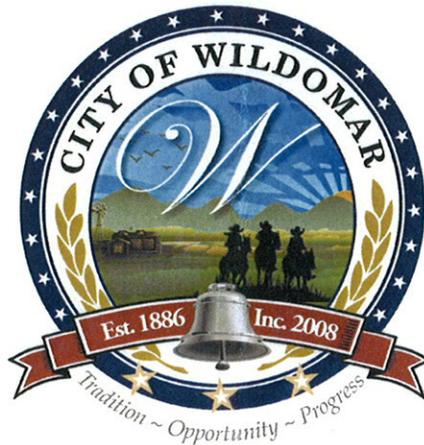


CITY OF WILDOMAR CITY COUNCIL
AGENDA

6:00 P.M. – STUDY SESSION
7:00 P.M. – REGULAR MEETING

MARCH 10, 2010
Council Chambers
23873 Clinton Keith Road



Bridgette Moore, Mayor
Marsha Swanson, Mayor Pro Tem
Sheryl Ade, Council Member
Bob Cashman, Council Member
Scott Farnam, Council Member

City Manager
Frank Oviedo

City Attorney
Julie Hayward Biggs

United States
Census
2010

Remember the Date:
April 1, 2010

www.cccensus.org



IT'S IN OUR HANDS

WILDOMAR CITY COUNCIL REGULAR MEETING AGENDA MARCH 10, 2010

ORDER OF BUSINESS: Public sessions of all regular meetings of the City Council begin at 7:00 P.M. Closed Sessions begin at 6:00 P.M. or such other time as noted.

REPORTS: All agenda items and reports are available for review at: Wildomar City Hall, 23873 Clinton Keith Road; Mission Trail Library, 34303 Mission Trail Blvd.; and on the City's website, www.cityofwildomar.org. Any writings or documents provided to a majority of the City Council 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.

PUBLIC COMMENTS: Prior to the business portion of the agenda, the City Council 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 Mayor will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Comment Card" available at the Chamber door. The completed form is to be submitted to the City Clerk prior to an individual being heard. Lengthy testimony should be presented to the Council in writing (10 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 Council.

CONSENT CALENDAR: Consent Calendar items will be acted on by one roll call vote unless Council members, staff, or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

PLEASE TURN ALL CELLULAR DEVICES TO VIBRATE OR OFF FOR THE DURATION OF THE MEETING. YOUR COOPERATION IS APPRECIATED.

CALL TO ORDER STUDY SESSION – 6:00 P.M.

Review of the City’s Emergency Operations Plan.

CALL TO ORDER REGULAR MEETING - 7:00 P.M.

ROLL CALL

MOMENT OF SILENCE

FLAG SALUTE

Cub Scouts – Wildomar Pack 332

PRESENTATIONS

Riverside County Academic Decathlon Participants - Elsinore High School

Proclamation – Boy Scouts of America 100 Year Anniversary

Proclamation – Sean del Solar

Recognition of Police Officers Honored by MADD

League of California Cities Update – Dave Willmon

Chamber Monthly Report

Fire Department Monthly Report

PUBLIC COMMENTS

This is the time for citizens to comment on issues not listed on the agenda. Under the provisions of the Brown Act, the City Council is prohibited from discussing or taking action on items not listed on the agenda. Each speaker is asked to fill out a “Public Comments Card” (located on the table by the Chamber door) and give the card to the City Clerk prior to the start of the meeting. Comments are limited to three (3) minutes per speaker. The Council encourages citizens to address them so that questions and/or concerns can be heard.

APPROVAL OF THE AGENDA AS PRESENTED

1.0 CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the Council, the public, or staff request specific items be removed from the Consent Calendar for discussion and/or separate action.

1.1 Reading of Ordinances

RECOMMENDATION: Approve the reading by title only of all ordinances.

1.2 Minutes – February 24, 2010 Regular Meeting

RECOMMENDATION: Approve the Minutes as submitted.

1.3 Warrant Registers

RECOMMENDATION: Approve the following Warrant Registers:

1. Dated February 23-24, 2010, in the amount of \$472,215.44; and
2. Dated March 3, 2010 in the amount of \$43,077.64.

1.4 Water Ordinance

RECOMMENDATION: The Planning Commission recommends that the City Council adopt an Ordinance entitled:

ORDINANCE NO. 46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RESTATING CHAPTER 17.276 OF THE WILDOMAR MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF NEW WATER EFFICIENT LANDSCAPE REGULATIONS

2.0 PUBLIC HEARINGS

2.1 Prohibition of Outdoor Advertising Displays and Structures

RECOMMENDATION: The Planning Commission recommends that the City Council introduce:

ORDINANCE NO.

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

3.0 GENERAL BUSINESS

3.1 Southwest Communities Financing Authority Animal Shelter Presentation

RECOMMENDATION: Staff recommends the City Council form an Ad Hoc Committee to evaluate the City of Wildomar's potential membership on the Southwest Communities Financing Authority.

3.2 Mount Palomar Lighting Ordinance

RECOMMENDATION: Receive and file.

3.3 Noise Regulation

RECOMMENDATION: Receive and file.

3.4 City Policy on the Use of City Logo and Marketing Brand

RECOMMENDATION: Adopt the policy on the use of the City Marketing Brand and City Logo.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCIL COMMUNICATIONS

FUTURE AGENDA ITEMS

ADJOURNMENT

2010 City Council Regular Meeting Schedule

March 24	June 9	August 25	November 10
April 14	June 23	September 8	November 24
April 28	July 14	September 22	December 8
May 12	July 28	October 13	December 22
May 26	August 11	October 27	

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 that 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 City Clerk either in person or by phone at (951) 677-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

POSTING STATEMENT: On March 5, 2010, by 6:00 p.m., a true and correct copy of this agenda was posted at the three designated posting locations:
Wildomar City Hall, 23873 Clinton Keith Road
U.S. Post Office, 21392 Palomar Street
Mission Trail Library, 34303 Mission Trail Blvd

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
FEBRUARY 24, 2010**

The regular meeting of February 24, 2010, of the Wildomar City Council was called to order by Mayor Moore at 7:00 p.m.

City Council Roll Call showed the following Members in attendance: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, and Farnam. Absent: Council Member Cashman.

Staff in attendance: Assistant City Manager Nordquist, City Attorney Biggs, Public Works Director Kashiwagi, Planning Director Hogan, Police Chief Cleary, and City Clerk Lee.

MOMENT OF SILENCE

A moment of silence was observed.

FLAG SALUTE

The ROTC of Elsinore High School presented the colors and Mayor Moore led the flag salute.

PRESENTATIONS

Mayor Moore presented Certificates of Commendation to Sycamore Academy Students Marley & Presley Magana for their fundraising efforts for Haiti.

Mayor Moore presented a Proclamation to Virginia Iacobelli and Gilbert Desroos for National Census Month - March 2010.

Mayor Moore gave an update on the Census 2010 efforts in the City.

Richard Smith, Executive Director of the Independent Living Partnership in Riverside County, gave a presentation on the TRIP Service they provide for disadvantaged persons.

Code Enforcement Officer Kowalski presented the monthly Code Enforcement report.

PUBLIC COMMENTS

Martha Bridges, resident, presented a letter and stated she would like to know how many seats would be up for election at the November 2, 2010, election. She also wanted to know if the appropriations limit will be on the ballot.

City Attorney Biggs stated at the present time there are three seats up for election this year. However, there is pending legislation that could change it to only two. Whatever is in place at the time nomination papers are issued, will be what the City will be guided by. In regards to the Gann limit, the City is working on that presently.

Diane O'Malley, resident, spoke regarding patriotism.

APPROVAL OF THE AGENDA AS PRESENTED

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Farnam, to approve the agenda as presented.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

1.0 CONSENT CALENDAR

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to approve the Consent Calendar.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman.
Motion carried.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – February 10, 2010 Regular Meeting

Approved the Minutes as submitted.

1.3 Warrant and Payroll Registers

Approved the following Registers:

1. Approve Warrant Register dated February 10, 2010 in the amount of \$38,797.85;

2. Approve Warrant Register dated February 17, 2010 in the amount of \$38,823.26; and
3. Approve Payroll Warrant Register dated February 11, 2010 in the amount of \$787.25.

1.4 Treasurers Report – January 2010

Approved the Treasurer Report.

1.5 Lake Elsinore and Canyon Lake Total Maximum Daily Loads (TMDL) Task Force Agreement Amendment No. 1

Approved Lake Elsinore and Canyon Lake TMDL Task Force Agreement Amendment No. 1 extending the duration of the agreement one full year and adding the cities of Wildomar and Menifee to the Task Force.

2.0 PUBLIC HEARINGS

2.1 Extension of the Trailer and Boat Storage, and Self- and Mini-Warehouse Moratorium

Mayor Pro Tem Moore opened the public hearing.

Planning Director Hogan presented the staff report stating is one correction to the Ordinance on page 6, section 3, the date should be February 27.

City Attorney Biggs stated this is the first extension and the City can extend it one more time, if deemed appropriate.

There being no speakers Mayor Moore closed the public hearing.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to adopt Ordinance No. 45.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman. Motion carried.

ORDINANCE NO. 45

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR CALIFORNIA, CONTINUING THE PROVISIONS OF ORDINANCE NO. 43 FOR A PERIOD OF TEN (10) MONTHS AND FIFTEEN (15) DAYS ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF RECREATIONAL VEHICLE, TRAILER AND

BOAT STORAGE, AND SELF-STORAGE FACILITIES AND MINI-
WAREHOUSE USES IN COMMERCIAL AND RESIDENTIAL ZONES IN
THE CITY

Which title was read.

2.2 Water Ordinance

Mayor Moore opened the public hearing.

Planning Director Hogan presented the staff report stating this item is as a result of State law.

Mayor Pro Tem Swanson stated she is concerned about what the Planning Commission added to the Ordinance. If someone bought a foreclosed property and the landscaping is all dead, would they have to come and obtain a permit and have a landscape plan?

Planning Director Hogan answered yes if it is over 5000 square feet of landscaping.

Council Member Farnam stated there is no way to enforce this.

Council Member Ade stated she is not in favor of forcing homeowners to hire a landscape architect. If homeowners don't want to do this, they could start putting in concrete or other surfaces that will create more heat. She would like to table this until a plant list is established showing what is acceptable and what is not.

Speakers:

Gina Castanon, resident, stated this Ordinance is much too vague. She stated her agreement with Mayor Pro Tem Swanson and Council Member Ade. This Ordinance is meant more for commercial properties, not residential. This item needs to be tabled until a suggested plant list is established. Additionally, what the Planning Commission added needs to be eliminated.

John Lloyd, EVMWD and resident, stated the Water District supports cities to adopt Ordinances regarding water reduction. At this time is really needed. Speaking as a citizen, he is concerned with Section D. It is cost prohibitive to residents with all the requirements of landscape architects and plans.

City Clerk Lee stated for the record that an e-mail was received from Kristan Lloyd stating her opposition to the Ordinance.

There being no further speakers Mayor Moore closed the public hearing.

Council Member Farnam stated that Section D is really difficult. If you are in an HOA, without an Ordinance, the HOA will make you re-sod and re-plant with water intense landscaping.

