



# **CITY OF WILDOMAR PLANNING COMMISSION AGENDA**

Chairman Stan Smith, Vice-Chairman Michael Kazmier,  
Commissioners Veronica Langworthy, Robert Devine, Bobby L. Swann III

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## **SPECIAL PLANNING COMMISSION MEETING OF WEDNESDAY, April 17, 2013 AT 6:30 P.M.**

**City of Wildomar - City Council Chambers  
23873 Clinton Keith Road, Suite #111, Wildomar, CA 92595**

**CALL TO ORDER - 6:30 PM**

**ROLL CALL**

**FLAG SALUTE**

### **PUBLIC COMMENTS**

This is the time for citizens to comment on issues not on the agenda. Under the provision of the Brown Act the Planning Commission is prohibited from discussing or taking action on items not 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 Planning Commission Chairperson prior to the start of the meeting. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. Comments are limited to three (3) minutes per speaker. The Commission encourages citizens to address them so the questions and/or comments can be heard.

**APPROVAL OF AGENDA AS SUBMITTED**

## **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 Commission, the public, or staff request specific items be removed from the Consent Calendar for discussion and/or separate action.

### **1.1. Planning Commission Meeting Minutes:**

- A. Approval of the February 20, 2013 Planning Commission meeting minutes.

## **2.0 PUBLIC HEARINGS:**

### **2.1 Zoning Ordinance Amendment No. 13-02:**

Planning Commission consideration of an amendment to the City of Wildomar Zoning Ordinance amending Section 17.172.205 (Fences) to establish height and location standards for fences and walls in the City of Wildomar.

#### **RECOMMENDATION:**

Staff recommends the Planning Commission adopt PC Resolution No. 13-03 entitled:

**“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION PER SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVAL ZONING ORDINANCE AMENDMENT NO. 13-02 TO AMEND SECTION 17.172.205 (FENCES) TO ESTABLISH HEIGHT AND LOCATION STANDARDS FOR FENCES AND WALLS IN THE CITY OF WILDOMAR”**

## **3.0 GENERAL BUSINESS ITEMS:**

### **3.1 Housing Element Workshop:**

The Planning Commission will hold a public workshop to receive public comments and input regarding housing related needs within the City of Wildomar.

## **PLANNING DIRECTOR’S REPORT**

This item is reserved for the Planning Director to comment or report on items not on the agenda. No action by the Planning Commission is needed.

### **CITY ATTORNEY'S REPORT**

This item is reserved for the Planning Director to comment or report on items not on the agenda. No action by the Planning Commission is needed.

### **PLANNING COMMISSION COMMUNICATIONS**

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

### **FUTURE AGENDA ITEMS**

### **ADJOURNMENT**

The City of Wildomar Planning Commission hereby adjourns to the regularly scheduled Planning Commission meeting on May 1, 2013 beginning at 6:30 P.M.

#### **RIGHT TO APPEAL:**

Any decision of the Planning Commission may be appealed to the City Council provided the required appeal application and the \$964 filing fee is submitted to the City Clerk within ten (10) calendar days proceeding the Planning Commission's action on any given project.

#### **REPORTS:**

All agenda items and reports are available for review at Wildomar City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, California 92595. Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours. If you wish to be added to the regular mailing list to receive a copy of the agenda, a request must be made through the Planning Department in writing or by e-mail.

#### **ADDITIONS/DELETIONS:**

Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Planning Commission.

#### **ADA COMPLIANCE:**

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Planning Department either in person or by telephone at (951) 667-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

#### **POSTING STATEMENT:**

On or before April 12, 2013, a true and correct copy of this agenda was posted at the three (3) designated places: 1) Wildomar City Hall, 23873 Clinton Keith Road; 2) United States Post Office, 21392 Palomar Street; and 3) Mission Trail Library, 34303 Mission Trail Road.

# **1.0 CONSENT CALENDAR**



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**CITY OF WILDOMAR**  
**OFFICIAL PLANNING COMMISSION MEETING MINUTES**  
**FROM THE SPECIAL PLANNING COMMISSION MEETING**  
**OF FEBRUARY 20, 2013**

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**CALL TO ORDER**

The special meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Smith at 6:30 P.M. at Wildomar City Hall, Council Chambers.

**ROLL CALL**

Present: Stan Smith, Chairman, Michael Kazmier, Vice-Chairman, Veronica Langworthy, Commissioner-Elect Robert Devine, Commissioner-Elect Bobby L. Swann III

Absent:

Staff Present Matthew Bassi, Planning Director  
Erica Vega, Assistant City Attorney  
Janet Morales, Administrative Assistant  
Dan York, City Engineer  
Debbie Lee, City Clerk

**FLAG SALUTE**

Council Member Bridgett Moore led the flag salute.

City Clerk Lee gave the oath of office to Bobby L. Swann III and Robert Devine.

**APPROVAL OF AGENDA AS SUBMITTED**

Chairman Smith motioned to change the format of the agenda to discuss item 2.2 prior to 2.1.

