

**PLANNING COMMISSION
RESOLUTION NO. PC-2009-18**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MURRIETA ACCEPTING THE DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15323 AND APPROVING CONDITIONAL USE PERMIT 007-2543 AN APPLICATION BY ARSENAL FC AND THE RANCHO CALIFORNIA WATER DISTRICT TO CONTINUE USE OF ABOUT 50 ACRES FOR OUTDOOR SOCCER LEAGUE AND TOURNAMENT PLAY. LOCATED ON THE MURRIETA-TEMECULA BORDER NORTH OF THE TERMINUS OF DIAZ ROAD.

WHEREAS, an application was filed by the Southwest Soccer Club (later Arsenal FC) for the continuation of league and tournament soccer play on up to 20 fields on approximately 50 acres. A Conditional Use Permit is required by Murrieta Municipal Code Section 16.14.010; Table 2-8 for Sports Facilities and Outdoor Public Assembly within the Civic and Institutional (C/I) zoning.

WHEREAS, a continued public hearing was duly noticed for the Planning Commission meeting of September 23, 2009, by mailing a notice to property owners within a 500 foot radius of the site and publishing the notice in The Californian newspaper;

WHEREAS, a public hearing for this project was held by the Planning Commission on September 23, 2009, at which time reports, recommendations, and testimony were considered.

NOW, THEREFORE, the Planning Commission of the City of Murrieta resolves as follows:

SECTION 1. In accordance with Section 16.52.040 of the Murrieta Municipal Code, the Planning Commission makes the following findings regarding the Conditional Use Permit:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and complies with all applicable provisions of the development code.

FACTS: As per Table 2-8 of Section 16.14.010 of the Development Code, sports facilities are subject to the approval of a Conditional Use Permit within the C / I zoning district. This is a relatively unique outdoor use conducted on a site owned by the Rancho California Water District (RCWD). Additionally, the RCWD considers this to be an interim use as the site may be needed for a future increase in water treatment capacity. Both the RCWD and the City have envisioned minimal structures and long-term improvements. The site has areas that can provide up to 750 parking spaces on-site.

2. The proposed use is consistent with the objectives, policies, general land uses and programs of the general plan and any applicable specific plan.

FACTS: The soccer complex is consistent with General Plan Goal COS -7 and Policy COS -7.2h by providing private commercial recreation that serves the active recreational needs of the community. The facility is also consistent with General Plan Policies COS-7.1e and COS-7.1f because it is an active community sports park that is located where impacts to surrounding land uses will be minimal.

3. The approval of the conditional use permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored.

FACTS: The site activities are categorically exempt from the California Environmental Quality Act (CEQA) under Section 15323 of CEQA (Normal Operation of Facilities for Public Gatherings).

4. The site is suitable for the type and intensity of use or development that is proposed.

FACTS: The soccer complex site is flat, with a grass surface and access to substantial amounts of recycled water for irrigation. Parking for up to 750 vehicles can be accommodated on site.

5. There are adequate provisions for sanitation, water and public utilities and services to ensure public convenience, health, safety and general welfare.

FACTS: The use permit has incorporated comments from the City of Temecula into the project conditions and additional conditions require that local police and fire agencies be informed of site events, and that sufficient sanitation facilities and trash collection be maintained. Emergency access will be maintained to the satisfaction of public safety agencies.

6. The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or adverse to the public convenience, health, safety or general welfare, or materially injurious to properties and improvements in the vicinity of the subject property.

FACTS: The use of the site has been in place for several years without significant impacts to the surrounding uses. The intensity of the use and hours of operation have no impact on the vacant land in the area. No adverse impacts to public convenience, health, safety or general welfare are anticipated.

SECTION 2. Pursuant to the above findings, the Planning Commission of the City of Murrieta accepts the Categorical Exemption for the project in compliance with the requirements of the California Environmental Quality Act, and approves Conditional Use Permit (CUP) 007-2543, subject to the conditions contained in the attached Exhibit A incorporated herein by this reference.

PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF SEPTEMBER, 2009.



Harley Cohen, Planning Commission Chairperson

ATTEST:



Cynthia S. Kinser, City Planner

I, Cynthia S. Kinser, City Planner, City of Murrieta, California do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission on the 23rd day of September, 2009 by the following roll call vote:

MOTION MADE BY COMMISSIONER: Long

SECONDED BY COMMISSIONER: Butler

AYES: Butler, Cohen, Daigle, Goodman, Long
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



Cynthia S. Kinser, City Planner

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT CUP-007-2543
SOUTHWEST SOCCER CLUB – RANCHO CALIFORNIA WATER DISTRICT
September 23, 2009

GENERAL:

1. The project approval is for the use of approximately 50 acres of Rancho California Water District property for outdoor soccer league and tournament play. Physical conditions include large turf areas irrigated with reclaimed water; and, a 2,500 square foot maintenance building. Primary driveway access from Diaz Road in Temecula and emergency access to Washington Avenue. All facilities and operations shall be in substantial conformance with the approved site plans dated August 26, 2009. Any proposed change substantially different than the approved plan shall require an amendment to this approval in accordance with the Development Code.
2. The applicant/permittee shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Murrieta and the City of Temecula, their agents, officers, and employees from any claims, damages, action, or proceeding against either City or its agents, officers, or employees to attack, set aside, void, or annul an approval of either City, their advisory agencies, appeal boards, or legislative body concerning the approval of Conditional Use Permit No. 007-2543. The City will promptly notify the permittee of any such claim, action, or proceeding against the City and will cooperate fully in the defense.
3. Any fees due the City of Murrieta for processing this project shall be paid to the City within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted. No permits, site work, or other actions authorized by this action shall be processed by the City, nor permitted, authorized or commenced until all outstanding fees are paid to the City.
4. The project shall be in substantial conformance with any written project proposal information and any verbal agreements or representations made to the decision making body as part of its consideration of the project.
5. Subsequent modifications of this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the conditions of approval, interpretations of the conditions of approval relative to intent, necessity of, and timing, may be approved by the Director, unless the Director requires a Substantial Conformance or Revised Permit application in accordance with the Development Code.
6. At all times during the conduct of the use(s) allowed by this permit, the use(s) shall maintain and keep in effect valid licensing from appropriate local, state and/or federal agencies as required by law. Should such required licensing be denied, expire or lapse at any time in the future, this permit shall become null and void.

Exhibit A

7. In the event the use hereby permitted under this permit is: (a) found to be in violation of the terms and conditions of this permit; (b) found to have been obtained by fraud or perjured testimony; or (c) found to be detrimental to the public health, safety or general welfare, or a public nuisance; this permit shall be subject to the revocation procedures in Chapter 16.82 of the Development Code.
8. In the event the use hereby permitted ceases operation for a period of one-hundred and eighty (180) days or more, this approval shall become null and void.
9. This approval shall be used within two (2) years of approval date, otherwise it shall become null and void and of no effect whatsoever, in accordance with Development Code Section 16.80.040.
10. The property shall not be utilized for non-sporting activities, including but not limited to, concerts, festivals, fairs, markets, special events, fund raisers, entertainment, rallies, etc., without obtaining appropriate approvals in accordance with the Development Code.
11. Pursuant to Section 711.4 of the State of California Fish and Game Code, the applicant / permittee is required to pay a \$64.00 handling fee. Said fees shall be paid to the Clerk/Recorder of the County of Riverside at the time the Notice of Determination is filed pursuant to Section 21152 of the Public Resources Code. If this fee is not paid, the approval of this project shall not be operative, vested, or final. In order to comply with State mandated time lines for filing of a Notice of Exemption, the above fee must be delivered to the Planning Department within two (2) working days after the date of final approval.
12. An insurance policy in the amount of \$1,000,000 shall be maintained for the operation and shall name the Rancho California Water District, City of Temecula, and the City of Murrieta as additionally insured.
13. No outdoor advertising display, sign or billboard (not including temporary team and sponsor banners or directional signs) shall be constructed or maintained within the property subject to this approval. Signs shall be consistent with the requirements of Section 16.38 of the City's Development Code.

