

ORDINANCE NO. 08-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, RELATING TO THE ESTABLISHMENT OF A PLANNING COMMISSION, REPEALING AND THEN ADDING REPLACEMENT MUNICIPAL CODE SECTION 17.04.040.

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

SECTION 1.

Section 17.04.040 of the Wildomar Municipal Code as adopted by Ordinance No. 08-01, is hereby repealed in its entirety and new Section 17.04.040 is hereby added to the Wildomar Municipal Code to read in its entirety as follows:

"PLANNING COMMISSION

Sections:

17.04.040	Created
17.04.041	Appointment
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17.04.045	Organization, Meetings and Responsibilities
17.04.046	Approval Authority
17.04.047	Appeals.
17.04.048	Compensation

17.04.040 Creation of Commission

A planning commission ("Commission") for the City is created which shall be comprised of five (5) members.

17.04.041 Appointment

- A. Process. Open positions on the Planning Commission shall be advertised and all applications referred to members of the City Council for consideration. Each councilmember shall have the authority to appoint one member to the commission. The City Council shall vote as a ministerial action to ratify each appointment. Such ministerial approval requires at least three affirmative votes.

B. Qualifications

- (1) Members of the Commission shall be residents of the City and shall be qualified electors within the City.
- (2) Each member shall be a resident of the City for the year immediately preceding the inception of his or her term.
- (3) No member of the Commission may be an employee or officer of the City.

17.04.042 Term of office

- A. Terms of members of the Commission shall expire at the first regular meeting of the Commission following the expiration of the current term of office of the City Council member who appointed the Commission member.
- B. There is no limit as to the number of times that a Commission member may be appointed.

17.04.043 Removal from office

A member of the Commission is automatically removed from office if the member is absent from three consecutive regular meetings of the Commission. The member may also be removed at any time and for any reason by a vote approved by at least three of the members of the City Council.

17.04.044 Vacancy in Office

If vacancies occur on the Commission, such vacancies shall be filled by appointment for the unexpired portion of the term.

17.04.045 Organization, Meetings and Responsibilities

- A. Each year, at its first regular meeting in January, the Commission shall elect from its membership a chair and a vice-chair.
- B. The Commission shall adopt rules for the transaction of its business. It shall also keep a public record of its resolutions, transactions, findings and determinations.
- C. The Director of Planning or the Director's designee shall serve as the Secretary to the Commission and shall have no vote.
- D. The Commission shall hold at least one regular meeting each month.

- E. The Commission shall have such duties as are prescribed by California law, including the following:
- (1) Assist in reviewing proposed general plan amendments and community or specific plans and hold public hearings on such plans.
 - (2) Hold hearings and make recommendations to the City Council with regard to proposed amendments to the general plan and specific plans.
 - (3) Make recommendations to the City Council regarding reasonable and practical means for implementing the general plan or elements of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open space and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.
 - (4) Provide an annual report to the City Council on the status of the general plan and progress in its implementation, including the progress in meeting the City's share of the regional housing needs determined pursuant to Government Code section 65584, local efforts to remove governmental constraints on housing pursuant to Government Code section 65583(c)(3), and compliance of the general plan with the guidelines contained at Government Code section 65040.2.
 - (5) Hold hearings and make recommendations to the City Council with regard to proposed changes to the zoning ordinance and zoning maps.
 - (6) Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the City's general plan and make recommendations to the City Council.
 - (7) Report and make recommendations to the City Council on the conformity of proposed public land acquisition or disposal with the adopted general plan.

17.04.046 Approval authority

The Commission shall have final approval authority over administrative permit applications as provided in Chapter 16 of the Wildomar Municipal Code and advisory authority over all other land use matters as specified in Chapter 17 of the Wildomar Municipal Code.

17.04.047 Appeals

- A. Appeal of staff administrative decisions to the Commission shall be as specified in Chapter 17.192.070.
- B. Final decisions by the Commission may be appealed to the City Council within 10 days of the decision becoming final under the provisions of Section 17.192.020. If a Commission decision is not appealed to the City Council within that period, the decision cannot be appealed.

17.04.048 Compensation

The City Council may establish by Resolution the compensation to be paid to the members of the Commission.”

SECTION 2.

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 3.

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 4.

This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

The foregoing Ordinance was introduced and placed upon it's first reading at a regular meeting of the City Council of the City of Wildomar held on the 13th day of August, 2008 and thereafter passed and adopted at the regular meeting of said City Council on the 27th ay of August, 2008 by the following roll call vote:

AYES: Mayor Cashman, Council Members Ade, Farnam, Moore, Swanson

NOES: None

ABSENT: None

ABSTAIN: None



Bob Cashman
MAYOR

ATTEST:



Sheryll Schroeder
INTERIM CITY CLERK

APPROVED AS TO FORM:

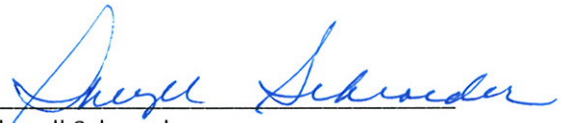


JULIE HAYWARD BIGGS
CITY ATTORNEY

I, Sheryll Schroeder, City Clerk for the City of Wildomar California, do hereby certify that I posted Ordinance No. 08-16, adopted on the 27th day of August, on the 5th day of September at the following locations:

City of Wildomar, 238873 Clinton Keith Road, Wildomar;
U. S. Post Office, 21392 Polomar Street, Wildomar
Mission Trail Library, 34303 Mission Trail Blvd., Wildomar

9-05-08
Date



Sheryll Schroeder
City Clerk
City of Wildomar, CA