

CITY OF WILDOMAR PLANNING COMMISSION

SPECIAL MEETING OF OCTOBER 16, 2013

AT 6:30 P.M.

Council Chambers
23873 Clinton Keith Road, Suite #111



Stan Smith, Chairman
Michael Kazmier, Vice-Chairman
Veronica Langworthy, Planning Commissioner
Robert Devine, Planning Commissioner
Bobby L. Swann III, Planning Commissioner

Matthew C. Bassi
Planning Director

Erica L. Vega
Assistant City Attorney

WILDOMAR PLANNING COMMISSION SPECIAL MEETING AGENDA FOR OCTOBER 16, 2013

ORDER OF BUSINESS: Public sessions of the October 16, 2013 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, www.cityofwildomar.org. 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 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.

- There are no consent calendar items on tonight’s agenda

2.0 PUBLIC HEARINGS

- There are no public hearing items on tonight's agenda

3.0 GENERAL BUSINESS

3.1 Westpark Promenade Development Project (Planning Application No. 13-0082):

The applicant (Golden Eagle Multi-Family Properties, LLC) is requesting a Planning Commission recommendation to the City Council in accordance with Section 17.08.040.B of the Zoning Ordinance to initiate a proposed general plan land use amendment from Commercial Office to Very High Density Residential (for 21.26 acres of the 27.6 acre site) to accommodate the future development of a project consisting of 322 multi-family condominiums on three parcels, a 4-story, 70,000 square-foot professional office building, and two (2) 8,000 square-foot restaurant buildings generally located at the northeast corner of the I-15 freeway at the terminus of Catt Road (APN: 376-410-013; 376-410-025; and 376-410-023).

RECOMMENDATION:

The Planning Department recommends the Planning Commission recommend the City Council allow the initiation of a general plan amendment for Planning Application No. 13-0082 (Westpark Promenade).

3.2 Villa Sienna Apartment Project (Planning Application No. 13-0089):

The applicant (Golden Eagle Multi-Family Properties, LLC) is requesting a Planning Commission recommendation to the City Council in accordance with Section 17.08.040.B of the Zoning Ordinance to initiate a proposed general plan land use amendment from Medium High Density Residential (MHDR) to Very High Density Residential (VHDR) to accommodate the future development of a 180-unit apartment project located at the northeast corner of Elizabeth Lane and Prielipp Road (APN: 380-290-029).

RECOMMENDATION:

The Planning Department recommends the Planning Commission recommend the City Council allow the initiation of a general plan amendment for Planning Application No. 13-0089 (Villa Sienna Apartment project).

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 City of Wildomar Special Planning Commission meeting of October 16, 2013 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.

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 October 11, 2013, a true and correct copy of this agenda was posted at the three (3) designated places: 1) Wildomar City Hall, 23873 Clinton Keith Road; 2) United States Post Office, 21392 Palomar Street; and 3) Mission Trail Library, 34303 Mission Trail Road.



AGENDA SECTION 1.0

CONSENT CALENDAR ITEMS



**There are no Consent Items for the
October 16, 2013 Planning Commission meeting**



AGENDA SECTION 2.0

PUBLIC HEARING ITEMS



**There are no Public Hearing Items for the
October 16, 2013 Planning Commission meeting**



AGENDA SECTION 3.0

GENERAL BUSINESS ITEMS



CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item No. 3.1
GENERAL BUSINESS
Meeting Date: October 16, 2013

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director

SUBJECT: **Westpark Promenade Project (Planning Application No. 13-0082):**

Planning Commission consideration of a request by Golden Eagle Multi-Family Properties, LLC (Applicant) to initiate a General Plan Amendment (GPA) to change the land use designation from Commercial Office (C-O) to Very High Density Residential (VHDR) for 21.26 acres of the 27.6 acre site to accommodate a proposed office/restaurant/multi-family residential development project located generally at the northeast corner of Catt Road and I-15 Freeway.

RECOMMENDATION

That the Planning Commission recommend the City Council adopt an order to initiate proceedings for a general plan amendment for the Westpark Promenade development project (Planning Application No. 13-0082).

PROJECT BACKGROUND

The applicant (Golden Eagle Multi-Family Properties, LLC) has submitted an application to develop a “mixed-use” project on a 27.6 acre site which requires the processing of the following development applications:

1. General Plan Amendment (GPA): A land use designation change from Commercial Office (CO) to Very High Density Residential (VHDR) for 21.26 acres of the 27.6 acre site to accommodate the proposed multi-family portion of the project.
2. Change of Zone (CZ): A zoning designation change from CPS (Scenic Highway Commercial) to R-3 (General Residential) for 21.26 acres of the 27.6 acre site to accommodate the proposed multi-family portion of the project.
3. Tentative Parcel Map (TPM 36612): A tentative parcel map to subdivide the 27.6 acre site into four (4) parcels to accommodate the proposed project.
4. Plot Plan (PP): A plot plan to develop the 27.6 acre project site with 322 multi-family condominiums (for-sale) within 42 buildings on three parcels (i.e., Parcel 1 = 127 units; Parcel 2 = 132 units; Parcel 3 = 63 units); a 4-story 70,000 square-foot office building

and two (2) 8,000 square-foot restaurant buildings (both on Parcel 1 of PM 36612) with related site development improvements (i.e., parking, landscaping, etc.).

The project site is located generally at the northeast corner of Catt Road and the I-15 Freeway (APN's: 376-410-013; 376-410-023, 376-410-025). The project site is shown in the aerial exhibit on the following page.

Vicinity/Location Map



Since the request involves a general plan amendment, the procedures outlined in Section 17.08.010.B and 17.08.040.B of the Zoning Ordinance is applicable to this project. Staff has provided a copy of Section 17.08 for Commission information (refer to Attachment A).

As discussed in these sections, the initiation of a general plan amendment by a property owner/applicant first requires the order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. Once the Council adopts an order to initiate a general plan amendment, the amendment process then follows the

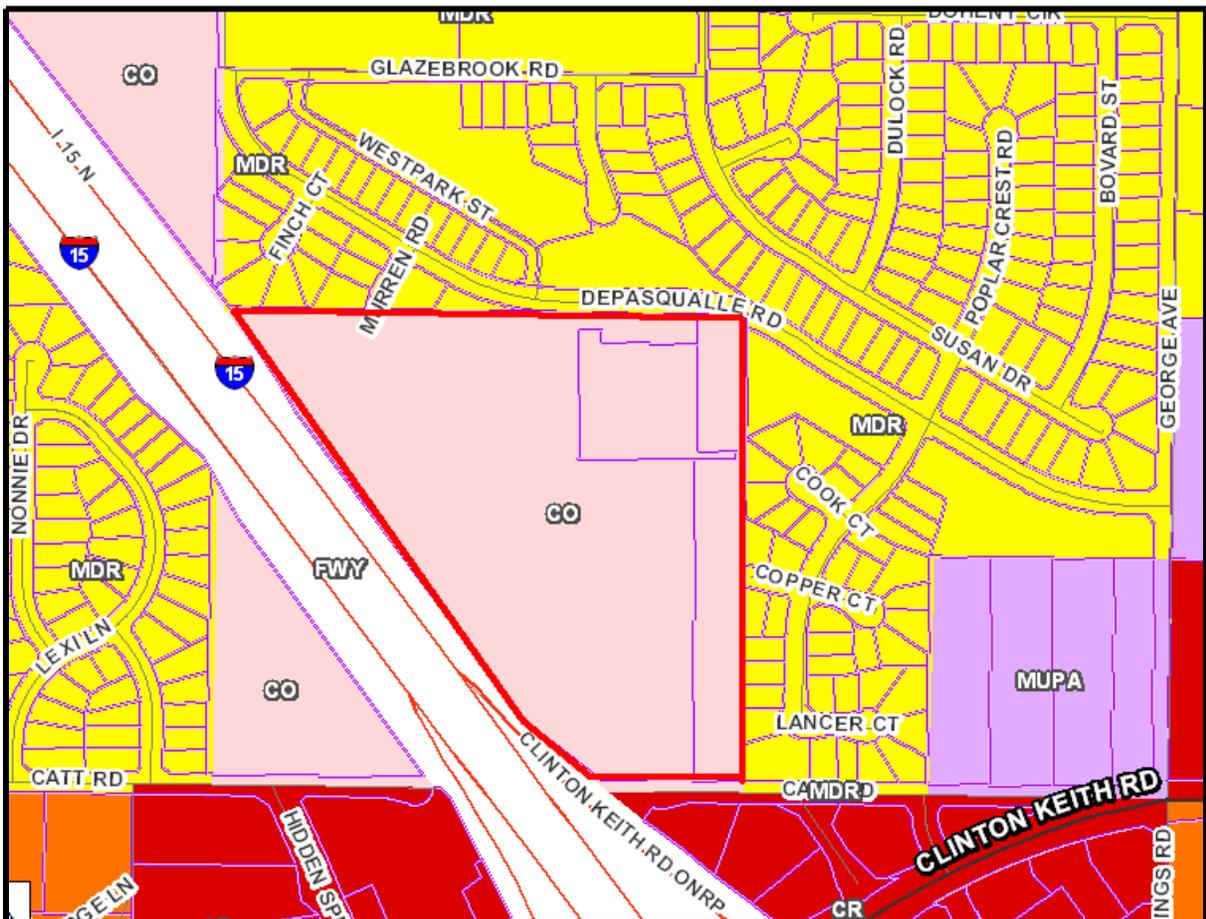
standard process outlined by state law and Section 17.08.010 and 17.08.100 of the Zoning Ordinance.

The order to initiate a general plan amendment that is presented to the City Council must include comments from the Planning Commission. Hence, staff has brought this request forward for Commission review and consideration.

PROJECT ANALYSIS

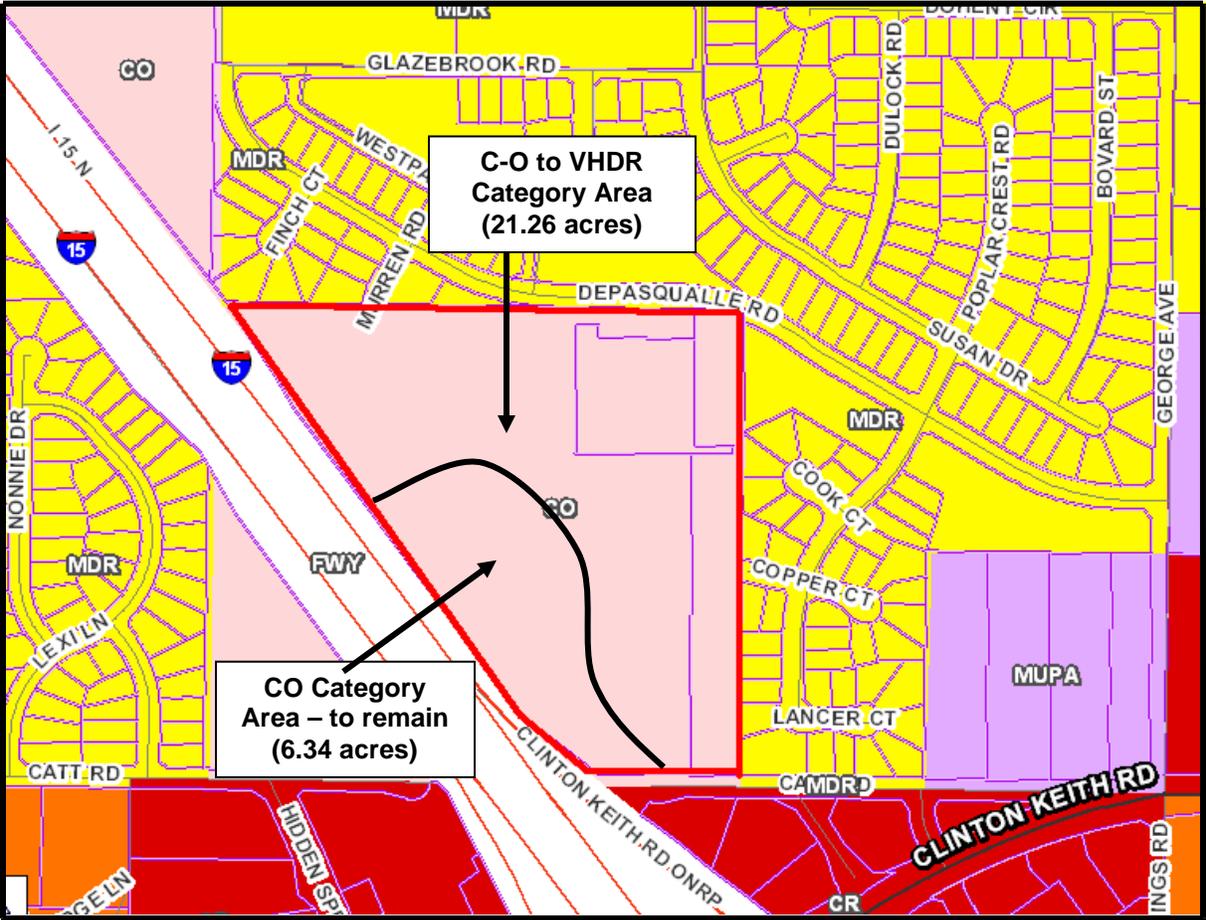
The exhibit below shows the existing land use designation for the entire project site as well as the surrounding properties. The properties abutting the project site to the north and east have a land use designation of Medium Density Residential (MDR), while the property to the south has the designation of Commercial Retail (C-R) across Clinton Keith Road.

Existing Land Use Designations

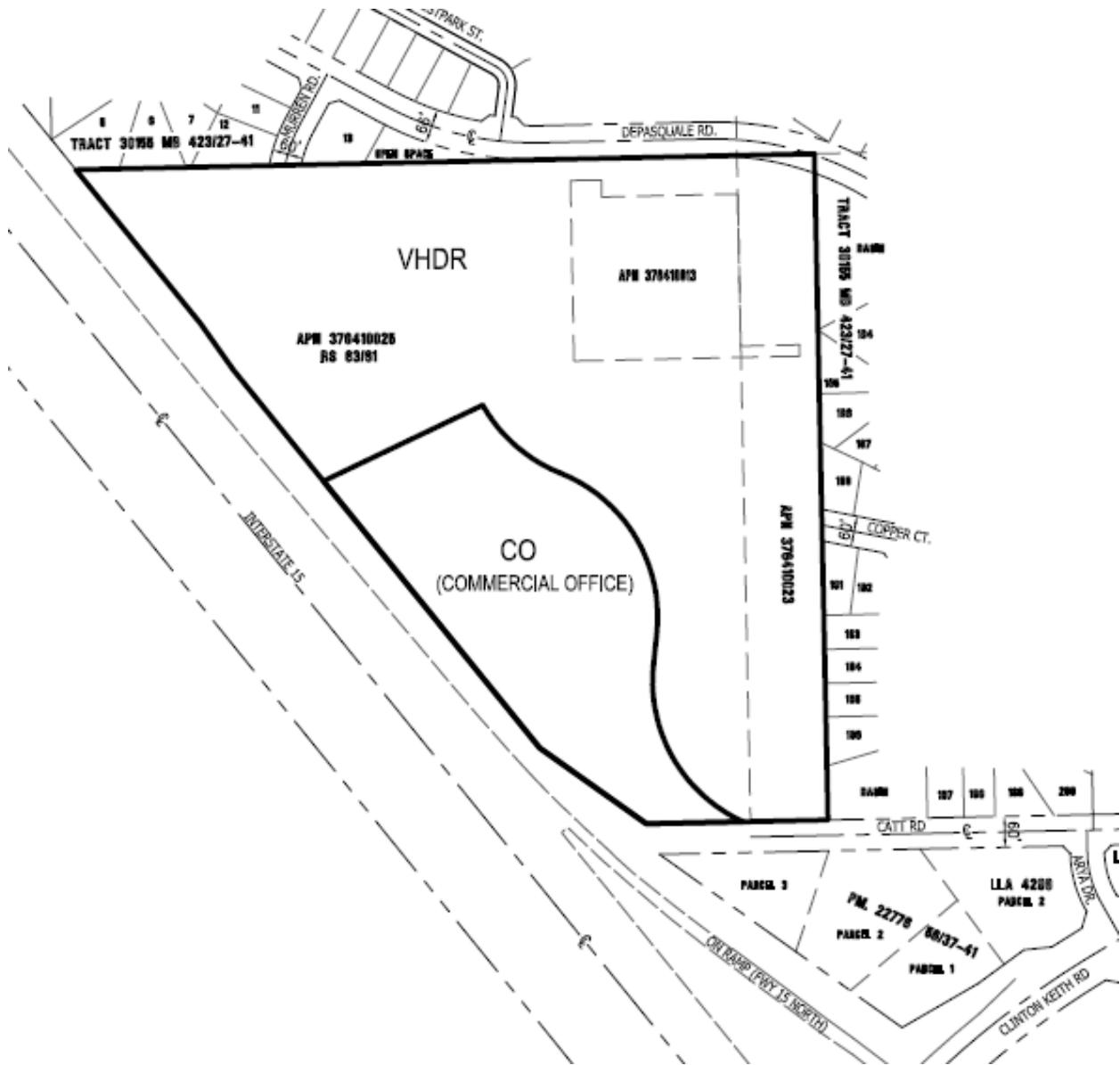


As noted, the applicant has submitted a development application requesting approval to build 322 multi-family condominiums within 42 buildings on three parcels, a 4-story 70,000 square-foot office building and two (2) 8,000 square-foot restaurant buildings. In order to build the multi-family portion of the project at the proposed density of 15.1 units/acre, a general plan amendment to change the existing land use designation on 21.26 acres of the 27.6 acre site from Commercial Office (CO) to Very High Density Residential (VHDR) is necessary. The following two exhibits delineate the boundaries of the proposed land use amendment change for the residential portion of the project.

Proposed Land Use Exhibit

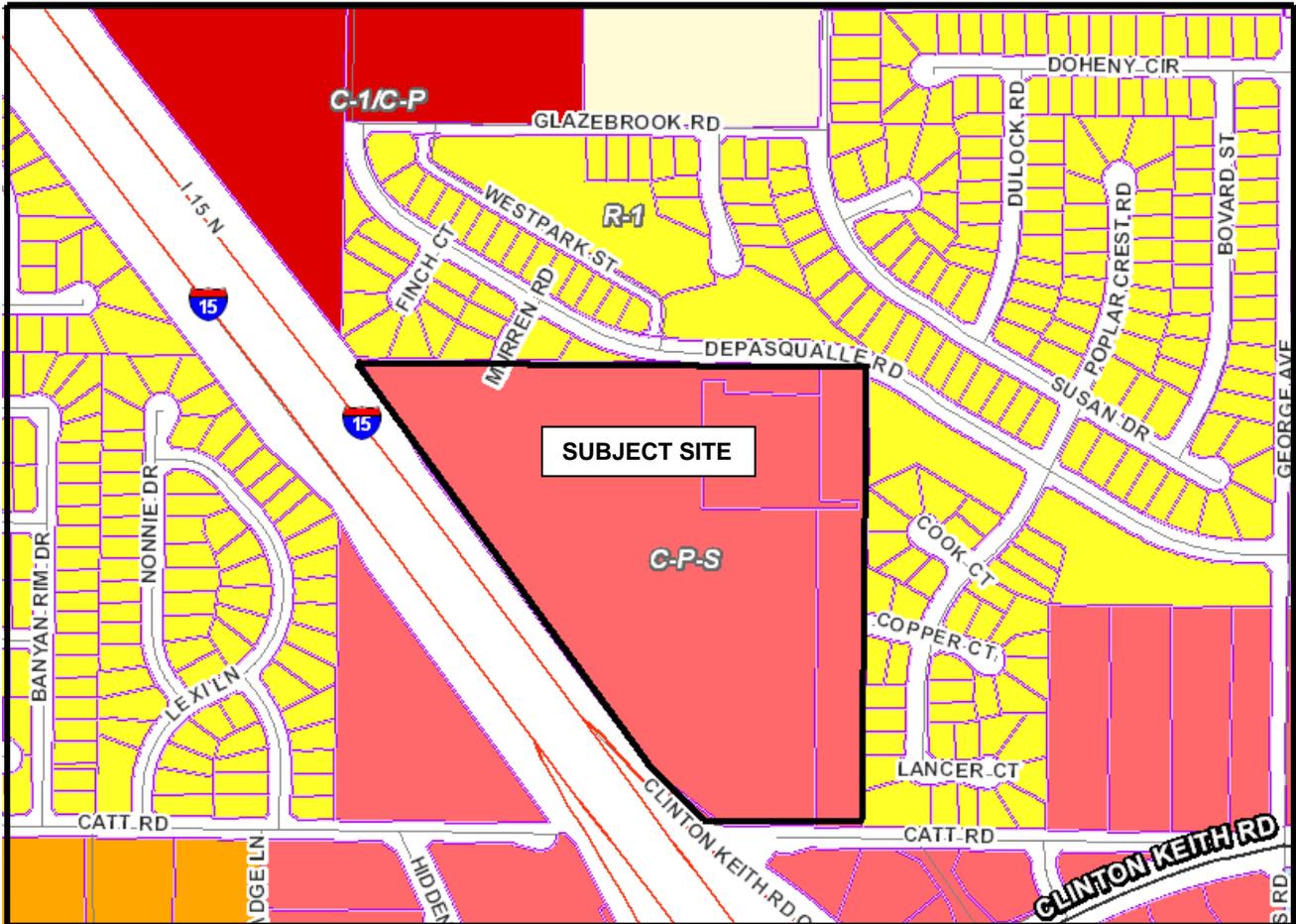


Proposed Land Use Boundary Exhibit



While it is not required to receive Commission and Council approval to process a change of zone under this initiation process, staff is providing an exhibit that shows the zoning for the site and general area for comparison purposes (refer to exhibit below). The applicant is proposing a change of zone from CPS (Scenic Highway Commercial) to R-3 (General Residential) for 21.26 acres of the 27.6 acre site to accommodate the proposed multi-family portion of the project. See above exhibits for the proposed boundary lines.

