

**CITY OF WILDOMAR
CITY COUNCIL REGULAR COUNCIL MEETING MINUTES
MAY 12, 2010**

The regular meeting of May 12, 2010, of the Wildomar City Council was called to order by Mayor Moore at 7:02 p.m.

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

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

MOMENT OF SILENCE

A moment of silence was observed.

FLAG SALUTE

The flag salute was led by Kalin Webb, Boy Scout Eagle Scout award recipient.

PRESENTATIONS

Mayor Moore presented a Proclamation to Kalin Webb for attaining the Eagle Scout award.

Mayor Moore presented a Proclamation to John Lloyd, Outgoing Parks and Recreation Committee Member.

Henry Silvestre presented the Chamber of Commerce monthly update.

Community Services Director Willette presented the Parks monthly update.

Chief Beach presented the Fire Department monthly update.

Veronica Langworthy gave the Library quarterly update.

PUBLIC COMMENTS

Sharon Heil, Historical Society, stated on May 16 at the VFW, the new Wildomar history book will be available and Bob Cashman, author, will be holding a book signing.

Wayne Williams, We the People, stated his appreciation to the Council for entertaining an Ordinance that would allow medical marijuana dispensaries in the City. He urged the Council to limit the number of dispensaries, and to limit them based on their business plan.

Veronica Langworthy, resident, related information she received from the State of California regarding medical marijuana dispensaries and collectives. She added that there is a great deal of information on the State's Public Health website. She is concerned about how the marijuana is being used in the City and encouraged the City Council to follow the lead of the San Ramon City Council and place a ban on these types of businesses until such time as this issue had been thoroughly researched further.

City Attorney Biggs advised that the City of Wildomar currently does not allow medical marijuana dispensaries in any zone now, so there is no need for an urgency Ordinance.

APPROVAL OF THE AGENDA AS PRESENTED

A MOTION was made by Council Member Ade, seconded by Council Member Farnam, to approve the agenda as presented.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Pro Tem Swanson. Motion carried.

1.0 CONSENT CALENDAR

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to approve the Consent Calendar as presented.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Pro Tem Swanson. Motion carried.

1.1 Reading of Ordinances

Approved the reading by title only of all ordinances.

1.2 Minutes – April 28, 2010 Regular Meeting

Approved the Minutes as submitted.

1.3 Warrant Registers Dated April 28 & May 6, 2010; Payroll Warrant Register Dated April 30, 2010

Approved:

1. Warrant Register dated April 28, 2010 in the amount of \$215,659.00;
2. Warrant Register dated May 6, 2010 in the amount of \$455,978.95; and
3. Payroll Warrant Register dated April 30, 2010 in the amount of \$288.50.

2.0 PUBLIC HEARINGS

2.1 Ordinance Amending Chapter 1.03 of the Wildomar Municipal Code Pertaining to Code Violations

Mayor Moore opened the public hearing.

City Engineer Kashiwagi presented the staff report.

SPEAKERS:

Diane O'Malley, resident, stated she is troubled with aspects of the Ordinance. There appears to be layers and the Hearing Officer will not be a City employee and therefore not accountable to anyone. She feels there is no oversight and that a great deal of harm could be done to the citizens. We have employees that are accountable to the people now, including the Council who have taken ethics training. She would also like to see the City adopt a code of ethics.

City Attorney Biggs stated the City Council must abide by the State's code of ethics. In regards to the Hearing Officer, cities are required to contract that out as you cannot have someone who is relying upon the city for their income, as that would be a bias they would have.

Deputy City Attorney McEwen explained that, by law, the city has to contract independent hearing officers. He then explained court cases where this was not the case and the court rulings on these cases against the cities stating a conflict of interest. Additionally, a hearing officer's decision does have judicial recourse.

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

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to introduce an Ordinance entitled:

ORDINANCE NO. 50
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING CHAPTER 1.03 OF THE
WILDOMAR MUNICIPAL CODE PERTAINING TO CODE VIOLATIONS

Council Member Cashman stated this is the type of Ordinance he hoped would never be in Wildomar. This is being done on a thought that we may need it, but there are no current cases we can pinpoint that would need an Ordinance like this. What is the training that Code Enforcement Officers need to determine if it is a criminal offense, and where is the oversight of the Supervisor. The Hearings are conducted as a "mini-trial" when it is a trial and what is the recourse one would have regarding the decision. A criminal offense belongs at the City Manager level where the City Council can be advised of the legal aspects. This Ordinance is too heavy-handed. He recommends the Ordinance be tabled.

Deputy City Attorney McEwen stated this Ordinance is a product of a discussion with Code Enforcement Staff as a way to strengthen existing regulations and to address areas that were missing. This is an administrative hearing, not a trial.

City Attorney Biggs stated this Ordinance allows for lesser intrusive actions so that the matters can be resolved without going to Court.

Discussion ensued regarding administrative citations and the process; and the current system in place leaves the City with no other option than to take the person to Court.

City Clerk Lee stated that an email was received from Gil Rasmussen, resident, in support of the Ordinance. Each Council Member did receive a copy of the email.

Roll call vote: Ayes – 3; Nays – 1, Council Member Cashman; Absent – 1, Mayor Pro Tem Swanson. Motion carried.

3.0 GENERAL BUSINESS

3.1 AB1645 "Safe, Clean, and Reliable Drinking Water Supply Act of 2010"

City Clerk Lee gave brief background on the issue stating the issue came to the City through WRCOG who adopted a similar Resolution. She then introduced Greg Morrison, Elsinore Valley Municipal Water District, who gave the presentation.

Mr. Morrison presented a power point regarding AB1645.

Discussion ensued regarding the grant process.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to adopt Resolution No. 2010 – 16.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Pro Tem Swanson. Motion carried.

RESOLUTION NO. 2010 - 16
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, IN SUPPORT OF THE SAFE, CLEAN, AND RELIABLE
DRINKING WATER SUPPLY ACT OF 2010

3.2 Inland Valley Hospital Update

City Manager Oviedo gave the staff presentation. He reviewed the information contained in the staff report. Currently there are several regulatory issues that Southwest Health Care Systems is facing. Also, the State is in the process of revoking their licenses due to the regulatory issues. Currently they are overhauling their system, such as a new CEO is on board. The Mayor, Mayor Pro Tem, and he, met with Marc Miller, President, Universal Health Services, to discuss Inland Valley Hospital's status and steps being taken to correct the situation there.

Council Member Ade asked if they indicated how often they would be updating the City.

Mayor Moore answered that he did not indicate that, but did say they would update everyone at the same time.

Discussion ensued regarding the Board of Directors; Better communication on the part of the Hospital between the Hospital and the City; and more participation in the Chamber of Commerce.

3.3 Autism Task Force

City Manager Oviedo gave the staff presentation.

A MOTION was made by Council Member Farnam, seconded by Council Member Ade, to appoint Council Member Farnam to the Autism Task Force.

Roll call vote: Ayes – 4; Nays – 0; Absent – 1, Mayor Pro Tem Swanson.
Motion carried.

CITY MANAGER REPORT

City Manager Oviedo stated the Public Budget workshop will take place on May 20, at 7:00 p.m. in the Council Chambers. Also, May 25, 5:30 – 7:30 p.m. at Wildomar Elementary School, regarding the Safe Routes to School grant that the City received. This will be a time for the citizens to comment and preview the design of the plan and generally comment on the plan. A subcommittee of EVMWD wants to meet with a subcommittee of the Council. He would like this to be part of the Economic Development Subcommittee's duties.

It was the consensus of the City Council to add this to the duties of the Economic Development Subcommittee.

City Manager Oviedo stated he will be bringing to the City Council a recommendation regarding the Cemetery District. He briefly went over the issues with Caltrans regarding the on and off ramps of Clinton Keith being shut down without notifying the City.

CITY ATTORNEY REPORT

City Attorney Biggs advised she will not be able to attend the next Council meeting and that Assistant City Attorney Jex will be attending in her place. Also, her office is working on the medical marijuana issue and they attended the League of California Cities conference for attorneys last week where it was discussed. She noted that there are two articles in the current Western City magazine that the League puts out. One article discusses how to ban the medical marijuana facilities and the other article discusses how to regulate them. Also, she has applied for, and has been declared eligible for, the California Redistricting Committee. She is also hosting a fundraiser at her home for Tom Campbell, candidate for the U.S. Senate on May 13, from 5:00 – 7:00 p.m. and invited the City Council.

COUNCIL COMMUNICATIONS

Council Member Cashman stated he did attend a full day workshop and meeting of the Habitat Conservation Committee. He spoke about the burrowing owls.

Council Member Ade stated she attended the SCAG General Assembly where all the Cities in SCAG participated. This was a first for SCAG. She spoke about the conference and related it was very good.

Council Member Farnam stated he attended WRCOG, two RCTC meetings, and the High Speed Rail committee. He will also be doing economic development at ICSC shoe later in the month.

Mayor Moore stated she attended: the Miss Wildomar pageants; the clean-up day at Elsinore High School and Ronald Reagan Elementary; the Bi-National Mayors summit in Rosarito Beach in Mexico; the League Dinner in Canyon Lake; and ROTC. She encouraged everyone to attend the Farmers Market on Monday nights at Marna O'Brien Park. She also encouraged everyone to participate in the bicycle safety event on May 15. She thanked Council Member Cashman for co-writing the article with her that is in the Wildomar Gazette regarding the history of Wildomar.

Council Member Farnam encouraged everyone to vote on June 8.

FUTURE AGENDA ITEMS

No items.

ADJOURNMENT

There being no further business, Mayor Moore declared the meeting adjourned at 8:40 p.m.

Respectfully submitted by:

Debbie A. Lee, CMC
City Clerk

TO: Mayor and City Council
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Warrant Registers dated May 11, 12, and 13, 2010.

STAFF REPORT

RECOMMENDATION:

That the City Council approve:

1. Warrant Register dated May 11, 2010 in the amount of \$64.00;
2. Warrant Register dated May 12, 2010 in the amount of \$663,496.99; and
3. Warrant Register dated May 13, 2010 in the amount of \$0.00.

BACKGROUND:

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

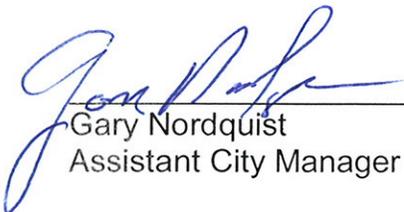
FISCAL IMPACTS:

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

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction.

Submitted by:



Gary Nordquist
Assistant City Manager

Approved by:



Frank Oviedo
City Manager

**Warrant Register
May 11, 2010**

05/06/2010 Bill Payment (Check) 2406 County of Riverside - County Clerk

Grant Funds - Safe Routes to Schools	\$	64.00
	Sub-total:	\$ 64.00

**Warrant Register
May 12, 2010**

<u>Date</u>	<u>Type</u>	<u>Num</u>	<u>Name</u>	<u>Memo/Description</u>	<u>Amount</u>
05/12/2010	Bill Payment (Check)	2407	American Forensic Nurses	Blood Draws	267.00
05/12/2010	Bill Payment (Check)	2408	DataQuick	Code Enforcement Software - April 2010	128.04
05/12/2010	Bill Payment (Check)	2409	Exec-U-Care	Medical Reimbursement - Finance Director	401.82
05/12/2010	Bill Payment (Check)	2410	Jeff Thomas	Frames for ADA Notices	57.56
05/12/2010	Bill Payment (Check)	2411	North County Times	Public Hearing Notices - Code Compliance & Proj. 10-0092	183.96
05/12/2010	Bill Payment (Check)	2412	Riverside County Sheriff's Department	Contract Law Enforcement - Dec 09 - Feb10, Rate Adjustment	648,798.66
05/12/2010	Bill Payment (Check)	2413	Department of Justice	Wildomar Police - Blood Analysis - March 2010	70.00
05/12/2010	Bill Payment (Check)	2414	Twin Graphics	Logo Set-up for Wildomar Police Dept; Vehicle Graphics	1,658.36
05/12/2010	Bill Payment (Check)	2415	Wells Fargo Business Card	April 2010 Charges - Multiple Departments	6,917.85
05/12/2010	Bill Payment (Check)	2416	Unum	Insurance Premium - March - June 2010	5,013.74
				Sub-total:	\$ 663,496.99

**Warrant Register
13-May-10**

<u>Date</u>	<u>Type</u>	<u>Num</u>	<u>Name</u>	<u>Memo/Description</u>	<u>Amount</u>
5/13/2010	VOIDED	2394	WRCOG	Multi-Species Habitat Fee - March/April 2010	(4,815.81)
5/13/2010	VOIDED	2412	Riverside County Sheriff's Department	Contract Law Enforcement - Dec 09 - Feb10, Rate Adjustment	(648,798.66)
5/13/2010	Bill Payment (Check)	2417	Western Riverside County Regional Agency	Multi-Species Habitat Fee - March/April 2010	4,815.81
5/13/2010	Bill Payment (Check)	2418	Riverside County Sheriff's Department	Contract Law Enforcement - Dec 09 - Feb10, Rate Adjustment	647,626.55
5/13/2010	Bill Payment (Check)	2419	County of Riverside - TLMA Administration	FY2010 3rd QTR SLF Billing	1,172.11
				Sub-total:	\$ 0.00

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.4
CONSENT CALENDAR
Meeting Date: May 26, 2010

TO: Mayor and City Council
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Treasurer's Report, April 2010

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council approve the Treasurer's Report for April, 2010.

BACKGROUND/DISCUSSION:

Attached is the Treasurer's Report for Cash and Investments for the month of April 2010.

FISCAL IMPACTS:

None at this time.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction.

Submitted by:



Gary Nordquist
Assistant City Manager

Approved by:



Frank Oviedo
City Manager

Attachments: Treasurer's Report

**CITY OF WILDOMAR
TREASURER'S REPORT FOR
CASH AND INVESTMENT PORTFOLIO
April 2010**

CITY CASH

FUND	ACCOUNT	INSTITUTION	BALANCE	RATE
All	All	WELLS FARGO	\$ 3,239,669.14	0.00%
		TOTAL	\$ 3,239,669.14	

FUND	ACCOUNT	INSTITUTION	BEGINNING BALANCE	+ DEPOSITS	(-) WITHDRAWALS	ENDING BALANCE	RATE
All	All	WELLS FARGO	\$ 2,397,718.21	\$ 1,231,617.48	\$ (389,666.55)	\$ 3,239,669.14	0.000%
		TOTAL	\$ 2,397,718.21	\$ 1,231,617.48	\$ (389,666.55)	\$ 3,239,669.14	

CITY INVESTMENT

FUND	ISSUER	BOOK VALUE	FACE VALUE	MARKET VALUE	PERCENT OF PORTFOLIO	DAYS TO MAT.	STATED RATE
All	LOCAL AGENCY INVESTMENT FUND	\$ 1,522,227.90	\$ 1,522,227.90	\$ 1,522,227.90	100.00%	0	0.588%
	TOTAL	\$ 1,522,227.90	\$ 1,522,227.90	\$ 1,522,227.90	100.00%		

CITY - TOTAL CASH AND INVESTMENT \$ 4,761,897.04

CITY INVESTMENT

FUND	ISSUER	BEGINNING BALANCE	+ DEPOSITS/ PURCHASES	(-) WITHDRAWALS/ SALES/ MATURITIES	ENDING BALANCE	STATED RATE
All	LOCAL AGENCY INVESTMENT FUNDS	\$ 1,520,139.58	\$ 2,088.32	\$ 0.00	\$ 1,522,227.90	0.588%
	TOTAL	\$ 1,520,139.58	\$ 2,088.32	\$ 0.00	\$ 1,522,227.90	

In compliance with the California Code Section 53646, as the Director of Finance/ City Treasurer of the City of Wildomar, I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the City's expenditure requirements for the next six months and that all investments are in compliance to the City's Statement of Investment Policy.

I also certify that this report reflects all Government Agency pooled investments and all City's bank balances.

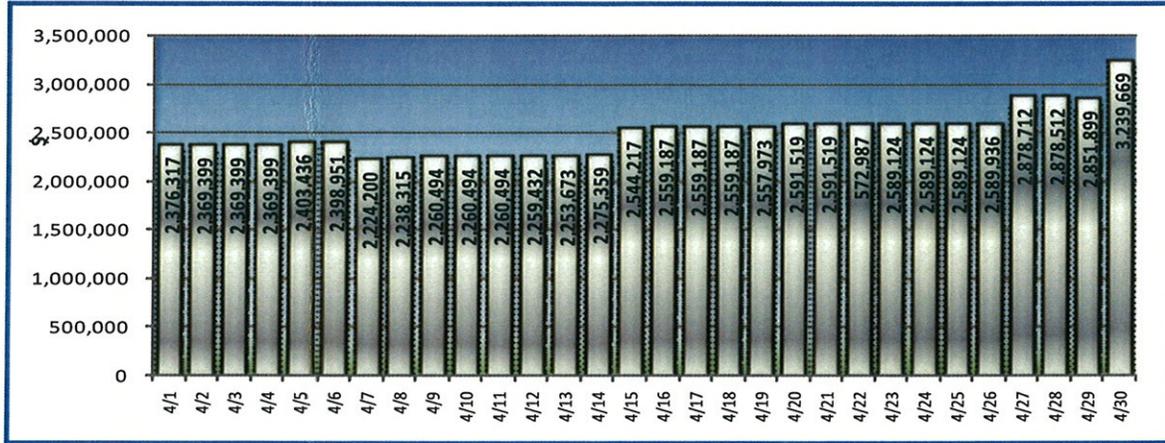
Gary Nordquist
ACM Finance & Administration /
City Treasurer

Date



April 2010

Daily Cash Balance All Funds Checking Only Pool Report Balance



2008-2009	Ending Balance	Monthly Net Activity
July	\$ 20,855	\$ 20,855
August	2,297,920	2,277,065
September	2,402,083	104,163
October	2,340,436	(61,647)
November	2,203,169	(137,267)
December	747,664	(1,455,505)
January	826,502	78,838
February	733,251	(93,251)
March	571,857	(161,394)
April	644,285	72,428
May	687,746	43,461
June	1,266,750	579,004
July	2,027,072	760,322
August	4,745,827	2,718,755
September	4,201,825	(544,002)
October	3,674,234	(527,592)
November	3,098,110	(576,124)
December	2,963,884	(710,350)
January	2,801,810	(296,300)
February	2,919,794	117,984
March	2,397,718	(522,076)
April	3,239,669	841,951

April 2010		
Date	Ending Balance In Whole \$	Net Change from Prior Day
4/1	2,376,317	-
4/2	2,369,399	(6,918)
4/3	2,369,399	-
4/4	2,369,399	-
4/5	2,403,436	34,037
4/6	2,398,951	(4,485)
4/7	2,224,200	(174,751)
4/8	2,238,315	14,115
4/9	2,260,494	22,179
4/10	2,260,494	-
4/11	2,260,494	-
4/12	2,259,432	(1,062)
4/13	2,253,673	(5,759)
4/14	2,275,359	21,686
4/15	2,544,217	268,858
4/16	2,559,187	14,970
4/17	2,559,187	-
4/18	2,559,187	-
4/19	2,557,973	(1,214)
4/20	2,591,519	33,546
4/21	2,591,519	-
4/22	2,589,119	(2,400)
4/23	2,589,124	5
4/24	2,589,124	-
4/25	2,589,124	-
4/26	2,589,936	812
4/27	2,878,712	288,776
4/28	2,878,512	(200)
4/29	2,851,899	(26,613)
4/30	3,239,669	387,770

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #1.5
CONSENT CALENDAR
Meeting Date: May 26, 2010

TO: Mayor and City Council
FROM: Michael Kashiwagi, Development Services
SUBJECT: Second Reading of Ordinance No. 50, Amending Chapter 1.03 of the Wildomar Municipal Code Pertaining to Code Violations

STAFF REPORT

RECOMMENDATION:

That the City Council adopt an Ordinance entitled:

ORDINANCE NO. 50
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, AMENDING CHAPTER 1.03 OF THE WILDOMAR MUNICIPAL CODE
PERTAINING TO CODE VIOLATIONS

BACKGROUND/DISCUSSION:

This Ordinance was introduced at the May 12, 2009 City Council Public Hearing.

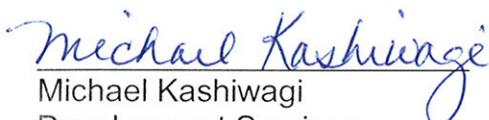
FISCAL IMPACTS:

An independent hearing officer will typically involve an hourly rate. For example the Office of Administrative Hearings typically charges approximately \$180 per hour, plus a \$66 case filing fee. The exact fiscal impact cannot be determined in advance of a particular nuisance abatement action.

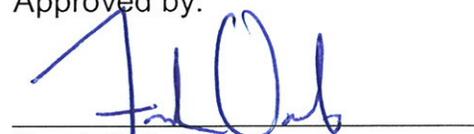
ALTERNATIVES:

1. Take no action.
2. Amend the Ordinance

Submitted by:


Michael Kashiwagi
Development Services

Approved by:


Frank Oviedo
City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF WILDOMAR, CALIFORNIA, AMENDING CHAPTER 1.03
OF THE WILDOMAR MUNICIPAL CODE PERTAINING TO
CODE VIOLATIONS

THE CITY COUNCIL OF THE CITY OF WILDOMAR ORDAINS AS FOLLOWS:

SECTION 1. Amendment of Chapter 1.03. Chapter 1.03 of the Wildomar Municipal Code is hereby amended to read in its entirety to read as shown in Exhibit "A" to this Ordinance.

SECTION 2. CEQA. The City Council finds that this Ordinance ("Ordinance") is not subject to the California Environmental Quality Act (CEQA) for the following reasons:

A. The Ordinance is exempt from CEQA because it is not a project as defined in Public Resources Code section 21065 and CEQA Guidelines section 15378. (CEQA Guidelines section 15060(c)(3).) The Ordinance does not meet the definition of a project because it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further, the Ordinance is not subject to CEQA under CEQA Guidelines section 15060 (c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Ordinance merely supplements preexisting code enforcement authority by adding procedures for administrative abatement of public nuisances, refining existing administrative citation procedures, and ensuring the City's ability to recover costs in nuisance abatement actions. Because the City already has the authority and power to enforce the Municipal Code through misdemeanor prosecution, civil actions, and administrative citations, the Ordinance will not encourage or discourage development. Accordingly, there is no possibility of a physical change in the environment.

B. The City has analyzed the Ordinance and has determined that it is exempt from CEQA under section 15061(b)(3) of the CEQA Guidelines (the common sense exception) which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Ordinance does not relate to any one physical project and will not result in any physical change to the environment because it merely supplements preexisting code enforcement authority and does not encourage or discourage any development within the City.

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it

would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. Publication. The City Clerk is directed to cause this ordinance to be published or posted in accordance with Government Code section 36933.

PASSED, APPROVED, AND ENACTED this 26th day of May, 2010.

Bridgette Moore, Mayor

ATTEST:

Debbie Lee, City Clerk

APPROVED AS TO FORM:

Julie Hayward Biggs, City Attorney

EXHIBIT "A"

Chapter 1.03 CODE VIOLATIONS

Sections:

- 1.03.010 Definitions
- 1.03.020 Violation of Municipal Code – Misdemeanor.
- 1.03.030 Aiding and Abetting.
- 1.03.040 Punishments.
- 1.03.050 Imprisonment in County Jail.
- 1.03.060 Violations – Public Nuisances.
- 1.03.070 Administrative Abatement.
- 1.03.080 Administrative Citations.
- 1.03.090 Civil Actions.
- 1.03.100 Attorneys' Fees.
- 1.03.110 Notice of Noncompliance.
- 1.03.120 Treble Damages.

1.03.010 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Administrative citation" or "citation" shall mean a written notice to a responsible party that a violation of this code has occurred and an assessment of civil fines issued by an enforcement officer of the city.

(b) "City" shall mean the City of Wildomar.

(c) "City manager" shall mean the city manager of the city.

(d) "Code" shall mean the Wildomar Municipal Code or any ordinance adopted by the city council or other codes or regulations of the State of California or the County of Riverside or otherwise applicable to the city.

(e) "Continuing violation" shall mean either a particular violation of the code continuing for more than 24 hours without correction or abatement, or a repeated, consecutive violation of the same offense without intervening days.

(f) "Enforcement Officer" shall mean any officer, agent or employee of the city designated by the city manager to have the authority and responsibility to enforce certain provisions of this code.

(g) "Hearing Officer" shall mean an impartial individual designated by the city manager to preside over administrative abatement hearings pursuant to Section 1.03.070 and administrative citation appeal hearing pursuant to Section 1.03.080. The hearing officer shall not be a city employee. The employment, performance, evaluation, compensation and benefits of the hearing officer, if any, shall not be directly or indirectly conditioned upon the outcome of any administrative hearing and/or the amount of fines upheld. The City may contract with a qualified provider to conduct administrative hearings or to process administrative citations.

(h) "Notice of violation" shall mean a written notice to a responsible party that a violation of this code has occurred and a warning that an administrative citation assessing fines will be issued unless the violation is ceased and abated.

(i) "Responsible party" shall mean any individual who is the owner, tenant, lessee, or occupant of real property, or the owner, majority stockholder, general partner, or authorized agent of any business, company, or entity, or the parent or the legal guardian of any person under the age of 18 years, who causes or maintains a violation of this code.

1.03.020 Violation of Municipal Code -- Misdemeanor.

(a) It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code, any Code adopted by reference by this Code, or any ordinance of the City not included within this Code. Any person violating any such provision or failing to comply with any such requirements shall be guilty of a misdemeanor, unless the violation is specifically designated as an infraction.

(b) Pursuant to California Government Code Section 36900, the city attorney may prosecute any violation of this code in the name of the people of the State of California. In any such criminal prosecution, the city attorney is authorized to reduce the charge for any misdemeanor violation to an infraction.

(c) Pursuant to California Penal Code Section 836.5, Enforcement Officers are authorized to issue criminal citations following the procedures set forth in California Penal Code Sections 853.5 through 853.6a, or such other procedures as the state of California may subsequently enact.

(d) Each person convicted of a misdemeanor or infraction under the provisions of this Code shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision or failure to comply with any of the requirements of this Code, any Code adopted by reference by this Code, or any ordinance of the City not included within this Code is committed, continued or permitted by such person, and may be punished accordingly.

1.03.030 Aiding and Abetting. Whenever any act or omission is made unlawful by this Code, any Code adopted by reference by this Code, or any ordinance of the City not included within this Code, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.03.040 Punishments.

(a) Any conviction of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the County jail for a period not exceeding six months, or by both fine and imprisonment.

(b) Any conviction of an infraction under the provisions of this Code shall be punishable for a first conviction by a fine of not more than one hundred dollars (\$100), for a second conviction within a 12-month period by a fine of not more than two hundred dollars (\$200), and for a third or any subsequent conviction within a 12-month period by a fine of not more than five hundred dollars (\$500).

Any provision or requirement of this Code or of any Code adopted by reference by this Code or of any ordinance of the City not included within this Code, the violation of which or the failure to comply with which is designated as an infraction, shall be prosecutable as a misdemeanor upon a fourth violation within a 12-month period and upon each violation thereafter of the same provision by the same individual within a 12-month period.

1.03.050 Imprisonment in County Jail. Imprisonment for violation of this Code, any code adopted by reference by this Code, or any City ordinance not included in this Code shall be in the County Jail.

1.03.060 Violations – Public Nuisances. In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this Code, any code adopted by reference by this Code, or any ordinance of the City not included within this Code, or any such threatened violation, shall be deemed a public nuisance.

1.03.070 Administrative Abatement. The Enforcement Officer, as defined in Section 1.03.010(f), may initiate proceedings to abate public nuisances as follows:

(a) First Notice of Nuisance. Upon the determination by the Enforcement Officer that a nuisance exists, a Notice of Nuisance shall be prepared with copies thereof to be served either personally or by mail, postage prepaid, certified, return receipt requested, to the owner of said affected premises as shown on the last equalized assessment role, or the tenant. If no address can be found or is known to the Enforcement Officer, then the notice shall be mailed to such person at the address of the premises affected by the proceedings. The failure of any person to receive the notice does not affect the validity of any proceedings taken hereunder. A copy of the Notice of Nuisance shall be prominently and conspicuously placed upon the premises affected by the nuisance proceedings. Where the Enforcement Officer has determined that the condition causing the nuisance is imminently dangerous to human life or limb, or to public health or safety, the Enforcement Officer may include in the first notice an order that the property, building or structure affected be vacated pending correction or abatement of the conditions causing the nuisance. The First Notice of Nuisance shall contain the following:

(1) A legal description and street address, assessor's parcel number, or other description sufficient to identify the premises affected.

(2) A description of the condition causing the nuisance. Where the Enforcement Officer has determined that the condition causing the

nuisance can be corrected or abated by repair or corrective action, the notice shall state the repairs or corrective actions that will be required and the time limit within which the nuisance must be corrected.

(3) An order to complete abatement of the nuisance within a reasonable amount of time.

(4) A statement that if the nuisance is not corrected as specified, a hearing will be held before an independent Hearing Officer to consider whether to order abatement of the nuisance and that the City may levy a special assessment for the recovery of all costs, including attorneys' fees and hearing officer fees, incurred or expended by the City in the abatement of the nuisance. This special assessment shall be collected at the same time and in the same manner as is provided for the collection of ordinary taxes pursuant to Section 38773.5 of the Government Code. Special assessments shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency as is provided for ordinary taxes.

(b) Notice of Nuisance Abatement Hearing. If, upon the expiration of the period specified in the First Notice of Nuisance, action to abate the nuisance has not been commenced, or, if it has been commenced, it has not been pursued with due diligence or completed within the time specified, the Enforcement Officer shall prepare a Notice of Nuisance Abatement Hearing and serve such notice. The hearing shall be scheduled before a Hearing Officer at a stated time and place not less than 15 days after service of the notice to show cause why stated conditions should not be found to be a nuisance and why the nuisance should not be abated by the Enforcement Officer. The Notice of Nuisance Abatement shall contain the following:

(1) The heading "Notice of Nuisance Abatement Hearing."

(2) The date, time and place of the hearing.

(3) The information specified in subsection (a) of this Section.

(c) Abatement Action. A decision to abate a nuisance shall be reached through a hearing conducted in accordance with subdivision (d) below. Upon the conclusion of the hearing, the Hearing Officer may terminate the abatement proceedings or may order the owner or other affected person to abate the nuisance prescribing a reasonable time (not less than 30 days) for completion of abatement. The order may further provide that, in the event abatement is not commenced, conducted and completed in accordance with the terms set by the hearing officer, the Enforcement Officer is empowered and authorized to abate the nuisance. The order of the hearing officer shall be served by mail, postage prepaid, certified, return receipt requested to the owner of said affected premises as shown on the last equalized assessment roll. The time limits set by the hearing officer begin upon service of the notice. The order issued by the Hearing Officer will be deemed a final order and may be judicially reviewed

pursuant to Code of Civil Procedure section 1094.6. There is no right to a City Council appeal.

(d) Abatement Hearing. The Hearing Officer shall hear testimony and shall consider other evidence concerning the conditions constituting cause to revoke approval or conditional approval, to forfeit bond, or to abate a nuisance. Parties to enforcement actions may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine witnesses. The hearing need not be conducted according to technical rules relating to evidence and witnesses and may be continued from time to time. The Hearing Officer shall deliberate upon the evidence and make findings upon such evidence to support any action of the hearing body to revoke approval or conditional approval, abate a nuisance, or deny an appeal on the forfeiture of a bond. Thereafter, the hearing body shall issue its order to the respondent.

(e) Abatement Penalties and Costs. Upon expiration of the time limits established as set forth in subsection (c) of this section, the Enforcement Officer shall acquire jurisdiction to abate the nuisance. Any materials in or constituting any nuisance abated by the Enforcement Officer may be disposed of or, if directed by the hearing officer, sold in the same manner as surplus City personal property is sold.

(f) Account of Costs and Receipts and Notice of Assessment. The Enforcement Officer will keep an itemized account of the costs of enforcing the provisions of this title and of the proceeds of the sale of any materials connected therewith. Upon completion of abatement, the Enforcement Officer shall prepare a notice to be served by mail, postage prepaid, certified, return receipt requested, to the owner as shown on the last equalized assessment roll specifying:

- (1) The work done.
- (2) An itemized account of the expenses incurred or expended in the abatement of the nuisance, including the costs and receipts of performing any abatement work, the actual expenses and costs of the City in preparation of notices, specifications, and contracts, inspection of the work, and the cost of printing and mailings required under this chapter, and any attorney fees and costs expended in the abatement of the nuisance, through civil action or otherwise.
- (3) An address, legal description, or other description sufficient to identify the premises.
- (4) The amount of the assessment proposed to be levied against the premises, or the amount to be refunded, if any, due to excess proceeds over expenses.
- (5) The time and place where the Enforcement Officer will submit the account to the Hearing Officer for confirmation. The time and place specified shall be not less than 15 days after service of the notice.

(6) A statement that the Hearing Officer will hear and consider objections and protests to said account and proposed assessment or refund.

(7) A statement that the property may be sold after three years by the tax collector for unpaid delinquent assessments.

(g) Hearing on Account and Proposed Assessment. At the time and place fixed in the notice, the Hearing Officer will hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the Hearing Officer may make such modifications and revisions of the proposed account and assessment as it deems just and may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised. The determination of the Hearing Officer as to all matters contained therein is final and conclusive. The Hearing Officer shall give notice of the decision on the assessment of the costs of abatement by certified mail to the property owner and to any responsible person. The notice shall include a statement that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The decision issued by the City Hearing Officer will be deemed a final order and may be judicially reviewed pursuant to Code of Civil Procedure section 1094.6. There is no right to a City Council appeal.

(h) Notice of Assessment. Upon confirmation of an assessment by the Hearing Officer, the Enforcement Officer is to prepare and have recorded in the office of the County Recorder of Riverside County a notice of assessment. The notice of assessment shall contain the following:

(1) A legal description, address and/or other description sufficient to identify the premises.

(2) A description of the proceeding under which the special assessment was made, including the decision of the Hearing Officer confirming the assessment.

(3) The amount of the assessment.

(4) A claim of assessment upon the described premises.

(i) Assessment. Upon the recordation of a notice of assessment, the amount claimed shall constitute an assessment upon the described premises, pursuant to Section 38773.5 of the Government Code. Such assessment is to be at a parity with the assessments of state and county taxes.

(j) Collection with Ordinary Property Taxes. After recordation, the Notice of Assessment is to be delivered to the County Auditor, who will enter the amount of the assessment on the assessment roll as a special assessment. Thereafter, the amount set forth is to be collected at the same time and in the same manner as ordinary municipal taxes and is subject to the same penalties and interest and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary

municipal taxes; all laws applicable to the levy, collection and enforcement of municipal taxes are made applicable to such assessment.

(k) Summary Abatement Procedure. Notwithstanding any other provision of this code, whenever the Enforcement Officer determines that a public nuisance exists within the City and that nuisance constitutes an imminent hazard or danger to public health or safety, the Enforcement Officer, without observing the provisions of this chapter with regard to abatement procedures, may take the following steps to abate the nuisance: (1) give the property owner written notice by U.S. mail of the public nuisance, the City's proposed timing and method of the abatement, and the City's intent to collect the abatement costs as lien against the property subject to collection as property taxes; (2) following notice to the property owner, take all necessary and reasonable steps to cause the abatement of such nuisance in such manner as the Enforcement Officer determines is reasonably required; (3) promptly report any such emergency abatement action to the City Council; and (4) cause to be maintained an itemized account of the costs incurred by the City in abating the imminently dangerous condition. Such costs may be recovered by the city in the same manner that abatement costs are recovered pursuant to subsections (f) through (j) of this section.

1.03.080 Administrative citations. In addition to the remedies and penalties contained in this chapter, and in accordance with Government Code Section 53069.4, an administrative citation may be issued for any violation of this Code. The following procedures shall govern the imposition, enforcement, collection and administrative review of administrative citations and penalties.

(a) Administrative Citation Authority.

(1) Any responsible party violating, causing or maintaining a violation of any provision of this Code may be issued an administrative citation by an Enforcement Officer assessing a civil fine as provided in this section. A responsible party to whom a citation is issued shall be liable for and shall pay to the City the fine or fines described in the citation when due along with correction of the violation listed by the Enforcement Officer.

(2) Any Enforcement Officer of the City, upon determining that a provision of this Code which he is charged to enforce has been violated, has the authority to issue an administrative citation to any responsible party. Pursuant to this authority, the Enforcement Officer shall determine the appropriate responsible party for each violation.

(3) Each and every day a violation of this Code exists constitutes a separate and distinct offense and will be subject to a separate fine. A single citation may charge a violation for one or more days on which a violation exists, and for violation of one or more Code sections.

(4) The owner of any premises within the City has the responsibility for keeping such premises free of violations related to the use or condition of the property. The owner of such premises is a responsible party and shall be separately liable for violations committed by tenants or occupants relative to the use or condition of the property.

(b) Notice of Violation.

(1) Whenever an Enforcement Officer determines that a violation of this Code exists, the Enforcement Officer may issue a notice of violation to a responsible party prior to issuing an administrative citation. The notice of violation serves as a written warning of responsibility and requires immediate action by the responsible party to cease and abate the violation. The notice of violation must include the information set forth in subsection (c) of this section and a date by which the violation can reasonably be ceased and abated. If the violation is not ceased or abated by the end of the correction period stated in the notice, the Enforcement Officer may issue an administrative citation.

(2) In accordance with Government Code section 53069.4, no responsible party will be assessed an administrative fine under this section for a continuing violation pertaining to a building, plumbing, electrical or similar structural or zoning issue that does not create an immediate danger to the public health or safety without first receiving a notice of violation and a reasonable opportunity to correct or otherwise remedy the violation. In such circumstance, the stated period available to correct the violation prior to the assessment of a fine must be appropriate to the violation as determined by the Enforcement Officer, but in no event less than 7 days. If, after the correction period stated in the notice, the violation is not ceased or abated, the Enforcement Officer may issue an administrative citation.

(3) Any responsible party cited for a continuing violation may petition the Enforcement Officer for an extension of time to correct the violation so long as the petition is received before the end of the correction period. The Enforcement Officer may at his or her discretion grant an extension of time to correct the violation if the responsible party has supplied sufficient evidence showing that the correction cannot reasonably be made within the stated period.

(4) The procedures of this section shall not apply in the instance of a violation that poses immediate danger to public health or safety. The City shall maintain a list generally describing those violations that pose an immediate danger to public health or safety.

(c) Content of Citation. The administrative citation shall be issued on a form approved by the city attorney and shall contain the following information:

- (1) Name of the person who is charged as a responsible party for the violation;
- (2) Date, location and approximate time the violation was observed;
- (3) Date on which citation is issued;
- (4) The ordinance violated and a brief description of the violation;

- (5) An order to the responsible party to correct the violation within the time specified in the citation and an explanation of the consequences of failure to correct the violation;
- (6) The amount of the administrative penalty imposed for the violation;
- (7) Instructions for the payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within this time period;
- (8) Instructions on how to appeal the citation;
- (9) The signature of the Enforcement Officer;
- (10) Notice that the violation is a nuisance and that collection of unpaid fines and/or nuisance abatement costs can be enforced as an assessment or lien against the property where the violation occurs and that unpaid assessments can result in the property being sold after three years by the county assessor.

The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

(d) Service of Citation.

- (1) If the responsible party is present at the scene of the violation, the enforcement officer shall deliver a copy of the administrative citation to them.
- (2) If the responsible party is a business, and the business owner is on the premises, the enforcement officer shall attempt to deliver the administrative citation to them. If the Enforcement Officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.
- (3) If no one can be located at the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the responsible party. The citation shall be mailed to the property address and/or the address listed for the owner on the last county equalized assessment roll.
- (4) The failure of any interested person to receive the citation shall not affect the validity of the proceedings.

(e) Administrative Penalties.

(1) The penalties assessed for each violation shall not exceed the following amounts:

- a. One hundred dollars (\$100.00) for a first violation;
- b. Two hundred dollars (\$200.00) for a second violation of the same ordinance within one year; and
- c. Five hundred dollars (\$500.00) for each additional violation of the same ordinance within one year.

(2) If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.

(3) Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.

(4) The penalties assessed shall be payable to the City.

(f) Satisfaction of Administrative Citation.

(1) Upon receipt of a citation, the responsible party must pay the fine to the City within 30 days from the issuance date of the administrative citation. All fines assessed shall be payable to the City. Payment of a fine shall not excuse or discharge the failure to correct the violation nor shall it bar further enforcement action by the City.

(2) At any time following 30 days after the issuance of the citation, the City may deliver a collection bill to the responsible party requiring payment for all outstanding amounts owed for the violation, including the amount due for the initial violation plus any appropriate late payment charge, less any amount remitted pursuant to subsection A of this section.

(3) Verification of abatement. The abatement of a continuing violation must be verified by an Enforcement Officer of the City. The responsible party shall contact the phone number designated on the citation and schedule an inspection by an Enforcement Officer.

(g) Administrative Appeal.

(1) *Notice of Appeal.* The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the director. The written notice of appeal must be filed within 20 days of the service of the administrative citation as set forth in subsection (d) of this section. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of

appeal shall be submitted on city forms and shall contain the following information:

- a. A brief statement setting forth the appellant's interest in the proceedings;
- b. A brief statement of the material facts which the appellant claims supports their contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
- c. An address at which the appellant agrees notice of any additional proceeding or an order relating to the imposition of the administrative penalty may be received by mail;
- d. The notice of appeal must be signed by the appellant.

(2) *Administrative Hearing.* Upon a timely written request by the recipient of the administrative citation, an administrative hearing shall be held as follows:

- a. *Notice of Hearing.* Notice of the administrative hearing shall be given at least 10 days before the hearing to the person requesting the hearing. The notice may be delivered to the person or may be mailed to the address listed in the notice of appeal.
- b. *Hearing Officer.* The administrative hearing shall be held before a Hearing Officer selected in the manner permitted by Section 1.03.010(g).
- c. *Conduct of the Hearing.* The Enforcement Officer who issued the administrative citation shall not be required to participate in the administrative hearing. The contents of the Enforcement Officer's file in the case shall be admitted as prima facie evidence of the facts stated therein. The Hearing Officer shall not be limited by the technical rules of evidence. If the person requesting the appeal fails to appear at the administrative hearing, the Hearing Officer shall make their determination based on the information contained in the notice of appeal.

(3) *Hearing Officer's Decision.* The Hearing Officer's decision following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The Hearing Officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full. The Hearing Officer's decision shall contain instructions for obtaining review of the decision by the superior court.

(h) Review of Administrative Hearing Officer's Decision.

(1) *Notice of Appeal.* Within 20 days of the date of the delivery or mailing of the Hearing Officer's decision, a person may contest that decision by filing an appeal to be heard by the superior court. The filing fee for the appeal shall be in the amount provided for in Government Code section 70615. The failure to file the written appeal and to pay the filing fee within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. A copy of the notice of appeal shall be served in person or by first class mail upon the issuing agency by the contestant.

(2) *Conduct of Hearing.* The conduct of the appeal is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court. The appeal shall be heard de novo, except that the contents of the issuing agency's file in the case shall be received in evidence. A copy of the document or instrument of the issuing agency providing notice of the violation and imposition of the administrative penalty shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the issuing agency's file on the case be forwarded to the court, to be received within 15 days of the request.

(3) *Judgment.* The court shall retain the filing fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be reimbursed to the contestant by the local agency. Any deposit of the fine or penalty shall be refunded by the issuing agency in accordance with the judgment of the court. If the fine or penalty has not been deposited and the decision of the court is against the contestant, the issuing agency may proceed to collect the penalty pursuant to the procedures set forth in this chapter, or in any other manner provided by law.

(i) Collection of Unpaid Fines.

(1) The failure of any person to pay a fine or penalty assessed by administrative citation within the time specified on the citation constitutes a debt to the City. To enforce that debt, the City may file a civil action, lien or assess the subject property as set forth below, or pursue any other legal remedy to collect such debt. A person who fails to pay any fine or other charge owed to the city under this chapter is liable in any action brought by the City for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs and attorneys' fees. Such collection costs are in addition to any fines, interest, and late charges.

(2) In addition to any other legal remedy, any violation of this chapter by failure to pay administrative fines or abate a continuing violation shall

constitute a nuisance. To compel compliance, the City may seek to abate the nuisance and collect the costs incurred by means of a nuisance abatement lien and/or special assessment against the property where the violation occurred. Any unpaid delinquent civil fines and penalties may be recovered as part of any such lien or special assessment against the property of the responsible party where pursuant to Government Code §§ 38773.1 and 38773.5.

(3) To pursue an abatement of a code violation as a nuisance and recover the costs, including any delinquent civil fines and penalties, as an abatement lien or special assessment, the city manager may at his discretion request the county recorder to record notice of the lien and take any other necessary action to enforce collection of this lien. The city manager may pursue these remedies whether or not the City is pursuing any other action to terminate an ongoing code violation that was the basis for the fine.

(4) Before recording the lien, the city manager shall cause a notice and a report stating the amounts due and owing to be provided to the responsible party by personal service. In the event that personal service is not available, the notice and report shall be served as per the requirements of subsection (d) of this section. The report may include a fee, as established by city council resolution, for the administrative costs associated with the preparation and recordation of the lien.

(5) Following service of the notice and report, the city manager shall cause the lien to be filed in the County Recorder's Office.

(6) After confirmation and recordation, the City shall present a copy of the lien to the County tax collector to add the amount of the lien to the next regular property tax bills levied against the parcel for municipal purposes. This amount will be collected at the same time and in the same manner as ordinary property taxes are collected, and will be subject to the same penalties and procedures under foreclosure and sale as provided for with ordinary municipal taxes. After recording, the lien may be foreclosed by judicial or other sale in the manner and means provided by law.

(7) Once the City receives full payment for outstanding principal, penalties, and costs related to a lien, the city manager will cause to be recorded a notice of satisfaction or provide the property owner with a notice of satisfaction for recordation at the County Recorder's Office. This notice of satisfaction will cancel the City's lien.

1.03.090 Civil Actions. The city attorney, by and at the request of the City council or City staff, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Code, as provided by law. In any civil action commenced by the City to abate a public nuisance, to enjoin violation of any provision of this Code, or to collect a civil debt owing to the City, the City shall be entitled to recover from the defendant in any such action all costs incurred therein, including reasonable attorneys' fees and costs of suit, subject to Section 1.03.100 of this Code.

1.03.100 Attorneys' Fees. In any action, administrative proceeding, or special proceeding brought to abate a public nuisance, the prevailing party will be entitled to recover attorneys' fees, provided that attorneys' fees will only be available in those actions or proceedings in which the City has provided notice at the commencement of such action or proceeding that it intends to seek and recover its own attorneys' fees. In no action or proceeding will an award of attorneys' fees exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

1.03.110 Notice of Noncompliance. Whenever a written notice of violation has been given, the enforcement officer may record a notice of noncompliance with the office of the County Recorder and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the violations, and shall state that any costs incurred by the county, including, but not limited to investigative, administrative and abatement costs and attorneys' fees as a result of the violation of the Code may become a lien on the property and that the owner has been so notified.

1.03.120 Treble Damages. Upon a second or subsequent civil or criminal judgment within a two-year period for a violation of this Code, codes adopted by reference in this Code, or any other City ordinance, the violator shall be liable to the City for treble the abatement costs, in accordance with Government Code Section 38773.7, except in cases of substandard residential buildings that are prosecuted under Health and Safety Code section 17980.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.1
PUBLIC HEARING
Meeting Date: May 26, 2010

TO: Mayor and City Council
FROM: David Hogan, Planning Director
SUBJECT: Planning Commission Code Cleanup and Planning Commission Bylaws
(Zoning Code Amendment 10-04)

STAFF REPORT

RECOMMENDATION:

The Planning Commission recommends that the City Council:

1. Introduce an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, AMENDING SECTIONS 17.04.042,
17.04.043, 17.04.045, 17.04.046 AND 17.04.047 OF THE WILDOMAR
MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF A
PLANNING COMMISSION

2. Adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING BYLAWS FOR THE CITY PLANNING
COMMISSION

BACKGROUND:

When the City incorporated, the City Council adopted Ordinance 8-16 which established the City Planning Commission. The operation of the City Planning Commission is governed by Chapter 17.04 of the Municipal Code which was adopted by the City Council on August 13, 2008. Planning Commission Bylaws would set forth in writing the operating principles and practices for the Commission. The Bylaws, in conjunction with State Planning and Zone Law, and Chapter 17.04 of the zoning ordinance provide the legal foundation for the operation of the Planning Commission. The purpose of this agenda item is to have the City Council consider adopting operating bylaws, as well as consider a number of minor code amendments relating to the creation and operation of the Commission.

Since the appointment of the Commission in late 2008, staff has guided the operation of the Planning Commission with commonly accepted commission procedures and processes. However, staff and the Planning Commission would like the City Council to establish specific rules on how the planning commission should operate. In addition to establishing locally appropriate rules to guide the operation of the Commission, staff had also noted a potential problem associated with not having specific bylaws. In 2009 during Commission deliberations on a project, there was a brief discussion on reconsidering a previous Commission action. At that time, staff and city attorney realized that there was a need for bylaws to layout the procedural requirements for Planning Commission: including how the Commission would reconsider an item previously acted upon. Consequently, staff initially worked with the City Clerk and City Attorney, and eventually worked with the Planning Commission to develop these proposed bylaws and code amendments.

Proposed Code Amendments

The following are the five minor code amendments are necessary to ensure that the operations of the Planning Commission are consistent with the other requirements of the zoning code. The purpose of the proposed zoning code amendments are to ensure consistency with the zoning code and resolve some potential problems with the current provisions relating to the Planning Commission. Some of the potential problems include vague transition requirements between existing and future commissioners, the vagueness for when and how a commissioner could be removed from office, inconsistencies between Chapter 17.04 and the other chapters in zoning and subdivision ordinances, and the awkward timing for electing the new Commission Chairman each year (the City Council has already made this adjustment in how they elect the new Mayor each year). In the sample text amendments, that follow, new text is shown **underlined and bolded** while deleted text is shown in ~~strikeout~~. The full text of Sections 17.04.040 through 0.48, with the proposed changes, are contained in Attachment D. The proposed Ordinance is contained in Attachment B.

