

ORDINANCE NO. 2024- _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA APPROVING AN AMENDMENT TO THE CIMARRON
RIDGE SPECIFIC PLAN DEVELOPMENT AGREEMENT NO. PLN 23-
0241 BY AND BETWEEN THE CITY OF MENIFEE AND PULTE HOME
COMPANY, LLC**

WHEREAS, on October 18, 2023, the applicant, Pulte Home Company, LLC (“Applicant”) filed a formal application with the City of Menifee to amend the previously approved Cimarron Ridge Specific Plan Development Agreement between the Applicant and the City of Menifee (“Development Agreement” or “DA”) concerning the development of the Cimarron Ridge Specific Plan; and

WHEREAS, the application for the amendment to the DA is being processed concurrently with applications for a Specific Plan Amendment (SPA) No. PLN 23-0060 and Major Modification (MJMOD) to Tentative Tract Map (TTM) No. 36658; and

WHEREAS, City has found that development agreements will strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved; and

WHEREAS, on February 28, 2024, the Planning Commission of the City of Menifee held a duly noticed public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for Amendment to the Cimarron Ridge Specific Plan DA No. PLN23-0241, which the hearing was publicly noticed on February 18, 2024 by a publication in The Press Enterprise (a newspaper of general circulation), an agenda posting, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice; and

WHEREAS, at the February 28, 2024 Planning Commission public hearing, based upon the materials in the staff report and accompanying documents, public comments, and Planning Commission discussion, the City of Menifee Planning Commission recommended the City Council approve the Amendment DA No. PLN 23-0241; and

WHEREAS, on March 20, 2024, the City Council of the City of Menifee held a duly noticed public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for Amendment to the Cimarron Ridge Specific Plan DA No. PLN23-0241, which the hearing was publicly noticed on February 18, 2024 by a publication in The Press Enterprise (a newspaper of general circulation), an agenda posting, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice; and

WHEREAS, the DA has been prepared, processed, reviewed, heard, and approved in accordance with applicable law, including but not limited to Section 65864 et seq. of the Government Code and is attached hereto as “Exhibit A” of this Ordinance.

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

Section 1: *The proposed DA is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.*

The proposed DA supports the amendments and revisions to Cimarron Ridge Specific Plan and MJMOD to TTM No. 36658. The DA has been revised to reflect the changes proposed as part of the SPA. The changes to the DA will reflect the relocation of the 10.19-acre park from Planning Area (PA) 5 to PA-4, the relocation of 49 single-family residential lots from PA-4 to PA-5, add gated entry to PA-5 and PA-6 with gates located on McLaughlin Road, Byers Road, and Goetz Road.

The Project is consistent with the Specific Plan land use designation. In addition, the Project will provide the residential uses envisioned in the General Plan and will generating economic growth and supplying needed infrastructure, services and amenities envisioned in the General Plan.

In addition, the Project and associated DA are consistent with the following City of Menifee General Plan policies:

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

The Project places appropriate uses within an area designated Specific Plan per the General Plan. Growth has been concentrated in this strategic location to help preserve rural areas. Through the land use plan, development standards, and the design guidelines, the Specific Plan will create a unique place and develop its own identity. The Land Use Plan, Circulation Plan, Grading Plan, and Phasing Plan of the Specific Plan will ensure that that development will provide infrastructure efficiently.

The DA implements and is consistent with Land Use Plan, Circulation Plan, Grading Plan, and Phasing Plan of the Specific Plan.

- *Policy LU-1.2: Provide a spectrum of housing types and price ranges that match the jobs in the city and make it possible for people to live and work in Menifee and maintain a high quality of life.*

The Project provides a variety of lot sizes that can accommodate different housing types and price ranges including age restricted housing. The Project contains residential and recreation opportunities fostering a high quality of life.

- *Policy C-1.1 Require roadways to: Comply with federal, state and local design and safety standards.*

The TTM proposes improvements for roadways, including but not limited to Valley Boulevard, Goetz Road, McLaughlin Road and Thornton Road, which are consistent with the City's General Plan and the City's Public Works and Engineering Department Standard Details.

- *Policy CD-1.3: Strengthen the identity of individual neighborhoods/communities with entry monuments, flags, street signs, and/or special tree streets, landscaping, and lighting.*

The Project includes entry monuments with a common architectural theme that will strengthen the identity of the development. Special trees and landscaping have been incorporated into the overall design and streetscapes.

- *CD-6.1 Recognize the importance of street trees in the aesthetic appeal of residential neighborhoods and require the planting of street trees throughout the City.*

The proposed Project will include street trees throughout the project site.

- *HE-2.4 Parks and Recreation. Enhance neighborhood livability and sustainability by providing parks and open spaces, planting trees, greening parkways, and maintaining a continuous pattern of paths that encourage an active, healthy lifestyle.*

As described above, the Project provides parks and open spaces, including expanded parkways, trees and a pattern of pathways that encourage an active healthy lifestyle.

Section 2: *Consistency with the Zoning Code. The proposed DA is compatible with uses authorized in, and the regulations prescribed for, the zone in which the real property will be located.*

The General Plan Land Use and Zoning designation of the site is Cimarron Ridge Specific Plan; however, the proposed Amendment to the DA is being concurrently processed with a SPA to transfer lots and relocate the main park. In addition, the Project is being processed concurrently with a MJMOD to TTM No. 36658.

