



CITY OF WILDOMAR  
**PLANNING COMMISSION**

Commission Members

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

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REGULAR MEETING

**WEDNESDAY, APRIL 21, 2010 AT 7:00 P.M.**

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

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

**AGENDA**

**1.0 CALL TO ORDER**

- 1.1 Roll Call
- 1.2 Pledge of Allegiance

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

**3.0 CONSENT ITEMS:**

- 3.1 March 17, 2010 Regular Meeting Minutes.

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

None.

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

**5.1 ZONING CODE AMENDMENT 10-04 – PLANNING COMMISSION CODE CLEANUP AND PLANNING COMMISSION BYLAWS.** The approval of (1) operating bylaws for the Planning Commission to guide the meetings and conduct of the Commission, and (2) related amendments to Chapter 17.04 of the zoning code pertaining to the establishment and operation of the Planning Commission.

Environmental Determination: In accordance with the California Environmental Quality Act (CEQA) the project is exempt from environmental review pursuant to Section 15061(b)(3).

**6.0 GENERAL BUSINESS ITEMS:**

6.1 ZONING CODE AMENDMENT 10-04 – RURAL RESIDENTIAL ZONE, LIST OF PERMITTED USES.

**7.0 ADMINISTRATIVE HEARINGS REPORT:**

None.

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

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

**10.0 ADJOURNMENT**

The next scheduled Regular Meeting of the City of Wildomar Planning Commission is May 5, 2010 at 7:00 P.M.

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

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

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

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

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

**POSTING STATEMENT:** On April 15, 2010, a true and correct copy of this agenda was posted at the three designated posting places: Wildomar City Hall, 23873 Clinton Keith Road; U. S. Post Office, 21392 Palomar Street; and the Mission Trail Library, 34303 Mission Trail.

**CITY OF WILDOMAR  
PLANNING COMMISSION  
REGULAR MEETING MINUTES  
March 17, 2010**

**1.0 CALL TO ORDER**

The regular meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Devine at 7:00 P.M. at Wildomar City Hall, Council Chambers.

**1.1 ROLL CALL OF PLANNING COMMISSION**

Present:        Robert Devine, Chairman  
                  Scott Nowak, Vice-Chairman  
                  Harv Dykstra, Commissioner  
                  Gary Andre, Commissioner  
                  Michael Kazmier, Commissioner

Absent:

Staff Present: David Hogan, Planning Director  
                  Erica Ball, Assistant City Attorney  
                  Jon Crawford, Supervising Engineer  
                  Alia Kanani, Planner

**1.2 PLEDGE OF ALLEGIANCE:**

Commissioner Nowak led the flag salute.

**2.0 COMMUNICATIONS FROM THE PUBLIC:**

None.

**3.0 CONSENT ITEMS:**

**3.1 MARCH 3, 2010 REGULAR MEETING MINUTES**

Commissioner Nowak moved to approve the Minutes of March 3, 2010. The motion was seconded by Commissioner Dykstra. Motion carried, the following vote resulted:

AYES:            Devine, Nowak, Andre, Dykstra, Kazmier.

NOES:

ABSENT:

ABSTAIN:

**4.0 CONTINUED PUBLIC HEARING ITEMS:**

None.

**5.0 PUBLIC HEARING ITEMS:**

**5.1 TENTATIVE TRACT MAP 31895, ZONE CHANGE NO. 6936 AND GENERAL PLAN NO. 801 (08-0164)**

Applicant:	Markham Development Management Group
Location:	Southeast of Huckaby Lane and northeast of Rancho Mirlo Road (APN: 380-160-016, 380-160-019 & 380-160-020).
Proposals:	The project proposes to subdivide a 30 acre site into a 51 lot subdivision and change the zoning from Rural Residential (R-R) to a combination of One-Family Residential (R-1), Open Area Combining Zone Residential Developments (R-5) and Water Course, Watershed & Conservation Area (W-1). This project also proposes to amend the General Plan Land Use designation of the site from Very Low Density Residential to Low Density Residential.
Environmental Action:	In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been recommended for adoption.

Planner Kanani made the Staff Report.

Commissioner Dykstra discussed the proposed western bypass which would connect the City of Murrieta to Ortega Highway in the City of Lake Elsinore via Grand Avenue. He asked staff for an update.

Director Hogan responded that the City of Murrieta did not continue the western bypass and staff is not aware of any plans to continue the western bypass in the City of Wildomar.

Chairman Devine asked how the bypass location would relate to the proposed project.

Director Hogan responded again that there is no physical location for the bypass but staff will look into it prior to the next meeting. Staff will contact the City of Murrieta.

Chairman Devine commented that the roadway will be gated from Murrieta to Wildomar.

Director Hogan confirmed and stated that the road closures were at the request of the residents of Murrieta.

Chairman Devine asked for clarification of the change in land use designation related to the minimum lot sizes.

Director Hogan responded that a clustering approach was used to determine the allowable units. He further commented that the approach would minimize impacts to the floodplain and protect oak trees. He went on to state that the density is consistent with the General Plan land use designation.

Chairman Devine confirmed that staff is using the total acreage to determine the density.

Director Hogan replied in the affirmative. He stated that the total number of lots is consistent with the overall density contained in the General Plan land use designation.

Chairman Devine stated that he may require more explanation at a later date.

Commissioner Andre asked how floodplain as land for development. He stated he is okay with the clustering but has concerns over the use of floodplain.

Chairman Devine restated Commissioner's Andre's comment about developing in the floodplain.

Chairman Devine requested clarification on Lot 51 and if it was being re-zoned from W-1 to R-1.

Planner Kanani responded in the affirmative.

Director Hogan further clarified that only a portion of area, which contains Lot 51, is proposed to be re-zoned.

Chairman Devine asked if the Lot 51 was in the floodplain.

Director Hogan stated that Lot 51 will not be located in the floodplain by the time that the project is developed.

Chairman Devine asked if elevating the lots will change the floodplain.

Supervising Engineer Crawford provided a definition of a floodway and floodplain. He further stated that under federal, state and local rules you are allowed to alter the

floodplain with development to an allowable rise in the water and compress the floodplain.

Chairman Devine asked if the elevation could be raised.

Supervising Engineer Crawford confirmed that the elevation could be raised and the water can be raised up a couple inches throughout or upstream. He continued that with this project the water will be raised about 400 feet upstream.

Commissioner Andre asked for the elevation at Clinton Keith Bridge. He continued by stating that flooding occurred at McVicker during rains a month ago and that there is no flood control plan and sewage control plan for the west side. He further stated his concern for project's impact on local flooding in the area given current flooding due to recent rains.

Supervising Engineer Crawford stated that the review process would evaluate the impacts of development of the project in the floodplain. He further clarified that flooding due to the recent rains at Clinton Keith Bridge was caused by blockage of one of the culverts.

Commissioner Andre commented that there is no more creek and it is full of dirt.

Supervising Engineer Crawford concurred with Commissioner Andre's assertion regarding the creek and stated that something needs to be done in the long term to address flooding. He continued by stating the current flooding problems are a good argument for development of the proposed project. He commented that channel of McVicker was not designed to handle a 100-year flood. Lastly, he stated that at this stage the project meets the specific criteria to move forward and the City will review the project closely regarding flood control.

Commissioner Andre commented on the various channels in the area and his concern for additional flooding due to lack of maintenance on the existing creeks.

Chairman Devine asked that Commissioner Andre hold his comments for Planning Commissioner comments at the end of the meeting.

Chairman Devine asked Supervising Engineer Crawford about the FEMA review.

Supervising Engineer Crawford responded that FEMA will do an engineering evaluation of the study and review of flood maps.

Commissioner Dykstra asked how the sewage from the tract would be treated.

Supervising Engineer Crawford clarified that the site is within the Elsinore Valley Municipal Water District (EVMWD) and such the sewage will be treated by EVMWD.

Chairman Devine commented on the findings in the Mitigated Negative Declaration that was prepared for the project.

Director Hogan responded that there are various findings and mitigation measures found within a Mitigated Negative Declaration. He further commented that staff would be able to provide more clarification on any specific findings or mitigation measures from the document.

Chairman Devine commented that the project has lots of unresolved issues and that the Planning Commission will likely concur with staff's recommendation to continue the project.

Commission Andre asked to have the letter submitted by Ray Johnston to be read aloud into the record.

Chairman Devine responded that the letter would be part of the record but did not know what would be gained from reading the letter aloud.

Assistant City Attorney Ball responded that the standard procedure for is to add the letter into the public record and that oral testimony should be limited to three minutes.

Chairman Devine asked that the letter be posted on the City's website.

Director Hogan commented that the letter would be part of the May 5<sup>th</sup> staff report so it would be available.

Chairman Devine opened the public hearing and noted that the project will be continued and the public hearing would therefore not be closed at the end of public comment.

George Taylor commented that at a previous City Council meeting all the trails were adopted by the City Council. Mr. Taylor further addressed the Planning Commission about the regional trail system and specifically a requirement for the project to connect to the trail system.

Jim Bach with Markham Development Management Group, applicant for the project, stated that he was available for questions but primarily was there to listen to questions in preparation for the May 5<sup>th</sup> meeting.

George Knapp commented that he was in favor of the project and that the project is not an equestrian project so the applicant should not be required to connect to the trail system.

Nancy Backstrand voiced her opposition to the project and discussed the history of the project when it was processed by the County of Riverside.

Rachel Jacobs spoke about access to the project site from the Spirit Tract including Jerome Lane and Huckby Lane. She requested that a block wall be built along Rancho Mirlo Road to prevent access to Jerome Lane and Huckby Lane and reduce noise.

Martha Bridges discussed the letter and documents that she forward to Director Hogan and the Planning Commission earlier in the day. She also voiced her concern over the Mitigated Negative Declaration and recommendation for an Environmental Impact Report.

Gina Castanon commented that Wildomar is a horse community. She stated her concern for the connectivity of the trails, floodplain issues and she that she is opposed to the zone change.

No more public comments were received. Chairman Devine invited the applicant to respond to the public comments.

Chairman Devine asked Mr. Bach about the secondary (emergency) access point through Cooper Canyon Park and if the County Fire Department had approved the design.

Mr. Bach responded that the Fire Department is okay with the secondary access point and that a knox box would be installed. He continued that actual use of the secondary access point would be very slim unless there was a large brush fire like what occurred in San Diego.

Chairman Devine asked if the Commissioners had any questions for the applicant. The Commission did not have any further questions for the applicant.

Charles Fisher stated his concern for the short-term and long-term impacts effects of the development and the impact to the floodplain by raising the creek bank.

Chairman Devine stated that he would continue the public hearing to May 5, 2010.

Director Hogan asked if Commission comments should be taken before or after the public hearing is closed.

Assistant City Attorney Ball responded that the public hearing could be continued and then comments from the Commission could be taken.

Chairman Devine requested a motion to continue the public hearing to May 5<sup>th</sup>.

MOTION: Commissioner Nowak motioned to continue the public hearing to the May 5<sup>th</sup> Planning Commission. The motion was seconded by Commissioner Dykstra. Motion carried, the following vote resulted:

AYES: Devine, Nowak, Dykstra, Andre, Kazmier.

NOES:

ABSENT:

ABSTAIN:

Director Hogan clarified that the entire project was covered under the motion.

Commissioner Andre stated that professionals from both sides should be present for the site visit. He continued that he has been to the project site several times and has seen the flood waters rise. He also commented that there is a community trail along Rancho Mirlo Road, voiced his concerns over raising the floodplain and indicated that the project has issues.

Commissioner Dkystra commented his dislike for gated communities and his concern raising the elevation of the floodplain. He further commented that he has concern over the loss of the western bypass and asked staff to approach the City of Murrieta about the western bypass.

Chairman Devine asked for the proposed timeframe the project.

Director Hogan responded that he was unaware of the timing for the development but that the hearing process would be lengthy.

Chairman Devine stated that the reason for his question was centered around the widening of the Clinton Keith overpass and the impacts of the additional residential housing units would impact the existing traffic.

Supervising Engineer Crawford responded that the widening of the Clinton Keith overpass would be go out to bid over the summer and construction would start over the winter. He further discussed the timing of the Clinton Keith overpass widening, timing of the construction of the residential subdivision and the specific haul routes required for construction traffic.

Chairman Devine asked about the Zone 7 proposed flood control related to the Windsong Tract and the flooding in the area, which carries large amounts of sand and dirt. He asked if there has been any contact with Flood Control regarding the funding for the five-year plan and the problems in the area.

Supervising Engineer Crawford stated that staff attended the public meeting recommending for capital projects in Zone 7.

Chairman Devine commented that he did not attend the meeting but had for 10 years prior.

Supervising Engineer Crawford continued that a letter of request was submitted to accelerate the Billie Ann storm drain and a portion of the funding was coming from the Supervisor's office. Staff will be following up on the funding and encouraging the design to be completed since this is a high priority due to the impact on the residents and roadways.

Chairman Devine responded that McVicker is the first line of defense and Clinton Keith is getting a lot of the sand which is creating part of the problem with flooding. He suggested that the creek be cleaned out to original elevations.

Supervising Engineer Crawford commented that the main line is also contributing to the problem. Flood Control is looking at alternatives to address flooding in the area.

Director Hogan offered to work with the developer's representative and Commissioners to coordinate a site visit with experts related to flooding, hydrology and geotechnical.

Several Commissioners expressed interest in attending a site visit.

## 5.2 ZONING CODE AMENDMENT 10-01: Reduce side yard setbacks for small lots within the rural residential zone.

Director Hogan made the Staff report.

Vice-Chairman Nowak asked if the new setbacks would be for new construction.

Director Hogan explained that the new setbacks would be applied to new construction and that the setbacks would not be applied to existing structures.

Commissioner Andre asked for clarification of the current zoning map.

Vice-Chairman Nowak suggested that the setbacks not necessary be reduced to five feet but adjust the useable side where the access point for the gate/access for utilities to seven foot setback and other side have a five foot setback.

Director Hogan responded that other jurisdictions have total setback of 12 or 15 feet with a minimum setback of a certain size.

Vice-Chairman Nowak stated that he would rather see a total setback than setback minimums.

Director Hogan responded that if the minimum setback was set at five feet then five feet would be the minimum setback. An exception or variance would be required for unusual lots that cannot meet the minimum setbacks.

Vice-Chairman Nowak again stated his preference for cumulative setbacks/side yard width between properties.

Chairman Devine stated that the adjacent property would need to have the appropriate setbacks.

Vice-Chairman Nowak stated that the setbacks of the adjacent property would be reviewed by a lot layout.

Chairman Devine discussed the potential scenarios of incorporating the total setback strategy and whether it would work everywhere.

Commissioner Dykstra commented that setbacks will affect primarily manufactured housing. He proposed that anything up to sixty feet in width have a five foot side yard setback, sixty to seventy foot wide lot have a five foot side yard setback on one side and ten foot side yard setback on the other side, and lots with more than seventy feet in width have the ten foot side yard set back as originally proposed.

Commissioner Dykstra concluded that Cottonwood Canyon is close to a high fire zone and his concern for having homes too close together especially manufactured homes.

Commissioner Andre proposed zero lot lines for small lots and building two units together on small lots.

Director Hogan responded that in new tracts that zero lot lines work but may not work in the City. He clarified that if two small lots with a development across property lines were proposed a lot merger would be required.

Supervising Engineer Crawford commented that under the zone are there is a minimum lot size and if these lots are below the minimum lot size then a parcel merger is required to make the lot as big as possible.

Director Hogan responded that in the future when staff revises the zoning code that staff will look at flexibility in the code to allow for such provisions such as zero lot lines.

Commissioner Andre confirmed that Cottonwood Canyon is close to a high fire area and low density development was encouraged.

Chairman Devine stated that one speaker slip was received. The speaker declined to comment.

Chairman Devine asked if the rest of the Planning Commission agreed with the setbacks as proposed by Commissioner Dykstra.

Commissioner Andre and Commissioner Nowak discussed the application of the new setbacks for half acre parcels.

Chairman Devine requested a motion to include the amendment to the proposed setback as presented by staff.

MOTION: Commissioner Dykstra motioned that lots up to sixty feet have a five foot side yard setback, sixty to seventy feet have a five foot side yard setback on one side and ten foot on the other side, and lots with more than seventy feet have a ten foot side yard setback. The motion was seconded by Commissioner Nowak. Motion carried, the following vote resulted:

AYES: Devine, Nowak, Dykstra, Andre, Kazmier.

NOES:

ABSENT:

ABSTAIN:

**6.0 GENERAL BUSINESS ITEMS:**

None.

**7.0 ADMINISTRATIVE HEARINGS REPORT:**

None.

**8.0 PLANNING DIRECTOR'S REPORT:**

Planner Sean del Solar accepted a new position and no longer with the City of Wildomar. There is no Planning Commission meeting for April 7, 2010. At the second meeting in April, staff will be bringing forward a discussion on Rural Residential land uses for Planning Commission comments and feedback. Director Hogan asked the Commissioners to think about the types of uses allowed in the rural residential land uses.

**9.0 PLANNING COMMISSION COMMENTS:**

Commissioner Andre expressed that he had a conversation with Jerry Joliffe at the County about how to determine Rural Residential (R-R) setbacks.

Commissioner Nowak indicated that he will be out of town and will miss the meeting.

Commissioner Dykstra asked staff to contact the City of Murrieta regarding the potential connection from Grand Avenue for the western bypass.

**10.0 ADJOURNMENT:**

The March 17, 2010 regular meeting of the Wildomar Planning Commission adjourned at 9:00 P.M.

Respectfully submitted:

David Hogan  
Commission Secretary

**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item #5.1**  
**PUBLIC HEARING**  
**Meeting Date: April 21, 2010**

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**TO:** Members of the Planning Commission

**FROM:** David Hogan, Planning Director

**SUBJECT:** Zoning Code Amendment 10-04 – Planning Commission Code Cleanup and Planning Commission Bylaws

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**RECOMMENDATION:**

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

RESOLUTION NO. PC10-\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL MODIFY THE PROVISIONS OF SECTIONS 17.034.040 THROUGH 050 OF THE MUNICIPAL CODE AND ADOPT OPERATING BYLAWS FOR THE PLANNING COMMISSION (ZONING ORDINANCE AMENDMENT 10-03)

**BACKGROUND:**

When the City incorporated, the City Council adopted Ordinance 8-16 which established the City Planning Commission. The operation of the City Planning Commission is governed by Chapter 17.04 of the Municipal Code which was adopted by the City Council on August 13, 2008. Planning Commission Bylaws would set forth in writing the operating principles and practices for the Commission. The Bylaws, in conjunction with State Planning and Zone Law, and Chapter 17.04 of the zoning ordinance provide the legal foundation for the operation of the Planning Commission.

The purpose of this agenda item to have the Planning Commission consider operating bylaws as well as consider a number of minor code amendments relating to the creation and operation of the Commission. Staff has worked with the City Clerk and City Attorney in the development of these amendments.

**Proposed Code Amendments**

The following are the six minor code amendments are necessary to ensure that the operations of the Planning Commission are consistent with the other requirements of the zoning code. The purpose of the proposed zoning code amendment are to ensure consistency with the zoning code and resolve some potential conflicts with the current provisions relating to the Planning Commission. In the sample text amendments, that follow, new text is shown **underlined and bolded** while deleted text is shown in

~~strikeout~~. The full text of Sections 17.04.040 through 0.48, with the proposed changes, are contained in Attachment D. The proposed Ordinance is contained in Attachment B.

#### Commissioner Term of Office

When the City incorporated, the City Council established a system by which each member of the Council selected a member of the Planning Commission. This current system is working well. However when reviewing the current ordinance requirements, staff identified a potential conflict whenever a new Councilmember is elected. Instead of having a new Commissioner to represent the new Councilmember, in theory we could end up with the former Commissioner and the new Commissioner at the same meeting since the current zoning code states that the former Commissioner is on the Commission at the meeting following the election. To eliminate any confusion or potential for conflict, staff is recommending that the term of each Planning Commissioner run concurrently with the term of office for the appointing Councilmember. Consequently, Section 17.04.042.A would be amended to read as follows:

*“Terms of members of the commission shall **run concurrently with** the ~~expire at the first regular meeting of the commission following the expiration of the current~~ term of office of the city council member who appointed the commission member.”*

#### Removing a Commission from Office

The current ordinance indicates that a Commissioner is automatically removed from office if a member is absent from three consecutive regular meetings. However, the ordinance does not specify how the action is undertaken and who takes those actions. The proposed amendment would provide additional guidance on the steps to be taken by City staff and the City Council. In addition, the City Clerk has requested additional language to address what would occur if a Commissioner no longer met the qualifications for Commission membership defined in Chapter 17.04. This has been added as Subsection A to Section 17.054.043.

The clarification to Subsection B would indicate what procedure are to be followed in the event that a Commissioner had three consecutive unexcused absences from regular meetings. The current ordinance just indicates that the commissioner is automatically removed from office. Staff is requesting that the Council provide direction as to what should occur next in the process. The suggested language has the planning director notifying the City Council that the position is now vacant and specifying how the position is to be refilled. The only change to Subsection C is the addition of a sentence indicating how a vacant position is to be refilled. The proposed revisions to Section 17.04.043 are as follows:

**“Members of the Planning Commission shall be removed from office, or their offices declared vacant, for the following reasons and in the following manners.**

**A. A member of the commission is automatically removed from office for failure to meet any of the requirements for membership,**

**as defined in Section 17.04.041, at which time removal from office is automatic and immediate, no specific City Council action is necessary. The position shall be refilled in the manner described in Section 17.04.041.**

**B. A member of the commission is automatically removed from office if the member *has an unexcused absence* from three consecutive regular meetings of the commission. *Following the third consecutive unexcused absence the Planning Director shall notify the City Council that, according to the terms of this Section, the commissioner's position is now vacant. The position shall be refilled in the manner described in Section 17.04.041.***

**C. The member may also be removed at any time and for any reason by a vote approved by at least three of the members of the City Council. *The position shall be refilled in the manner described in Section 17.04.041.***

#### Selection of a New Chairman

Section 17.04.045 calls for the appointment of the next years chairman at the first meeting in January of each year. This was identical to the selection process of the mayor at that time. However, Resolution 09-72 which was approved by the City Council on October 28, 2009, shifted the selection date for the new mayor from the first meeting in January to the first meeting in December. As a result, staff is recommending that this provision be changed to match the language recently adopted by the City Council so that the terms of office for both the mayor and planning commission chairman would run for the calendar year. This amendment reduces potential confusion by providing for the election of the Commission Chairman prior to the start of the next year. To accomplish this, Section 17.04.045.A. would be changed to read as follows:

*“Each year, at its first regular meeting in **December** ~~January~~, the Commission shall elect from its membership a chair and a vice-chair **for the following year.**”*

#### Monthly Meetings

Section 17.04.045 calls for the Planning Commission to hold at least one meeting per month. Due to varying workloads and schedules this has not always happened. Some months there are two meetings, some months there have been no meetings. To ensure that the Commission is always operating in conformance with the rules, staff is recommending that this provision be changed to require the Commission to meet on a regular basis as needed to accomplish their duties and responsibilities. This change does not alter the current schedule for regular Commission meetings (i.e. the first and third Wednesday). To accomplish this clarification, Section 17.04.045.D. would be amended to read as follows:

*“The Commission shall hold meetings **as needed.** ~~at least one regular each month.~~”*

### Commission Approval Authority

The current description of the Commission's approval authority is substantially different from the approval authorities described elsewhere in Titles 16 and 17 of the Municipal Code. Since the Council has had an opportunity to review the relative approval authorities for the City Council and Planning Commission and a majority of the Councilmembers felt that the approval authority contained in the zoning code was appropriate, staff is recommending that Section 17.04.046 also be amended to conform the approval authority to the existing provisions of the zoning and subdivision codes. To accomplish this, Section 17.04.046 would be amended to read as follows:

*"The Commission shall have ~~final~~ approval authority over subdivision applications as provided in **Title Chapter** 16 of the Wildomar Municipal Code and ~~advisory authority over all other~~ land use matters as specified in **Title Chapter** 17 of the Wildomar Municipal Code."*

Finally, Section 17.04.047.B, Appeals, is recommended for amendment to clarify that the appeal period is 10 calendar days to be consistent with the other sections of the zoning ordinance. As a result, this subsection would be amended to read as follows:

*"Final decisions by the commission may be appealed to the city council within 10 **calendar** days of the decision becoming final under the provisions of Section 17.192.020. If a commission decision is not appealed to the city council within that period, the decision cannot be appealed."*

These various changes do not prevent the City Council from making other changes at any time in the future. In addition to the adoption of these minor changes to Chapter 17.04 of the Municipal Code, staff would also like the Planning Commission to consider the adoption of operating bylaws. At this time, the Commission has no specific bylaws.

### **Proposed By Laws**

The proposed Planning Commission Bylaws consist of 12 sections. Each section discusses a specific topic related to the operation of the Planning Commission. The twelve sections are listed below. The full text of the proposed Bylaws are too lengthy to be included in the body of the staff report. The full text is included in Attachment C and begins on Page 15 of the staff report.

- Section 1. Purpose and Function of the Planning Commission. Describes the general role of the Commission.
- Section 2: Planning Commission Officers. Identifies the Officers of the Planning Commission, the Chair, Vice Chair, and Records Secretary.
- Section 3. Duties of the Officers. Identifies the duties of the Officers and specifies that if both the Chair and the Vice-Chair are absent, the Commission members present shall elect a temporary Chair from the remaining membership
- Section 4. Quorum. Establishes that quorum consists of at least three members.

- Section 5. Meetings. Describes the three types of meetings, regular, special and workshop.
- Section 6. Agendas. Establishes the agenda posting requirements for each type of meeting.
- Section 7. General Meeting Procedures. Outlines the basic steps for considering each item and the participation of the public at the meeting. These steps are a simplified version of the information previously provided to the Commission by staff.
- Section 8. Voting. Establishes procedures for voice votes, roll call votes, and disqualifications due to a conflict of interest.
- Section 9. Reconsiderations. Establishes procedures for the Commission to reconsider an action.
- Section 10. Meeting Decorum and Order. Establishes basic behavioral expectations and rules for Commissioner decorum during meetings.
- Section 11. Special Committees. Authorizes the Commission to establish ad hoc or special committees.
- Section 12. Amendments. Authorizes the Commission to periodically review the By-laws and make recommendations to the City Council.

Staff recommends that the Planning Commission review the proposed zoning code amendments and proposed Planning Commission Bylaws and make a recommendation to the City Council.

**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 Director recommends that the Planning Commission recommend to the City Council that the Council make a determination that the proposed zoning ordinance amendment and Planning Commission Bylaws 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.

**ATTACHMENTS:**

- A. Planning Commission Resolution
- B. Exhibit A – Proposed Ordinance
- C. Exhibit B – Proposed Resolution & Bylaws
- D. Current Code Provisions Section 17.04.040 through 17.04.048

# ATTACHMENT A

**RESOLUTION NO. PC10-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL MODIFY THE PROVISIONS OF SECTIONS 17.034.040 THROUGH 050 OF THE MUNICIPAL CODE AND ADOPT OPERATING BYLAWS FOR THE PLANNING COMMISSION (ZONING ORDINANCE AMENDMENT 10-03)**

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 April 11, 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 April 21, 2010 the Planning Commission, during a regularly scheduled meeting, conducted a public hearing to receive public testimony and consider 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, hereby recommends that the City Council find and determine that the project consists of a zoning ordinance amendment related to the operation of the planning commission and has no potential to 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 relate to the operation of the Planning Commission and do not conflict with the provisions of the General Plan or State Law.

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 an 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 17.04.042, 17.04.043, 17.04.045, 17.04.046 and 17.04.047 of the Wildomar Municipal Code relating to the establishment of a Planning Commission" as attached hereto and incorporated herein by reference as Exhibit A.

C. Recommend Approval of a Resolution. The Planning Commission recommends that the City Council adopt a resolution entitled "A Resolution of the City Council of the City of Wildomar Adopting Bylaws for the City Planning Commission" as attached hereto and incorporated herein by reference as Exhibit B.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of April 2010.

---

Robert Devine  
Chairman

**APPROVED AS TO FORM:**

**ATTEST:**

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Thomas Jex  
Assistant City Attorney

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David Hogan  
Planning Commission Secretary

# **ATTACHMENT B**

(Exhibit A to the Commission Resolution

ORDINANCE NO. \_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR AMENDING SECTIONS 17.04.042, 17.04.043, 17.04.045, 17.04.046 AND 17.04.047 OF THE WILDOMAR MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF A PLANNING COMMISSION**

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

SECTION 1. ENVIRONMENTAL FINDINGS. The City Council finds and determines that the project consists of a zoning ordinance amendment related to the operation of the planning commission and has no potential to 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. Section 17.04.042.A of the Wildomar Municipal Code is hereby amended to read as follows:

“A. Terms of members of the commission shall run concurrently with the term of office of the city council member who appointed the commission member.”

SECTION 3. Section 17.04.043 of the Wildomar Municipal Code is hereby amended to read as follows:

“Members of the Planning Commission shall be removed from office, or their offices declared vacant, for the following reasons and in the following manners.

- A. A member of the commission is automatically removed from office for failure to meet any of the requirements for membership, as defined in Section 17.04.041, at which time removal from office is automatic and immediate, no specific City Council action is necessary. The position shall be refilled in the manner described in Section 17.04.041.
- B. A member of the commission is automatically removed from office if the member has an unexcused absence from three consecutive regular meetings of the commission. Following the third consecutive unexcused absence the Planning Director shall notify the City Council that, according to the terms of this Section, the commissioner’s position is now vacant. The position shall be refilled in the manner described in Section 17.04.041.

C. The member may also be removed at any time and for any reason by a vote approved by at least three of the members of the City Council. The position shall be refilled in the manner described in Section 17.04.041.”

SECTION 4. Subsection 17.04.045.A of the Wildomar Municipal Code is hereby amended to read as follows:

“A. Each year, at its first regular meeting in December, the Commission shall elect from its membership a chair and a vice-chair for the following year.”

SECTION 5. Subsection 17.04.045.D of the Wildomar Municipal Code is hereby amended to read as follows:

“D. The Commission shall hold meetings as needed.”

SECTION 6. Section 17.04.046 of the Wildomar Municipal Code is hereby amended to read as follows:

“The Commission shall have approval authority over subdivision applications as provided in Title 16 of the Wildomar Municipal Code and over land use matters as specified in Title 17 of the Wildomar Municipal Code.”

