

CITY OF WILDOMAR PLANNING COMMISSION

SPECIAL MEETING OF JULY 15, 2015

BEGINNING AT 6:30 P.M.

City Council Chambers
23873 Clinton Keith Road



Veronica Langworthy, Chairman
Bobby L. Swann III, Vice-Chairman
Dan Bidwell, Planning Commissioner
Gary Brown, Planning Commissioner
Stan Smith, Planning Commissioner

Matthew C. Bassi
Planning Director

Erica L. Vega
City Attorney

CITY OF WILDOMAR PLANNING COMMISSION MEETING AGENDA JULY 15, 2015

ORDER OF BUSINESS:

The July 15, 2015 special meeting of the Planning Commission begins at 6:30 p.m.

REPORTS:

The Planning Commission agenda packet/reports are available for review at Wildomar City Hall, Planning Department located at 23873 Clinton Keith Road, Suite #201 and on the City's website, <http://www.cityofwildomar.org/planning-commission-minutes.asp>. Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours.

PUBLIC COMMENTS:

Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any items or matters within the jurisdiction of the governing body. The Chairman will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Comment Card" available at the Chamber door. The completed form is to be submitted to the Planning Commission Clerk prior to an individual being heard. Lengthy testimony should be presented to the Commission in writing (15 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

CONSENT CALENDAR:

Consent Calendar items will be acted on by one roll call vote unless Council members, staff, or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

PLEASE TURN ALL DEVICES TO VIBRATE/MUTE/OFF FOR THE DURATION OF THE MEETING. YOUR COOPERATION IS APPRECIATED.

CALL TO ORDER – SPECIAL MEETING - 6:30 P.M.

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS

This is the time when the Planning Commission receives general public comments regarding any items or matters within the jurisdiction of the Planning Commission that do not appear on the agenda. Each speaker is asked to fill out a “Public Comments Card” available at the Chamber door and submit the card to the Planning Commission Secretary. Lengthy testimony should be presented to the Commission in writing (15 copies) and only pertinent points presented orally. The time limit established for public comments is three (3) minutes per speaker. Prior to taking action on any open session agenda item, the public will be permitted to comment at the time it is considered by the Planning Commission.

APPROVAL OF THE AGENDA AS PRESENTED

The Planning Commission to approve the agenda as it is herein presented, or, if it the desire of the Planning Commission, the agenda can be reordered at this time.

1.0 CONSENT CALENDAR

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

1.1 Minutes – June 3, 2015 – Regular Planning Commission Meeting

Recommendation – Staff Recommends that the Planning Commission approve the Minutes as submitted.

2.0 PUBLIC HEARINGS

2.1 Arco Freeway Sign Height Variance (Planning Application No. 15-0032):

Planning Commission consideration of the adoption of a Categorical Exemption in accordance with Section 15311 of the California Environmental Quality Act (CEQA) Guidelines, and approval of a Variance to add 16 feet to the existing 45-foot tall Arco Gas Station freeway sign located at 33986 Orange Street (APN: 366-290-010).

RECOMMENDATION:

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

1. Adopt a Resolution entitled:

PC RESOLUTION NO. 2015-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO SECTION 15311 (CLASS 11 – ON PREMISE SIGNS) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVING A SIGN HEIGHT VARIANCE (PLANNING APPLICATION NO. 15-0032) FROM THE ALLOWABLE 45 FEET TO 61 FEET FOR THE ARCO GAS STATION LOCATED AT 33986 ORANGE STREET (APN: 366-290-010).

3.0 GENERAL BUSINESS

3.1 City of Wildomar Local CEQA Guidelines and Procedures Manual:

Planning Commission review and recommendation to the City Council for the adoption of the City of Wildomar Local CEQA Guidelines and Procedures Manual.

RECOMMENDATION:

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

1. Adopt a Resolution entitled:

PC RESOLUTION NO. 2015-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF A RESOLUTION ESTABLISHING THE CITY OF WILDOMAR “LOCAL CEQA GUIDELINES AND PROCEDURES.”

PLANNING DIRECTOR REPORT

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

ASSISTANT CITY ATTORNEY REPORT

This item is reserved for the Assistant City Attorney to report on items not on the agenda. No action by the Planning Commission is needed.

PLANNING COMMISSION COMMUNICATIONS

This item is reserved for the Planning Commission to make comments on items not on the agenda, request information and/or provide direction to the Planning Department staff.

FUTURE AGENDA ITEMS

ADJOURNMENT

The Special Planning Commission meeting of July 15, 2015 is hereby adjourned.

RIGHT TO APPEAL:

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

REPORTS:

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

ADDITIONS/DELETIONS:

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

ADA COMPLIANCE:

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

POSTING STATEMENT:

On or before **July 10, 2015** a true and correct copy of this agenda was posted at three (3) designated places: 1) Wildomar City Hall, 23873 Clinton Keith Road, Suite #201; 2) United States Post Office, 21392 Palomar Street; and 3) Wildomar Library, 34303 Mission Trail Road.



Matthew C. Bassi
Planning Director



AGENDA SECTION 1.0

CONSENT CALENDAR ITEMS

AGENDA ITEM No. 1.1



CITY OF WILDOMAR OFFICIAL PLANNING COMMISSION MEETING MINUTES FOR THE REGULAR MEETING OF JUNE 3, 2015

CALL TO ORDER

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

ROLL CALL

Present: Veronica Langworthy Chairman, Bobby L. Swann III, Vice-Chair, Dan Bidwell, Commissioner, Stan Smith, Commissioner,

Staff Present Matthew Bassi, Planning Director
Dan York, Assistant City Manager / Public Works Director
Alfredo Garcia, Assistant Planner
Erica Vega, Assistant City Attorney

Absent: Gary D. Brown, Commissioner.

FLAG SALUTE

Chairman Langworthy led the flag salute.

PUBLIC COMMENT:

No public comment provided.

APPROVAL OF AGENDA AS SUBMITTED

Vice-Chairman Swann III motioned to approve the agenda as submitted. The motion was seconded by Commissioner Bidwell, Motioned Carried, 4-0-1 the following vote resulted:

AYES: LANGWORTHY, SWANN III, SMITH, BIDWELL,
NOES: NONE
ABSENT: BROWN
ABSTAIN: NONE

1.0 CONSENT CALENDAR

1.1 Minutes – May 6, 2015 –Planning Commission Meeting

Recommendation – Staff Recommends that the Planning Commission approve the Minutes as amended by Chairman Langworthy.

A Motion was made by Chairman Langworthy, and seconded by Commissioner Smith with the modification.

Motion carried 4-0-1, with the following vote resulting:

AYES: LANGWORTHY, SWANN III, BIDWELL, SMITH
NOES: NONE
ABSENT: BROWN
ABSTAIN: NONE

2.0 PUBLIC HEARINGS

2.1 Discount Tire Conditional Use Permit (Planning Application No. 15-0023):

Planning Commission review and consideration of a Categorical Exemption and approval of a Conditional Use Permit (CUP) to establish “Discount Tire Center” within an existing commercial building located within the Oak Creek Center Phase II development located at 23885 Clinton Keith Road, Suite #H5 (APN: 380-240-046 & 380-240-017).

Assistant Planner Alfredo Garcia made a presentation to the Planning Commission.

Chairman Langworthy opened the public hearing and asked for public comments.

Andrew Gordon, applicant representative, made a presentation to the Planning Commission.

Mike Nelson, applicant made a presentation to the Planning Commission.

Vice Chairman Swann III, asked the applicant questions on the CUP proposal.

Commissioner Bidwell, asked the applicant questions on the CUP proposal.

Larry Ferguson with donated time from Lezle Ferguson, provided comments on the agenda item.

Joseph Morabito, resident, provided comments on the agenda item.

With no further public comments, Chairman Langworthy closed the public hearing and asked for Commission discussion on the agenda item.

Vice Chairman Swann III, asked questions of staff on the CUP proposal.

Commissioner Smith, asked questions of staff on the CUP proposal.

Assistant City Manager Dan York, responded to Commission questions.

Planning Director Matthew Bassi responded to Commission questions.

Commission engaged in further discussion.

With no further Commission discussion, Chairman Langworthy asked for a motion to table and direct the applicant to prepare a noise study for staff evaluation prior to scheduling a new hearing.

A Motion was made by Chairman Langworthy and seconded by Vice Chairman Swann III.

Motion carried 4-0-1, with the following vote resulting:

AYES: LANGWORTHY, SMITH, SWANN III, BIDWELL
NOES: NONE
ABSENT: BROWN
ABSTAIN: NONE

3.0 GENERAL BUSINESS ITEMS:

3.1 Capital Improvement Program for Fiscal Year 2015/16 – 2019/20:

Planning Commission's Annual Review of the Public Works Department Capital improvement Program for General Plan Consistency.

Assistant City Manager/Public Works Director Dan York made a presentation to the Planning Commission.

Chairman Langworthy asked for public comment. No public comments were provided.

Chairman Langworthy asked for Commission discussion.

Commissioner Smith provided comments on the agenda item.

Commission engaged in further discussion.

With no further Commission discussion, Chairman Langworthy asked for a motion to adopt PC Resolution No. 2015-14 entitled:

PC RESOLUTION NO. 2015-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, DETERMINING THAT THE FISCAL YEAR 2015/16 OF THE 2015/2020 CAPITAL IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE CITY OF WILDOMAR GENERAL PLAN.

A Motion was made by Vice-Chairman Swann III and seconded by Commissioner Smith.

Motion carried 4-0-1, with the following vote resulting:

AYES: LANGWORTHY, SMITH, SWANN III, BIDWELL
NOES: NONE
ABSENT: BROWN
ABSTAIN: NONE

Planning Directors Report

Director Bassi informed the Commission that there will be a July 1, 2015 Planning Commission meeting.

Assistant City Attorney's Report

No comment from Assistant City Attorney Vega.

Planning Commission Communications

No comments from the Commission.

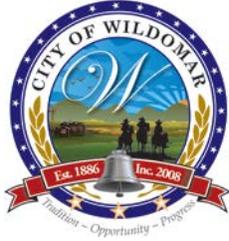
With no other communications, Chairman Langworthy adjourned the June 3, 2015 Regular Planning Commission at 7:43 P.M.

Matthew C. Bassi
Planning Director/Minutes Secretary



AGENDA SECTION 2.0

PUBLIC HEARING ITEMS



CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item #2.1
PUBLIC HEARING
Meeting Date: July 15, 2015

TO: Chairman and Members of the Planning Commission

FROM: Alfredo Garcia, Assistant Planner

SUBJECT: **Arco Sign Height Variance (Planning Application No. 15-0032):**
Planning Commission consideration for the adoption of a Categorical Exemption and approval of a sign height variance for the Arco Gas Station freeway sign located at 33986 Orange Street (APN: 366-290-010).

STAFF RECOMMENDATION

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

1. Adopt a Resolution entitled:

PC RESOLUTION NO. 2015-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO SECTION 15311 (CLASS 11 – ON PREMISE SIGNS) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVING A SIGN HEIGHT VARIANCE (PLANNING APPLICATION NO. 15-0032) FROM THE ALLOWABLE 45 FEET TO 61 FEET FOR THE ARCO GAS STATION LOCATED AT 33986 ORANGE STREET (APN: 366-290-010).

PROJECT BACKGROUND

Arco gas station originally applied for a Variance in April 2013 to extend their existing 45-foot tall freeway sign (legal height) to 65-feet in height. However, they decided not to move forward with the Variance and subsequently withdrew the application.

Earlier this year, Arco undertook some routine maintenance on their freeway sign and it was discovered that the existing freeway sign had severe structural damage due to an infestation of honey bees nesting at the upper-to-mid-section of the pole sign that rotted out the metal pole (see Figure 1 on next page). In the process of repairing the sign, Arco's sign contractor also increased the height of the existing 45-foot tall sign (legal height per code) to 61 feet in height. This action was done without any city input or approval from the Planning Commission via the Variance process. Thus, the current sign height today is 61 feet tall and is not in conformance with the city's height regulations as outlined in Section 17.252 of the Zoning Ordinance.

When staff discovered the illegal height increase, a code enforcement case was opened and notice of violation was provided to Arco (February 2015). The notice of violation required Arco to either lower the sign height back to the legal height of 45 feet, or submit a Variance application for review and consideration by the Planning Commission to legalize the additional sign height. Thus, on March 30, 2015, Arco decided to submit a Variance application for consideration by the Planning Commission.

Figure 1 – Structural Bee Damage Exhibit



PROJECT DESCRIPTION

Arco's Variance application is a request to legalize the 61-foot tall freeway sign that was increased in height without permits or approval during a recent maintenance operation. The City's sign regulations (Chapter 17.252) limits the height of freestanding freeway signs to 45 feet when located within 660 feet of the nearest edge of a freeway right of way line (in this case the I-15 freeway). Arco's request is for an additional 16 feet.

All other aspects of the existing freeway sign (i.e., sign area, style, materials, etc.) are consistent with the City's sign regulations. The Variance, if approved by the Commission, will make the sign height legal and eliminate the current code enforcement case.

