

RESOLUTION NO. 21-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA REPLACING RESOLUTION NO. 2013-316, AND ADOPTING AN UPDATE TO THE MENIFEE ENVIRONMENTAL REVIEW GUIDELINES IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, pursuant to Section 21082 of the Public Resources Code of the State of California all public agencies are required to adopt by ordinance, resolution, rule or regulation, objectives, criteria, and procedures for the evaluation of projects, and the preparation of environmental impact reports and negative declarations under the provisions of the California Environmental Quality Act ("CEQA") found at Public Resource Code Section 21000 et seq; and,

WHEREAS, it is the intent of the City of Menifee ("City") to fully comply with the provisions and intent of CEQA in an efficient and timely manner which eliminate unnecessary cost and delay; and,

WHEREAS, on May 7, 2013, the Menifee City Council adopted Resolution No. 13-316 local review guidelines for implementation of CEQA and CEQA Guidelines; and,

WHEREAS, on April 23, 2019, the Community Development Director administratively approved an update to the City-adopted CEQA Guidelines in conformance with updates to the State's CEQA guidelines; and,

WHEREAS, the purpose of this Resolution is to adopt an additional update to the currently adopted local guidelines for implementation of CEQA set forth in Exhibit "A" attached hereto.

NOW, THEREFORE, the City Council of the City of Menifee resolves as follows:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. This action is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The adoption of this update to the City of Menifee

Environmental Review Guidelines for implementing CEQA is to ensure that City's procedures for approving projects in the City are consistent with the requirements of CEQA and there is no possibility that adopting these procedures will have a significant effect on the environment.

Section 3. Except as otherwise expressly provided herein, the provisions of CEQA and the State Guidelines are hereby referred to, adopted and made a part of this Resolution with the same effect as if fully set forth herein, and all the provisions thereof shall apply to projects proposed to be carried out or given discretionary review and approval by the City. All future revisions to CEQA and the State Guidelines shall hereafter be considered a part of the City of Menifee Environmental Review Guidelines without further action by the City Council and the City Attorney's Office is hereby authorized and instructed to amend the City of Menifee Environmental Review Guidelines, attached hereto as Exhibit "A", to incorporate all future revisions.

Section 4. It is the intent of the City to conform to the requirements of CEQA. If any of the specific procedures or provisions adopted herein should be in conflict with CEQA, CEQA shall prevail. The City may administer its responsibilities under CEQA in any manner which meets the requirements of CEQA, notwithstanding the specific procedures and provisions set forth in City of Menifee Environmental Review Guidelines attached hereto as Exhibit "A".

Section 5. The (updated) City of Menifee Environmental Review Guidelines attached hereto as Exhibit "A" is hereby enacted to implement the provisions of CEQA in the City of Menifee.

Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional, without regard to whether any portion of the Resolution would be subsequently declared invalid or unconstitutional.

Section 7. Effective Date. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ENACTED this 17th day of February 2021.

Bill Zimmerman, Mayor

ATTEST:

Sarah A. Manwaring, City Attorney

APPROVED AS TO FORM:

Jeffrey T. Melching, City Attorney