SECTION 7. Section 17.04.047.B of the Wildomar Municipal Code is hereby amended to read as follows:

“B. Final decisions by the commission may be appealed to the city council within 10 calendar days of the decision becoming final under the provisions of Section 17.192.020. If a commission decision is not appealed to the city council within that period, the decision cannot be appealed.”

SECTION 8. 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 anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9. Certification. The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 10. This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

**ADOPTED AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_ 2010.

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

# ATTACHMENT C

(Exhibit B to the Commission Resolution)

RESOLUTION NO. 2010 –

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
WILDOMAR ADOPTING BYLAWS FOR THE CITY PLANNING  
COMMISSION**

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

WHEREAS, the City Council established the City Planning Commission on August 27, 2008; and

WHEREAS, on April 4, 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 and planning commission bylaws would be considered; and

WHEREAS, on April 14, 2010 the Planning Commission, during a regularly scheduled meeting, considered the proposed zoning code amendments and planning commission bylaws; and

WHEREAS, on \_\_\_\_\_ , 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 and planning commission bylaws would be considered; and

WHEREAS, on \_\_\_\_\_ , 2010 the City Council, during a regularly scheduled meeting, introduced the proposed ordinance and approved the planning commission bylaws.

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

**SECTION 1. ENVIRONMENTAL FINDINGS.** The City Council hereby finds and determines that the project consists of a zoning ordinance amendment related to the operation of the planning commission and has no potential to 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. CITY COUNCIL ACTIONS.** The City Council hereby approves the Bylaws for the Planning Commission for the City of Wildomar as attached hereto and incorporated herein by reference as Exhibit A.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2010.

---

Bridgette Moore  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

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Julie Hayward Biggs  
City Attorney

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Debbie A. Lee, CMC  
City Clerk

## EXHIBIT A

### CITY OF WILDOMAR PLANNING COMMISSION BYLAWS

#### **Section 1: Purpose and Function of the Planning Commission.**

The function and purpose of the Planning Commission is as follows.

- A. Consider the recommendations of the planning department staff on applications for zone changes, general plan amendments, conditional use permits, variances, specific plans, tentative tract maps, tentative subdivision maps and other matters related to development under the Zoning Ordinance and General Plan for the City of Wildomar.
- B. Advise the City Council on the general physical development of the City and other mandated and necessary planning activities.

#### **Section 2: Planning Commission Officers.**

The officers of the Planning Commission are as follows.

- A. Chair. The Chair shall be selected from the membership of the Planning Commission and shall serve for a term of one (1) calendar year. Elections shall occur at the first regular meeting of the Planning Commission in December. A Chair can serve more than one term; there is no right of succession, nor minimum time of service as a Planning Commissioner.
- B. Vice-Chair. The Vice-Chair shall be selected from the membership of the Planning Commission and shall serve for a term of one (1) calendar year. Elections shall occur at the first regular meeting of the Planning Commission in December. A Vice-Chair can serve more than one term; there is no right of succession, nor minimum time of service as a Planning Commissioner.
- C. Records Secretary. The Planning Director, or designee, shall fill the role of Records Secretary.

#### **Section 3. Duties of the Officers.**

The duties of the planning commission officers are as follows.

- A. Chair. It shall be the duty of the Chair to preside over all meetings of the Commission. When the Chair is absent from any regular or special meeting of the Planning Commission the Vice-Chair shall serve as the Chair and be the presiding officer.
- B. Vice-Chair. It shall be the duty of the Vice-Chair to preside over all meetings of the Commission when the Chair is absent from any regular or special meeting. In the absence of both the Chair and the Vice-Chair, the Commission members present shall elect a temporary Chair from the remaining membership.

- C. Records Secretary. It shall be the duty of the Records Secretary to keep reasonably detailed summary minutes of all meetings. The meeting minutes shall include the recommended or adopted actions of the Planning Commission, including the identity of the maker and second of each motion and the votes in favor, the votes against, and of any abstaining or absent commissioners. In the preparation of these minutes the Records Secretary may utilize a recording device. The recordings of the meetings may be reused and recorded over after the approval of the meeting minutes.

#### **Section 4. Quorum.**

A quorum shall consist of a three (3) members of the Planning Commission. If a quorum is not present within ten (10) minutes past the designated start time for the meeting, the Planning Director or designee may adjourn the meeting for lack of a quorum.

#### **Section 5. Meetings:**

The Planning Commission may hold regular, special, and workshop meetings.

- A. Regular Meetings. Meetings of the Planning Commission may be held on the first and third Wednesday of each month at 7:00 P.M., except when a regular scheduled meeting falls on a legal holiday or a non-work day for City employees, in which case the meeting will not be held. Regular meetings shall be held in the City Council Chambers.
- B. Special Meetings. Special meetings may be scheduled by the Chair upon written notice to each Commissioner and public posting of the meeting twenty-four (24) hours in advance. Said meetings shall be held at the City Council Chamber, unless otherwise specified in the notice. The notice to the Commissioners shall state the purpose of the meeting and shall contain the agenda for the meeting.
- C. Workshop Meetings: Workshop meetings may be scheduled at any regular meeting by a majority vote of the Commission or by the Planning Director. Said workshop shall be held at the City Council Chambers, unless otherwise specified in the agenda.

#### **Section 6. Agendas.**

The Planning Director or the designee shall be responsible for the preparation of agendas for all regular, special, and/or workshop meetings of the Planning Commission.

- A. Agendas for Regular Meetings and Workshops. Agendas for regular meetings and workshop meetings shall be posted and made available a minimum of seventy-two (72) hours prior to each meeting. The agenda shall be posted at city hall, the Wildomar post office, and Wildomar library. Agendas shall also be available at the public counter in city hall.
- B. Agendas for Special Meetings. Agendas for special meetings shall be posted at and made available a minimum of twenty-four (24) hours prior to each meeting.

The agenda shall be posted at city hall, the Wildomar post office, and Wildomar library. Agendas shall also be available at the public counter in city hall.

- C. Agenda Format: The format for each agenda shall contain the time and place for the meeting, the items to be considered, and the recommended action for each item (if applicable).
- D. Adding Items to the Agenda. An urgency item may be added to an agenda at the meeting only if a motion is passed by a two-thirds vote that the urgency item arose after the posting of the agenda and requires immediate action.

### **Section 7. General Meeting Procedures.**

- A. Comments to the Chair. All discussion by Commissioners and staff shall be addressed to the Commission as a whole, unless the Chair otherwise permits. All questions shall be directed through the Chair, unless otherwise permitted by the Chair. No person shall address the Commission without first being recognized by the presiding officer.
- B. Non-agenda Items. Persons wishing to discuss a non-agenda item may seek recognition by the presiding officer during the oral communications portion of the meeting.
- C. Agenda Items. A person wishing to address the Planning Commission regarding an item which is on the meeting agenda should submit a request on the form provided, or may seek recognition by the presiding officer during discussion of any such item by coming to the public podium in an orderly manner during the public comment period for that item.
- D. Public Speakers. The following procedures shall be observed by persons addressing the Planning Commission:
  - 1. When recognized by the Chair each person shall step to the podium provided for the use of the public and is requested to state his or her name and address; the organization, if any, which he or she represents (and if during the oral communications portion of the meeting, the subject he or she wishes to discuss). The speaker may decline to state his or her name or address if he or she so desires.
  - 2. Each person shall confine his or her remarks to the agenda item or approved oral communications subject being discussed. During the oral communications portion, any subject which is not deemed relevant by the Commission shall be concluded.
  - 3. Each person shall limit his or her remarks to three (3) minutes, unless the person is the representative of a larger group, in which case the presiding officer may allow the person up to ten (10) minutes to speak.

- E. Procedure. The Planning Commission's consideration of non-consent items during a meeting will be conducted by the Chair and will follow the general format indicated here.
1. In all cases, except for the Consent Calendar, the Chair will introduce the item and ask staff to make a presentation on the item shown on the agenda.
  2. Once the staff report has been completed the Chair will ask the Commission for questions of staff.
  3. Upon the conclusion of the questions of staff the Chair will open the public hearing (if there is one) and then ask if the applicant and his design team has a presentation, questions, or comments. There is no specific time limit for the applicant to address the Commission. The Chair will then ask the Commission if it has any questions of the applicant.
  4. Once this is concluded the Chair will ask for those people present who wish to speak for or against the item to come forward and be recognized. At the conclusion of each speaker's comments, the Chair will ask the Commission if it has any questions of clarification from the speaker.
  5. Upon the conclusion of public comments on the item the Commission may direct additional questions to staff and provide the applicant an opportunity to respond to public testimony.
  6. Upon the conclusion of public comments on the item the Chair will close the discussion to public comment or, in the event of a public hearing, close the public hearing, and ask the Planning Commission for discussion of the item. It should be noted that discussion of the item by the Commission is best handled after public comment has been concluded and the public hearing is closed.
  7. Upon conclusion of the Commission's discussion the Chair will ask for a motion and a second to the motion. The Chair will ask for discussion by the Commission of the proposed motion. If there is no discussion, the Chair will ask for a vote. Upon the conclusion of the vote the Chair will announce the results. All votes shall be in accordance with the provisions of Section 8, Voting.

## **Section 8. Voting.**

- A. Voting. All votes of the Planning Commission on agenda items shall be by voice vote; unless a roll call vote is requested by any Commissioner. The outcome of the voice vote shall be announced by the Chair prior to moving on to the next order of business. In the event of the approval of a denial motion, the Commissioner(s) should indicate the reasons for the denial vote. A tie vote shall be considered a failure of the motion.

- B. Roll Call Voting. In the case of a roll call vote, the Records Secretary shall call the roll. When called, each Commissioner shall indicate whether or not they vote “yes”, “no” or “abstain”. The Chair shall vote last.
- C. Disqualifications. When a Commissioner has determined that a conflict of interest in voting on an item scheduled before the Planning Commission exists for a Commissioner, the conflict shall be declared prior to or immediately after the introduction of the item but before any presentation, testimony or discussion. When a Commissioner indicates a potential conflict of interest, the Commissioner shall step down from the dais and leave the City Council chambers.

### **Section 9. Reconsiderations.**

An item which has been acted upon by the Planning Commission may be reconsidered for action only at the meeting where the action was taken. To reconsider an item, a motion for reconsideration must be passed by a majority of the Commissioners present. The Commissioner making the motion for reconsideration must have voted with the Planning Commission majority when the item was acted upon. The motion for reconsideration must be based upon the availability of new information or a misunderstanding of the information that was presented as part of the consideration of the item.

