

**RESOLUTION NO. 4259**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING THE NONRENEWAL AND TENTATIVE PARTIAL CANCELLATION OF A LAND CONSERVATION CONTRACT (CASE 07-0087) AND DEVELOPMENT PLAN REVIEW 06-0417 FOR THE ESTABLISHMENT OF 2 MILLION SQUARE FEET OF LIGHT INDUSTRIAL WAREHOUSE USE IN TWO BUILDINGS ON 96.25 ACRES OF LAND AT THE NORTHEAST CORNER OF INDIAN AVENUE AND RIDER STREET, AND MAKING FINDINGS IN SUPPORT THEREOF.***

*WHEREAS*, the Ridge Commerce Center II project would consist of the establishment of 2,005,118 square feet of light industrial, high-cube distribution warehouse use in two buildings on approximately 96.25 gross acres of land located east of Indian Avenue, south of Morgan Street, west of Perris Boulevard and north of Rider Street, as more particularly described as Assessor's Parcel Numbers 303-080-005; and 303-090-002 through 303-090-020; and,

*WHEREAS*, the City of Perris received an application for the diminishment, or partial cancellation, of a land conservation contract (pursuant to the Williamson Act) from the property owner for the project site, which is currently zoned A-1, Light Agriculture, an interim zoning designation; and

*WHEREAS*, the City of Perris also received applications for an alternative land use of the project site to include a Zone Change application to convert the present zoning from A-1 (Light Agricultural/Interim Designation) to Light Industrial, and a Development Plan Review application for the proposed distribution center (Ridge Commerce Center II Project); and,

*WHEREAS*, the Subject Property lies within the Perris Valley Agricultural Preserve Number 1, Map Number 56, and is subject to a Land Conservation Contract recorded on February 27, 1970 as Instrument No. 19066 (the Land Conservation Contract); and

*WHEREAS*, Government Code Section 51282 permits a landowner to petition the City Council of the City of Perris to cancel a portion of a land conservation contract; and

*WHEREAS*, a Notice of Nonrenewal for a portion of a land conservation contract has been served on the City in accordance with Government Code Section 51245, and subsequently recorded by the County of Riverside Recorder's Office; and

*WHEREAS*, Government Code Section 51282 permits the City Council to grant tentative approval for the cancellation of a land conservation contract (or a portion thereof) where the City Council finds that certain requirements have been satisfied; and,

*WHEREAS*, City of Perris Municipal Code Section 19.74.040 specifies procedures for the tentative cancellation of a land conservation contract; and,

*WHEREAS*, the application to cancel the Land Conservation Contract relative to the Subject Property was accompanied by a proposal for an alternative land use for the Subject Property consisting of the establishment of 2 million square feet of light industrial distribution warehouse use in two buildings with associated trucking courts and site improvements including parking, landscaping and screening for the Ridge Commerce Center II project; and,

*WHEREAS*, the following information has been submitted to warrant findings that the cancellation of the Land Conservation Contract is consistent with the purposes of the Williamson Act (Government Code Section 51240 et seq.):

1. The Landowner has served a Notice of Nonrenewal relative to the Landowner's Land Conservation Contract on the City in compliance with Government Code Section 51245; and the City accepted Landowner's service of the Notice of Nonrenewal pursuant to the Nonrenewal Documents recorded with the County of Riverside on August\_\_\_\_, 2009.
2. The development of the Subject Property will not likely result in the removal of adjacent lands from agricultural use since a Notice of Nonrenewal (Agricultural Diminishment 07-0118) was previously served on the City of Perris for agricultural land under Land Conservation Contract immediately west of the Subject Property, and Agricultural Diminishments 06-0197 and 98-0067 were previously submitted by the Landowner and processed by the City of Perris for agricultural land under Land Conservation Contract immediately north and east, respectively, of the Subject Property. Adjacent lands (more than 10 acres) remain subject to the existing Land Conservation Contract as part of the contiguous ownership by another Landowner, and are currently leased (together with the Subject Property) to a single operator for sod production.
3. The proposed alternative land use is the Ridge Commerce Center II, a distribution warehouse facility. The updated 2030 General Plan for the City of Perris adopted in 2005 envisioned and contemplated the gradual elimination of agricultural land within the City and designated the Subject Property and surrounding lands with a land use designation of Light Industrial in the General Plan. Warehouse distribution uses are consistent with the Light Industrial designation of the City's General Plan.
4. The properties situated east, west, north and south of the Subject Property are designated for Light Industrial uses by the General Plan Land Use Element. The properties situated east, west and north are currently developed with distribution warehouse uses. The proposed partial cancellation anticipates the development of an industrial project as an alternative use to become an integral part of a larger area of existing and proposed industrial development to the east, west, north and south, continuing the existing pattern of industrial development within the City. The proposed use of the Subject Property with a distribution center will

continue the pattern of urban development contemplated by and consistent with the City's General Plan.

5. Agents for Perris Ridge Commerce Center II conducted an extensive search throughout Southern California to locate a site of sufficient size to accommodate 2,005,118 square feet of building area and related truck and trailer loading and parking areas. Other necessary criteria for the proposed facility include a site which is close to major transportation corridors, including City-designated truck routes, the I-215 Freeway, and the March Air Reserve Global-Port for air cargo with suitable access and visibility, land that can be reasonably acquired and developed in the immediate future, is without major development constraints, and is adequately served by utilities and infrastructure. The Subject Property has been determined by agents for the Perris Ridge Commerce Center II as the only available site within the Inland Empire or the City which would be suitable for its needs. Accordingly, there are no proximate noncontracted lands within the City, surrounding cities, or in the region that fulfill the necessary criteria for development of the proposed facility.

