



MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
FEBRUARY 24, 2010

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: Chair Jaffarian, Vice-Chair Hedges, Members Harris, Newton and Wright
3. STAFF PRESENT: Planning Director King, Senior Planner Robles and Executive Secretary Dvorak
4. PLEDGE OF ALLEGIANCE: Vice-Chair Hedges
5. APPEAL NOTICE: Read by PD King
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: None.
7. APPROVAL OF MINUTES: Minutes of February 10, 2010
Member Harris asked for the following correction: Page 4, third paragraph from bottom: Member Harris did not ~~think this is the way we want to be.~~ agree. As a real estate agent, he tells buyers to check with the City of Norco regarding zoning questions.

Member Newton asked for a correction on Page 5, third paragraph: Member Newton said technically it is 12-14 10 feet + 16 inches.

MOTION: M/S Wright/Hedges to approve the amended minutes of February 10, 2010.
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: Set for Public Hearing (PD King).

PD King presented the staff report on file in the Planning Division. Allowed coverage of a building envelope was the only issue left open for discussion from the last meeting. He offered new comparison exhibits in response to the Commission's concerns raised at the last meeting. PD King explained that a contiguous animal-keeping area would have to be provided before being issued any permits for accessory buildings, but would not be required to be recorded like a Primary Animal-Keeping Area (PAKA) is. He handed out the text changes in the Municipal Code that would reflect these changes.

PD King explained that Amendment One to Norco Hills Specific Plan was where the 576 square feet came up. Cal Poly had come up with a number but the Commission at that time had increased that to 576. Member Newton thought there was an extra 1,000 square feet for turn out area, etc. but thought maybe that would now fit into the 60 or 65 percent calculations. He asked how the 15-foot access to the rear of the property would change the calculations.

PD King confirmed building setback requirements are taken out of the formula used in the exhibits.

Member Harris noted that "Minor site plan" was missing from the text amendment; PD King will make that correction.

Member Harris asked how specific plans got included in the latest text when they have not been addressed in previous meetings. PD King said the change is for the height of an accessory structure only.

Chair Jaffarian asked for comments although this was not a public hearing.

Curtis Combs, 129 Oldenburg Lane, said this is more of an antigrowth and antidevelopment issue instead of pro-animal issue. People want to make their large lots usable. He felt that City Attorney Harper's comments in his e-mail (exhibit to the report) were not valid because property is always worth something. Mr. Combs also felt the exhibits were not accurate. Let people submit their own plans for review. He felt this proposal ultimately encourages home owners to go big. You might as well set up a city-wide homeowners' association if this is approved. We need defined goals; just not words open to interpretation by five people sitting on the Planning Commission. What should go forward to the City Council is a lack of consensus on the proposed amendment and that what we have is good enough.

Nancy Kohl, 259 Oldenburg Lane, asked for clarification because what she hears is that she is going to be restricted under this new proposed amendment and she asked how this came up in the first place. As a new member of the community, she is feeling very much that a line is being drawn that, sorry, you can't do what you want on your own property. She questioned what the real problem with the current code is.

Margaret Harris, 1456 Foxtrotter, said ownership is a bundle of rights. It is my land, don't take my dream away. Where is the entrepreneur spirit? She asked the Commission if they were consistent in their beliefs. If 99.9 residents in Norco are not aware of what is going on, is that due process? If people had seen City Attorney Harper's memo, more would be in this audience tonight. This proposed amendment is not reasonable. After all this effort of getting a definition of accessory building and percentages, after all this, still the Commission asks for a CUP.

Kathy Walker, Government Affairs Director, The Inland Gateway Association of Realtors®, 2000 members strong with Norco a large part, has deep, deep concerns as to validity as property rights issue. This is her third time coming to a meeting on this issue. She would be in favor of 70 percent if the Commission was determined to go forth with this, but requiring a CUP is going too far. This is taking away property rights.

Chair Jaffarian explained this proposal is an equitable solution. Currently you can only build on 40 percent of your buildable pad. All the Commission is asking for is a committed space for animals; in the Specific Plans it is called a Primary Animal-Keeping Area (PAKA). The 10-foot setback between buildings is a building code. We are not counting flatwork, only buildings. Other restrictions already exist in the Municipal and Building codes. The Commission is trying to guarantee animal space for future owners. This is a problem because buildings have gone up where neighboring properties have been affected. He added that the Commission has accommodated the public in accepting comments in all the past meetings on this even though the past meetings on this issue has not been noticed public hearings. A date for a public hearing has not been set yet.

Discussion followed about the proposed text lacking in accuracy regarding setbacks. Chair Jaffarian explained that the building envelope with setbacks would remain. The building percentage did not count setbacks between buildings because of providing for contiguous animal-keeping area, adding that the 10 feet between buildings is only an issue when providing for a contiguous animal-keep area.

Member Harris shared a scaled diagram he did, without requiring a CUP, because he wanted to know what was being lost in regards to property rights at the different percentages. His diagram ended up showing negative percentage changes in most cases. The more buildings you have more the setbacks add to lot coverage. Every lot is going to be different. What we have tonight is too complicated and misleading; with even the Commission having difficulty with it.

