

**ORDINANCE NO. 58**

**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONTINUING THE PROVISIONS OF ORDINANCE NO. 45 FOR A PERIOD OF ONE (1) YEAR ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF TRAILER AND BOAT STORAGE, RECREATIONAL VEHICLE STORAGE, AND SELF-STORAGE FACILITIES AND MINI-WAREHOUSE USES IN COMMERCIAL AND RESIDENTIAL ZONES IN THE CITY**

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

**WHEREAS**, at a public meeting on January 13, 2010, the City Council of the City of Wildomar adopted Ordinance No. 43 an interim urgency ordinance establishing a temporary prohibition on self storage and warehouse uses for a 45 day period of time; and

**WHEREAS**, at a duly noticed public hearing on February 24, 2010, the City of Wildomar adopted Ordinance No. 45 which continued the provisions of Ordinance No. 43 for a period of ten (10) months and fifteen (15) days from the expiration of Ordinance No. 43; and

**WHEREAS**, based on substantial evidence in the record, the Planning Department has recommended that the continued approval and issuance of permits for the development of trailer and boat storage, recreational vehicle storage, and self storage and mini-warehouse uses presents an immediate threat to and specific adverse impact upon the public health, safety and welfare of the community. The Planning Department also advises that extension of Ordinance No. 45 will not have the effect of denying approvals needed for development projects with a significant component of multi-family housing within the meaning of Government Code Section 65858(c); and

**WHEREAS**, Government Code Section 65858(a) authorizes the City Council to continue the effect of Ordinance No. 45 for a period of one (1) year from the expiration of Ordinance No. 45 prohibiting trailer and boat storage, recreational vehicle storage, and self storage and mini-warehouse uses; and

**WHEREAS**, on December 8, 2010, the City Council held a duly noticed public hearing to consider extending Ordinance No. 45 for an additional one (1) year from and after January 13, 2011, which is the date Ordinance No. 45 expires unless extended; and

**WHEREAS**, the City Council considered all of the written and oral testimony offered at the public hearing held on December 8, 2010 concerning whether to extend Ordinance No. 45;

**NOW THEREFORE, THE CITY COUNCIL ORDAINS AS FOLLOWS:**

**SECTION 1:** The City Council finds and determines the following:

The recitals set forth above are hereby adopted as findings of the City Council;  
and

- (a) The recitals, provisions and findings made in Ordinance Nos. 43 and 45 are hereby reaffirmed, readopted and incorporated by reference as though they were fully restated herein; and
- (b) Pursuant to Government Code Section 65858(d), more than 10 days prior to the expiration date of Ordinance No. 45, the City issued a written staff report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 45; and
- (c) The extension of Ordinance No. 45 will not have the effect of denying approvals needed for the development of projects with a significant component of multi-family housing within the meaning of Government Code Section 65858(c) in that: (1) self-storage units and warehouses are not considered multi-family housing; and (2) Ordinance No. 45 does not affect and will not prohibit multi-family housing or other affordable housing development projects; and
- (d) The continued development of additional trailer and boat storage, recreational vehicle storage, and self storage and mini-warehouse uses within the City poses an immediate threat to the public health, safety and welfare by permanently limiting the amount of commercial development that might occur in locations now zoned for such uses without appropriate changes to the General Plan and Zoning Ordinance; and
- (e) The immediate threat of adverse impacts to the public health, safety, and welfare that would result from allowing development of additional trailer and boat storage, recreational vehicle storage, and self storage and mini-warehouse within areas appropriate for commercial development that would generate both additional tax revenues and employment opportunities for city residents at the present time justifies the extension of Ordinance No. 45, even though such an ordinance may temporarily limit trailer and boat storage, recreational vehicle storage, and self storage and mini-warehouse uses in the region; and
- (f) The extension of Ordinance No. 45 is necessary to mitigate deleterious effects that the approval and issuance of permits for trailer and boat storage, recreational vehicle storage, and self storage and mini-

warehouse developments would have on the community. No feasible alternative is available to satisfactorily mitigate or avoid these specific, adverse impacts as well or better with a less burdensome effect than the adoption of the proposed interim ordinance; and

