



CITY OF WILDOMAR PLANNING DIRECTOR HEARING AGENDA

Planning Director – Matthew C. Bassi

PLANNING DIRECTOR MEETING OF WEDNESDAY, May 15, 2013 AT 2:00 P.M.

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

CALL TO ORDER

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 Director 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 Director prior to the start of the meeting. Lengthy testimony should be presented to the Planning Director in writing (3 copies) and only pertinent points presented orally. Comments are limited to three (3) minutes per speaker. The Planning Director encourages citizens to address them so the questions and/or comments can be heard.

1.0 CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine. There will be no separate discussion of these items unless the Planning Director, the public, or staff request specific items be removed from the Consent Calendar for discussion and/or separate action.

- April 24, 2013 Planning Director hearing minutes

2.0 PUBLIC HEARINGS:

2.1 Plot Plan No. 12-0346:

Planning Director consideration of a Plot Plan for the approval of an as-built 703 square-foot accessory structure for garage/storage purposes on 0.19 acres within the R-R (Rural Residential) zone located at 32772 Central Street (APN 376-121-002).

RECOMMENDATION:

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

A RESOLUTION OF THE PLANNING DIRECTOR OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A CATEGORICAL EXEMPTION PER SECTION 15303(E) (NEW CONSTRUCTION) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVE PLOT PLAN NO. 12-0346 TO LEGALIZE AN AS BUILT 703 SQUARE-FOOT ACCESSORY STRUCTURE ON 0.19 ACRES WITHIN THE R-R (RURAL RESIDENTIAL) ZONE LOCATED AT 32772 CENTRAL STREET (APN: 376-121-002)

STAFF COMMUNICATIONS

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

FUTURE AGENDA ITEMS

ADJOURNMENT

The Planning Director meeting is hereby adjourned.

RIGHT TO APPEAL:

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

REPORTS:

All agenda items and reports are available for review at Wildomar City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, California 92595. Any writings or documents provided to the Planning Director 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 decision of the Planning Director 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 Director.

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 May 9, 2013, a true and correct copy of this agenda was posted at the three (3) designated places: 1) Wildomar City Hall, 23873 Clinton Keith Road; 2) United States Post Office, 21392 Palomar Street; and 3) Mission Trail Library, 34303 Mission Trail Road.

1.0 CONSENT CALENDAR



CITY OF WILDOMAR
OFFICIAL PLANNING DIRECTOR HEARING MINUTES
REGULAR DIRECTOR MEETING OF April 24, 2013

CALL TO ORDER The Director's Hearing was called to order by Planning Director Matthew Bassi at 2:00 P.M. at the Wildomar City Hall, Council Chambers.

Staff Present: Matthew Bassi, Planning Director
 Alfredo Garcia, Assistant Planner

PUBLIC COMMENT: There were no public comments.

1.0 CONSENT CALENDAR:

Approval of the March 20, 2013 Planning Director hearing minutes.

2.0 PUBLIC HEARING ITEMS: The Director of Planning will review the proposed request, receive public input and consider action for the following items:

2.1 MINOR PLOT PLAN 11-0188: Planning Director consideration of a proposed Plot Plan for the construction of a 2,400 square-foot accessory structure for garage/storage purposes on 2.21 acres within the R-R (Rural Residential) zone located at 33205 Wilson Street (APN 382-220-018)

Assistant Planner Alfredo Garcia made a brief presentation regarding the site plan and architecture.

Jeff McElrath, Applicant spoke in favor of the project.

PLANNING DIRECTOR ACTION:

2.2 Planning Director Bassi approved Minor Plot Plan 11-0188 subject to the findings and conditions for a proposed 2,400 square-foot detached accessory structure to be used for personal storage on a 2.21 acre site located at 33205 Wilson Street (APN 382-220-018)

ADJOURNMENT

The Director's Hearing was adjourned at 2:19 PM by Planning Director Bassi.

Minutes Approved By:

Matthew Bassi, Planning Director

2.0 PUBLIC HEARINGS

CITY OF WILDOMAR – PLANNING DIRECTOR MEETING
Agenda Item # 2.1
PUBLIC HEARING
Meeting Date: May 15, 2013

TO: Planning Director, Matthew Bassi

FROM: Alfredo Garcia, Assistant Planner

SUBJECT: Plot Plan No. 12-0346 (Solis Accessory Structure):

Planning Director consideration of a Plot Plan for the approval of an existing 703 square-foot accessory structure for garage/storage purposes on 0.19 acres within the R-R (Rural Residential) zone located at 32772 Central Street (APN 376-121-002).

RECOMMENDATION:

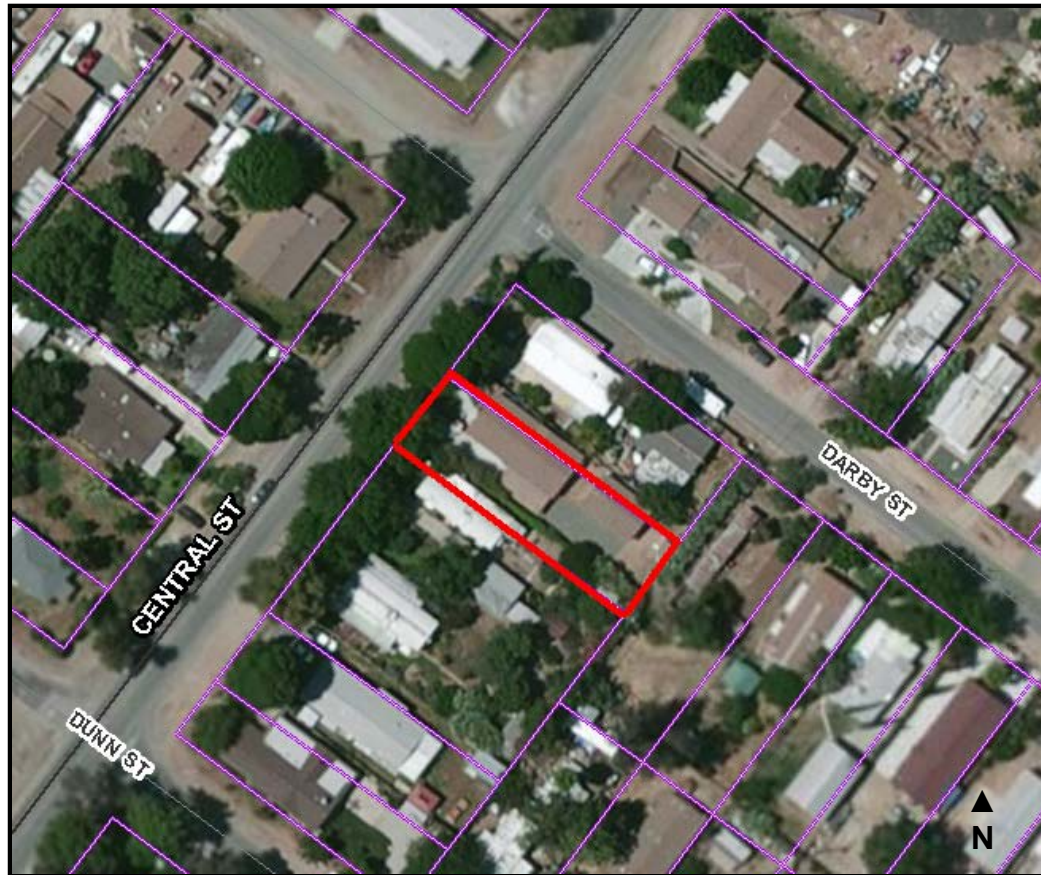
Staff recommends the Planning Director adopt Resolution No. 13-03 (Attachment A) entitled:

A RESOLUTION OF THE PLANNING DIRECTOR OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A CATEGORICAL EXEMPTION PER SECTION 15303(E) (NEW CONSTRUCTION) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVE PLOT PLAN NO. 12-0346 TO LEGALIZE AN EXISTING 703 SQUARE-FOOT ACCESSORY STRUCTURE ON 0.19 ACRES WITHIN THE R-R (RURAL RESIDENTIAL) ZONE LOCATED AT 32772 CENTRAL STREET (APN: 376-121-002)

PROJECT DESCRIPTION:

On October 03, 2012, the applicant Mr. Ernesto Solis submitted a plot plan application for an existing 703 square-foot detached accessory structure. The application was brought forth due to a code enforcement violation (2000129) for construction without permits. The owner currently has an existing 1,620 square-foot dwelling on the property and is utilizing the existing structure to store personal items and vehicles. The property is located at 32772 Central Street (Attachment B, Site Plan). The following is an aerial view of the project site for reference.

Aerial Photo Exhibit



The existing accessory structure is 12 feet in height and is located on a parcel that is 0.19 acres in size. The accessory structure is wood framed with horizontal siding. The exterior building is painted "beige", the trim color is light brown and the roofing material is asphalt composition shingle that matches the existing home. A 16 foot wide garage door with two (2) 3 x 3 foot windows are located on the west elevation, one 3 x 3 foot window on the south elevation, two (2) 3 x 3 foot windows on the east elevation and one (1) 3 x 3 foot window with a three (3) foot wide door is located on the north elevation. The elevation design for the accessory structure is provided in attachment C.

DISCUSSION:

General plan and Zoning consistency:

The City of Wildomar General Plan designates this site as Medium Density Residential (MDR) which allows for single family residential dwellings at a density of 2 to 5 dwelling units per acre. This designation also allows residents to construct accessory structures on the same property as the main dwelling.

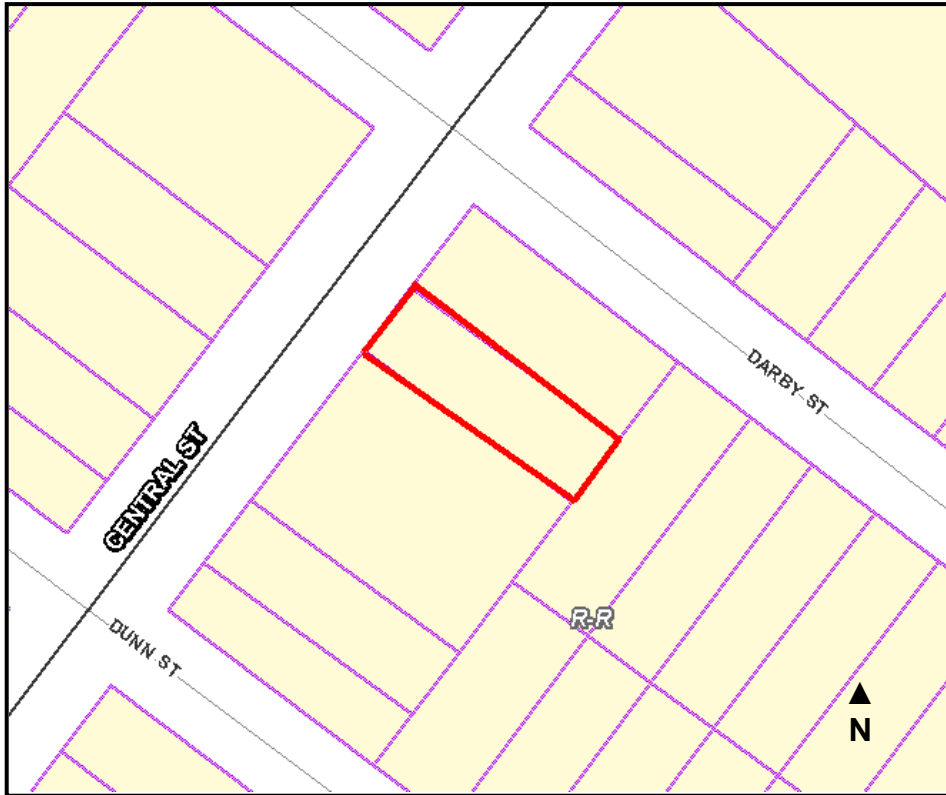
The zoning designation on this property is Rural Residential (RR) which allows for single family residences and an accessory structure to be placed on the property as long as they conform to the development standards of section 17.16.020 and section 17.172.130 of the Wildomar Zoning Ordinance.

Table 1 shows the land uses, General Plan Designation and Zone District for the project site and surrounding properties.

