

**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA APPROVING SPECIFIC PLAN AMENDMENT NO. PLN23-0175 TO CHANGE THE BOUNDARY OF THE MENIFEE NORTH SPECIFIC PLAN TO INCLUDE APN 331-110-023 AND DESIGNATE IT AS PLANNING AREA 2 - INDUSTRIAL, AND ZONE CHANGE NO. PLN23-0174 TO CHANGE TO ZONING DESIGNATION OF APN 331-110-023 FROM HEAVY INDUSTRIAL TO MENIFEE NORTH SPECIFIC PLAN, GENERALLY LOCATED SOUTH OF ETHANAC ROAD, NORTH OF MCLAUGHLIN, EAST OF TRUMBLE ROAD, AND WEST OF SHERMAN ROAD**

**WHEREAS**, on October 2, 2023, the applicant, Core5 Industrial Partners, LLC (“Applicant”), filed a formal application with the City of Menifee for the approval of General Plan Amendment (GPA) No. PLN23-0173 to change the land use designation of one parcel APN 331-110-023 from Heavy Industrial (HI) to Specific Plan (SP), more specifically the Menifee North SP, Specific Plan Amendment (SPA) No. PLN23-0175 to change the boundary of the Menifee North SP to include APN 331-110-023 and designate it as Planning Area 2-Industrial, Zone Change (ZC) No. PLN23-0174 to change to zoning designation of APN 331-110-023 from HI to Menifee North SP, and Plot Plan (PP) No. PLN23-0171 for the construction of an approximately 264,710 square-foot warehouse/industrial building with 10,000 square feet of office space and 254,710 square feet of warehouse space on an 11.47-acre site. The Project site is generally located north of McLaughlin Road, south of Ethanac Road, east of Trumble Road, and west of Sherman Road within the City of Menifee (City), County of Riverside, State of California (APNs: 331-110-038, 039, and 023); and

**WHEREAS**, the applications for SPA No. PLN23-0175 and ZC No. PLN23-0174 are being processed concurrently with applications for GPA No. PLN23-0173 and PP No. PLN23-0171; and

**WHEREAS**, collectively, all the applications are referred to as the “Project” or “Ethanac Business Park”; and

**WHEREAS**, SPA No. PLN23-0175 is the sixth proposed amendment to the Menifee North SP and a detailed visual of the changes has been prepared and attached hereto as Exhibit “A” of the Ordinance; and

**WHEREAS**, a detailed visual for ZC No. PLN23-0174 has been prepared and attached hereto as Exhibit “B” of the Ordinance; and

**WHEREAS**, on October 23, 2024, the Planning Commission of the City of Menifee held a public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for the adoption of the IS/MND for GPA No. PLN23-0173, SPA No. PLN23-0175, ZC No. PLN23-0174, and PP No. PLN23-0171 which hearing was publicly noticed by a publication in *The Press Enterprise*, a newspaper of general circulation, an agenda posting, notices placed on the Project site, notice to property owners and non-owner residents within 800 feet of the Project boundaries, notice to all relevant agencies and to persons requesting notification; and

**WHEREAS**, at the October 23, 2024 Planning Commission public hearing, based upon the materials in the staff report and accompanying documents, public comments, and Planning Commission discussion, the City of Menifee Planning Commission recommended the City Council approve GPA No. PLN23-0173, SPA No. PLN23-0175, ZC No. PLN23-0174, and PP No. PLN23-0171; and

**WHEREAS**, on November 20, 2024, the City Council held a duly noticed public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for the Project, which hearing was publicly noticed in *The Press Enterprise*, a newspaper of general circulation, an agenda posting, on-site posting, notice to property owners within 800 feet of the Project boundaries, and to persons requesting public notice; and

**WHEREAS**, all other legal prerequisites to the adoption of this Ordinance have occurred.

**NOW, THEREFORE**, the City Council of the City of Menifee does ordain as follows:

**Section 1:** The City of Menifee’s City Council hereby makes the following findings for SPA No. PLN23-0175 in accordance with Title 9, Article 2, Chapter 9.100.70, “Findings for Approval” of the City of Menifee Comprehensive Development Code:

**Finding 1 - The specific plan is consistent with the intent of the goals and policies of the General Plan and is not inconsistent with any element thereof.**

As mentioned in Section 1 above, the Project site currently has a General Plan land use designation of HI which is intended for more intense industrial activities, such as manufacturing uses, that can generate significant impacts such as excessive noise, dust, and other nuisances. The proposed amendment would seek to change the General Plan land use designation to SP, more specifically the Menifee North SP, and designating it as Planning Area 2 – Industrial. The proposed amendment is to create consistent development standards for the Project as it is bisected by both designations. The proposed amendment will be consistent with the vision, goals, and policies of the General Plan as both designations are similar and are intended for industrial uses.

In addition, the SP is consistent with the following City of Menifee General Plan policies:

- *LU-1.1: Concentrate growth in strategic locations to help preserve rural areas, create place and identity, provide infrastructure efficiently, and foster the use of transit options.*

The proposed SPA will help to ensure that industrial development will happen where it was envisioned by facilitating the standards for the Project site. This area was already

identified under the General Plan and SP as a strategic area for industrial development to occur.

- *ED-1.2: Diversify the local economy and create a balance of employment opportunities across skill and education levels, wages and salaries, and industries and occupations.*

The proposed Project will expand the local economy and provide increased employment opportunities for local residents.

**Finding 2 - The specific plan prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.**

As previously mentioned, the Project site currently has a General Plan land use designation of HI which is intended for more intense industrial activities. Changing the Project site to the Menifee North SP Planning Area 2 – Industrial, would be compatible with the surrounding land use and zoning designations which are also in Planning Area 2 to the north, south, east, and west. The established uses which surround the Project site are vacant lots, industrial uses, and three rural homes to the west. The proposed change will not be substantially different from the exiting land use and will have to comply with all applicable City, State, and Federal requirements.

**Finding 3 - The specific plan provides reasonable property development rights while protecting environmentally sensitive land uses and species.**

The proposed amendment is proposed to create more cohesive development standards and to help facilitate development on the Project site. To ensure the Project would not affect the general health, safety and/or welfare of the community, an IS/MND was prepared to analyze potential impacts to the surrounding persons residing or working in the community. Impacts that were found to be significant were able to be mitigated to a level less than significant with mitigation measures incorporated.

**Finding 4 - The specific plan provides for the protection of the health, safety, and/or general welfare of the community.**

The SPA will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. The associated entitlements have been reviewed and conditioned by the City of Menifee Community Development Department, Engineering Department, Office of the Fire Marshal, and other applicable agencies to ensure that it will not create conditions materially detrimental to the surrounding uses. Conditions of approval include landscaping, roadway improvements consistent with the General Plan, expanded sidewalks and a network of bike lanes to encourage non-vehicular travel, fire infrastructure, and drainage improvements that will benefit

the Project site and surrounding areas.

As previously mentioned, in addition, environmental impacts resulting from the implementation of the Project and associated SPA have been analyzed in the IS/MND that was prepared for the Project.

**Section 2:** The City of Menifee’s City Council hereby makes the following findings for ZC No. PLN 23-0174 in accordance with Title 9, Article 2, Chapter 9.115.70, “Findings for Approval” of the City of Menifee Comprehensive Development Code:

**Finding 1 - The proposed zone or amendments to this Title is consistent with the intent of the goals and policies of the General Plan.**

The Project site currently has a zoning designation of HI which is intended for more intense industrial activities, such as manufacturing uses, that can generate significant impacts such as excessive noise, dust, and other nuisances. The proposed amendment would seek to change the zoning designation to the Menifee North SP Planning Area 2 – Industrial. The proposed amendment is to create consistent development standards for the Project as it is bisected by both designations. The proposed amendment will be consistent with the vision, goals, and policies of the General Plan as both designations are similar and are intended for industrial uses.

