



**MINUTES**  
**CITY OF NORCO**  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE  
REGULAR MEETING  
MARCH 31, 2010

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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 Director King, City Attorney Harper, Senior Planner Robles, and Executive Secretary Dvorak
4. PLEDGE OF ALLEGIANCE: Commissioner Newton
5. APPEAL NOTICE: Read by staff.
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA: None.
7. APPROVAL OF MINUTES: Minutes of March 10, 2010  
**MOTION:** M/S Wright/Hedges to approve the minutes of March 10, 2010 as written.  
AYES: Unanimous **MOTION CARRIED**
8. CONTINUED ITEMS: None
9. PUBLIC HEARINGS
  - A. **Resolution No. 2010-\_\_\_**; Zone Code Amendment 2010-01 (City): A proposed Ordinance to amend Title 18 (Zoning) of the Norco Municipal Code to regulate the size, height, and lot coverage of accessory buildings allowed in agricultural-residential zones. *Recommended Action: Recommend for Approval (Planning Director King)*
  - B. **Resolution No. 2010-\_\_\_**; Specific Plan 91-02, Amendment 5 (City): A proposed Ordinance to amend the Norco Hills Specific Plan to regulate the height of accessory buildings allowed in the Equestrian Residential District. *Recommended Action: Recommend for Approval (Planning Director King)*
  - C. **Resolution No. 2010-\_\_\_**; Specific Plan 99-01, Amendment 4 (City): A proposed Ordinance to amend the Norco Ridge Ranch Specific Plan to regulate the height of accessory buildings allowed in the Equestrian Residential District. *Recommended Action: Recommend for Approval (Planning Director King)*

Items were heard as one. PD King presented the staff report on file in the Planning Division. The three resolutions had last-minute changes for clarity purposes and the Commission was shown that both on hard copy and through PowerPoint. PD King gave

the audience a brief overview of the process these amendments have gone through. One proposal was refused by the Council because it was too simple and too inflexible. Another proposal also was rejected because it proved to be too complicated. What the Commission has before them is what is believed to be what Council was looking for, in that an animal-keeping area equal to the approved number of animal units allowed x 576 square feet must be reserved before building any accessory buildings.

Member Hedges pointed out a discrepancy in Resolution 2010-03 where a correction was needed a correction under f.2): from 16 feet to 14 feet.

Member Harris disagreed, saying that a 14-foot height limitation was never brought up but agreed to discuss after public comments.

Member Newton asked Attorney Harper on assertions that relate to property rights Attorney Harper said to just ask what property rights are being impacted. There are restrictions placed on property use that the community feels these are in the best interests of the community. While a larger building can increase the property value of that site, it could lower the property value of the neighboring properties.

PD King said that accessory buildings are allowed pretty much with 40% coverage. He noted that at an earlier meeting, there was mention of "overly-gross" buildings; he said that was in a letter from John Box.

Member Harris said there have been a lot of discussion and a lot of proposals on this. He asked what is going to stop the Commission from reducing further property rights through the site plan and conditional use permit process.

PD King said that if a property owner feels he has been unduly restricted, he can appeal to the City Council or take legal action. By state law, findings must be made on factual basis by the Planning Commission in resolutions of denial.

Member Harris wanted confirmation that 40% coverage is set; but he feels that the Planning Commission has the power to stop a building that is 602 square feet.

Attorney Harper said there has to be something very specific to that lot, any specific constraints, specific effects to neighboring lots, before the Commission could deny a particular building.

The public hearing was opened.

Bill Kohl submitted a list of 12 reasons he was against this proposal and those are attached to these minutes.

Curtis Combs spoke against this proposal because it has suddenly expanded to the entire city, with total control given to the Commission. The people have no say as to who sits on the Planning Commission as the members are appointed by the Council. These changes will make Norco stand out and not in a good way. It will hurt our property values. This will not make us a destination city.

Nancy Kohl noted major changes made in the last 4-5 meetings. She spoke against the proposal because the Commission will have the sole approval of what she can build. Every one in Norco will be impacted.

Jack Beckman was concerned about arbitrary and subjective decisions. Homeowners buy where they buy for specific reasons.