Figures 2 through 4 below reflect the site plan and elevation views of the freeway sign and height extension design

Figure 2 – Site Plan/Sign Location Exhibit

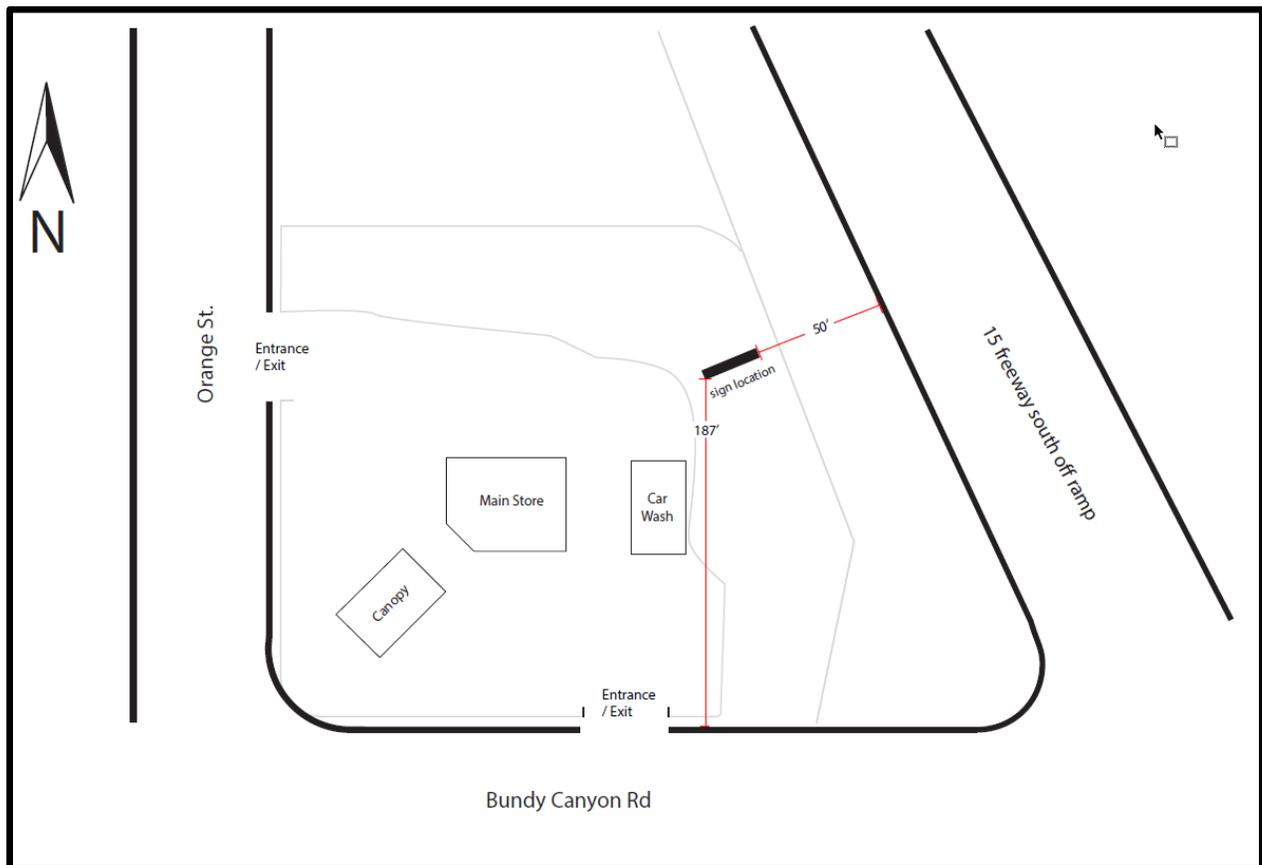


Figure 3 – North and South Elevation Views from I-15 Freeway

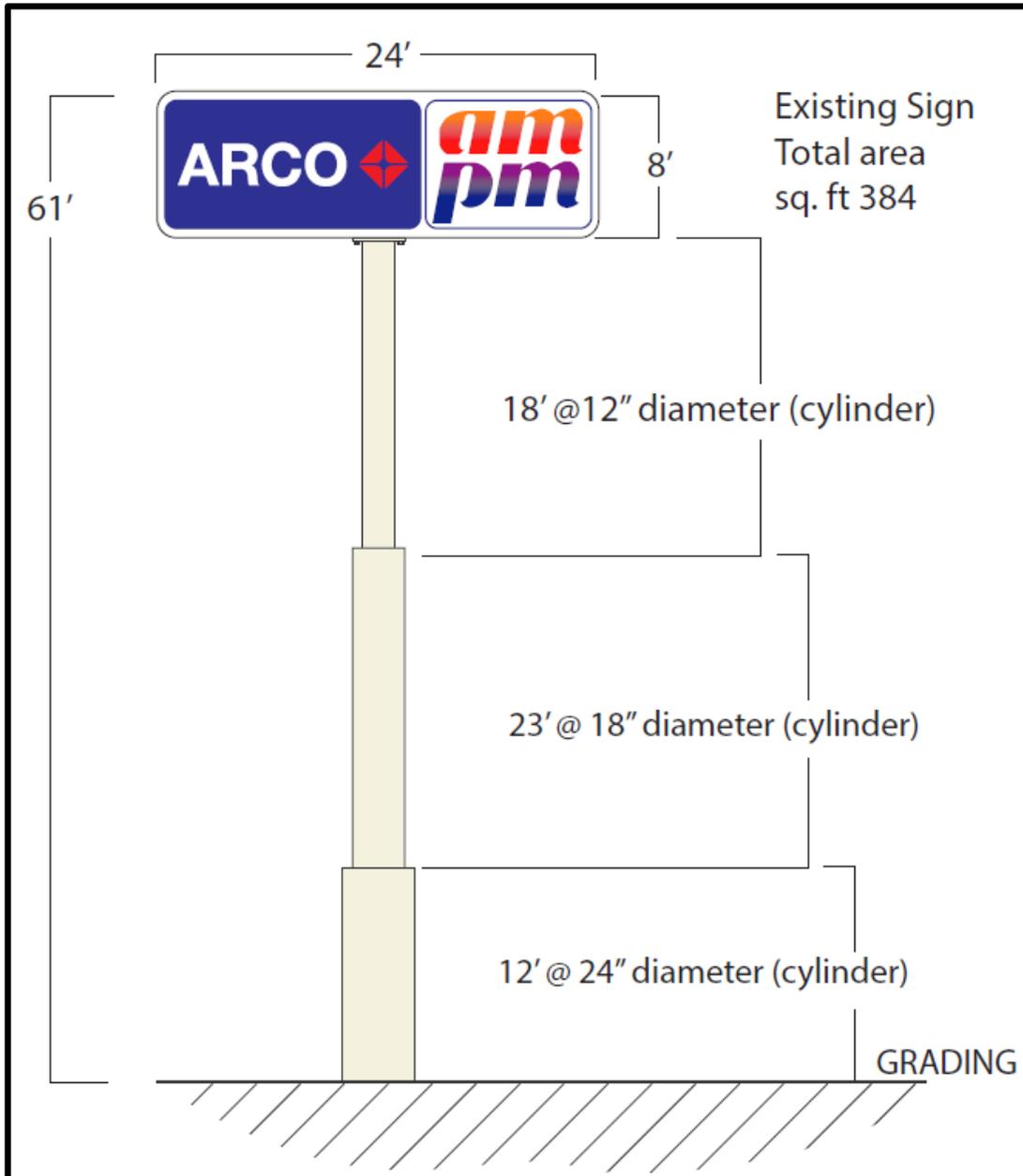
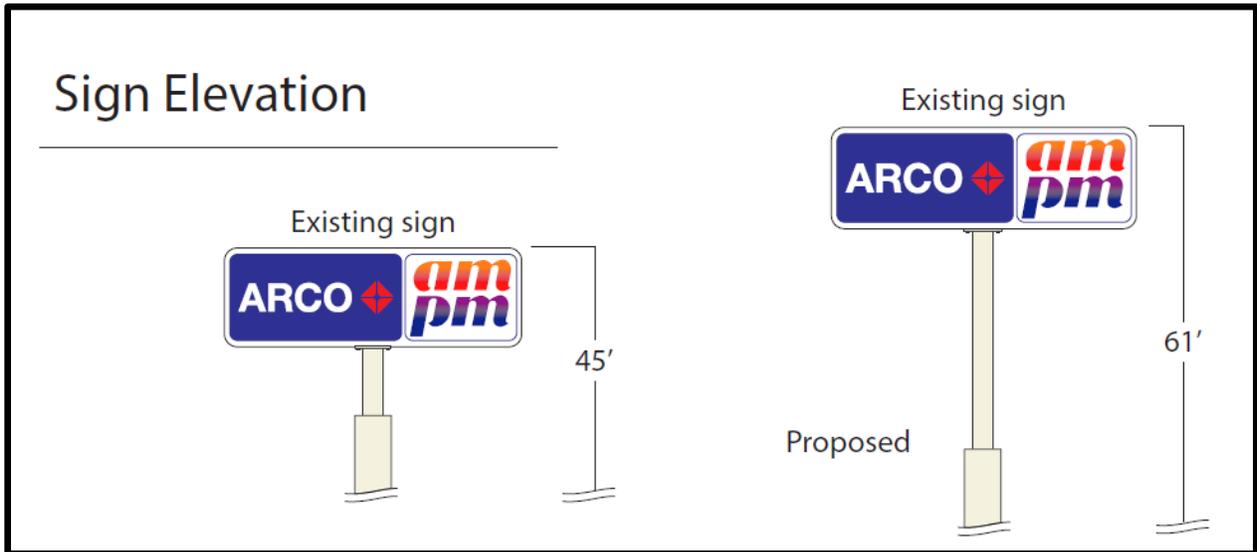


Figure 4 – Sign Elevation Comparison Exhibit



Location and Setting:

Arco Gas Station is located adjacent to I-15 freeway and Bundy Canyon Road. The existing freestanding freeway sign is located along the eastern edge of the site immediately adjacent to the I-15 freeway (**Figure 5, Vicinity Map**). **Figure 6** shows an aerial view of project location and existing sign.

Figure 5 – Vicinity Map



Figure 6 – Aerial View of Project Location



Surrounding Land Uses:

Table 1, Adjacent Land Use, General Plan, and Zoning, **Figure 7**, General Plan Land Uses, and **Figure 8** Zoning Classification show the current land uses and the zoning classifications for the site and surrounding areas. The project is surrounded by residential uses and open space.

Table 1 – Adjacent Land Use, General Plan, and Zoning

Location	Current Land Use	General Plan Land Use Designation	Zoning Classification
Subject Property	Existing Arco Gas Station	Commercial Retail (CR)	CPS (Scenic Highway Commercial)
North	Vacant	Commercial Retail (CR)	CPS (Scenic Highway Commercial)
South	Vacant	Commercial Retail (CR)	CPS (Scenic Highway Commercial)
East	15 Freeway	I-15 Freeway	15 Freeway
West	Jack in the Box & Future Subway Center	Commercial Retail (CR)	CPS (Scenic Highway Commercial)

Figure 7 – General Plan Land Use Exhibit

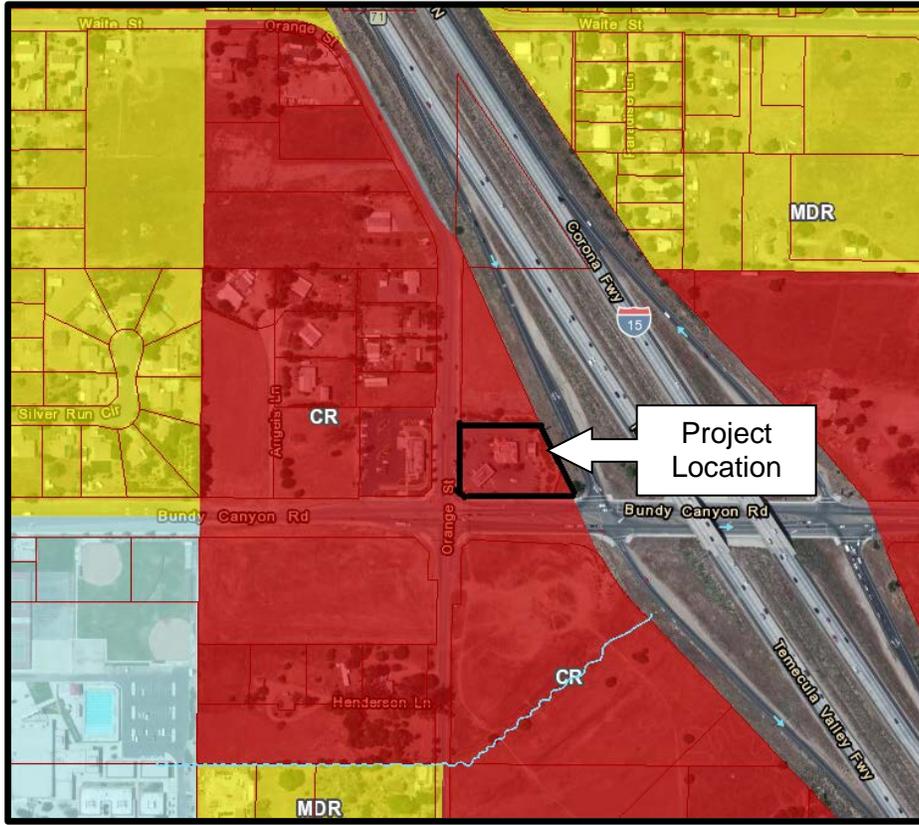
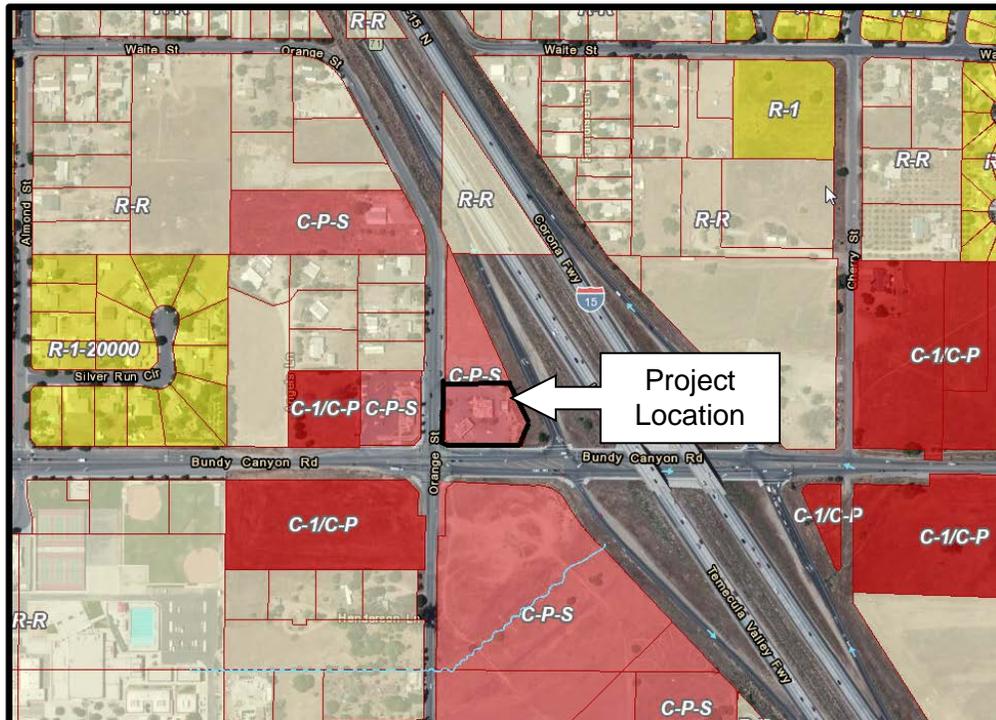


Figure 8 – Zoning Classification Exhibit



PROJECT ANALYSIS

CEQA Determination:

Staff recommends that the Planning Commission determine the Variance application to be Categorically Exempt from environmental review in accordance with Section 15311 (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines. Section 15311 of CEQA exempts the construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to “on premise signs.”

