

ATTACHMENT B

PC Resolution No. 14-10

PC RESOLUTION NO. 14-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A CHANGE OF ZONE (PLANNING APPLICATION NO. 12-0364) FROM R-R (RURAL RESIDENTIAL) TO R-4 (PLANNED RESIDENTIAL ZONE) FOR A 24 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-280-004, 380-280-009, 380-280-010, 380-280-011 & 380-280-012)

WHEREAS, an application for Change of Zone No. 12-0364 from the current zoning designation of R-R (Rural Residential) to R-4 (Planned Residential) to accommodate the development of 67 single family residential dwelling units on 24 acres located at the SWC of Elizabeth Lane and Prielipp Road has been filed by:

Applicant / Owner:	Lennar Homes of California
Authorized Agent:	Ms. Jarne Valdez, Project Manager, Lennar Homes
Project Location:	SWC of Elizabeth Lane and Prielipp Road
APN Number:	380-280-004 and 380-280-009, 010, 011 & 012)
Lot Area:	24.0 acres

WHEREAS, the Planning Commission of the City of Wildomar, California, has the authority, and has reviewed the proposed Change of Zone requested by the applicant, in accordance with the California Government Code, Sections 65853 - 65857 and the City of Wildomar Municipal Code, Title 17; and

WHEREAS, the proposed Change of Zone application is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code § 21000 et seq. (“CEQA”); and

WHEREAS, the Planning Director has determined that the proposed project may have one or more significant effects on the environment and that preparation of an Initial Study/Mitigated Negative Declaration was therefore warranted under Public Resources Code §21080(c); and

WHEREAS, after completion of an Initial Study, the Planning Director determined that it did not identify any potentially significant effects on the environment nor was there any substantial evidence from which it could be fairly argued that the project would have a significant effect on the environment. Therefore, staff has recommended to the Planning Commission adoption of a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program for this project; and

WHEREAS, the proposed Mitigated Negative Declaration consists of the following documents: Initial Study, Mitigated Negative Declaration, Mitigation Monitoring & Reporting Program, and applicable Technical Appendices; and

WHEREAS, on June 17, 2014, using a method required under CEQA Guidelines Section 15072, the City provided a Notice of Intent (NOI) to the Riverside County Clerk, the State Clearing (OPR), the Press Enterprise, a local newspaper of general circulation, and the City's local distribution list regarding the adoption of a proposed Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program for the project; and

WHEREAS, on June 17, 2014, the revised/updated draft Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program was made available for public review for a period of not less than 30 days commencing on June 17, 2014 and concluding on July 16, 2014 as required by CEQA Guidelines §15087. Said document was posted in two public places for review at the following locations: 1) Wildomar City Hall, and 2) the City of Wildomar website; and

WHEREAS, during the 30-day public review period, the City received two (2) written comments concerning the revised/updated Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program; and

WHEREAS, in accordance with Government Code Sections 65090, 65353 and 65355, the City of Wildomar Planning Department, on August 6, 2014 mailed a public hearing notice to all property owners within a 600-foot radius of the project boundaries notifying said property owners of the date and time of the public hearing for which the Change of Zone No. 12-0364 would be considered by the Planning Commission; and

WHEREAS, in accordance with Government Code Sections 65090, 65353 and 65355, the City of Wildomar Planning Department, on August 8, 2014 published a legal notice in the "Press Enterprise", a local newspaper of general circulation, in compliance with State law notifying the general public of the public hearing for which the Change of Zone No. 12-0364 would be considered by the Planning Commission; and

WHEREAS, in accordance with Government Code Section 65353, the City of Wildomar Planning Commission on August 20, 2014 held said public hearing at which time the Planning Commission received public testimony from interested persons in support of, or opposition to, the proposed the Change of Zone No. 12-0364.

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

SECTION 1. CEQA FINDINGS:

The approval of Change of Zone No. 12-0364 is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on August 20, 2014, at a duly noticed public hearing, the Planning Commission recommended to the City Council adoption of the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the project. The documents

comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

SECTION 2. ZONE CHANGE FINDINGS

In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Zoning Ordinance, the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, find and determine as follows:

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

The proposed change of zone for the Lennar Residential project from the current zoning designation of R-R (Rural Residential) to R-4 (Planned Residential) is consistent with the City's General Plan in that the land use designation is intended to provide for single family detached and attached residences with a density range of 5 to 8 dwelling units per acre on lots that typically (not mandated) range in size from 4,000 to 6,500 square feet, with an average lot size of 6,000 square feet. In reviewing the applicant's development proposal, the project density is set at 5.92 units/acre. In addition, the lot sizes proposed under the tentative tract map range in size from 5,184 square feet to 19,198 square feet which exceeds the minimum standard. With an average lot size of 7,586 square feet, the proposed tract map is consistent with the General Plan.

SECTION 3. PLANNING COMMISSION ACTION.

The Planning Commission, based on the findings above, hereby adopts PC Resolution No. 14-10 recommending City Council adoption of an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Change of Zone No. 12-0364 from the current zoning designation of R-R (Rural Residential) to R-4 (Planned Residential) for the proposed project.

PASSED, APPROVED AND ADOPTED this 16th day of July 2014, by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Stan Smith
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Thomas D. Jex, City Attorney

ATTACHMENT B - EXHIBIT 1

**Draft City Council Ordinance for
Change of Zone No. 12-0364**

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 12-0364) FROM R-R (RURAL RESIDENTIAL) TO R-4 (PLANNED RESIDENTIAL ZONE) FOR A 24 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-280-004, 380-280-009, 380-280-010, 380-280-011 & 380-280-012)

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA Determination

The approval of this Change of Zone is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on _____, 2014, at a duly noticed public hearing, the City Council adopted a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program for Change of Zone No. 12-0364 reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the project. The documents comprising the City's environmental review for the project are on file and available for public review at Wildomar City Hall, 23873 Clinton Keith Rd., Suite 201, Wildomar, CA 92595.

SECTION 2. Change of Zone Findings

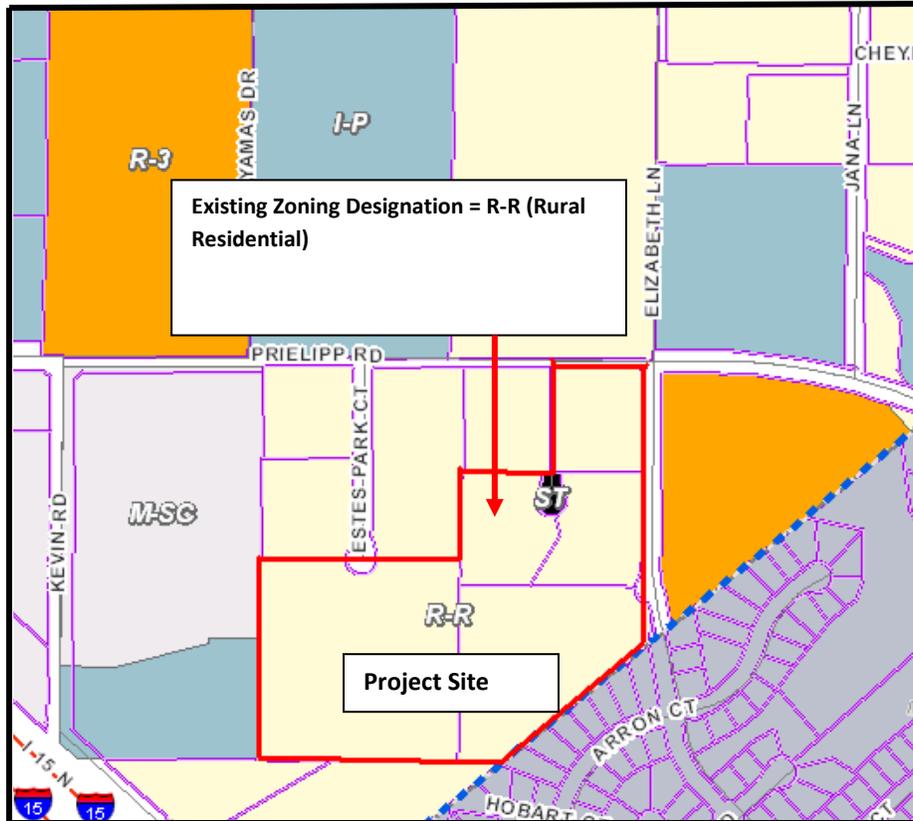
In accordance with the State of California, Government Code Section 65853 – 65857 and Section 17.280 of the Wildomar Zoning Ordinance, the City Council hereby makes the following finding for the proposed Change of Zone No. 12-0364.

- A. The proposed change of zone is in conformance with the adopted General Plan for the City of Wildomar.

The proposed change of zone for the Lennar Residential project from the current zoning designation of R-R (Rural Residential) to R-4 (Planned Residential) is consistent with the City's General Plan in that the land use designation is intended to provide for single family detached and attached residences with a density range of 5 to 8 dwelling units per acre on lots that typically (not mandated) range in size from 4,000 to 6,500 square feet, with an average lot size of 6,000 square feet. In reviewing the applicant's development proposal, the project density is set at 5.92 units/acre. In addition, the lot sizes proposed under the tentative tract map range in size from 5,184 square feet to 19,198 square feet which exceeds the minimum standard. With an average lot size of 7,586 square feet, the proposed tract map is consistent with the General Plan.

SECTION 3: Amendment to the Zoning Map

The City Council, based on the findings above, hereby approves a change to the City of Wildomar Zoning Map for Change of Zone No. 12-0364 from the current zoning designation of R-R (Rural Residential) to R-4 (Planned Residential), as illustrated and described below:



Legal Description:

APN: 380-280-004 and 380-280-009, 010, 011 & 012

PARCEL 2 AND 4 OF PARCEL MAP 11793, FILED IN BOOK 61 OF PARCEL MAPS, PAGE 38 THEREOF, TOGETHER WITH PARCELS 1 AND 2 OF PARCEL MAP 17667, FILED IN THE BOOK 119 OF PARCEL MAPS, PAGE 92 THEREOF, AND TOGETHER WITH PARCEL 3 OF PARCEL MAP 12214, FILED IN BOOK 67 OF PARCEL MAPS, PAGE 44 THEREOF, ALL OF RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA.

Effective Date of the Ordinance.

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

Severability.

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

City Clerk Action

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2014.

Marsha Swanson
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk