

ORDINANCE NO. 2022-356

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA, FINDING THAT PROPOSED DEVELOPMENT CODE AMENDMENT NO. LR 22-0130 IS EXEMPT FROM ENVIRONMENTAL REVIEW AND ADOPTING PROPOSED DEVELOPMENT CODE AMENDMENT NO. LR 22-0130 TO AMEND THE MENIFEE MUNICIPAL CODE AND MENIFEE NORTH SPECIFIC PLAN NO. 260 ZONING ORDINANCE RELATING TO BATTERY ENERGY STORAGE SYSTEM

WHEREAS, existing provisions of the City of Menifee Municipal Code do not address battery energy storage facilities; and

WHEREAS, on October 6, 2021, the City Council of the City of Menifee adopted an urgency Ordinance imposing a 45-day moratorium on utility-scale battery storage uses with later options to extend the moratorium for a total period of up to two years; and

WHEREAS, on November 17, 2021, the City Council of the City of Menifee adopted an Ordinance extending the moratorium on utility-scale battery storage for a period of 10 months and 15 days; and

WHEREAS, City staff met the Southern California Edison and stakeholders to obtain feedback regarding development standards; and

WHEREAS, on June 2, 2022, the Riverside County Airport Land Use Commission (ALUC) found Development Code Amendment No. LR 22-0130 (Development Code Amendment, attached hereto as Exhibit "A") consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and the 2010/2011 Perris Valley Airport Land Use Compatibility Plan; and

WHEREAS, the Development Code Amendment consists of four main code amendments to the Menifee Municipal Code: 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; and

WHEREAS, the Development Code Amendment will amend zoning text of the Menifee North Specific Plan No. 260, Amendment No. 3 by modifying the allowable uses within Planning Areas 2 and 3 to allow for Battery Energy Storage Systems, subject to the above-referenced Chapter 9.300; and

WHEREAS, on June 8, 2022, the Planning Commission held a duly noticed public hearing on the Development Code Amendment, considered all public testimony as well as all materials in the staff report and accompanying documents for the Development Code Amendment, which hearing was publicly noticed by a publication in the newspaper of general circulation, and an agenda posting; and

WHEREAS, at the June 8, 2022 Planning Commission public hearing, based upon all materials and testimony considered, the Planning Commission voted 3-0-2 to

adopt Resolution No. PC 22-562 recommending that the City Council find the Ordinance exempt from environmental review under the California Environmental Quality Act and adopt the Ordinance; and

WHEREAS, the City Council considered the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.) regarding the possible impacts that the Development Code Amendment may have upon the environment; and

WHEREAS, on July 20, 2022, the City Council continued the public hearing for LR 22-0130 to August 17, 2022; and

WHEREAS, on August 17, 2022, the City Council continued the public hearing for LR 22-0130 to September 21, 2022; and

WHEREAS, on September 21, 2022, the City Council held a duly noticed public hearing concerning the Ordinance to approve the Development Code Amendment, introduced and conducted a first reading of the Ordinance, and considered testimony and evidence at the Public Hearing held with respect thereto; and

WHEREAS, on October 5, 2022, the City Council conducted a second reading of the Ordinance to approve the Development Code Amendment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENIFEE DOES ORDAIN AS FOLLOWS:

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

Consistency with General Plan

The proposed modifications to the Development Code set forth in the Development Code Amendment (attached as Exhibit "A") modify the permissible and conditionally permitted uses in established zones, establish special use standards specific to utility-scale battery energy storage systems, and make modifications to the definitions of the Development Code. The proposed Development Code Amendment is not a project and will not construct any structure nor propose any development. The proposed changes will remain consistent with the General Plan.

In addition, the Development Code Amendment is consistent with the following City of Menifee General Plan policies:

- *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 Development Code Amendment will further help the transition between the surrounding zones and help preserve the existing character and development patterns of the City. It will also focus the