In addition, the SP is consistent with the following City of Menifee General Plan policies:

- *LU-1.1: Concentrate growth in strategic locations to help preserve rural areas, create place and identity, provide infrastructure efficiently, and foster the use of transit options.*

The proposed amendment will help to ensure that industrial development will happen where it was envisioned by facilitating the standards for the Project site. This area was already identified under the General Plan and SP as a strategic area for industrial development to occur.

- *ED-1.2: Diversify the local economy and create a balance of employment opportunities across skill and education levels, wages and salaries, and industries and occupations.*

The proposed Project will expand the local economy and provide increased employment opportunities for local residents.

**Finding 2 - The proposed zone or amendments to this Title prescribes reasonable controls and standards to ensure compatibility with other established uses.**

The Project site currently has a zoning designation of HI which is intended for more intense industrial activities. Changing the Project site to the Menifee North SP Planning Area 2 – Industrial, would be

compatible with the surrounding land use and zoning designations which are also in Planning Area 2 to the north, south, east, and west. The established uses which surround the Project site are vacant lots, industrial uses, and three rural homes to the west. The proposed change will not be substantially different from the existing land use and will have to comply with all applicable City, State, and Federal development standards and policies.

**Finding 3 - The proposed zone or amendments to this Title provides reasonable property development rights while protecting environmentally sensitive land uses and species.**

The proposed amendment is proposed to create more cohesive development standards and to help facilitate development on the Project site. To ensure the Project would not affect the general health, safety and/or welfare of the community, an IS/MND was prepared to analyze potential impacts to the surrounding persons residing or working in the community. Impacts that were found to be significant were able to be mitigated to a level less than significant with mitigation measures incorporated.

**Finding 4 - The proposed zone or amendments to this Title ensures protection of the general health, safety and welfare of the community.**

The zone change will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. The associated entitlements have been reviewed and conditioned by the City of Menifee Community Development Department, Engineering Department, Office of the Fire Marshal, and other applicable agencies to ensure that it will not create conditions materially detrimental to the surrounding uses. Conditions of approval include landscaping, roadway improvements consistent with the General Plan, expanded sidewalks and a network of bike lanes to encourage non-vehicular travel, fire infrastructure, and drainage improvements that will benefit the Project site and surrounding areas.

As previously mentioned, in addition, environmental impacts resulting from the implementation of the Project and associated SPA have been analyzed in the IS/MND that was prepared for the Project.

**Section 3: California Environmental Quality Act (CEQA) Compliance.** An IS/MND and Mitigation Monitoring and Reporting Program (MMRP) has been completed for the Project and accepted by the City Council pursuant to a separate Resolution. The ZC and SPA are consistent with the IS/MND, which the City Council has considered as part of its proceedings.

**Section 4: Approval of the Change of Zone and Specific Plan Amendment.** The City Council finds that the facts present within the public record and within this Ordinance provide the basis to approve ZC No. PLN23-0174 and SPA No. PLN23-0175.

**Section 5: Effective Date.** The Ordinance shall take effect and be in full force and

operation 30 days after its second reading and adoption.

**Section 6: Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**Section 7: Notice of Adoption.** The City Clerk is authorized and directed to cause this Ordinance to be published within 15 days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

**Section 8:** The documents and materials that constitute the record of proceedings on which this Ordinance has been based are located at the Community Development Department – Planning Division, 29844 Haun Road, Menifee, CA 92586. This information is provided in compliance with Public Resources Code Section 21081.6.

**THIS ORDINANCE WAS INTRODUCED AND READ** on the 20<sup>th</sup> day of November 2024 and **PASSED, APPROVED AND ADOPTED** this 4<sup>th</sup> day of December 2024.

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Bill Zimmerman, Mayor

Attest:

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Stephanie Roseen, Acting City Clerk

Approved as to form:

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Jeffrey T. Melching, City Attorney