CITY OF WILDOMAR
PLANNING COMMISSION AGENDA

REGULAR MEETING OF
FEBRUARY 5, 2020
@ 6:30 P.M.

City Council Chambers
23873 Clinton Keith Road, Suite #105/106

John Lloyd, Chairman
Kim Strong, Vice-Chair
Arrin Banks, Commissioner
Brianna Bernard, Commissioner
Eric Filar, Commissioner

Matthew C. Bassi
Planning Director

Thomas D. Jex
City Attorney
CITY OF WILDOMAR PLANNING COMMISSION
REGULAR MEETING AGENDA
FEBRUARY 5, 2020

ORDER OF BUSINESS: Public session of this special meeting of the Planning Commission begins at 6:30 P.M.

REPORTS: All agenda items and reports are available for review at: Wildomar City Hall, 23873 Clinton Keith Road, Suite #201, and on the City’s website at http://www.cityofwildomar.org/government/agendas__minutes/planning_commission_agendas_minutes/. Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any items or matters within the jurisdiction of the Commission. The Chairman will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a Public Comment Card available at the Chamber door. The completed form is to be submitted to the Secretary prior to an individual being heard. Lengthy testimony should be presented to the Commission in writing (15 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

ADDITIONS/DELETIONS: Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Commission.

CONSENT CALENDAR: Consent Calendar items will be acted on by one roll call vote unless Commission members, staff, or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

RIGHT TO APPEAL: Any decision of the Planning Commission may be appealed to the City Council provided the required appeal application and filing fee are submitted to the City Clerk within ten (10) calendar days after the Planning Commission’s action.

NOTICE: Planning Commission meetings are live-streamed, photographed and/or videotaped. Attendance at the meeting constitutes consent by members of the public to the City’s and any third party’s use in any media, without compensation or further notice, of audio, video, and/or pictures of meeting attendees.

PLEASE TURN ALL DEVICES TO VIBRATE/MUTE/OFF FOR THE DURATION OF THE MEETING. YOUR COOPERATION IS APPRECIATED.
CALL TO ORDER – REGULAR MEETING - 6:30 P.M.

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS
This is the time when the Commission receives general public comments regarding any items or matters within the jurisdiction that do not appear on the agenda. State law allows the Commission to only talk about items that are listed on the agenda. Speakers are allowed to raise issues not listed on the agenda; however, the law does not allow the Commission to discuss those issues during the meeting. After hearing the matter, the Chairman will turn the matter over to the Planning Director who will put you in contact with the proper Staff person. Each speaker is asked to fill out a Public Comments Card available at the Chamber door and submit the card to the Secretary. Lengthy testimony should be presented to the Commission in writing (15 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker. Prior to taking action on any item that is on the agenda, the public will be permitted to comment at the time it is considered by the Commission.

APPROVAL OF THE AGENDA AS PRESENTED
The Planning Commission to approve the agenda as it is herein presented, or, if it is the desire of the Commission, the agenda can be reordered, added to, or have items tabled at this time.

1.0 CONSENT CALENDAR ITEMS
All matters listed under the Consent Calendar are considered routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the Commission, the Public, or Staff request to have specific items removed from the Consent Calendar for separate discussion and/or action.

1.1 Planning Commission Minutes – January 22, 2020 – Special Meeting:

RECOMMENDATION: Staff recommends the Planning Commission approve the January 22, 2020 special meeting minutes as submitted.
2.0 PUBLIC HEARING ITEMS

2.1 Zoning Ordinance Amendment No. 2020-01:
Planning Commission adoption of a General Rule CEQA Exemption and a proposed amendment to modify Section 17.16, 17.24, 17.28, 17.32, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.68 of the Wildomar Municipal Code to address new state legislation regarding large family day care homes located in residential zoning districts.

RECOMMENDATION:
The Planning Department recommends the Planning Commission adopt a Resolution entitled:

PC RESOLUTION NO. 2020-08
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION GENERAL RULE EXEMPTION IN ACCORDANCE WITH SECTION 15060(B)(3) OF CEQA, AND APPROVAL OF A PROPOSED AMENDMENT TO MODIFY SECTION 17.16, 17.24, 17.28, 17.32, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.68 OF THE WILDOMAR MUNICIPAL CODE TO ADDRESS NEW STATE LEGISLATION REGARDING LARGE FAMILY DAY CARE HOMES LOCATED IN RESIDENTIAL ZONING DISTRICTS.

2.2 Zoning Ordinance Amendment No. 2020-02:
Planning Commission adoption of a General Rule CEQA Exemption and a proposed amendment to modify Sections 17.72, 17.76, 17.80 and 17.84 of the Wildomar Municipal Code to require a Conditional Use Permit (CUP) for urgent care uses locating in commercial zones.

RECOMMENDATION:
The Planning Department recommends the Planning Commission adopt a Resolution entitled:

PC RESOLUTION NO. 2020-09
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A GENERAL RULE EXEMPTION IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 2020-02 TO MODIFY SECTIONS 17.72, 17.76, 17.80, 17.84 AND 17.300 OF THE WILDOMAR MUNICIPAL CODE TO REQUIRE A CONDITIONAL USE PERMIT FOR URGENT CARE CLINICS LOCATING IN COMMERCIAL ZONES.
3.0  GENERAL BUSINESS ITEMS

➢ THERE ARE NO GENERAL BUSINESS ITEMS ON THE AGENDA.

PLANNING COMMISSION COMMUNICATIONS

PLANNING DIRECTOR REPORT

CITY ATTORNEY REPORT

FUTURE AGENDA ITEMS

ADJOURNMENT

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person that requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting, may request such modification, accommodation, aid or service by contacting the City Clerk either in person or by phone at (951) 677-7751, no later than 10:00 a.m. on the day preceding the scheduled meeting.

I, Matthew C. Bassi, Planning Director, do certify that on, or before, January 31, 2020 by 5:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations as follows:

1) Wildomar City Hall, 23873 Clinton Keith Road.
2) U.S. Post Office, 21392 Palomar Street.

Matthew C. Bassi, Planning Director
AGENDA SECTION 1.0

CONSENT CALENDAR ITEMS
CALL TO ORDER:
The special meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Lloyd at 6:31 P.M. at Wildomar City Hall, Council Chambers.

ROLL CALL:
Present: John Lloyd, Chairman, Eric Filar, Commissioner, Brianna Bernard, Commissioner, Arrin Banks, Commissioner.

Absent: Kim Strong, Vice-Chair

Staff Present: Matthew Bassi, Planning Director
Dan York, Assistant City Manager / Public Works Director
Stephanie Gutierrez, Assistant City Attorney
Cameron Luna, Intern II

FLAG SALUTE:
Commissioner Brianna Bernard led the flag salute.

