

RESOLUTION NO. 24- _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. PLN 22-0033
(TTM NO. 38303) TO SUBDIVIDE 577.8 ACRES INTO 11 LOTS
ASSOCIATED WITH THE MENIFEE VALLEY SPECIFIC PLAN AREA
GENERALLY LOCATED SOUTH OF HIGHWAY 74, EAST OF
MENIFEE ROAD, NORTH OF MATTHEWS/CASE ROAD AND WEST
OF BRIGGS ROAD**

WHEREAS, on June 8, 2021, the applicant, Minor Ranch, LLC (“Applicant”) filed a formal application with the City of Menifee for the approval of Tentative Tract Map (TTM) No. PLN 22-0033 for a large-lot subdivision map for conveyance purposes and mass grading which would establish lots corresponding to the Planning Area boundaries as proposed by the Menifee Valley Specific Plan (MVSP) No. PLN 21-0217 on the property containing Assessor Parcel Numbers (APNs) 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; and

WHEREAS, the application for the TTM is being processed concurrently with applications for a Specific Plan (SP) No. PLN 21-0217 which establishes land uses and development standards for 590.3 acres, including the Project area, a General Plan Amendment (GPA) No. PLN 21-0336 to change the General Plan land use map to include the MVSP land use designation and remove the portion of Menifee Valley Ranch Specific Plan No. 301 (SP 301) proposed to be removed under Specific Plan Amendment((SPA) No. PLN 21-0221, a Change of Zone (CZ) No. PLN 21-0335 to revise the City Zoning Map to include the MVSP zone, a SPA No. PLN 21-0221 (listed above), and a Development Agreement (DA) No. PLN 21-0338 for the establishment of provision for development of the Project such as, but not limited to infrastructure improvement, park benefits, vesting of development rights and timing of public improvements (collectively, the applications are referred to as the “Project,” “Menifee Valley Specific Plan,” or “MVSP”); and

WHEREAS, on January 10, 2024, the Planning Commission, held a duly noticed Public Hearing on the Project, considered all public testimony as well as materials in the staff report and accompanying documents, 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, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice; and

WHEREAS, at the January 10, 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. PLN 22-0033; and

WHEREAS, on February 7, 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, on February 7, 2024, the item was continued to the February 21, 2024 City Council meeting; and

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

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

Section 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 (MMC).*

The General Plan land use designation of the site is SP 301; however, the proposed subdivision is being concurrently processed with a SPA to remove the Project site from the SP 301 and Specific Plan application to include the Project site within a new Specific Plan (MVSP). In addition, the Project is being processed concurrently with a GPA to change the General Plan land use map to include the MVSP land use designation and remove the portion of SP 301 proposed to be removed under SPA No. PLN 21-0221.

The intent of the Specific Plan General Plan land use designation is to recognize areas where a Specific plan is in place and to provide policies, standards and criteria for the development or redevelopment of these areas. The MVSP provides the policies, standards and criteria for development of the area.

The proposed MVSP is consistent with the General Plan. The Specific Plan provides land uses, development standards and design guidelines that implement the goals and policies of the General Plan. Roadways, trails, bike lanes, and enhanced landscape corridors have been incorporated into the Specific Plan consistent with the General Plan.

The TTM proposes a large-lot subdivision map for conveyance purposes and would establish lots conforming to the Planning Area boundaries as proposed by the MVSP. The TTM also include mass grading of the Project site consistent with the MVSP.

A majority of backbone roadway dedications would occur as part of the large-lot subdivision. The proposed TTM would establish a subdivision of 11 lots proposed for 577.8 acres of residential, school, recreation, conservation, public facility civic node, business park, and commercial uses and internal public roadways. The proposed land uses and roadways shown on the tentative map are consistent with the Specific Plan land uses and circulation element.

The areas surrounding the Project site consist of a mix of land uses, including industrial, residential, and public/quasi-public facilities. The area is dominated by Southern California Edison's (SCE) Valley Power Station, one of the largest in the SCE portfolio and the SCE service station, which is a facilities and operations maintenance facility. The Project site is 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 Riverside County Transportation Commission (RCTC) rail corridor, SCE transmission facilities, and Matthews Road (a dirt road designated only as a paper street). Directly to the east is Briggs Road. Nearby single-family residential uses include the Heritage Lake residential community to the south on the opposite side of the BNSFRR and other residential subdivisions under the jurisdictional authority of unincorporated Riverside County to the east. Vacant land planned for commercial and industrial uses is located to the north across SR-74. At the southeastern corner of the SR-74/Briggs Road intersection is Heritage High School, with the high school property directly abutting the Project site boundary on the high school site's west and south sides.

Business park and commercial planning areas are adjacent to Menifee Road and State Route 74 or internal to the site, away from existing residential uses and buffered from the residence to the south via berming and landscape buffering. The Project is compatible with surrounding land uses.

In addition, the TTM is 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 TTM creates parcels that are consistent with the Specific Plan Planning Areas. The Specific Plan 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. A combination of pathways, paseos, walkways, or similar pedestrian accesses are provided that connect the individual Planning Areas in the Specific Plan to commercial areas and recreation areas.

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

- *Policy LU-1.5: Support development and land use patterns, where appropriate, that reduce reliance on the automobile and capitalize on*

multimodal transportation opportunities.

The TTM is consistent with the Specific Plan which provides pedestrian connections, trails, and bike lanes to facilitate multimodal transportation. The Project was designed to promote walkability. In addition, a pedestrian connection was added from the residential portion to the future potential transit stop at the southwest corner of the Project site adjacent to the existing rail lines. In addition, the Project site provides paths of travel to encourage walking of future residents to the future commercial uses and the existing sports park within the Heritage Lake community to the south across the BNSFRR rail lines.

- *LU-1.7 Ensure neighborhood amenities and public facilities (natural open space areas, parks, libraries, schools, trails, etc.) are distributed equitably throughout the City.*

The proposed Project provides planning areas which allow for and anticipate these types of amenities and public facilities, such as a K-5 school, green spaces, recreational amenities, and agri-commercial uses such as a community farm. The parks and paseos are distributed strategically through the Project area so that recreational amenities are nearby residents.

- *LU-2.1 Promote infill development that complements existing neighborhoods and surrounding areas. Infill development and future growth in Menifee is strongly encouraged to locate within EDC areas to preserve the rural character of rural, estate, and small estate residential uses.*

The proposed project is located within an urbanized area, surrounded by SR-74, Menifee Road, RCTC rail lines, and Briggs Road. The areas surrounding the Project site consist of a mix of land uses, including industrial, residential, commercial and public/quasi-public facilities. The proposed Project will promote infill development and complements these existing and proposed adjacent land uses.

- *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, Menifee Road, Briggs Road, McCall Boulevard, SR-74, McLaughlin Road and Matthews Road/Case Road, which are consistent with the City's General Plan and the City's Public Works and Engineering Department Standard Details.

- *Policy C-2.2 Provide off-street multipurpose trails and on-street bike lanes as our primary paths of citywide travel and explore the shared use of low speed roadways for connectivity wherever it is safe to do so.*

The Project provides bike lanes and trails consistent with the General Plan.

- *OSC-1.2: Require a minimum of five acres of public open space to be provided for every 1,000 City residents.*

MMC requires 5 acres of parkland for every 1,000 residents. The overall Specific Plan proposes 1,718 dwelling units with an estimate of 5,220 residents¹ (using 3.12 person per single-family residential household and 2.48 persons per multi-family household)². Based on the proposed residents, 26.1 acres of parkland would be required. The proposed Specific Plan proposes 29.8 acres of public parkland (Planning Areas 7A, 8A, and 8B) on the project site.

Consistency with Housing Element. The TTM is a subdivision for conveyance purposes and includes no building permits, including those for residential construction which are to be issued without further entitlement approvals. The TTM subdivides the Project area into lots that conform to the Planning Areas of the MVSP. Consistency of the MVSP with the Housing Element is a finding included in the resolution adopting the Specific Plan.

Section 2: *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 Tentative Map does not propose to divide land which is subject to a contract entered into pursuant to the California Land Conservation Act of 1965.

Section 3: *The site is physically suitable for the type of development and the proposed land use of the development.*

The proposed Project includes the proposal for a TTM; the subject site is relatively flat and does not contain steep slopes or other features that would be incompatible with the proposed development except for Granite Hill located within Planning Area 7B of the Specific Plan, which the Project proposes to avoid. The surrounding area is also relatively flat. The Project site has a natural drainage pattern which flows east to west, as elevation

¹ 87.2 percent of residential development is single-family; 12.8 percent of residential development is multi-family (per the MVSP)
 $87.2\% \times 1,718 = 1,498$ single-family units; $12.8\% \times 1,718 = 220$ multi-family units
 $3.12 \text{ persons per unit} \times 1,498 \text{ units} = 4,674$ persons (single-family households); $2.48 \text{ persons per unit} \times 220 \text{ units} = 546$ persons (multi-family households)
 $4,674 + 546 = 5,220$ persons

² United States Census Bureau. 2019. 2015-2019 5-Year Estimates. Table DP02.
<https://data.census.gov/cedsci/table?q=persons%20per%20household&t=Family%20Size%20and%20Type%3AHousehold%20and%20Family&g=1600000US0646842&tid=ACSDP1Y2019.DP02&moe=false>.
Accessed March 2, 2022.

slightly decreases from east to west. The Project proposes to preserve the existing drainage pattern. Therefore, the site is physically suitable for the type of development and the proposed land use of the site.

The Project has been reviewed by various Departments to ensure compliance with applicable regulations, including, but not limited to City of Menifee Community Development Department, Engineering Department, Police Department, and Office of the Fire Marshal. These Departments have provided conditions of approval as appropriate to ensure compliance with applicable regulations.