Discussion ensued regarding Section D and HOA's.

A MOTION was made, and amended, by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to introduce Ordinance No. 46, striking Section D under 17.276.030 of the Ordinance and to bring back a suggested plant list.

Roll call vote: Ayes – 3; Nays – 1, Council Member Ade; Absent – 1, Council Member Cashman. Motion carried.

ORDINANCE NO. 46
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RESTATING CHAPTER 17.276 OF THE
WILDOMAR MUNICIPAL CODE RELATING TO THE ESTABLISHMENT
OF NEW WATER EFFICIENT LANDSCAPE REGULATIONS

Which was read.

A MOTION was made by Mayor Pro Tem Swanson, seconded by Council Member Farnam, to adopt Resolution No. 2010 - 10.

Roll call vote: Ayes – 3; Nays – 1, Council Member Ade; Absent – 1, Council Member Cashman. Motion carried.

RESOLUTION NO. 2010 – 10
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING THE IMPLEMENTING GUIDELINES FOR
THE NEW WATER EFFICIENT LANDSCAPE REGULATIONS

2.3 FY 2009/10 Mid-Year Budget Report and FY 2010/11 Budget Program Calendar

Assistant City Manager Nordquist presented the staff report.

Speakers:

Gina Castanon, resident, thanked Assistant City Manager Nordquist for meeting with her and Kristan Lloyd. She stated that Lake Elsinore Unified School District is the largest employer of residents in Wildomar. They are talking about reductions in the District. She feels the City needs to cut another 5% in expenditures.

Council Member Ade suggested Ms. Castanon submit her suggestions during the budget process.

A MOTION was made by Mayor Pro Tem Swanson, Council Member Farnam, to approve the recommended mid-year budget changes listed in the Mid-Year Budget Status Report for Fiscal Year 2009/10; and approve the recommended Fiscal Year 2010/11 Budget program schedule.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Council Member Cashman. Motion carried.

3.0 GENERAL BUSINESS

3.1 Resolution Agreeing to Hear Future Resolutions of Necessity for the I-15/Clinton Keith Road Interchange Project

Public Works Director Kashiwagi presented the staff report.

Council Member Ade inquired if we do not adopt this, then Caltrans won't move forward.

Public Works Director Kashiwagi answered that is correct.

A MOTION was made by Council Member Farnam, seconded by Mayor Pro Tem Swanson, to adopt Resolution No. 2010 – 11.

RESOLUTION NO. 2010 – 11
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AGREEING TO HEAR FUTURE RESOLUTIONS OF
NECESSITY FOR THE I-15/CLINTON KEITH ROAD INTERCHANGE
PROJECT

CITY MANAGER REPORT

There was nothing to report.

CITY ATTORNEY REPORT

City Attorney Biggs inquired if the Council would like her to respond to Ms. Bridges.

It was the consensus of the City Council that she respond.

COUNCIL COMMUNICATIONS

Mayor Moore related further information regarding the 2010 Census.

Council Member Ade suggested that the Census look into giving out stickers that say "I was counted" just like you get when you vote.

Mayor Moore stated that every egg in the egg hunt will have a census sticker on it. She will look into it.

FUTURE AGENDA ITEMS

There were no items.

ADJOURNMENT

There being no further business, Mayor Moore declared the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR CITY COUNCIL
Agenda Item #1.3
CONSENT CALENDAR
Meeting Date: March 10, 2010

TO: Mayor and City Council Members
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Warrant Registers dated February 23-24 and March 3, 2010.

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council approve the following Warrant Registers:

1. Dated February 23-24, 2010, in the amount of \$472,215.44; and
2. Dated March 3, 2010 in the amount of \$43,077.64.

BACKGROUND:

The City of Wildomar requires that the City Council audit payments of demands and direct the City Manager to issue checks. The Warrant Registers are submitted for approval.

DISCUSSION:

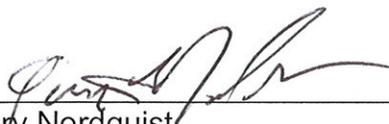
None.

FISCAL IMPACTS:

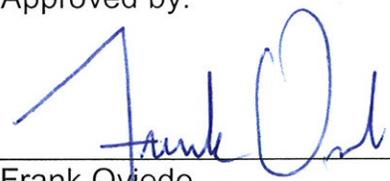
These Warrant Registers will have a budgetary impact in the amount noted in the recommendation section of this report. These costs are included in the Fiscal Year 2009-10 Budget.

Submitted by:

Approved by:



Gary Nordquist
Assistant City Manager



Frank Oviedo
City Manager

City of Wildomar
Warrant Register
February 23-24, 2010

Date	Num	Name	Memo/Description	Amount
02/23/2010	2243	Sheryl Ade	Replace PR Check #5098	290.35
02/24/2010	2244	Scott Farnam	Replace PR Check #5099	223.58
02/24/2010	2238	A & A Janitorial Services	Janitorial Services - January 2010 & Supplies - Marna O'Brien Park	633.46
02/24/2010	2239	Aetna	Insurance Premium for City Council and City Clerk	5,150.00
02/24/2010	2240	AFLAC	Insurance Premium for City Council and City Clerk	611.64
02/24/2010	2241	American Forensic Nurses	Blood Draws	158.00
02/24/2010	2242	Animal Friends of the Valleys, Inc.	Animal Services - January 2010	7,500.00
02/24/2010	2245	Bio-Tox Laboratories	RC Sheriff - Lab Services	648.07
02/24/2010	2246	Crystal Clean Maintenance	Janitorial Services - January 2010	698.00
02/24/2010	2247	Diamond Enviromental Services	VIP 2 X Week Service - Windsong Park	140.70
02/24/2010	2248	FedEx	Shipping Charges	49.90
02/24/2010	2249	Guardian	Insurance Premium for City Council and City Clerk - March 2010	981.92
02/24/2010	2250	North County Times	Publishing Ordinances #40-41 and #43-44	1,455.88
02/24/2010	2251	Protection Rescue Security Services	Security Services - January 2010 - three parks	425.00
02/24/2010	2252	Riverside County Sheriff's Department	Contract Law Enforcement - December 2009	248,952.84
02/24/2010	2253	Interwest Consulting Group	Engineering Services - January 2010	173,034.25
02/24/2010	2254	Department of Transportation	Billing Periods - November & December 2009	1,146.56
02/24/2010	2255	PV Maintenance Inc.	PW Maintenance & Services - December 2010	27,791.30
02/24/2010	2256	Republic ITS	Traffic Signal Response call outs and repairs	1,805.00
02/24/2010	2257	Pitney Bowes	Postage Meter Rental	518.99
Sub-Total \$				472,215.44

City of Wildomar
Warrant Register
March 3, 2010

Date	Num	Name	Memo/Description	Amount
03/03/2010	2258	DirecTV	Television for City Hall - February 2010	\$ 67.00
03/03/2010	2259	County of Riverside - Transportation Department	Rental Use of Radar Speed Trailer	\$ 1,200.00
03/03/2010	2260	Danielson Associates, Inc.	Management Services and Reimbursable Expenses - February 2	\$ 7,093.20
03/03/2010	2261	Edison	Utilities - City Hall, City Parks - February 2010	\$ 3,717.57
03/03/2010	2262	Elsinore Valley Municipal Water District	Water Services - February 2010	\$ 580.88
03/03/2010	2263	Innovative Document Solutions	Contract copier Services & Maintenance - January 2010	\$ 644.90
03/03/2010	2264	KDM Meridian	Topographic Survey Mapping	\$ 9,990.00
03/03/2010	2265	Naples Plaza Ltd.-Oak Creek II	City Hall Lease - March 2010	\$ 10,114.56
03/03/2010	2266	Protection Rescue Security Services	Security Services - City Parks - February 2010	\$ 425.00
03/03/2010	2267	Republic ITS	Traffic signal Response call outs & repairs - November 2009	\$ 5,436.19
03/03/2010	2268	Scott Farnam	Travel Expenses - Economic Development	\$ 208.09
03/03/2010	2269	Sheryl Ade	Earpiece Replacement	\$ 66.99
03/03/2010	2270	Wells Fargo Business Card	February Charges - Office supplies, business meeting, fin. Chgs	\$ 2,695.04
03/03/2010	2271	Wildomar Chamber of Commerce	2010 - Membership Fees	\$ 360.00
03/03/2010	2272	Exec-U-Care	Health Benefits - City Staff - March 2010	\$ 478.22
Sub-total:				\$ 43,077.64

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.4
CONSENT CALENDAR
Meeting Date: March 10, 2010

TO: Mayor and Council Members
FROM: David Hogan, Planning Director
SUBJECT: Water Efficient Irrigation Ordinance Second Reading

STAFF REPORT

RECOMMENDATION:

This is the second reading of this Ordinance. The Ordinance was introduced at the February 24, 2010, City Council Meeting. Staff is recommending that the City Council adopt the Ordinance entitled:

ORDINANCE NO. 46
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, RESTATING CHAPTER 17.276 OF THE
WILDOMAR MUNICIPAL CODE RELATING TO THE ESTABLISHMENT
OF NEW WATER EFFICIENT LANDSCAPE REGULATIONS

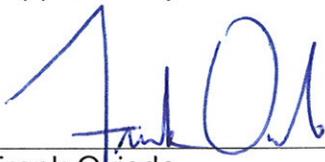
ATTACHMENTS:

A. Final Ordinance

Submitted by:

David Hogan
Planning Director

Approved by:



Frank Oviedo
City Manager

ATTACHMENT A

ORDINANCE NO. 46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RESTATING CHAPTER 17.276 OF THE WILDOMAR MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF NEW WATER EFFICIENT LANDSCAPE REGULATIONS

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Findings. The City Council of the City of Wildomar does hereby find, determine and declare that:

- A. In 2006, the State Legislature adopted AB 1881, the Water Conservation in Landscaping Act, related to water use, waste, conservation and efficiency.
- B. Pursuant to AB 1881, the California Department of Water Resources has developed a Model Water Efficient Landscape Ordinance. The City is required to adopt the State Model Ordinance or its own water efficient landscape ordinance that is "at least as effective in conserving water as" the State Model Ordinance.
- C. The City Council intends to amend Chapter 17.276 of the Wildomar Municipal Code so that it is "at least as effective in conserving water" as the State Model Water Efficient Landscape Ordinance as required by AB 1881.
- D. The local water purveyor for the City of Wildomar is implementing budget-based tiered-rate billing and/or enforcement of water waste prohibitions for all existing metered landscaped areas throughout their service area, which includes most of the City of Wildomar.

SECTION 2: Chapter 17.276 is hereby restated and amended in its entirety to read as follows:

"17.276 WATER EFFICIENT LANDSCAPES

- 17.276.010 Purpose.**
- 17.276.020 Definitions.**
- 17.276.030 Applicability.**
- 17.276.040 Exemptions.**
- 17.276.050 Landscape Water Use Standards.**
- 17.276.060 Implementation Procedures.**
- 17.276.070 Landscape Maintenance.**
- 17.276.080 Delegation.**

17.276.010 PURPOSE.

The purpose of this chapter is to establish water efficient landscape regulations that are “at least as effective in conserving water as” the State Model Water Efficient Landscape Ordinance in the context of conditions in the City in order to ensure that landscapes are planned, designed, installed, maintained, and managed in a manner that uses water efficiently, encourages water conservation, and prevents water waste. The intent of this ordinance is to encourage the cooperation between the City and local water purveyors to achieve irrigation efficiency and water conservation goals.

