

RESOLUTION NO. 23-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA DENYING 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 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 to revise the development standards of County of Riverside approved Tentative Tract Map (TTM) No. 31194; and,

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

WHEREAS, on February 8, 2023, the Planning Commission voted 5-0 recommending denial of Zoning Code Amendment No. PLN21-0201 and Major Modification No. PLN21-0199 for Golden Meadows – TTM 31194; and,

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

WHEREAS, on June 7, 2023, the City Council 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.

Now, Therefore, the City Council of the City of Menifee resolves as follows:

Section 1: The City of Menifee City Council hereby makes the following findings to deny 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 not consistent with the intent of the goals and policies of the General Plan.

TTM 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 Vision 2035 of the General Plan specifically called for “preservation of established neighborhoods and rural communities essential to the Community’s distinctive character”. This vision was further supported by Policy (LU-1.1) which encourages to concentrate growth in strategic locations to help preserve rural areas, create a place of identity, provide infrastructure efficiently, and foster the use of transit options. LU1.4 further directs to preserve, protect, and enhance established rural, estate and residential neighborhoods by providing sensitive and well-designed transitions.

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 reduction of lot sizes within Phase 4 of approved TTM No. 31194. The proposed changes, which include reduced minimum lot sizes, setbacks and increased allowable building coverage are incompatible with the existing surrounding rural development.

The proposed amendments to Title 9, Section 9.155.030(E) are *not* 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 does not prescribe reasonable controls and standards to ensure compatibility with other established uses.

TTM 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.

One of Menifee’s most important land uses in terms of historic character and lifestyle choice is the rural areas and rural communities. General Plan Goal CD-2 states: “preserve and enhance the character of the City’s rural areas”. This is accomplished by requiring open space and land use buffers to the extent possible between rural/equestrian-oriented land uses and dissimilar uses.

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 Planning Commission made the determination that the additional units proposed within Phase 4, along with the proposed minimum lot size would be incompatible with the existing surrounding rural land uses. The additional unit count would increase traffic and population in the area resulting in unsafe conditions for pedestrians due to a lack of public infrastructure (specifically,

sidewalks), and these additional impacts would not adequately be offset by the benefits the project would have to the City.

The Project has not been designed to include reasonable controls and standards such as parcel size, building coverage, setbacks, increase in traffic calming measures and other public benefits as a result of the increase in unit count to ensure compatibility with existing/proposed surrounding uses.

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

An Environmental Impact Report (EIR) for the Approved Project was certified by the County of Riverside 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. 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.

An Addendum to the Certified EIR has been prepared in accordance with Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines and taken before the Planning Commission. The City, as the lead agency under CEQA, prepared an Addendum to the Certified EIR to consider environmental impacts associated with proposed Major Modification and Zoning Code Amendment, which would entail changes to Phase 4 of approved TTM No. 31194 and changes to the approved zoning code through a zoning text amendment. However, the recommendation of the Planning Commission is to deny the project, including the Addendum.

With implementation of the proposed project, Phase 4 of the residential development would add 98 additional residential lots for a total of 259 compared to the 161 residential lots of the previously approved project. The surrounding properties would be affected as a result of constructing the proposed project because of the additional traffic and community character. Therefore, the Zoning Code Amendment does not provide reasonable property development rights while protecting adjacent land uses.

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 could result in conditions detrimental to the public health, safety, or general welfare as designed and conditioned.

Due to the increase in number of dwelling units, the project will cause an increase in traffic to the existing rural area. The Planning Commission determined that the additional units proposed within Phase 4, along with the proposed minimum lot size would be incompatible with the existing surrounding rural land uses. The additional unit count would increase traffic and population in the area resulting in unsafe conditions for pedestrians due to a lack of public infrastructure (specifically, sidewalks), and these additional impacts would not adequately be offset by the benefits the project would have to the city.

The proposed entitlements are 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 City Council hereby makes the findings listed below to *deny* Major Modification No. PLN21-0199 in accordance with Title 9, Article 2, Chapter 9.30.120(C)(2)(b) which declares that a major modification shall be processed in the same manner and subject to the same standards as the original application.

The City Council hereby makes the findings to deny the Project 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.

TTM 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 designation of 2.1-5R, 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 Project requires a zoning code amendment to modify the development standards, as such, the Project as proposed does not comply with the current standards. The proposed changes include reducing the minimum allowable lot size from 6,000 square feet to 3,780 square feet. The sub-4,000 square foot lot sizes are substantially smaller in size than all neighboring properties.

The Planning Commission determined that the reduced lot sizes and additional residential lots proposed within Phase 4 is not consistent with the surrounding rural land uses. The additional residential lots would result in an increase in traffic, causing a danger to the public and these additional impacts would not adequately be offset by the benefits the project would have to the City. The proposed project is inconsistent with the existing General Plan, as said use does not support the surrounding rural residential land uses. The proposed project does not provide additional benefits to all properties in the area.

In addition, the project is inconsistent 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 project as proposed reduces the minimum residential lot size within Phase 4 from 6,000 square feet to 3,780 square feet. The proposed project contains rural zoning to the south and west. The Planning Commission made the determination that the proposed lot sizes are incompatible with the nearby rural land use/zoning designations. The project is inconsistent with this policy as it leads to the concentration of residential growth in rural areas within the City, opposed to areas designated for higher density.

- *LU-1.4: Preserve, protect, and enhance established rural, estate, and residential neighborhoods by providing sensitive and well-designed transitions (building design, landscape, etc.) between these neighborhoods and adjoining areas.*

The project proposes to increase residential lot counts by allowing lot sizes of less than 4,000 square feet in an area surrounded by rural properties. The project site is bound by 1-acre minimum and 1/2-acre minimum lot sizes to the south and west and doesn't provide an adequate transition in lot sizes.

- *LU-1.9: Allow for flexible development standards provided that the potential benefits and merit of projects can be balanced with potential impacts.*

The additional residential lots would result in an increase in vehicle traffic, causing potential harm to the public and it was determined

these additional impacts would not adequately be offset by the project benefits. The proposed project does not provide increased benefits to the area that the approved project would not already be required to provide.

- *CD-2.1: Require open space and recreation buffers, increased setbacks/step backs, landscape screening, sensitive site planning, and/or other buffer techniques, to the extent possible, between rural/equestrian-oriented land uses and dissimilar uses.*

The project as proposed reduces the minimum residential lot size within Phase 4 from 6,000 square feet to 3,780 square feet. In return, the project proposes an increase in parkland within Phase 4; the park increases from 1.5-acres to 3-acres along with the addition of a .75-acre community rec center with pool. Although the amount of parkland more than doubled, the Planning Commission felt the possible negative impacts from an increase in population and traffic would outweigh the benefits of the increase in parkland to the City.

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 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.

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 zoning code.

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

The Project could result in conditions detrimental to the public health, safety, or general welfare as designed, as the proposed project will lead to an increase in vehicle traffic to the existing rural area. The project site is surrounded by single-family residential zones and more specifically rural residential zones to the south and west.

Therefore, the proposed subdivision is 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 (3) 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 City Council of the City of Menifee hereby approves the following:

1. Determine that the “Findings” set out above are true and correct.
2. That the City Council finds that the facts presented within the public record and within the City Council Resolution provide the basis to deny Zoning Code Amendment No. PLN21-0201 and Major Modification No. PLN21-0199 and that the Council deny said entitlements.
3. 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 7th day of June, 2023.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney