

**RESOLUTION NO. 24-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 38133 (PLN21-0272) FOR 145 SINGLE-FAMILY LOTS ON AN APPROXIMATELY 28.8-ACRE PROJECT SITE LOCATED IN PLANNING AREA 22 OF THE MENIFEE NORTH SPECIFIC PLAN NO. 260, LOCATED AT THE SOUTHEAST CORNER OF WATSON ROAD AND MALONE ROAD DIRECTLY ADJACENT TO THE MARION ASHLEY COMMUNITY CENTER AND HARVEST VALLEY ELEMENTARY SCHOOL (APN'S: 327-320-001, 327-320-014, 327-320-015, 327-320-017, AND 327-320-018).**

**WHEREAS**, on August 5, 2021, the applicant, Richland Ventures, Inc., filed a formal application with the City of Menifee for the approval of Tentative Tract Map (TTM) No. 38133 (PLN21-0272) subdivision for a residential community located within Planning Area (PA) 22 of the Menifee North Specific Plan No. 260 (SP 260) consisting of 145 detached single-family lots with a minimum lot size of 3,700 square feet and a maximum of 10,836 square feet on a 26.5 acre site with a density of 5.5 dwelling units per acre, and includes a 0.15-acre tot lot adjacent to a proposed 1.43-acre water quality basin; and

**WHEREAS**, Conditions of Approval have been prepared and attached hereto as Exhibit "A" of the Resolution; and

**WHEREAS**, TTM 38133 is being processed concurrently with TTM 31832 (PLN21-0274) and Menifee North Specific Plan Amendment No. 5 (PLN21-0276); and

**WHEREAS**, on February 14, 2024 the Planning Commission voted to continue the project to a future Planning Commission Hearing; and

**WHEREAS**, on March 13, 2024, the Planning Commission of the City of Menifee held a public hearing on TTM No. 38133, considered all public testimony as well as all materials in the staff report and accompanying documents for the Project including the consideration of the Addendum to SP 260 Final Environmental Impact Report (FEIR), which hearing was publicly noticed by a publication in The Press Enterprise, a newspaper of general circulation, an agenda posting, notices placed on the Project site, notice to property owners and non-owner residents within 300 feet of the Project boundaries, notice to all relevant agencies and to persons requesting notification; and

**WHEREAS**, at the March 13, 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 TTM No. 38133 (PLN21-0272); and

**WHEREAS**, on April 3, 2024, the City Council held a duly noticed public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for the Project, which hearing was publicly noticed in The Press Enterprise, a newspaper of general circulation, an agenda posting, on-site posting, notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice; and

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

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

**Section 1:** The City of Menifee’s City Council hereby makes the following findings for TTM No. 38133 (PLN21-0272) in accordance with Title 7, Article 2, Chapter 7.20.090 “Findings for Approval for Tentative Maps” of the City of Menifee Subdivision Code:

**Finding 1 - The proposed subdivision and the design and improvements of the subdivision is consistent with the Development Code, General Plan, any applicable specific plan, and the Menifee Municipal Code.**

TTM No. 38133 has a General Plan Land Use designation of SP 260. Specifically, the Project is located in PA 22 of SP 260 which, under a concurrent amendment, is proposed to increase the density to 5.5 dwelling units per acre, decrease the minimum lot size to 3,700 square feet, establish a combined acreage of 26.5 acres (due to combining PA 22 and 23A) and allow up to 145 dwelling units. The intent of the designation established in SP 260 is residential development at 5.5 dwelling units per acre density range. TTM No. 38133 is proposed at a density of 5.5 dwelling units per acre which is consistent with SP 260 Land Use designations and with the surrounding community.

TTM No. 38133 is consistent with the following City of Menifee General Plan policy:

- *Policy LU-4.1: Ensure that land use decisions within the March Air Reserve Base and Perris Valley Airport areas of influence are consistent with applicable Airport Land Use Compatibility Plans. Comply with State law regarding projects subject to review by the Riverside County Airport Land Use Commission.*

TTM No. 38133 was routed for review to the Riverside County Airport Land Use Commission and has been conditioned per the Airport Land Use Compatibility Plan. Various conditions include building heights, basin drainage timeframes, directional/hooded lighting and a notice (and recorded as deed notice) to all prospective buyers and tenants of any future residents that their property is located in an Airport Land Use Compatibility Zone.

