



CITY OF WILDOMAR – PLANNING COMMISSION
Agenda Item #2.3
PUBLIC HEARING
Meeting Date: January 6, 2016

TO: Chairman and Members of the Planning Commission

FROM: Matthew C. Bassi, Planning Director

SUBJECT: Zoning Ordinance Amendment No. 15-04:

Planning Commission consideration of an exemption in accordance with Section 15061(B)(3) of the California Environmental Quality Act (CEQA) Guidelines and a proposed code amendment to the Wildomar Municipal Code to move the provisions of Chapter 15.68 related to the City's Pre-Application Review (PAR) process to Chapter 17.214 of the Zoning Ordinance.

STAFF REPORT

RECOMMENDATION:

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

1. Adopt a Resolution entitled:

PC RESOLUTION NO. 2016-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF AN EXEMPTION IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND AN ORDINANCE AMENDING THE WILDOMAR MUNICIPAL CODE TO MOVE THE PROVISIONS OF CHAPTER 15.68 RELATED TO THE CITY'S PRE-APPLICATION REVIEW (PAR) PROCESS TO CHAPTER 17.214 OF THE ZONING ORDINANCE (ZOA NO. 15-04).

BACKGROUND / DESCRIPTION:

When the City incorporated in 2008, it adopted the County Code as the Wildomar Municipal Code, including Title 15 (Building and Construction) and Title 17 (Zoning). For reasons unknown, the County put the Planning Department's Pre-Application Review Process (a.k.a. PAR process) in the Building and Construction title of municipal code rather than the Zoning title, and the PAR process remains in Title 15 of the Wildomar Municipal Code. The PAR process is a function of the Planning Department and managed by the planners. As a code clean-up item, staff is proposing to move the provisions of the PAR process from Title 15 to Title 17.

ANALYSIS:

Staff is not proposing any changes to the PAR process or the provisions contained therein. This amendment is only moving the PAR provisions from Title 15 to Title 17. Given that the PAR process is managed by the Planning Department, it is logical that the PAR provisions be located in the Zoning Ordinance (Title 17).

Staff has proposed to create a new chapter number (Chapter 17.214) which will be located organizationally right before the Plot Plan provisions outlined in Chapter 17.216. The new code sections for the PAR provisions are contained in PC Resolution No. 2016-11, Attachment A, Exhibit 1 (draft Council Ordinance).

CEQA DETERMINATION:

In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. ("CEQA")), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 15-04. Based on this review, the Planning Department has determined that the adoption of the proposed amendment has no potential to cause a significant adverse impact on the environment whatsoever. Therefore, Zoning Ordinance Amendment No. 15-04 meets the criteria to be exempt from CEQA pursuant to Section 15061(b)(3) which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." Staff is recommending that the Planning Commission recommend City Council adoption of this CEQA Exemption for Zoning Ordinance Amendment No. 15-04.

REQUIRED ZOA FINDING OF FACT:

In accordance with the provisions of Chapter 17.280 of the Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval to the City Council of Zoning Ordinance Amendment No. 15-04.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment is consistent with the City of Wildomar General Plan in that the proposed amendment will implement the Pre-Application Review provisions for new development. All new development is evaluated based on specific general plan use policies (i.e., land use, circulation, etc.), and the PAR provisions represent the first step in the development review process to ensure the new projects are consistent with general plan policies. Given this, the proposed code amendment (ZOA No. 15-04) is consistent with the Wildomar General Plan.

PUBLIC NOTICING:

In accordance with Chapter 17.04 of the Wildomar Municipal Code, the Planning Department published a legal notice in the Press Enterprise, a local newspaper of general circulation, on December 26, 2015 notifying the general public of the holding of a public hearing for the proposed Zoning Ordinance Amendment No. 15-04. As of the date of this report, staff has not received any public comments on the proposed amendment.

Respectfully Submitted,
Matthew C. Bassi
Planning Director

Reviewed By,
Erica L. Vega
Assistant City Attorney

ATTACHMENTS:

- A. PC Resolution No. 2016-11
Exhibit 1 – Draft Council Ordinance

ATTACHMENT A

(PC Resolution No. 2016-11)

PC RESOLUTION NO. 2016-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILDOMAR, CALIFORNIA, RECOMMENDING CITY COUNCIL ADOPTION OF AN EXEMPTION IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND AN ORDINANCE AMENDING THE WILDOMAR MUNICIPAL CODE TO MOVE THE PROVISIONS OF CHAPTER 15.68 RELATED TO THE CITY'S PRE-APPLICATION REVIEW (PAR) PROCESS TO CHAPTER 17.214 OF THE ZONING ORDINANCE (ZOA NO. 15-04).

WHEREAS, the Planning Department has proposed to amend Title 15 and Title 17 of the Wildomar Municipal Code regarding the City's Pre-Application Review (PAR) process; and

WHEREAS, in accordance with Chapter 17.280 of the Wildomar Municipal Code, the City of Wildomar Planning Commission has the authority to take action on, and recommend adoption by the City Council of Zoning Ordinance Amendment No. 15-04; and

WHEREAS, In accordance with Chapter 17.04 of the Wildomar Municipal Code, the Planning Department published a legal notice in the Press Enterprise, a local newspaper of general circulation, on December 26, 2015 notifying the general public of the holding of a public hearing for the proposed Zoning Ordinance Amendment No. 15-04; and

WHEREAS, in accordance with Chapter 17.280 of the Wildomar Municipal Code, the City of Wildomar Planning Commission conducted the duly noticed public hearing on January 6, 2016, at which time interested persons had an opportunity to testify in support of, or opposition to, Zoning Ordinance Amendment No. 15-04, and at which time the Planning Commission received public testimony concerning Zoning Ordinance Amendment No. 15-04; and

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

SECTION 1. CEQA ENVIRONMENTAL DETERMINATION.

In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. ("CEQA")), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 15-04. Based on this review, the Planning Department has determined that the adoption of the proposed amendment has no potential to cause a significant adverse impact on the environment whatsoever. Therefore, Zoning Ordinance Amendment No. 15-04 meets the criteria to be exempt from CEQA pursuant to Section 15061(b)(3) which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect

on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Staff is recommending that the Planning Commission recommend City Council adoption of this CEQA Exemption for Zoning Ordinance Amendment No. 15-04.

SECTION 2. REQUIRED ZOA FINDING.

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for Planning Commission consideration in recommending approval of Zoning Ordinance Amendment No. 15-04 to the City Council.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

The proposed amendment is consistent with the City of Wildomar General Plan in that the proposed amendment will implement the Pre-Application Review provisions for new development. All new development is evaluated based on specific general plan use policies (i.e., land use, circulation, etc.), and the PAR provisions represent the first step in the development review process to ensure the new projects are consistent with general plan polices. Given this, the proposed code amendment (ZOA No. 15-04) is consistent with the Wildomar General Plan.

SECTION 3. PLANNING COMMISSION ACTION.

Based on the foregoing finding, and on substantial evidence in the whole of the record, the Planning Commission hereby adopts PC Resolution No. 2016-11 recommending the City Council approval of an Ordinance, attached hereto and incorporated herein by reference as Exhibit 1, approving Zoning Ordinance Amendment No. 15-04.

PASSED, APPROVED AND ADOPTED this 6th day of January, 2016 by the following vote:

AYES.

NOES:

ABSENT:

ABSTAINED:

Veronica Langworthy
Planning Commission Chairman

ATTEST:

Matthew C. Bassi
Planning Director/Minutes Secretary

APPROVED AS TO FORM:

Erica L. Vega
Assistant City Attorney

EXHIBIT 1
Draft City Council Ordinance

DRAFT ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING AN EXEMPTION IN ACCORDANCE WITH SECTION 15061(B)(3) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND AN APPROVING AN ORDINANCE AMENDING THE WILDOMAR MUNICIPAL CODE TO MOVE THE PROVISIONS OF SECTION 15.68 RELATED TO THE CITY'S PRE-APPLICATION REVIEW (PAR) PROCESS TO SECTION 17.214 OF THE ZONING ORDINANCE

WHEREAS, the Planning Department has proposed to amend Title 15 and Title 17 of the Wildomar Municipal Code regarding the City's Pre-Application Review (PAR) process; and

WHEREAS, in accordance with Chapter 17.280 of the Wildomar Municipal Code, the City Council has the authority to take action on, and recommend adoption by the City Council of Zoning Ordinance Amendment No. 15-04; and

WHEREAS, in accordance with Chapter 17.04 of the Wildomar Municipal Code, the Planning Department, on _____, 2016, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of a City Council public hearing set for on _____, 2016 regarding Zoning Ordinance Amendment No. 15-04; and

WHEREAS, in accordance with Chapter 17.280 of the Wildomar Municipal Code, on _____, 2016, the City Council of the City of Wildomar, upon recommendation from the Planning Commission, conducted the duly noticed public hearing, at which time interested persons had an opportunity to testify in support of, or opposition to Zoning Ordinance Amendment No. 15-04, and at which time the City Council received public testimony concerning Zoning Ordinance Amendment No. 15-04.

