

ATTACHMENT D

Resolution No. 2016-_____

**Tentative Tract Map No. 36672
(PA 14-0040)**

RESOLUTION NO. 2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 36672 (PLANNING APPLICATION NO. 14-0040) TO SUBDIVIDE APPROXIMATELY 18.41 NET ACRES INTO THREE (3) LOTS TO ACCOMMODATE THE HORIZON'S MIXED-USE DEVELOPMENT PROJECT LOCATED AT THE NORTHWEST CORNER OF ELIZABETH LANE AND PRIELIPP ROAD (APN: 380-250-023)

WHEREAS, the Planning Department has received an application for Tentative Tract Map No. 36672 (PA No. 14-0040) to subdivide 18.41 net acres into three (3) lots from:

Applicant/Owner:	Strata Keith, LLC (Eric Flodine, Project Manager)
Project Location:	NWC of Elizabeth Lane and Prielipp Road
APN:	380-250-023
Project Area:	18.41± acres

WHEREAS, in accordance with the California Government Code Section 66452 – 66452.22 (Subdivision Map Act), the City of Wildomar Subdivision Ordinance (Title 16), and the City of Wildomar Zoning Ordinance (Title 17), the Planning Commission of the City of Wildomar, California, has the authority and has reviewed the proposed Tentative Tract Map No. 36672 for the Horizon's Mixed-Use Development Project; and

WHEREAS, in accordance with Government Code Section 66452.3, the City has provided the applicant with a copy of the Planning Department staff report and resolutions for Tentative Tract Map No. 36672 containing staff's recommendation to the Planning Commission at least three (3) days prior to the below referenced noticed public hearing; and

WHEREAS, the proposed Tentative Tract Map No. 36672 for the Horizon's Mixed-Use Development Project is considered a "Project" as defined by the California Environmental Quality Act, Public Resources Code §21000 et seq. ("CEQA"); and

WHEREAS, the Planning Director determined that there was substantial evidence that the Horizons Mixed-Use Development project may have one or more significant effects on the environment and that preparation of an Environmental Impact Report ("EIR") was therefore warranted under Public Resources Code § 21080(d) and CEQA Guideline 15060(d); and

WHEREAS, the Planning Department on January 26, 2015 provided a Notice of Preparation (NOP) for the Horizons Mixed-Use Development project EIR and released the NOP for the required 30-day public review/comment period which began

on January 26, 2015 and concluded on February 24, 2015 in accordance with Section 15082 of the CEQA Guidelines; and

WHEREAS, the City conducted a public scoping meeting concerning the proposed project and Draft EIR on February 9, 2015 in accordance with Section 15082 of the CEQA Guidelines; and

WHEREAS, upon completion of the Draft EIR, the City provided a Notice of Completion (NOC) to the State Clearinghouse (OPR) on August 27, 2015 notifying the State of the availability of the Horizon's Mixed-Use development project DEIR for its 45-day public review/comment period in accordance with Section 15085 of the CEQA Guidelines; and

WHEREAS, on August 27, 2015, the Planning Department published Notice of Availability (NOA) with the Riverside County Clerk and in the "Press Enterprise," a local newspaper of general circulation, giving notice to the general public and all interested parties requesting said notice regarding public review of the Horizons Mixed-Use Development Draft EIR (SCH# 2015011021), and

WHEREAS, the Draft EIR for the Horizons Mixed-Use Development project was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines §15087 and §15105(a) for a period of not less than 45 days commencing on August 27, 2015 and concluding on October 12, 2015, and which said notice and project DEIR was posted at Wildomar City Hall Planning Department and the City of Wildomar Environmental Documents Center website; and

WHEREAS, at the conclusion of the 45-day public review/comment period, the Planning Department received three (3) public comments on the Horizons Mixed-Use Development project Draft EIR; and

WHEREAS, this EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Wildomar General Plan, Zoning Ordinance, and the Final EIR prepared for the project; and

WHEREAS, in accordance with Section 16.12.140 of the Wildomar Municipal Code, the City of Wildomar Planning Department, on January 27, 2016 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 Tentative Tract Map No. 36672 would be considered by the City Council; and

WHEREAS, in accordance with Section 16.12.140 of the Wildomar Municipal Code, the City of Wildomar Planning Department, on January 29, 2016 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 Tentative Tract Map No. 36672 would be considered by the City Council; and

WHEREAS, in accordance with Section 16.12.140 of the Wildomar Municipal Code, the City Council on February 10, 2016 held said public hearing at which time the City Council received public testimony from interested persons in support of, or opposition to, the proposed Tentative Tract Map No. 36672.

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

SECTION 1. CEQA FINDINGS:

The approval of Tentative Tract Map No. 36672 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 for the Horizons Mixed-Use Development project reflecting its independent judgment and analysis and documenting the environmental impacts and mitigation measures related to the proposed 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 Road, Suite #201, Wildomar, CA 92595.

SECTION 2 MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP).

The proposed Tentative Tract Map No. 36672 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. TENTATIVE TRACT MAP FINDINGS.

In accordance with Wildomar Municipal Code Title 16 and Title 17, and Government Code § 66473.1, § 66473.5 and § 66474, the City Council, upon recommendation from 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 therein, the City’s General Plan, Subdivision Ordinance, Zoning Ordinance, standards for public streets and facilities, and any other evidence within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

- A. The proposed tract map is consistent with the City’s General Plan and any applicable specific plan as specified in Government Code Section 65451.

Evidence: Tentative Tract Map No. 36672 is consistent with the City’s General Plan in that the land use designation of Commercial Retail (CR) is intended to provide for support and service land uses, such as medical services, to the Wildomar community, including assisted living facilities. With its close proximity

to the Inland Valley Medical Center (IVMC) and professional medical office buildings surrounding the IVMC, the Horizon's 86-unit Senior Assisted Living Facility will provide valuable community and medical services that are consistent and compatible with the intent of the CR land use designation.

In regards to the 138-unit Horizon's townhome development, this use is consistent with the General Plan in that the proposed HDR land use designation specifically allows for attached single family attached and detached residences, including townhouses. As these units are proposed as "ownership" units, the project will provide important affordable home ownership opportunities to Wildomar residents, and potential employees of the Horizons Senior Assisted Living facility. Further, the HDR land use designation has a density range of 8 – 14 units per acre. The proposed tentative tract map results in a density of 11.8 units per acre which falls within the allowable HDR density range. Thus, the proposed tract map is consistent with the General Plan. There is no specific plan governing this project or the general area.

The project also promotes the following land use policies:

- 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 project is properly located and

designated for commercial development in accordance with the General Plan CR land use designation.

LU 23.8 The proposed land use amendment resulting in the Senior Assisted Living Facility / Skilled Nursing Facility project 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.

B. The design or improvement of the proposed subdivision is consistent with the City's General Plan and any applicable specific plan.

Evidence: The proposed subdivision has been designed to meet all City standards applicable to residential subdivisions and commercial projects which are designed to provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on-site and off-site public improvements. Further, all streets, utilities, and drainage facilities have been designed and are required to be constructed in conformance with City standards. There is no specific plan governing this project.

C. The site is physically suitable for the type and proposed density of development.

Evidence: The project site encompasses approximately 18.41 net acres. The tentative map proposes to subdivide the project area into three (3) lots to accommodate the townhouse site and Senior Assisted Living Facility site, including 1 lot for a required detention basin. The HDR land use designation allows a density range of 8 to 14 dwelling units/acre which the townhouse project meets as the proposed density is 11.8 units per acre. In terms of the Senior Assisted Living Facility parcel, the C-1/C-P zone does not have a minimum lot size so the parcel size of 5.29 net acres is physically suitable for the proposed facility. The townhouse project site with its R-3 zoning has a minimum lot size 7,200 square feet and a minimum lot depth and width of 100 and 60 feet, respectively. As the townhouse parcel is approximately 10.68± acres and has a lot depth and width of 432 feet and 828 feet, respectively, it exceeds the minimum R-3 zoning standards which results in the site being physically suitable

to accommodate the project. Given these facts, the proposed tract map is physically suitable for the type and proposed density of development.

- D. The design of the subdivision or proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Evidence: The City has prepared an Environmental Impact Report (EIR) for the Horizon's development project which includes TTM No. 36672. The EIR analyzed all the required environmental issues required by CEQA related to fish and wildlife, including their respective habitats. The EIR was circulated for a 45-day public review period in accordance with CEQA law. A Determination of Biological Equivalent or Superior Preservation (DBESP) analysis was prepared for this project and reviewed by the U.S. Fish and Wildlife Agency and the California Department of Fish and Wildlife. Both agencies concur with the analysis and recommended conditions outlined in the DBESP and did not provide any negative comments on the DBESP. Thus, it has been determined that the design of the subdivision and proposed improvements will not likely cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat project with implementation of the proposed mitigation measures as outlined in the Mitigation Monitoring and Report Program (MMRP) and DBESP. Therefore, the proposed tract map meets this finding.

- E. The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Evidence: The design of the subdivision is in conformance with the City's General Plan, Zoning Code and Subdivision Ordinance as stated above. Further, the design and construction of all improvements to accommodate the proposed project have been properly conditioned in accordance with all applicable City of Wildomar ordinances, codes and standards including the California Building and Fire Codes. As the City's ordinances, codes, and standards have been established based on currently accepted standards and practices for the preservation of the public health, safety and welfare, the proposed tract map project meets this finding.

- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Evidence: No easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any such easements.

SECTION 4. CITY COUNCIL ACTION

The City Council, upon recommendation from the Planning Commission, hereby adopts this Resolution approving Tentative Tract Map No. 36672 (Planning Application No. 14-0040) subject to conditions as provided herein and attached hereto to this Resolution as Exhibit 1.

PASSED, APPROVED AND ADOPTED this 10th day of February, 2016.

