

ORDINANCE NO. 77

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 11-0261) TO CHANGE THE ZONING MAP FROM: 1) R-1 (ONE-FAMILY DWELLING) TO R-4 (PLANNED RESIDENTIAL ZONE) FOR PHASE/PLANNING AREA NO. 9; 2) R-1 (ONE-FAMILY DWELLING) TO R-4 (PLANNED RESIDENTIAL ZONE) FOR PHASE/PLANNING AREA NO. 18; AND 3) C-P-S (SCENIC HIGHWAY COMMERCIAL) TO C-1/C-P (GENERAL COMMERCIAL) FOR PHASE/PLANNING AREA NO. 19 FOR THE OAK CREEK CANYON RESIDENTIAL/COMMERCIAL PROJECT

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

SECTION 1. CEQA. The approval of this Change of Zone is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on May 22, 2013, at a duly noticed public hearing, the City Council approved and certified an Environmental Impact Report reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the project. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

SECTION 2. Change of Zone Findings. In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Zoning Ordinance, the City Council makes the following finding for the proposed Change of Zone No. 11-0261.

- A. The proposed change of zone is in conformance with the adopted General Plan for the City, and the Farm Specific Plan.
1. The proposed rezone for Phase/Planning Area 9 from the zoning designation of R-1 (One-Family Dwelling) to R-4 (Planned Residential Zone) to allow for single family residential development with a minimum lot size of 6,000 square feet is consistent with the General Plan land use designation of Medium Density Residential (MDR) which is intended for traditional single family residential subdivisions with a density range of 2 – 5 dwelling units per acre on lots that typically range in size from 5,500 to 20,000 square feet. In reviewing the applicant's request to subdivide Phase/Planning Area No. 9 into 84 single family residential lots on 68.3 acres, the overall density is proposed at 1.2 units per acre with a minimum lot size of 6,000 square feet which does not exceed the maximum density allowed by the General Plan.

2. The proposed rezone for Phase/Planning Area 18 from the current zoning designation of R-1 (One-Family Dwelling) to R-4 (Planned Residential Zone to allow for single family residential development with a minimum lot size of 4,500 square feet is consistent with the General Plan land use designation of Medium High Density Residential (MHDR) as proposed with General Plan Amendment No. 11-0261 as this land use designation is intended for smaller lot, single family residences with a density range of 5 to 8 dwelling units per acre with minimum lot sizes of 4,000 to 6,500 square feet. Based on the applicant's proposal to subdivide this area into 88 lots, the density of this phase/planning area would be about 4.3 units per acre, which does not exceed the maximum density allowed by the General Plan.
3. The proposed rezone for the Phase 19 Planning area from the current zoning designation of C-P-S (Scenic Highway Commercial) to C-1/C-P (General Commercial) is consistent with the General Plan in that the proposed future commercial center will allow commercial and retail uses in a manner consistent with the allowed uses encouraged by the General Plan.

SECTION 3: Amendment to Zoning Map. The City Council, based on the finding above, hereby approves the following changes to the Zoning Map, as attached hereto and described herein in Exhibit 1 to this Ordinance:

- 1) Rezone all of the Phase 9 Planning Area from the current zoning designation of R-1 (One-Family Dwelling) to R-4 (Planned Residential Zone - to allow for single family residential development with a minimum lot size of 6,000 square feet);
- 2) Rezone all of the Phase 18 Planning Area from the current zoning designation of R-1 (One-Family Dwelling) to R-4 (Planned Residential Zone - to allow for single family residential development with a minimum lot size of 4,500 square feet; and
- 3) Rezone all of the Phase 19 Planning area from the current zoning designation of C-P-S (Scenic Highway Commercial) to C-1/C-P (General Commercial). The applicant is also proposing to increase the size of Phase 19 from 1.1 acres to approximately 5.0 acres and relocate it from its current location to the southwest corner of Sunset Avenue and Bundy Canyon Road.

SECTION 4. Effective Date of Ordinance. This Ordinance shall take effect and be in full force and operation thirty (30) days after its second reading and adoption.

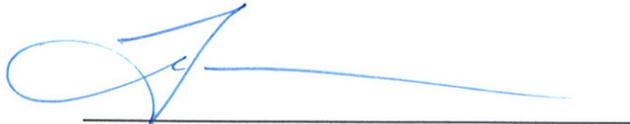
SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions 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 6. City Clerk Action

The City Clerk is authorized and directed to cause this Ordinance to be published within 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 5th day of June, 2013.

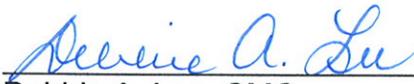


Timothy Walker
Mayor

APPROVED AS TO FORM:

ATTEST:



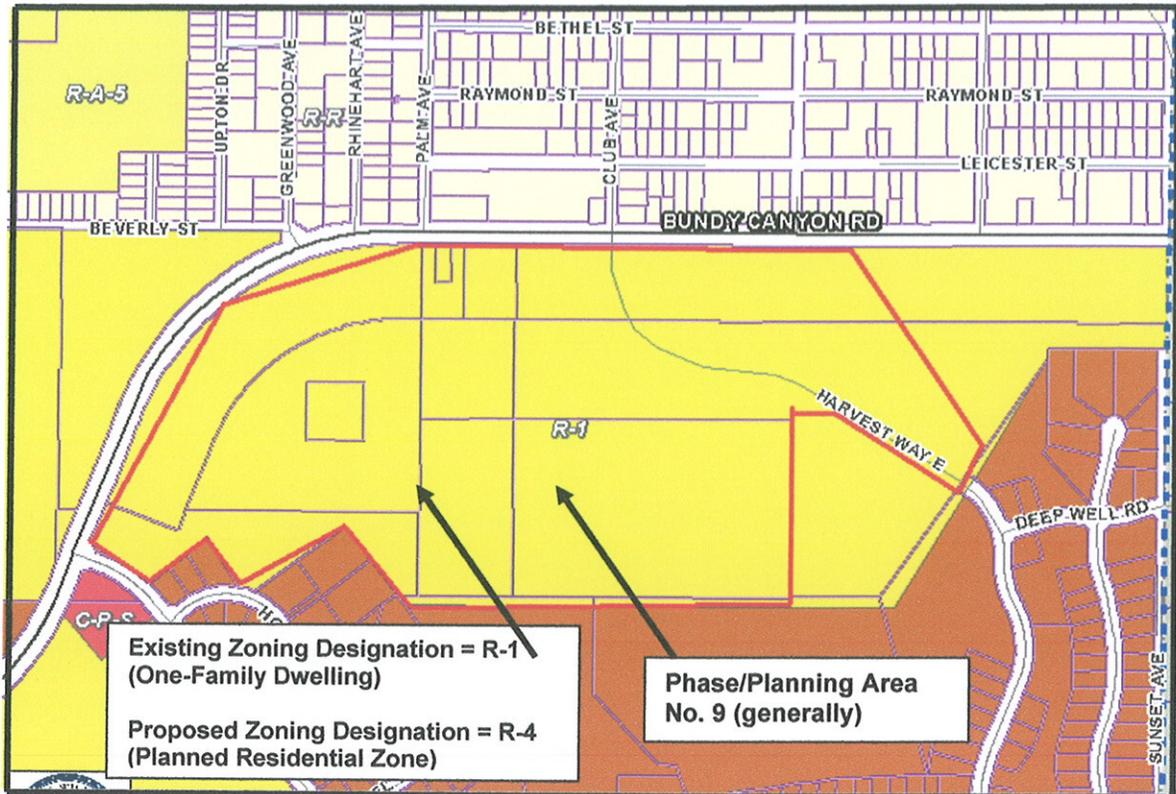
Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

**EXHIBIT 1
ORDINANCE NO. 77**

CHANGE OF ZONE NO. 11-0261 - MAPS AND LEGAL DESCRIPTIONS

Phase/Planning Area No. 9 Zone Change Exhibit



Phase/Planning Area No. 9 Legal Description:

LEGAL DESCRIPTION OF THE PROPERTY LYING IN SECTION 19, TOWNSHIP 6 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 19; THENCE S00°23'01"W 37.86 FEET;

THENCE S00°23'01"W 367.14 FEET TO THE CORNER OF TRACT NO. 18456 AS SHOWN IN M.B. 139/13-17;

THENCE N89°39'07"W 424.79 FEET TO THE CORNER OF TRACT NO. 18456 AS SHOWN ON M.B. 139/13-17 SAID POINT BEING THE POINT OF BEGINNING;

THENCE S00°36'03"W 29.37 FEET;

THENCE S31°39'15"W 1077.47 FEET;

THENCE N89°37'00"W 330.81 FEET;

THENCE N00°17'49"E 24.65 FEET;

THENCE N89°55'35"W 1347.76 FEET TO A POINT ON THE BOUNDARY OF TRACT NO.6379 M.B.99/83-91;

THENCE N36°55'48"W 348.27 FEET TO THE NORTHERLY CORNER OF SAID TRACT;

THENCE S53°04'47"W 397.48 FEET TO A POINT ON THE RIGHT OF WAY OF HOMESTEAD LANE AS SHOWN ON SAID TRACT;

THENCE NORTHWESTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 255.00 FEET THROUGH A CENTRAL ANGLE OF 13°26'39" AND A LENGTH OF 59.83 FEET;

THENCE N33°34'38"W 210.12 FEET TO THE NORTHERLY CORNER OF TRACT NO.6379 M.B.99/83-91;

THENCE S50°26'35"W 265.13 FEET TO A POINT ON THE 33.00 FOOT RIGHT OF WAY OF SAID TRACT;

THENCE S42°33'32"W 33.00 FEET TO THE CENTER LINE OF HARVEST WAY (WEST);

THENCE N47°42'53"W 172.15 FEET TO THE CENTER LINE OF BUNDY CANYON ROAD;

THENCE N43°31'52"E 315.41 FEET TO THE BEGINNING OF A CURVE;

THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2900.00 FEET THROUGH A CENTRAL ANGLE OF 46°35'16" AND A LENGTH OF 2358.02 FEET;

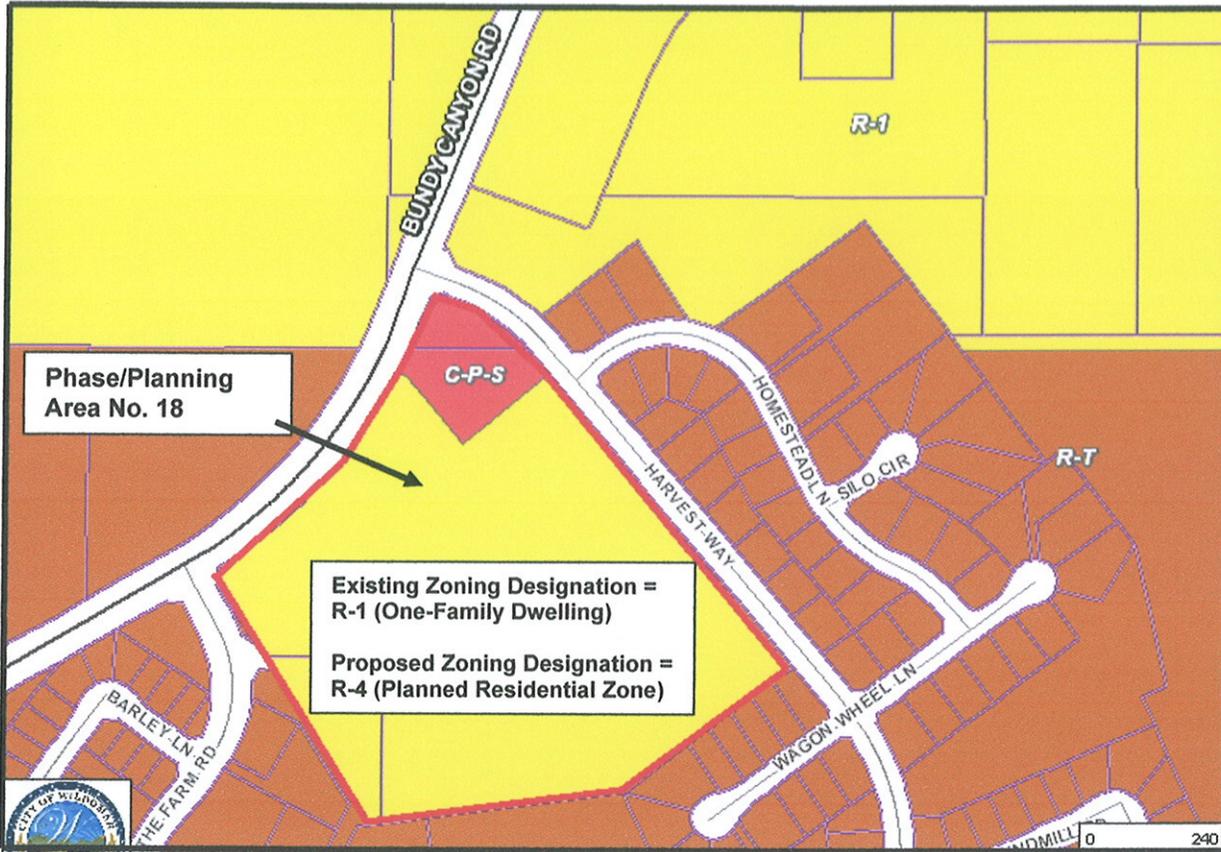
THENCE S89°52'52"E 511.67 FEET;

THENCE S00°31'03"W 205.65 FEET;

THENCE S20°24'16"E 221.69 FEET;

THENCE N83°03'13"E 388.80 FEET TO THE POINT OF BEGINNING.

**Existing and Proposed Zoning
Phase/Planning Area No. 18 Zone Change Exhibit**



Phase 18 Planning Area Legal Description:

LEGAL DESCRIPTION OF THE PROPERTY LYING IN SECTION 19, TOWNSHIP 6 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 19; THENCE S00°23'01"W 37.86 FEET;
THENCE S00°23'01"W 367.14 FEET TO THE CORNER OF TRACT NO. 18456 AS SHOWN IN M.B. 139/13-17;

THENCE N89°39'07"W 424.79 FEET TO THE CORNER OF TRACT NO. 18456 AS SHOWN ON M.B.139/13-17;

THENCE S00°36'03"W 29.37 FEET;

THENCE S31°39'15"W 1077.47 FEET;

THENCE N89°37'00"W 330.81 FEET;

THENCE N00°17'49"E 24.65 FEET;

THENCE N89°55'35"W 1347.76 FEET TO A POINT ON THE BOUNDARY OF TRACT NO.6379 M.B.99/83-91;

THENCE N36°55'48"W 348.27 FEET TO THE NORTHERLY CORNER OF SAID TRACT;

THENCE S53°04'47"W 397.48 FEET TO A POINT ON THE RIGHT OF WAY OF HOMESTEAD LANE AS SHOWN ON SAID TRACT;

THENCE NORTHWESTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 255.00 FEET THROUGH A CENTRAL ANGLE OF 13°26'39" AND A LENGTH OF 59.83 FEET;

THENCE N33°34'38"W 210.12 FEET TO THE NORTHERLY CORNER OF TRACT NO.6379 M.B.99/83-91;

THENCE S50°26'35"W 265.13 FEET TO A POINT ON THE 33.00 FOOT RIGHT OF WAY OF SAID TRACT;

THENCE S42°33'32"W 33.00 FEET TO THE CENTER LINE OF HARVEST WAY (WEST) TO THE POINT OF BEGINNING;

THENCE S42°33'32"W 33.00 FEET TO THE SOUTHWESTERLY LINE OF HARVEST WAY (WEST);

THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE TO SOUTHWEST HAVING A RADIUS OF 467.00 FEET

THROUGH A CENTRAL ANGLE OF 07°38'27" AND A LENGTH OF 62.28 FEET;

THENCE S39°47'23"E 854.96 FEET TO THE CORNER OF TRACT NO.6379 M.B.99/83-91;

THENCE S53°04'19"W 452.21 TO THE CORNER OF SAID TRACT;

THENCE S82°25'01"W 549.87 FEET TO THE CORNER OF TRACT 6378 M.B.91/19-25;

