

**RESOLUTION NUMBER 5961**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, FINDING THAT MITIGATED NEGATIVE DECLARATION # 2360, WHICH WAS ADOPTED BY THE PERRIS PLANNING COMMISSION ON AUGUST 18, 2021, ANALYZED AND CONSIDERED THE CERTIFICATE OF AGRICULTURAL DIMINISHMENT/TENTATIVE CANCELLATION NO. 21-05227 AS PART OF THE PATRIOT DEVELOPMENT PARTNERS AT PERRIS AND MORGAN PROJECT (DPR 20-00013 & TPM 37967), AND, THEREFORE, NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY; CERTIFYING THE ASSESSOR'S CANCELLATION VALUE AND FEE; AND APPROVING THE CERTIFICATE OF TENTATIVE CANCELLATION NO. 21-05227 TO REMOVE APPROXIMATELY 15.95 ACRES OUT OF THE PERRIS VALLEY AGRICULTURAL PRESERVE NO. 1, MAP 56, WILLIAMSON ACT LAND CONTRACT, LOCATED AT THE SOUTHWEST CORNER OF PERRIS BOULEVARD AND MORGAN STREET (APN'S: 303-080-007, 303-080-017, 303-080-018) AND MAKING FINDINGS IN SUPPORT THEREOF***

***WHEREAS***, IDI Logistics (the “Applicant”) filed a Development Plan Review application (DPR) 20-00013 and Tentative Parcel Map (TPM 37457) to develop three industrial buildings totaling approximately 283,179 square foot (SF) on a 15.95-acre site located at the southwest corner of Perris Boulevard and Morgan Street within a Light Industrial (LI) zone of the Perris Valley Commerce Center Specific Plan (PVCCSP) area (the “application”), which was approved by the Planning Commission on August 18, 2021, and for which Mitigated Negative Declaration No. 2360 was adopted;

***WHEREAS***, The Planning Commission approval of Development Plan Review application (DPR) 20-00013 and Tentative Parcel Map (TPM 37967) is conditioned upon removal of 15.95 acres of the project site from the Williamson Act Contract for Perris Valley Agricultural Preserve No. 1 (the “Williamson Act Contract”); and

***WHEREAS***, the Applicant filed a petition for a Certificate of Agricultural Diminishment/Tentative Cancellation of the Perris Agricultural Preserve No. 1, Map 56 Williamson Land Contract (the “Land Contract”) to remove approximately 15.95 acres of the project site, out of the Land Contract and such petition includes a proposal for a specified alternative use of the land consistent with Government Code § 51282(e) and the City of Perris Municipal Code § 19.74.040(B)(1) (Tentative Cancellation 21-05227); and

***WHEREAS***, Mitigated Negative Declaration (MND) No. 2360 prepared and adopted for Development Plan Review application (DPR) 20-00013 and Tentative Parcel Map (TPM 37967), analyzed and considered the Tentative Cancellation 21-05227 (“the Project”) and therefore, the proposed Tentative Cancellation is covered by MND No. 2360, and no further review under CEQA is required; and

**WHEREAS**, public notice was provided in accordance with Government Code Section 51232 of the California Land Conservation Act of 1965; and

**WHEREAS**, the County Assessor has certified to the City by letter dated January 20, 2022, that the cancellation valuation of the subject property for Tentative Cancellation 21-05227 is \$7,018,000 and that the cancellation valuation of 12.5% results in a cancellation fee of \$877,250.00 (“Cancellation Fee”); and

**WHEREAS**, by copy of this Resolution, the City Council certifies to the County Auditor that based on the County Assessor’s determination, that was certified to the City Council by letter dated January 20, 2022, the cancellation fee for this Tentative Cancellation request is \$877,250.00 to be paid within one year of the City Council approval to the County Treasurer prior to granting of Final Cancellation; and

**WHEREAS**, a duly noticed public hearing was conducted by the City Council on March 29, 2022, to consider facts as presented in the staff report prepared for Tentative Cancellation 21-05227, including all exhibits and attachments; oral and written testimony from City staff; and oral and written testimony from members of the public; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Perris, California, based upon the facts and analysis presented below, the staff report, public testimony received and subject to the conditions of approval as follows:

**Section 1.** The above recitals are all true and correct and incorporated herein by this reference.

**Section 2.** Based on the information contained in the staff report and supporting exhibits and all oral and written presentations and testimony made by City staff and members of the public at the March 29, 2022, public hearing, the City Council find and determines that the Mitigated Negative Declaration (MND No. 2360) that was adopted by the Perris Planning Commission on August 18, 2021, as part of its approval of the overall Patriot Development Partners Perris & Morgan Project (DPR # 20-00013), included an analysis of the Tentative Cancellation 21-05227 pursuant to the California Environmental Quality Act (CEQA), and which MND No. 2360 determined that, although the Project could have a significant effect on the environment, there would not be an adverse effect by this Project because revisions to the Project have been made by or agreed to by the Project proponent, and mitigation measures have been outlined to reduce potential significant impacts to a level of insignificance. Therefore, based on the foregoing and on the information contained in the staff report and supporting exhibits and all oral and written presentations and testimony made by City staff and members of the public at the March 29, 2022, public hearing, the City Council further determines that no further environmental review is necessary.

**Section 3.** Based on the information contained in the staff report and supporting exhibits and all oral and written presentations and testimony made by City staff and members of the public at the March 29, 2022, public hearing, the City Council finds that Tentative Cancellation 21-05227 is in the Public Interest in accordance with Government Code § 51282(a)(2) and 51282(c) as provided below.