PUBLIC COMMENTS:
No public comments.

APPROVAL OF AGENDA AS PRESENTED
Commissioner Filar motioned to approve the agenda as presented. The Motion was seconded by Commissioner Banks. The Motion Carried, 4-0-1, with the following vote resulted:

AYES: LLOYD, BERNARD, FILAR, BANKS
NOES: 
ABSENT: STRONG
ABSTAIN:
1.0 CONSENT CALENDAR ITEMS:
All matters listed under the Consent Calendar are considered routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the Commission, the Public, or Staff request to have specific items removed from the Consent Calendar for separate discussion and/or action.

1.1 Planning Commission Minutes – December 4, 2019 – Regular Meeting:
RECOMMENDATION: Staff recommends the Planning Commission approve the December 4, 2019 regular meeting minutes as submitted.

Commissioner Bernard motioned to approve the December 4, 2019 minutes as submitted. The Motion was seconded by Commissioner Filar. The Motion Carried, 4-0-1 with the following vote resulted:

AYES: LLOYD, BERNARD, FILAR, BANKS
NOES:
ABSENT: STRONG
ABSTAIN:

1.2 Planning Commission Minutes – December 18, 2019 – Special Meeting:
RECOMMENDATION: Staff recommends the Planning Commission approve the December 18, 2019 special meeting minutes as submitted.

Commissioner Bernard motioned to approve the December 18, 2019 minutes as submitted. The Motion was seconded by Commissioner Banks. The Motion Carried, 4-0-1 with the following vote resulted:

AYES: LLOYD, BERNARD, FILAR, BANKS
NOES:
ABSENT: STRONG
ABSTAIN:
2.0 PUBLIC HEARING ITEMS:

2.1 St. Frances of Rome Church Project (PA 19-0017):
Planning Commission review of an Initial Study / Mitigated Negative Declaration (IS/MND) and a Plot Plan to construct a new 17,601 square-foot (1,200 seat) sanctuary, including conversion of the existing sanctuary into a multi-purpose building and construction of a new 9,792 square foot office building located at 21591 Lemon Street (APN: 366-170-058, 366-170-005, and 366-330-011).

Chairman Lloyd opened the public hearing and asked for staff presentation.

Director Bassi introduced the project to the Planning Commission and explained it was added to this agenda as a result of a technical error on posting the December 18, 2019 agenda, thus, tonight’s actions by the Commission will be treated as a new public hearing with new Resolutions for Commission consideration.

Director Bassi confirmed that the project that was presented at the December 18, 2019 meeting is the exact project that is being presented tonight. The applicant’s commitment with regard to the flooding and trying to come up with some improvements is still on the record.

Director Bassi noted that planning staff also received two (2) letters from concerned citizens: 1) David Masters regarding traffic on Lemon Street; and 2) Holly Solvaria regarding drainage and noise.

With no questions for staff, Chairman Lloyd asked for the Applicant to make a presentation.

Applicant Representative, David Meier, addressed the Planning Commission indicating that they accept all of the conditions of approval as they did from the December 18, 2019 meeting.

Steve Yanta and Lawrence Klingberg, Wildomar residents, provided public comments regarding potential flooding concerns, and suggested adding K-rails may help the situation. Mr. Kleinberg also submitted a visual drawing for the record.

Gary Andre, Wildomar resident, commented that the flooding on Lemon Street occurs upstream near the freeway. All homes in this general area experience some flooding. He further commented on the traffic on Lemon Street.

Chairman Lloyd asked Assistant City Manager York to comment on the K-rails versus asphalt, or berms and what his discussions were with the Applicant.

Assistant City Manager York responded to Chairman Lloyd indicating that there are ongoing discussions regarding flooding. He also indicated that Lemon Street will be widened at some point in the future.
Commissioner Filar asked about the timing of the widening of Lemon Street.

Assistant City Manager York responded to Commissioner Filar indicating that it is not on the CIP program list. He also indicated that the speed and traffic issues have been passed on to our Traffic Motor Officer.

Chairman Lloyd commented and addressed Director Bassi on Holly Solvaria’s letter and sound issues and windows, etc., and if they will be in compliance with city requirements for sound.

Director Bassi responded to Chairman Lloyd and asked for the Applicant Representative, David Meier, to provide more detail.

Applicant Representative David Meier responded to Chairman Lloyd and Director Bassi and they will be in compliance with Title 24 requirements.

With no further public comments or questions of the Applicant, Chairman Lloyd closed the public hearing and asked for Commission discussion.

Commissioner Filar commented about the Applicant’s continued commitment to work with the neighbors on flooding, and that he is 100% in favor of the project.

Commissioner Bernard agreed with Commissioner Filar. She stated that it shows good faith by the Applicant and a good neighbor helping out.

Commissioner Banks agreed. She commented on the roads to be widened and that it is the County’s responsibility and we have support for the project.

Chairman Lloyd commented about the traffic concerns on Lemon and that the new parking lot at the church does not pour out onto the street so it should not have an impact.

Commissioner Bernard asked if the new Resolutions contained the condition regarding the flooding.

Director Bassi responded to Commissioner Bernard that there was not a condition but a commitment from the Applicant to work with the neighbors.

With no further Commission discussion, Chairman Lloyd asked for a Motion to adopt PC Resolution No. 2020-01 entitled:
PC RESOLUTION NO. 2020-01

Motion was made by Commissioner Filar and seconded by Commissioner Bernard. The Motion Carried, 4-0-1, with the following vote resulted:

AYES: LLOYD, FILAR, BERNARD, BANKS

NOES:

ABSENT: STRONG

ABSTAIN:

Chairman Lloyd then asked for a Motion to adopt PC Resolution No. 2020-02 entitled:

PC RESOLUTION NO. 2020-02

Motion was made by Commissioner Filar seconded by Commissioner Banks. The Motion Carried, 4-0-1, with the following vote resulted:

AYES: LLOYD, FILAR, BERNARD, BANKS

NOES:

ABSENT: STRONG

ABSTAIN:
2.2 **Wildomar Shooting Range/Academy Project (PA 19-0093):**
Planning Commission review of an Initial Study / Mitigated Negative Declaration (IS/MND), General Plan Amendment, Change of Zone, Variance and Conditional Use Permit to construct a new 34,789 square-foot indoor shooting range/academy on 2.33 acres located at 34020 Mission Trail (APN: 367-020-038).

Chairman Lloyd opened the public hearing and asked for staff presentation.

Director Bassi introduced the project to the Planning Commission and explained it was added to this agenda as a result of technical error on posting the December 18, 2019 agenda, thus, tonight’s actions by the Commission will be treated as a new public hearing with new Resolutions for Commission consideration.