*WHEREAS*, the City believes it has satisfied both its statutory obligations and its own procedures in finding that the partial cancellation of a Land Conservation Contract relative to the Subject Property is consistent with the purposes of the Williamson Act; and

*WHEREAS*, the City's procedures under Municipal Code Section 19.74.040 are consistent with the procedures required by the Williamson Act; and

*WHEREAS*, the County of Riverside Office of the Assessor, in accordance with Government Code Section 51283, has determined and certified the cancellation value of the subject property as \$2,348,125; and,

*WHEREAS*, the City of Perris, as lead agency, determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the Project; and

*WHEREAS*, a Draft Environmental Impact Report ("Draft EIR") for the Project was prepared and circulated on March 12, 2009 for a 45-day public review period pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq.*, and State and Agency Guidelines adopted pursuant thereto; and

*WHEREAS*, a Final Environmental Impact Report ("FEIR") for the Project (State Clearinghouse #2007071134) has been prepared pursuant to CEQA and the State CEQA Guidelines, and incorporates the Draft EIR with changes and revisions thereto, written Responses to Comments made during the CEQA review period, and the Mitigation and Monitoring Program; and

*WHEREAS*, the project site is primarily located within March Air Reserve Base (MARB) Airport Influence Area II and partially within Airport Influence Area I, the

proposed zone change is subject to the Riverside County Airport Land Use Commission's (ALUC) recommendation based on the project's consistency with the 1984 Riverside County Airport Land Use Plan; and

*WHEREAS*, at the hearing on August 13, 2007, the ALUC found the proposed zone change consistent with the Riverside County Airport Land Use Plan, and therefore no further action is required by the City; and

*WHEREAS*, the Planning Commission reviewed the Final EIR and accompanying attachments at a regular public hearing held July 15, 2009, and voted 6-0-1 to recommend certification of the Environmental Impact Report and approval of the project (Tentative Partial Cancellation of a Land Conservation Contract 07-0087, Development Plan Review 06-0417, and Zone Change 07-0136) to the City Council; and

*WHEREAS*, a duly noticed public hearing has occurred concerning the application for tentative partial cancellation of the Land Conservation Contract and the proposed Development Plan Review with respect to the Subject Property; and

*WHEREAS*, a public hearing was held on August 25, 2009, at which time all interested persons were given full opportunity to be heard and to present evidence; and

***NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS*** does resolve as follows:

*Section 1.* The above recitals are all true and correct.

*Section 2.* The City Council has reviewed and considered the environmental documentation and information included in the staff report prior to its action on the application for the Nonrenewal and Tentative Partial Cancellation of a Land Conservation Contract and Development Plan Review for the alternative use of the Subject Property, and finds and determines that the proposed use of the Site, based on the Findings of Fact in Support of the Statement of Overriding Considerations, and the required measures of the Mitigation Monitoring Program, fully address the potential environmental impacts to the extent feasible, and that the Declarations reflect the independent judgement of the Planning Commission.

*Section 3.* The City Council finds and determines that the partial cancellation of the Landowner's Land Conservation Contract relative to the Subject Property is consistent with the purposes of the Williamson Act based on the following findings:

Agricultural Diminishment 07-0087

1. The cancellation is for land for which a Notice of Nonrenewal has been served pursuant to Government Code Section 51245;
2. The cancellation is not likely to result in the removal of adjacent lands for agricultural use;

3. The cancellation is for the alternative use which is consistent with applicable provisions of the City's General Plan;
4. The cancellation will not result in discontinuous patterns of urban development; and
5. There is no proximate non-contracted land which is both available and suitable for the use to which the Subject Property is proposed, and, that development of the Subject Property will provide more contiguous patterns of urban development than development of proximate non-contracted land.

*Section 4.* Pursuant to Government Code Section 51283, the City Council hereby certifies the cancellation fee of \$2,348,125, which is 12½ percent of the total cancellation value as determined by the County of Riverside Office of the Assessor, that the Landowner shall pay to the County Treasurer prior to final Cancellation.

*Section 5.* The City Council hereby finds that the provisions of the City of Perris Municipal Code Section 19.74.040, Agricultural Preserve Procedures, have been satisfied.

*Section 6.* The City Council further finds, based upon the information contained within the staff report and accompanying attachments, with respect to the Ridge Commerce Center II Project, the following:

Development Plan Review 06-0417

1. The location, size, design, density and intensity of the proposed development and improvements are consistent with the City's General Plan, the purposes and provisions of this Title, the purposes of the Zone in which the site is located, and the development policies and standards of the City.
2. The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.
3. The proposed development and the conditions under which it would be operated or maintained is compatible with abutting properties and will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
4. The architecture proposed is compatible with community standards and protects the character of adjacent development.
5. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.
6. The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.

*Section 7.* For the foregoing reasons the City Council approves the Nonrenewal and Tentative Partial Cancellation of Land Conservation Contract 07-0087

and Development Plan Review 06-0417 for the Ridge Commerce Center II Project, based on the information and findings presented in the staff report and supporting exhibits, and subject to the attached Conditions of Approval.

*Section 8.* 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 9.* The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED, and APPROVED** this 25<sup>th</sup> day of August, 2009.

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Daryl R. Busch, Mayor

ATTEST:

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Judy Haughney, C.M.C., City Clerk

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

I, Judy Haughney, City Clerk of the City of Perris do hereby certify that the foregoing Resolution Number 4259 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 25<sup>th</sup> day of August 2009, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Judy Haughney, C.M.C., City Clerk

Attachments:    Planning Division and Engineering Department Conditions of Approval