Solid Waste Disposal

14. The site shall be maintained free of litter and trash. A minimum of five (5) trash can enclosures, sized for two cans each, shall be built within 90 days of approval of this permit. The trash can enclosures shall be at key pedestrian locations that the applicant / permittee determines will best prevent trash and litter. The enclosures may be made of redwood lattice and each can shall have a lid, and be checked daily and emptied as needed to prevent litter and trash on site. During tournament events, a minimum of two additional trash cans per field shall be provided.
15. Trash cans shall be emptied into a larger central bin for pick-up. The pick-up bin shall be enclosed with redwood lattice within 90 days of approval of the use permit. The location of the enclosure(s) must be shown on a site plan approved by Waste Management and the Planning Director.

Outdoor Lighting:

16. The City of Murrieta is located within the Mt. Palomar Special Lighting Area, as defined in Section 16.18.110 of the Development Code, and all outdoor lighting used on the site shall comply with the Mt. Palomar Lighting Area standards.
17. Only portable light fixtures no more than 25 feet in height may be used, and the lighting shall be directed in a southerly or westerly direction so as to not fall on adjacent developed parcels in compliance with Development Code Section 16.18.100.

Public Safety & Health:

18. The Police and Fire Departments for both Murrieta and Temecula shall be provided with a calendar of tournament play, with dates, times and expected participation at least 30 days prior to the event. All requirements of the Police and Fire Departments shall be complied with during the subject tournament or event.
19. Access for public safety providers shall be maintained at all times via an all-weather, 28 foot minimum width corridor all the way through the site. In addition, a secondary emergency access route shall be in place. Any road improvements needed or proposed to comply with this condition must be reviewed and approved by the City of Murrieta and City of Temecula Engineering Departments.
20. There shall be no consumption or sale of alcoholic beverages on the site.
21. For tournaments, a first-aid station shall be provided and staffed as required by the Fire Department, and provisions for on-site security shall be arranged as directed by the Police Department.

Access:

22. City of Murrieta Knox Boxes shall be installed on all access gates to the site, including the Diaz Road gate. A City of Temecula Knox Box shall be installed on the southerly entrance to the site.
23. The applicant / permittee shall not inhibit the Riverside County Flood Control District from installing barriers to help prevent illegal dumping in the Murrieta Creek channel.
24. The applicant / permittee shall restrict unauthorized vehicle travel onto the site by maintaining the existing chain link fence and/or earthen berm around the lease area and lockable vehicle access gates at the north and south access points.
25. The applicant / permittee understands and accepts that the City of Temecula may install a gate or similar barrier at the entry at Diaz Road and Dendy Parkway if necessary to prevent illegal dumping or inappropriate use of the unimproved portion of Diaz Road.

Sanitation:

26. A minimum of six (6) portable restrooms shall be available in at least two locations on the site for non-tournament play. At least one handicapped accessible restroom shall be provided in the vicinity of the handicapped vehicle parking. The portable restrooms shall be screened with a redwood lattice enclosure at least 6 feet high, and shall be cleaned and serviced as often as needed. During tournament events, one additional portable restroom shall be provided for each field in use, including at least one additional handicapped accessible facility.

Parking:

27. If parking fees are collected, vehicle access into the site shall be controlled by event staff at the intersection of Diaz Road/Dendy Parkway to prevent parking on the unimproved portions of Diaz road or adjacent vacant properties. During tournament events, temporary no parking signs shall be in place along both sides of the unimproved portion of Diaz Road.
28. Handicapped parking and path(s) of travel shall be provided per California state law. A sign shall be posted in a conspicuous place at each entrance to the off-street parking area, not less than 17 inches by 22 inches, clearly and conspicuously stating the language provided by the Building and Safety Department regarding accessible parking.

Engineering:

29. The project shall comply with all of the applicable requirements of the National Pollution Discharge Elimination System (NPDES) and shall conform to NPDES Best Management Practices for Storm Water Pollution Prevention Plans during the life of this permit.
30. Use of the site shall be in compliance with the Water Quality Management Plan for the Rancho California Water District.
31. The applicant shall accept and properly dispose of all off-site drainage flowing onto or through the site.
32. No earthwork or grading is allowed under this permit.
33. All maintenance equipment shall be properly maintained and tuned to reduce emissions.
34. If possible, all drainage shall be conveyed onto public property. No cross lot drainage shall be permitted.

END OF CONDITIONS