Director Bassi also confirmed that the proposed project for consideration tonight was the same as presented at the December 18, 2019 meeting.

With no questions for staff, Chairman Lloyd asked for the Applicant to make a presentation.

Applicant Representative, Donny MacLean with KCG Blue, LLC, addressed the Planning Commission and confirmed that he provided a detailed background and presentation on December 18, 2019 about the proposed project. The Commission accepted that presentation.

Director Bassi asked the Applicant to provide a brief description about the construction materials for the project and how the shooting lanes are protected from bullets flying out of the building.

Applicant Representative, Donny MacLean with KCG Blue, LLC, responded to Director Bassi by going over the plans as presented with a description of materials to be used.

Chairman Lloyd conformed that there was an extensive heap-filtration system to extract any lead material or particles.

Applicant Representative Donny MacLean with KCG Blue, LLC responded to Chairman Lloyd that he was correct.

Chairman Lloyd asked if there were any public speakers.

Farad Piper, Wildomar resident who lives behind the project in Canyon Village supports the project and thinks it is a great idea.

Gary Andre, Wildomar resident, provided public comments regarding construction materials and the need for on-site security.
Chairman Lloyd requested a brief discussion with the Applicant Representative regarding Mr. Andre’s comments.

Applicant Representative, Donny MacLean with KCG Blue, LLC, responded that their facility will handle better than 70 calibers ammunition, and that typical handguns and rifles will be used, and that ammunition must be obtained at the facility. If visitors bring their own guns, they have to be checked and monitored by security.

With no further public comments, Chairman Lloyd closed the public hearing and asked for Commission discussion.

An unnamed Wildomar resident, wanted to speak so Chairman Lloyd opened the public hearing again.

The unnamed asked noise issues and soundproofing, and that the shooting range is only two blocks from high school. He is not against the project but wants thoughts to be given to location and noise.

Director Bassi responded and indicated that there was a noise study done so there will be sound attenuation measures on the inside. The project was also sent to the school district for comments and they are in support of the project.

With no further public comments, Chairman Lloyd closed the public hearing again and asked for Commission discussion.

Commissioner Filar commented on the project and indicated that the concerns have been taken care of and he is in favor.

Commissioner Banks commented that she had no changes and is in favor.

Commissioner Bernard agreed and indicated that since the last meeting she has heard that people are excited about this project.

With no further Commission discussion, Chairman Lloyd asked for a Motion to adopt PC Resolution No. 2020-03 entitled:

**PC RESOLUTION NO. 2020-03**

Motion was made by Commissioner Banks and seconded by Commissioner Filar. The Motion Carried, 4-0-1, with the following vote resulted:

AYES: LLOYD, FILAR, BERNARD, BANKS

NOES:

ABSENT: STRONG

ABSTAIN:

Chairman Lloyd then asked for a Motion to adopt PC Resolution No. 2020-04 entitled:

PC RESOLUTION NO. 2020-04

Motion was made by Commissioner Banks and seconded by Commissioner Filar. The Motion Carried, 4-0-1, with the following vote resulted:

AYES: LLOYD, FILAR, BERNARD, BANKS

NOES:

ABSENT: STRONG

ABSTAIN:

Chairman Lloyd then asked for a Motion to adopt PC Resolution No. 2020-05 entitled:

PC RESOLUTION NO. 2020-05
Motion was made by Commissioner Banks and seconded by Commissioner Filar. The Motion Carried, 4-0-1, with the following vote resulted:

AYES: LLOYD, FILAR, BERNARD, BANKS

NOES:

ABSENT: STRONG

ABSTAIN:

Chairman Lloyd then asked for a Motion to adopt PC Resolution No. 2020-06 entitled:

**PC RESOLUTION NO. 2020-06**

Motion was made by Commissioner Banks and seconded by Commissioner Filar. The Motion Carried, 4-0-1, with the following vote resulted:

AYES: LLOYD, FILAR, BERNARD, BANKS

NOES:

ABSENT: STRONG

ABSTAIN:

Chairman Lloyd asked for a Motion to adopt PC Resolution No. 2020-07 entitled:

**PC RESOLUTION NO. 2020-07**
Motion was made by Commissioner Banks and seconded by Commissioner Filar. The Motion Carried, 4-0-1, with the following vote resulted:

AYES: LLOYD, FILAR, BERNARD, BANKS

NOES:

ABSENT: STRONG

ABSTAIN:

3.0 GENERAL BUSINESS ITEMS:

3.1 Election of New Planning Commission Officers:
The Planning Commission will elect a new Chair and Vice-Chair for the 2020 calendar year in accordance with Section 2 the Planning Commission Bylaws.

Director Bassi made a brief presentation to the Commission.

Chairman Lloyd asked for nominations.

Motion was made by Commissioner Filar to nominate John Lloyd as Chair for the 2020 calendar year which seconded by Commissioner Bernard. The Motion Carried, 4-0-1, with the following vote resulted:

AYES: LLOYD, BERNARD, FILAR, BANKS

NOES:

ABSENT: STRONG

ABSTAIN:

Motion was made by Commissioner Bernard to nominate Kim Strong as Vice-Chair for the 2020 calendar and seconded by Commissioner Filar. The Motion Carried, 4-0-1, with the following vote resulted:

AYES: LLOYD, BERNARD, FILAR, BANKS

NOES:

ABSENT: STRONG

ABSTAIN:
PLANNING COMMISSION COMMUNICATIONS
None.

PLANNING DIRECTOR REPORT
Planning Director Bassi informed the Commission of the following items of interest:

1. The next regular meeting will be on February 5, 2020 and a special meeting on February 19, 2020.
2. The first meeting on March 4, 2020 will be cancelled due to the Commission’s attendance at the 2020 PC Academy conference.

CITY ATTORNEY REPORT
None.

FUTURE AGENDA ITEMS
None.

ADJOURNMENT
Chairman Lloyd adjourned the January 22, 2020 Planning Commission special meeting at 7:19 P.M.

Matthew C. Bassi
Planning Director/Minutes Secretary
AGENDA SECTION 2.0

PUBLIC HEARING ITEMS
TO: Chairman and Members of the Planning Commission

FROM: Matthew Bassi, Planning Director

SUBJECT: Zoning Ordinance Amendment No. 2020-01:
Planning Commission adoption of a General Rule CEQA Exemption and a proposed amendment to modify Section 17.16, 17.24, 17.28, 17.32, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.68 of the Wildomar Municipal Code to address new state legislation regarding large family day care homes located in residential zoning districts.

