



CITY OF WILDOMAR  
**PLANNING COMMISSION**

Commission Members  
Chairman Robert Devine · Vice-Chairman Scott Nowak  
Harv Dykstra · Gary Andre · Michael Kazmier

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REGULAR MEETING

**WEDNESDAY, JANUARY 20, 2010 AT 7:00 P.M.**

Council Chambers, Wildomar City Hall, 23873 Clinton Keith Road, Wildomar, CA 92595

**PUBLIC COMMENTS:** Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Chairperson prior to an individual being heard. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker or less if a large number of requests are received on a particular item.

**AGENDA**

**1.0 CALL TO ORDER**

- 1.1 Roll Call
- 1.2 Pledge of Allegiance

**2.0 PUBLIC COMMENT:** *Members of the audience may comment on matters that are not included on the agenda. Each person will be allowed three (3) minutes or less if a large number of requests are received on a particular item. No action may be taken on a matter raised under "public comment" until the matter has been specifically included on an agenda as an action item.*

**3.0 CONSENT ITEMS:**

- 3.1 January 6, 2010 Regular Meeting Minutes.

**4.0 CONTINUED PUBLIC HEARING ITEMS:** The Planning Commission will review the proposed request, receive public input and consider action for the following items:

None.

**5.0 PUBLIC HEARING ITEMS:** The Planning Commission will review the proposed request, receive public input and consider action for the following items:

**5.1 ZONE CODE AMENDMENT 09-04:** Outdoor Advertising Displays.

**5.2 ZONE CODE AMENDMENT 10-01:** Second Dwelling Units.

**6.0 GENERAL BUSINESS ITEMS:**

None.

**7.0 ADMINISTRATIVE HEARINGS REPORT:**

None.

**8.0 PLANNING DIRECTOR'S REPORT:** This item is reserved for the Planning Director to comment or report on items not on the agenda. No action will be taken.

**9.0 PLANNING COMMISSION COMMENTS:** This portion of the agenda is reserved for Planning Commission business, for the Planning Commission to make comments on items not on the agenda, and/or for the Planning Commission to request information from staff.

**10.0 ADJOURNMENT**

The next scheduled Regular Meeting of the City of Wildomar Planning Commission is February 3, 2010 at 7:00 P.M.

**RIGHT TO APPEAL:** Any decision of the Planning Commission may be appealed to the City Council within ten (10) calendar days after the date of Planning Commission's action.

**REPORTS:** All agenda items and reports are available for review at Wildomar City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, California 92595. 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. If you wish to be added to the regular mailing list to receive a copy of the agenda, a request must be made through the Planning Department in writing or by e-mail.

**PUBLIC COMMENTS:** Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Chairperson prior to an individual being heard. Lengthy testimony should be presented to the Planning Commission in writing (8 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 Planning Commission.

**ADA COMPLIANCE:** 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 who 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 Planning Department either in person or by telephone at (951) 667-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

**POSTING STATEMENT:** On January 14, 2010, a true and correct copy of this agenda was posted at the three designated posting places: Wildomar City Hall, 23873 Clinton Keith Road; U. S. Post Office, 21392 Palomar Street; and the Mission Trail Library, 34303 Mission Trail Blvd.

**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item #5.1**  
**PUBLIC HEARING**  
**Meeting Date: January 20, 2010**

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**TO:** Members of the Planning Commission

**FROM:** David Hogan, Planning Director

**SUBJECT:** Zoning Ordinance Modification – Prohibition of Outdoor Advertising Displays and Structures (Zoning Code Amendment 09-04)

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**RECOMMENDATION:**

The Planning Department recommends that the Planning Commission adopt a resolution entitled:

RESOLUTION NO. PC10-\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING SECTIONS 17.252.020 AND 17.252.030 OF THE WILDOMAR MUNICIPAL CODE PERTAINING TO OUTDOOR ADVERTISING DISPLAYS” (ZONING ORDINANCE AMENDMENT 09-04)”

**BACKGROUND:**

Members of the Planning Commission and City Council have expressed concerns about billboards being erected in the community. At the November 10, 2009 City Council Norming Session, the Council indicated that they would like the Planning Commission to evaluate and consider the notion of prohibiting outdoor advertising displays and structures (billboards) within the City. As a result, staff has consulted with the City Attorney to develop the draft ordinance contained in Attachment B for the Commission’s consideration.

Outdoor advertising displays (aka billboards) are one of two types of signage commonly regulated by cities and counties. The other type of signage is defined as on-site signage since, unlike outdoor advertising displays, they provide identification for businesses located on the property or within the same commercial center. Billboards and other types of off-site advertising displays are regulated by Chapter 17.252 (Section 17.252.030 and the related definitions are contained in Section 17.252.020.) The text of the zoning ordinance provisions are contained in Attachment C.

The current ordinance provisions allow outdoor advertising displays to have up to 300 square feet of display area, be up to 25 feet in height, and at least 500 feet apart. The current code prohibits billboards along Interstate 15, Grand Street, and along parts of Clinton Keith Road. The proposed ordinance would prohibit new outdoor advertising displays (billboards) within the City of Wildomar.

The proposed ordinance would make the following changes to the zoning ordinance.

1. Delete the existing provisions of Section 17.252.030 - Outdoor Advertising Displays;
2. Add eight additional definitions for terms within the ordinance;
3. Modify the definition for Outdoor Advertising Display;
4. Adopt a new Section 17.252.030 to do the following:
  - A. Prohibit the establishment of new outdoor advertising structures and displays; and
  - B. Establish procedural requirements to address any existing permitted outdoor advertising structures or displays.

If the Planning Commission believes that the prohibition of billboards and other outdoor advertising displays and structures is appropriate, staff recommends that the Commission recommend the proposed ordinance to the City Council. The draft ordinance is contained in Attachment B of this staff report

**FINDINGS:**

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

*The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan. General Plan calls for the limiting outdoor advertising displays as well as protecting and preserving scenic corridors, vistas, and areas. Several of the general plan policy statements that support the proposed ordinance: Land Use Element Policies 1.1 which encourages the continued utilization of legal uses and structures when feasible; Land Use Element Policy 13.1 which prohibits offsite outdoor advertising displays that are visible from Designated and Eligible State and County Highways; Circulation Element Policy 19.1 which encourages the preservation of scenic routes that have exceptional or unique visual features; and Open Space Element Policy 21.1 which calls for the identification and conservation of skylines, view corridors, and outstand scenic vistas. Based upon the direction provided with these General Plan policy statements, the proposed ordinance amendments are consistent with the adopted General Plan.*

**ENVIRONMENTAL ASSESSMENT:**

A review of the potential environmental impacts was conducted for the proposed zoning ordinance amendment. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Department recommends that the Planning Commission make a determination that the proposed zoning ordinance amendment has no potential to impact to the environment, and that 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. The Initial Study documenting the lack of potential impact is contained in Attachment D.

**ALTERNATIVES:**

1. Reject the proposed ordinance.
2. Provide direction to staff.

**ATTACHMENTS:**

- A. Planning Commission Resolution
- B. Draft Ordinance (Exhibit A)
- C. Current Code Requirements
- D. Initial Study

# **ATTACHMENT A**

**RESOLUTION NO. PC10-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING SECTIONS 17.252.020 AND 17.252.030 OF THE WILDOMAR MUNICIPAL CODE PERTAINING TO OUTDOOR ADVERTISING DISPLAYS” (ZONING ORDINANCE AMENDMENT 09-04)**

**WHEREAS**, the City of Wildomar incorporated on July 1, 2009; and

**WHEREAS**, the City Council of the City of Wildomar adopted the County of Riverside General Plan in effect on July 1, 2009; and

**WHEREAS**, the City Council of the City of Wildomar adopted the existing County of Riverside Zoning Ordinance in effect on July 1, 2009 to implement the General Plan; and

**WHEREAS**, on January 6, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed zoning code amendment would be considered; and

**WHEREAS**, on January 20, 2010 the Planning Commission, during a regularly scheduled meeting, considered possible amendments to the Zoning Ordinance.

**NOW THEREFORE**, the Planning Commission of the City of Wildomar does Resolve, Determine, Find and Order as follows:

**SECTION 1. ENVIRONMENTAL FINDINGS.** The Planning Commission, in light of the whole record before it, including but not limited to, the City’s Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated January 20, 2010, and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines that the project consists of a number of zoning ordinance amendments that do not affect the development potential of property and do not allow for uses or activities that are not otherwise allowed, and consequently, the proposed amendments have no potential to adversely impact the environment. 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. FINDINGS. The proposed amendments to the zoning ordinance are consistent with and do not conflict with the provisions of the General Plan. General Plan calls for the limiting outdoor advertising displays as well as protecting and preserving scenic corridors, vistas, and areas. Several of the general plan policy statements that support the proposed ordinance: Land Use Element Policies 1.1 which encourages the continued utilization of legal uses and structures when feasible; Land Use Element Policy 13.1 which prohibits offsite outdoor advertising displays that are visible from Designated and Eligible State and County Highways; Circulation Element Policy 19.1 which encourages the preservation of scenic routes that have exceptional or unique visual features; and Open Space Element Policy 21.1 which calls for the identification and conservation of skylines, view corridors, and outstand scenic vistas. Based upon the direction provided with these General Plan policy statements, the proposed ordinance amendments are consistent with the adopted General Plan.

SECTION 3. PLANNING COMMISSION ACTION. The Planning Commission hereby takes the following actions:

A. Recommended Approval of Exemption. The Planning Commission hereby recommends that the City Council make a determination that the project is exempt from environmental review in accordance with the provisions of CEQA Guidelines Section 15061(b)(3).

B. Recommend Approval of Ordinance. The Planning Commission recommends that the City Council approve Zoning Code Amendment 09-04 as attached hereto and incorporated herein by reference as Exhibit A.

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of January 2010.

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Robert Devine  
Chairman

**APPROVED AS TO FORM:**

**ATTEST:**

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Thomas Jex  
Assistant City Attorney

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David Hogan  
Planning Commission Secretary

# **ATTACHMENT B**

**Exhibit A**

**ORDINANCE NO. 10-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING SECTIONS 17.252.020 AND 17.252.030 OF THE WILDOMAR MUNICIPAL CODE PERTAINING TO OUTDOOR ADVERTISING DISPLAYS**

THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDAINS AS FOLLOWS:

SECTION 1. Findings. The City Council finds as follows:

(a) On March 13, 2007, the County of Riverside adopted as an urgency measure interim zoning Ordinance No. 449.230 establishing a moratorium on the approval and issuance of any outdoor advertising display permits within 500 feet of the edge of each right-of-way line along Mission Trail between Malaga Street and Palomar Street, the boundaries of which area are now within the newly incorporated City of Wildomar. These interim zoning regulations were twice extended by the County through Ordinances Nos. 449.232 and 449.235 (collectively, the "Interim Outdoor Advertising Regulations").

(b) The Interim Outdoor Advertising Regulations were adopted, in part, in response to numerous applications for outdoor advertising displays in areas that are now part of the City. The Riverside County Board of Supervisors found that such applications and the potential placement of outdoor advertising displays within the designated area of the City constituted a threat to the public health, safety and welfare in that the proliferation of such outdoor advertising displays would detract from the scenery along Mission Trail, serve as a dangerous distraction to motorists, adversely impact natural resources, and generally degrade the environment.

(c) Subsequent to the commencement of the Interim Outdoor Advertising Regulations, the County also adopted General Plan Amendment No. 844 on January 29, 2008. Among other things, this General Plan Amendment established revised policies intended to revitalize and reinforce the residential, commercial, industrial, and scenic elements in the area of Wildomar affected by the Interim Outdoor Advertising Regulations. In extending the Interim Outdoor Advertising Regulations, the Board of Supervisors further found that permitting outdoor advertising displays may conflict with such policies and that the extension of the moratorium was necessary in order to protect significant resources in the Wildomar area.

(d) Subsequent to the commencement of the Interim Outdoor Advertising Regulations, the County Planning Department began to study whether to prohibit outdoor advertising displays in the affected area of Wildomar.

(e) This planning effort has been continued by the City's Planning Department subsequent to the City's incorporation. For the reasons set forth in this Ordinance and

in the accompanying staff report, the Planning Department has recommended that outdoor advertising displays and their accompanying signs and structures be prohibited City-wide as provided in this Ordinance.

(f) It is well-established that without adequate regulation signage can endanger the public, distract drivers, create confusion, and foster a negative image of the City on the part of the public.

(g) Excessive, improperly located, or poorly designed signage can damage view corridors, diminish property values and detrimentally affect the quality of life of City residents, business and property owners, visitors, and the traveling public.

(h) The proliferation of outdoor advertising displays along scenic corridors, such as Interstate 15, Clinton Keith Road, and Grand Avenue, can adversely impact community aesthetics and community.

(i) Outdoor advertising displays can adversely effect scenic viewsheds and vistas of the surrounding mountains, hills and valleys that define the community's character.

(j) The Land Use, Circulation, and Open Space Elements of the General Plan discuss the importance of conserving skylines, view corridors and scenic vistas, and the need to impose conditions on development, including outdoor advertising displays, to protect scenic resources and corridors.

(k) Outdoor advertising displays create distractions for drivers that, like cellphone usage, can distract drivers from road conditions, other drivers, and traffic hazards.

(l) In addition to negative aesthetic impacts, the use of mobile outdoor advertising displays can interfere with the safe movement of vehicles and adds to air pollution and vehicle emissions.

(m) The United States Supreme Court has recognized that certain types of signs, particularly outdoor advertising displays (also referred to as "off-site signs" or "billboards"), may constitute "real and substantial hazards to traffic safety" and can also be perceived as an aesthetic harm. (*Metromedia, Inc. v. City of San Diego* (1981) 453 U.S. 490, 511-12)

(n) Traffic safety and aesthetics are substantial interests that justify the regulation of signs. (*Metro Lights, L.L.C. v. City of Los Angeles* (9<sup>th</sup> Cir. 2009) 551 F.3d 898, 904; *National Advertising v. City of Orange* (9<sup>th</sup> Cir. 1988) 861 F.2d 246, 248; *Showing Animals Respect and Kindness v. City of West Hollywood* (2008) 166 Cal.App.4th 815, 823-24).

(o) The United States Supreme Court and other federal and state courts have upheld the right of cities to prohibit or restrict outdoor advertising displays. (*Metromedia, Inc. v. City of San Diego* (1981) 453 U.S. 490; *Metro Lights, L.L.C. v. City of Los Angeles* (9<sup>th</sup> Cir. 2009) 551 F.3d 898; *Ackerly Communications of the Northwest*,

*Inc. v. Krochalis* (9th Cir. 1997) 109 F.3d 1095; *Outdoor Systems, Inc. v. City of Mesa* (9th Cir. 1993) 997 F.2d 604; *Showing Animals Respect and Kindness v. City of West Hollywood* (2008) 166 Cal.App.4th 815; *Tahoe Regional Planning Agency v. King* (1991) 233 Cal.App.3d 1365; and *City and County of San Francisco v. Eller Outdoor Advertising* (1987) 192 Cal.App.3d 643).

(p) Based on the examples of the respective public entities in the above cases and in accordance with the judicial precedent established by such cases, the City Council finds that that the City's substantial interests in traffic safety and aesthetics is most directly and effectively furthered by prohibiting outdoor advertising displays in the City. The City's Municipal Code currently prohibits outdoor advertising displays along Interstate 15, Grand Avenue, and parts of Clinton Keith Road, and the City Council desires to expand such protections against aesthetic and traffic safety impacts on a city-wide basis.

(q) The City Council further finds, consistent with the examples of many of the respective public entities in the aforementioned cases and in accordance with the judicial precedent established by such cases, that the primary purpose of commercial signage should be for identification of the businesses, products, services or facilities available on the premises on which a sign is located and not the use or leasing of available space for the purpose of advertising commercial businesses, products, services or facilities located elsewhere.

(r) The City's proposed prohibition on outdoor advertising displays and other off-site commercial signs is consistent with the legislative intent expressed by the California Legislature in enacting the Outdoor Advertising Act (Business & Professions Code section 5200 and following), which specifically provides in Section 5230 that the "governing body of any city may enact ordinances, including, but not limited to, land use or zoning ordinances, imposing restrictions on advertising displays adjacent to any street, road, or highway equal to or greater than those imposed by" the Act.

(s) The City Council further desires to make textual and procedural clarifications and amendments to the City's current outdoor advertising display regulations consistent with the proposed prohibition on such signage.

(t) The Planning Commission conducted a duly noticed public hearing on this Ordinance on January 20, 2010. At this meeting, the Planning Commission adopted Resolution PC10-\_\_\_\_, recommending that the City Council approve the proposed amendments to Sections 17.252.020 and 17.252.030.

(u) The City Council conducted a duly noticed public hearing on this Ordinance on \_\_\_\_\_, 2010 at City Hall, \_\_\_\_\_, Wildomar, California.

(v) The City has caused to be prepared an Initial Study regarding the adoption of this Ordinance and based on that Initial Study the City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the State CEQA Guidelines, which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where, as here, 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. Amendment to Wildomar Municipal Code Section 17.252.020. The following definitions are hereby added to Wildomar Municipal Code Section 17.252.020 as follows:

“COMMERCIAL SIGN” means any sign that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service, or other commercial or industrial activity for a commercial or industrial purpose.

“MOBILE OUTDOOR ADVERTISING SIGN” means the use of a moving trailer, automobile, truck, or any other vehicle to display a commercial or non-commercial sign primarily for advertising purposes.

“NONCOMMERCIAL MESSAGE” means any wording, logo or other representation that does not directly or indirectly, name, advertise or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

“NONCOMMERCIAL SIGN” means a sign that does not name, advertise or call attention to a commercial or industrial business, commodity, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

“OFF-SITE SIGN” means a commercial sign not located on the site of the business or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained.

“ON-SITE SIGN” means any sign which directs attention to an occupancy, business, commodity, good, product, service or other activity conducted, sold or offered upon the site where the sign is maintained. For the purposes of this chapter, all signs with noncommercial messages are deemed to be “on-site,” regardless of location.

“SIGN” means any device, display, fixture, painting, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area.

“STATE OUTDOOR ADVERTISING PERMIT” means a permit required and issued for an outdoor advertising display by the state under the Outdoor Advertising Act (California Business & Professions Code §5200 and following).”

SECTION 3. Amendment to Wildomar Municipal Code Section 17.252.020. The following definition contained in Wildomar Municipal Code Section 17.252.020 is hereby amended to read as follows:

“OUTDOOR ADVERTISING DISPLAY” means an off-site sign, outdoor advertising structure, outdoor advertising sign, or mobile outdoor advertising sign used

for outdoor advertising purposes, not including on-site advertising signs as defined in this chapter and directional sign structures as provided in this code.”

SECTION 4 Amendment to Wildomar Municipal Code Section 17.252.030. Wildomar Municipal Code Section 17.252.030 is amended and restated to read as follows:

**“17.252.030 Outdoor advertising displays.**

A. General Prohibition. Outdoor advertising displays are prohibited within the city.

B. Legal Nonconforming Outdoor Advertising Displays.

1. Outdoor advertising displays previously erected, used and maintained pursuant to a valid outdoor advertising display permit issued prior to \_\_\_\_\_, 2010 [the effective date of this section] may continue to operate in the manner originally approved and be maintained subject to the provisions of this section and the general provisions in this code applicable to legal nonconforming uses. Customary maintenance includes the changing of an advertising message, but does not include any expansion of the use such as modifications to the height or composition of the display structure, increases in size or shape of the advertising display surface, or the addition of nighttime illumination inconsistent with the provisions of the Mount Palomar Lighting Ordinance. The customary maintenance of any such legal nonconforming outdoor advertising display does not require any special city sign approval or sign permit.

2. Revocation. Any outdoor advertising display permit which has been issued as a result of a material misrepresentation of fact by the applicant or the applicant’s agent, whether or not a criminal prosecution is initiated therefore, or which does not comply with this chapter, the applicable State Outdoor Advertising Permit or any related building permit may be revoked by the planning director. Upon such determination, the planning director will give a written notice of revocation to the permittee. Unless the permittee files with the planning department a written request for a hearing within 10 days of the date the notice was mailed, the planning director’s decision to revoke will be considered final. Failure to timely file a written request for a hearing constitutes a waiver of the right to a hearing. Notice of the hearing will be given by mail to the permittee. The timely filing of a written notice to appeal stays the revocation until such time as the planning director issues a decision to grant or deny the appeal. Within 30 days after notice of revocation is given, or if a hearing is requested, within 30 days from the date of mailing the planning director’s decision to deny the appeal, the applicable outdoor advertising display must be removed at the permittee’s expense. Failure to remove the display within such 30-day period will be deemed a separate violation of this title.

C. Enforcement and Additional Violations. Wherever the officials responsible for the enforcement of administration of this code or their designated agents, have cause to suspect a violation of this section, or whenever necessary to investigate any action to suspend or revoke an outdoor advertising display permit, or whenever necessary to investigate a possible violation, such persons may lawfully gain access to

the appropriate parcel of land upon which a violation is believed to exist. The following acts constitute additional violations of this section:

1. All violations of this section committed by any person, whether as agent, employee, officer, principal, or otherwise, will be a misdemeanor.

2. Every person who knowingly provides false information on an outdoor advertising display permit application will be guilty of a misdemeanor.

3. Every person who fails to stop work on an outdoor advertising display, when so ordered by the director of the building and safety department or the planning director, or their designees will be guilty of a misdemeanor.

4. Every person who, having received notice to appear in court to answer a related charge, willfully fails to appear, will be guilty of a misdemeanor.

5. A misdemeanor may be prosecuted by the city in the name of the People of the State of California, or may be redressed by civil action. Each violation is punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a term of not more than six months, or by both fine and imprisonment.

6. Every person found guilty of a violation shall be deemed guilty of a separate offense for every day during a portion of which the violation is committed, continued, or permitted by such person.

7. Every illegal outdoor advertising display and every abandoned outdoor advertising display is hereby declared to be a public nuisance and will be subject to abatement by repair, rehabilitation, or removal in accordance with the applicable procedures of this code.

D. **Illegal and Abandoned Outdoor Advertising Displays.** All illegal outdoor advertising displays and all abandoned outdoor advertising displays must be removed or brought into conformance with this chapter immediately. Any notice required to be given to owner of the property on which such illegal or abandoned sign is located must also be given to: (1) the owner of the sign, if the identification plate required by Business and Professions Code Sections 5362 and 5363 is affixed; and (2) the advertiser, if any, identified on the sign provided the address of the advertiser can reasonably be determined.

E. **Relocation of Outdoor Advertising Displays.** Notwithstanding the general provisions of this section, a legal nonconforming outdoor advertising display may be relocated within the same parcel or to another parcel pursuant to an agreement with the city when such relocation is necessary due to a city project or other public project and such relocation will avoid the need for the public agency to pay just compensation for a taking of the display.”

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase 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 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. Publication. The City Clerk is directed to cause this ordinance to be published or posted in accordance with Government Code Section 36933.

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Bridgette Moore, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Debby Lee, City Clerk

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Julie Hayward Biggs, City Attorney

# **ATTACHMENT C**

## ATTACHMENT C-1 SECTION 17.252.030

### 17.252.030 Outdoor advertising displays.

No person shall erect, use or maintain an outdoor advertising display in the unincorporated area of the county, except in accordance with the following provisions. The changing of an advertising message or customary maintenance of a legally existing outdoor advertising display shall not require a permit pursuant to this section.

#### A. Permit Procedure.

1. Application. In addition to all other applicable federal, state and local laws, rules, regulations and ordinances, no outdoor advertising display shall be placed, erected, used, or maintained until an outdoor advertising display permit therefor has been issued by the county planning director, on the form provided by the county planning department accompanied by the filing fee set forth in Ordinance No. 671. The application shall consist of ten (10) copies of a plot plan drawn to scale, containing the name, address or telephone number of the applicant, a copy of the current valid State Outdoor Advertising Permit referenced in subsection (B)(4) of this section and a general description of the property upon which the outdoor advertising display is proposed to be placed. The plot plan shall show the precise location, type and size of the proposed outdoor advertising display, all property lines, zoning, and the dimensions, location of and distance to be nearest advertising displays, building, business districts, significant resources as defined by Section 17.252.020, public and private roads, and other rights-of-way, building setback lines, and specifically planned future road right-of-way lines, and any and all other information required by the planning director such that the proposed display may be readily ascertained, identified and evaluated.
2. Issuance/Denial. The planning director shall, within forty-five (45) days of the filing of a complete permit application, approve and issue the outdoor advertising 17.252.030 display permit if the standards and requirements of this title have been met; otherwise, the permit shall be denied. Judicial review of a decision denying the permit shall be made by a petition for writ of administrative mandamus filed in the Riverside County Superior Court, in accordance with the procedure set forth in California Code of Civil Procedure, Section 1094.8.
3. Assuming the planning director issues an outdoor advertising display permit, no person shall place, erect, use, maintain, alter, repair or relocate an outdoor advertising display or connect an outdoor advertising display to a power supply without first obtaining a building permit from the department of building and safety.

