

RESOLUTION NO. PC 22-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENIFEE, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 37692 PLN21-0057 FOR 130 SINGLE FAMILY HOMES WITHIN A GATED COMMUNITY LOCATED ON THE WESTSIDE OF GOETZ ROAD, EAST OF WILLIAMS DRIVE, NORTH OF PALM DRIVE SOUTH OF RANCHO DRIVE (APNS: 341-060-002, 341-060-010, 341-060-011, 350-245-004).

WHEREAS, on February 16, 2021, the applicant, Paul Onufer of JPMB Investments, filed a formal application with the City of Menifee for the approval of Tract Map No. 37692 PLN 21-0057 subdivision for a gated community consisting of 130 detached single-family homes with a minimum lot size of 5,000 square feet on a 44.7-acre site with a density of 2.9 dwelling units per acre. The tract will consist of 11.7 acres of undisturbed open space, 1.9-acre tot lot, 1.1-acre dog park, and a 1.8-acre detention basin. The tot lot will incorporate a dual half-court basketball court, picnic shelter, playground equipment, drinking fountain and splash pad; and

WHEREAS, pursuant to the California Environmental Act (CEQA), an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program were completed on October 6, 2022, and concluded that no significant impacts would be caused by the project, therefore, a Mitigated Negative Declaration has been recommended for adoption; and

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

WHEREAS, on October 26, 2022, the Planning Commission of the City of Menifee continued the public hearing to November 9, 2022, at the request of the applicant, Pail Onufer, JPMB Investments; and

WHEREAS, on November 9, 2022, the Planning Commission of the City of Menifee continued the public hearing to December 14, 2022, at the request of the applicant, Pail Onufer, JPMB Investments; and

WHEREAS, on December 14, 2022, the Planning Commission 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 Tentative Tract Map No. PLN21-0057, which hearing was publicly noticed by a publication in the newspaper of general circulation, an agenda posting, on-site, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Menifee resolves as follows:

Section 1: The City of Menifee's Planning Commission hereby makes the following findings for Tentative Tract Map – PLN21-0057 (TTM No. 37692) in accordance with Title 7, Article 2, Chapter 7.20.090 "Findings for Approval for Tentative Maps" of the City of Menifee Subdivision Code:

Finding 1 - The proposed subdivision and the design and improvements of the subdivision is consistent with the Development Code, General Plan, any applicable specific plan, and the Menifee Municipal Code.

The project site is designated 2.1-5 Residential du/acre (2.1-5R) according to the City of Menifee General Plan. The intent of this designation is to establish residential development within the 2.1 to 5 dwelling units per acre density range. The project is proposed at a density of 2.9 dwelling units per acre which consistent with the (2.1-5R) land use designation.

In addition, the Project is consistent with the following City of Menifee General Plan policies:

- *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 proposed subdivision project is in close proximity to future commercial developments directly adjacent (north, south and east) of the project site which will enhance the walkability of the development and surrounding areas. In addition, sewer is proposed to be installed along Goetz Road to the project site bringing enhanced sewer options to an area with a current moratorium on installation of new septic tanks due to a lack of sewer infrastructure.

- *LU-1.5: Support development and land use patterns, where appropriate, that reduce reliance on the automobile and capitalize on multimodal transportation opportunities.*

The projects proximity to several commercial retail zoned sites will help promote walkability by the residents of the development. When development of the surrounding commercial area starts, the residents will have walkable access to commercial and retail opportunities.

- *LU-3.4: Require the approval of new development be contingent upon the projects ability to secure appropriate infrastructure services.*

The project has been conditioned to bring sewer to the site as the project site and surrounding area do not have access to sewer facilities. The proposed project will bring sewer to the area between the project site and the closest connection at the intersection of Goetz and Rock Canyon Drive or near Goetz and Canyon Heights Drive.

The new sewer infrastructure will help existing and future developments in the area have access to sewer.

Consistency with the Zoning Code. The Tentative Tract Map is consistent with the zone designation map.

The Project site is zoned Low Density Residential (LDR-2) consistent with the general plan designation.

The project was reviewed for consistency with the City's Development Code. The proposed design and location of the tentative tract map meets all applicable development standards of the City's Zoning Code, Chapter 9.175.040 of the Cluster Development Standards, including any applicable specific use regulations.

The Tentative Tract Map proposes to subdivide the project area into 130 single family lots. Additional lots are proposed for recreational uses, trails, and open space areas, internal roads, and easements. The LDR-2 zone has a minimum required lot size of 7,200 square feet. The project proposes to decrease the lot size to 5,000 square feet in order to preserve natural features along with designing the project around site constraints. The project site has two peaks with significant slopes which will increase the cost of grading and decrease the natural scenic elements provided by these peaks. The proposal, in compliance with the cluster development standards will preserve 26.2% of natural open space concentrated on these two peaks, while decreasing the minimum lot size to 5,000 square feet to allow for the protection of natural scenic elements and provide a more cost effective design to the project.

Staff has reviewed and conditioned the subdivision for consistency with subdivision ordinance requirements for lot sizes and dimensions, streets, domestic water, fire protection, sewage disposal, and other applicable requirements. The subdivision is consistent with the Subdivision Ordinance requirements.

Finding 2 - The tentative map does not propose to divide land which is subject to a contract entered into pursuant to the California Conservation Act of 1965, or the land is subject to a Land Conservation Act contract but the resulting parcels following division of the land will be of an adequate size to sustain their agricultural use:

The tentative map does not propose to divide land which is subject to a contract entered into pursuant to the California Land Conservation Act of 1965.

Finding 3 - The site is physically suitable for the type of development and the proposed land use of the development.

The subject site contains relatively steep slopes and has a Rural Mountainous Zoning and General Plan Designation on parts of the project area while the remainder of the site is relatively flat. The project proposes a cluster development design in compliance with Chapter 9.175 of the City of Menifee Zoning Code in order to protect these areas in open space. This section allows for the preservation of natural open space equaling to a minimum of 25% of the project area in return for a decreased minimum lot size to allow the applicant to maximize the density allowed in the General Plan. The project is conserving 11.7 acres or 26.2% of the project area as natural open space along the northern and southern boundaries of the project, while decreasing the minimum lot size to 5,000 square feet as allowed by the cluster development requirements. The project is also located in a High Fire Area (HFA). Riverside County Fire has reviewed the proposed project and has incorporated various mitigation measures in the project conditions of approval.

The site is bounded by residential developments to the west, vacant commercial land to the east (some with existing residential) and vacant commercial land to the north and south. Therefore, the site is considered physically suitable for the type of development and the proposed land use of the site.

The Project has been reviewed by the different Departments to ensure compliance with applicable regulations, including, but not limited to City of Menifee Building and Safety, Engineering and Public Works, and Riverside County Fire. These Departments have also provided conditions of approval as appropriate to ensure compliance with applicable regulations.

Finding 4 - The design of the subdivision and the proposed improvements, with conditions of approval, are either:

- 1. Not likely to cause significant environmental damage or substantially and avoidable injure fish or wildlife of their habitat; or**
- 2. Subject to an environmental impact report under which a finding has been made pursuant to Public Resources Code Section 21081(a)(3) that specific economic, social, or other considerations make infeasible mitigation measures or project alternatives identified in the environmental impact report.**

An Initial Study / Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA) was prepared for the project. In the IS/MND it was found that with implementation of mitigation measures, the proposed project would not result in any significant impacts. A Mitigation Monitoring and Reporting Plan (MMRP) was prepared and identifies all mitigation measures that will be required for the project.

The Tentative Tract Map will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. The map has been reviewed and conditioned by the City of Menifee Community Development, Engineering, Building and Safety and Fire Departments to ensure that it will not create conditions materially detrimental to the surrounding uses.

Consistency with Multiple Species Habitat Conservation Plan (MSHCP)

The subject site is within the jurisdiction of the Western Riverside County MSHCP. The proposed project is located within the boundaries of the Western Riverside County Multiple Species Habitat Conservation Plan; however, the Project is not located within a Criteria Cell or Cell Group. The project will be subject to the payment of fees consistent with Riverside County Ordinance No. 810.2 as adopted by the City of Menifee. Therefore, the Project will not conflict with the provisions of the adopted HCP, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan and the impact is considered less than significant.

Finding 5 - The design of the subdivision and the type of improvements are not likely to cause serious public health problems.

The Project will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. The project site is surrounded by single-family residences to the west, and vacant commercial land to the north, south and east (some with existing residential uses).

The Project has been reviewed and conditioned by the City of Menifee Planning, Engineering, Police, and Fire Departments to ensure that it will not create conditions materially detrimental to the surrounding uses. In addition, environmental impacts resulting from the Project have been analyzed in an Initial Study/ Mitigated Negative Declaration (IS/MND). The IS/MND determined that potential impacts would all be less than significant with the necessary mitigation incorporated. Therefore, the proposed subdivision is not anticipated to create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the project vicinity.

Finding 6 - The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.

The project will be designed with passive or natural heating opportunities such as solar amenities. The project will be consistent with the development code and the requirements of California Code of

Regulations of Title 24, including requirements for energy efficiency, thermal insulation, and solar panels.

Finding 7 - The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or the design of the alternate easements which are substantially equivalent to those previously acquired by the public will be provided.

The subdivision makes provisions for all existing and future easements for all utilities and public use purposes.

Finding 8 - The subdivision is consistent with the City's parkland dedication requirements (per the Quimby Act) as applicable, in accordance with Chapter 7.75 (Parkland Dedication and fees).

The proposed subdivision will fulfill Quimby obligations though the payment of fees as determined by the Community Services Department. Fees are required for consistency with the Quimby Act.

NOW, THEREFORE, The Planning Commission of the City of Menifee makes the following findings:

1. That the Findings set out above are true and correct.
2. That the facts presented within the public record and within this resolution provide a basis to approve Tentative Tract Map No. (37692) PLN21-0057 subject to the Conditions of Approval set forth in Exhibit "A" to this Resolution.
3. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department – Planning Division, 29844 Haun Road, Menifee, CA 92586. This information is provided in compliance with Public Resources Code section 21081.6.

4.

PASSED, APPROVED AND ADOPTED this the 14^h day of December, 2022.

David White, Chair

Attest:

Rachel Valencia, Acting Deputy City Clerk

TTM No. 37692 PLN21-0057
December 14, 2022

Approved as to form:

Thai Phan, Assistant City Attorney