STAFF REPORT

RECOMMENDATION:
The Planning Department recommends the Planning Commission adopt a Resolution entitled:

PC RESOLUTION NO. 2020-08
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A GENERAL RULE EXEMPTION IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND APPROVING ZONING ORDINANCE AMENDMENT NO. 2020-01 TO MODIFY SECTIONS 17.16, 17.24, 17.28, 17.32, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.68 OF THE WILDOMAR MUNICIPAL CODE TO ADDRESS NEW STATE LEGISLATION (SB 234) REGARDING LARGE FAMILY DAY CARE HOMES LOCATING IN SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS.

BACKGROUND / DISCUSSION:
On September 5, 2019 Governor Gavin Newsom signed into law Senate Bill 234 (SB 234), referred to as the “Keeping Kids Close to Home Act.” SB 234 is intended to ease the process for family childcare homes located in residential zoning districts. This new law went into effect on January 1, 2020. Before the enactment of SB 234, state law, authorized a city to either classify “a large family daycare home” as residential use of the property or to provide a process for applying for a permit to use the property as a large family daycare home. This bill now requires a large family day care home to be treated as a residential use of property for purposes of all ordinances.
Family daycare homes are licensed in two categories: large family daycare homes, which may care for 7 to 14 children and small family daycare homes which provides family daycare for 1 to 6 children.

Procedurally, large family day care homes currently require a plot plan application and processing fee in accordance with Section 17.212 of the municipal code. After an application is deemed as complete, the Planning Director has 30 days to schedule the time and date on which the Department’s decision on the application is to be made. No less than 20 days prior to the decision date, the Planning Department sends out a notice to surround property owners that a large family day care home application is being considered. Surrounding property owners may request a Director Hearing in writing. If no request for a hearing is made, then the planning department is required to approve, conditionally approve, or deny the application. The decision of the Planning Director shall be considered final unless within 14 days of the date of the notice of decision to the applicant an appeal there from is filed.

Under SB 234, large family daycare homes that provide childcare will now receive the same land use and zoning and permitting exemptions small family daycare homes receive. Therefore, all family based childcare options beginning January 1, 2020 are now considered a residential use and cannot be considered a change of use for building or fire code purposes. They also cannot be made subject to a business license, tax, or any other fee. This means the city can no longer require a business registration for large family daycare homes.

State law had also given some property owners the impression that absent a written agreement with a licensed childcare provider, they can refuse to rent or sell a home to childcare providers. SB 234 clarifies that childcare providers can have remedies and procedures available to them under the Fair Employment and Housing Act. This bill further clarifies that licensed family daycare homes are allowed to operate in apartments and other types of multifamily units.

Summary of Code Amendment:
The proposed code amendment is provided in its entirety as Exhibit 1 to PC Resolution No. 2020-08. The following is a brief summary of the proposed changes:

- Section 17.212 (large family day care homes) which outlines procedural regulations for large family day care homes will be deleted in its entirety since SB 234 will not allow the city to require and application of processing fee.
- Section 17.16, 17.24, 17.28, 17.32, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.68 (the city’s residential zoning districts) of the municipal code will be revised to add the following language in each section:
  “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”

Conclusion:
Staff believes this code amendment is consistent with the provisions of SB 234 in that large family day care homes will be treated similarly to small family day care homes. By
not requiring a plot plan permit of processing fee, it will create affordable child-care opportunities for Wildomar residents. In addition, it will create additional home-based business opportunities for childcare providers that may not be able to afford commercial retail rents. Pending the Commission’s decision on ZOA No. 2020-01, the proposed code amendment is tentatively scheduled for review by City Council at its March 11, 2020 meeting.

ENVIRONMENTAL / CEQA DISCUSSION:
In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. (“CEQA”)), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 2020-01. Based on staff’s review, the proposed code amendment, which addresses SB 234 requirements related to large family day care homes and only includes municipal code text changes to comply with SB 234, Zoning Ordinance Amendment No. 2020-01 meets the criteria to be exempt from CEQA pursuant to Section 15061(b)(3). This section states that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and 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. Therefore, the Planning Department is recommending the Planning Commission make a determination that Zoning Ordinance Amendment No. 2020-01 has no potential to negatively impact the environment and recommend the City Council adopt the general rule exemption in accordance with CEQA guidelines Section 15061(b)(3).

ZOA NO. 2020-01 FINDINGS OF FACT:
In accordance with the provisions of Chapter 17.280 of the Zoning Ordinance, the Planning Department recommends the Planning Commission make the following findings and forward these to the City Council in support of approving Zoning Ordinance Amendment No. 2020-01.

A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

   Evidence: The proposed amendment is consistent with the City of Wildomar General Plan in that the proposed amendment will follow new state laws regarding large family day care (7 – 14 children) being a permitted use by right in the city’s residential zoning districts. Further, state law requires that these day care homes be treated like other residential uses in these zone districts. As the city’s existing residential zones are consistent with the various general plan residential land use designations, the proposed amendment will further the city’s goals and policies related to residential opportunities. Further, the amendment will allow for additional home-based businesses opportunities for providers who can’t afford commercial retail rents as well as create affordable day care opportunities for parent’s living in residential neighborhoods.

PUBLIC NOTICING:
In accordance with Chapter 17.04 of the Wildomar Municipal Code, the Planning Department on January 24, 2020, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the February 5, 2020 Planning Commission hearing where the Commission would discuss Zoning Ordinance Amendment No. 2020-01. Since this code amendment is not a development project, the provisions of Ordinance 135 requiring public hearing sign boards does not apply.

Respectfully Submitted,  
Matthew C. Bassi  
Planning Director

Reviewed By,  
Thomas D. Jex  
City Attorney

ATTACHMENTS:
A. PC Resolution No. 2020-08 for Zoning Ordinance Amendment No. 2020-01  
   Exhibit 1 – Draft Council Ordinance
PC RESOLUTION NO. 2020-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A GENERAL RULE EXEMPTION IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND APPROVING ZONING ORDINANCE AMENDMENT NO. 2020-01 TO MODIFY SECTIONS 17.16, 17.24, 17.28, 17.32, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.68 OF THE WILDOMAR MUNICIPAL CODE TO ADDRESS NEW STATE LEGISLATION (SB 234) REGARDING LARGE FAMILY DAY CARE HOMES LOCATING IN SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS.

