

CITY OF WILDOMAR

PLANNING COMMISSION AGENDA

Commission Members:

Chairman Harv Dykstra; Vice-Chairman Stan Smith
Michael Kazmier; Robert Devine ; Veronica Langworthy

REGULAR MEETING

WEDNESDAY, MAY 4, 2011 AT 7:00 P.M.

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

CALL TO ORDER - 7:00 PM

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS

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

APPROVAL OF AGENDA AS SUBMITTED

1.0 CONSENT CALENDAR

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

1.1. Approval of the April 6, 2011 Planning Commission Minutes

2.0 PUBLIC HEARINGS

2.1 Conditional Use Permit No. 09-0301 (Waite Street Mobile Home Park)

A request by MDMG, Inc on behalf of John Reidy, to establish a 10-unit mobile home park, including adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program, on a 1.9 acre site in the R-R (Rural Residential) zone located at 21517 & 21521 Waite Street in the City of Wildomar (APN: 366-182-001, 002, & 057).

RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. 11-03 entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, AND APPROVING CONDITIONAL USE PERMIT 09-0301 FOR A 10-UNIT MOBILE HOME PARK LOCATED AT 21517 & 21521 WAITE STREET IN THE CITY OF WILDOMAR (APN 366-182-001, 002, & 057)”

2.2 Zoning Ordinance Amendment No. 11-01

A City initiated Zoning Ordinance Amendment to revise the existing rear yard setback for accessory structures in the R-R (Rural Residential) zone from 20 feet to 10 feet.

RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. 11-02 entitled:

“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION AND APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 11-01 REVISING THE REAR YARD SETBACK FOR ACCESSORY STRUCTURES IN THE R-R (RURAL RESIDENTIAL) ZONE FROM 20 FEET TO 10 FEET.”

3.0 GENERAL BUSINESS ITEMS:

There are no General Business Items to be Considered on the Agenda.

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.

PLANNING COMMISSION COMMUNICATIONS

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

FUTURE AGENDA ITEMS

ADJOURNMENT

The City of Wildomar Planning Commission hereby adjourns to a joint-session meeting with the Wildomar City Council scheduled for May 18, 2011.

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.

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 29, 2011, a true and correct copy of this agenda was posted at the three designated posting places: Wildomar City Hall, 23873 Clinton Keith Road; the U.S. Post Office, 21392 Palomar Street; and the Mission Trail Library, 34303 Mission Trail.

AGENDA ITEM 1.0

CONSENT CALENDAR

**CITY OF WILDOMAR
PLANNING COMMISSION REGULAR MEETING MINUTES
April 6, 2011**

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: Harv Dykstra, Chairman
Stand Smith, Vice-Chairman
Michael Kazmier, Commissioner
Robert Devine, Commissioner
Veronica Langworthy, Commissioner

Absent:

Staff Present: Mathew Bassi, Planning Director
Thomas Jex, City Attorney
Alfredo Garcia, Assistant Planner

1.2 PLEDGE OF ALLEGIANCE:

Commissioner Langworthy led the flag salute.

2.0 COMMUNICATIONS FROM THE PUBLIC:

None.

3.0 CONSENT ITEMS:

3.1 Approval of February 2, 2011 Planning Commission Minutes

Planning Commissioner Devine motioned to approve Planning Commission minutes for February 2, 2011. Motioned seconded by Vice-Chairman Smith. Motioned Carried, the following vote resulted:

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

4.0 CONTINUED PUBLIC HEARING ITEMS:

None.

5.0 PUBLIC HEARING ITEMS:

5.1 Conditional Use Permit No. 10-0274

RECOMMENDATION: Adoption of Resolution No. 11-02 entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA UPHOLDING THE PLANNING DIRECTOR'S DECISION TO DENY PLOT PLAN NO. 10-0274 TO ESTABLISH A RECYCLING FACILITY ON AN EXISTING COMMERCIAL ZONED SITE LOCATED AT 34395 MISSION TRAIL (APN: 370-090-035)

Planning Director Bassi made the staff presentation.

Chairman Dykstra asked the Commissioners if they had comments for staff.

Commissioner Devine asked where the containers are located.

Director Bassi responded the containers are located in the rear area of the property, behind the facility.

Commissioner Langworthy commented she has visited the site.

Vice-Chairman Smith commented he has also visited the site.

Commissioner Kazmier commented has driven by the site.

Chairman Dykstra commended he has visited the site.

Chairman Dykstra opened for public hearing.

Applicant Doug Lech made a presentation regarding the operation of the recycling facility.

Commissioner Langworthy commented that the facade program is a program established by the County of Riverside and not the City of Wildomar.

Commissioner Langworthy asked the applicant to clarify a statement made in his earlier presentation regarding CRV sales.

Applicant Doug Lech responded by reading literature from the California Department of Resources and Recovery.

Commissioner Langworthy asked for clarification regarding the location of the truck that will transport the recyclable materials to the processing center outside City limits.

Applicant Doug Lech responded that the truck will be located in the parking lot.

Commissioner Langworthy asked if there will be both a truck and a storage container on site.

Applicant Doug Lech responded that there will be no container only a storage truck.

Commissioner Devine asked the applicant were on site will the storage truck be located.

Applicant Lech responded that the truck will be located in the existing front parking lot

Commissioner Devine asked Director Bassi, if the proposed location of the truck be effected by the setback requirements stated in the Zoning Ordinance.

Director Bassi responded he was unaware of the proposed mobile recycling truck. Mr. Bassi also mentioned that the decorative block wall is a requirement stated in the Zoning Ordinance.

Commissioner Devine mentioned he did not like the idea of the mobile truck in the front of the establishment.

Applicant Doug Lech responded it would help them advertise the facility, and eliminate the need for a fixed unit.

Commissioner Devine responded that the applicant is changing the container from a stationary structure to a mobile unit.

Applicant Dough Lech responded that the truck will be an old Uhaul truck that will be parked in parking lot area with the other Uhaul trucks.

Commissioner Devine responded that the block wall is still required according to his understanding and that the mobile truck proposal seems to be out of sequence from the initial application.

Director Bassi commented that the proposed block wall enclosure is required according to the proposed presentation. He also, mentioned staff will require to do additional research.

Vice Chairman Smith stated that the comments being made by Mr. Lech regarding the mobile truck are different from the proposed presentation regarding the fixed unit on site surrounded with a decorative block wall.

Vice Chairman Smith asked Mr. Lech if he will be submitting a revised Plot Plan for staff to revise with his new proposed business layout and operation.

Applicant Doug Lech responded he will comply and resubmit.

Vice Chairman Smith asked if the applicant will be addressing the issues of landscaping and egress and ingress with his resubmittal.

Applicant Doug responded in the affirmative.

Vice Chairman Smith commented that from his observations of the site there appears to be some building maintenance issues that need to be addressed.

Applicant Doug Lech responded they will be more than happy to comply.

Vice Chairman Smith asked if the security person that stays overnight has a restroom facility to use.

The applicant replied in the affirmative.

Vice chairman Smith commented that the entrance at the corner of Mission Trail and Guffy Lane might propose a traffic hazard.

Applicant Doug Lech responded that the entrances have been established on that site since the 1980's and were never a concern before. Mr. Lech further added if they are required to move them, they will.

Vice Chairman Smith commented he has concerns with that corner because of the lack of lighting in the area.

Applicant Lech responded that the establishment does not operate after 5:00 PM and there would be no need for people to be entering the site.

Vice Chairman Smith mentioned that the proposed changes are different from the project description on the agenda and it will be difficult to approve the project.

Applicant Doug Lech responded he is comfortable with continuing the item for a later time.

Applicant Doug Lech asked the Commission to please help him. He mentioned he is more than willing to make the changes that are asked of them.

Commissioner Devine commented he is fine with the idea of a recycling facility, but it needs to conform to City codes.

Patricia Lech commented that having a recycling facility in the City is a great benefit to the community.

Craig McKenzie commented he is in favor of the recycling facility.

Steve Robinson commented that he has been working with the Economic Development Agency and was told he could not receive support until he was approved by the City of Wildomar.

Mr. Robinson mentioned he applied in 2009 to establish a recycling facility and was denied by the City of Wildomar. He feels that the street conditions of Guffy Lane are far worse of an issue than the recycling centers activities.

Michel Davis commented in favor of having a recycling center in the community to promote environmentally conscious activities and provide a reliable source of income for people.

Gail Taylor has donated her time to George W. Taylor. Mr. Taylor commented that in the previous meeting he had spoken in favor of the recycling center. Unfortunately, he was unaware of the current development standards that were not followed and will now revise his support. He mentioned he offers his support in concept only if the facility is legally operated.

Martha Bridges commented on the noise levels coming from the recycling centers evening activities.

Scott Hanson commented that he works closely with the local communities youth groups in performing fundraisers and mentioned that recycling is a good way of raising money for kid's projects.

Gary Andre asked if all buildings located on the property are legally built and is the area built to met ADA standards. He also commented that he has been at the library during evening hours and heard loud noises coming from the recycling center.

Doug Lech responded to Ms. Bridges comment that the recycling center closes at 5:00 PM and that there should not be any activity coming from the area.

Dough Lech responded to Mr. Andre's comment that the area is flat.

Chairman Dykstra closes the public hearing

Commissioner Devine asked staff for clarification that there will not be a decision made that evening.

Director Bassi responded in the affirmative, that there will not be a decision made, but will be continuing the item in order to allow staff to do further research.

Director Bassi commented that the applicant will need to submit further information in order to allow staff to make a better decision.

Commissioner Devine commented that he does not favor the mobile recycling facility proposal and would prefer to see the container located within a decorative block wall.

Director Bassi responded that if the applicant wishes to propose the idea of the mobile recycling center, that it will trigger a new project submittal.

Director Bassi commented that his responsibility as a Planning Director is to work with the applicants to develop their property, but he can only approve utilizing the zoning code.