As amended, the DA will strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

Section 3: *The proposed DA is in conformity with and will promote public convenience, general welfare and good land use practice.*

The Project would facilitate the development of a Specific Plan that includes a mix of residential lot sizes and public/quasi-public facilities. The residential uses proposed are similar to existing development surrounding the Project site.

The Project is compatible with the surrounding land uses, General Plan Land Use designations and Zoning classifications. The Project incorporates quality design, parks, landscaping and other improvements which will enhance the area upon construction. The proposed DA provides for the orderly construction of road improvements, utilities, drainage and other improvements. The proposed DA is consistent with the Specific Plan and will assist the Applicants in implementation of the Specific Plan. The proposed DA is in conformity with and will promote public convenience, general welfare and good land use practice.

Section 4: *The DA will not create conditions materially detrimental to the public health, safety and general welfare within the City.*

The DA will not result in conditions detrimental to public health, safety, or general welfare. The associated entitlements have been reviewed and conditioned by the City of Menifee Community Development Department, Engineering Department, and Office of the Fire Marshal to ensure it will not create conditions materially detrimental to the surrounding uses. Conditions of approval include requiring park and other amenities to support the proposed residential component, roadway improvements consistent with the General Plan that will benefit the project site and surrounding areas.

The proposed DA does not contain any provisions that would create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the Project vicinity and within the City.

Section 5: *Orderly Development. The DA would not adversely affect the orderly development of property and surrounding area, or the preservation of property values.*

The proposed DA would assist with and would not interfere with the Specific Plan and implementing maps/land use entitlements. The timing of infrastructure, including parks, was carefully considered and coordinated consistent with the original DA. Therefore, the DA would not adversely affect the orderly development of the surrounding area. The proposed DA would not alter the land uses as proposed in the Specific Plan. The proposed DA would not conflict with surrounding existing and planned land uses and would not have the potential to adversely affect property values. The proposed DA would assist with the implementation of the Specific Plan, which includes improvements to surrounding roads and the construction of parks. The improvements associated with the Specific Plan implementation are anticipated to enhance and improve the surrounding area and not adversely affect property values.

Section 6: *Encourage Development. The DA would promote and encourage the development of the proposed project by providing a greater degree of requisite certainty.*

The assurances provided to the Applicant through the proposed DA, such as vesting and timing for public improvements, would provide greater certainty and reduced risk that would encourage development as approved under the

Specific Plan and the infrastructure associated with it that would serve the surrounding area.

Section 7: *The proposed DA that includes a subdivision, and any tentative map prepared for the subdivision, will comply with the provisions in Government Code Section 66473.7.*

The DA includes a MJMOD to a previously approved subdivision as described in the staff report. The changes are consistent with the Cimarron Ridge Specific Plan and supported by the General Plan.

Section 8: California Environmental Quality Act (CEQA) Compliance. The City, as the Lead Agency, determined it is subject to CEQA Guidelines and regulations (Public Resources Code [PRC] Sections 21000–21177). The City has prepared this Addendum to the Cimarron Ridge Specific Plan Environmental Impact Report (EIR) to analyze the potential impacts associated with the proposed Project and satisfy the requirements of CEQA Guidelines Section 15164, Addendum to an EIR or Negative Declaration.

The analysis presented in the Addendum substantiates that the Final EIR (FEIR) for the Specific Plan is sufficient to satisfy CEQA requirements for the approval of the proposed Project. That is, implementation and operation of the proposed Project described in the Addendum would not result in any new or substantially more severe environmental impacts than were previously considered and addressed in the FEIR. Further, the Project would implement all applicable mitigation measures presented in the FEIR. As such, potential environmental impacts of the Project are considered to be adequately and appropriately addressed by analysis presented in the FEIR.

Section 9: Adoption of the DA. The City Council finds that the facts present within the public record and within this Ordinance provide the basis to adopt DA Amendment No. PLN 23-0241.

Section 10: The City Manager, or their designee, is directed and authorized to do all the following:

- a. Make all necessary and appropriate clerical, typographical, and formatting corrections to the adopted Amendment to DA No. 23-0241 prior to execution and recording; and
- b. To implement the DA, in accordance with its terms.

Section 11. Recording. Pursuant to Government Code Section 65868.5 and Section 9.45.150 of the Menifee Municipal Code, the City Clerk shall prepare a final version of the DA for recording within 10 days of the Effective Date that fully reflects the action of the City Council in adopting the DA.

Section 12: Effective Date. The Ordinance shall take effect and be in full force and operation 30 days after its second reading and adoption.

Section 13: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that

it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 14: Notice of Adoption. The City Clerk is authorized and directed to cause this Ordinance to be published within 15 days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

Section 15: The documents and materials that constitute the record of proceedings on which this Ordinance has been based are located at the Community Development Department – Planning Division, 29844 Haun Road, Menifee, CA 92586. This information is provided in compliance with Public Resources Code Section 21081.6.

THIS ORDINANCE WAS INTRODUCED AND READ on the 20th day of March 2024 and **PASSED, APPROVED AND ADOPTED** this 3rd day of April 2024.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney