

EXHIBIT “A”

CONDITIONS OF APPROVAL

Planning Application No.: Major Modification to Tentative Tract Map No. 36658
“Cimarron Ridge Specific Plan” (PLN22-0246)

Project Description: Proposes to transfer 49 residential lots from Planning Area 4 (PA-4) to Planning Area 5 (PA-5) and transfer the 10.19-acre park from PA-5 to PA-4. The modifications do not propose any increase in density as a result of these revisions. PA-4 will consist of 81 residential lots and include a 10.19-acre park consisting of active and passive uses and amenities, which include a dog park, concession/bathroom building, baseball/softball fields, a multi-purpose field, perimeter walking trails, all-inclusive play structure, and 101 off-street parking spaces. PA-5 will consist of 151 single-family residential lots, a 1.5-acre private recreation area, and 1.2-acre private pickle ball facility in conjunction with Planning Area 6 (PA-6), which proposes 96 residential lots.

MSHCP Category: Residential density less than 8 du/acre

DIF Category: Per Development Agreement (Single Family Residential)

TUMF Category: Determined by Western Riverside Council of Governments (WRCOG)

Quimby Category: Per Development Agreement (Single Family Residential)

Approval Date: March 20, 2024

Expiration Date: Per 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. 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 Department

Section II: Engineering/Public Works Department

Section III: Building and Safety Department

Section IV: Riverside County Fire Department

Section V: Other Agency/Departments

Section II:
Community Development
Department

<u>General Conditions</u>	
1.	Exhibits. The project shall be constructed as approved by the City Council on March 20, 2024, and as shown in Attachment No. 5 and Attachment No. 8 in the accompanying staff report. Any subsequent changes shall be processed per Menifee Municipal Code Section 9.30.120 Modifications to Previously Approved Permits.
2.	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.
3.	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.
4.	Subsequent Submittals. Any subsequent submittals required by these Conditions of Approval, including but not limited to grading plan, building plan or mitigation monitoring review and appropriate fees paid 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 with a letter clearly indicating which condition or conditions the submittal is intended to comply with.
5.	Expiration Date. This approval shall be consistent with the terms of the Development Agreement.
6.	Modifications or Revisions. The applicant shall obtain City approval for any modifications or revisions to the approval of this project.
7.	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.
8.	Prior Approvals. The project shall comply with all conditions of approval issued for Tract No.36658 approved by the City Council on October 21, 2015, unless modified herein or via these approvals.
9.	Development Impact Fees. In accordance with the Development Agreement, 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).
10.	Phases. Construction of this project may be done progressively in phases provided a phasing plan is submitted with appropriate fees to the Planning Division and approved prior to issuance of any Building Permits.
11.	<p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p>
12.	Landscape Plans. All landscaping plans shall be prepared in accordance with the City's Water Efficient Landscape Ordinance. Such plans shall be reviewed and approved by the Community Development Department, and the appropriate maintenance authority.
13.	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.
14.	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).
15.	<p>Inadvertent Archeological 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).</p> <p>a. 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.</p> <p>b. 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.</p> <p>c. Grading of 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.</p> <p>d. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Management Plan 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 re-burial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Condition.</p> <p>e. 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</p>

	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 archeologist 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.”
16.	<p>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:</p> <p>a. 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 Planning Division:</p> <p>i. 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.</p> <p>ii. 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 not subject to Public Records Request.</p> <p>iii. 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 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.</p>
17.	<p>Inadvertent Paleontological Find. In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within</p>

	<p>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.</p>
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Section II-A:

Engineering/Public Works

Department

Conditions of Approval

1. **PREVIOUS CONDITIONS:** The project shall comply with all conditions of approval issued for Tract No.36658 approved by the City Council on October 21, 2015, unless modified herein or via these project approvals.
2. **PRIOR TO ISSUANCE OF ANY ADDITIONAL PERMITS:** Advanced Completion of Valley Boulevard/Goetz Road and White Quartz Way Improvements – Developer shall complete full width roadway improvements within the Tentative Tract Map limits on the follow street segments:

Valley Boulevard, from Thornton Avenue to Goetz Road;
Goetz Road, from White Quartz Way to northern tie-in of existing Goetz Road,
just north of McLaughlin Road; and
White Quartz Way, from Thornton Avenue to Goetz Road.

Section III:
Building and Safety Department
Conditions of Approval

GENERAL CONDITIONS

1. The project shall comply with all conditions of approval issued for Tract No.36658 approved by the City Council on October 21, 2015.

Section IV:
Riverside County Fire Department
Conditions of Approval

GENERAL CONDITIONS

1. 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.
2. HYDRANT SPACING - Schedule a fire protection approved standard fire hydrants, (6" x 4" x 2 ½") locate one at each street intersection and space no more than 330 feet apart in any direction. Shall include perimeter streets at each intersection spaced 660 feet apart.
3. POTENTIAL FIRE FLOW - The water system shall be capable of providing a fire flow of 1,500 GPM for 2 hours at a minimum of 20 PSI operating pressure from each fire hydrant.