CEQA Guideline 15311(a) specifically lists on-premise signs as the type of structure that can be considered exempt. As this Variance application will allow an existing 61-foot tall freeway sign to be legalized as part of a 16-foot height increase to the original 45-foot tall sign, this action represents a small increase in the height of the overall structure. Thus, the Variance application to for a 61-foot tall freeway sign can be exempted from CEQA review.

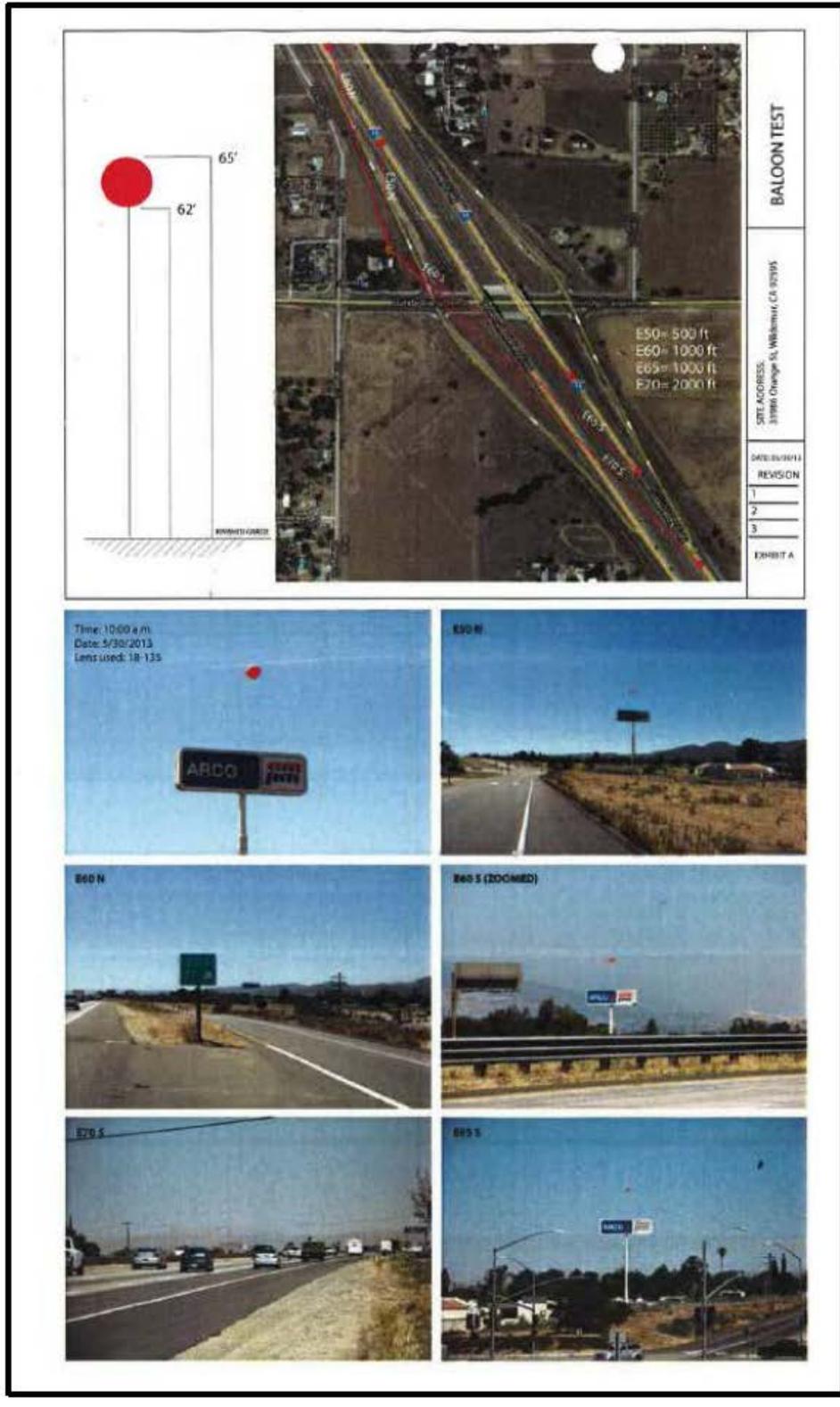
Variance Request:

While the Arco owner increased the height of sign to 61 feet illegally, the fact remains that, at the original approved height of 45 feet, the sign could not be seen from the southbound I-15 freeway lanes before passing the Bundy Canyon off-ramp. The primary reason the sign could not be seen is due to an approximate 40-foot grade difference between freeway and the Arco site. In addition, there is a 8 to 10-foot tall dirt berm along the west side of the freeway extending northwards from the Bundy Canyon off-ramp.

It is staff’s opinion, that this situation results in a unique topographical feature/constraint that supports the need for a taller freeway sign at this specific location. This conclusion was verified by a balloon test done with the original variance application that determined the optimal/minimum height to see the freeway sign prior to the Bundy Canyon off-ramp was 61 feet (refer to Figure 8 on the following page).

Further, it is staff’s opinion that the variance will not grant a special privilege to Arco, nor will it be detrimental to the health, safety or general welfare of the community. The specific findings in support of the variance in outlined below.

Figure 8 – Balloon Test Exhibit



Variance Findings of Fact:

In accordance with Chapter 17.196, the Planning Commission must make four (4) findings to approve a Variance application. Based on the following findings, staff believes the Commission can make the findings to approve the 16-foot sign height variance to 61 feet even though the sign has already been constructed to this height.

- A. Finding: The Variance does not constitute a grant of special privilege that is inconsistent with the limitations upon other properties in the vicinity, and zone in which the property is situated.

Evidence: Approval of the proposed variance does not constitute a grant of special privilege because the Arco site (which is zoned C-P-S) is unique in that no other freeway oriented commercial centers have similar limitations/constraints. For example, this Arco site is substantially lower than the I-15 freeway by approximately 40 feet. In addition, there is a 8 to 10-foot tall dirt berm along the west side of the I-15 freeway extending northwards from the Bundy Canyon off-ramp. These physical constraints makes it impossible to see the 45-foot tall Arco freeway sign from the southbound lanes before passing the Bundy Canyon Road off-ramp (making it too late to get off the freeway).

In addition, the northbound I-15 freeway, which is considered a “split freeway” is about 15 feet higher than the southbound lanes which makes it more difficult to see the Arco sign before being able to exit on the northbound Bundy Canyon off-ramp. The Arco site and associated freeway conditions affecting Arco is substantially different from the city’s other two major off ramps (i.e., Baxter Road and Clinton Keith Road with C-P-S zoning) which are relatively similar in grade elevations with the I-15 freeway. As other businesses in the C-P-S zone along the I-15 freeway are not significantly impacted by elevation changes, approval of this variance would not create a special privilege inconsistent with the limitations upon other properties in the C-P-S zone.

- B. Finding: There are special circumstances applicable to a parcel of property, including size, shape, topography, location or surroundings, whereby the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification.

Evidence: As noted in Finding A above, the Arco site is significantly affected by topographic/elevation constraints that the other properties in the C-P-S zone along the I-15 freeway are not affected by. For example, this Arco site is substantially lower than the I-15 freeway by approximately 40 feet. In addition, there is a 8 to 10-foot tall dirt berm along the west side of the I-15 freeway extending northwards from the Bundy Canyon off-ramp. These physical constraints makes it impossible to see the 45-foot tall Arco freeway sign from the southbound lanes before passing the Bundy Canyon Road off-ramp (making it too late to get off the freeway).

In addition, the northbound I-15 freeway, which is considered a “split freeway” is about 15 feet higher than the southbound lanes which makes it more difficult to see the Arco sign before being able to exit on the northbound Bundy Canyon off-ramp. The Arco site and associated freeway conditions affecting Arco is substantially different from the city’s other two major off ramps (i.e., Baxter Road and Clinton Keith Road with C-P-S zoning) which are relatively similar in grade elevations with the I-15 freeway. As other businesses in the C-P-S zone along the I-15 freeway are not significantly impacted by elevation changes, approval of this variance would not create a special privilege inconsistent with the limitations upon other properties in the C-P-S zone.

- C. Finding: The Variance shall not be granted for a parcel of property which authorizes a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property, but shall be limited to modifications of property development standards, such as lot size, lot coverage, yards, and parking and landscape requirements.

Evidence: Approval of this variance will not authorize a use that is not otherwise expressly authorized by the zone regulation governing the parcel of property. Gas stations are specifically listed in the C-P-S zone as a conditionally permitted use. The original gas station was approved via a conditional use permit by the Riverside County Planning Commission prior to the City’s incorporation and is in full force and affect. Further, the variance has been requested to exceed the maximum height of a freeway sign which is directly related to property development standards outlined in this finding and the City’s sign regulations outlined in Chapter 17.252 of the Wildomar Municipal Code.

- D. Finding: The Variance will not be detrimental to the health, safety or general welfare of the community.

Evidence: The Variance will not be detrimental to the health, safety or welfare of the community because it will be designed to meet the development standards outlined in the Sign Regulation code 17.252.040 and it will be constructed to meet the California Building Code; which will be reviewed and inspected by the Wildomar Building Department for the protection of the public health, safety, and general welfare of the City of Wildomar and the surrounding area.

PUBLIC COMMUNICATION / NOTICING

In accordance with the Wildomar Municipal Code, the Planning Department on June 30, 2015 mailed a public hearing notice to all property owners within a 600-foot radius of the project boundaries notifying them of the July 15, 2015 Planning Commission meeting. In addition, the Planning Department on July 3, 2015 published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the July 15, 2015 Planning Commission meeting. As of the date of this report, staff has not received any correspondence either for or against the proposed Variance.

Respectfully Submitted,
Matthew C. Bassi
Planning Director

Reviewed By,
Erica L. Vega
Assistant City Attorney

ATTACHMENTS

- A. PC Resolution No. 2015-18 for the Variance No. 15-0032
- B. Development Plans (under separate cover for PC)

INCORPORATED HEREIN BY REFERENCE THE FOLLOWING

- City of Wildomar General Plan and EIR
- City of Wildomar Zoning Ordinance (Title 17 of the WMC)

ATTACHMENT A

PC Resolution No. 2015-18

PC RESOLUTION NO. 2015-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO SECTION 15311 (CLASS 11 – ON PREMISE SIGNS) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVING A SIGN HEIGHT VARIANCE (PLANNING APPLICATION NO. 15-0032) FROM THE ALLOWABLE 45 FEET TO 61 FEET FOR THE ARCO GAS STATION LOCATED AT 33986 ORANGE STREET (APN: 366-290-010).

WHEREAS, the Planning Department has received a Variance application from:

Applicant/Owner: Eric LeVaughn / Arco
Project Location: 33986 Orange Street
APN: 366-290-010

WHEREAS, Arco Gas Station has requested approval of a Variance, pursuant to City of Wildomar Municipal Code Chapter 17.196, to legalize a 16-foot height increase to the original 45-foot tall freeway sign for a total sign height of 61 feet; and

WHEREAS, the Planning Commission of the City of Wildomar, California, has the authority to review and grant the proposed Variance request based on findings of fact outlined Section 17.196.030 of the City of Wildomar Municipal Code; and

WHEREAS, the City of Wildomar Planning Department, on June 30, 2015 gave public notice by mailing a public hearing notice to all property owners within a 600-foot radius of the project boundaries notifying said property owners of the date and time of the public hearing for the proposed Variance (PA 15-0032) that would be considered by the City of Wildomar Planning Commission; and

WHEREAS, the City of Wildomar Planning Department, on July 3, 2015 published a legal notice in the Press Enterprise, a local newspaper of general circulation, in compliance with State law notifying the general public of the of the date and time of the public hearing for the proposed Variance (PA 15-0032) that would be considered by the City of Wildomar Planning Commission; and

WHEREAS, the City of Wildomar Planning Commission conducted the public hearing on July 15, 2015 at which time interested persons had an opportunity to testify in support of, or opposition to, the proposed Variance (PA 15-0032).

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

SECTION 1. CEQA DETERMINATION:

The Planning Commission hereby determines the Variance application to be Categorically Exempt from environmental review in accordance with Section 15311 (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines. Section 15311 of CEQA exempts the construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to “on premise signs.” CEQA Guideline 15311(a) specifically lists on-premise signs as the type of structure that can be considered exempt. As this Variance application will allow an existing 61-foot tall freeway sign to be legalized as part of a 16-foot height increase to the original 45-foot tall sign, this action represents a small increase in the height of the overall structure. Thus, the Variance application to for a 61-foot tall freeway sign is exempt from CEQA review.

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

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area.

SECTION 3. VARIANCE FINDINGS:

In accordance with Section 17.196 (Variances) of the Wildomar Municipal Code, the Planning Commission must consider the proposed variance and clearly establish findings of fact to approve the proposed variance request. The following findings are offered for Planning Commission consideration for the proposed project.

- A. Finding: The Variance does not constitute a grant of special privilege that is inconsistent with the limitations upon other properties in the vicinity, and zone in which the property is situated.

Evidence: Approval of the proposed variance does not constitute a grant of special privilege because the Arco site (which is zoned C-P-S) is unique in that no other freeway oriented commercial centers have similar limitations/constraints. For example, this Arco site is substantially lower than the I-15 freeway by approximately 40 feet. In addition, there is a 8 to 10-foot tall dirt berm along the west side of the I-15 freeway extending northwards from the Bundy Canyon off-ramp. These physical constraints makes it impossible to see the 45-foot tall Arco freeway sign from the southbound lanes before passing the Bundy Canyon Road off-ramp (making it too late to get off the freeway).