Vice Chairman Smith commented that this project is a good project and the City will work as much as possible with the applicant.

Chairman Dykstra asked Mr. Lech for clarification, if he had mentioned previously if he was willing to provide grading along Guffy Lane.

Applicant Doug Lech responded in the affirmative.

Public Works Engineer Steve Palmer commented that Guffy Lane was never maintained by the County of Riverside and has not been maintained by the City. At this moment any improvements done on that street will need to be maintained by its residence.

Chairman Dykstra commented he would like to see a condition were the Guffy lane is maintained by its residence.

Applicant Doug Lech asked if there were any funds available from County.

Public Works Engineer Steve Palmer responded that the City has a program called the Unpaved Road Way Enhancement Program which asks all property owners to maintain the road with an assessment program after the City makes the improvements.

Commissioner Langworthy provided the applicant Dough Lech with contact information for the Economic Development Agency.

Planning Commissioner Devine motioned to continue the project until the applicant resubmits revised plans. Motioned seconded by Vice-Chairman Smith. Motioned Carried, the following vote resulted:

AYES: Devine, Dykstra, Kazmier, Langworthy, Smith
NOES:

ABSENT:
ABSTAIN:

6.0 GENERAL BUSINESS ITEMS:

6.1 Study Session on the Golden Hills Residential Development:

A study session presentation by Mr. Bill Lo (Applicant) on a proposal to amend the Farm Specific Plan to accommodate the development of 314 single family dwelling units with private parks and trails.

Applicant Mr. Bill Lo and associates made a brief background presentation of their company.

Mr. Larry Markham made the presentation.

Commissioner Kazmier asked the applicant if there will be melaruse established.

Applicant Mr. Bill Lo responded that they did have a meeting with the school district in which no decision has been made but they are taking it into consideration.

Commissioner Kazmier asked if there will be a Homeowners Association established.

The applicant replied in the affirmative.

Commissioner Devine asked what type of commercial center will be proposed.

Applicant representative Larry Markham replied that it is difficult to say at this point what type of commercial center will go in the 3 acre site. Most likely small convenient stores such as coffee shops, salons, dry cleaning etc.

Commissioner Langworthy asked if there will be pedestrian accessibility from the residential area to the commercial center.

Mr. Markham replied there are sidewalks and trails proposed for pedestrian access.

Commissioner Langworthy asked what types of trails are being proposed.

Mr. Markham replied they willing to establish whatever trails the Planning Department needs of them.

Commissioner Langworthy asked if the proposed 4,000 square foot lots have space for off street parking.

Mr. Markham replied that they are proposing a 2 car garage, a 2 car driveway and 1 guest parking in front of the homes.

William Bradley mentioned his question had already been answer by the applicant representative's presentation.

leileen San Giovanni donated her time to George Taylor. Mr. Taylor summarized the meeting the Farm Board of Director had with the project applicants and City Staff on March 16, 2011.

Martha Bridges commented that Mr. Taylor had answered her questions and addressed her concerns.

Gary Andre asked if the Bundy Canyon road improvements being designed around the Oak Trees located adjacent to the road.

Gil Rasmussen donated time to Ms. Sheryl Ade. Ms. Ade commented that staff should look into the design guidelines before going forward with the project.

Mr. Larry Markham commented they will be taking speakers comments into consideration.

Commissioner Devine commented that 4,000 square foot lots are small and what the setbacks will be used.

Director Bassi responded those issues will be discussed through the Specific Plan Amendment.

Chairman Dykstra commented that the 4,000 lots appear to be too small for the size of the home.

Chairman Dykstra thanked the applicant and his associates for their presentation.

PLANNING DIRECTOR'S REPORT:

Rear Yard Building Setbacks in the Rural Residential (R-R) Zone: Verbal report to be presented by the Planning Director Bassi and Commissioner Devine.

Vice Chairman Smith commented he was involved in the placement of some of the homes currently located on front and Dunn Street.

Vice Chairman Smith mentioned when they placed the mobile homes they used the following setback criteria to place the homes: 20 feet in the front, 5 feet on the side and 10 feet in the rear.

Chairman Dykstra commented he agrees with the revision of the rear setback.

Commissioner Langworthy mentioned she would like properties to have open space.

Director Bassi responded that the main dwelling will be located 20 feet but the accessory structure will be located 10 feet away in order to achieve open space and maintain a rear yard.

Planning Commission members directed staff to perform a code amendment to revise the rear setback to 10 feet for the Rural Residential Zone.

7.0 PLANNING COMMISSION COMMENTS:

Zoning Code amendment 11-01 for the May 4, 2011 Planning Commission Meeting.

8.0 ADJOURNMENT.

The April 6, 2011 regular meeting of the Planning Commission was adjourned at 9:31 P.M.

Respectfully submitted:
Matthew Bassi
Commission Secretary

AGENDA ITEM 2.0

PUBLIC HEARINGS

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item 2.1
PUBLIC HEARING
Meeting Date: May 4, 2011

TO: Chairman Dykstra and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director 

SUBJECT: **Conditional Use Permit 09-0301 (Waite Street Mobile Home Park):**
A request by Mr. John Reidy (Applicant) to establish a 10-unit mobile home park on a 1.79 acre site and located at 21517 & 21521 Waite Street.

RECOMMENDATION:

The Planning Department recommends the Planning Commission take the following actions:

1. Adopt a PC Resolution 2011-02 (Attachment A) entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CONDITIONAL USE PERMIT NO. 09-0301 (A 10-UNIT MOBILE HOME PARK) LOCATED AT 21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

2. Adopt a PC Resolution 2011-03 (Attachment B) entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 09-0301 WITH CONDITIONS TO ESTABLISH A 10-UNIT MOBILE HOME PARK LOCATED AT LOCATED AT 21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

BACKGROUND:

In August 2008, the former owner of the property established a mobile home park without applying for a Conditional Use Permit (CUP). Subsequent code enforcement violations were documented and legal proceedings were initiated by the City. In 2009, Mr. John Reidy repossessed the property and worked with the County and City to resolve the outstanding legal issues. As a result, a Settlement Agreement was prepared between Mr. Reidy, the County of Riverside and the City of Wildomar, and approved by the City Council in 2010.

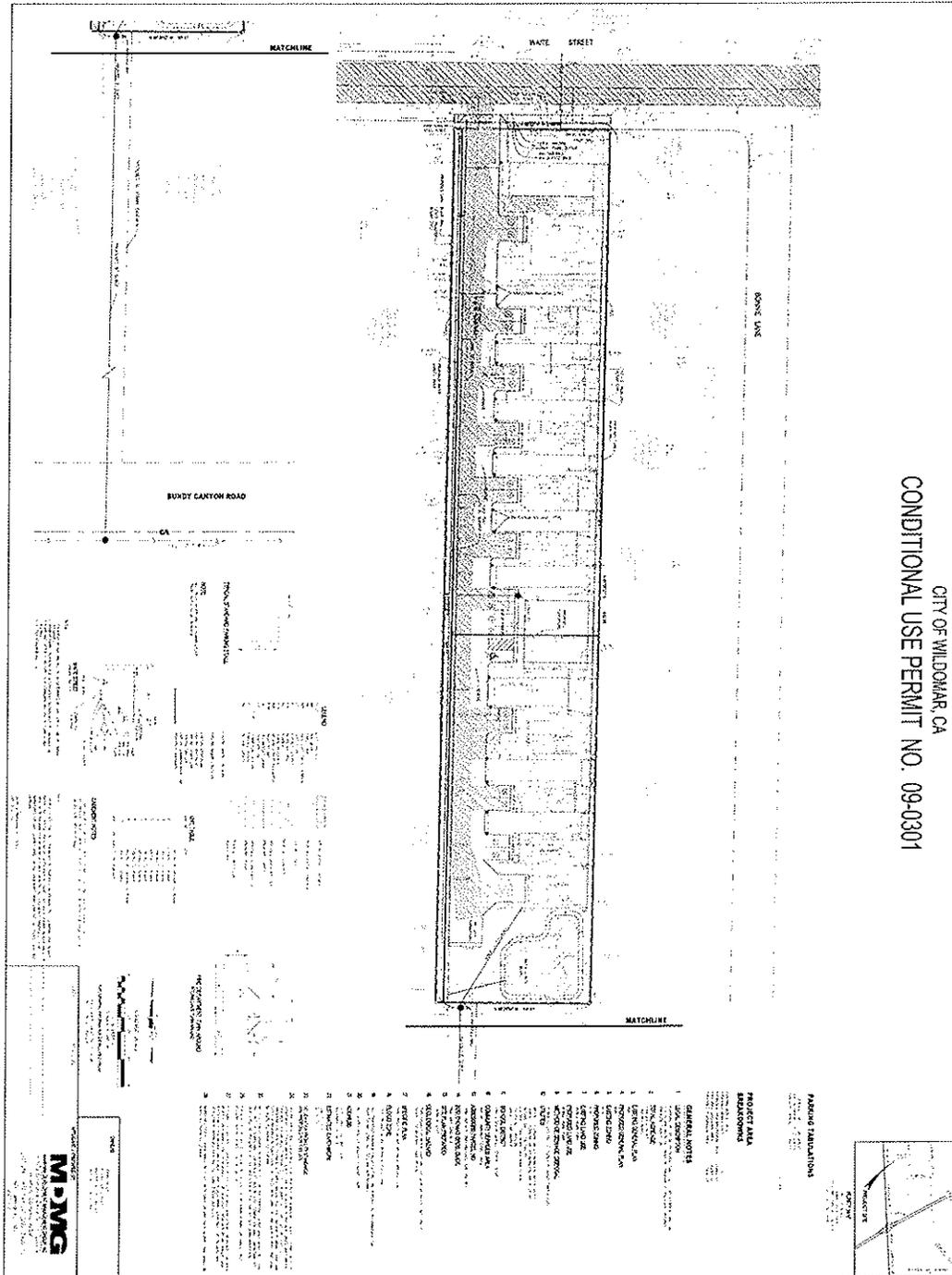
The Agreement required Mr. Reidy to repay the County and City the legal fees incurred and allowed the owner to complete the previously submitted application for a CUP by October 2010. The agreement also required the City to process the CUP application and at a public hearing. It was understood that City had no obligation to approve the CUP to allow the 10-unit mobile home park. On April 13, 2011, the City Council approved an amendment to the Settlement Agreement extending the deadline for all requirements to November 2011.

