

**RESOLUTION NUMBER 3285**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING A NEGATIVE DECLARATION (2154); GENERAL PLAN AMENDMENT (NUMBERS 03-0404, 04-0127, AND 04-0161) TO CHANGE THE LAND USE DESIGNATIONS FROM R4 RESIDENTIAL TO R7 RESIDENTIAL; AND TENTATIVE TRACT MAPS 31659, 31660 AND 32041 TO SUBDIVIDE ROUGHLY 194 ACRES OF LAND INTO 642 RESIDENTIAL PARCELS SOUTH OF ORANGE AVENUE, EAST OF EVANS ROAD, NORTH OF SUNSET AVENUE, AND WEST OF DUNLAP DRIVE; AND MAKING FINDINGS IN SUPPORT THEREOF***

***WHEREAS***, on November 21, 2003, the applicant applied to amend the General Plan Land Use Element (03-0404) and subdivide (TTM 31660) 40-acres of land between Evans Road and El Nido, south of Citrus Avenue; and,

***WHEREAS***, on March 11, 2004, the applicant applied to amend the General Plan Land Use Element (04-0127) and subdivide (TTM 32041) 99-acres of land between Evans Road and Dunlap Drive, south of Orange Avenue; and,

***WHEREAS***, on March 19, 2004, the applicant applied to amend the General Plan Land Use Element (04-0161) and subdivide (TTM 31659) 55-acres of land between Evans Road and El Nido, north of Citrus Avenue; and,

***WHEREAS***, the City Council of the City of Perris adopted a General Plan to guide development throughout the City and a Zoning Ordinance to implement the vision set forth in the General Plan; and,

***WHEREAS***, State Law limits amendments to the Land Use Element to four times a year; howsoever, a number of changes may be made at one time; and,

***WHEREAS***, this amendment coupled with other proposed General Plan Amendments duly noticed and considered at this public hearing, constitutes the third time in 2004 that the City has amended the Land Use Element of the General Plan; and,

***WHEREAS***, on July 7, 2004, and July 21, 2004, the Planning Commission conducted duly noticed public hearings on the proposed project, considered testimony and materials in the staff report and accompanying documents, and recommended approval of the proposed project; and,

**WHEREAS**, on July 27, 2004, the City Council conducted a duly noticed public hearing on the proposed project, considered testimony and materials in the staff reports, accompanying documents and exhibits; and,

**WHEREAS**, the City Council considered and approved the Initial Study and Mitigated Negative Declaration (2154) for the project, finding that these documents adequately addressed the impacts of the proposed project, were prepared in accordance with the California Environmental Quality Act, and reflected the independent judgment of the City; and,

**WHEREAS**, the City Council finds that the proposed action is consistent with the purposes of the Airport Land Use Commission statute (California Public Utilities Code Section 21670) and desires to override a determination from the Riverside County Airport Land Use Commission that the proposed project is inconsistent with the 1984/86 Airport Land Use Plan; and,

**WHEREAS**, all legal prerequisites for the adoption of this resolution have occurred;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris, as follows:

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

**Section 2.** The City Council has reviewed and considered the environmental documentation for the project prior to taking action on the applications. Based on the analysis contained in the Initial Study and the accompanying environmental information, the City Council finds that:

- A. There is no substantial evidence of potentially significant environmental impacts and a Negative Declaration (2154) has been prepared.
- B. The City has complied with the California Environmental Quality Act (CEQA).
- C. Determinations of the Planning Commission reflect the independent judgment of the City.

**Section 3.** Based on the information contained within the Project Report and the accompanying attachments and exhibits, the City Council hereby finds that:

- A. The proposed project is consistent with General Plan objectives, policies and programs.

- B. The proposed project will not adversely affect the public health, safety and welfare.
- C. The proposed project is consistent with the purposes of the Airport Land Use Commission statute (California Public Utilities Code Section 21670), specifically:
  - 1. The proposed project provides for the orderly development of March ARB and the surrounding area, by placing residential development in an area and at densities which comply with the 1998 Air Installation Compatible Use Zone (AICUZ) Study.
  - 2. The proposed project protects the public, health, safety, and welfare by approving an infill residential project that is outside of any Accident Potential Zone or Noise Impact Contour; thereby minimizing the public's exposure to excessive noise and safety hazards within March ARB's Airport Influence Area.
  - 3. The proposed project prevents the creation of new noise and safety problems by entitling new residential development outside of Noise Impacts Contours and/or Accident Potential Zones.

**Section 4.** The City Council hereby adopts Mitigated Negative Declaration (2154), amends the General Plan Land Use Element (03-0404, 04-0127, and 04-0161), and approves Tentative Tract Maps (31659, 31660, and 32041) based on the information and findings presented in the staff report dated July 7, 2004; July 21, 2004; and, July 27, 2004.

**Section 5.** In approving this General Plan Amendment, the City of Perris finds that this project is consistent with the purposes of the Airport Land Use Commission statute (California Public Utilities Code Section 21670), and hereby overrides the determination of the Riverside County Airport Land Use Commission.

**Section 6.** 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 7.** The Mayor shall sign this resolution and the City Clerk shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED and APPROVED** this 27<sup>th</sup> day of July, 2004.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3285 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 27<sup>th</sup> day of July 2004, and that it was so adopted by the following called vote:

AYES:           Rogers, Yarbrough, Busch, Motte  
NOES:  
ABSENT:  
ABSTAIN:       Landers

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City Clerk, Margaret Rey