WHEREAS, on September 5, 2019 Governor Gavin Newsom signed into law Senate Bill 234 (SB 234), the “Keeping Kids Close to Home Act,” which is intended to ease the process for all licensed family childcare homes in single family residential zone districts, and which became effective on January 1, 2020; and

WHEREAS, under SB 234, large family daycare homes that provide child care for up to 14 children will receive the same state exemptions under local neighborhood zoning and permitting laws that small family daycare homes (providing care for 1 – 6 children) now enjoy; and

WHEREAS, SB 234 requires local governments to treat licensed large family daycare homes as a residential use of property for the purposes of all local ordinances; therefore, all family based childcare options are now considered residential uses and cannot be considered a change of use for building or fire code purposes and cannot be made subject to a business license, tax, or fee; and

WHEREAS, in accordance with Chapter 17.280 of the Wildomar Municipal Code and California Government Code, Section 65800, et seq., the Planning Commission has the authority to take action on the proposed Zoning Ordinance Amendment No. 2020-01 and make a recommendation to the City Council; and

WHEREAS, in accordance with Chapter 17.04 of the Wildomar Municipal Code, the Planning Department on January 24, 2020, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the February 5, 2020 Planning Commission hearing where the Commission would discuss Zoning Ordinance Amendment No. 2020-01; and

WHEREAS, in accordance with Wildomar Municipal Code, the City of Wildomar Planning Commission conducted the duly noticed public hearing on February 5, 2020 at which time interested persons had an opportunity to testify in support of, or opposition to
NOW THEREFORE, the Planning Commission of the City of Wildomar, California does hereby resolve, determine and order as follows:

SECTION 1.  ENVIRONMENTAL DETERMINATION.
        In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. (“CEQA”)), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 2020-01. Based on staff’s review, the proposed code amendment, which addresses SB 234 requirements related to large family day care homes and only includes municipal code text changes to comply with SB 234, Zoning Ordinance Amendment No. 2020-01 meets the criteria to be exempt from CEQA pursuant to Section 15061(b)(3). This section states that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and 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. Therefore, the Planning Commission hereby makes a determination that Zoning Ordinance Amendment No. 2020-01 has no potential to negatively impact the environment and recommends the City Council adopt the general rule exemption in accordance with CEQA guidelines Section 15061(b)(3).

SECTION 2.  REQUIRED ZOA FINDING.
        In accordance with the provisions of Chapter 17.280 of the Zoning Ordinance, the Planning Commission hereby makes the following finding in support of a recommendation to the City Council for approval of Zoning Ordinance Amendment No. 2020-01.  

A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.
        Evidence: The proposed amendment is consistent with the City of Wildomar General Plan in that the proposed amendment will follow new state laws regarding large family day care (7 – 14 children) being a permitted use by right in the city’s residential zoning districts. Further, state law requires that these day care homes be treated like other residential uses in these zone districts. As the city’s existing residential zones are consistent with the various general plan residential land use designations, the proposed amendment will further the city’s goals and policies related to residential opportunities. Further, the amendment will allow for additional home-based businesses opportunities for providers who can’t afford commercial retail rents as well as create affordable day care opportunities for parent’s living in residential neighborhoods.
SECTION 3. PLANNING COMMISSION ACTION.

Based on the foregoing finding, and on substantial evidence in the whole of the record, the Planning Commission hereby adopts PC Resolution No. 2020-08 recommending City Council approval of an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Zoning Ordinance Amendment No. 2020-01.

PASSED, APPROVED AND ADOPTED this 5th day of February 2020 by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:
John Lloyd  
Planning Commission Chairman

ATTEST:

Matthew C. Bassi  
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas D. Jex  
City Attorney
EXHIBIT 1
Draft Council Ordinance for ZOA 2020-01
DRAFT ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A GENERAL RULE EXEMPTION IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND APPROVING ZONING ORDINANCE AMENDMENT NO. 2020-01 TO MODIFY SECTIONS 17.16, 17.24, 17.28, 17.32, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.68 OF THE WILDOMAR MUNICIPAL CODE TO ADDRESS NEW STATE LEGISLATION (SB 234) REGARDING LARGE FAMILY DAY CARE HOMES LOCATING IN SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS.

WHEREAS, on September 5, 2019 Governor Gavin Newsom signed into law Senate Bill 234 (SB 234), the “Keeping Kids Close to Home Act,” which is intended to ease the process for all licensed family childcare homes in single family residential zone districts, and which became effective on January 1, 2020; and

WHEREAS, under SB 234, large family daycare homes that provide childcare for up to 14 children will receive the same state exemptions under local neighborhood zoning and permitting laws that small family daycare homes (providing care for 1 – 6 children) now enjoy; and

WHEREAS, SB 234 requires local governments to treat licensed large family daycare homes as a residential use of property for the purposes of all local ordinances; therefore, all family based childcare options are now considered residential uses and cannot be considered a change of use for building or fire code purposes and cannot be made subject to a business license, tax, or fee; and

WHEREAS, in accordance with Chapter 17.280 of the Wildomar Municipal Code and California Government Code, Section 65800, et seq., the City Council has the authority to take action on the proposed Zoning Ordinance Amendment No. 2020-01; and

WHEREAS, the Planning Commission held a public hearing on February 5, 2020 for Zoning Ordinance Amendment No. 2020-01, and adopted PC Resolution No. 2020-08 recommending City Council approval of Zoning Ordinance Amendment No. 2020-01; and

WHEREAS, in accordance with Section 17.280.040 of the Wildomar Municipal Code, the Planning Department, on __________, 2020, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the City Council public hearing set for __________, 2020, regarding Zoning Ordinance Amendment No. 2020-01; and
WHEREAS, in accordance with Section 17.280.040 of the Wildomar Municipal Code, the City Council conducted a duly noticed public hearing on ______________, 2020, at which time interested persons had an opportunity to testify in support of, or opposition to Zoning Ordinance Amendment No. 2020-01, and at which time the City Council received public testimony concerning the proposed amendment.

THE CITY COUNCIL OF THE CITY OF WILDOMAR HEREBY DOES ORDAIN AS FOLLOWS:

SECTION 1: ENVIRONMENTAL DETERMINATION.

In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. (“CEQA”)), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 2020-01. Based on staff’s review, the proposed code amendment, which addresses SB 234 requirements related to large family day care homes and only includes municipal code text changes to comply with SB 234, Zoning Ordinance Amendment No. 2020-01 meets the criteria to be exempt from CEQA pursuant to Section 15061(b)(3). This section states that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and 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. Given this, the Planning Commission has considered staff’s determination of the general rule exemption at its public hearing on February ____, 2020 and concurs that Zoning Ordinance Amendment No. 2020-01 meets the criteria for a general rule exemption. Therefore, the Planning Commission is recommending the City Council determine Zoning Ordinance Amendment No. 2020-01 has no potential to negatively impact the environment and adopt the general rule exemption in accordance with CEQA guidelines Section 15061(b)(3).

SECTION 2. REQUIRED ZONING ORDINANCE AMENDMENT FINDING.

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for City Council consideration in approval of Zoning Ordinance Amendment No. 2020-01.