4. Revocation. Any outdoor advertising display permit which has been issued as a result of a material misrepresentation of fact by the applicant or his or her agent, whether or not a criminal prosecution is initiated therefore, or which does not comply with this chapter, the State Outdoor Advertising Permit referenced in subsection (B)(4) of this section or any related building permit may be revoked by the planning director. The planning director shall forthwith give written notice of revocation to the applicant. Unless the permittee files with the planning department a written request for a hearing within ten (10) days of the date the notice was mailed, the planning director's decision to revoke will be considered final. Failure to timely file a written request for a hearing constitutes a waiver of the right to a hearing. Notice of the hearing shall be given by mail to the permittee. The timely filing of a written notice to appeal shall stay the revocation until such time as the planning director issues their decision to grant or deny the appeal. Within thirty (30) days after notice is given, or if a hearing is requested, within thirty (30) days from the date of mailing the planning director's decision to deny the appeal, any outdoor advertising display authorized by the outdoor advertising display permit shall be removed at the permittee's expense. Failure to remove the display within thirty (30) days shall be deemed a separate violation of this title.

B. Standards.

1. General Plan. Outdoor advertising displays shall be consistent with the Riverside County comprehensive general plan.
2. Zoning. Outdoor advertising displays are permitted only in the C-I/C-P, M-SC, M-M and M-B zones; provided, that the display meets all of the other requirements of the zoning classification and this chapter. Outdoor advertising displays are expressly prohibited in all other zones.
3. Height. The maximum height of an outdoor advertising display shall not exceed a height of twenty-five (25) feet from the roadbed of the adjacent freeway or highway to which the display is oriented, or a maximum height of twenty-five (25) feet from the grade on which it is constructed) whichever is greater.
4. Setbacks. No outdoor advertising display shall be erected within an established setback or building line, or within road right-of-way lines or future road right-of-way lines as shown on any specific plan of highways. A minimum setback from the property line of one foot shall be required. No person shall place, erect, use or maintain any outdoor advertising display located within six hundred sixty (660) feet from the edge of the right of way of, and the copy which is visible from, any primary highway without first obtaining a valid State Outdoor Advertising Permit.
5. Poles. A maximum of two steel poles are allowed for support of an outdoor advertising display.

6. Roof Mounts. No outdoor advertising display shall be affixed on or over the roof of any building and no display shall be affixed to the wall of a building so that it projects above the parapet of the building. For the purposes of this section, a mansard style roof shall be considered a parapet.
7. Number of Displays. No more than one proposed outdoor advertising display per application shall be permitted.
8. Number of Display Faces. No more than two display faces per outdoor advertising display shall be permitted. Only single face, back-to-back and V-type displays shall be allowed provided that they are on the same outdoor advertising structure and provided that the V-type displays have a separation between display faces of not more than twenty-five (25) feet.
9. Display Face Size. No outdoor advertising display shall have a total surface area of more than three hundred (300) square feet.
10. Display Movement. No outdoor advertising display shall move or rotate, to display any moving and/or rotating parts. No propellers, flags, or other noise creating devices, and no architectural embellishments which utilize mechanical or natural forces for motion, shall be permitted. Use of daylight reflective materials or electronic message boards using flashing, intermittent or moving light or lights is prohibited, provided, however, that electronic message boards displaying only time and/or temperature for periods of not less than thirty (30) seconds is permitted.
11. Mobile Displays. No person shall place, use, maintain, or otherwise allow a mobile vehicle, trailer, or other advertising display not permanently affixed to the ground, as defined in Section 17.252.020, to be used as an outdoor advertising display.
12. Display Inventory. In order to evaluate and assess outdoor advertising displays within the unincorporated area of Riverside County, within one hundred eighty (180) days of the effective date of the ordinance codified in this title and on each fifth anniversary after the effective date of said ordinance, and upon notice, each display company with outdoor advertising displays within the unincorporated area of the county shall submit to the county department of building and safety, a current inventory of the outdoor advertising displays they currently own and/or maintain within the unincorporated area of the county. Failure to submit a current or accurate inventory shall be deemed to be a separate violation of this title.
13. Lighting and Illumination of Displays. An outdoor advertising display may be illuminated, unless otherwise specified; provided, that the displays are so constructed that no light bulb, tube, filament, or similar source of illumination is visible beyond the display face. Displays making use of

lights to convey the effect of movement or flashing, intermittent, or variable intensity shall not be permitted. Displays shall use the most advanced methods to insure the most energy efficient methods of display illumination. Within the Palomar Observatory special lighting area, all displays shall comply with the requirements of county Ordinance No. 655.

14. Spacing. No outdoor advertising display shall be located within five hundred (500) feet in any direction from any other outdoor advertising display on the same side of the highway; provided, however, that if in a particular zone a different interval shall be stated, the spacing interval of the particular zone shall prevail. No outdoor advertising display shall be erected within the boundary of any significant resource as defined in Section 17.252.020. No outdoor advertising display shall be located within one hundred fifty (150) feet of property for which the zoning does not allow advertising displays; provided, however, that an outdoor advertising display may be placed within one hundred fifty (150) feet of property for which zoning does not allow displays, if at the time an application for an outdoor advertising display permit is applied for, there is no existing residential structure or an approved building permit for a residential structure within one hundred fifty (150) feet of the location of the proposed outdoor advertising display.
  15. Identification. No person shall place, erect, use or maintain an outdoor advertising display and no outdoor advertising display shall be placed, erected, used or maintained anywhere within the unincorporated area of the county unless there is securely fastened and on the front of the display face thereof, the name of the outdoor advertising display owner in such a manner that the name is visible from the highway. Any display placed, erected or maintained without this identification shall be deemed to be placed, erected and maintained in violation of this section.
- C. Enforcement. Wherever the officials responsible for the enforcement of administration of the county Land Use Ordinance No. 348 or their designated agents, have cause to suspect a violation of this chapter, or whenever necessary to investigate either an application for the granting, modification, or any action to suspend or revoke an outdoor advertising display permit, or whenever necessary to investigate a possible violation, such persons may lawfully gain access to the appropriate parcel of land upon which a violation is believed to exist. The following provisions shall apply to the violations of this chapter:
1. All violations of this chapter committed by any person, whether as agent, employee, officer, principal, or otherwise, shall be a misdemeanor.
  2. Every person who knowingly provides false information on an outdoor advertising display permit application shall be guilty of a misdemeanor.

3. Every person who fails to stop work on an outdoor advertising display, when so ordered by the director of the building and safety department or the planning director, or their designees shall be guilty of a misdemeanor.
  4. Every person who, having received notice to appear in court to answer a related charge, willfully fails to appear, shall be guilty of a misdemeanor.
  5. A misdemeanor may be prosecuted by the county in the name of the People of the State of California, or may be redressed by civil action. Each violation is punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a term of not more than six months, or by both fine and imprisonment.
  6. Every person found guilty of a violation shall be deemed guilty of a separate offense for every day during a portion of which the violation is committed, continued, or permitted by such person.
  7. Every illegal outdoor advertising display and every abandoned outdoor advertising display is hereby declared to be a public nuisance and shall be subject to abatement by repair, rehabilitation, or removal in accordance with the procedures contained in Section 3 of county Ordinance No. 457.
- D. Nonconforming Signs. Every outdoor advertising display which does not conform to this title shall be deemed to be a nonconforming sign and shall be removed or altered in accordance with this title as follows:
1. Any outdoor advertising display which was lawfully in existence prior to the effective date of the enactment of county Ordinance No. 348.2496 (July 16, 1985) shall be abated or brought into conformance with these provisions by July 17, 1990.
  2. Any outdoor advertising display which was lawfully in existence prior to the effective date of the enactment of county Ordinance No. 348.2856 (June 30, 1988) but after the effective date of the enactment of county Ordinance No. 348.2496 (July 16, 1985) shall be abated or brought into conformance with these provisions by July 1, 1993.
  3. Any outdoor advertising display which was lawfully in existence prior to the effective date of Ordinance No. 348.2989 but after the effective date of the enactment of county Ordinance No. 348.2856 (June 30, 1988) shall be abated or brought into conformance with these provisions within eleven years of the effective date of county Ordinance No. 348.2989 (June 20, 1989).
  4. If federal or state law requires the county to pay just compensation for the removal of any such lawfully erected but nonconforming outdoor advertising display, it may remain in place until just compensation as

defined in the Eminent Domain Law (Title 7, of Part 3 of the Code of Civil Procedure) is paid.

- E. Illegal and Abandoned Signs. All illegal outdoor advertising displays and all abandoned outdoor advertising displays shall be removed or brought into conformance with this title immediately. County Ordinance No. 725 applies to all illegal outdoor advertising displays and abandoned outdoor advertising displays. In enforcing Ordinance No. 725 as it relates to illegal outdoor advertising displays and abandoned outdoor advertising displays the notice required to be given to owner of the property shall also be given to; (1) the owner of the sign, if the identification plate required by Business and Professions Code Sections 5362 and 5363 is affixed; and (2) the advertiser, if any, identified on the sign provided the address of the advertiser can reasonably be determined.

## ATTACHMENT C-2 SECTION 17.252.020

### 17.252.020 Definitions.

For purposes of this ordinance, the following words or phrases shall have the following definitions.

"ABANDONED" means either:

(1) Any outdoor advertising display that is allowed to continue for more than one year without a poster, bill, printing, painting, or other form of advertisement or message; or

(2) Any outdoor advertising display that does not appear on the inventory required by Section 19.3.b.12.; or

(3) Any on-site advertising structure or sign that is allowed to continue for more than 90 days without a poster, bill, printing, painting, or other form of advertising or message for the purposes set forth in Section 19.2.m. hereof.

"DISPLAY FACE" means the surface area of an outdoor advertising display available for the purpose of displaying an advertising message. Display Face does not include the structural supports or lighting.

"EDGE OF A RIGHT-OF-WAY" means a measurement from the edge of a right-of-way horizontally along a line normal or perpendicular to the centerline of the freeway or highway.

"FREE STANDING SIGN" means any sign which is supported by one or more columns or uprights imbedded in the ground, and which is not attached to any building or structure.

"FREEWAY" means a divided arterial highway for through traffic with full control of access and with grade separations at intersection s.

"HIGHWAY" means roads, streets, boulevards, lanes, courts, places, commons, trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or persons.

"ILLEGAL OUTDOOR ADVERTISING DISPLAY" means any of the following:

(1) An outdoor advertising structure or outdoor advertising sign erected without first complying with all applicable county ordinances and regulations in effect at the time of its construction, erection or use.

(2) An outdoor advertising structure or outdoor advertising sign that was legally erected but whose use has ceased, or the structure upon which the advertising

display is placed has been abandoned by its owner, and not maintained or used for a period of not less than one year.

(3) An outdoor advertising structure or outdoor advertising sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance; the amortization period for the display provided by the ordinance rendering the display nonconforming has expired; and conformance has not been accomplished.

(4) An outdoor advertising structure or outdoor advertising sign which does not comply with this Article, the Outdoor Advertising Display Permit referenced in Section 19.3.a. hereof, the State Outdoor Advertising Permit referenced in Section 19.3.b.(4) hereof or any related building permit.

(5) An outdoor advertising structure or outdoor advertising sign which is a danger to the public or is unsafe.

"ILLEGAL ON-SITE ADVERTISING STRUCTURE OR SIGN" means any of the following.

(1) An on-site advertising structure or sign erected without first complying with all applicable County ordinances and regulations in effect at the time of its construction, erection or use.

(2) An on-site advertising structure or sign that was legally erected, but whose use has ceased, or the structure upon which the advertising display is placed has been abandoned by its owner, and not maintained or used to identify or advertise an ongoing business for a period of not less than 90 days.