In addition, the northbound I-15 freeway, which is considered a “split freeway” is about 15 feet higher than the southbound lanes which makes it more difficult to see the Arco sign before being able to exit on the northbound Bundy Canyon off-ramp. The Arco site and associated freeway conditions affecting Arco is substantially different from the city’s other two major off ramps (i.e., Baxter Road and Clinton Keith Road with C-P-S zoning) which are relatively similar in grade elevations with the I-15 freeway. As other businesses in the C-P-S zone along the I-15 freeway

are not significantly impacted by elevation changes, approval of this variance would not create a special privilege inconsistent with the limitations upon other properties in the C-P-S zone.

- B. Finding: There are special circumstances applicable to a parcel of property, including size, shape, topography, location or surroundings, whereby the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification.

Evidence: As noted in Finding A above, the Arco site is significantly affected by topographic/elevation constraints that the other properties in the C-P-S zone along the I-15 freeway are not affected by. For example, this Arco site is substantially lower than the I-15 freeway by approximately 40 feet. In addition, there is a 8 to 10-foot tall dirt berm along the west side of the I-15 freeway extending northwards from the Bundy Canyon off-ramp. These physical constraints makes it impossible to see the 45-foot tall Arco freeway sign from the southbound lanes before passing the Bundy Canyon Road off-ramp (making it too late to get off the freeway).

In addition, the northbound I-15 freeway, which is considered a “split freeway” is about 15 feet higher than the southbound lanes which makes it more difficult to see the Arco sign before being able to exit on the northbound Bundy Canyon off-ramp. The Arco site and associated freeway conditions affecting Arco is substantially different from the city’s other two major off ramps (i.e., Baxter Road and Clinton Keith Road with C-P-S zoning) which are relatively similar in grade elevations with the I-15 freeway. As other businesses in the C-P-S zone along the I-15 freeway are not significantly impacted by elevation changes, approval of this variance would not create a special privilege inconsistent with the limitations upon other properties in the C-P-S zone.

- C. Finding: The Variance shall not be granted for a parcel of property which authorizes a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property, but shall be limited to modifications of property development standards, such as lot size, lot coverage, yards, and parking and landscape requirements.

Evidence: Approval of this variance will not authorize a use that is not otherwise expressly authorized by the zone regulation governing the parcel of property. Gas stations are specifically listed in the C-P-S zone as a conditionally permitted use. The original gas station was approved via a conditional use permit by the Riverside County Planning Commission prior to the City’s incorporation and is in full force and affect. Further, the variance has been requested to exceed the maximum height of a freeway sign which is directly related to property development standards outlined in this finding and the City’s sign regulations outlined in Chapter 17.252 of the Wildomar Municipal Code.

- D. Finding: The Variance will not be detrimental to the health, safety or general welfare of the community.

Evidence: The Variance will not be detrimental to the health, safety or welfare of the community because it will be designed to meet the development standards outlined in the Sign Regulation code 17.252.040 and it will be constructed to meet the California Building Code; which will be reviewed and inspected by the Wildomar Building Department for the protection of the public health, safety, and general welfare of the City of Wildomar and the surrounding area.

SECTION 4. PLANNING COMMISSION ACTION:

Based on the findings provided, the Planning Commission hereby adopts PC Resolution No. 2015-18 approving Variance No. 15-0032 for an existing 16-foot height extension.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2015, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Veronica Langworthy
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

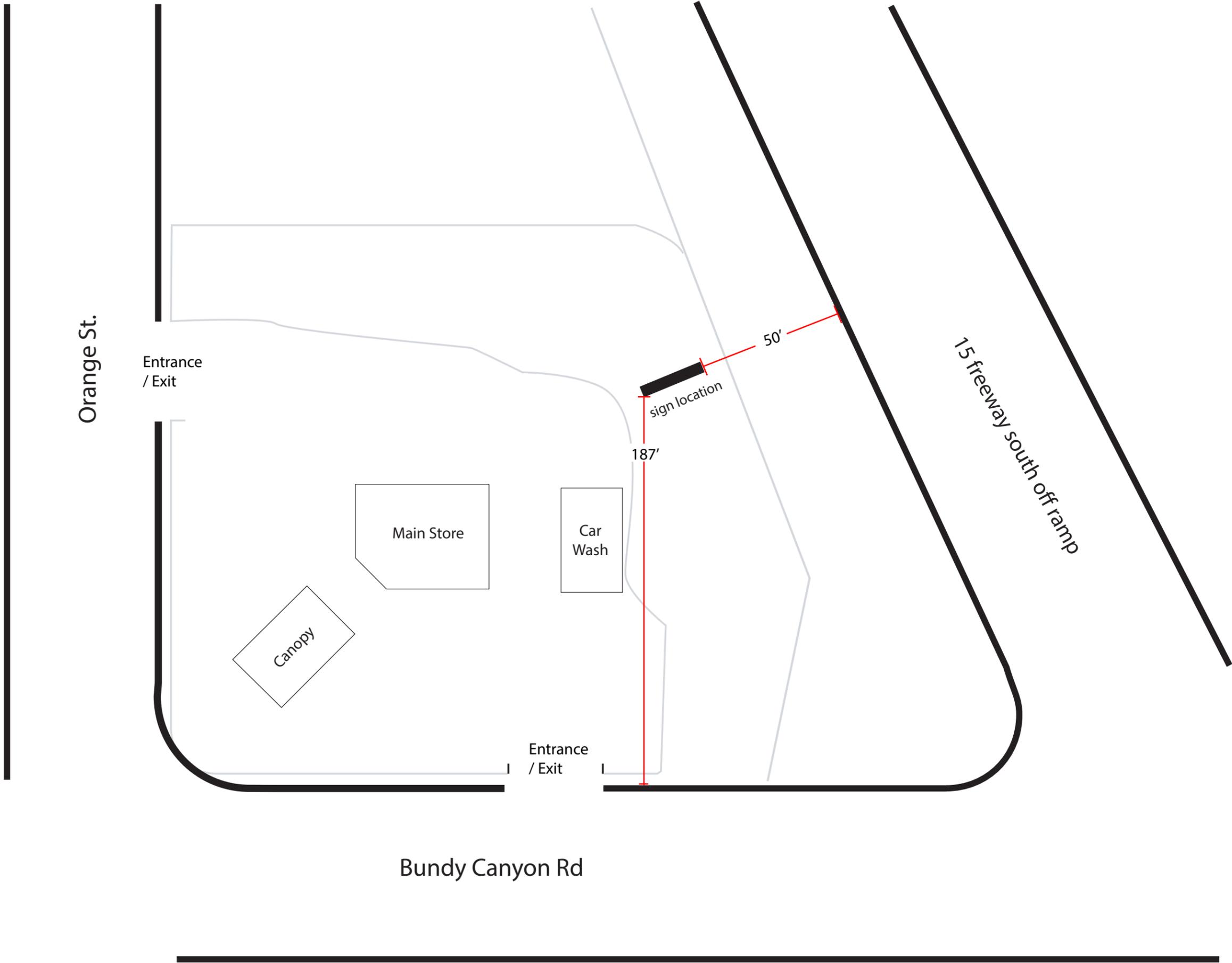
APPROVED AS TO FORM:

Erica Vega
Assistant City Attorney

ATTACHMENT B

Sign Plans

(Under Separate Cover for PC)



PETRA SIGNS
7806 PARAMOUNT BLVD
PICO RIVERA CA 90660



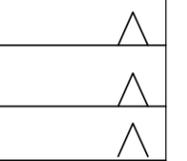
st. license# 995602

PROJECT ADDRESS
33986 Orange St, Wildomar, CA 92595

SITE PLAN

DATE REVISIONS **3**

5/11/2015



Scale: not to scale

SHEET
1-5



PETRA SIGNS
 7806 PARAMOUNT BLVD
 PICO RIVERA CA 90660



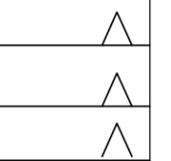
st. license# 995602

PROJECT ADDRESS
 33986 Orange St, Wildomar, CA 92595

**SIGN
 LOCATION**

DATE REVISIONS 3

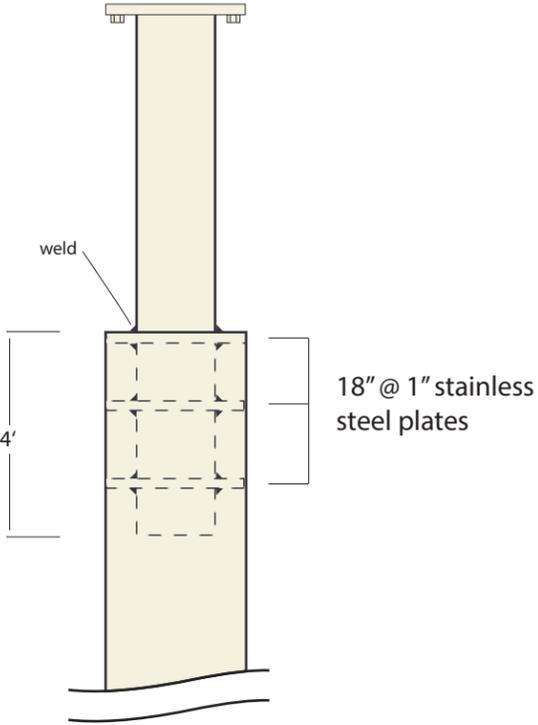
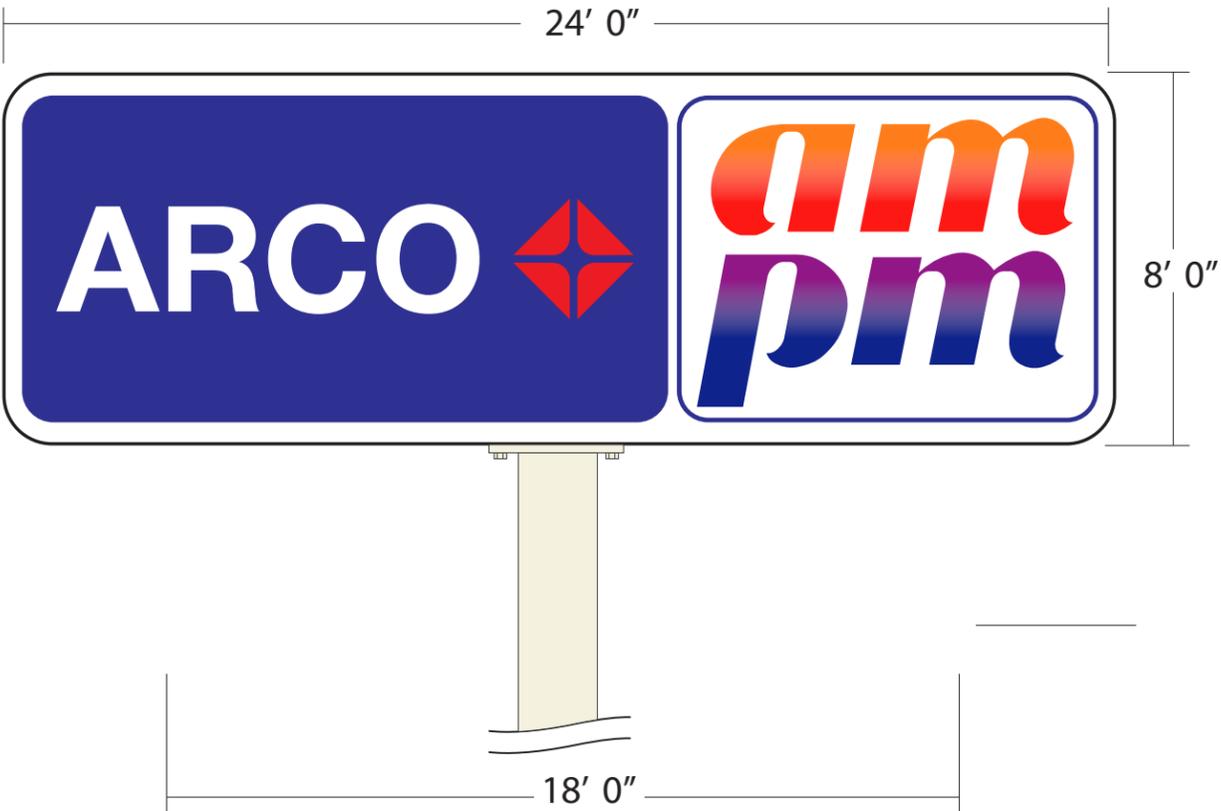
5/11/2015