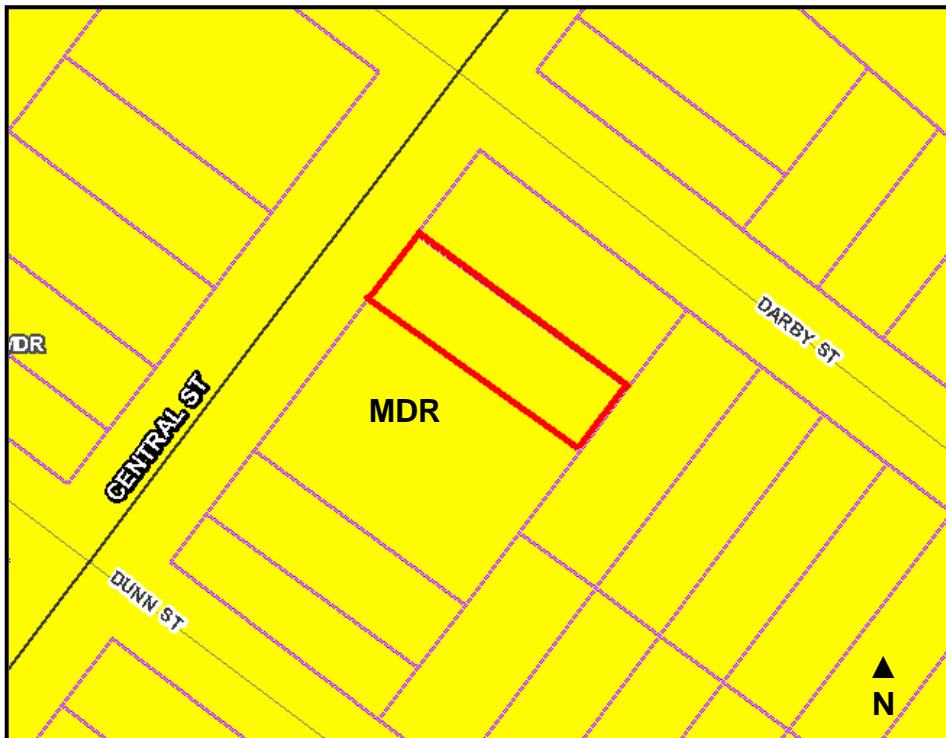
Table 1
Existing Land Use, General Plan Designation and Zone District
Surrounding the Proposed Project

ADJACENT ZONING AND LAND USE			
Direction?	Land Use	GPLUD	Zone District
Project Site	Residential	MDR, Medium Density Residential	R-R, Rural Residential
North	Residential	MDR, Medium Density Residential	R-R, Rural Residential
South	Residential	MDR, Medium Density Residential	R-R, Rural Residential
East	Residential	MDR, Medium Density Residential	R-R, Rural Residential
West	Residential	MDR, Medium Density Residential	R-R, Rural Residential

Zoning Map (Rural Residential)



General Plan Map (Medium Density Residential)



Proposed site plan:

The accessory structure is setback 102 feet from the front property line, 25 feet from the rear property line, 5 feet and 24 feet from the north and south side property lines respectively. As shown, all minimum setbacks have been exceeded. The accessory structure is 12 feet high which makes it consistent with zoning requirements for height. The accessory structure is located 17 feet away from the main dwelling.

Table 2 below provides a compliance summary of the project as it relates to development standards for the R-R zone:

**Table 2- Project Comparison To Development Standards
Required by Section 17.16.020 of the Wildomar Zoning Ordinance**

Development standard	Zoning Ord. Standard	Proposed Project Specifics	Meets Dev. Standards
Front setback	20 feet	102 feet	Yes
Side setback	5 feet	5 & 24 feet	Yes
Rear setback	10 feet	25 feet	Yes
Building height	20 feet	12 feet	Yes
Main dwelling and proposed building setback	10 feet	17 feet	yes

REQUIRED PLOT PLAN FINDINGS:

Section 17.172.130 of the Wildomar Zoning Code requires that the Director make the following findings before approving an accessory structure.

- A. The proposed use is consistent with the Wildomar General Plan and Zoning Ordinance.

The existing residential dwelling and proposed accessory structure is consistent with the City of Wildomar General Plan as the Medium Density Residential land use designation that allows for residential uses. The Rural Residential Zone District that implements this land use designation allows for residents to construct accessory structures on the same property. The applicant has submitted a plot plan application to approve a 703 square-foot detached accessory structure to be used for storage purposes. As shown in Table 2, all of the development standards for the construction of an accessory structure have been met.

- B. The overall development of the land shall be designed for the protection of the public health, safety, and general welfare.

The accessory structure meets the requirements of the zoning code and is consistent with the land use designation established by the City of Wildomar General Plan. The ability of the property owner to construct an accessory structure furthers the general welfare of the resident.

- C. The overall development of the land shall be designed to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.

The accessory structure matches the existing dwelling on the site in terms of color, roofing materials and design. The existing dwelling unit is similar to, and part of, a larger neighborhood of single family homes. As shown in Table 2, the accessory structure meets all the development requirements as stated in sections 17.16 .010 and section 17.172.130 of the Wildomar Zoning Ordinance.