Commissioner Term of Office

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

Following the Planning Commission's consideration of this item the City Attorney expressed a concern about the potential quorum problems during the transitional period following an election. The City Attorney is concerned that the Planning Commission might be unable to make decisions due to a lack of quorum for several months if there were new councilmember appointments and/or commission vacancies. This period of

could last for several months until the new commission members were appointed and sworn in. As a result, the City Attorney is recommending that the Commissioner staff in office an additional sixty days to allow for the advertising and re-appointment of the vacancies. Consequently, Section 17.04.042.A would be amended to indicate the additional 60 days after the Councilmember leaves office to read as follows:

*“Terms of members of the commission shall **run concurrently with** the ~~expire at the first regular meeting of the commission following the expiration of the current term of office of the city council member who appointed the commission member~~ **and shall expire sixty (60) days after the end of the appointing Councilmembers term of office or the vacancy if filled, whichever occurs first.**”*

Removing a Commissioner from Office

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

The clarification to Subsection B would indicate what procedures are to be followed in the event that a Commissioner had three consecutive unexcused absences from regular meetings. The current ordinance just indicates that the commissioner is automatically removed from office. The Commission is recommending that the Council provide direction as to what should occur next in the process. The recommended language would require the Planning Director (as Commission Secretary) notify the City Council that the position is now vacant and specifies how the vacancy is to be refilled. Based upon feedback by the City Clerk, the Commission is also recommending that a definition of excused absence be added to read as follows “An unexcused absence shall be defined as a failure to attend a regular meeting without providing prior notice to the Commission Chairman or Planning Director”. The only change to Subsection C is the addition of a sentence indicating how a vacant position is to be refilled.

The City Attorney has also made some minor terminology adjustments to these recommended changes. The additional changes do not alter the three rationale recommended by the Planning Commission for the removal of a Planning Commissioner. The Planning Commission’s and City Attorney’s proposed revisions to Section 17.04.043 are as follows:

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

A. A member of the commission may be removed from office by the City Council for failure to meet any of the requirements for

membership as defined in Section 17.04.041, The vacancy created shall be filled in the manner described in Section 17.04.041.”

B. *A member of the commission is automatically removed from office if the member **has an unexcused absence** from three consecutive regular meetings of the commission. **An unexcused absence shall be defined as a failure to attend a regular meeting without providing prior notice to the Commission Chairman or Planning Director. Following the third consecutive unexcused absence the Planning Director shall notify the City Council that, according to the terms of this Section, the commissioner’s position is now vacant. The vacancy created shall be filled in the manner described in Section 17.04.041.***

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

Selection of a New Chairman

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

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

Commission Approval Authority

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

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

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

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

It is important to note that these amendments to the code do not prevent the City Council from making other changes at any time in the future. In addition to the adoption of these minor changes to Chapter 17.04 of the Municipal Code, Planning Commission is also recommending that the City Council consider the adoption of operating bylaws. At this time, the Commission has no specified rules guiding their operation.

Proposed By Laws

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

- Section 1. Purpose and Function of the Planning Commission. Describes the general role of the Commission.
- Section 2: Planning Commission Officers. Identifies the Officers of the Planning Commission, the Chair, Vice Chair, and Records Secretary.
- Section 3. Duties of the Officers. Identifies the duties of the Officers and specifies that if both the Chair and the Vice-Chair are absent, the Commission members present shall elect a temporary Chair from the remaining membership
- Section 4. Quorum. Establishes that quorum consists of at least three members.
- Section 5. Meetings. Describes the three types of meetings, regular, special and workshop.
- Section 6. Agendas. Establishes the agenda posting requirements for each type of meeting.
- Section 7. General Meeting Procedures. Outlines the basic steps for considering each item and the participation of the public at the meeting. These steps

are a simplified version of the information previously provided to the Commission by staff.

Section 8. Voting. Establishes procedures for voice votes, roll call votes, and disqualifications due to a conflict of interest.

Section 9. Reconsiderations. Establishes procedures for the Commission to reconsider an action.

Section 10. Meeting Decorum and Order. Establishes basic behavioral expectations and rules for Commissioner decorum during meetings.

Section 11. Special Committees. Authorizes the Commission to establish ad hoc or special committees.

Section 12. Amendments. Authorizes the Commission to periodically review the Bylaws and make recommendations to the City Council.

PLANNING COMMISSION:

The Planning Commission considered the amendments to Chapter 17.04 and the proposed operating bylaws at the April 14, 2010 meeting. Following the public testimony and the Commission's discussion, the Planning Commission voted 4-0, with one member absent, to recommend that the City Council adopt the minor amendments to the zoning code and proposed operating bylaws with the following changes:

- The addition of a definition of an excused absence to Section 17.04.043 to mean the prior notification to the Commission Chairman or Planning Director that a commissioner will not attend the meeting; and,
- That no changes be made to Section 17.04.045.D and that the Commission continue to meet at least once per month. (Staff had suggested that the provision was not necessary since the meetings are scheduled when there is business which needs the Planning Commission's consideration. However, the Commissioners felt that they should meet monthly to maintain organizational continuity and because they felt that there would always be planning related activities to consider.)

During the meeting, two members of the public spoke on the project. One member of the public had questions concerning the relationship between Chapter 17.04 and the proposed bylaws and the compensation of the Commissioners. The other member of the public who addressed the Commission disagreed with the suggestion to make the Commission's meetings "as needed", commented (on a item that was not included in suggested amendments) that the removal of Planning Commissioners should require a supermajority 4/5's vote, not a 3/5's vote as currently required by Section 17.04.043, and disagreed with the concept of higher standards of behavior for the members of the Planning Commission (that are discussed below).

Finally the members of the Planning Commission also felt that more detailed Commissioner rules for decorum (both in meetings and outside of meetings) might be appropriate. One Commissioner felt that the behavior of individual Commission members might reflect poorly on the Commission and ultimately upon the City and members of the Council. Consequently all four members of the Planning Commission in attendance are further recommending that the City Council may want to direct the city attorney and staff to research and develop supplemental standards to guide the decorum of the Planning Commission if the Council feels that these types of standards are either a priority at this time or are needed. An alternative to providing direction at this time could be to discuss this matter at a future City Council norming session.

The Planning Commission's recommended operating bylaws and related code amendments are contained in Attachments A and B, respectively. A signed copy of the Commission resolution with the exhibits are included in Attachment D.

ENVIRONMENTAL ASSESSMENT:

A review of the potential environmental impacts was conducted for the proposed zoning ordinance amendment. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Director recommends that the Planning Commission recommend to the City Council that the Council make a determination that the proposed zoning ordinance amendment and Planning Commission Bylaws has no potential to impact to the environment, and that the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ATTACHMENTS:

- A. Proposed Ordinance
- B. Proposed Resolution
- C. Proposed Bylaws
- D. Planning Commission Resolution 10-008 (with exhibits)
- E. Excerpts of Draft (not yet approved) Commission Minutes
- F. Current Code Provisions Section 17.04.040 through 17.04.048 (with changes highlighted)

Submitted by:

Approved by:

David Hogan
Planning Director



Frank Oviedo
City Manager

ATTACHMENT A

ORDINANCE NO. ___

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

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

SECTION 1. ENVIRONMENTAL FINDINGS. The City Council finds and determines that the project consists of a zoning ordinance amendment related to the operation of the planning commission and has no potential to impact the environment. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. Section 17.04.042.A of the Wildomar Municipal Code is hereby amended to read as follows:

“A. Terms of members of the commission shall run concurrently with the term of office of the city council member who appointed the commission member and shall expire sixty (60) days after the end of the appointing Councilmembers term of office or the vacancy if filled, whichever occurs first.”

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

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

- A. A member of the commission may be removed from office by the City Council for failure to meet any of the requirements for membership as defined in Section 17.04.041. The vacancy created shall be filled in the manner described in Section 17.04.041.”
- B. A member of the commission is automatically removed from office if the member has an unexcused absence from three consecutive regular meetings of the commission. An unexcused absence shall be defined as a failure to attend a regular meeting without providing prior notice to the Commission Chairman or Planning Director. Following the third consecutive unexcused absence the Planning Director shall notify the City Council that, according to the terms of this Section, the commissioner’s position is now vacant. The vacancy created shall be filled in the manner described in Section 17.04.041.

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

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

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

SECTION 5. Section 17.04.046 of the Wildomar Municipal Code is hereby amended to read as follows:

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

SECTION 6. Section 17.04.047.B of the Wildomar Municipal Code is hereby amended to read as follows:

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

SECTION 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. Certification. The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 9. This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

PASSED, APPROVED AND ENACTED this _____ day of _____, 2010.

Bridgette Moore, Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT B

RESOLUTION NO. 2010 –

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

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

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

WHEREAS, on April 10, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed zoning code amendment and planning commission bylaws would be considered; and

WHEREAS, on April 21, 2010 the Planning Commission, during a regularly scheduled meeting, considered the proposed zoning code amendments and planning commission bylaws and recommended approval to the City Council; and

WHEREAS, on May 15, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed zoning code amendment and planning commission bylaws would be considered; and

WHEREAS, on May 26, 2010 the City Council, during a regularly scheduled meeting, introduced the proposed ordinance and approved the planning commission bylaws.

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

SECTION 1. ENVIRONMENTAL FINDINGS. The City Council hereby finds and determines that the project consists of a zoning ordinance amendment related to the operation of the planning commission and has no potential to impact the environment. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. CITY COUNCIL ACTIONS. The City Council hereby approves the Bylaws for the Planning Commission for the City of Wildomar as attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED, AND ENACTED this 26th day of May, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT C

EXHIBIT A

CITY OF WILDOMAR PLANNING COMMISSION BYLAWS

Section 1: Purpose and Function of the Planning Commission.

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

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

Section 2: Planning Commission Officers.

The officers of the Planning Commission are as follows.

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

Section 3. Duties of the Officers.

The duties of the Planning Commission Officers are as follows.

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

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

Section 4. Quorum.

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

Section 5. Meetings:

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

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

Section 6. Agendas.

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

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

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

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

Section 7. General Meeting Procedures.

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

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

Section 8. Voting.

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

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

Section 9. Reconsiderations.

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

Section 10. Meeting Decorum and Order.

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

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

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

Section 11. Special Committees.

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

Section 12. Amendments.

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

ATTACHMENT D

RESOLUTION NO. PC10-008

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR RECOMMENDING THAT THE CITY COUNCIL MODIFY THE PROVISIONS OF SECTIONS 17.04.040 THROUGH 048 OF THE MUNICIPAL CODE AND ADOPT OPERATING BYLAWS FOR THE PLANNING COMMISSION (ZONING ORDINANCE AMENDMENT 10-03)

WHEREAS, the City of Wildomar incorporated on July 1, 2009; and

WHEREAS, the City Council of the City of Wildomar adopted the County of Riverside General Plan in effect on July 1, 2009; and

WHEREAS, the City Council of the City of Wildomar adopted the existing County of Riverside Zoning Ordinance in effect on July 1, 2009 to implement the General Plan; and

WHEREAS, on April 11, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed zoning code amendment would be considered; and

WHEREAS, on April 21, 2010 the Planning Commission, during a regularly scheduled meeting, conducted a public hearing to receive public testimony and consider possible amendments to the zoning ordinance.

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

SECTION 1. ENVIRONMENTAL FINDINGS. The Planning Commission, hereby recommends that the City Council find and determine that the project consists of a zoning ordinance amendment related to the operation of the planning commission and has no potential to impact the environment. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. FINDINGS. The proposed amendments to the zoning ordinance relate to the operation of the Planning Commission and do not conflict with the provisions of the General Plan or State Law.

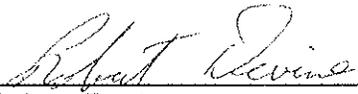
SECTION 3. PLANNING COMMISSION ACTION. The Planning Commission hereby takes the following actions:

A. Recommended Approval of Exemption. The Planning Commission hereby recommends that the City Council make a determination that the project is exempt from environmental review in accordance with the provisions of CEQA Guidelines Section 15061(b)(3).

B. Recommend Approval of an Ordinance. The Planning Commission recommends that the City Council adopt an ordinance entitled "An Ordinance of the City Council of the City of Wildomar Amending Sections 17.04.042, 17.04.043, 17.04.045, 17.04.046, and 17.04.047 of the Wildomar Municipal Code relating to the establishment of a Planning Commission" as attached hereto and incorporated herein by reference as Exhibit A.

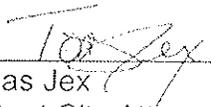
C. Recommend Approval of a Resolution. The Planning Commission recommends that the City Council adopt a resolution entitled "A Resolution of the City Council of the City of Wildomar Adopting Bylaws for the City Planning Commission" as attached hereto and incorporated herein by reference as Exhibit B.

PASSED, APPROVED AND ADOPTED this 21st day of April 2010.



Robert Devine
Chairman

APPROVED AS TO FORM:



Thomas Jex
Assistant City Attorney

ATTEST:


David Hogan
Planning Commission Secretary

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

I, David Hogan, Planning Commission Secretary of the City of Wildomar, California, do hereby certify that the foregoing Resolution No. PC10-008 was duly adopted at a regular meeting held on April 21, 2010 by the Planning Commission of the City of Wildomar, California, by the following vote:

AYES: Devine, Dykstra, Kazmier, Nowak

NOES: none

ABSTAIN: none

ABSENT: Andre

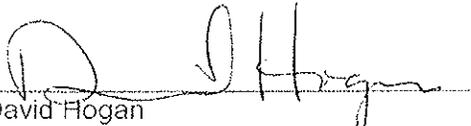

David Hogan
Planning Commission Secretary
City of Wildomar

Exhibit A

ORDINANCE NO. ____

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

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

SECTION 1. ENVIRONMENTAL FINDINGS. The City Council finds and determines that the project consists of a zoning ordinance amendment related to the operation of the planning commission and has no potential to impact the environment. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. Section 17.04.042.A of the Wildomar Municipal Code is hereby amended to read as follows:

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

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

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

- A. A member of the commission is automatically removed from office for failure to meet any of the requirements for membership, as defined in Section 17.04.041, at which time removal from office is automatic and immediate, no specific City Council action is necessary. The position shall be refilled in the manner described in Section 17.04.041.
- B. A member of the commission is automatically removed from office if the member has an unexcused absence from three consecutive regular meetings of the commission. An unexcused absence shall be defined as a failure to attend a regular meeting without providing prior notice to the Commission Chairman or Planning Director. Following the third consecutive unexcused absence the Planning Director shall notify the City Council that, according to the terms of this

Section, the commissioner's position is now vacant. The position shall be refilled in the manner described in Section 17.04.041.

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

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

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

SECTION 5. Section 17.04.046 of the Wildomar Municipal Code is hereby amended to read as follows:

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

SECTION 6. Section 17.04.047.B of the Wildomar Municipal Code is hereby amended to read as follows:

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

SECTION 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. Certification. The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 9. This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

ADOPTED AND ENACTED this ____ day of _____ 2010.

Bridgette Moore, Mayor

ATTEST:

APPROVED AS TO FORM:

Debby Lee, City Clerk

Julie Hayward Biggs, City Attorney

Exhibit B

RESOLUTION NO. 2010 –

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

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

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

WHEREAS, on April 4, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed zoning code amendment and planning commission bylaws would be considered; and

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

WHEREAS, on _____, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed zoning code amendment and planning commission bylaws would be considered; and

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

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

SECTION 1. ENVIRONMENTAL FINDINGS. The City Council hereby finds and determines that the project consists of a zoning ordinance amendment related to the operation of the planning commission and has no potential to impact the environment. Consequently, the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. CITY COUNCIL ACTIONS. The City Council hereby approves the Bylaws for the Planning Commission for the City of Wildomar as attached hereto and incorporated herein by reference as Exhibit A.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

Exhibit A of Exhibit B

CITY OF WILDOMAR PLANNING COMMISSION BYLAWS

Section 1: Purpose and Function of the Planning Commission.

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

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

Section 2: Planning Commission Officers.

The officers of the Planning Commission are as follows.

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

Section 3. Duties of the Officers.

The duties of the planning commission officers are as follows.

- A. Chair. It shall be the duty of the Chair to preside over all meetings of the Commission. When the Chair is absent from any regular or special meeting of the Planning Commission the Vice-Chair shall serve as the Chair and be the presiding officer.
- B. Vice-Chair. It shall be the duty of the Vice-Chair to preside over all meetings of the Commission when the Chair is absent from any regular or special

meeting. In the absence of both the Chair and the Vice-Chair, the Commission members present shall elect a temporary Chair from the remaining membership.

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

Section 4. Quorum.

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

Section 5. Meetings:

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

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

Section 6. Agendas.

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

- A. Agendas for Regular Meetings and Workshops. Agendas for regular meetings and workshop meetings shall be posted and made available a minimum of seventy-two (72) hours prior to each meeting. The agenda shall be posted at city hall, the Wildomar post office, and Wildomar library. Agendas shall also be available at the public counter in city hall.
- B. Agendas for Special Meetings. Agendas for special meetings shall be posted at and made available a minimum of twenty-four (24) hours prior to each meeting. The agenda shall be posted at city hall, the Wildomar post office, and Wildomar library. Agendas shall also be available at the public counter in city hall.
- C. Agenda Format: The format for each agenda shall contain the time and place for the meeting, the items to be considered, and the recommended action for each item (if applicable).
- D. Adding Items to the Agenda. An urgency item may be added to an agenda at the meeting only if a motion is passed by a two-thirds vote that the urgency item arose after the posting of the agenda and requires immediate action.

Section 7. General Meeting Procedures.

- A. Comments to the Chair. All discussion by Commissioners and staff shall be addressed to the Commission as a whole, unless the Chair otherwise permits. All questions shall be directed through the Chair, unless otherwise permitted by the Chair. No person shall address the Commission without first being recognized by the presiding officer.
- B. Non-agenda Items. Persons wishing to discuss a non-agenda item may seek recognition by the presiding officer during the oral communications portion of the meeting.
- C. Agenda Items. A person wishing to address the Planning Commission regarding an item which is on the meeting agenda should submit a request on the form provided, or may seek recognition by the presiding officer during discussion of any such item by coming to the public podium in an orderly manner during the public comment period for that item.
- D. Public Speakers. The following procedures shall be observed by persons addressing the Planning Commission:
 - 1. When recognized by the Chair each person shall step to the podium provided for the use of the public and is requested to state his or her name and address; the organization, if any, which he or she represents (and if during the oral communications portion of the meeting, the subject he or she wishes to discuss). The speaker may decline to state his or her name or address if he or she so desires.

2. Each person shall confine his or her remarks to the agenda item or approved oral communications subject being discussed. During the oral communications portion, any subject which is not deemed relevant by the Commission shall be concluded.
 3. Each person shall limit his or her remarks to three (3) minutes, unless the person is the representative of a larger group, in which case the presiding officer may allow the person up to ten (10) minutes to speak.
- E. Procedure. The Planning Commission's consideration of non-consent items during a meeting will be conducted by the Chair and will follow the general format indicated here.
1. In all cases, except for the Consent Calendar, the Chair will introduce the item and ask staff to make a presentation on the item shown on the agenda.
 2. Once the staff report has been completed the Chair will ask the Commission for questions of staff.
 3. Upon the conclusion of the questions of staff the Chair will open the public hearing (if there is one) and then ask if the applicant and his design team has a presentation, questions, or comments. There is no specific time limit for the applicant to address the Commission. The Chair will then ask the Commission if it has any questions of the applicant.
 4. Once this is concluded the Chair will ask for those people present who wish to speak for or against the item to come forward and be recognized. At the conclusion of each speaker's comments, the Chair will ask the Commission if it has any questions of clarification from the speaker.
 5. Upon the conclusion of public comments on the item the Commission may direct additional questions to staff and provide the applicant an opportunity to respond to public testimony.
 6. Upon the conclusion of public comments on the item the Chair will close the discussion to public comment or, in the event of a public hearing, close the public hearing, and ask the Planning Commission for discussion of the item. It should be noted that discussion of the item by the Commission is best handled after public comment has been concluded and the public hearing is closed.
 7. Upon conclusion of the Commission's discussion the Chair will ask for a motion and a second to the motion. The Chair will ask for discussion by the Commission of the proposed motion. If there is no discussion, the Chair will ask for a vote. Upon the conclusion of the vote the Chair will

announce the results. All votes shall be in accordance with the provisions of Section 8, Voting.

Section 8. Voting.

- A. Voting. All votes of the Planning Commission on agenda items shall be by voice vote; unless a roll call vote is requested by any Commissioner. The outcome of the voice vote shall be announced by the Chair prior to moving on to the next order of business. In the event of the approval of a denial motion, the Commissioner(s) should indicate the reasons for the denial vote. A tie vote shall be considered a failure of the motion.
- B. Roll Call Voting. In the case of a roll call vote, the Records Secretary shall call the roll. When called, each Commissioner shall indicate whether or not they vote "yes", "no" or "abstain". The Chair shall vote last.
- C. Disqualifications. When a Commissioner has determined that a conflict of interest in voting on an item scheduled before the Planning Commission exists for a Commissioner, the conflict shall be declared prior to or immediately after the introduction of the item but before any presentation, testimony or discussion. When a Commissioner indicates a potential conflict of interest, the Commissioner shall step down from the dais and leave the City Council chambers.

Section 9. Reconsiderations.

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

Section 10. Meeting Decorum and Order.

- A. Decorum. Meetings shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process is retained at all times. The presiding officer of the Planning Commission shall be the Chair, or in their absence, another member so designated by these Bylaws, shall be responsible for maintaining the order and decorum of meetings.
- B. Courtesy. Commissioners and Staff shall show courtesy to each other and to the members of the public at all times.

- C. Order. No person in the audience at a meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any meeting. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding officer or a majority of the Planning Commission, be barred from further audience before the Commission during that meeting.
- D. Enforcement of Order and Decorum. The rules of decorum set forth above shall be enforced in the following manner:
1. Warning. The presiding officer shall request that a person who is breaching the rules of decorum be orderly and silent.
 2. Order to Leave. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer shall order him or her to leave the meeting. If such person does not remove himself or herself, the presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove that person from the meeting.
 3. Removal. If the presiding officer has ordered a person who is breaching the rules of decorum to leave a meeting and the person does not comply with the presiding officer's order, any law enforcement officer who is on duty at the meeting as sergeant-at-arms shall assess the situation and may remove the person and place him or her under arrest for violation of California Penal Code Section 403, or any other applicable provision of law.
 4. Motion to Enforce. If the presiding officer fails to enforce the rules set forth above, any member of the Commission may move to require him or her to do so, and an affirmative vote of a majority of the Planning Commission shall require him or her to do so. If the presiding officer fails to carry out the will of a majority of the Planning Commission, the majority may designate another member of the Commission to act as presiding officer for the limited purpose of enforcing any rule of this section which it wishes to enforce.
 5. Adjournment. If a meeting is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the presiding officer or a majority of the Commission, and any remaining Commission business may be considered at the next meeting.

Section 11. Special Committees.

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

Section 12. Amendments.

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

ATTACHMENT E

**EXCERPTS FROM THE DRAFT MINUTES FOR
THE 4/21/2010 MEETING OF THE PLANNING COMMISSION**

5.1 ZONING CODE AMENDMENT 10-04- PLANNING COMMISSION CODE CLEANUP AND PLANNING COMMISSION BYLAWS.

Director David Hogan made the staff presentation.

Chairman Devine repeated Director Hogan's code amendment for better understanding and clarification.

Director Hogan confirmed Chairman Devine's statement.

Vice Chairman Nowak adds, only if all members are gone, then the active council for that specific member would act as chair until an appointed member can be seated.

Assistant City Attorney Jex commented that any procedure the city would like to establish they can do so.

Vice Chairman Nowak asked, what would the likeliness of a situation such as the termination of all Commissioners were to happened?

Assistant City Attorney Jex answered that if City Council would wish to reappoint new Commissioners they could very well do so.

Chairman Devine stated this will be the Council's call and that the Council will act accordingly so this does not have to be in the Bylaws.

Commissioner Dykstra comments under meeting decorum and order, he saying there is literature on guidance behavior of the public but there is no information on the behavior of the commission under page 21 section 10 of the agenda.

Director Hogan commented, under section B it states: staff and Commission shall show courtesy between themselves and the general public at all times.

Vice Chairman Nowak replied the Commission had a town hall meeting going over conduct when becoming a Commissioner. The felt this had already been discussed.

Director Hogan stated there have been a number of influences in creating these Bylaws, but he did not feel the need to get into specifics. He went on by asking the Commissioners what additional guidance would they like to see as far as standards of behavior, medium decorum, attitude etc.

Commissioner Dykstra felt that is something the Planning Director and City Attorney should work together on and come up with some guidance for what is proper for a Commissioner.

Director Hogan replied that is not as easy as it sounds. He continued that it would be helpful if staff could get a generalized answer to help.

Commissioner Dykstra answered there should be something written that offers guidance on public and newspaper interaction. He further added some Commissioners have a tendency to address issues from the agenda with the public before and after meetings. Therefore, something needs to be written. The public can say what ever they want to say but a Planning Commissioner is different and would like to see what legal standing it might have.

Chairman Devine repeated Commissioner Dykstra's statement in order to clarify the information for himself.

Assistant City Attorney Jex commented we can separate this process and can come back with rules of conduct at a later time. Bylaws in the past don't go so much into detail, as to what the Commissioners want but if they feel it's important we can add them at a later time. He stated some communities have adopted strict policies on the conduct for council and Planning Commission members out and inside the City related discussions.

Vice Chairman Nowak added if this could be handled during the initial training sessions of the Code of Conduct portion. Can there be specific areas added in that training cycle?