Kathy Walker, representing the Inland Gateway Association of Realtors has been to previous meetings and tonight is confused with the latest changes shown. This is really limiting what people can do. The site plan and conditional use permit application is already confusing. You are putting a one-size fit all fix on properties. The larger lots over ½ acres will really be negatively affected by this and asked the Commission to look at this again.

Danny Azevedo, new president for Norco Horsemen's Association, was speaking on behalf of the Association when he read a statement spoke in favor of property rights protecting animal-keeping.

Vernon Showalter agreed with the previous speakers and addressed the limiting of the building to 600 square feet. A 40-foot RV cannot fit into that. He also had issues with the height limitations not being practical.

Robert Leonard said we will be no more than a regular town if we lose our animal keeping rights. We need to keep the square-footage for animals. We are a rural community in a rural atmosphere. He was okay with the conditional use permit for buildings over 600 square feet.

Denise Sutherland was opposed to the CUP process. She does not want to have to put up with oversized buildings next to her; she wants to see open space.

Lois Looock she has always been an advocate of "if it aint' broke, don't fix it." She has always trusted the Commission but asked that the Commission please study this proposal very careful before imposing more rules.

Emmet McKune said there are mechanics buildings and gymnasiums being built up in the hills. He suggested requiring variances which require public hearings so neighboring properties would receive notice of the meeting so they have a chance to address their concerns. There are outbuildings bigger than the homes up in the hills.

Linda Dixon said she worked with a developer for the hill properties when that project was going in. It was hoped by Norco residents that people moving into those homes would have the same animal-keeping values. Seeing the monstrosities going as accessory buildings is against what was envisioned back then, if even thought of.

Su Bacon just asked that people realize this is Horsetown USA; it is okay to have RVs and motorcycles and dirt toys but this is a horse town. Almost everyone has a horse trail in front of their homes.

Don Bowker felt that all the City was asking for was that someone other than the people at the front counter review and approve plans. He supported these amendments.

Roy Hungerford said there was a lot of misinformation floating around and suggested some in the large audience here tonight read the reports on this issue. A few years ago, he was here for the 15-foot access issue and no one from the hills was here for that which really had an impact on properties. No one needs an RV building higher than 20 feet. He is glad that lower Norco is included in this proposal. He is in favor of it and asked that the Commission recommend approval on all three proposals.

Pat Overstreet was concerned about the accessory buildings going up in the Bluffs. The complicated formula was way too much; this one presented tonight is good. She wants the Commission to be subjective. No one in Norco is forced to own horses or even like them but asked the Commission to stay steadfast and recommend approval.

Karen Leonard said she has been in front of the Commission for approval of plans and felt it was not a difficult process. We all want the same thing to continue our lifestyle and said she was in favor of these amendments.

Larry Kleasner got his accessory building approved without a conditional use permit, but under this new proposal, would have had to get a conditional use permit. He thinks this process is a little much. He was disappointed that no news reporter was here tonight and that there would not be a report on this in our local papers.

Margaret Harris spoke against the proposal although she is all for animal rights. What she is against is the unclear guidelines for the conditional use permit. She felt it was wrong to let someone who has already built an oversized building to just get away with it. The Commission has not achieved the reasons for this proposal. She objects to deed restrictions.

Justin Akins, representing Shedrow, a builder of accessory structures, was concerned because buyers want to know what the rules are for their area when they come in to purchase buildings. He already has a hard time justifying to his clients the County's fees of \$2,025 for minor plot plan review. He said the Commission was looking at creating a too costly and too time-consuming process. Two types of people come to his business. One,

when told to get a permit, say no problem, they do it. Another one says absolutely no way and they go to unlicensed contractors. He was concerned about the over 600-square foot building needing conditional use permit approval; he felt that height is and aesthetics are the bigger issues.

There were no more public comments and the public hearing was closed.

Member Newton, in response to fee concerns raised by several of the audience, clarified that any fee structure is set by Council. He also gave an example of 14 feet as being 2 feet taller than the ceiling of the Council Chambers and 20 feet being 8 feet taller than the ceiling. Members of the audience seemed to appreciate these comparisons. Member Newton added you don't have to have the animals on your property but you can like living in Norco because you are able to have animals if you want to.