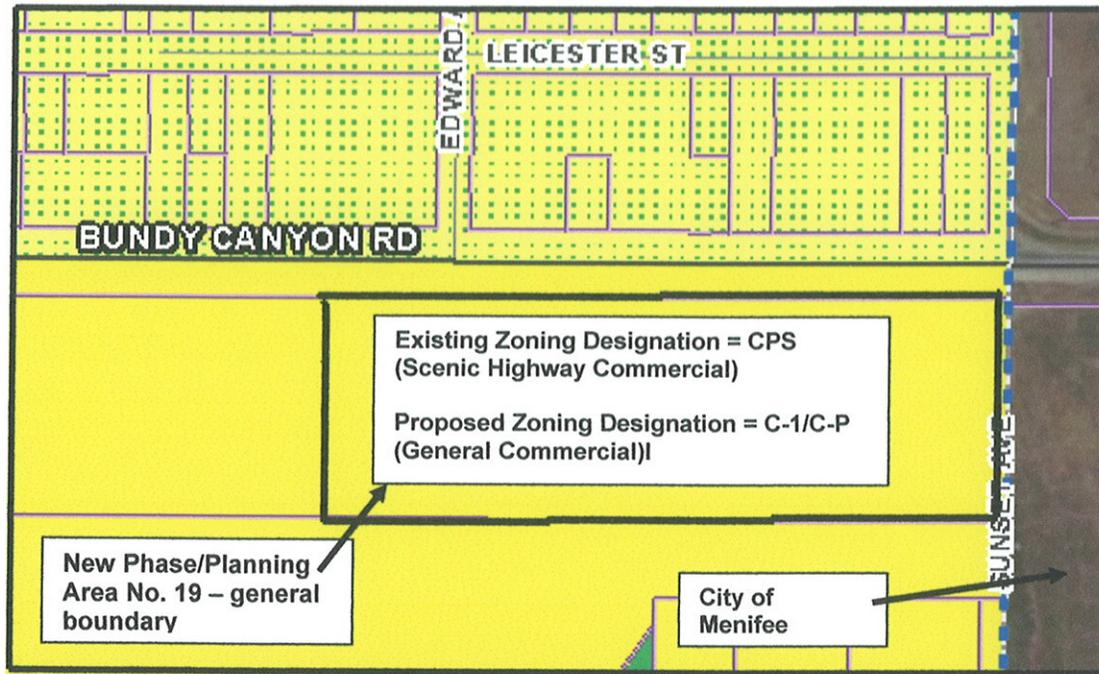
THENCE N32°30'36"W 723.82 FEET TO THE CENTER LINE OF BUNDY CANYON ROAD;

THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 2600.00 FEET THROUGH A CENTRAL ANGLE OF 12°18'51" AND A LENGTH OF 558.80 FEET;

THENCE N43°31'52"E 274.76 FEET TO THE INTERSECTION OF HARVEST WAY (WEST);

THENCE S47°42'53"E 172.15 FEET TO THE POINT OF BEGINNING.

**Existing and Proposed Zoning Phase/Planning Area No. 19
Zone Change Exhibit (a portion of APN: 362-080-004)**



Phase 19 Planning Area Legal Description:

LEGAL DESCRIPTION OF THE PROPERTY LYING IN SECTION 19, TOWNSHIP 6 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 19; THENCE S00°23'01"W 37.86 FEET TO THE POINT OF BEGINNING;

THENCE S00°23'01"W 367.14 FEET TO THE CORNER OF TRACT NO. 18456 AS SHOWN IN M.B. 139/13-17;

THENCE N89°39'07"W 424.79 FEET TO THE CORNER OF TRACT NO. 18456 AS SHOWN ON M.B.139/13-17;

THENCE S83°03'13"W 388.80 FEET;

THENCE N20°24'16"W 221.69 FEET;

THENCE N00°31'03"E 205.65 FEET TO THE CENTER LINE OF BUNDY CANYON ROAD;

THENCE S89°52'52"E 888.62 FEET TO THE POINT OF BEGINNING.

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. 77 was introduced at an adjourned regular meeting of the City Council of the City of Wildomar, California, on May 22, 2013, and was duly adopted at an adjourned regular meeting held on June 5, 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, Moore

NOES: Councilman Cashman

ABSTAIN: None

ABSENT: None



Debbie A. Lee, CMC
City Clerk
City of Wildomar