

RESOLUTION NO. PC 23-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MENIFEE, CALIFORNIA RECOMMENDING CITY COUNCIL
APPROVAL OF ZONING CODE AMENDMENT NO. PLN21-0201 AND
MAJOR MODIFICATION NO. PLN21-0199 FOR TENTATIVE TRACT
MAP NO. 31194 “GOLDEN MEADOWS.”**

WHEREAS, on May 20, 2021, the applicant, Richland Planned Communities, Inc., filed a formal application with the City of Menifee for the approval of a Zoning Code Amendment (PLN21-0201) to amend Chapter 9.155.030(E) (PD-5: Golden Meadows {TR31194}) of the City of Menifee Municipal Code by revising the development standards of County of Riverside approved Tentative Tract Map No. 31194; and

WHEREAS, on May 20, 2021, the applicant, Richland Planned Communities, Inc., filed a formal application with the City of Menifee for the approval of a Major Modification (PLN21-0199) to revise Phase 4 of approved Tentative Tract Map No. 31194; and

WHEREAS, pursuant to the California Environmental Act (CEQA), an addendum to a Certified Environmental Impact Report (EIR) (State Clearinghouse No. 2003061122) and Mitigation Monitoring Program were completed and concluded that no significant impacts would be caused by the project, therefore, an addendum has been recommended for adoption; and

WHEREAS, the project is valid until October 10, 2024 having received multiple time extensions on the city and state level; and

WHEREAS, Conditions of Approval for the Major Modification have been prepared and attached hereto as Exhibit “A” of the resolution; and

WHEREAS, the Zoning Code Amendment No. PLN21-0201 has been prepared and attached hereto as Exhibit “B” of the resolution; and

WHEREAS, on February 8, 2023, 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 Zoning Code Amendment (PLN21-0201) and Major Modification (PLN21-0199), which hearing was publicly noticed by a publication in the Press Enterprise, a newspaper of general circulation, an agenda posting, and notice to property owners within 300 feet of the Project boundaries, and to persons requesting public notice; and

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

Section 1: The City of Menifee Planning Commission hereby makes the following findings for Zoning Code Amendment No. PLN21-0201 in accordance with Title 9, Article 2, Chapter 9.115.070 – Findings for Approval:

Finding 1 - The proposed zone or amendments to this Title is consistent with the intent of the goals and policies of the General Plan.

Tentative Tract Map No. 31194 was originally approved by the County of Riverside prior to the City's incorporation; at the time the project was approved, the zoning of the site was R-1 – One Family Dwellings, R-4 – Planned Residential and R-5 – Open Area Combined Development. The Planned Development Overlay was established by the city in January 2020 to identify planned development projects ("County Projects") approved by the city (shortly after incorporation) or the County of Riverside prior to the City's incorporation and in most cases, the projects contain special development standards specific to the planned development project. The Project is identified as a Planned Development by Title 9 of the City of Menifee Municipal code. The zoning of the site is currently Planned Development Overlay (PDO-5 or PD-5).

The Project proposes text revisions to Section 9.155.030(E) of the municipal code (Planned Development Districts - PD-5: Golden Meadows {TR 31194}) for purposes of establishing new minimum development standards to support the increase in residential density within Phase 4 of approved Tentative Tract Map No. 31194, including but not limited to, revisions to the minimum lot size, maximum allowable building coverage and building setbacks. The uses permitted in this PDO shall be the same as those allowed in the Low Density Residential (LDR-2) Zone for those lots within Phases 1-3 and Low Medium Density Residential (LMDR) Zone for Phase 4. The proposed amendments to Title 9, Section 9.155.030(E) are consistent with the intent and goals of the General Plan and the PDO-5 standards as modified.

Finding 2 - The proposed zone or amendments to this Title prescribes reasonable controls and standards to ensure compatibility with other established uses.

Tentative Tract Map No. 31194 was originally approved by the County of Riverside and through the approval process, project Findings were made, including adjacent land use compatibility and consistency for the Approved Project. The proposed Project includes text revisions to Section 9.155.030(E) of the municipal code (Planned Development Districts - PD-5: Golden Meadows {TR 31194}). The uses permitted in this PDO shall be the same as those allowed in the Low Density Residential (LDR-2) Zone for those lots within Phases 1-3 and Low Medium Density Residential (LMDR) Zone for Phase 4. Surrounding properties to the north and to the east have a similar designation of LDR-2, while the properties to the south are designated Rural Residential ½ Acre Minimum and 1 Acre Minimum and the properties to the west are designated Rural Residential – 1 Acre Minimum and Public Facilities (PF).

The project has been designed to include reasonable controls and standards such as allowable use limitations, development regulations,

including, parcel size, building coverage, setbacks, site landscaping (including public park space and open space lots), to ensure compatibility with existing/proposed surrounding uses. The Project is consistent with all established controls and standards outlined in the PDO and is compatible with adjacent land uses and development standards.

Finding 3 - The proposed zone or amendments to this Title provides reasonable property development rights while protecting environmentally sensitive land uses and species.

The Project proposes to develop 259 residential lots over 46.5-acres, while preserving approximately 41-acres of natural open space within Phase 4. The property development rights of the subject parcels are compatible and consistent with surrounding developments and will be consistent with the City of Menifee Municipal Code and General Plan.

An Environmental Impact Report (EIR) for the Approved Project was certified by the County on April 10, 2007 (State Clearinghouse No. 2003061122). The Certified EIR addressed potential impacts to the physical environment that would or may occur from implementation of the Approved Project. An addendum to the Certified EIR has been prepared in accordance with Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines. The City, as the lead agency under CEQA, has prepared an addendum to the Certified EIR to consider environmental impacts associated with proposed Change of Zone, which would entail changes to Phase 4 of approved TTM No. 31194 and changes to the approved zoning code through a zoning text amendment.

Biological reports were conducted to determine sensitive plant and animal species onsite and applicable mitigation measures included in the EIR were included for their protection. The EIR also includes additional reports to determine consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (WR-MSHCP) such as riparian/riverine areas, vernal pools, narrow endemic plant species, burrowing owl, and fairy shrimp. Review and mitigation coordination occurred with the applicable state and federal wildlife agencies. Jurisdictional permits were obtained by the project applicant from the appropriate wildlife agencies. Therefore, the Zoning Code Amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species.

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

The Zoning Code Amendment will not result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned. The associated entitlements have been reviewed and conditioned by the City of Menifee Community Development, Engineering, Building and Safety and Fire Department and numerous outside agencies to ensure that it will not create conditions materially detrimental to the surrounding uses. Conditions of approval include landscaping (parks and open space), roadway improvements consistent with the General Plan, expanded sidewalks/trail and a network of bike lanes and to encourage non-vehicular travel, fire infrastructure, and drainage improvements that will benefit the Project site and surrounding areas.

In addition, environmental impacts resulting from the implementation of the proposed Project and associated Zoning Code Amendment have been analyzed in the addendum to the Golden Meadows Environmental Impact Report (EIR). The proposed Project does not exacerbate impacts identified in the EIR and no new mitigation measures are required as a result of the proposed Project. The proposed entitlements are not anticipated to create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the Project vicinity.

Section 2: The City of Menifee Planning Commission hereby makes the findings listed below for Major Modification No. PLN21-0199 in accordance with Title 9, Article 2, Chapter 9.30.120(C)(2)(b) and declares that a major modification shall be processed in the same manner and subject to the same standards as the original application.

The Planning Commission hereby makes the following findings 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.

Tentative Tract Map No. 31194 was originally approved by the County of Riverside prior to the City's incorporation; at the time the project was approved, the zoning of the site was R-1 – One Family Dwellings, R-4 – Planned Residential and R-5 – Open Area Combined Development. The Planned Development Overlay was established by the city in January 2020 to identify planned development projects ("County Projects") approved by the city (shortly after incorporation) or the County of Riverside prior to the City's incorporation and in most cases, the projects contain special development standards specific to the planned development project. The Project is identified as a Planned Development by Title 9 of the City of Menifee Municipal code. The zoning of the site is currently Planned Development Overlay (PDO-5 or PD-5).

The General Plan land use designation for the subject parcels is 2.1-5 du/ac Residential (2.1-5R) and Rural Residential – 5 Acre Minimum (RR5). Surrounding properties to the north and to the east have a similar designation, while the properties to the south are designated Rural Residential ½ Acre Minimum and 1 Acre Minimum and the properties to the west are designated Rural Residential – 1 Acre Minimum and Public Facilities (PF). The intent of the project's land use designation is for single-family detached and attached residences with a density range of 2 to 5 dwelling units per acre. The proposed overall density of Tentative Map No. 31194 is 2.8 dwelling units per acre and the proposed density within Phase 4 is 2.95 dwelling units per acre. The proposed Project would add 98 additional residential lots for a total of 259 compared to the 161 residential lots of the previously approved project. This would increase the overall number of proposed dwelling units over the entire TTM 31194 site (including Phases 1 to 3) from 486 to 571 dwelling units within the same development footprint.

The proposed project is consistent with the existing General Plan land use designation of 2.1-5R as said use is intended to support the surrounding residential land uses. Furthermore, staff has reviewed and conditioned the proposed Project for consistency with subdivision ordinance requirements including, but not limited to, streets, domestic water, fire protection, sewage disposal, and other applicable requirements. The subdivision is consistent with the Subdivision Ordinance requirements.

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 project is located within an area that is zoned for residential uses, with existing single-family residential homes to the north, south, east, and west. The project would construct infrastructure and roadways (including a community trail) that would connect the existing school to the west of the site to other networks further east. The project is consistent with this policy as it lends to the concentration of growth in strategic locations and preserves rural areas within the City.

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

The project proposes site-adjacent roadway improvements consistent with City of Menifee General Plan cross sections. Sidewalk improvements developed by the project will be utilized by pedestrians. Thus, the project is consistent with this policy.

- *Policy LU-1.7 Ensure neighborhood amenities and public facilities (natural open space areas, parks, libraries, schools, trails, etc.) are distributed equitably throughout the City.*

The subdivision preserves natural open space, particularly within the northwesterly portions of the site. The project also proposes three community parks and a recreation center for use by its residents and the public. Thus, the project is consistent with this policy.

- *Policy LU-3.4 Require that approval of new development be contingent upon the project's ability to secure appropriate infrastructure services.*

The subdivision includes Conditions of Approval which require appropriate infrastructure. In addition, the subdivision has been reviewed and conditioned for consistency with the requirements for domestic water, fire protection, sewage disposal, fencing, and electrical communication facilities.

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

The Tentative Tract Map proposes improvements for roadways, including Wickerd Road, which are consistent with the City's General Plan and the City's Public Works and Engineering Department Standard Details.

- *Policy CD-1.3: Strengthen the identity of individual neighborhoods/communities with entry monuments, flags, street signs, and/or special tree streets, landscaping, and lighting.*

The project will include signs at the primary project entrance, street signs, coordinated street trees, landscaping throughout the project site, and streetlamps.

- *Policy CD-3.1: Preserve positive characteristics and unique features of a site during the design and development of a new project; the relationship to scale and character of adjacent uses should be considered.*

As previously stated, the project proposes to preserve over 41-acres of natural open space near the northeasterly corner of the project site. As such, the project preserves unique features within the site.

- *Policy C-2.2 Provide off-street multipurpose trails and on-street bike lanes as our primary paths of citywide travel and explore the shared use of low-speed roadways for connectivity wherever it is safe to do so.*

The Tentative Tract Map will provide an off-street walking trail and sidewalk improvements throughout the project site and along Wickerd Road consistent with this policy.

- *Policy CD-3.19 Design walls and fences that are well integrated in style with adjacent structures and terrain and utilize landscaping and vegetation materials to soften their appearance.*

The project includes landscaping, as well as street trees, which will soften the appearance of the perimeter and site interior walls. An increased building setback along the northern side of Wickerd Road is being proposed as well. The walls that will be visible to the public will be constructed of decorative masonry block and pilasters which will be well integrated with the adjacent tracts to the northwest and northeast which also contain decorative masonry block walls.

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 proposed density of the project is consistent with the General plan and zoning of the subject site with approval of the modifications to the PDO. The majority of the site is relatively flat with exception of the natural hillside in the northeast corner that is to be preserved in its natural state. The project will provide the necessary drainage, sewer and roadway infrastructure to the project site and to the greater area. There is an existing elementary school to the west of the site and scattered single family residential on larger lots in all directions. Single family residential with similar density to the proposed project can be found to the northeast and northwest of the site and the City is currently reviewing a land development application that proposes similar density to the southeast of the subject site. Therefore, given the relatively flat topography of the overall subject site, preservation of the natural hillside in the northeast corner of the site and the nature of the development that surrounds the project, the site is physically suitable for this type of development and the proposed density of the development.

Furthermore, the Project has been reviewed by various 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 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 or 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.**

Pursuant to CEQA, an EIR for the Approved Project was certified by the County on April 10, 2007. The Certified EIR addressed potential impacts to the physical environment that would or may occur from implementation of the Approved Project. In the EIR, it was found that with implementation of mitigation measures, the proposed project would not result in any significant impacts related to biological resources such as plant and animal species or their habitat. A Mitigation Monitoring and Reporting Plan (MMRP) was prepared and identifies all mitigation measures that will be required for the project.

The City, as the lead agency under CEQA, has prepared an addendum to the Certified EIR to consider environmental impacts associated with proposed Major Modification and Change of Zone, which would entail changes to Phase 4 of approved TTM No. 31194 and changes to the approved zoning code.

Biological reports were conducted to determine sensitive plant and animal species onsite and applicable mitigation measures included in the EIR were included for their protection. The EIR also includes additional reports to determine consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (WR-MSHCP) such as riparian/riverine areas, vernal pools, narrow endemic plant species, burrowing owl, and fairy shrimp. Review and mitigation coordination occurred with the applicable state and federal wildlife agencies.

The MSHCP does not identify any covered or special-status fish species as potentially occurring on the Project site. Further, no fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on or within the vicinity of the Project site. Therefore, no fish are expected to occur and are presumed absent from the Project site. In addition, the EIR discusses amphibians, reptiles, birds, mammals, and invertebrates. Any significant impacts associated with biological resources has been mitigated to less than significant. In addition, standard conditions of

approval pertaining to burrowing owl, nesting birds, Stephens kangaroo rat and cultural resources still apply in this case and shall be addressed as part of standard monitoring in the conditions of approval. As such, the subdivision will not cause environmental damage or injure fish, wildlife, or their habitat. Furthermore, jurisdictional permits were obtained by the project applicant from the appropriate wildlife agencies.

Furthermore, the EIR includes a finding made pursuant to California 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.

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 north, east, and west.

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 EIR and appropriate mitigation measures have been put in place. 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. Energy efficiency/energy conservation attributes of the Project would be complemented by increasingly stringent state and federal regulatory actions addressing enhanced building/utilities energy efficiencies mandated under California building codes (e.g., California Code of Regulations Title 24, including requirements for energy efficiency, thermal insulation, and solar panels and California Green Building Standards Code). Compliance itself with applicable Title 24 standards would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary.

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 to avoid any conflict.

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 subdivision will fulfill Quimby obligations through a combination of the construction of on-site park space and payment of fees as determined by the Parks Recreation and Trails Commission (PRTC) and the Community Services Department. An existing Quimby Agreement is in place for the Approved Project. The developer was required to provide a total of 7.5-acres of parkland to meet their Quimby obligation under prior city ordinance. The developer was proposing 5.35-acres of total parkland across three parks; the developer would pay the city in-lieu fees for the balance of the Quimby requirement of 2.15-acres at \$76,133.00 per acre (total \$163,685.95).

The proposed Project went before the PRTC on February 2, 2023 to amend the Quimby Agreement due to the proposed changes within Phase 4. Per the amendment to the Quimby Agreement, the developer will dedicate a 3-acre public park and a 0.75-acre private recreational amenity in this area and receive 3.38 acres of credit towards Quimby fees. The balance of the required park land is 0.32 acres and will be handled through the payment of in-lieu fees as determined in MMC Section 7.75.070. The subdivision is consistent with the City's parkland dedication requirements (per the Quimby Act).

NOW THEREFORE, the Planning Commission of the City of Menifee hereby recommends to the City Council the following:

1. That the City Council determine that the “Findings” set out above are true and correct.
2. That the City Council determine that the addendum to the Tentative Map No. 31194 – Golden Meadows FEIR has been completed for the Project in accordance with the California Environmental Quality Act, State and local CEQA guidelines.
3. That the City Council, pursuant to a separate resolution, finds that the facts presented within the public record provide the basis to certify the addendum to the Tentative Map No. 31194 – Golden Meadows FEIR which has been completed for the project.
4. That the City Council finds that the facts presented within the public record and within the Planning Commission resolution provide the basis to approve Zoning Code Amendment No. PLN21-0201 and Major Modification No. PLN21-0199 and that the Council approve said entitlements.
5. 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 8th day of February, 2023.

Jeff LaDue, Chairman

Attest:

Rachel Valencia, Acting Deputy City Clerk

Approved as to form:

Thai Phan, Assistant City Attorney