Bridgette Moore
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

ATTACHMENT D – EXHIBIT 1			
HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL			
Project No.: TENTATIVE TRACT MAP No. 36672 (Planning Application No. 14-0040)			
Applicant: Eric Flodine, Strata Keith, LLC - APN: 380-250-023			
<u>City Council Approval Date (Tentative):</u> February 10, 2016		<u>City Council Approval Date (Tentative):</u> February 10, 2019	
<u>Conditions of Approval</u>		<u>Timing / Implementation</u>	<u>Enforcement / Monitoring Dept.</u>
		<u>Verification (Date & Signature)</u>	

PLANNING DEPARTMENT CONDITIONS			
<u>Standard Conditions</u>			
1.	<p>In compliance with Section 15094 of the CEQA Guidelines, a Notice of Determination (NOD) shall be filed with the Riverside County Clerk within five (5) working days of project approval by the City Council. The notice shall include the required California Department of Fish and Wildlife (Fish and Game Code Section 711.4.d.3) fee, and the Riverside County Clerk administrative fee (paid by the Applicant) in the amount of <u>\$3,120.00</u>. Failure to pay the required fee will result in the project being deemed null and void (California Fish and Game Code Section 711.4(c)). The above fee shall be provided to the Planning Department no later than <u>February 10, 2016</u> and is broken down as follows:</p> <p style="margin-left: 20px;">a. California Department of Fish and Wildlife = \$3,070.00 b. Riverside County Clerk Administrative Fee = \$ 50.00</p>	February 17, 2016	Planning Department
2.	<p>The Applicant shall review and sign below verifying the "Acceptance of the Conditions of Approval" and return the signed page to the Wildomar Planning Department within two weeks of the City Council approval.</p> <hr style="border: 0.5px solid black;"/> <p style="display: flex; justify-content: space-between;"> Applicant Signature Date </p>	February 24, 2016	Planning Department

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<p>3. The Applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively “Actions”), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. City shall promptly notify the Applicant of any Action brought and request that Applicant defend the City. It is expressly agreed that Applicant may select legal counsel providing the Applicant’s defense and the City shall have the right to approve separate legal counsel providing the City’s defense. The Applicant shall reimburse City for any attorneys’ fees, costs and expenses directly and necessarily incurred by the City in the course of the defense. Applicant agrees that City will forward monthly invoices to Applicant for attorneys’ fees,</p>	<p>Ongoing</p>	<p>Planning Department</p>	

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	costs and expenses it has incurred related to its defense of any Action and Applicant agrees to timely payment within thirty (30) days of receipt of the invoice. Within fourteen (14) days of an Action being filed, Applicant agrees to post adequate security or a cash deposit with City in an amount to cover the City's estimated attorneys' fees, costs and expenses incurred by City in the course of the defense in order to ensure timely payment of the City's invoices. The amount of the security or cash deposit shall be determined by the City. City shall cooperate with Applicant in the defense of any Action.			
4.	Approval of <i>Tentative Tract Map No. 36672</i> shall expire on February 10, 2019 (3 years after approval by the City Council) if the final map has not been approved by the City Council and recorded with the Riverside County Clerk. The Applicant may apply in writing for a Extension of Time (EOT) for review and approval of the Planning Commission in accordance with Section 16.12.240 of the Wildomar Municipal Code. Said extension of time application and required fee must be submitted to the Planning Department at least 30 days prior to the expiration date (1/10/19).	February 10, 2019	Planning Department	
5.	<i>Tentative Tract Map No. 36672</i> shall not become effective until 30 days after the second reading of the Ordinance approving Change of Zone No. 14-0040 by the City Council. No final map, grading or building permits shall be issued until after the effective date of the Change of Zone. Tentative date is April 9, 2016.	April 9, 2016		
6.	In accordance with Section 66020.d.1 of the Government Code, the Applicant has 90 days from project approval to file a protest of the imposition of fees, dedications, reservations, or other exactions being	May 10, 2016	Planning Department	

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	imposed on this project. Notice is hereby to the Applicant that the 90-day appeal hereby begins with approval of this project.			
7.	Within 60 days of approval of the Horizon's Development Project (Planning Application No. 14-0040) by the City Council, the Applicant shall pay any outstanding deposit account balances. Failure to pay the outstanding balance by the due date may result in delays in the submittal of final map, grading plans, improvement plans and/or building/construction plans.	April 10, 2016	Planning Department	
8.	Applicant hereby understands and agrees that failure to comply with all Conditions of Approval may result in the Planning Commission taking action resulting in a modification to the Conditions of Approval and/or suspension or revocation of the plot plan and/or conditional use permit.	On-Going	Planning Department	
9.	The project shall be subdivided in accordance with the tentative tract map approved by the City Council on February 10. The Applicant may request a modification/revision to the approved project, if needed, in accordance with Sections 16.12.210 and/or 16.12.220 of the Wildomar Municipal Code.	Ongoing	Planning Department	
10.	The proposed Project shall comply with existing SCAQMD rules for the reduction of fugitive dust emissions in accordance with SCAQMD Rule 403.	On-Going	Planning Dept.	

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CEQA / Environmental Impact Report (EIR) Mitigation Measures:

Air Quality Resources

11.	MM 3.2.1a Only “zero-volatile organic compounds” paints (no more than 150 grams per liter of VOC) and/or high pressure low volume (HPLV) applications consistent with South Coast Air Quality Management District Rule 1113 shall be used.	During construction	City of Wildomar Engineering and Planning Departments	
12.	MM 3.2.1b All rubber-tired dozers and scrapers during the grading phase of construction shall be California Air Resources Board (CARB) Tier 2 Certified or better.	During the grading phase of construction	City of Wildomar Engineering and Planning Departments	

Biological Resources

13.	<p>MM 3.3.1a Per MSHCP Species-Specific Objective 6, preconstruction presence/absence surveys for burrowing owl within the project site, where suitable habitat is present, will be conducted for all covered activities through the life of the building permit. Surveys will be conducted within 30 days prior to disturbance. Take of active nests will be avoided. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed.</p> <p>Surveys shall be completed for occupied burrowing owl burrows within all construction areas and within 500 feet (150 meters) of the project work areas (where possible and appropriate based on habitat). All occupied burrows will be mapped on an aerial photo.</p>	Prior to any vegetation removal or ground-disturbing activities	City of Wildomar Planning and Public Works Departments	
14.	MM 3.3.1b If burrowing owls are found to be present on-site, the project applicant shall develop a conservation strategy in cooperation	Prior to any vegetation removal	City of Wildomar Planning and Public	

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	with the CDFW, the USFWS, and the Regional Conservation Authority in accordance with the CDFW's (2012) <i>Staff Report on Burrowing Owl Mitigation</i> .	or ground-disturbing activities	Works Departments	
15.	MM 3.3.1c Preconstruction surveys to identify active migratory bird nests shall be conducted by a qualified biologist within 3 days prior to construction initiation. Preconstruction surveys must be performed by a qualified biologist for the purpose of determining the presence/absence of active nest sites within the proposed impact area and a 200-foot setback. If no active nests are found, no further mitigation is required. If construction is delayed or suspended for more than 14 days after the survey, the area shall be resurveyed. If active nest sites are identified within 200 feet of project activities, the City shall impose an exclusionary setback for all active nest sites prior to commencement of any project-related activities to avoid maintenance- or access-related disturbances to nesting migratory birds. A setback constitutes an area where project-related activities (i.e., vegetation removal and earth moving) shall not occur, and shall be imposed within 100 feet of any active nest sites until the nest is deemed inactive by a qualified biologist. Activities permitted within the setback and the size (i.e., 100 feet) of setbacks may be adjusted through consultation with the CDFW.	Prior to construction	City of Wildomar Planning and Public Works Department	
16.	MM 3.3.2 Prior to the issuance of any grading permits, the project applicant shall obtain a Clean Water Act Section 404 permit from the US Army Corps of Engineers, a Clean Water Act Section 401 permit from the Regional Water Quality Control Board, and a Stream unit Alteration Agreement permit under Section 1602 of the California	Prior to project vegetation removal or ground-disturbing activities	City of Wildomar Planning and Public Works Departments	

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<p>Fish and Game Code from the California Department of Fish and Wildlife for impacts to jurisdictional features. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies:</p> <ol style="list-style-type: none"> 1. Off-site replacement and/or restoration of USACE/RWQCB jurisdictional waters of the United States/waters of the State within the Santa Margarita watershed at a ratio no less than 1:1 or within an adjacent watershed within Riverside County at a ratio no less than 2:1 for permanent impacts and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank. 2. Off-site replacement and/or replacement of CDFW jurisdictional stream unit and associated riparian habitat within the Santa Margarita watershed at a ratio no less than 1:1 or within an adjacent watershed within Riverside County at a ratio no less than 2:1 for permanent impacts and for any temporary impacts to restore the impact area to pre-project conditions (i.e., pre-project contours and revegetate where applicable). Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency-approved off-site mitigation bank. <p>Purchase of mitigation credits through an agency-approved mitigation bank or in-lieu fee program shall occur prior to any impacts to jurisdictional drainages. Mitigation proposed on land acquired for the</p>			

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purpose of in-perpetuity mitigation that is not part of an agency-approved mitigation bank or in-lieu fee program shall include the preservation, creation, restoration, and/or enhancement of similar habitat pursuant to a Habitat Mitigation and Monitoring Plan. The plan shall be prepared prior to any impacts to jurisdictional features and shall provide details as to the implementation of the mitigation, maintenance, and future monitoring. The goal of the mitigation shall be to preserve, create, restore, and/or enhance similar habitat with equal or greater function and value than the impacted habitat.

Cultural Resources

17. **MM 3.5.1** An archaeological monitor must be present during any earth-moving activities proposed within the subject property. The monitor shall work under the direct supervision of a cultural resources professional who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology. The monitor shall be empowered to temporarily halt or redirect construction work in the vicinity of any find until the project archaeologist can evaluate it. In the event of a new find, salvage excavation and reporting is required.

Prior to ground-disturbing construction activities

City of Wildomar Engineering and Planning Departments

18. **MM 3.5.2a** If during grading or construction activities cultural resources are discovered on the project site, work shall be halted immediately within 50 feet of the discovery and the resources shall be evaluated by a qualified archaeologist (retained by the applicant), the Pechanga Tribe, and the Soboba Band. Any unanticipated cultural resources that are discovered shall be evaluated and a final report prepared by the qualified archaeologist. The report shall include a list of the resources discovered, documentation of each site/locality, and