Chairman Smith asked the Commission for a motion as amended. Commissioner Devine motioned to approve the modification of the agenda .The motion was seconded by Commissioner Kazmier. Motioned Carried, the following vote resulted:

AYES: Devine, Swann, Kazmier, Smith, Langworthy  
NOES:  
ABSENT:  
ABSTAIN:

**1.0 CONSENT CALENDAR**

**1.1** Approval of the January 16, 2013 Planning Commission meeting minutes.

Commissioner Devine motioned to approve the January 16, 2013 Planning Commission minutes as submitted. Motioned was seconded by Vice-Chairman Kazmier. Motioned 4-0-1 Carried, the following vote resulted:

AYES: Devine, Swann, Kazmier, Smith  
NOES:  
ABSENT:  
ABSTAIN: Langworthy

**2.0 PUBLIC HEARINGS**

**2.1 Zoning Ordinance Amendment No. 13-02:**

Planning Commission consideration of an amendment to the City of Wildomar Zoning Ordinance amending Section 17.172.205 (Fences) to establish height and location standards for fences and walls in residential zoning districts.

Director Bassi made a presentation to the Planning Commission.

Maria Walker, resident spoke in opposition.

With no further questions from the Commission, Chairman Smith closed the public hearing and asked for a motion to continue the item to the April 3, 2013 Planning Commission meeting. A motion was made by Commissioner Devine, and was seconded by Chairman Smith. Motion carried 5-0, the following vote resulted:

AYES: Swann, Kazmier, Smith, Devine, Langworthy,  
NOES:  
ABSENT:  
ABSTAIN:

**2.2 Change of Zone No. 12-0386:**

Planning Commission consideration of a Change of Zone from R-R (Rural Residential) to M-SC (Manufacturing Service Commercial) to be consistent with the Wildomar General Plan land use designation of Light Industrial for a 2.5 acre site located 33891 Mission Trail in the City of Wildomar (APN: 370-060-045). Requested by MDMG, Inc. (Project Applicant) on behalf of Mission Wildomar, Inc. (Property Owner).

Chairman Smith recused himself from the discussion due to property being within 500 feet of the project site.

Director Bassi made a presentation to the Planning Commission.

Larry Markham, applicant representative, commented about the project.

With no further questions or discussion, Vice-Chairman Kazmier asked for a motion. A motion was made by Commissioner Devine to approve the change of zone. The motion was seconded by Commissioner Langworthy. Motion carried 4-0-1, with the following vote resulted:

AYES: Swann, Kazmier, Devine, Langworthy,  
NOES:  
ABSENT:  
ABSTAIN: Smith

**3.1 WRCOG – Highway 395 Project Update:**

A presentation and update by WRCOG representative Alexa Washburn regarding the Highway 395 Corridor Study.

**Planning Directors Report**

Director Bassi provided a status regarding planning applications for Subway (10-0222) and the Waite Street Mobile Home Park (09-0301).

Director Bassi also commented that we are seeing an increase of new projects in the City of Wildomar.

**City Attorney's Report**

Assistant City Attorney Eric Vega provided a brief presentation regarding Environmental Impact Reports (EIR).

**Planning Commission Communications**

Commissioner Langworthy commented that she was pleased to know the status of the projects.

Commissioner Devine welcomed Commissioner Swann.

With no other communications, Chairman Smith adjourned the February 20, 2013 Planning Commission meeting at 8:25 P.M.

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Matthew C. Bassi  
Planning Director/Minutes Secretary

## **2.0 PUBLIC HEARINGS**

**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item # 2.1**  
**PUBLIC HEARING**  
**Meeting Date: April 17, 2013**

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**TO:** Chairman and Members of the Planning Commission

**FROM:** Matthew C. Bassi, Planning Director

**SUBJECT: Zoning Ordinance Amendment No. 13-02:**  
Planning Commission consideration of an amendment to the City of Wildomar Zoning Ordinance amending Section 17.172.205 (Fences) to establish height and location standards for fences and walls in the City of Wildomar.

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**RECOMMENDATION**

Staff recommends the Planning Commission adopt a Resolution (Attachment A) entitled:

**PC RESOLUTION NO. 13-03**

**“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION PER SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVAL ZONING ORDINANCE AMENDMENT NO. 13-02 TO AMEND SECTION 17.172.205 (FENCES) TO ESTABLISH HEIGHT AND LOCATION STANDARDS FOR FENCES AND WALLS IN THE CITY OF WILDOMAR”**

**BACKGROUND**

The Planning Commission reviewed the proposed amendment at its February 20, 2013 meeting. The Commission raised several concerns about the changes proposed by staff as it relates to the following:

- Prohibited Fences (Sec. 17.172.205.B) – Concerns related to the use of barbed-wire and electrified fences. The Commission expressed a desire to allow them in the R-A, R-R and other Agricultural zones as well as commercial and industrial zones. The proposed amendment reflects these changes as the Commission directed.

- Height Limitations (Sec. 17.172.205.D – new section) – Concerns related to maximum height in the required front yard setback area. The Commission expressed a desire to allow a fence height of 4-feet instead of 3-1/2-feet. Staff is recommending for solid walls/fences (e.g., wood fence, garden walls/hedges) the maximum height should remain at 3-1/2-feet (for safety & visibility reasons), and for open fences (e.g., chain link, wrought-iron, etc.) staff is recommending the maximum height be increased to 4-feet. In addition, this section has been revised to allow for decorative pilasters (typically used in conjunction with garden walls and wrought iron fencing) be allowed up to 5-feet in height for both fence types.
- Height Measurement (Sec. 17.172.E – new section) - Concerns related to the application of the diagram/exhibit (Figure E-1 Height Measurements). The Commission expressed a desire to delete this exhibit from the proposed amendment. Staff concurs and it has been deleted from the revised ordinance.