(3) An on-site advertising structure or sign that was legally erected which later became nonconforming as a result of the adoption of an ordinance; the amortization period for the display provided by the ordinance rendering the display nonconforming has expired; and conformance has not been accomplished.

"MAXIMUM HEIGHT" means the highest point of the structure or sign measured from the average natural ground level at the base of the supporting structure. Provided, however, within the boundaries of the R-VC Zone (Rubidoux-Village Commercial), maximum height shall mean the height measured from the average adjacent finish grade (excluding artificial berms and raised planters) to the uppermost portion of the border of the surface area of the sign, except that:

(1) Structural supports and non-sign architectural features may project above the maximum height limit to the limits prescribed in the applicable zoning ordinances and

(2) Signs affixed to the building may be placed at any height as long as the sign conforms to the other regulations of this ordinance.

"NOISE ATTENUATION BARRIER" means a sound wall or other structure built by the California Department of Transportation to reduce noise impacts.

"NON-COMMERCIAL STRUCTURE OR SIGN" means any structure, housing, sign, device, figure, statuary, painting, display, message, placard or other contrivance, which is designed, constructed, created, engineered, intended or used to provide data or information that does not do any of the following:

- (1) Advertise a product or service for profit or for a business purpose;
- (2) Propose a commercial transaction; or
- (3) Relate solely to economic interests.

"ON-SITE ADVERTISING STRUCTURE OR SIGN" means any structure, housing, sign, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information that does either of the following:

- (1) Designates, identifies, or indicates the name of the business of the owner or occupant of the premises upon which the structure or sign is located.
- (2) Advertises the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the premises where the structure or sign is located.

"OUTDOOR ADVERTISING DISPLAY" means an outdoor advertising structure or outdoor advertising sign used for outdoor advertising purposes, not including on-site advertising signs as herein defined and directional sign structures as provided in Riverside County Ordinance No. 679. An outdoor advertising display may be commonly known or referred to as an "off-site" or an "off-premises" billboard.

"OUTDOOR ADVERTISING SIGN" means any card, cloth, paper, metal, painted, plastic or wooden sign of any character placed for outdoor advertising purposes and affixed to an outdoor advertising display or structure.

"OUTDOOR ADVERTISING STRUCTURE" means a structure of any kind or character erected, used or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for outdoor advertising purposes. Such structure shall be constructed or erected upon a permanent foundation or shall be attached to a structure having a permanent foundation.

"SCENIC HIGHWAY" means any officially designated state or county scenic highway as defined in Streets and Highway Code Sections 154 and 261 et seq.

"SHOPPING CENTER" means a parcel of land not less than three acres in size, on which there exists four or more separate business uses that have mutual parking facilities.

"SIGNIFICANT RESOURCES" means any County, State or Federal site which has significant or potentially significant social, cultural, historical, archaeological, recreational or scenic resources, or which plays or potentially could play a significant role in promoting tourism. For the purposes of this article, the term significant resources shall include, but not be limited to, the following:

(1) Riverside National Cemetery. A strip, 660 feet in width, measured from the edge of the right-of-way line on both sides of I-215 from the intersection of Van Buren Boulevard southerly to Nance Road, and on both sides of Van Buren Boulevard from the intersection of I-215 westerly to Wood Road.

(2) Scenic Highways.

(3) A corridor 500 feet in width adjacent to both sides of all highways within three-tenths (3/10) of a mile of any Regional, State or Federal park or recreation area.

(4) A corridor 500 feet in width adjacent to both sides of State Highway 74 (State Route 74) extending from its intersection with Interstate 15 to its intersection with Winchester Road (State Route 79), and from there easterly to the city limits of the City of Hemet, on both sides of the road.

(5) A corridor 500 feet in width adjacent to both sides of I-15 from the Riverside/ San Diego County line northerly to the city limits of the City of Temecula.

(6) A corridor 500 feet in width adjacent to both sides of Grand Avenue from the city limits of the City of Lake Elsinore, just northerly of Bonnie Lea Drive, to Clinton Keith Road, and adjacent to both sides of Clinton Keith Road from Interstate 15 to the city limits of the City of Murrieta.

(7) A corridor 550 feet in width, measured from the edge of the right-of-way line adjacent to both sides of Interstate 15, extending from its intersection with state Highway 60 southerly to the city limits of the City of Norco.

# ATTACHMENT D

**INITIAL STUDY**

**FOR THE**

**Modification to the Regulations for**

**Outdoor Advertising Displays**  
**(ZONING CODE AMENDMENT 09-04)**

Lead Agency:

**CITY OF WILDOMAR**

23873 Clinton Keith Road, Suite 201  
Wildomar, CA 92595

January 2010

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## I. INTRODUCTION

### A. PURPOSE

The purpose of this environmental document is to implement the California Environmental Quality Act (CEQA). Section 15002(a) of the CEQA Guidelines describes the basic purposes of CEQA as follows.

- (1) Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify the ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

This document is an Initial Study for evaluation of environmental impacts resulting from changes to Chapter 17.252 of the Wildomar Municipal Code relating to the regulation of off-site outdoor advertising displays (i.e. billboards) within the City of Wildomar. These ordinance amendments may include a combination of a prohibition for new outdoor advertising displays and/or additional restrictions on their location and permitting. For purposes of this document, the applications being evaluated through the environmental process will be called the “proposed project”. A more detailed description of the project is found in Section II.

## **II. PROJECT DESCRIPTION**

### **A. PROJECT LOCATION AND SETTING**

The proposed project (ZCA No. 09-04) would apply to all areas of the City of Wildomar. The City of Wildomar is bounded on the north by the City of Lake Elsinore, on the east by the City of Menifee, and to the south by the City of Murrieta. The City of Wildomar became an incorporated City on July 1, 2008. Upon incorporation, the City adopted the County of Riverside's General Plan and Municipal Ordinance's.

### **B. PROJECT DESCRIPTION**

The proposed project consists of an amendment to Chapter 17.252 of the Wildomar Municipal Code to prohibit the construction, establishment, and use of outdoor advertising displays (also known as billboards). The proposed ordinance will also provide additional definitions of terms that are not included in the current ordinance. No physical changes or modifications to the environment are part of this project.

The City has analyzed the Ordinance and has determined that it is exempt from CEQA under section 15061(b)(3) of the CEQA Guidelines (the common sense exception) which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, 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 Ordinance does not relate to any one physical project and will not result in any physical change to the environment. The Ordinance will not result in a physical change to the environment because it prohibits the approval and construction of new off-site advertising displays within the City.

### III. ENVIRONMENTAL CHECKLIST

#### A. BACKGROUND

**1. Project Title:**

Zoning Code Amendment 09-04 – Modification to Outdoor Advertising Display Regulations

**2. Lead Agency Name and Address:**

City of Wildomar; 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595

**3. Contact Person and Phone Number:**

David Hogan, Planning Director; (951) 677-7751

**4. Project Location:**

Citywide

**5. Project Sponsor's Name and Address:**

City of Wildomar

**6. General Plan Designation:**

No changes proposed.

**7. Zoning:**

No changes proposed.

**8. Description of Project:**

The proposed project consists of an amendment to the zoning ordinance to prohibit the establishment of new outdoor advertising displays.

**9. Surrounding Land Uses and Setting:**

The City of Wildomar is surrounded by open space, urban, and rural land uses in both incorporated and unincorporated areas.

**10. Other Public Agencies Whose Approval is Required:**

None.

#### B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project. involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages. Potentially significant impacts that are mitigated to "Less Than Significant" impact are not shown here.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agricultural Resources             | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology and Soils      |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources           | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

**C. DETERMINATION**

On the basis of this initial evaluation:

- I find that the proposed project HAS NO POTENTIAL to have an effect on the environment, and the project is exempt from environmental review pursuant to Section 15061(b)(3).
- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the incorporated mitigation measures and revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

## IV. ENVIRONMENTAL ANALYSIS

1. AESTHETICS. Would the proposal:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				✓
e) Interfere with the night time use of the Mt. Palomar Observatory, as protected through the Mount Palomar Observatory Lighting Ordinance?				✓

### DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect aesthetics or visual resources since no changes to environment would result from the adoption of this ordinance. The prohibition of outdoor advertising displays does have the potential to minimize, prevent or reduce future adverse aesthetic and visual impacts. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

### STANDARD CONDITIONS & REQUIREMENTS

None.

### MITIGATION MEASURES

None.

**2. AGRICULTURE RESOURCES. Would the project:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				✓
<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</i></p>				

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect agricultural resources since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

### 3. AIR QUALITY. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				✓
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				✓
d) Expose sensitive receptors to substantial pollutant concentrations?				✓
e) Create objectionable odors affecting a substantial number of people?				✓

#### DISCUSSION

##### a) Conflict with or obstruct implementation of the applicable air quality plan?

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect air quality, the implementation of regional air quality plans or global climate change since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

#### STANDARD CONDITIONS & REQUIREMENTS

None.

#### MITIGATION MEASURES

None.

**4. BIOLOGICAL RESOURCES. Would the project:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect biologic resources since no changes or alterations to the existing environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

**5. CULTURAL RESOURCES. Would the project:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				✓
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d) Disturb any human remains, including those interred outside of formal cemeteries?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect cultural resources since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

<b>6. GEOLOGY AND SOILS. Would the project:</b>				
<b>Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with the Incorporated Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault?				✓
ii) Strong seismic ground shaking?				✓
iii) Seismic-related ground failure, including liquefaction?				✓
iv) Landslides?				✓
b) Result in substantial soil erosion or the loss of topsoil?				✓
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				✓
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓

## **DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect geology and soils or created unstable or hazardous seismic conditions since no changes to environment (i.e. would not allow new structures that could be effect by seismic and geologic issues) would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

<b>7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>				
<b>Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with the Incorporated Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				✓
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

## **DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to create a hazardous situation or expose people to hazardous materials since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

**8. HYDROLOGY AND WATER QUALITY. Would the project:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				✓
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				✓
e) Otherwise substantially degrade water quality?				✓
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?				✓
g) Place within 100-year flood hazard area structures, which would impede or redirect flood flows?				✓
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
i) Inundation by seiche, tsunami, or mudflow?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect hydrology or water quality since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

**9. LAND USE AND PLANNING. Would the project:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect land use or planning issues since no changes to environment would result from the adoption of this ordinance that would divide an established community or conflict with an applicable local or regional plan. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

**10. MINERAL RESOURCES. Would the project:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect mineral resources since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

<b>11. NOISE. Would the project result in:</b>				
<b>Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with the Incorporated Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) The exposure of persons to, or the generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				✓
b) The exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				✓
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to generate additional noise or adversely effect noise sensitive uses since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

**12. POPULATION AND HOUSING. Would the project:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect the housing and population by inducing additional growth or displacing existing or future populations since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

**13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect public services or public service facilities since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

**14. RECREATION. Would the project:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect recreational opportunities or resources since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

**15. TRANSPORTATION/TRAFFIC. Would the project:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				✓
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				✓
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
e) Result in inadequate emergency access?				✓
f) Result in inadequate parking capacity?				✓
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect transportation and traffic systems or add additional vehicle trips to the road network, consequently no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

**16. UTILITIES AND SERVICE SYSTEMS. Would the project:**

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d) Have sufficient water supplies available to serve the project from existing entitlements and resources or are new or expanded entitlements needed?				✓
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g) Comply with federal, state, and local statutes and regulations related to solid waste?				✓

**DISCUSSION**

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to adversely effect utility or infrastructure service systems since no changes to environment would result from the adoption of this ordinance. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**STANDARD CONDITIONS & REQUIREMENTS**

None.

**MITIGATION MEASURES**

None.

## V. MANDATORY FINDINGS OF SIGNIFICANCE

<b>MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:</b>				
<b>Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with the Incorporated Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				✓
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

### DISCUSSION

The project involves modifications to the Zoning Ordinance to prohibit the establishment and use of outdoor advertising displays (i.e. billboards). A citywide prohibition of outdoor advertising displays has no potential to cumulatively effect substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, eliminate important examples of the major periods of California history or prehistory, or cause a substantial adverse effects on human beings, either directly or indirectly. As a result, the proposed project is exempt from CEQA review pursuant to CEQA Guidelines 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.

**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item #5.2**  
**PUBLIC HEARING**  
**Meeting Date: January 20, 2010**

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**TO:** Chairman Devine and Members of the Planning Commission  
**FROM:** Sean del Solar, Planner  
**SUBJECT:** Zoning Ordinance Amendment 10-01

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**RECOMMENDATION:**

The Planning Department recommends that the Planning Commission adopt a resolution entitled:

RESOLUTION PC10-\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR CALIFORNIA, AMENDING CHAPTERS 17.204 AND 17.16 OF MUNICIPAL CODE OF THE CITY OF WILDOMAR PERTAINING TO SECOND UNIT PERMITS AND RURAL RESIDENTIAL ZONING (ZONING CODE AMENDMENT 10-01)”

**BACKGROUND:**

During the start-up process period for the City, staff identified a number of potential issues in the Zoning Code which needed to be addressed. On August 5, staff brought a number of these issues forward to the Planning Commission for a decision. At that meeting, the Commission discussed amending the City’s regulations pertaining to Second Unit Permits and decided to refer the issue back to staff for additional study. Consequently at the December 2, 2009 Planning Commission meeting, staff brought back additional information on Second Unit Permits to the Commission. At that meeting the Commission heard public testimony and again discussed the issue and came to a consensus that the City should consider a new Second Unit policy that:

1. Establishes similar Second Unit regulations to the recently amended County of Riverside code.
2. Distinguishes between “Attached” and “Detached” Second Units.
3. Provides an allowance for “Attached Second Units” on parcels larger than a half acre, but less than an acre.
4. Updates the regulations to be consistent with State Law.

In addition to amendments to Chapter 17.204 (Second Unit Permits), Staff is recommending that the Commission also consider an amendment to Chapter 17.16 of the Municipal Code adding standard residential setbacks to the Rural Residential (R-R) zone. Currently the R-R zone does not have setbacks established and as a result, second units in the R-R zone and may be located very close to the property line. Changes to the R-R zone (Chapter 17.16) are discussed immediately after the Second Unit Permits section of this report.

## **DISCUSSION:**

### Second Units:

Based upon the direction provided by the Commission, Staff has created a zoning code amendment which meets the Commissions' previously stated objectives. While the proposed modifications largely reflect the County's changes to the second unit code, staff has included some deviations from the County's changes which more specifically address local conditions. These deviations are as follows:

1. The County's new Second Unit regulations define the existing residence as the "main structure" and the new structure as the "second unit" (Ord. 348, Sec. 18.28.a.(d)(2)). Staff does not recommend including this provision as it would prevent homeowners from "upgrading" their properties by building larger homes on their lots and then utilizing the original structure as a "second unit." This does not override the development standards required for second units.
2. The County's new Second Unit regulations also limited the occupancy of Second Units to either "low/ moderate income" or "non rent-paying" persons and also required that the incomes of tenants be certified on an annual basis with the Planning Director (Ord. 348, Sec. 18.28.a.(d)(4)). The City's original Second Unit regulations did not include this requirement and Staff's recommendation for the proposed Second Unit amendment does not include this requirement either.
3. The County's new Second Unit regulations also created a unilateral prohibition on the operation of businesses and/or home occupations from Second Units (Ord. 348, Sec. 18.28.a.(c)(5)). While the proposed second unit amendment does include a general prohibition on the operation of businesses and home occupations from the Second Unit, Staff has left some latitude for the Director to approve home occupation businesses from second units provided that the second unit is located on a 5 acre or larger parcel in a rural area of the city.

While the alterations from the County's ordinance that are recommended by Staff, the Commission may choose to incorporate all, some or none of these recommendations. The proposed changes to the Zoning Code are shown below with discussion on each change in the text box to the right of the change. Text added to the code is shown with **bolded underlining**, while the deleted text is shown with ~~strikethrough~~. A clean version

of the updated code without any underlining or strikethroughs can be found in exhibit "A" of attachment "A."

## Chapter 17.204 SECOND UNIT PERMITS

### Sections:

- 17.204.010** **Applicability.**
- 17.204.015** **Definitions.**
- 17.204.020** **Application.**
- 17.204.030** **Application Process Hearing and notice of decision.**
- 17.204.040** **Standard second unit permits.**
- ~~**17.204.050** **Senior citizen and hardship second unit permits.**~~
- ~~**17.204.060** **17.204.050 Prohibited areas.**~~
- ~~**17.204.070** **Appeal.**~~
- ~~**17.204.080** **Revocation of permit.**~~

*Section numbers modified to reflect deleted and new sections.*

*Prior ordinance history: Ord. 348.3800, 1997; Ord. 348.3407.1991; Ord. 348.2856, 1988; Ord. 348.2670, 1987; Ord. 348.2580, 1986; Ord. 348.2510, 1985; Ord. 348.2444, 1985; Ord. 348.2360, 1984.*

### **17.204.010 Applicability.**

Whenever a request is made for a ~~standard or senior citizen hardship~~ second unit permit, the following provisions shall take effect. (~~Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a (part)~~)

*Second Unit Permit definitions were added to reflect the consensus of the Commission and California Government Code § 65852.2(i)(4). Definitions were not a part of the County's Revisions to the Second Unit regulations.*

### **17.204.015 Definitions.**

- A. Second Unit A residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling unit.**
- B. Attached Second Unit An attached second unit shares both a common wall and roof with the main residence.**
- C. Detached Second Unit A detached second unit is not connected to the main residence with any structure or appurtenance.**

### **17.204.020 Application.**

Every application for a second unit permit shall be made in writing to the planning director on the forms provided by the planning department, **and** shall be accompanied by the filing fee. ~~as set forth in county Ordinance No. 671 and~~ Applications shall include the following information:

- A. Name and address of the applicant, and evidence that the applicant resides at and is the owner of the premises involved;
- B. Assessor's parcel number of premises involved;
- C. A plot, **elevations** and development plan drawn in sufficient detail to clearly describe the following:
  - 1. Physical dimensions of property,
  - 2. Location and dimensions of all existing and proposed structures,
  - 3. Location and dimensions of all easements, septic tanks, leach lines, existing seepage pits, drainage structures and utilities **(both proposed and existing)**,
  - 4. Location, dimensions and names of all clear adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts,
  - 5. Setbacks,
  - 6. Methods of circulation, including ingress and egress, access, yards, drives, parking areas, landscaping, walls or fences,
  - 7. Topography of the property,
  - 8. **Height and architectural features of the proposed second unit;**
- D. Panoramic photographs showing all sides of the on-site property and adjacent off-site properties;
- E. A description of walls, landscaping, architectural treatments and other methods which will be used to ensure that the second unit will be compatible with the neighborhood;
- ~~F. A statement as to whether the second unit shall be used for family or rental purposes;~~
- ~~G. A list of the names and addresses of all owners of the exterior boundaries of the property as shown on the last equalized assessment roll and any update issued by the county assessor;~~
- H. Such additional information as shall be required by the application form;
- I. A clearance letter from the county health department. (~~Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(a)~~)

*17.204.020(F) is unneeded because the second unit entitlement no longer regulates whom the unit is rented to.*

*17.204.020(G) is unneeded because the second unit application process no longer requires a public hearing.*

**17.204.030 Application Process Hearing and Notice of Decision.**

~~Upon acceptance of an application as complete, the Planning Director shall transmit a copy of the application to the members of the land division committee and the sewer and water district having jurisdiction over the property for review and comment.~~

*State law requires that the approval process for second units be ministerial. Section 17.204.030 has been changed to reflect the City's ministerial (minor plot plan) application process.*

- ~~A. Not less than thirty (30) days after an application is received as complete, the planning director shall schedule the time and date on which the director's decision on~~

~~the application is to be made. Not less than ten (10) days prior to the date on which the decision is to be made the planning director shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll and any updates as owning real property within a three hundred (300) foot radius of the exterior boundaries of the proposed project. Notice of the proposed use shall also be given by publication in a newspaper of general circulation in the county. The notice shall include the statement that no public hearing will be held unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing by the applicant or other affected person, or if the planning director determines that a public hearing should be required. The planning director shall give notice of the decision to the applicant and to any other person who requests notice of the decision. The decision of the planning director shall be considered final unless within ten (10) days of the date of mailing of decision to the applicant an appeal there from is filed.~~

- ~~B. If a public hearing is required under the provisions of this section, notice of the time, date and place of the hearing, before the planning director, and a general description of the location of the real property which is the subject of the hearing, shall be given at least ten (10) days prior to the hearing as follows:~~
- ~~1. Mailing or delivering to the owner of the subject real property or the owner's duly authorized agent;~~
  - ~~2. Mailing or delivering to all owners of real property which is located within a three hundred (300) foot radius of the exterior boundaries of the subject property, as such owners are shown on the last equalized assessment roll and any updates;~~
  - ~~3. The planning director may require that additional notice be given in any other matter the director deems necessary or desirable.~~
- ~~C. If a public hearing is required, the director shall hear relevant testimony from interested persons and make a decision within a reasonable time after the close of the public hearing. The planning director shall give notice of the decision to the applicant, and the decision of the planning director shall be considered final unless within ten days of the date of mailing of the notice of decision to the applicant an appeal there from is filed. (Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a(b))~~

**An application for a second unit shall be made to the Planning Director in accordance with the provisions of Chapter 17.216. The planning director shall approve, conditionally approve, or deny the application without discretionary review or a hearing. Notice of the decision shall be mailed to the applicant. The decision of the planning director is final.**

**17.204.040 Development Standards  
Second Unit Permits.**

*Changes in this section reflect updates from the County's revisions to second unit regulations.*

A. Standards for Approval. No ~~standard~~ second unit permit shall be approved unless it complies with the following standards:

- ~~1. The proposed second unit must conform to all the requirements of the general plan for Riverside County.~~
2. The lot is zoned for a single family dwelling as a permitted use; provided, however, that the lot must be **twenty thousand (20,000)** square feet ~~fourteen thousand four hundred (14,400)~~ square feet or greater in area and may not be part of a ~~planned residential development (PRD)~~ **the R-T R-6** zone.
3. The lot **must** contain **one, and only one** existing one-family **dwelling** detached unit, and either ~~the existing unit or the proposed additional unit is and will be the dwelling unit of the owner~~ must occupy one unit on the property.
4. The proposed second unit **shall comply** with the following zoning, lot size and unit size standards:

*Section 17.204.040(A)(2) has been changed to reflect the new half-acre allowance for attached second units and updated to reflect Wildomar Conditions.*

*Section 17.204.040(A)(3) has been changed to reflect updates from the County's revisions to second unit regulations, however it differs from the County's changes because the County requires the property owner to occupy the existing unit as the primary Residence.*

*Section 17.204.040(A)(4) has been updated to reflect the new half-acre allowance for attached second units. The maximum and minimum unit sizes have been retained from the City's original ordinance. The County's second unit update changed the maximum and minimum units Sizes to 500 to 800 sq. ft. for 1-2 acre lots, and 500 to 1,200 sq. ft. for lots greater than 2 acres.*

*The revised table is shown on the following page.*

<b>Minimum Lot Size per Zoning*</b>	<b>Development Standards Second Unit Permit</b>
<b>7,200 Less than 20,000 sq. ft.</b>	Minimum Lot Size 14,400 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,200 sq. ft. <b><u>Second units prohibited.</u></b>
<b>20,000 sq. ft. to 0.99 acres</b>	<b><u>Attached Second Units Allowed but Detached Second Units Prohibited.</u></b> <b><u>Minimum Unit Size: 750 sq. ft.</u></b> <b><u>Maximum Unit Size: 1,500 sq. ft</u></b>
1 acre to 1.99 acres	Minimum Lot Size 1 acre <b><u>Attached and Detached Second Units Allowed.</u></b> Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,500 sq. ft.
2 acres and larger	Minimum Lot Size 2 acres <b><u>Attached and Detached Second Units Allowed.</u></b> Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,800 sq. ft.

\* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation of the parcel in question.

\*\* "Standard" second dwelling unit refers to a second unit either attached or detached from the principal dwelling unit. It can be occupied by family members or rented to anyone for residential use.