Prior to ground-disturbing construction activities

City of Wildomar Building and Planning Departments

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	interpretation of the resources identified, and the method of preservation and/or recovery for identified resources. In the event the significant resources are recovered and if the qualified archaeologist, the Tribe, and/or the Band determines the resources to be historic or unique, avoidance and/or mitigation would be required pursuant to and consistent with CEQA Guidelines Sections 15064.5 and 15126.4, Public Resources Code Section 21083.2, and the Cultural Resources Treatment and Monitoring Agreement required by mitigation measure MM 3.5.2b.		
19.	MM 3.5.2b At least 30 days prior to the issuance of a grading permit, the project applicant shall contact both the Pechanga Tribe and the Soboba Band to notify them of grading, excavation, and the monitoring program and to coordinate with the City of Wildomar, the Tribe, and the Band to develop a Cultural Resources Treatment and Monitoring Agreement. The agreement shall include, but not be limited to, outlining provisions and requirements for addressing the treatment of cultural resources; project grading and development scheduling; terms of compensation for the monitors; treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site; and establishing on-site monitoring provisions and/or requirements for professional Tribal/Band monitors during all ground-disturbing activities. A copy of this signed agreement shall be provided to the Planning Director and Building Official prior to the issuance of the first grading permit.	Prior to the issuance of a grading permit	City of Wildomar Engineering and Planning Departments
20.	MM 3.5.3a The project applicant shall retain a qualified paleontologist to monitor all initial ground-disturbing activities in native	Prior to and during ground-disturbing	City of Wildomar Engineering and

ATTACHMENT D – EXHIBIT 1

HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL

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City Council Approval Date (Tentative):

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Conditions of Approval

**Timing /
Implementation**

**Enforcement /
Monitoring Dept.**

**Verification
(Date &
Signature)**

	<p>soils or sediments. If the paleontologist, upon observing initial earthwork, determines there is low potential for discovery, no further action shall be required and the paleontologist shall submit a memo to the City confirming findings of low potential.</p> <p>Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work within a 100-foot radius of the discovery site shall be halted or diverted to other areas on the site and the City shall be immediately notified. The qualified paleontologist shall evaluate the finds and recommend appropriate next steps to ensure that the resource is not substantially adversely impacted, including but not limited to avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within a 100-foot radius of the discovery site until an agreement has been reached between the project applicant, the qualified paleontologist, and the City as to the appropriate preservation or mitigation measures to ensure that the resource is not substantially adversely impacted.</p>	<p>construction activities</p>	<p>Planning Departments</p>	
21.	<p>MM 3.5.3b A qualified paleontologist or paleontological monitor (retained by the applicant) shall monitor all mass grading and excavation activities. Monitoring will be conducted in areas of grading or excavation in undisturbed formational sediments, as well as where over-excavation of surficial alluvial sediments will encounter these formations in the subsurface. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely</p>	<p>During ground-disturbing construction activities</p>	<p>City of Wildomar Engineering and Planning Departments</p>	

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HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL

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Conditions of Approval

**Timing /
Implementation**

**Enforcement /
Monitoring Dept.**

**Verification
(Date &
Signature)**

	to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined on exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.			
22.	MM 3.5.3c Any recovered paleontological specimens shall be identified to the lowest taxonomic level possible and prepared for permanent preservation. Screen-washing of sediments to recover small invertebrates and vertebrates shall occur if necessary.	During ground-disturbing construction activities	City of Wildomar Engineering and Planning Departments	
23.	MM 3.5.3d Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage shall occur at an institutional repository approved by the City of Wildomar. The paleontological program shall include a written repository agreement prior to the initiation of mitigation activities.	Agreement prior to ground-disturbing construction activities and curation prior to occupancy	City of Wildomar Engineering and Planning Departments	
24.	MM 3.5.3e A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location. The report, when submitted to and accepted by the City of Wildomar, shall signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.	Following ground-disturbing activities, and prior to occupancy	City of Wildomar Engineering and Planning Departments	

ATTACHMENT D – EXHIBIT 1			
HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL			
Project No.: TENTATIVE TRACT MAP No. 36672 (Planning Application No. 14-0040)			
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<u>City Council Approval Date (Tentative):</u>		<u>City Council Approval Date (Tentative):</u>	
February 10, 2016		February 10, 2019	
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25.	MM 3.5.4a If human remains are encountered, California Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable time frame. Subsequently, the NAHC shall identify the most likely descendant within 24 hours of receiving notification from the coroner. The most likely descendant shall then have 48 hours to make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.	During ground-disturbing construction activities	City of Wildomar Engineering and Planning Departments
26.	MM 3.5.4b All cultural materials, with the exception of sacred items, burial goods, and human remains, which will be addressed in the Cultural Resources Treatment and Monitoring Agreement required by mitigation measure MM 3.5.2b, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility or the Soboba Band, whichever is appropriate, which meets the standards set forth in 36 Code of Federal Regulations (CFR) Part 79 for federal repositories.	During ground-disturbing construction activities	City of Wildomar Engineering and Planning Departments

**ATTACHMENT D – EXHIBIT 1
HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL**

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**Timing /
Implementation**

**Enforcement /
Monitoring Dept.**

**Verification
(Date &
Signature)**

27.	<p>MM 3.5.4c All sacred sites, should they be encountered within the project site, shall be avoided and preserved as the preferred mitigation, if feasible as determined by a qualified professional in consultation with both the Pechanga Tribe and the Soboba Band. To the extent that a sacred site cannot be feasibly preserved in place or left in an undisturbed state, mitigation measures shall be required pursuant to and consistent with Public Resources Code Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4.</p>	During ground-disturbing construction activities	City of Wildomar Engineering and Planning Departments	
Geology and Soils				
28.	<p>MM 3.6.2 The project applicant shall incorporate the recommendations of the preliminary geotechnical and fault rupture hazard investigation conducted by Geocon (2014; Appendix 3.6) into project plans. The project's building plans shall demonstrate that they incorporate all applicable recommendations of the geotechnical study and comply with all applicable requirements of the latest adopted version of the California Building Standards Code. A licensed professional engineer shall prepare the plans, including those that pertain to soil engineering, structural foundations, and installation. All on-site soil engineering activities shall be conducted under the supervision of a licensed geotechnical engineer or certified engineering geologist.</p>	Prior to construction activities	City of Wildomar Building and Planning Departments	
29.	<p>MM 3.6.4 At a minimum, all existing artificial fill, alluvium, and colluvium shall be excavated and properly compacted for foundation and slab support. Where Pauba sandstone is present at the ground surface, excavation on the order of 1 foot is anticipated. Where</p>	During construction	City of Wildomar City Public Works and Building Departments	

ATTACHMENT D – EXHIBIT 1			
HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL			
Project No.: TENTATIVE TRACT MAP No. 36672 (Planning Application No. 14-0040)			
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February 10, 2016		February 10, 2019	
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undocumented fill, alluvium, and colluvium are present, removals of up to approximately 12 feet should be anticipated. It is anticipated that deeper excavation of up to 12 feet will be required along the sides of the drainage channels. In addition, the fault trenches excavated as a part of the site investigation were loosely backfilled without testing and observation and will require re-excavation and compaction. See the geologic map (Geocon 2014; Appendix 3.6) for locations of the fault trenches and the trench logs in the study's Appendix C for trench depths (Appendix 3.6). Deeper excavations shall be conducted as necessary to completely remove all existing undocumented fill and unsuitable alluvium and colluvium. The anticipated depths of remedial grading are indicated adjacent to trenches, borings, and test pits located on the geologic map, Figure 2 of the geotechnical study (Geocon 2014).			
30. MM 3.6.6a To prevent foundation damage associated with potentially expansive soils, the applicant shall ensure that concrete slabs shall be designed to minimize cracking as a result of shrinkage and joints (isolation, contraction, and construction) and be placed in accordance with the American Concrete Institute guidelines. Additionally, special precautions should be taken during placement and curing of all concrete slabs. Excessive slump (high water/cement ratio) of the concrete and/or improper curing procedures used during either hot or cold weather conditions could result in excessive shrinkage, cracking, or curling in the slabs. All concrete proportioning, placement, and curing shall be performed in accordance with American Concrete Institute recommendations and procedures. Slab-on-grade reinforcement and thickness shall be provided by the	After site grading and during construction	City of Wildomar Engineering and Planning Departments	

**ATTACHMENT D – EXHIBIT 1
HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL**

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Conditions of Approval

**Timing /
Implementation**

**Enforcement /
Monitoring Dept.**

**Verification
(Date &
Signature)**

	structural engineer based on final expansion testing at completion of grading.			
31.	MM 3.6.6b All exterior concrete slabs cast on finish subgrade (patios, sidewalks, etc., with the exception of portland cement concrete pavement) shall be a minimum of 4 inches nominal in thickness. Reinforcement in the slabs and the use of a compacted sand or gravel base beneath the slabs shall be according to the current local standards. Subgrade soils shall be moisture conditioned to at least optimum moisture content to a depth of 12 inches immediately before placing the concrete.	During construction	City of Wildomar Engineering and Planning Departments	
Hazards and Hazardous Materials				
32.	MM 3.7.2 The project applicant shall remove the trash and debris observed on-site and take it to a landfill or approved dumpsite	Prior to construction activities	City of Wildomar Building and Planning Departments	
Hydrology and Water Quality				
33.	MM 3.8.1 Prior to the approval of the grading permit for future development on the project site, the project applicant shall be required to prepare a stormwater pollution prevention plan (SWPPP) consistent with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ), which is to be administered through all phases of grading and project construction. The SWPPP shall incorporate best management practices (BMPs) to ensure that potential water quality impacts during construction phases are minimized. The	Prior to the issuance of a grading permit	City of Wildomar Engineering Department	

ATTACHMENT D – EXHIBIT 1			
HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL			
Project No.: TENTATIVE TRACT MAP No. 36672 (Planning Application No. 14-0040)			
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<u>City Council Approval Date (Tentative):</u> February 10, 2016		<u>City Council Approval Date (Tentative):</u> February 10, 2019	
<u>Conditions of Approval</u>	<u>Timing / Implementation</u>	<u>Enforcement / Monitoring Dept.</u>	<u>Verification (Date & Signature)</u>
SWPPP shall be submitted to the California State Water Resources Control Board and to the City of Wildomar for review. A copy of the SWPPP must be kept accessible on the project site at all times. In addition, the project applicant will be required to submit, and obtain City approval of, a water quality management plan prior to the issuance of any building or grading permit for future development on the project site in order to comply with the Area-wide Urban Runoff Management Program. The project shall implement site design BMPs, source control BMPs, and treatment control BMPs as identified in the water quality management plan. Site design BMPs shall include, but are not limited to, landscape buffer areas, on-site ponding areas, roof and paved area runoff directed to vegetated areas, and vegetated swales. Source control BMPs shall include, but are not limited to, education, landscape maintenance, litter control, parking lot sweeping, irrigation design to prevent overspray, and covered trash storage. Treatment control BMPs shall include vegetated swales and a detention basin or an infiltration device. The project will be responsible for maintenance of the basins.			
Noise			
34. MM 3.9.1 The project applicant shall provide a “windows closed” condition, requiring a means of mechanical ventilation for all units facing Elizabeth Lane and Prielipp Road. To ensure that the City of Wildomar’s 45 dBA CNEL interior noise level is met, the following measures shall be implemented: <ul style="list-style-type: none"> • Windows: All windows and sliding glass doors shall be well fitted, well weather-stripped assemblies and shall have a minimum STC 	Prior to a certificate of occupancy (as part of building permit requirements)	City of Wildomar Planning and Building Departments	