A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

Evidence: The proposed amendment is consistent with the City of Wildomar General Plan in that the proposed amendment will follow new state laws regarding large family day care (7 – 14 children) being a permitted use by right in the city’s residential zoning districts. Further, state law requires that these day care homes be treated like other residential uses in these zone districts. As the city’s existing residential zones are consistent with the various general plan residential land use designations, the proposed amendment will further the city’s goals and policies related to residential opportunities. Further, the amendment will allow for additional home-based businesses opportunities for providers who can’t afford commercial
retail rents as well as create affordable day care opportunities for parent's living in residential neighborhoods.

SECTION 3. AMENDMENT TO THE MUNICIPAL CODE

Chapter 17.212 (Large Family Day Care Home Permits) of the Wildomar Municipal Code is hereby deleted in its entirety.

SECTION 4. AMENDMENT TO THE MUNICIPAL CODE

Chapter 17.16.010 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.16.010.A.23 “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”

SECTION 5. AMENDMENT TO THE MUNICIPAL CODE

Chapter 17.24.010 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.24.010.A.14 “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”

SECTION 6. AMENDMENT TO THE MUNICIPAL CODE

Chapter 17.28.010 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.28.010.A.16 “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”

SECTION 7. AMENDMENT TO THE MUNICIPAL CODE

Chapter 17.32.010 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.32.010.A.23 “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”

SECTION 8. AMENDMENT TO THE MUNICIPAL CODE

Chapter 17.40.010 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.40.010.A.15 “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”
SECTION 9. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.44.010 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.44.010.A.31 “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”

SECTION 10. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.48.010 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.48.010.A.10 “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”

SECTION 11. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.52.010 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.52.010.A.9 “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”

SECTION 12. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.56.010 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.56.010.A.8 “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”

SECTION 13. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.60.020 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.60.020.A.9 “Large Family Day Care Homes (7 - 14 children) as defined in Health and Safety Code §1596.78(b) are permitted by right.”

SECTION 14. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.68.020 (uses permitted) of the Wildomar Municipal Code is hereby amended to add the following:

17.68.020.A.12 Large Family Day Care Homes (7 – 14 children) are permitted by right as defined in Health and Safety §1596.78(b).
SECTION 15. SEVERABILITY

If any Chapter, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each Chapter, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional."

SECTION 16. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 17. CITY CLERK ACTION

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Chapter 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Chapter 39633(c).

INTRODUCED FOR FIRST READING this ____ day of _____, 2020.

_____________________
Dustin Nigg
Mayor

APPROVED AS TO FORM:  ATTEST:

____________________________  ___________________________
Thomas D. Jex     Janet Morales
City Attorney      Acting City Clerk
TO: Chairman and Members of the Planning Commission

FROM: Matthew Bassi, Planning Director

SUBJECT: Zoning Ordinance Amendment No. 2020-02:
Planning Commission adoption of a General Rule CEQA Exemption and a proposed amendment to modify Sections 17.72, 17.76, 17.80 and 17.84 of the Wildomar Municipal Code to require a Conditional Use Permit (CUP) for urgent care clinics locating in commercial zones.

STAFF REPORT

RECOMMENDATION:
The Planning Department recommends the Planning Commission adopt a Resolution entitled:

PC RESOLUTION NO. 2020-09
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A GENERAL RULE EXEMPTION IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 2020-02 TO MODIFY SECTIONS 17.72, 17.76, 17.80 AND 17.84 OF THE WILDOMAR MUNICIPAL CODE TO REQUIRE A CONDITIONAL USE PERMIT FOR URGENT CARE CLINICS LOCATING IN COMMERCIAL ZONES

DISCUSSION:
Urgent care clinics are not currently listed as a permitted or conditionally permitted use in the city’s four (4) commercial zones. One previous urgent care clinic (Kaiser) located across the street from Inland Valley Medical Center was approved via a “determination of similarity” by the County prior to incorporation. It is staff’s experience that urgent care clinics outside of hospital environments may have potential impacts depending on the level of care and intensity of uses. In addition to land use impacts on surrounding businesses, urgent care clinics can also have fiscal impacts on the city in terms of emergency service costs. An urgent care clinic is defined herein shall mean a business that provides medical care for illnesses or injuries which require prompt attention, but are typically not of such seriousness as to require the services of an emergency room.
In order to ensure that certain urgent care clinics will not be detrimental to the health, safety or general welfare of the community (one of the required findings for a Conditional Use Permit), staff is proposing that a Conditional Use Permit be required for urgent cares uses locating in our commercial zones. The Conditional Use Permit (CUP) requirement will allow the city to adopt special conditions (as needed) to minimize impacts on existing businesses and surrounding uses. The Conditional Use Permit process will also ensure that adjacent business and property owners will have input/feedback into the process, and that the Planning Commission will have the ability to review these uses. Staff researched our adjacent cities to see if they required a CUP for urgent care clinics. All cities surveyed (Temecula, Murrieta, Lake Elsinore, Menifee and Hemet) allow urgent care clinics by right and do not require a CUP.

**Summary of Code Amendment:**
The proposed code amendment is provided in its entirety as Exhibit 1 to PC Resolution No. 2020-09. The following is a brief summary of the proposed changes:

- Section 17.72 (C-1/C-P zone) will be modified to add “urgent care clinics” to the list of uses requiring approval of a Conditional Use Permit in accordance with Section 17.200 of the municipal code.
- Section 17.76 (C-P-S zone) will be modified to add “urgent care clinics” to the list of uses requiring approval of a Conditional Use Permit in accordance with Section 17.200 of the municipal code.
- Section 17.80 (C-R Rural Commercial zone) will be modified to add “urgent care clinics” to the list of uses requiring approval of a Conditional Use Permit in accordance with Section 17.200 of the municipal code.
- Section 17.84 (C-O zone) will be modified to add “urgent care clinics” to the list of uses requiring approval of a Conditional Use Permit in accordance with Section 17.200 of the municipal code.
- Section 17.300 (Definitions) is being amended to add a new definition to read as follows: “Urgent care clinics” shall mean a business that provides medical care for illnesses or injuries which require prompt attention, but are typically not of such seriousness as to require the services of an emergency room.

