

# **ATTACHMENT C**

**Council Ordinance No. \_\_\_\_\_**

**Change of Zone 14-0040**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 14-0040) FOR THE HORIZONS MIXED-USE DEVELOPMENT PROJECT FROM R-R (RURAL RESIDENTIAL) TO C-1/C-P (GENERAL COMMERCIAL) FOR THE SOUTHERLY 7.73± NET ACRES OF THE PROJECT SITE, AND FROM R-R (RURAL RESIDENTIAL) TO R-3 (GENERAL RESIDENTIAL) FOR THE NORTHERLY 10.68± NET ACRES OF THE PROJECT SITE LOCATED AT THE NORTHWEST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-250-023)

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

**SECTION 1. CEQA**

The approval of this Change of Zone is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on February 10, 2016, at a duly noticed public hearing, the City Council certified the Environmental Impact Report (EIR) and adopted a Mitigation Monitoring & Reporting Program for the Horizons Mixed-Use Development project (PA No. 14-0040) 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. Multiple Species Habitat Conservation Plan (MSHCP)**

The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

**SECTION 3. Change of Zone Findings**

In accordance with the State of California, Government Code Section 65855 and Chapter 17.280 of the Wildomar Zoning Ordinance, the City Council, upon recommendation of 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, finds and determines as follows:

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

Evidence: The applicant is proposing to amend the existing general plan land use designation from Business Park (BP) to Commercial Retail (CR) on the southerly 7.73± net acres of the project site, and from Business Park (BP) to High Density Residential (HDR) on the northerly 10.68± net acres of the site. With the approval of the proposed general plan amendment, the proposed Change of Zone from R-R to C-1/C-P for the southerly 7.73± net acres of the project site, and from R-R to R-3 for the northerly 10.68± net acres of the site is in conformance with the proposed Commercial Retail (CR) and High Density Residential (HDR) land use designations, respectively as each is intended for the proposed development of Horizons Mixed-Use Development project. The proposed townhouse project will have an density of 11.8 units/acre which falls within the HDR density range of 8 – 14 units/acre. The R-3 (General Residential) zone is intended to allow the development of multi-family attached townhouse dwellings subject to a plot plan approval, the Change of Zone to R-3 for the townhouse site is consistent with the General Plan land use designation of HDR. Further, the C-1/C-P zone is intended to allow the development of medical related uses subject to a CUP, the Senior Assisted Living Facility / Skilled Nursing Facility is consistent with the General Plan land use designation of CR.

Further, the Horizons Mixed-Use Development project, upon approval of the proposed GPA, is consistent with, and implements, the following goals and polices of the General Plan:

- LU 2.1 The proposed townhouse and Senior Assisted Living Facility / Skilled Nursing Facility project will accommodate a land use development that is in accordance with patterns and distribution of land uses that are depicted on the General Plan Land Use map proposed for the subject site.
- LU 4.1 The proposed townhouse and Senior Assisted Living Facility / Skilled Nursing Facility project will accommodate a land use development proposal that is located and designed to visually enhance and not degrade the character of the surrounding area.
- LU 6.1 The proposed townhouse and Senior Assisted Living Facility / Skilled Nursing Facility project will be developed in accordance with the proposed General Plan land use designation that ensures compatibility and minimizes impacts.
- LU 22.1 The proposed townhouse and Senior Assisted Living Facility / Skilled Nursing Facility project will accommodate the development of multi-family residential units in an area that is appropriately designated by the General Plan.

- LU 22.4 The proposed townhouse and Senior Assisted Living Facility / Skilled Nursing Facility project will provide a specific housing type, style and density that is accessible to and meets the needs of a range of lifestyles, physical abilities and income levels.
- LU 22.10 The proposed townhouse and Senior Assisted Living Facility / Skilled Nursing Facility project are designed to consider the surrounding areas to visually enhance, and not degrade, the appearance of adjacent residential structures.
- LU 23.1 The proposed land use amendment resulting in the Senior Assisted Living Facility / Skilled Nursing Facility is properly located and designated for commercial development in accordance with the General Plan.
- LU 23.8 The proposed land use amendment resulting in the Senior Assisted Living Facility / Skilled Nursing Facility is part of a mixed use development in a commercially designated area that will provide needed services and jobs for the Wildomar community in accordance with the General Plan.
- H-1.1 The proposed townhouse project will help ensure a sufficient supply of properly planned land to meet housing needs identified in the City's Regional Housing Needs Allocation (RHNA) required in the Housing Element.
- H-6.1 The proposed townhouse project will utilize energy conservation measures in that each enclosed garage space has an EV charging outlet for electric vehicles, and will be designed to meet Green Building code standards.

#### **SECTION 4: 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. 14-0040 from R-R (Rural Residential) to C-1/C-P (General Commercial) for the southerly 7.73± acres of the project site, and from R-R (Rural Residential) to R-3 (General Residential) for the northerly 10.68± acres of the site located at the northwest corner of Elizabeth Lane and Prielipp Road, otherwise known as APN: 380-250-023 and as illustrated in Exhibit 1 of this Ordinance.

#### **SECTION 5. 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.

**SECTION 6 Severability.**

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

**SECTION 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 10th day of February, 2016.

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Bridgette Moore  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

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Thomas D. Jex  
City Attorney

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Debbie A. Lee, CMC  
City Clerk

# EXHIBIT 1

## Horizons Zone Change Boundary Exhibit