**ATTACHMENT D – EXHIBIT 1
HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL**

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<p>of 27.</p> <ul style="list-style-type: none"> • Doors: All exterior doors shall be well weather-stripped solid core assemblies at least 1.75 inches thick. • Roof: Roof sheathing of wood construction shall be well fitted or caulked plywood of at least 0.5 inches thick. Ceilings shall be well fitted, well sealed gypsum board of at least 0.5 inches thick. Insulation with at least a rating of R-19 shall be used in the attic space. • Ventilation: Arrangements for any habitable room shall be such that any exterior door or window can be kept closed when the room is in use. A forced air circulation system (e.g., air conditioning) shall be provided which satisfies the requirements of the Uniform Mechanical Code. 			
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Traffic and Circulation

<p>35. MM 3.11.2 The project applicant shall be required to construct or pay its fair share of the following traffic improvements:</p> <p><u>Salida Del Sol/Yamas Drive/Clinton Keith Road (#4)</u></p> <ul style="list-style-type: none"> • Install a traffic signal • Construct a northbound left turn lane • Construct a northbound shared through-right turn lane • Construct a southbound left turn lane <p><u>Elizabeth Lane/Clinton Keith Road (#6)</u></p> <ul style="list-style-type: none"> • Install a traffic signal 	<p>Prior to and during construction</p>	<p>City of Wildomar Public Works and Planning Departments</p>	
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February 10, 2016		February 10, 2019	
<u>Conditions of Approval</u>	<u>Timing / Implementation</u>	<u>Enforcement / Monitoring Dept.</u>	<u>Verification (Date & Signature)</u>
	<ul style="list-style-type: none"> Construct a northbound left turn lane Restripe the southbound approach to provide one left turn lane and one shared through-right turn lane 		
36.	<p>MM 3.11.4 The project applicant shall prepare and implement a Traffic Management Plan (TMP) to minimize inconveniences during construction. Included among the provisions, the contractor shall coordinate with the City of Wildomar, Riverside County, and local police, fire, and emergency medical service providers regarding construction scheduling and any other practical measures to maintain adequate access to properties and response times. The TMP shall also limit construction activity to the extent feasible, and limit all soil export activities to occur outside of the typical weekday morning (7:00 AM to 9:00 AM) and weekday evening (4:00 PM to 6:00 PM) peak commute hours. The TMP shall include contact information for the general public who may have questions concerning the project and access to their property. Two-way traffic through the construction zone shall be maintained throughout the construction period.</p>	Prior to and during construction	City of Wildomar Public Works and Planning Departments
<u>Prior to the Recordation of the Final Map</u>			
37.	<p>Prior to recordation of the final map, the Applicant shall submit two (2) copies of the proposed Covenants, Conditions, and Restrictions (CC&Rs) for the entire project area for review and approval by the Planning Director and City Attorney. The CC&Rs shall include liability insurance and methods of maintaining landscaping, parking areas, private roads, exterior of all buildings (if applicable), and all landscaped and open areas including parkways, as well as a</p>	Prior to Final Map Recordation	Planning Department

**ATTACHMENT D – EXHIBIT 1
HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL**

Project No.: TENTATIVE TRACT MAP No. 36672 (Planning Application No. 14-0040)

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Conditions of Approval

**Timing /
Implementation**

**Enforcement /
Monitoring Dept.**

**Verification
(Date &
Signature)**

provisions indicating that the homeowners association may not be terminated or dissolved without the permission of the City. The CC&Rs shall be in the form and content approved by the Planning Director and City Attorney and shall include such provisions as are required by this approval and as said officials deem necessary to protect the interests of the City and its residents. Said CC&R's shall be recorded concurrently with the final map and a copy of the recorded CC&R's shall be submitted to the Planning and Engineering Departments within 2 weeks of recordation.

PUBLIC WORKS/ENGINEERING/BUILDING DEPARTMENT CONDITIONS

General Requirements/Conditions

1.	The developer shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned. Amended entitlement approvals may be necessary as a result.	On-Going	Engineering Dept.	
2.	The developer/owner or contractor shall apply for an Encroachment Permit for work performed within the public right of way. Compliance with current environmental regulations applies and additional studies and/or permits may be required.	On-Going	Public Works	
3.	The Developer shall dedicate, design and construct all improvements in accordance the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, as further conditioned herein and to the satisfaction of the City Engineer.	On-Going	Engineering Dept.	