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SHEET
 2-5

Sign Elevation



- ALL SIGNS UL LISTED WITH EXTERNAL DISCONNECT SWITCH
 - ALL SIGNS TO CONNECT TO EXISTING ELECTRICAL CIRCUIT

PETRA SIGNS
 7806 PARAMOUNT BLVD
 PICO RIVERA CA 90660



st. license# 995602

PROJECT ADDRESS
 33986 Orange St, Wildomar, CA 92595

SIGN ELEVATION

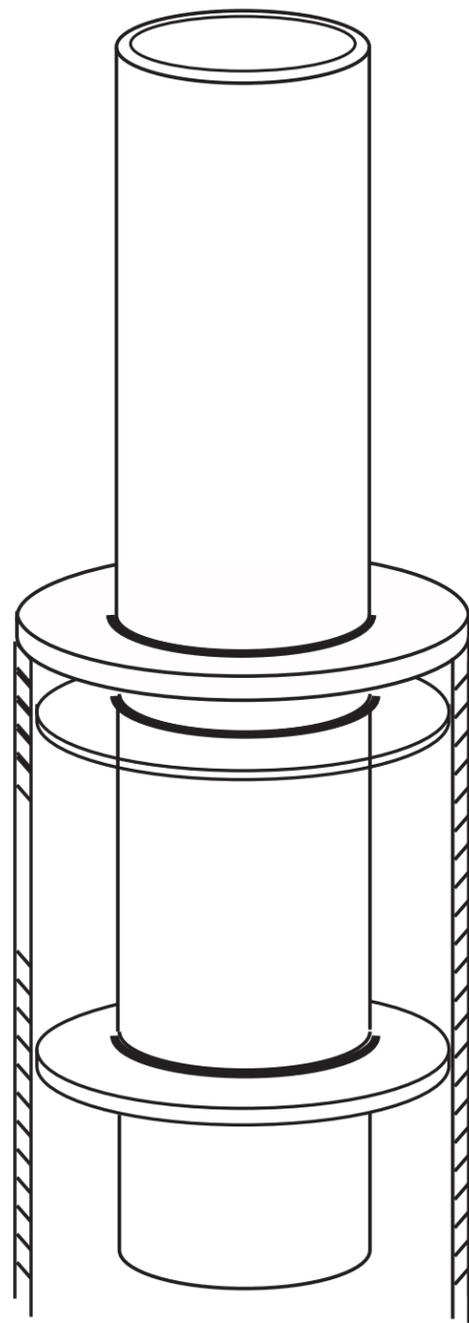
DATE REVISIONS 3

5/11/2015



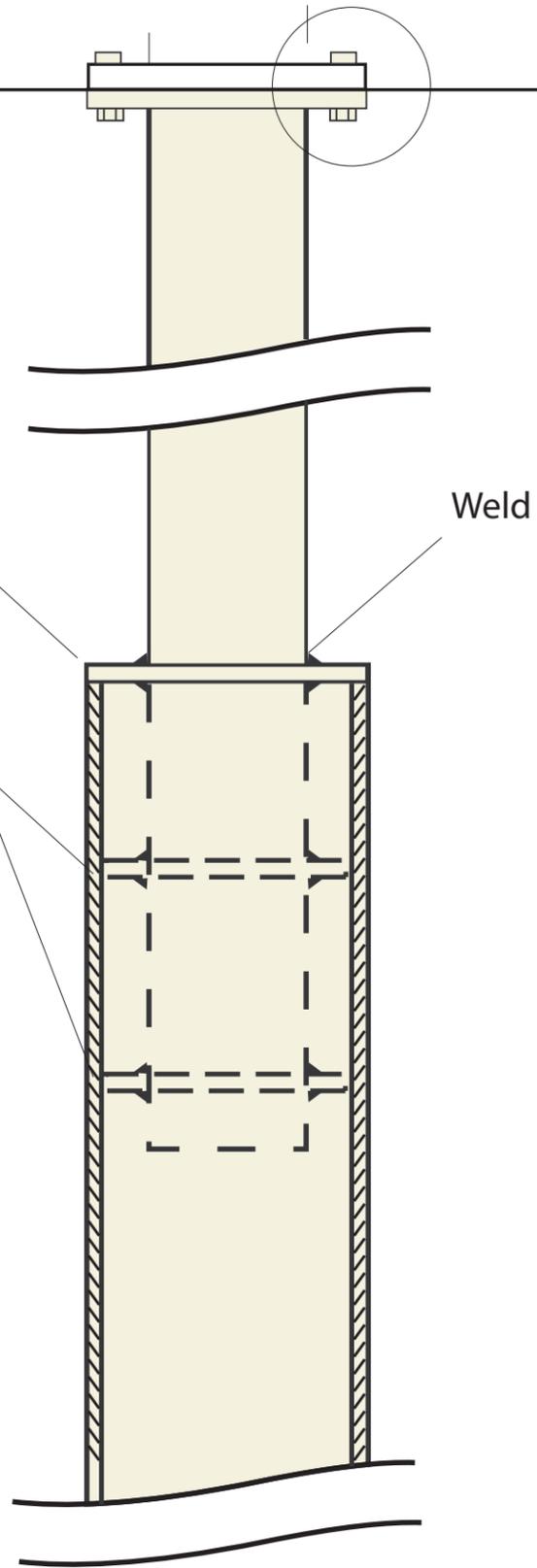
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SHEET
 3-5



1" @ 18" diameter
steel plate

1" @ 16" diameter
steel plate



Front view

Proposed extension tube remarks:
 - Steel Tubing ASTM A500 shall be used for telescopic steel tubing extension
 - A325 or A490 Bolts or equivalent shall be used for joining both steel tubing base plate and sign bottom plate (see layout)
 - Welding task will be utilized by an Certified welder with AWS D1.1 Certification

PETRA SIGNS
 7806 PARAMOUNT BLVD
 PICO RIVERA CA 90660



st. license# 995602

PROJECT ADDRESS
 33986 Orange St, Wildomar, CA 92595

**STEEL TUBING
 SPECS**

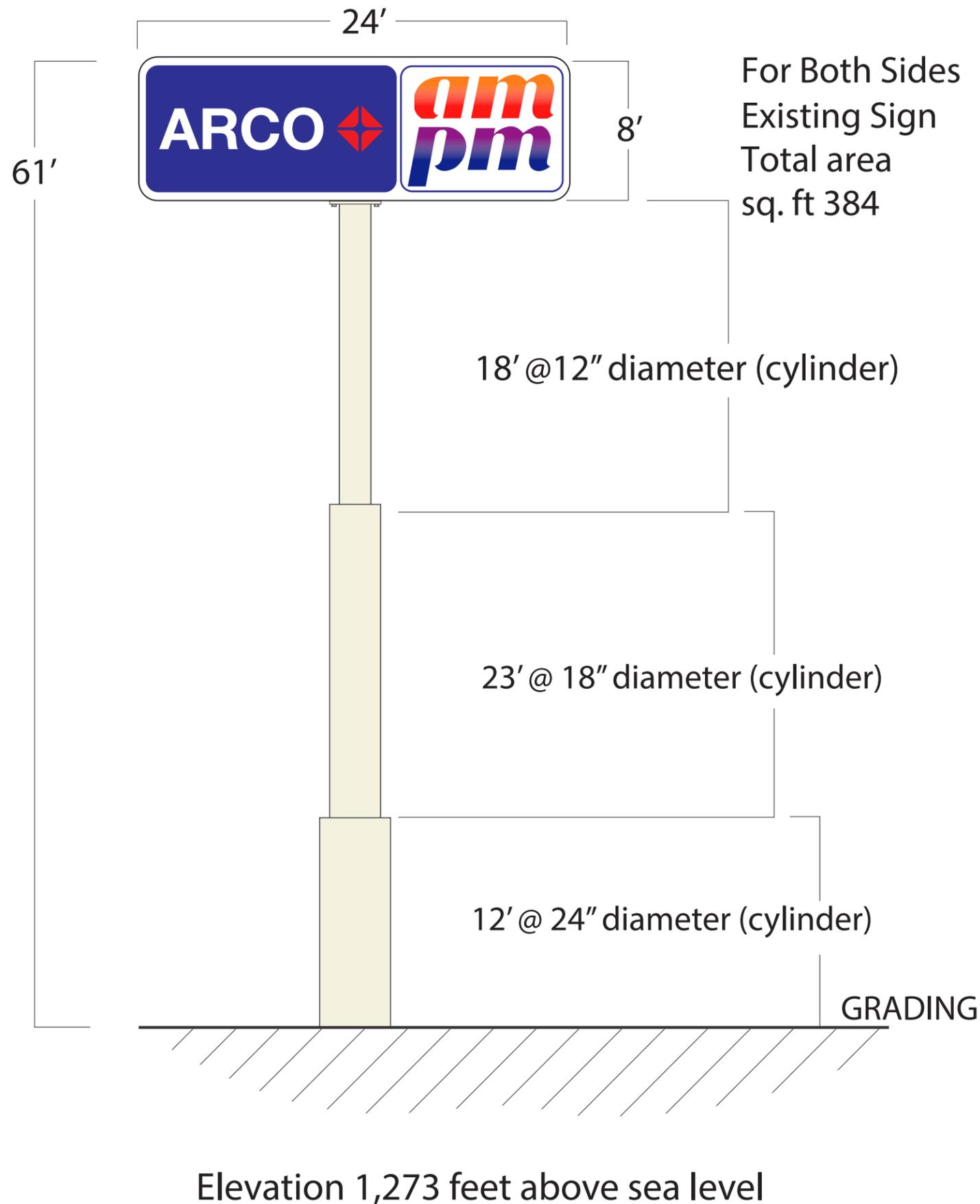
DATE REVISIONS **3**

5/11/2015



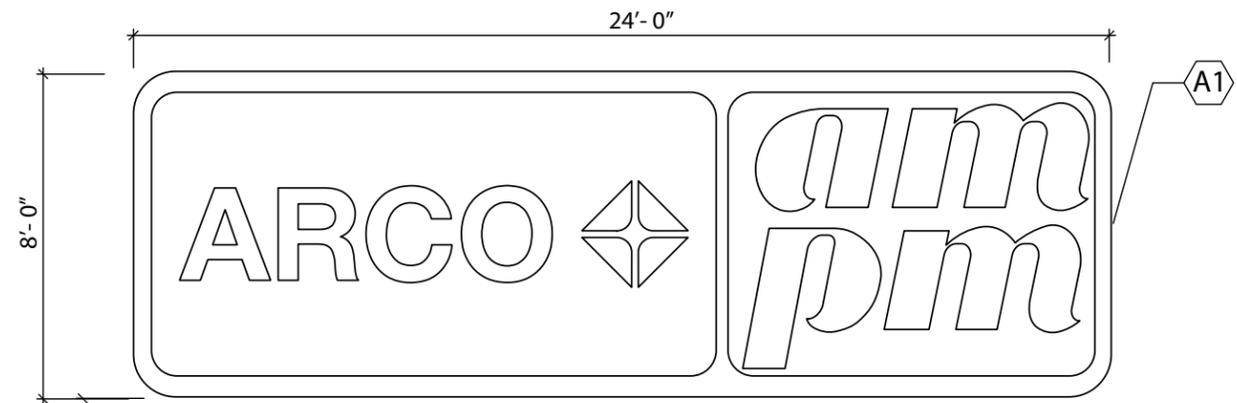
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SHEET
4-5



EXISTING SIGN LAYOUT

SCALE: NOT TO SCALE



EXISTING SIGN SUMMARY

SIGN SUMMARY						
MARK	DESCRIPTION	STATUS	DIMENSIONS	AREA (SQ. FT.)	QTY.	TOTAL AREA (SQ. FT.)
A1	FREEWAY MAIN ID SIGN	EXISTING	24' - 0" x 8' - 0"	384	1	384
			TOTAL NEW SIGN AREA (SQ.FT.)			0
			TOTAL SIGN AREA (SQ.FT.)			384

PETRA SIGNS
7806 PARAMOUNT BLVD
PICO RIVERA CA 90660



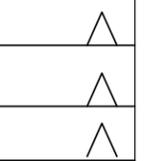
st. license# 995602

PROJECT ADDRESS
33986 Orange St, Wildomar, CA 92595

ELEVATION AND SIGN SUMMARY

DATE REVISIONS 3

5/11/2015



Scale: not to scale

SHEET
5-5



AGENDA SECTION 3.0

GENERAL BUSINESS ITEMS



CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item #3.1
GENERAL BUSINESS
Meeting Date: July 15, 2015

TO: Chairman and Members of the Planning Commission

FROM: Erica Vega, Assistant City Attorney
Matthew C. Bassi, Planning Director

SUBJECT: **City of Wildomar Local CEQA Guidelines & Procedures:**
Planning Commission consideration of a recommendation to the Council to adopt the draft Local CEQA Guidelines & Procedures.

RECOMMENDATION:

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

1. Adopt a Resolution entitled:

PC RESOLUTION NO. 2015-19

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF WILDOMAR, CALIFORNIA,
RECOMMENDING CITY COUNCIL ADOPTION OF A
RESOLUTION ESTABLISHING THE CITY OF WILDOMAR
LOCAL CEQA GUIDELINES AND PROCEDURES.**

BACKGROUND

Public Resources Code Section 21082 and Section 15022 of the State's California Environmental Quality Act ("CEQA") Guidelines requires public agencies to "adopt objectives, criteria, and specific procedures consistent with CEQA and these Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents." Section 15022 gives public agencies the option of adopting the State's CEQA Guidelines by reference and then modifying the Guidelines as necessary, or adopting a complete set of procedures on its own.

Section 15022 lists the topics that local CEQA procedures should address. These topics are:

1. Identifying the activities that are exempt from CEQA
2. Conducting initial studies
3. Preparing negative declarations

4. Preparing draft and final EIRs
5. Consulting with and obtaining comments from other public agencies and member of the public
6. Assuring adequate opportunity and time for public review and comment on a draft EIR or negative declaration.
7. Evaluating and responding to comments
8. Assigning responsibility for determining the adequacy of an EIR or negative declaration.
9. Reviewing and considering environmental documents by the decision-making person or body.
10. Filing documents
11. Providing comments on environmental documents
12. Assigning responsibility for specific functions to units of the public agency.
13. Providing time periods for performing functions under CEQA.

DISCUSSION

The proposed Local CEQA Guidelines and Procedures reflect the City's existing practices with respect to CEQA compliance for projects. These Local CEQA Guidelines and Procedures memorialize current practices into a formal document that will be adopted by the City Council.

Section 15022 of the State CEQA Guidelines requires public agencies to adopt local procedures, but also requires those local procedures to be consistent with CEQA and the State CEQA Guidelines. Therefore, much of the Local CEQA Guidelines and Procedures restates what is already required by law but in a manner that is specific to the City of Wildomar.

However, in certain cases these Local CEQA Guidelines and Procedures go above and beyond what is required by law. For example, Section 7.4.5 of the Local CEQA Guidelines and Procedures lists the ways in which the public can access a copy of a Draft EIR during the public review period. The CEQA Guidelines only require that a copy be readily available at the offices of the public agency, and through the State Clearinghouse (in some cases). Section 7.4.5 commits to filing all Draft EIRs with the State Clearinghouse and making Draft EIRs available on the City's website.

Respectfully Submitted,
Matthew C. Bassi
Planning Director

Reviewed By,
Erica Vega
Assistant City Attorney

ATTACHMENTS

- A. PC Resolution No. 2015-19
Exhibit "A" – Wildomar Local CEQA Guidelines and Procedures

ATTACHMENT A

PC Resolution No. 2015-19

PC RESOLUTION NO. 2015-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA RECOMMENDING CITY COUNCIL ADOPTION OF A RESOLUTION ESTABLISHING THE CITY OF WILDOMAR LOCAL CEQA GUIDELINES AND PROCEDURES.

