

Return to:  
CITY OF MENIFEE  
29844 Haun Road  
Menifee, CA 92586

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(Space Above For Recorder's Use)

DECLARATION OF COVENANTS

(Conditions of Approval for Tentative Parcel No. 33739)

THIS DECLARATION OF COVENANTS ("**Covenant**") is made this 16th day of November, 2023 by Richland Planned Communities, Inc., a California corporation (hereinafter referred to as the "**Declarant**").

R E C I T A L S :

A. Declarant is in the process of obtaining entitlements or City of Menifee ("**City**") approvals for that certain real property located in the City, County of Riverside ("**County**"), State of California, more particularly described on **Exhibit "A"** attached hereto and incorporated herein ("**Property**"). The Property is owned by EPC Holdings 781 LLC, a Washington limited liability company.

B. The Property is contemplated to be developed as a common interest residential development ("**Project**") in accordance with the conditions imposed by the City Council for Tentative Parcel Map No. 33739 and Extension of Time Nos. 2016-121, 2017-213, 2018-120, 2019-118, PLN20-0014, and PLN22-0249 (collectively the "**Conditions of Approval**").

C. In connection with recordation of the Project's map solely for finance and conveyance purposes and due to the planned development of the Property on a phased basis, certain public infrastructure improvements and right of ways must be built and approved by the City prior to or concurrent with the completion of Phase 1 of the Project. The public infrastructure improvements and rights of way are listed in the Cantalena TM 33732 Phase I Development Plan, on file in City Hall as **Exhibit C**. The improvement requirements shall be agreed to in writing by Declarant or its successor(s) or assign(s) via notarized declaration ("**Infrastructure Declaration**").

D. Because the Property is contemplated to be developed on a phased basis, and the Infrastructure Declaration may be recorded only against the initial final map for Tentative Parcel Map No. 33739, the Declarant and City agree to record this Covenant to memorialize that the Conditions of Approval apply to the planned development of the Property and to identify infrastructure construction and certain requirements for the Infrastructure Declaration.

**NOW, THEREFORE,** pursuant to the foregoing Recitals, Declarant hereby declares as follows:

1. The Conditions of Approval at the time this Covenant was made are attached as **Exhibit "B"** hereto and are incorporated herein by this reference.

2. Unless the City modifies the Conditions of Approval after following all appropriate and required procedures, no construction, grading, or development shall be permitted on the Property without full compliance with the Conditions of Approval. No provision of this Covenant is intended to, nor shall it be deemed to, modify, waive, delete, or amend any of the Conditions of Approval. A current and pertinent copy of the Conditions of Approval are on file with the City of Menifee Planning Division. This most current and pertinent copy of the Conditions of Approval may be updated pursuant to Section 9 below without the need to re-record this Covenant or the Infrastructure Declaration.

3. The Property is intended to be built on a phased basis and there is infrastructure that is important and necessary for the completion of all phases, as generally depicted and described in the Phasing Map for Tentative Tract Map 33732 (a copy of which is on file with the City of Menifee as **Exhibit "C"**). Declarant, for itself and its successors and assigns, hereby agrees that prior to commencement of construction on the Property, the property owner shall enter into an Infrastructure Declaration acceptable to the City to ensure the completion of such infrastructure.

a. Prior to the close of escrow of a sale of a parcel to a builder, contractor, or Declarant's successor(s) or assign(s), an Infrastructure Declaration (one hard copy and an electronic version) shall be submitted by the builder, contractor, or Declarant's successor(s) or assign(s), to the City's Public Works/Engineering Department for review and approval and shall address the following concerns of the City:

(1) include provisions and exhibits indicating what infrastructure and right of ways must be completed by the builder, contractor, or Declarant's successor(s) or assign(s);

(2) indicate that the builder, contractor, or Declarant's successor(s) or assign(s) understands that completion of the infrastructure and right of way as generally depicted in Exhibit "C" shall be their responsibility; and

(3) contain provisions consistent with the Conditions of Approval and which are approved by the Public Works/Engineering Department, Community Development Department, and the City Attorney.

b. Once the Infrastructure Declaration is approved by the City, the builder, contractor, or Declarant's successor(s) or assign(s), shall provide a hard copy of the wet-signed and notarized Infrastructure Declaration to the Public Works/Engineering Department. The Public Works/Engineering Department shall record the original Infrastructure Declaration prior to issuance of any building permits.

4. The City shall have the right, but not the obligation, to enforce the provisions of this Covenant. In the event it becomes necessary for the City to institute legal action to enforce any provision of this Covenant, the City shall be entitled to recover from Declarant, or their successor(s) or assign(s) who own any portion of the Property in violation of this Covenant, all costs and fees incurred by the City in such action, including, but not limited to, reasonable attorney's fees and costs.

5. The provisions of this Covenant shall constitute covenants running with the land and shall be binding on and for the benefit of Declarant, its transferees, successors, and assigns, and any other present or future interest holders or estate holders of any portion or all of the Property.

6. It is the Declarant's intention that this Covenant be strictly limited to the purposes expressed in the Covenant, and nothing in this Covenant shall be deemed to be a gift or dedication of any portion of the Property to the general public or for the general welfare for any specific purpose.

7. If any clause, sentence, or other portion of this Covenant shall become illegal, null or void for any reason, or shall be held by any court of competent jurisdiction to be so, the remaining portion shall remain in full force and effect.

8. This Covenant shall be governed by and construed in accordance with the laws of the State of California. The headings used in this Covenant are for convenience only and are not to be used to interpret the meaning of any of the provisions of this Covenant. In this Covenant, whenever the context requires, the singular includes the plural and vice versa, and the masculine and neuter gender shall be mutually inclusive.

9. The City authorizes the City Manager to approve minor amendments to this Covenant or the Infrastructure Declaration on behalf of the City in order to effectuate the purpose of this Covenant, including, but not limited to, updating relevant exhibits attached to this Covenant which have been approved by the City Council and updating provisions in the Infrastructure Declaration. Any amendments to this Covenant or the Infrastructure Declaration must be executed by written agreement and signed by the parties hereto following a minimum of 10 days' notice to Declarant and Declarant's successors and assigns and an opportunity to meet and confer with the City Manager.

a. Declarant agrees that should the Conditions of Approval be modified after following all appropriate and required procedures, those amended Conditions of Approval shall replace the Conditions of Approval currently attached as Exhibit "B" in its entirety and constitute a new Exhibit "B." An update or amendment to Exhibit "B" does not require a new recordation of this Covenant or the Infrastructure Declaration so long as the most current and pertinent copy of the Conditions of Approval is on file in the City of Menifee's Planning Division.

b. Declarant shall be responsible for any costs, fees, or other expenses related to recording this Covenant or a new Covenant due to modified or amended Conditions of Approval.

10. The Infrastructure Declaration shall be recorded in the Office of the County Recorder prior to the issue of any building permits relating to the Project. Upon the recordation in the Office of the County Recorder of the Infrastructure Declaration and notices of annexation or supplemental declarations covering the entirety of the Property, this Covenant shall be of no further force or effect. Until such time, this Covenant shall not be modified, removed, or released without the prior written consent of the City, which consent may not be unreasonably withheld.

11. The Covenant will terminate upon the recordation of the final map for the Property or upon the signed mutual agreement of the City and Declarant.

IN WITNESS WHEREOF, this Covenant has been executed by the Declarant as of the date first above written.

"DECLARANT"

RICHLAND PLANNED COMMUNITIES, INC.,  
a California corporation

By:   
John C. Troutman, Vice President

The undersigned, as the fee owner of the Property, hereby consents to the terms of this Covenant and agrees to have the Property bound hereby.

EPC Holdings 781 LLC,  
a Washington limited liability company

By:   
John C. Troutman  
Vice President

**CALIFORNIA ACKNOWLEDGMENT**

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }  
County of Orange }

On November 16, 2023 before me, Jessica Toohey, Notary Public  
*Date Here Insert Name and Title of the Officer*

personally appeared John C Troutman  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Jessica Toohey  
*Signature of Notary Public*

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

Corporate Officer – Title(s): \_\_\_\_\_

Partner –  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

Corporate Officer – Title(s): \_\_\_\_\_

Partner –  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_



# **EXHIBIT "B"**

*EOT PLN22-0249; Sixth Extension of Time for TPM33739*

*December 5, 2022*

## **CONDITIONS OF APPROVAL**

**Planning Application No.: Extension of Time No. PLN22-0249**

**Project Description:** **Project Description.** Tentative Parcel Map 33739 is a Schedule "I" subdivision of 158.71 gross acres into six parcels.

Parcel 1 shall be 20.0 gross acres.

Parcel 2 shall be 26.1 gross acres.

Parcel 3 shall be 31.39 gross acres.

Parcel 4 shall be 22.6 gross acres.

Parcel 5 shall be 20.0 gross acres.

Parcel 6 shall be 38.62 gross acres.

No development, grading, or other construction activities are proposed as part of this approval.

Tentative Parcel Map No. 33739 is located on the north side of Scott Road, the south side of Garbani Road, the west side of Haleblan Road, west of Antelope Road.

Planning Application No. EOT PLN22-0249 is the sixth and final one-year extension of time for Tentative Parcel Map No. 33739.

**Assessor's Parcel No.:** 372-100-002 and 372-110-005

**MSHCP Category:** Residential, density less than 8.0 du/acre (commercial for school)

**DIF Category:** Single Family Residential

**TUMF Category:** Single Family Residential

**Quimby Category:** Single Family Residential

**Approval Date:** December 5, 2022

**Expiration Date:** December 26, 2023

### **Within 48 Hours of the Approval of This Project**

1. **Filing Notice of Determination (EIR).** The applicant/developer shall deliver to the Planning Division a cashier's check or money order made payable to the City of Menifee in the amount of Fifty Dollars (\$50.00) for the County administrative fee, to enable the City to file the Notice of Determination (that no additional environmental review was required) as provided under Public Resources Code Section 21152 and California Code of Regulations Section 15063 and 15162. Per Fish and Wildlife Code Section 711.4(c)(3), a project shall not be operative, vested or final and local government permits for the project shall not be valid until the filling fees required are paid.
2. **Indemnification.** 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. In addition to the above, within 15 days of this approval, the developer/applicant shall enter into an indemnification agreement with the City. The indemnification agreement shall be substantially the same as the form agreement currently on file with the City.

## **Conditions of Approval for Tentative Parcel Map No. 33739 (per Extension of Time PLN22-0249)**

**Section I: Conditions of Approval Applicable to All Departments**

**Section II: Community Development Department Conditions of Approval**

**Section III: Public Works and Engineering Department Conditions of Approval**

**Section IV: Riverside County Fire Department Conditions of Approval**

**Section V: Riverside County Environmental Health Conditions of Approval**

# **Section I: Conditions of Approval Applicable to all Departments**

### General Conditions

3. **Definitions.** The words identified in the following list that appear in all capitals in the attached conditions of Tentative Parcel Map No. 33739 shall be henceforth defined as follows:

TENTATIVE MAP = Tentative Parcel Map No. 33739, Amended No. 1, dated 4/24/06.

FINAL MAP = Final Map or Parcel Map for the TENTATIVE MAP whether recorded in whole or in phases.

The words identified in the following list that appear in all capitals in the attached conditions of Specific Plan No.334 shall be henceforth defined as follows:

SPECIFIC PLAN = Specific Plan No. 334.

CHANGE OF ZONE = Change of Zone No. 6862

GPA = Comprehensive General Plan Amendment No. 744.

EIR = Environmental Impact Report No. 463.

4. **Ninety (90) Days to Protest.** The land divider has ninety (90) days from the date of approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or other exactions imposed on this project as a result of the approval or conditional approval of this project.

5. **Newly Incorporated City.** The City of Menifee is a new City incorporated on October 1, 2008; the City is studying and adopting its own ordinances, regulations, procedures, processing and development impact fee structure. In the future the City of Menifee will identify and put in place various processing fees to cover the reasonable cost of the services provided. The City also will identify and fund mitigation measure under CEQA through development impact fees. The developer understands and agrees to pay such fees.

Such fees may include but are not limited to processing fees for the costs of providing planning services when development entitlement applications are submitted, which fees are designed to cover the full cost of such services, and development impact fees to mitigate the impact of the development proposed on public improvements. To the extent that Menifee may develop future financing districts to cover the costs of maintenance of improvements constructed by development, Developer agrees to petition for formation of, annexation to or inclusion in any such financing district and to pay the cost of such formation, annexation or inclusion.

6. **Mitigation Monitoring Plan.** The developer shall comply with the mitigation monitoring plan (incorporated within these Conditions of Approval).

7. **Expiration Date.** The conditionally approved TENTATIVE MAP shall expire three (3) years after the Riverside County Board of Supervisor's original approval date, unless extended as provided by the Subdivision Map Act. Action on a minor change and/or revised map request shall not extend the time limits of the originally approved TENTATIVE MAP. The approval of the original map occurred on June 26, 2006. Under a previous approval, Extension of Time 2016-121 extended the life of the map to June 26, 2017 and Extension of Time 2017-213 extended the life of the Map to June 26, 2018. Extension of time 2018-120 extends the life off the map to June 26, 2019, Extension of Time 2019-118 extends the life of the map to June 26, 2020, and Extension of Time PLN20-0014 extended the life of the map to June 26, 2021. AB1561 extended the map an additional 18-months to December 26, 2022. Under the current City Ordinance, with approval of PLN22-0249 the map is extended to December 26, 2023, and the applicant has exhausted all six extensions of time.
  
8. **Modifications or Revisions.** The permittee shall obtain City approval for any modifications or revisions to the approval of this project.

# **Section II: Community Development Department Conditions of Approval**

### **General Conditions**

9. **Map Act Compliance.** This land division shall comply with the State of California Subdivision Map Act and to all requirements of Title 7 of the City of Menifee Municipal Code, unless modified by the conditions listed herein.
10. **Maintain Planning Areas and Phases.** All planning areas and phase numbers shall be maintained throughout the life of the SPECIFIC PLAN, unless changed through the approval of a specific plan amendment or specific plan substantial conformance accompanied by a revision to the complete specific plan document.
11. **Density Transfer.** Transfers between Planning Areas within the Specific Plan shall be permitted in accordance with the Density Transfer Table, identified as Table IV-1 in the SPECIFIC PLAN, and upon the Planning Director's finding of substantial conformance. Any proposed density transfers between Planning Areas outside of the parameters in Table IV-1 shall not be permitted, except through the Specific Plan Amendment process or substantial conformance, depending on the nature of the proposed density transfer, which shall be based on the judgement of the Planning Director.
12. **Offsite Signs Municipal Code Section 9.220160.** No offsite subdivision signs advertising this land division/development are permitted, other than those allowed under Municipal Code Section 9.76.160. Violation of this condition of approval may result in no further permits of any type being issued for this subdivision until the unpermitted signage is removed.
13. **Design Guidelines.** The land divider shall comply with the Design Guidelines of the Cantalena Specific Plan (Specific Plan 334).
14. **Zoning Standards.** Lots created by this TENTATIVE MAP shall be in conformance with the development standards of the SP (Specific Plan No. 334) zone.
15. **Minor Plot Plans Required.** For each of the below listed items, a minor plot plan application shall be submitted and approved by the Community Development Department along with the current fee.
  - 1) Final Site Development Plan for each phase of development.
  - 2) Model Home Complex Plan shall be filed and approved for each phase if models change between phases. A final site of development plot plan must be approved prior to approval, or concurrent with a Model Home Complex Plan.
  - 3) Landscaping Plan for typical front yard/slopes/open space/parks. These three plans may be applied for separately for the whole tract or for phases.
  - 4) Landscaping plans fully within the road right-of-way shall be submitted to the Engineering Department only.
  - 5) Each phase shall have a separate wall and fencing plan.
  - 6) Entry monument plan.

NOTE: The requirements of the above plot plans may be accomplished as one, or, any combination of multiple plot plans required by these conditions of approval.

16. **Construction Hours.** Any construction within the City located within one-fourth mile from an occupied residence shall be permitted Monday through Saturday, except nationally recognized holidays, 6:30 a.m. to 7:00 p.m. There shall be no construction permitted on Sunday or nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer.
17. **Geo No. 1374.** County Geologic Report (GEO) No. 1374 was prepared for this development (SP00334) by GeoSoils, Inc. and is entitled: "Geotechnical Feasibility Review, Approximately +/-150acre Menifee Town Center Properties, Riverside County, California" dated May 14, 2004.

GEO No. 1374 concluded:

- 1) Perched groundwater conditions may exist on the site.
- 2) Since the site is underlain by dense fan deposits and/or bedrock at relatively shallow depth, the phenomenon of liquefaction is considered nil, based on existing data.
- 3) The potential for subsidence to affect the site is considered low.
- 4) Bedrock excavations from the surface downward may generate oversize rock.
- 5) There are no known active faults crossing the site within the area proposed for development and the site is not within a Fault Rupture Hazard Zone.

GEO No. 1374 recommended:

1. Removal and recompaction of liquefaction prone materials.
2. A rock hardness investigation will be necessary prior to site development.

GEO No. 1374 satisfies the requirement for a geologic report for Planning/CEQA purposes for the draft EIR and Specific Plan (SP00334). GEO No. 1374 is hereby accepted for such Planning purposes. Sections of the Draft EIR dealing with Soils/Geology have incorporated appropriate information from GEO No. 1374.

Additional research and reporting may be required prior to approval of any implementing project (Tract, Plot Plan, Parcel Map, etc.) within this Specific Plan. Engineering and other Uniform Building Code parameters where not included as a part of this review or approval. Engineering and other building code parameters will be reviewed and additional comments and/or conditions may be imposed by the Building and Safety Department upon application for grading and/or building permits.

Furthermore, it should be noted that the proposed school site should be evaluated in accordance with Title 24 and CGS Note 48.

18. **Ordinance Requirements.** The development of the property shall be in accordance with the mandatory requirements of all City of Menifee ordinances and state laws and shall conform substantially with the adopted SPECIFIC PLAN as filed in the office of the City of Menifee Community Development Department, unless otherwise amended. No portion of the SPECIFIC PLAN which purports or proposes to change, waive or modify any ordinance or other legal requirement for the development shall be considered to be part of the adopted Specific Plan or hillside development and grading shall apply in place of more general City guidelines and standards.

19. **Reclaimed Water.** The permittee shall install purple pipes and connect to a reclaimed water supply for landscape watering purposes when secondary or reclaimed water is made available to the site as required by Eastern Municipal Water District.
20. **No Off-Road Uses Allowed.** Trail bikes, dune buggies, off-road vehicles and other similar powered apparatus shall not be operated for purposes such as, but not limited to, hill climbing, trail riding, scrambling, racing and riding exhibitions.

### **ARCHEOLOGY/PALEONTOLOGY**

21. **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.
22. **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).
23. **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).
  - i. 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.
  - ii. 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.
  - iii. 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.

- iv. 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.
- v. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the project archeologist, in consultation with the Tribe, and shall be submitted to the City for their review and approval prior to implementation of the said plan.
- vi. 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 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.”

24. **Cultural Resources Disposition.** In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:

- 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 Community Development Department:
  - 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.
  - 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.
  - 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

December 5, 2022

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, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.

25. **Inadvertent Paleontological Find.** Should fossil remains be encountered during site development:

- 1) All site earthmoving shall be ceased in the area of where the fossil remains are encountered. Earthmoving activities may be diverted to other areas of the site.
- 2) The applicant shall retain a qualified paleontologist approved by the County of Riverside.
- 3) The paleontologist shall determine the significance of the encountered fossil remains.
- 4) Paleontological monitoring of earthmoving activities will continue thereafter on an as-needed basis by the paleontologist during all earthmoving activities that may expose sensitive strata. Earthmoving activities in areas of the project area where previously undisturbed strata will be buried but not otherwise disturbed will not be monitored. The supervising paleontologist will have the authority to reduce monitoring once he/she determines the probability of encountering any additional fossils has dropped below an acceptable level.
- 5) If fossil remains are encountered by earthmoving activities when the paleontologist is not onsite, these activities will be diverted around the fossil site and the paleontologist called to the site immediately to recover the remains.
- 6) Any recovered fossil remains will be prepared to the point of identification and identified to the lowest taxonomic level possible by knowledgeable paleontologists. The remains then will be curated (assigned and labeled with museum\* repository fossil specimen numbers and corresponding fossil site numbers, as appropriate; places in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued, an associated specimen data and corresponding geologic and geographic site data will be archived (specimen and site numbers and corresponding data entered into appropriate museum repository catalogs and computerized data bases) at the museum repository by a laboratory technician. The remains will then be accessioned into the museum\* repository fossil collection, where they will be permanently stored, maintained, and, along with associated specimen and site data, made available for future study by qualified scientific investigators. \*The City of Menifee must be consulted on the repository/museum to receive the fossil material prior to being curated.

**FEES**

26. **Subsequent Submittals.** Any subsequent review/approvals required by the conditions of approval, including but not limited to grading or building plan review or review of any mitigation monitoring requirement, shall be reviewed on an hourly basis, (research fee), or other such review fee as may be in effect at the time of submittal, as required by Resolution No. 13-320 (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.

## **LANDSCAPING**

27. **Trail Maintenance.** The land divider, or any successor-in-interest to the land divider, shall be responsible for maintenance and upkeep of any trail easement required under these conditions until such time as the maintenance is taken over by a Communities Facilities District or any other appropriate maintenance district.
28. **Landscape and Park Plans.** All landscaping plans shall be prepared in accordance with the City's Water Efficient Landscape Ordinance and City of Menifee Municipal Code Title 9, Planning and Zoning. Such plans shall be reviewed and approved by the Community Development Department, and the appropriate maintenance authority.
29. **Interim Landscaping.** Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blow sand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Community Development Department and the South Coast Air Quality Management District (SCAQMD).
30. **Landscape Maintenance.** 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 the individual home owners, a homeowners association, or any other successor in interest.
31. **Landscaping.** All plant materials within landscaped common areas shall be maintained in a viable growth condition throughout the life of this permit. To ensure that this occurs, the Community Development Department shall require inspections in accordance with the Community Development Department's landscaping installed and inspected conditions.

### **Prior to Final Map**

32. **Final Map Required.** After the approval of the TENTATIVE MAP and prior to the expiration of said map, the land divider shall cause the real property included within the TENTATIVE MAP, or any part thereof, to be surveyed and a FINAL MAP thereof prepared in accordance with the current Engineering Department requirements, the conditionally approved TENTATIVE MAP, and in accordance with City of Menifee Title 7, Subdivisions.
33. **Licensed Surveyor.** The FINAL MAP shall be prepared by a licensed land surveyor or registered civil engineer.
34. **Surveyor Checklist.** The City Engineering Department - Survey Division shall review any FINAL MAP and ensure compliance with the following:
  - A. All lots on the FINAL MAP shall be in substantial conformance with the approved TENTATIVE MAP relative to size and configuration.
  - B. All lots on the FINAL MAP shall have a minimum lot size of 20 gross acres.
  - C. All lot sizes and dimensions on the FINAL MAP shall be in conformance with the development standards of the SP zone, and with the City of Menifee General Plan.
35. **ECS.** The land divider shall prepare an Environmental Constraints Sheet (ECS) in accordance with Menifee Municipal Code Section 7.65.070, , which shall be submitted as

part of the plan check review of the FINAL MAP. A note shall be placed on the FINAL MAP "Environmental Constraint Sheet affecting this map is on file at the City of Menifee Public Works and Engineering Department, in E.C.S Book , Page .

36. **ECS Note on Dark Sky Lighting.** The following Environmental Constraints Note shall be placed on the ECS:

"This property is subject to lighting restrictions as required by Menifee Municipal Code Chapter 6 (Ordinance No. 2009-024), which are intended to reduce the effects of night lighting on the Mount Palomar Observatory. All proposed outdoor lighting systems shall be in conformance with Menifee Municipal Code Chapter 6."
37. **Offer of Trails.** A multi-purpose trail (width determined by Engineering Conditions) along Haleblan Road and Via Toscana and a fifteen-foot-wide (15') concrete pathway multi-purpose trail along the two (2) drainage paths, one along the western edge of Planning Areas 1 and 9 and the other between Planning Areas 8 and 9, including Lot Nos. 303 through 305, 314, and 316, shall be noted on both the FINAL MAP and the Environmental Constraints Sheet.
38. **Annexation into Park District.** The land divider shall submit written proof to the Community Development Department that the subject property has been annexed to Communities Facilities District or other entity acceptable to the Community Development Director.
39. **Common Area Maintenance.** Any common areas identified in the TENTATIVE MAP shall be owned and maintained as follows:
  - a. A permanent master maintenance organization shall be established for the tentative tract map area, to assume ownership and maintenance responsibility for all common recreation, open space, circulation systems, trails and landscaped areas. The organization may be public (anticipated to be CFD) or private (e.g., homeowners' association). Merger with an area-wide or regional organization shall satisfy this condition provided that such organization is legally and financially capable of assuming the responsibilities for ownership and maintenance. If the organization is a private association, then neighborhood associations shall be established for each residential development, where required, and such associations may assume ownership and maintenance responsibility for neighborhood common areas.
  - b. Unless otherwise provided for in these conditions of approval, common open areas shall be conveyed to the maintenance organization as implementing development is approved or any subdivision, as recorded.
  - c. The maintenance organization shall be established prior to or concurrent with the recordation of the first land division.
40. **Fees.** Prior to recordation, the Community Development Department shall determine if the deposit based fees for the TENTATIVE MAP are in a negative balance. If so, any unpaid fees shall be paid by the developer/owner and/or the developer/owner's successor-in-interest.

**Prior to Issuance of Grading Permits**

41. **No Grading Proposed.** No development, grading, or other construction activities are proposed as part of this approval
42. **Section 404 Permit.** Should any grading or construction be proposed within or alongside the banks of the watercourse or wetland into which new material is discharged, the land divider/permit holder shall provide written notification to the City Planning Division that the alteration of any watercourse or wetland, located either on-site or on any required off-site improvement areas, complies with the conditions of the appropriate the U.S. Army Corp of Engineers Nationwide Permit Conditions, prior to the issuance of a grading or construction permits. Alternatively, the land divider shall obtain an individual permit under Section 404 of the Clean Water Act. Copies of any agreements shall be submitted along with the notification. Compensatory mitigation shall be no less than 1:1 for impacts to regulated jurisdictional resources.
43. **Section 1602 Streambed Alteration Agreement (SAA).** Should any grading or construction be proposed within or alongside the banks of the watercourse or wetland, the land divider/permit holder shall provide written notification to the City Planning Department that the alteration of any watercourse or wetland, located either on-site or on any required off-site improvement areas, complies with the conditions of the a project specific SAA from the California Department of Fish and Wildlife (CDFW) or an exemption letter, prior to the issuance of a grading or construction permit. Compensatory mitigation shall be no less than 1:1 for impacts to regulated jurisdictional resources.
44. **Wetland Delineation.** Prior to issuance of grading permits, a wetland delineation shall be conducted to identify all ACOE and CDFG jurisdictional areas. If these agencies have jurisdiction, permits may be required from one or both agencies. Acquisition and implementation of these permits may constrain development and impacts to these should be minimized to the extent feasible. Compensatory mitigation for the loss of wetland and riparian function and values is a fundamental component of the applicable regulatory programs. Mitigation can consist of (1) avoidance or minimization of impacts, (2) compensation in the form of habitat restoration, or (3) compensation through participation in a mitigation bank. Avoidance and minimization of impacts is preferred by the agencies. Any compensation through restoration should be onsite and in kind. The exact requirements of any special permit conditions established for the proposed project would be dictated by the ACOE and/or the CDFG following review of the formally submitted project application. Prior to implementation of any restoration, a detailed program will be developed by the project applicant and will be approved by the ACOE and CDFG as part of the 404 permit process. Prior to issuance of a grading permit, the Applicant shall supply proof of approval from ACOE and CDFG to the Planning Department. This Condition of Approval implements Mitigation Measure #2 of the Biological Technical Report.
45. **Burrowing Owl Preconstruction Survey.** Pursuant to Objective 6 and Objective 7 of the Species Account for the Burrowing Owl included in the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), within 30 days prior to any ground disturbing activities, a pre-construction presence/absence survey for the burrowing owl shall be conducted by a qualified biologist and the results of this presence/absence survey shall be provided in writing to the City of Menifee Community Development Department. If it is determined that the project site is occupied by the Burrowing Owl, take of "active" nests shall be avoided pursuant to the MSHCP and the Migratory Bird Treaty Act. However, when the Burrowing Owl is present, relocation outside of the nesting season

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(March 1 through August 15) or after all young have fledged the nest and no further attempt for a second clutch is found by a qualified biologist shall be required. The City shall be consulted to determine appropriate type of relocation (active or passive) and translocation sites. No owls shall be relocated without first consulting with the City of Menifee and the MSHCP Wildlife Agencies. Occupation of this species on the project site may result in the need to revise grading plans so that take of "active" nests is avoided or alternatively, a grading permit may be issued once the species has been actively relocated.

If the grading permit is not obtained within 30 days of the survey a new survey shall be required.

If the site is not precise graded within one (1) month of the rough and/or mass grading of the site, or if construction and/or disturbance of the site is suspended for a period of one (1) month or more, a new burrowing owl survey shall be required.

46. **Nesting Bird Survey.** If grading or other ground disturbance is to occur during the nesting season (February 1 – August 31), a nesting bird survey shall be conducted within three (3) days prior to grading permit issuance. This survey shall be conducted by a qualified biologist approved by the City with experience in conducting nesting bird surveys. The findings shall be submitted to the City for review and approval.
47. **Determination of Biologically Equivalent or Superior Preservation.** Prior to the issuance of a grading permit, the land divider/permit holder shall have prepared an acceptable Determination of Biologically Equivalent or Superior Preservation (DBESP) to be reviewed by the City and subsequently submitted to the MSHCP Wildlife Agencies for review and approval.

## **ARCHEOLOGY**

48. **Archeologist Retained.** Prior to issuance of a grading permit the project applicant shall retain a Riverside County qualified archaeologist to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources.

The Project Archaeologist and the Tribal monitor(s) shall manage and oversee monitoring for all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, mass or rough grading, trenching, stockpiling of materials, rock crushing, structure demolition and etc. The Project Archaeologist and the Tribal monitor(s), shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with any required special interest or tribal monitors.

The developer/permit holder shall submit a fully executed copy of the contract to the Community Development Department to ensure compliance with this condition of approval. Upon verification, the Community Development Department shall clear this condition.

In addition, the Project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the Project, has not opted out of the AB52 consultation process, and has

completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB52. Details in the Plan shall include:

- a. Project grading and development scheduling;
  - b. The Project archeologist and the Consulting Tribes(s) shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the Project following the initial Training must take the Cultural Sensitivity Training prior to beginning work and the Project archaeologist and Consulting Tribe(s) shall make themselves available to provide the training on an as-needed basis;
  - c. The protocols and stipulations that the contractor, City, Consulting Tribe(s) and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.
49. **Native American Monitoring (Pechanga).** Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Pechanga Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned Tribe and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Tribal Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.
50. **Native American Monitoring (Soboba).** Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Soboba Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned Tribe and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.

**Prior to Issuance of Building Permits**

51. **No Construction Proposed.** No development, grading, or other construction activities are proposed as part of this approval.

**Prior to Issuance of Given Building Permit or Occupancy**

52. **MSHCP Fees.** Prior to the issuance of a building permit, the applicant shall comply with the provisions of City of Menifee Municipal Code Chapter 8.27 (hereinafter Chapter 8.27), which requires the payment of the appropriate fee set forth in the Ordinance.  
  
The amount of the fee will be based on the "Project Area" as defined in the Ordinance and the aforementioned Condition of Approval.  
  
In the event Chapter 8.27 is rescinded, this condition will no longer be applicable. However, should Chapter 8.27 be rescinded and superseded by a subsequent mitigation fee ordinance, payment of the appropriate fee set forth in that ordinance shall be required.
53. **Development Impact Fees (DIF).** Prior to certificate of occupancy, the applicant shall comply with the provisions of Resolution No. 22-1169, which requires the payment of the appropriate fee set forth in the Resolution. Resolution No. 22-1169 has been established to set forth policies, regulations and fees related to the funding and construction of facilities necessary to address the direct and cumulative environmental effects generated by new development projects described and defined in this Resolution, and it establishes the authorized uses of the fees collected.  
  
In the event Resolution No. 22-1169 is rescinded, this condition will no longer be applicable. However, should Resolution No. 22-1169 be rescinded and superseded by a subsequent City mitigation fee ordinance or resolution, payment of the appropriate fee set forth in that ordinance or resolution shall be required.
54. **Suspension of Building Permit Issuance and/or Inspections.** Pursuant to City Municipal Code, failure to comply with any deadline for the development of the improvements and/or amenities shall halt the issuance of building permits and suspension of all building inspections for residential dwelling units within the subdivision.
55. **Paseo Trails Plan Required.** PRIOR TO THE ISSUANCE OF THE 40th building permit within the SPECIFIC PLAN, final/construction park/paseo plans shall be submitted to and approved by the Community Development Department (if HOA maintained) or the Engineering and Public Works Department (if CFD maintained) for the paseo site designated as Planning Area 10. The final/construction park/paseo plans shall conform with the design criteria in the specific plan document for Planning Area 10, Approved Exhibit L and with the requirements of the City of Menifee.
56. **Paseo Trail Construction.** PRIOR TO THE ISSUANCE OF THE 170th building permit within the SPECIFIC PLAN, the paseo designated as Planning Area 10 shall be constructed, including but not limited to landscaping and irrigation installed and inspections passed, and the paseo and trails shall be open for public use.
57. **Park Plan Required.** PRIOR TO THE ISSUANCE OF THE 170th building permit within the SPECIFIC PLAN, final/construction park plans shall be submitted to and approved by the Engineering and Public Works Department (if CFD maintained) for the park site designated as Planning Area 9. The final park plans shall conform with the design criteria in the conceptual park plan, specific plan document for Planning Area 9 and with the requirements of the Community Services Department.
58. **Park Construction.** PRIOR TO THE ISSUANCE OF THE 275th building permit within the SPECIFIC PLAN, the park designated as Planning Area 9 shall be constructed including

but not limited to landscaping and irrigation installed and inspections passed and installation of recreational amenities, and open for public use.

59. **Community Center Plans.** Prior to the issuance of the 200th building permit, anywhere within the SPECIFIC PLAN, design plans for the Community Center located within Planning area 9 shall be submitted to the Community Development Department for review and approval. The Community Center design plans shall include a detailed site plan, floor plans and elevations, and documentation evidencing a permanent funding and maintenance mechanism for the construction and maintenance of the community center. The improvement plans shall be submitted as a plot plan. The community center shall include a building area not to exceed 20,000 square feet with the following amenities: a) 8,000 square foot gymnasium for basketball, volleyball, parties, and community events; b) 4 - 5 meeting rooms, ideally ranging from 1,000 - 1,500 square feet with modern audio/visual capabilities; c) Commercial kitchen for event catering; d) Satellite management office; e) Storage space for recreational and maintenance equipment; f) Snack bar, restrooms and shaded outdoor seating.
  
60. **Operate Community Center.** Prior to the issuance of the 600th occupancy permit anywhere within the SPECIFIC PLAN, the Community Center designated within Planning Area 9 shall be designed, funded, constructed and open to the public for use.

# **Section III: Public Works/Engineering** **Conditions of Approval**

## A. General Conditions

The following are the Public Works / Engineering Department (Public Works / Engineering Department) Conditions of Approval for this development project, which shall be satisfied at no cost to the City of Menifee (City) or any other Government Agency. All questions regarding the intent of the following conditions shall be referred to the Public Works / Engineering Department, Land Development Section. The developer / property owner shall use the standards and design criteria stated in the following conditions, and shall comply with all applicable City standards and ordinances. Should a conflict arise between City standards and City design criteria, and any other standards and design criteria, those of the City shall prevail.

*Note: In the following conditions, those that were originally imposed by the Riverside County are noted with the County condition reference number in parenthesis at the end of the condition.*

61. **Subdivision Map Act:** The developer/property owner shall comply with the State of California Subdivision Map Act.
62. All improvement plans and grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch Mylar and signed by a registered civil engineer or other registered/licensed professional as required.
63. **Plan Check Submittal Process:** Improvement plans and grading plans shall be submitted with necessary supporting documentation and technical studies (hydrology, hydraulics, traffic impact analysis, geotechnical studies, etc.) to the Public Works / Engineering Department for review and approval. All submittals shall be signed, and date stamped by the Engineer of Record. The plans must receive Public Works / Engineering approval prior to final map recordation; or issuance of any construction permit, grading permit, or building permits as applicable or as determined by the Public Works Director. All submittals shall include a completed City Fee or Deposit Based Worksheet and the appropriate plan check fees paid. For any improvements proposed to be owned and maintained by the Riverside County Flood Control District (RCFC), improvement plans must receive District technical approval, or substantial completion clearance letter issued by the District, prior to final map recordation or as determined by the District.
64. **Plan Submittal and Approvals:** Improvement plans and grading plans shall be submitted with necessary supporting documentation and technical studies (hydrology, hydraulics, traffic impact analysis, geotechnical studies, etc.) to the Public Works / Engineering Department for review and approval. All submittals shall be signed and date stamped by the Engineer of Record. The plans must receive Public Works approval prior to final map recordation; or issuance of any construction permit, grading permit, or building permits as applicable and as determined by the Public Works Director. All submittals shall include a completed City Fee or Deposit Based Worksheet and the appropriate plan check. For improvements proposed to be owned and maintained by the Riverside County Flood Control District, improvement plans must receive District approval prior to final map recordation or as determined by the District.
65. **Approved Plans and As-Built Plans:** Upon approval or completion of all required plans or improvements, the developer/property owner shall cause the civil engineer of record to submit project base line of work for all layers on a USB drive to the Public Works / Engineering Department, in one of the following formats: (a) Auto CAD DXF, (b) GIS shape file (made up of ESRI extensions .shp, .shx and .dbf) or (c) Geodatabase (made up of ESRI extension .gdb). If the required files are unavailable, the developer/property owner shall pay a scanning fee to cover the cost of scanning of the plans. As-built plans are required for all improvement plans.

The timing for submitting the as-built plans shall be as determined by the Public Works Director.

**66. Construction Times Of Operation:** The developer/property owner shall monitor, supervise, and control all construction and construction related activities to prevent them from causing a public nuisance including, but not limited to, strict adherence to the following:

- (a) Construction activities shall comply with City of Menifee ordinances relating to construction noise. Any construction within the city located within one-fourth mile from an occupied residence shall be permitted Monday through Saturday, except on nationally recognized holidays, 6:30 a.m. to 7:00 p.m. in accordance with Municipal Code Section 8.01.010. There shall be no construction permitted on Sunday or nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer.
- (b) Removal of spoils, debris, or other construction materials deposited on any public street no later than the end of each working day.
- (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site. Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant to remedies as set forth in the City Municipal Code. In addition, the Public Works Director or the Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such a time it has been determined that all operations and activities are in conformance with these conditions.
- (d) A Pre-Construction meeting is mandatory with the City's Public Works Senior Inspector prior to start of any construction activities for this site.

**67. Bond Agreements, Grading, and Improvement Security:** To guarantee the construction of all required grading and improvements, the developer/property owner shall enter into Bond Agreements and post security or bonds in accordance with applicable City policies and ordinances. The improvements shall include, but not limited to: onsite/offsite grading, erosion control, street improvements, street lights, traffic signals, signing and striping, public landscape improvements, recreational paseos, parks, water/sewer/recycled water improvements, water quality BMPs, and storm drainage facilities. If map recordation is required, bond agreements shall be executed and bonds/security posted prior to final map recordation. Otherwise, bond agreements and bond posting shall be required prior to grading, building, or construction permit issuance whichever is applicable. It should be noted that, with the exception of grading bond agreements, all other bond agreements require Council approvals. Therefore it shall be the responsibility of the developer/property owner to coordinate their project timing with City Council calendar when requesting City approvals of bond agreements.

**68. Bond Replacement, Reductions, and Releases:** All requests for bond replacements (such as in changes of property ownerships), reductions (such as in partial completion of improvements), releases (such as in completion of improvements), shall conform to City policies, standards and applicable City ordinances. It shall be the responsibility of the developer/property owner to notify the City in time when any of these bond changes are necessary. The City shall review all changes in Bond Agreements and the accompanying

bonds or security. Similarly, with the exception of grading bond agreements, all other agreement changes require Council approvals. Therefore, it shall be the responsibility of the developer/property owner to coordinate their project timing with City Council calendar when requesting changes to bond agreements.

69. **Paving Inspections:** The developer / property owner shall be responsible for obtaining the paving inspections required from the Public Works / Engineering Department. Paving and / or paving repairs for utility street cuts shall be per City Standards and Specifications and as approved by the Public Works Director / City Engineer.
70. **Sewer Lines:** All sewer line alignments shall be designed such that the manholes are aligned with the center of lanes or on the lane line and in accordance with City Standards and Eastern Municipal Water District (EMWD) standards.
71. **Encroachment Permits:** The developer/property owner shall obtain all required encroachment permits and clearances prior to start of any work within City, State, or local agency right-of-way.
72. **Concrete Work:** All concrete work including curbs, gutters, sidewalks, driveways, cross gutters, catch basins, manholes, vaults, etc. shall be constructed with concrete having a 28 day strength of 3,250 psi.
73. **Map Phasing:** This parcel map may be developed in multiple phases. If the developer / property owner elects to develop in multiple phases, an application for map phasing shall be submitted to the Community Development Department for City review and approval. Phased final maps shall be in substantial conformance with the approved tentative map. Prior to recordation, financial security shall be provided for all required improvements with each map phase. The Public Works Director / City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular tract map phase if the improvements are needed for circulation, parking and access or for the welfare and safety of future occupants of the development.

## **B. Grading**

74. **Grading Regulations Chapter 8.26:** Any construction activity such as over-excavation, re-compaction, cut, fill, base or paving which require a grading permit and shall conform to the requirement of City Grading Regulations Chapter 8.26. Additionally, grading permits are subject to the Public Works Department conditions of approval stated herein.
75. **Regulations and Ordinance on Grading within the City:** All grading activities shall conform to the latest edition of the California Building Code, City General Plan, City Ordinances, City design standards and specifications and all other relevant laws, rules and regulations governing grading in the City of Menifee. Prior to commencing any grading, clearing, grubbing or any topsoil disturbances, the applicant shall obtain a grading permit from the Public Works / Engineering Department. Grading activities that are exempt from a grading permit as outlined by the City ordinance may still require a grading permit by the Public Works Director / City Engineer when deemed necessary to prevent the potential for adverse impacts upon drainage, sensitive environmental features, or to protect property, health, safety, and welfare.

76. **Grading Permit Requirement:** Improvement such as grading, filling, over excavation and re-compaction, and base or paving which require a grading permit are subject to the included Public Works / Engineering Department conditions of approval.
77. **Grading Permit For Disturbed Soil:** City ordinance on grading requires a grading permit prior to clearing, grubbing or any top soil disturbances related to construction grading.
78. **Soils Recommendations Obeyed:** All grading shall be performed in accordance with the recommendations of the included -City approved- geotechnical/soils reports for this project.
79. **Erosion Control After Grading:** All grading plans shall require erosion control plans prior to approval. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris onto downstream properties or drainage facilities. Plans showing erosion control measures may be included as part of the grading plans or submitted as a separate set of plans for City review and approval. Graded but undeveloped land shall provide, in addition to erosion control planting, any drainage facilities deemed necessary to control or prevent erosion. Erosion and sediment control BMPs are required year-round in compliance with all applicable City of Menifee standards and ordinances and the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit from the California State Water Resources Control Board (SWRCB). Additional erosion protection may be required during the rainy season.
80. **Dust Control:** All necessary measures to control dust shall be implemented by the developer during grading. Fugitive dust shall be controlled in accordance with Rule 403 of the California Air Quality Control Board.
81. **No Grading and Subdividing:** If grading of the entire - or any portion there of - Specific Plan site is proposed, UNDER A SUBDIVISION OR LAND USE CASE ALREADY APPROVED FOR THIS SPECIFIC PLAN, at the same time that application for further subdivision of any of its parcels is being applied for, an exception shall be obtained from the Planning Director, prior to issuance of the grading permit and shall be in accordance with current City development code.
82. **Clearances Required:** Prior to issuance of a grading permit, all certifications affecting grading shall have written clearances. This includes, but not limited to additional Environmental Assessments, Erosion Control plans, additional geotechnical and soils reports, Departmental clearances and the amount being graded. This applies as these are requirements of the specific plan, EIR or a condition of approval. Landscape plans are to be signed and bonded per the requirements of City ordinances on grading.
83. **Maximum Slope Ratio:** Grade slopes shall be limited to a maximum steepness ratio of 2:1 (horizontal to vertical) unless otherwise approved by the Public Works / Engineering Department.
84. **Slope Stability:** A slope stability report shall be submitted and approved by the City Engineering Department for all proposed cut or fill slopes steeper than 2:1 (horizontal to vertical) or over 20 feet in vertical height - unless addressed in a previous report.

85. **Minimum Drainage Grade:** Minimum drainage grade shall be 1% except on Portland cement concrete where 0.35% shall be the minimum.
86. **Slopes in Floodway:** Graded slopes which infringe into the 100 year storm flow flood way boundaries, shall be protected from erosion, or other flood hazards, by a method acceptable to the City Engineer - which may include Riverside County Flood Control & Water Conservation District's review and approval. However, no graded slope will be allowed which in the professional judgment of the City Engineer blocks, concentrates or diverts drainage flows.

***Prior to Grading Permit Issuance***

87. **Geotechnical/Soils Reports:** A current or updated geotechnical soils report is required in order to obtain a grading permit, shall be submitted to the Public Works / Engineering Department for review and approval prior to issuance of a grading permit. A copy of the preliminary soils report that includes pavement investigation addressing construction requirements within the public ROW shall be submitted prior to map recordation.

All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by the Public Works Director / City Engineer. The geotechnical, compaction and inspection reports will be reviewed in accordance with the Riverside County Geotechnical Guidelines for Review of Geotechnical and Geologic Reports.

County Geologic Report (GEO) No. 1374 was prepared for this development (SP00334) by GeoSoils, Inc. and is entitled: "Geotechnical Feasibility Review, Approximately +/-150acre Menifee Town Center Properties, Riverside County, California" dated May 14, 2004. GEO No. 1374 satisfied the requirement for a geologic report for Planning/CEQA purposes for the draft EIR and Specific Plan (SP00334). GEO No. 1374 was accepted by the County of Riverside for such Planning purposes.

Additional research and reporting will be required prior to approval of any implementing project (Tract, Plot Plan, Parcel Map, etc.). The geotechnical/soils, compaction and inspection reports will be reviewed in accordance with the RIVERSIDE COUNTY GEOTECHNICAL GUIDELINES FOR REVIEW OF GEOTECHNICAL AND GEOLOGIC REPORTS.

Technical reports previously submitted and approved by the Riverside County shall be updated and submitted to the City of Menifee Public Works / Engineering department for review and approval prior to issuance of a grading permit. Alternatively, a new report shall be submitted for review and approval by the Public Works / Engineering Department.

88. **Drainage Design Q100:** All grading and drainage shall be designed in accordance with Riverside County Flood Control & Water Conservation District's drainage design guidelines, and in accordance with the City of Menifee's conditions of approval regarding this application. If not specifically addressed in their conditions, drainage shall be designed to accommodate 100 year storm flows.

Additionally, the conceptual grading plan reviewed and approved for this project shall comply with the project's approved WQMP (Water Quality Management Plan).

89. **Offsite Grading:** Prior to the issuance of a grading permit, it shall be the sole responsibility of the developer/property owner to obtain all proposed or required easements and/or permissions necessary to perform offsite grading, from affected land owners. Notarized and recorded agreement or documents authorizing the offsite grading shall be submitted to the Public Works Engineering Department.

90. **Compliance with NPDES General Construction Permit:** The developer/property owner shall comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit (GCP) from the State Water Resource Control Board (SWRCB).

Prior to approval of the grading plans or issuance of any grading permit, the developer/property owner shall obtain a GCP from the SWRCB. Proof of filing a Notice of Intent (NOI) and monitoring plan, shall be submitted to the City; and the WDID number issued by the SWRCB shall be reflected on all grading plans prior to approval of the plans. For additional information on how to obtain a GCP, contact the SWRCB.

91. **SWPPP:** Prior to approval of the grading plans, the developer / property owner shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the development. The developer/property owner shall be responsible for uploading the SWPPP into the State's SMARTS database system, and shall ensure that the SWPPP is updated to constantly reflect the actual construction status of the site. A copy of the SWPPP shall be made available at the construction site at all times until construction is completed. The SWRCB considers a construction project complete once a Notice of Termination (NOT) has been issued by SWRCB. The City shall require submittal of NOTs for requests to fully release associated grading bonds.

92. **SWPPP For Inactive Sites:** The developer/property owner shall be responsible for ensuring that any graded area left inactive for a long period of time has appropriate SWPPP BMPs in place and in good working conditions at all times until construction is completed and the Regional Board has issued a Notice of Termination (NOT) for the development.

93. **Import/Export:** In instances where a grading plan involves import or export, prior to obtaining a grading permit, the applicant shall have obtained approval for the import/export location from the Public Works / Engineering Department. If an Environmental Assessment, prior to issuing a grading permit, did not previously approve either location, a Grading Environmental Assessment shall be submitted to the Planning Director for review and comment and to the City Engineer for approval. Additionally, if the movement of import/export occurs using county roads, review and approval of the haul routes by the Public Works / Engineering Department will be required.

#### ***Prior to Building Permit Issuance***

94. **No Building Permit without Grading Permit:** Prior to issuance of any building permit, the property owner shall obtain a grading permit and/or approval to construct from the Public Works / Engineering Department.

95. **Manufactured Slopes:** Plant and irrigate all manufactured slopes steeper than a 4:1 (horizontal to vertical) ratio and 3 feet or greater in vertical height with grass or ground cover; slopes 15 feet or greater in vertical height shall be planted with additional shrubs or trees as approved by the Public Works / Engineering Department.

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96. **Finish Grade Drainage:** Finish grade shall be sloped to provide proper drainage away from all exterior foundation walls. The slopes and drainage swales shall be in accordance with City Standards.

## C. Drainage

97. **SP Flood Hazard Report:** The following discussion (*italicized*) is the Flood Hazard Report that was placed as an "Informational Condition, in the original County Condition for the project, reference 10.FLOOD RI 001" by the Riverside County Flood Control District (District) and the County of Riverside prior to City of Menifee incorporation.

*Specific Plan 334 (Cantalena) is a proposal to subdivide 158.71 acres for residential use, a school site and park with linear/passive trails. The project site is located about one-quarter mile east of the 215 freeway and spans the one mile stretch from Scott Road to Garbani Road.*

*Paloma Wash traverses the project site. This watercourse enters the site about 1,900 feet north of the southwest corner and follows a lazy arc through the property exiting about 550 feet south of the northwest corner. Two other significant but poorly defined watercourses enter the project site from the east after flowing over Haleblan Road and join Paloma Wash onsite. The Developer has proposed to carry these watercourses through the site in landscaped greenbelt channels interrupted only by road culverts. The developer has submitted a drainage study titled "Master Drainage Plan for Cantalena Specific Plan 334" dated August 8, 2005. This study examined the all three streams traversing the site and presented a conceptual drainage plan for the local area intended to demonstrate:*

- a) The SP334 project can be developed without offsite drainage improvements. However, any drainage improvements necessary to support 10-year and 100-year drainage conditions per the approved drainage study, including any necessary roadway improvements shall be guaranteed and constructed per subsequent applications.*
- b) The proposed onsite drainage facilities are designed to allow for extension as part of future upstream regional improvements.*

*The District has reviewed this study and finds that it adequately accomplishes the two above mentioned objectives at an appropriate level of detail for a Specific Plan. Design-related specifics will be refined as the follow-on land use cases are submitted and reviewed.*

Therefore, prior to approval of further land use cases beyond this PM33739 application, the applicant shall submit a detailed drainage study for review and approval by the City of Menifee Public Works / Engineering Department. The drainage study maybe a supplement, a revision, or an addendum to the 2005 study; and shall be reviewed and approved for compliance with current City engineering standards and guidelines and for consistency with the approved WQMP for PM33739.

*The report titled Specific Plan No. 334 and E.I.R. No. 463 Volume 1 dated July 2005 includes two alternative projects for the proposed development in the EIR section (Part V). It shall be noted that the District and the County do not support the project as shown in EIR EXHIBIT 4.9-1 but does support the alternative drainage plan shown in EIR EXHIBIT 5.2. The alternate drainage plan affects road layout, planning area configuration, and edge conditions along Haleblan to the east as well as the western*

*property boundary. The drainage plan in the SP section is based on the alternative drainage plan from the EIR. The District's conditions of approval are based upon the project as depicted in EIR EXHIBIT 5-2 and Specific Plan Figure IV-6R.*

With this map extension of time conditions the following shall be complied with:

**1. OFFSITE DRAINAGE ISSUES and the SP334 CONCEPT:**

- (a) Haleblian Road Improvements. Haleblian Road from Scott Road to Garbani Road shall be provided with grading improvements at elevations and alignment consistent with the designated road classification for Haleblian per the City General Plan. The design for the graded improvements shall be reviewed and approved by the Public Works Director/City Engineer. The plans for the grading improvements on Haleblian Road shall be completed and approved by the Public Works / Engineering Department prior to recordation of any subsequent land division within PM33739. The completion of the improvements shall be prior to the issuance of a Certificate of Occupancy for any development within the PM33739. Nuisance flows shall be conveyed in an appropriate manner to support ultimate improvements along Haleblian Road and project frontage.
- (b) Modifications to Garbani Road at the Paloma Wash crossing shall be made at the discretion of Riverside County Flood Control, and the City Engineer. The proposed design to mitigate impacts to the currently deficient road crossing by installing detention basins to attenuate peak flows to pre-developed magnitude, shall be approved by Riverside County Flood Control District, and the City Engineer. The District notes this deficiency as a regional problem and that the issue is more of a cumulative impact than attributable to SP334's proposal.

**2. ONSITE DRAINAGE ISSUES and the SP334 CONCEPT:**

- 2a) Onsite flows proposed to be mitigated to pre-development magnitude in five proposed detention basins. Approximate locations of the basins are shown on the SP Conceptual Drainage Plan (amended) Figure IV-6R. Final designs and locations are subject to the approval of the District and City Engineer. Any development proposal within any of the five sub-areas will be required to construct the basin serving the entire sub-area. No interim basins will be allowed.
- 2b) Specific Plan 334 proposes a drainage/paseo system that is categorized as a greenbelt facility. Greenbelt channels may be used to provide for public health and safety but will require maintenance by a public agency or a guarantee of maintenance by a public agency in the event the responsible private party fails to meet its maintenance obligations. The Riverside County Flood Control and Water Conservation District is willing to accept maintenance responsibility for the structural aspects of the channels (e.g. channel revetments, drop structures, side inlets etc.) but cannot be responsible for the maintenance of the landscaping or amenities. Nor will landscaping be credited with contributing to the flood control function (e.g. turf as erosion protection). Prior to recordation of any subsequent land division or prior to any grading within Specific Plan 334, an agreement between the developer, District and the

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public entity responsible for maintenance of the amenities shall be executed to establish important items. Said agreement shall be acceptable to both the District and the City and shall include, but not necessarily be limited to, the following:

2b.1. A precise description of the facilities to be maintained under the agreement and exact language of the easement/s for the major flood control conveyance facilities.

2b.2. The entity/entities and assigns that will be responsible for maintenance activities both ordinary and catastrophic.

2b.3. Definitions of "ordinary" versus "catastrophic" maintenance and establishment of the party responsible for the various maintenance activities. This would include a clause stating that determination of the adherence to the levels of maintenance will be in the sole judgment of the District.

2b.4. An understanding that should the District be forced to provide maintenance for the facilities, it will be done in a manner that, in the sole discretion of the District, is in the best public interest. This may involve the elimination of amenities. (For example, the District would not restore damage to the in-channel amenities unless the damage impaired the flood control function. Further, the District would not be responsible for re-establishment of amenities damaged by the catastrophic event or the restoration effort.)

2b.5. The specific uses and maintenance activities within the various channels, conveyance areas, and access roads/trails. (For example, some areas may be used by the public and some areas only entered by landscaping crews.)

2b.6. The entity/entities that would indemnify, hold harmless and defend the District, and the City of Menifee against any claims or liability resulting from the construction, operation, maintenance and all other uses of the drainage facilities.

2b.7. The appropriate coverage and of types insurance policies required.

2b.8. The process by which any proposed modifications to the conveyance areas by either District or others would be reviewed and approved.

2b.9. Access rights for the District and the City of Menifee for inspection purposes.

2b.10. An establishment of time frames and procedures for noticing and compliance regarding maintenance of the facilities. (i.e., uncorrected activities or neglect causing impairment of the flood control function could trigger action by the District)

2b.11. A clause providing that if the District is forced to assume the maintenance responsibility for the drainage facilities, ownership of the facilities will fall to the District.

2b.12. That the owner agrees to accept developed conditions flows from offsite areas whether or not offsite water quality mitigation features have been provided.

2b.13. The owner will not unreasonably withhold permission to construct future connecting facilities and will allow connections without fee. (i.e., no "toll"

channels, but owner may require that future connections make reasonable effort avoid disturbing existing amenities.)

2c) A Preliminary Project Specific Water Quality Management Plan will be required to be reviewed and approved prior to the issuance of conditions of approval for any land use case within the specific plan. A FINAL Project Specific Water Quality Management Plan will be required to be reviewed and approved prior to issuance of any Grading or Building permits.

Technical guidance for the design of greenbelt channels is provided in COA entitled "Greenbelt Design Criteria."

98. **Map Flood Hazard Report:** PM 33739 is a proposal to subdivide 158.71 acres into 6 parcels. The project is located north of Scott Road, east of Interstate 215, west of Haleblan Road and south of Garbani Road.

The site is subject to several watercourses. Paloma Wash is tributary to the south and west end of the site and two tributaries enter the site from the east. Offsite and onsite flows exit the site at the northwest corner. There is adequate area outside of the natural watercourses for building sites. The natural watercourses shall be delineated on the environmental constraint sheet and be kept free of buildings and obstructions in order to maintain the natural drainage patterns of the area and to prevent flood damage to new buildings.

If mass grading is to be proposed under this parcel map, construction of the necessary drainage improvements will be required prior to grading.

99. **Greenbelt Design Criteria:** (District technical guidance for design of greenbelt channels) If velocities are erosive (i.e. greater than 6 fps) revetment for side slopes shall be proposed and 15-foot maintenance roads shall be shown on both sides of the conveyance area. Where soft bottoms and revetted side slopes are proposed, provisions for maintenance of the buried portion of the revetment shall be incorporated into the channel design and also into any required environmental mitigation/conservation plan. The channel design shall be developed using hydraulic runs that consider both the maximum depth and the maximum velocity. The following criteria shall be used for selecting Manning's n value, unless substantiation for other values is submitted: When determining the maximum depth: for vegetated/habitat low flow channel  $n = 0.10$ , for non-mowed channel outside of low-flow section  $n = 0.04$ , for mowed non-irrigated channel outside of low-flow section  $n = 0.030$ . When determining the maximum velocity: for vegetated/habitat low flow channel  $n = 0.10$ , for the rest of the channel  $n = 0.025$ .

If flows are non-erosive (i.e. less than 6 fps) then the side slopes may be non-revetted if they are to be landscaped, and provided the slopes are not steeper than 4H to 1V or 15-foot high, and maintenance roads shall be provided on both sides of the conveyance area. The Manning's n values given above shall be used to show that these flows are non-erosive, and to determine the maximum depth of water.

### ***Prior to Map Recordation***

100. **Submit Environmental Constraint Sheet and Final Map:** A copy of the environmental constraint sheet and the final map shall be submitted to the Public Works / Engineering Department for review and approval. All submittals shall be date stamped by the engineer and include the appropriate plan check fee.

101. **Delineate Water Courses:** The natural watercourses which drain a watershed of 10 acres or more shall be delineated and labeled on the environmental constraint sheet to accompany the final map. A note shall be placed on the environmental constraint sheet stating, "The natural watercourses shall be kept free of all buildings and obstructions".

#### **Prior to Grading Permit Issuance**

102. **Construct Drainage Facilities:** Parcel Map 33739 will be required to guarantee the construction of the necessary drainage infrastructure to convey onsite and offsite flows to an adequate outlet. With mass grading proposed, the necessary drainage infrastructure to be constructed includes Lines A, B and C as well as the proposed sub-regional detention facilities proposed under the Specific Plan Conceptual Drainage Plan Exhibit, unless otherwise already constructed and accepted by Riverside County Flood Control District and the City of Menifee. These drainage facilities shall be designed to capture the offsite flows from Paloma Wash and its tributaries as well as mitigate and safely convey onsite flows. All flood control facilities shall be built to City of Menifee and Riverside County Flood Control District standards. Plans must be approved and bonded prior to grading. (Reference County Condition 60.Flood RI 001)
103. **Submit Plans:** A copy of the improvement plans, grading plans, BMP improvement plans and any other necessary documentation along with supporting hydrologic and hydraulic calculations shall be submitted to the Public Works / Engineering Department for review. The plans must receive City approval prior to the issuance of grading permits.

#### **D. Traffic Engineering, Street Improvements and Dedications**

104. **Traffic Study Conditions:** Prior to City incorporation, the County of Riverside Transportation Department has reviewed the traffic study that was submitted for this project. The study has been prepared in accordance with County approved guidelines in place at that time. The County at that time generally concurred with the findings relative to traffic impacts as indicated below (*italicized*):

*The Comprehensive General Plan circulation policies require a minimum of Level of Service "C", except that Level of Service "D" may be allowed with Board of Supervisors' approval in community development areas at intersections of any combination of secondary highways, major highways, arterials, urban arterials, expressways or state highways and ramp intersections.*

*The study indicates that it is possible to achieve adequate levels of service for the following intersections based on the traffic study assumptions.*

*Haun Road (NS) at: Garbani Road (EW) Scott Road (EW)*

*I-215 Freeway Southbound Ramps (NS) at: Newport Road (EW) Garbani Road (EW) Scott Road (EW)*

*I-215 Freeway Northbound Ramps (NS) at: Newport Road (EW) Garbani Road (EW) Scott Road (EW)*

*Antelope Road (NS) at: Newport Road (EW) La Piedra Road (EW) Holland Road (EW)  
Garbani Road (EW) Scott Road (EW)*

*Little Reb Place (NS) at: Scott Road (EW)*

*Palomar Road (NS) at: Garbani Road (EW)*

*Street "Via Toscana" (NS) at: Scott Road (EW)*

*Project Driveway (NS) at: Scott Road (EW)*

*Haleblian Road (NS) at: Garbani Road (EW)*

*Bellamy Lane (NS) at: Scott Road (EW)*

*Menifee Road (NS) at: Garbani Road (EW) Scott Road (EW)*

Upon City incorporation, the City adopted its General Plan that included an analysis of current City Circulation Network based on updated City Land Use Plan. Additionally, the City adopted a Traffic Analysis Guidelines that provide new developments guidelines and directions in preparing traffic impact analysis. Therefore, in final engineering and prior to final map recordation of subsequent land divisions of PM33739, the developer/property owner shall submit an updated or new Traffic Impact Analysis (TIA) for review and approval by the City Public Works / Engineering Department. The report shall be approved prior to final map recordation of a subsequent land divisions of PM33739. The development shall comply with the findings and mitigation measures recommended by the approved new or updated TIA. (Reference County Condition 10.Trans 001)

105. **Traffic Studies Required:** The Traffic Study for Specific Plan No. 334 should be reviewed for applicability to current conditions. For any significant changes, the Traffic Engineer shall provide supplemental letters or memorandum providing recommended updates to the existing traffic study. Site specific traffic studies will be required for all subsequent development proposals within the boundaries of Specific Plan No. 334. These subsequent traffic studies shall identify specific project impacts and needed roadway improvements to be constructed prior to each development phase. The traffic studies shall be reviewed and approved by the City Public Works / Engineering Department. (Reference County Conditions 10.Trans 001 and 30.Trans 001)
106. **Drainage:** The land divider shall accept and properly dispose of all off-site drainage flowing onto or through the site. In the event the City of Menifee permits the use of streets for drainage purposes, any proposed design shall be reviewed and approved by the City Engineer in accordance with current City Standards and Ordinances. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, the sub-divider shall provide adequate drainage facilities and/or appropriate easements as approved by the Public Works / Engineering Department. (Reference County Condition 10.Trans 002)
107. **Improvements:** All roads shall be improved per the recommended General Plan or Specific Plan designation, and as approved by the City of Menifee Public Works / Engineering Department. (Reference County Condition 10.Trans 003)

108. **WRCOG – TUMF:** The project proponent shall be required to pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of issuance of a Certificate of Occupancy, pursuant to applicable City ordinances.
109. **City Standards And Ordinances:** The developer/property owner shall provide all street improvements and road dedications set forth herein and in accordance with City ordinances and City street improvement standards and policies. It is understood that the submitted site plan correctly shows acceptable centerline elevations, all existing easements, traveled ways, and drainage courses with appropriate Q's, and that their omission or misrepresentation may require the site plan to be resubmitted for further consideration by the Planning Commission. All questions regarding the true meaning of the conditions shall be referred to the Public Works / Engineering Department. (Reference County Condition 10.Trans 006)
110. **Streetlight Design As LS-3 Rate Lights:** All public streetlights, other than traffic signal safety lights, shall be designed as LS-3 rate lights in accordance with approved City standards and specifications, and as determined by the Public Works Director.
111. **Onsite And Offsite Public Streetlights Ownership And Maintenance:** All proposed public street lights shall be designed in accordance with City approved standards and specifications, as determined and approved by the Public Works Director. Unless determined otherwise by the Public Works Director / City Engineer, the City shall have ownership and maintenance of all proposed public street lights and associated appurtenances, and therefore shall be provided with adequate service points for power. The design shall be incorporated in the project's street improvement plans or in a separate street light plan or as determined and approved by the Public Works Director.
112. **Public Streetlights Service Point Addressing:** The developer shall coordinate with the Public Works / Engineering Department and with Southern California Edison the assignment of addresses to public street light service points. These service points shall also be owned by the City and shall be located within the public right of way or within duly dedicated public easements.
113. **Streetlights Energized:** It shall be the responsibility of the Developer to ensure that all streetlights are energized along the streets associated with this development, prior to Certificate of Occupancy.

#### ***Prior to Map Recordation***

114. **Interchange Improvements:** Prior to the recordation of the final map, a Community Facilities District (CFD) or other funding mechanism acceptable to the City of Menifee may be established and funding in place for the construction of the ultimate improvements to the I-215/Scott Road interchange. The project is required to participate in the CFD through payment of fees. (Reference County Condition 50.Trans 001)
115. **Garbani Road Improvements:** Plans for an improved Garbani Road/Paloma Wash crossing shall be approved and bonded prior to recordation of any land use case or subdivision within the Specific Plan. The improved Garbani Road crossing will be required to pass storm flows equal to the capacity of existing downstream culverts beneath Antelope Road and the I-215 freeway. This existing capacity is preliminarily found to be

approximately 560 cubic feet-per-second and would require a double 4-ft. High by 10-ft. wide RCB at Garbani Road (or equivalent conveyance/structure to the satisfaction of the City Engineer). Additionally, the profile of the improved Garbani Road shall be designed such that calculated 100-year flooding depths upstream of Garbani Road are not increased by more than 0.5 ft. over existing conditions and such that the roadway can withstand overtopping without damage (i.e., Garbani Road as a level weir structure with a length of approximately 1,100 feet). The criteria above may be modified at the consent of the City Engineer. (Reference County Condition 30.Trans 007)

116. **Haleblian Road Improvements:** Plans for an improved Haleblian Road shall be approved and bonded prior to release of any grading permits within the Specific Plan area. Landscape improvements shall conform to City standards and specifications. Haleblian Road (from Scott Road to Garbani Road) shall be improved to provide a 37 foot half width right-of-way with a 10 ft. landscaped parkway, an ADA compliant 13 ft. multi-use trail with rubberized surface, and a 14 ft. half street with base material only as approved by the Public Works / Engineering Department. Final approval of said improvements shall be at the discretion of the City Engineer.
117. **Scott Road and I-215 Interchange:** Prior to the recordation of the final map, a Community Facilities District (CFD) or other funding mechanism acceptable to the Public Works / Engineering Department shall be formed and ready to fund for the construction of the ultimate improvements to the I-215/Scott Road interchange and for widening of Scott Road to four lanes from the I-215 interchange to Briggs Road; or an annexation to a CFD for the widening of Scott Road from I-215 to SR-79, as determined by the Public Works / Engineering Department. If the applicant has satisfied this condition through annexation into the Scott Road CFD 05-8, the applicant shall provide proof of the annexation to the Public Works / Engineering Department. (Reference County Condition 50.Trans 001)
118. **Easement:** Any easement not owned by a public utility, public entity or subsidiary, not relocated or eliminated prior to final map approval, shall be delineated on the final map in addition to having the name of the easement holder, and the nature of their interests, shown on the map. (Reference County Condition 50.Trans 005)
119. **Intersection/50' Tangent:** All centerline intersections shall be at 90 degrees, plus or minus 5 degrees, with a minimum 50' tangent, measured from flowline/curb face or as approved by the Public Works / Engineering Department or the City Engineer. (Reference County Condition 50.Trans 011)
120. **Right-Of-Way Dedicated:** Sufficient public street right-of-way along Via Toscana shall be dedicated for public use to provide for a 74 foot full width right-of-way from Scott Road to Garbani Road.

Haleblian Road (from Scott Road to Garbani Road) shall be offered for dedication to provide for a 37 foot half width right-of-way with a 10 ft. landscaped parkway, an ADA compliant 13 ft. multi-use trail with rubberized surface, and a 14 ft. half street with base material only as approved by the Public Works / Engineering Department.

Garbani Road and Scott Road (from Haleblian Road to the western tract boundary) shall

be offered for dedication to provide for a 143-156 foot full width right-of-way, as approved by the Public Works / Engineering Department.

NOTE: The additional right-of-way is required for the additional turn lanes at the intersection of Via Toscana **and Garbani Road** per City standards and specifications.

**As amended by the Planning Commission on August 9, 2017**

121. **Road and Bridge Benefit District (RBBD):** Prior to the recordation of the final map, or any phase thereof, the project proponent shall pay fees in accordance with Zone A of the Scott Road and Bridge Benefit District. Should the project proponent choose to defer the time of payment, a written request shall be submitted to the City, deferring said payment to the time of issuance of a building permit. Fees which are deferred shall be based upon the fee schedule in effect at the time of issuance of the permit. (
122. **Scott & I-215 Interchange District:** Prior to the recordation of the final map, the project shall be annexed to a Community Facilities District, CFD 05-8 to fund for the construction of the ultimate improvements relative to the I-215/Scott Road interchange and for the widening of Scott Road to six lanes between I-215 and SR 79 as determined by the Public Works / Engineering Department.
123. **Corner Cut-Back:** All corner cutbacks shall be applied per City Standard Plan No. 82, except for corners at Entry streets intersecting with General Plan Roads. All corner cutbacks at project entrances shall be determined and approved by the Public Works / Engineering Department.
124. **Utility Plan:** Utility relocation plans have been deferred until in-tract street improvements. For Specific Plan cases only, electrical power, telephone, communication, street lighting, and cable television lines shall be designed to be placed underground in accordance with City standards and ordinances, or as approved by the Public Works / Engineering Department. The applicant is responsible for coordinating the work with the serving utility company. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site. A disposition note describing the above shall be reflected on design improvement plans whenever those plans are required. A written proof for initiating the design and/or application of the relocation issued by the utility company shall be submitted to the Public Works / Engineering Department for verification purposes.

***Prior to Certificate of Occupancy***

125. **Traffic Signal Installation:** The Specific Plan proponent and all subsequent implementing projects within the Specific Plan shall be responsible for design and construction of traffic signals at the following intersections or as approved by the Public Works / Engineering Department. Please note: only signals listed in the approved fee credit eligibility list shall be eligible for fee credit, regardless of prior County conditioning.

**Prior to Occupancy of 1st Dwelling Unit**

- The following County condition has been partially satisfied with the now existing

traffic signal at the designated intersection. However, any improvements to the existing signal or modifications needed to support the proposed project, shall be guaranteed and constructed by the developer at no cost to the City of Menifee. (County Condition): Scott Road at Haun Road with fee credit eligibility - Scott Road at I-215 Southbound Ramps with fee credit eligibility - Scott Road at I-215 Northbound Ramps with fee credit eligibility - Scott Road at "Via Toscana" Street with no fee credit eligibility - Scott Road at Menifee Road with fee credit eligibility - Scott Road at Antelope road with fee credit eligibility - Antelope Road at Garbani Road with fee credit eligibility

Prior to Occupancy of 501st Dwelling Unit

- Palomar Road at Garbani Road with no fee credit eligibility.

Prior to Occupancy of 901st Dwelling Unit

- Scott Road at Bellamy Lane with no fee credit eligibility - Antelope Road at Holland Road with fee credit eligibility or as approved by the Public Works / Engineering Department.

(Reference County Conditions 30.Trans 002, 100.Trans 001)

**126. Traffic Signal Geometrics:**

Prior to Occupancy of 1st Dwelling Unit

The intersection of Scott Road/Haun Road shall be improved to provide the following geometrics:

Northbound: One left turn lane, one shared through/right turn lane Southbound: One left turn lane, one shared through/right turn lane Eastbound: One left turn lane, one through lane, one shared through/right turn lane Westbound: One left turn lane, one through lane, one shared through/right turn lane.

The intersection of Scott Road/I-215 Southbound Ramps shall be improved to provide the following geometrics:

The following County condition has been partially satisfied with the now existing lane geometrics at the designated intersections. However, any improvements to the existing striping or modifications needed to support the proposed project, shall be guaranteed and constructed by the developer at no cost to the City of Menifee. (County Condition): Northbound: N/A Southbound: One shared left/through lane, one right turn lane Eastbound: One through lane, one right turn lane Westbound: One left turn lane, one through lane.

The intersection of Scott Road/I-215 Northbound Ramps shall be improved to provide the following geometrics:

The following County condition has been partially satisfied with the now existing lane geometrics at the designated intersection. However, any improvements to the existing striping or modifications needed to support the proposed project, shall be guaranteed and constructed by the developer at no cost to the City of Menifee. (County Condition):

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*Northbound: One shared left/through lane, one right turn lane Southbound: N/A Eastbound: One left turn lane, one through lane Westbound: One through lane, one right turn lane.*

The intersection of Scott Road/Antelope Road shall be improved to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane Southbound: One left turn lane, one through lane, one right turn lane with overlap Eastbound: One left turn lane, two through lanes Westbound: One left turn lane, two through lanes.

The intersection of Scott Road/"Via Toscana" Street shall be improved to provide the following geometrics:

Northbound: N/A Southbound: One left turn lane, one right turn lane Eastbound: One left turn lane, two through lanes Westbound: Two through lanes, one right turn lane.

The intersection of Scott Road/Menifee Road shall be improved to provide the following geometrics:

The following County condition has been partially satisfied with the now existing lane geometrics at the designated intersections. However, any improvements to the existing striping or modifications needed to support the proposed project, shall be guaranteed and constructed by the developer at no cost to the City of Menifee. *(County Condition): Northbound: One left turn lane, one shared thru/right turn lane Southbound: One left turn lane, one shared through/right turn lane Eastbound: One left turn lane, one shared through/right turn lane Westbound: One left turn lane, one shared through/right turn lane.*

Prior to Occupancy of 501st Dwelling Unit.

The intersection of Palomar Road/Garbani Road shall be improved to provide the following geometrics:

Northbound: One left turn lane, one shared through/right turn lane Southbound: One left turn lane, one shared through/right turn lane Eastbound: One left turn lane, three through lanes Westbound: One left turn lane, two through lanes.

The intersection of Scott Road/Little Reb Place shall be improved to provide the following geometrics:

The following County condition has been partially met with the now existing lane geometrics at the designated intersection. However, any improvements to the existing striping or modifications needed to support the proposed project, shall be guaranteed and constructed by the developer at no cost to the City of Menifee. *(County Condition): Northbound: One right-turn lane Southbound: N/A Eastbound: Two through lanes Westbound: Two through lanes.*

Access at Little Reb shall be restricted to right-in right-out through installation of a raised median on Scott Road, or as approved by the Public Works Department.

This shall be completed at the same time as signal construction at Scott Road and Bellamy Lane, due to overall safety concerns regarding proper circulation along Scott Road.

Scott Road shall be widened to 4 lanes from I-215 NB ramp to east of Menifee Road.

Prior to Occupancy of 901st Dwelling Unit.

The intersection of Scott Road/I-215 Southbound Ramps shall be improved to provide the following geometrics:

Northbound: N/A Southbound: One shared left/through lane, one right turn lane  
Eastbound: Two through lanes, one right turn lane Westbound: One left turn lane, two through lanes.

The intersection of Scott Road/I-215 Northbound Ramps shall be improved to provide the following geometrics:

Northbound: One shared left/through lane, one right turn lane Southbound: N/A  
Eastbound: One left turn lane, two through lanes Westbound: Two through lanes, one right turn lane.

The intersection of Scott Road/Bellamy Road shall be improved to provide the following geometrics:

Northbound: One left turn lane, one shared through/right turn lane Southbound: One left turn lane, one shared through/right turn lane  
Eastbound: One left turn lane, one through lane, one shared through/right turn lane Westbound: One left turn lane, one through lane, one shared through/right turn lane.

The intersection of Antelope Road/Holland Road shall be improved to provide the following geometrics:

The following County condition has been partially satisfied with the now existing lane geometrics at the designated intersection. However, any improvements to the existing striping or modifications needed to support the proposed project, shall be guaranteed and constructed by the developer at no cost to the City of Menifee. *(County Condition):*  
Northbound: One through lane, one right turn lane Southbound: One left turn lane, one through lane Westbound: One left turn lane, one right turn lane Eastbound: N/A or as approved by the Public Works / Engineering Department.

Any off-site widening required to provide these geometrics shall be the responsibility of the landowner/developer, or as approved by the Public Works / Engineering Department.

Scott Road shall be widened to 4 lanes from Haun Road to I-215 NB ramp and from Menifee Road to east of Briggs.

**127. Scott Road Widening:**

Prior to Occupancy of 501st Dwelling Unit

Scott Road shall be widened to 4 lanes from I-215 NB ramp to east of Menifee Road.

Prior to Occupancy of 901st Dwelling Unit

Prior to Occupancy of 901st Dwelling Unit Scott Road shall be widened to 4 lanes from Haun Road to I-215 NB ramp and from Menifee Road to east of Briggs Road.  
(Reference County Conditions 30.Trans 004 and 005)

128. **Via Toscana Street Improvements:** Prior to occupancy of the 1st dwelling unit, 'Via Toscana' shall be constructed at its ultimate full section as a Modified Collector from Garbani Road to the northwest corner of Planning Area 4. This Modified Collector shall be constructed in a 74' full width section (58'/74'). The design shall follow the following geometrics looking north: (3' landscaping/22' pavement/14' landscaped median/22' pavement/4' landscaping/6' sidewalk/3' landscaping). The intersection of Garbani Road and Via Toscana shall be designed so that Via Toscana is lined up with Palomar Road to the north. The design of this intersection shall be approved by the Public Works / Engineering Department.

'Via Toscana' will also extend from this point south to Scott Road. This section shall be constructed within a 74' half width section with 44' of pavement curb to curb. The design shall follow the following geometrics looking north: (15' landscaped median/44' pavement/6'sidewalk/9' landscaping).

The ultimate design for the improvements for the portions of 'Via Toscana' that abut the property to the west shall be made with the consent of the City Engineer.  
(Reference County Conditions 30.Trans 009 and 100.Trans 004)

129. **WRCOG TUMF:** Prior to the issuance of an occupancy permit, the project proponent shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of Certificate of Occupancy issuance.
130. **Utility Install:** The utility installation has been deferred to in-tract street improvements. For Specific Plan cases only, electrical power, telephone, communication, street lighting, and cable television lines shall be placed underground in accordance with City standards and ordinances, or as approved by the Public Works / Engineering Department. This also applies to existing overhead lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site. A certificate should be obtained from the pertinent utility company and submitted to the City Engineer as proof of completion.

## **E. NPDES and WQMP**

### ***Prior to Grading Permit Issuance***

131. **Preliminary Project Specific Water Quality Management Plan (Prelim WQMP):** The project was originally approved by the Riverside County Board of Supervisors in 2006, prior to City incorporation. Prior to issuance of a grading permit, a complete Prelim project specific WQMP approved by the County shall be submitted to the Public Works / Engineering Department. If an approved Prelim WQMP in substantial compliance with the submitted TPM33739 cannot be provided, the developer understands that one has to be provided for review and approval by Public Works / Engineering Department following the WQMP rules and guidelines in place at the time the project was approved in 2006. The developer understands that revisions to the TPM necessary to meet the required WQMP, may require further consideration and approval by the Planning Commission and/or the City Council. All costs associated with providing a substantially complete and complying WQMP shall be borne by the applicant.

132. **Final Project Specific Water Quality Management Plan (Final WQMP):** Prior to issuance of a grading permit, a FINAL project specific WQMP in substantial conformance with the approved PRELIMINARY WQMP, shall be reviewed and approved by the Public Works Engineering Department. Final construction plans shall incorporate all of the structural BMPs identified in the approved FINAL WQMP. The final developed project shall implement all structural and non-structural BMPs specified in the approved FINAL WQMP. One copy of the approved FINAL WQMP on a CD-ROM in pdf format shall be submitted to the Public Works Engineering Department. The FINAL WQMP submittal shall include at the minimum the following reports/studies:
- Hydrology/hydraulics report
  - Soils Report that includes soil infiltration capacity
  - Phase II Environmental Site Assessment Report, as maybe required by the approved Phase ESA
133. **Revision to the Final WQMP:** In the event the Final WQMP design requires revisions that substantially deviate from the approved Prelim WQMP, a revised or new WQMP shall be submitted for review and approval by the Public Works / Engineering Department. The cost of reviewing the revised/new WQMP shall be charged to the developer/property owner, and rates in accordance with City adopted Service Fee Rates and Schedule shall apply.
134. **WQMP Right Of Entry And Maintenance Agreement:** Prior to, or concurrent with the approval of the FINAL WQMP, the developer/property owner shall record Covenants, Conditions and Restrictions (CC&R's), or enter into an acceptable Right of Entry and Maintenance Agreement with the City to inform future property owners of the requirement to perpetually implement the approved FINAL WQMP.
135. **BMP Improvement Plans:** All structural BMPs included in the approved FINAL WQMP shall be shown on approved BMP plans, or grading/improvement plans as determined by the Public Works Director/City Engineer, along with any necessary documentation. The BMP plans shall be submitted to the City Public Works / Engineering Department for review and approval. If not made part of a previously approved improvement plan or grading plan, these grading and improvement plans shall be included with the BMP plan submittal for reference. The BMP plans must receive City approval prior to issuance of any construction permit. All submittals shall be date stamped by the engineer and include a completed Deposit Based Fee Worksheet and the appropriate plan check fee deposit.
136. **Trash Enclosures:** Storm runoff resulting in direct contact with trash enclosure, or wastewater runoff from trash enclosure are prohibited from running off a site onto the City MS4 without proper treatment. Trash enclosures in new developments and redevelopment projects shall meet new storm water quality standards including:
- a) Provision of a solid impermeable roof with a minimum clearance height to allow the bin lid to completely open.
  - b) Constructed of reinforced masonry without wooden gates. Walls shall be at least 6 feet high.
  - c) Provision of concrete slab floor, graded to collect any spill within the enclosure.
  - d) All trash bins in the trash enclosure shall be leak proof with lids that are continuously kept closed.

- e) The enclosure area shall be protected from receiving direct rainfall or run-on from collateral surfaces.

Any standing liquids within the trash enclosures without floor drain must be cleaned up and disposed of properly using a mop and a bucket or a wet/dry vacuum machine. All non-hazardous liquids without solid trash may be put in the sanitary sewer as an option, in accordance with Eastern Municipal Water District (EMWD) criteria.

An alternate floor drain from the interior of the enclosure that discharges to the sanitary sewer may be constructed only after obtaining approval from EMWD. This option requires the following:

- a) The trash enclosure shall be lockable and locked when not in use with a 2-inch or larger brass resettable combination lock. Only employees and staff authorized by the enclosure property owner shall be given access. This requirement may not be applicable to commercial complexes with multiple tenants.
- b) A waterless trap primer shall be provided to prevent escape of gasses from the sewer line and save water.
- c) Hot and cold running water shall be provided with a connection nearby with an approved backflow preventer. The spigot shall be protected and located at the rear of the enclosure to prevent damage from bins.

Any standing liquids in existing trash enclosures without a floor drain must be cleaned up and disposed of properly using a mop and a bucket or a wet/dry vacuum machine. All non-hazardous liquids without solid trash may be put in the sanitary sewer.

137. **BMP Facilities Maintenance:** This project proposes BMP facilities that will require maintenance by public agency or commercial property owner association. To ensure that the public is not unduly burdened with future costs, prior to final approval or recordation of this case, the City will require an acceptable financial mechanism be implemented to provide for maintenance of treatment control BMP's in perpetuity. This may consist of mechanism to assess individual benefitting property owners or other means approved by the City. The site's treatment control BMP's and all other structural BMPs must be shown on the project's improvement plans.
138. **Inspection of BMP Installation:** Prior to issuance of Certificate of Occupancy, all structural BMPs included in the approved FINAL WQMP shall be inspected for completion of installation in accordance with approved plans and specifications, and the FINAL WQMP. The Public Works Stormwater Inspection team shall verify that all proposed structural BMPs are in working conditions, and that a hard copy and/or digital copy of the approved FINAL WQMP are available at the site for use and reference by future owners/occupants. The inspection shall ensure that the FINAL WQMP at the site includes a **BMP Operation and Maintenance Plan**, and shall include the site in a City maintained database for future periodic inspection.
139. **SWPPP and NPDES Compliance:** Prior to issuance of any grading or construction permits, whichever comes first, the applicant shall provide the City of Menifee evidence of compliance with the latest Construction General Permit (CGP) issued by the State Water Resource Control Board (SWRCB) for regulating construction projects that meet the threshold set by the CGP. Owner and/or operators of grading or construction projects meeting the permit threshold are required to comply by obtaining a general construction permit from the SWRCB.

The permit requirement applies to grading and construction sites of one acre or larger. To obtain coverage under the CGP, the Legally Responsible Person must electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and other documents required by the General Permit.

Construction activities including but not limited to clearing, stockpiling, grading or excavation of land, which disturbs 1 acre or more or on-sites which are part of a larger common plan of development which disturbs less than 1 acre are required to obtain coverage under the CGP with the SWRCB. A proof of filing is required prior to issuance of a grading permit in the form of a Waste Discharge ID (WDID) that shall be reflected on the approved grading plan. A current copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be kept at the construction site at all times, and shall be kept updated to reflect current site conditions. The SWPPP shall be made available to Public Works Inspectors or SWRCB Inspectors upon request.

Year-round, Best Management Practices (BMP's) shall be maintained and in place for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Stabilized Construction Entrances and project perimeter linear barriers are required year round. Removal BMP's (those BMP's which must be temporarily removed during construction activities) shall be in place at the end of each working day.

Monitoring for erosion and sediment control is required and shall be performed by the development's QSD or QSP as required by the Construction General Permit. The SWPPP shall address specific monitoring activities as required for the risk classification of the site. For example, certain high risk classified sites require that the QSD or QSP print and save records of the precipitation forecast for the project location area from (<http://www.srh.noaa.gov/forecast>) which must accompany monitoring reports and sampling test data. In such project types, a rain gauge is required on site. The Public Works / Engineering Department-Inspection staff may conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

### ***Prior to Building Permit Issuance***

140. **BMP Installation:** Prior to final occupancy all structural BMPs described in the approved project-specific FINAL WQMP shall be constructed and installed in conformance with approved plans, specifications and the FINAL WQMP. It shall be demonstrated that the applicant is prepared to implement all non-structural BMPs described in the approved project specific WQMP and that copies of the approved project-specific FINAL WQMP are available for the future owners/occupants.
141. **BMP Improvement Plans:** A copy of the BMP improvement plans along with any necessary documentation shall be submitted to the City for review. A copy of the improvement plan and grading plan shall be included for reference. The plans must receive the City's approval prior to issuance of permits. All submittals shall be date stamped by the engineer and include a completed City Deposit Based Fee Worksheet and the appropriate plan check fee deposit.
142. **SWRCB, Trash Amendments:** The State Water Resources Control Board (State Board) adopted amendments to the Water Quality Control Plan for Ocean Waters of California and the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries – collectively referred to as the “Trash Amendments.” Applicable requirements per these

amendments shall be adhered to with implementation measures, prior to building permit issuance. Projects determined to be within Priority Land Uses as defined in the Trash Amendments, shall provide trash full capture devices to remove trash from all Priority Land Use areas that will contribute storm water runoff to the City of Menifee's MS4. All trash full capture devices shall be listed on the State Board's current list of certified full capture devices posted on their website ([https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/trash\\_implementation.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/trash_implementation.shtml)), or otherwise approved by State or Regional Water Quality Control Board staff. Storm water runoff from privately owned Priority Land Use areas shall be treated by full capture devices located within privately owned storm drain structures or otherwise located on the privately owned property, whenever possible. Runoff from Priority Land Use areas created or modified by the project, and which are proposed to be City owned, shall be treated by full capture devices located within city-owned storm drains or otherwise located within the public right of way.

### ***Prior to Certificate of Occupancy***

143. **BMP Education:** Prior to issuance of Certificate of Occupancy within each DMA Area, the developer/property owner shall provide the City proof of notification to future occupants of all non-structural Best Management Practices (BMPs) and educational and training requirements for said BMPs as directed in the approved Final WQMP. Proof of notification shall be provided to the PW Engineering Department in forms determined acceptable by the PW Director/City Engineer. Public Educational Program materials may be obtained from the Riverside County Flood Control and Water Conservation District's (District) NPDES Section through their website at [www.rcwatershed.org](http://www.rcwatershed.org).
144. **BMPs Installed:** All structural BMPs described in the project-specific WQMP shall be constructed and installed in conformance with approved plans and specifications. It shall be demonstrated that the applicant is prepared to implement all non-structural BMPs described in the approved project specific WQMP and that copies of the approved project-specific WQMP are available for the future owners/occupants. The City will not release occupancy permits for any portion of the project prior to the completion of these tasks.
145. **BMP Maintenance and Inspections:** The BMP maintenance plan shall contain provisions for all treatment controlled BMPs to be inspected as described in the project's FINAL WQMP. Required documentation shall identify the entity that will inspect and maintain all structural BMPs within the project boundaries. A copy of all necessary documentation shall be submitted to the City for review and approval prior to the issuance of occupancy permits.

## **F. CITYWIDE COMMUNITY FACILITIES MAINTENANCE DISTRICT (CFD)**

### ***Prior to Recordation of Final Map***

146. **Annexation to the Citywide Community Facilities District (CFD):** Prior to, or concurrent with the recordation of the final map for a Development Phase, the developer/property owner shall complete the annexation of the proposed development, into the boundaries of a City of Menifee Community Facilities Maintenance District (Services) such as CFD 2017-1, or other CFDs approved by the City Engineer. The PW Director/City Engineer shall determine the appropriate maintenance CFD the Project will be annexed into. The citywide CFD shall be responsible for: The maintenance of public improvements or facilities that benefit this development, including but not limited to, water quality basins, public landscaping, streetlights, traffic signals, streets, street sweeping, pavement maintenance, drainage facilities, water

quality basins, graffiti abatement, public parks and other public improvements or facilities as approved by the Public Works Director. The developer/property owner shall be responsible for all cost associated with the annexation of a proposed development in the citywide CFD.

147. **CFD Annexation Agreement:** In the event timing for a Development Phase prevents the developer/property owner from complying with condition of approval for CFD annexation, the developer shall enter into a CFD annexation agreement to allow the annexation to complete after the recordation of a final map but prior to issuance of a Certificate of Occupancy in any subsequent Development Phase. The developer shall be responsible for all costs associated with the preparation of the CFD annexation agreement. The agreement shall be approved by the City Council prior to final map recordation or building permit issuance.
148. **Landscape Improvement Plans for CFD Maintenance:** Landscape improvements within public ROW and/or areas dedicated to the City for the citywide CFD to maintain shall comply with City landscape design guidelines and standards. Plans shall be prepared on a separate City CFD plans for review and approval by the Public Works / Engineering Department, and the Community Services Department. The plans may be prepared for each map phase or as one plan for the entire development as determined by the Public Works Director. When necessary as determined by the Public Works Director, a separate WQMP construction plan on City title block maybe required for review and approval by the Public Works Engineering Department prior to issuance of a grading permit.
149. **CFD Landscape Guidelines and Improvement Plans:** All landscape improvements for maintenance by the CFD shall be designed and installed in accordance with City CFD Landscape Guidelines, and shall be drawn on a separate improvement plan on City title block. The landscape improvement plans shall be reviewed and approved by the Public Works / Engineering Department prior to issuance of a construction permit.
150. **Parkway Landscaping Design Standards:** The parkway areas behind the street curb within the public's right-of-way, shall be landscaped and irrigated per City standards and guidelines.
151. **Street Sweeping:** Owner shall cause property to be annexed into the City's citywide CFD as the district funding mechanism to pay for the project's participation in the City's street sweeping services, as approved by the City Engineer.
152. **Maintenance of CFD Accepted Facilities:** All landscaping and appurtenant facilities to be maintained by the citywide CFD shall be built to City standards. The developer shall be responsible for ensuring that landscaping areas to be maintained by the CFD have its own controller and meter system, separate from any private controller/meter system.

## **G. WASTE MANAGEMENT**

153. **AB 341:** AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions. The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:
  - a) Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
  - b) Subscribe to a recycling service with their waste hauler.
  - c) Provide recycling service to their tenants (if commercial or multi-family complex).

- d) Demonstrate compliance with the requirements of California Code of Regulations Title 14.

For more information please visit:

[www.rivcowm.org/opencms/recycling/recycling\\_and\\_compost\\_business.html#mandatory](http://www.rivcowm.org/opencms/recycling/recycling_and_compost_business.html#mandatory)

154. **AB 1826:** AB 1826 (effective April 1, 2016) requires businesses that generate eight (8) cubic yards or more of organic waste per week, to arrange for organic waste recycling services. The threshold amount of organic waste generated requiring compliance by businesses is reduced in subsequent years. Businesses subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:
  - a) Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.
  - b) Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler to ensure the waste generated from those services meet the requirements of AB 1826.
  - c) Consider xeriscaping and using drought tolerant/low maintenance vegetation in all landscaped areas of the project.

***Prior to Building Permit Issuance:***

155. **Recyclables Collection and Loading Area Plot Plan:** Prior to the issuance of a building permit for each building, the applicant shall submit three (3) copies of a Recyclables Collection and Loading Area plot plan to the City of Menifee Engineering/Public Works Department for review and approval. The plot plan shall show the location of and access to the collection area for recyclable materials, along with its dimensions and construction detail, including elevation/façade, construction materials and signage. The plot plan shall clearly indicate how the trash and recycling enclosures shall be accessed by the hauler. The applicant shall provide documentation to the Community Development Department to verify that Engineering and Public Works has approved the plan prior to issuance of a building permit.
156. **Waste Recycling Plan:** Prior to the issuance of a building permit for each building, a Waste Recycling Plan (WRP) shall be submitted to the City of Menifee Engineering/Public Works Department approval. Completion of Form B, "Waste Reporting Form" of the Construction and Demolition Waste Diversion Program may be sufficient proof of WRP compliance, as determined by the PW Director/City Engineer. At a minimum, the WRP must identify the materials (i.e., concrete, asphalt, wood, etc.) that will be generated by construction and development, the projected amounts, the measures/methods that will be taken to recycle, reuse, and/or reduce the amount of materials, the facilities and/or haulers that will be utilized, and the targeted recycling or reduction rate. During project construction, the project site shall have, at a minimum, two (2) bins; one for waste disposal and the other for the recycling of Construction and Demolition (C&D) materials. Additional bins are encouraged to be used for further source separation of C&D recyclable materials. Accurate record keeping (receipts) for recycling of C&D recyclable materials and solid waste disposal must be kept. Arrangements can be made through the franchise hauler.

### ***Prior to Certificate of Occupancy***

157. **Waste Management Clearance:** Prior to issuance of an occupancy permit for each building, evidence (i.e., receipts or other type of verification) shall be submitted to demonstrate project compliance with the approved WRP to the Engineering and Public Works Department in order to clear the project for occupancy permits. Receipts must clearly identify the amount of waste disposed and Construction and Demolition (C&D) materials recycled. Completion of Form C, "Waste Reporting Form" of the Construction and Demolition Waste Diversion Program along with the receipts may be sufficient proof of WRP compliance, as determined by the PW Director/City Engineer.

### **H. Fees, Deposits And Development Impact Fees**

158. **Fees and Deposits:** Prior to approval of final maps, grading plans, improvement plans, issuance of building permits, and/or issuance of certificate of occupancy, the developer/property owner shall pay all fees, deposits as applicable. These shall include the regional Transportation Uniform Mitigation Fee (TUMF), any applicable Traffic Signal Mitigation Fees, Development Impact Fees (DIF), Road Bridge and Benefit District (RBBD), and any applicable regional fees. Said fees and deposits shall be collected at the rate in effect at the time of collection as specified in current City resolutions and ordinances.

# **Section IV: Riverside County Fire Department Conditions of Approval**

**General Conditions**

159. **West Fire Protection Planning Office Responsibility.** It is the responsibility of the recipient of these Fire Department conditions to forward them to all interested parties. The building case number is required on all correspondence.

Questions should be directed to the Riverside County Fire Department, Fire Protection Planning Division at 2300 Market St. Suite 150, Riverside, CA 92501. Phone: (951) 955-4777, Fax: (951) 955-4886.

160. **Blue Dot Reflectors.** Blue retro-reflective pavement markers shall be mounted on private streets, public streets and driveways to indicate location of fire hydrants.
161. **Hydrant Location.** Fire hydrants shall be located within 600' with residential sprinkler systems, along required fire apparatus access roads, and adjacent to public streets in the quantities and up to the maximum distance as required by California Fire Code and Riverside County Fire Department.
162. **Hydrant Fire Flow.** Fire hydrant(s) shall be capable of delivering fire flow as required by the California Fire Code and Riverside County Fire Department standards.
163. **Water Mains.** Water mains shall be capable of providing required fire flow.
164. **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. Approved water plans must be at the job site.
165. **Address.** The addresses shall be posed per Riverside County Fire Department standards and will be clearly visible from public roadways.
166. **Fire Department Access.** Fire Department apparatus access shall be provided to within 300 feet of all portions of all buildings. Driveway loops, fire apparatus access lanes and entrance curb radius should be designed to adequately allow access of emergency fire vehicles. Access shall be all weather surface able to support 40,000 lbs. vehicle weight.
167. **Fire Protection Systems.** Residential Fire systems: All residential buildings shall have NFPA 13D fire sprinkler systems installed.

**Section V: Riverside County  
Environmental Health Conditions of  
Approval**

December 5, 2022

**Prior to Final Map**

- 168. **Water System.** A water system shall have plans and specifications approved by Eastern Municipal Water District, the City Engineering Department, and the Department of Environmental Health.
- 169. **Financial Arrangements.** Financial arrangements (securities posted) must be made for the water improvement plans and be approved by City Attorney.
- 170. **Sewer System.** A sewer system shall have mylar plans and specifications as approved by the Eastern Municipal Water District, the City Engineering Department and the Department of Environmental Health.
- 171. **Annexation.** Annexation proceedings must be finalized with the applicable purveyor for sanitation service.
- 172. **Hazmat Phase II.** A Phase II Environmental Assessment is required to be completed for pesticides or other hazardous materials used on the property. The results must be reviewed by Haz Mat to verify that the levels are below hazardous waste criteria. If there are questions regarding the number of samples or other requirements, contact Doug Thompson at (951) 358-5055.

**END OF CONDITIONS**

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 \_\_\_\_\_

11/16/2023

Date \_\_\_\_\_

John C. Troutman

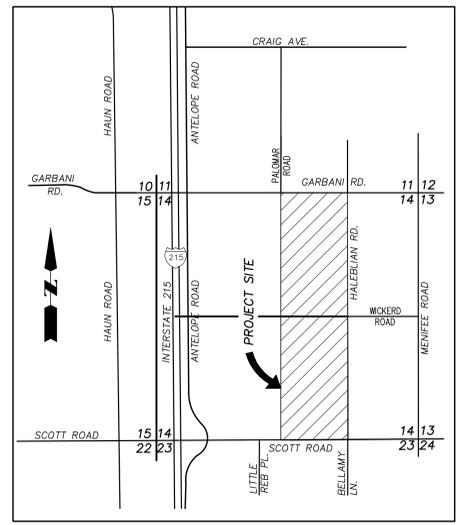
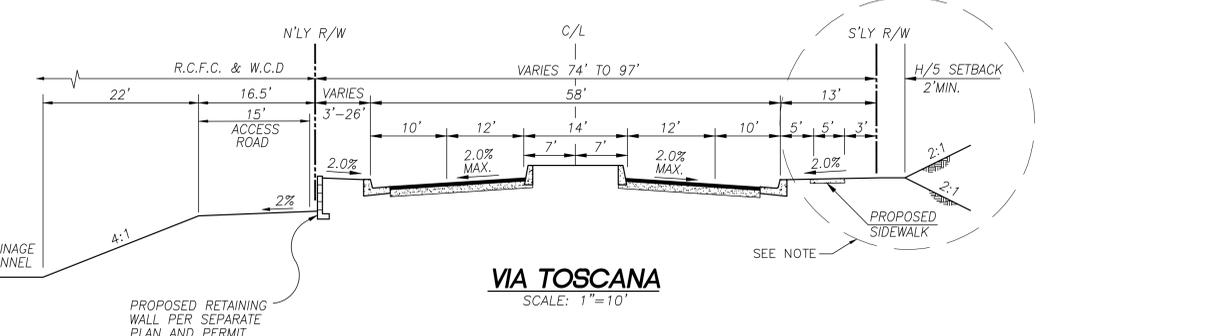
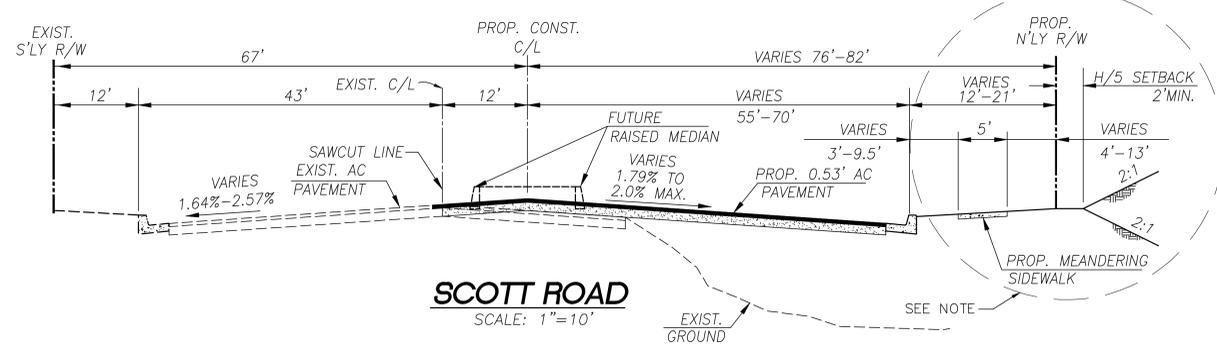
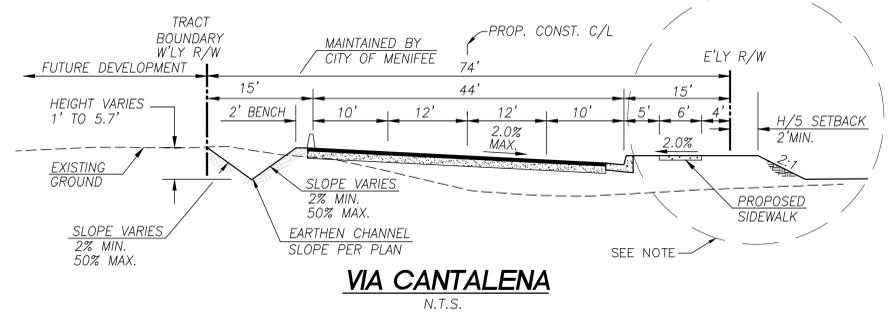
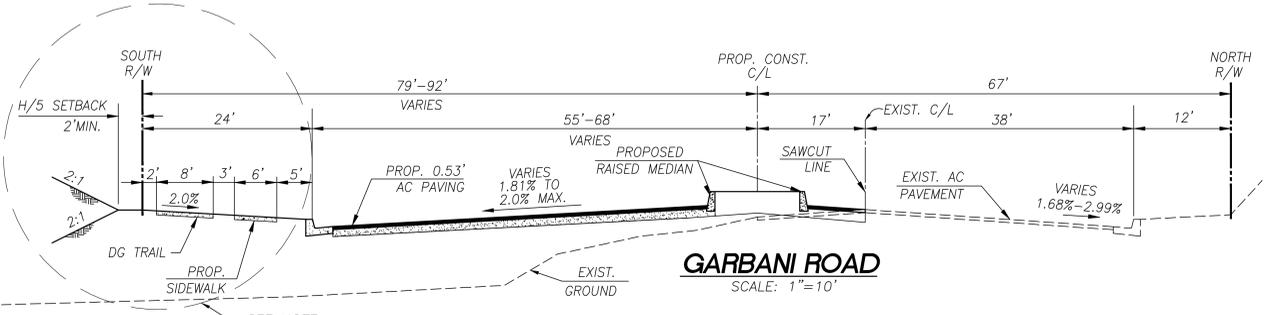
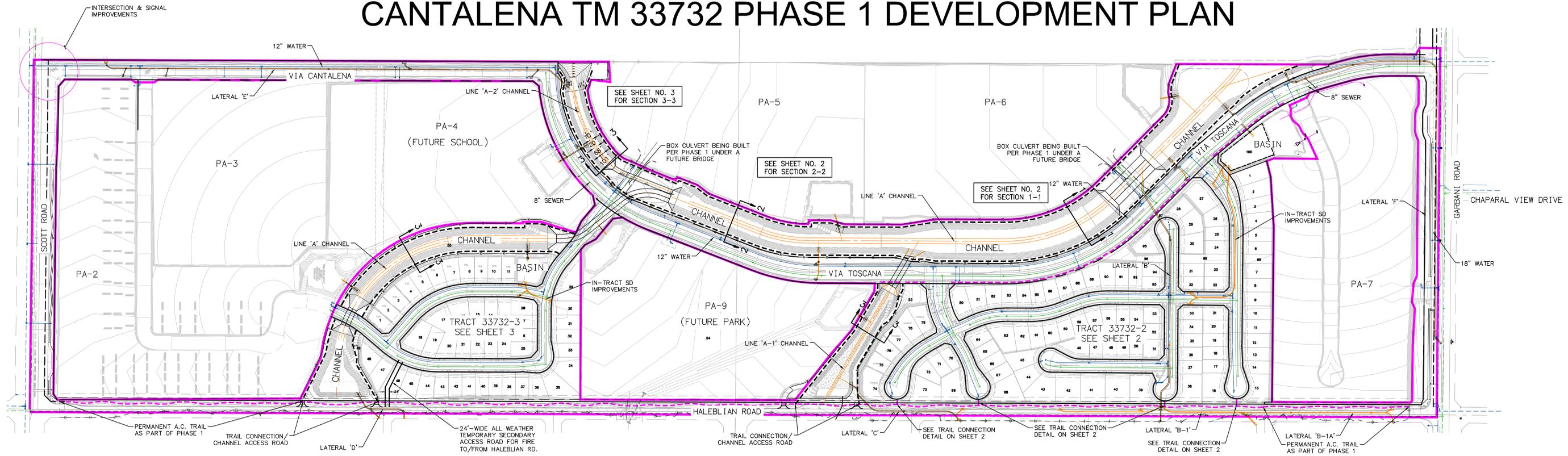
Name (please print) \_\_\_\_\_

Vice President

Title (please print). \_\_\_\_\_

## Exhibit C

# CANTALENA TM 33732 PHASE 1 DEVELOPMENT PLAN



## PHASE 1 BACKBONE IMPROVEMENTS

- STREETS
  - HALEBLAN ROAD - BEEN SATISFIED
  - SCOTT ROAD - BEEN SATISFIED
  - GARBANI ROAD - BEEN SATISFIED
  - VIA CANTALENA - BEEN SATISFIED
  - VIA TOSCANA - BEEN SATISFIED
- LANDSCAPE PARKWAYS - BACKBONE STREET PARKWAY WILL BE CONSTRUCTED ALONG WITH THE DEVELOPMENT OF EACH TRACT.
- STORM DRAIN AND CHANNELS
  - LINE 'A'
  - LINE 'A-1'
  - LINE 'A-2'
  - LATERAL 'B'
  - LATERAL 'B-1'
  - LATERAL 'B-1A'
  - LATERAL 'C'
  - LATERAL 'D'
  - LATERAL 'E'
  - LATERAL 'F'
- SEWER
- WATER
- SIGNAL IMPROVEMENTS
  - SCOTT ROAD AT HAIN ROAD - BEEN SATISFIED
  - SCOTT ROAD AT I-215 - BEEN SATISFIED
  - SCOTT ROAD AT VIA TOSCANA - BEING BUILT ON PHASE 1
  - SCOTT ROAD AT MENIFEE - BEEN SATISFIED
  - SCOTT ROAD AT ANTELOPE ROAD - BEEN SATISFIED
  - ANTELOPE ROAD AT GARBANI ROAD - BEEN SATISFIED

## FUTURE BACKBONE IMPROVEMENTS

- PALOMAR ROAD AT GARBANI ROAD
- PALOMAR ROAD/GARBANI ROAD
- SCOTT ROAD/LITTLE REB PLACE - BEEN SATISFIED
- SCOTT ROAD AT BELLAMY LANE
- ANTELOPE ROAD AT HOLLAND ROAD - BEEN SATISFIED
- SCOTT ROAD/I-215 SOUTHBOUND RAMP - BEEN SATISFIED
- SCOTT ROAD/BELLAMY LANE - BEEN SATISFIED
- ANTELOPE ROAD/HOLLAND ROAD - BEEN SATISFIED

## LEGEND

- RIGHT-OF-WAY
- EXISTING DOMESTIC WATER LINE
- EXISTING SEWER LINE
- PROPOSED STORM DRAIN LINE
- PROPOSED GARBANI/PALOMA WASH CROSSING
- PROPOSED CHANNEL CENTERLINE
- PROPOSED SEWER LINE
- PROPOSED WATER LINE
- PHASE 1 BOUNDARY LINE
- PHASE 1 FRONTAGE PARKWAY
- ACCESS ROAD & TRAIL MAINTAINED BY THE CITY

## PROJECT DESCRIPTION

TENTATIVE TRACT MAP 33732 IS APPROVED AS A PHASED DEVELOPMENT PLAN. PHASE 1 INCLUDES MASS GRADING OF THE ENTIRE SITE, CONSTRUCTION OF MASTER PLANNED CHANNEL IMPROVEMENTS, INCLUDING LINE A, A-1 AND A-2 AS SHOWN AND CONSTRUCTION OF THE GARBANI ROAD/PALOMA WASH CROSSING. CONSTRUCTION OF MASTER PLANNED WATER, SEWER, STORM DRAIN, SIGNAL IMPROVEMENTS AS OUTLINED BELOW:

SCOTT ROAD NORTHERLY HALF, BETWEEN HALEBLAN ROAD AND VIA CANTALENA, AS SHOWN IN THE STREET SECTIONS

HALEBLAN ROAD WESTERLY HALF, BETWEEN SCOTT ROAD AND GARBANI ROAD, AS SHOWN IN THE STREET SECTIONS, AND 36", 24" AND 18" STORM DRAIN LINES.

VIA CANTALENA, BETWEEN SCOTT ROAD AND VIA TOSCANA, AS SHOWN IN THE STREET SECTIONS. THE IMPROVEMENTS ALSO INCLUDES THE CONSTRUCTION OF 36" INCH STORM DRAIN, AND 12" WATER LINE

VIA TOSCANA, BETWEEN VIA CANTALENA AND GARBANI ROAD, AS SHOWN IN THE STREET SECTIONS. THE IMPROVEMENTS ALSO INCLUDES THE CONSTRUCTION OF 12" WATER LINE, AND 10" SEWER LINE

GARBANI ROAD, BETWEEN ANTELOPE ROAD AND HALEBLAN, AS SHOWN IN THE STREET SECTIONS. THE IMPROVEMENTS ALSO INCLUDES THE CONSTRUCTION OF 42" STORM DRAIN LINE, AND 18" WATER LINE.

SCOTT ROAD/VIA CANTALENA INTERSECTION AND SIGNAL IMPROVEMENTS

PHASE 1 WILL CONTAIN A TOTAL OF 142 RESIDENTIAL LOTS WITHIN TR 33732-2 AND 33732-3. CONSTRUCTION WILL INCLUDE IN-TRACT STREETS PARKWAY LANDSCAPING, WATER, SEWER, STORM DRAIN LINES AND WATER QUALITY BASINS WITHIN TRACTS 33732-2 AND 33732-3. THE PRIMARY ACCESS TO THESE TRACTS WILL BE FROM VIA TOSCANA. THERE WILL BE A TEMPORARY 24'- WIDE ALL WEATHER EMERGENCY ACCESS ROAD TO HALEBLAN ROAD WITHIN TR 33732-3 TO SATISFY FIRE DEPARTMENT ACCESS REQUIREMENT UNTIL THE DEVELOPMENT OF SOUTHERLY TRACT IN THE SUBSEQUENT DEVELOPMENT PHASE.

**NOTE:**  
PARKWAY LANDSCAPING AND SIDEWALK WILL BE CONSTRUCTED WITH ADJOINING PLANNING AREA DEVELOPMENT.

SEE SHEETS 2 AND 3 FOR ADDITIONAL SECTIONS.



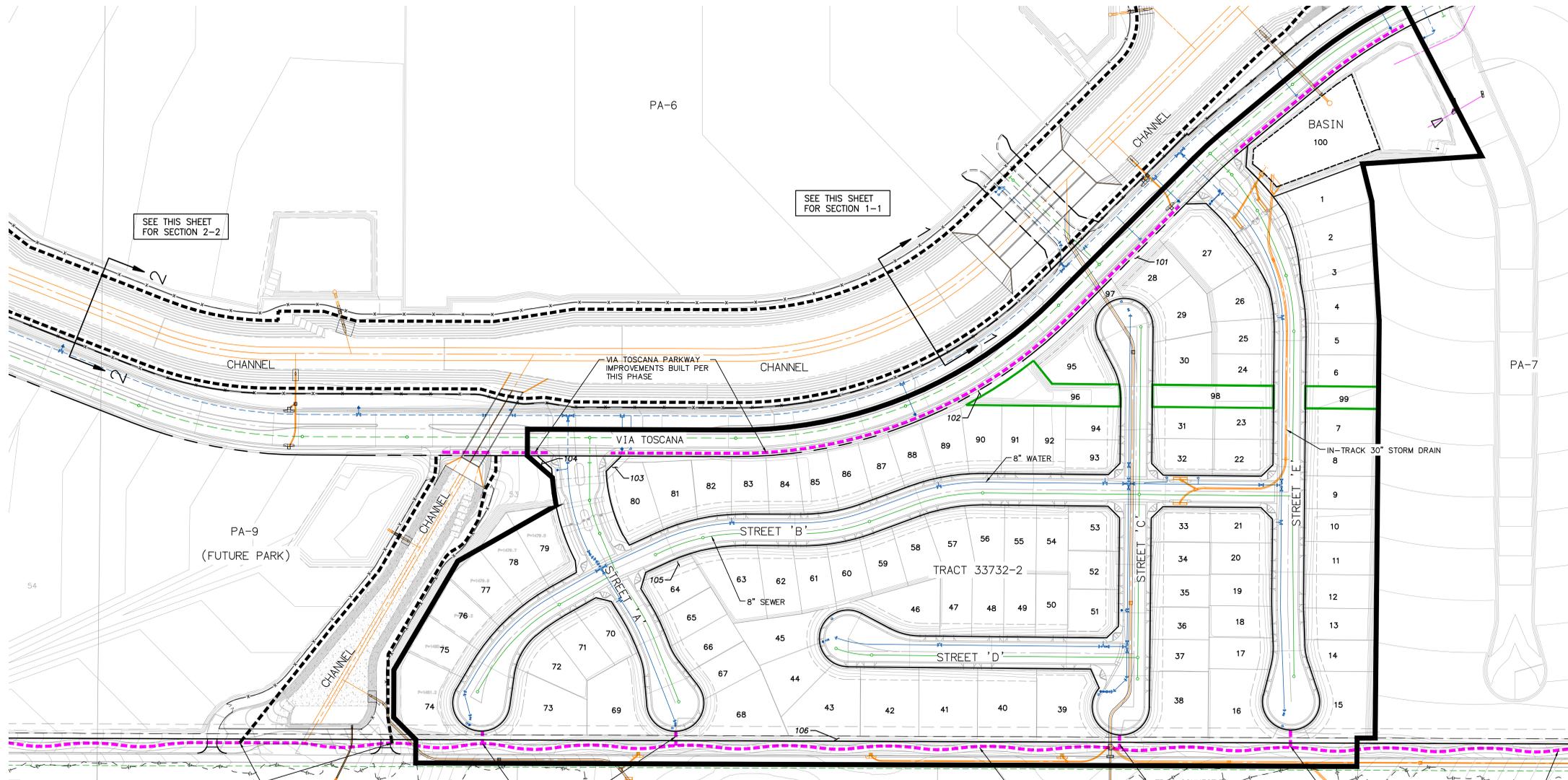
**PROACTIVE**  
ENGINEERING CONSULTANTS  
200 South Main Street, Suite 300  
Corona, CA 92882 (951) 280-3300

TR 33732 PHASE 1  
SHEET 1 OF 3

DATE: 7/19/2023

Drawing Name: Z:\10.091\_Cantalena\Drawings\Phase1\Development Plan\Tract\_33732\_Phased Development Plan\_Exploding.dwg  
 Plotted: Jul 19, 2023 - 4:48pm by: c. baum  
 Date: 7/19/2023

# CANTALENA TM 33732 PHASE 1 DEVELOPMENT PLAN

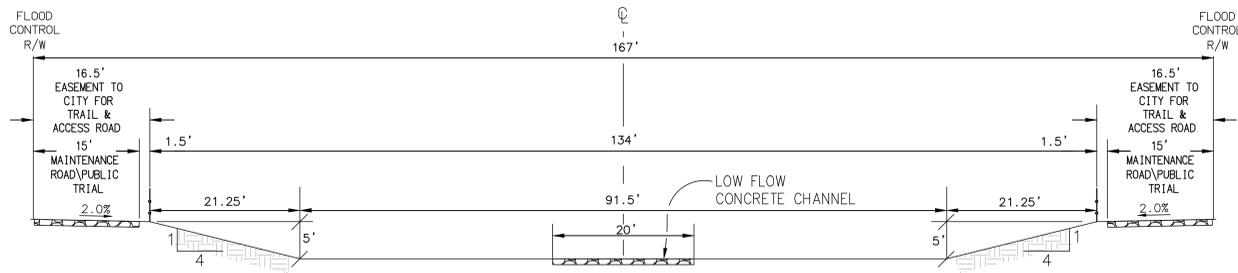


**TR 33732-2**

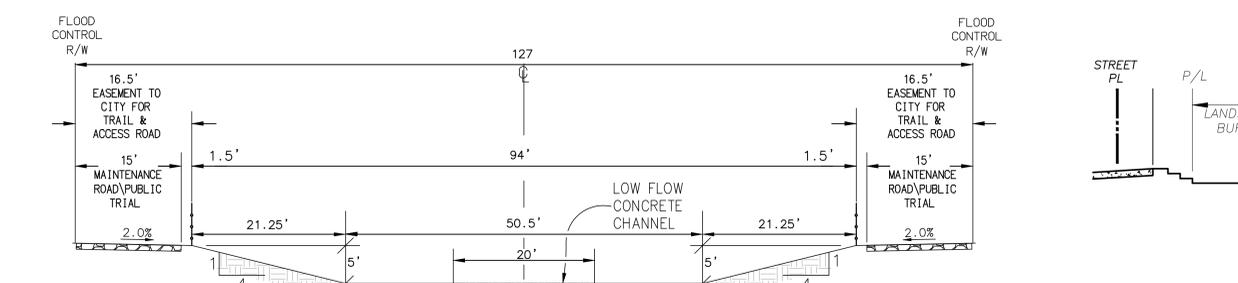
- LEGEND**
- RIGHT-OF-WAY
  - EXISTING BACKBONE 12" DOMESTIC WATER LINE
  - EXISTING BACKBONE 8" SEWER LINE
  - PROPOSED STORM DRAIN LINE
  - PROPOSED IN-TRACT 8" SEWER LINE
  - PROPOSED IN-TRACT 8" WATER LINE
  - TRACT BOUNDARY
  - PHASE 1 FRONTAGE PARKWAY
  - ACCESS ROAD & TRAIL MAINTAIN BY THE CITY

**SUMMARY:**

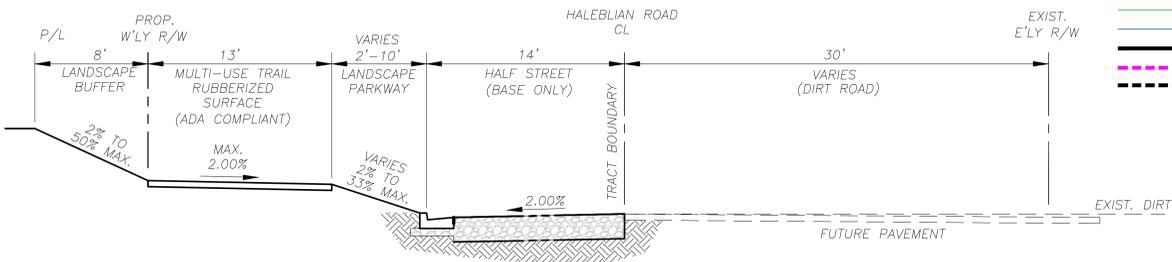
LOTS	LAND USE
1-95	RESIDENTIAL
97	OPEN SPACE
96,98-99	PASEO
100	BASIN
101-106	LANDSCAPE



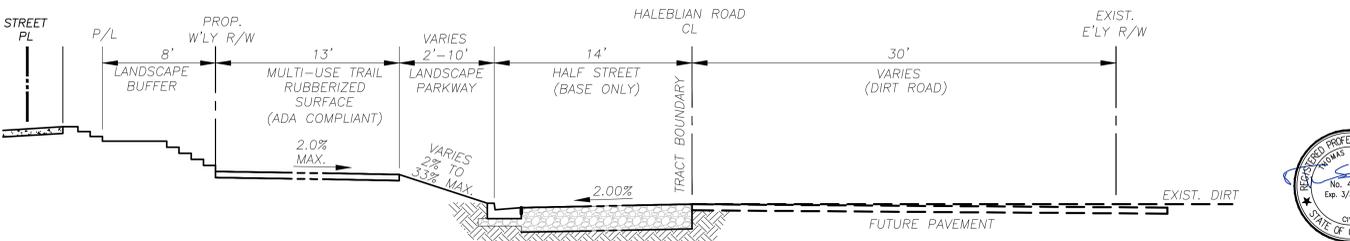
**SECTION 1-1**  
SCALE: 1"=10'



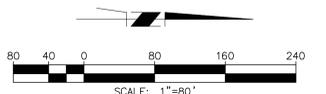
**SECTION 2-2**  
SCALE: 1"=10'



**HALEBLIAN ROAD**  
GARBANI ROAD TO TEMPORARY ACCESS ROAD  
SCALE: 1"=5'



**HALEBLIAN ROAD TRAIL CONNECTION**  
TRAIL CONNECTION AT TR 33732-2  
SCALE: 1"=5'



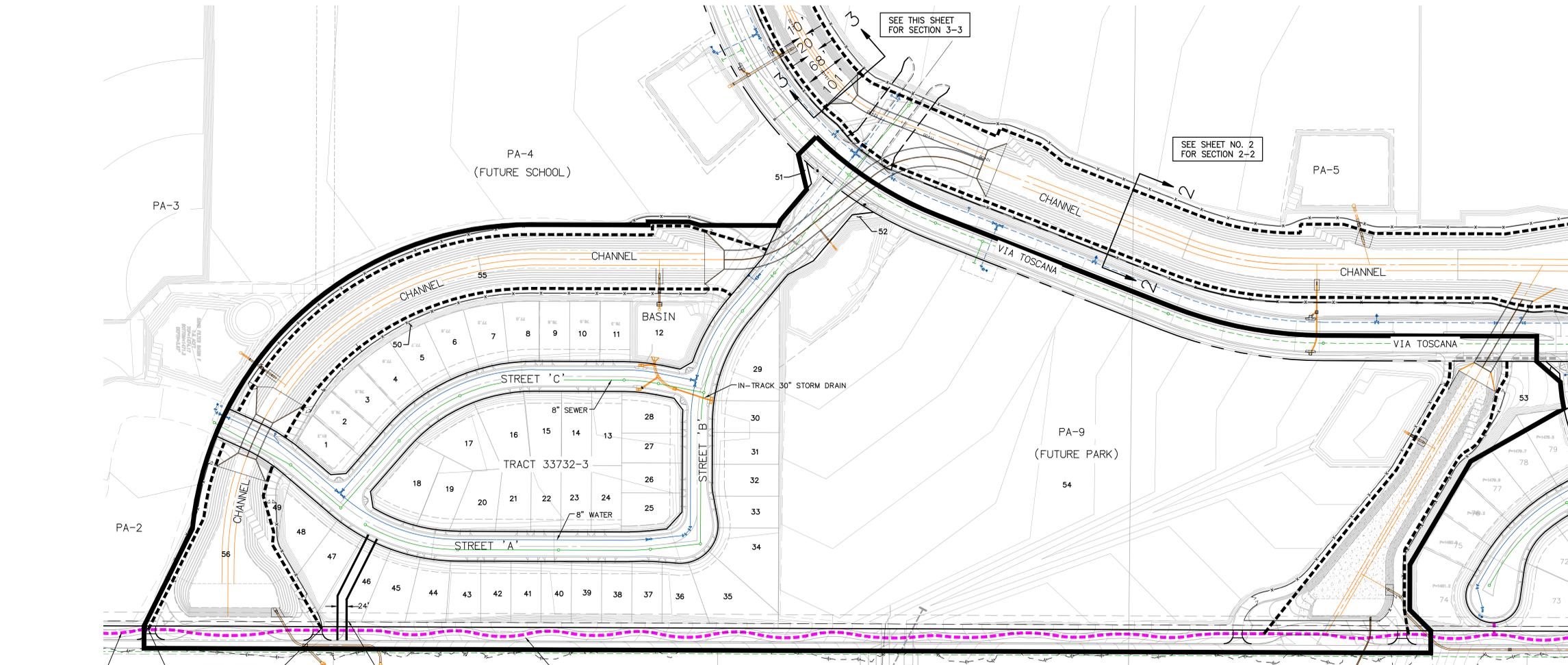
**TR 33732 PHASE 1 SHEET 2 OF 3**

**PROACTIVE**  
ENGINEERING CONSULTANTS  
200 South Main Street, Suite 300  
Corona, CA 92882 (951) 280-3300

DATE: 7/19/2023

Plotted: Jul 19, 2023 - 4:48pm by: c\_baum Drawing Name: Z:\10.091\_Cantalena\Drawings\Phase1\Development Plan\Tract\_33732\_Phased\_Development\_Plan\_Enhanced.dwg

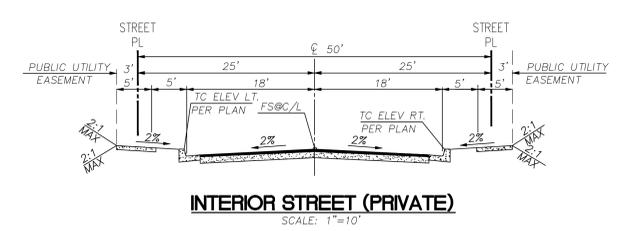
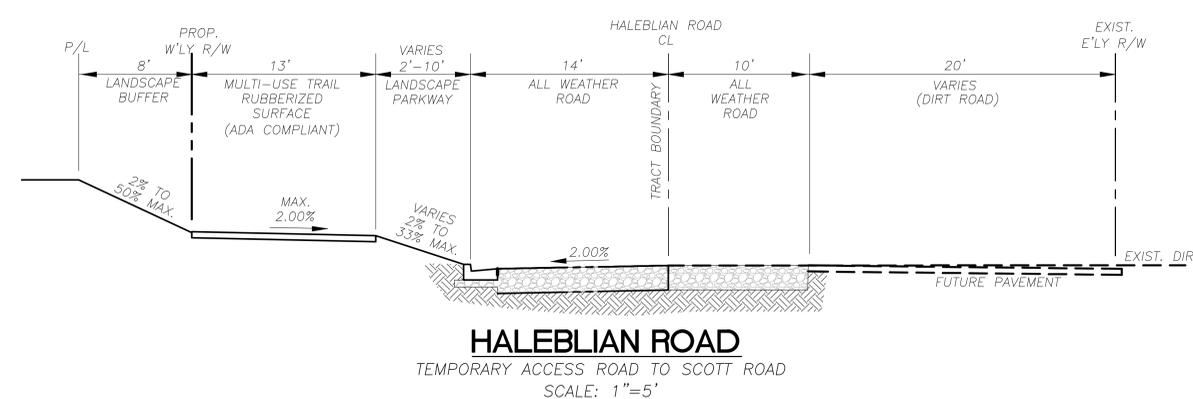
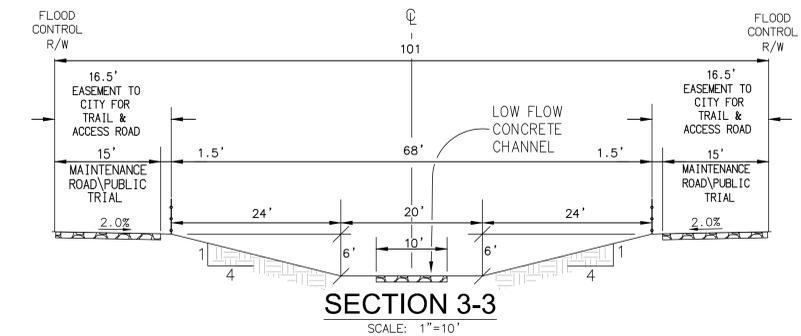
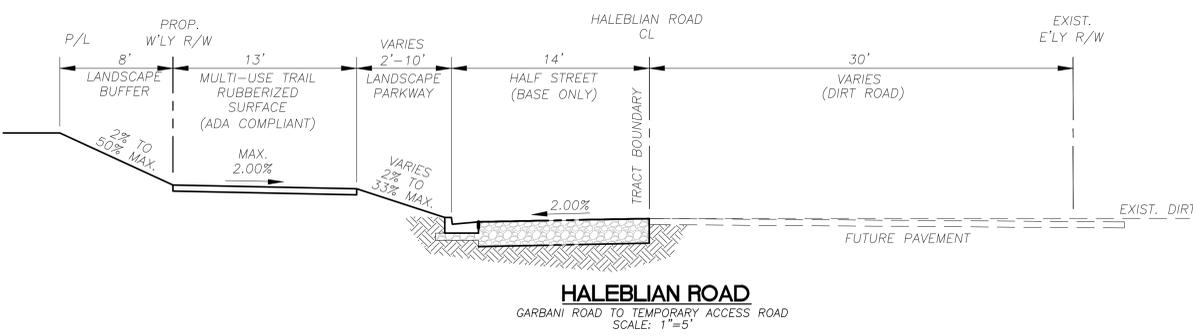
# CANTALENA TM 33732 PHASE 1 DEVELOPMENT PLAN



**TR 33732-3**

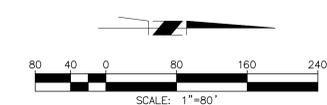
**LEGEND**

- RIGHT-OF-WAY
- - - EXISTING BACKBONE 12" DOMESTIC WATER LINE
- - - EXISTING BACKBONE 8" SEWER LINE
- - - PROPOSED STORM DRAIN LINE
- - - PROPOSED IN-TRACT 8" SEWER LINE
- - - PROPOSED IN-TRACT 8" WATER LINE
- TRACT BOUNDARY
- - - PHASE 1 FRONTAGE PARKWAY
- - - ACCESS ROAD & TRAIL MAINTAIN BY THE CITY



**SUMMARY:**

LOTS	LAND USE
1-11	RESIDENTIAL
12	BASIN
13-48	RESIDENTIAL
49-52	LANDSCAPE
53	OPEN SPACE
54	FUTURE PARK
55-56	OPEN CHANNEL



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**TR 33732 PHASE 1**  
**SHEET 3 OF 3**

DATE: 7/19/2023

Plotfile: Jul 19, 2023 - 4:48pm by: c\_baum Drawing Name: Z:\10.091\_Cantalena\Drawings\Phase1 Development Plan\Tract\_33732\Phase1 Development Plan Exhibit.dwg