## DISCUSSION

Based on the Commission's discussion and public input at the February 20, 2013 meeting, staff has revised the proposed amendment to address the issues raised and simplify the draft ordinance. The following is a summary of the proposed changes. The summary includes the proposed amendment in strike-out version showing what has been deleted while the new text is highlighted in bold italics. The draft ordinance (Exhibit 1 of Attachment A) reflects the updated amendments in its regular form with the changes already made.

### SECTION 3: Amendment to the Zoning Ordinance

Section 17.172.205.B (Prohibited Fences) is hereby amended in its entirety to read as follows:

- B. Prohibited Fences. The following fence materials are prohibited in all zones (unless approved through the Plot Plan or Conditional Use Permit review process for security needs ***in the C/1-C-P, CPS and Industrial zones***) ~~for service commercial and/or industrial users~~ or as required by City, state or federal laws/regulations.
1. Garage doors, tires, pallets, or other materials not typically used for the construction of fences.
  2. Barbed wire or electrified fence ***(Except within the R-A, R-R and all other Agricultural zones in the City)***.
  3. Razor or concertina wire in conjunction with a fence or wall, or by itself. ***(Except within the R-A, R-R and all other Agricultural zones in the City)***.

**SECTION 5:** Amendment to the Zoning Ordinance

Section 17.172.205 (Fences) is hereby amended to add a new subsection to read as follows:

D. Height Limits and Locations. For Residential Zoning Districts, each fence or wall (including landscaping used as a screen) shall comply with height limits and locations shown in the Table D-1 below (Maximum Height of Fences and Walls in Required Yard Areas).

Table D-1 Maximum Height of Fences and Walls in Required Yard Areas

Location of Fence/Wall/Screen <sup>1</sup>	Maximum Height
Within required front yard area <sup>2</sup>	3-1/2 feet (42") <b>for solid fences/garden walls (decorative pilasters (w/cap) are allowed to be 5-feet in height)</b>
<b>Within required front yard area<sup>2</sup></b>	<b>4-feet (48") for chain link, wrought-iron, etc. (decorative pilasters (w/cap) are allowed to be 5-feet in height)</b>
Within required rear and interior side yard area (along rear and interior property lines)	6 feet
Within required street side yard area	6 feet
At intersections of streets, alleys, and driveways within the clear visibility area	Note #3

Notes:

1. Fences, walls, and screening are not required between land uses unless otherwise specified in the Zoning Ordinance. Fences, walls, and screening must also be located outside of any public utility easement, except as authorized by the applicable utility agency.
2. Applies to the entire area in the front yard/**setback area** of a house, as defined by the front facade.
3. Fences/Walls located at intersections of streets, alleys, and driveways must maintain clear visibility as defined by the City Engineer.

Staff believes the proposed changes are in keeping with the direction of the Planning Commission and will be much easier to implement. The changes also address the fence types that are commonly used within the City's R-A, R-R and Agricultural zones so the use of these fences will be allowed to continue as currently existing.

**ENVIRONMENTAL ASSESSMENT**

A review of the potential environmental impacts was conducted for Zoning Ordinance Amendment No. 13-02. Based on this review, the Planning Department has determined

that the adoption of the proposed amendment (which provides for only text changes) related to height and location standards for fences in residential zones has no potential to impact the environment. Therefore, Zoning Ordinance Amendment No. 13-02 meets the criteria to be exempt from CEQA 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.” Staff is recommending that the Planning Commission recommend City Council adoption of this CEQA Exemption for Zoning Ordinance Amendment No. 13-02.

### **REQUIRED ZOA FINDINGS**

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 13-02 to the City Council.

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

The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance in that the proposed amendment will establish height and location standards for fences and walls in residential zones which will further General Plan Goal LU 22.10 that states: “*require residential units/projects be designed to consider their surroundings and visually enhance, not degrade, the character of the immediate area.*” In addition, the proposed standards will further the intent of Section 17.172.205 to provide for minimum development standards for the construction of fences within the City, which is designed to enhance the aesthetic appearance of the community, preserve property values and protect the health, safety and welfare of City residents.

Respectfully Submitted,



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Matthew C. Bassi  
Planning Director

### **ATTACHMENTS:**

- A. PC Resolution No. 13-03  
Exhibit 1 – Draft City Council Ordinance
- B. Copy of the February 20, 2013 Commission Report (w/out attachments)

# **ATTACHMENT A**

**PC Resolution No. 13-03**

## PC RESOLUTION NO. 13-03

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION PER SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVAL ZONING ORDINANCE AMENDMENT NO. 13-02 TO AMEND SECTION 17.172.205 (FENCES) TO ESTABLISH HEIGHT AND LOCATION STANDARDS FOR FENCES AND WALLS IN THE CITY OF WILDOMAR**

**WHEREAS**, the City of Wildomar Planning Commission has the authority in accordance with the provisions of the Wildomar Zoning Ordinance to take action on the proposed Zoning Ordinance Amendment No. 13-02; and

**WHEREAS**, the Planning Commission desires to protect and preserve the visual quality of residential areas by establishing height and location standards for fences in residential zones of the City; and

**WHEREAS**, on February 9, 2013, the City published a legal notice in "The Californian," a newspaper local circulation, notifying the public of the holding of a public hearing for Zoning Ordinance Amendment No. 13-02 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, on February 20, 2013, the City of Wildomar Planning Commission held a noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, Zoning Ordinance Amendment No. 13-02, and at which time the Planning Commission continued action of the Zoning Ordinance Amendment No. 13-02; and

**WHEREAS**, on April 7, 2013, the City published a legal notice in "The Californian," a newspaper local circulation, notifying the public of the holding of a public hearing for Zoning Ordinance Amendment No. 13-02 that would be considered by the City of Wildomar Planning Commission; and

**WHEREAS**, on April 17, 2013, the City of Wildomar Planning Commission held a noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, Zoning Ordinance Amendment No. 13-02, and at which time the Planning Commission recommended City Council approval of Zoning Ordinance Amendment No. 13-02.

**NOW THEREFORE**, the Planning Commission of the City of Wildomar, California does hereby resolve, determine and order as follows:

#### **SECTION 1. ENVIRONMENTAL DETERMINATION.**

A review of the potential environmental impacts was conducted for Zoning Ordinance Amendment No. 13-02. Based on this review, the Planning Department has

determined that the adoption of the proposed amendment (which provides for only text changes) related to height and location standards for fences in residential zones has no potential to impact the environment. Therefore, Zoning Ordinance Amendment No. 13-02 meets the criteria to be exempt from CEQA 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.” Staff is recommending that the Planning Commission recommend City Council adoption of this CEQA Exemption for Zoning Ordinance Amendment No. 13-02.

## **SECTION 2. REQUIRED ZOA FINDINGS.**

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 13-02 to the City Council.

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

The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance in that the proposed amendment will establish height and location standards for fences and walls in residential zones which will further General Plan Goal LU 22.10 that states: “*require residential units/projects be designed to consider their surroundings and visually enhance, not degrade, the character of the immediate area.*” In addition, the proposed standards will further the intent of Section 17.172.205 to provide for minimum development standards for the construction of fences within the City, which is designed to enhance the aesthetic appearance of the community, preserve property values and protect the health, safety and welfare of City residents.

## **SECTION 3. PLANNING COMMISSION ACTIONS.**

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby adopts PC Resolution No. 13-03 recommending the City Council take the following action:

1. Notice of Exemption. That the City Council make a determination that Zoning Ordinance Amendment No. 13-02 is exempt from environmental review in accordance with Section 15061(b)(3) of the CEQA Guidelines and direct the Planning Director to file a Notice of Exemption with the Riverside County Clerk; and
2. Approve ZOA/Adopt an Ordinance. That the City Council adopt an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Zoning Ordinance Amendment No. 13-02.

**PASSED, APPROVED AND ADOPTED** this 17th day of April, 2013 by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

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Stan Smith  
Planning Commission Chairman

**ATTEST:**

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Matthew C. Bassi  
Planning Director/Minutes Secretary

**APPROVED AS TO FORM:**

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Erica Vega, Assistant City Attorney

# **EXHIBIT 1**

## **Draft City Council Ordinance**

ORDINANCE NO. \_\_\_\_

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A CATEGORICAL EXEMPTION PER SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVING ZONING ORDINANCE AMENDMENT NO. 13-02 TO AMEND SECTION 17.172.205 (FENCES) TO ESTABLISH HEIGHT AND LOCATION STANDARDS FOR FENCES AND WALLS IN THE CITY OF WILDOMAR**

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

**SECTION 1: Environmental Determination.**

A review of the potential environmental impacts was conducted for Zoning Ordinance Amendment No. 13-02. Based on this review, the Planning Department has determined that the adoption of the proposed amendment (which provides for only text changes) related to height and location standards for fences in residential zones has no potential to impact the environment. Therefore, Zoning Ordinance Amendment No. 13-02 meets the criteria to be exempt from CEQA 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.” Therefore, the City Council hereby adopts said exemption for Zoning Ordinance Amendment No. 13-02 in accordance with Section 15061(b)(3) of CEQA.

**SECTION 2. Required Zoning Ordinance Amendment Findings.**

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for City Council consideration in approving Zoning Ordinance Amendment No. 13-02.

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

The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance in that the proposed amendment will establish height and location standards for fences and walls in residential zones which will further General Plan Goal LU 22.10 that states: “*require residential units/projects be designed to consider their surroundings and visually enhance, not degrade, the character of the immediate area.*” In addition, the proposed standards will further the intent of Section 17.172.205 to provide for minimum development standards for the construction of fences within the City, which is designed to enhance the

aesthetic appearance of the community, preserve property values and protect the health, safety and welfare of City residents.