17.276.020 DEFINITIONS.

For the purposes of this chapter and the Guidelines for the implementation of this chapter, the following terms are defined:

“Applied water” means the portion of water supplied by the irrigation system to the landscape.

“Estimated applied water use” means the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system. Also known as the “EAWU”.

“Evapotranspiration adjustment factor” means the local reference for evapotranspiration using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. It is calculated by dividing. Also known as the “ET adjustment factor” or “ETAF”.

“Guidelines” refers to the Guidelines for Implementation of the Water Efficient Landscape Ordinance, as approved by the City, which describes procedures, calculations, and requirements for landscape projects subject to this chapter.

“Hardscape” means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and are not considered hardscape.

“Homeowner-installed” means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired and paid directly by a homeowner. A homeowner, for purposes of this chapter, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this chapter to the requirements applicable to developer-installed residential landscape projects.

“Hydrozone” means a portion of the landscaped area having plants with similar water needs and typically irrigated by one valve/controller station. A hydrozone may be irrigated or non-irrigated.

“Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied to the landscaped area. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. Also known as “IE”.

“Landscape documentation package” means the construction plans and specification and other supporting documentation required to review and approve landscape construction projects subject to this chapter.

“Landscape Architect” means a licensed landscape architect in the State of California.

“Landscape rehabilitation” means any re-landscaping project that meets the applicability criteria of Section 17.276.030(A) of this chapter and where the modified landscape area is greater than 2,500 square feet or where the cumulative modified area is greater than 2,500 square feet if the modifications are planned to occur incrementally within one year.

“Landscaped area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscape, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

“Maximum applied water allowance” means the upper limit of annual applied water for the landscaped area. It is based upon the area’s reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. Also known as “MAWA”.

“Mined-land reclamation projects” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

“New landscape” means, for the purposes of this chapter, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

“Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.

“Plant factor” or **“plant water use factor”** is a factor, when multiplied by reference evapotranspiration that estimates the amount of water needed by plants. (The plant

factors cited in this chapter are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species" also known as "WUCOLS".)

"Recycled water" or "reclaimed water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

"Reference evapotranspiration" means a standard measurement of environmental parameters which affect the water use of plants. Reference evapotranspiration factor is given expressed in inches per day, month, or year as represented in the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances. Also known as "ET_o".

"Smart automatic irrigation controller" means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

"Special landscape area" means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens; areas irrigated with recycled water; water features using recycled water; and areas dedicated to active play where turf provides a playing surface, such as parks, sports fields, and golf courses.

"Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

"Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection, or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features.

17.276.030 APPLICABILITY.

This chapter shall apply to the following landscape projects:

A. New landscape installations or landscape rehabilitation projects by public agencies or private non-residential developers, except for cemeteries, with a landscaped area, including water features but excluding hardscape, equal to or greater than 2,500 square feet, and which are subject to a discretionary approval of a

landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

B. New landscape installations or landscape rehabilitation projects by developers or property managers of single-family and multi-family residential projects or complexes with a landscaped area, including water features but excluding hardscape, equal to or greater than 2,500 square feet, and which are subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.

C. New landscape installations that are homeowner-installed, including homeowner-hired, in single-family or multi-family residential lots with a total project landscaped area equal to or greater than 5,000 square feet and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for landscaping or water feature.

D. New cemeteries are only required to submit information on water calculations and irrigation scheduling and maintenance activities.

17.276.040 EXEMPTIONS.

This chapter shall not apply to:

- A. Registered local, state, or federal historical sites;
- B. Ecological restoration projects that do not require a permanent irrigation system;
- C. Mined-land reclamation projects that do not require a permanent irrigation system; or
- D. Plant collections, as part of botanical gardens and arboretums open to the public.
- E. Existing cemeteries, except that the water waster prevention provisions of Section 17.272.070 are still applicable to the existing facilities.
- F. The requirements of this chapter may be partially or wholly waived at the discretion of the City Manager or his/her designee, for landscape rehabilitation projects that are limited to the replacement of plantings with equal or lower water needs and where any modifications to the irrigation system do not require ministerial permits and the irrigation system is found to be designed, operable, and programmed consistent with minimizing water waste in accordance with local water purveyors regulations.

17.276.050 LANDSCAPE WATER USE STANDARDS.

A. For applicable new landscape or landscape rehabilitation projects subject to Section 17.276.030, the estimated applied water use allowed for the landscaped area may not exceed the maximum applied water allowance calculated using an evapotranspiration adjustment factor of 0.7, except for the portion of the maximum applied water allowance applicable to any special landscaped areas within the landscape project, which may be calculated using an evapotranspiration adjustment factor of 1.0.

B. Where the design of the landscaped area can be otherwise shown to be equivalently water efficient, the applicant may submit alternative or abbreviated information supporting the demonstration that the annual estimated applied water use is less than the maximum applied water allowance, at the discretion of and review and approval of the city manager or his designee.

C. The irrigation of all landscaped areas installed pursuant to this chapter shall be conducted in a manner conforming to the rules and requirements of the program and the approved Landscape Documentation Package. Violations are subject to penalties and/or incentives for water conservation and water waste prevention as determined and implemented by the City and/or local water purveyor.

17.276.060 IMPLEMENTATION PROCEDURES.

A. A landscape documentation package shall be submitted to the City for review and approval prior to the issuance of any permits to install or construct any landscape-related improvements.

B. A landscape documentation package submitted to the City shall comply with provisions of this chapter and any adopted guidelines. The landscape documentation package shall include, at a minimum, a certification of preparation by the project landscape architect stating that the landscape design plan, soil management report, irrigation design plan, and water use calculations have been prepared by or under the supervision of the landscape professional and are in compliance with the provisions of this chapter and any applicable guidelines.

C. Prior to the final inspection of a new landscape installation, the applicant shall submit a certification of completion to the planning director. The certification of completion shall, at a minimum, include information on the scheduling and timing of irrigation, system maintenance requirements, and identify City of Wildomar Planning Department approved changes to the approved plans that may have occurred during the construction/installation process.

D. The City may adopt guidelines to further refine, describe, and implement the requirements of this chapter.

17.276.070 WATER WASTE PREVENTION – EXISTING LANDSCAPING.

A. The irrigation of landscaping installed prior to the effective date of this ordinance, or exempt from the provisions of this ordinance, shall be operated and maintained to avoid wasteful practices such as the watering of adjacent hardscape areas, runoff to the street, and watering during windy conditions.

B. Irrigation of all landscaped areas must be conducted in a manner conforming to the rules and requirements, and be subject to penalties and incentives for water conservation and water waste prevention established by Elsinore Valley Municipal Water District Ordinance 185, as may be subsequently amended.

C. The City will work with the local water purveyor(s) to provide recommendations on how to increase water efficiency for existing landscapes.”

17.276.080 DELEGATION.

The City may delegate to, or enter into an agreement with, one or more local agencies to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City.”

SECTION 4. The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) (California Public Resources Code Section 21000 et seq.), because pursuant to State CEQA Regulation 15307 (14 Cal. Code Regs., §15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this ordinance will result in the enhancement and protection of water resources in the City, and will not result in cumulative adverse environment impacts. It is therefore exempt from the provisions of CEQA. The City Council hereby directs the City Manager or designee to prepare and file a Notice of Exemption as soon as possible following adoption of this Ordinance.

SECTION 5. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 6. If any section, subsection, subdivision, sentence, clause, 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 the 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, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. The city clerk shall certify to the adoption of this ordinance and shall cause the same to be published in accordance with law.

ADOPTED AND ENACTED this 10th day of March, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.1
PUBLIC HEARING
Meeting Date: March 10, 2010

TO: Mayor and Council Members
FROM: David Hogan, Planning Director
SUBJECT: Prohibition of Outdoor Advertising Displays and Structures (Zoning Code Amendment 09-04)

STAFF REPORT

RECOMMENDATION:

The Planning Commission recommends that the City Council introduce an ordinance entitled:

ORDINANCE NO.

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

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 consulted with the City Attorney who developed the draft ordinance contained in Attachment A for the Commission's consideration. The Planning Commission considered the proposed ordinance on February 3, 2010 and recommended the proposed ordinance to the City Council for approval.

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 current zoning ordinance provisions are contained in Attachment D.

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 City Council believes that the prohibition of billboards and other outdoor advertising displays and structures is appropriate, the Commission recommends the City Council approves the draft ordinance contained in Attachment A.

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 Commission recommends that the City Council 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 E.

PLANNING COMMISSION:

The Planning Commission considered this proposed ordinance amendment on February 3, 2010. At the meeting, there was one public speaker. A resident in the Sedco area indicated that the ability to locate a billboard on her property would improve the financial viability of her small business (the Whitney Lakes Water Company). After the public hearing, the Commission voted 3-1 (with one abstention) to recommend approval of the proposed ordinance (as contained in Attachment A). The Commissioner who voted against the proposed ordinance stated that he felt that the proposed

prohibition was too much of an intrusion into private business and that any community benefits were not sufficient enough to justify the intrusion into private business affairs. A copy of the Planning Commission Resolution is contained in Attachment B. An excerpt from minutes of the Planning Commission meeting addressing the proposed zoning code amendment is contained in Attachment C.

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.

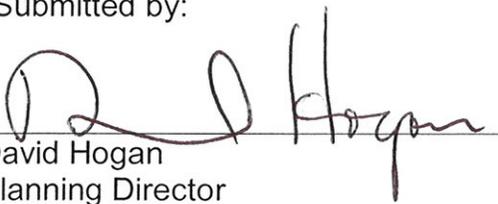
ALTERNATIVES:

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

ATTACHMENTS:

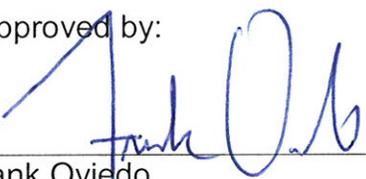
- A. Draft Ordinance
- B. Planning Commission Resolution
- C. Planning Commission Minute Excerpts
- D. Current Zoning Code Requirements
- E. Initial Study

Submitted by:



David Hogan
Planning Director

Approved by:



Frank Oviedo
City Manager

ATTACHMENT A

ORDINANCE NO.

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* (9th Cir. 2009) 551 F.3d 898, 904; *National Advertising v. City of Orange* (9th 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* (9th 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 February 10, 2010. At this meeting, the Planning Commission adopted Resolution PC10-003, 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 March 10, 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 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.

ADOPTED AND ENACTED this 24th day of March, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT B

RESOLUTION PC 10-003

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 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 lacked sufficient quorum to consider items on the agenda and the proposed ordinance was continued to the next meeting; and

WHEREAS, on February 3, 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 February 3, 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 adopt an Ordinance entitled "An Ordinance of the City Council of the City Of Wildomar Amending Sections 17.252.020 and 17.252.030 of the Wildomar Municipal Code pertaining to Outdoor Advertising Displays" as attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED AND ADOPTED this 3RD day of February 2010.