- D. All plot plans which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

ENVIRONMENTAL ASSESSMENT:

The Planning Department has determined that the 703 square-foot accessory structure is Categorically Exempt from the state California Environmental Quality Act Guidelines (CEQA) in accordance with Section 15303(e) New Construction "...of an accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences." If the project is approved, a Notice of Exemption will be filed with the Riverside County Clerk within five (5) days from this hearing.

STAFF RECOMMENDATION

Staff recommends the Planning Director adopt Resolution No. 13-03 (Attachment A) approving a Categorical Exemption in accordance with Section 15303(e) New Construction, of the California Environmental Quality Act (CEQA) Guidelines, and approving Plot Plan No. 12-0346.

Respectfully Submitted,

Alfredo Garcia

Plot Plan No. 12-0346

May 15, 2013

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Assistant Planner

ATTACHMENTS:

- A. Resolution No. 13-03, Approving Plot Plan No. 12-0346
Exhibit 1 – Conditions of Approval
- B. Site Plan
- C. Floor Plan
- D. Elevations

ATTACHMENT A

Resolution No. 12-03

DH RESOLUTION NO. 12-03

A RESOLUTION OF THE PLANNING DIRECTOR OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A CATEGORICAL EXEMPTION PER SECTION 15303.E (NEW CONSTRUCTION) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVE PLOT PLAN NO. 12-0346 TO LEGALIZE AN AS BUILT 703 SQUARE-FOOT ACCESSORY STRUCTURE ON 0.19 ACRES WITHIN THE R-R (RURAL RESIDENTIAL) ZONE LOCATED AT 32772 CENTRAL STREET (APN: 376-121-002)

WHEREAS, the Planning Department has received an application for Plot Plan No. 12-0346 to approve an as-built 703 square-foot accessory structure on a 0.19 acre site located at 32772 Central Street filed by:

Applicant/Owner: Ernesto Solis
Project Location: 32772 Central Street
APN: 376-121-002
Lot Area: 0.19 acres

WHEREAS, the City of Wildomar Planning Director has the authority in accordance with Section 17.216 of the Wildomar Zoning Ordinance to take action on Plot Plan No. 12-0346; and

WHEREAS, On May 20, 2013, using a method permitted under CEQA Guidelines Section 15303(e) New Construction, the City shall process a Notice of Exemption with the Riverside County Clerk; and

WHEREAS, on May 1, 2013, the City gave public notice of having a Planning Director hearing by mailing said notice to adjacent property owners within 300-foot radius of the project site, notifying adjacent residents of a public hearing for the proposed Plot Plan No. 12-0346 to be considered at the Planning Director hearing; and

WHEREAS, on May 1, 2013, the City published a legal notice in "The Californian", a newspaper local circulation, notifying the public of the holding of a public hearing for the proposed Plot Plan No. 12-0346 to be considered at the Planning Director hearing; of May 15, 2013.

WHEREAS, on May 15, 2013, the City of Wildomar held a noticed Planning Director public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Plot Plan No. 12-0346, and at which time the Planning Director considered the proposed Plot Plan.

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

SECTION 1. ENVIRONMENTAL FINDINGS.

The Planning Department has determined that the 703 square-foot accessory structure is Categorically Exempt from the state California Environmental Quality Act Guidelines (CEQA) in accordance with Section 15303(e) New Construction "...of an accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences."

SECTION 2. REQUIRED PLOT PLAN FINDINGS.

- A. The proposed use is consistent with the Wildomar General Plan and Zoning Ordinance.

The proposed use is consistent with the City of Wildomar General Plan as the Medium Density Residential designation allows for single family residential dwellings at a density of 2 to 5 dwelling units per acre. This designation also allows for residents to construct accessory structures on the same property. The applicant has submitted a plot plan application to approve an existing 703 square-foot detached accessory structure to be used for storage purposes in the Rural Residential (R-R) zone. Pursuant to Section 17.172.130 of the Wildomar Zoning Ordinance, an accessory building is allowed in the Rural Residential (R-R) Zone provided that the proposed structure meets the development standards. The building is setback 102 feet from the front property line, 25 feet from the rear property line, 24 feet and 5 feet from the north and south side property lines respectively which exceeds and meets the minimum zone requirements. Additionally, the structure is 12 feet high and is located 17 feet away from the main dwelling; both exceed code requirements.

- B. The overall development of the land shall be designed for the protection of the public health, safety, and general welfare.

The proposed construction under Plot Plan 12-0346 consists of an as-built 703 square-foot detached accessory structure to be used for storage purposes on a 0.19 acre site. The project is designed with consideration for the protection of the public health, safety, and general welfare of the City of Wildomar and surrounding area. As all zoning and building code standards will be met.

- C. The overall development of the land shall be designed to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.

The proposed project has been designed to conform to a logical pattern of development as envisioned by the General Plan. The properties to the north, south, east and west have a General Plan Land Use Designation of Medium Density

Residential and are also zoned for Rural Residential. The “as-built” accessory structure has been constructed to match with the existing homes architectural construction and meets all the development requirements as stated in sections 17.16 .010 and section 17.172.130 of the Wildomar Zoning Ordinance.

- D. All plot plans which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

The project proposes to legalize an “as-built” accessory structure on a single parcel. In addition, any future sale of a portion of the site will require City approval of a subdivision or condominium map. The project fully complies with this requirement.

SECTION 3. PLANNING DIRECTOR ACTION.

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

1. Notice of Exemption. That the Planning Director make a determination that Plot Plan No. 12-0346 is Categorically Exempt in accordance with Section 15303.E (New Construction) of the California Environmental Quality Act (CEQA) Guidelines, and direct the Planning Department to file a Notice of Exemption with the Riverside County Clerk; no later than Monday, May 20, 2012.
2. Approval of Plot Plan. That the Planning Director approves Plot Plan No. 12-0346, subject to conditions, attached hereto and incorporated herein by reference as Exhibit 1.

PASSED, APPROVED AND ADOPTED this 15th day of May, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST:

Alfredo Garcia
Minutes Secretary

Matthew C. Bassi
Planning Director

**EXHIBIT 1
CONDITIONS OF APPROVAL**

Project Application: Plot Plan Application No. 12-0346

APN: 376-121-002

Approval Date: May 15, 2013

Expiration Date: May 15, 2015

Conditions of Approval	Timing / Implementation	Enforcement / Monitoring	Verification (Date and Signature)
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PLANNING DEPARTMENT CONDITIONS

General Conditions

1.	No later than May 20, 2013, 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 \$50.00 as required by the Riverside County Clerk's office to file the Notice of Exemption.	May 20, 2013	Planning Department	
2.	The applicant shall review and sign below verifying the "Acceptance of the Conditions of Approval" and return the signed page to the Wildomar Planning Department no later than May 15, 2013. <hr style="width: 30%; margin-left: 0;"/>	May 15, 2013	Planning Department	
	Applicant Signature: _____ Date: _____			
3.	The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents,	On-Going	Planning Department	

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<p>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,</p>			
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	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.			
4.	Approval of Plot Plan No. 12-0346 shall expire on May 15, 2015 (2 years after project approval) if the building permits have not been issued, for the accessory structure. The project site will be subject to code enforcement.	May 15, 2015	Planning Department	
5.	All plot plans which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the	On-Going	Planning Department	

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	parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.			
6.	In accordance with Section 5.72.020 of the City of Wildomar Municipal Code, no home occupation or any business activities may occur from the accessory structure. In accordance with Section 17.206 the accessory structure cannot be used as a second unit or living quarters.	On-Going	Planning Department	
7.	The accessory structure shall be architecturally consistent with the main dwelling.	On-Going	Planning Department	
8.	If human remains are encountered during grading activities, 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	On-Going	Planning Department	

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	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.			
9.	If inadvertent discoveries of subsurface archeological/ cultural resources are discovered during grading, the Developer shall notify the Planning Director. A Riverside County qualified archeologist and a Pechanga Tribal representative shall be retained to assess the significance of such resources and shall meet and confer with the Developer regarding the mitigation of such resources. Pursuant to Calif. Pub. Res. Code 21083.2 (b) avoidance is preferred method of preservation for archeological resources. If the Developer, the project archeologist and the Tribe cannot agree on the significance or the mitigation for such resources, these issues will be presented to the Planning Director or other appropriate City representative for decision. The Planning Director or other appropriate City representative shall make the determination based on the provisions of the	On-Going	Planning Department	