PRIOR TO MAP RECORDATION

4. WATER PLANS - The applicant or developer shall furnish one copy of the water system plans to the Fire Department for review. Plans shall be signed by a registered civil engineer, containing a Fire Department approval signature block, and shall conform to hydrant type, location, spacing and minimum fire flow. Once plans are signed by local water company, the originals shall be presented to the Fire Department for signature.
5. ECS- HAZ FIRE AREA- Ecs map must be stamped by the Riverside County Surveyor with the following note: The land division is located in the "VERY HIGH FIRE SEVERITY ZONE- LRA" of Riverside County as shown on a map on file with the Clerk of the Board of Supervisors & CAL FIRE FRAP MAP. Any building constructed on lots created by this land division shall comply with the special construction provisions contained in Riverside County Ordinance 787, California Building Code Chapter 7A, California Residential Code R337, Title 14 , California Fire Code & City of Menifee Ordinance. **7/18/2023 approved FPP for 36658-2 and 36658-3.**
6. ECS -ROOFING MATERIAL- Ecs map must be stamped by the Riverside County Surveyor with the following note: All buildings shall be constructed with class A material as per the California Building Code.
7. ECS map must be stamped by the Riverside County Surveyor with the following Note: Driveways exceeding 150' in length, but less than 800' in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800', turnouts shall be provided no more than 400' apart. Turnouts shall be a minimum of 10' wide and 30' on length, with a minimum 25' taper on each end. An approved turnaround shall be provided at all building sites on driveways over 150 feet in length and shall be within 50' of the building.
8. ECS FUEL MODIFICATION- ECS map must be stamped by the Riverside County Surveyor with the following Note: Prior to the issuance of a grading permit, the developer shall prepare and submit to the fire department for approval a fire protection/vegetation management that should include but not limited to the following items: a) Fuel modification to reduce fire loading. b) Appropriate fire breaks according

to fuel load, slope and terrain. c) Non flammable walls along common boundaries between rear yards and open space areas shall be provided at intervals not to exceed 1500'. e) A homeowner's association or appropriate district shall be responsible for maintenance of all fire protection measures within the open space areas. **ANY HABITAT CONSERVATION ISSUE AFFECTING THE FIRE DEPARTMENT FUEL MODIFICATION REQUIREMENTS SHALL HAVE CONCURRENCE WITH THE RESPONSIBLE WILDLIFE AND/OR OTHER CONSERVATION AGENCY. – fuel mod approved 7/18/2023 for 36658-2 and 36658-3.**

9. Turning Radius- The minimum required turning radius of a fire apparatus access road is 38 feet outside radius and 14 feet inside radius. **For development within the SRA and within the LRA VHFHSZ, the minimum required turning radius of a fire apparatus access road is 74 feet outside radius and 50 feet inside radius.**
10. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with a bulb turnaround at the terminus measuring a minimum of 38 feet outside radius and 14 feet inside radius. **For development within the SRA and within the LRA VHFHSZ, the bulb turnaround at the terminus shall be 40 feet outside radius and 16 feet inside radius.** Parallel parking around the perimeter of the bulb is acceptable provided the bulb outside turning radius is increased by 8 feet. In-lieu of a bulb, a hammer-head type turnaround is acceptable where the top of the "T" dimension is 120 feet with the stem in the center. Additional turnaround designs may be acceptable as approved by the OFM. **For development within the SRA and within the LRA VHFHSZ, turnarounds shall be provided at a maximum of 1320 feet intervals along the dead end fire apparatus access road.**
11. Fuel Breaks- (a) When Building construction meets the following criteria, the Local Jurisdiction shall determine the need and location for Fuel Breaks in consultation with the Fire Authority: (1) the permitting or approval of three (3) or more new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d); or (2) an application for a change of zoning increasing zoning intensity or density; or (3) an application for a change in use permit increasing use intensity or density. (b) Fuel Breaks required by the Local Jurisdiction, in consultation with the Fire Authority, shall be located, designed, and maintained in a condition that reduces the potential of damaging radiant and convective heat or ember exposure to Access routes, Buildings, or infrastructure within the Development. (c) Fuel Breaks shall have, at a minimum, one point of entry for fire fighters and any Fire Apparatus. The specific number of entry points and entry requirements shall be determined by the Local Jurisdiction, in consultation with the Fire Authority. (d) Fuel Breaks may be required at locations such as, but not limited to: (1) Directly adjacent to defensible space as defined by 14 CCR § 1299.02 to reduce radiant and convective heat exposure, ember impacts, or support fire suppression tactics; (2) Directly adjacent to Roads to manage radiant and convective heat exposure or ember impacts, increase evacuation safety, or support fire suppression tactics; (3) Directly adjacent to a Hazardous Land Use to limit the spread of fire from such uses, reduce radiant and convective heat exposure, or support fire suppression tactics; (4) Strategically located along Ridgelines, in Greenbelts, or other locations to reduce radiant and convective heat exposure, ember impacts, or support community level fire suppression tactics. (e) Fuel Breaks shall be completed prior to the commencement of any permitted construction. (f) Fuel Breaks shall be constructed using the most ecologically and site appropriate treatment option, such as, but not limited to, prescribed burning, manual treatment, mechanical treatment, prescribed herbivory, and targeted ground application of herbicides. (g) Where a Local Jurisdiction

requires Fuel Breaks, maintenance mechanisms shall be established to ensure the fire behavior objectives and thresholds are maintained over time. (h) The mechanisms required shall be binding upon the property for which the Fuel Break is established, shall ensure adequate maintenance levels, and may include written legal agreements; permanent fees, taxes, or assessments; assessments through a homeowners' association; or other funding mechanisms.

12. MAPS- WATER PLANS- The applicant or developer shall furnish one copy of the water system plans to the Fire Department for review. Plans shall be signed by a registered civil engineer, containing a Fire Department approval signature block, and shall conform to hydrant type, location, spacing and minimum fire flow. Once plans are signed by local water company, the originals shall be presented to the Fire Department for signature.
13. ECS-WTR PRIOR TO COMBUSTIBLES- The following note to be added to the ECS map: The required water system, including fire hydrants, shall be installed and accepted by the appropriate water agency prior to any combustible building material placed on an individual lot.
14. SECONDARY ACCESS- In the interest of Public Safety, the project shall provide an Alternate or Secondary Access(s). Said Alternate or Secondary Access(s) shall have concurrence and approval of both the Transportation Department and the Riverside County Fire Department.
15. FIRE ACCESS ROADWAY- Fire Department emergency vehicular access road shall be (all weather surface) capable of sustaining an imposed load of 75,000lbs GVW, based on the street standards approved by the City of Menifee Public Works and the Office of the Fire Marshal.
16. Grades- Unless otherwise approved, the grade of a fire apparatus access road shall not exceed 16 percent and the cross slope shall not exceed 2.5 percent.
17. The angles of approach and departure for fire apparatus access roads shall be a maximum of 6 percent grade change for 25 feet of approach/departure.

PRIOR TO INSURANCE OF GRADING PERMIT

18. MAP-ECS FUEL MOD - ECS map must be stamped by the Riverside County Surveyor with the following Note: Prior to the issuance of a grading permit, the developer shall prepare and submit to the fire department for approval a fire protection/vegetation management that should include but not limited to the following items:
 - a) Fuel modification to reduce fire loading.
 - b) Appropriate fire breaks according to fuel load, slope and terrain.
 - c) Non-flammable walls along common boundaries between rear yards and open space areas shall be provided at intervals not to exceed 1500'.
 - e) A homeowner's association or appropriate district shall be responsible for maintenance of all fire protection measures within the open space areas.

ANY HABITAT CONSERVATION ISSUE AFFECTING THE FIRE DEPARTMENT FUEL MODIFICATION REQUIREMENTS SHALL HAVE CONCURRENCE WITH THE RESPONSIBLE WILDLIFE AND/OR OTHER CONSERVATION AGENCY.

19. MAP- HFA REVIEW & REVIEW - Fire Department shall review and approve building setbacks, water and access for new single-family dwellings that are in a hazardous fire area.

PRIOR TO BUILDING PERMIT

20. TRACT WATER VERIFICATION - The required water system, including all fire hydrant(s), shall be installed and accepted by the appropriate water agency and the Riverside County Fire Department prior to any combustible building material placed on an individual lot. Contact the Riverside County Fire Department to inspect the required fire flow, street signs, all weather surface, and all access and/or secondary. Approved water plans must be at the job site.
21. HYDRANT SYSTEM-Prior to the release of your installation, site prep and/or building permits from Building and Safety. Written certification from the appropriate water district that the required fire hydrant(s) are either existing or that financial arrangements have been made to provide them. Also a map or APN page showing the location of the fire hydrant and access to the property.
22. HFA REVIEW & APPROVAL- Fire department shall review and approve setbacks, water and access for all single-family dwellings, additions and projections that are in a hazardous fire area.
23. SECONDARY/ALTER ACCESS- In the interest of Public Safety, the project shall provide An Alternate or Secondary Access(s). Said Alternate or Secondary Access(s) shall have concurrence and approval of both the Transportation Department and the Riverside County Fire Department. Alternate and/or Secondary Access(s) shall be completed and inspected per the approved plans.

PRIOR TO FINAL INSPECTION

24. VERIFICATION INSPECTION- PRIOR TO MOVING INTO THE RESIDENCE YOU SHALL CONTACT THE RIVERSIDE COUNTY FIRE DEPARTMENT TO SCHEDULE AN INSPECTION FOR THE ITEMS THAT WERE SHOWN AT THE BUILDING PERMIT ISSUANCE IE: ACCESS, ADDRESSING, WATER SYSTEM AND/OR FUEL MODIFICATION.
25. RESIDENTIAL FIRE SPRINKLER - Residential fire sprinklers are required in all one and two family dwellings per the California Residential code, California Building Code and the California Fire Code. Install Fire Sprinkler Systems per NFPA 13D, 2019 Edition. Plans must be submitted to the Fire Dept. for review and approval prior to installation.

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)