Robert Devine
Chairman

APPROVED AS TO FORM:

ATTEST:

Thomas Jex
Assistant City Attorney

David Hogan
Planning Commission Secretary

ATTACHMENT C

4.0 CONTINUED PUBLIC HEARING ITEMS:

4.1 ZONING CODE AMENDMENT 09-04 – PROHIBITION OF OUTDOOR ADVERTISING DISPLAYS AND STRUCTURES.

Planning Director Hogan made the Staff report.

Vice-Chairman Nowak opened the public hearing.

Resident Denise Sewell addressed the Commission and discussed how a billboard on her property could help her small business succeed.

Vice-Chairman Nowak closed the public hearing.

Commissioner Dykstra asked if the current outdoor advertising regulations came from the County.

Director Hogan responded in the affirmative and clarified that the County Code was adopted at incorporation.

Commissioner Dykstra recalled regulations which limited the installations of billboards to properties already developed with either commercial or industrial facilities and asked if these limitations were still a part of the code.

Director Hogan responded that those limitations were not a part of the City's code.

Commissioner Dykstra noted the presence of billboards around the area and expressed reservation about prohibiting them along I-15 as it passes through the city. He went on to suggest that billboards should be allowed on I-15 provided they were located within 1,500 feet of an existing business.

Commissioner Andre expressed content with the proposed prohibition.

Commissioner Dykstra noted that all the existing billboards in Wildomar are illegal.

Vice-Chairman Nowak noted that once approved, billboards could be left in place indefinitely and could be left in place even after an undeveloped piece of property develops.

MOTION: Commissioner Andre motioned to recommend approval of Zoning Code Amendment 09-04 to the City Council. The motion was seconded by Commission Kazmier. Motion carried, the following vote resulted:

AYES:	Nowak, Andre, Kazmier
NOES:	Dykstra
ABSENT:	Devine
ABSTAIN:	---

ATTACHMENT D

ATTACHMENT D-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 D-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 E

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.

6. GEOLOGY AND SOILS. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
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.

7. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
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.

11. NOISE. Would the project result in:

Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
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

MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
Issues	Potentially Significant Impact	Less Than Significant with the Incorporated Mitigation	Less Than Significant Impact	No Impact
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 – COUNCIL
Agenda Item #3.1
GENERAL BUSINESS
Meeting Date: March 10, 2010

TO: Mayor and City Council Members

FROM: Frank Oviedo, City Manager

SUBJECT: Southwest Communities Financing Authority Animal Shelter Presentation (County of Riverside, Temecula, Murrieta, Lake Elsinore, and Canyon Lake)

STAFF REPORT

RECOMMENDATION:

Staff recommends the City Council form an Ad Hoc Committee to evaluate the City of Wildomar's potential membership on the Southwest Communities Financing Authority

BACKGROUND:

Prior to the City of Wildomar's incorporation the County of Riverside and four southwest cities consisting of Temecula, Murrieta, Lake Elsinore, and Canyon Lake, established a financing authority. The authority's purpose was to pay for the construction of an animal shelter to serve southwest Riverside County.

Prior to the City's incorporation the debt had been issued for the project and planning was already underway. After construction it was anticipated that all cities in the southwest region would jointly pay and use the shelter as part of their animal control function.

In order to fulfill our animal control responsibilities the City contracted animal control services through the Animal Friends of the Valley organization. They are currently operating the shelter that houses animals coming from within City borders. The current shelter in Lake Elsinore has been deemed inadequate for the amount of animal control activity in southwest Riverside County. They are currently proposing to operate the new shelter being constructed in the City of Wildomar off Mission Trail and Corydon.

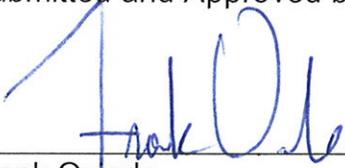
Since the City of Wildomar currently uses the same shelter and the same animal control services that all the southwest cities use, the question of whether or not the City of Wildomar should be a member of the Southwest Communities Financing Authority has not been addressed. Mr. Dean Deines from the County of Riverside will present the City Council with a presentation on the history, current status of the animal shelter, and information regarding the potential membership for the City of Wildomar.

As a result, staff is recommending to the Council that an Ad Hoc Committee be formed to evaluate the City of Wildomar's potential membership on the Southwest Communities Financing Authority.

FISCAL IMPACT:

There is no fiscal impact at this time. However, there are fiscal implications that could significantly increase costs for the City to provide animal control and shelter. The costs and membership should be evaluated with the purpose of reporting back to the City Council with a recommendation.

Submitted and Approved by:



Frank Oviedo
City Manager

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.2
GENERAL BUSINESS
Meeting Date: March 10, 2010

TO: Mayor and Council Members
FROM: David Hogan, Planning Director
SUBJECT: Mount Palomar Lighting Ordinance

STAFF REPORT

RECOMMENDATION:

Receive and File.

BACKGROUND:

At a previous meeting, members of the City Council requested information on the Mount Palomar Lighting Ordinance. The purpose of this staff report is to provide information on the current ordinance.

The Mount Palomar Lighting Ordinance was originally adopted to reduce the amount of light pollution in the atmosphere and minimize the undesirable impacts on the existing observatory. The observatory is operated by Caltech and has been upgraded to retain its usefulness as new technologies become available. Based upon the requests by Caltech, the surrounding counties and many of the cities adopted ordinances to restrict the type and amount of lighting. Riverside County adopted nighttime lighting restrictions in 1988 (Ordinance 655). These requirements are included in Chapter 8.80 of the Wildomar Municipal Code. A copy of the current ordinance provisions are contained in Attachment A.

To reduce light pollution, the ordinance sets different standards for facilities within 15 miles of the observation (Zone A) and another set of standards between 15 and 45 miles of the observatory (Zone B). The requirements for Zone A are more stringent than Zone B. The City of Wildomar is located within Zone B.

The ordinance also classifies lighting into three different categories; each category of lighting has its own standards and requirements. The three types of lighting are:

- I. Lighting where color rendition is important;
- II. Security Lighting; and
- III. Decorative Lighting.

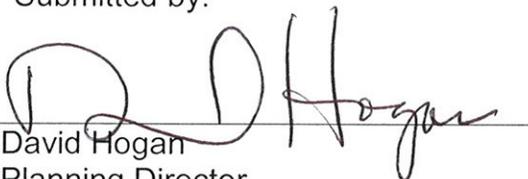
Depending on the type of lighting, there are restrictions on the type of fixtures that are allowed as well as limitation on the hours of operation. The many restrictions are identified in the ordinance.

The provisions of the ordinance are implemented by the Planning Department through the entitlement process as conditions of approval and standard requirements, and by the Building and Safety Department through the building permit/construction processes. However, there are no permitting requirements for individual homeowners to replace light fixtures. As a result, some residents may inadvertently install lighting that is inconsistent with the provisions of the ordinance.

ATTACHMENTS:

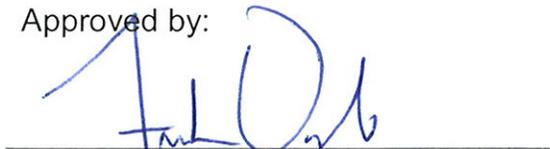
- A. Current Ordinance
- B. Homeowner Handout

Submitted by:



David Hogan
Planning Director

Approved by:



Frank Oviedo
City Manager

ATTACHMENT A

Chapter 8.80

LIGHT POLLUTION

Sections:

- 8.80.010 Intent.**
- 8.80.020 Conformance with applicable ordinances.**
- 8.80.030 Approved materials and methods of installation.**
- 8.80.040 Definitions.**
- 8.80.050 General requirements.**
- 8.80.060 Requirement for lamp source and shielding.**
- 8.80.070 Submission of plans and evidence of compliance.**
- 8.80.080 Prohibitions.**
- 8.80.090 Permanent exceptions.**
- 8.80.100 Temporary exemptions.**
- 8.80.110 Emergency exemptions.**
- 8.80.120 Conflict of provisions.**
- 8.80.130 Violations—Penalties.**
- 8.80.140 Violations constitute public nuisance.**

8.80.010 Intent.

The intent of this chapter is to restrict the permitted use of certain light fixtures emitting into the night sky undesirable light rays which have a detrimental effect on astronomical observation and research. This chapter is not intended to restrict the use of low pressure sodium lighting of single family dwellings for security purposes. This chapter does not require any replacement of light fixtures already installed and operating. (Ord. 655 § 1, 1988)

8.80.020 Conformance with applicable ordinances.

All artificial outdoor light fixtures shall be installed in conformance with the provisions of this chapter and the applicable provisions of the ordinances of the county regulating the installation of such fixtures. (Ord. 655 § 2, 1988)

8.80.030 Approved materials and methods of installation.

This chapter is not intended to prevent the use of any design, material or method of installation not specifically forbidden, provided any such alternate has been approved. The planning director may approve any such proposed alternate if it:

- A. Provides at least approximate equivalence to the applicable specific requirements of this chapter; and
- B. Is otherwise satisfactory and complies with the intent of this chapter. (Ord. 655 § 3, 1988)

8.80.040 Definitions.

As used in this chapter:

“Class I lighting” means all outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair area, outdoor advertising displays and other signs, recreational facilities and other similar applications when color rendition is important.

“Class II lighting” means all outdoor lighting used for but not limited to illumination for walkways, private roadways and streets, equipment yards, parking lots and outdoor security.

“Class III lighting” means that lighting not needed for Class I or Class II purposes and used for decorative effects. Examples of Class III lighting include, but are not limited to, the illumination of flag poles, trees, fountains, statuary, and building walls.

“Fully shielded” means outdoor light fixtures shielded or constructed so that light rays emitted by the fixtures are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

“Individual” means any private individual, tenant, lessee, owner or any commercial entity, including, but not limited to, companies, partnerships, joint ventures or corporations.

“Installed” means any installation of outdoor light fixtures after the effective date of the ordinance codified in this chapter. Projects with construction plans approved by the county prior to the effective date of said ordinance are excluded from installation in compliance with this chapter.

“Luminare” means a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

“Outdoor advertising display” means advertising structures and signs used for outdoor advertising purposes, not including on-site advertising signs, as further defined and permitted in Article XIX of Ordinance No. 348 (Chapter 17.252 of this code).

“Outdoor light fixtures” means outdoor artificial illuminating devices, installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:

1. Buildings and structures;
2. Recreational facilities;
3. Parking lots;

4. Landscape lighting;
5. Outdoor advertising displays and other signs;
6. Street lighting on private streets;
7. Walkway lighting.

“Outdoor recreational facilities” means public or private facilities designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Outdoor recreational facilities include, but are not limited to, fields for softball, baseball, football, soccer, and other field sports, courts for tennis, basketball, volleyball, handball and other court sports, stadiums, and lighted golf facilities such as driving ranges.

“Partially shielded” means outdoor light fixtures designed or constructed so that ninety (90) percent of the light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point of the shield.