Commissioner Dykstra added if it's not in the Bylaws then what authority do they have.

Chairman Devine commented there's no enforcement of the Bylaws.

Vice Chairman Nowak said it's not the Commission's responsibility to enforce the Bylaws. The Commission is acting as appointees to the Council. Perhaps the Council should state the bylaws for their Commissioners.

Chairman Devine said if a Commissioner acts beyond his/hers authority, then there may be grounds for removal. That should be addresses in the Bylaws.

Director Hogan proposed a supplemental recommendation to the Council to request that the Council direct staff to work with the City Attorney in creating supplemental guidelines on the behavior of Commissioners in the setting outside official meetings.

All Commissioners concurred.

Chairman Devine opened open's the public hearing

George Taylor requested a clarification as to why the Bylaws are part of the Zoning Code and not an administrative code and where the Commissions compensation is addressed. He

compared what the board of director Bylaws states with the proposed Bylaws and thanks the Director for having answered his question with his presentation.

Director Hogan first apologized for any confusion and responded that the Bylaws will not be part of the zoning ordinance, and the Bylaws will be a separate free standing document that will be adopted by a resolution by the City Council. They were brought up because they are intertwined but they will no be part of the bylaws.

Director Hogan commented on compensation for the Commission by referring to the actual code section 17.04.048 which states: the City Council may establish by resolution the compensation pay for members of the Commission and it is authorized by the code and implemented by a resolution.

Gina Castanon expressed her confusion by the Bylaws layout. In addition, she feels the City should update the public on a daily basis with new information on City issues. Also, commented on the basis for Commissioner removal, she would recommend a super majority since she feels that it is unfair to try and control the actions of Commissioners by limiting them to share information with the community.

Director Hogan asked the Commission to add the additional text on Section 3 Removal from Office, Sub paragraph B. "An unexcused absence shall be defined as a failure to attend a regular meeting without providing prior notice to the Commission Chairman or Planning Director". Since this is a last minute modification, he asked the Commission to include that in the motion.

Chairman Devine mentioned the Commission should meet at least once a month.

Vice Chairman Nowak stated that the Commission met once a month we stay as a group.

Commissioner Dykstra agrees with the Commissioners comments.

Director Hogan says if that is the Commissioner's opinion he will bring it before the Council.

Vice Chairman Nowak mentioned when it gets busy it will keep staff constantly trained in preparing meetings with their daily tasks.

Director Hogan responds then it is commissioner's recommendation to delete Section five of the ordinance on page twelve of the staff report. The current ordinance has the Commissioners meeting once a month and to keep it the way it is then Section five of the ordinance on page twelve will be deleted as part of the recommendation.

Chairman Devine recommended keeping as is.

Commissioners Dykstra asked Director Hogan, to request that the City Council provide further guidance on the decorum of the Planning Commissions.

Director Hogan responded he will include this as a supplemental recommendation to the Council.

Chairman Devine summarized agenda item number five.

Director Hogan restated if the Planning Commission would motion to approve resolution with the two amendments to the ordinance and would like to add the supplemental recommendation to the Council he will add it to the staff report for Council.

Motion: The approval of resolution with the two amendments to the ordinance and added supplemental recommendation to council.

AYES: Nowak, Kazmier, Dykstra, Devine

NOES:

ABSENT: Andre

ABSTAIN:

ATTACHMENT F

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

17.04.040 Creation of commission.

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

17.04.041 Appointment.

A. Process. Open positions on the planning commission shall be advertised and all applications referred to members of the city council for consideration. Each councilmember shall have the authority to appoint one member to the commission. The city council shall vote as a ministerial action to ratify each appointment. Such ministerial approval requires at least three affirmative votes.

B. Qualifications.

(1) Members of the commission shall be residents of the city and shall be qualified electors within the city.

(2) Each member shall be a resident of the city for the year immediately preceding the inception of his or her term.

(3) No member of the commission may be an employee or officer of the city.

17.04.042 Term of office.

A. Terms of members of the commission shall **run concurrently with** ~~the expire at the first regular meeting of the commission following the expiration of the current term of office of the city council member who appointed the commission member~~ **and shall expire sixty (60) days after the end of the appointing Councilmembers term of office or the vacancy if filled, whichever occurs first.**

B. There is no limit as to the number of times that a Commission member may be appointed.

17.04.043 Removal from office.

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

A. A member of the commission may be removed from office by the City Council for failure to meet any of the requirements for membership as defined in Section 17.04.041, The vacancy created shall be filled in the manner described in Section 17.04.041.

B. A member of the commission is automatically removed from office if the member **has an unexcused absence** from three consecutive regular meetings of the commission. **An unexcused absence shall be defined as a failure to attend a regular meeting without providing prior notice to the Commission Chairman or Planning Director. Following the third consecutive unexcused absence the Planning Director shall notify the City Council that, according to the terms of this Section, the commissioner's position is now vacant. The vacancy created shall be filled in the manner described in Section 17.04.041.**

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

17.04.044 Vacancy in Office.

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

17.04.045 Organization, meetings and responsibilities.

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

- (4) Provide an annual report to the city council on the status of the general plan and progress in its implementation, including the progress in meeting the city's share of the regional housing needs determined pursuant to Government Code section 65584, local efforts to remove governmental constraints on housing pursuant to Government Code section 65583(c)(3), and compliance of the general plan with the guidelines contained at Government Code section 65040.2.
- (5) Hold hearings and make recommendations to the city council with regard to proposed changes to the zoning ordinance and zoning maps.
- (6) Annually review the capital improvement program of the city and the local public works projects of other local agencies for their consistency with the city's general plan and make recommendations to the city council.
- (7) Report and make recommendations to the City Council on the conformity of proposed public land acquisition or disposal with the adopted general plan.

17.04.046 Approval authority.

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

17.04.047 Appeals.

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

17.04.048 Compensation.

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

CITY OF WILDOMAR – CITY COUNCIL

Agenda Item #2.2

PUBLIC HEARING

Meeting Date: May 26, 2010

TO: Mayor and City Council

FROM: Steve Beach, Fire Chief
David Hogan, Planning Director

SUBJECT: Very High Fire Hazard Severity Zone Map

STAFF REPORT

RECOMMENDATION:

The Fire Chief recommends that the City Council introduce an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING THE VERY HIGH FIRE HAZARD SEVERITY ZONE
MAP PURSUANT TO THE PROVISIONS OF CHAPTER 7A OF THE UNIFORM
BUILDING CODE

BACKGROUND:

The purpose of this staff report is to present Cal Fire's fire hazard safety maps to the City Council for adoption. The California Department of Forestry and Fire Protection (Cal Fire) is legally mandated to periodically recommend Very High Fire Hazard Severity Zones in Local Responsible Areas (LRA) throughout the State. The building code standards recently adopted by the State Fire Marshal have established these maps as the basis for adoption of the new regulations. Cal Fire developed a statewide, consistent logic and science-based model for Fire Hazard Zoning to meet the needs of the adoption of the new building standards.

The model considered the wildland hazard potential adjacent to the developed area, the vegetation density and fuel type in the developed area, and the likely zone of influence of firebrands coming from wildland supporting woody vegetation. The modeling assumptions and existing condition put into the model and the draft maps were extensively cross-checked by Cal Fire for accuracy. The subsequent draft fire hazard area map includes areas that were formerly designated as very high fire hazard and that would no longer have a very high fire hazard potential as well as areas that formerly were not high fire hazard areas but that are now proposed to have a very high fire hazard designations. The map will be used to define where to implement ignition resistant building standards, maintain defensible space, and disclose of natural hazard at the time of sale.

DISCUSSION:

The updated Very High Fire Hazard Safety areas within the City of Wildomar can be simply described as everything west of Grand Avenue and everything east of Interstate 15, except that the tract developments between Lemon and Bundy Canyon Road and other areas around The Farm are excluded and the hillside areas west of Interstate 15 and south of Clinton Keith Road are included in the Very High Fire Hazard Safety. The exact areas are shown in Attachment B (and in Exhibit A to Attachment A). Additional information on the program is contained in Attachment C.

The Fire Chief recommends that the City Council adopt the attached ordinance adding Section 4704.3 to the Uniform Fire Code contained in Attachment A and adopt the map located in Exhibit A of Attachment A.

ENVIRONMENTAL ASSESSMENT:

A review of the potential environmental impacts was conducted for the proposed fire hazard severity zone map. This evaluation indicated no potential for impacts on the environment. As a result, the Planning Department recommends that the City Council make a determination that the proposed zoning ordinance amendment has no potential to impact to the environment, and that the proposed ordinance is exempt from CEQA review pursuant to Section 15061(b)(3) which states that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ALTERNATIVES:

- 1. Deny the amendment.
- 2. Provide further direction to staff.

ATTACHMENTS:

- A. Draft Ordinance
- B. Very High Fire Safety Hazard Area Map
- C. Cal Fire Fact Sheet on Fire Hazard Severity Zones
- D. Cal Fire Handouts on Fire Hazard Severity Zones Mapping Program and Modeling Assumptions

Submitted by:

Approved by:

Steve Beach
Fire Chief

Frank Oyiedo
City Manager

ATTACHMENT A

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING THE VERY HIGH FIRE HAZARD SEVERITY ZONE MAP PURSUANT TO THE PROVISIONS OF CHAPTER 7A OF THE UNIFORM BUILDING CODE

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

SECTION 1: Map Adoption. The City Council hereby designates the Very High Fire Hazard Severity Zones pursuant to Chapter 7A of the 2007 Uniform Building Code as recommended by the Director of the California Department of Forestry and Fire Protection and as designated on a map entitled "Very High Fire Hazard Severity Zones in LRA" for the City of Wildomar, dated December 21, 2009 and included as Exhibit A to this ordinance.

SECTION 2. 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 3. 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 4. Effective Date. This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

PASSED, APPROVED, AND ENACTED this _____ day of _____, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

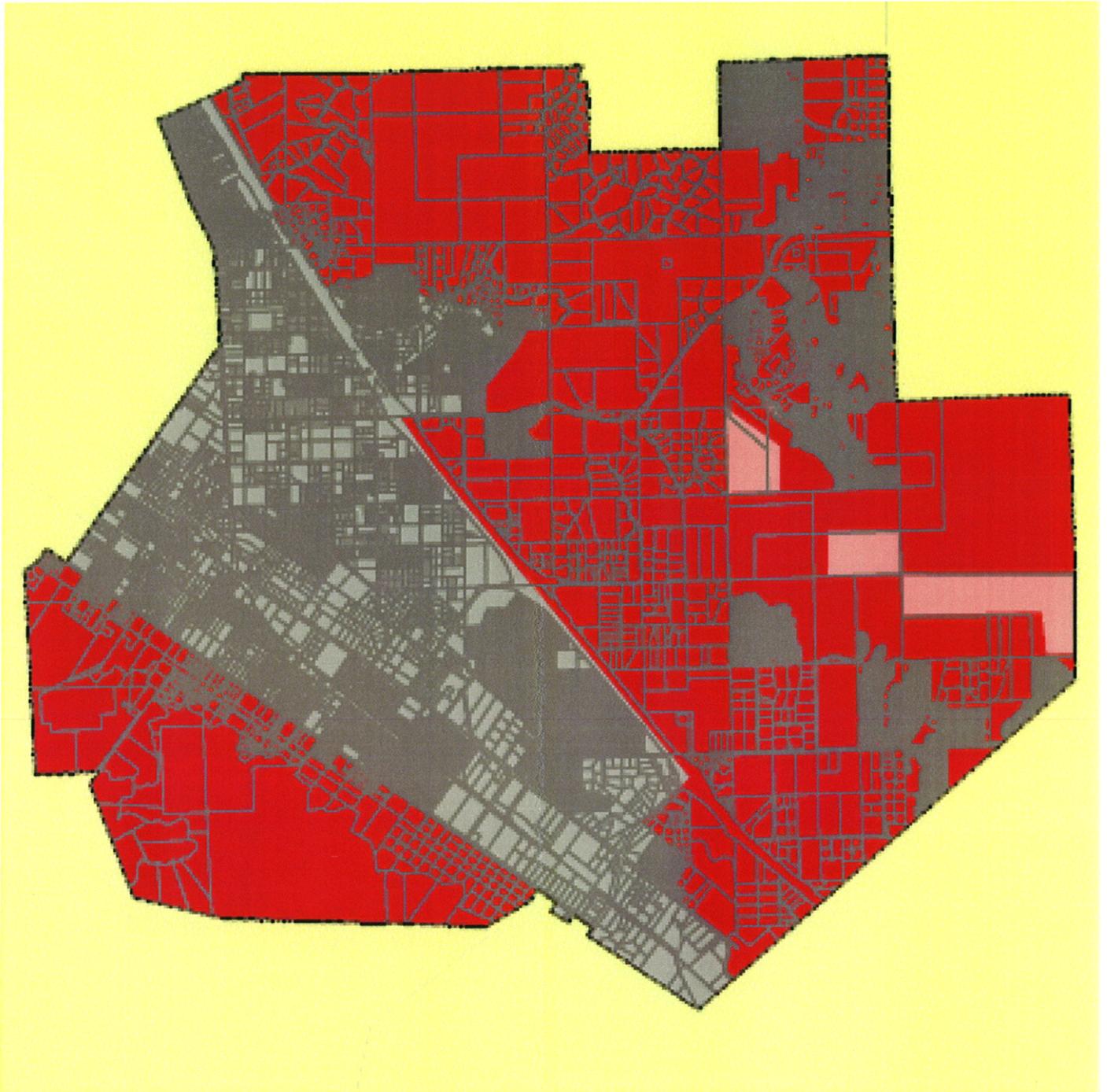
ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT B

**AREAS DESIGNATED BY CALFIRE TO HAVE THE
POTENTIAL FOR VERY HIGH FIRE HAZARDS**



Very High Fire Hazard Safety Areas are shown in red and pink.

Non high fire hazard safety areas are shown in gray.

ATTACHMENT C

FACT SHEET:

California's Fire Hazard Severity Zones

California Department of Forestry and Fire Protection
Office of the State Fire Marshal



While all of California is subject to some degree of fire hazard, there are specific features that make some areas more hazardous. The California Department of Forestry and Fire Protection (CAL FIRE) is required by law¹ to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors.

These zones, referred to as Fire Hazard Severity Zones (FHSZ), influence how people construct buildings and protect property to reduce risk associated with wildland fires. The maps were last updated in the mid-1980s and early 1990s. They are currently being updated to incorporate improved fire science, data and mapping techniques.

The proposed Fire Hazard Severity Zone maps for lands where the state has financial responsibility for wildland fire protection, known as state responsibility area or SRA, are available for review and public comment. A series of public hearings is being conducted in 56 counties with state responsibility area lands to gather comment for consideration. After the comment period ends, the CAL FIRE Director will either modify or adopt the Fire Hazard Severity Zone maps.



In 2008, CAL FIRE will produce Fire Hazard Severity Zone maps for the areas of California where local governments have financial responsibility for wildland fire protection, known as local responsibility areas, or LRA. Only lands zoned very high are identified within local responsibility areas.



Buildings on the fringes of California's wildland areas face a greater fire hazard than those in cities and towns.

Fire Hazard Elements

Vegetation - Fire hazard considers the potential vegetation over a 30- to 50-year time horizon. Vegetation is "fuel" to a wildfire and it changes over time.

Topography - Fire typically burns faster up steep slopes.

Weather - Fire moves faster under hot, dry, and windy conditions.

Crown Fire Potential - Under extreme conditions, fires burn to the top of trees and tall brush.

Ember production and movement - Fire brands are embers blown ahead of the main fire. Fire brands spread the wildfire and they get into buildings and catch the building on fire.

Likelihood - Chances of an area burning over a 30- to 50-year time period based on history and other factors.

¹ (PRC 4201-4204 and Govt. Code 51175-89)



Burning embers, known as firebrands, spread fire ahead of the flame front and can ignite buildings up to a mile away from the main fire.

How are zones determined?

The Fire Hazard Severity Zone maps were developed using a science-based and field-tested computer model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Many factors are considered such as fire history, existing and potential fuel (natural vegetation), flame length, blowing embers, terrain, and typical weather for the area. There are three hazard zones in state responsibility areas: moderate, high and very high.

Urban and wildland areas are treated differently in the model, but the model does recognize the influence of burning embers traveling into urban areas, which is a major cause of fire spread.

What is the map for?

The Fire Hazard Severity Zones identify fire hazard, not fire risk. "Hazard" is based on the physical conditions that give a likelihood that an area will burn over a 30 to 50-year period without considering modifications such as fuel reduction efforts. "Risk" is the potential damage a fire can do to the area under existing conditions, including any modifications such as defensible space, irrigation and sprinklers, and ignition resistant building construction which can reduce fire risk. Risk considers the susceptibility of what is being protected.



Fire Hazard Severity Zone maps are intended to be used for:

- Implementing wildland-urban interface building standards for new construction
- Natural hazard real estate disclosure at time of sale
- 100-foot defensible space clearance requirements around buildings
- Property development standards such as road widths, water supply and signage
- Considered in city and county general plans

How do I determine the fire hazard in my area?

Visit the CAL FIRE Website at www.fire.ca.gov. You can enter your address and easily find your Fire Hazard Severity Zone IF your property is in the state responsibility area. The statewide map and maps for each county with state responsibility area lands are also posted. For more information about Fire Hazard Severity Zones or wildland-urban interface building codes, contact your local CAL FIRE Unit.

ATTACHMENT D



FACT SHEET:

Fire Hazard Severity Zone Model

A Non-technical Primer

California Department of Forestry and Fire Protection

Office of the State Fire Marshal

Most of the highest wildfire losses take place during hot, windy days or nights when flames spread so fast that many buildings catch fire and overwhelm available firefighting forces. Many buildings ignite when burning embers land on wood roofs, blow in through vents, pile up in cracks, or become lodged under boards. By constructing buildings in a way that reduces the ability of embers to intrude, a major cause of structure ignition is reduced.

Recently adopted building codes reduce the risk of burning embers igniting buildings. Standards are already in effect for roofs and attic vents. Application of roofing standards depends on the Fire Hazard Severity Zone of a property. New building codes for California, will require siding, exterior doors, decking, windows, eaves, wall vents and enclosed overhanging decks, to meet new test standards. These standards apply throughout areas where the State has financial responsibility for wildland fire protection and for local responsibility areas zoned as very high fire hazard severity.

While all of California is subject to some degree of fire hazard, there are specific features that make some areas more hazardous. California law requires CAL FIRE to identify the severity of fire hazard statewide. These fire zones, called Fire Hazard Severity Zones are based on factors such as fuel, slope of the land and fire weather. There are three zones, based on increasing fire hazard: medium, high and very high.

Model Behind Fire Hazard Severity Zone Mapping

The zone designation for each specific parcel is initially assigned by a computer model. The model is based both on existing fire behavior modeling techniques used by fire scientists throughout the United States and on new methodologies and data developed by the Fire Center at the University of California in Berkeley.

The model evaluates land area using characteristics that affect the probability that the area will burn and the potential fire behavior that is expected should the area burn in a wildfire. Many factors are considered such as fire history, existing and potential fuel, flame length, blowing embers, terrain, and typical weather for the area.

Hazard Versus Risk

As required by law, the model evaluates “hazard” not “risk.” *Hazard* refers to physical conditions that cause damage. “Hazard” as calculated in the model is based on the physical conditions that give a likelihood that an area will burn in the future, the heat produced when it does burn, and a prediction of the embers that spread the fire. It is based on the potential vegetation that will grow in the area over the next 30 - 50 years.

Risk, on the other hand, is the potential damage a fire can do to values at risk in the area under existing and future conditions. Risk does consider modifications that affect susceptibility of property to damage,

such as defensible space, irrigation and sprinklers, and building construction that reduces the risk of burning embers igniting buildings. Hazard does not equal risk, but is an important factor in determining risk.

Zones and Parcels

Mapping an area as large as California requires the creation of spatial units called zones. Zones are areas that form the spatial building blocks for constructing a map. They are akin to the pieces in a jig-saw puzzle.

Zones are created by computer from areas of similar terrain, vegetation, and fuel types. They are areas that have relatively similar burn probabilities and fire behavior characteristics. The zone size varies from 20 acres and larger in urbanized areas to 200 acres and larger in wildland areas. Urban areas are treated differently in mapping due to the significant changes in both fuel conditions and burn probability that happen as areas become urbanized.

Wildland zones are areas of similar terrain and fuel conditions created by using computer techniques to build the boundaries. Areas dominated by brush lands on steep slopes will generally occur in different zones than flat grassland areas.

Urban zones are delineated based on minimum area and average parcel size. They must be at least 20 acres in size, and contain average parcel sizes that are less than two acres per parcel. In most counties, urban zones were developed using parcel data. Where such data was not available parcel density was interpreted using 2000 census data and statewide vegetation map data. In practice, the majority of areas mapped as urban zones have parcel sizes less than one acre, with highly developed infrastructure and ornamental vegetation.

Fundamental to understanding the map is that hazard zones do not exist at scales smaller than those used to create the zones. Thus when looking at the map, one needs to know how information is averaged across the zone to derive the final hazard ranking. The zones will have smaller areas within them of different hazard characteristics. This detail is lost when scores are averaged over the entire area of the zone to obtain a zone-wide description of hazard

Focus on Characterizing Fire Behavior and Fire Hazard to Buildings

Since new building standards seek to reduce the chance that buildings will ignite in a wildfire, the model focuses on those descriptions of fire behavior that influence structure ignition. The model uses fire behavior characteristics that describe the intensity of both radiation and convection from nearby flame sources (using flame length as a measure) and mass transport of firebrands due to convection lifting and wind).

Intrinsic to hazard, consequently, is the estimation of probability, or chance. Further, the conditions that give rise to hazard for an area are not solely a function of conditions in that particular area. Firebrands landing in an area may be produced some distance away, and hence the hazard for an area is influenced by hazards off-site

Terms Used

Fire Hazard Severity has two key components: probability of burning and expected fire behavior. The factors considered in determining hazard are: 1) how often an area will burn; and 2) when it does burn, what characteristics might lead to buildings being ignited?

Fire behavior refers to the physical characteristics of the fire - examples include rate of spread, length of flames, and the ability to produce firebrands or embers.

Burn probability describes the average chance of a fire burning an area in any given year. It is based on the fire records spanning the last 55 years. Some areas of the state have much higher chances of burning, and this is reflected in the hazard zones.

Zoning and Scoring

The model uses building blocks to derive FHSZ classes based on a two-step process: Zoning and Scoring (See Figure 1). Urban areas are treated differently from wildlands due to the significant changes in both fuel conditions and burn probability that happen as areas become urbanized

Each wildland zone gets scores that tie together the burn probability with the expected flame sizes predicted by fuels, slope, and expected fire weather. Since it describes potential hazard to buildings, the model characterizes the fuel potential of the area over a 30-50 year period and the maximum expected hazard value is used.

While some areas may have recently been treated and currently have only moderate hazard, buildings in that area will be exposed to increasing hazards as these vegetation fuels develop, hence the use of “climax” or fuel potential in the model. As with the chance of fire, expected flame size varies significantly from one fuel type to the next.

Areas also receive a score for the amount of firebrands (burning embers transported by the wind) that are expected to land on an area. In the model, firebrands are produced based on fuel types and a model describing the distribution of firebrands transported from the source area. The firebrand score is a function of the number of brands that are expected to land on a given area, and are consequently influenced by areas around them where the embers are produced.

Each wildland zone gets an area-averaged classification for flaming and firebrands, which together determine the final hazard ranking for the zone: moderate, high or very high.

Urban zones are scored based on their proximity to wildland zones and the flame score for that wildland zone, the number of firebrands being produced in the wildlands and received in the urban area, and the amount of vegetation fuels present in the urban zone. Urban areas immediately next to wildland zones typically have the highest hazard, and areas more removed from the wildlands have lower hazards.

The influence of wildland fire hazard into urban areas can range from only about 200 feet in low hazard conditions, to nearly a mile in very high hazard areas. The nature and depth of the zones are a function of both how likely a flame front will penetrate, and how many firebrands are expected to land in the urbanized areas.

Results of the Model

Results of the model lead to revised maps of fire hazard severity. To summarize, classification of a zone as moderate, high or very high fire hazard is based on the severity of fire behavior that leads to building

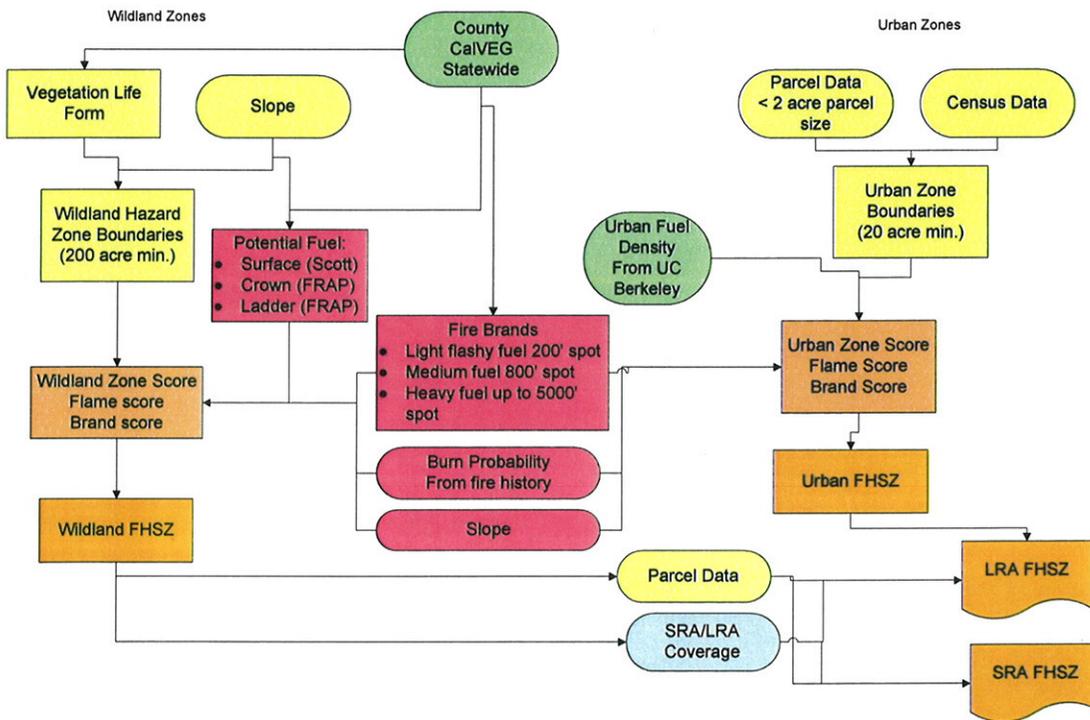


ignition. Each area of the map gets a score for flame length, embers, and the likelihood of the area burning. Scores are averaged over the zone areas. Final FHSZ class (moderate, high and very high) is determined based on the averaged scores for the zone.

Model results were tested and validated in four counties with very different conditions: Butte, Calaveras, Sonoma, and San Diego. Further, draft maps have been reviewed by the 21 CAL FIRE units and six contract counties; their recommendations for changes were evaluated and incorporated when appropriate.

Updated information and support documents for FHSZ are available on CAL FIRE’s Fire and Resource Assessment Program’s website at <http://frap.cdf.ca.gov/fhsz/review.html>.

Figure 1: FIRE HAZARD SEVERITY ZONING MODEL STRUCTURE



Fire Hazard Zoning Model Documentation

9/18/07

1. Background

CDF is legally mandated to periodically map Fire Hazard Severity Zones (FHSZ) on SRA lands, as well as recommend Very High Fire Hazard Severity Zones in LRA. New building code standards recently promulgated by the State Fire Marshall have established these maps as the basis for adoption of these new regulations. Under direction by the Director of CDF, the Fire and Resource Assessment Program (FRAP) has developed a statewide, consistent logic and science-based model for Fire Hazard Zoning to meet the needs of the adoption of these new building standards.

Additional information, including a powerpoint on the FHSZ modeling process and support documents for the review can be found at;

<http://frap.cdf.ca.gov/projects/hazard/fhz.html>

2. Definitions

We follow definitions and terminology recently advanced for using classic quantified risk assessment techniques for use in wildland fire assessment as found in Bachmann and Algöwer 2000, and Scott 2006. Here, **hazard** refers to the physical conditions that can lead to damage, and **risk** is a quantified assessment of that potential damage. Wildfire hazard has two key components: probability, and fire behavior. The FHSZ modeling outlined here and employed in the maps uses these two components to describe hazard, but has no information regarding asset or resource characterization nor their relative vulnerability to damage as based on the hazard score. A good way of viewing this issue is to consider fire hazard to only be concerned with the nature of the fire itself: how often we believe an area will burn, and when it does burn, what kinds of potential ignition mechanisms will that fire create such that exposure to buildings may lead to the structure being damaged/destroyed. Thus hazard does not equal risk, but is an important factor in determining risk. Ongoing work at true quantified risk assessment must include hazard, asset characterization, and response (damage) relationships of various assets to the mixture of fire behaviors it will be exposed (Scott, 2006)

The other key definitional element associated with this work concerns the term "zone". We interpret wildfire hazard zones to be areas of relatively homogeneous burn probabilities and associated fire behavior mechanisms that drive structure ignitions. Consequently zones differ from highly resolved spatial characterization of fire behavior in that they are aggregated or averaged over space into zones of user-defined sizes. In the following FHSZ modeling, zones

vary in sizes from 20 acre minimums in urbanized areas to 200 acre minimums in wildland areas.

In summary, **wildfire hazard zones represent areas of variable size ranging from 20 acres in urbanized areas to at least 200 acres in wildland areas, with relatively homogeneous characteristics regarding expected burn probability and potential fire behavior attributes based on climax fuel conditions over a 30-50 year time horizon.**

3. Model Construction

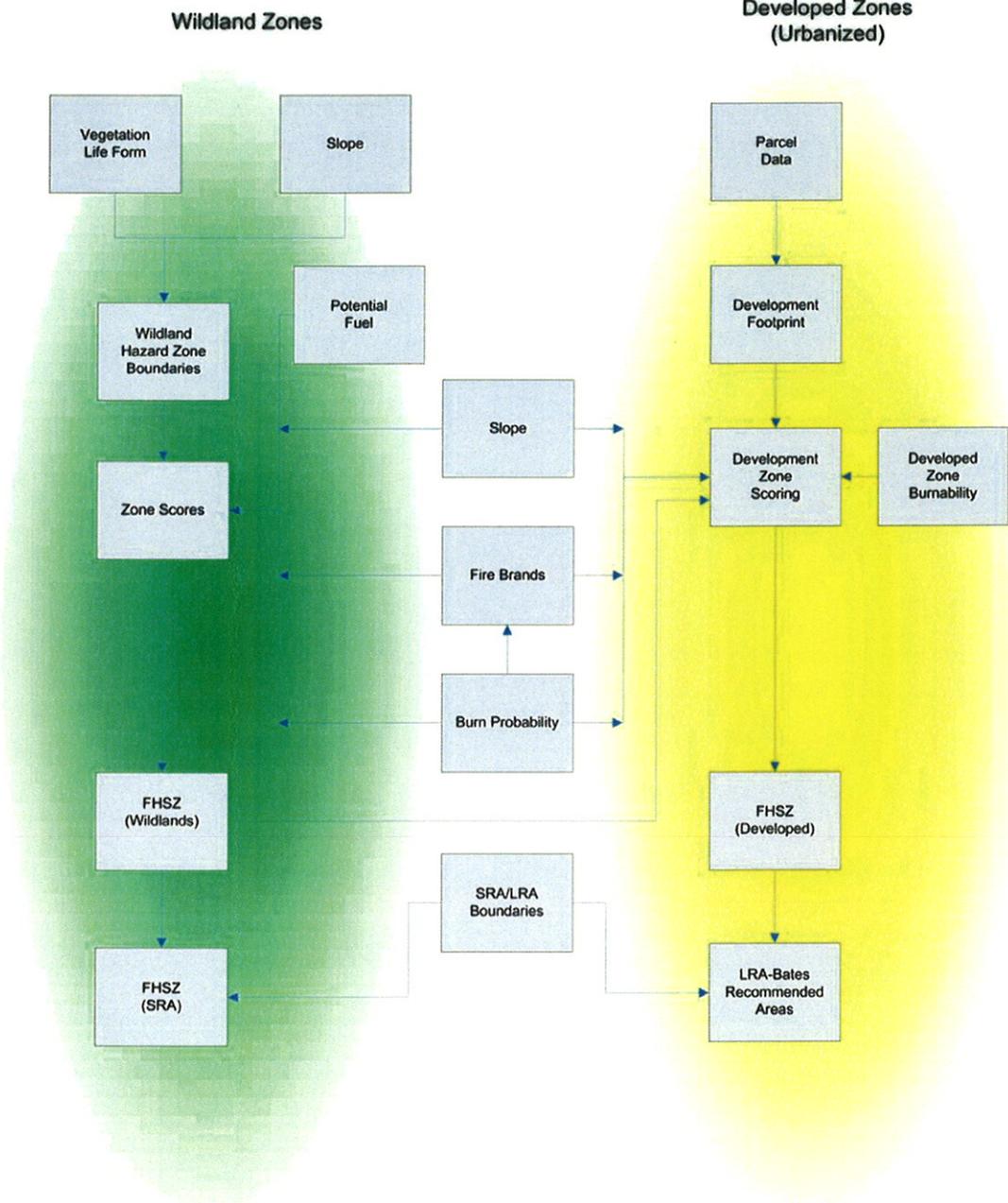
A simplified flow-chart of the principle steps in FHSZ mapping is shown in Figure 1. The basic procedure follows a zone creation-scoring-classification routine where zones are differentiated into wildland and urban/developed areas.

A) ZONING

Zoning is divided into urban/developed and wildland areas due to the unique characteristics of urbanized areas where classic wildland fire assessment tends to break down. In the wildland areas, expected fire behavior is a function of the typical fire intensity expected on a normally severe fire weather day, inclusive of expected firebrands landing in the zone, coupled with the expected likelihood that the zone will burn as based on a stratified calculation of burn probability calculated from the last 50 years of fire history. Wildland zones are aggregated into polygons with a minimum size of 200 acres based on general vegetation type and slope conditions.

Urban/Developed zones are based on parcel data (where available) in conjunction with 2000 census data and the existing urban footprint found in the most recent multi-source statewide vegetation map data available at FRAP. The criteria are based on concentrations of development where minimum size of area (20 acres) and maximum size of residential parcels (2 acres) is designed to find areas where significant changes in the drivers for hazard change as a reflection of urbanization: fuel discontinuity, non-wildland fuels, increased detection and suppression response, etc. The net effect is to define areas where existing modeling techniques designed for wildlands do not effectively work.

FIRE HAZARD SEVERITY ZONING MODEL STRUCTURE



B) SCORING/CLASSIFICATION

The Fire Hazard Zone model uses expected potential fire behavior in conjunction with burn probability to assess hazard. Wildland Zones are relatively uniform areas regarding slope and potential fuel type that represents the maximal fire hazard. Assessment of fuel conditions for this process differ from many hazard assessments in that the model may differ from current conditions due to the desire to reflect hazard potential over a long (30-50 year) horizon. Consequently, fuel characterization uses a "climax fuel" construct, to reflect the maximal fire hazard the area might produce during this period. Burn probability acts as fire behavior multiplier and as such exerts strong influence on scoring. Cell-based fire behavior reflecting nearby radiation and flame-contact potential is based on expected flame length times burn probability that is then classified into three classes.

Firebrands are produced from sites based on surface fire or torching potential of forested fuel types and produce a halo of area where brands are received. Each cell in the data set is calculated for its sum of all brand scores received, which then forms the basis for the final brand 3-class data that together with flame class forms the basis of the final FHSZ class score.

In contrast, urban zones as classified based on the wildland hazard adjacent to the developed area, the vegetation density and fuel type in the developed area, and the likely zone of influence of firebrands coming from wildland and densely vegetated urban areas supporting woody vegetation. Both inputs to the model and the final product have been extensively cross-checked against recent (2005) full color aerial photography as a means of ground check. Analogous 3-class flame and brand class components are used for final FHSZ classification. Where counties have made parcel data available to CDF, final boundaries between rankings in wildland areas are adjusted to result in no parcels less than 5 acres having more than one ranking, and all rankings in developed areas are resolved at the individual parcel scale (i.e., no parcels are split amongst two or more hazard ranks). In cases where no parcel data is available, the maps have no rectification with parcel boundaries, and will require review and judgment regarding appropriate designation in cases where parcels are split.

4. Model Considerations Useful in Review and Improvement in LRA-VHFHSZ Map Accuracy

The computer-generated map being reviewed here is a result of model development that uses data to describe the expected physical environment, and logic rules that translate the data into a description of fire hazard potential specific to ignition exposure to new construction. The map is only as good as the input data and model rules used to create it. It was built over very large spatial scales, across widely diverse types of lands, and includes estimations for fuel

conditions and burn probabilities over relatively long periods of time. As such, the map should be viewed as CAL-FIRE'S best *first* attempt to create an accurate picture of areas of significant hazard potential. We encourage deliberations that include both upgrading hazard areas currently not considered VH, and downgrading areas currently designated as VH into lower classifications where warranted. While direct contact will automatically be made to all jurisdictions with DRAFT VH areas, diligence must be used to communicate with jurisdictions that are not currently VH, but may warrant it.

Areas of the map can be significantly improved by detailed local review where a number of key issues should be understood about the model's definitions, intent, and application. While we encourage and welcome local review, recommendations for change need to be supported by information relevant to how and why the model was constructed as it has been. Consequently, in addition to the recommended change areas produced during the review process, we also ask for information providing justification for these changes, and contact information for the person making the request should we need to contact the person to better understand their submissions.

Background issues relevant to improving the VHFHSZ map:

- The FHSZ model is built off a presumption that urbanized areas may also be considered very hazardous when adjacent to open wildland areas that can initiate an urban conflagration, that is, the FHSZ model is wildland-centric in the sense that wildland areas – in addition to being hazardous themselves, also influence the hazard conditions of non-wildland areas near them. Thus, VHFHSZ's are predicated on an area of wildland meeting the models specifications of significance.
- To qualify as a unique zone, the area must be a minimum size of 200 acres, unless bounded on all sides by urban areas, in which case minimum size is reduced to 20 acres.
- Wildland fuels and the local fire environment (slope, aspect, fire weather patterns, ignition potential, etc.) combine to create a characteristic burn probability and fire behavior in the form of both flame length and firebrand production.
- Wildland areas that are suspect as to their hazard conditions can be documented and reference information (photography, description, etc.) accompany the change area to justify changing its hazard rating.
- Omission errors in the map result from our inability to accurately map enclaves of wildland areas within urbanized areas. If you believe the map does not reflect VH urbanized areas, potential areas to evaluate include those 20 acre and larger within urban zones, and those under 20 acres

connected to adjacent wildland zones. Additionally, the model does not include any explicit treatment of existing structural fuels on fire hazard and spread (e.g., a high percentage of wood roofs in a particular area) that would influence the overall hazard, please document these conditions.

- Commission errors -- that is those areas identified as Very High hazard, but are actually not -- may be a function of bad input data describing the wildland areas, or possibly out-of-date land descriptions for recently developed areas. It is important to note that recent development does not automatically warrant exclusion from VH designation. Size, shape, and adjacent wildland characteristics provide both immediate fire exposure at the margins of these newly developed areas, and firebrands may manifest exposure to interior portions of the area as well. Suggestions for removal of areas from VH designation should take these factors into account.
- FHSZ describes only the physical hazard of vegetation and associated urban-conflagration fires; factors relating to mitigated risk provided by local fire suppression and/or fire prevention measures are not included in the model and cannot be used directly as a justification for changing the hazard classification. Examples, such as water delivery systems, access/egress, local fire safe measures can only provide justification if they can be materially documented to change the basic building blocks of the FHSZ model. Fuel modifications are viewed as transient, and many fire protection system elements are ineffective in urban conflagrations, but local conditions that significantly affect the chance of a fire occurring may possibly justify a change to the map.

5. Questions and Comments

Questions and comments regarding model development and review and validation procedures can be directed to the Unit FHSZ contact at each CAL FIRE Unit or Contract County.

Literature Cited

Bachmann, Andreas, and B. Allgöwer. 2000 The need for a consistent wildfire risk terminology. Pages 67-77 In: Vol 1, Proceedings from: The Joint Fire Sciences Conference and Workshop, Boise ID June 15-17, 1999. L. F. Neuenschwander, K.C. Ryan, Tech. Eds. University of Idaho, Moscow ID. Scott

Scott, Joe H. 2006. An analytical framework for quantifying wildland fire risk and fuel treatment benefit. Pages 149-162 In: Fuels Management – How to measure success: Conference Proceedings. USDA, Forest Service Rocky Mountain Research Station Proceedings RMR-P_41. 809 p.

Appendix A.

FHSZ_class descriptions

Class levels are applied to both wildland and urban/developed areas:

Wildland zones are defined as relatively homogeneous areas 200 ac and larger dominated by native vegetation cover. They may include inholdings of non-burnable types including water, agricultural lands and barren/rock, but the majority of the landscape is covered by natural plant cover.

Developed/Urban zones are areas that have a strong influence of human development, and are characterized by parcel sizes 2 acres or smaller and/or intermingled commercial properties. Contiguous Zones are a minimum of 20 acres in total size, and wildland enclaves within urban areas are also a minimum of 20 acres.

FHSZ_class definitions

Value = 1

Label = Moderate

Either a) **Wildland** areas supporting areas of typically low fire frequency and relatively modest fire behavior. Contributing factors may include a relatively short active fire season and/or low frequency of severe fire weather conditions; modest slope; low incidence of past large and damaging fires; dominant climax fuel types supporting modest surface fire regimes with respect to fire intensity and minimal areas supporting crown fire and associated firebrand development and reception; nearby or interspersed areas supporting non-wildland fuels (agriculture lands, water, rock/barren) may also be present.

Or b) **developed/urbanized** areas with a very high density of non-burnable surfaces including roadways, irrigated lawn/parks, and low total vegetation cover (<30%) that is highly fragmented and low in flammability (e.g., irrigated, manicured, managed vegetation). These areas are classic high density urban residential areas or commercial properties where wildland areas are removed by a large distance (>.5 mile) or if closer, only present modest fire hazards ((see above). If fire was to spread through these zones it would either be isolated and contained due to incidence of firebrands, or resulting from house-to-house ignitions under the most extreme weather conditions.

Value = 2

Label = High

Either a) **wildland** areas supporting medium to high hazard fire behavior and roughly average burn probabilities. Typically characterized by climax fuels from

surface strata only with flat to steep slopes in conjunction with relatively rare fire occurrence influenced by short fire seasons and/or significant moderation of fire weather conditions (e.g. marine influence on fuel moistures), or lesser hazard fuels types subject to more prevalent burn frequencies. Nearby forested areas supporting crown fire are isolated or non-existent. Slopes vary from flat to steep, depending on fuel hazards and burn probabilities.

Or b) **developed/urbanized** areas with moderate vegetation cover and more limited non-burnable cover. Vegetation cover typically ranges from 30-50% and is only partially fragmented. Short-range lateral spotting may breach fuel discontinuities and allow for some areas to spread as a flame front. Areas supporting tree cover should not result in significant torching. Adjacent nearby wildlands (within ¼ mile) are typically High Hazard zones (see above) or if farther away, more typical of Very High Hazard zones (see below). These areas lie midway between classic urbanized areas dominated by homes, roadways, and low flammability vegetation cover, and those developed areas where both surface and crown fuels are dense and continuous.

Value = 3

Label = Very High

Either a) **wildland** areas supporting high-to extreme- fire behavior resulting from climax fuels typified by well developed surface fuel profiles (e.g., mature chaparral) or forested systems where crown fire is likely. Additional site elements include steep and mixed topography and climate/fire weather patterns that include seasonal extreme weather conditions of strong winds and dry fuel moistures. Burn frequency is typically high, and should be evidenced by numerous historical large fires in the area. Firebrands from both short- (<200 yards) and long-range sources are often abundant.

Or b) developed/urban areas typically with high vegetation density (>70% cover) and associated high fuel continuity, allowing for frontal flame spread over much of the area to progress impeded by only isolated non-burnable fractions. Often where tree cover is abundant, these areas look very similar to adjacent wildland areas. Developed areas may have less vegetation cover and still be in this class when in the immediate vicinity (1/4 mile) of wildland areas zoned as Very High (see above).

Value = -2

Label = Urban/non-zoned

Developed areas spatially removed from proximity to wildland fire areas. Urban centers such as city centers ranging from 200 ft to ¾ miles way from wildland zones, where the critical distance allowing for this classification is dependent on the nature of the fire hazards in those wildland areas.

Value = -1

Label = Non burnable open Space

Areas outside State Responsibility Areas (SRA) that are not classified as developed/urban or as a wildland zone, and are typically associated with non-flammable conditions: water, agricultural lands (excluding rangelands) and barren/rock areas. Similar areas within SRA are recoded to the Moderate class per state statute.

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.1
GENERAL BUSINESS
Meeting Date: May 26, 2010

TO: Mayor and City Council
FROM: Gary Nordquist, Assistant City Manager
SUBJECT: Wildland Fire Protection Agreement

STAFF REPORT

RECOMMENDATION:

Adopt a Resolution entitled:

RESOLUTION NO. 2010 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, APPROVING THE AGREEMENT WITH CALFIRE FOR THE WILDLAND
FIRE PROTECTION SERVICES

BACKGROUND/DISCUSSION

Last February 11, 2009, CalFire made a presentation to the City Council at a Workshop addressing this Wildland Fire Protection Program. The report provides the City with an invitation to join the program and the contractual terms of the program.

The City currently contracts for fire protection with the County of Riverside through its agreement with CAL FIRE. This contract includes Fire Protection, Prevention, Emergency Medical Response, Hazardous Materials Response and Disaster Preparedness. The City Fire Department operates from Station 61 on Gruwell Street in Wildomar. Through the County Fire Department (RVC) integrated, cooperative regional fire protection program, several county stations provide primary response to Wildomar calls, including the City of Menifee, Station 68, RVC Station 75, as well as the City of Lake Elsinore, Station 94.

The City has two areas that are significantly endangered by wildland fire. One area is along the western edge of the City. Fires within this area are considered an immediate threat to both CAL FIRE and Federal (CNF) direct protection areas (DPA). The second area and the focus of this proposed Wildland Fire Protection Agreement is located east of 1-15, south of the Cities of Lake Elsinore and Menifee and northwest of the City of Murrieta. Prior to incorporation both of these areas were State Responsibility Areas (SRA). The City as a contract partner of RVC, is currently unable to provide the engines, aircraft, crews, dozer and overhead at the time of notification and initial dispatch to a wildland fire to adequately protect this area on its own. Most wildland fires in this area have the potential to quickly exceed and overwhelm the City's resource capabilities. Because of this the City must utilize its local and Master Mutual Aid agreements, along with the Seven Points of Light to mitigate the emergency.

The proposed protection area of 997 acres would provide the City, RVC and CAL FIRE the ability to immediately dispatch the most effective combination of kind, type and number of resources in order to contain and control most wildland fires with the initial attack resources per the CALFIRE Initial Attack objectives. The quick knock-down and control of any wildland fires would greatly benefit the City, COUNTY, RVC and CAL FIRE. Currently, adequate CAL FIRE resources are within close proximity to this proposed agreement area to meet the above stated initial attack objectives. Fire emergencies within this agreement area that escape initial attack will utilize the terms and conditions of existing local agreements, California Fire Service and Rescue Emergency Mutual Aid Plan, Closest Resource Concept, Seven Points of Light, and Assistance by Hire to contain and fully control all wildland fire emergencies. When applicable the Fire Management Assistance Grant (FMAG) process will be utilized to help recover appropriate fire suppression and support costs. An agreed upon Cost Apportionment method for determining final fiscal responsibility will be utilized by the CAL FIRE Agency Representative and the City of Wildomar representative.

FISCAL IMPACTS:

The funding for this program, \$21,237.00 per year and will be included in the Proposed General Fund Budget to be presented to the City Council for review on June 9, 2010. The agreement with Cal-Fire is for three years starting July 1, 2010. Not participating in this program could subject the City to higher costs for wildland fire services.

ALTERNATIVES:

1. Take no action
2. Provide staff with further direction.

Submitted by:



Gary Nordquist
Assistant City Manager

Approved by:



Frank Oviedo
City Manager

RESOLUTION NO. 2010 – _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, APPROVING THE
AGREEMENT WITH CALFIRE FOR THE WILDLANDS FIRE
PROTECTION SERVICES**

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

WHEREAS, Since incorporations the City has contracted with the County of Riverside for Fire Services,

WHEREAS, the County of Riverside contracts with the State of California's CAL-Fire Department,

WHEREAS, the City Council Agrees to Enter into a contract with CAL-Fire for the Wildland Fire Protection Program, .

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

The City Council hereby finds and determines that the entering into The Wildland Fire Protection Agreement with CAL-Fire is in the best interests for the City as this program will provide the needed resources for Wildland fire services.

PASSED, APPROVED, AND ADOPTED this 26th day of May, 2010.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Julie Hayward Biggs
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT A

Memorandum

To : Jolene DeGroot
Cooperative Fire Programs

Date: May 4, 2010

Website: www.fire.ca.gov

From : **Department of Forestry and Fire Protection**

Subject : 2500 CONTRACTING PROCEDURES
2550 Contracts, Agreements and Leases
Review Certification for Schedule A and Wildland Agreements

I have read and reviewed the attached agreement.

Contract Name: City of Wildomar
Contract Number: 3CA00858 FY: 10/11 thru 12/13

UNIT CHIEF

Signature

John R. Hawkins
Printed Name

Date

REGION CHIEF

Signature

Mikel Martin
Printed Name

Date

DEPUTY CHIEF, Cooperative Fire Program

Signature

Mark Tolbert
Printed Name

Date

STAFF CHIEF, Cooperative Fire Programs

Signature

Loren Snell
Printed Name

Date

City of Wildomar 3CA00858
ROUTING CHECKLIST

**Cooperative Fire Programs Fire Protection Reimbursement
AGREEMENT/AMENDMENT**

1. **UNIT**
- Prepare 3-signed **Std. 215s** (Contract Transmittal) forms.
 - For an **ORIGINAL/RENEWAL contract** prepare **4 LG1s** -signed by the authorized local agency person.(All original signatures)
 - For an **AMENDMENT contract** use the **LG1A** (instead of an Amendment Letter) Prepare **4** signed by the authorized local agency person (originals)
 - Complete Exhibit D, Schedules A, B, C, D and E. and attach copies to each agreement.
 - Provide 2 copies of insurance coverage. If self-insured, include signed Exhibit D, Schedule E.
 - Provide 2 copies of Bd. Resolution/Bd. Minutes authorizing local agency person to execute the LG1/LG1A.(See Sample Resolution)
 - Provide 4 extra photocopies of each Exhibit D, Schedule A (Fiscal Display).
 - Review package for completeness. Date and initial the **Routing Checklist**.
 - Unit Chief recommends execution of the LG1/LG1A by signing the **CDF Review Certification Memo**. Place this form on top of complete package and forward to Region Office.
2. **REGION OFFICE**
- Reviews package for completeness. Date and initial the **Routing Checklist**.
 - Region chief recommends execution of the LG1/LG1A by signing the **CDF Review Certification Memo**. Place this form on top of complete package and forward to the Coop Fire Program, Sacramento HQ's.
3. **COOPERATIVE FIRE PROGRAM**
- Coop Fire Program reviews for completeness, accuracy, and compliance with department policy. Date and initial the **Routing Checklist**.
 - Recommends execution by having Staff Chief and Assist. Deputy Director FP sign **CDF Review Certification Memo** - forwards package to Deputy Director for FP.
 - Deputy Director for Fire Protection executes agreement for the department by signing all copies of the **LG1 or LG1A**.
 - Coop Fire retains one photocopy of contract for files.
 - Forwards complete package to Contracts office.
4. **CONTRACTS OFFICE**
- Logs and stamps LG1/LG1A.
 - Reviews for general contract requirements.
 - Retains suspense copy of complete package in contract file.
 - Forwards (2) Std.215, (4) LG1/LG1A to Department of General Services Insurance and/or Legal.
 - Receives 2 or 3 fully executed copies of the LG1/LG1A from Department of General Services.
 - Transmits suspense copy of the LG1/LG1A to the Accounting office.
 - Retains 1 fully executed LG1/LG1A in contract file.
 - Transmits notice of completed contract to coordinator in the Cooperative Fire Protection program, Sacramento HQ's.
 - Forwards at least (1) original and copies if available of the fully executed LG1/LG1A and this dated Routing Checklist to the Region.
5. **REGION OFFICE**
- Retains 1 fully executed LG1/LG1A for Region office files.
 - Forwards 2 fully executed LG1/LG1A and this dated **Routing Checklist** to the Unit.
6. **UNIT**
- Forwards 1 fully executed original copy of the LG1/LG1A to the Local Agency.
 - Retains one fully executed copy of the LG1/LG1A and this dated Routing Checklist for the Unit files.
- Rev. 9/2007

AGREEMENT SUMMARY
STD 215 (Rev. 09/2007)

AGREEMENT NUMBER
3CA00858

Contractor : City of Wildomar
Contract#:3CA00858
Page # 1

CHECK HERE IF ADDITIONAL PAGES ARE ATTACHED

1. CONTRACTOR'S NAME
City of Wildomar

2. FEDERAL I.D. NUMBER

3. AGENCY TRANSMITTING AGREEMENT
Forestry and Fire Protection

4. DIVISION, BUREAU, OR OTHER UNIT
Riverside Unit

5. AGENCY BILLING CODE
013028

6. NAME AND TELEPHONE NUMBER OF CONTRACT ANALYST FOR QUESTIONS REGARDING THIS AGREEMENT
Jolene DeGroot, 916/654-6833

7. HAS YOUR AGENCY CONTRACTED FOR THESE SERVICES BEFORE?
 NO YES (If YES, enter prior contractor name and Agreement Number)
City of Wildomar
3CA00858

8. BRIEF DESCRIPTION OF SERVICES - LIMIT 72 CHARACTERS INCLUDING PUNCTUATION AND SPACES
Fire Protection Services

9. AGREEMENT OUTLINE (Include reason for Agreement: Identify specific problem, administrative requirement, program need or other circumstances making the Agreement necessary; include special or unusual terms and conditions.)

California Department of Forestry and Fire Protection (CALFIRE) shall provide fire protection services pursuant to Public Resources Code Sections 4142 and/or 4144.

This Schedule A Wildland/Agreement falls under two of the exceptions listed in the DGS Administrative Order 06-06-1.

"The Contract is an interagency or revenue/reimbursement agreement, there are reasonable factors that caused the delay, and it is in the State's best interest to process the contract or amendment."

"The Contract involves another governmental entity, and an Action or inaction of that other governmental entity delayed Timely processing of the contract of amendment by the State."

10. PAYMENT TERMS (More than one may apply.)
 MONTHLY FLAT RATE QUARTERLY ONE -TIME PAYMENT PROGRESS PAYMENT
 ITEMIZED INVOICE WITHHOLD _____ % ADVANCED PAYMENT NOT TO EXCEED
 REIMBURSEMENT/REVENUE \$ _____ or _____ %
 OTHER (Explain) _____

11. PROJECTED EXPENDITURES FUND TITLE	ITEM	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
Reimbursement		10/11			\$21,237
					\$
					\$

OBJECT CODE

AGREEMENT TOTAL \$ 21,237

OPTIONAL USE

AMOUNT ENCUMBERED BY THIS DOCUMENT \$

I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.

PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT \$

ACCOUNTING OFFICER'S SIGNATURE  DATE SIGNED TOTAL AMOUNT ENCUMBERED TO DATE \$

12. AGREEMENT	TERM		TOTAL COST OF THIS TRANSACTION	BID, SOLE SOURCE, EXEMPT
	From	Through		
Original	07/01/10	06/30/11	\$ 21,237	EXEMPT
Amendment No. 1	07/01/11	06/30/12	\$	
Amendment No. 2	07/01/12	06/30/13	\$	
Amendment No. 3			\$	
TOTAL			\$	

(Continue)

13. BIDDING METHOD USED:

- REQUEST FOR PROPOSAL (RFP) INVITATION FOR BID (IFB) USE OF MASTER SERVICE AGREEMENT
(Attach justification if secondary method is used)
- SOLE SOURCE CONTRACT EXEMPT FROM BIDDING OTHER *(Explain)*
(Attach STD. 821) *(Give authority for exempt status)* **Reimbursement**

NOTE: Proof of advertisement in the State Contracts Register or an approved form STD. 821, Contract Advertising Exemption Request, must be attached

14. SUMMARY OF BIDS *(List of bidders, bid amount and small business status) (If an amendment, sole source, or exempt, leave blank)*

Not applicable. This is a reimbursement agreement with a local agency.

15. IF AWARD OF AGREEMENT IS TO OTHER THAN THE LOWER BIDDER, PLEASE EXPLAIN REASON(S) *(If an amendment, sole source, or exempt, leave blank)*

Not applicable. This is a reimbursement agreement with a local agency.

16. WHAT IS THE BASIS FOR DETERMINING THAT THE PRICE OR RATE IS REASONABLE?

Not applicable. This is a reimbursement agreement with a local agency.

17. JUSTIFICATION FOR CONTRACTING OUT *(Check one)*

- Contracting out is based on cost savings per Government Code 19130(a). The State Personnel Board has been so notified. Contracting out is justified based on Government Code 19130(b). Justification for the Agreement is described below.

Justification:

Not applicable. This is a reimbursement agreement with a local agency.

18. FOR AGREEMENTS IN EXCESS OF \$5,000, HAS THE LETTING OF THE AGREEMENT BEEN REPORTED TO THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING?

- NO YES N/A

19. HAVE CONFLICT OF INTEREST ISSUES BEEN IDENTIFIED AND RESOLVED AS REQUIRED BY THE STATE CONTRACT MANUAL SECTION 7.10?

- NO YES N/A

20. FOR CONSULTING AGREEMENTS, DID YOU REVIEW ANY CONTRACTOR EVALUATIONS ON FILE WITH THE DGS LEGAL OFFICE?

- NO YES NONE ON FILE N/A

21. IS A SIGNED COPY OF THE FOLLOWING ON FILE AT YOUR AGENCY FOR THIS CONTRACTOR?

- A. CONTRACTOR CERTIFICATION CLAUSES NO YES N/A
 B. STD. 204, VENDOR DATA RECORD NO YES N/A

22. REQUIRED RESOLUTIONS ARE ATTACHED

- NO YES N/A

23. ARE DISABLED VETERANS BUSINESS ENTERPRISE GOALS REQUIRED? *(If an amendment, explain changes, if any)*

- NO *(Explain below)* YES *(If YES complete the following)*

DISABLED VETERAN BUSINESS ENTERPRISES: _____ % OF AGREEMENT

- Good faith effort documentation attached if 3% goal is not reached.
 We have determined that the contractor has made a sincere good faith effort to meet the goal.

Explain:

Schedule A and Wildland agreements are exempt from DVBE requirements per SCM Section 8.12

24. IS THIS A SMALL BUSINESS CERTIFIED BY OSBCR?

- NO YES *(Indicate Industry Group)*

SMALL BUSINESS REFERENCE NUMBER

25. IS THIS AGREEMENT (WITH AMENDMENTS) FOR A PERIOD OF TIME LONGER THAN ONE YEAR? *(If YES, provide justification)*

- NO YES

This is an ongoing fire protection agreement in which CALFIRE provides services to and is reimbursed by local agency. Local agency has control over the approval based on fiscal and board restraints; this agreement includes an extension clause to enable CALFIRE to provide continuous, uninterrupted protection to local agency.

I certify that all copies of the referenced Agreement will conform to the original Agreement sent to the Department of General Services.

SIGNATURE/TITLE

DATE SIGNED



Contract

STATE OF CALIFORNIA

**COOPERATIVE FIRE PROGRAMS
 LOCAL RESPONSIBILITY AREA WILDLAND PROTECTION
 REIMBURSEMENT AGREEMENT**

AGREEMENT NUMBER 3CA00858
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME

California Department of Forestry and Fire Protection (CAL FIRE)

CONTRACTOR'S NAME

City of Wildomar

2. The term of this Agreement is: July 1, 2010 through June 30, 2013
 Three (3) years

3. The maximum amount of this Agreement is: \$ 21,237
 Twenty one thousand two hundred thirty seven dollars

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	Pages
Exhibit B – Budget Detail and Payment Provisions	Pages
Exhibit C* – General Terms and Conditions	GTC (307)

Check mark one item below as Exhibit D:

- Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement) Pages
 Exhibit - D* Special Terms and Conditions

Exhibit E – Additional Provisions () pages

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto.

These documents can be viewed at <http://www.ols.dgs.ca.gov/Standard+Language/default.htm>

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.)

City Of Wildomar

BY (Authorized Signature)

DATE SIGNED(Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

STATE OF CALIFORNIA

AGENCY NAME

CAL FIRE

BY (Authorized Signature)

DATE SIGNED(Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Loren Snell, Assistant Deputy Director, Cooperative Fire Protection, Training & Safety

ADDRESS

1416 Ninth Street, Sacramento, CA 94244-2460

California Department of General Services Use Only

Exempt per:

Wildland Agreement

WILDLAND (LRA) AGREEMENT

(Contract Name) City of Wildomar WFPA for LRA

Program Cost Account (PCA #) 39010

THIS IS THE BUDGET PLAN OF THE COOPERATIVE LOCAL RESPONSIBILITY AREA (LRA)
WILDLAND FIRE PROTECTION AGREEMENT BETWEEN
STATE OF CALIFORNIA, DEPARTMENT OF FORESTRY & FIRE PROTECTION (CAL FIRE)
AND THE CITY/TOWN OF WILDOMAR, A LOCAL AGENCY
FOR THE 2009/2010 FISCAL YEAR

AGREEMENT COST CALCULATIONS:

Number of Acres	<u>997</u>		
General Fund Revenue		\$ 5.74	\$ 5,722.78
Unit Budget		\$ 13.45	\$ 13,409.65
	Sub-Total		\$ 19,132.43
Admin Rate		11.00%	\$ 2,104.57
	Total Protection Cost		\$ 21,237.00

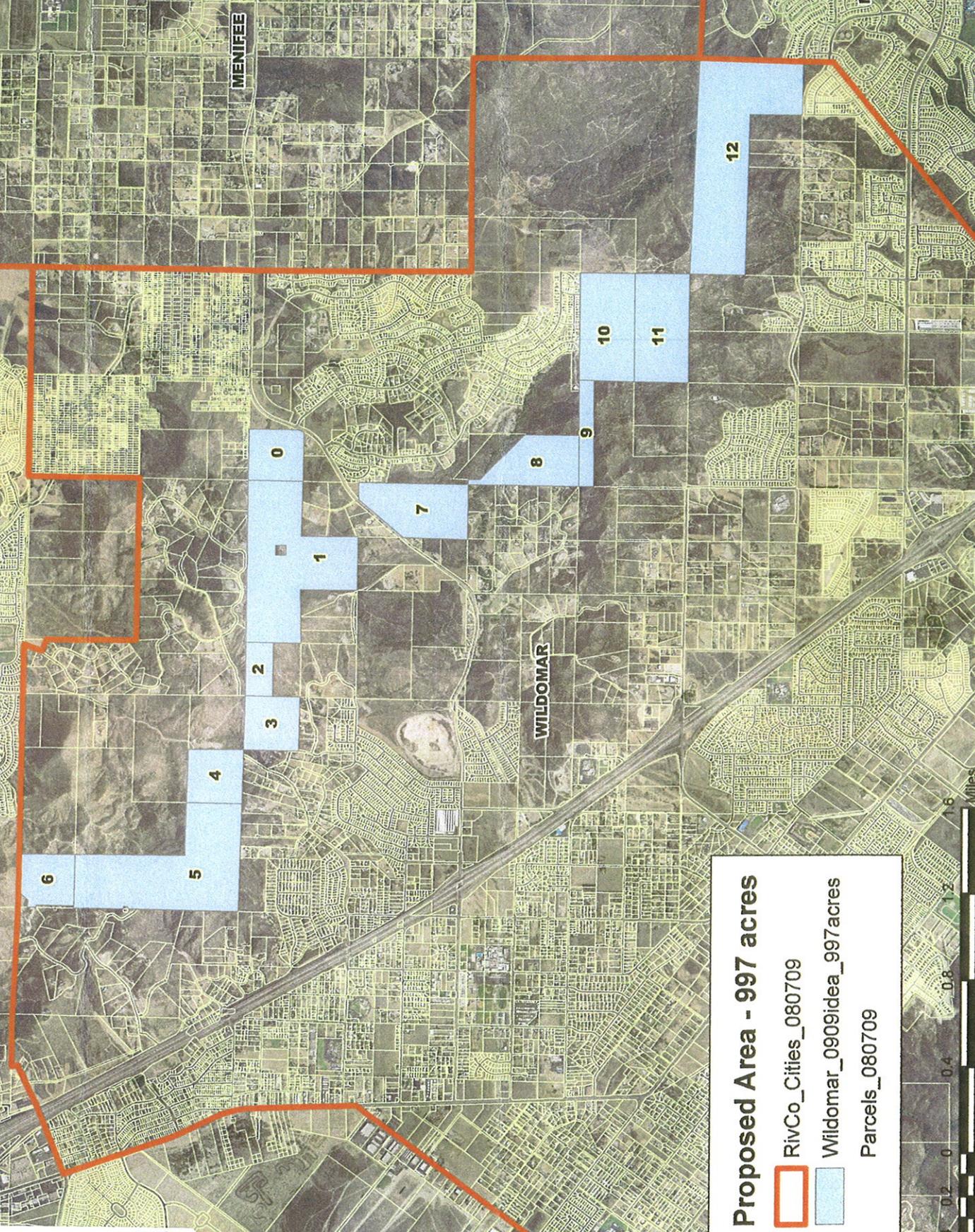
Comments Section:

This is a new agreement commencing on 07/01/10

Agreement Number # 3CA00858

TOPO Map

Wildomar Wildland Agreement Proposal



Proposed Area - 997 acres

-  RivCo_Cities_080709
-  Wildomar_0909idea_997acres

Parcels_080709

Narrative

CAL FIRE - Riverside Unit
City of Wildomar, California
Wildland Fire Protection Agreement Proposal
Background Sheet
Jan 2010

Background:

The City of Wildomar (CITY) <http://www.cityofwildomar.org/> , California, incorporated July 1, 2008 and located in southwest Riverside County would like to enter into a Wildland Fire Protection Agreement (see Exhibits A & B) with the California Department of Forestry and Fire Protection (CAL FIRE). The CITY currently contracts for fire protection with the County of Riverside (COUNTY) through its Schedule A agreement with CAL FIRE (see Wildomar Cooperative Agreement). This contract includes Fire Protection, Prevention, Emergency Medical Response, Hazardous Materials Response and Disaster Preparedness.

The CITY Fire Department operates from Station 61 on Gruwell Street in Wildomar. Through the COUNTY Fire Department (RVC) integrated, cooperative regional fire protection program, several county stations provide primary response to Wildomar calls, including the City of Menifee, Station 68, RVC Station 75, as well as the City of Lake Elsinore, Station 94.
<http://www.cityofwildomar.org/fire.asp>

Issue:

The CITY has two areas that are significantly endangered by wildland fire. One area is along the western edge of the city. Fires within this area are considered an immediate threat to both CAL FIRE and Federal (CNF) direct protection areas (DPA). The second area and the focus of this proposed Wildland Fire Protection Agreement is located east of I-15, south of the Cities of Lake Elsinore and Menifee and northwest of the City of Murrieta (see Wildomar Map). Prior to incorporation both of these areas were State Responsibility Areas (SRA)

The CITY, as a contract partner of RVC, is currently unable to provide the engines, aircraft, crews, dozer and overhead at the time of notification and initial dispatch to a wildland fire to adequately protect this area on its own. Most wildland fires in this area have the potential to quickly exceed and overwhelm the CITY's resource capabilities. Because of this the CITY must utilize its local and Master Mutual Aid agreements, along with the Seven Points of Light to mitigate the emergency.

Proposal:

The proposed protection area of 997 acres as shown in the Wildomar Map would provide the CITY, RVC and CAL FIRE the ability to immediately dispatch the most effective combination of kind, type and number of resources in order to contain and control most wildland fires with the initial attack resources per the CALFIRE Initial Attack objectives. The quick knock-down and control of any

wildland fires would greatly benefit the CITY, COUNTY, RVC and CAL FIRE. Currently, adequate CAL FIRE resources are within close proximity to this proposed agreement area to meet the above stated initial attack objectives.

Fire emergencies within this agreement area that escape initial attack will utilize the terms and conditions of existing local agreements, California Fire Service and Rescue Emergency Mutual Aid Plan, Closest Resource Concept, Seven Points of Light, and Assistance by Hire to contain and fully control all wildland fire emergencies. When applicable the Fire Management Assistance Grant (FMAG) process will be utilized to help recover appropriate fire suppression and support costs. An agreed upon Cost Apportionment method for determining final fiscal responsibility will be utilized by the CAL FIRE Agency Representative and the City of Wildomar representative.

Exhibit A

EXHIBIT A

**COOPERATIVE FIRE PROGRAMS
AGREEMENT FOR PROTECTION OF WILDLANDS WITHIN LOCAL AGENCY RESPONSIBILITY AREA**

1. The project representatives during the term of this agreement will be:

Department of Forestry and Fire Protection Unit Chief:	Local Agency:
Name:John Hawkins	Name:
Phone:951-940-6900	Phone:951-677-7751
Fax:951-940-6910	Fax:

All required correspondence shall be sent through U.S. Postal Service by certified mail and directed to:

Department of Forestry and Fire Protection Unit Chief:John Hawkins	Local Agency:City of Wildomar
Section/Unit:Riverside	Section/Unit:
Attention:	Attention:
Address:210 W. San Jacinto Ave. Perris CA 92570	Address:23873 Clinton Keith Road Ste.111 Wildomar CA 92595
Phone:951-940-6900	Phone:951-677-7751
Fax:951-940-6910	Fax:

Send an additional copy of all correspondence to:

Department of Forestry and Fire Protection
Cooperative Fire Services
P.O. Box 944246
Sacramento, CA 94244-2460

2. AUTHORIZATION

This agreement is entered into this 1st day of July,2010, by and between the State of California, hereinafter called STATE and City of Wildomar, County of Riverside, State of California, hereinafter called Local Agency through its duly authorized officers. As used herein, Director shall mean Director of the California Department of Forestry and Fire Protection. Where the standard clauses for example in Exhibit C, use the word "Contractor" that word shall mean LOCAL AGENCY as LOCAL AGENCY is used in this agreement.

Section 4142 of the Public Resources Code provides that the Director may enter into cooperative Agreements with local jurisdictions for the purpose of providing wildland fire protection.

3. SCOPE OF WORK

LOCAL AGENCY has the responsibility for protection of life, property, and wildland areas comprising 997 acres of land as indicated on the map attached hereto and marked Exhibit E, Attachment 1, and desires to contract with the STATE to provide wildland fire protection to said area.

STATE has the ability to provide wildland fire protection for said area, of the type and degree, which it now provides on adjacent State Responsibility Areas.

4. SERVICES BY STATE

- A. STATE shall provide wildland fire protection for the areas defined in the above section.
- B. For those areas, which are adjacent to State Responsibility Area, STATE will provide wildland fire protection at the same level of service it now provides on adjacent State Responsibility Area.
- C. For those areas (islands), which are not adjacent to State Responsibility Area, the wildland fire protection provided by the STATE will be limited to those resources identified in the preplanned wildland response for the respective area. Any resources beyond those specified in the preplanned wildland response are assistance by hire and the financial responsibility of the LOCAL AGENCY.

5. ADMINISTRATION

- A. LOCAL AGENCY agrees that STATE may dispatch fire protection resources available under this agreement to other areas of the state when needed at the sole discretion of STATE.
- B. STATE response will be subject to availability of resources.
- C. Incident Management within the contract area shall conform to current Incident Command System criteria for Unified Command.
- D. STATE and LOCAL AGENCY shall, through established dispatch procedures, immediately notify each other of any fire incident within the contract area.

6. MUTUAL AID

LOCAL AGENCY shall provide mutual aid response into the contract area for wildfires. Structural fire protection remains the jurisdictional and financial responsibility of LOCAL AGENCY.

7. ENTIRE AGREEMENT

This agreement contains the whole agreement between the parties. It cancels and supersedes any previous agreement for the same or similar services.

Exhibit B

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

Invoicing and Payment:

- A. LOCAL AGENCY shall pay STATE for providing said protection at the rate of \$19.19 per acre, plus an 11%% administrative charge for a total of \$21.30 upon presentation of an invoice by STATE. The rate per acre and administrative fee will be calculated by STATE prior to January 1, of each year and annually thereafter, for the succeeding fiscal year subject to approval by LOCAL AGENCY. This agreement shall be amended each fiscal year to reflect new rates.
- B. STATE shall provide thirty (30) day written notice to LOCAL AGENCY of the cost per acre and the administrative charge to be charged for each subsequent fiscal year during the term of this agreement; LOCAL AGENCY shall have thirty (30) days to approve said rate; if written approval is not received by STATE within said period, STATE's obligations hereunder shall terminate; LOCAL AGENCY shall be liable for all amounts due up to and including the date of such termination.

Exhibit C

EXHIBIT C

GENERAL TERMS AND CONDITIONS

PLEASE NOTE: This page will not be included with the final agreement. The General Terms and Conditions will be included in the agreement by reference to Internet site:
<http://www.ols.dgs.ca.gov/Standard+Language/default.htm>

Exhibit D

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

1. **Cancellation**

Failure of either party to meet any of the terms and conditions of this agreement, including non-payment of monies due hereunder, shall be cause for the termination of this Agreement; such termination shall become effective upon receipt of written notice of cancellation.

2. **Audit**

If the agreement is over \$10,000, the parties shall, in accordance with Government Code Section 10532, be subject to examination and audit of the State Auditor General for a period of three (3) years after final payment under the agreement. Examination and audit shall be confined to those matters connected with performance of the agreement including, but not limited to, cost of administering the agreement. The Contractor warrants by execution of this Agreement, that no person or selling agency has been employed or retained to solicit or secure this Agreement upon agreement or understanding

3. **Operating Plan**

Prior to April 1 of each year, STATE and LOCAL AGENCY shall establish a joint Operating Plan for the contract area, which shall be attached hereto as "Exhibit E, Attachment 4". If LOCAL AGENCY received its structural fire protection from another local agency, the local agency providing the structural fire protection must be party to the Operating Plan.

4. **Extension of Agreement**

Unless there is written notice of intention not to renew this Agreement STATE shall extend this agreement for a single one-year period from the original termination date. The cost of services provided by STATE during the extended period shall be based upon the rates published for the fiscal year in which the extended period falls had a new agreement been entered into.

5. **Modification**

This agreement may be amended at any time by written mutual consent of the parties hereto.

6. **Indemnification**

To the extent that the Constitution and the laws of the State of California permit, STATE and LOCAL AGENCY agree to indemnify and to hold each other harmless against and from any and all liability for claims on account of property damage, personal injuries, or death resulting from the negligent acts of the other party, its officers, employees, agents, and subcontractors in connection with the performance of this Agreement.

Exhibit E

EXHIBIT E
ADDITIONAL PROVISIONS

ATTACHMENTS

- Budget Plan
- Topographic Map
- Narrative/Operating Plan
- Annual Report

The additional documentation listed below is required by CDF.

- 1) CDF Review Certification Form (signatures)
- 2) Routing Checklist
- 3) Local Agency's Governing Board Resolution or Minutes (provide 2 copies)
- 4) Budget Plan (provide 4 extra copies)

- **Operating Plan**

EXHIBIT B
OPERATING PLAN

Table of Contents

	<u>Page</u>
1. Overview.....	1
2. Authority.....	1
3. Purpose.....	1
4. Definitions & Restrictions.....	1
5. Procedures.....	1 & 2
6. Administration.....	3
7. Fire Prevention.....	3, 4 & 5
8. Approval.....	7 & 8

APPENDIX

Preplanned Initial Attack Response – Riverside Unit Standard Response Plan, TABLE – 1 STATE VEGETATION	B-1
Preplanned Initial Attack Response – Riverside County Fire Department Standard Response Plan, TABLE – 1 LOCAL VEGETATION	
Riverside County Cooperative Agreement to provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Services for the City of Wildomar.	B-2

OPERATING PLAN

1. OVERVIEW

This Operating Plan, hereinafter referred to as PLAN, is between the California Department of Forestry & Fire Protection, Riverside Unit, hereinafter referred to as CAL FIRE and the City of Wildomar hereinafter referred to as CITY. It has been developed to specifically address the Agreement for Protection of Wildlands within a Local Agency, hereinafter referred to as AGREEMENT, between CAL FIRE and CITY for wildland fire protection within the city limits. The Riverside County Fire Department hereinafter referred to as RVC-FIRE will act as the CITY Fire Department as defined within APPENDIX B-2

2. AUTHORITY

The PLAN is required of both CAL FIRE and CITY as part of the AGREEMENT dated July 1, 2010.

3. PURPOSE

This PLAN will provide the Unit Chief of CAL FIRE and the Fire Chief of RVC-FIRE a means for executing the AGREEMENT and is hereby attached as Exhibit A and B to that AGREEMENT.

4. DEFINITIONS AND RESTRICTIONS

See AGREEMENT for definitions and descriptions of general terms. This PLAN does not allow either agency to operate outside the limitations in the AGREEMENT.

5. PROCEDURES

1. Fire Reporting/Reports-When RVC-FIRE receives a report of a wildfire within the area of the AGREEMENT; it shall promptly notify the Riverside Unit Emergency Command Center (ECC). Each agency will process their appropriate reports and make the information available, upon request of the other agency, in no more than 60 days.
2. Incident Management-The Incident Command System (ICS) will be used to manage wildfires within the area of the AGREEMENT. Unified Command will be implemented with a CAL FIRE representative and a RVC-FIRE representative.

3. Fires within the area of the AGREEMENT-Each agency will maintain a preplanned initial attack response (PIAR) for fires within the area of the AGREEMENT. See APPENDIX B-1. Immediate cooperation between agency dispatch centers will occur to ensure prompt response of appropriate resources into the area of the fire. CAL FIRE resources will be ordered according to the terms of the AGREEMENT through the ECC. Any augmentation of the preplanned CAL FIRE response, with CAL FIRE resources, shall be authorized by a CAL FIRE Incident Commander or Agency Representative. Augmentation of the preplanned response may require a post incident audit. The audit will seek to demonstrate that adjacent CAL FIRE Direct Protection Areas were threatened, or that the augmentation was justified on a cost efficiency basis. Local government and private resources will be ordered through the RVC-FIRE dispatch center (DISPATCH) to ensure proper utilization of the Master Mutual Aid Agreement.
4. Mutual Aid-All initial attack resources will be considered mutual aid for the purpose of this AGREEMENT.
5. Initial Attack-Initial attack resources will always be based on the closest resources concept identified in the PIAR. See APPENDIX B-1.
6. Move-Up & Cover-Station coverage will be exchanged between both agencies when appropriate. To prevent long-term coverage problems to either agency, the covering agency's engines will be replaced with the covered agency's resources as soon as it is practical to do so.
7. Fire Information: Unified Command-
 1. Representatives of both agencies will meet as needed to discuss procedures governing and locations of potential Information Centers. Both agencies will strive to maintain a roster of certified Public Information Officers for use during emergencies.
 2. The Unified Command will determine which agency will provide the lead Information Officer. Normally, it will be the agency with the greatest commitment of resources on the incident.
8. Representatives of CAL FIRE and RVC-FIRE, of the rank of Fire Apparatus Engineer or higher, may order resources directly from the ECC or DISPATCH when an immediate need arises. These resources may include engines, fire crews and bulldozers in accordance with the AGREEMENT. Resources sent in response to these requests will conform to the closet resources concept.

6. ADMINISTRATION

The CAL FIRE Unit Chief and the RVC-FIRE Fire Chief, or their designees, along with representatives from the CAL FIRE ECC and RVC-FIRE DISPATCH will meet annually to discuss, review, and update the following items; procedures for reporting fires, procedures to dispatch resources to fires within the area of the AGREEMENT, procedures to dispatch resources to fires along the boundaries of the area of the AGREEMENT, and exchange general or specific information which would affect the other agency.

7. FIRE PREVENTION

1. POLICY

All fire prevention activities conducted on lands within the area of the AGREEMENT will be consistent with both agencies guidelines. CAL FIRE and RVC-FIRE will be expected to conduct a year-round, aggressive fire prevention program using guidelines within the CAL FIRE Handbook 9000 and RVC-FIRE Fire Prevention Guidelines. This will include, but is not limited to, annual analysis and planning sessions to generate an active fire prevention plan.

1. Public Information Program-This will include all types of fire prevention news releases through the available media. Other methods will include public meetings, fairs, rodeos, parades, services clubs and a regular schedule of school programs for all grades.
2. Protection/Planning Issues-Although the responsibility for enforcing fire safe ordinances pertaining to improvements in wildland areas within the city limits is the responsibility of RVC-FIRE, a CAL FIRE representative will be available upon request to comment on these issues and assist in the enforcement of related ordinances.
3. Hazard Reduction Inspections
 1. Home Inspection – CAL FIRE will work directly with RVC-FIRE to enforce Public Resources Code (PRC) Sections 4291, 4446, 4442, 4442, 4123, or the Uniform Fire Code sections when applicable.
 2. Power line Inspections – CAL FIRE will work directly with RVC-FIRE inspecting power lines over 750 volts, using PRC 4292 and 4293 as a guide.

2. RESPONSIBILITY

CAL FIRE and RVC-FIRE personnel will, in the performance of their duties, give full consideration to the prevention of fires and public education. Both agencies will allow staff to establish attainable fire prevention goals.

3. EXISTING AND PROJECTED DEMAND

Fire Prevention and suppression are the primary roles for both agencies. If the demand for services increases in the future, both agencies will develop more intensive programs. Fire protection and prevention will be influenced by the following factors:

1. Increased recreational use.
2. Increased residential and commercial development.
3. Increased utilization of vacation residences.
4. Industrial activity.

4. OBJECTIVES

The primary objective of the fire prevention plan is the reduction of fire suppression expenditures and damages from human-caused fires. The secondary objective is a current and comprehensive public education program for fire safety awareness and code enforcement.

5. RECOMMENDED ACTIONS

Both agencies will actively pursue public awareness programs through the following:

1. Public Education
 - a. School programs, ages K-12
 2. Roadside sign program
 3. Timely newspaper articles concerning fire awareness
 4. Attendance at various local events which lend themselves to fire prevention displays.

2. Code Enforcement

1. Active PRC 4291 home inspection program in target areas.
2. Enforcement of the Fire Safe Ordinances as they apply to construction in watershed areas. CAL FIRE will take an advisory role with the CITY Fire Marshal within the areas of the AGREEMENT.

6. FUEL MODIFICATION

Both agencies will continue to encourage individual property owners and property Owner associations to establish and maintain a healthy fuel complex through the following:

1. Prescribed burning through available programs.
2. Forest practice inspections.
3. Fuel modification using mechanized systems, fire crews, and local resources
4. Biomass programs to control stems per acre, and remove dead and down materials.

7. BURNING PERMITS

Burning permits will to be required in the city limits consistent with those guidelines established in adjacent areas. This will provide consistency in the burn hours and any controls needed for the overall program.

1. Burning Permit Issuance

The RVC-FIRE has the responsibility of issuing burn permits within the city limits and the area of the AGREEMENT. Both agencies will agree to and establish burn permit guidelines by April 1 of each year. The guidelines will follow those established by CAL FIRE to ensure consistency in the burn programs in both the city and areas adjacent to CAL FIRE.

2. Suspension of Permit Procedures

The suspension of burning permits in the area of the AGREEMENT will be directly related to the burning permit suspension procedures outside the area of the AGREEMENT to ensure area-wide consistency. Suspensions will be based on input from CAL FIRE and RVC-FIRE.

8. MONITORING AND EVALUATION

Periodic monitoring and evaluation of the PLAN will provide the opportunity to make orderly and timely amendments and revisions of the PLAN. Monitoring will determine if the:

1. PLAN is being followed.
2. PLAN objectives are being met.
3. PLAN is achieving desired results

8. APPROVAL:

This PLAN is approved and authorized as Exhibit B Attachment 3 of the AGREEMENT between CAL FIRE and CITY:

FOR CAL FIRE:

California Department of Forestry
& Fire Protection
Riverside Unit
210 W. San Jacinto Ave
Perris, CA 92570

FOR CITY:

City of Wildomar
23873 Clinton Keith Road
Suite 111
Wildomar, CA 92595

John R. Hawkins, Unit Chief

Appendix B1

Appendix B-1

STANDARD RESPONSE PLAN

TABLE - 1

	BC	E	S	BS	MED	AMB	T	HM	USAR	AA	AT	COP	DOZ	CREW	WT
STRUCTURE	1	4	1	1^	1#		1#								
COMMERCIAL/HIGH/WIDE RISE															
MULTI FAMILY DWELLING	1	4	1	1^	1#		1#								
FIRE TYPE UNKNOWN		2	1				1*								
RINGING ALARM		2	1												
VEHICLE		2	1												
TRAIN/AIRCRAFT	1	3	1		1#	1	1#	1							
REFUSE/IMPROVEMENT		1	1												
BOMB THREATS															
USE FIRE INCIDENT TYPE AS DETERMINED BY THE LOCATION OF DEVICE; CODE 2 RESPONSE															
Decrease dispatch level one after cutoff and prior to 1000 during fire season.															
LOW		2	1												
MED	1	3	1							1		1	1	1	1
HIGH	1	5	1							1	2	1	2	2	2
LOCAL VEGETATION															
LOW		2	1												
MED		3	1												
HIGH	1	3	1												
MEDICAL AID/TC		1	1		1#	1									
FULL ARREST		2	1		1#	1									
TRAFFIC COLLISION CUT & RESCUE		2	1		1#	1	1#								
TRAFFIC COLLISION OVER THE SIDE	1	2	1		1#	1	1#								
TECHNICAL RESCUE, CONFINED SPACE,		2	1		1#	1	1#								
TRENCH RESCUE, BUILDING COLLAPSE		3	1		1#	1	1	1							
MASS CASUALTY	1	3	1		2#	2	1#								
SWIFT WATER	1	3	1		1#	1	1								
HAZ MAT	1	1	1					1+							
FMS		1	1												
PSA		1	1												

Revised 8/2008

~ Where assigned within contractors jurisdiction

* ~ if truck is second in the line-up, respond in place of engine

^ ~ Fire response must have a minimum of 3 engines, confirmed fires will require the response of 2 additional engines, (4+2), +BS

& ~ Activation of Swift Water Team will include the notification of a Battalion Chief (Team Leader) and response of the appropriate SWR Unit(s)

+ ~ Includes response of Env. Health

\$~One unit with extrication equipment

Appendix B2

Appendix B-2

Contractor : City of Wildomar
Contract#: 3CA00858
Page # 23

A COOPERATIVE AGREEMENT TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF WILDOMAR

THIS AGREEMENT, made and entered into this 11th day of March, 2009, by and between the County of Riverside (hereinafter referred to as "COUNTY") and the City of Wildomar (hereinafter referred to as "CITY"), whereby it is agreed as follows:

SECTION I: PURPOSE

The purpose of this Agreement is to arrange for COUNTY, through its Cooperative Fire Programs Fire Protection Reimbursement Agreement ("CAL FIRE Agreement") with the California Department of Forestry and Fire Protection ("CAL FIRE") to provide CITY with fire protection, disaster preparedness and response, fire prevention, rescue, hazardous materials mitigation, technical rescue response, medical emergency services, and public service assists (hereinafter called "Fire Services"). This Agreement is entered into pursuant to the authority granted by Government Code Sections 55603, 55603.5, 55606, 55632 and 55642, and will provide a unified, cooperative, integrated, and effective fire services system. COUNTY's ability to perform under this Agreement is subject to the terms and conditions of the CAL FIRE Agreement.

SECTION II: DESIGNATION OF FIRE CHIEF

A. The County Fire Chief appointed by the Board of Supervisors, or his designee, (hereinafter referred to as "Chief") shall represent COUNTY and CITY during the period of this Agreement and Chief shall, under the supervision and direction of the County Board of Supervisors, have charge of the organization described in Exhibit "A", attached hereto and made a part hereof, for the purpose of providing Fire Services as deemed necessary to satisfy the needs of both the COUNTY and CITY, except upon those lands wherein other agencies of government have responsibility for the same or similar Fire Services.

B. CITY may budget for the position of a Deputy Chief or a Division Fire Chief or COUNTY may assign an existing Chief Officer as the Contract City representative ("City Representative"). The Chief may delegate certain authority to the City Representative, as the Chief's duly authorized designee and the City Representative shall be responsible for directing the Fire Services provided to CITY as set forth in Exhibit "A".

C. COUNTY will be allowed flexibility in the assignment of available personnel and equipment in order to provide the Fire Services as agreed upon herein.

SECTION III: PAYMENT FOR SERVICES

A. CITY shall annually appropriate a fiscal year budget to support the Fire Services designated at a level of service mutually agreed upon by both parties and as set forth in Exhibit "A." This Exhibit may be amended in writing by mutual agreement by both parties in the event of an increase of salary or expenses or when CITY requests an increase in services.

1. Any changes to the salaries or expenses set forth in Exhibit "A" made necessary by action of the Legislature, CAL FIRE, or any other public agency with authority to direct changes in the level of salaries or expenses, shall be paid from the funds represented as set forth in Exhibit "A." There shall be no obligation on the part of CITY to expend or appropriate any sum in excess of Exhibit "A" which exceeds the yearly appropriation of CITY for the purposes of this Agreement. If within thirty (30) days after notice, in writing, from COUNTY to CITY that the actual cost of maintaining the services specified in Exhibit "A" as a result of action by the Legislature, CAL FIRE or other public agency will exceed the total amount specified therein, and CITY has failed to agree to make available the necessary additional funds, COUNTY shall have the right to unilaterally reduce the services furnished under this Agreement by an appropriate amount and shall promptly notify CITY, in writing, specifying the services to be reduced. Personnel reductions resulting solely due to an increase in employee salaries or expenses occurring after signing this Agreement and set forth in Exhibit "A" to this Agreement shall not be subject to relocation expense reimbursement by CITY. If CITY desires to add funds to the total included herein to cover the cost of increased salaries or services necessitated by actions described herein, such increase shall be accomplished by an amendment to Exhibit "A" and approved by the parties hereto.

2. In the event CITY requests an increase in services and paragraph A.1. of this Section is not applicable, an amendment to Exhibit "A" may be approved by the parties hereto.

B. COUNTY provides fire personnel, equipment and services through its CAL FIRE Agreement. In the event CITY desires a reduction in CAL FIRE or COUNTY civil service employees or services assigned to CITY as provided for in Exhibit "A," when paragraph A.1. of this Section is not applicable, CITY shall provide one hundred twenty (120) days written notice of the requested reduction. Proper notification shall include the following: (1) The total amount of reduction; (2) The effective date of the reduction; and (3) The number of employees, by classification, affected by the proposed reduction. If such notice is not provided, CITY shall reimburse COUNTY for relocation costs incurred by COUNTY because of the reduction, in addition to any other remedies available resulting from the reduction in services.

C. CITY shall pay COUNTY actual costs for Fire Services pursuant to this Agreement in an amount not to exceed that set forth in Exhibit "A," as amended. COUNTY shall make a claim to CITY for the actual cost of contracted services,

pursuant to Exhibit "A," on a quarterly basis. CITY shall pay each claim within thirty (30) days after receipt thereof.

D. Chief may be authorized to negotiate and execute any amendments to Exhibit "A" of this Agreement on behalf of COUNTY as authorized by the Board of Supervisors. CITY shall designate a "Contract Administrator" who shall, under the supervision and direction of CITY, be authorized to execute amendments to Exhibit "A" on behalf of CITY.

E. X  [X] (Check only if applicable, and please initial to acknowledge)
Additional terms as set forth in the attached Exhibit "B" are incorporated herein and shall additionally apply to this agreement regarding payment of services.

F. X  [X] (Check only if applicable, and please initial to acknowledge)
Additional terms as set forth in the attached Exhibit "C" are incorporated herein and shall additionally apply to this agreement regarding payment for the Fire Engine Use Agreement. The Fire Engine Use Agreement is utilized in the event that the CITY elects to have the COUNTY maintain responsibility of said fire engine(s).

G. Notwithstanding Paragraph F herein if applicable, additional terms as set forth are incorporated herein and shall additionally apply to this agreement regarding payment of services. In the event that fire engine, owned and maintained by the CITY has a catastrophic failure, the COUNTY Fire Chief may allow use of a COUNTY fire engine, free of charge up to one hundred twenty (120) days. After the initial one hundred twenty (120) days, a rental fee will be applied to the CITY invoice for use of said COUNTY fire engine. The rental fee shall be Nine Hundred Forty Four Dollars (\$944.00) per day, or Six Thousand Six Hundred Eight Dollars (\$6,608.00) per week.

SECTION IV: INITIAL TERM AND RENEWAL

A. The term of this Agreement shall be from July 1, 2009, to June 30, 2012. Either party to this Agreement may terminate this Agreement by providing a written notice of termination to the other party hereto no less than one (1) year prior to the expiration of the term hereof. If such notice is given unilaterally by COUNTY except any notice issued because of actions of CAL FIRE or CITY, COUNTY agrees to continue to provide Fire Services to CITY until such time as CITY has a reasonable opportunity to implement alternative Fire Services. In no event shall this Agreement be terminated by either party after June 30, 2011.

B. One (1) year prior to the date of expiration of this Agreement, CITY shall give COUNTY written notice of whether CITY intends to enter into a new agreement with COUNTY for Fire Services and, if so, whether CITY intends to change the level of Fire Services from that provided by this Agreement.

C. If CITY fails to provide such notice, as defined in paragraph B above, COUNTY shall have the option to extend this Agreement for a period of up to one (1) year from the original termination date and to continue providing services at the same or reduced level as COUNTY determines would be appropriate during the extended period of this Agreement. Six (6) months prior to the date of expiration of this Agreement, COUNTY shall give written notice to CITY of any extension of this Agreement and any changes in the level of Fire Services COUNTY will provide during the extended period of this Agreement. Services provided and obligations incurred by COUNTY during an extended period shall be accepted by CITY as services and obligations under the terms of this Agreement.

D. The cost of services provided by COUNTY during the extended period shall be based upon the amounts that would have been charged to CITY during the fiscal year in which the extended period falls, had a new agreement been entered into. Payment by CITY for services rendered by COUNTY during the extended period shall be provided as set forth in Exhibit "A," as amended.

SECTION V: TERMINATION

Either party to this Agreement may terminate this Agreement by providing a written notice of termination to the other party hereto no less than one (1) year prior to the expiration of the term hereof. This Agreement may be terminated by the voters of either the COUNTY or the CITY pursuant to Government Code §55603.5.

SECTION VI: COOPERATIVE OPERATIONS

All Fire Services contemplated under this Agreement shall be performed by both parties to this Agreement working as one unit; therefore, personnel and equipment belonging to either CITY or COUNTY may be temporarily dispatched elsewhere from time to time for mutual aid.

SECTION VII: MUTUAL AID

When rendering mutual aid or assistance as authorized in Health and Safety Code Sections 13050 and 13054, COUNTY shall, at the written request of CITY, demand payment of charges and seek reimbursement of CITY costs for personnel as funded herein, under authority given by Health and Safety Code Sections 13051 and 13054. COUNTY, in seeking said reimbursement, will represent the CITY in following the procedures set forth in Health and Safety Code Section 13052. Any recovery of CITY costs, less extraordinary collection expenses, will be credited to the CITY.

SECTION VIII: SUPPRESSION COST RECOVERY

As provided in Health and Safety Code Section 13009, COUNTY may bring an action for collection of suppression costs of any fire caused by negligence, violation of law, or failure to correct noticed fire safety violations. When using CITY equipment and personnel under the terms of this Agreement, COUNTY may, on request of CITY, bring such an action for collection of costs incurred by CITY. In such a case CITY appoints and designates COUNTY as its agent in said collection proceedings. In the event of recovery, COUNTY shall apportion to CITY its pro-rata proportion of recovery, less the reasonable pro-rata costs including legal fees.

In all such instances, COUNTY shall give timely notice of the possible application of Health and Safety Code Section 13009 to the officer designated by CITY.

SECTION IX: PROPERTY ACCOUNTING

All personal property provided by CITY and by COUNTY for the purpose of providing Fire Services under the terms of this Agreement shall be marked and accounted for in such a manner as to conform to the standard operating procedure established by the County Fire Department for the segregation, care, and use of the respective property of each.

SECTION X: INDEMNIFICATION

A. COUNTY, to the extent permitted by law, agrees to indemnify, defend and hold harmless CITY, its officers, agents and employees from any and all claims for economic losses accruing or resulting to any and all contractors, subcontractors, materialmen, laborers and any other person, firm, or corporation furnishing or supplying work services, materials or supplies in connection with any activities under this Agreement; and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by COUNTY in the performance of any activities under this Agreement, except where such injury or damage arose from the sole negligence or willful misconduct attributable to CITY or from acts not within the scope of duties to be performed pursuant to this Agreement.

B. CITY, to the extent permitted by law, agrees to indemnify, defend and hold harmless COUNTY, its officers, agents and employees from any and all claims for economic losses accruing or resulting to any and all contractors, subcontractors, materialmen, laborers and any other person, firm, or corporation furnishing or supplying work services, materials or supplies in connection with any activities under this Agreement; and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by CITY in the performance of any activities under this Agreement, except where such injury or damage arose from the sole negligence or willful misconduct attributable to COUNTY or from acts not within the scope of duties to be performed pursuant to this Agreement.

SECTION XI: AUDIT

COUNTY and CITY agree that their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. COUNTY and CITY agree to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated, and to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records.

SECTION XII: DISPUTES

CITY shall select and appoint a "Contract Administrator" who shall, under the supervision and direction of CITY, be available for contract resolution or policy intervention with COUNTY, when, upon determination by the Chief that a situation exists under this Agreement in which a decision to serve the interest of CITY has the potential to conflict with COUNTY interest or policy. Any dispute concerning a question of fact arising under the terms of this Agreement which is not disposed of within a reasonable period of time (ten days), shall be brought to the attention of the Contract Administrator.

Disputes that are unable to be resolved by CITY and COUNTY representatives will attempt to be resolved through arbitration. If arbitration is unsuccessful, venue for litigation will be the County of Riverside.

SECTION XIII: ATTORNEY'S FEES

If CITY fails to remit payments for services rendered pursuant to any provision of this Agreement, COUNTY may seek recovery of fees through arbitration and/or litigation, in addition to all other remedies available.

In the event of arbitration or litigation between COUNTY and CITY to enforce any of the provisions of this Agreement or any right of either party hereto, the unsuccessful party to such litigation agrees to pay the prevailing party's costs and expenses, including reasonable attorneys' fees, all of which shall be included in and as a part of the judgment rendered in such arbitration and litigation.

SECTION XIV: DELIVERY OF NOTICES

Any notices to be served pursuant to this Agreement shall be considered delivered when deposited in the United States mail and addressed to:

COUNTY

County Fire Chief
210 W. San Jacinto Ave.
Perris, CA 92570

CITY OF WILDOMAR

City Manager
23873 Clinton Keith Road
Suite 111
Wildomar, CA 92595

Provisions of this section do not preclude any notices being delivered in person to the addresses shown above. Delivery in person shall constitute service hereunder, effective when such service is made.

SECTION XV: ENTIRE CONTRACT

This Agreement contains the whole contract between the parties for the provision of Fire Services. It may be amended or modified upon the mutual written consent of the parties hereto. This Agreement does NOT supplement other specific agreements entered into by both parties for equipment or facilities, and excepting those equipment or facilities agreements, this Agreement cancels and supersedes any previous agreement for the same or similar services.

///

///

///

[Signature Provisions on following page]

IN WITNESS WHEREOF, the duly authorized officials of the parties hereto have, in their respective capacities, set their hands as of the date first hereinabove written.

Dated: March 11, 2009

CITY OF WILDOMAR

By: [Signature]
SCOTT FARNAM, MAYOR

ATTEST:

APPROVED AS TO FORM:

By: [Signature]

Title: City Clerk

(SEAL)

Dated: APR 21 2009

COUNTY OF RIVERSIDE

By: [Signature]
Chairman, Board of Supervisors
JEFF STONE

ATTEST:

APPROVED AS TO FORM:

Kecia Harper-Them

[Redacted]
Clerk of the Board

[Signature]
SYNTHIA M. GUNZEL
Deputy County Counsel
for PAMELA J. WALLS,
County Counsel

By: [Signature]
Deputy

(SEAL)

EXHIBIT "A"
 TO THE COOPERATIVE AGREEMENT
 TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE
 AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF WILDOMAR
 DATE April 15, 2009 FOR FY 09/10

	CAPTAINS	MEDIC CAPTAINS	ENGINEERS	MEDIC ENGINEERS	FF II'S	MEDIC FF II'S	ANNUAL TOTAL					
STA. #61	317,512	2	135,909	1	153,348	1	115,981	1	132,248	1	854,998	6.0
STA. Relief		176,269	1	135,909	1		115,981	1		1	428,158	3.0
		<u>2</u>	<u>1</u>	<u>2</u>		<u>1</u>		<u>2</u>		<u>1</u>		<u>9.0</u>
SUPPORT SERVICES												
Administrative/Operational				16,923	per assigned Staff **						173,292	10.24
Volunteer Program				10,250	per Volunteer Co.						0	0.0
Medic Program				7,799	per assigned Medics**						28,856	3.7
Battalion Chief Support				53,763	.24 FTE per Station						53,763	1.0
Fleet Support				29,871	per Fire Suppression Equip						29,871	1.0
ECC Support					Calls/Station Basis						51,516	
Comm/IT Support					Calls/Station Basis						72,237	
Facility Support					Assigned Staff/Station Basis						4946.64	
SUPPORT SERVICES SUBTOTAL											<u>414,482</u>	
ESTIMATED DIRECT CHARGES											36,104	
FIRE ENGINE USE AGREEMENT				16,050	each engine						16,050	1
WILDOMAR ESTIMATED FIRE TAX CREDIT											(1,749,793)	
ESTIMATED CITY BUDGET											<u>(0)</u>	
TOTAL STAFF											<u>10.32</u>	

** Vacation Relief added into Administrative/Operational Staff (1/3 of 3 positions-FC, FAE medic, FFII medic)
 ** Vacation Relief added into Medic Program Staff (1/3 of 2 medic positions-FAE medic, FFII medic)

SUPPORT SERVICES

Administrative & Operational Services Finance Training Data Processing Accounting Personnel Public Affairs Procurement Emergency Services Fire Fighting Equip. Office Supplies/Equip.	** 9.0 Assigned Staff 0.24 Battalion Chief Support 1.0 Vacation Relief (1/3 of 3 positions) <u>10.24</u> Total Assigned Staff 1.0 Fire Stations 1,583 Estimated Number of Calls
---	--

Volunteer Program - Support staff, Workers Comp, and Personal Liability Insurance

Medic Program - Support staff, Training, Certification, Case Review & Reporting

Battalion Chief Support - Pooled BC coverage for Cities/Agencies that do not include BC staffing as part of their contracted services.

Fleet Support - Support staff, automotive costs, vehicle/engine maintenance, fuel costs

Emergency Command Center Support - Dispatch services costs

Communications / IT Support - Support staff, communications, radio maintenance, computer support functions

Facility Support - Facility maintenance staff with associated operating costs.

239,412	DEPUTY CHIEF	16,050	FIRE ENGINE
235,810	DIV CHIEF	16,923	SRVDEL
219,533	BAT CHIEF	10,250	VOL DEL
158,756	CAPT	7,799	MEDIC DEL
176,269	CAPT MEDIC	53,763	BATT DEL
135,909	ENG	11,498	ECC STATION
153,348	ENG/MEDIC	25,28	ECC CALLS
115,981	FF II	29,871	FLEET SUPPORT
132,248	FF II/MEDIC	16,120	COMM/IT STATION
126,058	DEPUTY FIRE MARSHALL SCH C	35.45	COMM/IT CALLS
119,206	FIRE SAFETY SUPERVISOR	1,230	FACILITY STATION
108,709	FIRE SAFETY SPECIALIST	412.96	FACILITY FTE
86,122	FIRE SYSTEMS INSPECTOR		
51,181	OFFICE ASSISTANT III		

CITY OF WILDOMAR – CITY COUNCIL

Agenda Item #3.2

GENERAL BUSINESS

Meeting Date: May 26, 2010

TO: Mayor and City Council
FROM: Debbie A. Lee, City Clerk
SUBJECT: Planning Commission Appointment

STAFF REPORT

RECOMMENDATION:

That Council Member Scott Farnam appoint a citizen from the applications received, to serve as a Planning Commissioner, subject to ratification by a majority vote of the City Council.

BACKGROUND:

On September 10, 2008, the City Council appointed the inaugural Planning Commission and Council Member Farnam appointed Scott Nowak as his appointee. On April 14, 2010, the City Council accepted Mr. Nowak's resignation, effective April 23, 2010, as he was moving out of the City and was therefore no longer eligible to serve on the Commission.

A vacancy was declared and in accordance with the Maddy Act, the vacancy was advertised for the required 30 days, starting April 23, 2010. During that time period the City Clerk's Office received two applications for the position. These applications were forwarded to Council Member Farnam for his consideration.

At this time Council Member Farnam will nominate one of those applicants to serve on the Planning Commission as his appointee. This appointment will be subject to ratification by a majority of the City Council. The appointment will take effect immediately, and will run concurrent with Council Member Farnam's term of office. The appointee will be sworn in at the Planning Commission's June 2, 2010, meeting.

FISCAL IMPACTS:

Planning Commissioners receive \$75 per meeting.

ALTERNATIVES:

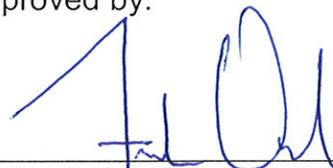
1. Direct the City Clerk to advertise for an additional 30 days.
2. Provide staff with further direction.

Submitted by:



Debbie A. Lee, CMC
City Clerk

Approved by:



Frank Oviedo
City Manager

CITY OF WILDOMAR – COUNCIL
Agenda Item #3.3
GENERAL BUSINESS
Meeting Date: May 26, 2010

TO: Mayor and City Council
FROM: Frank Oviedo, City Manager
SUBJECT: Project Review and Priorities

STAFF REPORT

RECOMMENDATION:

That the City Council receive and file the list of projects and, if appropriate, give direction to the City Manager on what priorities should be undertaken to close out the current review period.

BACKGROUND:

When the City Council hired its first City Manager, a norming session was conducted to outline the goals of the Manager for the purpose of setting priorities. Since that time a number of other projects have surfaced forcing the City Manager to reprioritize and move resources to address needed projects and issues. The purpose of this report is to provide the City Council with an update on all the projects currently being handled by staff. An additional reason this report is being provided is to further educate the Council on the continual budget monitoring and reprioritization that staff goes through weekly in an attempt to meet the Council and Community's needs.

With a limited number of resources, both in staff and funding, Council should consider prioritizing projects that are in the best interest of the City. The following list includes all the projects staff is currently working on at City Hall outside of daily workloads.

Projects List

1. 2010-11 Fiscal Year budget preparation
2. Economic Development Plan preparation
3. Wildomar Community College planning
4. Cemetery Consolidation review and LAFCO request
5. Winter storm emergency reimbursement
6. Animal Shelter JPA review and recommendation
7. Development of an RDA Plan to incorporate City of Wildomar in to the County of Riverside's Project Area
8. Implementation of new accounting system for the City
9. Complete citywide assessment of accessibility deficiencies and develop program recommendations and guidelines for necessary construction/repairs

10. Administer and implement new Santa Ana Watershed storm water standards (mandated activity)
11. Negotiate, administer, and implement new Santa Margarita Watershed storm water standards (mandated activity)
12. Develop, administer, and implement State mandated AB 939 Diversion Plan for the City of Wildomar
13. Implementation of Records Management System (RMS)
14. Medical Marijuana ordinance development
15. Trails Sub-Committee staffing and plan development
16. Design Guidelines for the Planning Department
17. Municipal Code adoption
18. Implementation of EVMWD 2 x 2 with Economic Development Sub-Committee
19. Weed Abatement Ordinance development
20. Adoption of the City's Personnel rules
21. Parks and Recreation Sub-Committee Formation/Recommendation
22. Schedule and complete training sessions for City Council and Planning Commission

Each of these projects has a number of tasks associated with them before they can be deemed complete. Some projects and their implementation are on-going and will continue to require General Fund allocations to maintain the program. Moreover, all these projects are being done separately from the day-to-day activity.

FISCAL IMPACT:

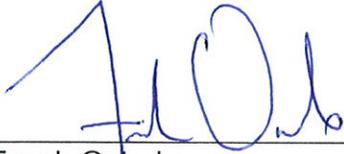
The fiscal impact to each of these projects directly affects the General Fund. Unlike development related expenses that are recoverable, each of the above projects are General Fund related. In other words, all special projects and requests incrementally get billed to the General Fund. To the extent the budget amount in each department for one Full Time Equivalent (FTE) employee is not adequate to handle more than a 40 hour week, and budget overruns are likely, a project outside of an employee's day to day activity may have to sit idle until either time allows or we find additional funding to cover the expense of the project. A common practice of government agencies is to hire more employees if the funds are available. In our case, as with all cities right now, that is not an option.

Organizationally, we are left with managing our resources. Specifically, we begin managing the day to day work and the special projects that are being asked of a particular employee. Consequently, you begin prioritizing daily workloads and monitoring new projects that are asked of staff. By using contract employees we know the actual costs associated with bringing projects to fruition. This gives the City Manager an option to begin scaling workloads based on available resources. Having in-house employees would not allow this to occur. If the City had an in-house employee you either can afford the position or not. Cities with full-time employees have to begin furloughing the employees until they simply get to the point of a layoff. The City of Wildomar does not currently follow that model. Organizationally we have set up a contract model. Our contract model will keep the City financially flexible to meet our

long term obligations. The down side in this economic downturn is that it may take longer to complete projects. Additionally, any new projects that are asked to be completed will further strain the General Fund and the time commitments to existing projects.

ATTACHMENTS:

Submitted and Approved By:



Frank Oviedo
City Manager

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #3.4
GENERAL BUSINESS
Meeting Date: May 26, 2010

TO: Mayor and City Council

FROM: David Hogan, Planning Director

SUBJECT: Report on the Planning Commission's Discussions Regarding Boat and Trailer Storage Uses in the Rural Residential Zone

STAFF REPORT

RECOMMENDATION:

Provide direction and concurrence, as appropriate, on the Planning Commission's preferred course of action.

BACKGROUND:

The purpose of this staff report is to provide information to the City Council on steps and direction that the Planning Commission would like to take and to receive a concurrence that the proposed direction is appropriate.

On February 24, 2010, the City Council extended the moratorium on the approval of applications for the establishment or placement of mini-storage and recreational vehicle storage facilities in the Rural Residential (R-R), General Commercial (C-1/C-P), and Scenic Highway Commercial (C-P-S) zones to January 13, 2011. As part of extending the moratorium, staff prepared an alleviation report as required by Government Code Section 65858(d) to describe the measures taken to alleviate the condition which led to the adoption of the urgency ordinance. A copy of the Alleviation Report that was previously provided to the City Council is contained in Attachment A. The action steps contained in the report consisted of the following.

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

On April 21, 2010, the Planning Commission began the process of examining the issue of boat and trailer (recreational vehicle) storage uses within the Rural Residential Zone as the first step in responding to the issue relating to the storage use moratorium. The Commission staff report and primary attachments are contained in Attachments B, C, and D, respectively.

DISCUSSION:

In the process of preparing the issue of the Rural Residential (R-R) Zone land uses for the Planning Commission's consideration, staff reviewed the existing zoning ordinance and identified a number of shortcomings within the permitted use listings contained in the current ordinance and considered ways to improve the existing zoning ordinance. The major shortcoming is that the current lists of permitted uses within each zone appear to be a random list of uses that are not very comparable with the use lists in the other zones. This creates a situation requiring constant interpretations by the Planning Director to determine what zone a particular use is appropriate for.

To facilitate a comprehensive review of the R-R Zone, as well as to provide a foundation for future zoning code amendments, staff developed a modern style permitted use matrix that could eventually be used for all future zoning district permitted use-type code amendments. The more modern style of permitted use matrix has several advantages over the older style of land use listings in the current ordinance. The advantages of a modern style permitted use matrix include:

- Easier to implement, resulting in more consistent implementation of the zoning ordinance potentially requiring fewer Planning Director land use interpretations.
- Easier for the public to use; allowing quick comparisons between different zoning districts. Comparable.

The first working draft of this land use matrix is forth in Attachment C. This material is provided only for the City Council's reference and information since the Planning Commission has not yet started their deliberations on the matrix or on the appropriate land uses for the R-R zone and are not making any action recommendation for the City Council to make a formal action upon.

At the meeting, the Planning Commission arrived at the following consensus on how to proceed. It is in this direction that the Commission would like to get the City Council's concurrence on. The Commission's preliminary direction is as follows.

1. Use of a modern style permitted use matrix for the revisions to the Rural Residential Zone.
2. Consideration of the creation of a ranch community zone that could be developed simultaneously with the revisions to the Rural Residential Zone. The creation of a Ranch Community zone would probably result in an amendment to the Official Zoning Map of the City to assign this zone to areas with certain lower density residential General Plan Land Use Designations.

If the City Council concurs with the Planning Commission's preliminary direction, then staff envisions the following process to develop a future zoning amendment recommendation.

- Step 1 – Provide information to the Commission and receive direction on how to proceed. [Completed]

- Step 2 – Submit the Planning Commission’s recommended direction to the City Council for concurrence. [Contained in this staff report]
- Step 3 – Planning Commission will review the list of permitted uses and develop the draft permitted use matrix list and the list of uses to select the uses appropriate for the future ranch community and modified rural residential zones at a regular meeting(s). A notice of the meeting(s) will be provided to the community to solicit additional input.
- Step 4 – Staff will bring the Commission’s detailed zoning amendment concept back to the City Council for their information.
- Step 5 – Planning Commission holds noticed public hearings to formally deliberate on amendments to the text of the zoning and an amendment to the City’s official zoning map. There would be a formal public notice for these meetings.
- Step 6 – Following the Planning Commission’s consideration of the zoning amendments, the Commission’s recommendation would be brought back to the City Council for consideration. There would be a formal public notice for these meetings.

CONCLUSION:

The Planning Commission is requesting that the City Council approve the general direction and approach to addressing the list of allowable land uses with the Rural Residential Zone, and if the Commission determines that the approach is viable, consider the possible consideration of a ranch community residential zone as well.

ALTERNATIVES:

- A. Request the Commission to not consider the use of a comprehensive permitted use matrix at this time and limit the Commission’s discussion only to boat and recreational vehicle storage uses in the R-R Zone.
- B. Concur with the Commission on the use of a comprehensive permitted use matrix but request that the Commission to not consider the establishment of a ranch community zone at this time.
- C. Provide other direction to the Planning Commission and staff.

ATTACHMENTS:

- A. Alleviation Report (PC Staff Report C)
- B. April 21, 2010 Planning Commission Staff Report
- C. PC Staff Report Attachment A – working draft of the use matrix
- D. PC Staff Report Attachment B – current use list for the R-R Zone
- E. Excerpts of the Draft Minutes

Submitted by:



David Hogan
Planning Director

Approved by:



Frank Oviedo
City Manager

ATTACHMENT A

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

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

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

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

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

ATTACHMENT B

CITY OF WILDOMAR – PLANNING COMMISSION

Agenda Item #6.1

GENERAL BUSINESS

Meeting Date: April 21, 2010

TO: Members of the Planning Commission

FROM: David Hogan, Planning Director

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

RECOMMENDATION:

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

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

BACKGROUND:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALTERNATIVES:

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

ATTACHMENT C

SUGGESTED RURAL RESIDENTIAL ZONE LAND USE TABLE

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

P = Permitted

C = Conditionally Permitted

- = Not permitted

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

1. All of the detailed animal regulations in Chapter 17.16. Staff will evaluate how to include this information into the City zoning code prior to any subsequent public hearing if the Planning Commission want the animal standards included.

2. The following land uses that either do not fit neatly into any of the land use descriptions contained here, are unnecessary, or not relevant to the community and have not been included in the matrix. Most of these uses will generally fit into some other categories.
 - A.10 A sign (This is not a land use, it is accessory to an otherwise permitted use.)

 - A.13 Planned residential development

 - B.5 Railroads, ...

 - C.17 Beauty shops, ... (As described in this subsection, this use is actually a home occupation.)

 - D.13 Cleaning and dyeing shop

 - D.17 Frozen food locker

 - D.29 Tourist Information center

 - D.30 Underground bulk fuel storage

 - D.36 Lumber productions ...

 - D.48 Disposal service operations

 - D.57 Oil production, not including refining or processing

ATTACHMENT D

CURRENT RURAL RESIDENTIAL ZONE PERMITTED USE LISTING

17.16.010 USES PERMITTED

A. The following uses are permitted:

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

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

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

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

B. Public Utility Uses.

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

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

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

- a) The mobilehome shall have a floor area of not less than 450 square feet.
- b) The dwellings are not rented or held out for lease to anyone other than an employee of the farming operation.
- c) The dwellings are located not less than 50 feet from any property line.
- d) The dwellings are screened from view from the front property line by shrubs or trees.
- e) The arrangement of the dwellings, sanitary facilities and utilities conforms with all of the requirements of the County Health Department, the County of Building and Safety Department, and State law.
- f) The number of dwellings for employees shall not exceed four per established farming operation.

(17) Beauty shops, including beauty shops operated from a home by its inhabitants where no assistants are employed and the on-site sign is unlighted and does not exceed two square feet in area.

(18) Winery and appurtenant and incidental uses with established on-site vineyard.

(19) Temporary real estate tract offices located within a subdivision, to be used only for and during the original sale of the subdivision, but not to exceed a period of two years in any event.

(20) Public parks and public playgrounds, golf courses with standard length fairways, and county clubs.

D. The following uses are permitted provided a conditional use permit has been granted:

- (1) Airport or landing field.
- (2) Auto wrecking yards.
- (3) Any mining operation which is exempt from the provisions of the California Surface Mining and Reclamation Act of 1975 and Riverside County Ordinance No. 555.
- (4) Cemetery, pet or human.

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

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

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

ATTACHMENT E

**EXCERPTS FROM THE DRAFT MINUTES FOR
THE 4/21/2010 MEETING OF THE PLANNING COMMISSION**

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

Director David Hogan made the presentation.

Assistant City Attorney Jex mentioned quickly that this item is a work study and there will be no action taken.

Director Hogan indicated zoning is the regulation of private land use to implement the General Plan. There are two components; the first is the official zoning map; which designates a zone on a piece of property. The other is actual text of the ordinance that translates the zone designation and explains what can be done. Tonight there will only be a discussion on the text portion. This will be a large enough issue were a lot of input may be done by the Commissioners and the public, which will lead to several meetings.

Chairman Devine commented there should be a workshop with the Council and some members of the public.

Director Hogan responded Riverside County has not done a major revision to their zoning code since they adopted their General Plan and that this is a separate issue. At this point staff has not received any direction from the City Council to do any amendments to the General Plan. He continued by asking the Commission if he could proceed with his presentation and would discuss further questions that the Commission may have afterwards.

Director Hogan explained this all originated on December 2, 2010 when the Planning Commission recommended that the City Council consider a moratorium on self- and recreational vehicle storage facilities. On January 13, 2010, the City Council approved a temporary moratorium for a 45 day period. On February 24, 2010 the City Council extended the self storage and recreational vehicle storage moratorium to 2011 and accepted the Alleviation Report, which is the plan of action the City proposes to take to address the issue that caused the moratorium to take effect.

Director Hogan explained historically the Rural Residential Zone was used by Riverside County to provide basic zoning standards for diverse and remote rural areas within the County. Wildomar may have changed since the area was first zoned R-R Zone, consequently the zone may no longer be totally appropriate in all areas.

Chairman Devine, stated much of the uses permitted in Rural Residential area no longer reflect the needs of the community.

Director Hogan agrees and advises the commission to consider the following questions when discussing this item:

- Does the existing Rural Residential Zone meet the needs of the community and does it implement the General Plan?
- If it does, what should stay the same?
- If not, how should it be different?

Director Hogan goes on by explaining were Commissioners can make notes and references for staff. He also adds staff on the matrix. He also adds staff is requesting that the Planning Commission provide direction on the following subjects:

- Does the Commission want to use a Land Use Matrix in the Zoning Ordinance?
- Are there any changes the Commission would like to see in the future Land Use Matrix (list uses, etc.)?
- What land uses are appropriate for the R-R Zone?

Director Hogan commented based upon the direction provided by the Planning Commission, staff will bring an amendment to the Zoning Ordinance at a future Commission public hearing for a recommendation to the City Council.

Director Hogan added he would like to open up the item to public comment after Commission is done with their input.

Commissioner Dykstra, questioned a square placed on the matrix

Director Hogan responded it is a starting point to facilitate the Commission's discussion.

Commissioners Dykstra further clarified his previous question and added another by saying when county adopted the RCIP they mentioned they were going to do a conformance zoning within 2 years and the impact for that conformance zoning was to wipe out the R-R zone and replace with the General Plan designation. Commissioner Dykstra asked, should the City not do any conformance zoning and live with the R-R zone for a much longer period of time.

Director Hogan replied that we should start the process of conformance zoning dealing with the R-R zone.

Commissioner Dykstra commented that he has mixed feelings on the subject and mentioned that other cities have done conformance zoning and don't have R-R Zoning. Another point he shared is his preference for the current R-R zone character of the City and the keeping of small businesses.

Director Hogan explained we are at a very preliminary stage and proposed an alternative option. That option being we can change the ultimate zone to a Ranch Community Residential and modify the General Plan map to keep the RR residential area and create a new Ranch Community Residential Zone.

Chairman Devine agreed with the idea since there are people in the area that have a ranch living style.

Vice-Chairman Nowak clarified the Commission is at a preliminary stage and summarizes Director Hogan's presentation.

Chairman Devine said he has difficulty understanding since he doesn't have a map in front him and feels that a map would aid him in structuring the language and be able to identify sections.

Vice-Chairman Nowak felt the Planning Commission is getting to far ahead and needs to modify the language and look at the present permitted uses and modify them to fit the land use. Once that portion has been established, the Planning Commission can later go to the map and modify it to match the new zone requirements.

Director Hogan expressed his understanding and understands the direction the commission wants to go with the item.

Chairman Devine referred back to matrix and said if the table came with a map and the other land use designation of R-1, R-2 and R-3 zones. It would better help him know what belongs were. He needs some thing to categorize with.

Director Hogan understood the Chairman's comment and responded with Vice-Chairman Nowak's explanation of the item and that the Planning Commission should look at the concept of the item at hand.

Vice chairman Nowak's added we should look at the concept without fixed labels such as R-1, R-2 and R-3 and see what fits in commercial and what fits in residential ranch. Once that is established, the Planning Commission should look at smaller groups and designate land uses for them.

Director Hogan responded by suggesting the Planning Commission look at the concept of the uses first before they go further along. He read a portion of the General Plan defining Ranch Community Residential as a Residential Community that promotes agriculture and supports equestrian use and asked the Commission to keep that in mind when trying to designate certain uses with the land use.

Chairman Devine responded that, it makes sense because the Director has categorized and went down a list of permissible uses within a section. He said to give him the same synopsis for all uses and residential designations and then he can place what uses would go with what land use designation.

Director Hogan commented he had not planned for the Commission to take on all the land uses at one time. Unfortunately, there are not enough staff resources to tackle so much at one time. Therefore, he suggests the Commission start with the R-R zone.

Chairman Devine answers, we will then start with one category and move to the next.

Director Hogan agreed.

Commissioner Dykstra asked why on the matrix there are different uses permitted but others that are conditionally permitted and wanted to know where the differences between the allowances are drawn.

Director Hogan responded he took them from the County section 17.16 and indicated we are translating what is currently the R-R to make a transitional RR zone and creating a living Ranch Community.

Commissioner Dykstra asked what is going to be the procedure of small businesses that had been grandfathered in by the County.

Director Hogan explained if the establishment had been placed legally it will become a legal nonconforming use and it can stay.

Chairman Devine mentioned as the economy gets better it will help dictate and shape the land uses.

Chairman Devine opened the public hearing.

George W. Taylor urged the Commission to take into consideration the envisioning and the Wildomar Round Table discussions. He understands the zone is unorganized and now as a City we need to organize ourselves.

Gina Castanon expressed concerns with the decisions being discussed today. She feels the changes being proposed may affect people's incomes. Therefore, this discussion should have reached all citizens instead of just having public notices.

Dana Martin commented that he sees Wildomar as a growing community and sees the growth of our small businesses important because it's what carries the City. He feels the matrix is a good starting point to understand the land uses.

Diane Omalley has lived in the community all her life and has seen the surrounding cities evolve to what they are now. She sees Wildomar as libertarian, as the freedom to do what ever you want and build a business from scratch.

Vice-Chairman Nowak stated he would like to take this information to the Council and see what guidance they may give the Commission.

Commissioner Dykstra commented he is surprised at the public input and never realized how in tuned they were with the City. He feels Wildomar should not impose on new development but at the same time protect its small businesses.

Chairman Devine appreciated the comments from the public. He mentioned today's meeting is not a decision making meeting the Commission will get further public comment, and continue to get additional information from staff.

Director Hogan commented that this item can be moved for much later time.

Chairman Devine responded to move this item to a much later time considering there are several large projects for the next meeting.

Assistant City attorney Jex mentioned a defined time frame can be determined at much later time since today's meeting was just an introduction.

Director Hogan agreed with having to wait and hopes this time period will give the Commission time to understand the information. Staff will also work of further noticing the public.