**SECTION 3:           Amendment to the Zoning Ordinance**

Section 17.172.205.B (Prohibited Fences) is hereby amended in its entirety to read as follows:

- B. Prohibited Fences. The following fence materials are prohibited in all zones (unless approved through the Plot Plan or Conditional Use Permit review process for security needs in the C/1-C-P, CPS and Industrial zones) for service commercial and/or industrial users) or as required by City, state or federal laws/regulations.
1. Garage doors, tires, pallets, or other materials not typically used for the construction of fences.
  2. Barbed wire or electrified fence (Except within the R-A, R-R and all other Agricultural zones in the City).
  3. Razor or concertina wire in conjunction with a fence or wall, or by itself. (Except within the R-A, R-R and all other Agricultural zones in the City).

**SECTION 4:           Amendment to the Zoning Ordinance**

Section 17.172.205. (Fences) is hereby amended to add a new subsection to read as follows:

- C. Exemptions. The following fences and walls shall be exempt from planning review (a building permit may be required as determined by the Building Official)
1. Retaining Walls - Retaining walls less than thirty-six (36) inches in height.
  2. Residential Fences - Fences located on residential property (privacy fences) constructed in compliance with the standards of this section.
  3. Required Fences - Fences and walls required by a state or federal agency, or by the City for public safety.

**SECTION 5:           Amendment to the Zoning Ordinance**

Section 17.172.205 (Fences) is hereby amended to add a new subsection to read as follows:

- D. Height Limits and Locations. For Residential Zoning Districts, each fence or wall (including landscaping used as a screen) shall comply with height limits and locations shown in the Table D-1 (Maximum Height of Fences and Walls in Required Yard Areas).

Table D-1 Maximum Height of Fences and Walls in Required Yard Areas

Location of Fence/Wall/Screen <sup>1</sup>	Maximum Height
Within required front yard area <sup>2</sup>	3-1/2 feet (42") for solid fences/garden walls (decorative pilasters (w/cap) can not exceed 5-feet in height)
Within required front yard area <sup>2</sup>	4-feet (48") for chain link, wrought-iron, etc. (decorative pilasters (w/cap) can not exceed 5-feet in height)
Within required rear and interior side yard area (along rear and interior property lines)	6 feet
Within required street side yard area	6 feet
At intersections of streets, alleys, and driveways within the clear visibility area	Note #3

Notes:

1. *Fences, walls, and screening are not required between land uses unless otherwise specified in the Zoning Ordinance. Fences, walls, and screening must also be located outside of any public utility easement, except as authorized by the applicable utility agency.*
2. *Applies to the entire area in the front yard/setback area of a house, as defined by the front facade.*
3. *Fences/Walls located at intersections of streets, alleys, and driveways must maintain clear visibility as defined by the City Engineer.*

**SECTION 6. Effective Date of the Ordinance.**

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

**SECTION 7. Severability.**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 8. City Clerk Action**

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Timothy Walker  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Thomas D. Jex  
City Attorney

\_\_\_\_\_  
Debbie A. Lee, CMC  
City Clerk

## **ATTACHMENT B**

(February 20, 2013 PC Report w/out attachments)

**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item # 2.1**  
**PUBLIC HEARING**  
**Meeting Date: February 20, 2013**

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**TO:** Chairman and Members of the Planning Commission

**FROM:** Matthew C. Bassi, Planning Director

**SUBJECT: Zoning Ordinance Amendment No. 13-02:**  
Planning Commission consideration of an amendment to the City of Wildomar Zoning Ordinance amending Section 17.172.205 (Fences) to establish height and location standards for fences and walls in residential zoning districts.

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**RECOMMENDATION**

Staff recommends the Planning Commission adopt PC Resolution No. 13-03 (Attachment A) entitled:

**“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION PER SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVAL ZONING ORDINANCE AMENDMENT NO. 13-02 TO AMEND SECTION 17.172.205 (FENCES) TO ESTABLISH HEIGHT AND LOCATION STANDARDS FOR FENCES AND WALLS IN RESIDENTIAL ZONING DISTRICTS”**

**BACKGROUND / ANALYSIS**

Upon incorporation of the City on July 1, 2008, the City adopted the Riverside County Zoning Ordinance (Ordinance No. 360) and the County’s Residential Design Guidelines. With the recent codification of the City’s Municipal Code, the Zoning Ordinance is now referred to as Title 17 (Zoning Ordinance). Both the Zoning Ordinance and Design Guidelines have design provisions for fences and walls in residential zones, however, neither contain specific height and location standards. In order to establish specific height and location standards, Section 17.172.205 (Fences) of the Zoning Ordinance must be amended.

Of particular concern to the Planning Department is that under current zoning standards, a residential homeowner can construct a six-foot fence and/or wall within the front yard setback area. A fence/wall this high within the front setback area can create

visibility and safety issues, especially along corner lots. In addition, a six-foot fence/wall on the front property line has aesthetics impacts as it can completely block out visibility of the front yard and house façade.

During the daily course of addressing public inquiries regarding fence height and locations in residential zones, planning staff has typically imposed a maximum height standard to minimize aesthetic and safety issues. In most public agencies, the maximum height of fences/walls are clearly defined so there is no misinterpretation, and each homeowner is treated fairly and equitably.