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

SECTION 1: CEQA/ENVIRONMENTAL DETERMINATION.

In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. ("CEQA")), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 15-04. Based on this review, the Planning Department has determined that the adoption of the proposed amendment has no potential to cause a significant adverse impact on the environment whatsoever. Therefore, Zoning Ordinance Amendment No. 15-04 meets the criteria to be exempt from CEQA pursuant to Section 15061(b)(3) which states "that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect

on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Staff is recommending that the Planning Commission recommend City Council adoption of this CEQA Exemption for Zoning Ordinance Amendment No. 15-04.

SECTION 2: AMENDMENT TO THE MUNICIPAL CODE

Chapter 15.68 (Pre-Application Review Procedures for Development Proposals) of the Wildomar Municipal Code is hereby deleted in its entirety.

SECTION 3: AMENDMENT TO THE ZONING ORDINANCE

Title 17 (Zoning Ordinance) of the Wildomar Municipal Code is hereby amended to add a new chapter (17.214 - Pre-Application Review Procedures for Development Proposals) to read as follows:

“Chapter 17.214 PRE-APPLICATION REVIEW PROCEDURES FOR DEVELOPMENT PROPOSALS

17.214.010 Purpose.

Pre-application review (PAR) is an optional procedure for all development proposals identified below as Category I, Category II or Category III proposals. The purpose of PAR is to:

- A. Advise a prospective applicant of current City standards and requirements;
- B. Assess whether a prospective applicant’s development proposal is consistent with current City standards and requirements before an application is actually filed and fees are paid;
- C. Shorten the length of time required to process a development proposal once it has been accepted for processing;
- D. Encourage development proposal designs which are sensitive to environmental and developmental constraints and which lessen the need for subsequent costly and time consuming redesigns;
- E. Provide a written record of staff’s assessment of a development proposal in the form of a PAR letter;
- F. Limit requests for special studies to those identified in the PAR letter.

17.214.020 Classifications and exemptions.

Development proposals which are subject to PAR are divided into three categories on the basis of their relative complexity. The simplest proposals are classified as Category I proposals. The most complex proposals are classified as Category III proposals.

- A. Category I proposals consist of the following:
 - 1. Temporary outdoor events;
 - 2. Temporary use permits;
 - 3. Variances filed alone;
 - 4. Kennels and catteries;
 - 5. Accessory wind energy conversion systems permits.

- B. Category II proposals consist of the following:
 - 1. General plan amendments;
 - 2. Amendments to specific plans;
 - 3. Hazardous waste facility siting permits;
 - 4. Conditional use permits;
 - 5. Public use permits;
 - 6. Plot plans;
 - 7. Revised permits;
 - 8. Parcel maps - residential;
 - 9. Parcel maps - revised;
 - 10. Tract maps - revised multifamily;
 - 11. Tract maps - revised single-family residential;
 - 12. Vesting maps - residential parcel maps.

- C. Category III proposals consist of the following:
 - 1. Specific plans;
 - 2. Surface mining permits;
 - 3. Parcel maps - commercial and industrial maps;
 - 4. Tract maps - multifamily;
 - 5. Tract maps - single-family residential;
 - 6. Vesting maps:
 - a. Parcel maps - commercial and industrial,
 - b. Tract maps - statutory condominiums,
 - c. Tract maps - single-family residential;
 - 7. Commercial wind energy conversion systems permits.

17.214.030 Applications.

- A. Every PAR application shall be made in writing to the Planning Director on the forms provided by the Planning Department. The application shall be accompanied by the filing fee set forth in Chapter 3.44. All primary exhibits or maps submitted with an application must be clearly drawn and legible.
- B. The amount of information which an applicant must submit with a PAR application increases with the complexity of the development proposal. The information required under subsections C and D of this section is considered to be the minimum required, and the Planning Director may require additional information if the information submitted does not adequately define the proposal.
- C. Applicants with Category I proposals must submit a PAR exhibit containing the following information:
 - 1. Name, address and telephone number of the applicant;
 - 2. Name, address and telephone number of the land owner;
 - 3. Name, address and telephone number of the map or exhibit preparer;
 - 4. Assessor's parcel number(s) and, if available, the property's address;

5. Scale of the exhibit (i.e., number of feet per inch). The exhibit must use an engineer's scale (i.e., one inch equals 10 feet or an even multiple of 10 feet). An architect's scale is only acceptable for floor plans, elevations and landscaping plans;
6. North arrow;
7. Title of the exhibit (e.g., "Temporary Use Permit," "Plot Plan," "Tract Map No.," etc.);
8. Proposed improvement schedule (i.e., Schedule "A," "B," "C," etc.) where applicable;
9. Overall dimensions and approximate total net and gross acreage of the property;
10. Project boundary lines;
11. Existing and proposed zoning and land use of property as well as existing zoning and land use of surrounding property;
12. Circulation:
 - a. Location and dimensions of existing and proposed ingress and egress, and methods of vehicular circulation,
 - b. Any off-site rights-of-way that may be required for access or alternate access to or from the project site as may be required by Section 16.08.020(I);
13. Waste disposal system proposed (i.e., subsurface septic system or sewer);
14. Location and dimensions of existing dwellings, buildings or other structures, labeled as existing, and indicating whether they will remain or be removed;
15. Setback dimensions of existing structures and paved areas that are to remain;
16. Uniform Building Code occupancy group and construction type for all existing and proposed structures;
17. Vicinity map inset showing the site's relationship to major highways, access roads, and cities. Paved roads both existing and proposed must be labeled or shown by heavy dark lines. Streets, alleys, and rights-of-ways

providing legal access to the property must be indicated. A north arrow for the vicinity map inset is also required.

D. In addition to the items listed for Category I proposals, applicants for Category II and Category III proposals must submit a PAR exhibit containing the following additional items:

1. Contour lines showing the existing topography of the property, with the source(s) of the contour lines identified. When adjacent property is unimproved or vacant, the contour lines must extend sufficiently beyond the boundaries of the subject property to include land needed for off-site improvements such as roads, channels, or manufactured slopes. When adjacent property is not unimproved or vacant, contour lines need only extend enough beyond the boundaries of the subject property to determine compatibility with adjacent property. Maximum contour interval should be five feet with no less than two contour lines provided on any application. Flood control district and Transportation Department base maps are acceptable sources of information. Topography from U.S.G.S. maps may be used only when more detailed information is not available. Additional topography may be required if deemed necessary;
2. FEMA mapped floodplains and floodways including zone designations;
3. The above and below ground location(s) and amount(s) of flammable/combustible liquids and waste oil;
4. For land divisions:
 - a. Proposed lot lines and approximate lot dimensions, or
 - b. Proposed boundary lines and approximate dimensions for each lot or space in the case of mobile homes or recreational vehicles.

The exact dimensions of each lot, space or site are unnecessary. For example, although there may be some variation in size and/or shape, if most lots are expected to be a 60-foot-wide and 100-foot-deep rectangle, then all lots may be represented this way on the PAR exhibit;

5. If the project is within a specific plan, the specific plan planning area number and the land use designation of the subject property and all surrounding property;
6. For condominiums, mobile home parks, or recreational vehicle parks:
 - a. Number each condominium, mobile home, or recreational vehicle space and indicate the total number of each type of unit, lot or space,

- b. Delineate common areas, open space, and recreational areas. For each area, give its dimensions, acreage, any proposed uses, and the name of the proposed owner(s) or entity(ies) who will maintain it.

The exact dimensions of each lot, space or site are unnecessary. For example, although there may be some variation in size and/or shape, if most lots are expected to be a 60-foot-wide and 100-foot-deep rectangle, then all lots may be represented this way on the PAR exhibit;

7. As required by Title 16, a restricted single-family residential subdivision (i.e., R-2 zone), shall provide the following: building footprints, floor plan assignments, proposed setbacks, pad elevations, street grades, and all cut and fill slopes in excess of one foot in vertical height.