There was a discussion about having guidelines in place for the approval of accessory buildings. PD King said Council has asked for guidelines and staff will put a list together.

Member Wright said because the Norco Hills Specific Plan (NHSP) area does not have the Primary Animal-Keeping Areas (PAKAs), staff needs to make sure the 576 square-foot per large animal rule applies. He felt this was a good plan to recommend to Council.

PD King noted that when the NHSP was approved, it was under different development criteria because of the grading issues and the hillsides, some lots have very small flat areas so each lot has an assigned number of animal units allowed. There needs to be more research to make sure these amendments are applicable to those lots.

Member Harris said he brought this to the Commission earlier, when a 35-foot high accessory structure was built in his neighborhood. The accessory building issue was clouded by adding animal-keeping rights to the amendments. The examples shown always leaned toward less animal-keeping rights. The guidelines need to be completed, the rectangular area needs to be clearly defined and the cost to the City of administering the CUPs needs to be determined. We owe people moving to Norco not to be blindsided by these proposed changes.

Vice Chair Hedges said all the Commission wants to do is to review the plans; this is not taking away property rights.

Member Newton asked Attorney Harper about needing a definition of a barn, as most people think animal-keeping. Attorney Harper indicating that would not solve anything because of all the uses the City is allowing. Under the CUP process, a project can be conditioned to be limited to the use stated on the application.

Chair Jaffarian noted the following:

Assuming the three proposals pass tonight, he suggested recommending to Council that any fees associated with these be kept minor and the majority of the Commission agreed. It is not the Commission's intent to place a burden on the property owner and pointed out that nothing in these amendments restricts the use of property. These amendments are only protecting a piece of each property for animals. He added that some properties already have PAKAs and that needs to be taken into consideration. Regarding earlier comments by Member Harris that the 14-foot height limitation was never discussed, he said in a previous meeting, there was discussion about a possible 20'x20'x20' cube ending up in a yard and that lead to the 14-foot height limitation. Chair Jaffarian noted that California state law requires findings be made; a Commission cannot arbitrarily make decisions.

Member Harris pointed out, and Attorney Harper agreed, that there needed to be a change in all three draft resolutions to read "20 feet or in excess of", when referring to height limitations.

Changes to be made:

Resolution 2010-03: Correct f.2): from 16 feet to 14 feet.

All three resolutions: read "20 feet or in excess of", when referring to height limitations.

Add to motion: that those fees are kept minor.

**MOTION:** M/S Newton/Hedges to adopt Planning Commission Resolution 2010-02, Resolution 2010-03, and 2010-04 recommending to the City Council that all three amendments be approved with changes, and with the additional recommendation that the fees be kept minor.

Discussion followed on discrimination against property owners; Member Harris said that aspect is unknown; it is how the Commission applies the criteria it sets that will determine any discrimination.

Attorney Harper said although the CUP gives the Commission discretion, the Commission cannot treat two same situations differently. What makes situations different; however, are impacts on neighboring properties and the testimony of neighbors.

Chair Jaffarian noted the meetings on this were all public.

AYES: Hedges, Jaffarian, Newton and Wright

NOES: Harris

**MOTION CARRIED**

Member Harris stated he opposed these amendments because they take away property rights and there are currently no guidelines for minor site plans and minor conditional use permits.

**MOTION:** M/S Wright/Hedges to bring back the Norco Hills Specific Plan animal-keeping aspect for discussion.

AYES: Hedges, Jaffarian, Newton and Wright  
NOES: Harris

**MOTION CARRIED**

10. BUSINESS ITEMS: None
11. CITY COUNCIL: Received and filed.
  - A. City Council Action: March 17, 2010
  - B. City Council Minutes dated Minutes dated March 5, 2010 Strategic Planning Workshop and March 3, 2010 Regular Meeting
12. PLANNING COMMISSION: Oral Reports from Various Committees: Vice Chair Hedges reported that the Norconian Preservation Strategic Plan Committee met again just today and anticipated another 7-8 meetings to come up with the Plan.
13. STAFF: Current Work Program: Received and Filed.
14. OTHER MATTERS:
  - Vice Chair Hedges noted that the misspelled signs for the parking lot at the Community Center were down. PD King said Director Petree was handling that sign replacement issue.
  - Vice Chair Hedges asked about the replacement trees for the All Magic site. PD King said the project still has Engineering Department issues and landscaping will be finished when everything else has been done.
  - Member Newton noted that in addition to still needing to be sealed, the unfinished building next to Circle K on Fourth Street was in need of weed abatement. PD King said he will bring this to the City Manager's attention.
15. ADJOURNMENT: 9:35 p.m.

Respectfully submitted,

Steve King  
Planning Secretary

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Attachments:

List of Reasons Opposing (Kohl)

Member Harris's Statement on No Votes on Accessory Buildings (Per PC Minutes, April 14, 2010) /sd-75222

received at meeting 3/31/10

**Reasons Against Planning Commission's Proposal On Accessory Structures**

1. Mostly driven by City – Council, Commission, Staff, little involvement from community, other than selected individuals.
2. Refusal to separate accessory building concerns from animal keeping rights. This objection is based on property rights, not accessory structure limitations.
3. Planning Commission will not provide guidelines or codes they will follow in reviewing CUP and Site Plan Reviews. Could easily lead to unfair and discriminatory practices.
4. City Planning Commission has ultimate power over structures, size, height and use; can limit any use when using site plan reviews and CUPs.
5. Every proposal made by the Commission before their subjective decision to review every structure reduced property rights; most over 40% and some over 80% of current codes. Every indication is that they will follow this trend using site plans and CUPs.
6. Current A-1 Properties (most of Norco residents) will have to identify rectangular area to be set aside for animal keeping only; most likely will require deed restriction to tie up use. This and identified access will severely limit other building rights.
7. A-1 properties have had the right to add accessory buildings up to 40% of their property since city's inception to use as they see fit subject only to building codes. If passed, the Commission can limit and dictate these rights..
8. Site plans and CUPs were designed for significant variances or exceptions from zoning codes; Not to be used to micro-manage all residential land use. The process is very inefficient for routine residential properties.
9. The Planning Commission has been working on these issues for a year-and-a-half. If they cannot reach solutions that are acceptable in that time, how can they expect to resolve these issues one property at a time.
10. The costs to the City and property owners are very high at a time when the City is financially limited.
11. Animal keeping rights are well established throughout every residential property in City, in perpetuity through current zoning codes. There are no animal keeping rights threatened in this proposal.
12. New property owners have always had clear accessory building codes and limitations outlined when making a buying decision in Norco. With proposed codes no one will know rights until presented to Planning Commission.

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Bill Kohl 14514 Andalusiano DR

*For Record ,submitted by Michael Harris, Commissioner, Norco Planning Commission Meeting, March 31, 2010. Reasons for Negative Vote on Resolutions 2010-2-4.*

**Background** - The Planning Commission has discussed the size and characteristics of accessory buildings since I joined the Commission in July, 2006. I followed up with a complaint I had made on an apparent 2 story living area built on the property/PAKA at 1422 Valley which is one story dwelling. I could not believe at the time that such a building would be allowed in a hillside area. My request to change the allowance to build this type of structure has been ongoing .

On September 24, 2008, the Planning Commission was unanimous in wanting to restrict the size of accessory structures. Since then we have looked at numerous proposals and listened to a number of residents regarding this objective.

Throughout the 17 months, I have observed the thought, attention to issues and respect the Planning Commission has shown to our residents. Our two Chairs have done their jobs professionally and have made every effort to assure that everyone, including the audience, Commissioners and staff have their input. I appreciate the attention and consideration every Commissioner has given me.

Instead of focusing on a solution to the size of accessory structures a few individuals have sounded an alarm that animal rights in the City are threatened. Throughout this process I have heard no proposal or discussion to reduce animal keeping rights in the City. The alarm led to a bundling of accessory building reform with an alleged need to further protect animal keeping rights, which has distracted from a quick solution on accessory buildings. The Commission refuses to address these as separate issues. However, there has been numerous proposals many clearly stated and some very subjective, to reduce the bundle of rights that residents in Norco have enjoyed since we incorporated in 1964. We have achieved our status as Horsetown, USA with these rights in place. In the past few years we have maintained animal keeping rights using zoning codes throughout Norco. Additionally, we required much greater restrictions on all new residential development that assures animal keeping in perpetuity on lots.

**Due Process Notification not Adequate** - On November 19,2008 the City Council passed a proposal to change the maximum allowed building coverage from 40% of the entire lot to 40% of the flat pad areas on A-1 Lots. This had an impact of reducing the building rights of every property owner of an A-1 lot who has any slope on his or her property that is greater than 4% grade. This passed with little discussion and only one person stating an objection. We tend to assume that it passed with little resistance because most people supported it. Since that time, I have spoken with numerous neighbors and fellow Norcoians none of whom even knew it was an issue, much less passed. The limitation may very well be that our process for notification of issues is severely unsound. The current process may work well when certain narrowly defined or administrative issues are addressed, but it appears it is fatally

flawed when Issues restrict land use and essentially impact the lives of every resident of Norco. One problem is the method of notice and the other is the wording in the notice. Both are inadequate to communicate the impact of these issues.

Although we may be following the letter of the law in our notice of public hearings, I do not believe that we are following the spirit of the law.

**Summarized Evolution of Issues** - By January, 2009, the proposals reduced accessory buildings from 40% of pad with maximum of 35 feet height to no single structure larger than the maximum of 2,000 square feet, 100% of the main residence footprint or 20% of the flat pad. Additionally, any structure larger than 4,000 square feet would require a minor CUP. On January 28, 2009 a "Receive and File" paper titled, *Development Standards in Agricultural-Residential Districts Pertaining to Lot Coverage* was presented to the Planning Commission. It clearly stated a case against applying A and R zoned lot standards with those of specific plans. It states that concept is "problematic" and would not work because of "incompatible requirements". It also quotes the City Council as stating "that restrictions on the size of individual accessory buildings should also partly take into consideration the size of the lot in question with more allowance on larger lots". It also stated that the Council was looking for "effective means to control the size of accessory buildings so that they do not *overpower* residential properties, or neighborhoods, but in a manner that *does not overly restrict property owners*." I added the italics for emphasis as that term has never been quantified to my knowledge.

On April 29, 2009, the Planning Commission approved Resolution 2009-10 to be sent to the City Council for review. It was a *very* complex and detailed resolution that probably should *have* been discussed further and simplified. It certainly reduced some property rights and limited accessory buildings over the previous codes. It attempted to consider too many variables and, in retrospect, I would not recommend sending it forward if I was asked for an opinion today. However, then I did support the resolution.

On June 17, 2009, the City Council listened to public comments on the Zone Code Amendment and decided to send it back to the Planning Commission for the reasons stated in its Minutes of June 17, 2009. Because of the public comments and the concerns of the Council Members, I agree with their conclusion and believe they made a prudent and appropriate decision.

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Since then, the Planning staff, the Commission and an increasing number of residents has been working very hard in resolving differences and formulating a policy that achieves stated goals without being overly complex. We looked at a large number of scenarios that kept trading more and more property rights for a diminishing return on animal keeping. It became so convoluted and confused that we could not agree among ourselves on what was included in formulas and how they were calculated. On specific scenarios including both theoretical and existing lots, we reached majority opinions that reduced existing buildable lots by more than 60% in some proposals by

the Commission.

On other occasions we have considered defining swimming pools, sports courts and even patios as accessory buildings. Again, instead of completing the hard work that we have pursued recently we took another extreme and decided that we should review every accessory building ourselves and subject each to either a Site Plan Review or a CUP, depending on a size break of 600 square feet.

**Other Factors** - One of the most frustrating factors that keeps surfacing is the endless tampering by individuals, including City Council members into our processes. On several occasions we reached decisions in one meeting and later began the next meeting with modified factors or proposals. My understanding when I joined the Planning Commission was that we are an advisory group to the Council, in addition to other specific functions; that is almost impossible when there is so much oversight.

On one occasion we were developing down a certain path where we had reached several decision points and isolated some identified issues when a new proposal was presented to us that redefined the potential buildable area by using setbacks and a "building envelope" in the formula. It took a tremendous amount of time and a few meetings with input from the public before we determined to adverse impact on property rights this had because of the setback effect.