### **Section 10. Meeting Decorum and Order.**

- A. Decorum. Meetings shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process is retained at all times. The presiding officer of the Planning Commission shall be the Chair, or in their absence, another member so designated by these Bylaws, shall be responsible for maintaining the order and decorum of meetings.
- B. Courtesy. Commissioners and Staff shall show courtesy to each other and to the members of the public at all times.
- C. Order. No person in the audience at a meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any meeting. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding officer or a majority of the Planning Commission, be barred from further audience before the Commission during that meeting.
- D. Enforcement of Order and Decorum. The rules of decorum set forth above shall be enforced in the following manner:
  - 1. Warning. The presiding officer shall request that a person who is breaching the rules of decorum be orderly and silent.
  - 2. Order to Leave. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer shall order

him or her to leave the meeting. If such person does not remove himself or herself, the presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove that person from the meeting.

3. Removal. If the presiding officer has ordered a person who is breaching the rules of decorum to leave a meeting and the person does not comply with the presiding officer's order, any law enforcement officer who is on duty at the meeting as sergeant-at-arms shall assess the situation and may remove the person and place him or her under arrest for violation of California Penal Code Section 403, or any other applicable provision of law.
4. Motion to Enforce. If the presiding officer fails to enforce the rules set forth above, any member of the Commission may move to require him or her to do so, and an affirmative vote of a majority of the Planning Commission shall require him or her to do so. If the presiding officer fails to carry out the will of a majority of the Planning Commission, the majority may designate another member of the Commission to act as presiding officer for the limited purpose of enforcing any rule of this section which it wishes to enforce.
5. Adjournment. If a meeting is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the presiding officer or a majority of the Commission, and any remaining Commission business may be considered at the next meeting.

### **Section 11. Special Committees.**

The Planning Commission may periodically appoint ad hoc or special committees at any time by a majority vote of the Commission. Any committee shall consist of no more than two Commissioners. In the appointment of a committee the Chair shall specify the task of the committee and specific time frame for the committee.

### **Section 12. Amendments.**

The Planning Commission may periodically review these Bylaws to determine if modifications are necessary to ensure the appropriate and effective operation of the Planning Commission. The Planning commission may recommend changes to the City Council by a vote of a majority of the Commissioners present.

# ATTACHMENT D

**CURRENT CODE REQUIREMENTS FOR THE PLANNING COMMISSION –  
SHOWING RECOMMENDED CHANGES TO SECTION 17.04.040 THROUGH .048**

**17.04.040 Creation of commission.**

A planning commission ("commission") for the city is created which shall be comprised of five (5) members.

**17.04.041 Appointment.**

- A. Process. Open positions on the planning commission shall be advertised and all applications referred to members of the city council for consideration. Each councilmember shall have the authority to appoint one member to the commission. The city council shall vote as a ministerial action to ratify each appointment. Such ministerial approval requires at least three affirmative votes.
- B. Qualifications.
  - (1) Members of the commission shall be residents of the city and shall be qualified electors within the city.
  - (2) Each member shall be a resident of the city for the year immediately preceding the inception of his or her term.
  - (3) No member of the commission may be an employee or officer of the city.

**17.04.042 Term of office.**

- A. Terms of members of the commission shall run concurrently with ~~the expire at the first regular meeting of the commission following the expiration of the current term of office of the city council member who appointed the commission member.~~
- B. There is no limit as to the number of times that a Commission member may be appointed.

**17.04.043 Removal from office.**

**Members of the Planning Commission shall be removed from office, or their offices declared vacant, for the following reasons and in the following manners.**

- A. A member of the commission is automatically removed from office for failure to meet any of the requirements for membership, as defined in Section 17.04.041, at which time removal from office is automatic and immediate, no specific City Council action is necessary. The position shall be refilled in the manner described in Section 17.04.041.**

**B.** A member of the commission is automatically removed from office if the member **has an unexcused absence** from three consecutive regular meetings of the commission. **Following the third consecutive unexcused absence the Planning Director shall notify the City Council that, according to the terms of this Section, the commissioner's position is now vacant. The position shall be refilled in the manner described in Section 17.04.041.**

**C.** The member may also be removed at any time and for any reason by a vote approved by at least three of the members of the City Council. **The position shall be refilled in the manner described in Section 17.04.041**

#### **17.04.044 Vacancy in Office.**

If vacancies occur on the commission, such vacancies shall be filled by appointment for the unexpired portion of the term.

#### **17.04.045 Organization, meetings and responsibilities.**

- A. Each year, at its first regular meeting in **December** ~~January~~, the commission shall elect from its membership a chair and a vice-chair **for the following year.**
- B. The commission shall adopt rules for the transaction of its business. It shall also keep a public record of its resolutions, transactions, findings and determinations.
- C. The director of planning or the director's designee shall serve as the secretary to the commission and shall have no vote.
- D. The Commission shall hold meetings **as needed.** ~~at least one regular each month.~~
- E. The commission shall have such duties as are prescribed by California law, including the following:
  - (1) Assist in reviewing proposed general plan amendments and community or specific plans and hold public hearings on such plans.
  - (2) Hold hearings and make recommendations to the city council with regard to proposed amendments to the general plan and specific plans.
  - (3) Make recommendations to the city council regarding reasonable and practical means for implementing the general plan or elements of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.
  - (4) Provide an annual report to the city council on the status of the general plan and progress in its implementation, including the progress in meeting the city's share of the regional housing needs determined pursuant to

Government Code section 65584, local efforts to remove governmental constraints on housing pursuant to Government Code section 65583(c)(3), and compliance of the general plan with the guidelines contained at Government Code section 65040.2.

- (5) Hold hearings and make recommendations to the city council with regard to proposed changes to the zoning ordinance and zoning maps.
- (6) Annually review the capital improvement program of the city and the local public works projects of other local agencies for their consistency with the city's general plan and make recommendations to the city council.
- (7) Report and make recommendations to the City Council on the conformity of proposed public land acquisition or disposal with the adopted general plan.

#### **17.04.046 Approval authority.**

The Commission shall have ~~final~~ approval authority over subdivision applications as provided in **Title Chapter** 16 of the Wildomar Municipal Code and ~~advisory authority~~ over ~~all other~~ land use matters as specified in **Title Chapter** 17 of the Wildomar Municipal Code.

#### **17.04.047 Appeals.**

- A. Appeal of staff administrative decisions to the commission shall be as specified in Chapter 17.192.070.
- B. Final decisions by the commission may be appealed to the city council within 10 **calendar** days of the decision becoming final under the provisions of Section 17.192.020. If a commission decision is not appealed to the city council within that period, the decision cannot be appealed.

#### **17.04.048 Compensation.**

The city council may establish by Resolution the compensation to be paid to the members of the Commission.

**CITY OF WILDOMAR – PLANNING COMMISSION**  
**Agenda Item #6.1**  
**GENERAL BUSINESS**  
**Meeting Date: April 21, 2010**

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**TO:** Members of the Planning Commission

**FROM:** David Hogan, Planning Director

**SUBJECT:** Zoning Code Amendment 10-04 – Rural Residential Zone, List of Permitted Uses

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**RECOMMENDATION:**

The Planning Department recommends that the Planning Commission review the attached materials and provide direction on the following items:

- (1) The draft permitted use matrix, and
- (2) The range of land uses allowed within the Rural Residential Zone.

**BACKGROUND:**

At the February 24, 2010 meeting of the City Council, the Council approved an urgency ordinance continuing the moratorium on the approval of applications for the establishment or placement of mini-storage and recreational vehicle storage facilities in the Rural Residential (R-R), General Commercial (C-1/C-P), and Scenic Highway Commercial (C-P-S) zones to January 13, 2011.

Government Code Section 65858(d) requires that a written report be prepared describing the measures taken to alleviate the condition which led to the adoption of the urgency ordinance. A copy of the Alleviation Report recently provided to the City Council is contained in Attachment C. Based upon the initial discussions of this issue, staff recommended that the City Council direct staff to initiate the following steps.

1. Consider the appropriateness of the listed permitted uses within the Rural Residential Zone to determine whether changes need to be made to the permitted uses list in the zoning ordinance.
2. Consider the availability and location of commercial lands to determine where these types of storage uses may, or may not, be appropriately located.

The purpose of this zoning code amendment is to begin the process of addressing Alleviation Action Number 1 above; the land uses within the Rural Residential Zone.

The current list of permitted and conditionally permitted land uses for the Rural Residential Zone found in Section 17.16.010 of the zoning code. The current Rural

Residential Zone requirements were first adopted by Riverside County in the 1960's. These provisions have been amended over thirty times since then. In staff's opinion, the County's original purpose of the R-R Zone was probably to create a single zone that would deal with most of the common development situations throughout the rural areas of the County. As a result, the current Rural Residential Zone contains a wide range of commercial and industrial land uses that may be too broad for Wildomar. The currently allowable uses (both permitted and conditionally permitted) are also identified in the second column in the draft Permitted Use Matrix contained in Attachment A. The section references to Section 17.16.010 are provided in the third column from the left. The land uses in the zoning code for the Rural Residential (R-R) Zone are also contained in Attachment B.

To facilitate a comprehensive review of the R-R Zone, as well as provide a foundation for future zoning code amendments, staff has developed a modern style permitted use matrix. The new matrix would consist of a single unified list of most land uses and land use types. This single listing could eventually be used for all future zoning district permitted use-type code amendments. The more modern style of permitted use matrix has several advantages over the older style of permitted use listing used by the County of Riverside. The advantages of a modern style permitted use matrix include:

- Easier to use; allowing easy comparisons between different zoning districts. comparable
- Easier to implement, resulting in more consistent implementation of the rules and requiring fewer Planning Director land use interpretations.

The sample land use matrix contained in Attachment A also includes the current permitted use information for the Rural Residential Zone, as outlined in Section 17.16.010. Staff hopes that consolidating this information into a single standardized listing will facilitate the Commission's discussion and make future zoning code amendments easier to prepare.

In addition, if the Commission concurs with the suggested residential focus of the Rural Residential Zone, this amendment to the Zoning Ordinance would more closely align the zoning ordinance with the General Plan in several areas. A residentially focused Rural Residential Zone could effectively implement the Estate Density Residential (<0.5 dwelling units per acre), Very Low Density Residential (1 dwelling unit per acre), and Low Density Residential (1 to 2 dwelling units per acre) General Plan Land Use Designations on the City's Official Zoning Map.

As the members of the Planning Commission begin the process of evaluating the information in this agenda report, staff recommends that the Commissioners take the following steps to address the proposed first matrix and the allowed uses within the R-R Zone.

1. Evaluate at concept level, the types of land uses appropriate for the R-R Zone within the City of Wildomar. Should the R-R Zone within the City be primarily residential in nature? For example, the current R-R Zone allows a wide range of

commercial and industrial land uses, does the Commission feel that this wide range of uses (including recreational vehicle storage) is appropriate or should the scale of these uses be more limited or closer to the uses allowed in traditional semi-rural residential zones?

2. Review the proposed permitted use matrix to become familiar with the structure and approach. The proposed matrix consists of a fairly comprehensive list of general (and some specific) land use types. Are there any land uses that need to be added to the matrix? Please make note of those items for future discussion.
3. Review the land uses currently allowed in the Rural Residential Zone, as shown in the matrix, and assess whether or not they are generally appropriate. If a particular use is appropriate only certain circumstances or in certain areas, staff recommends that the Commissioners note this also. Staff will take this information into consideration in preparing the final matrix. To assist the Commission in their efforts, staff has placed a "□" in the right hand column for all of the land uses that are generally appropriate in most residential zones. The purpose of this notation is to provide a starting point for the Commission's discussions.
4. Review the other uses on the permitted use matrix to assess whether some of these previously not identified uses may be appropriate in the Rural Residential Zone.
5. Does the Commission want to retain the full spectrum of livestock and animal uses within the zone? This is an important factor to consider throughout this process. If the Commission wants this characteristic of the zone to remain staff will incorporate these items as supplemental requirements within the R-R Zone.

During the Commission's discussion, staff would like to get information on the following items.

- Direction on the proposed permitted use matrix.
- An identification of the appropriate permitted uses for the Rural Residential Zone.

Based upon the direction provided by the Planning Commission, staff will prepare a zoning code amendment (as directed by the Commission) to modify the current land use listing for the Rural Residential Zone, notice the public hearing, and bring back a draft permitted use matrix for the Commission's consideration.

**ALTERNATIVES:**

- A. Reject the concept of a comprehensive permitted use matrix.
- B. Limit future modifications in the R-R zone to boat and recreational vehicle storage uses.
- C. Provide other direction to staff.

**ATTACHMENTS:**

- A. Suggested Rural Residential Zone Land Use List
- B. Current Code Land Use Requirements
- C. Alleviation Report

# ATTACHMENT A

## SUGGESTED RURAL RESIDENTIAL ZONE LAND USE TABLE

DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
<b>A</b>				
Adult oriented business	-			
Aerobics/dance/gymnastics/jazzercise/martial arts studios (less than 5,000 sq. ft.)	-			
Aerobics/dance/gymnastics/jazzercise/martial arts studios (greater than 5,000 sq. ft.)	-			
Agriculture, the growing and production of vegetable, fruit, flowers, field and tree crops	P	A3		<input type="checkbox"/>
Agricultural product processing, canning, and packing	P C	C18 D33	Winery Fruit and vegetable packing plants	
Agricultural product sales for items grown on or adjacent to site by the owner or occupant of the agricultural lands	P	A9, C15		<input type="checkbox"/>
Airport/airstrip	C	D1		
Alcoholism or drug treatment facility	-			
Alcoholism or drug abuse recovery or treatment facility in a residential zone (six or fewer)	-			<input type="checkbox"/>
Alcoholism or drug abuse recovery or treatment facility in a residential zone (seven or more)	-			<input type="checkbox"/>
Alcoholic beverage sales in conjunction with an otherwise allowable use (examples include:	-			

P = Permitted

C = Conditionally Permitted

- = Not permitted

<b>DESCRIPTION OF USE</b>	<b>Current R-R Zone</b>	<b>17.16.010 References</b>	<b>Comments/Notes</b>	<b>Include in revised R-R Zone?</b>
bowling alleys, golf courses, wine tasting establishments, etc.)				
Ambulance service	-			
Animals/livestock - the commercial raising, feeding and sales of horses, cattle, sheep, goats, and other small animals (except for fowl, hogs, and miniature pigs)	P C	A6 D34, D41, D60		<input type="checkbox"/>
Animals/livestock - the commercial raising, feeding and sales of fowl, hogs, and miniature pigs	P C	A12, A17 D33, D60, F	(See Ord 431 for Hog Ranches)	
Animals/livestock - noncommercial keeping of horses, cattle, sheep, goats, and other small animals for personal use and enjoyment	P	A4, A5, A7, A8, A16	See 17.16.010	<input type="checkbox"/>
Animal hospital/shelter (small animals only)	C	D59		
Animal hospital/shelter (small and large animals)	C	D59		
Antique restoration	-			
Antique sales	C	D7		
Appliance (household) sales and repairs	-			
Arcades (pinball and video games)	-			
Art supply store	-			
Auction house or yard	C	D31, D53		

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
Auditorium and conference facility	-			
Automobile oil change/lube service with no major repairs	-			
Automobile painting and body shop	-			
Automotive parts and accessory sales	-			
Automobile rental	-			
Automobile repair service	C	D8		
Automobile sales with only indoor display/storage of vehicles	-			
Automobile sales with outdoor display/storage of vehicles	-			
Automobile salvage (wrecking) and impound yard	C	D2		
Automobile service station, with or without an automated car wash	C	D8, D20		
Automotive service station selling beer and/or wine - with or without an automated car wash	C	D8, D20		
<b>B</b>				
Bakery goods distribution	-			
Bakery retail	C	D9		
Bakery wholesale	-			
Bank and financial institution	-			
Bar and cocktail lounge	C	D11		

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
Barber and beauty shops	C	D10		
Bed and breakfast	P	C2		
Bicycle (sales, rentals, services)	-			
Billiard parlor/pool hall	C	D12		
Binding of books and similar publications	-			
Blood bank	-			
Blueprint and duplicating and copy services	-			
Bookstore	-			
Bowling alley	-			
Building material sales (with exterior storage/sales areas greater than 30 percent of total sales area)	-			
Building material sales (with exterior storage/sales areas less than 30 percent of total sales area)	-			
Butcher shop	C	D16		
<b>C</b>				
Cabinet or similar fabrication shop over 10,000 sq ft or with outdoor storage	-			
Cabinet or similar fabrication shop under 10,000 sq. ft. with no outdoor storage	-			
Camera shop (sales/minor repairs)	-			

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
Car wash, full service	-			
Carpet and rug cleaning	-			
Catering service	-			
Cemetery	C	D4		<input type="checkbox"/>
Clothing and apparel sales	-			
Cold storage facilities	-			
Communications and microwave antennas and facilities	P	B4		<input type="checkbox"/>
Communications equipment sales	-			
Community care facility	-			
Computer sales and service	-			
Construction equipment sales, service or rental	-			
Contractor's equipment, sales, service or rental	-			
Construction/heavy equipment yard	C	D51		
Congregate/convalescent care facility	-		17.272	
Convenience market (with the sale of alcoholic beverages)	-			
Costume rental	-			
Crematorium	-			
<b>D</b>				
Data processing equipment and	-			

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
systems				
Day care center	-			
Discount/department store	-			
Drug store/pharmacy	C	D14		
Dry cleaner	-			
Dry cleaning plant	-			
<b>E</b>				
Educational institution (schools and colleges)	P C	C3, C14 ---	Pursuant to 17.208	<input type="checkbox"/>
Emergency shelter	-			
Equipment sales and rentals (no outdoor storage)	C	D15		
Equipment sales and rentals (outdoor storage)	C	D15		
<b>F</b>				
Fairground/rodeo arena	C	D5, D45		
Farm worker housing	P C	C16 D40	One only Two or more	<input type="checkbox"/>
Feed and grain sales	P C	C6 D55	Feed & grain sales Feed stores	
Florist shop	-			
Fortunetelling or similar activity	-			
Freight terminal	-			
Fuel storage and distribution	-			

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<b>DESCRIPTION OF USE</b>	<b>Current R-R Zone</b>	<b>17.16.010 References</b>	<b>Comments/Notes</b>	<b>Include in revised R-R Zone?</b>
Funeral parlors, mortuary	-			
Furniture sales	-			
Furniture transfer and storage	-			
<b>G</b>				
Garden supplies and equipment sales and service	P	C7	Garden supply stores	
	C	D56	Packaged dry fertilizer storage	
General merchandise sales	-			
Gift or curio shop	P	C11		
Golf course (including driving range)	P	C4		
Grocery store, retail	C	D16		
Grocery store, wholesale	-			
Guns and firearm sales	-			
<b>H</b>				
Hardware store (with less than 200 sq. ft. of outdoor storage)	C	D18		
Hardware store (with more than 200 sq. ft. of outdoor storage)	-			
Health and exercise clubs (less than 5,000 sq. ft.)	-			
Health and exercise club (greater than 5,000 sq. ft.)	-			
Health care facility	-			
Heliport	-			

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<b>DESCRIPTION OF USE</b>	<b>Current R-R Zone</b>	<b>17.16.010 References</b>	<b>Comments/Notes</b>	<b>Include in revised R-R Zone?</b>
Hobby supply shop	-			
Home and business maintenance service	-			
Hospital	C	---	Pursuant to 17.208	
Hotel/motel	P	C2		
Hunting club	C	D35		
<b>I</b>				
Ice cream parlor	-			
Interior decorating service	-			
<b>J</b>				
Junk or salvage yard	-			
<b>K</b>				
Kennel (commercial)	-			
<b>L</b>				
Laboratories, film, medical, research or testing center	-			
Laundromat	C	D19		
Laundry service, commercial	C	D19		
Libraries, museums and galleries (private)	C	C3		
Liquefied petroleum, sales and distribution	-			
Liquor store	C	D21	17.248	
Lithographic service	-			

