

*Concur with staff recommendation to decline to initiate.* The proposed density is inconsistent with the Riverside County Airport Land Use Commission's Basic Compatibility Criteria. The site forms a clear demarcation between Rural and

Community Development, and no changed circumstance is present to justify altering that boundary. No absorption analysis has demonstrated the need for more urban-designated land in the region, and even if so, there is no indication that this site is optimal from a greenhouse gas or planning perspective. Piecemeal urbanization should be rejected.

Thank you for considering our views, and we look forward to working with you as the Five-Year Update proceeds.

Sincerely,

Dan Silver, MD  
Executive Director

Electronic cc: Board Offices  
George Johnson, TLMA  
Ron Goldman, Planning Dept.  
Katherine Lind, County Counsel

Carolyn Luna, EPD  
Greg Neal, EPD  
Interested parties

**MDMG Inc**  
**41635 Enterprise Circle North**  
**Temecula CA 92590**  
**GPA1043-Applicant/Engineer**

**Keith Candee**  
**2924 Front St. #202**  
**Temecula CA 92590**  
**GPA1043-Owner**

**MDMG Inc**  
41635 Enterprise Circle North  
Temecula CA 92590  
GPA1043-Applicant/Engineer

**Keith Candee**  
2924 Front St. #202  
Temecula CA 92590  
GPA1043-Owner

Planning Commission and the Board of Supervisors would consider this GPA initiation request.

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings on this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance.