

# CONDITIONS OF APPROVAL

**Planning Application No.:** Tentative Tract Map No. PLN 22-0033 (TTM 38303)

**Project Description:** Tentative Tract Map No. PLN 22-0033 (TTM 38303) includes a subdivision to establish the boundaries and dimension of streets and the proposed mass grading for the MVSP. Following map recordation, the final map would become the legal document that identifies the lots and backbone infrastructure to allow for future subdivision maps to be filed.

The Project is generally located within the Menifee Valley Ranch Specific Plan No. 301 (SP 301) in the northeastern portion of the City of Menifee in Riverside County, California. The Project site is generally bounded on the north by State Route 74 (SR-74) and the west by Menifee Road, both identified in the City's General Plan as designated truck routes. Directly south are the Burlington Northern Santa Fe railroad tracks (BNSFRR), SCE transmission facilities, and Matthews Road (a dirt road designated only as a paper street). Directly to the east is Briggs Road.

**State Clearinghouse No.:** 2022030233

**Assessor's Parcel No.:** 331-260-005 through -009, 331-270-005, 331-280-005, 331-290-004, 331-300-002, -004, -005, -007, and -013, 333-170-006 and -011 through -013

**MSHCP Category:** Backbone/Community-Serving Roads only (Conveyance purposes and mass grading only and no uses proposed; MSHCP fees due on Backbone/Community-Serving Roads)

**DIF Category:** N/A

**TUMF Category:** N/A

**Quimby Category:** N/A

**Approval Date:** February 21, 2024 (City Council Hearing)

**Expiration Date:** Per the Development Agreement

### **Within 48 Hours of the Approval of This Project**

1. **Indemnification.** Within 48 hours of project approval, the Applicant/developer shall indemnify, defend, and hold harmless the City of Menifee and its elected city council, appointed boards, commissions, committees, officials, employees, volunteers, contractors, consultants, and agents from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either the City's approval of the Project or actions related to the Property or the acts, omissions, or operations of the applicant/developer and its directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the applicant/developer with respect to the ownership, planning, design, construction, and maintenance of the Project and the Property for which the Project is being approved.
2. **Filing Notice of Determination or Exemption.** Within 48 hours of project approval, the Planning Division will determine the appropriate fees for the Notice of Determination (NOD) filing and request the payment of fees to the City of Menifee in the form of a check or cash. Upon receipt of payment, the Planning Division will file the NOD or NOE with the relevant agencies as required under Public Resources Code, California Code of Regulations and California Fish and Game Code.

**Section I: Community Development Conditions of Approval**

**Section II: Engineering Department Conditions of Approval**

**Section III: Building and Safety Department Conditions of Approval**

**Section IV: Office of the Fire Marshal Conditions of Approval**

**Section V: Outside Agency Letters**

## **Section I:**

# **Community Development Department – Planning Division**

## **GENERAL CONDITIONS**

3. **Riverside County Department of Environmental Health.** The project shall comply with the attached Riverside County Department of Environmental Health letter dated March 4, 2022.
4. **Riverside County Airport Land Use Commission.** The project shall comply with the attached Riverside County Airport Land Use Commission letter dated November 16, 2022.
5. **Exhibits.** The project shall be constructed as approved by the City Council on February 7, 2024, and as shown in Attachment No. 2 in the accompanying staff report. Any subsequent changes shall be processed per Menifee Municipal Code Section 7.20.140 Modifications to Previously Approved Maps.
6. **Definitions.** The words identified in the following list that appear in the attached conditions of approval for Tentative Tract Map No. PLN 22-0033 shall be henceforth defined as follows:
  - Final Map = Final Map for the Tentative Map whether recorded in whole or in phases.
  - Specific Plan = Adopted Menifee Valley Specific Plan No. PLN 21-0217
  - EIR = Environmental Impact Report State Clearinghouse Number 2022030233
  - MMRP = Mitigation Monitoring Program for Menifee Valley Specific Plan EIR
  - Development Agreement = Development Agreement by and between the City of Menifee and Minor Ranch, LLC regarding the Menifee Valley Specific Plan dated December 2023 and as subsequently amended
7. **Mitigation Monitoring.** The applicant shall comply with, prepare and submit a written report to the Community Development Director demonstrating compliance with those conditions of approval and mitigation measures of this tract map which must be satisfied prior to the issuance of a grading permit for review and approval. The Community Development Director may require inspection or other monitoring to ensure such compliance.
8. **Specific Plan.** The Project site is located within a Specific Plan. The City and Applicant acknowledge and agree that development, including, but not limited to, the overall density and intensity, allowed uses, design guidelines, including entry monumentation and landscaping, building standards and setbacks of the parcels within the Project site shall comply with the Specific Plan. To the extent any of these conditions are in conflict with the Specific Plan, the Specific Plan shall supersede the Conditions of Approval contained herein. The required infrastructure shall also comply with the Specific Plan.
9. **Development Agreement.** The Project is subject to the Development Agreement, which applies to the area described in the legal description in the Development Agreement. The Tentative Map shall comply with the requirements within the Development Agreement. To the extent any of these conditions are in conflict with the Development Agreement, the Development Agreement shall supersede the Conditions of Approval contained herein.
10. **No Building Permits.** No building permits shall be issued pursuant to this subdivision. Subsequent entitlements, which may include subdivisions, plot plans, and/or conditional

use permits, are required for development of the parcels pursuant to the Development Agreement, Specific Plan, and EIR/MMRP.

11. **Ninety (90) Days.** The applicant has ninety (90) days from the date of approval of these conditions to protest the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of this approval or conditional approval of this project per Government Code Section 66020.
12. **Subsequent Submittals.** Any subsequent submittals required by these Conditions of Approval, including but not limited to grading plan, building plan or mitigation monitoring review, shall be reviewed on an hourly basis (research fee), or other such review fee as may be in effect at the time of submittal, as required by Resolution No. 22- 1229 (Cost of Services Fee Study), or any successor thereto. Each submittal shall be accompanied by a letter clearly indicating which condition or conditions the submittal is intended to comply with.
13. **Expiration Date.** This conditionally approved Tentative Map shall become null and void three (3) years after the City of Menifee City Council original approval date, unless extended as provided by the Development Agreement, Subdivision Map Act, or Title 7 of the City of Menifee Municipal Code.
14. **Modifications or Revisions.** The applicant shall obtain City approval for any modifications or revisions to the approval of this project.
15. **Comply with Ordinances.** This project shall comply with the standards of the City of Menifee Development Code, City of Menifee Municipal Code, City of Menifee Design Guidelines and all other applicable ordinances and State and Federal codes and regulations.
16. **Map Act Compliance.** This land division shall comply with the State of California Subdivision Map Act and to all requirements of Title 7 of the City of Menifee Municipal Code, unless modified by the conditions listed herein.
17. **No Offsite Subdivision Signage.** No offsite subdivision signs advertising this land division/development are permitted, other than those allowed under the Menifee Municipal Code. Violation of this condition of approval may result in no further permits of any type being issued for this subdivision until the unpermitted signage is removed.
18. **Development Impact Fees.** The applicant shall pay all applicable development impact fees including but not limited to Development Impact, Multi-Species Habitat Conservation Plan (MSHCP), Quimby, Stephen's Kangaroo Rat (KRAT), School Fees, Transportation Uniform Mitigation Fee (TUMF), Road and Bridge Benefit District (RBBD), and Area Drainage Plan (ADP).
19. **Phases.** Phasing of project construction shall be consistent with the phasing proposed in the Specific Plan, unless modified by the Development Agreement.
20. **Property Maintenance.** All parkways, entryway medians, on-site and off-site landscaping, walls, fencing, recreational facilities, basins, and on-site lighting shall be maintained by the owner or private entity or the City of Menifee Community Facilities District (CFD).

All landscaping and similar improvements not properly maintained by a property owners association, individual property owners, or the common area maintenance director must be annexed into a Lighting and Landscape District, or other mechanism as determined by the City of Menifee.

The land divider, or any successor-in-interest to the land divider, shall be responsible for maintenance and upkeep of all slopes, landscaped areas and irrigation systems within the land division until such time as those operations are the responsibility of a property owner's association, or any other successor-in-interest.

The owners of each individual lot shall be responsible for maintaining all landscaping between the curb of the street and the proposed sidewalk and side yard landscaping between the curb of the street and proposed fencing, unless the landscaping is included within a separate common lot maintained by an HOA or other entity acceptable to the City of Menifee.

21. **Outside Agencies.** The applicant shall comply with all comments and conditions of approval from any responsible agencies as shown in the attached letters from associated agencies.

#### ARCHEOLOGY

22. **Human Remains.** If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.
23. **Non-Disclosure of Location Reburials.** It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254(r), parties and Lead Agencies will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).
24. **Inadvertent Archaeological Find.** If during ground-disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition only, as being multiple artifacts in close association with each other, but may include fewer artifacts if the

area of the find is determined to be of significance due to its sacred or cultural importance as determined in consultation with the Native American Tribe(s).

All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the tribal representative(s), and the Community Development Director to discuss the significance of the find.

At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representative(s) and the archaeologist, a decision shall be made, with the concurrence of the Community Development Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.

Grading or further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional Tribal monitors if needed.

Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Management Plan (CRMP) and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or reburial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Condition.

If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project archeologist, in consultation with the Tribe, and shall be submitted to the City for review and approval prior to implementation of the said plan.

Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the City Community Development Director for decision. The City Community Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the Project archaeologist, and shall take into account the cultural and religious principles and practices of the Tribe. Notwithstanding any other rights available under the law, the decision of the City Community Development Director shall be appealable to the City Planning Commission and/or City Council.

**25. Cultural Resources Disposition.** In the event that Native American cultural resources are discovered during the course of ground-disturbing activities (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

- One or more of the following treatments, in order of preference, shall be employed with the Tribes. Evidence of such shall be provided to the City of Menifee Community Development Department:

- **Preservation-in-Place of the Cultural Resources, If Feasible.** Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources.
- **Reburial of the Resources on the Project Property.** The measures for reburial shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods, and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV Report. The Phase IV Report shall be filed with the City under a confidential cover and will not be subject to Public Records Requests.
- If preservation in place or reburial is not feasible then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources, thereby ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, items of Native American Cultural Patrimony, burial goods, and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

## **PALEONTOLOGY**

26. **Inadvertent Paleontological Find.** In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within fifty (50) feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the Planning Division to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, the Project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the Planning Division for review and approval and the Project proponent shall implement the approval plan.

## **PRIOR TO FINAL MAP**

27. **Development Impact Fees.** The applicant shall pay all applicable development impact fees including but not limited to Development Impact Fee (DIF), Multi-Species Habitat

Conservation Plan (MSHCP), Quimby (Parks and Rec), Stephen's Kangaroo Rat (KRAT), School Fees (Perris Union High School District and Romoland School District), Transportation Uniform Mitigation Fee (TUMF), Road and Bridge Benefit District (RBBD), and Area Drainage Plan (ADP).

28. **Final Map Required.** After the approval of the TENTATIVE MAP and prior to the expiration of said map, the land divider shall cause the real property included within the TENTATIVE MAP, or any part thereof, to be surveyed and a FINAL MAP thereof prepared in accordance with the current Engineering Department - Survey Division requirements, the conditionally approved TENTATIVE MAP, and in accordance with City of Menifee Municipal Code.

29. **ECS.** The land divider shall prepare an Environmental Constraints Sheet (ECS) in accordance with Menifee Municipal Code, which shall be submitted as part of the plan check review of the FINAL MAP. A note shall be placed on the FINAL MAP "Environmental Constraint Sheet affecting this map is on file at the City of Menifee Public Works and Engineering Department, in E.C.S Book \_\_\_, Page \_\_\_.

30. **ECS Note Map Constraint.** The following environmental constraints note shall be placed on the ECS:

"No permits allowing any grading, construction, or surface alterations shall be issued which effect the delineated constraint areas of Granite Hill (i.e., Planning Area 7B as shown on Figure 2-1 of the Menifee Valley Specific Plan, dated September 2023) without further investigation and/or mitigation as directed by the City of Menifee Planning Division. This constraint affects lots as shown on the Environmental Constraints Sheet."

31. **ECS Note on Dark Sky Lighting.** The following environmental constraints note shall be placed on the ECS:

"This property is subject to lighting restrictions as required by Menifee Municipal Code Chapter 6 (Ordinance No. 2009-024), which are intended to reduce the effects of night lighting on the Mount Palomar Observatory. All proposed outdoor lighting systems shall be in conformance with Menifee Municipal Code Chapter 6."

32. **ECS Note on MMRP.** The following Environmental Constraints Note shall be placed on the ECS:

"The property is subject to the Mitigation Monitoring and Reporting Plan adopted as part of the Menifee Valley Specific Plan Environmental Impact Report (EIR) for the Project on file with the Community Development Department (State Clearinghouse No. 2022030233)."

#### **PRIOR TO ISSUANCE OF GRADING PERMIT**

33. **Development Impact Fees.** The applicant shall pay all applicable development impact fees including but not limited to Development Impact Fee (DIF), Multi-Species Habitat Conservation Plan (MSHCP), Quimby (Parks and Rec), Stephen's Kangaroo Rat (KRAT), School Fees (Perris Union High School District and Romoland School District),

Transportation Uniform Mitigation Fee (TUMF), Road and Bridge Benefit District (RBBD), and Area Drainage Plan (ADP).

34. **Mitigation Monitoring.** The applicant shall prepare and submit a written report to the Community Development Director or review and approval demonstrating compliance with the standard conditions of approval and mitigation measures identified in the EIR MMRP for this project which must be satisfied prior to issuance of grading permits. The Community Development Director may require inspection or other monitoring to ensure such compliance.
35. **Archaeologist Retained.** Prior to issuance of a grading permit the Project applicant shall retain a Riverside County qualified archaeologist to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

The Project Archaeologist and the Tribal monitor(s) shall manage and oversee monitoring for all initial ground-disturbing activities and excavation of each portion of the Project site including clearing, grubbing, tree removals, mass or rough grading, trenching, stockpiling of materials, rock crushing, structure demolition, etc. The Project Archaeologist and the Tribal monitor(s), shall have the authority to temporarily divert, redirect, or halt the ground-disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with any required special-interest or tribal monitors.

The developer/permit holder shall submit a fully executed copy of the contract to the Community Development Department to ensure compliance with this condition of approval. Upon verification, the Community Development Department shall clear this condition.

In addition, the Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB 52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the Project site. A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB 52. Details in the Plan shall include:

- Project grading and development scheduling.
- The Project archaeologist and the Consulting Tribes(s) shall attend the pre-grading meeting with the City, the construction manager, and any contractors, and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial Training must take the Cultural Sensitivity Training prior to beginning work, and the Project archaeologist and Consulting

Tribe(s) shall make themselves available to provide the training on an as-needed basis.

- The protocols and stipulations that the contractor, City, Consulting Tribe(s), and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

## ARCHEOLOGY

36. **Native American Monitoring (Pechanga Band of Indians).** Tribal monitor(s) shall be required on site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Pechanga Band of Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-named Tribe and the land divider/permit holder for the monitoring of the Project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.
37. **Native American Monitoring (Soboba Band of Luiseño Indians).** Tribal monitor(s) shall be required on site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Soboba Band of Luiseño Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-named Tribe and the land divider/permit holder for the monitoring of the Project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.
38. **Pre-Grading Meeting (Archaeologist).** The qualified archaeologist shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program, including a cultural sensitivity training component.

## PALEONTOLOGY

39. **Pre-Grading Meeting (Paleontologist).** Prior to the start of construction, all field personnel shall be briefed regarding the types of fossils that could be found in the Project area and the procedures to follow should paleontological resources be encountered. This training shall be accomplished at the pre-grade kickoff meeting or morning tailboard meeting and shall be conducted by the Project Paleontologist or his/her representative. Specifically, the training shall provide a description of the fossil resources that may be encountered in the Project area, outline steps to follow in the event that a fossil discovery is made and provide contact information for the Project Paleontologist and on-site monitor(s). The training shall be developed by the Project Paleontologist and may be conducted concurrently with other environmental training (cultural and natural resources awareness training, safety training, etc.).

40. **Paleontologist Required.** Prior to the commencement of ground-disturbing activities, a qualified professional paleontologist shall be retained to prepare and implement a Paleontological Resource Impact Mitigation Program (PRIMP) for the Project. Initially, full-time monitoring is recommended for grading and excavation activities 4 feet below ground surface that will disturb previously undisturbed Quaternary older alluvium (Qof) and very old fan deposits (Qvof). Due to soil development and previous agricultural disturbances, monitoring shall not be required in Project areas where construction activities disturb native sediments at depths less than 4 feet below ground surface. Spot-checking may occur in previously undisturbed young alluvial deposits (Qya) in order to determine if Project activities are impacting the underlying highly sensitive Pleistocene units. Monitoring shall not be required in Project areas underlain by geologic units with no paleontological resource potential (i.e., the granodiorite to tonalite, Kdvg).

Monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. In the event that a paleontological resource is discovered, the monitor shall have the authority to divert temporarily the construction equipment around the find until it is assessed for scientific significance and collected. In areas of high sensitivity, monitoring efforts can be reduced or eliminated at the discretion of the Project Paleontologist if no fossil resources are encountered after 50 percent of the excavations are completed.

#### **BIOLOGICAL RESOURCES**

41. **Burrowing Owl Pre-Construction Survey.** A qualified biologist shall conduct a pre-construction presence/absence survey for burrowing owls within 30 days prior to site disturbance. Proof of this pre-construction survey shall be provided for approval to the City of Menifee Community Development Department, prior to issuance of any grading permits. If burrowing owls are documented on site, the owls shall be relocated/excluded from the site outside of the breeding season following accepted protocols, as specified in MSHCP Section 6.3.2.
42. **Nesting Bird Pre-Construction Survey.** Prior to issuance of any grading permits, the City of Menifee Community Development Department shall confirm that the construction plans indicate that vegetation, including suitable nesting habitat for birds, shall be removed outside the bird nesting season (nesting bird season is February 15 through August 31). If vegetation cannot be removed outside the bird nesting season (February 15 through August 31), nesting bird surveys shall be conducted within 3 days prior to project ground disturbance or vegetation removal to ensure that nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code are not disturbed by construction-related activities (i.e., brush clearing and noise). If nesting birds are documented on or in the immediate vicinity (within approximately 300 feet) of the project site, no construction or clearing shall be conducted within an appropriate avoidance buffer surrounding the active nest(s), as determined by a qualified biologist, until the project biologist determines that the young have fledged or the nest is no longer active.

#### **PRIOR TO COMPLETION OF GRADING**

43. **Paleontological Monitoring Report.** Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped paleontology laboratory to a point ready for curation. Preparation shall include the careful removal of excess matrix from fossil materials and stabilizing and repairing specimens, as necessary. Following laboratory work, all fossil specimens shall be identified to the lowest taxonomic level, cataloged, analyzed, and delivered to the Western Science Center for permanent curation and storage. The cost of curation is assessed by the repository and is the responsibility of the Project owner.

At the conclusion of laboratory work and museum curation, a final report shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the Project. The report shall include a summary of the field and laboratory methods, an overview of the Project area geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the Western Science Center.

44. **Archaeology Report – Phase III and IV.** Upon completion of fieldwork, the developer/permit holder shall prompt the Project Archaeologist to submit two copies of the Phase III Data Recovery report (if required for the Project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).

## **Section li:**

**Engineering Department**

## **GENERAL CONDITIONS**

45. All required public improvements must be constructed and accepted by the City prior to issuance of the first and any subsequent certificate of occupancy, unless approved by City Engineer/Public Works Director.
46. Engineering Design exceptions to City design standards and policies must be specifically requested in writing and approved by City Engineer/PW Director. Any design exceptions shown on the tentative map and associated engineering documents that are not specifically requested are not approved.
47. The developer is responsible to furnish and install one 2" and one 3" conduit for traffic signal interconnect and broadband purposes, per City of Menifee Standard Detail 1005, along all circulation element roads and intersections.
48. **Subdivision Map Act** – The developer / property owner shall comply with the State of California Subdivision Map Act and all other laws, ordinances, and regulations pertaining to the subdivision of land.
49. **Mylars** – All improvement plans and grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch Mylar and signed by a licensed civil engineer and/or other registered/licensed professional as authorized by State law.
50. **Guarantee for Required Improvements.** Prior to grading permit issuance, construction permit issuance, and/or Final Map recordation, financial security or bonds shall be provided to guarantee the construction of all required improvements associated with each phase of construction, per the City's municipal code.
51. The Public Works Director may require the dedication and construction of necessary utilities, streets, or other improvements outside the area of any particular map phase if the improvements are needed for circulation, drainage, parking, and access or for the welfare and safety of the public.
52. **Bond Replacement, Reduction, and Releases** - All requests for bond replacements (such as in changes of property ownerships), reductions (such as in partial completion of improvements), releases (such as in completion of improvements), shall conform to City policies, standards, and applicable City ordinances. It shall be the responsibility of the developer / property owner to notify the City in time when any of these bond changes are necessary. The City shall review all changes in Bond Agreements and the accompanying bonds or security.
53. **Existing and Proposed Easements** - The final grading plan and improvement plans shall correctly show all existing easements, traveled ways, drainage courses, and encumbrances. Any omission or misrepresentation of these documents may require said plan to be resubmitted for further consideration.
54. **Engineered Plans** - All improvement plans, and grading plans shall be drawn on twenty-four (24) inches by thirty-six (36) inch Mylar and signed by a licensed civil engineer or other registered/licensed professional as required.

55. **Plan Check Submittals** – Appropriate plan check submittal forms shall be completed and submittal check list provided that includes required plan copies, necessary studies / reports, references, fees, deposits, etc. Prior to final approval of improvement plans by the Public Works / Engineering Department, the developer / property owner shall submit to the Public Works / Engineering Department CAD layers of all improvements to be maintained by the City (pavement, sidewalk, streetlights, etc.). A scanned image of all final approved grading and improvement plans on a Universal Serial Bus (USB) drive, also known as a “flash” drive or “thumb” drive, shall be submitted to the Public Works / Engineering Department, in one of the following formats: (a) Auto CAD DXF, (b) GIS shapefile (made up of ESRI extensions .shp, .shx and .dbf) or (c) Geodatabase (made up of ESRI extension .gdb). CAD files created with the latest version shall only be accepted if approved by the Public Works Director / City Engineer. GIS and ACAD files 2004 or later are required for all final maps upon approval.
56. **Final Map Submittal Process** – Appropriate final map plan check submittal forms shall be completed and appropriate fees or deposits paid. Prior to approval of the final map by the City Council, the developer / property owner shall provide along with the final map mylars, electronic files of the final map on Compact Disc (CD), in one of the following formats: (a) Auto CAD DXF, (b) GIS shapefile (made up of ESRI extensions .shp, .shx and .dbf) and (c) Geodatabase (made up of ESRI extension .gdb). CAD files created with the latest version shall only be accepted if approved by the Public Works Director / City Engineer.
57. **Plan Approvals** – Improvement plans and grading plans shall be submitted with necessary supporting documentation and technical studies (hydrology, hydraulics, traffic impact analysis, geotechnical studies, etc.) to the Public Works / Engineering Department for review and approval. All submittals shall be signed and date stamped by the Engineer of Record. The plans must receive Public Works / Engineering Department approval prior to issuance of any construction permit, grading permit, or building permits as applicable and as determined by the Public Works Director / City Engineer. All submittals shall include a completed City Fee or Deposit Based Worksheet and the appropriate plan check. For improvements proposed to be owned and maintained by the Riverside County Flood Control and Water Conservation District, improvement plans must receive district approval prior to Building permit issuance or as determined by the District.
- All required improvement plans and grading plans must be approved by the Public Works Engineering Department prior to recordation of a final map for which the improvements are required, or prior to issuance of any construction and/or grading permit, whichever comes first and as determined by the PW Director. Supporting City approved studies including, but not limited to, hydrologic and hydraulic studies and traffic studies must be provided prior to approval of plans. All required CFD landscape plans must be approved prior to building permit issuance.
58. **As-Built Plans** – Upon completion of all required improvements, the developer/property owner shall cause the civil engineer of record to as-built all project plans, and submit project base line of work for all layers on a USB drive to the Public Works / Engineering Department, in one of the following formats: (a) Auto CAD DXF, (b) GIS shapefile (made up of ESRI extensions .shp, .shx and .dbf) or (c) Geodatabase (made up of ESRI extension .gdb). The timing for submitting the as-built plans shall be as determined by the Public Works Director / City Engineer.

59. **Construction Times of Operation.** The developer / property owner shall monitor, supervise, and control all construction and construction related activities to prevent them from causing a public nuisance including, but not limited to, strict adherence to the following:
- a. Construction activities shall comply with City of Menifee ordinances relating to construction noise. Any construction within the City limits located 1/4 of a mile from an occupied residence shall be permitted Monday through Saturday, except on nationally recognized holidays, 7:00 a.m. to 7:00 p.m. in accordance with Municipal Code Section 8.01.020. There shall be no construction permitted on Sunday or nationally recognized holidays unless prior approval is obtained from the City Building Official or City Engineer. These hours of construction what shall be prominently posted on signage at the entrance of the project site.
  - b. Removal of spoils, debris, or other construction materials deposited on any public street no later than the end of each working day.
  - c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site. Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant to remedies as set forth in the City Municipal Code. In addition, the Public Works Director / City Engineer or the Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such a time it has been determined that all operations and activities are in conformance with these conditions.
  - d. A Pre-Construction meeting is mandatory with the City's Public Works Inspection team prior to permit issuance and the start of any construction activities for this site.
60. **Dry Utility Installations** - Electrical power, telephone, communication, traffic signal, street lighting, and cable television conduits and lines shall be placed underground in accordance with current City Ordinances 460 and 461, and as approved by the Public Works Director / City Engineer. This applies also to existing overhead lines which are 33.6 kilovolts or below along the project frontage and within the project boundaries. In cases where 33.6kV or below lines are collocated with high voltage lines (for example, 115kV), the low voltage lines shall be placed underground even when the high voltage lines are exempt from relocation or undergrounding in accordance with City standards and ordinances. Exemption from undergrounding low voltage lines shall only be by the Public Works Director / City Engineer or as directed by the City Council.
61. All grading activities shall conform to the latest adopted edition of the California Building Code, City Grading Ordinance, Chapter 8.26, applicable City design standards and specifications, City ordinances, policies, rules and regulations governing grading in the City.
62. **Regulations and Ordinance on Grading Within the City** – In addition to compliance with City Chapter 8.26, grading activities shall also conform to the latest edition of the California Building Code, City General Plan, other City Ordinances, City design standards and specifications and all other relevant laws, rules and regulations governing grading in the City of Menifee. Prior to commencing any grading, clearing, grubbing or any topsoil disturbances, the applicant shall obtain a grading permit from the Public Works /

Engineering Department. Grading activities that are exempt from a grading permit as outlined by the City ordinance may still require a grading permit by the Public Works Director / City Engineer when deemed necessary to prevent the potential for adverse impacts upon drainage, sensitive environmental features, or to protect property, health safety, and welfare.

63. **Dust Control** – All necessary measures to control dust shall be implemented by the developer during grading. Fugitive dust shall be controlled in accordance with Rule 403 of the California Air Quality Control Board.
64. **2:1 Maximum Slope** - Graded slopes shall be limited to a maximum steepness ratio of 2:1 (horizontal to vertical) unless otherwise approved by the Public Works / Engineering Department.
65. **Slope Setbacks** – Observe slope setbacks from buildings and property lines per the California Building Code and City ordinance on grading.
66. **Slope Landscaping and Irrigation** – All disturbed slopes greater than or equal to 3 feet in vertical height shall be irrigated and landscaped with grass or ground cover. All manufactured slopes shall be irrigated and landscaped with grass or approved ground cover, and shall have some type of drainage swale at the toe of the slope to collect runoff. Slopes exceeding 15 feet in vertical height shall be irrigated and planted with shrubs and/or trees per City Grading Ordinance Chapter 8.26. Drip irrigation shall be used for all irrigated slopes.
67. **Slope Erosion Control Plan** - Erosion control and/or landscape plans are required for manufactured slopes greater than 3 feet in vertical height. The plans shall be prepared and signed by a licensed landscape architect and bonded per applicable City ordinances.
68. **Slope Stability Report** – A slope stability report shall be submitted to the Public Works / Engineering Department for all proposed cut and fill slopes steeper than 2:1 (horizontal:vertical) or over 20 feet in vertical height, unless addressed in a previously city approved report.
69. **Erosion Control Plans** – All grading plans shall require erosion control plans prior to approval. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris onto downstream properties or drainage facilities. Plans showing erosion control measures may be included as part of the grading plans or submitted as a separate set of plans for city review and approval. Graded but undeveloped land shall provide, in addition to erosion control planting, any drainage facilities deemed necessary to control or prevent erosion. Erosion and sediment control BMPs are required year-round in compliance with all applicable City of Menifee Standards and Ordinances and the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit from the California State Water Resources Control Board (SWRCB). Additional Erosion protection may be required during the rainy season.
70. **Water Quality Management Plan (WQMP)** - All grading plans shall require an approved copy of the Water Quality Management Plan sheet per the approved WQMP, executed report. The developer / property owner shall comply with the requirements of the

WQMP report, the NPDES municipal permit in force, and City standards and specifications.

71. **Design Grade Criteria** – Onsite parking areas shall be designed in accordance with the current version of City of Menifee Standards and Specifications. Non-compliance may require a redesign of the project. Significant redesigns may require a revised Plot Plan.

**Design Grade Criteria:**

- a) On-Site Parking – Where onsite parking is designed, such as in common areas, parking stalls and driveways shall not have grade breaks exceeding 4%. A 50' minimum vertical curve shall be provided where grade breaks exceed 4%. Five percent grade is the maximum slope for any parking area. Where ADA requirement applies, ADA requirement shall prevail.
  - b) Down Drains - Concrete down drains that outlet onto parking lot areas are not allowed. Drainage that has been collected in concrete ditches or swales should be collected into receiving underground drainage system, or should outlet with acceptable velocity reducers into BMP devices.
  - c) Pavement - Permeable pavement requires the layers of filter material to be installed relatively flat. As such, the permeable pavement areas should have a maximum surface gradient of 2%, or approved by the PW Director/City Engineer.
72. **Drainage Grade** - Minimum drainage design grade shall be 1% except on Portland cement concrete surfaces where 0.35% shall be the minimum. The engineer of record must submit a variance request for design grades less than 1% with a justification for a lesser grade.
73. **Finish Grade** – Shall be sloped to provide proper drainage away from all exterior foundation walls in accordance with City of Menifee Standard Plan 300.
74. **Use of Maximum and Minimum Grade Criteria** – Actual field construction grades shall not exceed the minimum and maximum grades for ADA and approved project grading design, to allow for construction tolerances. Any improvement that is out of the minimum and maximum values will not be accepted by the City Inspector and will need to be removed and replaced at developer's or owner's expense.
75. **Licensed Geotechnical Engineer** - A California licensed Geotechnical Engineer shall perform final determination of the foundation characteristics of soils within on-site development areas, and per the approved geotechnical report reviewed and approved by the City.
76. **Retaining Walls** – Sections, which propose retaining walls, will require separate permits. They shall be obtained prior to issuance of any other building permits – unless otherwise approved by the Building Official and/or the Public Works Director / City Engineer. The walls shall be designed by a licensed civil engineer and conform to City Standards. The plans shall include plan and profiles sheets.
77. **Trash Racks:** Trash Racks shall be installed at all inlet structures that collect runoff from open areas with potential for large, floatable debris.

78. **Drainage Runoff Emergency Escape.** An emergency escape path shall be provided for the stormwater runoff at all inlets for the proposed underground facilities in the event that the inlets become blocked in any way. To prevent flood damage to the proposed structures, all proposed structures in the vicinity of the inlets and along the emergency escape path shall be protected from flooding by either properly elevating the finished floor in relation to the inlets and flow path or by making sure the structures are set back from the inlets to provide adequate flow through area in the event the emergency escape of the stormwater runoff is necessary.
79. **Riverside County Flood Control and Water Conservation District (RCFCWCD) Encroachment Permit Required.** An Encroachment Permit Is required for any work within District right of way or any connection to District facilities. The Encroachment Permit application shall be processed and approved concurrently with the improvement plans.
80. **RCFCWCD Submittal of Plans.** A copy of the project specific WQMP, improvement plans, grading plans, BMP improvement plans and any other necessary documentation along with supporting hydrologic and hydraulic calculations (drainage report) shall be submitted to the District as reference material for the review and approval of the final drainage report and storm drain plans that propose construction of storm drain facilities that will be owned and maintained by the District.
81. **Grading Permit for Clearing and Grubbing** – City ordinance on grading requires a grading permit prior to clearing, grubbing, or any topsoil disturbances related to construction grading activities.
82. **Compliance with NPDES General Construction Permit** – The developer/property owner shall comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit (GCP) from the State Water Resource Control Board (SWRCB). This is in addition to the Municipal permit governing design, WQMPs, and permanent BMPs.
- Prior to approval of the grading plans or issuance of any grading permit, the developer/property owner shall obtain a GCP from the SWRCB. Proof of filing a Notice of Intent (NOI) and monitoring plan, shall be submitted to the City; and the WDID number issued by the SWRCB shall be reflected on all grading plans prior to approval of the plans. For additional information on how to obtain a GCP, contact the SWRCB.
83. **SWPPP** - Prior to approval of the grading plans, the developer/property owner shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the development. The developer/property owner shall be responsible for uploading the SWPPP into the State's SMARTS database system and shall ensure that the SWPPP is updated to constantly reflect the actual construction status of the site. A copy of the SWPPP shall be made available at the construction site at all times until construction is completed. The SWRCB considers a construction project complete once a Notice of Termination has been issued by SWRCB. The City will require submittal of NOTs for requests to fully release associated grading bonds.
84. **SWPPP for Inactive Sites** – The developer/property owner shall be responsible for ensuring that any graded area that is left inactive for a long period of time has appropriate SWPPP BMPs in place and in good working conditions at all times until construction is

completed and the Regional Board has issued a Notice of Termination (NOT) for the development.

85. **Import/Export** – In instances where a grading plan involves import or export, prior to obtaining a grading permit, the developer/property owner shall have obtained approval for the import/export location from the Public Works / Engineering Department. If an Environmental Assessment did not previously approve either location, a Grading Environmental Assessment shall be submitted to the Planning Director for review and comment and to the Public Works Director / City Engineer for approval. Additionally, if the movement of import/export occurs using City roads, review, and approval of the haul routes by the Public Works / Engineering Department will be required. Import or export materials shall conform to the requirements of Chapter 8.26.

86. **Offsite Grading Easements** - Prior to recordation of a final map phase, or the issuance of a grading permit within a phased map whichever occurs first, the developer/property owner shall obtain all required easements and/or permissions to perform offsite grading, from affected land owners. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works Engineering Department.

87. **Offsite Property** and Right of Way – The developer / property owner shall be responsible for acquiring any offsite real property interests that may be required in connection with the development project. Prior to recordation of a final map, or the issuance of a grading permit, whichever occurs first, the developer shall obtain all required ROW, easements and / or permissions to perform offsite grading, from all affected landowners.

88. **Increased Runoff Criteria.** The development of this site would increase peak flow rates on downstream properties. Mitigation shall be required to offset such impacts. An increased runoff basin should be shown on an exhibit and calculations supporting the size of the basin shall be submitted to the District and the City for review. The entire area of proposed development will be routed through a detention facility(s) to mitigate increased runoff. All basins must have positive drainage; dead storage basins shall not be acceptable.

A complete drainage study including, but not limited to, hydrologic and hydraulic calculations for the proposed detention basin shall be submitted to the City for review and approval. For design purposes, the proposed detention basin shall be sized using the 6-hour/100-year frequency storm event. Detention basin(s) and outlet(s) sizing will ensure that this storm event does not produce higher peak discharge in the "after" condition than in the "before" condition. For the 100-year event, an AMC II shall be used together with a constant loss rate.

Low Loss rates will be determined using the following:

- i. Undeveloped Condition --> LOW LOSS = 90%
- ii. Developed Condition --> LOW LOSS = .9 - (.8x%IMPERVIOUS)
- iii. Basin Site --> LOW LOSS = 10%

Where possible and feasible the onsite flows should be mitigated before combining with offsite flows to minimize the size of the detention facility required. If it is necessary to combine offsite and onsite flows into a detention facility two separate conditions should be evaluated for each duration/return period/before-after development combination studied; the first for the total tributary area (offsite plus onsite), and the second for the area to be developed alone (onsite). It must be clearly demonstrated that there is no

increase in peak flow rates under either condition (total tributary area or onsite alone), for each of the return period/duration combinations required to be evaluated. A single plot showing the pre-developed, post-developed and routed hydrographs for each storm considered, shall be included with the submittal of the hydrology study.

No outlet pipe(s) will be less than 18" in diameter. Where necessary an orifice plate may be used to restrict outflow rates. Appropriate trash racks shall be provided for all outlets less than 48" in diameter.

The basin(s) and outlet structure(s) must be capable of passing the 100-year storm without damage to the facility. Mitigation basins should be designed for joint use and be incorporated into open space or park areas. Side slopes should be no steeper than 4:1 and depths should be minimized where public access is uncontrolled.

Mitigation basins should be designed for joint use and may be incorporated into open space or park areas. Side slopes should be not steeper than 4:1 and depths should be minimized where public access is uncontrolled.

A viable maintenance mechanism, acceptable to the City should be provided for any flood control facilities to be owned and maintained by the City. Any facilities proposed to be owned by the District, should be provided with a viable maintenance mechanism acceptable to the City and the District. For the City this would be the citywide CFD. Facilities to remain private shall be maintained by commercial property owners association or homeowners associations.

89. **Site Drainage** - Positive drainage of the site shall be provided, and water shall not be allowed to pond behind or flow over cut and fill slopes. Where water is collected and discharged in a common area, protection of the native soils shall be provided by planting erosion resistant vegetation, as the native soils are susceptible to erosion by running water. All cut and fill slopes shall have a maximum 2:1 (H:V) grade, 2 horizontal to 1 vertical.
90. **Alteration of Drainage Patterns** – Prior to grading permit issuance or approval of improvement plans, the final engineering plans submitted by the applicant shall address the following: The project drainage system shall be designed to accept and properly convey all on- and off-site drainage flowing on or through the site. The project drainage system design shall protect downstream properties from any damage caused by alteration of drainage patterns such as concentration or diversion of flow. Concentrated drainage on commercial lots shall be diverted through parkway drains under sidewalks.
91. **100 Year Storm** - The 100-year storm flow shall be contained within the street top of curb.
92. **100 Year Drainage Facilities** - All drainage facilities shall be designed to accommodate 100-year storm flows as approved by the City of Menifee Public Works / Engineering Department.
93. **100 Year Design Criteria** - In final engineering and prior to grading permit issuance, subsurface storage systems shall be designed with emergency overflow inlets to mitigate flows in excess of the 100-year storm event in a controlled manner to the satisfaction of the Public Works / Engineering Department.

94. **100 Year Sump Outlet** - Drainage facilities outletting sump conditions shall be designed to convey the tributary 100-year storm flows. Additional emergency escape shall also be provided.
95. **Coordinate Drainage Design:** Development of this property shall be coordinated with the development of adjacent properties to ensure that watercourses remain unobstructed, and stormwaters are not diverted from one watershed to another. This may require the construction of temporary drainage facilities or offsite construction and grading. A drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the PW Engineering Department for review.
96. **Comingling of Flows.** Site restrictions may require the comingling of onsite and offsite flows. A treatment device approved by the City of Menifee Public Works Director shall be utilized to pretreat the flows before entering HOA facilities. The WQMP will need to show these catch basin inserts. This comingling of flows and the easement shall also be clarified in the CC&Rs for the project. If site restrains and existing conditions require said comingling, it will be the obligation of the HOA to accept this water and maintain the system, as well as performing maintenance on the associated filter inserts. The developer shall provide a storm drain and flowage easement, or other applicable document approved by the city of Menifee, providing the right of the city to drain onto the private property.
97. **Interceptor Drain Criteria/Guidelines:** The criteria for maintenance access of terrace/interceptor is as follows: flows between 1-5 cfs shall have a 5-foot wide access road, flows between 6-10 cfs shall be a minimum 6-foot rectangular channel. Terrace/interceptor drains are unacceptable for flows greater than 10 cfs. Flows greater than 10 cfs shall be brought to the street. These guidelines may be modified by the City Engineer/PW Director.
98. **BMP – Energy Dissipators:** Energy Dissipators, such as rip-rap, shall be installed at the outlet of a storm drain system that discharges runoff flows into a natural channel or an unmaintained facility. The dissipators shall be designed to minimize the amount of erosion downstream of the storm drain outlet.
99. **Trash Racks** – Trash Racks shall be installed at all inlet structures that collect runoff from open areas with potential for large, floatable debris.
100. **Perpetuate Drainage Patterns.** The property's street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City for review and approval.
101. **Perpetual Drainage Patterns (Easements)** - Grading shall be designed in a manner that perpetuates the existing natural drainage patterns and conditions with respect to tributary drainage areas and outlet points. Where these conditions are not preserved, necessary drainage easements shall be obtained from all affected property owners for the release onto their properties of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the PW Engineering Department for review.

102. **Protection of Downstream Properties** - The developer/property owner shall protect downstream properties from damages that can be caused by alteration of natural drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and securing necessary drainage easements.
103. **Storm Drain Lines 36" and larger** - All proposed storm drain lines greater than or equal to 36" in diameter may be considered for ownership and maintenance by the Flood Control District. The applicant shall enter into a cooperative agreement with the Flood Control District regarding the terms of the design, construction and operation of facilities proposed for ownership by the Flood Control District.
104. **No Building Permit without Legal Lot** – Prior to issuance of any building permit, the developer / property owner shall ensure that the underlying parcels for such buildings are complying with City Ordinances, Codes, and the Subdivision Map Act.
105. **No Building Permit Prior to Subdivision Map Recordation** – Prior to issuance of any building permit, the developer / property owner shall record the Subdivision Map. Model Homes are exempt from this requirement.
106. **No Building Permit without Grading Permit** - Prior to issuance of any building permit for any new structure or appurtenance, the developer/property owner shall obtain a grading permit and/or approval to construct from the Public Works Engineering Department.
107. **Final Rough Grading Conditions** – Prior to issuance of each building permit, the developer/property owner shall cause the Civil Engineer of Record and Soils Engineer of Record for the approved grading plans, to submit signed and wet stamped rough grade certification and compaction test reports with 90% or better compaction. The certifications shall use City approved forms and shall be submitted to the Public Works Engineering Department for verification and acceptance.
108. **Conformance to Elevations/Geotechnical Compaction** - Rough grade elevations for all building pads and structure pads submitted for grading plan check approval shall be in substantial conformance with the elevations shown on approved grading plans. Compaction test certification shall be in compliance with the approved project geotechnical/soils report.
109. **Final Grade Certification** – The developer/property owner shall cause the Civil Engineer of Record for approved grading plans, to submit signed and wet stamped final grade certification on City-approved form, for each building requesting a certificate of occupancy. The certification shall be submitted to the Public Works Engineering Department for verification and acceptance.
110. **Conform to Elevations** - Final grade elevations of all building or structure finish floors submitted for grading plan check approval shall be in substantial conformance with the elevations shown on the approved grading plans. Compaction test certification shall be in compliance with the approved project geotechnical/soils report.
111. **Plant & Irrigate Slopes** – All manufactured slopes shall be irrigated and landscaped with grass or approved ground cover and shall have some type of drainage swale at the toe of

the slope to collect runoff. Slopes greater than or equal to 3' in vertical height shall have erosion control measures provided. Slopes that exceed 15' in vertical height are to be planted with additional shrubs and trees as approved by the Public Works / Engineering Department. Drip irrigation shall be provided for all irrigated slopes.

112. **Common Area Maintenance** – Any common areas identified on the tentative map shall be owned and maintained through a permanent master maintenance organization established for the project, to assume maintenance responsibility for all common areas. The organization may be public (City CFD, or another agency) or private (e.g., property owners' association). Merger with an area-wide or regional organization shall satisfy this condition provided that such organization is legally and financially capable of assuming the responsibilities for maintenance. When necessary, property dedication or easement dedications shall be granted to the maintenance organization through map dedication, or separate recordable instrument, and shall be in a form acceptable to the city.
113. **Maintenance Exhibit** – Prior to final map recordation, the developer / property owner shall prepare an exhibit that shows all open space lots within the project development tract and the maintenance entity for each lot. The exhibit shall be reviewed and approved by the Community Development Department and the Public Works / Engineering Department.
114. **Conditions, Covenants and Restrictions (Private Common Areas)** – In the event that the Community Facilities District will not maintain all common areas, the establishment of a property owner association (e.g., POA, HOA, or other alternative entity subject to Public Works / Engineering Department approval) shall be the mechanism to maintain such common areas.
115. **CC&R Content, Submittal Process and Timing** – The developer/property owner shall submit to the Public Works / Engineering Department for review and approval CC&R documents consisting of the following:
  - a. One hard copy and an electronic version of the CC&R's. A completed application form to review the CC&Rs, available at the Public Works / Engineering front counter. There is a fee associated with the application and required backup documents to review. The declaration of CC&R's shall:
    - i. provide for the establishment of a property owner's association,
    - ii. provide for the ownership of the common area by the property owner's association,
    - iii. contain provisions approved by the Public Works / Engineering Department, Community Development Department, and the City Attorney,
    - iv. Contain provisions with regards to the implementation of post development Water Quality Best Management Practices identified in the project's approved WQMP.
    - v. Contain provisions notifying initial occupants, or tenants of the project of their receipt of educational materials on good housekeeping practices which contribute to the protection of storm water quality. These educational materials shall be distributed by the property owners' association and/or the developer.
    - vi. Contain provisions for allowing the City a Right of Entry to maintain BMPs that are otherwise not maintained by responsible property owners. If a

separate Right of Entry Agreement has been executed, this provision is not necessary to be in the CC&Rs.

- b. As part of the CC&R document submittal, exhibit(s) identifying the areas or improvements that will be maintained by the POA, the CFD or other entities shall be provided. The exhibit shall be reviewed and approved by the City.
  - c. Once approved, the developer / property owner shall provide a hard copy of the CC&R's wet-signed and notarized to the Public Works / Engineering Department. The Public Works / Engineering Department shall record the original declaration of CC&R's prior to..... the issuance of Certificate of Occupancy or building permit issuance.
  - d. A deposit to pay for the review of the CC&Rs pursuant to the City's current fee schedule at the time the above-referenced documents are submitted to the Public Works / Engineering Department.
116. **Street Design Standards** – Street improvements shall conform to all applicable City Design Standards and Specifications, the City General Plan, Ordinances, and all other relevant laws, rules and regulations governing street construction in the City, or as otherwise indicated in the Menifee Valley Specific Plan or approved by the City Public Works Director / City Engineer
117. **Concrete Work** – All concrete work including curbs, gutters, sidewalks, driveways, cross gutters, catch basins, manholes, vaults, etc. shall be constructed to meet a 28-day minimum concrete strength of 3,250 psi.
118. **Intersection Geometrics** – All final intersection geometrics may be modified in final engineering as approved by the Public Works Director / City Engineer.
119. **Intersection / 50-Foot Tangent** – All centerline intersections shall be at ninety (90) degrees, plus or minus five (5) degrees, with a minimum fifty (50) foot tangent, measured from flow line / curb face or as approved by the Public Works Director / City Engineer.
120. **Street Improvements** – Street improvements shall conform to all applicable City Design Standards and Specifications, the City General Plan, and all other relevant laws, rules and regulations governing street construction in the City.
121. **Soils and Pavement Report** - Street pavement structural designs shall comply with the recommendations in the City approved project soils and pavement investigation report, and must meet minimum City standards and specifications, as approved by the Public Works Director / City Engineer. R-Values shall be provided in said report and the Engineer of Record shall provide pavement calculations to the City.
122. **Driveways** - Final driveway geometrics may be modified in final engineering as approved by the Public Works Director / City Engineer. Driveways shall meet current standard radii on all existing and proposed commercial drive approaches used as access to the proposed development. The developer shall adhere to all City standards and regulations for access and ADA guidelines.

123. **Acceptance of Public Roadway Dedication and Improvements** – Easements and right-of way for public roadways shall be granted to the City through acceptable recordable instrument. Onsite easements and right-of way for public roadways shall be granted to the City of Menifee through the final map, or other acceptable recordable instrument. Any off-site rights-of-way required for access road(s) shall be accepted to vest title in the name of the public if not already accepted. Any shared access roads necessary for the adequate circulation of the proposed project, shall be dedicated for reciprocal access by acceptable recordable instrument prior to any permit issuance.
124. **ADA Compliance** – ADA path of travel shall be designed at the most convenient accesses and the shortest distance to the buildings in accordance with ADA design standards and to the satisfaction of the Public Works Director / City Engineer and the City Building Official.
125. **Paving or Paving Repairs** – The applicant shall be responsible for obtaining the paving inspections required by Ordinance 461 and City of Menifee standards and ordinances. Paving and/or paving repairs for utility street cuts shall be per City of Menifee Standards and Specifications and as approved by the Public Works Director / City Engineer.
126. **Street Light Plan** – Street lights requiring relocations, or any required new streetlights shall be designed in accordance with current City Standards for LS-3 type streetlights. Street light construction plans shall be prepared as separate plans or combined with the public street improvement plans as approved by the Public Works Director / City Engineer.
127. **Public Streetlights Service Points** – All proposed public streetlights shall be provided with necessary appurtenances and service points for power, separate from privately owned streetlights. The developer/property owner shall coordinate with the PW Department and with Southern California Edison the assignment of addresses to streetlight service points. Service points for proposed public streetlights shall become public and shall be located within public right of way or within duly dedicated public easements.
128. **CFD Maintenance** - The property owner shall file for annexation or inclusion into the Citywide Community Facilities Maintenance District, CFD for street sweeping services, street pavement maintenance, landscaping, street lighting, etc.
129. **Offsite Grading** – A notarized and recorded agreement, or City-approved documents authorizing the offsite grading shall be submitted to the Public Works / Engineering Department.
130. **Sight Distance Analysis** – Sight distance analysis shall be conducted at all project roadway entrances for conformance with City sight distance standards. The analysis shall be reviewed and approved by the Public Works Director / City Engineer, and shall be incorporated in the final the grading plans, street improvement plans, and landscape improvement plans.
131. **Street Name Sign** - The developer/property owner shall install street name sign(s) in accordance with applicable City Standards, or as directed by the PW Engineering Department.

132. **Construction Traffic Control Plan** - Prior to start of any project related construction, the developer/property owner shall submit to the Public Works Engineering Department for review and approval, a Construction Traffic Control Plan in compliance with all applicable City ordinances, standards and specifications, and the latest edition of the CAMUTCD. This traffic control plan shall address impacts from construction vehicular traffic, noise, and dust and shall propose measures to mitigate these effects. The traffic control plan shall include a Traffic Safety Plan for safe use of public roads right-of-way during construction.
133. **Traffic Signal Control Devices** – All new traffic signals and traffic signal modifications required for construction by this development project shall include traffic signal communication infrastructure, network equipment, and Advanced Traffic Management System (ATMS) license software. Said traffic signal control devices shall be submitted with the traffic signal design plans and shall be approved by the Public Works Director / City Engineer, prior to testing of a new traffic signal. Traffic signal poles shall be placed at the ultimate locations when appropriate.
134. **Cost participation through Payment of TUMF and DIF for Improvements-** The developer/property owner's TUMF and DIF payment obligations shall be considered as cost participation for Project's required offsite improvements only when the offsite improvements for which credits are claimed, are eligible TUMF and/or DIF facilities at time of TUMF and DIF payments. Determination for TUMF credits shall be at the discretion of the Western Riverside Council of Governments (WRCOG), the governing authority, which shall include entering a three party TUMF Credit Agreement with the developer, WRCOG and the City of Menifee.
135. **Improvement Bonds** – Prior to improvement plan approval and issuance of any construction permit for all required onsite and offsite public improvements, the developer/project owner shall enter into a bond agreement and post acceptable bonds or security, to guarantee the completion of all required improvements. The bonds shall be in accordance with all applicable City ordinances, resolutions, and municipal codes.
136. **Encroachment Permits** – The developer/property owner shall obtain all required encroachment permits and clearances prior to start of any work within City, State, or local agency right-of-way.
137. **Stormwater Management** - All City of Menifee requirements for NPDES and Water Quality Management Plans (WQMP) shall be met per City of Menifee Municipal Code Chapter 15.01 for Stormwater/Urban Runoff Management Program unless otherwise approved by the Public Works Director/City Engineer. This project is required to submit a project specific WQMP prepared in accordance with the latest WQMP guidelines approved by the Regional Water Quality Control Board.
138. **Trash Enclosures Standards and Specifications** – Storm runoff resulting in direct contact with trash enclosure, or wastewater runoff from trash enclosure are prohibited from running off a site onto the City MS4 without proper treatment. Trash enclosures in new developments and redevelopment projects shall meet new storm water quality standards including:
- a) Provision of a solid impermeable roof with a minimum clearance height to allow the bin lid to completely open.

- b) Constructed of reinforced masonry without wooden gates. Walls shall be at least 6 feet high.
- c) Provision of concrete slab floor, graded to collect any spill within the enclosure.
- d) All trash bins in the trash enclosure shall be leak proof with lids that are continuously kept closed.
- e) The enclosure area shall be protected from receiving direct rainfall or run-on from collateral surfaces.
- f) The trash enclosure shall be lockable and locked when not in use with a 2-inch or larger brass resettable combination lock. Only employees and staff authorized by the enclosure property owner shall be given access.

Any standing liquids within the trash enclosures without floor drain must be cleaned up and disposed of properly using a mop and a bucket or a wet/dry vacuum machine. All non-hazardous liquids without solid trash may be put in the sanitary sewer as an option, in accordance with Eastern Municipal Water District (EMWD) criteria.

An alternate floor drain from the interior of the enclosure that discharges to the sanitary sewer may be constructed only after obtaining approval from EMWD. This option requires the following:

- a) The trash enclosure shall be lockable and locked when not in use with a 2-inch or larger brass resettable combination lock. Only employees and staff authorized by the enclosure property owner shall be given access. This requirement may not be applicable to commercial complexes with multiple tenants.
- b) A waterless trap primer shall be provided to prevent escape of gasses from the sewer line and save water.
- c) Hot and cold running water shall be provided with a connection nearby with an approved backflow preventer. The spigot shall be protected and located at the rear of the enclosure to prevent damage from bins.

139. **SWRCB, Trash Amendments.** The State Water Resources Control Board (State Board) adopted amendments to the Water Quality Control Plan for Ocean Waters of California and the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries – collectively referred to as the “Trash Amendments.” Applicable requirements per these amendments shall be adhered to with implementation measures, prior to building permit issuance. Projects determined to be within Priority Land Uses as defined in the Trash Amendments, shall provide trash full capture devices in all new and existing catch basins to which this development will be tributary to or receiving from all Priority Land Use areas that will contribute storm water runoff to the City of Menifee’s MS4. All trash full capture devices shall be listed on the State Board’s current list of certified full capture devices posted on their website ([https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/trash\\_implementation.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.shtml)), or otherwise approved by State or Regional Water Quality Control Board staff. Storm water runoff from privately owned Priority Land Use areas shall be treated by full capture devices located within privately owned storm drain structures or otherwise located on the privately owned property, whenever possible. Runoff from Priority Land Use areas created or modified by the project, and which are proposed to be City owned, shall be treated by full capture devices located within city-owned storm drains or otherwise located within the public right of way.

The State Water Resources Control Board, Resolution adopted an amendment to the Water Quality Control Plan for ocean waters of California to control trash, and Part 1 Trash Provisions of the Water Quality Control Plan for inland surface waters, enclosed bays, and estuaries of California. Applicable requirements per these amendments shall be adhered to with implementation measures, prior to building permit issuance. Projects determined as within Priority Land Uses as defined in the amendment, shall provide full trash capture devices in all new catch basins and existing catch basins to which this development will be tributary to. Devices shall meet the requirement of the new Trash Amendment.

140. Prior to issuance of a grading permit, a FINAL project specific WQMP in substantial conformance with the approved PRELIMINARY WQMP, shall be reviewed and approved by the Public Works Engineering Department. Final construction plans shall incorporate all the structural BMPs identified in the approved FINAL WQMP. The final developed project shall implement all structural and non-structural BMPs specified in the approved FINAL WQMP. One copy of the approved FINAL WQMP on a CD-ROM in pdf format shall be submitted to the Public Works Engineering Department. The FINAL WQMP submittal shall include at the minimum the following reports/studies:

- a) Hydrology/hydraulics report
- b) Soils Report that includes soil infiltration capacity
- c) Limited Phase II Environmental Site Assessment Report, as may be required by an approved Phase I ESA Report

Final construction plans shall incorporate all the structural BMPs identified in the approved FINAL WQMP. The final developed project shall implement all structural and non-structural BMPs specified in the approved FINAL WQMP. One copy of the approved FINAL WQMP on a CD-ROM in pdf format shall be submitted to the Public Works Engineering Department.

141. **Revising The Final WQMP** - In the event the Final WQMP requires design revisions that will substantially deviate from the approved Prelim WQMP, a revised or new WQMP shall be submitted for review and approval by the Public Works / Engineering Department. The cost of reviewing the revised/new WQMP shall be charged on a time and material basis. The fixed fee to review a Final WQMP shall not apply, and a deposit shall be collected from the applicant to pay for reviewing the substantially revised WQMP.
142. **WQMP Maintenance Agreement** - All water quality features or BMPs shall be located within the property limits, and the maintenance shall be the full responsibility of the developer / project owner. Prior to, or concurrent with the approval of the FINAL WQMP, the developer / property owner shall record Covenants, Conditions and Restrictions (CC&R's) that addresses the implementation and maintenance of proposed WQMP BMPs, or enter into an acceptable maintenance agreement with the City to inform future property owners of the requirement to perpetually implement the approved FINAL WQMP.
143. **Implement Project Specific WQMP** - All structural BMPs described in the project-specific WQMP shall be constructed or installed and operational in conformance with approved plans and specifications. It shall be demonstrated that the applicant is prepared to implement all BMPs described in the approved project specific WQMP and that copies of the approved project-specific WQMP are available for the future owners/occupants. The City will not release occupancy permits for any portion of the project or subdivision map

phase until all proposed BMPs described in the approved project specific WQMPs, to which the portion of the project is tributary to, are completed and operational.

The City will not release occupancy permits for any portion of the project, or any proposed map phase prior to the completion of the construction of all required structural BMPs, and implementation of non-structural BMPs.

144. **Inspection of BMP Installation** – Prior to issuance of Certificate of Occupancy, all structural BMPs included in the approved FINAL WQMP shall be inspected for completion of installation in accordance with approved plans and specifications, and the FINAL WQMP. The Public Works Stormwater Inspection team shall verify that all proposed structural BMPs are in working conditions, and that a hard copy and / or digital copy of the approved FINAL WQMP are available at the site for use and reference by future owners/occupants. The inspection shall ensure that the FINAL WQMP at the site includes the **BMP Operation and Maintenance Plan**, and shall include the site in a City maintained database for future periodic inspection.
145. **WQMP/BMP Education** - Prior to issuance of Certificate of Occupancy, the developer / project owner shall provide the City proof of notification to future occupants of all BMP's and educational and training requirements for said BMP's as directed in the approved WQMP. Proof of notification shall be provided to the Public Works / Engineering Department in forms determined acceptable by the Public Works Director / City Engineer. Public Education Program materials may be obtained from the Riverside County Flood Control and Water Conservation District's NPDES Section through their website at [www.rcwatershed.org](http://www.rcwatershed.org). The developer must provide to the Public Works / Engineering Department a notarized affidavit, or other notification forms acceptable to the Public Works Director / City Engineer, stating that the distribution of educational materials to future homebuyers has been completed prior to issuance of occupancy permits.

A copy of the notarized affidavit must be placed in the final WQMP report. The Public Works / Engineering Department MUST also receive the original notarized affidavit with the plan check submittal to clear the appropriate condition. Placing a copy of the affidavit without submitting the original will not guarantee clearance of the condition.
146. **EMWD Minimum Standards** – All public water, sewer and recycled water improvements shall be designed per the City adopted Riverside County Ordinances 460, 461 and 787; Eastern Municipal Water Districts (EMWD) standards and specifications, including required auxiliaries and appurtenances. The final design, including pipe sizes and alignments, shall be subject to the approval of EMWD and the City of Menifee.
147. **Utility Improvement Plans** – Public Water, Sewer and Recycled Water improvements shall be drawn on City title block for review and approval by the Public Works / Engineering Department and EMWD.
148. **Onsite and Offsite Sewer, Water and Recycled Water Improvements** – All public onsite and offsite sewer, water and recycled water improvements shall be guaranteed for construction prior to approval of improvement plans and final map approval.
149. **Sewer Lines** – Any new public sewer line alignments or realignments shall be designed such that the manholes are aligned with the center of lanes or on the lane line and in accordance with Riverside County Ordinances 460/461 and Eastern Municipal Water

District standards. Exceptions to said alignments or realignment designed shall be only at the approval of the Public Works Director / City Engineer through written request.

150. **Water Mains and Hydrants** - All water mains and fire hydrants providing required fire flows shall be constructed in accordance with the Riverside County Ordinance Numbers 460 and 787, and subject to the approval of the Eastern Municipal Water District and the Riverside County Fire Department.

151. **Annexation to the Citywide Community Facilities District (CFD)** - Prior to the issuance of a Building Permit or...map recordation..., the developer/property owner shall complete the annexation of the proposed development, into the boundaries of the City of Menifee citywide Community Facilities Maintenance District (Services) CFD. The citywide CFD shall be responsible for:

The maintenance of public improvements or facilities that benefit this development, including but not limited to, public landscaping, streetlights, traffic signals, streets, pavement maintenance, drainage facilities, street sweeping, water quality basins, graffiti abatement, and other public improvements or facilities as approved by the Public Works Director.

The developer/property owner shall be responsible for all cost associated with the annexation of the proposed development in the citywide CFD.

152. **CFD Annexation Agreement** - In the event timing for this development's schedule prevents the developer/property owner from complying with condition of approval for Annexation to the Citywide Community Facilities District (CFD), the developer shall enter into a CFD annexation agreement to allow the annexation to complete after the issuance of a building permit but prior to issuance of a Certificate of Occupancy. The developer shall be responsible for all costs associated with the preparation of the CFD annexation agreement. The agreement shall be approved by the City Council prior to issuance of a building permit.

153. **Assessment Segregation** - Should this project lie within any assessment/benefit district, the applicant shall, prior to any building permit issuance to make application for and pay for their reapportionment of the assessments or pay the unit fees in the benefit district unless said fees are deferred to building permit.

154. **Landscape Improvement Plans for CFD Maintenance** – Landscape improvements within public ROW and/or areas dedicated to the City for the citywide CFD to maintain shall be prepared on a separate City CFD plans for review and approval by the PW Engineering Department. The plans may be prepared as one plan for the entire development as determined by the PW Director. When necessary, as determined by the PW Director, a separate WQMP construction plan on City title block maybe required for review and approval by the PW Engineering Department prior to issuance of a grading permit.

155. **Parkway Landscaping Design Standards** - The parkway areas behind the street curb within the public's right-of-way, shall be landscaped and irrigated per City standards and guidelines.

156. **CFD Landscape Guidelines and Improvement Plans** – All landscape improvements for maintenance by the CFD shall be designed and installed in accordance with City CFD Landscape Guidelines, and shall be drawn on a separate improvement plan on City title block. The landscape improvement plans shall be reviewed and approved by the PW Engineering Department prior to issuance of a construction permit.
157. **Maintenance of CFD Accepted Facilities** – All landscaping and appurtenant facilities to be maintained by the citywide CFD shall be built to City standards. The developer shall be responsible for ensuring that landscaping areas to be maintained by the CFD have its own controller and meter system, separate from any private controller/meter system.
158. **AB 341.** AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions. The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:
- a) Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
  - b) Subscribe to a recycling service with their waste hauler.
  - c) Provide recycling service to their tenants (if commercial or multi-family complex).
  - d) Demonstrate compliance with the requirements of California Code of Regulations Title 14.

For more information please visit:

[www.rivcowm.org/opencms/recycling/recycling\\_and\\_compost\\_business.html#mandatory](http://www.rivcowm.org/opencms/recycling/recycling_and_compost_business.html#mandatory)

159. **AB 1826.** AB 1826 (effective April 1, 2016) requires businesses that generate eight (8) cubic yards or more of organic waste per week to arrange for organic waste recycling services. The threshold amount of organic waste generated requiring compliance by businesses is reduced in subsequent years. Businesses subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:

Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.

Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler to ensure the waste generated from those services meet the requirements of AB 1826.

Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

As of January 1, 2019, the above requirements are now applicable to businesses that generate four (4) or more cubic yards of solid waste per week and one (1) or more cubic yards of organic waste per week. Additionally, as of January 1, 2019, a third trash bin is now required for organics recycling, which will require a larger trash enclosure to accommodate three (3) trash bins. This development is subject to this requirement.

160. **Recyclables Collection and Loading Area Plot Plan.** Prior to the issuance of a building permit for each building, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the City of Menifee Engineering/Public Works Department for review and approval. The plot plan shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage. The plot plan shall clearly indicate how the trash and recycling enclosures shall be accessed by the hauler.

The applicant shall provide documentation to the Community Development Department to verify that Engineering and Public Works has approved the plan prior to issuance of a building permit.

161. **Waste Recycling Plan.** Prior to the issuance of a building permit for each building, a Waste Recycling Plan (WRP) shall be submitted to the City of Menifee Engineering/Public Works Department for approval. Completion of Form B "Waste Reporting Form" of the Construction and Demolition Waste Diversion Program may be sufficient proof of WRP compliance, as determined by the Public Works Director / City Engineer. At minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amounts of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction, the project site shall have, at a minimum, two (2) bins; one for waste disposal and the other for recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used to further source separation of C&D recyclable materials. Accurate record keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. Arrangements can be made through the franchise hauler.
162. **Waste Management Clearance.** Prior to issuance of an occupancy permit for each building, evidence (i.e., receipts or other type of verification) shall be submitted to demonstrate project compliance with the approved WRP to the Engineering and Public Works Department in order to clear the project for occupancy permits. Receipts must clearly identify the amount of waste disposed and Construction and Demolition (C&D) materials recycled. Completion of Form C, "Waste Reporting Form" of the Construction and Demolition Waste Diversion Program along with the receipts may be sufficient proof of WRP compliance, as determined by the PW Director / City Engineer.
163. **Fees and Deposits –** Prior to approval of final maps, grading plans, improvement plans, issuance of building permits, and/or issuance of certificate of occupancy, the developer/property owner shall pay all fees, deposits as applicable. These shall include the regional Transportation Uniform Mitigation Fee (TUMF), any applicable Traffic Signal Mitigation Fees, Development Impact Fees (DIF), and any applicable Road and Bridge Benefit District (RBBD) Fee. Said fees and deposits shall be collected at the rate in effect at the time of collection as specified in current City resolutions and ordinances.
164. **Road Bridge Benefit District –**The city is in the process of creating a Road and Bridge Benefit District in the Area. The applicant shall pay the RBBD fees based on the designated land use and areas, prior to the issuance of a building permit. Should the project proponent choose to defer the time of payment, a written request shall be submitted to the City, deferring said payment from the time of issuance of a building permit to issuance of a certificate of occupancy. Fees which are deferred shall be based upon the fee schedule in effect at the time of issuance of the permit of each parcel.

165. **TUMF Fees** - The developer/property owner shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of building permit or certificate of occupancy issuance, pursuant to adopted City Ordinance governing the TUMF program.
166. **Area Drainage Plan (ADP) Fees.** The proposed development is located within the bounds of the Homeland / Romoland ADP of the Riverside County Flood Control and Water Conservation District (Flood Control District), for which drainage fees have been established by the Riverside County Board of Supervisors. Applicable ADP fees will be due (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) prior to building permits for this project. The fee due will be based on the fee in effect at the time of payment.

### **PROJECT-SPECIFIC CONDITIONS**

The following are the Public Works / Engineering Department Conditions of Approval for this project which shall be satisfied at no cost to the City or any other Government Agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Engineering Department, Land Development Section. The developer / property owner shall use the standards and design criteria stated in the following conditions and shall comply with all applicable City of Menifee standards and ordinances. Should a conflict arise between City of Menifee standards and design criteria, and any other standards and design criteria, those of the City of Menifee shall prevail.

Tentative Tract Map 38303 Menifee Valley is a 11-lot subdivision. The map is not phased; however the parcels created will individually have to go through entitlement for its respective projects. Timing of improvements to be determined as a part of the Development Agreement between the City of Menifee and the Developer/Owner.

It is understood that the tentative tract map must correctly show acceptable centerline elevations, all existing easements, traveled ways, cross sections, and drainage courses with appropriate drainage flows. Any omission or unacceptability may require the map to be resubmitted for further consideration. If there is a conflict between what is shown on the tentative tract map and these conditions, these conditions will supersede what is shown on the tentative tract map and any attachments to the tentative tract map, including the site plan and other plans or exhibits. All questions regarding the true meaning of these conditions shall be referred to the Public Works / Engineering Department. **Engineering Design exceptions to City design standards and policies must be specifically requested in writing and approved by City Engineer/PW Director. Any design exceptions shown on the tentative map and associated engineering documents that are not specifically requested shall be redesigned to meet city standards.**

167. This Entitlement (PLN22-0033 Menifee Valley Tentative Map) is for the purposes of subdivision only, and does not include the entitlement of any of the created parcels for purposes of commercial, industrial, or residential developments. Development of subdivided parcels shall be subject to project-specific conditions of approval, to be drafted and implemented at the time of entitlement. The following conditions of approval that include verbiage for "prior to building permit issuance" and "prior to certificate of occupancy" (Or similar verbiage) do not reflect that building permits or certificates of occupancies can be obtain without the proper and necessary entitlements for these

individual parcels. These future developments shall be subject but not limited to the following conditions of approval.

168. Likewise the following reports, (referenced in COAs “Drainage Study”, “Project Specific Water Quality Management Plan (WQMP)”, “Geotechnical Report”, and “Traffic Study Report”) analyze the Menifee Valley Project from a project build-out stand point. These reports and findings are not specific to the development of individual parcels, and thus each forthcoming development within the Menifee Valley Specific Plan may be subject to project specific reports, submitted for review and approval by the City of Menifee.

169. **Drainage Study** – The following report was reviewed and approved by the City:

- a. *Preliminary Hydrology Analysis Menifee Valley Project, TTM38303*, prepared by Hunsaker & Associates, dated January 17, 2023.

The project shall comply with all mitigation recommended by the approved drainage study, and in accordance with City Standards. The design of drainage facilities will need to be revised if it does not adhere to City Standards.

Two copies of a final drainage study (also referred to as Hydrology/Hydraulics Report) shall be submitted to the City for review and approval. The study shall analyze at a minimum the following: project site drainage flow; all future improvements drainage flow; Q10, Q100, pre- and post- condition flow rates; anticipated total drainage flow into existing storm drain; and existing storm drain capacity. A fee for review of the Drainage Study shall be paid to the City, the amount of which shall be determined by City at first submittal of report.

170. **Project Specific Water Quality Management Plan (WQMP)**. The following report was reviewed and approved by the City:

- a. *Preliminary Project Specific Water Quality Management Plan, Menifee Valley Specific Plan*, prepared by Hunsaker & Associates, dated October, 2021. Revised January 2023

Prior to issuance of a grading permit, a FINAL project specific WQMP in substantial conformance with the approved PRELIMINARY WQMP, shall be reviewed and approved by the Public Works Engineering Department. Final construction plans shall incorporate all the structural BMPs identified in the approved FINAL WQMP. The final developed project shall implement all structural and non-structural BMPs specified in the approved FINAL WQMP. One copy of the approved FINAL WQMP on a CD-ROM in pdf format shall be submitted to the Public Works Engineering Department. The FINAL WQMP submittal shall include at the minimum the following reports/studies:

- a) Hydrology/hydraulics report
- b) Soils Report that includes soil infiltration capacity
- c) Limited Phase II Environmental Site Assessment Report, as may be required by an approved Phase I ESA Report

Final construction plans shall incorporate all the structural BMPs identified in the approved FINAL WQMP. The final developed project shall implement all structural and non-structural BMPs specified in the approved FINAL WQMP. One copy of

the approved FINAL WQMP on a CD-ROM in pdf format shall be submitted to the Public Works Engineering Department.

171. **Geotechnical Report** – The following report was reviewed and approved by the City:

*Addendum Report Regarding Geotechnical Recommendations for the Proposed Approximately 580-Acre “Menifee Valley” Residential and Commercial Development, City of Menifee, California*, prepared by LGC Geotechnical, Inc, dated October 11, 2021.

Two copies of City-approved geotechnical/soils report, no more than three (3) years from date of application for grading permit, shall be provided to the City Public Works / Engineering Department with initial submittal of a grading plan. If there is no approved report and/or said report is past three (3) years from date of application, a new geotechnical/soils report and/or update letter, respectively, shall be prepared and submitted to City for review and approval. The geotechnical/soils, compaction and inspection reports will be reviewed in conformance with the latest edition of the Riverside County Technical Guidelines for Review of Geotechnical and Geologic Reports. A fee for review of the geotechnical/soils report and/or update letter shall be paid to the City, the amount of which shall be determined by the City at the first submittal of the report.

Geotechnical Report - A geotechnical/soils report was submitted to the City and reviewed by staff. The geotechnical/soil report was reviewed in conformance with the latest edition of the Riverside County Technical Guidelines for Review of Geotechnical and Geologic Reports. Prior to issuance of any grading permit, two copies of the City approved geotechnical/soils report shall be submitted to the Public Works Engineering Department. The developer/property owner shall comply with the recommendations of the report, and City standards and specifications. All grading shall be done in conformance with the recommendations of the report, and under the general direction of a licensed geotechnical engineer. An updated report may be required if deemed necessary by the Public Works Director prior to the issuance of any grading permit.

172. **Off-Site Dedications** - Prior to the approval of any improvement plans that require off-site dedications and the commencement of any construction associated with the offsite improvement plans, the Developer shall be responsible for obtaining all necessary dedications of rights-of-way for offsite infrastructure improvements, right-of-entry for offsite grading, and easements for ingress, egress, drainage, utilities and other legal requirements for impacts associated with the development of this project, as determined and directed by the City Engineer. If the Developer cannot acquire a property interest in property required for off-site improvements, Government Code § 66462.5 shall apply and the City retains the right to:

- a. The Developer shall enter into an agreement to complete the improvements pursuant to Government Code § 66462 at such time as the City acquires an interest in the land that will permit the improvement to be made.
- b. The Developer shall pay all costs associated with acquiring the offsite real property interests required in connection with the development.
- c. In the instance where the developer and the city has made all reasonable efforts to negotiate the acquiring of said land, the developer may request that the city enter into the process of eminent domain, which shall be done in accordance with all applicable laws and regulations and at the discretion of City Approval.

173. **Frontage Road Dedication.** The developer / property owner shall dedicate the necessary Menifee Road (Urban Arterial Roadway per City Circulation Element), HWY-74 (Expressway Roadway per City Circulation Element, Caltrans), and Briggs Road (Major Roadway per City Circulation Element) right of way fronting the development on the final map or through another acceptable recordable instrument prior to issuance of any building permit.

174. **Traffic Study Report** – The following report was reviewed and approved by the City:

*Traffic Study, Menifee Valley Specific Plan*, prepared by LSA, dated September 2023.

The Public Works Department – Traffic Engineering Division has reviewed the Traffic Study and has generally concurred with its findings. The developer/property owner shall be responsible for all improvements and mitigations, required or identified in the approved traffic study and according to these Conditions of Approval, such as but not limited to right-of-way frontage improvements, traffic signal construction or modification, and fair share fees. All required improvements and mitigation measures identified in the study shall be included in all improvement plans for review and approval by the Public Works Department. Improvements identified in the Traffic Study are the absolute minimums recommend by the consultant traffic engineer. The City Engineer/PW Director may require traffic or street improvements beyond those identified in said study to address public safety and welfare, or to construct improvements eligible for DIF credits or reimbursement that front the project, as determined by the Public Works Director / City Engineer.

175. **Reconstruction or Resurfacing of Roadways** – The Public Works Director / City Engineer may consider reconstruction or resurfacing of road paving fronting the development to meet existing conditions, provided the road is found to meet the minimum City standards for pavement conditions at the time of project construction. If it is determined during project construction that the existing road is found to be substandard, then the Public Works Director / City Engineer will require the developer / property owner to provide full reconstruction as provided for in these conditions of approval. The existing pavement shall be cored during project construction to confirm the structural section, and any findings shall be incorporated into project design. The Public Works Director / City Engineer shall have the final approval for all road conditions.

176. **Signing and Striping** – A signing and striping plan for the required improved roadways is required for this project along the project frontage, onsite, and off-site transitions to existing striping. The applicant shall be responsible for any additional paving and/or striping removal caused by the striping plan. The Signing and Striping Plan shall be approved by the City Engineer in accordance with City ordinances, standards, and specifications, and with the latest edition of the CAMUTCD. Raised median curb shall be required at Menifee Road, Briggs Road and HWY-74 to restrict left out/in movements, unless otherwise approved by City Engineer at intersections on a case-by-case basis.

177. **Traffic Signal** – The applicant shall be responsible for the construction of a new traffic signals at the following intersections in the project's ultimate build-out, consistent with the findings of the approved Traffic Study. The traffic signal plan shall be approved by the Public Works Director / City Engineer. The developer shall be reimbursed or provided traffic DIF Credit if applicable in accordance with City DIF policies for the construction of applicable signals. Timing of signals as determined by the Development Agreement. Note that following Signals only pertain to the frontage/Backbone improvements. Further

signals and modifications shall be constructed as needed in accordance with the approved Traffic Study or modified studies that are reviewed and approved by the City of Menifee.

- a. Briggs Road and McLaughlin Road
- b. Briggs Road and Project Driveway 5/Meadow Oak Street
- c. Briggs Road and Project Driveway 7/Hillridge Street
- d. Briggs Road and Matthews Road
- e. Menifee Road and McLaughlin Road
- f. Menifee Road and Project Driveway 1
- g. Malaga Road and Highway 74
- h. Modification to Signal at Menifee Road and Biscayne Road
- i. Modification to Signal at McKinley Road and Highway 74
- j. Modification to Signal at Briggs Road and Highway 74
- k. Modification to Signal at Menifee Road and Highway 74

All new traffic signals and traffic signal modifications required for construction by this development project shall include traffic signal communication infrastructure, network equipment, and Advanced Traffic Management System (ATMS) license software. Said traffic signal control devices shall be submitted with the traffic signal design plans and shall be approved by the Public Works Director / City Engineer, prior to testing of a new traffic signal. Traffic signal poles shall be placed at the ultimate locations when appropriate.

178. **Construction of Street and Wet Utility Improvements** – The developer / property owner shall design and construct the following improvements:

- a. In-Tract Improvements - Construct all street, storm, sewer, water, park, and wall improvements to public agency engineering standards. This includes the following street improvements:
  - i. Malaga Road – The developer / property owner shall construct Malaga road to its Ultimate width per City standards within the project limits (City Standard 112). Malaga Road is Classified as a collector roadway per the city's circulation element. Note that enhanced intersections exceeding general plan requirements may be required as detailed in the Traffic Study.
  - ii. McLaughlin Road - The developer / property owner shall construct McLaughlin Road to its Ultimate width per City standards within the project limits (City Standard 112). Malaga Road is Classified as a collector roadway per the city's circulation element. Note that enhanced intersections exceeding general plan requirements may be required as detailed in the Traffic Study.
- b. Project Frontage Improvements – The developer / property owner shall construct frontage roads to its ultimate half-width plus 12 feet per City Standards along its entire project frontage, except as detailed below and as determined by the City Engineer.
  - i. Menifee Road – The developer / property owner shall construct Menifee Road from Highway 74 to the projects southern limits, with appropriate transitions back to existing roadway. Menifee shall be improved to include; Three Northbound Lanes, Two Southbound Lanes, and a

raised median. While not ultimate improvements, roadway shall be consistent with City of Menifee General Plan Urban Arterial Roadway Classification (City Standard 96). Enhanced intersections shall be constructed as deemed necessary by the Traffic Study.

- ii. Briggs Road- The developer / property owner shall construct Briggs Road to its Ultimate Half-Width + 12' per City standards within the project limits with appropriate transitions back to existing roadway improvements. Briggs Road is Classified as a major divided roadway per the city's circulation element (City Standard 110). Note that enhanced intersections exceeding general plan requirements may be required as detailed in the Traffic Study.
- iii. Briggs Road (Southern Boundary) – Given constraints of the existing roadway and terrain, the City of Menifee may opt to approve a modified Major Roadway Section as needed during final engineering. All final approvals must be reviewed and approved by the Public Works Director / City Engineer.
- iv. Highway 74 - The developer / property owner shall construct Highway 74 to its Ultimate Half-Width + 12' per City standards within the project limits with appropriate transitions back to existing roadway improvements. Areas with existing medians may be may be modified to exclude the +12' beyond the median, as approved by the Public Works Director / City Engineer. Highway 74 is Classified as an expressway divided roadway per the city's circulation element (City Standard 91), and under the jurisdiction of Caltrans. Improvements shall be approved by both Caltrans and the City of Menifee. Note that enhanced intersections exceeding general plan requirements may be required as detailed in the Traffic Study.

The required improvements shall include the construction of appropriate pavement transitions from the new improvements to existing improvements beyond the project frontage. The design of the transitions shall be in accordance with the CA Highway Design Manual, finalized during review of final construction drawings, and approved by the Public Works Director / City Engineer.

- v. Raised Medians – The developer / property owner shall construct a raised median on Menifee Road, Highway 74, and Briggs Road along the project frontage as approved by the Public Works Director / City Engineer.
- vi. Intersection Geometrics – The developer / property owner shall construct roadway intersections along the project frontages with geometrics consistent with the findings of the approved Traffic Study, as approved by the Public works Director / City Engineer.

179. **TUMF Improvement and Credit Agreement for Highway 74 and Briggs Road Improvements**– Highway 74 and Briggs Road are a qualified TUMF facility. The developer may qualify for credit for constructing required improvements, and any other

applicable roadway improvements required by the Traffic Study. To obtain credit for TUMF eligible facilities, the developer shall enter into a three party TUMF Improvement and Credit Agreement with WRCOG and the City of Menifee, prior to issuance of a building permit. The agreement shall be in accordance with City Ordinances and WRCOG Administrative Policy. The agreement requires WRCOG approval and City Council action.

180. **Cost Participation through Payment of TUMF and DIF for Offsite Improvements-** The developer/property owner's TUMF and DIF payment obligations shall be considered as cost participation for Project's required offsite improvements only when the offsite improvements for which credits are claimed, are eligible TUMF and/or DIF facilities at time of TUMF and DIF payments.
181. **Off-site Improvements** – As detailed in the approved Traffic Study, the developer / property owner of these subdivided parcels shall be responsible for significant offsite improvements and fair share contributions in the Menifee Valley Project Buildout. The full scope of these improvements shall be determined as a part of a Development Agreement between the developer / property owner and the City of Menifee. Timing of individual improvements shall be determined as part of the development of each subdivided property, as approved by the Public Works Director / City Engineer.
182. **Landscaping on Frontage** - The parkway areas within the public right-of-way or landscape easements fronting the entire property, shall be landscaped and irrigated per City standards and guidelines. -These areas shall be maintained by the CFD or HOA.

## **Section III:**

### **Community Development Department – Building and Safety Division**

183. **Final Building & Safety Conditions.** Final Building & Safety Conditions will be addressed when building construction plans are submitted to Building & Safety for review. These conditions will be based on occupancy, use, the California Building Code (CBC), and related codes which are enforced at the time of building plan submittal.
184. **Compliance with Code.** All Design components shall comply with applicable provisions of the 2022 edition of the California Building, Plumbing and Mechanical Codes; 2022 California Electrical Code; California Administrative Code, 2022 California Energy Codes, 2022 California Green Building Standards, California Title 24 Disabled Access Regulations, and City of Menifee Municipal Code. If a code cycle changes prior to submission of any plans or documents, the plans submitted shall be updated to the current State of California, Title 24, Code of Regulations, City of Menifee Ordinance, or any other state, federal, or city requirements.
185. **Photovoltaic System.** A photovoltaic (PV) system shall be installed on the newly constructed dwelling units per State of California Assembly Bill 178 (AB-178). The PV plans may be deferred. The proposed location of the PV system shall be shown on the first submittal of the dwelling construction plans for review. Any deferred PV system plans shall be submitted and approved prior to the rough electrical inspection of the ADU.
186. **County of Riverside Mount Palomar Ordinance.** Applicant shall submit, at the time of plan review, a complete exterior site lighting plan with a “photometric study” showing compliance with County of Riverside Mount Palomar Ordinance Number 655 for the regulation of light pollution. All streetlights and other outdoor lighting shall be shown on electrical plans submitted to the Building & Safety Department. Any outside lighting shall be hooded and aimed not to shine directly upon adjoining property or public rights-of-way. All exterior LED light fixtures shall be 3,000 kelvin and below.
187. **Street Name Addressing.** Applicant must obtain street name addressing for all proposed buildings by requesting street name addressing and submitting a site plan for commercial, residential/tract, or multi-family residential projects.
188. **Obtain Approvals Prior to Construction.** Applicant must obtain all building plans and permit approvals prior to commencement of any construction work.
189. **Obtaining Separate Approvals and Permits.** The recreation center, pools, and other associated structures and amenities for the recreation center shall be permitted separately. Temporary construction/sales trailers, temporary power poles/generators, trash enclosures, patio covers, light standards, building and monument signage, and any block walls will require separate approvals and permits. All parks that are a part of the development shall be permitted separately.
190. **Private Sanitary Sewer and Domestic Water Plan Approvals. (If Applicable)** On-site private sanitary sewer and domestic water plans will require separate approvals and permits from Building and Safety. One (1) set of digital or six (6) sets of plans shall be submitted.
191. **Demolition.** (If applicable) Demolition permits require separate approvals and permits. AQMD notification and approval may be required.



## **Section IV:**

# **Office of the Fire Marshal**

It is the responsibility of the recipient of these Fire Department comments to forward then to all interested parties. The permit number **(as it is noted above)** is required on all correspondence. Additional information is available at our website: [www.rvcfire.org](http://www.rvcfire.org)

Questions should be directed to the Riverside County Fire Department, Office of the Fire Marshal at City of Menifee 29844 Haun Rd., Menifee, CA 92586. Phone (951)723-3767

With respect to the conditions of approval for the referenced project, the Fire Department requires the following fire protection measures be provided in accordance with Riverside County Ordinances and/or recognized fire protection standards:

192. BLUE DOT REFLECTORS- Blue retro-reflective pavement markers shall be mounted on private streets, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by the Riverside County Fire Department.
193. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in effect at the time of building plan submittal.
194. Minimum fire flow for the construction of all commercial buildings is required per CFC Appendix B and Table B105.1. Prior to building permit issuance, the applicant/developer shall provide documentation to show there exists a water system capable of delivering the fire flow based on the information given. Subsequent design changes may increase or decrease the required fire flow.
195. Prior to building construction, fire apparatus access roads extending beyond 150 feet which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
196. If construction is phased, each phase shall provide approved emergency vehicular access for fire protection prior to any building construction. (CFC 501.4)
197. Prior to issuance of Building Permits, an approved site plan for fire apparatus access roads and signage shall be submitted and approved by the Office of the Fire Marshal. (CFC 501.3)
198. The Fire Apparatus Access Road shall be (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW. The fire apparatus access road or temporary access road shall be reviewed and approved by the Office of the Fire Marshal and in place during the time of construction. (CFC 501.4)
199. Fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) feet as approved by the Office of the Fire Marshal and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches.
200. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal.

If any of the conditions are unclear, difficult to understand, or you would like to set up a meeting, please contact me at (951) 723-3767 so that I can better assist you in the approval of this project.

## **Section V:**

# **Outside Agency Letters**



County of Riverside  
**DEPARTMENT OF ENVIRONMENTAL HEALTH**

P.O. BOX 7909 • RIVERSIDE, CA 92513-7909  
JEFF JOHNSON, DIRECTOR

March 4, 2022

City of Menifee, Planning Department  
Attn: Ryan Fowler  
29714 Haun Road  
Menifee, CA 92586

**SUBJECT: CITY OF MENIFEE: MENIFEE VALLEY SPECIFIC PLAN PROJECT  
(ASSESSORS PARCEL NO. 331-260-005 through -009, -012, 331-270-005, 331-  
280-005, 331-290-004, 331-300-002, -004, -005, -007, -013, and 333-170-006, -011  
through -013)**

Dear Mr. Fowler,

The project listed in the subject heading of this letter proposes the following:

- PLN21-0337 (TR38301) subdivision of 578.08 acres into 5 parcels for financing and conveyance purposes.
- PLN21-0336 (GPA) revision to include Menifee Valley Specific Plan PLN21-0217
- PLN21-0335 (Change of Zone) revisions to zoning ordinance text of Specific Plan No. 301 to reflect proposed amendment.
- PLN21-0221 (SPA) proposes the 4<sup>th</sup> amendment to the Menifee Valley Ranch Specific Plan No. 301.
- PLN21-0217 (SPA) proposes a new specific plan.

The project is generally located south of Highway 74, north of Matthews Road, east of Menifee Road and west of Briggs Road, in the City of Menifee.

In accordance with the agreement between the County of Riverside, Department of Environmental Health (DEH) and the City of Menifee, DEH has reviewed the planning case referenced in the subject heading of this letter and provides the following recommendations:

**POTABLE WATER AND SANITARY SEWER SERVICE:**

A "General Condition" shall be placed on the project indicating that the subject property is proposing to receive potable water service and sanitary sewer service from Eastern Municipal Water District (EMWD). It is the responsibility of this facility to ensure that all requirements to obtain potable water and sanitary sewer service are met with EMWD, in addition to all other applicable agencies.

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Office Locations • Blythe • Corona • Hemet • Indio • Murrieta • Palm Springs • Riverside

Phone (888)722-4234  
[www.rivcoeh.org](http://www.rivcoeh.org)

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Prior to building permit issuance, provide documentation that establishes water and service for the project from EMWD.

**REMOVAL/ABANDONMENT OF ANY EXISTING OWTS AND WELLS:**

Any existing wells and/or existing onsite wastewater treatment systems (OWTS) shall be properly removed and/or abandoned under permit with DEH.

**ENVIRONMENTAL CLEANUP PROGRAMS**

As part of the services offered to Contract Cities, the Department of Environmental Health Environmental Cleanup Programs (ECP) conducts environmental reviews on planning projects to ensure that existing site conditions will not negatively affect human health or the environment. The objective of the environmental reviews is: to determine if there are potential sources of environmental and/or human exposures associated with the project, identify the significance of potential adverse effects from the contaminants, and evaluate the adequacy of mitigation measures for minimizing exposures and potential adverse effects from existing contamination and/or hazardous substance handling.

For this project, the City of Menifee is taking on the responsibility to review the above aspects of the project.

**FUTURE ENTITLEMENTS**

Please note that subsequent projects proposed within the Specific plan may be subject to further review by DEH.

Should you have any further questions about this letter or require further assistance, please contact me by email at [kakim@rivco.org](mailto:kakim@rivco.org) or by phone at (951) 955-8980.

Sincerely,  
Kristine Kim, Supervising REHS  
Environmental Cleanup Program

## RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



November 16, 2022

Ryan Fowler, Project Planner  
City of Menifee Community Development Department  
29844 Haun Road  
Menifee CA 92586

CHAIR  
Steve Manos  
Lake Elsinore

VICE CHAIR  
Russell Betts  
Desert Hot Springs

COMMISSIONERS

John Lyon  
Riverside

Richard Stewart  
Moreno Valley

Steven Stewart  
Palm Springs

Michael Geller  
Riverside

Vernon Poole  
Murrieta

STAFF

Director  
Paul Rull

Simon Housman  
Jackie Vega  
Barbara Santos

County Administrative Center  
4080 Lemon St., 14th Floor  
Riverside, CA 92501  
(951) 955-5132

[www.rcaluc.org](http://www.rcaluc.org)

### RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW – DIRECTOR'S DETERMINATION

File No.: ZAP1549MA22  
Related File No.: PLN21-0336 (General Plan Amendment), PLN21-0217 (Specific Plan), PLN21-0221 (Specific Plan Amendment), PLN21-0335 (Change of Zone), PLN22-0033 (Tentative Parcel Map)  
APN: 331-260-005 to 012, 331-270-005, 331-280-005, 331-290-004, 331-300-002, 004, 005, 007, 013, 333-170-006, 011, 012, and 013  
Airport Zone: Zone E

Dear Mr. Fowler:

Under the delegation of the Riverside County Airport Land Use Commission (ALUC) pursuant to Resolution No. 2015-01 (as extended by Resolution No. 2020-01) of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan, staff reviewed City of Menifee Case Nos. PLN21-0336 (General Plan Amendment), PLN21-0217 (Specific Plan), PLN21-0221 (Specific Plan Amendment), PLN21-0335 (Change of Zone), PLN22-0033 (Tentative Parcel Map). The Project site is located within the approved Menifee Valley Ranch, Specific Plan No. 301 (SP 301) adopted by Riverside County Board of Supervisors on April 29, 1997. Within SP 301, property south of Matthews Road and the existing rail line has been previously developed with 1,872 residential units, two schools, and open space/park amenities. The Proposed Project (Project) would separate the 590.3 acres north of Matthews Road and the existing rail line from SP 301. The Project includes the creation of the new Menifee Valley Specific Plan (MVSP) on the property separated from SP 301 (Figure 1). **General Plan Amendment (GPA) No. PLN 21-0336** proposes an amendment to the City's General Plan. The General Plan land use map would be revised to include the proposed Menifee Valley Specific Plan (Specific Plan No. PLN 21-0217) designation and to remove the portion of Specific Plan No. 301 proposed to be removed under Specific Plan Amendment No. PLN 21-0221. In addition, the City's General Plan Circulation Element calls for McLaughlin Road to be extended east to west through the center of the Menifee Specific Plan area. The GPA would eliminate this road segment from the General Plan. In addition, the GPA proposes to amend the alignment of Briggs Road at the southern boundary of the site to avoid Granite Hill instead of constructing the road directly through Granite Hill. **Specific Plan Amendment No. PLN 21-0221 (formerly SPA 2018-182)** proposes the fourth (4th) amendment to the Menifee Valley Ranch Specific Plan No. 301 (SP 301). The Specific Plan Amendment proposes to remove parcels located north of Matthews Road from SP 301. SP 301 is located south of Highway 74, north of Simpson Road, east of Menifee Road and west of Briggs Road; however, the portion of the plan proposed for removal is located south of Highway 74, north of Matthews Road, east of Menifee Road and west of Briggs Road (APNs for portions to be removed: same as below). The modifications to the affected Planning Areas (Planning Areas 1 through 13) will result in a decrease to the total project acreage from 1,548.3 to 942.0 acres and the total dwelling unit count would decrease from 4,352 to 2,641 dwelling units (a reduction of 1,711 units). The Specific Plan Amendment would include changes to the

text of Specific Plan No. 301 and include updates to the applicable exhibits and figures to reflect the removal of Planning Areas 1 through 13. **Specific Plan No. PLN 21-0217** proposes a new Specific Plan on 590.3 acres. The proposed Specific Plan consists of 200.8 acres of Residential (R) (target dwelling units 1,711 units), 39.9 acres of Open Space-Recreation (OS-R) (including parks, open space, and greenbelts), 12.0 acres of Public Utility Corridor (PUC), 4.8 acres of Public Facilities (PF) (fire station site, transit stop, and other civic uses), 285.0 acres of Business Park, and 23.2 acres of Commercial-Business Park (C-BP) land uses spread across ten (10) Planning Areas. The project would also include 24.6 acres of public roadway. The Specific Plan allows for 5.6 million sq. ft. of business park floor space (0.6 floor area ratio [FAR] for any single lot and 0.5 FAR for all combined BP areas) and 260,000 sq. ft. of commercial-business park floor space (0.4 FAR for any single lot and 0.25 FAR for any single lot). The project site is located south of Highway 74, north of Matthews Road, east of Menifee Road and west of Briggs Road (APNs: 331-260-005 through -009, -012, 331-270-005, 331-280-005, 331-290-004, 331-300-002, -004, -005, -007, -013, and 333-170-006, -011 through -013). **Change of Zone No. PLN 21-0335** proposes revisions to the zoning ordinance text of Specific Plan No. 301 to reflect the proposed Amendment. In addition, the City Zoning Map would be revised to include the proposed Menifee Valley Specific Plan (Specific Plan No. PLN 21-0217) zone and to remove the portion of Specific Plan No. 301 proposed to be removed under Specific Plan Amendment No. PLN 21-0221. **Tentative Parcel Map No. PLN 21-0337** proposes a subdivision to establish the boundaries and dimension of lots and streets and the proposed grading for the residential and recreational areas of the Menifee Valley Specific Plan (Specific Plan No. PLN 21-0217). Following map recordation, the final map will become the legal document that identifies developable lots within the Specific Plan.

The project is located within Compatibility Zone E of March Air Reserve Base/Inland Port Airport Influence Area, where Zone E does not restrict residential density or non-residential intensity.

Although the project is located within the March Air Reserve Base/Inland Port AIA, the actual nearest runway is Runway 15-33 at Perris Valley Airport. The southerly terminus of this runway is located 20,279 feet from the project site. At this distance, given the runway elevation of 1,413 feet above mean sea level (AMSL), Federal Aviation Administration (FAA) review would be required for any structures with top of roof exceeding 1,616 feet AMSL. The site elevation is 1,475 feet AMSL, and the proposed maximum building height is 60 feet, resulting in a top point elevation of 1,535 feet AMSL. Therefore, FAA OES review for height/elevation reasons was not required.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT**, with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, subject to the following conditions:

**CONDITIONS:**

1. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a

straight final approach towards a landing at an airport.

- (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, outdoor production of cereal grains, sunflower, and row crops, composting operations, wastewater management facilities, artificial marshes, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Highly noise-sensitive outdoor nonresidential uses.
  - (f) Any use which results in a hazard to flight, including physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations.
3. The attached "Notice of Airport in Vicinity" shall be provided to all prospective purchasers and occupants of the property.
4. Any proposed stormwater basins or facilities shall be designed and maintained to provide for a maximum 48-hour detention period following the design storm, and remain totally dry between rainfalls. Vegetation in and around the stormwater basins that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the stormwater basin(s) shall not include trees or shrubs that produce seeds, fruits, or berries.

Landscaping in the stormwater basin, if not rip-rap, should be in accordance with the guidance provided in ALUC "LANDSCAPING NEAR AIRPORTS" brochure, and the "AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT" brochure available at [RCALUC.ORG](http://RCALUC.ORG) which list acceptable plants from Riverside County Landscaping Guide or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.

A notice sign, in a form similar to that attached hereto, shall be permanently affixed to the stormwater basin with the following language: "There is an airport nearby. This stormwater basin is designed to hold stormwater for only 48 hours and not attract birds. Proper maintenance is necessary to avoid bird strikes". The sign will also include the name, telephone number or other contact information of the person or entity responsible to monitor the stormwater basin

If you have any questions, please contact me at (951) 955-6893.

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



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Paul Rull, ALUC Director

Attachments: Notice of Airport in Vicinity



cc: Minor Ranch LLC (applicant/property owner)  
Brookfield Properties Development (representative)  
Gary Gosliga, March Inland Port Airport Authority  
Major. David Shaw, Base Civil Engineer, March Air Reserve Base  
ALUC Case File

X:\AIRPORT CASE FILES\March\ZAP1549MA22\ZAP1549MA22.LTR.doc

## **NOTICE OF AIRPORT IN VICINITY**

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)

# NOTICE

**THERE IS AN AIRPORT NEARBY.  
THIS STORM WATER BASIN IS DESIGNED TO HOLD  
STORM WATER FOR ONLY 48 HOURS AND  
NOT TO ATTRACT BIRDS**

**PROPER MAINTENANCE IS NECESSARY TO AVOID  
BIRD STRIKES**



IF THIS BASIN IS OVERGROWN, PLEASE CONTACT:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**The undersigned warrants that he/she is an authorized representative of the project referenced above, that I am specifically authorized to consent to all of the foregoing conditions, and that I so consent as of the date set out below.**

Signed \_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title (please print)