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
Locksmith	-			
<b>M</b>				
Machine shop	C	D37		
Machinery storage yard	C	D51		
Manufacturing of products similar to, but not limited to, the following:				
Custom-made product, processing, assembling, packaging, and fabrication of goods within enclosed building, such as jewelry, furniture, art objects, clothing, labor intensive manufacturing, assembling, and repair processes which do not involve frequent truck traffic and have no outside storage.	-			
Compounding of materials, processing, assembling, packaging, treatment or fabrication of materials and products which require frequent truck activity or the transfer of heavy or bulky items. Wholesaling, storage, and warehousing within enclosed building, freight handling, shipping, truck services and terminals, storage and wholesaling from the premises of unrefined, raw or semi-refined products requiring further processing or manufacturing, and outside	C	D38		

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
storage.				
Massage	-			
Medical equipment sales and rental	-			
Medical marijuana dispensary	-			
Membership club, organization, and lodge	P	C12		
Mini-warehouse/self storage facility	-		17.240	
Mining operations (pursuant to the Surface Mining and Reclamation Act)	P	A15		
Mining operations (exempt from Surface Mining and Reclamation Act)	C	D3		
Mobilehome park	C	D52	17.264	<input type="checkbox"/>
Mobilehome sales and service	-			
Motion picture studio, including outdoor filming area	C	D50		
Motorcycle sales and service	-			
Movie theater	-			
Musical and recording studio	-			
<b>N</b>				
Nightclubs/dance club/teen club	-			
Nurseries (retail)	P	A3		
Nursing home/convalescent home	-			

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
<b>O</b>				
Office equipment/supplies sales and services	-			
Offices, administrative, corporate, and professional services including, but not limited to, business law, medical, dental, chiropractic, architectural, engineering, real estate, and insurance	C	D23		
<b>P</b>				
Paint and wallpaper store	-			
Parcel delivery service	-			
Parking lot and parking structure (for other activities and uses)	C	D22		
Pawnshop	-			
Pest control service	-			
Pet grooming/pet shop	P	C8		
Photographic studio	-			
Plumbing supply yard (enclosed or outdoor)	-			
Postal and packing services	-			
Printing and publishing (news-papers, periodicals, books, etc.)	-			
Private heliport	-			
Private heliport for hospital	-			
Public and private utility facilities	P	A2, B1, B2, B4		<input type="checkbox"/>

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
<b>Q</b>				
(Reserved)	-	-		
<b>R</b>				
Race track	C	D42		
Radio and broadcasting studio	-	B3, B6		
Radio/television transmitter	P	B3, B6		
Recreational vehicle park	C	D43		
Recreational vehicle sales and rentals	-			
Recreational vehicle, trailer, and boat storage within an enclosed building	C	D47		
Recreational vehicle, trailer and boat storage in an outside location	C	D47		
Recycling collection facility	-			
Recycling processing facility	-			
Religious institution, without a daycare or educational institution	P C	C13 ---	Pursuant to 17.208	<input type="checkbox"/>
Religious institution, with an educational institution	C	C3, C13, C14	Pursuant to 17.208	
Religious institution, with a daycare center	- C	---	Pursuant to 17.208	
Residential, single-family detached (including manufactured homes)	P	A1, A11		<input type="checkbox"/>

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
Residential, duplex (two-family dwellings)	-			
Residential, single-family attached (greater than two units)	-			
Residential, multiple-family	-			
Residential accessory uses (associated with an existing single family residence):				
Family day care home - small	P	*		<input type="checkbox"/>
Family day care home - large	P	---	17.212	<input type="checkbox"/>
Guest house (no kitchen)	P	---		<input type="checkbox"/>
Home occupation	P	A12	5.72	<input type="checkbox"/>
Kennel and cattery	P	A4	17.236	<input type="checkbox"/>
Noncommercial keeping of horses, cattle, sheep and goats	P	A4, A5, A7, A8, A16	17.16.010	<input type="checkbox"/>
Residential care facility for the elderly and facilities for the mentally disordered, disabled, or dependent or neglected children (six or fewer)	P	*		<input type="checkbox"/>
Residential care facility for the elderly and facilities for the mentally disordered, disabled, or dependent or neglected children (seven or more)	-			<input type="checkbox"/>
Second dwelling unit	P	---	17.204	<input type="checkbox"/>

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
Residential (one dwelling unit on the same parcel as a commercial or industrial use for use of the proprietor or caretaker of the business)	-			
Restaurant, drive-thru	-			
Restaurant and other eating establishment (with or without the sale of beer and wine)	C	D24, D25		
Restaurant with a lounge or live entertainment	-			
Riding stable or academy	C	D6		
Rooming and boarding house	-			
<b>S</b>				
Scale, public	-			
Schools, trade or vocational	P C	C3, C14 ---	17.208	
Scientific research and development offices and laboratories	-			
Senior citizen housing/congregate care facilities	-			
Shoe sales and repair	C	D26		
Shooting and target range	C	D44		
Solid waste disposal facility	-			
Specialty market	C	D16		

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
Sports and recreational facility	P	C1, C4, C20	Fishing lakes, Golf, tennis, polo, or country clubs, parks	<input type="checkbox"/>
	C	D32, D46	Dune buggy parks, Trail bike parks	
Swap meet, entirely inside a permanent building	-			
Swap meet, outdoor	-			
Swimming pool supplies/equipment sales	-			
<b>T</b>				
Tailor shop	-			
Taxi or limousine service	-			
Temporary real estate office or project construction trailer	P	C9, C19		<input type="checkbox"/>
Tire sales and installation (no automotive repairs)	C	D28		
Tobacco shop	-			
Tool and die casting	-			
Transfer, moving and storage	-			
Transitional housing	-			
Transportation terminal/station	C	D27		
Truck sales/rentals/service	-			
TV/VCR repair	-			

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DESCRIPTION OF USE	Current R-R Zone	17.16.010 References	Comments/Notes	Include in revised R-R Zone?
<b>U</b>				
Upholstery shop	-			
<b>V</b>				
Vending machine sales and service	-			
<b>W</b>				
Warehousing/distribution facility	-			
Wedding chapel	-			
Welding supply and service (enclosed)	-			
Wine tasting shop (including product sale for off-site consumption)	-			
<b>Y</b>				
(Reserved)	-	-		
<b>Z</b>				
Zoo, menagerie	C	D39		

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**ITEMS CONTAINED IN SECTION 17.16.010  
THAT ARE NOT INCLUDED IN THE NEW MATRIX**

1. All of the detailed animal regulations in Chapter 17.16. Staff will evaluate how to include this information into the City zoning code prior to any subsequent public hearing if the Planning Commission want the animal standards included.
  
2. The following land uses that either do not fit neatly into any of the land use descriptions contained here, are unnecessary, or not relevant to the community and have not been included in the matrix. Most of these uses will generally fit into some other categories.
  - A.10 A sign (This is not a land use, it is accessory to an otherwise permitted use.)
  
  - A.13 Planned residential development
  
  - B.5 Railroads, ...
  
  - C.17 Beauty shops, ... (As described in this subsection, this use is actually a home occupation.)
  
  - D.13 Cleaning and dyeing shop
  
  - D.17 Frozen food locker
  
  - D.29 Tourist Information center
  
  - D.30 Underground bulk fuel storage
  
  - D.36 Lumber productions ...
  
  - D.48 Disposal service operations
  
  - D.57 Oil production, not including refining or processing

# ATTACHMENT B

## CURRENT RURAL RESIDENTIAL ZONE PERMITTED USE LISTING

### 17.16.010 USES PERMITTED

A. The following uses are permitted:

- (1) One-family dwellings.
- (2) Water works facilities, both public and private, intended primarily for the production and distribution of water for irrigation purposes.
- (3) Nurseries, greenhouses, orchards, aviaries, apiaries, field crops, tree crops, berry and bush crops, vegetables, flower and herb gardening on a commercial scale; the drying, packing, canning, freezing and other accepted methods of processing the produce resulting from such permitted uses, when such processing is primarily in conjunction with a farming operation and further provided that the permanent buildings and structures used in conjunction with such drying, packing and processing operations are not nearer than 20 feet from the boundaries of the premises.
- (4) The grazing of cattle, horses, sheep, goats or other farm stock or animals, not including hogs, including the supplementary feeding thereof, not to exceed five animals per acre of all the land available; provided however, the systematic rotation of animals with more than five animals per acre is permitted so long as the total number of permitted animals is not exceeded. For the grazing of sheep or goats, the permissible number of animals per acre may be multiplied by three, except that there shall be no limit to the permissible number of sheep which may be grazed per acre when the grazing is for the purpose of cleaning up unharvested crops, provided that such grazing is not conducted for more than four weeks in any six month period. The provisions of this paragraph apply to mature breeding stock, maintenance stock and similar farm stock, and shall not apply to the offspring thereof, if such offspring are being kept, fed or maintained solely for sale, marketing or slaughtering at the earliest practical age of maturity. In all cases the permissible number of animals per acre shall be computed upon the basis of the nearest equivalent ratio.
- (5) Farms for rabbits, fish, frogs, chinchilla, or other small animals (excluding crowing fowl).
- (6) Farms or establishment for the selective or experimental breeding and raising of cattle, sheep, goats, and horses, subject to the limitations set forth in Subsection a (4) of this section.
- (7) The noncommercial raising of hogs, not to exceed five animals; provided, however, that the total number of animals permitted on parcels of less than one acre shall not exceed two animals except that no animals shall be

permitted on lots of less than 20,000 square feet. For the purposes of determining the number of hogs on a parcel, both weaned and unweaned hogs shall be counted. (See County Ordinance No. 431 regarding hog ranches).

- (8) Future Farmers of America (FFA) or 4-H projects conducted by the occupants of the premises. Provided, however, if the project involves crowing fowl, an unexpired crowing fowl affidavit form describing the project must be on file with the Planning Director. Affidavit forms are available at the Planning Department and may be filed free of charge.
- (9) A temporary stand for the display and sale of the agriculture produce of any permitted use that is produced upon the premises where such stand is located or upon contiguous lands owned or leased by the owner or occupant of the premises. Off-street parking shall be as required in Section 18.12 of this ordinance, except that no paving shall be required.
- (10) A sign, single or double faced, not exceeding 12 square feet in area per face, not exceeding 12 square feet in area per face, advertising only the sale of the services or the products produced on the premises. The sign shall not be lighted or have flashing objects or banners.
- (11) Mobilehome, used as a one-family residence, subject to the following conditions:
  - a. Mobilehome shall have a floor area of not less than 450 square feet.
  - b. The area between the ground level and the floor of the mobilehome shall be screened from view by an opaque skirt entirely around the mobilehome.
- (12) Home occupations.
- (13) Planned residential developments, provided a land division is approved pursuant to the provisions of County Ordinance No. 460 and the development standards in Section 18.5 or 18.6 of this ordinance.
- (14) Kennels and catteries are permitted provided they are approved pursuant to the provisions of Section 18.45 of this ordinance.
- (15) Mining operation that is subject to the California Surface Mining and Reclamation Act of 1975 is a permitted provided that the operator thereof holds a permit to conduct surface mining operations issued pursuant to County Ordinance No. 555, which has not been revoked or suspended.
- (16) The noncommercial raising of not more than (5) miniature pigs on lots of not less than 20,000 square feet, subject to the following conditions:

- a) Any person owning or having custody or control of a miniature pig over the age of four (4) months shall pay for and obtain a license from the Animal Control Department.
  - b) Any miniature pig kept or maintained on a lot with a use permitted under section 5.1.a.(1) shall be spayed or neutered as a condition of being licensed. No license shall be issued unless the owner or custodian of the miniature pig presents a valid certificate from a veterinarian. All unaltered miniature pigs shall be subject to immediate impoundment.
  - c) No miniature pig may weigh more than two hundred (200) pounds.
  - d) Any person owning or having charge, care, custody or control of any miniature pig shall keep such pig exclusively upon his or her own premises, provided, however, such pig may be off such premises if under restraint of a competent person.
  - e) The miniature pig must be kept in an enclosure that is no closer than thirty (30) feet from the front property line, fifteen (15) feet from any side or rear property line and no closer than thirty-five (35) feet of any dwelling unit other than the dwelling unit on the subject lot.
- (17) The keeping or raising of not more than 12 mature female crowing fowl on lots or parcels between 20,000 square feet and 39,999 square feet or not more than 50 mature female crowing fowl and 10 mature male crowing fowl on lots of 40,000 square feet or more for the use of the occupants of the premises. The crowing fowl shall be kept in an enclosed area located not less than 20 feet from any property line and not less than 50 feet from any residence and shall be maintained on the rear portion of the lot in conjunction with a residential use.
- (18) The outside storage of materials on improved lots or parcels of one-half acre to one acre provided the amount is limited to one hundred (100) square feet with a maximum height of three (3) feet and on improved lots or parcels of one acre or more provided the amount is limited to two hundred (200) square feet with a maximum height of three (3) feet.

**B. Public Utility Uses.**

- (1) Structures and installations necessary to the conservation and development of water such as dams, pipelines, water conduits, tanks, canals, reservoirs, wells and the necessary pumping and water production facilities.
- (2) Structures and the pertinent facilities necessary and incidental to the development and transmission of electrical power and gas such as hydroelectric power plants, booster or conversion plants, transmission lines, pipelines and the like.

- (3) Radio broadcasting stations.
  - (4) Telephone transmission lines, telephone exchanges and offices.
  - (5) Railroads, including the necessary facilities in connection therewith.
  - (6) Television broadcasting stations, antennas, and cable installations, and microwave relay stations.
- C. The following uses are permitted provided approval of a plot plan shall first have been obtained pursuant to the provisions of Section 17.216 of this ordinance.
- (1) Fishing lakes, commercial and noncommercial.
  - (2) Guest ranches and motels.
  - (3) Educational institutions, libraries, museums and post office.
  - (4) Golf, tennis, polo or country clubs, archery and golf and driving ranges.
  - (5) Commercial uses for the convenience of and incidental to any of the above permitted uses when located upon the same lot or parcel of land.
  - (6) Feed and grain sales.
  - (7) Garden supply stores.
  - (8) Pet shops and pet supply shops.
  - (9) Real estate offices.
  - (10) Signs, On-site advertising.
  - (11) Arts, crafts and curio shops.
  - (12) Fraternal lodges, including grange halls.
  - (13) (Repealed in 1999)
  - (14) Private schools.
  - (15) A permanent stand for the display and sale of the agriculture product of any permitted use that is produced upon the premises where such stand is located or upon contiguous lands owned or leased by the owner or occupant of the premises.
  - (16) An additional one family dwelling (including mobilehomes), excluding the principal dwelling, shall be allowed for each ten acres gross being farmed.

Said additional dwelling units shall be located on a parcel being farmed and occupied by the owner, operator or employee of the farming operation as a one family residence provided that:

- a) The mobilehome shall have a floor area of not less than 450 square feet.
  - b) The dwellings are not rented or held out for lease to anyone other than an employee of the farming operation.
  - c) The dwellings are located not less than 50 feet from any property line.
  - d) The dwellings are screened from view from the front property line by shrubs or trees.
  - e) The arrangement of the dwellings, sanitary facilities and utilities conforms with all of the requirements of the County Health Department, the County of Building and Safety Department, and State law.
  - f) The number of dwellings for employees shall not exceed four per established farming operation.
- (17) Beauty shops, including beauty shops operated from a home by its inhabitants where no assistants are employed and the on-site sign is unlighted and does not exceed two square feet in area.
- (18) Winery and appurtenant and incidental uses with established on-site vineyard.
- (19) Temporary real estate tract offices located within a subdivision, to be used only for and during the original sale of the subdivision, but not to exceed a period of two years in any event.
- (20) Public parks and public playgrounds, golf courses with standard length fairways, and county clubs.
- D. The following uses are permitted provided a conditional use permit has been granted:
- (1) Airport or landing field.
  - (2) Auto wrecking yards.
  - (3) Any mining operation which is exempt from the provisions of the California Surface Mining and Reclamation Act of 1975 and Riverside County Ordinance No. 555.
  - (4) Cemetery, pet or human.

- (5) Commercial fairgrounds.
- (6) Commercial stables and riding academies.
- (7) Antique shops.
- (8) Automobile service stations and repair garages with or without the concurrent sale of beer and wine for off-premises consumption.
- (9) Bakery shops, including baking only when incidental to retail sales on the premises.
- (10) Barber shops and beauty shops.
- (11) Bars and cocktail lounges.
- (12) Billiard and pool halls.
- (13) Cleaning and dyeing shop.
- (14) Retail pharmacies.
- (15) Equipment rental services, including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding ten cubic feet in capacity, and other similar equipment.
- (16) Food, meat, poultry and produce markets.
- (17) Frozen food lockers.
- (18) Hardware stores.
- (19) Laundries and laundromats.
- (20) Liquid petroleum service stations, with or without the concurrent sale of beer and wine for off-premises consumption, provided that if storage tanks are above ground, the total capacity of all tanks shall not exceed 10,000 gallons. Storage tanks shall be painted a neutral color and shall not have any advertising painted or placed on their surface.
- (21) Liquor stores pursuant to the provisions of Section 17.248 of this ordinance.
- (22) Parking lots and parking buildings, pursuant to the provisions of Section 17.188 of this ordinance.
- (23) Professional offices.
- (24) Refreshment stands.

- (25) Restaurants and other eating establishments.
- (26) Shoe stores and repair shops.
- (27) Stations, bus, railroad and taxi.
- (28) Tire sales and service.
- (29) Tourist information centers.
- (30) Underground bulk fuel storage.
- (31) Auction houses and yards.
- (32) Dune buggy parks.
- (33) Fruit and vegetable packing plants and similar uses.
- (34) Hog ranches, subject to the provisions of County Ordinance No. 431.
- (35) Hunting clubs.
- (36) Lumber production of a commercial nature, including commercial logging or commercial development of timber and lumber mills.
- (37) Machine shops.
- (38) The manufacture of:
  - a) Brick, tile or terra-cotta.
  - b) Cement and cement products.
  - c) Gypsum.
  - d) Lime or lime products.
- (39) Menageries.
- (40) Migrant agricultural workers mobilehome parks.
- (41) Pen fed cattle operations, livestock sale-yard, livestock auction yards, and dairy farms.
- (42) Race tracks, including but not limited to contests between automobiles, horses, go-carts, and motorcycles, but not including contests between human beings only.

- (43) Recreational vehicle parks.
  - (44) Rifle, pistol, skeet, or trapshooting ranges.
  - (45) Rodeo arenas.
  - (46) Trail bike parks.
  - (47) Trailer and boat storage.
  - (48) Disposal service operations.
  - (49) Meat cutting and packaging plants, provided there is no slaughtering of animals or rendering of meat.
  - (50) Outdoor film studios
  - (51) Water well drilling, operations and service.
  - (52) Mobilehome parks, developed pursuant to Section 19.93 of this ordinance.
  - (53) Community auction and sales yards.
  - (54) Farm labor camp.
  - (55) Feed stores.
  - (56) Packaged dry fertilizer storage, not including processing.
  - (57) Oil production, not including refining or processing.
  - (58) Mink farms.
  - (59) Both large and small animal hospitals.
  - (60) Commercial breeding operations.
- e. Any use that is not specifically listed in Subsections B., C. and D. may be considered a permitted or conditionally permitted use provided that the Planning Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.
- f. **Subject to the provisions of Section 18.28b, the number of mature crowing fowl may be increased up to 50% over each (male and female) of the permitted numbers.**

# ATTACHMENT C

**REPORT ON ACTIVITIES  
TAKEN TO ALLEVIATE THE CONDITIONS  
WHICH LED TO THE ADOPTION OF THE URGENCY ORDINANCE**

On January 13, 2010, the City Council adopted an urgency ordinance to establish a moratorium on the approval of boat and recreational vehicle storage and mini-/self-storage facilities in the General Commercial, Scenic Highway Commercial, and Rural Residential Zones. The purpose of this preliminary report is to document the activities the City has taken in addressing this issue.

At this early stage of the urgency moratorium, the elected and appointed leadership of the City have discussed matter and provided a framework to evaluate the situation. This direction resulted in staff discussions on the following topics foundational to addressing the issues which led to the adoption of the urgency ordinance:

- Which zoning districts these types of uses would be appropriately located;
- The importance of beginning with an evaluation of the list of permitted uses within the Rural Residential Zone; and
- Approaches to evaluating the appropriateness of these uses within commercial retail zoning districts.

More time is needed to analyze and evaluate the existing conditions, to assess the current and future demand for these facilities, to consider possible alternatives to meet projected demands, and the other issues associated with boat and recreational vehicle storage and mini-/self-storage facilities with in the City of Wildomar.