Existing Zoning Designations



The Commercial Office (C-O) land use designation does not allow for residential land uses as it is solely intended for commercial, retail and office developments. With the land use designation of VHDR, which the applicant desires to have, the residential density allowed for the 21.26 acre portion would be 14 – 20 units/acre. This category is intended for single family attached residences (i.e., condos/townhomes) and multi-family dwellings (i.e., apartments). The applicant has proposed the multi-family units to be for-sale condominiums at a density of 15.1 units/acre. The VHDR designation would be the more appropriate land use category to accommodate the proposed 322-unit condominium project.

In making its recommendation to the City Council to approve initiation the general plan amendment for the Westpark Promenade project, the Commission should consider the surrounding land use designations and location of the property (i.e., along the I-15 freeway and adjacent to an existing single family residential neighborhood). In staff's opinion, the proposed land use designation of VHDR is appropriate because it is adjacent to the freeway. Also, with the design considerations being required to the plot plan (larger landscape buffers and building height (2-story units instead of 3-story units) along the east property line), the condominium portion can be compatible with the residential are to the east.

In conclusion, staff is recommending the Commission recommend Council support to initiate the general plan amendment for the Westpark Promenade project. It is important to note, as outlined in the Zoning Ordinance, that Commission/Council support to move forward with the general plan amendment process does not imply that the proposed amendment will be formally approved.

The general plan amendment application is required to go through the complete staff review process (along with the change of zone and plot plan), and is subject to a full public hearing before the Planning Commission and City Council, along with the CEQA environmental review document (in this case an EIR is being prepared).

Respectfully Submitted,
Matthew C. Bassi
Planning Director

Reviewed By,
Erica Vega
Assistant City Attorney

ATTACHMENTS

- A. Copy of Chapter 17.08 of the Zoning Ordinance

ATTACHMENT A

(Chapter 17.08 of the Zoning Ordinance)

Chapter 17.08

GENERAL PLAN AND SPECIFIC PLANS

Sections:

- 17.08.010 Adoption or amendment of the General Plan.
- 17.08.020 General Plan consistency.
- 17.08.030 Definitions for General Plan amendment procedures.
- 17.08.040 General Plan technical amendments and entitlement/policy amendments.
- 17.08.050 General Plan foundation component amendments—Regular.
- 17.08.060 General Plan foundation component amendments—Extraordinary.
- 17.08.070 Agricultural foundation component General Plan amendments.
- 17.08.080 Specific plans.
- 17.08.090 Applications for specific plans.
- 17.08.100 Hearings on adoption or amendment of the General Plan.
- 17.08.110 Determination of project conformance with adopted specific plan.
- 17.08.120 Reports on conformity with General Plan.

17.08.010 Adoption or amendment of the General Plan.

- A. The City of Wildomar General Plan or any part or element thereof, and any amendment to the Plan or any part or element thereof, shall be adopted in accordance with the provisions of Section 65300 et seq. of the Government Code, as now written or hereafter amended, and this chapter. No mandatory element of the General Plan shall be amended more frequently than four times during any calendar year, unless otherwise allowed by Section 65358 of the Government Code. Subject to that limitation, an amendment may be adopted at any time, as determined by the City Council. Each amendment may include more than one change to the General Plan.
- B. The initiation of proceedings for the amendment of the General Plan, or any part or element thereof, shall be conducted in accordance with the provisions of this chapter. The initiation of proceedings for the amendment of the General Plan, or any part or element thereof, shall require an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. Either the Planning Director or the Planning Commission may recommend, in the manner provided by this chapter, that the City Council initiate proceedings for the amendment of the General Plan or any part or element thereof. The owner of real property, or a person authorized by the owner, shall have the right to apply for the initiation of proceedings, in the manner provided by this chapter, to amend the General Plan with respect to provisions of the General Plan affecting the use of his or her property. The initiation of proceedings by the City Council for the amendment of the General Plan, or any part or element thereof, shall not imply any such amendment will be approved. (Ord. 18 § 2, 2008, RCC § 17.08.010)

17.08.020 General Plan consistency.

No discretionary permit shall be approved pursuant to this chapter unless it is determined that the permit is consistent with the General Plan. (Ord. 18 § 2, 2008, RCC § 17.08.020)

17.08.030 Definitions for General Plan amendment procedures.

Capitalized terms in Sections 17.08.040 through 17.08.070 shall have the same meanings as set forth in the City of Wildomar General Plan. (Ord. 18 § 2, 2008, RCC § 17.08.030)

17.08.040 General Plan technical amendments and entitlement/policy amendments.

- A. Applicability. This section shall govern the processing of any General Plan amendment which is defined as a technical amendment or an entitlement/policy amendment. Technical amendments involve changes of a technical nature including, without limitation: statistical corrections; mapping error correc-

- tions, changes in spheres of influence and city boundaries; changes in unincorporated communities or communities of interest; editorial clarifications that do not change the intent of the General Plan; or appendix information useful in interpreting the General Plan but which does not change the General Plan intent. Entitlement/policy amendments involve changes in land use designations or policies that involve land located entirely within a General Plan foundation component but that do not change the boundaries of that component. An entitlement/policy amendment may also involve a change in General Plan policy provided it does not change the City of Wildomar vision, a foundation component, or a General Planning principle set forth in General Plan Appendix B.
- B. Initiation of Amendment Proceedings. The initiation of proceedings for any amendment pursuant to this section shall require an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. The City Council may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Council initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.
 - C. Recommendations for the Initiation of Amendment Proceedings. Either the Planning Director or the Planning Commission may recommend that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. All such recommendations shall be in writing and shall be submitted to the City Clerk for placement on the agenda of the Council as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.
 - D. Private Applications for the Initiation of Amendment Proceedings. The owner of real property, or a person authorized by the owner, shall have the right to request that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in Chapter 3.44. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the City Clerk for placement on the Council agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the City Clerk, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.
 - E. Amendment Proceedings and Hearings. After adoption of an order of the City Council initiating proceedings for an amendment pursuant to this section, the amendment shall be processed, heard and decided in accordance with Sections 17.08.010 and 17.08.100 of this chapter. If the Council adopts orders initiating proceedings for several amendments pursuant to this section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.
 - F. Findings.
 1. Technical Amendments. A Planning Commission resolution recommending approval of a technical amendment and a City Council resolution approving a technical amendment shall include the first finding listed below and any one or more of the subsequent findings listed below:
 - a. The proposed amendment would not change any policy direction or intent of the General Plan;
 - b. An error or omission needs to be corrected;
 - c. A land use designation was based on inaccurate or misleading information and should therefore be changed to properly reflect the policy intent of the General Plan;
 - d. A point of clarification is needed to more accurately express the General Plan's meaning or eliminate a source of confusion;

- e. A minor change of boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.
- 2. Entitlement/Policy Amendments. A Planning Commission resolution recommending approval of an entitlement/policy amendment and a City Council resolution approving an entitlement/policy amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:
 - a. The proposed change does not involve a change in or conflict with the City of Wildomar vision; any general planning principle set forth in General Plan Appendix B; or any foundation component designation in the General Plan;
 - b. The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them;
 - c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan;
 - d. A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law;
 - e. An amendment is required to comply with an update of the housing element or change in state housing element law;
 - f. An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the City's economic base) and that would improve the ratio of jobs-to-workers in the City;
 - g. An amendment is required to address changes in ownership of land or land not under the land use authority of the City Council. (Ord. 18 § 2, 2008, RCC § 17.08.040)

17.08.050 General Plan foundation component amendments—Regular.

- A. Applicability. This section shall govern the processing of regular foundation component amendments occurring during the five-year General Plan review cycle including any General Plan amendment to change:
 - 1. The City of Wildomar vision;
 - 2. The General Planning principles set forth in General Plan Appendix B; or
 - 3. A foundation component of the General Plan (except for an amendment to change property to or from the agriculture foundation component which shall be processed in accordance with Section 17.08.070 of this chapter).
- B. Limitation on Foundation Component Amendments. Except as otherwise provided in Sections 17.08.060 and 17.08.070, no foundation component amendment shall be heard or approved except as part of the five-year General Plan review cycle. The first five-year General Plan review cycle shall commence on January 1, 2008 and continue during the 2008 calendar year, and subsequent cycles shall occur at five calendar year intervals thereafter.
- C. Initiation of Amendment Proceedings. The initiation of proceedings for any amendment pursuant to this section shall require an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. The City Council may adopt an order initiating amendment proceedings at any time during the calendar year of a five-year General Plan review cycle. The adoption of an order by the Council initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.
- D. Recommendations for the Initiation of Amendment Proceedings. Either the Planning Director or the Planning Commission may recommend that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. All such recommendations shall be in writing and shall be submitted to the City Clerk for placement on the agenda of the Council as a matter not requiring a pub-

lic hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.

- E. Private Applications for the Initiation of Amendment Proceedings. The owner of real property, or a person authorized by the owner, shall have the right to request that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. The Planning Director shall establish an application period of not less than 30 days during the calendar year of each five-year General Plan review cycle during which applications will be accepted. After this application period is established, it shall not be extended. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in Chapter 3.44. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the City Clerk for placement on the Council agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to City Clerk, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.
- F. Amendment Proceedings and Hearings. After adoption of an order of the City Council initiating proceedings for an amendment pursuant to this section, the amendment shall be processed, heard and decided in accordance with Sections 17.08.010 and 17.08.100 of this chapter. If the Council adopts orders initiating proceedings for several amendments pursuant to this section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director. Hearings and the final decision on any amendment pursuant to this section may occur after the calendar year during which proceedings for the amendment were initiated.
- G. Findings. A Planning Commission resolution recommending approval of a regular foundation component amendment and a City Council resolution approving a regular foundation component amendment shall include findings, based on substantial evidence, that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall City of Wildomar vision, and that they would not create an internal inconsistency among the elements of the General Plan. The foregoing requirement for findings shall not apply to any amendment to the City of Wildomar vision. (Ord. 18 § 2, 2008, RCC § 17.08.050)

17.08.060 General Plan foundation component amendments—Extraordinary.

- A. Applicability. This section shall govern the processing of any foundation component amendment not occurring during the five-year General Plan review cycle including any General Plan amendment to change:
 1. The City of Wildomar vision;
 2. The general planning principles set forth in General Plan Appendix B; or
 3. A foundation component of the General Plan (except for an amendment to change property to or from the agriculture foundation component which shall be processed in accordance with Section 17.08.070 of this chapter).
- B. Initiation of Amendment Proceedings. The initiation of proceedings for any amendment pursuant to this section shall require an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. The City Council may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Council initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.
- C. Recommendations for the Initiation of Amendment Proceedings. Either the Planning Director or the Planning Commission may recommend that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. All such recommendations shall be in writing and shall be

submitted to the City Clerk for placement on the agenda of the Council as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.

- D. Private Applications for the Initiation of Amendment Proceedings. The owner of real property, or a person authorized by the owner, shall have the right to request that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in Chapter 3.44. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the City Clerk for placement on the Council agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the City Clerk, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.
- E. Amendment Proceedings and Hearings. After adoption of an order of the City Council initiating proceedings for an amendment pursuant to this section, the amendment shall be processed, heard and decided in accordance with Sections 17.08.010 and 17.08.100 of this chapter. If the Council adopts orders initiating proceedings for several amendments pursuant to this section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.
- F. Findings. A Planning Commission resolution recommending approval of an extraordinary General Plan foundation component amendment and a City Council resolution approving an extraordinary General Plan foundation component amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:
1. The foundation change is based on substantial evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall City of Wildomar vision, and that they would not create an internal inconsistency among the elements of the General Plan. The foregoing requirement for findings shall not apply to any amendment to the City of Wildomar vision;
 2. A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current City of Wildomar vision, General Planning principles set forth in General Plan Appendix B, or foundation component;
 3. An unconstitutional taking of property might occur without the amendment, and the amendment alters the General Plan foundation component only to the extent necessary to avoid the potential taking;
 4. A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan foundation component designations in order to protect the public health, safety or welfare;
 5. A foundation component amendment is required to conform to changes in state or federal law, or applicable findings of a court of law;
 6. An amendment is required to comply with an update of the housing element or change in State Housing Element law;
 7. A foundation component amendment is required to significantly expand basic structural employment (such as industrial, agricultural processing, and research and development), excluding retail, service commercial, warehousing, and residential uses not ancillary to the primary employment use;
 8. A foundation component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the adopted MSHCP or community environmental

transportation acceptability program (CETAP) programs that could not be accomplished by a lesser change in the General Plan. (Ord. 18 § 2, 2008, RCC § 17.08.060)

17.08.070 Agricultural foundation component General Plan amendments.

- A. Applicability. This section shall govern the processing of any General Plan amendment to change property to or from the agriculture foundation component.
- B. General Authorization for Agricultural Foundation Component Amendments.
1. All amendments pursuant to this section shall be assigned to a two and one-half year agricultural foundation amendment cycle based on the date of amendment adoption. The first two and one-half year cycle commenced January 1, 2004 and ended on June 30, 2006; the second two and one-half year cycle extends from July 1, 2006 to December 31, 2008; and subsequent two and one-half year cycles shall continue in the same manner for two and one-half year periods thereafter.
 2. The Planning Director shall determine the total acreage of land within the agricultural foundation component as of January 1, 2004 (the "Agricultural Foundation Base Acreage"), for each of the following three areas:
 - a. The area covered by the Palo Verde Valley area plan, the desert center area plan and the eastern desert land use plan;
 - b. The area covered by the Eastern Coachella Valley area plan and the Western Coachella Valley area plan; and
 - c. The area covered by all other area plans.
 3. During the first two and one-half year agricultural foundation amendment cycle, seven percent of the agricultural foundation base acreage for each of the areas listed in subsection (B)(2) above shall be generally authorized for conversion from the agriculture foundation component to any other foundation component (the "Agricultural Amendment General Authorization Acreage"). During each subsequent two and one-half year agricultural foundation amendment cycle, the agricultural amendment general authorization acreage for each area listed in subsection (B)(2) above shall consist of an acreage equal to the agricultural amendment general authorization acreage for the first two and one-half year agricultural foundation amendment cycle plus the agricultural amendment general authorization acreage for all subsequent two and one-half year agricultural foundation amendment cycles reduced by the acreage of all General Plan amendments adopted after January 1, 2004 (except General Plan amendments adopted pursuant to subsection G below) converting land from the agriculture foundation component to any other foundation component for each such area.
 4. Unless otherwise allowed as provided in subsection G below, no amendment pursuant to this section shall be approved by the City Council if such approval would result in a conversion from the agriculture foundation component to any other foundation component in excess of the agricultural amendment general authorization acreage, as determined under subsection (B)(3) above, during any two and one-half year agricultural foundation amendment cycle.
- C. Initiation of Amendment Proceedings. The initiation of proceedings for any amendment pursuant to this section shall require an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. The City Council may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Council initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.
- D. Recommendations for the Initiation of Amendment Proceedings. Either the Planning Director or the Planning Commission may recommend that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. All such recommendations shall be in writing and shall be submitted to the City Clerk for placement on the agenda of the Council as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the

Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.

- E. Private Applications for the Initiation of Amendment Proceedings. The owner of real property, or a person authorized by the owner, shall have the right to request that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in Chapter 3.44. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the City Clerk for placement on the Council agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the City Clerk, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.
- F. Amendment Proceedings and Hearings. After adoption of an order of the City Council initiating proceedings for an amendment pursuant to this section, the amendment shall be processed, heard and decided in accordance with Sections 17.08.010 and 17.08.100 of this chapter. If the Council adopts orders initiating proceedings for several amendments pursuant to this section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.
- G. Additional Authorization for Agricultural Foundation Component Amendments. Notwithstanding the provisions of subsection B above, the City Council may approve an amendment which exceeds the agricultural amendment general authorization acreage for any two and one-half year agricultural foundation amendment cycle provided the Council first determines that any condition or circumstance including, without limitation, any business consideration or undue hardship, justifies the amendment and also determines that adequate infrastructure to serve the land use designations will be available. Prior to approving an amendment as provided in this subsection, the City Council shall first submit the amendment to the agricultural task force for the area where the property subject to the amendment is located for its review and recommendation.
- H. Findings. A Planning Commission resolution recommending approval of an agricultural foundation component amendment and City Council resolution approving an agricultural foundation component amendment shall include a finding that the amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, not be detrimental to them. (Ord. 18 § 2, 2008, RCC § 17.08.070)

17.08.080 Specific plans.

Specific plans, and amendments thereto, shall be heard and adopted in accordance with the provisions of Section 65450 et seq. of the Government Code, as now written or hereafter amended, and in accordance with Section 17.08.100 of this chapter. The City Council may, by affirmative vote of not less than a majority of the entire membership of the Council, order the preparation and hearing of a new specific plan or the amendment of any existing specific plan. Any such order for preparation and hearing shall not imply that any new specific plan or amendment to an existing specific plan will be approved. (Ord. 18 § 2, 2008, RCC § 17.08.080)

17.08.090 Applications for specific plans.

- A. The owner of real property, or a person authorized by the owner, shall have the right to request that the City consider a specific plan or an amendment to an existing specific plan for the real property. The right to request consideration of a specific plan or a specific plan amendment does not imply that the specific plan or the specific plan amendment will be approved. Whenever any state law, the City of Wildomar General Plan or any ordinance requires the adoption of a specific plan as a condition to the approval of a project, an application for a specific plan shall be made pursuant to this section.

- B. Applications shall be made in writing to the Planning Director on the forms provided by the Planning Department and shall be accompanied by the fee set forth in Chapter 3.44. The application shall supply all required information and shall include the following:
1. Wherever a proposed specific plan is for a project subject to the Alquist-Priolo Earthquake Fault Zoning Act, Public Resources Code Section 2621 et seq., a geologic report shall be submitted as required by Chapter 15.76;
 2. Whenever a proposed specific plan will substantially determine the location of any building sites for structures, a flood protection study shall be submitted with the specific plan along with the fee set forth in Chapter 3.44.
- C. A specific plan shall include text and a diagram or diagrams which specify all of the following in detail:
1. The distribution, location and extent of the uses of land, including open space, within the area covered by the Plan;
 2. The proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the Plan;
 3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
 4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out subsections (C)(1) through (C)(3) of this section.
- D. A specific plan shall include a statement of the relationship of the specific plan to the General Plan. (Ord. 18 § 2, 2008, RCC § 17.08.090)

17.08.100 Hearings on adoption or amendment of the General Plan.

Proposals to adopt or amend the City of Wildomar General Plan, or any part or element thereof, shall be heard in the following manner:

- A. The Planning Commission shall hold a public hearing on the matter. Notice of the public hearing shall be given pursuant to Section 17.04.050 of this title. If the proposed General Plan or amendment to the General Plan would affect the permitted uses or intensity of uses of real property, notice of the public hearing shall also be given pursuant to Section 17.04.060 of this title.
- B. After closing the public hearing, the Planning Commission shall make a recommendation for approval or disapproval within a reasonable time, by resolution, including therein its findings, and transmit it to the City Council with a copy mailed to the applicant, if any. A recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the Planning Commission. If the Commission cannot reach a decision within a reasonable time after closing the hearing, that fact shall be reported to the City Council and shall be deemed a recommendation to deny the proposal.
- C. Upon receipt of a recommendation of the Planning Commission on adoption or amendment of the General Plan, the City Clerk shall set the matter for public hearing before the City Council at the earliest convenient day and shall give notice of public hearing in the same manner as notice was given of the hearing before the Planning Commission.
- D. After closing the public hearing, the City Council shall render its decision within a reasonable time. A decision to adopt or amend the General Plan, or any part or element thereof, shall be made by resolution, which resolution shall be adopted by the affirmative vote of not less than the majority of the total membership of the Council. The City Council may approve, modify or disapprove the recommendation of the Planning Commission; provided, however, that any substantial modification of the Planning Commission's recommendation not previously considered by the Commission shall first be referred to the Commission for its recommendation. The Planning Commission shall not be required to hold a public hearing thereon, and failure of the Commission to report within 45 days after the reference or such

longer period of time as may be specified by the Council, shall be deemed to be a recommendation for approval of the proposed modification.