After a modest request into how this happened, we were informed that a former planning commissioner and a member of the Streets, Trails & Utilities Commission had requested an audience with the City Manager who set up a meeting with the Planning Director. The result of their meeting was a proposal at our next meeting that took out a number of decisions we had previously made and introduced a new concept that severely limited the amount of land available to build accessory structures.

While I applaud and encourage all residents to provide input into this process, I believe it should be done with equality, fairness and openness, not behind the scenes. On a previous occasion, a sitting Commissioner introduced the above past Commissioner to speak to the Commission after the public had left the room. He spoke for about 20 minutes explaining his

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ideas on accessory buildings and how the City should limit swimming pools and include the specific plan areas into the A and R zones and other thoughts. Finally, I asked the Chair if I could bring in speakers to spend an equal amount of time expounding my ideas. The Chair stated the speaker should have presented his ideas during the public comments agenda item. Blaming staff for failure of the City to properly oversee codes is unfair. It is the job of the Planning Commission to write clear codes that can be managed by staff and the job of the Council to make sure the Commission has done their job. If the codes are not followed, that is a leadership issue that also is the responsibility of the Council. For the Commission or Council to blame anyone other than themselves for this failure is irresponsible. For the Commission to take on the job of staff to deal with this problem is a misuse

of resources.

**Reduction of Property Rights** - Most individuals who have addressed the Commission have a concern with property rights. By code, at least 60% of each lot in the A and R zones cannot contain an accessory building and the requirement is much more restrictive in the specific plan areas. Instead of focusing on addressing the 60%, the Commission has focused on further reducing the 40% by limiting size and dictating use. Since we promote animal keeping, I believe we should be working on incentives to encourage animal keeping not invoking punishments if an individual desires other uses. Most speakers who have moved to Norco in the past few years usually begin with an understanding and respect for animal keeping safeguards, but also state they were attracted to Norco for the rural lifestyle and relatively large lots. Many have RVs or they enjoy outdoor recreation aspects of the community, which is a cornerstone purpose of the A-I zone.

The specific plan areas have been developed over the past few years in Norco. Although the City may have built in several aspects to assure animal keeping, they did a poor job of connecting all of the dots that support it. For example, they allowed split lots but did not require ramps to connect the various tiers on the lot. They allowed massive accessory buildings up to 35 feet in height. They did not mandate vegetation on slopes. The only restrictions in the CC&Rs favored narrow aspects of animal keeping and tremendously favored the developer during the project phases.

Probably the greatest disservice the City did to potential new home buyers was to not be involved in the disclosure aspects of the sales and marketing of new homes. Although the PAKA and animal keeping focus was fairly well disclosed, the sales efforts touted the large size lots and the rights to build accessory structures and use of the land for other purposes if the PAKA and access were protected. Some buyers had lived or been connected to Norco for years and understood the lifestyle. Many buyers either brought horses or quickly adapted to the Norco lifestyle; others took the full advantage of the rights they had purchased to the displeasure of neighbors and other

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residents. Instead of the City looking at the role they had played in encouraging land use they later blamed others for what became misuse.

Many people had invested their life savings to move to their "dream house" and then began to believe they were not welcomed. Others saw what could be done and began formulating their plans to create new dreams also.

Instead of realizing and accepting what they had created and allowed the City decided to attack their displeasure by using its police power rather than working with residents toward the mutual benefit of all.

Throughout the City a lack of or indifference to code enforcement has created large variance in land use. Many structures, retaining walls, patio covers, movement and compaction of soil, drainage, and irrigation systems were built without permits. In the hills, disallowed plants flourish and are moving into natural areas; some of the outline of hills that Norco residents have cherished since Norco's beginning has been removed and some nuisances

exist.

This lack of enforcement creates a disparity in land rights; those who comply do not have the same rights as those who did not comply and get away with it. Those who are grandfathered in to changing codes have superior rights over those who cannot use their land the same as their neighbor. These are factors that have not been addressed by the Commission but they are on the minds of those who are aware of possible modifications of property rights. All of the proposals made at the Commission level cut deeply into these rights, including the earlier proposal sent to the Council. The Council's requirement that the solution solves the problem in a "manner that does not overly restrict property owners" has not been met. Every solution proposed either discriminates based on lot size, location or type and placement of structure.

The Inland Gateway Association of Realtors (TIGAR) who represents approximately 2000 local Realtors has stated at 3 Commission meetings that they are very concerned with residential property right reductions being discussed. They specifically oppose the Commission reviewing accessory structures with a site plan or CUP as "taking away property rights".

**opposition to a Solution Mandating Planning Commission Review on Most Accessory Structures** - If the Commission cannot define an acceptable solution to the challenge by refining the Code, how can it achieve the solution one lot at a time?

The ultimate invasion of property rights short of a public taking has to be unstated and undefined criterion of building codes. How can anyone know what they can do with their land, how to price land or even appraise land if they must apply to a undefined review process to do anything? One thing is certain; it has a huge devaluation impact on the land.

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Planning Commissions are set up to plan and facilitate land use and develop zoning codes to carry out approved uses. Cities hire and train *staff* to assure codes are followed before permits are issued. Certain defined other uses made be allowed using the Planning Commission to act on variances and exceptions and occasionally review zone changes or variances.

For a Planning Commission to review essentially all structures through the means of a Site Plan Review or a CUP is substantially different than the way Norco codes have evolved and other cities are structured.

If the Council sees fit to redefine the role of the Planning Commission is it prepared to change a large part of the job of *staff* from carrying out the codes to packaging site plans and CUP's for Planning Commission review and the endless follow-up that could be initiated by the Commission? Is the City prepared and willing to administer a large number of CUPs in force? And, most importantly does this make sense to anyone to use such an inefficient system to unravel a problem that could be solved with a few simple code changes that are acceptable to the community?

The City should have passed a limitation on accessory buildings at least 3 years ago and avoided the consternation by residents who have to live with

neighbors who have built or who are building structures that are unfit for the neighborhood. This is especially true in the hills where they should not have been allowed in the first place.

**High Costs-** The costs of using the Planning Commission to approve every accessory structure instead of regulating through practical codes is enormous. The amount of *effort* spent over the past two years by *staff* on the rewrite of Accessory building codes has been very high.

Before any final decisions are made by the Council on this issue, I recommend that the following issues be answered:

1. How much staff time and expense will be needed to prepare and support a detailed Site Plan Review before it reaches the Planning Commission?
2. How much staff time and expense will be required to present and support the Site Plan Review process once it is presented to the Commission, including probable work, waste and rework requested by the Commission?
3. How much time and expense is required by the applicant to conduct the preparation, presentation and rework.
4. Since this will be new to the property owner, how much time, energy and expenses are required to develop the processes to support them and deal with the workload, anger and frustration that it will create?
5. Since the requirements for a CUP will be multiple times more costly, repeat items 1-4 for this process?
6. What are the loss opportunity costs by a) property owners avoiding the process because of the harassment and high cost factors, b) ignoring the code and building without proper permits, and c) not utilizing an approved permit process that has been in place for years and consequently, not being able to collect fees and future tax revenues that will be reduced by this process?

**Recommended Action-** My recommendation is based on democratic principles that I believe are cornerstone to government at all levels and is driven by the Fifth Amendment. It calls for public involvement and review when property rights are threatened.

1. Immediately limit all accessory structures to a height maximum of 20 feet, preferably 16 feet.
2. Temporarily (6 months to 1 year) require a CUP on any accessory structure over 600 square feet on any lot less than Y2 acre, or any structure larger than 2.75% of lot size up to 2,200 square feet (Lots 80,000 square feet or larger, will be limited to 2,200 square feet without a CUP).
3. Appoint a task force team of 2 members of Planning Commission, representatives of Realtor ASSOCIATION, local architects/developers and interested citizens to meet in public sessions to propose specific guidelines to City Council. The main objectives are to outline code language and future direction of Planning Commission on the subject of accessory buildings, the use of deed restrictions, the preservation of property rights and the preservation of animal rights in the City of Norco. Set a deadline of 1 year, or less to conclude their

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recommendations.

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