5. Off-street parking spaces shall be required for the second unit in addition to any off-street parking requirements for the principal **existing dwelling** unit. **A minimum of one parking space shall be provided for a second unit. If a second unit contains more than one bedroom, an additional parking space shall be provided for each additional bedroom.**

*Section 17.204.040(A)(5) has been updated to reflect the County's update of the second unit regulations. The City's update differs from the County's in that we have required that at least one of the required off-street parking*

6. **The second unit shall be used as a dwelling unit only, and no businesses may be conducted from or in the second unit, except for home occupation businesses conducted from occupied second units on lots larger than 3 acres.**

7. Second units shall be located at the rear or in the side portions of the lot **and shall not be located in the front yard of an existing dwelling unit, except for lots 3 acres and larger. On lots 3 acres and larger, second units may be located in front of the existing dwelling unit if no feasible alternative is available.** *Section 17.204.040(A)(7) has been updated to reflect the County's new second unit regulations.* ~~comply with all setbacks applicable to the lot. A second unit may be located in front of the principal unit only where the placement of the second unit at the rear or side portion of the lot would be impractical due to the location of the principle unit. In addition, approval shall require a specific finding that the placement of the second unit in the front of the lot is compatible with the neighborhood.~~
8. All of the development standards of the zone in which the lot is located, including but not limited to, parking, height, setbacks, **and** lot coverage, ~~architectural review and health requirements for water and sewerage shall be applicable to the second unit. An applicant shall also be required to provide verification from the appropriate water and sewerage district of available capacity.~~ *Section 17.204.040(A)(8) has been updated to reflect the County's new second unit regulations. Sewage discharge requirements in this section duplicate requirements now located in section 17.204.040(A)(10).*
9. **No Second unit shall exceed the height of the existing primary dwelling unit.** *Section 17.204.040(A)(9) has been added to reflect the County's new second unit regulations.*
10. **Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the second unit or written approval from the County Health Department for use on an existing or new septic system shall be required.** *Section 17.204.040(A)(10) has been added to reflect the County's new second unit regulations.*
11. **Written confirmation from the water district having jurisdiction of the availability of water service for the second unit or written approval from the County Health Department for use of an existing or new well shall be required.**
12. Any second unit placed more than one hundred fifty (150) feet from a public right-of-way shall be required to provide all-weather access for emergency vehicles. *Section 17.204.040(A)(12) has been removed to reflect the County's new second unit regulations.*
13. Findings are made by the planning director that there is no adverse impact on the public health, safety or welfare.

B. Conditions. Any second unit permit granted shall be subject to such conditions as are necessary to protect the health, safety and general welfare of the public. In addition, a permit shall be subject to the following conditions:

1. The second unit shall be used for family members or rental purposes only and may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.
2. **An owner of the lot shall occupy the primary dwelling unit and shall record a restrictive covenant prior to the issuance of Building Permits for the construction of the second unit.**
3. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained. (~~Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(c)~~)

*Section 17.204.040(B)(2) has been added to reflect the County's new second unit regulations. The County's updated regulations require that residency certifications be submitted to the Planning Director on an annual basis. Staff recommends that a better solution to achieve the same objective is to require the recordation of a restrictive covenant.*

**~~17.204.050 Senior Citizen and Hardship Second Unit Permits.~~**

~~A. Standard of Approval. No senior citizen/hardship exemption second unit permit shall be approved unless it complies with the following standards:~~

- ~~1. The proposed second unit must conform to all the requirements of the general plan for Riverside County.~~
- ~~2. The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot must be seven thousand two hundred (7,200) square feet or greater in area and may not be part of a planned residential development (PRD) on the R-6 zone.~~
- ~~3. The second unit shall be used as a dwelling unit only and shall be intended for the sole occupancy of one or two adult persons who are sixty (60) years of age or over, or family members, or those persons with special disabilities or handicaps.~~
- ~~4. The proposed second unit meets the following zoning, lot size and unit size requirements:~~

*Section 17.204.050 has been removed because special provisions for senior citizen hardship units are now inconsistent with State Law (Cal. Gov't Code § 65852.150)*

<b>Minimum Lot Size per Zoning*</b>	<b>Standard Second Unit Permit**</b>
7,200 to 19,900 sq. ft.	Minimum Lot Size: 7,200 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,200 sq. ft.

20,000 sq. ft. to 1.99 acre	Minimum Lot Size 20,000 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,500 sq. ft.
2 acres and larger	See requirements for "standard" second unit permit.

\* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation of the parcel in question.

\*\* "Senior citizen hardship" second unit permits must specify that the second unit is to be used as a dwelling unit for the sole occupancy of one or two adult persons who are 60 years of age or over or immediate family members. or those persons with special disabilities or handicaps. They cannot be rented out to others.

5. Off-street parking requirements, location of second units, development standards, access for emergency vehicles, necessary findings and the requirements that there be an existing one-family detached unit and that either the existing unit or the proposed additional unit is and will be the dwelling unit of the owner-occupant, shall be the same as for the standard second unit permit.

**B. Conditions.**

1. The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.
2. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained. Noncompliance with the conditions of approval and or construction permits may result in the revocation of the second unit permit in accordance with Section 17.204.060. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(d))

**17.204.060 Prohibited Areas.**

Second units shall not be permitted in those areas of the city which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. The prohibited areas include, but are not limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the county or another public agency with the authority to impose a development moratorium. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(e))

*Section 17.204.060 has been removed because clearances are required from either the Environmental Health Department or water district verifying the availability of water/sewer services and by definition, moratoriums would prohibit the construction of new second units.*

*Section 17.204.070 has been removed because the decision of the Planning Director is final.*

### **17.204.070 Appeal.**

An applicant or any interested person may appeal the decision of the planning director by the following procedure:

- ~~A. Appeal to Planning Commission. Within ten (10) calendar days after the date of mailing of the decision by the planning director, an appeal, in writing, may be made to the planning commission on the form provided by the planning department, which shall be accompanied by a filing fee as set forth in Ordinance No. 671. Notice of the appeal shall be given in the same manner that notice was given for the original hearing. The planning commission shall render its decision within thirty (30) days following the close of the hearing on the appeal.~~
- ~~B. Appeal to the Board of Supervisors. Within ten (10) calendar days after the date of mailing of the planning commission's decision, an appeal, in writing, may be made to the Board of Supervisors, on the forms provided by the planning department, which shall be accompanied by the fee set forth in Ordinance No. 671. Upon receipt of a completed appeal, the clerk of the board shall set the matter for hearing before the board of supervisors not less than five days nor more than thirty (30) days thereafter and shall give written notice of the hearing to the appellant, the applicant and the planning director. The board of supervisors shall render its decision within thirty (30) days following the close of the hearing on the appeal. (Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a(l))~~

### **17.204.060 Revocation of Permit.**

Any second unit permit granted may be revoked at any time upon the findings and procedure contained in Chapter 17.220; provided, however, that any appeal shall be heard by the planning commission. (~~Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a(g)~~)

### Rural Residential Setbacks:

As discussed previously, the Rural Residential zoning designation does not establish minimum setbacks in the development standards. This is a concern to staff because the Second Unit Permit regulations rely on development standards in each zoning designation to ensure that structures are properly developed to the standards of each zone. Staff is recommending that as a part of this zoning code amendment, that the Commission also amend Section 17.16.020 of the Municipal Code to establish minimum setbacks in the Rural Residential zone. Building setback standards are common in most zoning districts. As a starting point, staff is suggesting that the Commission begin their discussion using the building setback standards for the One Family Dwelling (R-1) Zone.

Minimum Setbacks Per Zone				
Zoning	Minimum Lot Size	Front	Side	Rear
R-1	7,200 sq. ft.	20	5	10
R-3	7,200 sq. ft.	10	5	10
R-A	20,000 sq. ft.	20	-	-

While staff has recommended standard residential setbacks for the R-R zone be based upon the setbacks for the R-1 Zone (because those are commonly accepted setbacks in suburban areas). However, since many of the lots in the R-R zone are a ½ acre or larger in size, increased side yard setbacks may be appropriate for the R-R.

Staff recommended modifications to the development standards for the R-R Zone, which would be located in Section 17.16.020, are provided below.

#### **17.16.020 Development standards.**

Where a structure is erected or a use is made in the R-R zone that is first specifically permitted in another zone classification, such structure or use shall meet the development standards and regulations of the zone in which such structure or use is first specifically permitted, unless such requirements are hereafter modified.

- A. One family residences shall not exceed forty (40) feet in height. No other building or structure shall exceed fifty (50) feet in height, unless a greater height is approved pursuant to Section 17.172.230. In no event, however, shall a building exceed seventy-five (75) feet in height or any other structure exceed one hundred five (105) feet in height, unless a variance is approved pursuant to Chapter 17.196.
- B. Lot Area. One-half acre, with a minimum average width of eighty (80) feet, including the area to the center of adjacent streets, shall be the minimum size of any lot except as follows: Public utilities, twenty thousand (20,000) square feet with a minimum average lot width and depth of one hundred (100) feet.
- C. Automobile storage space shall be provided as required by Chapter 17.188.
- D. **Minimum yard requirements for residential uses are as follows:**
  1. **The front yard shall be not less than twenty (20) feet, measured from the existing street line or from any future street line as shown on any specific plan of highways, whichever is nearer the proposed structure.**
  2. **Side yards on interior and through lots shall be not less than five (5) feet. Side yards on corner and reversed corner lots shall be not less than ten (10) feet from the existing street line or from any future street line as shown on any specific plan of highways, whichever is nearer the proposed structure.**
  3. **The rear yard shall not be less than ten (10) feet.**
  4. **No structural encroachments shall be permitted in the front, side or rear yard except as provided for in Section 17.172.140.**

The proposed amendments to the Zoning Ordinance require a recommendation from the Planning Commission and approval by the City Council to become effective. As the planning body for the City of Wildomar, it is the Planning Commission's function to use their own judgment in making their recommendation to the Council. If the Planning Commission feels that some of these suggested code amendments are unnecessary or

inappropriate, staff recommends that the Commission provide the additional direction. Staff recommends that the Planning Commission review the proposed amendments and make a recommendation to the City Council to consider.

## **FINDINGS:**

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

*The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan. The proposed changes to the processing and development standards of the Second Unit Permit applications will further the implementation of the General Plan as described in Land Use Policy 22.4 which provides for the development of a variety of housing types, styles and densities that are accessible to and meet the needs of a range of lifestyles, physical abilities, and income levels. The proposed amendment for setbacks in the Rural Residential Zone will further implement Land Use Policy 22.6 which requires that setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting agricultural, roadway, commercial, and industrial uses. The code amendment will further the implementation of these provisions by requiring a more appropriate quality/character of development for second dwelling units. The proposed modifications to the zoning ordinance are consistent with and further implement the provisions of General Plan, and will not create problems detrimental to the public health, safety and general welfare of the residents of Wildomar.*

## **ENVIRONMENTAL ASSESSMENT:**

A review of the potential environmental impacts was conducted for the proposed zoning ordinance amendments. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Department recommends that the Planning Commission make a determination that the proposed zoning ordinance amendment has no potential to impact to the environment, and that 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. The proposed zoning ordinance amendments to do not affect the development potential of property and do not allow for uses or activities that are not otherwise allowed, the proposed amendments have no potential to adversely impact the environment.

## **ALTERNATIVES:**

1. Deny the amendment.
2. Provide further direction to staff.

**ATTACHMENTS:**

- A. Resolution Recommending City Council Approval  
Exhibit A – City Council Ordinance
- B. Chapter 17.204 As adopted by the City Council July 1, 2008
- C. Ordinance 348 Section 18.28a, the County of Riverside's current Second Unit Permit regulations.

# **ATTACHMENT A**

**RESOLUTION NO. PC10-\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR CALIFORNIA, AMENDING PORTIONS OF ZONING ORDINANCE OF THE CITY OF WILDOMAR PERTAINING TO DECISIONS, APPEAL AUTHORITIES, COMPACT PARKING SPACES, AND OTHER MINOR MODIFICATIONS (ZONING CODE AMENDMENT 10-01)”**

WHEREAS, the City of Wildomar incorporated on July 1, 2008; and

WHEREAS, the City Council of the City of Wildomar adopted the County of Riverside General Plan in effect on July 1, 2008; and

WHEREAS, the City Council of the City of Wildomar adopted the existing County of Riverside Zoning Ordinance in effect on July 1, 2008 to implement the General Plan; and

WHEREAS, on January 20, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the project would be considered; and

WHEREAS, the Wildomar Planning Commission conducted a duly noticed public hearing on January 20, 2010 at which it received public testimony concerning the project.