- E. A proposal to adopt or amend any part or element of the General Plan shall not be approved by the City Council until all procedures required by the Riverside County CEQA implementing procedures to approve a matter have been completed. (Ord. 18 § 2, 2008, RCC § 17.08.100)

17.08.110 Determination of project conformance with adopted specific plan.

- A. Whenever an application for an implementing project varies from and is not in substantial conformance with an adopted specific plan, an amendment to that specific plan shall be adopted pursuant to the provisions of Section 17.08.080 of this chapter prior to the approval of the implementing project.
- B. Whenever an application for an implementing project varies from but is in substantial conformance with the adopted specific plan, a determination of substantial conformance shall be issued as provided in this subsection prior to the approval of the implementing project.
1. For purposes of this subsection, the term "substantial conformance" shall mean a nonsubstantial modification of a condition of approval, diagram, or text of the specific plan that does not change the basic design or improvements required and is consistent with the original resolution adopting the specific plan, the conditions of approval, and the specific plan text. Substantial conformance may include a modification or deletion of a condition which will not substantially or adversely affect the underlying purpose for which the condition was initially required, construction of an implementing project out of phase so long as all infrastructure and public facilities required for the intervening phases are provided, a modification of the approved land uses in a phase which does not increase the land use density or intensity in any phase or planning area beyond that allowed by the specific plan or a modification of the project design which improves circulation, protects topographic features, minimizes grading, improves drainage or improves infrastructure.
 2. An application for a determination of substantial conformance shall be made on forms provided by the Planning Department, shall be accompanied by the fee set forth in Chapter 3.44 and shall include the following:
 - a. An accurate and complete description of the modification and how it affects the adopted specific plan, along with any necessary exhibits or diagrams;
 - b. Any other information, exhibits or drawings the Planning Director may require.
 3. The Planning Director shall transmit all such applications to the appropriate agencies for review and comment and shall then forward them, along with a recommendation, to the Planning Commission for decision. A copy of the notice of decision of the Planning Commission shall be mailed to the applicant and to any person who has made a written request therefor. The Planning Director shall also file a copy of the notice of decision of the Planning Commission with the City Clerk, together with a report of the proceedings, not more than 15 days after the decision. The City Clerk shall place the notice of decision on the next agenda of the City Council held five or more days after the Clerk receives the notice from the Planning Director. The decision of the Planning Commission shall be considered final unless the applicant or an interested party files an appeal with the Clerk accompanied by the fee set forth in Chapter 3.44 within 10 days after the notice of decision appear on the Council's agenda. If a timely appeal is filed, the Clerk shall place the matter on the next available agenda, and the City Council shall determine whether the determination of substantial conformance should be made. An application for a determination of substantial conformance shall not require a noticed public hearing; however, if the Planning Director, the Commission, or the Council decides that notice of the application should be given, notice shall be given at the applicant's expense in the manner provided for by Sections 17.04.050 and 17.04.060 of this title. Whenever such a decision requiring notice is made, no further action shall be taken on the application until proper notice has been given. The Commission or City Council may, at their discretion, allow testimony to be given on the proposed modification.

4. An application for a determination of substantial conformance may be approved only if the following findings are made:
 - a. That the project as modified meets the intent and purpose of the adopted specific plan; and
 - b. That the project as modified is consistent with the findings and conclusions contained in the resolution adopting the specific plan.
- C. Notwithstanding any other provision in this section to the contrary, and even if the application for a determination of substantial conformance otherwise could be approved under this section, an applicant may be required to process a specific plan amendment pursuant to the provisions of Section 17.08.090 of this chapter if it is determined that an amendment to the specific plan is required. (Ord. 18 § 2, 2008, RCC § 17.08.110)

17.08.120 Reports on conformity with General Plan.

- A. The Planning Department is designated as the planning agency, under the provisions of Section 65402 of the Government Code, and any similar provision of state law, to report on public acquisitions, dispositions, abandonments, and construction, as to conformity with the City of Wildomar General Plan.
- B. Whenever any City department or a public agency is processing a project that requires a report under the provisions of Section 65402 of the Government Code, or any similar provision of state law, application shall be made to the Planning Director on forms provided by the Planning Department and shall supply all requested information, including the following:
 1. The name, address and telephone number of applicant, including information regarding any cooperating or involved agencies;
 2. The legal basis for the project on an estimated time schedule for development or action to be taken;
 3. The location, address or legal description of the subject property or area, together with a site plan and description of the proposed project and uses;
 4. The location of adjacent streets, easements, utilities, and other features, both natural and constructed, that may affect or be affected by the proposal;
 5. Development plans of any proposed construction, including such structural features as may be required to determine if the proposal is in conformity with the General Plan and any specific plan in effect in the area.
- C. Within 40 days after receipt of a completed application, the Planning Director shall make a report to the applicant as to the conformity of the location, purpose and extent of the proposed project with the General Plan.
- D. Within 10 days after the date of mailing or delivery of the report of the Planning Director, the applicant may appeal, in writing, to the Planning Commission on the form provided by the Planning Department. Upon receipt of a completed appeal accompanied by the fee set forth in Chapter 3.44, the Planning Director shall set the matter for hearing before the Planning Commission, not less than five nor more than 35 days thereafter, and shall give written notice of the hearing, by mail, to the appellant. The decision of the Commission shall be made within 30 days following the close of the hearing, shall be final, and a copy shall be mailed to the appellant.
- E. The provisions of subdivision (a) of Section 65402 of the Government Code shall not apply to:
 1. The disposition of the remainder of a larger parcel which was acquired and used in part for street purposes;
 2. Acquisitions, dispositions, or abandonments for street widening or alignment projects, provided such projects are of a minor nature.

- F. The provisions of subdivision (b) of Section 65402 of the Government Code shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature. (Ord. 18 § 2, 2008, RCC § 17.08.120)



CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item No. 3.2
GENERAL BUSINESS
Meeting Date: October 16, 2013

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director

SUBJECT: **Villa Sienna Apartment Project (Planning Application No. 13-0089):**
Planning Commission consideration of a request by Golden Eagle Multi-Family Properties, LLC (Applicant) to initiate a General Plan Amendment (GPA) to change the land use designation from Medium High Density Residential (MHDR) to Very High Density Residential (VHDR) to accommodate the future development of a 180-unit apartment project located at the northeast corner of Elizabeth Lane and Prielipp Road.

RECOMMENDATION

That the Planning Commission recommend the City Council adopt an order to initiate proceedings for a general plan amendment for the Villa Sienna Apartment project (Planning Application No. 13-0089).

PROJECT BACKGROUND

The applicant (Golden Eagle Multi-Family Properties, LLC) has submitted an application to develop a multi-family residential project on a 9.22 acre site which requires the processing of the following development applications:

1. A General Plan Amendment to change the existing land use designation of Medium High Density Residential (MHDR) to Very High Density Residential (VHDR);
2. A Change of Zone from the current designation of I-P (Industrial-Park) to R-3 (General Residential); and
3. A Plot Plan to develop a 180-unit multi-family apartment project within nine (9) buildings with related site development improvements (i.e., recreation, parking, landscaping, etc.).

The project site is located at the northeast corner of Elizabeth Lane and Prielipp Road (APN: APN: 380-290-029). The project site is shown in the aerial exhibit on the following page.

Vicinity/Location Map



Since the request involves a general plan amendment, the procedures outlined in Section 17.08.010.B and 17.08.040.B of the Zoning Ordinance is applicable to this project. Staff has provided a copy of Section 17.08 for Commission information (refer to Attachment A).

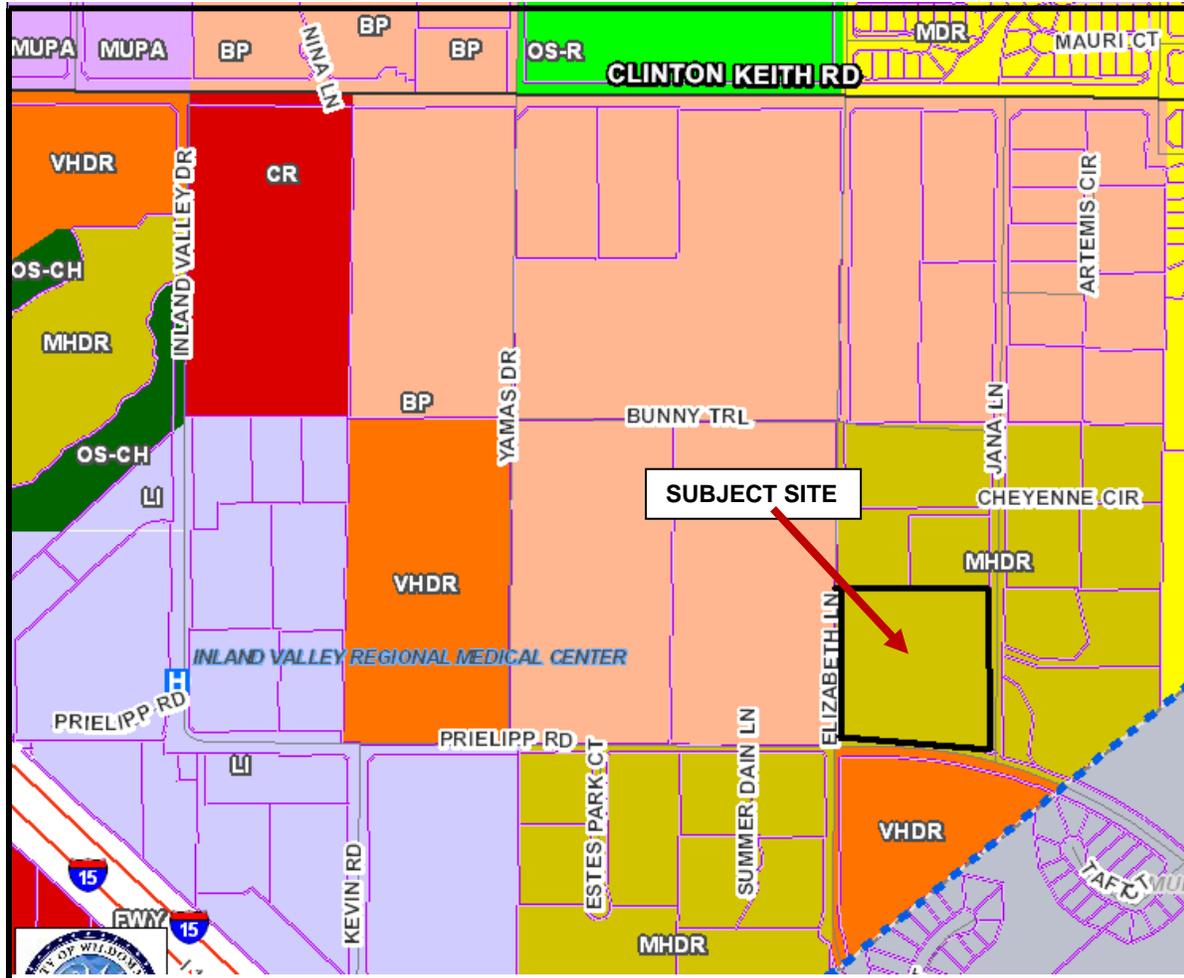
As discussed in these sections, the initiation of a general plan amendment by a property owner/applicant first requires the order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. Once the Council adopts an order to initiate a general plan amendment, the amendment process then follows the standard process outlined by state law and Section 17.08.010 and 17.08.100 of the Zoning Ordinance.

The order to initiate a general plan amendment that is presented to the City Council must include comments from the Planning Commission. Hence, staff has brought this request forward for Commission review and consideration.

PROJECT ANALYSIS

As noted, the applicant has submitted a development application requesting approval to build a 180-unit apartment project. In order to build the project at the proposed density of 19.5 units/acre, a general plan amendment to change the existing land use designation of Medium High Density Residential (MHDR) to Very High Density Residential (VHDR) is necessary. The exhibit below show the existing land use designation for the project site as well as the surrounding properties.

Existing Land Use Designations



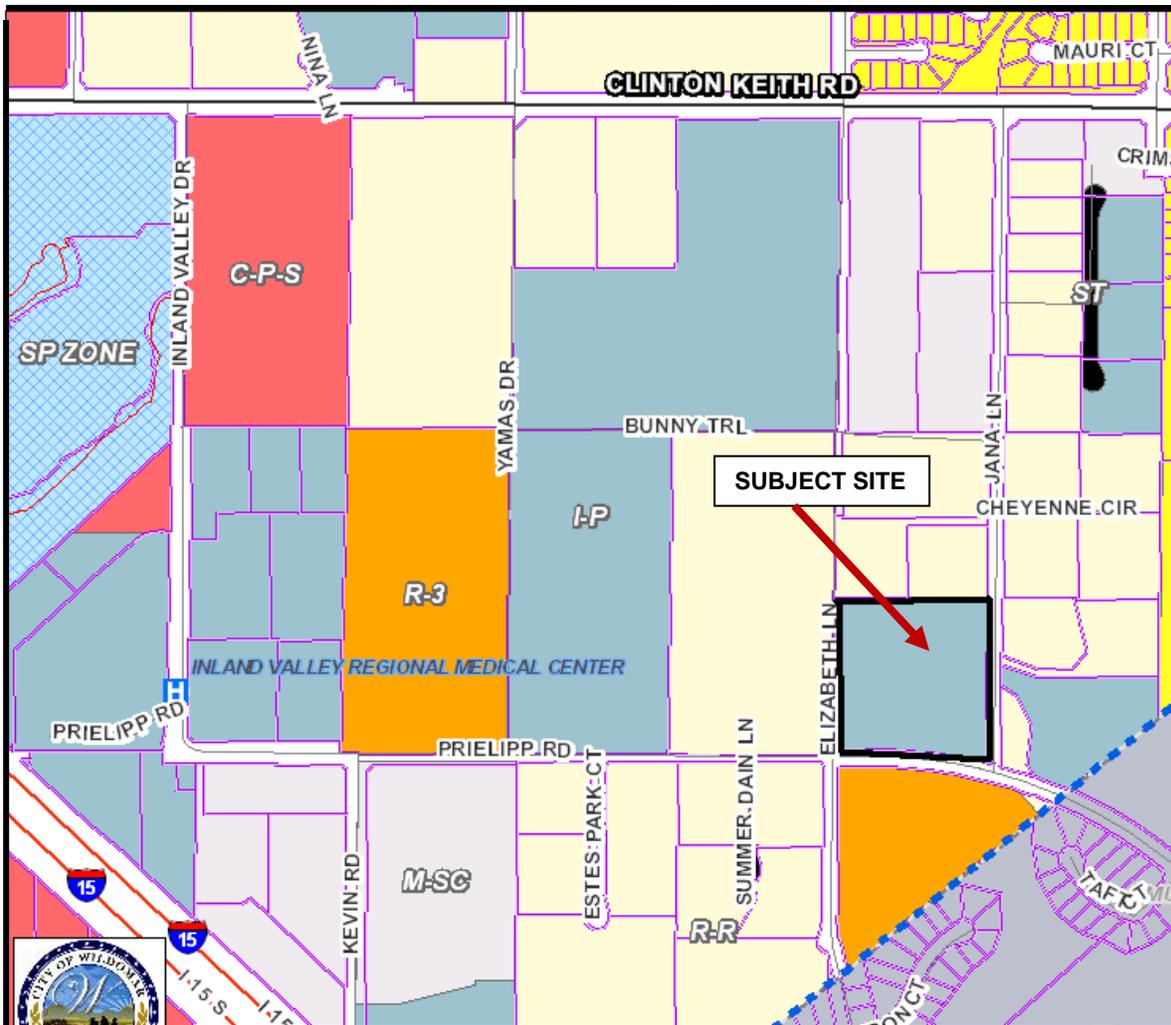
The exhibit above illustrates that the properties abutting the project site to the north, east and southwest (kitty-corner) have a land use designation of MHDR that matches the current designation for the project site. The property to the south (across Prielipp Road) has a land use designation of VHDR. The property to the west has a land use designation of BP (Business Park). For comparison purposes, the exhibit on the following page shows the current zoning categories for the same area. The applicant is also proposing a change of zone from I-P (Industrial Park) to R-3 (General Residential) to accommodate the apartment project.

The MHDR designation allows a residential density of 5 – 8 units per acre on lots ranging in size from 4,000 to 6,500 square feet. This density and lot range size is intended for single family attached and detached residences on smaller lots. The land use designation of VHDR, which the applicant desires to have, allows a residential density of 14 – 20 units/acre, and is intended for single family attached residences (i.e., condos/townhomes) and multi-family dwellings (i.e., apartments). The VHDR designation would be the more appropriate land use category to accommodate the proposed 180-unit project.

In making its recommendation to the City Council to approve initiation the general plan amendment for the Villa Sienna project, the Commission should consider the surrounding land use designations and location of the property. In staff's opinion, the proposed land use designation is appropriate because it is adjacent to two major streets (Prielipp and Elizabeth) and across the street from an existing apartment project.

While it is not required to receive Commission and Council approval to process a change of zone under this process, staff is providing a copy of the zoning for the general area for comparison purposes (refer to exhibit on the following page).

Existing Zoning Designations



In conclusion, staff is recommending the Commission recommend Council support to initiate the general plan amendment for the Villa Sienna project. It is important to note, as outlined in the Zoning Ordinance, that Commission/Council support to move forward with the general plan amendment process does not imply that the proposed amendment will be formally approved.

The general plan amendment application is required to go through the complete staff review process (along with the change of zone and plot plan), and is subject to a full public hearing before the Planning Commission and City Council, along with the CEQA environmental review document (in this case an EIR is being prepared).

Respectfully Submitted,
Matthew C. Bassi
Planning Director

Reviewed By,
Erica Vega
Assistant City Attorney

ATTACHMENTS

- A. Copy of Chapter 17.08 of the Zoning Ordinance

ATTACHMENT A

(Chapter 17.08 of the Zoning Ordinance)

Chapter 17.08

GENERAL PLAN AND SPECIFIC PLANS

Sections:

- 17.08.010 Adoption or amendment of the General Plan.
- 17.08.020 General Plan consistency.
- 17.08.030 Definitions for General Plan amendment procedures.
- 17.08.040 General Plan technical amendments and entitlement/policy amendments.
- 17.08.050 General Plan foundation component amendments—Regular.
- 17.08.060 General Plan foundation component amendments—Extraordinary.
- 17.08.070 Agricultural foundation component General Plan amendments.
- 17.08.080 Specific plans.
- 17.08.090 Applications for specific plans.
- 17.08.100 Hearings on adoption or amendment of the General Plan.
- 17.08.110 Determination of project conformance with adopted specific plan.
- 17.08.120 Reports on conformity with General Plan.

17.08.010 Adoption or amendment of the General Plan.

- A. The City of Wildomar General Plan or any part or element thereof, and any amendment to the Plan or any part or element thereof, shall be adopted in accordance with the provisions of Section 65300 et seq. of the Government Code, as now written or hereafter amended, and this chapter. No mandatory element of the General Plan shall be amended more frequently than four times during any calendar year, unless otherwise allowed by Section 65358 of the Government Code. Subject to that limitation, an amendment may be adopted at any time, as determined by the City Council. Each amendment may include more than one change to the General Plan.
- B. The initiation of proceedings for the amendment of the General Plan, or any part or element thereof, shall be conducted in accordance with the provisions of this chapter. The initiation of proceedings for the amendment of the General Plan, or any part or element thereof, shall require an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. Either the Planning Director or the Planning Commission may recommend, in the manner provided by this chapter, that the City Council initiate proceedings for the amendment of the General Plan or any part or element thereof. The owner of real property, or a person authorized by the owner, shall have the right to apply for the initiation of proceedings, in the manner provided by this chapter, to amend the General Plan with respect to provisions of the General Plan affecting the use of his or her property. The initiation of proceedings by the City Council for the amendment of the General Plan, or any part or element thereof, shall not imply any such amendment will be approved. (Ord. 18 § 2, 2008, RCC § 17.08.010)

17.08.020 General Plan consistency.

No discretionary permit shall be approved pursuant to this chapter unless it is determined that the permit is consistent with the General Plan. (Ord. 18 § 2, 2008, RCC § 17.08.020)

17.08.030 Definitions for General Plan amendment procedures.

Capitalized terms in Sections 17.08.040 through 17.08.070 shall have the same meanings as set forth in the City of Wildomar General Plan. (Ord. 18 § 2, 2008, RCC § 17.08.030)

17.08.040 General Plan technical amendments and entitlement/policy amendments.

- A. Applicability. This section shall govern the processing of any General Plan amendment which is defined as a technical amendment or an entitlement/policy amendment. Technical amendments involve changes of a technical nature including, without limitation: statistical corrections; mapping error correc-

