

**ORDINANCE NO. 2024-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA APPROVING CHANGE OF ZONE NO. PLN 21-0335, SPECIFIC PLAN AMENDMENT NO. PLN 21-0221, AND SPECIFIC PLAN NO. PLN 21-0217 WHICH REVISES THE CITY ZONING MAP TO INCLUDE THE MENIFEE VALLEY SPECIFIC PLAN ZONE, REMOVES 590.3 ACRES FROM THE MENIFEE VALLEY RANCH SPECIFIC PLAN AND ESTABLISHES LAND USES AND DEVELOPMENT STANDARDS FOR THE 590.3-ACRE MENIFEE VALLEY SPECIFIC PLAN**

**WHEREAS**, on June 8, 2021, the applicant, Minor Ranch, LLC (“Applicant”) filed a formal application with the City of Menifee for Change of Zone (CZ) No. PLN 21-0335 which proposes to revise the City Zoning Map to include the Menifee Valley Specific Plan (MVSP) zone, Specific Plan Amendment (SPA) No. PLN 21-0221 which proposes to remove a 590.3-acre portion of Menifee Valley Ranch Specific Plan No. 301 (SP 301), and Specific Plan (SP) No. PLN 21-0217 which proposes to establish land uses and development standards for the same 590.3-acre site; and

**WHEREAS**, the application for the General Plan Amendment (GPA) is being processed concurrently with applications for a 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 SP No. 301 proposed to be removed under SPA No. PLN 21-0221, a Tentative Tract Map (TTM) No. PLN 22-0033 for a subdivision for conveyance purposes and mass grading, 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 CZ No. PLN 21-0335, SPA No. PLN 21-0221 and SP No. PLN 21-0217; and

**WHEREAS**, on January 10, 2024, after holding a duly noticed public hearing, the Planning Commission determined that it would be in the public interest to encourage the Applicant to work collaboratively with City staff and the Economic Development Coalition to attract businesses seeking commercial or industrial space between 100,000 and 500,000 square feet to encourage diversity of business types, multi-tenant building design, and to discourage distribution uses in PA 12 (C-BP area); and

**WHEREAS**, the Project was reviewed and found to be consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan by the Riverside County Airport Land Use Commission Director subject to the conditions of approval contained within their letter dated November 16, 2022 (and attached as “Exhibit A” of the concurrent TTM No. PLN 22-0033 [TM NO. 38303] Resolution); and

**WHEREAS**, a detailed visual for CZ No. PLN21-0335 has been prepared and attached hereto as “Exhibit A” of the Ordinance; and

**WHEREAS**, SPA No. PLN 21-0221 is the fourth proposed amendment to SP 301 and includes technical corrections and Specific Plan boundary changes. The amended SP 301 has been prepared and attached hereto as “Exhibit B” of the Ordinance; and

**WHEREAS**, the MVSP proposed under SP No. PLN 21-0217 has been prepared and attached hereto as “Exhibit C” of the Ordinance; 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**, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

**Section 1:** The City of Menifee’s City Council hereby makes the following findings for CZ No. PLN21-0101 in accordance with Title 9, Article 2, Chapter 9.115.070 “Findings for Approval” of the City of Menifee Comprehensive Development Code:

**Finding 1 - The proposed Change of Zone is consistent with the intent of the goals and policies of the General Plan.**

The General Plan land use designation of the site is SP No. 301; however, the Project includes a GPA which proposes 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 CZ No. PLN 21-0335 proposes to revise the City Zoning Map to include the MVSP zone, and SPA No. PLN 21-0221 proposes to remove a 590.3-acre portion of SP 301, and SP No. PLN 21-0217 proposes to establish land uses and development standards for the same 590.3-acre site.

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.

The Project is consistent with the development standards and design guidelines of the concurrently proposed MVSP and therefore consistent with the General Plan.

**Finding 2 - The proposed Change of Zone prescribes reasonable controls and standards to ensure compatibility with other established uses.**

The Project is specifically intended to meet the finding to prescribe reasonable controls and standards for affected land uses and to ensure compatibility and integrity of those uses with other established uses. As discussed above in detail, the Project address land use compatibility via the development standards and allowable uses contained in the proposed MVSP. The Project is compatible with other established uses in the area.

**Finding 3 - The proposed change of zone provides reasonable property development rights while protecting environmentally sensitive land uses and species.**

The property development rights are compatible and consistent with surrounding developments and the adopted City of Menifee Municipal Code (MMC). Biological reports were conducted to determine sensitive plant and animal species onsite and applicable mitigation measures were included in the Environmental Impact Report (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) such as 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. Therefore, the Project provides reasonable property development rights while protecting environmentally sensitive land uses and species.

**Finding 4 - The proposed zone or amendments to this Title ensures protection of the general health, safety and welfare of the community.**

The CZ will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. 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 that it will not create conditions materially detrimental to the surrounding uses. Conditions of Approval include landscaping, roadway improvements consistent with the General Plan, expanded sidewalks and a network of bike lanes and to encourage

non-vehicular travel, fire infrastructure, and drainage improvements that will benefit the Project site and surrounding areas.

In addition, environmental impacts resulting from the implementation of the Project have been analyzed in an EIR. The EIR determined that potential impacts would all be less than significant with the necessary mitigation incorporated, except for significant and unavoidable impacts to Air Quality, Greenhouse Gas (GHG), Land Use and Planning and Transportation.

A Statement of Overriding Considerations (SOOC) is included for the EIR stating the impacts of the project are acceptable and outweighed by the benefits of the Project. With the exception of these environmental categories (Air Quality, GHG, Land Use and Planning and Transportation) 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.

The proposed CZ would not 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 2:** The City of Menifee's City Council hereby makes the following findings for SPA No. PLN 21-0221 and SP No. PLN 21-0217 in accordance with Title 9, Article 2, Chapter 9.100.070 "Findings for Approval" of the City of Menifee Comprehensive Development Code:

**Finding 1 - The Specific Plan Amendment and Specific Plan are consistent with the intent of the goals and policies of the General Plan and are not inconsistent with any element thereof.**

The General Plan land use designation of the site is SP 301; however, the Project includes a GPA which proposes 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 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 is the Burlington Northern Santa Fe railroad tracks (BNSFRR), 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 SR-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 Project 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 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. 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.

- *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. The Project contains

residential, school, recreation, conservation, public facility civic node, business park, and commercial uses, which makes it possible for people to live and work in Menifee and maintain a high quality of life.

- *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 Project 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.

- *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, BNSFRR rail lines, and Briggs Road. The areas surrounding the Project site consist of a mix of land uses, including industrial, residential, and public/quasi-public facilities. The proposed Project will promote infill development and complement 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 Project 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.

- *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. Expanded parkways are also included on several streets to enhance the streetscapes. A roundabout is provided within the Project to add to the community identity as well.

- *CD-3.8 Design retention/detention basins to be visually attractive and well-integrated with any associated project and with adjacent land uses.*

The Project has been designed to include substantial landscaping and to be screened from adjacent roadways.

- *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.

- *HE-2.5 Public Facilities and Infrastructure. Provide quality community facilities, infrastructure, traffic management, public safety, and other services to promote and improve the livability, safety, and vitality of residential neighborhoods.*

The Project incorporates quality community facilities, including parks, is conditioned to install infrastructure including sewer, water, roadways, and will promote and improve the livability, safety and

vitality of the proposed residential neighborhoods and surrounding existing neighborhoods.

- *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 residents<sup>1</sup> (using 3.12 person per single-family residential household and 2.48 persons per multi-family household)<sup>2</sup>. 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 Project would maintain the maximum residential unit count of 1,718 that was previously approved for the Project site under SP 301. Implementation of the Project would not conflict with the City's ability to meet the affordable housing requirements. Accordingly, the Project would not conflict with the Housing Element, and impacts would be less than significant.

### **Finding 2 - The Specific Plan Amendment and Specific Plan prescribe reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.**

The Project is specifically intended to meet the finding to prescribe reasonable controls and standards for affected land uses and to ensure compatibility and integrity of those uses with other established uses. As discussed above in detail, the Project address land use compatibility via the development standards and allowable uses contained in the proposed MVSP. The Project is compatible with other established uses in the area.

### **Finding 3 - The Specific Plan Amendment and Specific Plan provide reasonable property development rights while protecting environmentally sensitive land uses and species.**

The property development rights are compatible and consistent with surrounding developments and the adopted MMC. Biological reports were conducted to determine sensitive plant and animal species onsite and

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<sup>1</sup> 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

<sup>2</sup> 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.



applicable mitigation measures were included in the EIR for their protection. The EIR also includes additional reports to determine consistency with the WR-MSHCP such as 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. Therefore, the Project provides reasonable property development rights while protecting environmentally sensitive land uses and species.

**Finding 4 - The Specific Plan Amendment and Specific Plan provides for the protection of the health, safety, and/or general welfare of the community.**

The Project would facilitate the development of a Specific Plan that includes a mix of land uses, including industrial, residential, commercial, and public/quasi-public facilities. The residential uses proposed are similar to existing development surrounding the Project site. Commercial uses proposed within the Project are located adjacent to SR-74 away from existing and planned residences and a buffer is established between the industrial park component of the Project and existing and proposed residential uses.

The Project is compatible with the surrounding land uses, general plan land use designations and zoning classifications. The Project incorporates quality design, trails, parks, landscaping and other improvements which will enhance the area upon construction. The proposed Project is in conformity with and will promote public convenience, general welfare and good land use practice.

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 that it will not create conditions materially detrimental to the surrounding uses. Conditions of approval include substantial landscaping, park and other amenities to support the proposed residential component, roadway improvements consistent with the General Plan, expanded sidewalks and a network of bike lanes to encourage non-vehicular travel, fire infrastructure, and drainage improvements that will benefit the project site and surrounding areas.

In addition, environmental impacts resulting from the implementation of the Project have been analyzed in an EIR. The EIR determined that potential impacts would all be less than significant with the necessary mitigation incorporated, except for significant and unavoidable impacts to Air Quality, GHG, Land Use and Planning and Transportation.

A SOOC is included for the EIR stating the impacts of the project are acceptable and outweighed by the benefits of the Project. With the exception of these environmental categories (Air Quality, GHG, Land Use and Planning and Transportation) 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.

The proposed SPA and Specific Plan would not 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 3: California Environmental Quality Act (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 CZ, SPA and Specific Plan at issue are 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 4: Approval of the Change of Zone, Specific Plan Amendment and Specific Plan.** The City Council finds that the facts present within the public record and within this Ordinance provide the basis to approve CZ No. PLN 21-0335, SPA No. PLN 21-0221, and SP No. PLN 21-0217.

**Section 5: Effective Date.** The Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

**Section 6: 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 7: Notice of Adoption.** The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (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 8:** 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 7<sup>th</sup> day of February 2024 and **PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of February 2024.

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Bill Zimmerman, Mayor

Attest:

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Sarah Manwaring, City Clerk

Approved as to form:

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Jeffrey T. Melching, City Attorney