- (g) In order to sustain the policies of the General Plan and to allow the City appropriate time to complete an impact study relating to trailer and boat storage, recreational vehicle storage, and self storage and mini-warehouse uses and alternative commercial opportunities for development and to adopt, if necessary, amendments to the General Plan and Zoning Ordinance to assure adequate infrastructure and public services, an extension of Ordinance No. 45 establishing a temporary moratorium on approval of trailer and boat storage, recreational vehicle storage, and self storage and mini-warehouse uses must be enacted.

**SECTION 2:** Pursuant to the authority granted to the City Council by California Government Code Section 65858 to protect the health, safety and general welfare of the residents of the City of Wildomar, the City Council hereby extends Ordinance No. 45 which established a moratorium on approval of trailer and boat storage, recreational vehicle storage, and self storage and mini-warehouse uses in the General Commercial, Scenic Highway Commercial and Rural Residential Zones of the City to take effect immediately upon the adoption of this ordinance. as follows:

**Moratorium on Trailer and Boat Storage, Recreational Vehicle Storage, and Self-Storage and Mini-Warehouse Facility Approvals:**

- (a) No applications for the construction of any trailer and boat storage, recreational vehicle storage, and self-storage and mini-warehouse use in General Commercial (C-1/C-P), Scenic Highway Commercial (C-P-S) and Rural Residential (R-R) Zones shall be approved during the term of this interim urgency ordinance. Self-storage shall mean a space or place that is solely used to house goods, materials and/or personal property for more than 24 hours. Warehouse shall mean a space or place that is solely used to house goods and/or materials. Facilities that have point of sale purchase shall not be considered warehouses.
- (b) No permit or approval shall be issued for any subdivision (including parcel maps and condominium maps), site development permits, use permits, design review permits, variances, grading permits, building permits, building plans, or any other type of land use, zoning, or building permit or approval for the development of structures for any trailer and boat storage, recreational vehicle storage, and self-storage or mini-warehouse facility General Commercial (C-1/C-P), Scenic Highway Commercial (C-P-S) and Rural Residential (R-R) Zones during the term of this interim urgency ordinance. This prohibition shall not apply to construction related permits for trailer and boat storage, recreational vehicle storage, and self storage or mini-warehouse projects previously approved by the City.

**SECTION 3:** Ordinance No. 45 is hereby extended and shall remain in effect for a period of one (1) year. Ordinance No. 45 was adopted on February 24, 2010, and the ten (10) months and fifteen (15) day period is set to expire on January 13, 2011 and accordingly, by this extension that period of time is extended for an additional one (1) year until January 13, 2012 unless sooner terminated.

**SECTION 4:** Pursuant to Government Code § 65858(d), ten (10) days prior to the expiration or any extension of this Interim Ordinance, the City will issue a written report describing the measures taken to alleviate the conditions which led to the adoption of this Interim Ordinance.

**SECTION 5:** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a 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 passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6:** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect immediately and shall pursuant to Government Code Section 65858(a), remain in effect for a period of one (1) year.

**PASSED, APPROVED AND ADOPTED** this 8th day of December, 2010.



\_\_\_\_\_  
Bridgette Moore  
Mayor

APPROVED AS TO FORM:

ATTEST:



\_\_\_\_\_  
Julie Hayward Biggs  
City Attorney



\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )  
CITY OF WILDOMAR )

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Urgency Ordinance No. 58 was duly introduced and adopted at a regular meeting of the City Council of the City of Wildomar, California, on December 8, 2010, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Moore, Mayor Pro Tem Swanson, Council Members Benoit, Cashman, Walker

NOES: None

ABSTAIN: None

ABSENT: None



---

Debbie A. Lee, CMC  
City Clerk  
City of Wildomar