**ATTACHMENT D – EXHIBIT 1
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Conditions of Approval

**Timing /
Implementation**

**Enforcement /
Monitoring Dept.**

**Verification
(Date &
Signature)**

4.	The Developer shall be responsible for all costs associated with off-site right-of-way acquisition, including any costs associated with the eminent domain process, if necessary.	On-Going	Engineering Dept.	
5.	Should this project lie within any assessment/benefit district, the project proponent shall, prior to acceptance of improvements, make application for and pay for their reapportionment of the assessments or pay the unit fees in the benefit district unless said fees are otherwise deferred or covered under the City's Community Facility District (CFD Services).	On-Going	Engineering Dept.	
6.	The developer shall annex into the City's Community Facility District (CFD Services) and pay associated costs for annexation. Should this project lie within any assessment/benefit district that duplicates the services to be covered under CFD Services then the developer shall de-annex from said assessment/benefit district.	On-Going	Engineering Dept.	
7.	The developer shall design and construct all driveways in accordance with the City of Wildomar Improvement Standards.	On-Going	Engineering Dept.	
8.	The developer shall design and construct street lights in accordance with the City of Wildomar Improvement Standards and Specifications, City Municipal Code and to the satisfaction of the City Engineer.	On-Going	Engineering Dept.	
9.	The improvement plans for the required public improvements must be prepared and shall be based upon a design profile extending a minimum of 300 feet beyond the project boundaries at a grade and alignment as approved by the City Engineer.	On-Going	Engineering Dept.	
10.	All above-ground utilities, including but not limited to communication and power that are 33KV in size or less, shall be undergrounded by	On-Going	Engineering Dept.	

**ATTACHMENT D – EXHIBIT 1
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Conditions of Approval

**Timing /
Implementation**

**Enforcement /
Monitoring Dept.**

**Verification
(Date &
Signature)**

	the developer in accordance with City requirements. The undergrounding of utilities shall be reflected on the project improvement plans.			
11.	All flood control plans to be reviewed by the City or the Riverside County Flood Control District (RCFCD) shall be submitted through the City of Wildomar, unless otherwise directed by the City Engineer. For projects requiring RCFCD review the developer shall pay the appropriate fees to RCFCD.	On-Going	Engineering Dept.	
<u>Prior to Final Map Approval and Recordation</u>				
12.	Improvement plans shall be prepared, processed, and approved. Construct the improvements; or execute an Improvement Agreement and Improvement Security. This condition shall be in conformance with local regulations and the Subdivision Map Act.	Prior to Final Map Approval	Engineering Dept.	
13.	The developer shall dedicate, design and construct the northern half - section of Prielipp Road, measured, 50' from the approved centerline. Right of way will be based on a 100' Secondary Highway, Standard No. 94, in accordance with the City of Wildomar Improvement Standards & Specifications and to the satisfaction of the City Engineer. A bus stop shall be provided near the intersection of Prielipp and Elizabeth in coordination with Riverside Transit Agency.	Prior to Recordation of Final Map	Engineering Dept.	
14.	The developer shall dedicate, design and construct the westerly half - section of Elizabeth Lane, measured, 39' from the approved centerline. Right of way will be based on a 78' Industrial Collector, Standard No. 111, in accordance with the City of Wildomar Improvement Standards & Specifications and to the satisfaction of the	Prior to Recordation of Final Map	Engineering Dept.	

**ATTACHMENT D – EXHIBIT 1
HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL**

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Conditions of Approval

**Timing /
Implementation**

**Enforcement /
Monitoring Dept.**

**Verification
(Date &
Signature)**

	City Engineer. Signage will be required to prohibit parking on the street.			
15.	The developer shall dedicate, design and construct the southerly half - section of Bunny Trail, measured, 30' from the approved centerline. Right of way will be based on a modified Industrial Collector, Standard No. 111, in accordance with the approved Tentative Tract Map No. 36672 and to the satisfaction of the City Engineer. Signage will be required to prohibit parking on the street.	Prior to Recordation of Final Map	Engineering Dept.	
16.	The Applicant shall provide a reciprocal access easement between the parcels of this development. The location of the access point(s) shall be to the satisfaction of the City Engineer and will be approved when these parcels are developed.	Prior to Recordation of Final Map	Engineering Dept.	
17.	Appropriate offsite street transitions shall be in accordance with the City of Wildomar Improvement Standards & Specifications and to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	Engineering Dept.	
18.	The developer shall dedicate, design and construct streetlights in accordance with the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Ordinances and to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	Engineering Dept.	
19.	The developer shall dedicate a public utility easement adjacent to all public and private streets for overhead and/or underground facilities and appurtenances to the satisfaction of the City Engineer.	Prior to Recordation of Final Map	Engineering Dept.	
20.	The developer shall submit landscaping and irrigation plans within the public right-of-way to the Planning Department. These plans shall include water usage calculations, estimate of irrigation and the	Prior to Recordation of Final Map	Engineering Dept. Planning Dept.	

**ATTACHMENT D – EXHIBIT 1
HORIZONS DEVELOPMENT PROJECT - CONDITIONS OF APPROVAL**

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**Timing /
Implementation**

**Enforcement /
Monitoring Dept.**

**Verification
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	location of all existing trees that will remain. All plans and calculations shall be designed and calculated per the City of Wildomar Road Improvement Standards & Specification, Improvement Plan Check Policies and Guidelines, City Codes and to the satisfaction of the City Engineer.			
21.	The developer shall submit to the City Engineer traffic control plans to ensure the continued flow of traffic during construction.	Prior to Recordation of Final Map	Engineering Dept. Public Works Dept.	

END