PROJECT DESCRIPTION

The project site is 1.71 acres and is located on the south side of Waite Street, mid-way between Mission Trail and Almond Street (Attachment C). The site is generally level and the grade varies only by 4 feet, and naturally drains from the east to west. The site consists of three (3) parcels which will be merged into one parcel via a Parcel Merger.

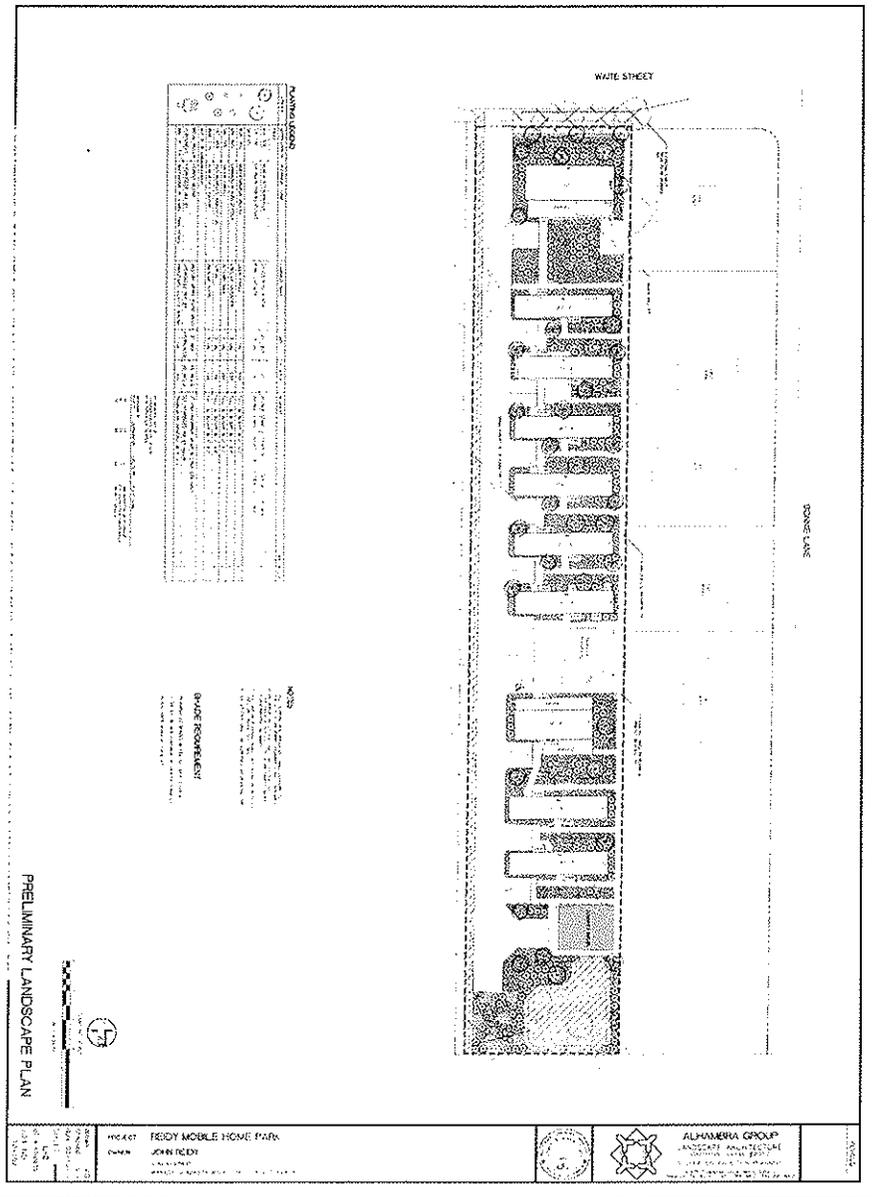
The property was previously used for residential purposes, and currently contains 11 mobile home units, but only 10 will exist with this approval. Scattered ornamental trees and scrub brush exists on the property at various locations. The layout of the property and landscaping information is provided in the attached full-size development plans (Attachment D).

Site access is provided via a driveway off of Waite Street. Onsite circulation is provided with a north-south drive aisle (meeting Fire Department standards) on the west side of the proposed units. The project also includes a 24-foot turn-around radius at the end of the a turn around at the southern portion of the site. The layout of the proposed mobile home park places the access drive and turn around along the western side of the site and the units, playground, and garden area along the eastern side of the property. The project will be surrounded by a six-foot decorative masonry wall. The project is not proposed to be gated. The exhibit on the following page shows the proposed site plan.



According to the Zoning Ordinance, the project is requires two parking spaces per unit, one guest space for each 8 units, and one handicapped parking space. The project proposes two spaces per unit and three visitor spaces. The proposed project also complies with the building setback requirements of the Rural Residential Zone. As outlined in Section 17.264.040, open space or recreational facilities are not required for mobile home parks approved in residential zones. However, the project includes a 2,000 square-foot playground area.

The conceptual landscape plan proposes a low water use design using low water use shrubs and trees. In addition to the existing trees along the western property line, the plans propose to add Shoestring Acacia (*Acacia stenophylla*) along the street and between the units with Pink Chitalpa (*Chitalpa tashkentensis*) added for color and accent. Most of the site landscaping will consist of a combination of Deer Grass (*Muhlenbergia Rigens*), English Lavender (*Lavandula Augustifolia*), Autumn Sage (*Salvi Greggii*), Toyon (*Heteromeles Arbutifolia*), and Matilja Poppy (*Romneya, Coulteria*). The groundcover will be Coyote Bush (*Baccharis Pilularis*). The only turf areas will be in the proposed playground area located between units 7 and 8 and in the water quality treatment swale along the western property line. All landscaping will be required to comply with City of Wildomar standards for water efficiency. The exhibit below shows the conceptual landscape plan.



PROJECT DISCUSSION:

The General Plan Land Use and Zoning designations, as well as the existing land uses for the project site and surrounding properties are provided in the following table.

ADJACENT ZONING, LAND USE AND APPLICABLE STANDARDS			
Location	Current Use	General Plan Land Use Designation	Zoning
Subject Property	Residential	Medium Density Residential	Rural Residential (R-R)
North	Residential	Medium Density Residential	Rural Residential (R-R)
South	Vacant	Business Park	Rural Residential (R-R)
East	Residential & Vacant	Medium Density Residential	Rural Residential (R-R)
West	Residential	Medium Density Residential	Rural Residential (R-R)

Section 17.262.030 of the Wildomar Zoning Ordinance provides specific standards and requirements for mobile home parks in the R-R (Rural Residential) Zone. The specific requirements and an evaluation of compliance with the standards are provided below:

- 1) The minimum size of the living area for each unit shall be at least 450 square feet.

All of the existing, and all future, units exceed 450 square feet. Thus, the project complies with this requirement.

- 2) Each units shall have an opaque skirt between the ground and the bottom of the unit.

All units will be conditioned to install the required opaque skirting prior to final occupancy of the mobile home park. Thus, the project as conditioned will comply with this requirement.

- 3) The minimum size of each space must be at least 2,250 square feet and shall be at least 30 feet wide.

All of the spaces exceed this minimum requirement and the individual spaces are all at least 30 feet wide. Thus, the project complies with this requirement.

- 4) A six-foot masonry wall shall be erected along the perimeter of the mobile home park..

The project plans reflect a six foot high masonry block wall with 12" x 12" block pilasters along the perimeter of the mobile home park. Staff has proposed a

condition that requires a decorative block wall (e.g., Slump-stone or Split-face) block). Thus, the project complies with this requirement.

- 5) Off-street parking shall be provided as required in Section 17.188 (Off-Street Vehicle Parking Standards) of the Zoning Ordinance.

Chapter 17.188 requires two parking spaces per unit, one quest parking space for each 8 units, and one handicapped parking space. The project proposes two spaces per unit and three visitor spaces. Thus, the project complies with this requirement.

REQUIRED FINDINGS:

Pursuant to Section 17.200 of the Wildomar Zoning Ordinance, and in light of the record before it including the staff report dated May 4, 2011 and all evidence and testimony heard at the public hearing of Conditional Use Permit 09-0301, the Planning Commission hereby finds as follows.

- A. That the proposed location, use and operation of the conditional use is in accord with the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.

The proposed mobile home park is located in a mixed residential area with typical lot sizes ranging from 7,200 square feet to approximately ½ acre. The proposed residential use is consistent with the surrounding land uses. The southern most residential unit, adjacent to the Business Park Land Use Designation, is setback approximately 120 feet from the southern property line. The project complies with the applicable provisions of zoning ordinance including, but not limited to, Chapter 17.244 (Mobile Home Parks in Residential Zones), Chapter 17.188 (Off Street Vehicle Parking Standards), and Chapter 17.16 (Rural Residential Zone), and Chapter 17.276 (Water Efficient Landscapes). Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan. The project is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards for mobile home parks in the Rural Residential Zone as illustrated in the Staff Report. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the City Municipal Code are met.

- B. The proposed use will not be detrimental to the health, safety, or general welfare of the community.

The site has been designed to meet all of the development standards of the zoning ordinance as described in the Staff Report relative to setbacks, unit size and spacing, and parking such that it will not be detrimental to the public health, safety or welfare. The project contains additional features that will help maintain the livability of the proposed mobile home park (in excess of the minimum zoning standards. The site does not contain any natural or physical hazards which would cause the project to be detrimental to the health, safety, or general welfare.

ENVIRONMENTAL ASSESSMENT:

In compliance with the California Environmental Quality Act (CEQA guidelines, the Planning Department prepared and circulated a draft Initial Study and Mitigated Negative Declaration (MND) and /Mitigation Monitoring Program (MMP) for Conditional Use Permit No. 09-0301. The required 20-day public review period commenced on March 30, 2011 and concluded on April 18, 2011. No comments were received during the review period. The Planning Department is recommending that the Planning Commission adopt a Mitigated Negative Declaration and Mitigation Monitoring Program for CUP 09-0301. A copy of the MND is provided for Commission evaluation (Exhibit A of Attachment A).

CONCLUSION

In conclusion, the proposed project meets all of the Zoning Ordinance requirements and contains components in excess of the minimum requirements. Based upon the design of the project, staff believes that the proposed would not be detrimental to the health, safety or general welfare of the community. In addition, approval of the CUP and implementation of the conditions of approval and settlement agreement, the City's code enforcement efforts will have concluded.

Respectfully Submitted,



Matthew C. Bassi
Planning Director

ATTACHMENTS:

- A. PC Resolution 2011-02 for the Mitigated Negative Declaration
Exhibit 1 - Initial Study/Mitigated Negative Declaration
- B. PC Resolution 2011-03 for Conditional Use Permit 09-0301
Exhibit 1 – Conditions of Approval
- C. Location/Vicinity Map
- D. Full Size Development Plans (under separate cover)
- E. Mitigated Negative Declaration Packet (under separate cover)

ATTACHMENT A

PC Resolution No. 2011-02

PC RESOLUTION NO. 2011-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR CONDITIONAL USE PERMIT NO. 09-0301 (A 10-UNIT MOBILE HOME PARK) LOCATED AT 21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

WHEREAS, an application for to allow the establishment and operation of a 10-unit mobile home park was filed by

Applicant/Owner: John Reidy
Project Location: 21517 & 21521 Waite Street
APN Number: 367-182-001, 367-182-002, and 367-182-057
Lot Area: 1.71 gross acres

WHEREAS, the Planning Commission has the authority per Chapter 17.200 of the Wildomar Municipal Code to take action on Conditional Use Permit No. 09-0301 to establish a 10-unit mobile home park located at 21517 & 21521 Waite Street in the City of Wildomar; and

WHEREAS, on March 30, 2011, using a method permitted under CEQA Guidelines Section 15072(b), the City provided Notice of Intent to adopt a Mitigated Negative Declaration and Mitigation Monitoring Program to the public, responsible agencies, trustee agencies,, and the Riverside County Clerk;

WHEREAS, the City made the proposed Mitigated Negative Declaration and Mitigation monitoring Program available for the required 20-day public review period that commenced on March 30, 2011 and concluded on April 18, 2011, and in which no comments were received from the pubic; and,

WHEREAS, on April 23, 2011, the City gave public notice by mailing to adjacent property owners within a 300-foot radius of the project site, and by publishing a legal notice in the Californian, a newspaper local circulation, notifying the public of the holding of a public hearing for the proposed project to be considered by the Wildomar Planning Commission; and

WHEREAS, on May 4, 2011, the Wildomar Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered the Conditional Use Permit; and

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

SECTION 1. FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

A. Review Period: That the City has provided the public review period for the Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day public review period required by CEQA Guidelines Sections 15073 and 15105.

B. Compliance with Law: That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Wildomar.

C. Independent Judgment: That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

D. Mitigation Monitoring Program: That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

E. No Significant Effect: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. PLANNING COMMISSION ACTIONS.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Planning Commission hereby takes the following actions:

A. Adopt the Mitigated Negative Declaration: The Mitigated Negative Declaration for CUP No. 09-0301 to establish a 10-unit mobile home park is hereby adopted as attached hereto as Attachment D of this staff report.

B. Notice of Determination: In compliance with Public Resources Code §21152 and CEQA Guidelines §15075, the Planning Director shall prepare a Notice of Determination concerning the approval and adoption of the Mitigated Negative Declaration, and within five (5) working days of project approval, file the Notice with the Riverside County Clerk for posting.

C. Location: The Mitigated Negative Declaration, Mitigation Monitoring Program, and all documents incorporated therein or forming the record of decision, therefore, shall be filed with the Planning Department at the Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, California 92595, and shall be made available for public review upon request.

PASSED, APPROVED AND ADOPTED this 4th day of May 2011, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Harv Dykstra
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

EXHIBIT 1 OF RESOLUTION NO. 2011-02
Mitigated Negative Declaration

ATTACHMENT B

PC Resolution No. 2011-03

PC RESOLUTION NO. 2011-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 09-0301 WITH CONDITIONS TO ESTABLISH A 10-UNIT MOBILE HOME PARK LOCATED AT LOCATED AT 21517 & 21521 WAITE STREET (APN: 366-182-001, 366-182-002, & 366-182-057

WHEREAS, an application for to allow the establishment and operation of a 10-unit mobile home park was filed by

Applicant/Owner: John Reidy
Project Location: 21517 & 21521 Waite Street
APN Number: 367-182-001, 367-182-002, and 367-182-057
Lot Area: 1.71 gross acres

WHEREAS, the Wildomar Planning Commission conducted a duly noticed public hearing on May 4, 2011 at which it received public testimony concerning the project and the proposed Mitigated Negative Declaration and mitigation Monitoring Program; and

WHEREAS, the Planning Commission has the authority per Chapter 17.200 of the Wildomar Zoning Ordinance to take action on Conditional Use Permit No. 09-0301 to establish a 10-unit mobile home park located at 21517 & 21521 Waite Street; and

WHEREAS, on April 23, 2011, the City gave public notice by mailing to adjacent property owners within a 300-foot radius of the project site, and by publishing a legal notice in the Californian, a newspaper local circulation, notifying the public of the holding of a public hearing for the proposed project to be considered by the Wildomar Planning Commission; and

WHEREAS, on May 4, 2011, the Wildomar Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, the Conditional Use Permit and at which the Planning Commission considered Conditional Use Permit No. 09-0301; and

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

SECTION 1. FINDINGS.

The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring Program and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

A. Review Period: That the City has provided the public review period for the Mitigated Negative Declaration and Mitigation Monitoring Program for the required 20-day public review period required by CEQA Guidelines Sections 15073 and 15105.

B. Compliance with Law: That the Mitigated Negative Declaration and Mitigation Monitoring Program were prepared, processed, and noticed in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and the local CEQA Guidelines and Thresholds of Significance adopted by the City of Wildomar.

C. Independent Judgment: That the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

D. Mitigation Monitoring Program: That the Mitigation Monitoring Program is designed to ensure compliance during project implementation in that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements or other measures as required by Public Resources Code Section 21081.6.

E. No Significant Effect: That revisions made to the project plans agreed to by the applicant and mitigation measures imposed as conditions of approval on the project, avoid or mitigate any potential significant effects on the environment identified in the Initial Study to a point below the threshold of significance. Furthermore, after taking into consideration the revisions to the project and the mitigation measures imposed, the Planning Commission finds that there is no substantial evidence, in light of the whole record, from which it could be fairly argued that the project may have a significant effect on the environment. Therefore, the Planning Commission concludes that the project will not have a significant effect on the environment.

SECTION 2. MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 3. REQUIRED CUP FINDINGS.

Pursuant to Section 17.200 of the Wildomar Zoning Ordinance, and in light of the record before it including the staff report dated May 4, 2011 and all evidence and testimony heard at the public hearing of Conditional Use Permit 09-0301, the Planning Commission hereby finds as follows.

- A. That the proposed location, use and operation of the conditional use is in accord with the purposes of the zone in which the site is located, is consistent with the General Plan and complies with other relevant city regulations, policies and guidelines.

The proposed mobile home park is located in a mixed residential area with typical lot sizes ranging from 7,200 square feet to approximately ½ acre. The proposed residential use is consistent with the surrounding land uses. The southern most residential unit, adjacent to the Business Park Land Use Designation, is setback approximately 120 feet from the southern property line. The project complies with the applicable provisions of zoning ordinance including, but not limited to, Chapter 17.244 (Mobile Home Parks in Residential Zones), Chapter 17.188 (Off Street Vehicle Parking Standards), and Chapter 17.16 (Rural Residential Zone), and Chapter 17.276 (Water Efficient Landscapes). Considering all of these aspects, the project furthers the objectives and policies of the General Plan and is compatible with the general land uses as specified in the General Plan. The project is consistent with the intent of the Zoning Ordinance since it meets and/or exceeds the minimum development standards for mobile home parks in the Rural Residential Zone as illustrated in the Staff Report. Additionally, conditions have been added to the project to ensure that all the minimum requirements of the City Municipal Code are met.

- B. The proposed use will not be detrimental to the health, safety, or general welfare of the community.

The site has been designed to meet all of the development standards of the zoning ordinance as described in the Staff Report relative to setbacks, unit size and spacing, and parking such that it will not be detrimental to the public health, safety or welfare. The project contains additional features that will help maintain the livability of the proposed mobile home park (in excess of the minimum zoning standards. The site does not contain any natural or physical hazards which would cause the project to be detrimental to the health, safety, or general welfare.

SECTION 4. PLANNING COMMISSION ACTIONS.

The Planning Commission hereby approves Conditional Use Permit No. 09-0301 subject to the Conditions of Approval attached hereto and incorporated by this reference as Exhibit 1 of this Resolution.

PASSED, APPROVED AND ADOPTED this 4th day of May 2011, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Harv Dykstra

Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

EXHIBIT 1

CITY OF WILDOMAR CONDITIONS OF APPROVAL

Planning Application Number: Conditional Use Permit 09-0301	
Project Description: The establishment and operation of a 10-unit mobile home park	
Assessor's Parcel Number(s): 367-182-001, 367-182-002, and 367-182-057	
Approval Date: May 4, 2011	Expiration Date: May 4, 2013

General Conditions:

1. No later than May 5, 2011, the applicant shall deliver to the Planning Department a cashier's check or money order made payable to the Riverside County Clerk in the amount of \$2,108.00 which includes the \$2,044.00 fee required by the California Department of Fish and Game per Code Section 711.4(d)(3), and the \$64.00 Riverside County administrative fee. Within 5 days of the project being approved, the Planning Department shall file a Notice of Determination (NOD) for the Mitigated or Negative Declaration required under Public Resources Code Section 21152 and California Code of Regulations Section 15075.
2. The applicant shall review and sign below the Acceptance of Conditions of Approval provided by the Planning Department and return the signed page with an original signature to the Planning Department no later than May 25, 2011.

Applicant's Signature

Date

3. The applicant is required to pay all outstanding deposit account balances no later than May 25, 2011.
4. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or

concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

5. Approval of Conditional Use Permit No. 09-0301 shall expire on May 4, 2013 (2 years after project approval) if the use approved under this permit has not commenced or building permits have not been issued. The applicant may file for an extension of time provided a written request and required filing fee is submitted to the Planning Department 60 days prior to the expiration date (March 1, 2013).
6. Conditional Use Permit No. 09-0301 shall comply with the following mitigation outlined in the Mitigation Monitoring Program adopted with the Mitigated Negative Declaration:

BIO -1

The project shall comply with Ordinance 663 in order to provide a method for mitigation of impacts to the Stephens' Kangaroo Rat caused by the loss of its habitat due to development. The proposed development project shall either provide on-site mitigation to protect potential habitat reserve sites, payment of the Mitigation Fee, or a combination of both, which upon implementation will satisfy U.S. Fish and Wildlife Service, California Department of Fish and Game, as well as Wildomar mitigation requirements for the Stephens' Kangaroo Rat and its habitat.

CUL-1

If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archeologist. Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared. The report shall include a list of the resources recovered, documentation of each site/locality, and interpretation of resources recovered. The City of Wildomar shall designate repositories in the event the significant resources are recovered.

CUL-2

At least 30 days prior to seeking a grading permit, the project applicant shall contact the appropriate Tribe to notify the Tribe of grading, excavation and the monitoring program, and to coordinate with the City of Wildomar and the Tribe to develop a Cultural Resources Treatment and Monitoring Agreement. The Agreement shall address the designation, responsibilities, and participation of Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation; and treatment and final

disposition of any cultural resources, sacred sites, and human remains discovered on the site

CUL-3

If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.

CUL-4

The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition.

CUL-5

All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with the appropriate culturally affiliated Native American Tribe. To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2.

CUL-6

If inadvertent discoveries of subsurface archaeological resources are discovered during grading, work shall be halted immediately within 50 feet of the discovery and significance of such resources and shall meet and confer regarding the mitigation for such resources. If the Developer and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make the determination based on the provisions of the CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the appropriate Tribe. Notwithstanding any other rights available under the law, the decision of the Planning Director shall be appealable to the City of Wildomar.

CUL-7

Prior to the issuance of a grading permit, the developer shall identify the qualified paleontologist to the City of Wildomar who has been retained to evaluate the significance of any inadvertent discovery of paleontological resources. If paleontological resources are encountered during grading or project construction, all work in the area of the find shall cease. The project proponent shall notify the City of Wildomar and the qualified paleontologist shall investigate the find. The qualified

paleontologist shall make recommendations as to the paleontological resource's disposition to the Planning Director. The developer shall pay for all required treatment and storage of the discovered resources.

CUL-8

To address the possibility that cultural resources may be encountered during project construction, a qualified professional shall initially monitor all construction activities that could potentially impact archaeological and or paleontological deposits (e.g, grading, excavation and/or trenching). However, monitoring should be discontinued as soon the qualified professional is satisfied that construction will not disturb cultural resources

GEO-1

Prior to grading of areas that may receive structural fill, engineered structures or other improvements; the areas shall be cleared of surface obstructions, any existing debris, and stripped of vegetation. Vegetation and debris shall be removed and properly disposed of off-site. Holes resulting from the removal of buried tree root systems, obstructions, structures or utilities, which extend below finished site grade shall be replaced with suitable compacted fill material. Areas to receive fill and/or other surface improvements shall be scarified to a minimum depth of 12 inches, brought to a near-optimum moisture condition, and re-compacted to at least 90 percent relative compaction (based on American Standard of Testing and Materials [ASTM] Test Method D1557).

GEO-2

Prior to the issuance of a grading permit, the developer shall identify a qualified geotechnical consultant to the City of Wildomar who has been retained to evaluate required over-excavation and re-compaction of the upper 12 inches of soils within the proposed playground area and upper 24 inches of soils within the proposed paved areas; as local conditions may be encountered which could require additional over-excavation beyond these depths. The actual depth and lateral extents of grading shall be determined by the qualified geotechnical consultant, based upon subsurface conditions encountered during grading. Over-excavation bottoms shall be observed and approved by the geotechnical consultant prior to fill placement. Over-excavation bottoms shall be scarified a minimum depth of 6 inches and have a minimum relative compaction of 90 percent prior to subsequent fill placement. The over-excavation bottom shall extend sufficiently beyond the area of proposed grading and improvements so that a 1:1 (horizontal to vertical) projection from the outer edge of the grading and/or improvements will intercept the over-excavation bottom. Due to the presence of the surrounding existing improvements, this requirement is not achievable in some localized areas of the site. In these areas, based on the conditions encountered during site grading and at the discretion of the qualified geotechnical consultant, a reduced lateral extent of removals may be considered where no structural improvements are proposed. In areas where structural improvements are proposed and the required 1:1 (horizontal to vertical) projection from the outer edge of the proposed improvements can not be achieved, a reduced foundation bearing pressure may be provided and/or recommendations for

deepening the proposed footings at the discretion of the qualified geotechnical consultant.

GEO-3

All excavations for the proposed development shall be performed in accordance with current OSHA (Occupational Safety and Health Agency) regulations and those of other regulatory agencies, as appropriate. Temporary excavations may be cut vertically up to five feet. Excavations over five feet shall be slot-cut, shored, or cut to a 1H:1V (horizontal, H: vertical, V) slope gradient. Surface water shall be diverted away from the exposed cut and not allowed to pond on top of the excavations. Temporary cuts shall not be left open for an extended period of time.

GEO-4

Areas prepared to receive structural fill and/or other surface improvements shall be scarified to a minimum depth of 6 inches, brought to at least optimum-moisture content, and re-compacted to at least 90 percent relative compaction (based on ASTM Test Method D1557). The optimum lift thickness to produce a uniformly compacted fill will depend on the type and size of compaction equipment used. In general, fill shall be placed in uniform lifts generally not exceeding 8 inches in compacted thickness. Placement and compaction of fill shall be performed in accordance with local grading ordinances under the observation and testing of the geotechnical consultant (see GEO-2). In general, oversized material shall not be placed within 10 vertical feet of finish grade or within 2 feet of future utilities or underground construction. Oversize material used may be incorporated into design fills in accordance with standard grading details.

GEO-5

The on-site soils shall generally be suitable as trench backfill provided they are screened of rocks and other material over 6 inches in diameter and organic matter. Trench backfill shall be compacted in uniform lifts (generally not exceeding 8 inches in compacted thickness) by mechanical means to at least 90 percent relative compaction (per ASTM Test Method D1557). If trenches are shallow and the use of conventional equipment may result in damage to the utilities; clean sand, having sand equivalent (SE) of 30 or greater, shall be used to bed and shade the utilities. Sand backfill shall be densified. The densification may be accomplished by jetting or flooding and then tamping to ensure adequate compaction. The geotechnical consultant retained (see GEO-2) shall observe, probe, and test the backfill to verify compliance with the project specifications.

HAZ-1

Prior to start of construction, the construction contractor shall designate staging areas where fueling and oil-changing activities will take place. The staging area(s) shall be reviewed and approved by City's Planning Department and the Storm Water pollution Prevention Plan (SWPPP) Manager prior to the start of construction. No fueling and oil-changing activities shall be permitted outside the designated staging areas. The staging areas, as much as practicable, shall be located on level terrain and away from sensitive land uses such as residences, day care facilities, and

schools. Staging areas shall not be located near any stream, channel, or wetlands. The proposed staging areas shall be identified in the SWPPP

HAZ-2

Activities relating to the demolition of structures that may contain asbestos containing materials (ACMs) and lead based paint (LBPs) shall comply with South Coast Air Quality Management District and Riverside County Department of Public Health procedures and regulations. Depending on the age of structures, sampling/removal/disposal of ACMs and LBPs shall be conducted prior to demolition. Site preparation shall include the stripping and removal of abandoned underground utilities, cesspools, wells, foundations, debris, and other deleterious materials from the areas to be graded on the proposed project site.

HYD-1

Prior to the approval of the grading permit of improvement plans, the applicant shall be required to prepare a Storm Water Pollution and Prevention Plan (SWPPP) to be administered through all phases of grading and project construction. The SWPPP shall incorporate Best Management Practices to ensure that potential water quality impacts during construction phases are minimized. The SWPPP shall be submitted to the Santa Ana Regional Water Quality Control Board and to the City for review. A copy of the SWPPP must be kept accessible on the project site at all times. In addition, the applicant will be required to submit, and obtain City approval of, a Final Water Quality Management Plan in order to comply with the Area Wide Urban Runoff Management Program.

NOISE-1

Implementation of the following construction noise mitigation measures can reduce potential construction noise impacts to a less than significant level:

- All construction and general maintenance activities (except in an emergency) shall be limited to the hours of 6:00 a.m. to 6:00 p.m. (June through September) and 7:00 a.m. to 6:00 p.m. (October through May).
- The Construction equipment staging and storage areas should be located as far from the residential land uses as possible.
- All construction equipment shall be properly maintained with operating mufflers and air intake silencers as effective as those installed by the original manufacturer.
- Residents living up to 1,000 feet from the property line shall be provided with a construction schedule. A timely notification shall accompany any major changes to this schedule.