WHEREAS, the California Environmental Quality Act of 1970, as amended (“CEQA”), governs the environmental review and approval process of development within the City; and

WHEREAS, the provisions of CEQA are contained in Public Resources Code Section 21000 and following, and in the accompanying State CEQA Guidelines, which are set forth in Title 14 of the California Code of Regulations Section 15000 and following; and

WHEREAS, Public Resources Code Section 21082 and Section 15022 of the State CEQA Guidelines require that each public agency adopt objectives, criteria, and specific procedures consistent with CEQA and the State CEQA Guidelines for the purpose of administering the public agency’s responsibilities under CEQA; and

WHEREAS, the City desires to adopt the Local CEQA Guidelines and Procedures in order to fulfill its obligations under CEQA and the State Guidelines, protect local and regional resources in a manner that reflects local values, and translate the myriad of State laws and judicial interpretations regarding CEQA into a precise guide for use by the City, project proponents and the general public; and

WHEREAS, on July 15, 2015 the Planning Commission, during a regularly scheduled meeting, considered the Local CEQA Guidelines and Procedures.

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

SECTION 1. PLANNING COMMISSION ACTION.

The Planning Commission hereby takes the following actions:

1. Recommend Adoption of a Categorical Exemption: The Planning Commission hereby recommends that the City Council find that the approval of the City of Wildomar Local CEQA Guidelines and Procedures is exempt from CEQA review under State CEQA Guideline Section 15061(b)(3) because it can be seen with certainty that there is no possibility these Local CEQA Guidelines and Procedures will have a significant effect on the environment, and direct the Planning Director to prepare a Notice of Exemption (NOE) with the Riverside County Clerk for posting within five (5) working days of Council adoption.
2. Recommend Adoption of Local CEQA Guidelines and Procedures: The Planning Commission hereby adopts PC Resolution No. 2015-19 recommending City Council adoption of a Resolution establishing the City of Wildomar Local CEQA Guidelines and Procedures, attached hereto as Exhibit “A.”

PASSED, APPROVED AND ADOPTED this 15th day of July, 2015 by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Veronica Langworthy
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Eric Vega, Assistant City Attorney

EXHIBIT "A"

WILDOMAR LOCAL CEQA GUIDELINES AND PROCEDURES



“DRAFT”

CITY OF WILDOMAR

LOCAL CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES & PROCEDURES

Adopted this _____, of _____, 2015

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CITY OF WILDOMAR

LOCAL CEQA GUIDELINES & PROCEDURES

SECTION 1 – PURPOSE/AUTHORITY

The purpose of these procedures is to provide officials of the City and private individuals with the environmental review requirements as set forth in Sections 21000, et seq., of the Public Resources Code (California Environmental Quality Act of 1970 (CEQA)), as amended, and consistent with the Guidelines for Implementation of CEQA, adopted by the California Department of Resources and found in Division 6, Title 14 of the California Administrative Code. The purpose of the City's Local CEQA Guidelines and Procedures is to streamline the environmental review process consistent with State Law.

Section 1.1 – Application

These Local CEQA Guidelines and Procedures apply to all projects, both public and private, requiring approval by the City of Wildomar.

Section 1.2 – CEQA and CEQA Guidelines

CEQA and the CEQA Guidelines as adopted and amended by the State of California are hereby incorporated by reference into Wildomar's Local CEQA Guidelines and Procedures. Specific sections of CEQA and the CEQA Guidelines may be restated in this document for emphasis and clarification. In the event of a conflict between this document and CEQA and the CEQA Guidelines, CEQA and the CEQA Guidelines shall control and operate in the City of Wildomar.

Section 1.3 – Revisions

All revisions to these Local CEQA Guidelines and Procedures shall be approved by Resolution of the City Council.

SECTION 2 – DEFINITIONS AND RESPONSIBILITIES

Section 2.1 – Definitions

For the purpose of these Local CEQA Guidelines and Procedures, certain words and phrases are defined as set forth below. The definitions set forth in CEQA and the CEQA Guidelines are hereby incorporated by reference as though fully set forth herein.

A. Applicant

“Applicant” shall mean the person, entity, City department, or agency which has made application to the City for review or Approval of any activity which is deemed a Project pursuant to CEQA.

B. Approval

“Approval” shall mean the decision by the City which commits the City to a definite course of action in regard to a Project intended to be carried out by any person. With private Projects, Approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan or other form of financial assistance, lease, permit, license, certificate or other entitlement for use of the Project.

C. Categorical Exemption

“Categorical Exemption” shall mean an exemption from CEQA for a class of projects based on a finding from the State Secretary of Resources that the class of projects does not have a significant effect on the environment (See Sections 15300 et seq. of the CEQA Guidelines).

D. CEQA

“CEQA” shall mean the California Environmental Quality Act of 1970, California Public Resources Code Sections 21000 et seq., as amended.

E. CEQA Guidelines

“CEQA Guidelines” shall mean the Guidelines for the Implementation of CEQA, Sections 15000 et seq., Division 6 of Title 14 of the California Administrative Code, as amended, and as adopted by the California Department of Resources.

F. City

“City” shall mean the City of Wildomar.

G. City Council

“City Council” shall mean the City Council of the City of Wildomar.

H. Decision-making Body

“Decision-making Body” shall mean the person, commission or council which has authority by law or ordinance to make a final decision to approve or disapprove the Project at issue.

I. Discretionary Project

“Discretionary Project” shall mean a project which requires the exercise of judgment or deliberation when the City decides to approve or deny a particular activity, as distinguished from situations where the City merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations (e.g., ministerial project). Examples of discretionary projects include, but are not limited to, general plan amendments, changes of zone, subdivisions, conditional use permits, and plot plans.

J. Environment

“Environment” shall mean the physical conditions which exist within the area which will be affected by a proposed project, including, but not limited to, land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The environment includes both natural and manmade conditions.

K. Environmental Impact Report (EIR)

“EIR” shall mean a detailed statement prepared under CEQA describing and analyzing the significant environmental impacts of a project and discussing ways to mitigate or avoid the impacts. The term EIR may mean either a Draft or Final EIR.

1. “Draft EIR” means an EIR that undergoes public review and contains the information specified in Sections 15120 et seq. of the CEQA Guidelines and Section 7 of these Local CEQA Guidelines and Procedures.
2. “Final EIR” means an EIR consisting of the Draft EIR, comments received during the public review process, a list of persons commenting, and the responses of the Lead Agency to the comments received. The Final EIR is described in Section 15132 of the CEQA Guidelines and Section 7 of these Local CEQA Guidelines and Procedures.

L. Initial Study

“Initial Study” shall mean a preliminary analysis prepared by the Lead Agency to determine whether an EIR, Negative Declaration, or Mitigated Negative Declaration must be prepared or to identify the significant impacts to be analyzed in an EIR.

M. Lead Agency

“Lead Agency” shall mean the public agency which has the principal responsibility for carrying out or approving a project. The Lead Agency will decide whether an EIR, Negative Declaration, or Mitigated Negative Declaration will be required for a project and will cause the document to be prepared.

N. Ministerial Project

“Ministerial Project” shall mean a governmental decision involving little or no personal judgment by the City (e.g., issuance of a building permit). The City merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision.

O. Mitigation Measure

“Mitigation Measure” shall mean a condition or change to a project for the purpose of avoiding or reducing one or more of the project’s potentially significant adverse environmental impacts.

P. Mitigated Negative Declaration (MND)

“Mitigated Negative Declaration” shall mean a Negative Declaration prepared when an Initial Study has identified potentially significant impacts, but revisions to the project or Mitigation Measures made by or agreed to by the applicant clearly reduces the impacts of the proposed project to less than significant levels, and there is no substantial evidence in light of the whole record that the project, as revised, may have a significant impact. applicant

Q. Mitigation Monitoring and Reporting Program

“Mitigation Monitoring and Reporting Program” or “MMRP” shall mean the program for reporting on or monitoring changes the City has required in a project or made a condition of approval of a project to mitigate or avoid significant impacts that is approved by the City at the time an MND is approved or an EIR is certified.

S. Negative Declaration (ND)

“Negative Declaration” shall mean a written statement by the Lead Agency briefly describing the reasons a proposed project, not otherwise exempt from CEQA, will not have a significant impact on the environment and does not require the preparation of an EIR.

T. Planning Commission

“Planning Commission” shall mean the Planning Commission of the City of Wildomar.

U. Planning Director

“Planning Director” shall mean the Planning Director of the City of Wildomar, or his or her designee.

V. Project

“Project” shall mean the whole of an action which has the potential for resulting either in a direct physical change to the environment, or reasonably foreseeable indirect physical changes to the environment (reference Section 15378 of the CEQA Guidelines).

W. Responsible Agency

“Responsible Agency” shall mean a public agency other than the Lead Agency which has discretionary approval power over a project.

X. Significant Impact

“Significant Impact” shall mean a substantial, or potentially substantial, adverse change in any of the physical conditions within an area affected by the proposed project including, but not limited to, land, air, water, minerals, flora, fauna, ambient noise, and objects of historical and aesthetic significant. An economic or social change by itself shall not be considered a significant impact on the environment, but may be considered in determining whether the physical change is significant.

Y. Statement of Overriding Considerations

“Statement of Overriding Considerations” shall mean the written determination made by the decision-making body in conjunction with the certification of an EIR for a project that has significant impacts that cannot be feasibly mitigated to less than significant levels that the project’s remaining significant impacts are acceptable due to overriding concerns as described in Section 15093 of the CEQA Guidelines.

Z. Substantial Evidence

“Substantial Evidence” shall mean enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions may also be reached. Whether a fair argument can be made is determined by examining the whole record before the Lead Agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated on facts, and expert opinion supported by facts.

AA. Trustee Agency

“Trustee Agency” shall mean a State Agency having jurisdiction by law over natural resources affected by a proposed project which are held in trust for the people of the State of California.

Section 2.2 – Responsibilities

For the purpose of these Local CEQA Guidelines and Procedures, the following procedural responsibilities are to be followed:

A. City Council

When the City Council is the final decision-making body on a project, the City Council has the authority for certifying Final EIRs, and approving Mitigated Negative Declarations, Negative Declarations, and Categorical Exemptions.

In accordance with Section 11 of these Local CEQA Guidelines and Procedures, the City Council also acts as the appeal board for Planning Commission decisions on environmental determinations, including Finals EIRs, Negative Declarations, Mitigated Negative Declarations, and Categorical Exemptions.

B. Planning Commission

When the Planning Commission is the final decision-making body on a project, the Planning Commission has the authority for certifying Final EIRs, and approving Mitigated Negative Declarations, Negative Declarations and Categorical Exemptions. When the Planning Commission acts as an advisory body on a project, the Planning Commission shall review and make a recommendation on the environmental document to the City Council.

In accordance with Section 11 of these Local CEQA Guidelines and Procedures, the Planning Commission also acts as the appeal board for Planning Director decisions on Categorical Exemptions.

C. Planning Director

When the Planning Director is the final decision-maker on a project, the Planning Director has the authority for approving Categorical Exemptions. The Planning Director does not have the authority to certify Final EIRs or approve Mitigated Negative Declarations or Negative Declarations.

The Planning Director shall make all determinations on the level of environmental review required for all projects. The Planning Director also directs the preparation of all environmental documents.

D. Planning Department

The Planning Department, under the direction of the Planning Director, is responsible for the coordination and implementation of the City's Local CEQA Guidelines and Procedures. The Planning Department is also responsible for the preparation and processing of all environmental documents as well as preparing and filing all applicable environmental notices, including the filing of Notices of Determination and Notices of Completion.

SECTION 3 – GENERAL POLICIES

Section 3.1 – General Policies

The City Council finds that:

- A. Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.
- B. It is the intent of the City Council that all departments and contract staff of the City which regulate activities of private individuals, corporations, and public agencies, including the City itself, which are found to affect the quality of the environment, shall regulate such activities so that major considerations are given to preventing environmental damage.

Section 3.2 – General Purpose of CEQA

The City Council further finds that the basic purposes of CEQA are:

- A. Inform governmental decision-makers and the public about the potential significant environmental impacts of proposed projects.
- B. Identify ways that environmental impacts can be avoided or significantly reduced.
- C. Prevent significant, avoidable impacts to the environment by requiring changes in projects through use of alternatives or mitigation measures when the City finds the changes to be feasible.
- D. Disclose to the public the reasons why the City approved the project if significant environmental impacts are involved.

Section 3.3 – Reducing Delay and Paperwork

The City Council further finds that the City shall reduce delay and paperwork in implementing these procedures by:

- A. Integrating the CEQA process into the early stages of a project.
- B. Identifying projects that are exempt from CEQA under either a Statutory Exemption or Categorical Exemption as early as is possible, in accordance with Article 18 & 19 of the CEQA guidelines.
- C. Using initial studies to identify significant environmental impacts and, thereby, narrow the scope of environmental documents.

- D. Using a Negative Declaration when a project not otherwise exempt from CEQA will not have a significant impact on the environment.
- E. Using a Mitigated Negative Declaration when a project not otherwise exempt from CEQA will not have a significant impact on the environment with the incorporation of mitigation measures or changes to the project.
- F. Using a previously prepared environmental document when it adequately addresses the impacts of the proposed project.
- G. Urging applicants, either before or after the filing of an application, to revise projects to eliminate potential significant environmental impacts, thereby, enabling the project to qualify for a Mitigated Negative Declaration or Negative Declaration instead of an EIR.
- H. Eliminating repetitive discussions of the same issues by utilizing EIRs on programs, policies, or plans to narrow the scope of discussion in environmental documents for narrower projects.
- I. Mentioning only briefly issues other than significant environmental impacts in EIRs.
- J. Writing environmental documents in plain language.
- K. Using incorporation by reference whenever possible.
- L. Using electronic files (e.g., pdf's, CD's or similar) for all environmental documents, whenever feasible, including supporting technical studies associated with a project. Further, distribution of all environmental documents, including supporting technical studies, to Trustee and Responsible Agencies, local agencies and interested persons shall be in electronic format.
- M. Considering compliance with all existing federal, state and local laws, regulations and procedures designed to address environmental impacts during the analysis of whether a project will have a significant impact without mitigation.