“Planning director” means the director of planning of the county or representative(s) designated by the planning director.

“Zone A” means the circular area fifteen (15) miles in radius centered on Palomar Observatory.

“Zone B” means the circular ring area defined by two circles, one forty-five (45) miles in radius centered on Palomar Observatory, and the other the perimeter of Zone A. (Ord. 655 § 4, 1988)

8.80.050 General requirements.

These standards apply in Zones A and B.

A. Preferred Source. Low-pressure sodium lamps are the preferred illuminating source.

B. Shielding. All nonexempt outdoor light fixtures, shall be shielded as required in Section 8.80.060.

C. Hours of Operation. All nonexempt outdoor light fixtures are subject to the provisions of Section 8.80.080 regarding hours of operation.

D. Outdoor Advertising Display. Lighting fixtures used to illuminate an outdoor advertising display shall be mounted on the top of the outdoor advertising structure. All such fixtures shall comply with the lamp source and shielding requirements of Section 8.80.060, and the prohibitions of Section 8.80.080. (Ord. 655 § 5, 1988)

8.80.060 Requirement for lamp source and shielding.

The requirements for lamp source and shielding of light emissions for outdoor light fixtures in Zones A and B shall be as follows:

Lamp Type and Shielding Requirements Per Fixture

Class I—Color Rendition Important

Lamp Type	Zone A	Zone B
Low Pressure Sodium	allowed	allowed
Others above 4050 lumens	prohibited	allowed if fully shielded
Others 4050 lumens & below	allowed*	allowed

Class II—Parking Lots, Walkways, Security

Lamp Type	Zone A	Zone B
Low Pressure Sodium	allowed	allowed
Others above 4050 lumens	prohibited	prohibited
Others 4050 lumens & below	prohibited	allowed

Class III—Decorative

Lamp Type	Zone A	Zone B
Low Pressure Sodium	prohibited	allowed
Others above 4050 lumens	prohibited	prohibited
Others 4050 lumens & below	prohibited	allowed

*Maximum of 8.100 total lumens per acre or per parcel if under one acre.

Note: When lighting is “allowed” by this section, it must be fully shielded if feasible and partially shielded in all other cases, and must be focused to minimize spill light into the night sky and onto adjacent properties.

(Ord. 655 § 6, 1988)

8.80.070 Submission of plans and evidence of compliance.

The application for any required county approval for work in Zones A and B involving nonexempt outdoor light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain, but not be limited to, the following:

A. The location of the site where the outdoor light fixtures will be installed;

B. Plans indicating the location and type of fixtures on the premises;

8.80.080

C. A description of the outdoor light fixtures, including, but not limited to, manufacturer's catalog cuts and drawings.

The above required plans and descriptions shall be sufficiently complete to enable the county to readily determine whether compliance with the requirements of this chapter will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit further evidence of compliance enabling such determination. (Ord. 655 § 7, 1988)

8.80.080 Prohibitions.

A. The installation of other than low pressure sodium street lights on private roadways and streets is prohibited within Zones A and B.

B. All Class I lighting in Zones A and B shall be off between eleven p.m. and sunrise, except as follows:

1. On-premise advertising signs may be illuminated while the business facility is open to the public;

2. Outdoor advertising displays may remain lighted until midnight;

3. Outside sales, commercial, assembly, repair, and industrial areas may be lighted when such areas are actually in use;

4. Outdoor recreational facilities may remain lighted to complete recreational activities that are in progress and under illumination in conformance with this chapter at eleven p.m.

C. All Class II lighting in Zones A and B may remain on all night.

D. All Class III lighting in Zones A and B shall be off between eleven p.m. and sunrise.

E. Operation of searchlights for advertising purposes is prohibited in Zones A and B. (Ord. 655 § 8, 1988)

8.80.090 Permanent exceptions.

A. Nonconformance. All outdoor light fixtures existing and legally installed prior to the effective date of the ordinance codified in this chapter are exempt from the requirements of this chapter except that:

1. When existing luminaires are reconstructed or replaced, such reconstruction or replacement shall be in compliance with this chapter;

2. Sections 8.80.080(B) through (E) regarding hours of operation shall apply.

B. Fossil Fuel Light. All outdoor light fixtures producing light directly by combustion of fossil fuels (such as kerosene lanterns, and gas lamps) are exempt from the requirements of this chapter.

C. Holiday Decorations. Lights used for holiday decorations are exempt from the requirements of this chapter. (Ord. 655 § 9, 1988)

8.80.100 Temporary exemptions.

A. Information Required. Any individual may submit a written request to the planning director for a temporary exemption from the requirements of this chapter. The filing fee for the temporary exemption shall be fifty dollars (\$50.00). The request for temporary exemption shall contain the following information:

1. Name, address and telephone number of the applicant;

2. Location of the outdoor light fixtures for which the exemption is requested;

3. Specific exemption(s) requested;

4. Use of the outdoor light fixtures involved;

5. Duration of the requested exemption(s);

6. Type of outdoor light fixture to be used, including total lumen output, character of the shielding, if any;

7. Previous temporary exemptions, if any;

8. Such other data and information as may be required by the planning director. The planning director shall have ten (10) business days from the date of receipt of the request for temporary exemption to approve or disapprove the request. The applicant will be notified of the decision in writing.

B. Duration of Approval. The exemption shall be valid for not more than thirty (30) consecutive days from the date of issuance of approval. Exemptions are renewable for a period of not more than fifteen (15) consecutive days. Requests for renewal of a temporary exemption shall be processed in the same manner as the original request. No outdoor light fixtures shall be exempted from this ordinance for more than forty-five (45) days during any twelve (12) month period.

C. Appeals. An applicant or any interested person may file an appeal from the decision of the planning director within ten (10) days of the date of mailing of the notice of decision to the applicant. The appellant may appeal that decision, in writing, to the board of supervisors, on forms provided by the planning department, which shall be accompanied by a filing fee of twenty-five dollars (\$25.00). 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 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. 655 § 10, 1988)

8.80.110 Emergency exemptions.

This chapter shall not apply to portable temporary lighting used by law enforcement or emergency services personnel to protect life or property. (Ord. 655 § 11, 1988)

moved, improved, or converted contrary to the provisions of this chapter. (Ord. 655 § 14, 1988)

8.80.120 Conflict of provisions.

Where any provision of the statutes, codes or laws of the United States of America or the state of California conflicts with any provision of this chapter, the most restrictive shall apply unless otherwise required by law. (Ord. 655 § 12, 1988)

8.80.130 Violations—Penalties.

It is unlawful for any individual to operate, erect, construct, enlarge, alter, replace, move, improve or convert any lighting structure, or cause the same to be done, contrary to or in violation of any provision of this chapter. Any individual violating any provision of this chapter shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

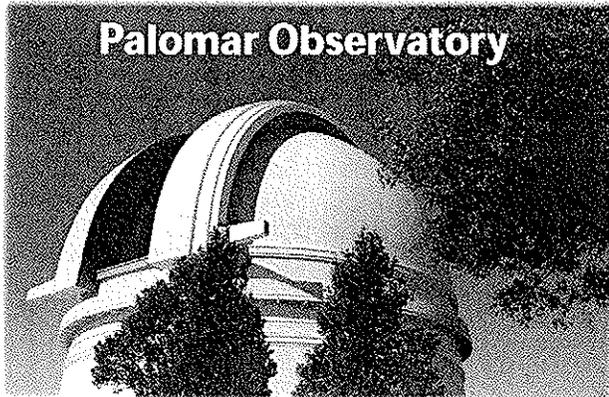
Any individual convicted of a violation of this chapter shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred fifty dollars (\$250.00) for a second violation on the same site and perpetrated by the same individual. The third and any additional violations on the same site and perpetrated by the same individual shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six months in jail, or both. Payment of any penalty in this section shall not relieve an individual from the responsibility for correcting the violation. (Ord. 655 § 13, 1988)

8.80.140 Violations constitute public nuisance.

Any lighting structure erected, constructed, enlarged, altered, replaced, moved, improved or converted contrary to the provisions of this chapter shall be, and the same is declared to be, unlawful and a public nuisance and subject to abatement in the manner provided by law. Any failure, refusal or neglect to obtain a permit as required by this chapter shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, replacement, improvement or conversion of a lighting structure erected, constructed, enlarged, altered, repaired,

ATTACHMENT B

Good Lighting and Poor Lighting



You can help preserve the beauty of the night sky:

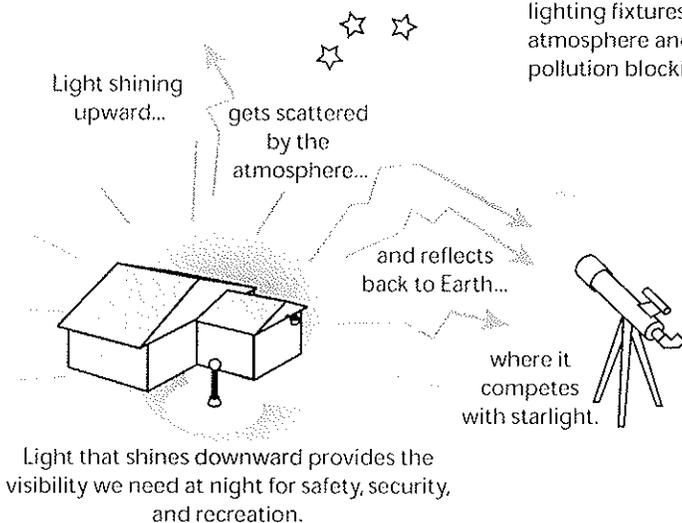
Our choice of lighting fixtures affects our ability to enjoy the night sky. In most cases, all we need to do is aim our lights, which in turn provides better safety and security. This brochure describes how our lighting choices can improve personal safety and security while preserving the night sky for scientific research as well as for our own enjoyment.

A message from Palomar Observatory:

"The Palomar Observatory's astronomical research is threatened by light pollution from Riverside and San Diego Counties. Good lighting at your home can help preserve the nighttime skies for everyone."

Scott Kardel, Palomar Observatory

What causes sky glow?

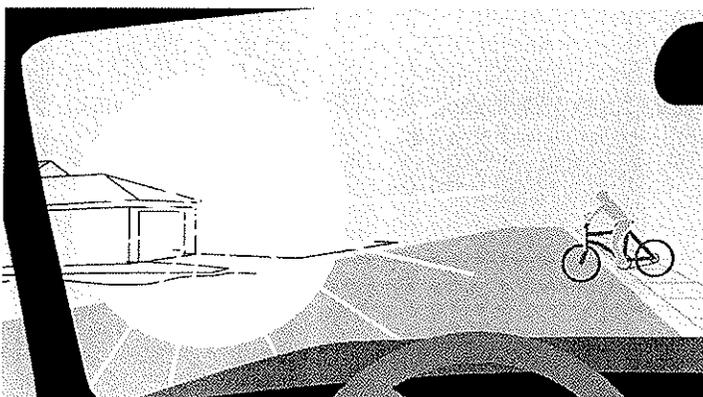


The scientific community and lighting regulations often use the term "light pollution." Light pollution is the unused portion of light from poorly aimed lighting fixtures that shines up and sideways. This light is scattered by the atmosphere and reflected back to the ground as sky glow. This sky glow is light pollution blocking our window to the universe.