- *Policy LU-1.6 Coordinate land use, infrastructure, and transportation planning and analysis with regional, county, and other local agencies to further regional and subregional goals for jobs-housing balance.*

TTM No. 38133 is conditioned to improve Watson Road, Malone Avenue and Briggs Road along the Project frontage which will increase the accessibility for residents within the Project to the existing Marion Ashley

Community Center and Harvest Valley Elementary School by providing sidewalks and paved access.

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

TTM No. 38133 proposes improvements for roadways, including Watson Road, Briggs Road, Malone Avenue, and internal tract streets, 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 will include landscaping and monument signage at the entries off Malone Avenue and Briggs Road. The conceptual landscape plan includes the entire tract to provide a consistent and unique landscape plan for the entire community.

**Finding 2 -** *Consistency with the Zoning Code. The Tentative Tract Map is consistent with the zone designation map.*

TTM No. 38133 is zoned SP 260, PA 22 and proposes to subdivide the Project area into 145 single-family lots. Additional lots are proposed for a tot lot, water quality basin, and internal roads. PA 22 of the SP 260, with the approval of a separate ordinance, was originally two different planning areas, PA 22 and PA 23A. Originally, PA 22 was approved for 56 dwelling units on 11 acres with a 5,000 square foot minimum lot size and a 5.1 dwelling unit per acre density. PA 23A was originally approved for 153 high density garden court loaded units at 8.5 units per acre. Menifee North Specific Plan Amendment (SPA) No. 5, under a separate ordinance, approved a SPA to combine PA 22 and 23A into PA 22, and establish a minimum lot size of 3,700 square feet (from 5,000 square feet), establish a density of 5.5 dwelling units per acre (from 5.4 in PA 22 and 8.5 in PA 23A), establish development standards and allowed land uses for consistency with the proposed density and unit count, and establish a maximum number of dwelling units at 145 (originally 56 in PA 22 and 153 in PA 23A).

Staff has reviewed and conditioned the subdivision for consistency with the Subdivision Ordinance requirements for lot sizes and dimensions, streets, domestic water, fire protection, sewage disposal, and other applicable requirements. The subdivision is consistent with the development code and the Subdivision Ordinance requirements of the Menifee North Specific Plan, PA 9 and the City of Menifee Municipal Code.

**Finding 3 -** **The tentative map does not propose to divide land which is subject to a contract entered into pursuant to the California Conservation Act of 1965, or the land is subject to a Land Conservation Act contract but the resulting parcels following division of the land will be of an adequate size to sustain their agricultural use:**

The TTM No. 38133 project site is not under a contract entered into pursuant to the California Land Conservation Act of 1965.

**Finding 4 - The site is physically suitable for the type of development and the proposed land use of the development.**

The TTM No. 38133 Project site is bounded by an existing rural residential, vacant PA 18 (7,200 square foot minimum) and vacant PA 19 (commercial/business park) to the west, Rural Residential (1 acre minimum) lots to the north, the Marion Ashley Community Center and Harvest Valley Elementary School to the east, and vacant PA 23 to the south zoned Commercial within SP 260. Previously, two separate tract maps (TTM No. 33738 and TTM No. 34600) were originally approved by the Riverside County Board of Supervisors at a higher density, 5.1 and 8.5 dwelling units per acre respectively. The reduced density of the proposed TTM No. 38133 provides a buffer between the future commercial development in PA 23 to the south and the existing Rural Residential uses to the north and west. Therefore, TTM No. 38133 is considered physically suitable for the type of development and the proposed land use of the site.

TTM No. 38133 has been reviewed by the different Departments to ensure compliance with applicable regulations, including, but not limited to City of Menifee Community Development Department, Engineering and Public Works Department, and Office of the Fire Marshal. These Departments have also provided conditions of approval as appropriate to ensure compliance with applicable regulations.