Section 3.4 – General Responsibilities

For the purpose of these Local CEQA Guidelines and Procedures, the following general responsibilities are to be followed:

- A. It is the responsibility of the Planning Director, as authorized by the City Council, to ensure that all City departments, employees, contract staff and environmental consultants comply with the provisions of CEQA, the CEQA Guidelines, and these Local CEQA Guidelines and Procedures. Whether the City prepares the environmental

document itself or contracts for its preparation, the City is entirely responsible for the adequacy and objectivity of the document.

- B. The City will endeavor to carry out its responsibilities for preparing and reviewing environmental documents within a reasonable period of time, as prescribed within state law, so as not to cause undue delays in processing of applications for permits or other entitlements. An unreasonable delay by an applicant in meeting requests by the City necessary for the preparation of a Negative Declaration, Mitigated Negative Declaration and/or an EIR shall suspend the running of the time periods described in Sections 15107 and 15108 of the CEQA Guidelines for the period of the unreasonable delay.

SECTION 4 – ENVIRONMENTAL DETERMINATIONS

Once a project application has been filed with the City, the Planning Director will review the project and make an initial environmental determination. The determination will generally follow the process outlined in Appendix A (CEQA Process Flow Chart) of the CEQA Guidelines.

Section 4.1 – Preliminary Evaluation

The preliminary evaluation consists of determining whether or not the proposal is a project, whether it is a Discretionary Project or Ministerial Project, or is exempt from CEQA under a Statutory Exemption or Categorical Exemption, or was adequately reviewed in a previous environmental document. These steps are sequential and are described below.

Section 4.1.1 – No Project, Ministerial, Statutory Exemption

The Planning Director shall determine whether the proposal is a project, and if so whether the project is a ministerial or discretionary project, or exempt from CEQA under a Statutory Exemption. If it is determined that the project is ministerial or exempt under a Statutory Exemption, no further environmental review is required. Please refer to Section 5 of these Local CEQA Guidelines and Procedures for a more detailed discussion of ministerial projects and Statutory Exemptions and the process for filing a Notice of Exemption with the Riverside County Clerk.

Section 4.1.2 – Categorical Exemptions

If the proposal is determined to be a discretionary project and is not covered by a Statutory Exemption, the project will be reviewed to determine if the project qualifies for a Categorical Exemption as contained in Section 5 of these Local CEQA Guidelines and Procedures and the CEQA Guidelines. If the project qualifies for a Categorical Exemption, that recommendation will be made to the decision-making body as part of the project consideration proceedings. The decision-making body will make the final determination that the project is categorically exempt. The process for filing a Notice of Exemption Riverside County Clerk is contained in Section 5 of these Local CEQA Guidelines and Procedures.

Section 4.1.3 – Previous Environmental Document

If the proposal is a discretionary project that does not qualify for a statutory or Categorical Exemption, the project may have been adequately reviewed in a previous EIR, Mitigated Negative Declaration, or Negative Declaration. If this determination is made based on review of the previous environmental document, and taking into account current site and cumulative conditions (reference CEQA Guidelines 15162 through 15164), the city may determine to prepare an addendum or supplement to the previous environmental document, or conclude that no further environmental review is required, and that any mitigation measures from the previous environmental document shall be incorporated into the proposed project.

Section 4.2 – Initial Study

If a proposed project does not meet any of the requirements contained in Section 4.1, the project is required to undergo further environmental review through the Initial Study process. Alternatively, if an EIR will be clearly required for a project, the City may skip the Initial Study

and begin work directly on the EIR. The Planning Department will prepare the Initial Study, or have it prepared under their direction. The Initial Study will determine whether a Negative Declaration, Mitigated Negative Declaration, or an EIR is required for the proposed project. The Planning Director may request additional environmental information from the applicant in order to make the environmental determination. Failure to completely provide the additional information may delay processing of the project. The standard Initial Study/Environmental Checklist is provided in Appendix B.

Section 4.2.1 – Significance Determination

If the Initial Study determines, based on substantial evidence in light of the whole record, that a project may have one or more significant or potentially significant impacts on the environment, then an EIR must be prepared. However, if revisions or mitigation measures can be applied to the project that would clearly reduce all impacts to a level of insignificance, and these revisions or mitigation measures are agreed to by the applicant, then a Mitigated Negative Declaration can be prepared. Please refer to Section 6 of these Local CEQA Guidelines and Procedures for the Mitigated Negative Declaration process, and Section 7 of these Local CEQA Guidelines and Procedures for the EIR process. The criteria for determining a significant impact on the environment are contained in the CEQA Guidelines.

SECTION 5 – PROJECTS EXEMPT FROM ENVIRONMENTAL REVIEW

Projects that are ministerial, categorically exempt, or are statutorily exempt do not require the preparation of an EIR, Mitigated Negative Declaration, or Negative Declaration. The City may file a Notice of Exemption (Appendix E of the CEQA Guidelines) with the Riverside County Clerk in accordance with the time limits prescribed by CEQA after the project is approved.

Section 5.1 – Ministerial Projects

When a project involves an approval that contains elements of both a ministerial action and a discretionary action, or the Planning Director determines that the project may have environmental impacts that may require further review, the project will be deemed to be discretionary and will be subject to the requirements of CEQA and the CEQA Guidelines.

Section 5.2 – Categorical Exemptions

Section 15300 et seq. of the CEQA Guidelines lists the projects, as determined by the State Secretary of Resources, that do not have a significant impact on the environment. These classes of projects are declared to be categorically exempt from CEQA and do not require the preparation of an environmental document. However, certain exceptions apply to these projects as noted in Section 5.2.1 of these Local CEQA Guidelines and Procedures. If any of these exceptions apply, the project is no longer categorically exempt and the appropriate environmental document must be prepared.

Section 5.2.1 – Exceptions

A Categorical Exemption shall not be applicable if any of the following conditions apply to a project.

1. **Location**

Categorical Exemption classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to be exempt in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

2. **Cumulative Impact**

All Categorical Exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.

3. **Unusual Circumstances**

A Categorical Exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant impact on the environment due to unusual circumstances. A potentially significant impact in and of itself is not an “unusual circumstance,” though it may be indicative of the existence of an unusual

circumstance. Determining whether this exception applies involves a two-step analysis. First, a determination whether unusual circumstances exist must be made, supported by substantial evidence. If it is determined that unusual circumstances exist, then the second step is determining whether the unusual circumstances give rise to a reasonable possibility that the activity will have a significant impact on the environment. If a fair argument can be made that the unusual circumstances may result in a significant impact, then the exception applies and the activity cannot be categorically exempt.

4. Scenic Highways

A Categorical Exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, or within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted Mitigated Negative Declaration or certified EIR.

5. Hazardous Waste Sites

A Categorical Exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

6. Historical Resources

A Categorical Exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historic resource, as defined and discussed in CEQA Guideline 15064.5(a)-(b).

Section 5.3 – Statutory Exemption

Certain other projects are exempt from CEQA by statute. Those statutes are listed in Section 15260 et seq. of the CEQA Guidelines.

Section 5.4 – Notice of Exemption (NOE)

When the City determines that a project is exempt from the requirements of CEQA, it may file a Notice of Exemption (Appendix E of CEQA) in accordance with Section 15062 of the CEQA Guidelines. The filing of the NOE with the County Clerk starts a 35 day statute of limitations on legal challenges to the City's decision that the project is exempt from CEQA.

SECTION 6 – NEGATIVE/MITIGATED NEGATIVE DECLARATION PROCESS

Section 6.1 – Negative Declaration

A Negative Declaration (ND) shall be prepared if the initial study shows that the proposed project will not have significant impact on the environment. The Planning Director will prepare the Negative Declaration for adoption by the decision-maker. The contents and processing of a Negative Declaration are described in Sections 6.3 and 6.4 of these Local CEQA Guidelines and Procedures.

Section 6.2 – Mitigated Negative Declaration

A Mitigated Negative Declaration (MND) shall be prepared if the Initial Study finds:

- A. The proposed project may have possible adverse environmental impacts on the environment, but through revisions to the project or the imposition of mitigation measures, such impacts are mitigated or avoided so that clearly no significant impacts remain, and
- B. There is no substantial evidence in the entire record that significant impacts would result from the project as revised or mitigated.

The applicant must agree to these revisions or mitigation measures before the Mitigated Negative Declaration can be released for public review. This agreement is accomplished by the applicant signing the Determination Page of the MND document. Once the Determination Page of the MND is signed by the applicant, the Planning Director will release the Mitigated Negative Declaration for public review and process the document for adoption by the decision-makers. The decision-makers shall make all mitigation measures conditions of project approval. Notwithstanding the foregoing, Mitigation Measures may be altered, deleted, or added after the Mitigated Negative Declaration is released for public review as a result of the public review and approval process.

The contents and processing of a Mitigated Negative Declaration are described in Sections 6.3 and 6.4 of these Local CEQA Guidelines and Procedures.

Section 6.3 – Contents of Negative/Mitigated Negative Declarations

The Negative/Mitigated Negative Declaration must contain all of the items required in Section 15071 of the CEQA Guidelines.

Section 6.4 – Processing of Negative/Mitigated Negative Declarations

Section 6.4.1 – Public Notice and Review

A Notice of Intent (NOI) to Adopt a Negative/Mitigated Negative Declaration shall be prepared in accordance with Section 15072 of the CEQA Guidelines. The City has adopted the

following minimum noticing standards in accordance with Section 15072 of the CEQA Guidelines:

1. The Notice of Intent/Notice of Availability shall be published one time in the Press Enterprise, or similar local newspaper of general circulation, prior to releasing the ND/MND for public review.
2. The Notice of Intent/Notice of Availability shall be submitted to the Riverside County Clerk prior to releasing the ND/MND for public review in accordance with the time limits prescribed by CEQA.
3. Mailing the Notice of Intent to organizations and individuals who have requested such notice in writing.

The Negative/Mitigated Negative Declaration document shall be made available for public review in the following manner:

1. A hard copy of the ND/MND will be made available for review at the Wildomar Planning Department. Copies of the technical appendices will be made available for review in the form of a CD. The City will make a hard copy of any technical appendices available for review upon request if the City holds the requested appendices in hard copy format.
2. An electronic copy of the ND/MND (with technical appendices) will be made available on the City's Environmental Documents webpage at the following web address (<http://www.cityofwildomar.org/environmental-documents.asp>).
3. A copy of the ND/MND (with technical appendices) shall be submitted to the State Clearinghouse for distribution to applicable Responsible or Trustee Agencies regardless if it the project is of statewide, regional or area wide importance.
4. A copy of the ND/MND (with technical appendices) shall be provided to the Applicant.
5. A copy of the ND/MND (with technical appendices) shall be provided to any interested person(s) requesting review of the ND/MND, as well as those persons/agencies identified on the City's local distribution list. Persons requesting a hard copy of the ND/MND and/or technical appendices must pay for the City's copying costs.

The public review period for Negative/Mitigated Negative Declarations is a minimum of 30 days. All Negative/Mitigated Negative Declarations will be sent to the State Clearinghouse. The 30-day review period begins when the State Clearinghouse distributes the document to appropriate state agencies.

Section 6.4.2 – Adoption of Negative/Mitigated Negative Declarations

Before approving a project, the decision-making body shall consider the draft Negative/Mitigated Negative Declaration, any comments received during the public review period and up to the close of the public hearing, and the City's responses to public comments. The City shall prepare a written response to all comment letters received during the public review period. All comment letters shall be attached to the Negative/Mitigated Negative Declaration. If the decision-making body finds, based on the Negative/Mitigated Negative Declaration and any comments received, that there is no substantial evidence that the project may have a significant impact on the environment, the decision-making body may authorize the filing of the Negative/Mitigated Negative Declaration. In the case of a Mitigated Negative Declaration, the decision-making body must also incorporate all feasible mitigation measures into the project as conditions of approval. A mitigation monitoring and reporting program shall also be adopted with a Mitigated Negative Declaration (see Section 8 of these Local CEQA Guidelines and Procedures).

Section 6.4.3 – Notice of Determination

Within five working days after the decision-making body approves a project for which a Negative/Mitigated Negative Declaration has been adopted, the Planning Director shall file a Notice of Determination with the Riverside County Clerk, including the County's Administration fee and applicable Fish and Wildlife fee.

If the Negative/Mitigated Negative Declaration was submitted to the State Clearinghouse for review, the Notice of Determination shall also be filed with the State Office of Planning and Research in accordance with CEQA Guidelines.

The complete Notice of Determination paperwork consists of the following:

- A. A cover letter;
- B. The Notice of Determination Form (Appendix H);
- C. The Negative/Mitigated Negative Declaration form (Appendix E); and
- D. The applicable Fish and Wildlife fee.
- E. Riverside County Filing Fee

SECTION 7 – ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS

Section 7.1 – EIR Required

An EIR shall be prepared if the Initial Study shows that the proposed project may, or will, have a significant impact on the environment. The Planning Director will prepare, or contract with a consultant to prepare, the EIR for certification by the decision-makers. Alternatively, if an EIR will be clearly required for a project, the City may skip the Initial Study and begin work directly on the EIR.

Section 7.2 – Types of EIRs

The various types of EIR's are described in Section 15160 et seq. of the CEQA Guidelines.

Section 7.3 – General Requirements

The following general requirements must be followed when processing an EIR in the City of Wildomar:

- A. EIRs must contain all items noted in Section 15120 et seq. of the CEQA Guidelines.
- B. EIRs should be written in language sufficiently simple that issues can be understood by an average member of the public.
- C. The information contained in the EIR shall include a summary of technical data, maps, diagrams, and similar information sufficient to permit full assessment of the environmental impacts by Responsible and Trustee Agencies and the general public. Placement of highly technical and specialized analysis and data in the body of the EIR should be avoided through inclusion of these data in technical appendices. Appendices to an EIR may be prepared in volumes separate from the basic EIR, but shall be available for public review and shall be submitted to all Responsible and Trustee Agencies.
- D. The EIR will be prepared using a systematic interdisciplinary approach. The interdisciplinary analysis shall be conducted by competent individuals, but no single discipline shall be required to prepare an EIR. Preparation of EIRs is dependent on information from many sources. The EIR shall reference all documents used in the preparation and the location where these documents may be viewed.
- E. The EIR shall discuss environmental impacts in proportion to their severity and probability of occurrence. Impacts dismissed in the Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the City subsequently receives relevant information inconsistent with the finding in the initial study. A copy of the Initial Study should be included as an appendix to the EIR.

- F. An EIR shall contain a statement briefly indicating the reasons for determining that impacts that could possibly be considered significant were found to be insignificant and are not discussed in detail in the EIR.
- G. Preparing an EIR involves some degree of forecasting. While forecasting the unforeseeable is not possible, every effort will be made to find and disclose all reasonable information. If, after thorough investigation, the City finds that a particular impact is too speculative for evaluation, the City will note this conclusion and terminate the discussion of the impact in the EIR.
- H. An EIR may incorporate by reference any or all portions of another document which are a matter of public record or are generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the EIR. The location where the referenced document may be viewed shall be cited in the EIR.

Section 7.4 – Processing an EIR

The following are the steps necessary for preparing and processing an EIR within the City of Wildomar. A complete discussion of the EIR process is contained in Section 15080 et seq. of the CEQA Guidelines.

Section 7.4.1 – Notice of Preparation (NOP)

A Notice of Preparation (Appendix I of CEQA) is prepared and sent by certified mail to the State Clearinghouse, all Responsible Agencies, Trustee Agencies, the Riverside County Clerk and other interested agencies for their review and comment, including those agencies/persons identified on the City's local distribution list. The agencies have 30 days to respond to the NOP. The purpose of the NOP is to notify the various agencies and interested persons about the proposed project, solicit their comments on the scope and content of the EIR, and to foster interagency coordination and cooperation.

In addition to the above, an electronic copy of the NOP will be made available for public review on the City's Environmental Documents webpage at the following web address (<http://www.cityofwildomar.org/environmental-documents.asp>). A hard copy of the NOP will also be made available at the Planning Department zoning counter for public review.

Section 7.4.2 – Scoping

The scope of the EIR is determined using one or more of the following sources: Initial Studies, previous environmental documents, responses to the NOP, consultation with other agencies. Further, the Planning Director, at his/her discretion may conduct a public scoping meeting during the 30-day NOP review period to solicit comments from the general public on the scope of the EIR.

Section 7.4.3 – Use of Consultants

The City maintains a list of qualified consultants to prepare EIRs. The Planning Director shall select a consultant to prepare the EIR for a project, and may consult with the applicant in making the selection. The applicant for a private development project is responsible for the full cost of the preparation of an EIR for the project plus the City staff, contract staff, consultant and attorney costs of review and management of the consultant. At the request of the applicant, the City may also use the Request for Proposal (RFP) process to obtain additional proposals from firms not on the list of qualified consultants.

Section 7.4.4 – Draft EIR

The Draft EIR is prepared by the City's consultant and contains the required items pursuant to Section 15120 et seq. of the CEQA Guidelines.

Section 7.4.5 – Public Review of Draft EIR

Public review of the Draft EIR shall generally follow the procedures outlined in below:

1. A Notice of Completion form (Appendix C of CEQA) shall be prepared and filed with the State Clearinghouse and shall include the Draft EIR (and all applicable technical appendices) with the distribution.
2. A Notice of Availability form shall be prepared and filed with the Riverside County Clerk prior to releasing the Draft EIR for public review.
3. A Notice of Availability shall be published one time in the Press Enterprise, or similar local newspaper of general circulation, prior to releasing the Draft EIR for public review.
4. A hard copy of the Draft EIR shall be made available for public review at the Wildomar Planning Department. Copies of the technical appendices will be made available for review in the form of a CD. The City will make a hard copy of any technical appendices available for review upon request if the City holds the requested appendices in hard copy format.
5. An electronic copy of the Draft EIR (with technical appendices) shall be made available for public review on the City's Environmental Documents webpage/web address (<http://www.cityofwildomar.org/environmental-documents.asp>).
6. A copy of the Draft EIR (with technical appendices) shall be provided to the Applicant.
7. A copy of the Draft EIR (with technical appendices on a CD) shall be made available for public review to any interested person(s) requesting review of the Draft EIR, as well as those persons/agencies identified on the City's local distribution list. Persons

requesting a hard copy of the EIR and/or technical appendices must pay for the City's copying costs.

8. The public review period for a Draft EIR is 45 days unless a shorter period of not less than 30 days is approved by the State Clearinghouse.

Section 7.4.6 – Final EIR

Comments received on the Draft EIR during the public review period shall be incorporated into a Final EIR. The Final EIR includes an errata sheet with any revisions to the Draft EIR, all comment letters received during the public review period for the Draft EIR, the City's responses to all comments received on the Draft EIR during the public review period, and a list of all commentators on the Draft EIR.

Section 7.4.8 – Certification of the Final EIR & Project Approval

Certification of the Final EIR shall generally follow the procedures outlined in below:

1. Certification. Prior to approving a project, the decision-making body must first certify that the Final EIR was prepared in compliance with CEQA, that the Final EIR was presented to the decision-making body, which reviewed and considered the Final EIR before approving the project, and that the Final EIR reflects the City's independent judgment and analysis.

The decision-making body that certifies the Final EIR may either be the Planning Commission or City Council, depending on the type of project. In some cases, the Planning Commission is the advisory body and recommends certification to the City Council.

2. Findings. In accordance with Section 15091 of the CEQA Guidelines, the City shall not approve, or carry out a project, for which an EIR was prepared and certified which has one or more significant impacts unless the City makes one or more of the following findings:

- a). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impacts as identified in the Final EIR;
- b). Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the City. Such changes have been adopted by such other agency or can and should be adopted by other such agency; and/or
- c). Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final

EIR. If this finding is made, a Statement of Overriding Considerations must be adopted.

When making these findings, the City must also specify the location and custodian of the documents or other materials that constitute the record of the proceedings upon which its decision is based.

3. Statement of Overriding Considerations. In accordance with Section 15093 of the CEQA Guidelines, if the City approves a project with unavoidable significant environmental impacts, it must approve a written Statement of Overriding Considerations prior to approval of the project. The Statement of Overriding Considerations must set forth substantial evidence of the specific economic, legal, social, technological or other benefits supporting the City's decision to approve the project. If the economic, legal, social, technological or other benefits outweigh the unavoidable adverse environmental effects, those unavoidable effects may be considered acceptable.
4. If the decision-making body cannot find that the Final EIR was prepared in accordance with CEQA and the CEQA Guidelines, the Final EIR shall be referred back to the Planning Director for revisions to the document to bring it into conformance with CEQA and the CEQA Guidelines. This may require recirculation of a revised Draft EIR.
5. The Final EIR must be certified prior to the decision-making body approving a project.
6. A Mitigation Monitoring and Reporting Program (MMRP) shall be adopted along with the CEQA Findings of Fact and any Statement of Overriding Considerations. The City's Mitigation Monitoring and Reporting procedures are contained in Section 8 of these Local CEQA Guidelines and Procedures.

Section 7.4.9 – Notice of Determination

Within five working days after the decision-making body approves a project which a Final EIR was certified, the Planning Director shall file a Notice of Determination with the State Office of Planning and Research (State Clearinghouse). In addition, the Planning Director shall file a Notice of Determination with the Riverside County Clerk, including the County's Administration fee and applicable Fish and Wildlife fee. The complete Notice of Determination paperwork for a Final EIR shall be consistent with Appendix D of the CEQA Guidelines.

Section 7.5 – Standards for Adequacy

An EIR should be prepared with a sufficient degree of analysis to provide the decision-makers with information that enables them to make a decision that takes into account the environmental consequences of a project. The evaluation of the environmental impacts of a project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate,

but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure. (Reference Section 15151 of the CEQA Guidelines).

SECTION 8 – MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Section 21081.6 of CEQA, all jurisdictions must have a method for monitoring compliance and implementation of adopted mitigation measures.

Section 8.1 – Mitigation Monitoring Procedures

The following mitigation monitoring procedures shall be followed for all projects that require mitigation monitoring and compliance.

Section 8.1.1 – Development of Checklist

After a project is approved with mitigation measures identified through a Mitigated Negative Declaration or EIR, these mitigation measures shall be incorporated into the Mitigation Monitoring Report matrix. Each mitigation measure must be clearly identified separately in the monitoring report matrix, with appropriate spaces for monitoring the progress of each mitigation measure as it is implemented. The matrix is the basis for the monitoring program.

Section 8.1.2 – Monitoring Program

In most cases, mitigation measures can be monitored through the City's existing Zoning Clearance process such as when the applicant submits grading and building plans for City review. The City will review submitted plans and will document compliance or non-compliance for each mitigation measure on the checklist on the MMRP. However, in some cases mitigation monitoring does not coincide with the Zoning Clearance process and/or may require technical expertise requiring the City to retain a consultant to monitor or confirm compliance.

Mitigation measures are broken down into two types: project specific and cumulative. The project specific impacts are further broken down into project design and ongoing mitigation measures. Each type of mitigation measure requires different monitoring techniques.

1. **Project Design Mitigation Measure (Project Specific)**

A project design mitigation measure is one that is to be incorporated into the project design to mitigate an impact, such as a storm water basin, construction of a noise wall, or road improvements. These mitigation measures will normally be shown on the building and/or grading plans. The plans will be reviewed for each specific mitigation measure, and as each mitigation measure is shown on the plans, the City will sign the checklist in the "Shown on Plans" space. If a mitigation measure is not shown on the plans, the plans are sent back for correction with the deficiency noted. Plans will not be approved by the City until each mitigation measure has been incorporated into the project design. After the plans receive Zoning Clearance, and before the final inspection of the project, the applicant shall submit proof that each Project Design Mitigation Measure has been installed or completed. Verification of completion will be

noted on the monitoring checklist and signed off. This completes the process for Project Design Mitigation Measures.

2. Ongoing Mitigation Measure (Project Specific)

An ongoing mitigation measure is one that is associated with the project over a period of time, such as dust control during construction or landscape maintenance. Monitoring of this type of mitigation measure is similar to that of Project Design Mitigation Measures as noted above, except that the status of each mitigation measure will be noted at various times over the life of the project until no longer required. An example would be maintaining dust control until the project is completed. The applicant may be required to submit periodic reports on the status of these types of mitigation measures.

3. Cumulative Mitigation Measure

Cumulative mitigation measures, such as road improvements when future projects are developed, will be monitored in the same manner as project specific mitigation measures as noted above, except that cumulative mitigation measures will be noted as cumulative on the checklist, and will usually be monitored over a longer period of time.

Section 8.1.3 – Outside Consultants

An outside consultant may be hired in the few cases where a mitigation measure cannot be verified through the Zoning Clearance process, or if the monitoring requires specialized expertise. An example would be the monitoring of biological impacts requiring an on-site biologist. The City will hire the consultant and may collect a deposit from the applicant to cover the cost of the outside consultant.

Section 8.1.4 – Other Agencies

It is the responsibility of other agencies to monitor mitigation measures requested by these other agencies. The City shall notify these agencies of their mitigation monitoring requirements. These agencies must submit a proposed mitigation monitoring program to the City. These agencies shall inform the City in writing when each of their mitigation measures has been completed.

Section 8.1.5 – Completed Monitoring Checklist

Mitigation monitoring checklists are retained in the project case file, and are available for public review upon request.

Section 8.2 – Monitoring Fees

Section 8.2.1 – Processing Fees

The City may charge and collect from the applicant a fee in the amount of the actual costs to the City for monitoring all mitigation measures of a project. A deposit may be

required to be applied towards this fee. Any unused portion of the deposit will be refunded.

Section 8.2.2 – Consultant Fees

The cost associated with the use of an outside consultant shall be paid for by the applicant. A deposit may be required by the City to be applied towards the consultant services. Any unused portion of the deposit will be refunded.

SECTION 9 – DELAY OF PERMITS AND INSPECTION OF DOCUMENTS

Section 9.1 – Delay of Permits

The issuance of any City permit or entitlement shall be withheld during the pendency of a related administrative appeal or during the time period within which a related administrative appeal may be perfected.

After the conclusion of an administrative appeal, the City may issue permits consistent with the Wildomar Municipal Code, regardless of whether litigation follows the appeal. If the applicant seeks permits during the pendency of litigation, the applicant shall assume the risk of moving forward with the project during the litigation and provide the City with assurances and security acceptable to the City Attorney to protect the City from any liability for the project.

Section 9.2 – Inspection of Documents

The Planning Director shall make all non-exempt environmental documents and supporting materials available for public inspection following a request pursuant to the California Public Records Act and other applicable provisions of state law.

SECTION 10 – PROCEDURES FOR THE CITY AS A RESPONSIBLE AGENCY

This Section identifies the duties of the City when acting as a Responsible Agency under the provisions of Section 15096 of the CEQA Guidelines.

Section 10.1 – Response to Consultation

The Planning Director may respond in writing to consultation requests by a Lead Agency according to Section 15096(b) of the CEQA Guidelines. The Planning Director may attend meetings requested by the Lead Agency as provided in Section 15096(c) of the CEQA Guidelines.

Section 10.2 – Comments on Environmental Documents

The Planning Director may review and comment on environmental documents as provided in Section 15096 of the CEQA Guidelines. If the environmental document is for a controversial project or has policy implications for the City, the Planning Director may bring the environmental document to the Planning Commission and/or City Council for review and direction. Copies of City comments on the environmental document to the Lead Agency shall be copied to the City Manager and members of the City Council.

SECTION 11 – APPEALS

All final CEQA determinations by a decision-making body may be appealed, including without limitation:

- A. A determination that an activity is not a project subject to CEQA.
- B. A determination that a project is Categorically Exempt, Statutorily Exempt, or ministerial.
- C. The certification of a Final EIR, Subsequent EIR, or Supplemental EIR.
- D. The approval of a Negative Declaration, Mitigated Negative Declaration, Subsequent ND or MND, or Addendum.
- E. A determination that additional environmental review (e.g. a Subsequent or Supplemental EIR, a Subsequent ND or MND, or an Addendum) is not required for a project.

Final CEQA determinations by a decision-making body may be appealed in the same manner as the related project approvals may be appealed. Appeal procedures for related project approvals are found in the Wildomar Municipal Code.