**Conclusion:**
Staff believes this code amendment to require a CUP for urgent care clinics will result in minimizing potential land use, noise, traffic and similar impacts from urgent care clinics. It will also ensure that these uses operate in a manner that protects other businesses to ensure it will not be detrimental to the health, safety or general welfare of the community. Pending the Commission’s decision on ZOA No. 2020-02, the proposed code amendment is tentatively scheduled for review by City Council at its March 11, 2020 meeting.
CEQA ENVIRONMENTAL DISCUSSION:
In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. (“CEQA”)), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 2020-02. Based on the planning department’s review of the proposed code amendment, which if adopted will require a Conditional Use Permit for urgent care clinics in the city’s commercial zones, meets the criteria for a general rule exemption in accordance with Section 15061(b)(3) of CEQA. This section states that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and 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 code amendment proposes only text changes to the city’s municipal code at this time. Implementation of the Conditional Use Permit requirement for urgent care clinics will undergo further environmental review as part of the city’s development review and approval process which may result in project specific mitigation measures as part of a specific project evaluation. Given this, the Planning Department has determined that Zoning Ordinance Amendment No. 2020-02 meets the criteria for a general rule exemption in accordance with CEQA guidelines Section 15061(b)(3). Therefore, the Planning Department is recommending the Planning Commission determine that Zoning Ordinance Amendment No. 2020-02 has no potential to negatively impact the environment and recommend City Council adoption of a general rule exemption in accordance with CEQA guidelines Section 15061(b)(3) for Zoning Ordinance Amendment No. 2020-02.

ZOA NO. 2020-02 FINDINGS OF FACT:
In accordance with the provisions of Chapter 17.280 of the Zoning Ordinance, the Planning Department recommends the Planning Commission make the following finding and forward these to the City Council in support of approving Zoning Ordinance Amendment No. 2020-02.

A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

Evidence: The proposed amendment is consistent with the City of Wildomar General Plan in that the proposed amendment will result in the requirement for a Conditional Use Permit for urgent care clinics locating in commercial zones. Currently, urgent care clinics are not listed as a permitted uses in the city’s four (4) commercial zones so the code amendment will address this situation. Given the undetermined and potential land use, noise and traffic impacts from the different kinds of urgent care clinics (depending on location), the Conditional Use Permit requirement will allow the city to perform a more thorough review of these potential impacts with the goal determining that an urgent care clinic will not be detrimental to the health, safety or general welfare of the community (one of the required findings for a Conditional Use Permit). Further, the Conditional Use Permit requirement will allow the city to adopt special conditions to minimize impacts on existing businesses and surrounding uses which is a goal of the commercial land use designations.
PUBLIC NOTICING:
In accordance with Chapter 17.04 of the Wildomar Municipal Code, the Planning Department on January 24, 2020, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the February 5, 2020 Planning Commission hearing where the Commission would discuss Zoning Ordinance Amendment No. 2020-02. Since this code amendment is not a development project, the provisions of Ordinance 135 requiring public hearing sign boards does not apply.

Respectfully Submitted,  
Matthew C. Bassi  
Planning Director

Reviewed By,  
Thomas D. Jex  
City Attorney

ATTACHMENTS:
A. PC Resolution No. 2020-09 for Zoning Ordinance Amendment No. 2020-02
   Exhibit 1 – Draft Council Ordinance
ATTACHMENT A

PC Resolution No. 2020-09
PC RESOLUTION NO. 2020-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY
COUNCIL ADOPTION OF A GENERAL RULE EXEMPTION IN
ACCORDANCE WITH SECTION 15061(B)(3) OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND
APPROVAL OF ZONING ORDINANCE AMENDMENT NO.
2020-02 TO MODIFY SECTIONS 17.72, 17.76, 17.80, 17.84
AND 17.300 OF THE WILDOMAR MUNICIPAL CODE TO
REQUIRE A CONDITIONAL USE PERMIT FOR URGENT
CARE CLINICS LOCATING IN COMMERCIAL ZONES

WHEREAS, in accordance with Chapter 17.280 of the Wildomar Municipal Code and California Government Code, Section 65800, et seq., the City Council has the authority to take action on the proposed Zoning Ordinance Amendment No. 2020-02; and

WHEREAS, the Conditional Use Permit requirement for urgent care clinics is necessary so the city can evaluate potential land use, noise, traffic and similar impacts to existing businesses and surround land uses, thereby mitigating impacts to be certain that these uses will not be detrimental to the health, safety or general welfare of the community; and

WHEREAS, in accordance with Chapter 17.04 of the Wildomar Municipal Code, the Planning Department on January 24, 2020, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the February 5, 2020 Planning Commission hearing where the Commission would discuss Zoning Ordinance Amendment No. 2020-02; and

WHEREAS, in accordance with Wildomar Municipal Code, the City of Wildomar Planning Commission conducted the duly noticed public hearing on February 5, 2020 at which time interested persons had an opportunity to testify in support of, or opposition to Zoning Ordinance Amendment No. 2020-02, and at which time the Planning Commission received public testimony and made a recommendation to the City Council regarding said code amendment.

NOW THEREFORE, the Planning Commission of the City of Wildomar, California does hereby resolve, determine and order as follows:

SECTION 1.  CEQA ENVIRONMENTAL DETERMINATION.

In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. (“CEQA”)), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 2020-02. Based on the planning department’s review of the proposed code amendment, which if adopted will require a Conditional Use Permit for urgent care clinics in the city’s commercial zones, meets the criteria for a general rule exemption in
accordance with Section 15061(b)(3) of CEQA. This section states that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and 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 code amendment proposes only text changes to the city’s municipal code at this time. Implementation of the Conditional Use Permit requirement for urgent care clinics will undergo further environmental review as part of the city’s development review and approval process which may result in project specific mitigation measures as part of a specific project evaluation. Given this, the Planning Commission has determined that Zoning Ordinance Amendment No. 2020-02 meets the criteria for a general rule exemption in accordance with CEQA guidelines Section 15061(b)(3). Therefore, the Planning Commission hereby recommends the City Council determine that Zoning Ordinance Amendment No. 2020-02 has no potential to negatively impact the environment and adopt a general rule exemption in accordance with CEQA guidelines Section 15061(b)(3) for Zoning Ordinance Amendment No. 2020-02.

SECTION 2. REQUIRED ZOA FINDING.

In accordance with the provisions of Chapter 17.280 of the Zoning Ordinance, the Planning Commission hereby makes the following finding in support of a recommendation to the City Council for approval of Zoning Ordinance Amendment No. 2020-02.

A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

Evidence: The proposed amendment is consistent with the City of Wildomar General Plan in that the proposed amendment will result in the requirement for a Conditional Use Permit for urgent care clinics locating in commercial zones. Currently, urgent care clinics are not listed as a permitted use in the city’s four (4) commercial zones so the code amendment will address this situation.

Given the undetermined and potential land use, noise and traffic impacts from the different kinds of urgent care clinics (depending on location), the Conditional Use Permit requirement will allow the city to perform a more thorough review of these potential impacts with the goal determining that an urgent care clinic will not be detrimental to the health, safety or general welfare of the community (one of the required findings for a Conditional Use Permit). Further, the Conditional Use Permit requirement will allow the city to adopt special conditions to minimize impacts on existing businesses and surrounding uses which is a goal of the commercial land use designations.
SECTION 3.  PLANNING COMMISSION ACTION.

Based on the foregoing finding, and on substantial evidence in the whole of the record, the Planning Commission hereby adopts PC Resolution No. 2020-09 recommending City Council approval of an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Zoning Ordinance Amendment No. 2020-02.

PASSED, APPROVED AND ADOPTED this 5th day of February 2020 by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:
John Lloyd
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas D. Jex
City Attorney
EXHIBIT 1
Draft Council Ordinance for ZOA 2020-02
DRAFT ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A GENERAL RULE EXEMPTION IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND APPROVING ZONING ORDINANCE AMENDMENT NO. 2020-02 TO MODIFY SECTIONS 17.72; 17.76; 17.80 17.84 AND 17.300 OF THE WILDOMAR MUNICIPAL CODE TO REQUIRE A CONDITIONAL USE PERMIT FOR URGENT CARE CLINICS LOCATING IN COMMERCIAL ZONES

WHEREAS, in accordance with Chapter 17.280 of the Wildomar Municipal Code and California Government Code, Section 65800, et seq., the City Council has the authority to take action on the proposed Zoning Ordinance Amendment No. 2020-02; and

WHEREAS, the Conditional Use Permit requirement for urgent care clinics is necessary so the city can evaluate potential land use, noise, traffic and similar impacts to existing businesses and surround land uses, thereby mitigating impacts to be certain that these uses will not be detrimental to the health, safety or general welfare of the community; and

WHEREAS, the Planning Commission held a public hearing on February 5, 2020 for Zoning Ordinance Amendment No. 2020-02, and adopted PC Resolution No. 2020-09 recommending City Council approval of Zoning Ordinance Amendment No. 2020-02; and

WHEREAS, in accordance with Section 17.280.040 of the Wildomar Municipal Code, the Planning Department, on __________, 2020, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the City Council public hearing set for __________, 2020, regarding Zoning Ordinance Amendment No. 2020-02; and

WHEREAS, in accordance with Section 17.280.040 of the Wildomar Municipal Code, the City Council conducted a duly noticed public hearing on __________, 2020, at which time interested persons had an opportunity to testify in support of, or opposition to Zoning Ordinance Amendment No. 2020-02, and at which time the City Council received public testimony concerning the proposed amendment.

THE CITY COUNCIL OF THE CITY OF WILDOMAR HEREBY DOES ORDAIN AS FOLLOWS:
SECTION 1: CEQA ENVIRONMENTAL DETERMINATION.

In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. (“CEQA”)), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 2020-02. Based on the planning department’s review of the proposed code amendment, which if adopted will require a Conditional Use Permit for urgent care clinics in the city’s commercial zones, meets the criteria for a general rule exemption in accordance with Section 15061(b)(3) of CEQA. This section states that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and 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 code amendment proposes only text changes to the city’s municipal code at this time. Implementation of the Conditional Use Permit requirement for urgent care clinics will undergo further environmental review as part of the city’s development review and approval process which may result in project specific mitigation measures as part of a specific project evaluation. Given this, the Planning Commission considered staff’s recommendation to adopt a general rule exemption at their public hearing on February 5, 2020 for Zoning Ordinance Amendment No. 2020-02 and determined that it meets the criteria for a general rule exemption in accordance with CEQA guidelines Section 15061(b)(3). Therefore, the City Council, upon recommendation from the Planning Commission, determines that Zoning Ordinance Amendment No. 2020-02 has no potential to negatively impact the environment and hereby adopts a general rule exemption in accordance with CEQA guidelines Section 15061(b)(3).

SECTION 2. REQUIRED ZONING ORDINANCE AMENDMENT FINDING.

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for City Council consideration in approval of Zoning Ordinance Amendment No. 2020-02.

A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

Evidence: The proposed amendment is consistent with the City of Wildomar General Plan in that the proposed amendment will result in the requirement for a Conditional Use Permit for urgent care clinics locating in commercial zones. Currently, urgent care clinics are not listed as a permitted uses in the city’s four (4) commercial zones so the code amendment will address this situation. Given the undetermined and potential land use, noise and traffic impacts from the different kinds of urgent care clinics (depending on location), the Conditional Use Permit requirement will allow the city to perform a more thorough review of these potential impacts with the goal determining that an urgent care clinic will not be detrimental to the health, safety or general welfare of the community (one of the required findings for a Conditional Use Permit). Further, the Conditional Use Permit requirement will allow the city to adopt special conditions to minimize impacts on existing businesses and surrounding uses which is a goal of the commercial land use designations.
SECTION 3. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.300.020 (Definitions) of the Wildomar Municipal Code is hereby amended to add a new definition to read as follows:

“Urgent care clinics” shall mean a business that provides medical care for illnesses or injuries which require prompt attention, but are typically not of such seriousness as to require the services of an emergency room.

SECTION 4. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.72 (C-1/C-P General Commercial Zone) of the Wildomar Municipal Code is hereby amended to add a new conditional use to read as follows:

17.72.010.C.18 Urgent care clinics as defined in Section 17.300.020 of the WMC.

SECTION 5. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.76 (C-P-S Scenic Highway Commercial Zone) of the Wildomar Municipal Code is hereby amended to add a new conditional use to read as follows:

17.76.010.B.24 Urgent care clinics as defined in Section 17.300.020 of the WMC.

SECTION 6. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.80 (C-R Rural Commercial Zone) of the Wildomar Municipal Code is hereby amended to add a new conditional use to read as follows:

17.80.020.B.8 Urgent care clinics as defined in Section 17.300.020 of the WMC.

SECTION 7. AMENDMENT TO THE MUNICIPAL CODE
Chapter 17.84 (C-O Commercial Office Zone) of the Wildomar Municipal Code is hereby amended to add a new conditional use to read as follows:

17.84.020.B.7 Urgent care clinics as defined in Section 17.300.020 of the WMC.

SECTION 8. SEVERABILITY
If any Chapter, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each Chapter, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional."
SECTION 9. EFFECTIVE DATE.
This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 10. CITY CLERK ACTION
The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Chapter 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Chapter 39633(c).

INTRODUCED FOR FIRST READING this _____ day of _____, 2020.

_____________________
Dustin Nigg
Mayor

APPROVED AS TO FORM:        ATTEST:
____________________________  ___________________________
Thomas D. Jex                 Janet Morales
City Attorney                 Acting City Clerk
AGENDA SECTION 3.0

GENERAL BUSINESS ITEMS

There are no General Business Items