**Finding 5 - The design of the subdivision and the proposed improvements, with conditions of approval, are either:**

- 1. Not likely to cause significant environmental damage or substantially and avoidable injure fish or wildlife of their habitat; or**
- 2. Subject to an environmental impact report under which a finding has been made pursuant to Public Resources Code Section 21081(a)(3) that specific economic, social, or other considerations make infeasible mitigation measures or project alternatives identified in the environmental impact report.**

TTM No. 38133 will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. Addendum No. 2 to the SP 260 Final Environmental Impact Report (FEIR) was prepared for TTM No. 38133 and no significant impacts were identified with incorporation of standard conditions of approval and mitigation measures (as listed in the FEIR Mitigation Monitoring and Reporting Program). The map has been reviewed and conditioned by the City of Menifee Community Development Department, Engineering Department, and Office of the Fire Marshal to ensure that it will not create conditions materially detrimental to the surrounding uses.

**Consistency with Multiple Species Habitat Conservation Plan (MSHCP)**

The City of Menifee has two active conservation plans within the City's boundary, the Western Riverside County MSHCP, and the Stephen's Kangaroo Rat Habitat Conservation Plan (SKR-HCP). The subject site is within the jurisdiction of the SKR-HCP and the Western Riverside County MSHCP. TTM No. 38133 is located inside the Stephen's Kangaroo Rat (SKR) (*Dipodomys stephensi*) Fee Area. The proposed Project is located within the boundaries of the Western Riverside County MSHCP; however, the Project is not located within a Criteria Cell or Cell Group. The Project will be subject to the payment of fees consistent with Menifee Municipal Code Chapter 17.03 as adopted by the City of Menifee. Therefore, the Project will not conflict with the provisions of the adopted HCP, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan and the impact is considered less than significant.

**Finding 6 - The design of the subdivision and the type of improvements are not likely to cause serious public health problems.**

The public health, safety and general welfare are protected through project design, conditions of approval, and mitigation measures. The Project site is surrounded by existing single-family residences to the north and west along with vacant commercial land to the south, and an existing community center and elementary school to the east.

TTM No. 38133 has been reviewed and conditioned by the City of Menifee Community Development, Engineering, and Police Departments, and the Office of the Fire Marshal, to ensure that it will not create conditions materially detrimental to the surrounding uses, nor will be detrimental to the public health, safety and general welfare or incompatible with other properties or land uses in the project vicinity.

**Finding 7 - The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.**

TTM No. 38133 will be designed with passive or natural heating opportunities. TTM No. 38133 will be consistent with the City of Menifee Development Code and the requirements of California Code of Regulations of Title 24, including requirements for energy efficiency, thermal insulation, and solar panels.

**Finding 8 - The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or the design of the alternate easements which are substantially equivalent to those previously acquired by the public will be provided.**

TTM No. 38133 makes provisions for all existing and future easements for all utilities and public use purposes. Therefore, no conflicts with easements will occur with the design of the subdivision.

**Finding 9 - The subdivision is consistent with the City’s parkland dedication requirements (per the Quimby Act) as applicable, in accordance with Chapter 7.75 (Parkland Dedication and fees).**

TTM No. 38133 will fulfill Quimby obligations through the payment of fees as determined by the Community Services Department. Fees are required for consistency with the Quimby Act. Additionally, SP 260 was approved with the requirements for a Community Park in PA 10 directly to the east. While various tract maps have been approved and built within the Specific Plan and the removal of the areas of SP 260 outside of City boundaries, the City has conditioned TTM No. 38133 to enter into a Park Development Agreement prior to recordation of the final map to ensure timely construction and completion of the community park.

**NOW, THEREFORE,** The City Council of the City of Menifee makes the following findings:

1. That the Findings set out above are true and correct.
2. That the facts presented within the public record and within this resolution provide a basis to approve TTM No. 38133 subject to the Conditions of Approval set forth in Exhibit “A” to this Resolution.
3. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution 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.

**PASSED, APPROVED AND ADOPTED** this the 3<sup>rd</sup> day of April, 2024.

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Bill Zimmerman, Mayor

Attest:

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Stephanie Roseen, Acting City Clerk

Approved as to form:

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Jeffrey T. Melching, City Attorney