

ORDINANCE NO. 67

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER SECTION 15061(B)(3) OF CEQA AND APPROVING ZONING ORDINANCE AMENDMENT NO. 11-02 AMENDING CHAPTER 17.192 (PERMIT APPLICATIONS) OF THE CITY OF WILDOMAR ZONING ORDINANCE

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Environmental Findings.

The City Council hereby finds and determines that the project consists of a Zoning Ordinance Amendment related to the City's "Receive and File" procedures has no potential to impact the environment. The proposed ordinance does not alter the existing requirements that specific development projects comply with the provisions of the California Environmental Quality Act. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an 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 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.

SECTION 2. General Plan Consistency Findings.

The proposed amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan. The proposed revision to eliminate the City's "Receive and File" procedures will not affect the review and processing of specific development applications as the approval authority for such projects will remain unchanged. In accordance with the City of Wildomar Zoning Ordinance, a person, or applicant, will still have the right to file an appeal on any decision related to the review and processing of development applications made by the Planning Director and Planning Commission. Further, the proposed revision to the Zoning Ordinance is consistent with and, will further the provisions of General Plan, and will not impact the public health, safety and general welfare of the residents of Wildomar.

SECTION 3. 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 4: Amendment to the Zoning Ordinance - Chapter 17.192.060

Section 17.192.060 of the City of Wildomar Zoning Ordinance is hereby deleted in its entirety and re- adopted to read as follows:

“17.192.060 Hearing and Notice of Decision

The hearing body shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing.”

SECTION 5: Amendment to the Zoning Ordinance - Chapter 17.192.070

Section 17.192.070 of the City of Wildomar Zoning Ordinance is hereby deleted in its entirety and re- adopted to read as follows:

“17.192.070 Appeals.

- A. Except when an appeals procedure is otherwise specifically set forth in this code, any person objecting to the denial, conditional approval, suspension or revocation of a permit, license or other approval pursuant to any provision of this code, or to any discretionary decision made by any official, commission or board of the City, may appeal in writing by filing with the City Clerk a written notice of such appeal. No right of appeal from any administrative decision made by any official, board or commission of the City pursuant to any provision of this code shall exist when such decision is ministerial or involves a matter of protocol and thus does not involve the exercise of discretion or personal judgment, whether the administrative decision involves the denial, conditional approval, suspension or revocation of a permit, license, approval or any other administrative decision. There shall be no such right of appeal with regard to law enforcement activities involving state law.
- B. Appeal of a Planning Director Decision. Within ten (10) calendar days after a decision of the Planning Director, an appeal in writing to the City Clerk may be made on the form provided by the Planning Department and which shall be accompanied by a filing fee as set forth in Ordinance No. 671. Upon receipt of a completed appeal application and filing fee, the City Clerk shall schedule the appeal for consideration and mail notice thereof to the applicant and the appellant. If the project application required a public hearing with the Planning Director, notice of the appeal shall be given in the same manner that notice was given for the original hearing. All appeals of a decision made by the Planning Director shall be heard by the Planning Commission no later than thirty (30) days after filing of said appeal.
- C. Appeal of a Planning Commission Decision. Within ten (10) calendar days after a decision of the Planning Commission, an appeal in writing to the city Clerk may be made on the form provided by the Planning Department and which shall be accompanied by a filing fee as set forth in Ordinance No. 671.

Upon receipt of a completed appeal application and filing fee, the City Clerk shall schedule the appeal for consideration and mail notice thereof to the applicant and the appellant. If the project application required a public hearing with the Planning Commission, notice of the appeal shall be given in the same manner that notice was given for the original hearing. All appeals of a decision made by the Planning Commission shall be heard by the City Council no later than thirty (30) days after filing of said appeal.

SECTION 6. Effective Date of the Ordinance.

This Ordinance shall take effect and be in full force and operation thirty (30) days after its adoption.

SECTION 7. 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 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 8th day of February, 2012.



Ben J. Benoit
Mayor

APPROVED AS TO FORM:

ATTEST:



Julie Hayward Biggs *THOMAS D. JEX*
City Attorney

Assistant



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. 67 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on January 11, 2012, and was duly adopted at a regular meeting held on February 8, 2012, by the City Council of the City of Wildomar, California, by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None



Debbie A. Lee, CMC
City Clerk
City of Wildomar