7. The development of the premises shall conform to the project plan package stamped approved on May 4, 2011.
8. In order to mitigate any potential impacts to unknown subsurface archaeological resources during grading operations, if an archeological resource is encountered during grading activities all grading shall be halted or diverted until a qualified archaeologist can assess the resources. Consequently, the following requirement

shall be included in the Notes Section of any grading plan: "If at any time during excavation/construction of the site, archaeological/cultural resources, or any artifacts or other objects which reasonably appears to be evidence of cultural or archaeological resource are discovered, the property owner shall immediately advise the City of such and the City shall cause all further excavation or other disturbance of the affected area to immediately cease. The Planning Director at his/her sole discretion may require the property owner to deposit a sum of money it deems reasonably necessary to allow the City to consult and/or authorize an independent, fully qualified specialist to inspect the site at no cost to the City, in order to assess the significance of the find. Upon determining that the discovery is not an archaeological/cultural resource, the Planning Director shall notify the property owner of such determination and shall authorize the resumption of work. Upon determining that the discovery is an archaeological/cultural resource, the Planning Director shall notify the property owner that no further excavation or development may take place until a mitigation plan or other corrective measures have been approved by the Planning Director."

9. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.
10. The landowner agrees to relinquish ownership of all cultural resources, including all archaeological artifacts that are found on the project area, to the Pechanga Tribe for proper treatment and disposition.
11. If inadvertent discoveries of subsurface archaeological resources are discovered during grading, the Developer, the project archaeologist, and the appropriate Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. If the Developer and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make the determination based on the provisions of the CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the appropriate Tribe.
12. All outdoor lighting for project shall conform with the requirements of Chapter 8.80 of the Wildomar Municipal Code (previously known as Ordinance 655).
13. The developer shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved

by the City, potentially resulting in the need for the project to be redesigned. Amended entitlement approvals may be necessary as a result.

14. No grading shall be performed without the prior issuance of a grading permit by the City.
15. Written permission shall be obtained from the affected property owners allowing any proposed grading and/or facilities to be installed outside of the project boundaries.
16. Prior to the issuance of a grading permit the Applicant shall obtain a hauling route permit for the import/export of material to the satisfaction of the City Engineer.
17. All building construction and design components shall comply with the provisions of the most recent City-adopted edition of the California Building, Plumbing and Mechanical Codes, California Electrical Code, California Administrative Code, and all appropriate City of Wildomar Standards and Codes.
18. The Applicant shall design and construct American with Disabilities Act (ADA) access from the public right of way to the main building entrance and van accessible parking in accordance with all appropriate City of Wildomar Standards and Codes, and ADA requirements and to the satisfaction of the City Engineer and Building Official.
19. The Applicant shall dedicate, design and construct all improvement in accordance with City of Wildomar Improvement Plan Check Policies, as further conditioned herein, and Standards and to the satisfaction of The City Engineer.
20. The Applicant shall be responsible for all costs associated with off-site right-of-way acquisition, including any costs associated with the eminent domain process, if necessary.

Prior to Issuance of Grading Permits

21. The Applicant shall provide a Title Report, including all back up documents, dated within 60 days of the first submittal and a site plan with all easement shown and labeled. Any conflicts raised that cannot be resolved may require amended entitlement approvals as a result. For all parcels that have a metes and bounds description the Applicant shall provide a chain of title to verify that the parcel is a legal parcel.
22. Prior to the issuance of a grading permit, it shall be the sole responsibility of the Applicant to obtain any and all easements and/or permissions necessary to perform the grading required for the project. A notarized letter of permission from all affected property owners or easement holders, or encroachment permit, is required for all off-site grading.
23. Prior to issuance of grading permits the Applicant shall provide the Engineering Department evidence of compliance with the National Pollutant Discharge

Elimination System (NPDES) and obtain a construction permit from the State Water Resource Control Board (SWRCB).

24. Submit, and the City approve the Final Water Quality Management Plan which ensures that post-construction flows do not exceed pre-construction levels and that tthat all storm water is treated on-site. Site design and BMPs shall be performed in accordance with the Riverside County Flood Control District's Best Management Practices design Handbook and to the satisfaction of the City Engineer.
25. Prepare and submit a comprehensive drainage study and plan that includes, but is not limited to: definition with mapping of the existing watersheds; a detailed pre- and post-project hydrologic and hydraulic analysis of the project and project impacts; definition of the local controlling 100-year frequency water levels existing and with project; the proposed method of flow conveyance to mitigate the potential project impacts with adequate supporting calculations; any proposed improvements to mitigate the impacts of increased runoff from the project and any change in runoff; including quality, quantity, volume, and duration in accordance with City of Wildomar's Hydrology Manual, Improvement Standards, and to the satisfaction of the City Engineer. Drainage from offsite properties currently crossing the project site shall be detailed in the study and shall be conveyed through a public drainage pipe system to an approved outlet or by other methods accepted by the City Engineer.
26. The WQMP and Hydrology and Hydraulic reports shall demonstrate that the runoff flow rate, volume, velocity and duration for the post-development conditions do not exceed the pre-development conditions for the 2-year 24 hour and 10-year 24 hour rainfall events. The reports shall provide a text description of the inputs, assumption, a table of the results, and conclusion. The reports shall justify the percentage of impervious area for onsite post-project with an exhibit. Site design and storm drainage design shall preserve the existing sheet flow condition of storm water discharge from the site. Storm water shall not be released at a concentrated point.
27. Drainage improvements shall be designed and improved, such that the 10 year storm flow shall be contained within the curb and the 100 year storm flow shall be contained within the street right of way. When either of these criteria is exceeded, additional drainage facilities shall be installed.
28. The property's grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area, outlet points and outlet conditions; otherwise, a drainage easement shall be obtained from the affected property owners for the release of concentrated or diverted storm flows. A copy of the recorded drainage easement shall be submitted to the City Engineer for review.
29. Grading in excess of 199 cubic yards may require performance security to be posted with the City of Wildomar.
30. Temporary erosion control measures shall be implemented immediately following rough grading to prevent deposition of debris onto downstream properties or

drainage facilities. Plans showing these measures shall be submitted to the City Engineer for review and acceptance.

Prior to the Issuance of Building Permits:

31. Landscaping installed for the project shall be continuously maintained to the satisfaction of the Planning Director. If it is determined that the landscaping is not being maintained, the Planning Director shall have the authority to require the property owner to bring the landscaping into conformance with the approved landscape plan. The continued maintenance of all landscaped areas shall be the responsibility of the developer or any successors in interest.
32. All proposed retaining walls or perimeter walls shall require a separate building permit prior to construction of said permits. All perimeter walls shown on the approved site plan shall be either tan Slump-stone or tan Split-face block.
33. Prior to the issuance of a building permit, the applicant shall comply with Building Department requirements in obtaining all necessary permits to construct said structures.
34. Prior to the issuance of building permits, the applicant shall pay all necessary impact and mitigation fees required by the City of Wildomar. These fees include, but are not limited to, fees associated with the Transportation Uniform Mitigation Fee (TUMF), Quimby (parkland in-lieu) Fee, and Development Impact Fees.
35. Improvement plans shall be approved by the City Engineer prior to issuance of the 1st building permit.
36. Prior to the issuance of the first building permit, the Applicant shall dedicate the southerly half - section of Waite Street, measured 30' from the approved centerline. Improvements will be based on the City of Wildomar Improvement Standard No. 105, Section "C" and to the satisfaction of the City Engineer. All property conveyed to the City of Wildomar in fee title shall be free and clear of any encumbrances, except as expressly permitted by the City. The Applicant shall provide title insurance in conjunction with all fee title dedications to the City of Wildomar.
37. Prior to the issuance of a building permit, the Applicant shall design and improve the southerly half - section of Waite Street, measured 30' from the approved centerline. Improvements will be based on the City of Wildomar Improvement Standard No. 105, Section "C", Improvement Plan Check Policies and Guidelines and to the satisfaction of the City Engineer. Improvement plans shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the City Engineer. The posting of acceptable securities (bonds) and entering into an improvement agreement shall meet the improvement requirement of this condition.

38. Prior to the issuance of the first building permit, the Applicant shall execute a maintenance agreement for stormwater treatment device(s) to the satisfaction of the City Engineer.
39. Prior to the issuance of a building permit, the Applicant shall demonstrate compliance with the California Title 24.
40. The Applicant shall submit landscaping and irrigation plans within the public right of way to the Planning Department. These plans shall include water usage calculations, estimate of irrigation and the location of all existing trees that will remain. All plans and calculations shall be designed and calculated per the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Codes and to the satisfaction of the City Engineer.
41. The Applicant shall dedicate visibility easements for all driveways per the City of Wildomar Improvement Standards and to the satisfaction of The City Engineer.
42. Prior to the issuance of a building permit, the developer shall annex into all applicable County Service Areas and Landscaping Maintenance District for landscaping, lighting, drainage and maintenance to the satisfaction of the City Engineer or otherwise form a District where one is not currently in place.
43. Prior to the issuance of building permit, the Applicant shall pay all necessary impact and mitigation fees required. These fees include, but are not limited to, fees associated with Zone A of the Southwest Road and Bridge Benefit District, Riverside County Flood Control and Water Conservation District, Transportation Uniform Mitigation Fee (TUMF), Quimby (parkland in-lieu) Fee, and Development Impact Fees.
44. A signing and striping plan is required for this project. The project proponent shall be responsible for any additional paving and/or striping removal caused by the striping plan.
45. Prior to the issuance of building permits, the applicant shall comply with all applicable requirements of the Riverside County Department of Environmental Health, and submit proof that the project complies with these requirements.
46. Prior to the issuance of building permits, the applicant shall comply with the recommendations set forth in the Elsinore Valley Municipal Water District, and submit proof that the project complies with these requirements.

Prior to Release of Power, Building Occupancy, or Any Use Allowed by This Permit

47. Prior to final inspection, all required landscape planting and irrigation shall have been installed consistent with the approved construction plans and shall be in a condition acceptable to the Planning Director. The plants shall be healthy and free of weeds, disease, or pests. The irrigation system shall be properly constructed and

in good working order. The applicant shall contact the Planning Department to schedule the final inspection(s).

48. Prior to final inspection, performance securities, in amounts to be determined by the Planning Director, to guarantee the maintenance of the plantings in accordance with the approved construction landscape and irrigation plan shall be filed with the Planning Department for a period of one year from final Certificate of Occupancy. After that year, if the landscaping and irrigation system have been maintained in a condition satisfactory to the Planning Director, the bond may be released upon request by the applicant.
49. Prior to the final inspection, all outdoor lighting shall be inspected by the Building and Safety Department to insure compliance with the approved lighting plan and the provisions of Chapter 8.08 of the Wildomar Municipal Code.
50. Each parking space reserved for the handicapped shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade, or centered at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches, clearly and conspicuously stating the following:

"Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed by telephoning (951) 245-3300"

In addition to the above requirements, the surface of each parking place shall have a surface identification sign duplicating the Symbol of Accessibility in blue paint of at least three square feet in size.

Riverside County Fire Department Conditions:

GENERAL CONDITIONS

51. FIRE.999PC - #01 – West Fire Protection Planning Office Responsibility. It is the responsibility of the recipient of these Fire Department conditions to forward them to all interested parties. The permit number (**as it is noted above**) is required on all correspondence. Additional information is available at our website: www.rvcfire.org go to the link marked "Ordinance 787". Questions should be directed to the Riverside County Fire Department, Fire Protection Planning Division at 2300 Market St. Suite 150, Riverside, CA 92501. Phone: (951) 955-4777, Fax: (951) 955-4886.
52. FIRE.999 USE-#90 CITY CASE STATEMENT. With respect to the conditions of approval for the referenced project, the Fire Department recommends the following

fire protection measures be provided in accordance with Riverside County Ordinances and/or recognize fire protection standards.

53. FIRE.999 USE-#76-STANDARD FH 330/165. Approved standard fire hydrants (6" x 4' x 2 1/2") shall be located at alternate street intersections and spaced not more than 330 feet apart in any direction with no portion of any lot frontage more than 165 feet from the fire hydrant. The water main(s) shall be a minimum 6" diameter. Fire flow shall be 1000 GPM for 2 hours duration at 20 PSI residual operating pressure.
54. FIRE.999 USE #23 MINIMUM REQUIRED FIRE FLOW. Minimum required fire flow shall be 1000 GPM for 2 hours duration at 20 PSI residual operating pressure, which must be available before any combustible material is placed on the job site. Fire flow is based on type VB construction per the 2007 CBC

PRIOR TO BUILDING PERMIT ISSUANCE

55. FIRE.999 USE-#4 – WATER PLANS. The applicant or developer shall separately submit two copies of the water system plan to the Fire Department (prior to building permit issuance) for review and approval. Calculated velocities shall not exceed 10 feet per second. Plans shall conform to the fire hydrant types, location and spacing. The system shall meet the fire flow requirements. Plans shall be signed and approved by a registered civil engineer and the local water company with the following certification: ***"I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."***

PRIOR TO BUILDING FINAL INSPECTION

56. FIRE.999 USE-#50 – BLUE DOT REFLECTORS. Blue retro reflective pavement markers shall be mounted on private street, public streets and driveways to indicate location of fire hydrants. Prior to installation, placement of markers must be approved by Riverside County Fire Department.
57. FIRE.999 USE-#45 – FIRE LANES. The applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.
58. FIRE.999 USE-#66- DISPLAY BOARDS. Display Boards will be as follows: Each complex shall have an illuminated diagrammatic representation of the actual layout which shows name of complex, all streets, building designators, unit numbers, and fire hydrant locations within dimension and located next to roadway access.
59. FIRE.999 USE-#25- GATE ENTRANCES. Gate entrances shall be at least two feet wider than the width of the traffic lane (s) serving that gate. Any gate providing access from a road to a driveway shall be located at least 35 feet from the roadway and shall open to allow vehicle to stop with out obstructing traffic on the road. Where

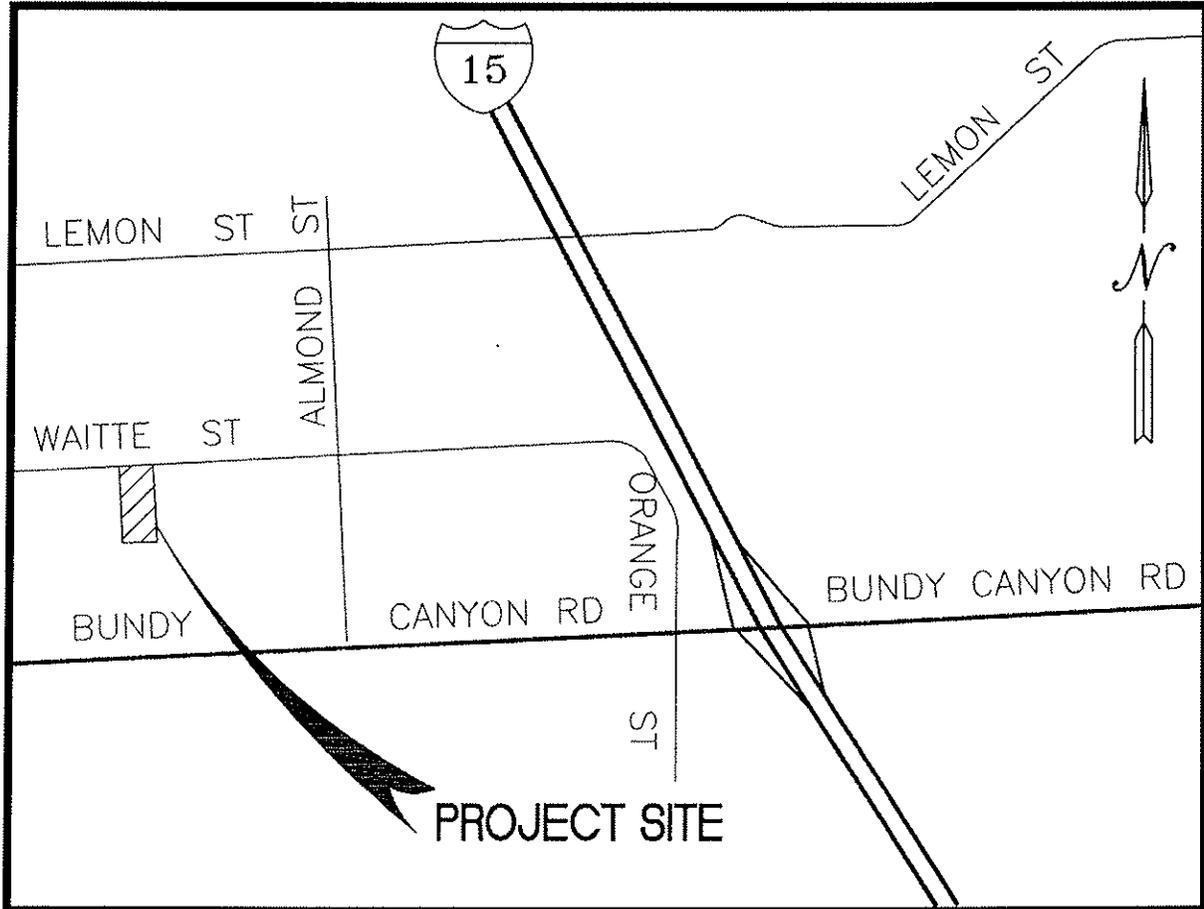
a one-way road with a single traffic lane provides access to a gate entrance, 40 foot turning radius shall be used.

60. FIRE.999 USE-#88A-AUTO/MAN GATES. Gate (s) shall be automatic, minimum 20 feet width, with a setback of 35 feet from face of curb/flow line. Gate access shall be equipped with a rapid entry system. Plans shall be submitted to the Fire Department for approval prior to installation. Automatic/manual gate pins shall be rated with shear pin force, not to exceed 30 foot pounds. Automatic gates shall be equipped with emergency backup power. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Current plan check deposit base fee is \$126.00.

61. FIRE.999 USE-#32- TITLE 19. Comply with Title 19 of the California Administrative Code.

ATTACHMENT C

VICINITY/LOCATION MAP



ATTACHMENT D

Full Size Development Plans – Under Separate Cover

ATTACHMENT E

**Mitigated Negative Deceleration
Under Separate Cover**

CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item # 2.2
PUBLIC HEARING
Meeting Date: May 4, 2011

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director 

SUBJECT: Zoning Ordinance Amendment No. 11-01:

A City-Initiated Zoning Ordinance Amendment to revise the rear yard setback requirement from 20 feet to 10 feet for detached accessory buildings in the R-R (Rural Residential) zone district.

RECOMMENDATION:

It is recommended that the Planning Commission adopt Resolution No. 11-04 titled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION AND APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 11-01 AMENDING SECTION 17.16.020.D.3 OF THE WILDOMAR ZONING ORDINANCE TO REVISE THE REAR YARD SETBACK FOR DETACHED ACCESSORY BUILDINGS IN THE R-R (RURAL RESIDENTIAL) ZONE

BACKGROUND/DISCUSSION:

The current rear yard setback requirement outlined in Section 17.16.020.D.3 of the R-R (Rural Residential) zone is 20 feet. This setback standard is applicable to both a main dwelling unit and a detached accessory buildings. This setback requirement was adopted by the City Council in April 2010 (Ordinance No. 49) because Ordinance No. 348 (Riverside County Zoning Ordinance), which was adopted by the City upon incorporation, did not include any specific building setbacks for the R-R zone.

The 20-foot rear yard setback was established by the Commission and Council to maintain the rural character of the R-R zone district. However, in staff's analysis there was no distinction between the main dwelling unit and a detached accessory building, so both structures were subject to the same setback requirement.