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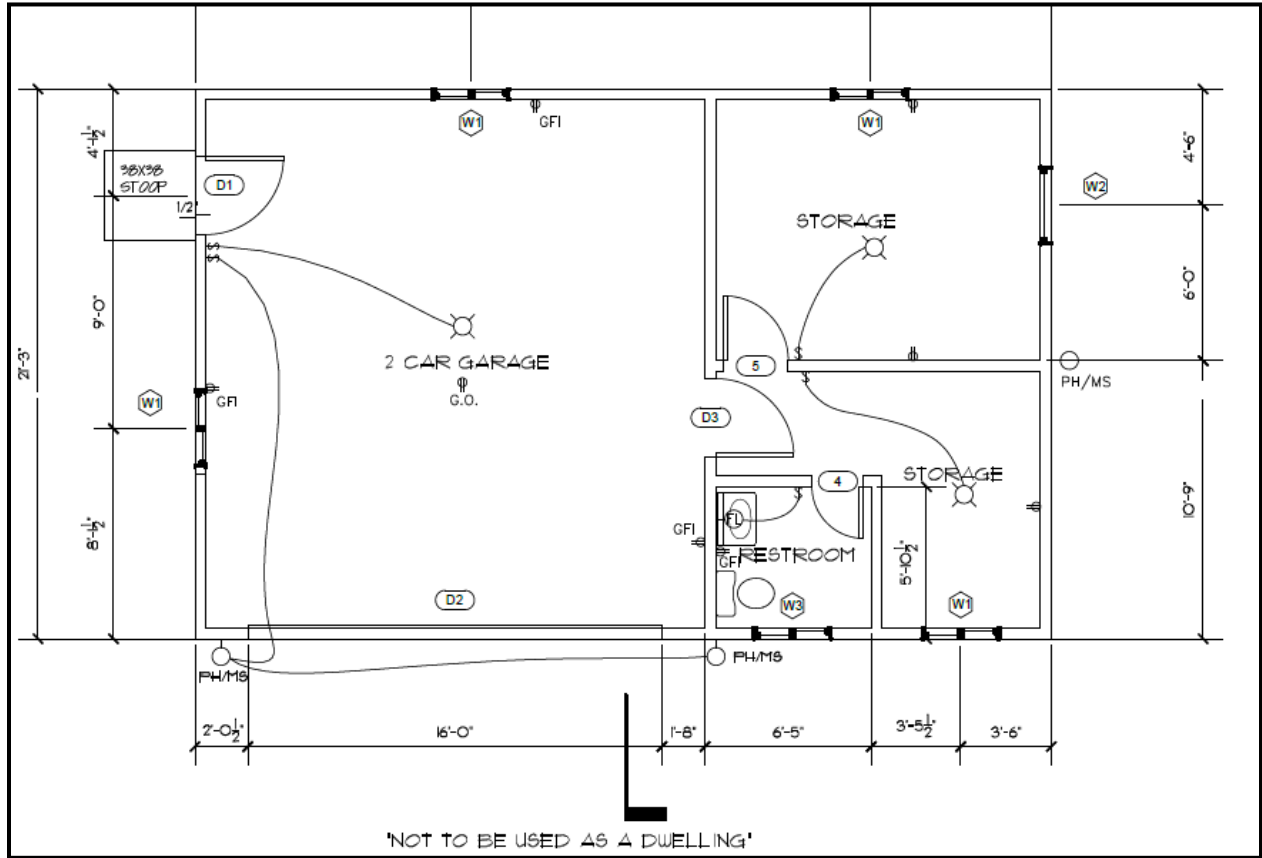
California Environmental Quality Act with respect to archeological resources and shall take into account the religious beliefs, customs , and practices of the Tribe. Notwithstanding and other rights available under the law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.			
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Building and Safety Department Conditions

Prior to building permits

10.	Prior to the issuance of Building Permits and final inspection, all outstanding balances with the City of Wildomar must be paid in full.	On-Going	Planning & Building Department.
11.	Applicant shall obtain all Building permits prior to receiving final occupancy.	On-Going	Planning & Building Department.
12.	The site shall be developed in accordance with the approved site plan dated approved on May 15, 2013, on file in the Planning Department and the conditions contained herein. Any grading shall be in accordance with the California Building Code, the City Grading Ordinance, the approved grading plan, the soils report, and grading practices acceptable to the City.	On-Going	Planning & Building Department.

ATTACHMENT C FLOOR PLAN



ATTACHMENT D ELEVATION PLAN

