

ATTACHMENT C

Baxter Village Mixed-Use Project

Change of Zone 14-0002

Council Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, APPROVING A CHANGE OF ZONE (PLANNING APPLICATION NO. 14-0002) TO REMOVE THE MIXED-USE OVERLAY DISTRICT FROM THE ENTIRE SITE AND TO CHANGE THE EXISTING ZONING DESIGNATION ON A PORTION OF THE SITE FROM SCENIC HIGHWAY COMMERCIAL (C-P-S) TO R-3 (GENERAL RESIDENTIAL) AND TO R-4 (PLANNED RESIDENTIAL) TO ACCOMMODATE BAXTER VILLAGE MIXED-USE PROJECT (PLANNING APPLICATION NO. 14-0002) LOCATED AT THE NORTHWEST CORNER OF BAXTER ROAD AND I-15 FREEWAY (APN: 367-180-015 & 367-180-043)

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA

The approval of Change of Zone No. 14-0002 (Baxter Village Mixed-Use project) is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on July 13, 2016, at a duly noticed public hearing, the City Council certified the Environmental Impact Report (EIR) and adopted the Mitigation Monitoring & Reporting Program for Change of Zone No. 14-0002 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 65856 and 65857 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 general plan land use designations for the project site to CR, MHDR and VHDR to accommodate the

commercial retail and single-family / multi-family residential development sites. The proposed zone changes to C-P-S, R-3 and R-4 for the Baxter Village Mixed-Use project, upon approval of the proposed GPA, will be consistent with, and implements, the following goals and polices of the General Plan:

- LU 2.1 The proposed commercial retail portion of the 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 commercial retail portion of the 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 commercial retail portion of the project will be developed in accordance with the proposed General Plan land use designation that ensures compatibility and minimizes impacts.
- LU 23.1 The proposed land use amendment resulting in the commercial retail portion of the project is properly located and designated for commercial development in accordance with the General Plan.
- LU23.6 The proposed commercial portion of the project will have proper mitigation measures to protect the neighboring residential areas from Noise, light, fumes, odors, vehicular traffic , parking and operational hazards.
- LU23.7 The proposed project will be served by water and sewer along provided by EVMWD to meet the project demands.
- LU 23.8 The proposed land use amendment will provide needed services and jobs for the Wildomar community in accordance with the General Plan.
- H-1.1 The proposed single family and multi-family project areas 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 single family and multi-family project areas 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 the Baxter Village Mixed-Use project located at the northwest corner of the I-15 Freeway and Baxter Road, otherwise known as APN's: 367-180-015 & 367-180-043, 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 13th day of July, 2016.

Bridgette Moore
Mayor

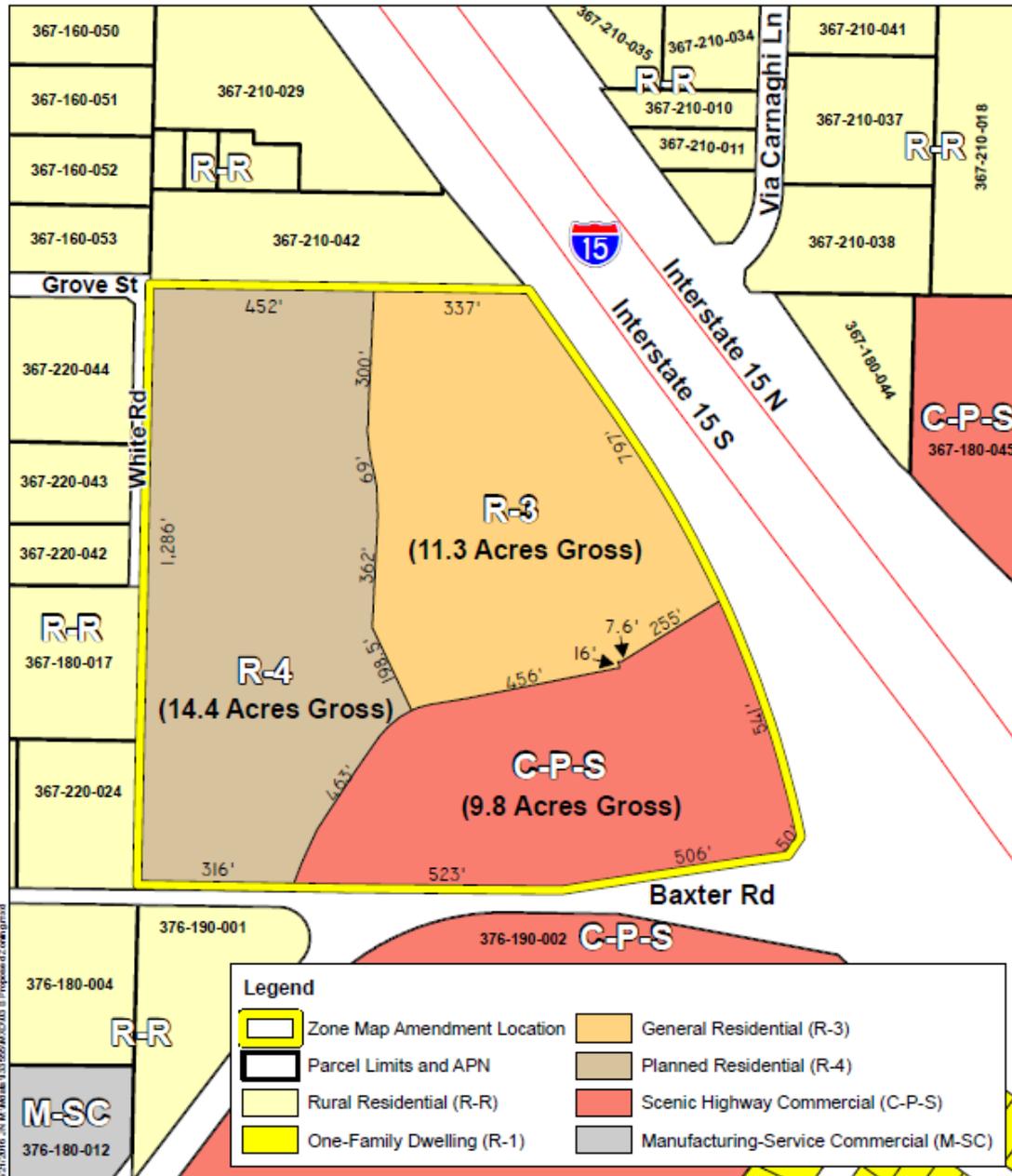
APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Debbie A. Lee, CMC
City Clerk

EXHIBIT 1 Zone Change Boundary Exhibit



Planning Application No. 14-0002
 Tentative Tract Map No. 36674
 APPLICANT / LANDOWNER:
 STRATA BAXTER, LLC