



CITY OF MENIFEE

SUBJECT: Ordinance Introduction for Battery Energy Storage Systems Development Code Amendment

MEETING DATE: March 15, 2023

TO: Mayor and City Council

PREPARED BY: Ryan Fowler, Principal Planner

REVIEWED BY: Cheryl Kitzerow, Community Development Director

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Find Development Code Amendment No. LR 22-0130 exempt from further environmental review and direct staff to file a Notice of Exemption.
2. Introduce an ordinance approving Development Code Amendment No. LR 22-0130, amending City of Meniffee Municipal Code and Meniffee North Specific Plan zoning pertaining to utility-scale battery energy storage systems.

DISCUSSION

Project Description

The proposed Development Code Amendment modifies the previously adopted Development Code Amendment No. LR 22-0130 to reference Development Code (i.e., Chapter 9.297) in all cases where it had previously listed Chapter 9.300.

Background

September 21 and October 5, 2022 - City Council Hearing and Adoption

On September 21, 2022, the City Council held a duly noticed public hearing concerning an Ordinance to approve Development Code Amendment No. LR 22-0130 relating to battery energy storage systems. City Council voted 4-0-1 to introduce and conduct a first reading of the Ordinance. Then, on October 5, 2022, the City Council conducted a second reading and approved and adopted the Development Code Amendment.

Development Code Amendment No. LR 22-0130 consisted of four main code amendments to the Meniffee Municipal Code: an update to Title 9, Article 3 ("Zones"), Section 9.135.030 ("Allowed Uses and Approval Requirements"), Article 5 ("Special Use Standards"), Chapter 9.300 ("Energy

Storage Facilities”), and Article 6 (“Definitions”), and an amendment to zoning text of the Menifee North Specific Plan No. 260 to include Battery Energy Storage as an allowable use subject to the above-referenced Chapter 9.300.

After adoption, when Staff attempted to upload the amendment sections into the City’s online tool (Encode) for viewing of the Development Code, Staff discovered Chapter 9.300 was previously occupied by an existing separate Chapter of the City of Menifee Development Code (i.e., Chapter 9.300, “Universal Definitions”). As such, it was necessary to modify Development Code Amendment No. LR 22-0130 to reference an *unused* chapter of the Development Code (i.e., Chapter 9.297). As such, the currently proposed Ordinance now lists Chapter 9.297 in all cases where it had previously listed Chapter 9.300. This Chapter numbering change cannot be made administratively, but rather requires a public hearing and approval by City Council.

Environmental Determination

The City has considered the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.) with regard to the possible impacts the proposed Development Code Amendment may have upon the environment. The adoption of the proposed amendment does not fall within the definition of a “project” under CEQA because it, as a narrative change to the Municipal Code, does not have the potential for resulting in a direct or indirect physical change in the environment (CEQA Guidelines 15378(a)) and is an administrative activity of the City that will not result in direct or indirect physical changes in the environment (CEQA Guidelines 15378(b)(5)). In addition, the adoption of the proposed amendment is exempt from CEQA because there is no possibility that the proposed ordinance, as a textural change to the Municipal Code, may have a significant impact on the physical environment (CEQA Guidelines 15061) and because, per Section 15061(b)(3), it can be seen with certainty to have no possibility of a significant effect upon the environment.

Granting the development code text changes will not have any potential for causing a significant effect on the environment and does not have the possibility of changing the physical environment. All future development projects will provide project specific analysis and comply with the existing General Plan Environmental Impact Report (EIR) Mitigation Measures. Therefore, this determination is an issue of fact and sufficient evidence exists in the record that the activity will not have a significant effect on the environment.

Public Notice

This item was noticed in *The Press Enterprise* (the adjudicated newspaper), *SB Sun*, and *Daily Bulletin* (courtesy of Press Enterprise), on March 5, 2023 for the March 15, 2023, City Council hearing.

STRATEGIC PLAN OBJECTIVE

Livable and Economically Prosperous Community

FISCAL IMPACT

There is no fiscal impact associated with the recommended action.

ATTACHMENTS

1. Notice of Public Hearing
2. Ordinance - Development Code Amendment
3. Redlined Zoning Text Changes
4. CEQA Notice of Exemption