

RESOLUTION NO. 2017-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 2017-001, A TECHNICAL AMENDMENT TO CORRECT A MAPPING ERROR BY REVERTING THE GENERAL PLAN LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO LOW-MEDIUM DENSITY RESIDENTIAL FOR ASSESSOR PARCEL NUMBERS: 379-150-001, 002, 041 thru 044

Whereas, the City of Lake Elsinore adopted its General Plan (GP) on December 13, 2011; and,

Whereas, Government Code Section 65358 empowers the legislative body to amend all or part of an adopted general plan if to do so would be in the public interest and so long as no mandatory element of the general plan is amended more frequently than four times during any calendar year; and,

Whereas, Resolution No. 2004-11 of the City of Lake Elsinore, which establishes procedures and requirements for implementation of the Western Riverside County Multiple Species Habitat Conservation Plan, specifically exempts the adoption or amendment of any land use or zoning ordinance in Section IV – Exemptions; and,

Whereas, pursuant to the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 *et seq.*: “CEQA”) and the State Guidelines for Implementation of CEQA (14 C.C.R. §§ 15000 *et seq.*: “CEQA Guidelines”), public agencies are expressly encouraged to reduce delay and paperwork associated with the implementation of CEQA by using previously prepared environmental documents when those previously prepared documents adequately address the potential impacts of the proposed project (CEQA Guidelines Section 15006); and

Whereas, CEQA Guidelines Section 15162 establishes the standard to be used when determining whether subsequent environmental documentation is necessary and says that when an environmental document has already been adopted for a project, no subsequent environmental documentation is needed for subsequent entitlements which comprise the whole of the action unless substantial changes or new information are presented by the project; and

Whereas, the City approved Mitigated Negative Declaration No. 2005-05 (SCH No. 2005121086) (MND) on February 28, 2006. All potentially significant impacts have been avoided or mitigated pursuant to the earlier mitigated negative declaration and none of the conditions described in Section 15162 exist. No substantial changes which require major revisions to the MND exist and no new information of substantial importance which require revisions to the earlier MND exist. Therefore, no further environmental documentation is necessary; and

Whereas, on March 7, 2017, 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.

Whereas, on March 28, 2017, at a duly noticed public hearing City Council has considered evidence presented by the Community Development Department and other interested parties with respect to this item.

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

Section 1. The City Council has reviewed and analyzed the proposed general plan amendment pursuant to the California Planning and Zoning Laws (Cal. Gov. Code §§ 65000 *et seq.*), the Lake Elsinore General Plan and the Lake Elsinore Municipal Code and finds and determines that the proposed general plan amendment is consistent with the requirements of California Planning and Zoning Law and with the goals and policies of the Lake Elsinore General Plan and the Lake Elsinore Municipal Code.

Section 2. That in accordance with the California Planning and Zoning Law and the Lake Elsinore Municipal Code, the City Council hereby makes the following findings for the approval of General Plan Amendment No. 2017-01:

1. The proposed general plan amendment will not be a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or b) injurious to the property or improvements in the neighborhood or within the City.

The proposed technical general plan amendment has been analyzed relative to its potential to have detrimental effects to ensure that the health, safety and welfare of surrounding residents will be protected. The proposed amendment would correct a mapping error that was made during the adoption of the General Plan in 2011. The correction would revert the General Plan Land Use Designation from Low Density Residential to Low Medium Density Residential which was in effect at the time of the approval of Tentative Tract Map 33468

2. The proposed general plan amendment will permit reasonable development of the area consistent with constraints and will make the areas affected more compatible with adjacent properties.
3. *The technical amendment to the General Plan reverts the General Plan Land Use Designation from Low Density Residential to Low Medium Density Residential. The Low Medium Density designation was in effect at the time of the approval of Tentative Tract Map 33486 and Zone Change 2005-02. The proposed technical amendment to the General Plan would restore the intensity of development in manner consistent with the previously approved tentative tract map, which is still valid.*
4. The proposed general plan amendment would establish land use densities, intensities and usage more in character with the subject properties' location, access, and constraints.

The proposed general plan amendment recognizes residential land use densities that are compatible with surrounding development.

5. The proposed general plan amendment will not have a significant effect on the environment.
6. The City approved Mitigated Negative Declaration No. 2005-05 (SCH No. 2005121086) (MND) on February 28, 2006. All potentially significant impacts have been avoided or

mitigated pursuant to the earlier mitigated negative declaration and none of the conditions described in Section 15162 exist. No substantial changes which require major revisions to the MND exist and no new information of substantial importance which require revisions to the earlier MND exist. Therefore, no further environmental documentation is necessary.

Section 3. Based upon the evidence presented, both written and testimonial, and the above findings, the Planning Commission hereby recommends approval of General Plan Amendment No. 2017-01 for the correction of a mapping error by reverting the General Plan Land Use Designation of Assessor Parcel Numbers: 379-150-001, 002, and 041 thru 044 from Low Density Residential to Low Medium Density Residential.

Section 4. This Resolution shall take effect from and after the date of its passage and adoption.

Section 5. This Resolution shall take effect from and after the date of its passage and adoption.

Passed and Adopted this 28th day of March 2017.

Robert E. Magee, Mayor

Attest:

Susan M. Domen, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Susan M. Domen, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2017-____ was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of March 28, 2017, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Susan M. Domen, MMC
City Clerk