

**Ordinance No. 2011 -89**

**WHEREAS**, Stark Menifee Land, LLC submitted an application for approval of the Menifee Town Center Specific Plan (Specific Plan) as set forth on Exhibit "1" of this Ordinance, subject to the Conditions of Approval as set forth in Exhibit "2" of this Ordinance; and

**WHEREAS**, the Specific Plan refines the goal, policies, and implementation programs of the City's General Plan to provide more detailed guidance and a framework for future conservation and development of the Specific Plan area, as is more fully described in the Specific Plan; and

**WHEREAS**, the Specific Plan has been prepared, processed, reviewed, heard, and approved in accordance with applicable law, including but not limited to Section 65450 of the Government Code; and

**WHEREAS**, the City Council has reviewed this matter and prepared a report containing a detailed description and analysis of the proposed Specific Plan, (a copy of the report is on file with the City Clerk and incorporated herein by this reference as if set forth in full); and

**WHEREAS**, an Environmental Impact Report (SCH # 2009091022) relating to the Menifee Town Center Specific Plan was prepared and was found to be complete and adequate in scope and was considered by the City Council in its consideration of this matter on January 18, 2011 by Resolution No. 11-195; and

**WHEREAS**, the City Clerk has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the City Clerk; and

**WHEREAS**, a copy of the report and said EIR have been on file in the Office of the City Clerk and available for examination during regular business hours by any interested person, at all times since the date of giving notice in this matter; and

**WHEREAS**, on December 14, 2010, the Planning Commission held a duly noticed public hearing at which the Planning Commission considered the proposed Specific Plan; and those persons desiring to be heard on said matters were heard and evidence in said matters received; and

**WHEREAS**, at its December 14, 2010 public hearing, the Planning Commission adopted Resolution No. PC10-062 recommending approval to the City Council of an ordinance adopting the Specific Plan and rezoning the Specific Plan area; and

**WHEREAS**, on January 4, 2011 and January 18, 2011, the City Council held duly noticed public hearings regarding the proposed Specific Plan and those persons desiring to be

heard on said matters were heard and evidence in said matters received; and on each said date the hearing was opened, held; and closed; and

**WHEREAS**, on January 18, 2011, the City Council introduced Ordinance No. 2011-89 regarding the proposed Specific Plan and rezoning; and

**WHEREAS**, on April 5, 2011, the City Council re-opened and held a duly noticed public hearing at which the City Council made certain revisions to the Specific Plan and re-introduced Ordinance No. 2011-89, as revised, regarding the proposed Specific Plan and rezoning; and those persons desiring to be heard on said matters were heard and evidence in said matters received, and on said date the public hearing was opened, held and closed.

**NOW, THEREFORE**, The City Council hereby makes the following findings:

1. The Findings set out above are true and correct.
2. Specific Plan set forth on Exhibit "1", including the Conditions of Approval as set forth in Exhibit "2", is found to be consistent with the goals and policies of the General Plan, including the General Plan Amendment approved by the City Council on January 18, 2011 by Resolution No. 11-196.
3. The revisions to the Specific Plan made by the City Council are not "substantial modifications" within the meaning of Section 65453(a) of the California Government Code, and therefore, do not warrant referral back to the Planning Commission.
4. The applicable provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.
5. The City Council approves the Specific Plan set forth in Exhibit "1" of this Resolution, subject to the Conditions of Approval set forth in Exhibit "2" of this Resolution, despite the existence of certain significant environmental effects identified in said EIR, and hereby makes and adopts the findings with respect to each thereof set forth in Resolution No. 11-195 and made a part hereby by reference, pursuant to section 15091 of the State CEQA Guidelines (Title 14, California Code of Regulations) and section 21081 of the Public Resources Code (CEQA) and declares that it considered the evidence described in connection with each such finding. Pursuant to Public Resources Code section 21081(b) and section 15093 of the State CEQA Guidelines, the City Council finds that the Specific Plan, as approved, is consistent with the project analyzed in the EIR and described in Resolution No. 11-195 and hereby adopts the "Statement of Overriding Considerations" set forth in Exhibit "B" to Resolution No. 11-195 and made a part hereby by reference and finds that the impacts of the project which remain significant and unavoidable are outweighed by the project's overriding benefits.

6. The City Council approves the rezoning of the uses of land located within the area subject to the Specific Plan to conform to the Specific Plan Land Use Figure 6 and shall be governed by, and shall conform to, the Specific Plan.

7. The Community Development Director, or his or her delegee, is directed and authorized to do all of the following:

a. prepare a final version of the Specific Plan that i fully reflects the action of the City Council in adopting of the Specific Plan;

b. make all necessary and appropriate clerical, typographical, and formatting corrections to the adopted Specific Plan, and to publish a final version of the Specific Plan;

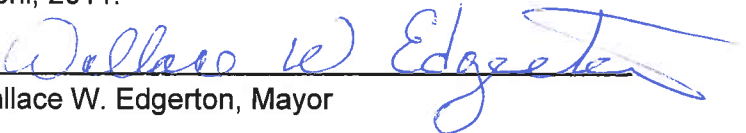
c. amend the Zoning Maps within which the Specific Plan area is located to be consistent with the Specific Plan Land Use Figure 6;

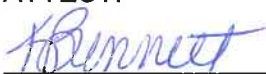
d. implement and carry out the Specific Plan and Conditions of Approval, including: (1) the Mitigation Measures, which are referenced and described in Resolution No. 11-195 (Resolution Certifying the Final Environmental Impact Report, Making Findings Of Fact, Adopting a Statement of Overriding Considerations and Adopting the Mitigation Monitoring and Reporting Program for the Specific Plan, with Exhibits) and further described in the EIR for the Specific Plan; and (2) the Mitigation Monitoring and Reporting Program; and

e. cause a Notice of Determination to be filed as provided by CEQA and the CEQA Guidelines.

8. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

This Ordinance was re-introduced and read on the 5th day of April, 2011, and PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of April, 2011.

  
Wallace W. Edgerton, Mayor

ATTEST:  
  
Kathy Bennett, City Clerk


Approved as to form:  
  
Thomas P. Clark Jr. Special Counsel

Exhibit "1": Menifee Town Center Specific Plan

Exhibit "2": Conditions of Approval



**Wallace W. Edgerton**  
*Mayor*

**Fred Twyman**  
*Vice Mayor*

**John V. Denver**  
*Councilmember*

**Darcy Kuenzi**  
*Councilmember*

**Thomas Fuhrman**  
*Councilmember*

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE   ) ss  
CITY OF MENIFEE         )

I, Kathy Bennett, City Clerk of the City of Menifee, do hereby certify that the foregoing Ordinance No. 2011-89 was duly adopted by the City Council of the City of Menifee at a meeting thereof held on the 19<sup>th</sup> day of April, 2011 by the following vote:

Ayes:           Denver, Edgerton, Kuenzi, Mann, Twyman  
Noes:           None  
Absent:         None  
Abstain:        None

  
\_\_\_\_\_  
Kathy Bennett, City Clerk