Member Harris said he went through the Code online and searched for minor CUP and minor SP reviews: there are only references to each of them but nothing in the Code describes them. PD King said it is the same process, except for the fee but then Member Harris commented that a site plan review is a major process and costly.

Chair Jaffarian disagreed, saying all this is required under Building Codes.

Member Harris said this is harassing homeowners.

PD King explained anything over 120 square feet needs a building permit. Gazebos are minor and approved over the counter. Existing codes would not require a site plan for a gazebo but the proposed amendment would.

Vice-Chair Hedges agreed somewhat with Member Harris' view, but felt the process the Commission has been going through is necessary and did not think any of the Commission were being controlling. She liked the 60% calculations.

Member Wright agreed a bit with Member Harris and Vice-Chair Hedges. He said A-1-20 lots are being targeted because they are the norm in this City.

Chair Jaffarian said he would have had to come in and get a minor CUP for the barn he has on his property. He agreed that scalability, such as on Member Harris' diagram, is simpler than using percentages.

Member Newton reminded the Commission that accessory building use is what brought this issue up. The Commission was not trying to restrict anyone, but with minor CUPs, the operative word is "use." Animal-keeping lots have been turned into mini-storages, welding businesses, etc. where there is no longer area left for animal-keeping. It all comes down to being a good neighbor, with the justified goal being animal-keeping and not discriminating so how are property rights being impacted? He said the current code with 40 percent coverage of flat pad is fine; it works. Just demonstrate where the animal area is going to be. Don't take away from anyone.

Chair Jaffarian was for 40 percent flat pad coverage and the requirement that there must be 576 square feet in animal-keeping area for each allowed animal.

Member Newton felt an animal-keeping barn should be counted as part of the animal-keeping area, as PAKAs are so counted.

Member Harris said the NMC already controls use, but Member Newton pointed out there is nothing in the NMC to stop certain uses. He wanted a site plan for accessory buildings under 600 square feet, and a minor CUP for buildings over 600 square feet, with 40 percent buildable pad coverage.

Chair Jaffarian asked if there was an agreement about staying with coverage of 40 percent on a flat pad with contiguous animal unit area of 576 feet per unit with 15-foot access to the rear of the property. PD King confirmed the 15-foot access could be relocated later if needed.

Member Newton agreed that the scale was a good tool but noted that on 2½ acres, a 2,500 square-foot building is a good-sized building and could open up a more detrimental or more creative use. He was still more focused on the use and will stick with the 600 square-foot building requiring a minor site plan.

Chair Jaffarian noted that a 1,750 square-foot building could be a 36' x 48' eight-stall barn with a center aisle. A 40,000 square-foot lot has the right to 10 horses and it should not be a problem for that property owner to build an 8-10 stall barn.

The majority of the Commission agreed with accessory buildings over 600 square feet requiring a CUP, with Member Harris not agreeing but Member Newton agreeing with the majority.

After some discussion about pergolas and cabanas which have site plans drawn for building permit submittal, it was agreed that anything open should not need a site plan. Member Harris asked about excluding patio covers but they are currently counted and need building permits so should be counted as accessory buildings.

MOTION: M/S Newton/Wright to set this proposed amendment for public hearing with changes.

AYES: Unanimous

MOTION CARRIED

9. PUBLIC HEARINGS: None

10. BUSINESS ITEMS: 2008 Planning Division Annual Report (Recommendation: Forward to appropriate state agencies (SP Robles)

SP Robles presented the annual report for 2008, required by the State of California every October. Staff will start working on the 2009 report. Copies will be forwarded to the Departments of Housing and Development and the Office of Planning and Research in Sacramento. The City Council will be forwarded a copy for information only.

MOTION: M/S Wright /Hedges to receive and file.

AYES: Unanimous

MOTION CARRIED

11. CITY COUNCIL: Received and filed.

A. City Council Action Minutes dated February 17, 2010

B. City Council Minutes dated February 3, 2010

12. STAFF: Current Work Program: Received and filed.

13. OTHER MATTERS:

- Member Wright led the Commission in congratulating Steve King to his promotion to Planning Director.
- Member Newton asked about the stallion housing concern raised at the last meeting. PD King said according to Animal Control, the problem is sometimes the mares. The Animal Ad Hoc Committee had discussed this back in 2003 but it got too specific and

went nowhere. The Planning Commission directed staff to bring back a report on this issue.

- Member Newton asked that the abandoned construction site next to Circle K on Fourth Street be secured. Chair Jaffarian added that if it catches fire, it could be catastrophic to the neighboring properties because there is no fire protection onsite. PD King noted the Building Official has said that other than securing the site with a lien to cover the City's cost, there is nothing much the City can do.
- There were concerns that publishing the Planning Commission's public hearing notices in the Norco News does not reach homeowners (because none of the Commissioners ever see the paper around town, much less get it delivered, or know of anyone who does see the publication). Staff was directed to discuss with the City Manager about using the Press-Enterprise and report back to the Commission.

14. ADJOURNMENT: 9:35 p.m.

Respectfully submitted,

Steve King
Planning Secretary

/sd-74938