

ORDINANCE NO. 55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING SECTION 17.200.060 AND ADDING NEW SECTIONS 17.200.061, 17.200.062, 17.200.063, 17.200.064, 17.200.065, 17.200.066, 17.200.067, 17.200.068 AND 17.200.069 RELATING TO THE ISSUANCE OF EXTENSIONS OF TIME FOR CONDITIONAL USE PERMITS

WHEREAS, the City of Wildomar incorporated on July 1, 2008 and adopted the County Zoning Ordinance in effect at that time; and

WHEREAS, a request was made by a property owner to allow additional time to initiate development of a previously approved conditional use permit; and

WHEREAS, on August 11, 2010 the City Council considered the matter and provided direction to the Planning Commission to consider an ordinance allowing additional time to develop approved conditional use permits; and

WHEREAS, on September 25, 2010 the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed ordinance would be considered by the Planning Commission; and

WHEREAS, on October 6, 2010 the Planning Commission, during a regularly scheduled meeting, considered the ordinance allowing for additional extensions of time for conditional use permits and recommended approval of said ordinance by the City Council;; and

WHEREAS, on October 30, 2010, the City gave public notice by the methods prescribed the Municipal Code announcing the holding of a public hearing at which the proposed ordinance would be considered by the City Council; and

WHEREAS, on November 10, 2010, the City Council, during a regularly scheduled meeting, considered the ordinance allowing for additional extensions of time for conditional use permits.

THE WILDOMAR CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Environmental Findings. The City Council hereby finds and determines that the project consists of a zoning ordinance amendment related to the requirements and processes for extensions of time for conditional use permits and has no potential to impact the environment. The proposed ordinance does not alter the existing requirements that specific development projects comply with the provisions of the California Environmental Quality Act. Consequently, the proposed ordinance 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 City Council hereby finds that the proposed amendments to the zoning ordinance relate to the requirements and processes for extensions of time for conditional use permits and do not conflict with the provisions of the General Plan or State Law.

SECTION 3: Amendment of the Zoning Code. Existing Section 17.200.060 of the Wildomar Municipal Code is hereby amended to read in its entirety as follows:

"17.200.060 Use of permit.

All conditional use permits 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 conditional use permit, unless the permit as granted specifies a shorter time period, and shall be null and void unless the use commences or the approved permit is extended by request of the permittee under the provisions of this chapter."

SECTION 4: Additions to the Zoning Code. Sections 17.200.061, 17.200.062, 17.200.063, 17.200.064, 17.200.065, 17.200.066, 17.200.067, 17.200.068, and 17.200.069 are hereby added to the Wildomar Municipal Code to read as follows:

"17.200.061 Commencement of use.

The term "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.

17.200.062 Request for extension of time.

Any conditional use permit approved pursuant to this chapter may be extended in accord with this chapter by request of the permittee submitted prior to its expiration.

17.200.063 Maximum project duration.

If extensions of time are granted, the total time allowed to begin construction or commence the use approved by the conditional use permit shall not exceed a period of five (5) years as calculated from the original effective date of the permit.

17.200.064 Filing of requests for extensions of time.

A request for an extension of time in which to begin construction or commence the use an approved conditional use permit may be filed with the planning director, on forms provided by the planning department and shall be accompanied by the processing fee or deposit established by the city council. Additional costs above the amount of the initial deposit shall be paid prior to the final action on the request.

17.200.065 Processing requests for extensions of time.

Within thirty (30) days following the filing of a request for an extension of time for a conditional use permit, the planning director shall review the application and make a determination thereon.

17.200.066 Grant of extension of time by the planning director.

- A. An extension of time may be granted by the planning director upon a determination that valid reasons exist for the failure of the permittee to implement the conditional use permit within the required period of time and that the request is consistent with the terms and conditions set forth in Section 17.200.067.
- B. Extension 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.

17.200.067 Criteria to approve an extension of time.

Approval of any extension of time for an approved conditional use permit shall only be granted if all of the following conditions are met:

- A. The approved conditional use permit remains consistent with the adopted general plan.
- B. The approved conditional use permit remains in conformance with the requirements of the zoning code.
- C. The setting and local circumstances of the approved conditional use permit have not changed in such a way to make the previously approved permit incompatible or inappropriate with the surrounding area.

D. The request for the extension was filed prior to the expiration date of the conditional use permit.

17.200.068 Appeal of planning director determination

Extension requests that are determined by the planning director not to be in compliance with the provisions of Section 17.200.067 may be appealed by the permittee to the city council pursuant to the provisions of Section 17.200.069. Appeals must be filed with the city clerk no later than ten (10) days following determination by the planning director.

17.200.069 Appeal hearing before city council.

Any appeal of an extension request that the planning director determines is not in full compliance with the specified extension approval criteria contained in Section 17.200.067 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 5. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 6. If any section, subsection, subdivision, sentence, clause, 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 the 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, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. 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 ENACTED this 8th day of December, 2010.



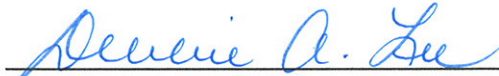
Bridgette Moore
Mayor

APPROVED AS TO FORM:



Julie Hayward Biggs
City Attorney

ATTEST:



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. 55 was introduced at a regular meeting of the City Council of the City of Wildomar, California, on November 10, 2010, and was duly adopted at a regular meeting held on December 8, 2010, by the City Council of the City of Wildomar, California, by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None



Debbie A. Lee, CMC
City Clerk
City of Wildomar