Over the past year, staff has had to reject several plot plan application requests for accessory buildings because the 20-foot rear yard setback could not be achieved. In some cases, certain properties had an existing detached accessory buildings that was approved by the County with a 10-foot rear yard setback. The alternative to this

situation has been to require a Variance application; however, this is expensive for the homeowner and making the required findings is difficult since most properties in the R-R zone are larger than the standard R-1 properties (i.e., less hardship or physical constraints).

To alleviate this situation staff, at the request of the Planning Commission, is proposing to amend the rear yard setback requirement for detached accessory buildings in the R-R zone from 20 feet to 10 feet. The rear yard setback requirement for the main dwelling unit will remain at 20 feet.

Staff believes that the reduced setback is a reasonable solution to address this issue. It is our opinion that establishing a 10-foot rear yard setback for a detached accessory buildings will not negatively affect the rural character of the R-R zone, as it will apply only to detached accessory structures. In addition, the 10-foot setback proposal will maintain the rural look while allowing homeowners in the R-R zone to better utilize their property and, in some cases, be consistent with the setbacks for existing accessory buildings.

ENVIRONMENTAL ASSESSMENT:

A review of the potential environmental impacts was conducted for the proposed 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 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.

REQUIRED FINDINGS:

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

The proposed amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan. The proposed revision to reduce the rear yard setback from 20 feet to 10 feet for detached accessory buildings in the R-R (Rural residential) zone will not affect any of the residential policies outlined in the General Plan. In fact, the amendment will allow homeowners to build detached accessory buildings in a manner in keeping with the setbacks for detached accessory buildings typically found in residential zones. As detached accessory

buildings are “accessory” to the main dwelling, it is appropriate that the required setback reflect the accessory nature of the use which is different from the nature and setbacks of the main dwelling unit. The proposed revision to the Zoning Ordinance is consistent with and, will further the provisions of General Plan, and will not impact the public health, safety and general welfare of the residents of Wildomar.

STAFF RECOMMENDATION

That the Planning Commission recommend the City Council take the following actions:

1. Notice of Exemption. That the City Council make a determination that the project is exempt from environmental review in accordance with Section 15061(b)(3) of the CEQA Guidelines and direct the Planning Director to file a Notice of Exemption with the Riverside County Clerk; and
2. Adopt an Ordinance. That the City Council adopt an Ordinance approving Zoning Ordinance Amendment No. 11-01 attached hereto and incorporated herein by reference as Exhibit 1.

Respectfully Submitted,



Matthew C. Bassi
Planning Director

ATTACHMENTS:

- A. PC Resolution No. 11-02
Exhibit 1 – Draft City Council Ordinance

ATTACHMENT A

PC Resolution No. 11-02

RESOLUTION NO. 11-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION AND APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 11-01 AMENDING SECTION 17.16.020.D.3 OF THE WILDOMAR ZONING ORDINANCE TO REVISE THE REAR YARD SETBACK FOR DETACHED ACCESSORY BUILDINGS IN THE R-R (RURAL RESIDENTIAL) ZONE

WHEREAS, the City of Wildomar incorporated on July 1, 2008 and adopted the County Zoning Ordinance (Ordinance No. 348) in effect at that time; and

WHEREAS, on April 23, 2011, City gave public notice by the methods prescribed in the Municipal Code announcing the holding of a public hearing at which time the proposed Zoning Ordinance Amendment No. 11-01 would be considered; and

WHEREAS, on May 4, 2011, the Planning Commission, during a regularly scheduled public hearing, considered the draft ordinance for Zoning Ordinance Amendment No. 11-01 reducing the rear yard setback for detached accessory buildings from 20 feet to 10 feet in the R-R (Rural Residential) zone.

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 requirements and processes for extensions of time for conditional use permits and has no potential to impact the environment. The proposed ordinance does not alter the existing requirements that specific development projects comply with the provisions of the California Environmental Quality Act. 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. REQUIRED FINDINGS.

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

The proposed amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan. The proposed revision to reduce the rear yard setback from 20 feet to 10 feet for detached accessory buildings in the R-R (Rural

residential) zone will not affect any of the residential policies outlined in the General Plan. In fact, the amendment will allow homeowners to build detached accessory buildings in a manner in keeping with the setbacks for detached accessory buildings typically found in residential zones. As detached accessory buildings are "accessory" to the main dwelling, it is appropriate that the required setback reflect the accessory nature of the use which is different from the nature and setbacks of the main dwelling unit. The proposed revision to the Zoning Ordinance is consistent with and, will further the provisions of General Plan, and will not impact the public health, safety and general welfare of the residents of Wildomar.

SECTION 3. PLANNING COMMISSION ACTIONS.

The Planning Commission recommends the City Council take the following actions:

1. Notice of Exemption. That the City Council make a determination that the project is exempt from environmental review in accordance with Section 15061(b)(3) of the CEQA Guidelines and direct the Planning Director to file a Notice of Exemption with the Riverside County Clerk; and
2. Adopt an Ordinance. That the City Council adopt an Ordinance approving Zoning Ordinance Amendment No. 11-01 attached hereto and incorporated herein by reference as Exhibit 1.

PASSED, APPROVED AND ADOPTED this 4th day of May, 2011 by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Harv Dykstra,
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas Jex, Assistant City Attorney

EXHIBIT 1

Draft City Council Ordinance

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA AMENDING SECTION 17.16.020.D.3 OF THE WILDOMAR ZONING ORDINANCE TO REDUCE THE REQUIRED REAR YARD SETBACK FOR DETACHED ACCESSORY BUILDINGS IN THE R-R (RURAL RESIDENTIAL) ZONE FROM 20 FEET TO 10 FEET.

THE WILDOMAR CITY COUNCIL DOES ORDAIN 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 requirements and processes for extensions of time for conditional use permits and has no potential to impact the environment. The proposed ordinance does not alter the existing requirements that specific development projects comply with the provisions of the California Environmental Quality Act. 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. General Plan Consistency Findings.

The proposed amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan. The proposed revision to reduce the rear yard setback from 20 feet to 10 feet for detached accessory buildings in the R-R (Rural residential) zone will not affect any of the residential policies outlined in the General Plan. In fact, the amendment will allow homeowners to build detached accessory buildings in a manner in keeping with the setbacks for detached accessory buildings typically found in residential zones. As detached accessory buildings are "accessory" to the main dwelling, it is appropriate that the required setback reflect the accessory nature of the use which is different from the nature and setbacks of the main dwelling unit. The proposed revision to the Zoning Ordinance is consistent with and, will further the provisions of General Plan, and will not impact the public health, safety and general welfare of the residents of Wildomar.

SECTION 3: Amendment of the Zoning Ordinance.

Section 17.16.020.D.3 of the Wildomar Zoning Ordinance is hereby amended to read in its entirety as follows:

3. The rear yard setback for the main dwelling unit shall not be less than twenty (20) feet.

- a. The rear yard setback for a detached accessory buildings on the same lot, as defined by Section 17.172.130, shall not be less than ten (10) feet.

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

SECTION 5. If any section, subsection, subdivision, sentence, clause, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. The city clerk shall certify to the adoption of this ordinance and shall cause the same to be published in accordance with law.

ENACTED AND ADOPTED this ____ day of _____, 2011.

Marcia Swanson
Mayor

APPROVED AS TO FORM:

Julie Hayward Biggs
City Attorney

ATTEST:

Debbie A. Lee, CMC
City Clerk

ORDINANCE NO. 49

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING CHAPTER 17.16 OF MUNICIPAL CODE OF THE CITY OF WILDOMAR PERTAINING TO BUILDING SETBACKS IN THE RURAL RESIDENTIAL ZONE (ZONING CODE AMENDMENT 10-01)

The City Council of the City of Wildomar ordains as follows:

SECTION 1. ENVIRONMENTAL FINDINGS. The City Council, in light of the whole record before it, including but not limited to, the City's Local CEQA Guidelines and Thresholds of Significance, the recommendation of the Planning Director as provided in the Staff Report dated April 14, 2010 and documents incorporated therein by reference, and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2) within the record or provided at the public hearing of this matter, hereby finds and determines that the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. CONSISTENCY WITH THE GENERAL PLAN. The proposed amendments to the Zoning Ordinance are consistent with and do not conflict with the provisions of the General Plan.

SECTION 3. AMENDMENT TO SECTION 17.16.020 OF THE ZONING ORDINANCE. Subsection 17.16.020.D of the Wildomar Municipal Code is hereby added to read as follows:

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

1. The front yard shall be not less than twenty (20) feet, measured from the existing street line or from any future street line as shown on any specific plan of highways, whichever is nearer the proposed structure.
2. The side yards for interior and through lots that are seventy (70) feet in width or greater, the minimum side yard shall be not less than five (5) feet on one side and ten (10) feet on the other side. For lots that are less than seventy (70) feet in width, the minimum side yard shall be not less than five (5) feet; except that corner and reversed corner lots shall be not less than ten (10) feet from the existing street line or from any future street line as shown on any specific plan of highways.
3. The rear yard shall not be less than twenty (20) feet.

4. No structural encroachments shall be permitted in the front, side or rear yard except as provided for in Section 17.172.140."

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Certification and Publication. The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 6. Effective Date. This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

PASSED, APPROVED, AND ENACTED this 28th day of April, 2010.


Bridgette Moore, Mayor

APPROVED AS TO FORM:

ATTEST:


Julie Hayward Biggs
City Attorney


Debbie A. Lee, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 49 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on April 14, 2010, and was duly adopted at a regular meeting held on April 28, 2010, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Moore, Mayor Pro Tem Swanson, Council Members Ade, Farnam

NOES: Council Member Cashman

ABSTAIN: None

ABSENT: None



Debbie A. Lee, CMC
City Clerk
City of Wildomar

AGENDA ITEM 3.0

GENERAL BUSINESS ITEMS

(NO ITEMS AGENIZED)