In preparing the proposed amendment, staff researched (via websites) several public agencies in the general area to find out what height standards existed for residential areas. In all cases, which is typical in many agencies, the fence/wall height on side & street side yard property lines (behind the front setback area) and rear property lines is six (6) feet. The maximum fence/wall height within the front yard setback areas was limited to 3-1/2 feet to 4 feet. Given these standards, staff is proposing similar height and location standards. Table C-1 is a summary of what is provided in the draft ordinance attached as Exhibit 1 to PC Resolution No. 13-03:

Table C-1 Maximum Height of Fences and Walls in Required Yard Areas

<b>Location of Fence/Wall/Screen<sup>1</sup></b>	<b>Maximum Height</b>
Within required front yard area <sup>2</sup>	3-1/2 feet (42")
Within required rear and interior side yard area (along rear and interior property lines)	6 feet
Within required street side yard area	6 feet
At intersections of streets, alleys, and driveways within the clear visibility area	Note #3

Notes:

1. Fences, walls, and screening are not required between land uses unless otherwise specified in the Zoning Ordinance. Fences, walls, and screening must also be located outside of any public utility easement, except as authorized by the applicable utility agency.
2. Applies to the entire area in the front yard of a house, as defined by the front facade.
3. Fences/Walls located at intersections of streets, alleys, and driveways must maintain clear visibility as defined by the City Engineer.

In addition to the above, staff is also proposing to expand the list of prohibited fencing materials above what is already listed in Section 17.172.205.B. Currently, the list of prohibited fencing includes: garage doors, tires, pallets, or other materials not typically used for the construction of fences. Staff is proposing to add the following fence types to this list:

- Barbed wire or electrified fence.
- Razor or concertina wire in conjunction with a fence or wall, or by itself.

Staff believes that adoption of the proposed amendment is necessary so there is a specific set of universal standards for residential zones. The establishment of height and location standards for fences/walls will further the General Plan Goal LU 22.10 that states:

*“...require residential units/projects be designed to consider their surroundings and visually enhance, not degrade, the character of the immediate area.”*

In addition, the proposed standards will further the intent of Section 17.172.205 of the Zoning Ordinance that states:

*“...to provide for minimum development standards for the construction of fences within the City, which is designed to enhance the aesthetic appearance of the community, preserve property values and protect the health, safety and welfare of City residents.”*

If the Planning Commission supports the proposed amendment and adopts PC Resolution No. 13-03, staff will schedule the amendment for City Council review at their March 13, 2013 meeting.

## **ENVIRONMENTAL ASSESSMENT**

A review of the potential environmental impacts was conducted for Zoning Ordinance Amendment No. 13-02. Based on this review, the Planning Department has determined that the adoption of the proposed amendment (which provides for only text changes) related to height and location standards for fences in residential zones has no potential to impact the environment. Therefore, Zoning Ordinance Amendment No. 13-02 meets the criteria to be exempt from CEQA 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.” Staff is recommending that the Planning Commission recommend City Council adoption of this CEQA Exemption for Zoning Ordinance Amendment No. 13-02.

## **REQUIRED ZOA FINDINGS**

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 13-02 to the City Council.

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

The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance in that the proposed amendment will establish height and

location standards for fences and walls in residential zones which will further General Plan Goal LU 22.10 that states: “*require residential units/projects be designed to consider their surroundings and visually enhance, not degrade, the character of the immediate area.*” In addition, the proposed standards will further the intent of Section 17.172.205 to provide for minimum development standards for the construction of fences within the City, which is designed to enhance the aesthetic appearance of the community, preserve property values and protect the health, safety and welfare of City residents.

Respectfully Submitted,



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Matthew C. Bassi  
Planning Director

## **3.0 GENERAL BUSINESS ITEMS**

**CITY OF WILDOMAR PLANNING COMMISSION**  
**Agenda Item 3.1**  
**GENERAL BUSINESS**  
**Meeting Date: April 17, 2013**

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**TO:** Chairman and Members of the Planning Commission

**FROM:** Matthew C. Bassi, Planning Director  
Jennifer Gastelum, Housing Manager

**SUBJECT:** **Wildomar Housing Element Public Workshop**  
A workshop to receive public input and comments on housing related needs within the City of Wildomar.

**STAFF REPORT**

**RECOMMENDATION**

Staff recommends that the Planning Commission and general public provide input and direction on the draft goals/policies and priorities for the Housing Element update project.

**DISCUSSION**

Staff is proposing the following agenda for tonight's Study Session meeting:

- I. Introductions
- II. Housing Element Requirements
- III. Importance of Compliance
- IV. State Laws
- V. Proposed Housing Element Goals, Policies
- VI. Potential Programs
- VII. Proposed Schedule
- VIII. Comments/Questions from public

**Housing Element Requirements:**

The Housing Element is one of seven mandatory elements of the General Plan, as required by California Government Code Section 65302. It is the only element that requires review by a state agency (HCD) and a finding of substantive compliance with state law to maintain eligibility for state housing and community development grant

programs. State law requires each city and county to update its housing element at least once every five years.

Upon incorporation in July 2008, Wildomar adopted the Riverside County Housing Element for its fourth round Housing Element cycle. Currently, Riverside County's Housing Element is out of compliance and has received substantial comments from the California Department of Housing and Community Development (HCD), which have not yet been addressed.

Per state law, if a jurisdiction does not have a certified housing element and fails to rezone or identify sufficient sites for affordable housing in its fourth housing element cycle, the jurisdiction will be required to carry over any leftover housing units in the first year of the fifth round housing element cycle. This would be in addition to meeting its assigned housing units for the fifth housing element cycle.

#### Consequences/Penalties for Not Having a Certified Housing Element:

When a local government fails to adopt an updated housing element by the required HCD deadline or adopts an element that does not comply with state law, the city is regarded as “noncompliant” and is subject to severe penalties. If the general plan, or any state-mandated element, is not in compliance with state law, a petitioner—be it an environmentalist, low-income housing advocate, or builder—can request a hearing or a trial. If a court finds that the general plan, or any of its mandatory elements, does not substantially comply with state law, the court in its order of judgment may specify one or more actions/penalties including, but not limited to, the following:

- Suspend authority of the city to issue building permits or any other development related permits for residential housing;
- Suspend the authority of the city to grant zone changes, variances, or both; and/or
- Impose financial penalties.

#### Benefits of Adopting a Housing Element and Receiving HCD Certification:

Some of the programs that consider housing element certification in their criteria are:

- Community Development Block Grants (CDBG)
- HOME Investment Partnerships Program (HOME)
- Single-Family Home Program
- Building Equity and Growth in Neighborhoods (BEGIN) Program
- Housing Enabled by Local Partnerships (HELP) Program
- California Housing Finance Agency
- Infill Incentive Grant (IIG) Program
- Infrastructure State Revolving Fund (ISRF) Program
- California Infrastructure and Economic Development Bank (I-Bank)

## State Law Requirements:

The Housing Element will at a minimum address the following legislative requirements:

- SB 2 (Cedillo, 2007): Requires local jurisdictions to strengthen provisions for addressing the housing needs of the homeless, including the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit and allowing transitional and supportive housing types as residential uses. This legislation took effect January 1, 2008, and will apply to jurisdictions with housing elements due June 30, 2008, and after.
- AB 2634 (Lieber, 2006): Requires quantification and analysis of existing and projected housing needs of extremely low-income households. Elements must also identify zoning to encourage and facilitate supportive housing and single-room occupancy units.
- AB 2511 (Jones, 2006): Anti-NIMBY protections and no net loss requirement. Added potential penalties for non-reporting of annual general plan progress report.
- AB 1233 (Jones, 2005): If prior element failed to identify or implement adequate sites, the local government must zone or rezone to address this need within one year of update. This is in addition to new projected need.
- SB 1087 (Florez, 2005): Requires local governments to immediately forward adopted housing element to water and sewer providers.
- SB 575 (Torlakson, 2005): Strengthens prohibitions against arbitrary denials of affordable housing projects. Amends finding allowing project denial if inconsistent with zoning and general plan. This finding may no longer be made if the project identified in element is suitable to meet low- or moderate-income need or if housing element did not identify adequate sites.
- AB 2348 (Mullin, 2004): Requires a more detailed inventory of sites to accommodate projected housing needs and provide greater development certainty

## Regional Housing Needs Assessment (RHNA)

During the 4<sup>th</sup> Housing Element cycle, the City worked with Riverside County, the Western Riverside Council of Governments (WRCOG), and SCAG to agree upon the appropriate portion of Riverside County's allocation to take as its own since the City incorporated during the planning period (July 2008). In October of 2011, an agreement was made that the City of Wildomar would take a total of 1,471 units for the remainder of the 2006–2014 planning period. A table summarizing the RHNA allocation is provided on the following page.

**Proposed Wildomar Transfer of Fourth Cycle RHNA Prorated Housing Need Allocation (2006–2013)**

Income Category	2006–2014 RHNA	
Extremely Low	174	11.8%
Very Low	175	11.9%
Low	241	16.4%
Moderate	272	18.5%
Above Moderate	609	41.4%
<b>Total</b>	<b>1,471</b>	<b>100%</b>

Fifth Round Housing Element

In the 2006- 2014 planning period the City drafted a 4th round Housing Element that was on the May 9, 2012 Council agenda for adoption and final submission to HCD. However, action was postponed as a result of a last minute comment letter submitted by Gerard Ste. Marie. Therefore, the 2006 - 2014 Housing Element was never adopted. In the draft document the City completed a land analysis that included a program to amend its Land Use Map to re-designate approximately 16 acres of vacant land from Medium High Density Residential (MHDR) to Highest Density Residential (HHDR) which would allow for additional capacity to meet the city’s lower income RHNA.

Because the 2006 – 2014 Housing Element was not adopted and the redesignation of land from MHDR to HHDR was not completed, the City now has an un-accommodated need of 364 units for lower income that will be carried over to the City’s 5th cycle RHNA and which will require the City to rezone enough high density land to accommodate 364 units from the 4<sup>th</sup> round, as well as, 1,036 units of lower-income units to meet the 5<sup>th</sup> round RHNA. City staff is in the process of identifying the sites to be rezoned. A summary of the RHNA numbers for the 4<sup>th</sup> and 5<sup>th</sup> rounds are noted in the table below.

Income Category	2014–2021 RHNA	
Extremely Low	310	12.2%
Very Low	311	12.3%
Low	415	16.3%
Moderate	461	18.2%
Above Moderate	1,038	41.0%
<b>Total</b>	<b>2,535</b>	

It is important to note that cities failing to adopt a housing element update within 120 days of the statutory deadline revert to a 4-year rather than an 8-year planning period.

Proposed Housing Element Goals and Policies:

Staff has used the 4<sup>th</sup> round Housing Element proposed goals and policies to tailor them to the City’s specific community needs for the 5<sup>th</sup> round Housing Element. The following draft goals and policies will be presented to the Planning Commission in May 2013 and

City Council in June 2013. The Commission may include additional goals and policies if desired.

**GOAL 1: Assist in the development of adequate housing to meet the city's fair share of the region's housing needs for all economic segments of the population.**

Policy 1.1: Ensure there is a sufficient supply of multifamily and single-family zoned land to meet the housing needs identified in the Regional Housing Needs Assessment (RHNA).

Policy 1.2: Maintain land use policies that allow residential growth consistent with the availability of adequate infrastructure and public services.

Policy 1.3: Establish and maintain accurate planning and demographic data using GIS (geographic information systems).

Policy 1.4: Facilitate the development of affordable housing by providing, when feasible, appropriate financial and regulatory incentives.

Policy 1.5: To the extent that resources are available, continue to assist in the provision of homeownership assistance for lower- and moderate-income households.

**GOAL 2: Where appropriate, mitigate governmental constraints to the maintenance, improvement, and development of housing.**

Policy 2.1: Consistently monitor and review the effectiveness of Housing Element programs and other City activities in addressing housing need.

Policy 2.2: Periodically review the City's regulations, ordinances, and development fees/exactions to ensure they do not unduly constrain the production, maintenance, and improvement of housing.

Policy 2.3: Provide for streamlined processing of residential projects to minimize time and costs in order to encourage housing production.

Policy 2.4: Grant density bonuses to encourage the development of affordable housing.

Policy 2.5: Allow for the development of secondary housing units as an affordable housing option throughout the city.

### **GOAL 3: Address the housing needs of special population groups.**

Policy 3.1: Encourage housing developers to produce affordable units by providing assistance and incentives for projects that include new affordable units available to lower/moderate-income households or special needs housing.

Policy 3.2: Ensure the availability of suitable sites for the development of affordable housing to meet the needs of all household income levels, including special needs populations.

Policy 3.3: Promote the development of special housing needs, such as transitional housing, housing for seniors, housing for persons with physical, developmental, or mental disabilities, farmworker housing, and housing for extremely low-income persons.

Policy 3.4: Provide more senior housing opportunities throughout the city.

Policy 3.5: Support family housing that addresses resident needs for child care, youth services, recreation opportunities, and access to transit.

Policy 3.6: Participate regionally in addressing homeless issues.

Policy 3.7: Allow emergency/homeless shelters in appropriate zoning districts per SB 2.

### **GOAL 4: Conserve and improve the condition of the housing stock, particularly affordable housing.**

Policy 4.1: Pursue all available federal and state funds to establish a housing rehabilitation program.

Policy 4.2: Enhance the quality of existing residential neighborhoods by including adequate maintenance of public facilities in the City's capital improvement program and requiring residents and landlords to maintain their properties in good condition.

Policy 4.3: Concentrate rehabilitation assistance and code enforcement efforts in areas of the city with a concentration of older and/or substandard residential structures.

Policy 4.4: Preserve the affordability of federal and state subsidized units at risk of conversion to market rate or other affordable housing resources.

**GOAL 5: Promote equal housing opportunities for all persons regardless of race, age, sexual orientation, religion, or sex.**

Policy 5.1: Continue to support fair housing laws and organizations that provide fair housing information and enforcement.

Policy 5.2: Support state and federal mandates for fair housing practices in both public and private housing developments.

Policy 5.3: Support programs that offer low- and moderate-income households the opportunity for homeownership.

Policy 5.4: Expand the availability of affordable and/or special needs housing through acquisition or conversion.

**GOAL 6: Conserve energy and water in the development of new housing and the rehabilitation of existing housing.**

Policy 6.1: Encourage the use of energy conservation features in residential construction and remodeling.

**Potential Housing Programs:**

The following is a list of potential programs available to the City with the certification of the Housing Element.

- Apply for federal and state grant funds
- Allow for emergency shelters
- Allow for transitional and supportive housing
- Allow for SROs
- Develop reasonable accommodation measures
- Ensure water and wastewater capacity
- Maintain vacant land inventory

Proposed Schedule:

The schedule below represents a fast-track timeline for adopting the 2006 - 2021 City of Wildomar Housing Element.

<b><u>Task Description</u></b>	<b><u>Timeline/Deadline</u></b>
Planning Commission/Public Workshop	April 17, 2013
Planning Commission Review Draft Housing Element	May 15, 2013
City Council Review Draft Housing Element	June 12, 2013
Submit Draft Housing Element to HCD (60-day review)	June 13, 2013
Receive Comments from HCD	August 2013
Planning Commission review of Housing Element / EIR	September 2013
City Council adoption of Housing Element / EIR	October 2013
Submission to HCD for final review	October 2013
Receive Certification from HCD	January 2014

Respectfully Submitted by:



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Matthew C. Bassi  
Planning Director