NOW THEREFORE, the Planning Commission of the City of Wildomar does Resolve, Determine, Find and Order as follows:

**SECTION 1. ENVIRONMENTAL FINDINGS.** A review of the potential environmental impacts was conducted for the proposed zoning ordinance amendments. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Department recommends that the Planning Commission make a determination that the proposed zoning ordinance amendment has no potential to impact to the environment, and that 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. The proposed zoning ordinance amendments to do not affect the development potential of property and do not allow for uses or activities that are not otherwise allowed, the proposed amendments have no potential to adversely impact the environment.

SECTION 2. FINDINGS. The Planning Commission hereby finds that these amendments to the Zoning Ordinance are consistent with, and do not conflict with the provisions of the General Plan. The proposed amendments can be divided into two general categories, one procedural and the other physical design. The efficient processing and approval of project applications will further the implementation of the General Plan as described in the implementation programs and Administration Element. The physical design amendments will further the implementation of Land Use Policy 4.1 which requires that new developments be located and designed to visually enhance, not degrade the character of the surrounding area through consideration of the following concepts: (a) Compliance with the design standards of the appropriate area plan land use category; and ... (l) Mitigate noise, odor, lighting, and other impacts on surrounding properties. The code amendment will further the implementation these provisions by requiring a more appropriate quality/character of development. These enhancements will improve the visual quality and community design by reducing the potential for blight typified by the use of barbed wire, razor wire, and unscreened trash enclosures.

SECTION 3. PLANNING COMMISSION ACTION. The Planning Commission hereby takes the following actions:

A. Recommended Approval of Exemption. The Planning Commission hereby recommends that the City Council make a determination that the project is exempt from environmental review in accordance with the provisions of CEQA Guidelines Section 15061(b)(3).

B. Recommend Approval of Ordinance. The Planning Commission recommends that the City Council approve Zoning Code Amendment 10-01 as attached hereto and incorporated herein by reference as Exhibit A.

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of January 2010.

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Robert Devine  
Chairman

**APPROVED AS TO FORM:**

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Thomas Jex  
Assistant City Attorney

**ATTEST:**

---

David Hogan  
Planning Commission Secretary

**EXHIBIT A**  
**DRAFT COUNCIL ORDINANCE**

**Exhibit A**

**ORDINANCE NO. 2010-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR CALIFORNIA, AMENDING CHAPTERS 17.204 AND 17.16 OF MUNICIPAL CODE OF THE CITY OF WILDOMAR PERTAINING TO SECOND UNIT PERMITS AND RURAL RESIDENTIAL ZONING (ZONING CODE AMENDMENT 10-01)**

The City Council of the City of Wildomar ordains 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 recommendation of the Planning Director as provided in the Staff Report dated December 9, 2009 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines that 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. CONSISTENCY WITH THE GENERAL PLAN.** The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan.

**SECTION 3. AMENDMENTS TO CHAPTER 17.204 OF THE ZONING ORDINANCE**

The Zoning Ordinance for the City of Wildomar is hereby amended in its entirety to read as follows:

**“Chapter 17.204  
SECOND UNIT PERMITS**

**Sections:**

- 17.204.010 Applicability.
- 17.204.020 Definitions.
- 17.204.030 Application.
- 17.204.040 Application Process
- 17.204.050 Standard second unit permits.
- 17.204.060 Prohibited areas.
- 17.204.070 Revocation of permit.

### **17.204.010 Applicability.**

Whenever a request is made for a second unit permit, the following provisions shall take effect.

### **17.204.020 Definitions.**

- A. Second Unit A residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling unit.
- B. Attached Second Unit An attached second unit shares both a common wall and roof with the main residence.
- C. Detached Second Unit A detached second unit is not connected to the main residence with any structure or appurtenance.

### **17.204.030 Application.**

Every application for a second unit permit shall be made in writing to the planning director on the forms provided by the planning department, and shall be accompanied by the filing fee. Applications shall include the following information:

- A. Name and address of the applicant, and evidence that the applicant resides at and is the owner of the premises involved;
- B. Assessor's parcel number of premises involved;
- C. A plot, elevations and development plan drawn in sufficient detail to clearly describe the following:
  - 1. Physical dimensions of property,
  - 2. Location and dimensions of all existing and proposed structures,
  - 3. Location and dimensions of all easements, septic tanks, leach lines, existing seepage pits, drainage structures and utilities (both proposed and existing),
  - 4. Location, dimensions and names of all clear adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts,
  - 5. Setbacks,
  - 6. Methods of circulation, including ingress and egress, access, yards, drives, parking areas, landscaping, walls or fences,
  - 7. Topography of the property,
  - 8. Height and architectural features of the proposed second unit;
- D. Panoramic photographs showing all sides of the on-site property and adjacent off-site properties;
- E. A description of walls, landscaping, architectural treatments and other methods which will be used to ensure that the second unit will be compatible with the neighborhood;
- H. Such additional information as shall be required by the application form;
- I. A clearance letter from the county health department.

### 17.204.040 Application Process

An application for a second unit shall be made to the Planning Director in accordance with the provisions of Chapter 17.216. The planning director shall conditionally approve or deny the application without discretionary review or a hearing. Notice of the decision shall be mailed to the applicant. The decision of the planning director is final.

### 17.204.050 Development Standards

- A. Standards for Approval. No second unit permit shall be approved unless it complies with the following standards:
1. The lot is zoned for a single family dwelling as a permitted use; provided, however, that the lot must be twenty thousand (20,000) square feet or greater in area and may not be part of the R-T zone.
  2. The lot must contain one, and only one existing one-family dwelling unit, and the owner must occupy one unit on the property.
  3. The proposed second unit shall comply with the following, lot and unit size standards:

Lot Size	Development Standards
Less than 20,000 sq. ft.	Second units prohibited.
20,000 sq. ft. to 0.99 acres	Attached Second Units Allowed, but Detached Second Units Prohibited. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,500 sq. ft
1 acre to 1.99 acres	Attached and Detached Second Units Allowed. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,500 sq. ft
2 acres and larger	Attached and Detached Second Units Allowed. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,800 sq. ft

5. Off-street parking spaces shall be required for the second unit in addition to any off-street parking requirements for the existing dwelling unit. A minimum of one parking space shall be provided for a second unit. If a second unit contains more than one bedroom, an additional parking space shall be provided for each additional bedroom.
6. The second unit shall be used as a dwelling unit only, and no businesses may be conducted from or in the second unit, except for home occupation businesses conducted from occupied second units on lots larger than 3 acres.
7. Second units shall be located at the rear or in the side portions of the lot and shall not be located in the front yard of an existing dwelling unit,

except for lots 3 acres and larger. On lots 3 acres and larger, second units may be located in front of the existing dwelling unit if no feasible alternative is available.

8. Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the second unit or written approval from the County Health Department for use on an existing or new septic system shall be required.
  9. Written confirmation from the water district having jurisdiction of the availability of water service for the second unit or written approval from the County Health Department for use of an existing or new well shall be required.
  10. Any second unit placed more than one hundred fifty (150) feet from a public right-of-way shall be required to provide all-weather access for emergency vehicles.
- B. Conditions. Any second unit permit granted shall be subject to such conditions as are necessary to protect the health, safety and general welfare of the public. In addition, a permit shall be subject to the following conditions:
1. The second unit shall be used for family members or rental purposes only and may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.
  2. An owner of the lot shall occupy the primary dwelling unit and shall record a restrictive covenant prior to the issuance of Building Permits for the construction of the second unit.
  3. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained.

### **17.204.060 Revocation of Permit.**

Any second unit permit granted may be revoked at any time upon the findings and procedure contained in Chapter 17.220; provided, however, that any appeal shall be heard by the planning commission.”

### **SECTION 3. AMENDMENT TO SECTION 17.16.020 OF THE ZONING ORDINANCE**

Subsection 17.16.020.D of the Wildomar Municipal Code is hereby added to read as follows:

“D. Minimum yard requirements for residential uses are as follows:

1. The front yard shall be not less than twenty (20) feet, measured from the existing street line or from any future street line as shown on any specific plan of highways, whichever is nearer the proposed structure.
2. Side yards on interior and through lots shall be not less than five (5) feet. Side yards on comer and reversed corner lots shall be not less than ten

(10) feet from the existing street line or from any future street line as shown on any specific plan of highways, whichever is nearer the proposed structure.

3. The rear yard shall not be less than ten (10) feet.
4. No structural encroachments shall be permitted in the front, side or rear yard except as provided for in Section 17.172.140.”

SECTION 4. 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 5. Certification and Publication

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 6. Effective Date

This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

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

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debby Lee, City Clerk

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



# **ATTACHMENT B**

## Chapter 17.204

### SECOND UNIT PERMITS\*

#### Sections:

<b>17.204.010</b>	<b>Applicability.</b>
<b>17.204.020</b>	<b>Application.</b>
<b>17.204.030</b>	<b>Hearing and notice of decision.</b>
<b>17.204.040</b>	<b>Standard second unit permits.</b>
<b>17.204.050</b>	<b>Senior citizen and hardship second unit permits.</b>
<b>17.204.060</b>	<b>Prohibited areas.</b>
<b>17.204.070</b>	<b>Appeal.</b>
<b>17.204.080</b>	<b>Revocation of permit.</b>

\* Prior ordinance history: Ord. 348.3800, 1997; Ord. 348.3407, 1991; Ord. 348.2856, 1988; Ord. 348.2670, 1987; Ord. 348.2580, 1986; Ord. 348.2510, 1985; Ord. 348.2444, 1985; Ord. 348.2360, 1984.

#### **17.204.010 Applicability.**

Whenever a request is made for a standard or senior citizen hardship second unit permit, the following provisions shall take effect. (Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a (part))

#### **17.204.020 Application.**

Every application for a second unit permit shall be made in writing to the planning director on the forms provided by the planning department, shall be accompanied by the filing fee as set forth in county Ordinance No. 671 and shall include the following information:

- A. Name and address of the applicant, and evidence that the applicant resides at and is the owner of the premises involved;
- B. Assessor's parcel number of premises involved;
- C. A plot and development plan drawn in sufficient detail to clearly describe the following:
  1. Physical dimensions of property,
  2. Location and dimensions of all existing and proposed structures,
  3. Location and dimensions of all easements, septic tanks, leach lines, existing seepage pits, drainage structures and utilities,
  4. Location, dimensions and names of all clear adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts,
  5. Setbacks,

6. Methods of circulation, including ingress and egress, access, yards, drives, parking areas, landscaping, walls or fences,

7. Topography of the property;

D. Panoramic photographs showing all sides of the on-site property and adjacent off-site properties;

E. A description of walls, landscaping, architectural treatments and other methods which will be used to ensure that the second unit will be compatible with the neighborhood;

F. A statement as to whether the second unit shall be used for family or rental purposes;

G. A list of the names and addresses of all owners of the exterior boundaries of the property as shown on the last equalized assessment roll and any update issued by the county assessor;

H. Such additional information as shall be required by the application form;

I. A clearance letter from the county health department. (Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a(a))

#### **17.204.030 Hearing and notice of decision.**

Upon acceptance of an application as complete, the planning director shall transmit a copy of the application to the members of the land division committee and the sewer and water district having jurisdiction over the property for review and comment.

A. Not less than thirty (30) days after an application is received as complete, the planning director shall schedule the time and date on which the director's decision on the application is to be made. Not less than ten (10) days prior to the date on which the decision is to be made, the planning director shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll and any updates as owning real property within a three hundred (300) foot radius of the exterior boundaries of the proposed project. Notice of the proposed use shall also be given by publication in a newspaper of general circulation in the county. The notice shall include the statement that no public hearing will be held unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing by the applicant or other affected person, or if the planning director determines that a public hearing should be required. The planning director shall give notice of the

decision to the applicant and to any other person who requests notice of the decision. The decision of the planning director shall be considered final unless within ten (10) days of the date of mailing of decision to the applicant an appeal therefrom is filed.

B. If a public hearing is required under the provisions of this section, notice of the time, date and place of the hearing, before the planning director, and a general description of the location of the real property which is the subject of the hearing, shall be given at least ten (10) days prior to the hearing as follows:

1. Mailing or delivering to the owner of the subject real property or the owner's duly authorized agent;
2. Mailing or delivering to all owners of real property which is located within a three hundred (300) foot radius of the exterior boundaries of the subject property, as such owners are shown on the last equalized assessment roll and any updates;
3. The planning director may require that additional notice be given in any other matter the director deems necessary or desirable.

C. If a public hearing is required, the director shall hear relevant testimony from interested persons and make a decision within a reasonable time after the close of the public hearing. The planning director shall give notice of the decision to the applicant, and the decision of the planning director shall be considered final unless within ten days of the date of mailing of the notice of decision to the applicant an appeal therefrom is filed. (Ord. 348.3928 § 2 (part), 2000; Ord. 348 § 18.28a(b))

**17.204.040 Standard second unit permits.**

A. Standards for Approval. No standard second unit permit shall be approved unless it complies with the following standards:

1. The proposed second unit must conform to all the requirements of the general plan for Riverside County.
2. The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot must be fourteen thousand four hundred (14,400) square feet or greater in area and may not be part of a planned residential development (PRD) or the R-6 zone.
3. The lot contains an existing one-family detached unit, and either the existing unit or the proposed additional unit is and will be the dwelling unit of the owner-occupant.
4. The proposed second unit meets the following zoning, lot size and unit size standards:

MINIMUM LOT SIZE PER ZONING*	STANDARD SECOND UNIT PERMIT**
7200 to 19,999 sq. ft.	Minimum Lot Size: 14,440 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,200 sq. ft.
20,000 sq. ft. to 1.99 acre	Minimum Lot Size: 1 acre Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,500 sq. ft.
2 acres and larger	Minimum Lot Size: 2 acres Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,800 sq. ft.

\* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation of the parcel in question.  
 \*\* "Standard" second unit permit refers to a second unit which is attached to or detached from the principal dwelling unit. It can be occupied by family members or rented to anyone for residential use.

5. Off-street parking spaces shall be required for the second unit in addition to any off-street parking requirements for the principal unit.

6. The second unit shall be used as a dwelling unit only, and no businesses or home occupations of any kind may be conducted from or in the second unit.

7. Second units shall be located at the rear or in the side portions of the lot and shall comply with all setbacks applicable to the lot. A second unit may be located in front of the principal unit only where the placement of the second unit at the rear or side portion of the lot would be impractical due to the location of the principle unit. In addition, approval shall require a specific finding that the placement of the second unit in the front of the lot is compatible with the neighborhood.

8. All of the development standards of the zone in which the lot is located, including but not limited to, parking, height, setbacks, lot coverage, architectural review and health requirements for water and sewerage shall be applicable to the second unit. An applicant shall also be required to provide verification from the appropriate water and sewerage district of available capacity.

9. Any second unit placed more than one hundred fifty (150) feet from a public right-of-way shall be required to provide all-weather access for emergency vehicles.

10. Findings are made by the planning director that there is no adverse impact on the public health, safety or welfare.

B. Conditions. Any standard second unit permit granted shall be subject to such conditions as are necessary to protect the health, safety and general welfare of the public. In addition, a permit shall be subject to the following conditions:

1. The second unit shall be used for family members or rental purposes only and may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.

2. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(c))

**17.204.050 Senior citizen and hardship second unit permits.**

A. Standard of Approval. No senior citizen/hardship exemption second unit permit shall be approved unless it complies with the following standards:

1. The proposed second unit must conform to all the requirements of the general plan for Riverside County.

2. The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot must be seven thousand two hundred (7,200) square feet or greater in area and may not be part of a planned residential development (PRD) on the R-6 zone.

3. The second unit shall be used as a dwelling unit only and shall be intended for the sole occupancy of one or two adult persons who are sixty (60) years of age or over, or family members, or those persons with special disabilities or handicaps.

4. The proposed second unit meets the following zoning, lot size and unit size requirements:

MINIMUM LOT SIZE PER ZONING*	SENIOR/HARDSHIP SECOND UNIT PERMITS**
7,200 to 19,000 sq. ft.	Minimum Lot Size: 7,200 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,200 sq. ft.
20,000 sq. ft. to 1.99 acre	Minimum Lot Size: 20,000 sq. ft. Minimum Unit Size: 750 sq. ft. Maximum Unit Size: 1,200 sq. ft.
2 acres and larger	See requirements for "standard" second unit permit

\* "Minimum lot size per zoning" refers to the minimum lot size required by the zoning designation of the parcel in question.

\*\* "Senior citizen hardship" second unit permits must specify that the second unit is to be used as a dwelling unit for the sole occupancy of one or two adult persons who are 60 years of age or over, or immediate family members, or those persons with special disabilities or handicaps. They cannot be rented out to others.

5. Off-street parking requirements, location of second units, development standards, access for emergency vehicles, necessary findings and the requirements that there be an existing one-family detached unit and that either the existing unit or the proposed additional unit is and will be the dwelling unit of the owner-occupant, shall be the same as for the standard second unit permit.

B. Conditions.

1. The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.

2. The life of the permit shall be unlimited provided the second unit is being used in compliance with the provisions of this chapter, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required pursuant to the provisions of Ordinance No. 457 have been obtained. Noncompliance with the conditions of approval and/or construction permits may result in the revocation of the second unit permit in accordance with Section 17.204.060. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(d))

**17.204.060 Prohibited areas.**

Second units shall not be permitted in those areas of the county which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. The prohibited areas include, but are not limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the county or another public agency with the authority to impose a development moratorium. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(e))

**17.204.070 Appeal.**

An applicant or any interested person may appeal the decision of the planning director by the following procedure:

A. Appeal to Planning Commission. Within ten (10) calendar days after the date of mailing of the decision by the planning director, an appeal, in writing, may be made to the planning commission on the form provided by the planning department, which shall be accompanied by a filing fee as set forth in Ordinance No. 671. Notice of the appeal shall be given in the same manner that notice was given for the original hearing. The planning commission shall render its decision within thirty (30) days following the close of the hearing on the appeal.

17.204.080

B. Appeal to the Board of Supervisors. Within ten (10) calendar days after the date of mailing of the planning commission's decision, an appeal, in writing, may be made to the Board of Supervisors, on the forms provided by the planning department, which shall be accompanied by the fee set forth in Ordinance No. 671. Upon receipt of a completed appeal, the clerk of the board shall set the matter for hearing before the board of supervisors not less than five days nor more than thirty (30) days thereafter and shall give written notice of the hearing to the appellant, the applicant and the planning director. The board of supervisors shall render its decision within thirty (30) days following the close of the hearing on the appeal. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(f))

**17.204.080 Revocation of permit.**

Any second unit permit granted may be revoked at any time upon the findings and procedure contained in Chapter 17.220; provided, however, that any appeal shall be heard by the planning commission. (Ord. 348.3928 § 2 (part), 2000: Ord. 348 § 18.28a(g))

# **ATTACHMENT C**

**ORD. 348, SECTION 18.28a. SECOND UNIT PERMITS.**

a. APPLICATION. An application for a second unit permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, shall be accompanied by the filing fee as set forth in County Ordinance No. 671 and shall include the following information:

(1) Name and address of the applicant, and evidence that the applicant is the owner of the property.

(2) Assessor's parcel number of the property.

(3) A plot and development plan drawn in sufficient detail to clearly describe the following:

a) Physical dimensions of the property.

b) Location and dimensions of all existing and proposed structures, walls, fences and landscaping.

c) Location and dimensions of all existing and proposed easements, septic tanks, leach lines, seepage pits, drainage structures and utilities.

d) Location, dimensions, and names of all adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts.

e) Setbacks.

f) Existing and proposed methods of circulation, including ingress and egress, driveways, parking areas and parking structures.

g) Topography of the property, including the mapping of all areas with a slope in excess of 25 percent.

(4) Panoramic color photographs showing the property from all sides and showing adjacent properties.

(5) A description of walls, landscaping, and architectural treatments proposed for the second unit.

(6) A clearance letter from the County Health Department with respect to any proposed water or sanitary facilities.

(7) Written confirmation from any water district or sewer district providing service of the availability of service.

(8) A statement calculating the “usable lot area” of the lot. For purposes of this section, “usable lot area” shall mean the lot area reduced by the area of any portion of the lot used solely for access to the portion of the lot used as a building site and by the area of the lot consisting of slopes in excess of 25 percent.

(9) Such additional information as shall be required by the Planning Director.

b. REVIEW AND NOTICE OF DECISION. The Planning Director shall consider the application ministerially without discretionary review or a hearing. Notice of decision on the application shall be mailed to the applicant. The decision of the Planning Director shall be final.

c. DEVELOPMENT STANDARDS. No second unit permit shall be approved unless it complies with the following requirements:

(1) The lot is zoned for a one-family dwelling as a permitted use; provided, however, that the lot may not be part of a planned residential development or located in the R-6 Zone.

(2) No second unit shall be permitted on any lot with usable lot area less than one acre. Second units are permitted as follows:

<b>USABLE LOT AREA</b>	<b>ALLOWABLE LIVING AREA*</b>
1 acre but less than 2 acres	500 square feet minimum 800 square feet maximum
2 acres or larger	500 square feet minimum 1200 square feet maximum

\*Living area includes the interior habitable area of a second unit including basements and attics but does not include a garage or any accessory structure. Second units shall not be subject to the provisions of Section 18.11 of this ordinance.

(3) The lot contains one, and only one, existing primary detached one-family dwelling unit, and the existing primary dwelling unit will be the dwelling unit of an owner-occupant.

(4) Off-street parking shall be required for the second unit in addition to any off-street parking requirements for the existing dwelling unit. A minimum of one parking space shall be provided for a second unit. If a second unit contains more than one bedroom, an additional parking space shall be provided for each additional bedroom. The required off-street parking for a second unit may be located in setback areas or through tandem parking.

(5) The second unit shall be used as a dwelling unit only, and no businesses or home occupations of any kind may be conducted in the second unit.

(6) Second units shall be located at the rear or in the side portions of the lot and shall not be located in front of the existing dwelling unit.

(7) The second unit shall comply with all development standards of the zone in which the lot is located, including but not limited to, height, setbacks, and lot coverage.

(8) No second unit shall exceed the height of the existing primary dwelling unit.

(9) Any second unit located more than 150 feet from a public right-of-way shall provide all-weather access for emergency vehicles.

(10) Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the second unit or written approval from the County Health Department for use on an existing or new septic system shall be required. Written confirmation from the water district having jurisdiction of the availability of water service for the second unit or written approval from the County Health Department for use of an existing or new well shall be required.

(11) Second units shall not be permitted in those areas of the County which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. Prohibited areas shall include, but not be limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the County or another public agency with the authority to impose a development moratorium.

(12) Second units permitted pursuant to this Section do not exceed the allowable density for the lot upon which the second unit is located and constitute a residential use that is consistent with the general plan and zoning designation for that lot.

d. **CONDITIONS.** A second unit permit shall be subject to such conditions as are necessary to assure compliance with this ordinance and any other provision of law, including without limitation, the following:

(1) The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.

(2) A dwelling unit originally permitted as a second unit may not later be considered a primary dwelling unit for any purpose.

(3) An owner of the lot shall occupy the primary dwelling unit. Written certification of continued compliance with the occupancy restriction of this subsection shall be provided to the Planning Director on or before January 15 of each year.

(4) The second unit may be occupied by any person without rent. The second unit may also be rented; provided, however, that rental occupancy shall be limited to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code. Certification of continued compliance with the occupancy restrictions of this subsection shall be provided to the Planning Director on or before January 15 of each year.

(5) No building permit for a second unit permit shall be issued until a covenant with respect to the occupancy requirements of this ordinance, in the form and content approved by County Counsel, is recorded by the property owner.

e. USE OF PERMIT. The life of the permit shall be unlimited provided the second unit is used in compliance with the provisions of this ordinance, all conditions of approval imposed in connection with the permit, and all other applicable provisions of law. Violation of the provisions of this ordinance or the conditions of approval of the permit shall be grounds for revocation of the permit.

f. REVOCATION OF PERMIT. A second unit permit may be revoked in accordance with the findings and procedure contained in Section 18.31 of this ordinance. The decision revoking a second unit permit may include, without limitation, an order requiring demolition of the second unit.

g. EFFECT OF AMENDMENT. The amendments to this section adopted by Ordinance No. 348.4574 (effective October 2, 2008) shall not apply to any second unit permit in effect prior to that date. A second unit permit issued prior to that date shall remain valid and a second unit constructed pursuant to such permit shall be considered in compliance with all relevant laws, ordinances, rules and regulations.