

## **ORDINANCE NO. 2022-**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NO. 2022-01 FOR APPROXIMATELY 81.32-ACRE PORTION OF THE LARGER 246 ACRE SUBDIVISION PREVIOUSLY APPROVED UNDER TENTATIVE TRACT MAP NO. 34249**

**Whereas**, Tri Pointe Homes, has requested approval of Development Agreement No. 2022-01 for a portion of Tentative Tract Map (TTM) No. 34249. TTM 34249 was previously approved for the subdivision of 246.41 acres into 302 single family residential lots, 12 open space lots, one (1) Public Park and two (2) tank sites. This development agreement applies to the approximately 81.32-acre portion located on the northeastern corner of the larger approximately 246 acre property previously entitled for development. The site is located within the Canyon Hills Estates Specific Plan, south of Canyon Hills Road, east and west of Cottonwood Canyon Road (APNs: 365-230-005, 006, 009, 011, and 012; and,

**Whereas**, pursuant to Chapter 19.12 (Development Agreements) of the Lake Elsinore Municipal Code (LEMC) the Planning Commission (Commission) has been delegated with the responsibility of reviewing and making a recommendation to the City Council (Council) whether the development agreement is consistent with the City's General Plan and whether to approve the development agreement; and,

**Whereas**, on May 3, 2022, at a duly noticed public hearing, the Planning Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item, and adopted a resolution recommending that the Council approve Development Agreement No. 2022-01; and,

**Whereas**, on May 25, 2022 at a duly noticed Public Hearing, the Council has considered the recommendation of the Commission as well as evidence presented by the Community Development Department and other interested parties with respect to this item.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** Pursuant to CEQA Guidelines Section 15162, the Planning Commission has determined that the Development Agreement would not have a significant effect on the environment and no new environmental documentation is necessary because all potentially significant effects have been adequately analyzed in an earlier environmental impact report. FEIR No. 2006-04 (SCH # 2006051073) was adopted by the City Council on January 23, 2007. This Development Agreement will not have any significant direct, indirect, or cumulative environmental impacts apart from or beyond those already analyzed, addressed, and mitigated as stated in the environmental documentation prepared and adopted/approved for TTM No. 34249. All potentially significant impacts have been avoided or mitigated pursuant to the earlier environmental impact report and none of the conditions in Public Resources Code Section 21166 or CEQA Guidelines Sections 15162, 15163 and 15164 calling for preparation of a subsequent or supplemental environmental impact report have occurred because of the following: (i) the Project does not propose substantial changes that would require major revisions to the previously certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant environmental effects; (ii) no substantial changes

in circumstances have occurred that require major revisions to the previously certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (iii) no new information of substantial importance as described in Section 15162 (a)(3) has been identified that shows any of the following: (a) one or more significant effects not discussed in the EIR, (b) significant effects previously examined that are substantially more severe than shown in the EIR, (c) mitigation measures or alternatives previously found not to be feasible are in fact be feasible and substantially reduce one or more significant effects of the project, but the Project proponents decline to adopt the mitigation measure or alternative, or (d) mitigation measures or alternatives which are considerably different from those analyzed in the EIR substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative. Therefore, no further environmental documentation is necessary.

**Section 2:** That in accordance with California Planning and Zoning Law and Section 19.12.080.B of the LEMC, the Council makes the following findings regarding Development Agreement No. 2022-01:

1. It is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;

*The proposed development agreement will assist in the development of TTM 34249. TTM 34249 is located within the Canyon Hills Estates Specific Plan (CHESP). The proposed subdivision is compatible with the objectives, policies, general land uses and programs as identified in the CHESP. The CHESP was subject to a consistency finding with the General Plan prior to adoption. The proposed subdivision is consistent with the provisions of the CHESP and is therefore found to be consistent with the General Plan.*

2. It is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

*The proposed development agreement contemplates residential development consistent with the Canyon Hills Estates Specific Plan's residential land use designation for this site.*

3. It is in conformity with public convenience, general welfare and good land use practices;

*The overall density and design is consistent and compatible with the adjacent communities. Further the development of the proposed development is consistent with the underlying General Plan and Zoning land use designations, indicative of good land use practices.*

4. It will not be detrimental to the health, safety and general welfare;

*The proposed Development Agreement will facilitate the development of the residential units. The previously approved map was found not to be detrimental to the health, safety and general welfare.*

5. It will not adversely affect the orderly development of property or the preservation of property values;

*The proposed Development Agreement will facilitate the development of residential units. The previously approved map was found not to adversely affect the orderly*

*development of property or the preservation of property values.*

6. It is consistent with the provisions of Government Code Sections 65864 through 65869.5.

*The proposed Development Agreement includes all mandatory provisions required by Government Code § 65865.2 and does not include any provisions that are not authorized by the Development Agreement Act.*

**Section 3:** Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the project, the Council hereby approves Development Agreement No. 2022-01.

**Section 4: Severability.** If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

**Section 5: Effective Date.** This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31<sup>st</sup>) day after the date of adoption.

**Section 6: Certification.** The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

**Passed and Adopted** on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Timothy J. Sheridan  
Mayor

**Attest:**

\_\_\_\_\_  
Candice Alvarez, MMC  
City Clerk

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, do hereby certify that the foregoing Ordinance No. 2022-\_\_\_\_\_ was introduced at the Regular meeting of May 25, 2022, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of \_\_\_\_\_, 2022, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Lake Elsinore, California on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Candice Alvarez, MMC  
City Clerk

*Exhibit A*