**Section 4.** In accordance with Government Code § 51282 (a)(2) and (c)(1) of the Williamson Act, the City Council finds that the Public Interest substantially outweighs the objectives of the Williamson Act for the following reasons:

- a. It is a goal of the City of Perris to convert agricultural lands in an orderly manner to developed land (Perris General Plan Conservation Element, page 42). All farmland within the City of Perris has been designated for development and the Agricultural land use designation has been removed from the General Plan Land Use Map.
- b. The Property is located within General Plan Planning within Planning Area 1 (North Industrial) and bordered by Planning Area 3 (Agricultural Conversion Area), which is intended to gradually convert from agricultural uses to uses compatible to support surrounding commerce and industry (Perris General Plan Land Use Element, page 4). Planning Area 1 is generally made up of “industrial” land use designations and uses and heavy truck traffic occurs and will intensify as the surrounding area is converted to industrial uses and contemplated.
- c. The General Plan designation for the Property is Light Industrial (LI). The Light Industrial designation is for uses that include limited assembly and packaging operations, self-storage warehouses, distribution centers, and business-to-business retail operations and retail-related to manufacturing (Perris General Plan Land Use Element, page 64). This proposed Project is consistent with the LI designation. Agricultural uses are inconsistent with the LI General Plan Land Use Designation and the LI Zoning Designation.
- d. The Property is located within an area that is rapidly urbanizing and will continue to urbanize as the PVCCSP is implemented. Agricultural uses within an urbanizing area are inconsistent with the surrounding uses and may create conflicts where the farming uses are adjacent to the urban uses.
- e. The project site is located within an urbanized and industrial part of the City. According to the California Department of Conservation’s Farmland Mapping Management Program, the project site is mapped as Urban and Built-Up Land. Areas classified as Urban and Built-Up Land are vacant, non-agricultural lands that are surrounded on all sides by urban development and are less than 40 acres in size (DOC 2016). The project site is not being used for agricultural production and does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively Important Farmland) (DOC 2016). Therefore, no impacts associated with conversion of Important Farmland would occur preserving the property for agricultural use would create greater conflicts as such uses are inconsistent with the General Plan and adopted PVCCSP, both of which contemplate the conversion of agricultural uses in an orderly manner to industrial uses.
- f. Therefore, based upon the foregoing, the City Council finds that the public’s concerns regarding orderly development of the City, compliance with the Perris General Plan through the implementation of the PVCCSP, and avoidance of conflicting uses outweigh the preservation of the Property for agricultural purposes pursuant to the Williamson Act.

**Section 5.** In accordance with Government Code § 51282 (a)(2) and (c)(2), the City Council finds that there is no proximate non-contracted land which is both available and suitable for the use that can serve as a practical alternative, and further, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land for the following reasons:

- a. The entire Property is located within the Perris Valley Commerce Center Specific Plan (PVCCSP), which is a comprehensive development instrument to implement the City's General Plan to ensure the orderly conversion of the land area within the General Plan to industrial and related uses. Other proximate, non-contracted land is not available to accommodate the project underlying DPR 20-00013 ("Project"), while also furthering the City's goal of creating a contiguous pattern of industrial development as contemplated by the PVCCSP and the City's General Plan.
- b. The subject site is surrounded by industrial development and is therefore not available or suitable for use to which the contracted land could be put, and the proposed alternate development of the contracted land would provide more contiguous patterns of urban development than the development of proximate noncontracted land.

**Section 6.** Based upon the foregoing and oral and written testimony, information and findings presented at the March 29, 2022, public hearing by City staff and members of the public, the City Council finds that the proposed Tentative Cancellation No. 21-05227 for 15.95-acres located within of the Perris Valley Agricultural Preserve No. 1, Map 56 land contract is consistent with Government Code § 51280 et seq., in that all of the procedures outlined in the referenced therein have been followed.

**Section 7.** Based upon the foregoing and oral and written testimony, information and findings presented at the March 29, 2022, public hearing by City staff and members of the public, the City Council certifies the Assessor's Valuation and Fee and approves a Certificate of Tentative Parcel Cancellation 21-05227 to remove approximately 15.95 gross acres out of the Perris Valley Agricultural Preserve No.1, Map 56, covered by a Williamson Act Land Contract, subject to the applicable requirements of this Resolution.

**Section 8.** The City Clerk is directed and authorized to record a Certificate of Tentative Cancellation for the Property; publish a Notice of Decision (NOD); and deliver a copy of the published NOD to the California Department of Conservation within 30-days of Council approval of the Tentative Partial Cancellation 21-05227.

**Section 9.** Within one year of the date of the recordation of the above-mentioned Certificate of Tentative Cancellation, the Applicant shall pay the Cancellation Fee set by the County Tax Assessor. If the Cancellation Fee is not paid within one year, then such fees shall be recomputed as required by law and the Applicant shall pay such recomputed fees.

**Section 10.** The City Council further directs and authorizes City staff to carry out all necessary actions to carry out this Resolution.

**Section 11.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

**Section 12.** The Mayor shall sign, and the City Clerk shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED and APPROVED** this 29<sup>th</sup> day of March 2022.

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Mayor, Michael M. Vargas

ATTEST:

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City Clerk, Nancy Salazar

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 5961 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 29th day of March 2022, by the following called vote:

AYES: NAVA, CORONA, RABB, ROGERS, VARGAS  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

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City Clerk, Nancy Salazar