



MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
FEBRUARY 10, 2010

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: Chair Jaffarian, Vice-Chair Hedges, Commission Members Harris, Newton and Wright
3. STAFF PRESENT: Planning Manager King and Executive Secretary Dvorak
4. PLEDGE OF ALLEGIANCE: Commission Member Harris
5. APPEAL NOTICE: Read by PM King.
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: Jeannie Hallgrimson, Norco Horsemen's Association Trails Committee: Asked that the City look into proper housing and fencing for stallions as this is not currently addressed in the Municipal Code.
7. APPROVAL OF MINUTES: Minutes of January 27, 2010

MOTION: M/S Wright/Hedges to approve the minutes of January 27, 2010 as written.

AYES: Unanimous:

MOTION CARRIED

8. CONTINUED ITEMS: Continued Discussion of a Proposed Amendment in Residential and Animal-Keeping Zones Regarding Lot Coverage and the Size of Permitted Accessory Buildings. Recommended Action: Direction (PM King). (from January 27, 2010)

Written correspondence dated February 9, 2010 from John G. Box, 159 Oldenburg, was delivered to the Commission at the meeting.

PM King gave a brief background of the issue for the benefit of the audience and presented a slide show of examples. This final proposal recommends allowing for the maximum number of animals on the lot before figuring out any accessory building coverage. PM King said that Member Harris had asked that the Accessory Building Sizing Chart, presented at an earlier meeting, be brought back for discussion. The Commission had requested at an earlier meeting that 600 square feet be the threshold for Commission review for accessory buildings under a minor conditional use permit (CUP). PM King suggested a minor site plan which would be less costly to the applicant but still require review either by the full Commission or just the Architectural Review Committee.

Chair Jaffarian asked about minor site plan submittal and fees. PM King said this is an easier process and although he did not know what the fees would ultimately be, that these could be taken to the Council with a reduced fee.

Although this was not a public hearing, Chair Jaffarian invited speakers to come forth.

Kathy Walker, Government Affairs Director, the Inland Gateway Association of Realtors®, opposed this proposal because of encroaching on property owners' rights.

Rick Rosa, 159 Wildhorse Lane, has a building that exceeds what the Commission is discussing but has not heard of any complaints against his building. He would like to see in writing what complaints there are. He thinks the current code is fine and said it is not the Commission's or the Council's right to restrict the property owners' rights.

Don Bowker, 3201 Cutting Horse Road, understands that the City wants to keep animal-keeping areas. He is more in keeping with the 80-90% coverage but felt a 600-square foot building as the threshold for the Commission's review is too small. There is already an oversized building nearly three stories tall that was built during the moratorium. He said the proposed permitted height is penalizing single-story home owners.

John Box, 159 Oldenburg Lane, had submitted the e-mail the Commission had before them tonight. He referred to an organization chart defining the chain of authority in the City, where on the top are the citizens. If that is true, he asked why then is this proposed amendment even an issue. He reminded the Commission they are here for the people. He opposes this proposed amendment and does not believe a nuisance exists.

Curtis Coombs, 129 Oldenburg Lane, opposes this because of the serious limitations, that one size fits all, when the only real goal is to prevent large buildings and to basically reduce the size of accessory uses.

Tom Willison, President of the Norco Horsemen's Association with about 1,200 members, said this is a rural community, one of the few left in California. We need to keep our open space and animal-keeping rights. When people move here, people need to understand animal-keeping is a priority here, as in you wouldn't move to Hawaii on a beach and expect to snow ski. This town is set up to maintain animal-keeping rights. There are other towns that allow big buildings. This is not what our charter is about. He asked that the Commission re-define accessory buildings and remove barns from this consideration as animal-keeping facilities.

Roy Hungerford, 3201 Cutting Horse, has both an RV garage and a 6-stall barn with three horses on the property. This proposal would have not allowed his barn because of the height factor. The height requirement penalizes single-story properties. He is tired of different rules for flat land and specific plan properties; treat all the same and keep it simple. Make the older properties without Primary Animal-Keeping Areas (PAKAs) prove they have ample animal-keeping areas before putting up accessory buildings. Not allowing concrete in a barn is

ridiculous. Show barns typically have concrete floors for cleanliness and good maintenance. It comes down to property rights. Eyesores? He would rather see a building filled with junk than junk out in the open. He said even a six-stall barn is bigger than 600 square feet and suggested 2,000 square feet as the threshold.

Pat Overstreet, 1231 Corona Avenue, likes the exhibits covering the town's hodge-podge areas. She is certainly for property rights but wants the animal-keeping areas protected for perpetuity. She agreed about older properties needing to prove animal-keeping areas before putting up accessory buildings. She was concerned about the city's notification process as she felt neighbors should be notified of these larger accessory buildings.

Larry Kleasner, 1002 Third Street, 110% for animal-keeping. His big concern was regarding disclosures, as they are getting unbelievable in real estate. If this passes, the City will need a disclosure. He suggested the City handles accessory buildings on an individual basis.

Bill Kohl, 1454 Andalusian Drive, is opposed to this proposal. He moved from Diamond Bar to Norco and was not opposed to animal-keeping, but if this is enacted, he could not have a nice decking on his half-acre property, infringing on his individual property rights. He encouraged the Commission to really think about this. One plan cannot fit everybody.

There were no more speakers; the item was brought back to the Commission for discussion.

Member Newton appreciated the comments made tonight, although he felt there was some misinformation out there. He is a firm believer in property rights but does not see where we are taking away rights; he referred to the list of permitted structures. He questioned why hobby shops were on the list; the Commission agreed to remove hobby shops from the permitted structures list in 18.13.06.

Chair Jaffarian said flatwork is not being counted, neither are patios or pools and one can have concrete in a barn or dirt in a garage.

Member Newton recommended site plan submittal with architectural review. This was not adding extra steps for the applicant since a plan needs to be prepared for the Building Division. Fees are set by the Council. He asked for CUPs for structures over 600 feet so that neighbors would be notified as a requirement. He said that an accessory building set five feet off a property line right in front of a neighbor's window does impact a neighborhood. He also suggested a height between 14-16 feet, with a leeway up to 18 feet.

Member Newton disagrees at this time with subtracting out the animal-keeping area. He referred to the comment made about keeping junk in these buildings. You can't make some people put their junk in the building. What ever type of floor people want, they should be able to have. He asked staff to put together an accessory building checklist that would tell applicants that animal-keeping areas are important. He felt an applicant should have to list the use of the building and the occupancy.

Member Wright agreed with most of Member Newton's comments, except on the animal-keeping area. He would like a PAKA on every lot, and felt the Commission was getting closer on reaching an agreement on this.

Vice-Chair Hedges said percentages have not been talked about. She wanted animal-keeping areas spelled out. She likes the 20-foot height limit regardless of the height of the main dwelling, but also doesn't want property rights taken away.

Member Harris said properties in the A-1 zone have the right to keep animals. Among other rights are those to build accessory buildings. We are taking away property rights if we recommend this. He briefly explained the Accessory Building Sizing Chart scale, saying the concept was worth revisiting, although maybe not necessarily this scale. He did not see the sense in a 600 square-foot building on five acres needing a review. There was no need to bring so many site plans to the Commission. He suggested maintaining some ratio as lots get bigger. Approving under a site plan also infringes on the neighborhood's rights because there is no noticing to the neighboring properties. Also, larger lots need something that works for them.

There was further discussion regarding differences between site plans and conditional use permits and whether or not there was such a thing as a minor site plan. It was noted that the same piece of paper that goes to the Building Division is what comes to the Commission. It was pointed out by the Chair that Council had asked the Commission to bring a proposal forward; this issue could not be just dropped.

After more discussion about how a 600 square-foot building on a ½ property is very different from one on a whole acre, the Commission agreed there was a need to bring back the issue of height and infringing on the property rights of the neighbors, and that the idea of a review process makes sense.

There was some discussion regarding a 600 square-foot building at 20 feet high would be odd. One issue is the scale and height, and who does the review.

Regarding permitted coverage and subtracting out a contiguous animal area, Chair Jaffarian called for a straw vote: 4-1, keeping the wording. Member Harris did not agree. As a real estate agent, he tells buyers to check with the City of Norco.

Chair Jaffarian was really concerned about fees; that they need to be kept small. PM King said if construction is required, it becomes a major CUP or site plan. A recommended fee structure will be submitted to the Council when this proposed amendment goes forward.

Chair Jaffarian asked for a straw vote regarding a building over 600 square feet requiring a CUP. 4-1, with Member Harris stating this was infringing on property owners' rights.

Chair Jaffarian asked for a straw vote regarding the review process of a minor site plan review for 600 square feet and less and a minor CUP for greater than 600 square feet. 4-1, with Member Harris indicating again this was infringing on owners' rights.

Chair Jaffarian called for a break at 9 p.m. and called the meeting back to order at 9:05 p.m.

Discussion followed on height, with a one story building being at 12-14 feet. Newton said technically it is 10 feet+ 16 inches. It was noted 20 feet is fine for RV storage. After some discussion, it was agreed by all Commissioners to reword 18.13.18 as: "The maximum permitted height of any accessory structure shall be 25 20 feet or as approved by the Planning Commission." ~~or the height of the main residence, whichever is less.~~

Regarding the percentage of permitted coverage, Member Harris wanted just to see the animal-keeping area set aside first, with 70 percent being the closest to what we currently have, and taking away less of the owners' rights. Member Newton went with 40 percent of the building envelope but he did not want to subtract out the allowed animal units. Chair Jaffarian asked for a straw vote on including the animal areas but the Commission could not come to a consensus.

Chair Jaffarian directed PM King to do an exhibit on an existing 20,000 square-foot lot; what is the coverage now, and what exactly each of the coverage percentages would be.

Member Harris asked that the City Attorney be involved.

There was discussion on whether this was ready to be advertised for a public hearing but it was noted by Member Wright that with the moratorium just having been extended one year by the Council on February 3, 2010 that there was no longer a need to rush. Staff would have one more meeting with which to bring back new exhibits showing 60, 65 and 70 percent coverage using the amount of the buildable lot and making sure there would be no setback issues. Also, PM King was directed to do an exhibit for a vacant lot.

MOTION: M/S Wright/Hedges to continue this discussion on February 24, 2010.

AYES: Unanimous

MOTION CARRIED

9. PUBLIC HEARINGS: None
10. BUSINESS ITEMS: None
11. CITY COUNCIL: Received and filed.
 - A. City Council Action Minutes dated February 3, 2010
 - B. City Council Minutes dated January 20, 2010
12. STAFF: Current Work Program: Received and filed.

13. OTHER MATTERS:

- Member Newton asked that the unfinished building next to Circle K on Fourth Street be boarded up so that it will not become a public safety issue.
- Member Newton asked that Planning Staff involve Animal Control regarding the concern over proper stallion housing and fencing.

14. ADJOURNMENT: 9:45 p.m.

Respectfully submitted,

Steve King
Planning Secretary

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