Section 4: *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 or 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.*

Pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared for the Project. In the EIR, it was found that with implementation of mitigation measures, the proposed project would not result in any significant impacts related to biological resources such as plant and animal species or their habitat. A Mitigation Monitoring and Reporting Plan (MMRP) was prepared and identifies all mitigation measures that will be required for the project.

Biological reports were conducted to determine sensitive plant and animal species onsite and applicable mitigation measures were included in the EIR for their protection. The EIR also includes additional reports to determine consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (WR-MSHCP) and to analyze impacts to riparian/riverine areas, vernal pools, narrow endemic plant species, burrowing owl, and fairy shrimp. Review and mitigation coordination occurred with the applicable state and federal wildlife agencies.

The WR-MSHCP does not identify any covered or special-status fish species as potentially occurring on the Project site. Further, no fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on or within the vicinity of the Project site. Therefore, no fish are expected to occur and are presumed absent from the Project site.

In addition, the EIR discusses amphibians, reptiles, birds, mammals, and invertebrates. Any significant impacts associated with biological resources have been mitigated to a less than significant level. In addition, standard conditions of approval pertaining to burrowing owl, nesting birds, and Stephen's kangaroo rat and WR-MSHCP fees still apply in this case and

shall be addressed as part of standard condition of approval compliance process. As such, the subdivision will not cause environmental damage or injure fish, wildlife, or their habitat.

The MVSP EIR (State Clearinghouse No. 2022030233) has been completed for the Project and certified by the City Council pursuant to a separate Resolution. The TTM at issue is consistent with the EIR, which the City Council has considered as part of its proceedings. The EIR includes a finding made pursuant to California Public Resources Code Section 21081 (a)(3) that specific economic, social, or other considerations make infeasible mitigation measures or Project alternatives identified in the EIR.

Section 5: *The design of the subdivision and the type of improvements are not likely to cause serious public health problems.*

The proposed subdivision will include mass grading of the project site. The Project has been reviewed and conditioned by the City of Menifee Community Development Department, Engineering Department, Police Department, and Office of the Fire Marshal to ensure that it will not create conditions materially detrimental to the surrounding uses. In addition, environmental impacts resulting from the implementation of the Project and associated subdivision and mass grading have been analyzed in the MVSP EIR.

The EIR determined potential impacts would be less than significant with the necessary mitigation incorporated, except for significant and unavoidable impacts related to air quality, greenhouse gas emissions, land use and planning, and transportation. A Statement of Overriding Considerations (SOOC) is included for the EIR stating that the impacts of the project are acceptable and outweighed by the benefits of the project. With the exception of these environmental categories, the proposed entitlements are not anticipated to 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.

Section 6: *The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.*

This TTM would create eleven separate parcels for construction of the uses allowed under the MVSP (Specific Plan No. PLN 21-0217). The Project will be designed with passive or natural heating opportunities such as solar amenities. Energy efficiency/energy conservation attributes of the Project would be complemented by increasingly stringent state and federal regulatory actions addressing enhanced building/utilities energy efficiencies mandated under California Building Codes (e.g., California Code of Regulations Title 24, including requirements for energy efficiency, thermal insulation, and solar panels and California Green Building Standards Code). Compliance itself with applicable Title 24 standards would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary.

Section 7: *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.*

The subdivision makes provisions for all existing and future easements for all utilities and public use purposes to avoid any conflict.

Section 8: *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)*

The TTM is an implementing map of SP No. PLN 21-0217. MMC requires 5 acres of parkland for every 1,000 residents. The overall Specific Plan proposes 1,718 dwelling units with an estimate of 5,220 residents (using 3.12 person per single-family residential household and 2.48 persons per multi-family household). Based on the proposed residents, 26.1 acres of parkland would be required. The proposed Specific Plan proposes 29.8 acres of public parkland (Planning Areas 7A, 8A, and 8B) on the project site.

The Specific Plan, therefore, exceeds the parkland requirement by 3.7 acres. The proposed map accommodates the parkland within its boundaries as required by the Specific Plan. The TTM has been conditioned to dedicate the parks as required by the Specific Plan. Therefore, the proposed Project is consistent with the Quimby Act.

Section 9: CEQA Compliance. The MVSP EIR (SCH# 2022030233) has been completed for the Project and certified by the City Council pursuant to a separate Resolution. The TTM at issue is consistent with the EIR, which the City Council has considered as part of its proceedings. The EIR includes a finding made pursuant to Cal. Pub. Res. Code Section 21081 (a)(3) that specific economic, social, or other considerations make infeasible mitigation measures or Project alternatives identified in the EIR.

Section 10: Approval of the Tentative Tract Map. The City Council finds that the facts present within the public record and within this Resolution provide the basis to approve TTM No. PLN 22-0033 subject to the Conditions of Approval as set forth in the attached "Exhibit A" and as shown on the attached TTM exhibits (Exhibit "B") (provided in this Resolution.

Section 11: 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 21st day of February 2024.

Bill Zimmerman, Mayor

Attest:

Sarah Manwaring, City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney