

ORDINANCE NO. 25- _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA APPROVING A THIRD AMENDMENT FOR CIMARRON
RIDGE DEVELOPMENT AGREEMENT NO. PLN24-0213 BY AND
BETWEEN THE CITY OF MENIFEE AND CIMARRON RIDGE, LLC,**

WHEREAS, on October 28, 2024, the applicant, Cimarron Ridge, LLC, and filed a formal application with the City of Menifee for Development Agreement (DA) No. PLN24-0213 (the "Project") which proposes a third Amendment to the DA between the developer (Cimarron Ridge, LLC,) and the City of Menifee to allow up to 20 home occupancies in Planning Area (PA) No. 6, prior to completion of the McLaughlin Road improvements, a change in timing of the PA No. 4 park plan review, an increase in the number of the building permits in the Project that may be issued prior to completion of the Sports Park located in PA No. 4, from 485 to 635 permits, and an additional public benefit in the form of a 730-foot-long section of Valley Boulevard "improvement" to be completed prior to December 31, 2025; and

WHEREAS, City has found that development agreements will strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved; and

WHEREAS, Cimarron Ridge, LLC has included an additional community benefit to construct a 730-foot section of Valley Boulevard from south of Chambers Avenue to connect to McCall Boulevard ('missing link') and the improvements were analyzed in a separate California Environmental Quality Act (CEQA) document adopted by the Planning Commission on October 21, 2015 (SCH No. 2014051029); and

WHEREAS, on January 22, 2025, the Planning Commission of the City of Menifee held a duly noticed public hearing on the Project, considered all public testimony as well as all materials in the staff report and accompanying documents for Third Amendment to the Cimarron Ridge Specific Plan DA No. PLN24-0213, which the hearing was publicly noticed on January 12, 2025, by a publication in The Press Enterprise (a newspaper of general circulation), an agenda posting, on site posting, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice; and

WHEREAS, On January 22, 2025, the DA Amendment No. 3 was presented to the Planning Commission. The Commission discussed the Valley Boulevard Capital Improvement Plan (CIP) project status/right-of-way acquisition, delays for McLaughlin Road improvements, timing of park plan review, and option for proposed \$300,000 community benefit for Valley Boulevard if right-of-way (ROW) cannot be acquired/allocation of these funds. The Commission voted 4-0 to recommend the City Council approve the project with an additional request for Council to consider requiring that the \$300,000 community benefit (if necessary) be prioritized to the Valley Boulevard CIP project/missing link construction; and

WHEREAS, the proposed DA Amendment No. 3 has been prepared, processed, reviewed, heard, and approved in accordance with applicable law, including but not limited to Section 65864 et seq. of the Government Code and is attached hereto as “Exhibit A” of this Resolution; and

WHEREAS, on February 19, 2025, the City Council held a duly noticed public hearing on DA Amendment No. 3, considered all public testimony as well as materials in the staff report and accompanying documents for the agreement, which hearing was publicly noticed in The Press Enterprise, a newspaper of general circulation, an agenda posting, on-site posting, notice to property owners within 300-feet of the site boundaries, and to persons requesting public notice.

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

Section 1: *The proposed DA is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.*

The proposed Third Amendment to the DA supports the amendments and revisions to Cimarron Ridge Specific Plan and Tentative Tract Map (TTM) No. 36658. The changes to the DA will allow up to 20 home occupancies in PA No. 6, prior to completion of the McLaughlin Road improvements, a change in timing of the PA No. 4 park plan review, and increase the number of the building permits in the Project that may be issued prior to completion of the Sports Park located in PA No. 4, from 485 permits to 635 permits, and the completion of a 730-foot-long section of Valley Boulevard “improvement” prior to December 31, 2025. The Project is consistent with the Specific Plan land use designation. In addition, the Project will provide the residential uses envisioned in the General Plan and will generate economic growth and supply needed infrastructure, services and amenities envisioned in the General Plan.

In addition, the Project and associated DA are consistent with the following City of Menifee General Plan policies:

- *Policy LU-1.1: Concentrate growth in strategic locations to help preserve rural areas, create place and identity, provide infrastructure efficiently, and foster the use of transit options.*

The Project places appropriate uses within an area designated Specific Plan per the General Plan. Growth has been concentrated in this strategic location to help preserve rural areas. Through the land use plan, development standards, and design guidelines, the Specific Plan will create a unique place and develop its own identity. The Land Use Plan, Circulation Plan, Grading Plan, and Phasing Plan of the Specific Plan will ensure that development will provide infrastructure efficiently.

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

- *Policy LU-1.2: Provide a spectrum of housing types and price ranges that match the jobs in the city and make it possible for people to live and work in Menifee and maintain a high quality of life.*

The Project provides a variety of lot sizes that can accommodate different housing types and price ranges including age restricted housing. The Project contains residential and recreation opportunities fostering a high quality of life.

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

The TTM proposes improvements for roadways, including but not limited to Valley Boulevard, Goetz Road, McLaughlin Road and Thornton Road, which are consistent with the City's General Plan and the City's Public Works and Engineering Department Standard Details.

- *HE-2.4 Parks and Recreation. Enhance neighborhood livability and sustainability by providing parks and open spaces, planting trees, greening parkways, and maintaining a continuous pattern of paths that encourage an active, healthy lifestyle.*

As described above, the Project provides parks and open spaces, including expanded parkways, trees and a pattern of pathways that encourage an active healthy lifestyle.

Section 2: *Consistency with the Zoning Code. The proposed DA is compatible with uses authorized in, and the regulations prescribed for, the zone in which the real property will be located.*

The General Plan land use and zoning designation of the site is Cimarron Ridge Specific Plan. The proposed Third Amendment to the DA is being processed to assist in the successful completion of the Project.

As amended, the DA will strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

Section 3: *The proposed DA is in conformity with and will promote public convenience, general welfare and good land use practice.*

The Project would facilitate the development of a Specific Plan that includes a mix of residential lot sizes and public/quasi-public facilities. The residential uses proposed are similar to existing development surrounding the Project site.

The Project is compatible with the surrounding land uses, general plan land use designations and zoning classifications. The Project incorporates quality

design, parks, landscaping and other improvements which will enhance the area upon construction. The proposed DA provides for the orderly construction of road improvements, utilities, drainage and other improvements. The proposed DA is consistent with the Specific Plan and will assist the Applicants in implementation of the Specific Plan. The proposed DA is in conformity with and will promote public convenience, general welfare and good land use practice.

Section 4: *The DA will not create conditions materially detrimental to public health, safety and general welfare within the City.*

The DA will not result in conditions detrimental to public health, safety, or general welfare. The associated entitlements have been reviewed and conditioned by the City of Menifee Community Development Department, Engineering Department, and Office of the Fire Marshal to ensure it will not create conditions materially detrimental to the surrounding uses. Conditions of approval include requiring park and other amenities to support the proposed residential component, roadway improvements consistent with the General Plan that will benefit the project site and surrounding areas.

The proposed DA does not contain any provisions that would create conditions materially detrimental to public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the Project vicinity and within the City.

Section 5: *Orderly Development. The DA would not adversely affect the orderly development of property and surrounding area, or the preservation of property values.*

The proposed Third Amendment to the DA would assist with and would not interfere with the Specific Plan and implementing maps/land use entitlements. The timing of infrastructure, including parks, was carefully considered and coordinated consistently with the original DA. Therefore, the DA would not adversely affect the orderly development of the surrounding area. The proposed DA would not alter the land uses as proposed in the Specific Plan. The proposed DA would not conflict with surrounding existing and planned land uses and would not have the potential to adversely affect property values. The proposed DA would assist with the implementation of the Specific Plan, which includes improvements to surrounding roads and the construction of parks. The improvements associated with the Specific Plan implementation are anticipated to enhance and improve the surrounding area and not adversely affect property values.

Section 6: *Encourage Development. The DA would promote and encourage the development of the proposed project by providing a greater degree of requisite certainty.*

The assurances provided to the Applicant through the proposed DA, such as vesting and timing for public improvements, would provide greater certainty and reduced risk that would encourage development as approved under the Specific Plan and the infrastructure associated with it that would serve the surrounding area.

Section 7: *The proposed DA that includes a subdivision, and any tentative map prepared for the subdivision, will comply with the provisions in Government Code Section 66473.7.*

The changes are consistent with the Cimarron Ridge Specific Plan and supported by the General Plan.

Section 8: **CEQA Compliance.** All impacts related to the DA and previous development approvals were analyzed in an Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2014051029) prepared for the original project application (Tract Map No. 36658/2013-208, Parcel Map No. 36657/2013-247, Specific Plan No. 2013-247, General Plan Amendment No. 2014-016, Zone Change No. 2014-017), which was adopted by City Council. No new environmental impacts have been identified. No further environmental review is required. The previously prepared EIR is still accurate and applicable for this approval. In addition, the Valley Boulevard missing link improvements were analyzed in a separate CEQA document adopted by the Planning Commission on October 21, 2015, (SCH No. 2014051029, October 26, 2015).

1. The EIR fully analyzed the environmental impacts of the Cimarron Ridge Specific Plan Project as it was approved in 2015; and
2. The Project will result in similar impacts as those analyzed in the EIR; and
3. Neither a subsequent or supplemental EIR is required because the review of the Project, the development agreement and the EIR shows that:
 - A. The proposed DA contains no substantial changes in the Cimarron Ridge Specific Plan Project requiring major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - B. No substantial changes have occurred with respect to the circumstances under which the Cimarron Ridge Specific Plan Project is undertaken which will require major revisions of the EIR;
 - C. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence, at the time the EIR was certified; and
 - D. There are no newly feasible, or considerably different, mitigation measures or alternatives which would substantially reduce one or more significant effects of the Cimarron Ridge Specific Plan Project but which the Project proponent declines to adopt.
4. The Valley Boulevard missing link improvements were analyzed in a separate CEQA document adopted by the Planning Commission on October 21, 2015 (SCH No. 2014051029).

Section 9: **Adoption of the DA.** The City Council find that the facts present within the public record and within this Ordinance provide the basis to approve DA Amendment No. 3 (PLN24-0213).

Section 10: **Effective Date.** The Ordinance shall take effect and be in full force and operation 30 days after its second reading and adoption.

Section 11: **Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 12: **Notice of Adoption.** The City Clerk is authorized and directed to cause this Ordinance to be published within 15 days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

Section 13: The documents and materials that constitute the record of proceedings on which this Ordinance has been based are located at the Community Development Department – Planning Division, 29844 Haun Road, Menifee, CA 92586. This information is provided in compliance with Public Resources Code Section 21081.6.

THIS ORDINANCE WAS INTRODUCED AND READ on the 19th day of February 2025 and **PASSED, APPROVED AND ADOPTED** this 5th day of March 2025.

Ricky Estrada, Mayor

Attest:

Stephanie Roseen, City Clerk

Approved as to form:

Cimarron Ridge - DA Amendment No. 3
February 19, 2025

Jeffrey T. Melching, City Attorney

EXHIBIT A

**PROPOSED THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT
FOR THE CIMARRON RIDGE SPECIFIC PLAN**