- tions, changes in spheres of influence and city boundaries; changes in unincorporated communities or communities of interest; editorial clarifications that do not change the intent of the General Plan; or appendix information useful in interpreting the General Plan but which does not change the General Plan intent. Entitlement/policy amendments involve changes in land use designations or policies that involve land located entirely within a General Plan foundation component but that do not change the boundaries of that component. An entitlement/policy amendment may also involve a change in General Plan policy provided it does not change the City of Wildomar vision, a foundation component, or a General Planning principle set forth in General Plan Appendix B.
- B. Initiation of Amendment Proceedings. The initiation of proceedings for any amendment pursuant to this section shall require an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. The City Council may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Council initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.
 - C. Recommendations for the Initiation of Amendment Proceedings. Either the Planning Director or the Planning Commission may recommend that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. All such recommendations shall be in writing and shall be submitted to the City Clerk for placement on the agenda of the Council as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.
 - D. Private Applications for the Initiation of Amendment Proceedings. The owner of real property, or a person authorized by the owner, shall have the right to request that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in Chapter 3.44. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the City Clerk for placement on the Council agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the City Clerk, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.
 - E. Amendment Proceedings and Hearings. After adoption of an order of the City Council initiating proceedings for an amendment pursuant to this section, the amendment shall be processed, heard and decided in accordance with Sections 17.08.010 and 17.08.100 of this chapter. If the Council adopts orders initiating proceedings for several amendments pursuant to this section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.
 - F. Findings.
 1. Technical Amendments. A Planning Commission resolution recommending approval of a technical amendment and a City Council resolution approving a technical amendment shall include the first finding listed below and any one or more of the subsequent findings listed below:
 - a. The proposed amendment would not change any policy direction or intent of the General Plan;
 - b. An error or omission needs to be corrected;
 - c. A land use designation was based on inaccurate or misleading information and should therefore be changed to properly reflect the policy intent of the General Plan;
 - d. A point of clarification is needed to more accurately express the General Plan's meaning or eliminate a source of confusion;

- e. A minor change of boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.
2. Entitlement/Policy Amendments. A Planning Commission resolution recommending approval of an entitlement/policy amendment and a City Council resolution approving an entitlement/policy amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:
- a. The proposed change does not involve a change in or conflict with the City of Wildomar vision; any general planning principle set forth in General Plan Appendix B; or any foundation component designation in the General Plan;
 - b. The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them;
 - c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan;
 - d. A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law;
 - e. An amendment is required to comply with an update of the housing element or change in state housing element law;
 - f. An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the City's economic base) and that would improve the ratio of jobs-to-workers in the City;
 - g. An amendment is required to address changes in ownership of land or land not under the land use authority of the City Council. (Ord. 18 § 2, 2008, RCC § 17.08.040)

17.08.050 General Plan foundation component amendments—Regular.

- A. Applicability. This section shall govern the processing of regular foundation component amendments occurring during the five-year General Plan review cycle including any General Plan amendment to change:
 - 1. The City of Wildomar vision;
 - 2. The General Planning principles set forth in General Plan Appendix B; or
 - 3. A foundation component of the General Plan (except for an amendment to change property to or from the agriculture foundation component which shall be processed in accordance with Section 17.08.070 of this chapter).
- B. Limitation on Foundation Component Amendments. Except as otherwise provided in Sections 17.08.060 and 17.08.070, no foundation component amendment shall be heard or approved except as part of the five-year General Plan review cycle. The first five-year General Plan review cycle shall commence on January 1, 2008 and continue during the 2008 calendar year, and subsequent cycles shall occur at five calendar year intervals thereafter.
- C. Initiation of Amendment Proceedings. The initiation of proceedings for any amendment pursuant to this section shall require an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. The City Council may adopt an order initiating amendment proceedings at any time during the calendar year of a five-year General Plan review cycle. The adoption of an order by the Council initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.
- D. Recommendations for the Initiation of Amendment Proceedings. Either the Planning Director or the Planning Commission may recommend that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. All such recommendations shall be in writing and shall be submitted to the City Clerk for placement on the agenda of the Council as a matter not requiring a pub-

lic hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.

- E. Private Applications for the Initiation of Amendment Proceedings. The owner of real property, or a person authorized by the owner, shall have the right to request that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. The Planning Director shall establish an application period of not less than 30 days during the calendar year of each five-year General Plan review cycle during which applications will be accepted. After this application period is established, it shall not be extended. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in Chapter 3.44. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the City Clerk for placement on the Council agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to City Clerk, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.
- F. Amendment Proceedings and Hearings. After adoption of an order of the City Council initiating proceedings for an amendment pursuant to this section, the amendment shall be processed, heard and decided in accordance with Sections 17.08.010 and 17.08.100 of this chapter. If the Council adopts orders initiating proceedings for several amendments pursuant to this section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director. Hearings and the final decision on any amendment pursuant to this section may occur after the calendar year during which proceedings for the amendment were initiated.
- G. Findings. A Planning Commission resolution recommending approval of a regular foundation component amendment and a City Council resolution approving a regular foundation component amendment shall include findings, based on substantial evidence, that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall City of Wildomar vision, and that they would not create an internal inconsistency among the elements of the General Plan. The foregoing requirement for findings shall not apply to any amendment to the City of Wildomar vision. (Ord. 18 § 2, 2008, RCC § 17.08.050)

17.08.060 General Plan foundation component amendments—Extraordinary.

- A. Applicability. This section shall govern the processing of any foundation component amendment not occurring during the five-year General Plan review cycle including any General Plan amendment to change:
 1. The City of Wildomar vision;
 2. The general planning principles set forth in General Plan Appendix B; or
 3. A foundation component of the General Plan (except for an amendment to change property to or from the agriculture foundation component which shall be processed in accordance with Section 17.08.070 of this chapter).
- B. Initiation of Amendment Proceedings. The initiation of proceedings for any amendment pursuant to this section shall require an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. The City Council may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Council initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.
- C. Recommendations for the Initiation of Amendment Proceedings. Either the Planning Director or the Planning Commission may recommend that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. All such recommendations shall be in writing and shall be

submitted to the City Clerk for placement on the agenda of the Council as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.

- D. Private Applications for the Initiation of Amendment Proceedings. The owner of real property, or a person authorized by the owner, shall have the right to request that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in Chapter 3.44. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the City Clerk for placement on the Council agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the City Clerk, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.
- E. Amendment Proceedings and Hearings. After adoption of an order of the City Council initiating proceedings for an amendment pursuant to this section, the amendment shall be processed, heard and decided in accordance with Sections 17.08.010 and 17.08.100 of this chapter. If the Council adopts orders initiating proceedings for several amendments pursuant to this section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.
- F. Findings. A Planning Commission resolution recommending approval of an extraordinary General Plan foundation component amendment and a City Council resolution approving an extraordinary General Plan foundation component amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:
1. The foundation change is based on substantial evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall City of Wildomar vision, and that they would not create an internal inconsistency among the elements of the General Plan. The foregoing requirement for findings shall not apply to any amendment to the City of Wildomar vision;
 2. A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current City of Wildomar vision, General Planning principles set forth in General Plan Appendix B, or foundation component;
 3. An unconstitutional taking of property might occur without the amendment, and the amendment alters the General Plan foundation component only to the extent necessary to avoid the potential taking;
 4. A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan foundation component designations in order to protect the public health, safety or welfare;
 5. A foundation component amendment is required to conform to changes in state or federal law, or applicable findings of a court of law;
 6. An amendment is required to comply with an update of the housing element or change in State Housing Element law;
 7. A foundation component amendment is required to significantly expand basic structural employment (such as industrial, agricultural processing, and research and development), excluding retail, service commercial, warehousing, and residential uses not ancillary to the primary employment use;
 8. A foundation component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the adopted MSHCP or community environmental

transportation acceptability program (CETAP) programs that could not be accomplished by a lesser change in the General Plan. (Ord. 18 § 2, 2008, RCC § 17.08.060)

17.08.070 Agricultural foundation component General Plan amendments.

- A. Applicability. This section shall govern the processing of any General Plan amendment to change property to or from the agriculture foundation component.
- B. General Authorization for Agricultural Foundation Component Amendments.
1. All amendments pursuant to this section shall be assigned to a two and one-half year agricultural foundation amendment cycle based on the date of amendment adoption. The first two and one-half year cycle commenced January 1, 2004 and ended on June 30, 2006; the second two and one-half year cycle extends from July 1, 2006 to December 31, 2008; and subsequent two and one-half year cycles shall continue in the same manner for two and one-half year periods thereafter.
 2. The Planning Director shall determine the total acreage of land within the agricultural foundation component as of January 1, 2004 (the "Agricultural Foundation Base Acreage"), for each of the following three areas:
 - a. The area covered by the Palo Verde Valley area plan, the desert center area plan and the eastern desert land use plan;
 - b. The area covered by the Eastern Coachella Valley area plan and the Western Coachella Valley area plan; and
 - c. The area covered by all other area plans.
 3. During the first two and one-half year agricultural foundation amendment cycle, seven percent of the agricultural foundation base acreage for each of the areas listed in subsection (B)(2) above shall be generally authorized for conversion from the agriculture foundation component to any other foundation component (the "Agricultural Amendment General Authorization Acreage"). During each subsequent two and one-half year agricultural foundation amendment cycle, the agricultural amendment general authorization acreage for each area listed in subsection (B)(2) above shall consist of an acreage equal to the agricultural amendment general authorization acreage for the first two and one-half year agricultural foundation amendment cycle plus the agricultural amendment general authorization acreage for all subsequent two and one-half year agricultural foundation amendment cycles reduced by the acreage of all General Plan amendments adopted after January 1, 2004 (except General Plan amendments adopted pursuant to subsection G below) converting land from the agriculture foundation component to any other foundation component for each such area.
 4. Unless otherwise allowed as provided in subsection G below, no amendment pursuant to this section shall be approved by the City Council if such approval would result in a conversion from the agriculture foundation component to any other foundation component in excess of the agricultural amendment general authorization acreage, as determined under subsection (B)(3) above, during any two and one-half year agricultural foundation amendment cycle.
- C. Initiation of Amendment Proceedings. The initiation of proceedings for any amendment pursuant to this section shall require an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the Council. The City Council may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Council initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.
- D. Recommendations for the Initiation of Amendment Proceedings. Either the Planning Director or the Planning Commission may recommend that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. All such recommendations shall be in writing and shall be submitted to the City Clerk for placement on the agenda of the Council as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the

Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.

- E. Private Applications for the Initiation of Amendment Proceedings. The owner of real property, or a person authorized by the owner, shall have the right to request that the City Council adopt an order initiating proceedings for an amendment pursuant to this section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in Chapter 3.44. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the City Clerk for placement on the Council agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the City Clerk, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments.
- F. Amendment Proceedings and Hearings. After adoption of an order of the City Council initiating proceedings for an amendment pursuant to this section, the amendment shall be processed, heard and decided in accordance with Sections 17.08.010 and 17.08.100 of this chapter. If the Council adopts orders initiating proceedings for several amendments pursuant to this section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.
- G. Additional Authorization for Agricultural Foundation Component Amendments. Notwithstanding the provisions of subsection B above, the City Council may approve an amendment which exceeds the agricultural amendment general authorization acreage for any two and one-half year agricultural foundation amendment cycle provided the Council first determines that any condition or circumstance including, without limitation, any business consideration or undue hardship, justifies the amendment and also determines that adequate infrastructure to serve the land use designations will be available. Prior to approving an amendment as provided in this subsection, the City Council shall first submit the amendment to the agricultural task force for the area where the property subject to the amendment is located for its review and recommendation.
- H. Findings. A Planning Commission resolution recommending approval of an agricultural foundation component amendment and City Council resolution approving an agricultural foundation component amendment shall include a finding that the amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, not be detrimental to them. (Ord. 18 § 2, 2008, RCC § 17.08.070)

17.08.080 Specific plans.

Specific plans, and amendments thereto, shall be heard and adopted in accordance with the provisions of Section 65450 et seq. of the Government Code, as now written or hereafter amended, and in accordance with Section 17.08.100 of this chapter. The City Council may, by affirmative vote of not less than a majority of the entire membership of the Council, order the preparation and hearing of a new specific plan or the amendment of any existing specific plan. Any such order for preparation and hearing shall not imply that any new specific plan or amendment to an existing specific plan will be approved. (Ord. 18 § 2, 2008, RCC § 17.08.080)

17.08.090 Applications for specific plans.

- A. The owner of real property, or a person authorized by the owner, shall have the right to request that the City consider a specific plan or an amendment to an existing specific plan for the real property. The right to request consideration of a specific plan or a specific plan amendment does not imply that the specific plan or the specific plan amendment will be approved. Whenever any state law, the City of Wildomar General Plan or any ordinance requires the adoption of a specific plan as a condition to the approval of a project, an application for a specific plan shall be made pursuant to this section.

- B. Applications shall be made in writing to the Planning Director on the forms provided by the Planning Department and shall be accompanied by the fee set forth in Chapter 3.44. The application shall supply all required information and shall include the following:
1. Wherever a proposed specific plan is for a project subject to the Alquist-Priolo Earthquake Fault Zoning Act, Public Resources Code Section 2621 et seq., a geologic report shall be submitted as required by Chapter 15.76;
 2. Whenever a proposed specific plan will substantially determine the location of any building sites for structures, a flood protection study shall be submitted with the specific plan along with the fee set forth in Chapter 3.44.
- C. A specific plan shall include text and a diagram or diagrams which specify all of the following in detail:
1. The distribution, location and extent of the uses of land, including open space, within the area covered by the Plan;
 2. The proposed distribution, location and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the Plan;
 3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
 4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out subsections (C)(1) through (C)(3) of this section.
- D. A specific plan shall include a statement of the relationship of the specific plan to the General Plan. (Ord. 18 § 2, 2008, RCC § 17.08.090)

17.08.100 Hearings on adoption or amendment of the General Plan.

Proposals to adopt or amend the City of Wildomar General Plan, or any part or element thereof, shall be heard in the following manner:

- A. The Planning Commission shall hold a public hearing on the matter. Notice of the public hearing shall be given pursuant to Section 17.04.050 of this title. If the proposed General Plan or amendment to the General Plan would affect the permitted uses or intensity of uses of real property, notice of the public hearing shall also be given pursuant to Section 17.04.060 of this title.
- B. After closing the public hearing, the Planning Commission shall make a recommendation for approval or disapproval within a reasonable time, by resolution, including therein its findings, and transmit it to the City Council with a copy mailed to the applicant, if any. A recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the Planning Commission. If the Commission cannot reach a decision within a reasonable time after closing the hearing, that fact shall be reported to the City Council and shall be deemed a recommendation to deny the proposal.
- C. Upon receipt of a recommendation of the Planning Commission on adoption or amendment of the General Plan, the City Clerk shall set the matter for public hearing before the City Council at the earliest convenient day and shall give notice of public hearing in the same manner as notice was given of the hearing before the Planning Commission.
- D. After closing the public hearing, the City Council shall render its decision within a reasonable time. A decision to adopt or amend the General Plan, or any part or element thereof, shall be made by resolution, which resolution shall be adopted by the affirmative vote of not less than the majority of the total membership of the Council. The City Council may approve, modify or disapprove the recommendation of the Planning Commission; provided, however, that any substantial modification of the Planning Commission's recommendation not previously considered by the Commission shall first be referred to the Commission for its recommendation. The Planning Commission shall not be required to hold a public hearing thereon, and failure of the Commission to report within 45 days after the reference or such

longer period of time as may be specified by the Council, shall be deemed to be a recommendation for approval of the proposed modification.

- E. A proposal to adopt or amend any part or element of the General Plan shall not be approved by the City Council until all procedures required by the Riverside County CEQA implementing procedures to approve a matter have been completed. (Ord. 18 § 2, 2008, RCC § 17.08.100)

17.08.110 Determination of project conformance with adopted specific plan.

- A. Whenever an application for an implementing project varies from and is not in substantial conformance with an adopted specific plan, an amendment to that specific plan shall be adopted pursuant to the provisions of Section 17.08.080 of this chapter prior to the approval of the implementing project.
- B. Whenever an application for an implementing project varies from but is in substantial conformance with the adopted specific plan, a determination of substantial conformance shall be issued as provided in this subsection prior to the approval of the implementing project.
1. For purposes of this subsection, the term "substantial conformance" shall mean a nonsubstantial modification of a condition of approval, diagram, or text of the specific plan that does not change the basic design or improvements required and is consistent with the original resolution adopting the specific plan, the conditions of approval, and the specific plan text. Substantial conformance may include a modification or deletion of a condition which will not substantially or adversely affect the underlying purpose for which the condition was initially required, construction of an implementing project out of phase so long as all infrastructure and public facilities required for the intervening phases are provided, a modification of the approved land uses in a phase which does not increase the land use density or intensity in any phase or planning area beyond that allowed by the specific plan or a modification of the project design which improves circulation, protects topographic features, minimizes grading, improves drainage or improves infrastructure.
 2. An application for a determination of substantial conformance shall be made on forms provided by the Planning Department, shall be accompanied by the fee set forth in Chapter 3.44 and shall include the following:
 - a. An accurate and complete description of the modification and how it affects the adopted specific plan, along with any necessary exhibits or diagrams;
 - b. Any other information, exhibits or drawings the Planning Director may require.
 3. The Planning Director shall transmit all such applications to the appropriate agencies for review and comment and shall then forward them, along with a recommendation, to the Planning Commission for decision. A copy of the notice of decision of the Planning Commission shall be mailed to the applicant and to any person who has made a written request therefor. The Planning Director shall also file a copy of the notice of decision of the Planning Commission with the City Clerk, together with a report of the proceedings, not more than 15 days after the decision. The City Clerk shall place the notice of decision on the next agenda of the City Council held five or more days after the Clerk receives the notice from the Planning Director. The decision of the Planning Commission shall be considered final unless the applicant or an interested party files an appeal with the Clerk accompanied by the fee set forth in Chapter 3.44 within 10 days after the notice of decision appear on the Council's agenda. If a timely appeal is filed, the Clerk shall place the matter on the next available agenda, and the City Council shall determine whether the determination of substantial conformance should be made. An application for a determination of substantial conformance shall not require a noticed public hearing; however, if the Planning Director, the Commission, or the Council decides that notice of the application should be given, notice shall be given at the applicant's expense in the manner provided for by Sections 17.04.050 and 17.04.060 of this title. Whenever such a decision requiring notice is made, no further action shall be taken on the application until proper notice has been given. The Commission or City Council may, at their discretion, allow testimony to be given on the proposed modification.

4. An application for a determination of substantial conformance may be approved only if the following findings are made:
 - a. That the project as modified meets the intent and purpose of the adopted specific plan; and
 - b. That the project as modified is consistent with the findings and conclusions contained in the resolution adopting the specific plan.
- C. Notwithstanding any other provision in this section to the contrary, and even if the application for a determination of substantial conformance otherwise could be approved under this section, an applicant may be required to process a specific plan amendment pursuant to the provisions of Section 17.08.090 of this chapter if it is determined that an amendment to the specific plan is required. (Ord. 18 § 2, 2008, RCC § 17.08.110)

17.08.120 Reports on conformity with General Plan.

- A. The Planning Department is designated as the planning agency, under the provisions of Section 65402 of the Government Code, and any similar provision of state law, to report on public acquisitions, dispositions, abandonments, and construction, as to conformity with the City of Wildomar General Plan.
- B. Whenever any City department or a public agency is processing a project that requires a report under the provisions of Section 65402 of the Government Code, or any similar provision of state law, application shall be made to the Planning Director on forms provided by the Planning Department and shall supply all requested information, including the following:
 1. The name, address and telephone number of applicant, including information regarding any cooperating or involved agencies;
 2. The legal basis for the project on an estimated time schedule for development or action to be taken;
 3. The location, address or legal description of the subject property or area, together with a site plan and description of the proposed project and uses;
 4. The location of adjacent streets, easements, utilities, and other features, both natural and constructed, that may affect or be affected by the proposal;
 5. Development plans of any proposed construction, including such structural features as may be required to determine if the proposal is in conformity with the General Plan and any specific plan in effect in the area.
- C. Within 40 days after receipt of a completed application, the Planning Director shall make a report to the applicant as to the conformity of the location, purpose and extent of the proposed project with the General Plan.
- D. Within 10 days after the date of mailing or delivery of the report of the Planning Director, the applicant may appeal, in writing, to the Planning Commission on the form provided by the Planning Department. Upon receipt of a completed appeal accompanied by the fee set forth in Chapter 3.44, the Planning Director shall set the matter for hearing before the Planning Commission, not less than five nor more than 35 days thereafter, and shall give written notice of the hearing, by mail, to the appellant. The decision of the Commission shall be made within 30 days following the close of the hearing, shall be final, and a copy shall be mailed to the appellant.
- E. The provisions of subdivision (a) of Section 65402 of the Government Code shall not apply to:
 1. The disposition of the remainder of a larger parcel which was acquired and used in part for street purposes;
 2. Acquisitions, dispositions, or abandonments for street widening or alignment projects, provided such projects are of a minor nature.

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- F. The provisions of subdivision (b) of Section 65402 of the Government Code shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature. (Ord. 18 § 2, 2008, RCC § 17.08.120)