

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 38132 (PLN21-0274) FOR 169 SINGLE-FAMILY LOTS AT 5.7 DWELLING UNITS PER ACRE ON AN APPROXIMATELY 29.4-ACRE PROJECT SITE LOCATED IN PLANNING AREA 9 OF THE MENIFEE NORTH SPECIFIC PLAN NO. 260, APPROXIMATELY 350 FEET SOUTH OF THE WATSON ROAD AND PALOMAR ROAD INTERSECTION, BETWEEN PALOMAR ROAD AND JUNIPERO ROAD (APN'S: 329-100-010 AND 329-100-003)**

**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. 38132 (PLN21-0274) subdivision for a residential community in Planning Area (PA) 9 of the Menifee North Specific Plan No. 260 (SP 260) consisting of 169 detached single-family lots with a minimum lot size of 4,300 square feet and a maximum of 11,801 square feet on a 29.4-acre site establishing a density of approximately 5.7 dwelling units per acre. The Project includes a 0.15-acre tot lot near the center of the of the Project site and a 1.43-acre water quality basin on the southwest corner; and

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

**WHEREAS**, TTM 38132 is being processed concurrently with TTM 31833 (PLN21-0272) 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 the Project, 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 the 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. 38132 (PLN21-0274); and

**WHEREAS**, at the April 3, 2024, City Council voted to continue the project to the April 17, 2024 City Council Hearing; and

**WHEREAS**, on April 17, 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. 38132 (PLN21-0274) 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.**

The Project site has a General Plan Land Use Designation of SP 260. Specifically, TTM No. 38132 is located in PA 9 of SP 260 which, under a concurrent amendment, is proposed to establish density of 5.8 dwelling units per acre, establish a minimum lot size to 4,300 square feet, update the acreage to 29.4 acres, and allow up to 170 dwelling units. The intent of the designation established in SP 260 is residential development at 5.8 dwelling units per acre density. TTM No. 38132 is proposed at a density of 5.7 dwelling units per acre which is consistent with the SP 260 Land Use designations and with the surrounding community.

The Project 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. 38132 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. 38132 is conditioned to improve Palomar Road and Junipero Road along the Project frontage which will increase the accessibility for residents within the Project to the future community park in PA 10 of SP 260 directly to the east.

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

TTM No. 38132 proposes improvements for roadways, including Palomar Road, Junipero Road, 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.*

TTM No. 38132 will include enhanced landscaping at the entries off Palomar Road and Junipero Road. The conceptual landscape plan includes the entire tract to provide a consistent and unique landscape plan for the entire community. Monument signage is proposed for both entries into the community along with the inclusion of a tot lot near the center of the Project.

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

TTM No. 38132 is zoned SP 260, PA 9 and proposes to subdivide the Project area into 169 single-family lots. Additional lots are proposed for tot lots, water quality basins, and internal roads. The minimum lot size required is 4,300 square feet. PA 9 of SP 260 was originally approved for 7,200 square foot lots (minimum), 106 dwelling units at 3.5 dwelling units per acre. Concurrent with this application and under a separate resolution, the Planning Commission considered Specific Plan Amendment No. 5 to modify PA 9 to allow for establish a minimum lot size of 4,300 square feet (from 7,200 square feet), establish a density of 5.8 dwelling units per acre (from 3.5), establish development standards consistent with the proposed density and unit count, and establish a maximum of 170 allowed dwelling units (from 106 to 170). TTM No. 38132 is being concurrently processed with TTM No. 38133 which proposes to reduce the number of allowed units by 64. Due to Senate Bill (SB) 330, the increase in units to PA 9 and TTM 31832 is required to be consistent with SB330.

Staff has reviewed and conditioned the subdivision for consistency with the Subdivision Ordinance and amended requirements for lot sizes and dimensions, streets, domestic water, fire protection, sewage disposal, and other applicable requirements. The subdivision is consistent with the City of Menifee Development Code and the Subdivision Ordinance requirements of SP-260, 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 proposed The TTM No. 38132 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.**

TTM No. 38132 is bounded by an existing tract map to the west, Rural Residential (one acre minimum) lots to the north, vacant land (future community park, PA 10 of SP 260) to the east, and vacant land to the south (zoned High Density Residential, PA 11 of SP 260). With the potential for inconsistent land use to the north, specifically the existing Rural Residential lots to the north, TTM No. 38132 has proposed larger lots, up to 11,801 square feet, along the boundary acting as a buffer between the two land uses. Therefore, the site is considered physically suitable for the type of development and the proposed land use of the site.

TTM No. 38132 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. 38132 will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. An Addendum to SP 260 FEIR was prepared for TTM No. 38132, 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). TTM No. 38132 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). TTM No. 38132 is within the jurisdiction of the SKR-HCP and the Western Riverside County MSHCP. The Project site 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, TTM No. 38132 will not conflict with the provisions of the adopted MSHCP, 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. TTM No. 38132 is surrounded by existing single-family residences to the north and west along with vacant residential land to the south, and vacant land to the east (future community park).

TTM No. 38132 has been reviewed and conditioned by the City of Menifee Community Development, Engineering, and Police Departments, and 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.**

The Project will be designed with passive or natural heating opportunities. The Project will be consistent with the 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.**

The subdivision 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. 38132 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 the Specific Plan outside of City boundaries, the City has conditioned TTM No. 38132 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. 38132 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** on this 17<sup>th</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