

ORDINANCE NO. 63

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVAL OF CHANGE OF ZONE NO. 10-0222 TO CHANGE THE ZONING FROM R-R (RURAL RESIDENTIAL) TO C-1/C-P (GENERAL COMMERCIAL) ON A 1.27 ACRE SITE LOCATED AT 21940 BUNDY CANYON ROAD (APN: 366-390-026 and 366-390-027)

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The City Council, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby find and determine as follows:

A. Review Period: That the City has provided the public review period for the Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day public review period required by CEQA Guidelines Sections 15073 and 15105.

B. Compliance with Law: That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Wildomar.

C. Independent Judgment: That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Wildomar.

D. Mitigation Monitoring Program: That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

E. No Significant Effect: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in

the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the City Council finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the City Council concludes that the project will not have a significant effect on the environment with the proposed Mitigation Measures.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The City Council finds that the project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. GENERAL PLAN CONSISTENCY.

The City Council hereby finds that the proposed Change of Zone No. 10-0222 to the Official Zoning Map from R-R (Rural Residential) to C-1/C-P (General Commercial) conforms with, and is consistent with, the goals, policies, text and exhibits of the adopted City of Wildomar General Plan land use designation of Commercial Retail for the 1.2 acre site located at 21940 Bundy Canyon Road.

SECTION 4. ZONE CHANGE FINDINGS

In accordance with the provisions of the Wildomar Zoning Ordinance, the City Council makes the following finding for the proposed Change of Zone No. 10-0222.

- A. The proposed change of zone is in conformance with the adopted General Plan for the City.

The General Plan Land Use Designation for the project site is Commercial Retail. According to the consistency rezoning table established with the adopted General Plan, the General Commercial (C-1/C-P) Zone is highly consistent with the General Plan. Consequently, the Change of Zone from Rural Residential (R-R) to C-1/C-P is in conformance with the City of Wildomar General Plan.

SECTION 5. ZONE CHANGE.

The City Council, based on the findings above, hereby approves a change to the official Zoning Map of the City of Wildomar to amend a 1.27 acre site located at 21940 Bundy Canyon Road (APN: 366-390-026 and 366-390-027) to change the zoning from R-R (Rural Residential) to C-1/C-P (General Commercial).

SECTION 6. Effective Date of the Ordinance.

This Ordinance shall take effect and be in full force and operation thirty days after its second reading and adoption.

SECTION 7. Severability.

If any section, 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 shall 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 section, 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 8. City Clerk Action

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

PASSED, APPROVED AND ADOPTED this 10th day of April, 2012.



Timothy Walker
Mayor

APPROVED AS TO FORM:

ATTEST:



Thomas D. Jex
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 Ordinance No. 63 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on August 10, 2011, and was duly adopted at a regular meeting held on April 10, 2013, by the City Council of the City of Wildomar, California, by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None



Debbie A. Lee, CMC
City Clerk
City of Wildomar