

**RESOLUTION NO. PC 22-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENIFEE, CALIFORNIA APPROVING TENTATIVE TRACT MAP NO. 37671 PLN19-007 FOR 182 SINGLE FAMILY HOMES WITHIN THE MENIFEE VILLAGE SPECIFIC PLAN LOCATED SOUTH OF DOMENIGONI PARKWAY AND WEST OF BRIGGS ROAD.**

**WHEREAS**, the Meniffee Village Specific Plan was originally approved by the Riverside County Board of Supervisors on March 30, 1982 and subsequently been amended six different times; and

**WHEREAS**, the property has a recorded tract map (Tract Map No. 32101) approved by the Riverside County Board of Supervisors on February 16, 2005 for the subdivision of 69.3 acres into 197 single-family lots with a minimum lot size of 6,000 square feet; and

**WHEREAS**, the recorded map needs to be amended to realign Briggs Road to minimize grading of the natural hillside; and

**WHEREAS**, on July 15, 2019, the applicant, Ron Sullivan of Diamond Brothers Five Partnership, filed a formal application with the City of Meniffee for the approval of Tract Map No. 37671 PLN 19-007 for a subdivision consisting of 182 detached single-family homes with a minimum lot size of 6,000 square feet on a 64-acre site with a density of 2.8 dwelling units per acre. The tract will include 7.5 acres of open space/landscape parcels, and a 2.9-acre public park; and

**WHEREAS**, an Initial Study/Negative Declaration adopted for Tentative Tract Map No. 32101 has adequately identified the impacts associated with the project and that no previously reviewed impacts have changed pursuant to Section 15162. Additionally, the project is also exempt from CEQA pursuant to Section 15182 of the 2022 California Environmental Quality Act & CEQA Guidelines; and

**WHEREAS**, Conditions of Approval have been prepared and attached hereto as Exhibit "A" of the resolution; 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. PLN19-007 ("Project"), 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 Meniffee resolves as follows:

**Section 1:** The City of Meniffee's Planning Commission hereby makes the following findings for Tentative Tract Map – PLN219-007 (TTM No. 37671) 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 has a General Plan Land Use Designation of Menifee Village Specific Plan which was approved as a master planned residential community. The intent of the designation established in the specific plan is residential development within the 2 to 5 dwelling units per acre density range. The Project is proposed at a density of 2.8 dwelling units per acre which consistent with the specific plan 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 to the west of the Project site which will enhance the walkability of the development and surrounding areas.

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

The Project's 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.

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

The Project site is zoned Medium Density Residential within the Menifee Village Specific Plan. The Tentative Tract Map proposes to subdivide the Project area into 182 single family lots. Additional lots are proposed for recreational uses, open space areas, internal roads, and easements. As recorded the minimum lot size required is 6,000 square feet.

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 specific plan and 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 site is bounded by residential developments to the west, north, and south at a density compatible with what the Project is proposing. Additionally, the site (through the Specific Plan) has been laid out to be physically suitable to accommodate the development with the proposed number of lots as well as all other proposed improvements. 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.**

The original specific plan adopted an EIR with findings that the Project would not result in any significant impacts. Additionally, pursuant to Section 15183 of the 2022 California Environmental Quality Act & CEQA Guidelines, projects which are consistent with the density established by existing zoning, community plan, or general plan policies for which an EIR was certified are exempt from CEQA and shall not require additional environmental review.

The Tentative Tract Map will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. An initial study was prepared and adopted for TTM 32101 and no impacts were identified. 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 City of Menifee has two (2) active conservation plans within the City's boundary, the Western Riverside County MSHCP, and the Stephen's Kangaroo Rat Habitat Conservation Plan (SKR-HCP). The subject site is within the jurisdiction of the SKR-HCP and the Western Riverside County MSHCP. The Project site is located inside the Stephen's Kangaroo Rat (*Dipodomys stephensi*) (SKR) Fee Area. 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 public health, safety and general welfare are protected through Project design and conditions of approval. The Project site is surrounded by single-family residences to the west, north, and south. Although a portion of the Project is located within the High Fire Area, the Project has been conditioned to meet 7A construction requirements to mitigate any potential fire issues.

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, nor will be detrimental to the public health, safety, and general welfare 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 including the existing gas easement that bisects the site.

**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 construction of the park and 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. 37671 PLN19-007 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.

**PASSED, APPROVED AND ADOPTED** this the 14<sup>th</sup> day of December, 2022.

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David White, Chairman

Attest:

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Rachel Valencia, Acting Deputy City Clerk

Approved as to form:

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Thai Phan, Assistant City Attorney