

## ORDINANCE NO. 68

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING AN EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER SECTION 15061(B)(3) OF CEQA AND APPROVING ZONING ORDINANCE AMENDMENT NO. 11-04 TO AMEND SECTION 17.216.070 (PLOT PLANS) OF THE WILDOMAR ZONING ORDINANCE RELATED TO APPROVAL PERIODS AND EXTENSIONS OF TIME FOR PLOT PLANS

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

### **SECTION 1: Environmental Findings**

The City Council hereby finds and determines that the project consisting of a Zoning Ordinance Amendment related to time extensions for Plot Plans has no potential to impact the environment. The proposed Zoning Ordinance Amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Consequently, the proposed Zoning Ordinance Amendment is exempt from CEQA review 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.

### **SECTION 2. General Plan Consistency Findings**

The proposed amendment to the Zoning Ordinance is consistent with the City of Wildomar General Plan. The proposed revision to the provisions for time extensions related to Plot Plans will not affect the review and processing of specific development applications as the approval authority for such projects will remain unchanged. In accordance with the City of Wildomar Zoning Ordinance, a person, or applicant, will still have the right to file an appeal on any decision related to the review and processing of development applications made by the Planning Director and Planning Commission. Further, the proposed revision to the Zoning Ordinance is consistent with and, will further the provisions of General Plan, and will not impact the public health, safety and general welfare of the residents of Wildomar.

### **SECTION 3: Amendment to the Zoning Ordinance**

Section 17.216.070 of the City of Wildomar Zoning Ordinance is hereby deleted in its entirety and re-adopted to read as follows:

## **17.216.70.1 Approval Period**

- A. Plot Plan Approval and Construction. All Plot Plans granted pursuant to this chapter, including those previously approved by the County of Riverside prior to the incorporation of the City of Wildomar, shall be valid for two (2) years following the approval of the Plot Plan, unless the Plot Plan as granted specifies a different time period, and shall be null and void unless the use commences or the approved Plot Plan is extended by request of the applicant or successor in interest under the provisions of this chapter. Notwithstanding any condition of approve that may be attached to an approved plot plan approved prior to the effective date of the ordinance codified in this chapter, the five year time period specified in this section shall apply to all such plot plans that have not yet become null or void, or have expired. For the purposes of this chapter, the term "commence use" means either the beginning of substantial construction of facilities for the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use.
- B. Request for Extension of Time. If the use approved by the plot plan has not commenced within the two-year period identified in subsection A above, the applicant, or such successor-in-interest, may prior to the expiration date, request a one-year (1) extension of time in order to commence the approved use of said plot plan approval. If extensions of time are granted, the total time allowed to begin construction or commence the use approved by the plot plan shall not exceed a total period of five (5) years as calculated from the original effective date of the plot plan approval. A request for an extension of time shall be made at least thirty (30) days prior to the expiration date. The request shall be submitted on application forms provided by the Planning Department and shall be filed with the Planning Director, accompanied by the application fee set forth in the City's adopted fee schedule. The request shall also include a detailed written explanation by the applicant outlining the reasons and circumstances why such extension of time is necessary.
- C. Grant of Extension of Time by the Planning Director. Within thirty (30) days of the filing of a request for an extension of time for an approved plot plan, the planning director shall make a determination. An extension of time may be granted by the planning director upon a determination that valid reasons exist for the failure of the applicant, or such successor-in-interest, to implement the plot plan permit within the required period of time outlined in subsection A above, and that the request is consistent with the terms and conditions set forth in 17.216.070.D. Extension of time requests that are in compliance with the specified extension approval criteria contained in this ordinance may be approved, conditionally approved, or denied by the planning director without public notice or hearing. The planning director shall render the decision on the requested extension in writing. No extension shall be considered valid unless a written decision has been provided by the planning director.

- D. Criteria to Approve an Extension of Time. Approval of any extension of time by the planning director for an approved plot plan shall only be granted if all of the following conditions are met:
1. The approved plot plan permit remains consistent with the adopted general plan.
  2. The approved plot plan remains in conformance with the requirements of the zoning ordinance.
  3. The setting and local circumstances of the approved plot plan have not changed in such a way to make the previously approved plot plan incompatible or inappropriate with the surrounding area.
  4. The request for the extension of time was filed at least 30-days prior to the expiration date of the plot plan.
- E. Appeal of the Planning Director Determination. Extension of time requests that are determined by the planning director not to be in compliance with the criteria of Section 17.216.070.D, may be appealed by the applicant, or such successor-in-interest, to the planning commission pursuant to the provisions of Section 17.216.060. Appeals must be filed with the city clerk no later than ten (10) days following a determination by the planning director.
- F. Appeal Hearing before the Planning Commission. Any appeal of an extension of time request that the planning director determines is not in full compliance with the specified extension approval criteria contained in Section 17.216.070.D shall be heard by the planning commission at a noticed public hearing conducted in conformance with the public notice and hearing requirements specified in this chapter. The planning commission shall have discretion to approve, deny or approve with additional conditions the requested extension of time.
- G. Appeal of the Planning Commission Determination. Extension of time requests that are determined by the planning commission not to be in compliance with the criteria of Section 17.216.070.D, may be appealed by the applicant, or such successor-in-interest, to the city council pursuant to the provisions of Section 17.216.060. Appeals must be filed with the city clerk no later than ten (10) days following a determination by the planning commission.
- H. Appeal Hearing before the City Council. Any appeal of an extension of time request that the planning commission determines is not in full compliance with the specified extension approval criteria contained in Section 17.216.070.D shall be heard by the city council at a noticed public hearing conducted in conformance with the public notice and hearing requirements specified in this chapter. The city council shall have discretion to approve, deny or approve with additional conditions the requested extension of time.

**SECTION 4. 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 5. 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 6. City Clerk Action**

The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published in accordance with law.


**PASSED, APPROVED AND ADOPTED** this 14th day of March, 2012.

  
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Ben J. Benoit  
Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

  
\_\_\_\_\_  
Tom Jex  
Assistant City Attorney

  
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Debbie A. Lee, CMC  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE)  
CITY OF WILDOMAR )

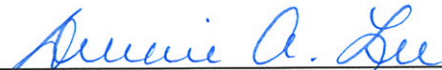
I, Debbie A. Lee, CMC, City Clerk of the City of Wildomar, California, do hereby certify that the foregoing Ordinance No. 68 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on February 8, 2012, and was duly adopted at a regular meeting held on March 14, 2012, by the City Council of the City of Wildomar, California, by the following vote:

AYES: Mayor Benoit, Mayor Pro Tem Walker, Council Members Cashman, Moore

NOES: None

ABSTAIN: None

ABSENT: Council Member Swanson

  
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Debbie A. Lee, CMC  
City Clerk  
City of Wildomar