How you can help Palomar Observatory

- Aim your lights downward onto your property.
- Use low-pressure sodium lights where you do not need white light.
- Use lights with reflective covers that aim light downward, especially if you need bright light.
- Use motion or proximity activated security lights.
- Turn off unneeded lights.
- Use dim or low pressure sodium lights in decorative features.

Bright, unaimed lights create glare, which is a safety hazard

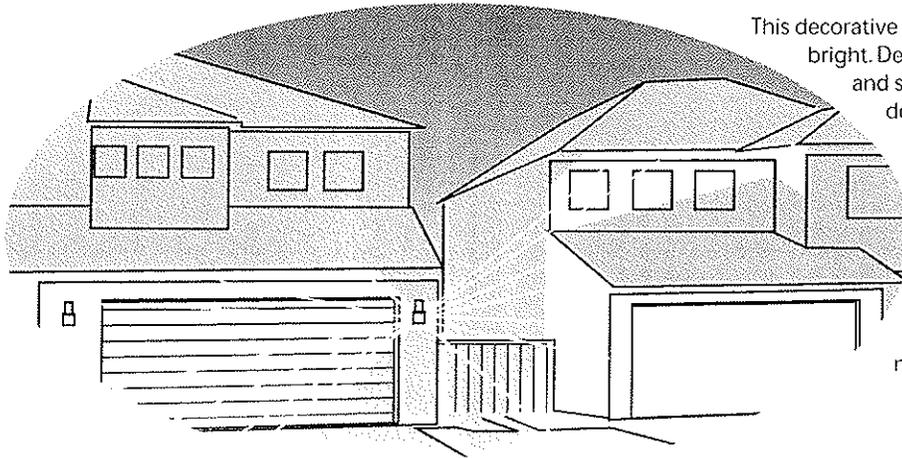


This unaimed 175-watt mercury vapor light gives a false sense of security. The intensity of the white light overwhelms a driver's ability to see well at night. In my case, I couldn't see a child about to enter the street on a bicycle. Fortunately, the child's parent was under the light waving to the child. I slowed and missed the child because I saw the parent's gesture, but I could not see the child until he or she was in front of my car.

Using a cover that aims the light downward would preserve the safety and security function while eliminating the glare hazard as well as the light pollution.

John Garrett, Temecula Valley Astronomers

Poorly aimed, overly bright lights impair your neighbor's ability to see and exposes them to the outside.

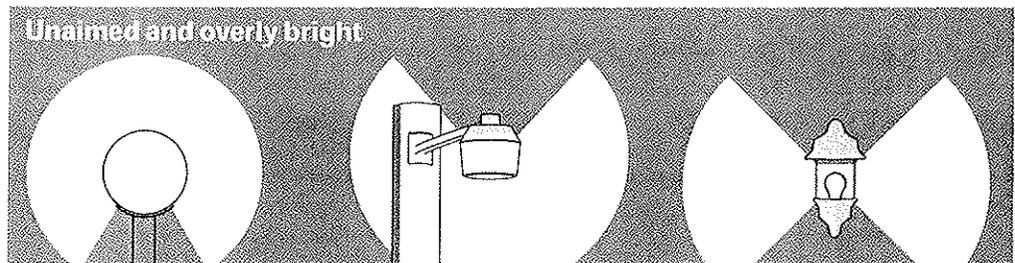


This decorative light is equipped with a bulb that is too bright. Decorative lights often lack proper aiming and shine as much light upward as downward. Because of this design, they make poor flood lights. Here, a decorative light shines into a neighbor's window, putting the neighbor at a disadvantage should he or she need to look out at night: The direct glare from the bulb makes seeing difficult; and the direct light on the window means the neighbor can be seen from the street.

Good vs bad lighting design

Bad lighting:

- Wastes energy
- Creates light pollution
- Creates glare
- Obscures the view of stars
- Disrupts sleep cycles



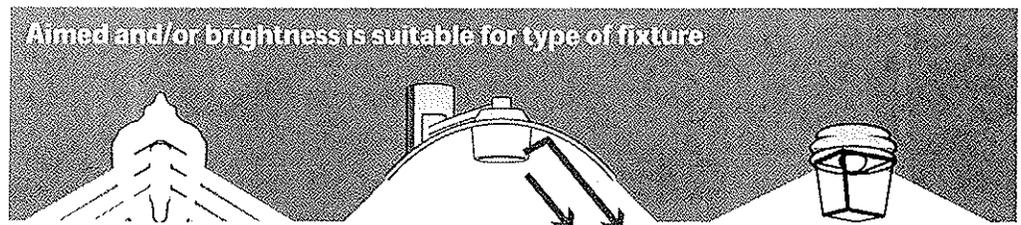
There is nothing wrong with decorative lights, except when they are used as flood lights. A globe light shines more light upward than downward, creating more light pollution and glare than usable light.

A typical mercury vapor yard light uses power (which is energy and money) to compensate for poor design. Much of the light shines up and sideways where it creates glare and light pollution.

Many decorative lights are modelled after old-fashioned gas-burning lamps, which were never bright enough to create glare. The old lamp design with modern high-wattage bulbs creates mostly glare and light pollution.

Good lighting:

- Is energy efficient
- Shines only on the intended target
- Preserves nighttime visibility
- Is only as bright as needed



Old fashioned decorative lights can use low-pressure sodium (or yellow-light) bulbs. Some manufacturers make bulbs with louvers that aim the light downward, converting old-fashioned lamps into effective lights.

A simple hood prevents light pollution and glare by blocking the light that shines upward and outward. If the hood has a reflective inner surface, it will reflect the light lost as glare or light pollution to the effective lighting zone, providing more light for the energy (and cost).

Any decorative fixture with its bulb in the top will minimize glare and light pollution by directing light downward.

For more information

The International Dark-Sky Association provides information about night-sky-friendly lighting.
On the Web: www.darksky.org

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.3
GENERAL BUSINESS
Meeting Date: March 10, 2010

TO: Mayor and Council Members
FROM: David Hogan, Planning Director
SUBJECT: Noise Regulation

STAFF REPORT

RECOMMENDATION:

Receive and File.

BACKGROUND:

At a previous meeting, members of the City Council requested information on the regulation of noise within the community. The purpose of this staff report is to provide information on how noise-related issues are addressed at the local level. Generally speaking noise is measured, addressed and regulated in two very different ways. The two different ways are average noise levels used to evaluate communitywide effects and individual noise events or activities that are evaluated individually.

Community Average Noise

The most common source of communitywide noise are mobile sources. Mobile source noise is generated from nearby roads, railroads, airports, and other ongoing activities. Noise from these sources are calculated through noise measurements that are translated into Community Noise Equivalent Levels (CNEL). CNEL is a 24-hour noise equivalent that is averaged from a variety of single-noise events. The noise measurements taken during the evening (7 pm to 10 pm) and nighttime (10 pm to 7 am) hours are adjusted to increase their apparent impact because people are more sensitive to noise during these periods. The CNEL measure is very similar to another commonly used average noise measurement called the Day-Night Average Sound Level or "Ldn".

The General Plan Noise Element commonly includes noise contours along arterial roadways while Airport Land Use Compatibility Plans include noise contours around runways. These noise contours use CNEL as the basis of measurement for overall noise effects. Communitywide vehicle traffic noise that is addressed through General Plan is based upon criteria established by the State of California's noise compatibility guidelines. The noise compatibility guidelines identify normally acceptable, conditionally acceptable, normally unacceptable, and unacceptable noise levels for different types of land uses types. The land use noise compatibility table from the General Plan is provided in Attachment A.

Community Noise Equivalent Level noise contours are commonly used in reviewing and conditioning development projects and through the environmental review processes. Because the community noise measurements consist of 24-hour averages, it is not possible to directly compare these measurements with the individual noise event measurements.

Individual or Stationary Event Noise Measurements

Stationary or single event noise is what people commonly associate with noise issues. This type of noise can include commercial or industrial process noise, construction activities, and music and human voices. Real time noise measurements are commonly measured with the “A-weighted” scale or “dBA” and the Maximum Sound Level (L_{max}). This dBA scale makes adjustments to the sound measurements to match the sounds as the human ear actually hears them. For the A-weighted scale an increase of 10 dBA doubles the perceived loudness of the noise. The L_{max} scale is used for the maximum sound volume during the measurement period.

Chapter 9.52 of the Wildomar Municipal Code establishes special noise standards for off-highway vehicles, sound systems, power equipment and live music. In addition, construction noise is commonly regulated through hours of operation to prevent construction noise from occurring during the sensitive evening and nighttime hours and during weekends. The reason that construction noise is regulated by hours of operation is that construction noise is highly variable and does not involve the same types or numbers of equipment or machinery. In the City, construction is limited to the following:

- During the months of June through September construction is allowed between the hours of 6 a.m. to 6 p.m.
- During the months of October through May construction is allowed between the hours of 7 a.m. to 6 p.m.

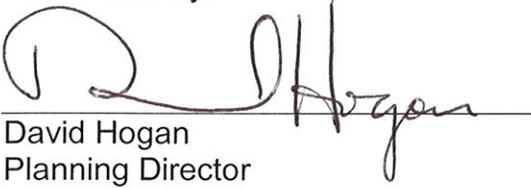
Most individual noise events are regulated on a complaint basis through the City’s Code Enforcement and the Police programs. The current noise ordinance is contained in Attachment B.

There are also interior noise level standards incorporated into Chapter 9.52 of the Wildomar Municipal Code and the California Building Codes. The standards in both ordinances are similar. Most residential structures are required to reduce interior noise to 45 dB L_{max} . In contrast, commercial and industrial uses are required to maintain interior noise levels of 55 dB L_{max} for commercial, and 65 – 75 dB L_{max} for industrial uses. These standards are commonly enforced by the Building Department.

ATTACHMENTS:

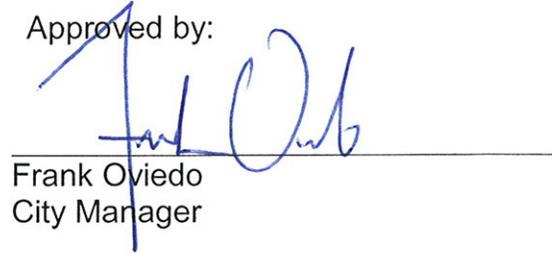
- A. Table N-1 – Land Use Compatibility for Community Noise Exposure
- B. Current Noise Ordinance

Submitted by:



David Hogan
Planning Director

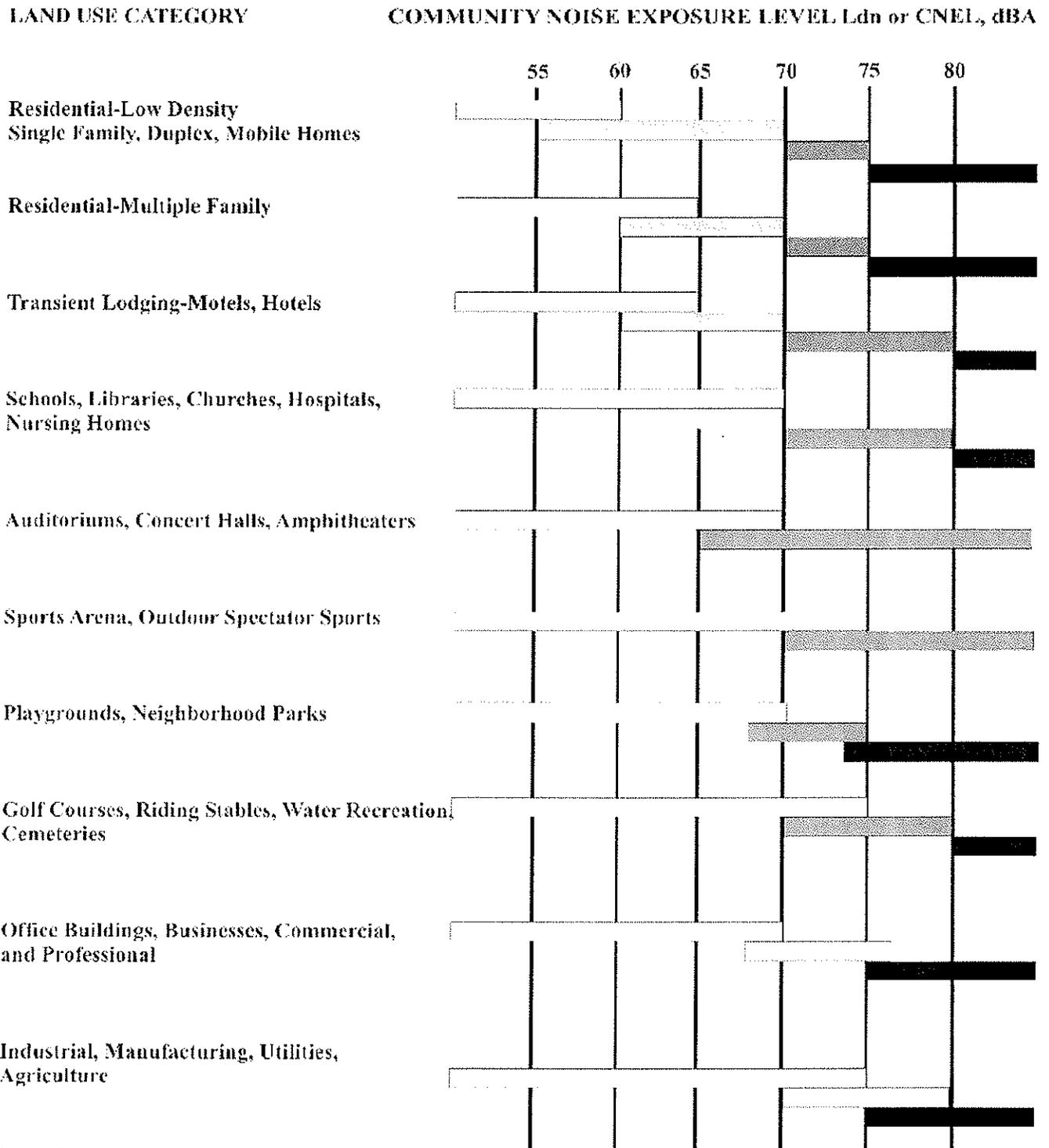
Approved by:



Frank Oviedo
City Manager

ATTACHMENT A

Table N-1 – Land Use Compatibility for Community Noise Exposure



Legend:

Normally Acceptable:
Specified land uses are compatible based upon the assumption that they be designed in accordance with normal construction standards, without any special noise reduction measures.

Conditionally Acceptable:
Some restrictions on development should be made based only after a detailed analysis of the noise reduction requirements, a trade and needed noise mitigation features included in the design. Unconventional construction, but with closed windows and exhaust supply systems or air conditioning will minimal's noise. Outdoor areas must be screened.

Normally Unacceptable:
More restrictions on development and design practices are needed. If noise is still unacceptable after design, a detailed analysis of the noise reduction requirements must be made to determine noise mitigation measures to be included in the design. Outdoor areas may be screened.

Clearly Unacceptable:
More restrictions on development should be required to protect sensitive uses. Sensitive uses, or those in the noise environment, acceptable, would be prohibited or the noise mitigation measures could not be used.

Source: California Office of Noise Control

ATTACHMENT B

Chapter 9.52

NOISE REGULATION

Sections:

9.52.010	Intent.
9.52.020	Exemptions.
9.52.030	Definitions.
9.52.040	General sound level standards.
9.52.050	Sound level measurement methodology.
9.52.060	Special sound sources standards.
9.52.070	Exceptions.
9.52.080	Enforcement.
9.52.090	Duty to cooperate.
9.52.100	Violations and penalties.

9.52.010 Intent.

At certain levels, sound becomes noise and may jeopardize the health, safety or general welfare of Riverside County residents and degrade their quality of life. Pursuant to its police power, the board of supervisors declares that noise shall be regulated in the manner described in this chapter. This chapter is intended to establish county-wide standards regulating noise. This chapter is not intended to establish thresholds of significance for the purpose of any analysis required by the California Environmental Quality Act and no such thresholds are established. (Ord. 847 § 1, 2006)

9.52.020 Exemptions.

Sound emanating from the following sources is exempt from the provisions of this chapter:

- A. Facilities owned or operated by or for a governmental agency;
- B. Capital improvement projects of a governmental agency;
- C. The maintenance or repair of public properties;
- D. Public safety personnel in the course of executing their official duties, including, but not limited to, sworn peace officers, emergency personnel and public utility personnel. This exemption includes, without limitation, sound emanating from all equipment used by such personnel, whether stationary or mobile;
- E. Public or private schools and school-sponsored activities;
- F. Agricultural operations on land designated "Agriculture" in the Riverside County general plan, or land zoned A-1 (light agriculture), A-P (light agriculture with poultry), A-2 (heavy agriculture), A-D (agriculture-dairy) or C/V (citrus/vineyard), provided such operations are

carried out in a manner consistent with accepted industry standards. This exemption includes, without limitation, sound emanating from all equipment used during such operations, whether stationary or mobile;

G. Wind energy conversion systems (WECS), provided such systems comply with the WECS noise provisions of Riverside County Ordinance No. 348;

H. Private construction projects located one-quarter of a mile or more from an inhabited dwelling;

I. Private construction projects located within one-quarter of a mile from an inhabited dwelling, provided that:

1. Construction does not occur between the hours of six p.m. and six a.m. during the months of June through September, and

2. Construction does not occur between the hours of six p.m. and seven a.m. during the months of October through May;

J. Property maintenance, including, but not limited to, the operation of lawnmowers, leaf blowers, etc., provided such maintenance occurs between the hours of seven a.m. and eight p.m.;

K. Motor vehicles, other than off-highway vehicles. This exemption does not include sound emanating from motor vehicle sound systems;

L. Heating and air conditioning equipment;

M. Safety, warning and alarm devices, including, but not limited to, house and car alarms, and other warning devices that are designed to protect the public health, safety, and welfare;

N. The discharge of firearms consistent with all state laws. (Ord. 847 § 2, 2006)

9.52.030 Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Audio equipment" means a television, stereo, radio, tape player, compact disc player, mp3 player, I-POD or other similar device.

"Decibel (dB)" means a unit for measuring the relative amplitude of a sound equal approximately to the smallest difference normally detectable by the human ear, the range of which includes approximately one hundred thirty (130) decibels on a scale beginning with zero decibels for the faintest detectable sound. Decibels are measured with a sound level meter using different methodologies as defined below:

1. "A-weighting (dBA)" means the standard A-weighted frequency response of a sound level meter, which de-emphasizes low and high frequencies of sound in a manner similar to the human ear for moderate sounds.

2. "Maximum sound level (L_{max})" means the maximum sound level measured on a sound level meter.

"Governmental agency" means the United States, the state of California, Riverside County, any city within Riverside County, any special district within Riverside County or any combination of these agencies.

"Land use permit" means a discretionary permit issued by Riverside County pursuant to Riverside County Ordinance No. 348.

"Motor vehicle" means a vehicle that is self-propelled.

"Motor vehicle sound system" means a stereo, radio, tape player, compact disc player, mp3 player, I-POD or other similar device.

"Noise" means any loud, discordant or disagreeable sound.

"Occupied property" means property upon which is located a residence, business or industrial or manufacturing use.

"Off-highway vehicle" means a motor vehicle designed to travel over any terrain.

"Public or private school" means an institution conducting academic instruction at the preschool, elementary school, junior high school, high school, or college level.

"Public property" means property owned by a governmental agency or held open to the public, including, but not limited to, parks, streets, sidewalks, and alleys.

"Sensitive receptor" means a land use that is identified as sensitive to noise in the noise element of the Riverside County general plan, including, but not limited to, residences, schools, hospitals, churches, rest homes, cemeteries or public libraries.

"Sound-amplifying equipment" means a loudspeaker, microphone, megaphone or other similar device.

"Sound level meter" means an instrument meeting the standards of the American National Standards Institute for Type 1 or Type 2 sound level meters or an instrument that provides equivalent data. (Ord. 847 § 3, 2006)

9.52.040 General sound level standards.

No person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards set forth in Table 1.

TABLE 1
Sound Level Standards (Db L_{max})

GENERAL PLAN FOUNDATION COMPONENT	GENERAL PLAN LAND USE DESIGNATION	GENERAL PLAN LAND USE DESIGNATION NAME	DENSITY	MAXIMUM DECIBEL LEVEL	
				7 am—10 pm	10 pm—7 am
Community Development	EDR	Estate Density Residential	2 AC	55	45
	VLDR	Very Low Density Residential	1 AC	55	45
	LDR	Low Density Residential	1/2 AC	55	45
	MDR	Medium Density Residential	2—5	55	45
	MHDR	Medium High Density Residential	5—8	55	45
	HDR	High Density Residential	8—14	55	45
	VHDR	Very High Density Residential	14—20	55	45
	H ^T DR	Highest Density Residential	20+	55	45
	CR	Retail Commercial		65	55
	CO	Office Commercial		65	55
	CT	Tourist Commercial		65	55
	CC	Community Center		65	55
	LI	Light Industrial		75	55
	HI	Heavy Industrial		75	75
	BP	Business Park		65	45
	SP		Specific Plan-Residential		55
		Specific Plan-Commercial		65	55
		Specific Plan-Light Industrial		75	55
		Specific Plan-Heavy Industrial		75	75
Rural Community	EDR	Estate Density Residential	2 AC	55	45
	VLDR	Very Low Density Residential	1 AC	55	45
	LDR	Low Density Residential	1/2 AC	55	45
Rural	RR	Rural Residential	5 AC	45	45
	RM	Rural Mountainous	10 AC	45	45
	RD	Rural Desert	10 AC	45	45
Agriculture	AG	Agriculture	10 AC	45	45
Open Space	C	Conservation		45	45
	CH	Conservation Habitat		45	45
	REC	Recreation		45	45
	RUR	Rural	20 AC	45	45
	W	Watershed		45	45
	MR	Mineral Resources		75	45

(Ord. 847 § 4, 2006)

9.52.050 Sound level measurement methodology.

Sound level measurements may be made anywhere within the boundaries of an occupied property. The actual location of a sound level measurement shall be at the discretion of the enforcement officials identified in Section 9.52.080 of this chapter. Sound level measurements shall be made with a sound level meter. Immediately before a measurement is made, the sound level meter shall be calibrated utilizing an acoustical calibrator meeting the standards of the American National Standards Institute. Following a sound level measurement, the calibration of the sound level meter shall be re-verified. Sound level meters and calibration equipment shall be certified annually. (Ord. 847 § 5, 2006)

9.52.060 Special sound sources standards.

The general sound level standards set forth in Section 9.52.040 of this chapter apply to sound emanating from all sources, including the following special sound sources, and the person creating, or allowing the creation of, the sound is subject to the requirements of that section. The following special sound sources are also subject to the following additional standards, the failure to comply with which constitutes separate violations of this chapter:

A. Motor Vehicles.

1. Off-Highway Vehicles.

a. No person shall operate an off-highway vehicle unless it is equipped with a USDA-qualified spark arrester and a constantly operating and properly maintained muffler. A muffler is not considered constantly operating and properly maintained if it is equipped with a cutout, bypass or similar device.

b. No person shall operate an off-highway vehicle unless the noise emitted by the vehicle is not more than ninety-six (96) dBA if the vehicle was manufactured on or after January 1, 1986 or is not more than one hundred one (101) dBA if the vehicle was manufactured before January 1, 1986. For purposes of this subsection, emitted noise shall be measured a distance of twenty (20) inches from the vehicle tailpipe using test procedures established by the Society of Automotive Engineers under Standard J-1287.

2. Sound Systems. No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, between the hours of ten p.m. and eight a.m., such that the sound system is audible to the human ear inside any inhabited dwelling. No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, at any other time such that the sound system is audible to the

human ear at a distance greater than one hundred (100) feet from the vehicle.

B. Power Tools and Equipment. No person shall operate any power tools or equipment between the hours of ten p.m. and eight a.m. such that the power tools or equipment are audible to the human ear inside an inhabited dwelling other than a dwelling in which the power tools or equipment may be located. No person shall operate any power tools or equipment at any other time such that the power tools or equipment are audible to the human ear at a distance greater than one hundred (100) feet from the power tools or equipment.

C. Audio Equipment. No person shall operate any audio equipment, whether portable or not, between the hours of ten p.m. and eight a.m. such that the equipment is audible to the human ear inside an inhabited dwelling other than a dwelling in which the equipment may be located. No person shall operate any audio equipment, whether portable or not, at any other time such that the equipment is audible to the human ear at a distance greater than one hundred (100) feet from the equipment.

D. Sound-Amplifying Equipment and Live Music. No person shall install, use or operate sound-amplifying equipment, or perform, or allow to be performed, live music unless such activities comply with the following requirements. To the extent that these requirements conflict with any conditions of approval attached to an underlying land use permit, these requirements shall control:

1. Sound-amplifying equipment or live music is prohibited between the hours of ten p.m. and eight a.m.

2. Sound emanating from sound-amplifying equipment or live music at any other time shall not be audible to the human ear at a distance greater than two hundred (200) feet from the equipment or music. (Ord. 847 § 6, 2006)

9.52.070 Exceptions.

Exceptions may be requested from the standards set forth in Section 9.52.040 or 9.52.060 of this chapter and may be characterized as construction-related, single-event or continuous-events exceptions.

A. Application and Processing.

1. Construction-Related Exceptions. An application for a construction-related exception shall be made to and considered by the director of building and safety on forms provided by the building and safety department and shall be accompanied by the appropriate filing fee. No public hearing is required.

2. Single-Event Exceptions. An application for a single-event exception shall be made to and considered by the planning director on forms provided by the planning

department and shall be accompanied by the appropriate filing fee. No public hearing is required.

3. **Continuous-Events Exceptions.** An application for a continuous-events exception shall be made to the planning director on forms provided by the planning department and shall be accompanied by the appropriate filing fee. Upon receipt of an application for a continuous-events exception, the planning director shall set the matter for public hearing before the planning commission, notice of which shall be given as provided in Section 18.26c of Riverside County Ordinance No. 348. Notwithstanding the above, an application for a continuous-events exception that is associated with an application for a land use permit shall be processed concurrently with the land use permit in the same manner that the land use permit is required to be processed.

B. **Requirements for Approval.** The appropriate decisionmaking body or officer shall not approve an exception application unless the applicant demonstrates that the activities described in the application would not be detrimental to the health, safety or general welfare of the community. In determining whether activities are detrimental to the health, safety or general welfare of the community, the appropriate decisionmaking body or officer shall consider such factors as the proposed duration of the activities and their location in relation to sensitive receptors. If an exception application is approved, reasonable conditions may be imposed to minimize the public detriment, including, but not limited to, restrictions on sound level, sound duration and operating hours.

C. **Appeals.** The director of building and safety's decision on an application for a construction-related exception is considered final. The planning director's decision on an application for a single-event exception is considered final. After making a decision on an application for a continuous-events exception, the appropriate decision-making body or officer shall mail notice of the decision to the applicant. Within ten (10) calendar days after the mailing of such notice, the applicant or an interested person may appeal the decision to the board of supervisors. Upon receipt of an appeal and payment of the appropriate appeal fee, the clerk of the board shall set the matter for hearing not less than five days nor more than thirty (30) days thereafter and shall give written notice of the hearing in the same manner as notice of the hearing was given by the appropriate hearing officer or body. The board of supervisors shall render its decision within thirty (30) days after the appeal hearing is closed.

D. **Effect of a Pending Continuous-Events Exception Application.** For a period of one hundred eighty (180) days from the effective date of this chapter, no person creating

any sound prohibited by this chapter shall be considered in violation of this chapter if the sound is related to a use that is operating pursuant to an approved land use permit, if an application for a continuous-events exception has been filed to sanction the sound and if a decision on the application is pending. (Ord. 847 § 7, 2006)

9.52.080 Enforcement.

The Riverside County sheriff and code enforcement shall have the primary responsibility for enforcing this chapter; provided, however, the sheriff and code enforcement may be assisted by the public health department. Violations shall be prosecuted as described in Section 9.52.100 of this chapter, but nothing in this chapter shall prevent the sheriff, code enforcement or the department of public health from engaging in efforts to obtain voluntary compliance by means of warnings, notices, or educational programs. (Ord. 847.1 § 1, 2007; Ord. 847 § 8, 2006)

9.52.090 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, the enforcement officials identified in Section 9.52.080 of this chapter when they are engaged in the process of enforcing the provisions of this chapter. This duty to cooperate may require a person to extinguish a sound source so that it can be determined whether sound emanating from the source violates the provisions of this chapter. (Ord. 847 § 9, 2006)

9.52.100 Violations and penalties.

Any person who violates any provision of this chapter once or twice within a one hundred eighty (180) day period shall be guilty of an infraction. Any person who violates any provision of this chapter more than twice within a one hundred eighty (180) day period shall be guilty of a misdemeanor. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Penalties shall not exceed the following amounts:

A. For the first violation within a one hundred eighty (180) day period, the minimum mandatory fine shall be five hundred dollars (\$500.00).

B. For the second violation within a one hundred eighty (180) day period, the minimum mandatory fine shall be seven hundred fifty dollars (\$750.00).

C. For any further violations within a one hundred eighty (180) day period, the minimum mandatory fine shall be one thousand dollars (\$1,000.00) or imprisonment in the county jail for a period not exceeding six months, or both. (Ord. 847 § 10, 2006)

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.4
GENERAL BUSINESS
Meeting Date: March 10, 2010

TO: Mayor and City Council
FROM: Frank Oviedo, City Manager
SUBJECT: City Policy on the use of the City logo and Marketing Brand

STAFF REPORT

RECOMMENDATION:

That the City Council adopt the policy on the use of the City marketing brand and City logo.

BACKGROUND:

When the City incorporated in 2008, a marketing brand was developed and used to identify the new City of Wildomar. This “brand” was designed with 25 stars representing the 25th City in the County of Riverside to incorporate. It also contained the stylized “W” that many people have come to recognize uniquely as the City of Wildomar. The marketing brand was meant to help establish the identity of the newly incorporated City of Wildomar.

Soon after incorporation the Council formed an Ad Hoc subcommittee, made up of Councilman Scott Farnam and Councilman Bob Cashman, to begin designing a “logo” for the City. Different from a “brand”, a logo is an easily recognized symbol that will not change over time, and will become the single image identifying the City of Wildomar throughout its history. The idea was to design a logo that would represent the City beyond the realm of just marketing. Most cities in the State have a logo that is used for various official purposes, including such items as City flags, official letterhead, and proclamations among other things.

Shortly after the Council agreed to the final logo design, a question was raised regarding how it should be used in comparison to the marketing brand that already existed. While there are standards on what can be done with the logo, such as using elements and colors of the logo, there was no guideline or policy to dictate when the new logo should be used. As a result, staff met as a team in an attempt to outline the use of the City logo for the administrative operations of the City and for the City Council.

Staff identified all the possible uses for the logo then systematically discussed each use, one by one, in an effort to identify when it should be used. Two distinct patterns or rules arose and served as the guide for staff when determining the use. They can best be represented in the form of a question:

“Is it for official use?”

If the answer was yes, then Staff determined the new logo should be used. Official use was defined, but not limited to, intergovernmental correspondence, Council proclamations, City flag, formal documentations such as City reports, etc.

“Are we marketing the City?”

In this case if the answer was yes, then it would be more appropriate to use the City marketing brand.

In some cases it did not fit perfectly either way so we simply left it an open question depending on the use. An example would be letterhead. When we are corresponding with other public agencies, Staff determined the logo is most appropriate. On the other hand, if we are attempting to market the City to a hotel chain or a retail business we are trying to attract to the City, the brand letterhead would be more appropriate.

As a result, the following list was developed using the guidelines created by the Staff team:

Use of City Logo

Proclamations and Certificates

Police Vehicles

Code Enforcement Vehicles

Public Works Vehicles

City Flag

City Ads (i.e. HR Announcements, Clerk Notices, etc.)

Press Releases

Plaques

Uniforms - Police, Code Enforcement, Building Inspectors, Public Works

Use of City Brand

Uniforms - other than Police, Code Enforcement, Building Inspectors, Public Works

Newsletters

Brochures

Website

Marketing Banners

Street Signs

Use of Logo or Brand Depends on Purpose

Letterhead

 Official City business – Logo

 Marketing - Brand

Business Cards

 Police, Building Inspectors, and Code Enforcement – Logo

 Everyone else - Brand

City Reports (Except budget)

Presentations

 Internal presentations – Logo

 External presentations - Brand

Maps

Internal maps – Logo

External maps for presentations - Brand

City Giveaways

Official pin – Logo

Marketing - Brand

FISCAL IMPACT:

The fiscal impact is minimal since we will continue to use items we currently have paid for until such time we need to reorder. At that time we will use the adopted Council policy to order items in the logo or brand format.

Submitted and Approved by:



Frank Oviedo
City Manager