17.214.040 Procedures.

Once the Planning Director determines that a PAR application is complete, the Planning Director shall:

- A. Notify affected City departments and agencies and affected special districts that the applicant has submitted a PAR application;
- B. Conduct a PAR session concerning the development proposal at the next regularly scheduled review session occurring after the affected departments, agencies and special districts have had at least two weeks to review the proposal; the applicant and a representative from each affected department, agency and special district (hereinafter "staff") shall be present during the session and if any such representative is not present, the City shall immediately refund to the applicant the full amount of the filing fee referenced in Section 15.68.030;
- C. Within three weeks after the PAR session, prepare and mail the applicant a PAR letter, described in Section 15.68.060, summarizing the requirements and recommendations of staff.

17.214.050 Pre-application review.

At the PAR session, the applicant shall present a brief overview of the development proposal. Staff shall be prepared to discuss the proposal in detail and to identify any major issues that may arise if the proposal is processed. The session shall be limited to one hour in duration. If additional time is required, this can be arranged at an additional cost to the applicant. If, at the end of the session, the status of some issues remain unresolved, staff shall identify those issues and/or include any additional recommendations or study requests in the applicant's PAR letter described in Section 15.68.060.

17.214.060 Pre-application review letter.

- A. The PAR letter shall contain staff comments on the applicant's development proposal, but shall not constitute or be considered approval of the development proposal. Although the content of the PAR letter will depend on the type of proposal, its proposed location, the background information provided by the applicant, and other factors, the letter shall generally provide the applicant with the following types of information:
1. Any applications which must be filed to process the proposal as well as any timing requirements associated with filing such applications. Applications which may be required include but are not limited to the following: General Plan amendments, specific plans, changes of zone, tract maps, and parcel maps;
 2. Any special studies which must be filed to process the proposal as well as any timing requirements associated with filing such special studies. Special studies which may be required include but are not limited to the following: fiscal impact, service and infrastructure impact, private debt burden, biological, archeological, paleontological, geological, flood, traffic, slope stability and noise studies;
 3. Any special plans which must be filed to process the proposal. Special plans which may be required include but are not limited to the following: conceptual grading plans, detailed grading plans, stormwater pollution prevention plans, dust control plans, and area development plans;
 4. Current fees including but not limited to the following: application fees, mitigation fees (e.g., signal mitigation fees or area drainage fees), and special district fees administered by the City (e.g., road and bridge benefit district fees);
 5. Any major environmental issues associated with the proposal, including the possible need for an EIR subject to the anticipated environmental assessment;
 6. Any major design considerations associated with the proposal (e.g., internal drainage design or limitations on density);
 7. The availability of water, sewer, and fire flow rate;
 8. The concerns remaining for the proposal, if any;
 9. The changes that staff will require before making an approval recommendation, or a statement that an approval recommendation will not be made given the proposal's present configuration;
 10. Findings required for the necessary permit or approval.

- B. No issues other than those identified in the PAR letter shall be raised by staff during processing of the development proposal. The PAR letter shall be valid for two years from the date thereof, unless a shorter period is specified in the letter.
- C. Where the Planning Director subsequently determines, however, that conditions have changed or that the existing information does not fully address all significant concerns, staff may require an additional study or studies not specified in the PAR letter. Similarly, City and special district policies may change during the letter's two-year life, and policy recommendations, which were valid when the letter was issued, may or may not be valid when the development proposal is filed and processed. In such cases, the development application will be subject to City and special district policies in effect at the time of filing or hearing, whichever is appropriate. State and federal policies and laws unknown or not effective at the time of PAR may also affect the subsequent application.
- D. Notwithstanding the above, the PAR letter shall not in any manner whatsoever bind the appropriate hearing officer or body and shall not preclude such hearing officer or body from requiring additional information or studies or from making additional recommendations in the course of the decision-making process.

17.214.070 Revisions.

The PAR letter shall apply to the development proposal described in the PAR application and discussed at the PAR session. Substantial revisions to the proposal after issuance of the PAR letter which do not conform to the comments of the letter shall invalidate the letter. To process a substantially revised proposal, a new PAR application and a new application fee will be required of the applicant. For purposes of this section, the Planning Director shall determine whether or not revisions made are substantial.”

SECTION 4. 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 will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 6. PUBLICATION.

The city clerk is directed to certify the adoption of this ordinance and cause it to be published in the manner required by law.

SECTION 7. 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 _____, 2016

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk