



AGENDA
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
MAY 19, 2010

CALL TO ORDER: 6:00 p.m.

ROLL CALL: Mayor Malcolm G. Miller, M.D.
Mayor Pro Tem Berwin Hanna
Council Member Kathy Azevedo
Council Member Kevin Bash
Council Member Harvey C. Sullivan

THE CITY COUNCIL/CRA WILL RECESS TO CLOSED SESSION (SECTION 54954) TO CONSIDER MATTERS:

Section 54956.8 – Conference with Real Property Negotiator

Street Address or Parcel Number: APNs 152-060-004-0; 152-060-011-6; 152-070-001-8; 152-070-002-9; & 152-070-011-7

Negotiating Parties: Norco Redevelopment Agency and Belstarr Sports Management, LLC

Points Under Negotiation: Price and Terms of Payment

Section 54957.6 – Conference with Labor Negotiator

Negotiating Parties: City Manager Groves and
Deputy City Manager/Director of Finance Okoro

Employee Organizations: Norco Battalion Chiefs Association
Norco Firefighters Association
Norco General Employees Association
Norco Public Works & Parks Maintenance
Workers Association

RECONVENE PUBLIC SESSION: 7:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member Bash

INVOCATION: St. Mel's Catholic Church
Father Declan Fogarty

PRESENTATION: Keep America Beautiful ("KAB") Trail Grant
Julie Reyes, Manager of Community Relations for Waste Management, will present the KAB Trail Grant in partnership with the City of Norco and the Norco Horseman's Association

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. **CRA CONSENT CALENDAR ITEM:** *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Agency, any public comments on any of the Consent Items will be heard. There will be no separate action unless Members of the Agency Board request specific items be removed from the Consent Calendar)*

A. CRA Minutes:
Regular Meeting of May 5, 2010
Recommended Action: Approve the CRA Minutes (City Clerk)

2. OTHER CRA MATTERS:

ADJOURNMENT OF CRA:

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

3. **CITY COUNCIL CONSENT CALENDAR ITEMS:** *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No. 4 of the Agenda)*

A. City Council Minutes:
Special Meeting of April 29, 2010
Regular Meeting of May 5, 2010
Recommended Action: Approve the City Council Minutes (City Clerk)

B. Planning Commission Action Minutes, Regular Meeting of May 12, 2010.
Recommended Action: No action recommended -- meeting cancelled.
(Planning Manager)

C. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)

D. Acceptance of Property Dedication at 2857 Hamner Avenue for the Hamner Avenue Widening Project. **Recommended Action: Authorize the City Manager to accept the dedication of street right-of-way at 2857 Hamner Avenue (Cow Girl Café), authorize the City Clerk to record the Grant Deed and authorize the City Manager to execute the Certificate of Acceptance.**
(Director of Public Works)

- E. Extension of the Contract for Street Tree Maintenance and Management with West Coast Arborists, Inc. **Recommended Action: Approve the extension of the Street Tree Maintenance and Management Services Agreement with West Coast Arborists, Inc. for five (5) years through 2015.** (Director of Public Works)
- F. Approval and Adoption of the Annual Appropriation Limit for Fiscal Year 2010-2011. **Recommended Action: Adopt Resolution No. 2010-__, approving the annual appropriation limit for Fiscal Year 2010-2011.** (Deputy City Manager/Director of Finance)
- G. Establishment of Annual Special Tax for Community Facilities District No. 93-1 for the Fiscal Year 2008-2009. **Recommended: Adopt Resolution No. 2010-____, Establishing Annual Special Tax for Community Facilities District No. 93-1 for the Fiscal Year 2010-2011.** (Deputy City Manager/Director of Finance)
- H. Fiscal Year 2010 Third Quarter Budget Performance Report. **Recommended Action: Receive and File** (Deputy City Manager/Director of Finance)

4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

5. CITY COUNCIL PUBLIC HEARING:

- A. Ordinance Approving a Zone Code Amendment to Regulate Accessory Structures in Agricultural/Residential Zones

The proposed Ordinance would amend the A-E and the A-1 Zones for regulations to control the size of accessory structures and the approval process for all accessory structures.

Recommended Action: Adopt Ordinance No. ____ for first reading amending Title 18 of the Norco Municipal Code to regulate the size, height, lot coverage, and approval process of accessory structures allowed in agricultural-residential zones. Zone Code Amendment 2010-01. (Planning Director)

- B. Ordinance Approving Amendment No. 5 to Specific Plan 91-02 to Regulate the Height of Accessory Structures Allowed in the Equestrian Residential District

The proposed Ordinance would amend the Norco Hills Specific Plan to regulate the height of accessory structures and the approval process for all accessory structures.

Recommended Action: Adopt Ordinance No. ____ for first reading amending the Norco Hills Specific Plan to regulate the height and approval process of accessory structures allowed in the Equestrian Residential District. (Planning Director)

- C. Ordinance Approving Amendment 4 to Specific Plan 99-01 to Regulate the Height of Accessory Structures Allowed in the Equestrian Residential District

The proposed Ordinance would amend the Norco Ridge Ranch Specific Plan to regulate the height of accessory structures and the approval process for all accessory structures.

Recommended Action: Adopt Ordinance No. ___ for first reading amending the Norco Ridge Specific Plan to regulate the height and approval process of accessory structures allowed in the Equestrian Residential District. (Planning Director)

- 6. PUBLIC COMMENTS OR QUESTIONS - THIS IS THE TIME WHEN PERSONS IN THE AUDIENCE WISHING TO ADDRESS THE CITY COUNCIL REGARDING MATTERS NOT ON THE AGENDA MAY SPEAK. PLEASE BE SURE TO COMPLETE THE CARD IN THE BACK OF THE ROOM AND PRESENT IT TO THE CITY CLERK SO THAT YOU MAY BE RECOGNIZED.

- 7. OTHER MATTERS – COUNCIL:

- 8. OTHER MATTERS – STAFF:

- A. Discussion of Community Opinion Surveys. (City Manager)
- B. Modifications to the Trail Fence Material for the Sierra Avenue Street Improvement Project. (Public Works Director)

- 9. ADJOURNMENT:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office, (951) 270-5623. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

Staff reports are on file in the Office of the City Clerk. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be available for public inspection at the City Clerk's Counter in City Hall located at 2870 Clark Avenue.



MINUTES
CITY OF NORCO
SPECIAL MEETING -- TOWN HALL MEETING
CITY COUNCIL
CORONA-NORCO UNIFIED SCHOOL DISTRICT
LEARNING CENTER SOUTH
2820 CLARK AVENUE, NORCO, CA 92860
APRIL 29, 2010

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1. CALL TO ORDER: Mayor Miller called the meeting to order at 7:05 p.m. p.m.
 2. ROLL CALL: Mayor Malcolm Miller, **Present**
Mayor Pro Tem Berwin Hanna, **Present**
Council Member Kathy Azevedo, **Present**
Council Member Kevin Bash, **Present**
Council Member Harvey C. Sullivan, **Present**
 3. PLEDGE OF ALLEGIANCE: Council Member Azevedo
 4. OPENING COMMENTS:

Mayor Miller welcomed everyone in attendance and stated that the Council Meeting would be divided into two parts. First, a presentation will be made by the City Manager. Second, there will be a time for public comments. He noted that no action will be taken by the City Council and further noted that City staff is seeking direction from the Council Members and any views and input from the audience would assist them in giving that direction.

Council Member Sullivan commented on the downward trends of the economy all over the world and noted that it also has affected Norco. He stated that we are all in this together and supports cutting police by 50% and the closure of one fire station if that would help to balance the City's budget. He also stated that he supports placing a tax on the ballot if it has a time limit of 3 years.

Council Member Azevedo commented that this is a tough decision and we need to make it together. She stated that she has always said that we have a structural imbalance and the City is too dependent on the Auto mall for revenues. She further stated that there are only two dealerships left in Norco and they are both struggling. With that, she reminded everyone to shop in Norco. She noted that the choices she sees that we have are to implement a utility user tax, a parcel tax or bankruptcy and that this decision is too huge for the Council to make alone and they need input from the Community. She commented on the use of Redevelopment Agency money, which is used to promote economic development and attract auto dealerships into Norco and added that without RDA money, it would be difficult to compete with other cities.

Council Member Bash stated that we are all in this together and need to pull together. He added that it is important to note that Norco has an expensive lifestyle to maintain and we need to look into the future. He noted that a lot has been done to cut costs and it is going to require the community to come together to decide what services they want and don't want.

Mayor Pro Tem Hanna commented that when he moved to Norco in 1986, he was aware that it was an expensive place to maintain and reminded everyone that the community needs to help pay for that lifestyle. He further noted that if the community wants to keep this lifestyle, we need to work together and pitch in to save our City.

All of the Council Members stated that they encouraged comments from the audience to assist them in making a decision.

5. PRESENTATION ITEMS:

- A. City Government Funding Overview. (City Manager Groves and Deputy City Manager/Director of Finance Okoro)
- B. Potential Local Revenue Measures. (City Manager Groves and Deputy City Manager/Director of Finance Okoro)

City Manager Groves stated that City staff is in the process of putting together a balanced budget to bring to the Council for approval. She noted that there is great concern regarding falling revenues, which creates the need to seek additional revenues to balance the budget. A PowerPoint presentation provided an overview of General Fund revenues and expenditures, and overview of the Fiscal Year 2010-2011 preliminary General Fund Budget, cost containment measures implemented by the City, information on "what things cost", and information regarding revenue that could be produced from the implementation of a utility user tax or a parcel tax.

6. PUBLIC COMMENTS AND/OR QUESTIONS REGARDING PRESENTATION ITEMS:

Mayor Miller read a letter for the record from **Roger and Maxine Levander**.

TO: NORCO CITY COUNCIL
FROM: ROGER LEVANDER
1452 FOXTROTTER
NORCO, CA. 92860

"I WANT TO STATE THAT WE ARE DEFINITELY AGAINST RAISING TAXES TO COVER THE CITY'S SHORTFALL. THE CITY DOES NOT APPLY THE FUNDS WHERE THEY ARE SUPPOSED TO GO, AND FRANKLY DOESN'T SEEM TO HAVE ANY IDEA ON HOW TO CONTROL A BUDGET. WE PAY \$900 A YEAR TO HAVE OUR HORSE TRAILS MAINTAINED, AND AFTER NUMEROUS CALLS, CAN'T GET EVEN A CALL BACK ON WHY WE ARE LEFT WITH DEEP DITCHES RUNNING THROUGH OUR TRAILS. I CAN IMAGINE THE LAW SUITS WHEN A HORSE FALLS OR BREAKS A LEG ON ONE OF THESE TRAILS. JUST TURN THE MONEY OVER TO ANY RESPONSIBLE PERSON UP HERE, AND I'M SURE THAT WE CAN GET ALL OF OUR TRAILS IN GREAT SHAPE. WITH \$900 I WILL BE GLAD TO BE RESPONSIBLE FOR MY OWN TRAIL. THE CITY HAS A DOG TAX, BUT REFUSES TO PUT IN A HORSE TAX. THAT WOULD RAISE QUITE A LOT OF REVENUE. FOR ALL OF THESE REASONS, WE ARE IN FAVOR OF LETTING THE CITY REVERT BACK TO THE COUNTY-- WE BELIEVE THAT THEY WOULD IMMEDIATELY PUT IN A HORSE TAX TO RAISE REVENUE, AND WOULD BE BETTER AT CONTROLLING A BUDGET."

Shirley Lewis. Ms. Lewis spoke against a tax and asked for support for the seniors.

Martin Gilfix. Mr. Gilfix suggested that revenue to the City could be generated by charging people to park their horse trailers while riding on the City's trails.

Marilyn Gursha. Ms. Gursha stated that she is a member of Citizens Action Committee and noted that the Norco residents would put forth strong efforts to help balance the budget through volunteering and spoke against a tax. She noted that cutting positions and strong fiscal management of the budget would turn this financial problem around.

Alice Hathaway. Ms. Hathaway spoke against taxes and stated that we are all in this together. She added that salaries should be cut across the board along with additional cuts for public service.

Mike Francis. Mr. Francis spoke against a tax and noted that he does not want to see a cut in police and fire, but does not see where the people of Norco will come up with the money.

Vernon Showalter. Mr. Showalter supported cutting police and fire.

Emmet McKune. Mr. McKune stated that in looking at the graphs shown as part of the presentation, it would appear that the city is bankrupt. He does not support taxes and is in favor of renegotiating contracts.

Robert Snyder. Mr. Snyder spoke in favor of a "temporary" parcel tax, stating concerns for the seniors. He commented on the City's revenue problems and the costs for police and fire.

Susan Dvorak. Ms. Dvorak commented on the fact that she was informed that her position will be eliminated and stated concern regarding threats made to the Council by the Norco Firefighters to prevent them from making concessions.

Ann Marie Knudsen. Ms. Knudsen commented on the City's financial problems dating back to 2006 and noted Redevelopment Agency activity that she did not support.

Su Bacon. Ms. Bacon spoke against a tax and noted that cuts need to be made in the Fire Department as she has not seen one thing come from them to help out the City.

Jim Sassin. Mr. Sassin commented on the \$4 million shortfall and supports a ½ percent sales tax increase and the closure of one fire station. Simple way is to close one fire station and ½ point sales tax.

Warren Bacal. Mr. Bacal spoke against a tax and supported the closure of one fire station.

Greg Bowen. Mr. Bowen commented on the tough job ahead and supported raising sales tax on a temporary basis.

Robert Leonard. Mr. Leonard supported raising sales tax or a partial utility user tax, but not a parcel tax. He also spoke in support of contracting out for maintenance of the City's parks and using more volunteers to maintain the City's streets and trails. Need to figure out a way to make building department friendlier.

Karen Leonard. Ms. Leonard spoke in support of a utility user tax. She noted that the Fire Department could cut their salaries to save jobs. She also noted the strong volunteer groups in Norco that could be used to help maintain the trails.

Curtis Coombs. Ms. Coombs spoke against a tax and noted that the City cannot rely on auto dealerships for revenue and needs a broader source of income. He added that the City should be more flexible on its requirement for western architecture, as it costs additional money, and should make this a place that businesses want to seek out. He added some comments on the proposed high speed rail and how it affects the City of Norco.

Lisa Butler. Ms. Butler questioned the implementation of a temporary tax and if it would remain temporary. She supported cuts in the Fire Department.

Russ Phillips. Mr. Phillips spoke in support of a tax and noted that cuts should be implemented across-the-board.

Carol Nelson. Ms. Nelson commented on the budget cuts and stated that she did not support cutting law enforcement and fire, but would rather see parks closed. She noted the lights on Sixth Street and the new sign at Jack-in-the-Box and stated that those expenditures were a mismanagement of funds.

Lois Loock. Ms. Loock spoke against a tax and noted some "quick fixes" to save money, such as turning off street lamps on Sixth Street, turning off the flood lights on the ball fields, discontinue all informational literature, stopping all "freebees" provided to organizations, and filling the empty retail shops in Norco.

Fernando Garcia. Mr. Garcia spoke against a tax and commented on how a tax would hurt residents financially.

Mike Harris. Mr. Harris stated that he has a problem with the leadership provided by the Council, as they have known about the deficit for 5 years. He spoke against any tax and noted that the biggest job for the Council is to bring business in. He added that this problem is a challenge and the Council needs to be accountable for the success of the City.

Myrna Paakkonen. Ms. Paakkonen stated that she opposes taxes and noted that as a City, we need to look at where we can cut our expenditures and would like to see the Norco Firefighters Association step up to the plate and make true concessions. She added that the Sheriff's Department and Fire Department should not be categorized together and does not support making cuts in the Sheriff's Department.

Dale Vedomske. Mr. Vedomske supports the City's police making concessions and also spoke in support of using more volunteers.

John Box. Mr. Box commented on the need for a deficit-neutral budget to be provided to the Council and noted that the community deserves to see what that budget would look like and how it would impact the community. He spoke against a tax.

Gerry Lunde. Mr. Lunde asked for a show of hands regarding support from the audience regarding the measures discussed. In response to a parcel tax, there was no show of hands. There was very limited support of a sales tax or a utility user tax. There was also limited support for making cuts in the Fire Department, cuts in the Sheriff Department, and lowering wages and implementing new contracts. *Note that there was not an official count of hands raised.*

7. CITY COUNCIL MEMBERS' COMMENTS:

Mayor Pro Tem Hanna stated that he heard from the audience and the show of hands let him know what direction the Council should go in.

Council Member Bash stated that he is frustrated being the new council person and added that the audience does not have all of the information. He commented on the Norco Firefighters Association contract and the fact that we cannot close a station or implement any layoffs. He also commented on the option for the city to file bankruptcy and added that he would look into that. He encouraged residents to volunteer as the City will not be able to cover all of the services currently provided. He responded to many of the public comments made and stated that many of the decisions made are to make the City look better, as it will become a destination City and will then attract new businesses. He stated that he does not support charging horse trailers, as this would keep visitors away. He commented on the use of Ingalls Equestrian and Event Center and the fact that the people that live in the Norco hills are paying for it. He noted that he is against the high speed rail coming through Norco. He also noted that closing parks in the community would not help the deficit problem. He would like the City to make revisions to the current permitting process to fast track that process. He stated that if we hang in there, the community is sitting in a place that will be considered paradise. He further questioned "what are you willing to do to save this City?"

Council Member Azevedo commented on the need to bring economic development into the City, but that the problem is developers are looking at rooftops. She further commented that the goal is to make this city a destination point and we need to be proud of who we are. She noted that the street lamps on Sixth Street were constructed to attract economic development and were paid for with Redevelopment Agency funds. She stated that the numbers in the Sheriff Department were increased because of people complaining about safety on the trails. She stated that she is also opposed to the high speed rail coming through Norco as it will take out Hamner Avenue. She noted that this meeting has clearly accomplished what it needed to do as she heard from the community that they clearly do not want a tax. She further noted that the City will need to reduce public safety and close parks.

Council Member Sullivan commented that we are all in this together to survive this economic downturn. He further commented that Norco is a unique City and there is no place like it in the United States, but it has an expensive lifestyle. He spoke against the Norco Redevelopment Agency and stated that he would like to see the City do away with it, but that would be crazy as we would cut ourselves out of money. He noted that he is in favor of economic development, because the City needs to diversify. He added that because of our lot size and roof tops, it is hard to convince developers to come to Norco. He stated that the Council asked for help from citizens in making this decision and added that the Council alone cannot impose a new tax. He stated that he supports putting a tax on the ballot with a drop-dead time limit of 2 or 3 years. He commented on some of the public comments made and noted that some of the comments are “hear say” and added that the widening of Hamner Avenue will alleviate the current traffic bottleneck. He stated that the City has done some cutting and doesn’t know what else can be cut. He noted that nobody wants to close one fire station and cut the Sheriff Department by 50% to balance the budget, none of us want that and added that he was endorsed by the Norco Firefighters Association, but will vote to close a fire station and cut police if that will save the City. He did note that with only 27 public comments, he did not receive a clear indication as to what direction the community wants the Council to go.

Mayor Miller thanked City Manager Groves for the information in the presentation and also thanked the citizens for their input. He noted that times are tough, but not all is doom and gloom. He further noted that the economy is beginning to turn around and Norco will see increased visitors from the Silverlakes development next year. He also commented on potential revenues from water projects but noted that this will take time and the City needs help to get through the next three to four years. He stated that when staff cuts are made, so are services, and added that it is easy to say “cut,” but beyond a certain point, there are no cuts left. Noted was the contract with the Norco Firefighters Association that is locked in until June of 2011 and that hopefully at that time, reasonable concessions can be made. Mayor Miller asked the community to swallow hard and help the Council get through the next three years and hopefully, beyond that time, the City can get by with no tax. He stated that he would like to look at a utility user tax, as the revenues come in in a steadier fashion and each person can limit the impact on themselves through conservation. Mayor Miller stated that the Council will make a recommendation and the residents will make the final decision whether or not a revenue generating measure will pass.

8. ADJOURNMENT: There being no further business to come before the City Council, Mayor Miller adjourned the meeting at 9:55 p.m.

BRENDA K. JACOBS
CITY CLERK



MINUTES
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
MAY 5, 2010

CALL TO ORDER: Mayor Miller called the meeting to order at 6:03 p.m.

ROLL CALL: Mayor Malcolm Miller, **Present**
Mayor Pro Tem Berwin Hanna, **Present**
Council Member Kathy Azevedo, **Absent**
Council Member Kevin Bash, **Present**
Council Member Harvey C. Sullivan, **Present**

Staff Present: Cooper, Groves, Jacobs, King, Okoro, Oulman, Petree and Thompson

City Attorney Harper – **Present**

City Attorney Harper recommended that two (2) Existing Litigation Cases under Section 54956.9 be added to Closed Session. This action was approved by unanimous consensus of the City Council/Norco Redevelopment Agency Board Members present.

THE CITY COUNCIL/CRA RECESSED TO CLOSED SESSION (SECTION 54954) TO CONSIDER MATTERS:

Section 54956.9 – Conference with Legal Counsel – Existing Litigation

Case Name: Norco Redevelopment Agency v. Jeffrey D. Wilhelm and Jeffrey D. Wilhelm LLC

Case Number: RIC 10008244

Case Name: City of Norco v. Lakeview Wellness Center

Case Number: RIC 10007576

Section 54957.6 – Conference with Labor Negotiator

Negotiating Parties: City Manager Groves and Deputy City Manager/Director of Finance Okoro

Employee Organization: Norco Battalion Chiefs Association
Norco Firefighters Association
Norco General Employees Association
Norco Public Works & Parks Maintenance Workers Association

RECONVENE PUBLIC SESSION: With nothing to report from Closed Session, Mayor Miller reconvened the meeting at 7:05 p.m.

PLEDGE OF ALLEGIANCE: Council Member Sullivan

INVOCATION: St. Mel's Catholic Church
Father Declan Fogarty

PRESENTATIONS: California Distinguished Schools:
Norco Elementary
Principal Amy Shainman
Washington Elementary
Principal Bo Barnett

Mayor Miller presented each Principal with a plaque, congratulating them on this distinguished honor given to their respective schools. Principal Shainman commented on the criteria required to be a recipient of this award. Mayor Miller also presented each Principal with a proclamation from Assemblyman Jeff Miller.

PROCLAMATIONS: Poppy Week, May 9 – 15, 2010
American Legion Auxiliary No. 328

The President of the American Legion Auxiliary No 326, and Sue Brown, Poppy Week Chairman, received the proclamation from Mayor Miller.

Mental Health Month – May 2010
Riverside County Department of Mental Health

Moses Rangel, Mental Health Board Member, received the proclamation from Mayor Miller. Mr. Rangel stated that there will be an event held on Tuesday, May 18th at Bordwell Park in Riverside in celebration of Mental Health Month.

INTRODUCTION: Investigator Layos
Norco Sheriff Department

Lt. Cooper introduced Investigator John Layos and welcomed him to the City of Norco.

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. CRA CONSENT CALENDAR ITEMS:

M/S Hanna/Bash to approve the items as recommended on the CRA Consent Calendar. The motion was carried by the following roll call vote:

**AYES: BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: AZEVEDO
ABSTAIN: NONE**

- A. CRA Minutes:
Special Meeting of April 19, 2010
Regular Meeting of April 21, 2010
Recommended Action: Approve the CRA Minutes (City Clerk)

- B. Approval of first-Time Homebuyer Case 2010-01 in the Amount of \$54,000. **Recommended Action: Approval** (Housing Manager)

2. CRA PUBLIC HEARING:

- A. Approval of an Owner Participation Agreement, by and between the Norco Redevelopment Agency and Richard & Katty Becerra, as part of the Norco Façade Improvement Program, at 1091 Sixth Street

Richard & Katty Becerra, the owners of the building located at 1091 Sixth Street, have submitted a request to participate in the Façade Improvement Program, initiated by their tenant, Tejvir Walia, the franchisee of the 7-Eleven store at that site. The proposed Owner Participation Agreement will fund the project for an amount not-to-exceed \$20,000, which will be used for a Western-themed enhancement to the building's signage. The Façade Improvement Program helps the Agency meet strategic objectives and promotes Norco's signature theme of "Horsetown USA."

Recommended Action: Adopt CRA Resolution No. 2010-____, appropriating funds and approving an Owner Participation Agreement, by and between the Norco Redevelopment Agency and Richard & Katty Becerra, for a building's signage located at 1091 Sixth Street. (Director of Economic Development)

Economic Development Director Oulman presented the CRA public hearing item.

Vice Chairman Hanna confirmed with Director Oulman that the shorter sign will be located on the east side of the driveway on the property.

Board Member Bash stated that the business owner came to him with the problem and he is excited about this project going forward.

Chairman Miller OPENED the public hearing, indicating that proper notification had been made and asking for the appearance of those wishing to speak.

Tenant Tejvir Walia thanked everyone for helping him out to enable him to keep the business going.

Chairman Miller CLOSED the public hearing.

M/S Bash/Sullivan to adopt CRA Resolution No. 2010-08, appropriating funds and approving an Owner Participation Agreement, by and between the Norco Redevelopment Agency and Richard & Katty Becerra, for a building's signage located at 1091 Sixth Street. The motion was carried by the following roll call vote:

AYES: BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: AZEVEDO
ABSTAIN: NONE

3. CRA ITEM FOR ACTION:

A. Appropriation of Funds for the Supplemental Educational Revenue Augmentation Fund ("SERAF") Payment

Pursuant to the State of California 2009-2010 Budget, the State Legislature passed ABX4-26 authorizing the state to raid local redevelopment funds for state purposes. The Norco Redevelopment Agency's share of the raid, which is required to be paid to the Educational Revenue Augmentation Fund in FY 2009-2010, is \$4,904,827. The Agency will also be required to make an additional payment of \$1,008,863 in FY 2010-2011. The California Redevelopment Association ("CRA"), along with several counties, filed a lawsuit challenging the constitutionality of the state's proposed raid of local funds. The Judge presiding over the lawsuit has notified the CRA that he intends to rule on the merits of the case on or before May 4, 2010. The Agency is required to submit its SERAF payment by May 10, 2010 if the court does not rule in our favor.

Recommended Action: Adopt CRA Resolution No. 2010-___, appropriating \$4,904,827 from the Agency Fund Balance for the potential SERAF Payment. (Deputy City Manager/Director of Finance)

Deputy City Manager/Director of Finance Okoro presented the CRA item and stated that Sacramento County Superior Court Judge Lloyd Connelly ruled that the state can take more than \$2 billion from local redevelopment funds and transfer the money to school operations. Local governments objected to diverting the money, which generally is used to promote public works projects and rehabilitate downtowns. He noted that the Judge's ruling included options for sources used to pay for this. Staff, as part of the budget process, will determine what sources will be used to make this payment and will bring a cleanup resolution back to the Agency Board for approval.

Executive Director Groves commented on the difficult process it is to appropriate these funds and discussed the estimated remaining funds that would be available in the RDA fund balance following this payment. She added that this is a very low level for an RDA reserve fund. She clarified that if in fact the payment is required to be made by May 10th, staff will be looking at what funds in the RDA that this payment will be made from and noted that bond proceeds and low/moderate-income housing funds are an option..

City Attorney Harper stated that the California Redevelopment Association has appealed this and added that the consequences of not paying it are equivalent of a death penalty to the RDA!

Board Member Bash asked for explanation regarding where RDA money comes from. **Deputy City Manager/Director of Finance Okoro** stated that most of the funding comes from property tax increment, meaning property tax collected above and beyond the base value of the property when the Norco Redevelopment Agency was formed. **City Attorney Harper** commented on the pass-through money paid through the tax increment money. **Executive Director Groves** added that the Agency can issue bonds for RDA projects and pay off this issuance with tax increment money.

M/S Sullivan/Hanna to adopt CRA Resolution No. 2010-09, appropriating \$4,904,827 from the Agency Fund Balance for the potential SERAF Payment. The motion was carried by the following roll call vote:

AYES: BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: AZEVEDO
ABSTAIN: NONE

B. Adoption of a Restaurant Tenant Improvement Program

The proposed Restaurant Tenant Improvement Program, administered by the Norco Redevelopment Agency,, is designed to attract sit-down, full-service restaurants to commercial sites on Sixth Street and Hamner Avenue by providing financial assistance for interior tenant improvements. For both independent restaurateurs and franchisees of restaurant chains, the cost of tenant improvements is one of the principal barriers to opening for business. Assisting with tenant improvements will not only reduce their overall costs, but will make Norco a particularly attractive location for potential restaurant operators.

Recommended Action: Adopt CRA Resolution No. 2010-____, appropriating funds and approving the creation of a Restaurant Tenant Improvement Program. (Executive Director)

Executive Director Groves presented the CRA item. She noted that the key goals for economic development within the City are to attract sit-down restaurants, which bring a lot of value to the businesses around them. She added that this Program will be an incentive to attract them to locate in Norco. Also noted was that this Program is similar to the Façade Program and both could be applied for if they meet the criteria.

Board Member Sullivan commented on the Program and is excited about paying for some of the tenant improvements, as this is a major cost for new restaurants. He noted that this will help us attract restaurants, as we need sit-down restaurants.

Board Member Bash stated that this is a great idea.

Vice Chairman Hanna stated that this is a good idea and received confirmation from Executive Director Groves that through the application process, everything will be verified.

Chairman Miller stated that he supports this Program, as it is an investment program to improve revenues. He questioned the requirement for serving dinner seven nights a week and recommended that it be changed to six nights a week. **Executive Director Groves** stated that this would not have a negative impact on the Program.

Joyce Goodman. Ms. Goodman stated that she is excited about the program and commented on a restaurant that she would like to see go in the Boot Barn Center. She gave information on that potential restaurant to Economic Director Oulman.

Vern Showalter. Mr. Showalter stated that this is a good idea as this is what the RDA should be doing. He added that with the shortfall in the RDA money, the Agency needs to be careful.

Pat Overstreet. Ms. Overstreet stated that there is nothing better for restaurant business than competition and added that she would love to have a high quality sit-down restaurant locate in Norco, but is not in support of another saloon.

Executive Director Groves commented on the requirements of the Program, in response to Ms. Overstreet, and noted that there are provisions in the Program to guard against a sit-down restaurant becoming a "saloon."

M/S Hanna/Bash to adopt CRA Resolution No. 2010-10, appropriating funds and approving the creation of a Restaurant Tenant Improvement Program, with one change to the Program as follows: "Assistance is available only to sit-down, full-service restaurants with a minimum dining room capacity of 25 guests and dinner service seven six nights per week." (Executive Director) The motion was carried by the following roll call vote:

AYES: BASH, HANNA, MILLER, SULLIVAN

NOES: NONE

ABSENT: AZEVEDO

ABSTAIN: NONE

4. OTHER CRA MATTERS: No other CRA Matters

5. ADJOURNMENT OF CRA: 7:56 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

6. CITY COUNCIL CONSENT CALENDAR ITEMS:

Council Member Bash pulled Item 6.I.

M/S Hanna/Bash to approve the items as recommended on the amended City Council Consent Calendar. The motion was carried by the following roll call vote:

AYES: BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: AZEVEDO
ABSTAIN: NONE

- A. City Council Minutes:
Special Meeting of April 19, 2010
Regular Meeting of April 21, 2010
Recommended Action: Approve the City Council Minutes (City Clerk)
- B. Planning Commission Action Minutes, Regular Meeting of April 28, 2010.
Recommended Action: Receive and File (Planning Manager)
- C. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
- D. Approval for Extension of Contract for Annual Audit Services with Rogers, Anderson, Malody and Scott, LLP. **Recommended Action: Approve a contract extension for annual audit services with Rogers, Anderson, Malody and Scott, LLP. (Deputy City Manager/Director of Finance)**
- E. Resolution Establishing Public Places for Posting of City Notices.
Recommended Action: Adopt Resolution No. 2010-19. (City Clerk)
- F. Approval of the Assignment Agreement Royal Street Communications, LLC to Horvath Towers, LLC for Site No. LA0790. **Recommended Action: Approve the Assignment Agreement. (Director of Parks, Recreation & Community Services)**
- G. Acceptance of Street Dedication of Right-of-Way Fronting at 1410 Fourth Street. **Recommended Action: Accept the offer of dedication and authorize the Mayor to sign the Certificate of Acceptance. (Director of Public Works)**
- H. Acceptance of Dedication of Easement for Underground Utility Purposes at 4460, 4478, and 4490 Crestview Avenue. **Recommended Action: Accept a property dedication of a 15 foot easement for utility purposes at 4460, 4478, and 4490 Crestview Drive, and authorize the City Clerk to record the easement grant. (Director of Public Works)**

- I. Request for Water and Sewer Development Impact Fee Exemptions for the Norco First Assembly of God Church Expansion Project. **Recommended Action: Approve exemptions to the payment of Water and Sewer Development Impact Fees in the amount of \$8,000 in conjunction with the construction of the proposed Norco First Assembly of God Church Expansion Project.** (Director of Public Works)
PULLED FOR DISCUSSION

7. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

- 6.I. Request for Water and Sewer Development Impact Fee Exemptions for the Norco First Assembly of God Church Expansion Project. **Recommended Action: Approve exemptions to the payment of Water and Sewer Development Impact Fees in the amount of \$8,000 in conjunction with the construction of the proposed Norco First Assembly of God Church Expansion Project.** (Director of Public Works)

Public Works Director Thompson stated that the property in question has asked for the fee waiver and he recommended this based on the fees being paid currently and the fact that every effort will be made by the developer to hire local contractors. He added that a new water meter will also be installed.

Robert Leonard. Mr. Leonard spoke as the construction manager and stated that he is pushing local contractors to be a part of this project, but can't promise that all will be from Norco.

Greg Newton. Mr. Newton stated that the Planning Commission worked well with the church to satisfy the neighbors' concerns and to create cost effective designs for the church to save money. He noted that he is concerned that the conditions set by the Planning Commission would be upheld. He also noted that he does not like the idea that we give back fees during these economic times, but added that if it helps local contractors, he can agree.

Mayor Miller commented on the letter from the architect and noted the problems with the project moving forward if these fees were not waived.

M/S Bash/Hanna to approve exemptions to the payment of Water and Sewer Development Impact Fees in the amount of \$8,000 in conjunction with the construction of the proposed Norco First Assembly of God Church Expansion Project. The motion was carried by the following roll call vote:

AYES: BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: AZEVEDO
ABSTAIN: NONE

8. CITY COUNCIL PUBLIC HEARING:

A. Public Hearing Ordering Abatement of Weeds on Vacant Lots

The proposed resolution orders the abatement of weeds and authorizes the Fire Department's weed abatement contractor to begin abating weeds on vacant properties whose owners did not comply with the Notice to Abate Spring Weeds.

Recommended Action: Adopt Resolution No. 2010-____, declaring that weeds and hazardous vegetation, upon or in front of vacant property in the City of Norco, constitute a public nuisance and ordering the abatement. (Fire Chief)

City Manager Groves presented the City Council public hearing item.

Mayor Miller OPENED the public hearing, indicating that proper notification had been made and asking for the appearance of those wishing to speak. With no one wishing to speak, **Mayor Miller CLOSED** the public hearing.

M/S Sullivan/Bash to adopt Resolution No. 2010-20, declaring that weeds and hazardous vegetation, upon or in front of vacant property in the City of Norco, constitute a public nuisance and ordering the abatement. The motion was carried by the following roll call vote:

AYES: BASH, HANNA, MILLER, SULLIVAN
NOES: NONE
ABSENT: AZEVEDO
ABSTAIN: NONE

9. PUBLIC COMMENTS OR QUESTIONS:

Vern Showalter. Mr. Showalter stated that at the last Streets, Trails and Utilities Commission meeting, the poor condition of the City's trail fences was discussed. The Commission discussed exploring optional trail fence materials and recommended that the Public Works Director present these options to the City Council. He stated that upon discussions with some Norco residents, they were in favor of the white PVC diamond-design fence. He added that the cost of the fence is approximately \$9/linear foot. Mr. Showalter thanked the Public Works Department for the new striping on Hidden Valley over the I-15 Freeway.

Glenn Hedges. Mr. Hedges commented on the City's trail system and how it has deteriorated. He noted that the Public Works Department cannot keep up with the demand and added that this is a great opportunity for the City to use volunteers to work on the trails, as well as the trail fencing.

Greg Newton. Mr. Newton thanked the City Council for the information presented at the Town Hall Meeting. He noted that he did not agree with the comment made by one of the Planning Commission Members regarding the lack of leadership by the Council and stated that this Council does a great job.

10. OTHER MATTERS – COUNCIL/STAFF:

Mayor Pro Tem Hanna:

- ✚ Agrees with Mr. Hedges regarding using volunteers to help with the maintenance of the trails. He added that staff could come up with a plan to put groups together. Also noted was that the trails are currently a disgrace and we should spruce up the town and make the trails safer. He recommended that staff come back with an idea for putting together this volunteer program.
- ✚ Stated that NART received a check for \$85 from Norco Ranch Outfitters. He added that NART was not called out during Horseweek.
- ✚ Commented on the condition of the horse trail on Hillside and how dangerous it is. He advised Council Member Sullivan to check on its condition before the Extreme Mustang Makeover Trail Challenge.

City Manager Groves:

- ✚ Stated that there has been a lot of discussion regarding a volunteer program at the staff level and an expanded volunteer program is being put together. She received confirmation that the trail maintenance is a top priority of the Council and added that some organized groups, with their own insurance, have come in and have been given projects to complete within the City. She further added that discussions are ongoing throughout the budget process.

Jeanine Adams:

- ✚ Commented on the annual day of community service and noted that 200 people from her church will be participating in performing weed abatement and cleaning up the trails. She added that they will also be painting the small storage shed behind the Sheriff Station.

Council Member Bash:

- ✚ Stated that he is unclear regarding who has the responsibility maintaining the trails in front of resident's homes and was unclear if the City has an adopt-a-trail program and if so, what are the responsibilities of the residents.
- ✚ Commented that someone had contacted him with the idea that the City could purchase the technology to make its own trail fencing.
- ✚ Reminded everyone regarding the event on May 23rd in remembrance of Officer Evans, killed during the famous Norco bank robbery.
- ✚ Stated that the horse ride at the Navy Base last Saturday was successful and noted that pictures can be purchased online to support the Lake Norconian Club Foundation.
- ✚ Noted that the Norconian is badly deteriorating and help is needed to preserve it.
- ✚ Requested that accurate information be provided to the citizens following the Town Hall Meeting held on April 29th. He added that Norco is not a regular community and is expensive to maintain. City Manager Groves noted that a *Question & Answer* document will soon be available for the public to view.

- ↓ Asked to have the Parks and Recreation Commission Minutes included in the Thursday packets for information.
- ↓ Stated that the Economic Development Advisory Council has been discussing a patriotic-themed banner program on Sixth Street. City Manager Groves added that staff is soliciting quotes and specs regarding sponsorship for a banner program and added that the costs for the banners will depend on the banner design and the cost to put them up.

Council Member Sullivan:

- ↓ Confirmed with Public Works Director Thompson that he will follow up with checking on the trail on Hillside before the Extreme Mustang Makeover Trail Challenge.
- ↓ Commented that because of the problems caused by the obstructions in the horse trails, as well as public right-of-way, he would like the City Manager to review the ordinance and policy regarding the City's policies. City Manager Groves stated that she will be reviewing this ordinance and will report back to the Council, including what enforcement has taken place. Council Member Sullivan noted that the public needs to be aware of their responsibilities.

Mayor Miller:

- ↓ Reported some good news that 1.1 million signatures were submitted to qualify a ballot measure to stop State raids of local government and transportation funds.
- ↓ Commented that the Town Hall Meeting went well and was pleased that the "T" word could be discussed. He added that he would like to get a better sense of where the community is regarding additional tax revenues as so few spoke at the Town Hall Meeting. He directed staff to look at options to assess the mood of the community regarding tax measures either through a consulting firm or via utility billing.
- ↓ Presented slides with information on the proposed California High Speed Train Project. He noted that he serves on the Southern California Association of Governments, as well as the Riverside County Transportation Commission, which both are a MOU Partner of this Project. He stated that he has made it clear to both of them that the City of Norco is not in favor of this Project, as the proposed alignment going through Norco would destroy the City.

11. OTHER MATTERS – STAFF: N/A

12. ADJOURNMENT: There being no further business to come before the City Council, Mayor Miller adjourned the meeting at 8:56 p.m.

BRENDA K. JACOBS
CITY CLERK

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: William R. Thompson, Director of Public Works 

DATE: May 19, 2010

SUBJECT: Acceptance of Property Dedication at 2857 Hamner Avenue for the Hamner Avenue Widening Project

RECOMMENDATION: Authorize the City Manager to accept the dedication of street right-of-way at 2857 Hamner Avenue (Cow Girl Café), authorize the City Clerk to record the Grant Deed and authorize the City Manager to execute the Certificate of Acceptance.

SUMMARY: The property owner of 2857 Hamner Avenue has been requested to dedicate property to the City of Norco for right-of-way purposes in order to provide for the street improvements associated with the TUMF-funded Hamner Avenue Widening Project.

BACKGROUND/ANALYSIS: If the property owner located at 2857 Hamner Avenue agrees to dedicate street right-of-way for public facilities, the City of Norco will agree to fund the construction of the street improvements. The property in question is located on the east side of Hamner Avenue, south of Fourth Street, and north of Market Street. The existing half-width right-of-way for this section of Hamner Avenue is 30 feet. The ultimate right-of-way requirement for Hamner Avenue is 110 feet (55 feet half-width). Therefore, the City requires an additional 25 feet of right-of-way along the east side of the roadway at 2857 Hamner Avenue in order to achieve the ultimate right-of-way width.

The property owner is prepared to submit a fully-executed Grant Deed to the City in conformance with the Norco Municipal Code. The City Council thus needs to formally accept the dedication and record the Grant Deeds. A street improvement project has been scheduled that includes the adjacent properties on the east side of Hamner Avenue. In order to include this project within this project, staff is requesting the City Council authorize the City Manager to approve the Grant Deed.

With the inclusion of this parcel, the street widening of Hamner Avenue would be completed on the east side from Fourth Street to Market Street.

FINANCIAL IMPACT: None.

Attachments
/wrt-75525

Exhibit "A"
Legal Description
(Copied from Title Report)

APN: 127-180-007

Real property in the City of Norco, County of Riverside, State of California, described as follows:

That portion of Lot 2 in Block 25 of RIVERSIDE ORANGE HEIGHTS TRACT NO. 2, as shown by Map on file in Book 7, Page 54 of Maps, in the Office of the County Recorder of the County of Riverside, by metes and bounds:

COMMENCING in the North line of said Lot 2, 460 feet East of the Northwest corner thereof, thence East 270.48 feet to the Northeast corner of said Lot 2; thence South 320.00 feet; thence West 772.51 feet to the West boundary of said Lot 2; thence North 7° 29' East, 121.03 feet; thence East 486.27 feet; thence North 200.00 feet to the point of beginning;

EXCEPTING therefrom the Easterly 270.40 feet thereof.

TOGETHER with 14.45 shares of the capital stock of the Orange Heights Water Company.

Exhibit "B"
Legal Description of Parcel to be conveyed to the City of Norco

Portion of APN: 127-180-007

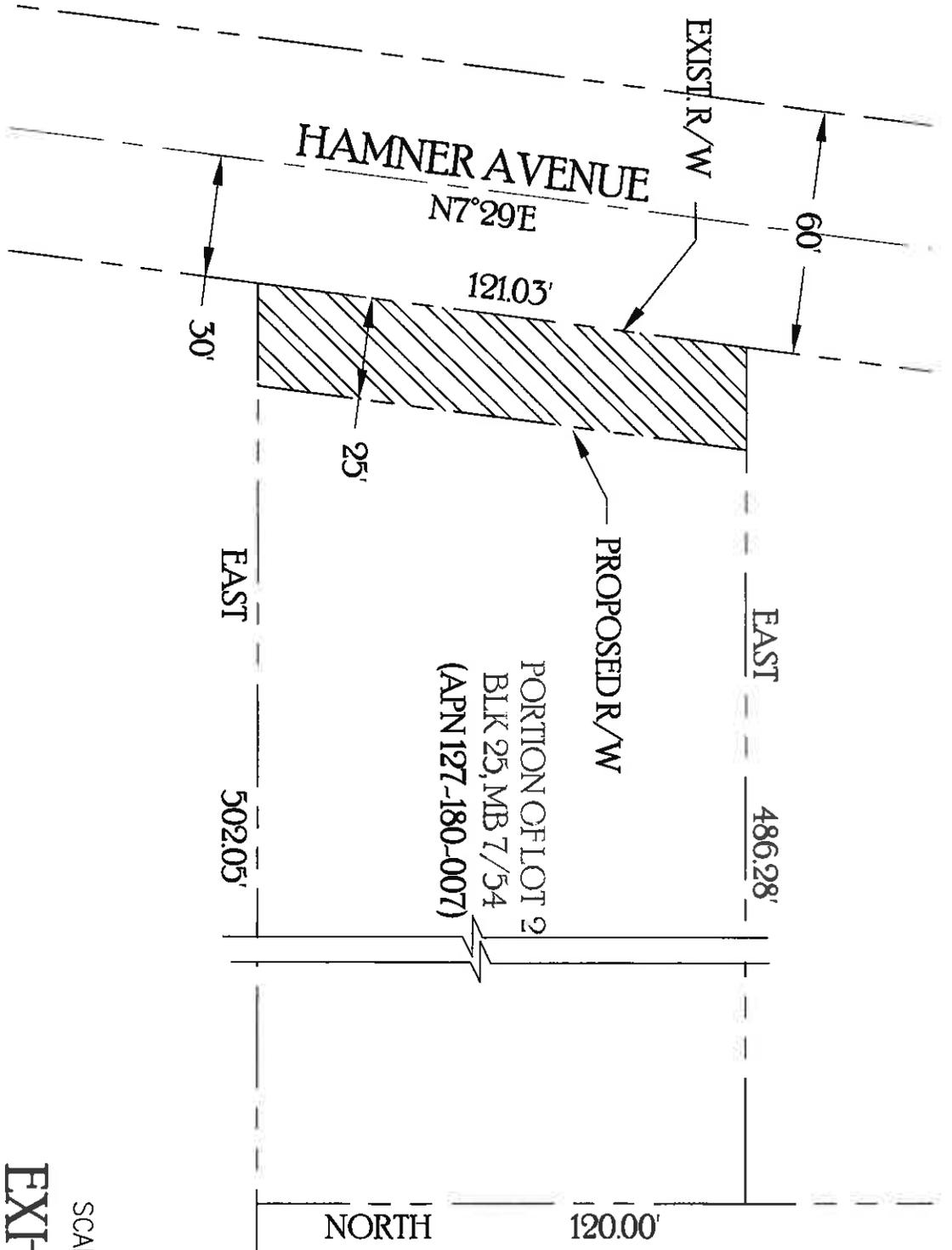
All that certain real property situated in the County of Riverside, State of California, described as follows:

The westerly 25 feet, as measured perpendicular to the centerline of Hamner Avenue, of the southerly 120 feet of the northerly 320 feet of Lot 2, Block 25 of Riverside Orange Heights Tract No. 2, as shown by map on file in Book 7 Page 54 of Maps, in the Office of the County Recorder of said County;

Excepting therefrom the Easterly 270.48 feet thereof.

Containing 3,025.75 square feet, more or less.

Prepared under the Supervision of:



SCALE 1"=40'
EXHIBIT "C"
 PROPOSED DEDICATION

LEGEND

-  AREA TO BE DEDICATED
- AREA = 3,025.75 SF
- BEARINGS PER MB7/54

Recording requested by:

CITY OF NORCO

When recorded mail to:

*City Clerk
City of Norco
2870 Clark Avenue
Norco, CA 92860*

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: **Portion of 127-180-007**

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, *Ersula Howard and Raenell M. Selk, Co-Trustees, or successor trustee(s) of the Ersula Howard Living Trust, udt 11-2-1998*, do hereby grant in FEE to the CITY OF NORCO, a municipal corporation, the land in the City of Norco, County of Riverside, State of California described in Exhibit "A" (legal description) and as shown on Exhibit "B" (plat).

BY:

Signature <must be notarized>

Signature <must be notarized>

name and title printed

name and title printed

RECORDING REQUESTED BY:

CITY OF NORCO
2870 CLARK AVENUE
NORCO, CA 92860-0428

AND WHEN RECORDED MAIL TO:

City Clerk
CITY OF NORCO
2870 CLARK AVENUE
NORCO, CA 92860-0428

SPACE ABOVE THIS LINE FOR RECORDERS USE

APN: 127-180-007

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

ERSULA HOWARD and RAENELL M. SELK, Co-Trustees, or successor trustees(s) of the ERSULA HOWARD LIVING TRUST, udt 11-2-1998, owners of the following described real property and described in Exhibit "A", does

HEREBY GRANT in **FEE SIMPLE** to THE CITY OF NORCO, a municipal corporation, the land in the City of Norco, County of Riverside, State of California, described in Exhibit "B" (legal description) and as shown on Exhibit "C" (plat), attached and made a part hereof.

DATED THIS _____ DAY OF _____ 2010.

BY:

Signature<must be notarized>

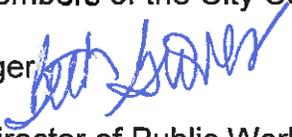
Signature<must be notarized>

name and title printed

name and title printed

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: William R. Thompson, Director of Public Works 

DATE: May 19, 2010

SUBJECT: Request for Extension of Street Tree Maintenance and Management Services Agreement with West Coast Arborists, Inc. for five (5) years through 2015.

RECOMMENDATION: That City Council approves the requested extension of the Street Tree Maintenance and Management Services Agreement with West Coast Arborists, Inc. for five (5) years through 2015.

SUMMARY: West Coast Arborists, Inc. (WCA) has requested the City of Norco extend the term of the current agreement for an additional period of five (5) years through June 30, 2015. The existing contract agreement between the City of Norco and West Coast Arborist, Inc. allows for justified annual cost increases within the Consumer Price Index (CPI) limits. WCA has agreed to extend the contract without a cost increase during the 2010/11 fiscal year.

BACKGROUND/ANALYSIS: On September 1, 1999, the City Council authorized the City Manager to execute an agreement with West Coast Arborists, Inc. (WCA) of Anaheim for tree maintenance and management services. The agreement stipulated that the term would be from September 2, 1999 through June 30, 2000, but it also provided language allowing the City of Norco the option of extending the agreement on a year-to-year basis or for 5-year periods.

In June of 2005, the City Council approved the WCA request to extend the current contract agreement for an additional 5 years, through June 30, 2010. As a part of the contract extension, WCA will continue to provide access to their web based inventory program that also includes unlimited software support.

Staff has been extremely satisfied with the performance of West Coast Arborists, Inc. and recommends that the City Council authorize the contract extension. The City will retain its right to terminate the contract for just cause if the contractor fails to perform adequately.

FINANCIAL IMPACT: Annual \$55,000, Gas Tax Fund 133-801-42220

Attachments: Exhibit "A" – Letter of request from West Coast Arborists, Inc.

/wrt-75526



April 29, 2010

City of Norco
ATTN: Bill Thompson, Director of Public Works
2870 Clark Ave.
Norco, Ca 92860

RE: TREE MAINTENANCE & MANAGEMENT SERVICES

Dear Mr. Thompson,

West Coast Arborists, Inc. (WCA) appreciates the hard work that you and your staff have provided during the past 11 years to help make the tree maintenance program a huge success for the residents of Norco. Since 1999, we have worked with City staff to develop a "team effort" approach in the care of the City's Urban Forest annually, while keeping the rates low throughout the term.

The term of the current Agreement between WCA and the City is set to expire on June 30, 2010. To promote stability and to guarantee the residents with quality tree care and customer service for years to come, we would like to offer the City an extension to the current Agreement for five (5) additional years with a cost adjustment provision based on the Consumer Price Index (CPI) beginning with the 2011-2012 fiscal year. We agree to hold the current prices for fiscal year 2010- 2011. We understand that the City upon 30-days written notice may terminate the agreement, without cause.

As part of a contract extension, WCA offers the following:

- At no additional cost, provide the City with access to our web-based tree inventory program called ArborAccess On-Line. (Valued at approximately \$5,000)
- Provide unlimited software support including training during the entire length of the contract. (Valued at approximately \$2,400 annually)

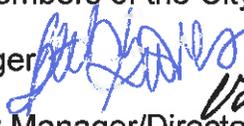
We appreciate your ongoing efforts to make this Agreement a success for both the City and WCA and look forward to continuing our successful business relationship. Should you have any questions, or require additional information please do not hesitate to contact me at (800) 521-3714.

Sincerely,

Victor M. Gonzalez
Vice-President, Director of Marketing

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Andy Okoro, Deputy City Manager/Director of Finance 

DATE: May 19, 2010

SUBJECT: Approval and Adoption of the Annual Appropriation Limit for Fiscal Year 2010-2011

RECOMMENDATION: Adopt Resolution No. 2010-___, approving the annual appropriation limit for Fiscal Year 2010-2011.

SUMMARY: The City is required by Article XIII of the State Constitution to adopt an annual appropriations limit which sets the maximum appropriation for the General Fund. Staff is recommending that Council adopt the attached resolution approving \$31,060,924 as the appropriation limit for Fiscal Year 2010-2011.

BACKGROUND/ANALYSIS: Attached is a resolution, as required by state law, approving the appropriation limit for the 2010-2011 fiscal year in the amount of \$31,060,924. The preliminary 2010-2011 General Fund budget is approximately \$17,112,822. Based on the calculated appropriation limit for 2010-2011, the preliminary General Fund Budget represents 55% of the allowable appropriation. This calculation is made using the change in City population of 0.69% and the state change in per capita personal income of -2.54% as provided by the State of California Department of Finance. See Exhibit "A". The information from the State is attached.

FINANCIAL IMPACT: None

/jk-75475

Attachment: Resolution No. 2010-___
Dept. of Finance – Price and Population Information

RESOLUTION NO. 2010-__

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA, APPROVING AND ADOPTING THE ANNUAL APPROPRIATION LIMIT FOR THE FISCAL YEAR 2010-2011

WHEREAS, the voters of California, on November 6, 1979, added Article XIII-B to the State Constitution placing various limitations on the appropriation of the state and local governments; and

WHEREAS, Article XIII-B provides that the appropriation limit for the Fiscal Year 2010-2011 is calculated by adjusting the base year appropriation of the Fiscal Year 1978-1979 for changes in state per capita personal income statistics and population (see Exhibit "A"); and

WHEREAS, the City has selected the change in state per capita personal income and the annual percentage change in population for the City of Norco supplied by the State Department of Finance to set the appropriation limit; and

WHEREAS, the City of Norco has complied with all the provisions of Article XIII-B in determining the appropriation limit for Fiscal Year 2010-2011.

NOW, THEREFORE, BE IT RESOLVED that the appropriations limit in Fiscal Year 2010-2011 shall be \$31,060,924 for the City of Norco.

APPROVED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 19, 2010.

Mayor of the City of Norco, California

ATTEST:

Brenda K Jacobs, City Clerk
City of Norco, California

I BRENDA K JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on May 19, 2010, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on May 19, 2010.

Brenda K Jacobs, City Clerk
City of Norco, California

/jk-75474
Attachment: Exhibit "A"

City of Norco, California
FY 2010 - 2011 Appropriations Limit Calculation

FY 2009-2010 Appropriations Limit (Per Resolution 2009-20)	\$ 31,649,607
Change in Per Capita Personal Income	-2.54%
Change in City Population	0.69%
Calculation Factor (0.9746x 1.0069)	0.98140
FY 2010-2011 Appropriations Limit	<u>\$ 31,060,924</u>



May 2010

Dear Fiscal Officer:

Subject: Price and Population Information

Appropriations Limit

The California Revenue and Taxation Code, Section 2227, mandates the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2010, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2010-2011. Enclosure I provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2010-2011 appropriations limit. Enclosure II provides city and unincorporated county population percentage changes, and Enclosure IIA provides county's and incorporated area's summed population percentage changes. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code, Section 2228 for further information regarding the appropriation limit. You can access the Code from the following website: "<http://www.leginfo.ca.gov/calaw.html>" check box: "Revenue and Taxation Code" and enter 2228 for the search term to learn more about the various population change factors available to special districts to calculate their appropriations limit. Article XIII B, Section 9(C), of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. Consult the following website: "http://www.leginfo.ca.gov/const/article_13B" for additional information. Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this issue should be referred to their respective county for clarification, or to their legal representation, or to the law itself. No State agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. Revenue and Taxation Code Section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2010.**

Please Note: Prior year's city population estimates may be revised.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

May 2010

Enclosure I

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost-of-living factor to compute their appropriation limit by a vote of their governing body. The cost-of-living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the 2010-2011 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2010-2011	-2.54

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2010-2011 appropriation limit.

2010-2011:

Per Capita Cost of Living Change = -2.54 percent
 Population Change = 1.03 percent

Per Capita Cost of Living converted to a ratio: $\frac{-2.54 + 100}{100} = .9746$

Population converted to a ratio: $\frac{1.03 + 100}{100} = 1.0103$

Calculation of factor for FY 2010-2011: $.9746 \times 1.0103 = .9846$

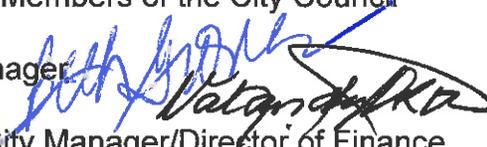
Enclosure II
Annual Percent Change in Population Minus Exclusions
January 1, 2009 to January 1, 2010 and Total Population, January 1, 2010

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total</u>
	2009-2010	1-1-09	1-1-10	1-1-2010
Riverside				
Banning	0.70	28,551	28,751	28,751
Beaumont	5.45	32,448	34,217	34,217
Blythe	0.74	13,988	14,092	21,812
Calimesa	0.68	7,504	7,555	7,555
Canyon Lake	0.74	11,143	11,225	11,225
Cathedral City	0.63	52,455	52,788	52,841
Coachella	3.77	41,043	42,591	42,591
Corona	1.11	148,770	150,416	150,416
Desert Hot Springs	0.85	26,584	26,811	26,811
Hemet	1.19	74,931	75,820	75,820
Indian Wells	0.88	5,099	5,144	5,144
Indio	1.64	82,325	83,675	83,675
Lake Elsinore	1.31	50,324	50,983	50,983
La Quinta	1.35	43,830	44,421	44,421
Menifee	1.60	67,819	68,905	68,905
Moreno Valley	1.08	186,515	188,537	188,537
Murrieta	0.65	100,835	101,487	101,487
Norco	0.69	22,820	22,977	27,370
Palm Desert	0.96	51,570	52,067	52,067
Palm Springs	0.81	47,653	48,040	48,040
Perris	1.37	54,387	55,133	55,133
Rancho Mirage	0.41	16,938	17,008	17,008
Riverside	1.09	300,769	304,051	304,051
San Jacinto	1.13	36,521	36,933	36,933
Temecula	2.25	102,713	105,029	105,029
Wildomar	1.70	31,374	31,907	31,907
Unincorporated	1.66	459,078	466,697	466,806
County Total	1.40	2,097,987	2,127,260	2,139,535

(*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Andy Okoro, Deputy City Manager/Director of Finance 

DATE: May 19, 2010

SUBJECT: Establishment of Annual Special Tax for Community Facilities District No. 93-1 for the Fiscal Year 2010-2011.

RECOMMENDATION: Adopt **Resolution No. 2010-____**, Establishing Annual Special Tax for Community Facilities District No. 93-1 for the Fiscal Year 2010-2011.

SUMMARY: Staff is recommending that the City Council adopt a resolution approving the annual special tax levy for Community Facilities District No. 93-1 for the Fiscal Year 2010-2011. The tax levy is necessary to generate funds for the payment of the debt service on the bonds issued for the construction and installation of public facilities in the district. No change in the previously approved tax rate is proposed.

BACKGROUND/ANALYSIS: On December 16, 1992 the City Council adopted Resolution No. 92-73 stating its intent to establish Community Facilities District 93-1 (Gateway) ("District"). A majority of the property owners within the District boundaries voted to approve CFD 93-1 in 1992. Resolution 92-73 provided for the levying of special taxes in FY 1995-96 against each parcel in the District for the construction and installation of certain public facilities, including drainage facilities improvements ("District Facilities"); intersection improvements – Hamner Avenue at First Street and Hamner Avenue at Mountain Avenue; street improvements – First Street from Hamner Avenue to existing Mountain Avenue; signal improvements – Hamner Avenue at First Street Intersection and Hamner Avenue at Mountain Avenue (Yuma Drive) intersection; and water improvements – Hamner Avenue and landscaped median improvements – Hamner Avenue and First Street.

The County of Riverside requires a resolution levying the special taxes to be adopted each fiscal year for the duration of the District. The special tax rate used in the preparation of the Special Tax Levy Report does not exceed the amount previously authorized, and does not exceed the amount approved by the qualified electors of the District. The proceeds of the special tax will be used to pay, in whole or in part, the approved costs of the District.

Adoption of Resolution No. 2010-____ (attached), directs the Auditor-Controller of the County of Riverside to prepare an amended real property statement for each parcel of the District, as well as to perform other administrative actions for FY 2010-2011.

The special tax due will be listed opposite each affected lot or parcel of land as a line item designated "Public Improvements, CFD Special Tax" or any other suitable designation in accordance with the resolution. Adoption of the resolution also requires the City to issue the attached statement that CFD 93-1 charges are in compliance with Proposition 218.

FINANCIAL IMPACT: N/A

/jk-75537

Attachments: Resolution No. 2010-____

Exhibit A

Compliance Statement

RESOLUTION NO. 2010-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA ESTABLISHING ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 93-1 FOR THE FISCAL YEAR 2010-2011

WHEREAS, the City Council of the City of Norco, California (hereinafter referred to as the "Legislative Body") has initiated proceedings, held a public hearing, conducted an election, and received a favorable vote from the qualified electors relating to the levy of a special tax in a community facilities district, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California. This Community Facilities District shall hereinafter be referred to as "District"; and,

WHEREAS, this Legislative Body, by Ordinance as authorized by Section 53340 of the Government Code of the State of California, has authorized the levy of a special tax to pay for costs and expenses related to said District, and this Legislative Body is desirous to establish the specific rate of the special tax to be collected for the next fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Norco, does hereby accept:

SECTION 1: That the above recitals are all true and correct.

SECTION 2: That the specific rate and amount of the special tax to be collected to pay for the costs and expenses for FY 2010-2011 for the referenced District is hereby determined and established as set forth in the attached, referenced, and incorporated Exhibit "A."

SECTION 3: That the rate as set forth above does not exceed the amount as previously authorized by Ordinance of this Legislative Body and is not in excess of that as previously approved by the qualified electors of the District and is exempt from Proposition 218, Section XIID of the California State Constitution.

SECTION 4: That the proceeds of the special tax shall be used to pay, in whole or in part, the costs of the following:

- A. Payment of principal and interest on any outstanding authorized bonded indebtedness;
- B. Necessary replenishment of bond reserve funds or other reserve funds; Resolution No. 2010-____ CFD 93-1 Levying of Taxes, 2010-2011;

- C. Payment of costs and expenses of authorized public facilities;
- D. Repayment of advances and loans, if appropriate; and
- E. Costs and expenses related to the administration of the District.

The proceeds of the special taxes shall be used as set forth above and shall not be used for any other purpose.

SECTION 5: The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected, and shall be subject to the same penalties and same procedure and sale in cases of any delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting any said special tax.

SECTION 6: All monies above collected shall be paid into the District, including any bond fund and reserve fund.

SECTION 7: The Auditor of the County is hereby directed to enter in the next County assessment on which taxes will become due, opposite each lot or parcel of land affected, in a space marked "public improvements, special tax" or by any other suitable designation, the installment of the special tax, and for the exact amount of said tax, reference is made to the attached Exhibit "A."

SECTION 8: The County Auditor shall then, at the close of the tax collection period, promptly render to this Agency a detailed report showing the amount(s) of such special tax installments, interest, penalties, and percentages so collected and from which property collected, and also provide a statement of any percentages retained for the expense of making any such collection.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on May 19, 2010.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

Resolution No. 2010-__

Page 3

May 19, 2010

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Resolution was adopted by the City Council of the City of Norco, California, at a regular meeting thereof held on May 19, 2010, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on May 19, 2010.

Brenda K. Jacobs, City Clerk
City of Norco, California

/jk-75537

EXHIBIT "A"

City of Norco
Community Facilities District No. 93-1R
Fiscal Year 2010/2011 Special Tax Rates

For Fiscal Year 2010/2011, the effective special tax rate for each taxable parcel is \$0.10 per square footage of land and the amount of special tax for each assessor's parcel number is listed below:

APN	LEVY AMOUNT
122-040-022	\$5,052.96
122-040-023	3,136.32
122-040-024	3,702.60
122-040-030	3,702.60
122-040-054	3,963.96
122-040-055	4,704.48
122-040-056	9,539.64
122-040-057	20,386.08
122-050-031	2,787.84
122-050-033	2,962.08
122-050-035	3,441.24
122-050-045	2,962.08
122-050-046	3,005.64
122-050-047	4,138.20
122-050-048	12,545.28
122-050-049	6,403.32
122-070-014	1,481.04
122-070-016	5,967.72
122-070-023	1,524.60
122-070-026	217.80
122-070-028	5,140.08
122-070-034	5,730.30
122-070-035	3,327.10
122-070-036	2,634.06
122-090-053	10,896.52
122-090-054	2,249.86
122-090-055	3,176.38
122-090-056	3,176.38
122-090-057	5,029.00
122-090-058	9,661.16
122-090-059	352.82
122-090-062	6,617.18
122-090-063	1,764.60
122-090-068	135.46
122-090-069	1,265.40
122-090-072	21,621.44
122-120-002	392.04
125-270-025	3,789.72
125-270-030	1,089.00
125-270-034	6,011.28
125-270-035	2,047.32
126-250-029	1,916.64
126-250-057	2,003.76
126-250-058	3,223.44
Total = 44 parcels	\$204,876.42

ORDINANCE NO. 672

COMMUNITY FACILITIES DISTRICT NO. 93-1

Special taxes are for a period not to exceed 25 years from the original levy, Resolution 92-73 provided for the levying of special taxes in Fiscal Year 1995-96 to each parcel in the District.

The City shall administer and collect taxes and determine the amount of special tax revenue needed for the next fiscal year to cover all costs and expenses to pay for facilities, debt service, including principal and interest and replenishment of reserve and other administrative expenses.

Bond issuance to cover various public facilities such as grading, etc. is necessary for the Gateway Specific Plan Area (The District). All properties subsequently annexed shall be subject to the original authorized special taxes, as well as increases to reflect increases in the Engineering News-Record Construction Cost Index (Los Angeles) as of May 1st of any fiscal year after 1993/1994.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Andy Okoro, Deputy City Manager/Director of Finance 

DATE: May 19, 2010

SUBJECT: Fiscal Year 2010 Third Quarter Budget Performance Report

RECOMMENDATION: Staff recommends that the City Council receive and file the Fiscal Year 2010 third quarter budget performance report.

SUMMARY: This report is intended to provide Council with a status report on budget-to-actual performance of the various Operating Funds for the first three quarters of Fiscal Year 2009-2010. As additional information year-end revenue and expenditure projection for the General Fund is also provided. Staff recommends that the City Council receive and file this third quarter budget to actual report.

BACKGROUND/ANALYSIS: This report is part of an ongoing effort to provide the City Council with current financial information on the City's Operating Budget for various Funds. Attachment 1 provides a summary data between budget-to-actual revenues and expenditures for each Operating Fund through March 31, 2010. Using the data available through March 31, 2010, staff has also projected year-end revenues, expenditures and fund balance for the General Fund. This information will also be provided and reviewed as part of the FY 2010-2011 budget process. Attachment 2 provides the year-end projections for the General Fund.

General Fund Revenues

Total General Fund revenues (see attachment 2), is estimated to be \$13.8 million compared to amended the budget amount of \$14.3 million for an anticipated unfavorable budget variance of \$0.5 million. Attachment 2 reflects estimated year-end revenue by major revenue category

Based on actual revenue data through March 31, 2010, staff estimates that total actual General Fund revenues for FY 2009-2010 will be nearly \$506,000 less than the amended budget amount. The estimated unfavorable revenue performance is mainly due to lesser than anticipated receipts from motor vehicle license, franchise fee and strike team call out revenues. Motor vehicle license fees are collected by the State's Department of Motor Vehicles (DMV) and allocated to local governments. Based on the

amount allocated to the City through March 31, 2010, staff estimates that the total City allocation for the entire fiscal year will be nearly \$304,000 lower than the amended budget amount due to lower receipts by the DMV. Additionally, franchise fee revenues are estimated at \$63,000 below the amended budget due to significant decline in natural gas franchise revenues. Natural gas franchise fees are paid to the City by the gas company based on their gross receipts within City limits for the previous calendar year. During calendar year 2009, natural gas revenues collected in the City by the gas company declined by more than 42% when compared to the previous 2008 calendar year. The gas company attributes this steep decline in revenues to a significant decline in the price of natural gas commodity during 2009.

General Fund Expenditures

Based on year-end projections (see attachment 2), total General Fund expenditures for FY 2009-2010 is estimated to be \$16.1 million compared to amended budget of \$16.4 million for a favorable budget variance of nearly \$300,000. Most of the expenditure savings are expected to come from Fire Department primarily due to non use of budgeted strike team expenditures. Other savings are expected to come from Senior Citizens programs due to re-allocation of grant funding; Building & Safety and Engineering Divisions expenditures are also anticipated to come in lower than budget due to expenditure cut backs to reflect declining revenues from these programs.

Fund Balance

Attachment 2 also provides projected year-end fund balance information. Fund balance amount is estimated using actual beginning fund balance and FY 2009-2010 estimated year-end revenues and expenditures. It is estimated that fund balance will decrease by nearly \$2.3 million to \$3.5 million by the end of Fiscal Year 2010.

Other Funds

Through March 31, 2010, the Redevelopment Agency Operating Fund has received slightly more than half of FY10 budget tax increment revenues. Based on historic receipt trends, it is projected that the Agency's tax increment revenues at year-end will be at or slightly above the amended budget amount. It is to be noted that the amended budget amount includes \$721,000 reduction taken at mid-year to reflect anticipated decline in property tax increment receipts due to decline in assessed values. Including the SERAF payment, expenditures are also anticipated to come in within the amended budget amount.

Overall Water Fund revenues are tracking slightly below budget, while expenditures are also tracking slightly below budget. It is projected that total Water Fund revenues will exceed total expenditures (including debt service) by nearly \$100,000. This will bring the estimated working capital balance to nearly \$200,000 at the end of the fiscal year. It is to be noted that four years ago, the Water Fund had nearly \$2 million of accumulated deficit. While the deficit has now been eliminated due to rate adjustments implemented

over the last four years, it should also be pointed out that the rate adjustments have not resulted in any reserves being set aside for future capital replacement.

Total Sewer Fund operating revenues are tracking within budget while expenditures are tracking ahead of budget due to debt service expenditures exceeding the budget amount. The budget for debt service payments was not properly adjusted to reflect adjustments for the additional debt issued to finance future capital projects. It is estimated that total Sewer Fund revenues will be less than total expenditures by \$173,000 for the fiscal year.

Other miscellaneous operating Funds are projected to end the year in line with the amended budget.

FISCAL IMPACT: This report is for information only.

/jk-75623

Attachments: Budget Comparative Analysis

Summary of Estimated General Fund Revenues, Expenditures

City of Norco
Budget to Actual Report
For the Three Quarters Ended March 31, 2010

	Original Budget	Amended Budget	Year to Date Actual	Remaining Budget	Budget to Actual Percentage
<u>GENERAL FUND</u>					
<u>REVENUES</u>					
Property taxes	1,395,191	1,244,608	690,355	554,253	55%
Sales taxes	4,100,000	3,100,000	1,754,762	1,345,238	57%
Other taxes	755,334	686,800	491,232	195,568	72%
Total taxes	6,250,525	5,031,408	2,936,349	2,095,059	58%
Franchise Fees	1,146,079	1,109,879	420,161	689,718	38%
Motor vehicle in-lieu fees	2,329,000	2,329,000	1,025,503	1,303,497	44%
Intergovernmental	60,295	65,795	30,636	35,159	47%
Fines and Penalties	345,890	378,800	228,492	150,308	60%
Interest income/Lease	234,513	140,010	100,836	39,174	72%
Community Development fees	605,034	605,034	259,982	345,052	43%
Community Services/Recreation	795,171	684,198	545,183	139,015	80%
Other revenues	1,465,375	1,529,375	1,011,735	517,640	66%
Operating transfers	1,768,776	2,448,990	2,139,881	309,109	87%
Total revenues	15,000,658	14,322,489	8,698,758	5,623,731	61%
<u>EXPENDITURES</u>					
<u>Legislative</u>					
City Council	52,096	51,096	37,593	13,503	74%
City Attorney	75,599	75,599	31,416	44,183	42%
City Clerk	149,457	146,207	99,982	46,225	68%
City Manager	121,690	119,490	89,369	30,121	75%
<u>Parks, Recreation & Community Services</u>					
Recreation	930,160	915,710	568,666	347,044	62%
Youth & Teen	346,180	246,180	178,268	67,912	72%
Park Maintenance	748,585	743,585	498,575	245,010	67%
Senior Citizens	162,914	162,914	80,056	82,858	49%
Public Buildings	371,145	371,145	245,346	125,799	66%
Animal Control	651,376	646,376	494,641	151,735	77%
<u>Planning</u>					
Community Development	202,345	202,345	141,684	60,661	70%
<u>Public Works/Engineering</u>					
Building & Safety	325,404	323,504	211,445	112,059	65%
Code Enforcement	3,100	3,100	1,870	1,230	60%
Engineering	247,039	243,443	163,590	79,853	67%
Inspection	124,746	124,746	126,291	(1,545)	101%
Parkway Maintenance	72,679	72,679	30,352	42,327	42%
<u>Fire Department</u>					
Fire Suppression	2,853,658	2,833,658	2,158,394	675,264	76%
Paramedic	1,734,579	1,734,579	1,208,625	525,954	70%
Emergency Services	3,560	3,560	828	2,732	23%
<u>Police Protection</u>					
Sheriff	5,347,950	5,280,823	2,581,356	2,699,467	49%
Citizens on Patrol	18,286	18,286	50,534	(32,248)	276%
Crossing Guards	64,589	64,589	33,770	30,819	52%
<u>Fiscal and Support Services</u>					
Administrative	400,745	393,645	276,069	117,576	70%
Non-Departmental	2,055,542	1,611,896	1,319,194	292,702	82%
Total Expenditures	17,063,424	16,389,155	10,627,914	5,761,241	65%
Net revenues and expenditures	(2,062,766)	(2,066,666)	(1,929,156)		

City of Norco
Budget to Actual Report
For the Three Quarters Ended March 31, 2010

	Original Budget	Amended Budget	Year to Date Actual	Remaining Budget	Budget to Actual Percentage
<u>REDEVELOPMENT AGENCY</u>					
<u>REVENUES</u>					
Tax Increment	12,257,190	11,535,474	6,522,259	5,013,215	57%
Interest and Lease Income	535,950	364,914	306,063	58,851	84%
Contributions	60,000	429,000	222,907	206,093	52%
School Bond	1,038,200	1,038,200	13	1,038,187	0%
Total Revenues	<u>13,891,340</u>	<u>13,367,588</u>	<u>7,051,242</u>	<u>6,316,346</u>	<u>53%</u>
<u>EXPENDITURES</u>					
Redevelopment Administration	1,649,607	2,799,522	2,187,741	611,781	78%
Redevelopment Agency Debt Service	4,465,364	4,465,364	4,465,364	-	100%
Pass Thru Agreement	6,528,406	7,882,848	3,984,282	3,898,566	51%
Total Expenditures	<u>12,643,377</u>	<u>15,147,734</u>	<u>10,637,387</u>	<u>4,510,347</u>	<u>70%</u>
Net revenues over (under) expenditures	<u>1,247,963</u>	<u>(1,780,146)</u>	<u>(3,586,145)</u>		
<u>LOW-MOD INCOME HOUSING</u>					
<u>REVENUES</u>					
Tax Increment	3,037,500	2,754,571	1,445,906	1,308,665	52%
Interest and Lease Income	10,000	10,000	24,237	(14,237)	242%
Neighborhood Stabilization Grant	1,627,000	1,627,000	1,300,163	326,837	80%
Other Revenue	45,100	45,100	272,951	(227,851)	605%
Total Revenues	<u>4,719,600</u>	<u>4,436,671</u>	<u>3,043,257</u>	<u>1,393,414</u>	<u>69%</u>
<u>EXPENDITURES</u>					
Low-Mod Income Housing Program	469,530	466,480	309,654	156,826	66%
Grant Programs	2,676,500	2,676,500	743,544	1,932,956	28%
Redevelopment Agency Debt Service	1,030,408	1,030,408	1,030,408	0	100%
Total Expenditures	<u>4,176,438</u>	<u>4,173,388</u>	<u>2,083,606</u>	<u>2,089,782</u>	<u>50%</u>
Net revenues over (under) expenditures	<u>543,162</u>	<u>263,283</u>	<u>959,651</u>		
<u>COMMUNITY DEVELOPMENT</u>					
<u>BLOCK GRANT</u>					
Revenues	491,795	491,795	242,629	249,166	49%
Expenditures	491,795	491,795	257,769	234,026	52%
Net revenues over (under) expenditures	<u>-</u>	<u>-</u>	<u>(15,140)</u>		
<u>WATER FUND</u>					
Revenues	7,447,687	7,447,687	4,915,005	2,532,682	66%
Expenditures	7,410,184	7,590,136	5,095,701	2,494,435	67%
Net profit (loss)	<u>37,503</u>	<u>(142,449)</u>	<u>(180,696)</u>		
<u>SEWER FUND</u>					
Revenues	4,295,606	4,295,606	2,897,465	1,398,141	67%
Expenditures	4,030,265	4,116,933	2,480,172	1,636,761	60%
Net profit (loss)	<u>265,341</u>	<u>178,673</u>	<u>417,293</u>		
<u>GAS TAX</u>					
Revenues	704,151	704,151	117,552	586,599	17%
Expenditures	503,368	503,368	363,579	139,789	72%
Net revenues and expenditures	<u>200,783</u>	<u>200,783</u>	<u>(246,027)</u>		

City of Norco
Budget to Actual Report
For the Three Quarters Ended March 31, 2010

	Original Budget	Amended Budget	Year to Date Actual	Remaining Budget	Budget to Actual Percentage
<u>NPDES FUND</u>					
Revenues	110,000	110,000	37,502	72,498	34%
Expenditures	105,984	105,984	49,442	56,542	47%
Net revenues and expenditures	<u>4,016</u>	<u>4,016</u>	<u>(11,940)</u>		
<u>MISCELLANEOUS GRANTS</u>					
Revenues	285,055	399,769	145,328	254,441	36%
Expenditures	283,148	403,237	181,554	221,683	45%
Net revenues and expenditures	<u>1,907</u>	<u>(3,468)</u>	<u>(36,226)</u>		

Summary of Actual, Budgeted Revenues and Estimated Fund Balance

Revenue Summary	FY 2010			
	Amended Budget	Actuals at 3/31/2010	Estimated FYE 6/30/10	Variance
Property Taxes	\$ 1,244,608	690,355	1,244,608	0.00%
Sales Taxes	3,100,000	1,754,762	3,200,000	3.23%
Other Taxes	686,800	491,232	686,800	0.00%
Franchise Fees	1,109,879	420,161	1,047,549	-5.62%
Motor Vehicle in- Lieu Fees	2,329,000	1,025,503	2,025,756	-13.02%
Intergovernmental	65,795	30,636	58,325	-11.35%
Fines & Penalties	378,800	228,492	352,085	-7.05%
Interest Income/Lease	140,010	100,836	140,010	0.00%
Community Development Fees	605,034	259,982	618,205	2.18%
Community Services/Recreation	684,198	545,183	666,797	-2.54%
Other Revenues	1,529,375	1,011,735	1,325,741	-13.31%
Administrative O/H and Transfers	2,448,990	2,139,881	2,450,512	0.06%
Total	\$ 14,322,489	8,698,758	13,816,388	-3.53%

Expenditure Summary

City Council	\$ 51,096	37,593	57,733	-12.99%
City Attorney	75,599	31,416	52,866	30.07%
City Clerk	146,207	99,982	144,714	1.02%
City Manager	119,490	89,369	121,059	-1.31%
Recreation	915,710	568,666	847,025	7.50%
Youth & Teen	246,180	178,268	277,607	-12.77%
Park Maintenance	743,585	498,575	751,392	-1.05%
Senior Citizens	162,914	80,056	120,469	26.05%
Public Buildings	371,145	245,346	366,530	1.24%
Animal Control	646,376	494,641	654,605	-1.27%
Community Development	202,345	141,684	197,390	2.45%
Code Enforcement	3,100	1,870	1,968	36.52%
Building and Safety	323,504	211,445	299,947	7.28%
Engineering	243,443	163,590	227,073	6.72%
Parkway Maintenance	72,679	30,352	47,122	35.16%
Inspection	124,746	126,291	133,556	-7.06%
Fire Suppression	2,833,658	2,158,394	2,794,177	1.39%
Paramedic	1,734,579	1,208,625	1,606,587	7.38%
Emergency Services	3,560	828	3,560	0.00%
Sheriff	5,280,823	2,581,356	5,289,670	-0.17%
Citizens on Patrol	18,286	50,534	31,916	-74.54%
Fiscal and Support Services	393,645	276,069	385,930	1.96%
Non-Departmental	1,611,896	1,319,194	1,601,560	0.64%
Crossing Guards	64,589	33,770	64,589	0.00%
Total	\$ 16,389,155	10,627,914	16,079,045	1.89%

Estimated General Fund Balance

Beginning Balance June 30, 2009	\$ 5,806,734
FY 2010 Actual Revenues/Transfers	13,816,388
FY 2010 Actual Expenditures/Transfers	16,079,045
Ending Fund Balance 6/30/10	<u>\$ 3,544,077</u>

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Steve King, Planning Director

DATE: May 19, 2010

SUBJECT: Zone Code Amendment 2010-01: A City-Initiated Proposal to Amend Title 18 (Zoning) of the Norco Municipal Code to Regulate the Size, Height, Lot Coverage, and Approval Process of Accessory Structures Allowed in Agricultural-Residential Zones; Norco Hills Specific Plan Amendment 5 and Norco Ridge Ranch Specific Plan Amendment 4, City-Initiated Amendments to Regulate the Height and Approval Process of Accessory Structures Allowed in these Specific Plans.

RECOMMENDATION: Adopt Individually:

- A. **Ordinance No. ___**; First Reading. A proposed Ordinance to amend Title 18 (Zoning) of the Norco Municipal Code to regulate the size, height, and lot coverage of accessory structures allowed in agricultural-residential zones. Zone Code Amendment 2010-01 (City)
- B. **Ordinance No. ___**; First Reading. A proposed Ordinance to amend the Norco Hills Specific Plan to regulate the height of accessory structures allowed in the Equestrian Residential District. Specific Plan 91-02, Amendment 5 (City)
- C. **Ordinance No. ___**; First Reading. A proposed Ordinance to amend the Norco Ridge Ranch Specific Plan to regulate the height of accessory structures allowed in the Equestrian Residential District. Specific Plan 99-01, Amendment 4 (City)

SUMMARY: The Planning Commission and City Council have reviewed several options to control the size of accessory structures and preserve adequate open areas to maintain animal-keeping as a primary land use in the City's animal-keeping residential areas. There have been two previous recommendations from the Planning Commission that were ultimately sent back with direction that is discussed in more detail later in the report. The Planning Commission acted on this direction and has proposed a zone code amendment along with specific plan amendments with the intent to establish controls without creating a new level of review and approval too onerous for residents. A majority of the Planning Commission came to agreement on the primary components of what the draft code amendment and the draft specific plan amendments should contain. These issues are also addressed more specifically below.

BACKGROUND: Currently the Norco Municipal Code limits building coverage on lots to 40 percent of the flat pad area. This still can allow situations where the animal-keeping areas on lots are impacted either by the construction of excessively-sized accessory structures, or by the placement of numerous smaller accessory structures that combined with required building setbacks can also have the potential to eat up open areas on lots. Also, without controls on size, accessory buildings can overpower the residential nature of the lot in question and neighborhood around it.

The Planning Commission, with the direction given by the City Council, has been working with staff on proposed text amendments to the Zoning Code, and amendments to the Norco Hills and Norco Ridge Ranch Specific Plans to address these issues. The intent was to come up with new regulations that would not substantially change what is currently allowed. Exhibits "A" and "B" show simplified comparisons of the amount of building that would be allowed with current regulations and proposed regulations. However, these do not take into account lot specific characteristics that can change calculations such as lot configurations, corner lots, and things such as pools. Specific issues would have to be addressed on a lot-by-lot basis. After several public workshop meetings the main points of agreement were as follows:

Flat work, patios, pools, and athletic courts are not counted in the building coverage calculation. Barns are not restricted from having concrete floors (also see comment 8). A minor site plan review is required for accessory buildings 600 square feet or less, in the A-1 zone, Norco Hills Specific Plan, and Norco Ridge Ranch Specific Plan. A minor conditional use permit is required for accessory buildings that exceed 600 square feet, in the A-1 zone, Norco Hills Specific Plan, and Norco Ridge Ranch Specific Plan. Overall lot coverage remains at 40% of the flat pad area in the A-1 zone and the regulations for determining lot coverage in the specific plans does not change. No request for an accessory structure, on a lot without a primary animal-keeping area (PAKA), can be considered until after the applicant has demonstrated a contiguous open area based on the allowed number of animal units for that lot; and there is no provision for encroachment by any structure in that contiguous open area (as opposed to provisions that do allow encroachments into PAKAs).

The allowed maximum height of an accessory structure in the A-1 zone, and in the Norco Hills and Norco Ridge Ranch Specific Plans is "14 feet or as approved by the Planning Commission" for accessory structures 600 square feet or less. The allowed height increases to 20 feet for structures greater than 600 square feet or "as approved by the Planning Commission."

The code amendment as proposed incorporates a review process on all accessory structures that will allow for conditions to be applied as needed. Because of the

individual review process there would be no benefit for the City having to try and determine and enforce the parameters of what constitutes a barn versus any other type of accessory structure.

The intent of the code amendment is to:

- Protect animal-keeping rights as a primary use in residential zones in the City by protecting large open areas on animal-keeping lots (that do not have a PAKA, and are not located within a specific Plan);
- Control the size of accessory buildings so that they do not overwhelm the main residence (or a neighboring residence) and do not overwhelm neighborhood aesthetics; and
- Control the size, design, and location of accessory buildings so that they do not become eyesores in the community.

Exhibit "C" shows an existing property in the City where a recent accessory structure was approved and has been constructed. The accessory structure is in compliance with current code regulations that allow 40 percent coverage of the flat pad area, which in this case is the entire lot since it is flat. The one additional regulation that affects this property is the fact that it is a corner lot and has a side yard setback for accessory structures along the street side of 15 feet, where it would only be 5 feet on an interior lot.

Exhibit "D" shows what would have been allowed before the accessory structure was built, but under the proposed regulations. The maximum allowed building would still have allowed the building that was ultimately constructed (plus more) but would have required the owner to fill in the existing pool. Exhibit "E" shows what would have been the allowed maximum size, under the proposed regulations if the owner chose to keep the pool and build around it.

Part of the impetus that inspired City Council and the Planning Commission to call for a tightening of the regulations regarding how accessory structures are allowed is that in this example the lot prior to the new accessory structure was an animal-keeping lot. It is the opinion of some that now this lot is not an animal-keeping lot even though the accessory building met existing code requirements.

The first recommendation to the City Council early in 2009 was an approach that took into consideration the pad size and the size of the residence when calculating the maximum size of allowed accessory structures. Generally under this approach the maximum allowed size of an accessory structure that could be allowed by right would have been the largest allowed under three options: 1) equal to the footprint size of the main residence; 2) 40% of the flat pad area up to 4,000 square feet; or 3) 2,000 square

feet (by right). And then there was a conditional use permit that would be required for anything larger. This approach was sent back by the City Council for further review because it did not provide enough flexibility.

The second recommendation was based on a scenario that divided accessory structures into two categories based on the size of the flat pad area. For lots with a flat pad area of 20,000 square feet or less the size of one allowed accessory structure increased on a graduated scale as the pad size increased up to a maximum of 2,200 square feet. For lots with a pad area greater than 20,000 square feet there was also a graduated scale but the rate of increase was larger taking into consideration the larger relative size of lots (up to a maximum allowed size of 4,000 square feet). Along with the two scales determining the maximum size of an accessory structure there was also a graduated scale for determining the required setback after a proposed structure reached a certain threshold. This was done to prevent large accessory structures from being placed immediately adjacent to a street when a lot was large enough to allow a larger accessory structure. This approach was sent back because it was too complicated.

With this input from the City Council, and after several workshop meetings the Planning Commission came up with the approach outlined above. The idea was to simplify the approach by keeping the existing flat pad coverage requirement and establishing a more simplified approval process that requires Planning Commission approval of all accessory structures. Those that are 600 square feet or less would be approved through a minor site plan approval. Those greater than 600 square feet would require a minor conditional use permit which is a public hearing. Through this approval process any additional issues such as how close a structure would be to the public right-of-way and the architecture of a structure can be handled through conditions placed by the Planning Commission.

The Planning Commission asked for the City Attorney's position regarding the proposed changes. An email was provided to the Planning Commission with the conclusion that the Zone Code amendment and the specific plan amendments as proposed are lawful (ref. Exhibit "F"). The City Attorney was also in attendance at the March 31, 2010 meeting. In response to a Planning Commission question regarding whether a definition of a barn would be needed he stated that it would not accomplish anything since everything had to be reviewed by the Planning Commission anyway.

In addition to this approach the Planning Commission has recommended a lower fee schedule than what is now required for minor site plan and minor conditional use permit reviews (\$2,205 and \$2,305 respectively). Staff is recommending 1 percent of the building valuation that would be paid at the time the building permit is pulled. For example a building with a valuation of \$12,000 would pay an application fee of \$120.

Zone Code Amendment 2010-01,
Norco Hills Specific Plan 91-02, Amendment 5
Norco Ridge Ranch Specific Plan 99-01, Amendment 4
Page 5
May 19, 2010

Also, staff will be working with the Planning Commission to establish an expedited review procedure once the regulations have been established. A checklist to be provided to applicants will also help them to provide the materials that will expedite the review process (ref. Exhibit "G"). The attached draft checklists are provided as examples only and will be finalized with the Planning Commission once the regulations are set.

/sk-75576

Attachments:

- Ordinance ____, Zone Code Amendment 2010-01
- Ordinance ____, Specific Plan 91-02, Amendment 5
- Ordinance ____, Specific Plan 99-01, Amendment 4
- Exhibit "A" – Slide: Existing Conditions, One Large Accessory Structure
- Exhibit "B" – Slide: Existing Conditions, Smaller Accessory Structures
- Exhibit "C" – Slide: Example of Recently Constructed Accessory Structure
- Exhibit "D" – Slide: Exhibit "C" Prior to Accessory Structure and Under Proposed Regulations with Largest Allowed Accessory Structure
- Exhibit "E" – Slide: Exhibit "C" Prior to Accessory Structure and Under Proposed Regulations with Largest Allowed Accessory Structure Avoiding Existing Pool
- Exhibit "F" – Email from City Attorney
- Exhibit "G" – Draft Accessory Structure Checklists
- Exhibit "H" – PC Minutes, March 31, 2010

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING ZONE CODE AMENDMENT 2010-01 AMENDING CHAPTERS 18.12 AND 18.13 WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO REGULATE THE SIZE, HEIGHT, AND LOT COVERAGE OF ACCESSORY STRUCTURES ALLOWED IN AGRICULTURAL-RESIDENTIAL ZONES AND TO AMEND THE APPROVAL PROCESS. ZONE CODE AMENDMENT 2010-01.

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2010-01, an amendment to Norco Municipal Code Title 18 (Zoning Code), amending Chapters 18.12 and 18.13 to regulate the size, height, and lot coverage of accessory structures allowed in agricultural-residential zones, and to amend the approval process; and

WHEREAS, the Zone Code Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing on March 31, 2010 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, based on findings of fact, the Planning Commission adopted Resolution 2010-02 recommending to the City Council that Zone Code Amendment 2010-01 be approved for reasons set forth in said Resolution; and

WHEREAS, hearing of said Zone Code Amendment was duly noticed and scheduled for public hearing by the City Council at its meeting of May 19, 2010, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, on May 19, 2010 said City Council held a public hearing and received oral and written testimony pertaining to said Zone Code Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Section 3.13.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

Title 18 (Zoning) of the Norco Municipal Code be revised as follows:

Chapter 18.12

18.12.06 Permitted Uses

(3) Accessory structures and uses:

(a) Private garages used by persons residing on the premises, cabanas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar animal-keeping/agricultural structures 600 square feet or smaller, provided these structures shall not be used as a habitable dwelling or space, as defined by the adopted Uniform Building Code. Approval shall be through a minor site plan review.

18.12.08 Uses Which May be Permitted by Conditional Use Permit

(13) Accessory structures and uses:

(a) Private garages used by persons residing on the premises, cabanas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar animal-keeping/agricultural structures that exceed 600 square feet, provided these structures shall not be used as a habitable dwelling or space, as defined by the adopted Uniform Building Code. Approval shall be through a minor conditional use permit review.

18.12.18 Permitted Heights

The maximum height of any accessory structure 600 square feet or smaller shall be 14 feet. Structures may exceed 14 feet but only as approved by the Planning Commission.

The maximum height of any accessory structure larger than 600 square feet shall be 20 feet. Structures may exceed 20 feet but only as approved by the Planning Commission.

Chapter 18.13

18.13.02 Intent and Purpose.

This zone is intended to provide and encourage the development of agriculturally-oriented low-density living areas designed to take advantage of the rural environment, as well as the outdoor recreation potential of the community by maintaining contiguous undeveloped open land on each and every residential lot.

18.13.06 Permitted Uses.

(3) Accessory structures and uses:

(a) Private garages used by persons residing on the premises, cabanas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar animal-keeping/agricultural structures 600 square feet or smaller, provided these structures shall not be used as a habitable dwelling or space, as defined by the adopted Uniform Building Code. Approval shall be through a minor site plan review.

18.13.08 Uses Which may be Permitted by Conditional Use Permit.

(19) Accessory structures and uses:

(a) Private garages used by persons residing on the premises, cabanas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar animal-keeping/agricultural structures that exceed 600 square feet, provided these structures shall

not be used as a habitable dwelling or space, as defined by the adopted Uniform Building Code. Approval shall be through a minor conditional use permit review.

18.13.18 Permitted Heights.

The maximum height of any accessory structure 600 square feet or smaller shall be 14 feet. Structures may exceed 14 feet but only as approved by the Planning Commission.

The maximum height of any accessory structure larger than 600 square feet shall be 20 feet. Structures may exceed 20 feet but only as approved by the Planning Commission.

18.13.20 Permitted Coverage.

For lots that do not have a primary animal-keeping area, the maximum lot coverage of all structures shall be not more than 40 percent of the total lot area.

The maximum pad coverage of all structures on the pad shall be not more than 40 percent of the total pad area. The pad area is defined as the "flat" part of the lot (4% grade or less).

For determining structural coverage on the lot in question:

- (a) When a sloped area that is greater than four percent is graded to be four percent or less, the additional graded area is considered part of the pad if the new graded area meets the minimum primary animal-keeping area (PAKA) criteria established in this chapter.*
- (b) All site plans submitted for review of accessory structures as required in Sections 18.13.06(3) and 18.13.08(19) above, shall show all existing structures, the flat pad area, and the location of a contiguous animal area.*
- (c) The contiguous animal area shall be rectangular in shape with a minimum of 24 feet on any side and shall have an area equal to the allowed number of animal units multiplied by 576 square feet. The animal area shall be free of any structures that require a building permit.*

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase 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 Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held May 19, 2010.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on May 19, 2010 and thereafter at a regular meeting of said City Council duly held on June 2, 1010, it was duly passed and adopted by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on June 2, 1010.

Brenda K. Jacobs, City Clerk
City of Norco, California

/sk-75577

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AMENDMENT 5 TO SPECIFIC PLAN 91-02 (NORCO HILLS SPECIFIC PLAN) WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO REGULATE THE HEIGHT OF ACCESSORY STRUCTURES ALLOWED IN THE EQUESTRIAN RESIDENTIAL DISTRICT AND TO AMEND THE APPROVAL PROCESS. SPECIFIC PLAN 91-02, AMENDMENT 5.

WHEREAS, the CITY OF NORCO initiated Specific Plan 91-02 Amendment 5, an amendment to the Norco Hills Specific Plan, amending Section III (Development Regulations) to regulate the height of accessory structures allowed in the Equestrian-Residential District, and to amend the approval process; and

WHEREAS, the Specific Plan 91-02 Amendment 5 was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on March 31, 2010 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Specific Plan Amendment; and

WHEREAS, based on findings of fact, the Planning Commission adopted Resolution 2010-03 recommending to the City Council that Specific Plan 91-02 Amendment 5 be approved for reasons set forth in said Resolution; and

WHEREAS, hearing of said Specific Plan Amendment was duly noticed and scheduled for public hearing by the City Council at its meeting of May 19, 2010, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, on May 19, 2010 said City Council held a public hearing and received oral and written testimony pertaining to said Zone Code Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Section 3.13.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

Specific Plan 91-02 to be revised as follows (Amendment 5):

III. DEVELOPMENT REGULATIONS

Introduction

General Provisions

Regulations

1. Equestrian Residential District

c. Permitted Uses

6) *Accessory structures and uses: Private garages used by persons residing on the premises, cabanas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar animal-keeping/agricultural structures 600 square feet or smaller, provided these structures shall not be used as a habitable dwelling or space, as defined by the adopted Uniform Building Code.*

d. Uses Permitted with a Conditional Use Permit

7) *Accessory structures and uses: Private garages used by persons residing on the premises, cabanas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar animal-keeping/agricultural structures that exceed 600 square feet, provided these structures shall not be used as a habitable dwelling or space, as defined by the adopted Uniform Building Code. Approval shall be through a minor conditional use permit.*

On-Site Development Standards

2) Maximum Height:

The maximum height of any accessory structure 600 square feet or smaller shall be 14 feet. Structures may exceed 14 feet but only as approved by the Planning Commission.

The maximum height of any accessory structure larger than 600 square feet shall be 20 feet. Structures may exceed 20 feet but only as approved by the Planning Commission.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held May 19, 2010.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on May 19, 2010 and thereafter at a regular meeting of said City Council duly held on June 2, 1010, it was duly passed and adopted by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on June 2, 1010.

Brenda K. Jacobs, City Clerk
City of Norco, California

/sk-75578

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AMENDMENT 4 TO SPECIFIC PLAN 99-01 (NORCO RIDGE RANCH SPECIFIC PLAN) WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO REGULATE THE HEIGHT OF ACCESSORY STRUCTURES ALLOWED IN THE EQUESTRIAN RESIDENTIAL DISTRICT AND TO AMEND THE APPROVAL PROCESS. SPECIFIC PLAN 99-01, AMENDMENT 4.

WHEREAS, the CITY OF NORCO initiated Specific Plan 99-01 Amendment 4, an amendment to the Norco Ridge Ranch Specific Plan, amending Section III (Development Regulations) to regulate the height of accessory structures allowed in the Equestrian-Residential District, and to amend the approval process; and

WHEREAS, the Specific Plan 99-01 Amendment 4 was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on March 31, 2010 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Specific Plan Amendment; and

WHEREAS, based on findings of fact, the Planning Commission adopted Resolution 2010-04 recommending to the City Council that Specific Plan 99-01 Amendment 4 be approved for reasons set forth in said Resolution; and

WHEREAS, hearing of said Specific Plan Amendment was duly noticed and scheduled for public hearing by the City Council at its meeting of May 19, 2010, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, on May 19, 2010 said City Council held a public hearing and received oral and written testimony pertaining to said Zone Code Amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Section 3.13.

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

Specific Plan 99-01 be revised as follows (Amendment 4):

III. DEVELOPMENT REGULATIONS

A. GENERAL PROVISION

B. EQUESTRIAN RESIDENTIAL DISTRICT REGULATIONS

1. ALLOWABLE USES

a. Permitted Uses

6) Accessory structures and uses: Private garages used by persons residing on the premises, cabanas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar animal-keeping/agricultural structures 600 square feet or smaller, provided these structures shall not be used as a habitable dwelling or space, as defined by the adopted Uniform Building Code. Approval shall be through a minor site plan review.

b. Uses Permitted with a Conditional Use Permit

6) Accessory structures and uses: Private garages used by persons residing on the premises, cabanas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar animal-keeping/agricultural structures that exceed 600 square feet provided these structures shall not be used as a habitable dwelling or space, as defined by the adopted Uniform Building Code. Approval shall be through a minor conditional use permit review.

2. RESIDENTIAL LOT & PAD STANDARDS

3. ARCHITECTURAL STANDARDS

e. Yard Space and Setbacks

5) Maximum Height:
The maximum height of any accessory structure 600 square feet or smaller shall be 14 feet. Structures may exceed 14 feet but only as approved by the Planning Commission.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held May 19, 2010.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on May 19, 2010 and thereafter at a regular meeting of said City Council duly held on June 2, 1010, it was duly passed and adopted by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on June 2, 1010.

Brenda K. Jacobs, City Clerk
City of Norco, California

/sk-75579

20,000 s.f. Flat Pad (89' X 224')
40% Flat Pad Cover (8,000 s.f.)
5 Animal Units (2,880 s.f.)
1 Large Accessory Structure

Existing



Proposed

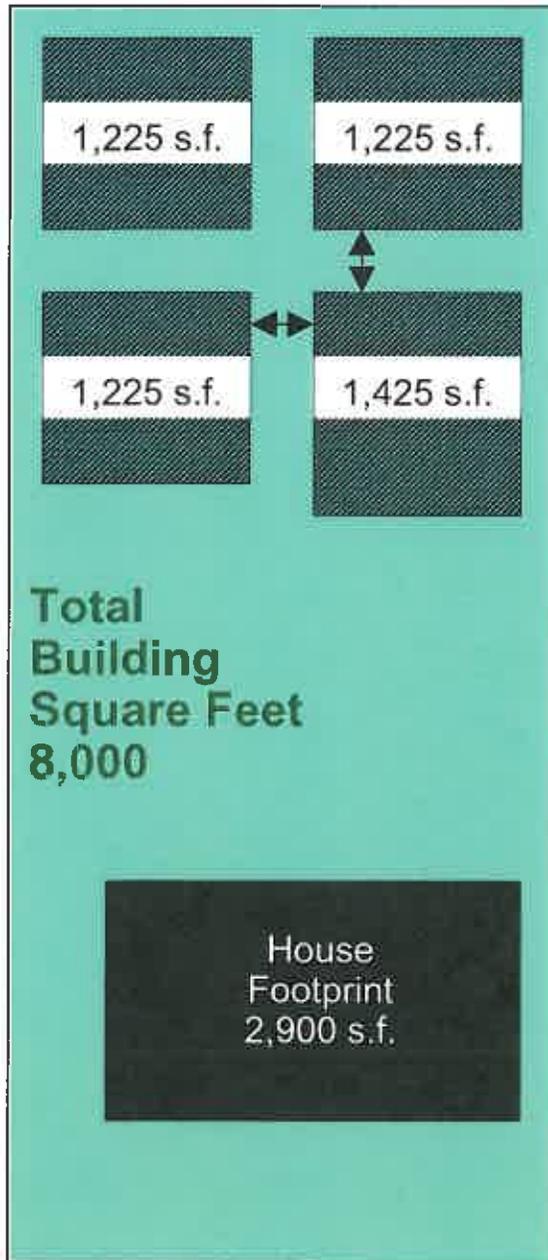


House
Total Accessory Structure Area
Allowed Building Cover

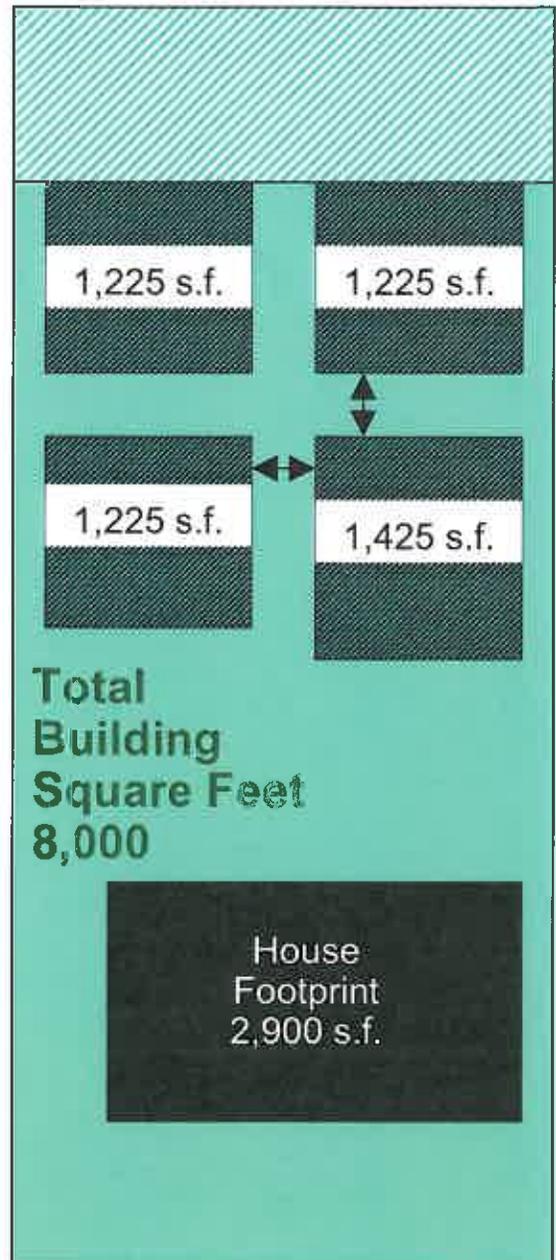
Animal Area
Open Area

20,000 s.f. Flat Pad (89' X 224')
40% Flat Pad Cover (8,000 s.f.)
5 Animal Units (2,880 s.f.)
Multiple Accessory Structures

Existing



Proposed



- House
- Total Accessory Structure Area
- Allowed Building Cover
- Animal Area
- Open Area
- Required 10' Building Setback

Recently Constructed Accessory Structure

Existing Regulations

21,150 s.f. A-1-20 Lot

3,155 s.f. House Footprint

40% Flat Pad Coverage

(8,460 s.f.)

**FLAT PAD = LOT AREA
NO PAKA. NO SLOPE**



Flat pad (21,150 s.f.)



Existing building coverage (6,655 s.f.)



Remaining building coverage after existing structures (1,805 s.f.)

**TOTAL POSSIBLE
BUILDING COVERAGE
(8,460 S.F.)**

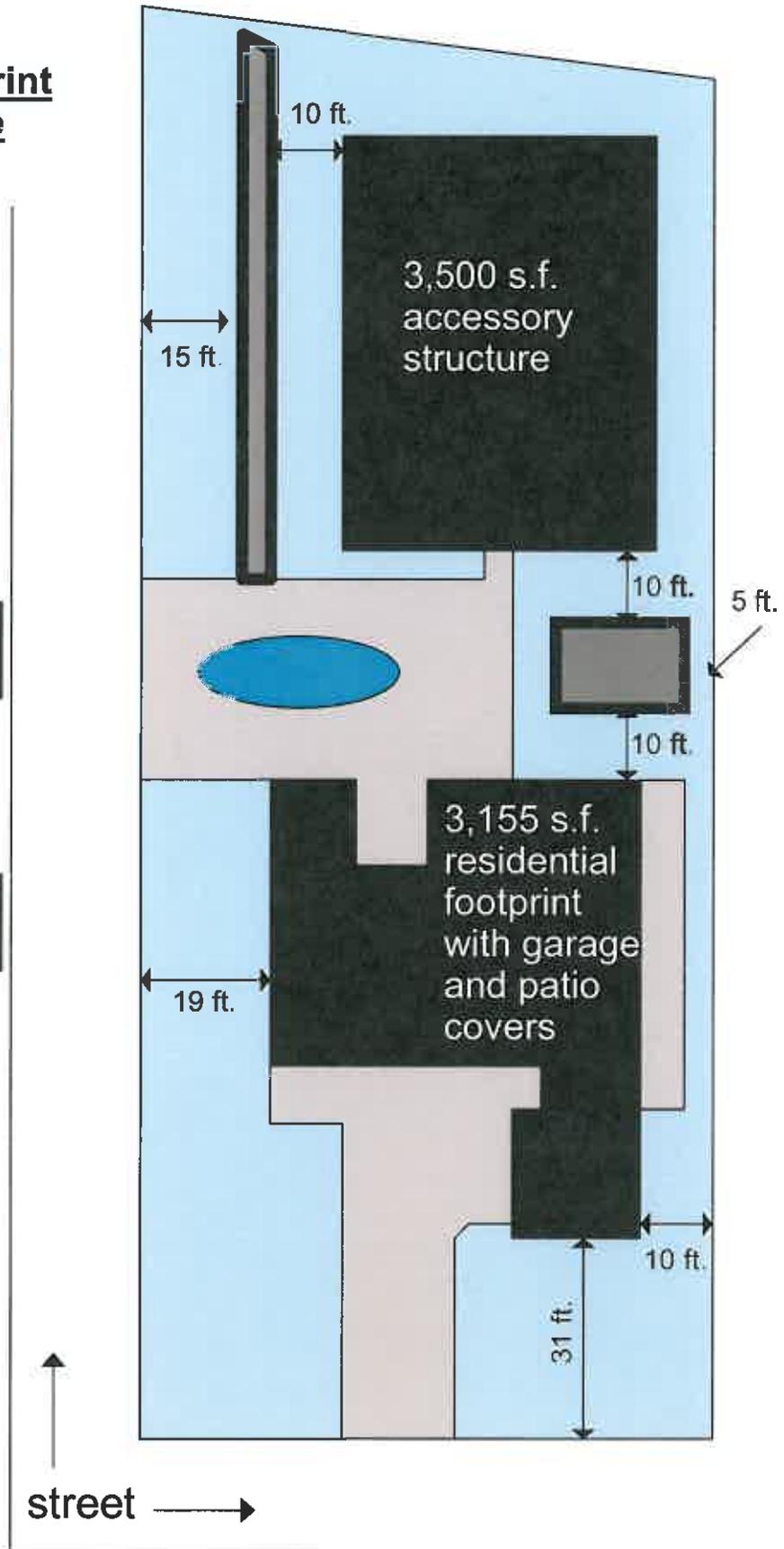


Exhibit "C"

21,150 s.f. A-1-20 Lot, Prior Lot Layout
3,155 s.f. House Footprint
40% Flat Pad Cover (8,460 s.f.)
With Proposed Regulations

**FLAT PAD = LOT AREA
 NO PAKA. NO SLOPE**



Animal Unit Area 5 A.U.
 (2,880 s.f.)



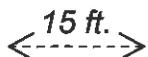
Existing Building Footprint
 (3,155 s.f.)



Remainder Building Area
 After Residence
 (4,676 s.f.)



Existing Setbacks



Required Setbacks

**TOTAL POSSIBLE
 BUILDING COVERAGE
 (7,831 S.F.)**

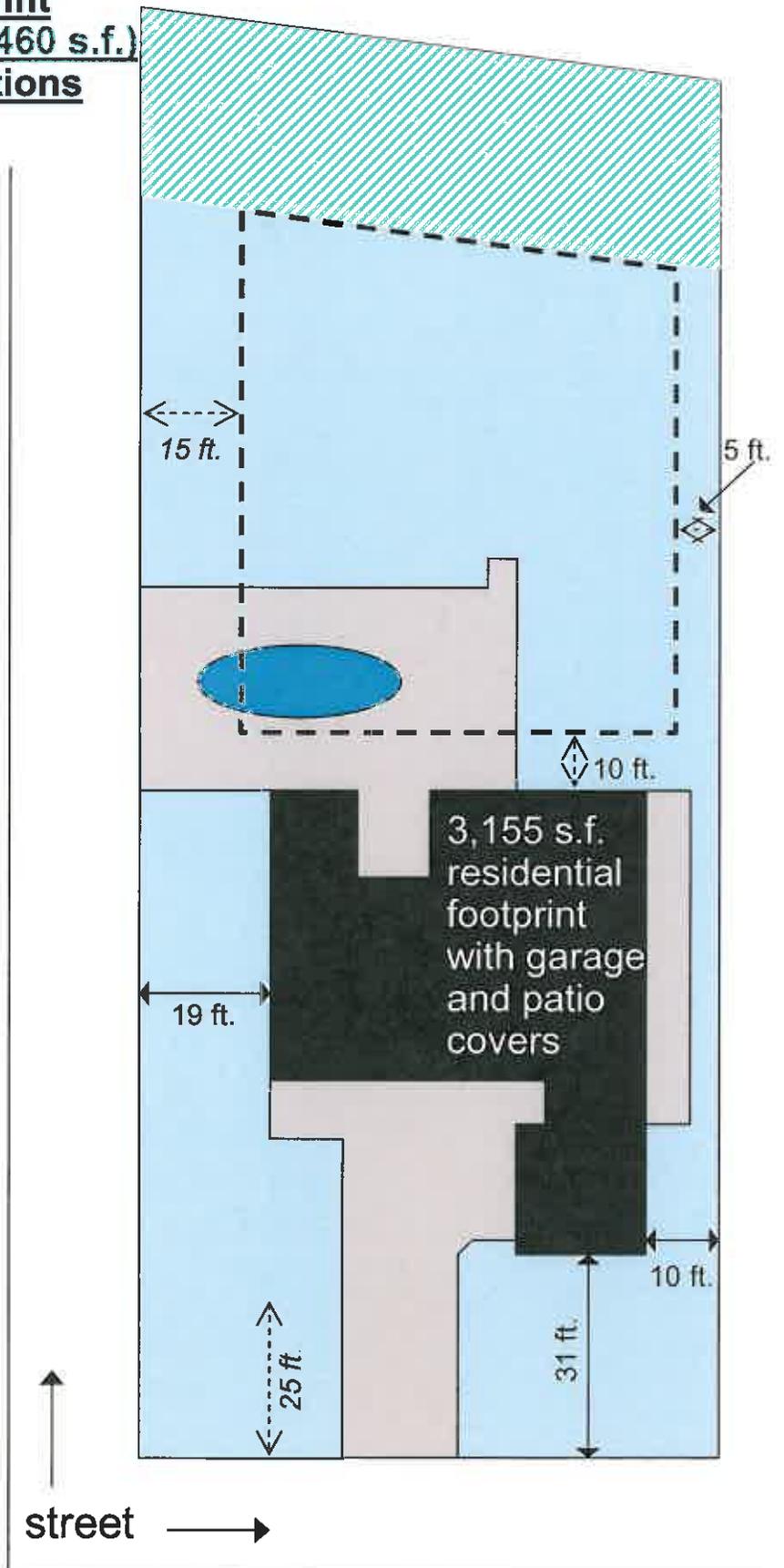


Exhibit "D"

21,150 s.f. A-1-20 Lot, Prior Lot Layout
3,155 s.f. House Footprint
40% Flat Pad Cover (8,460 s.f.)
With Proposed Regulations

FLAT PAD = LOT AREA
NO PAKA. NO SLOPE



Animal Unit Area 5 A.U.
 (2,880 s.f.)



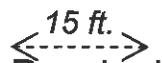
Existing Building Footprint
 (3,155 s.f.)



Remainder Building Area
 After Residence
 Excluding Patio/Pool
 (3,515 s.f.)



Existing Setbacks



Required Setbacks

**TOTAL POSSIBLE
 BUILDING COVERAGE
 (6,670 S.F.)**

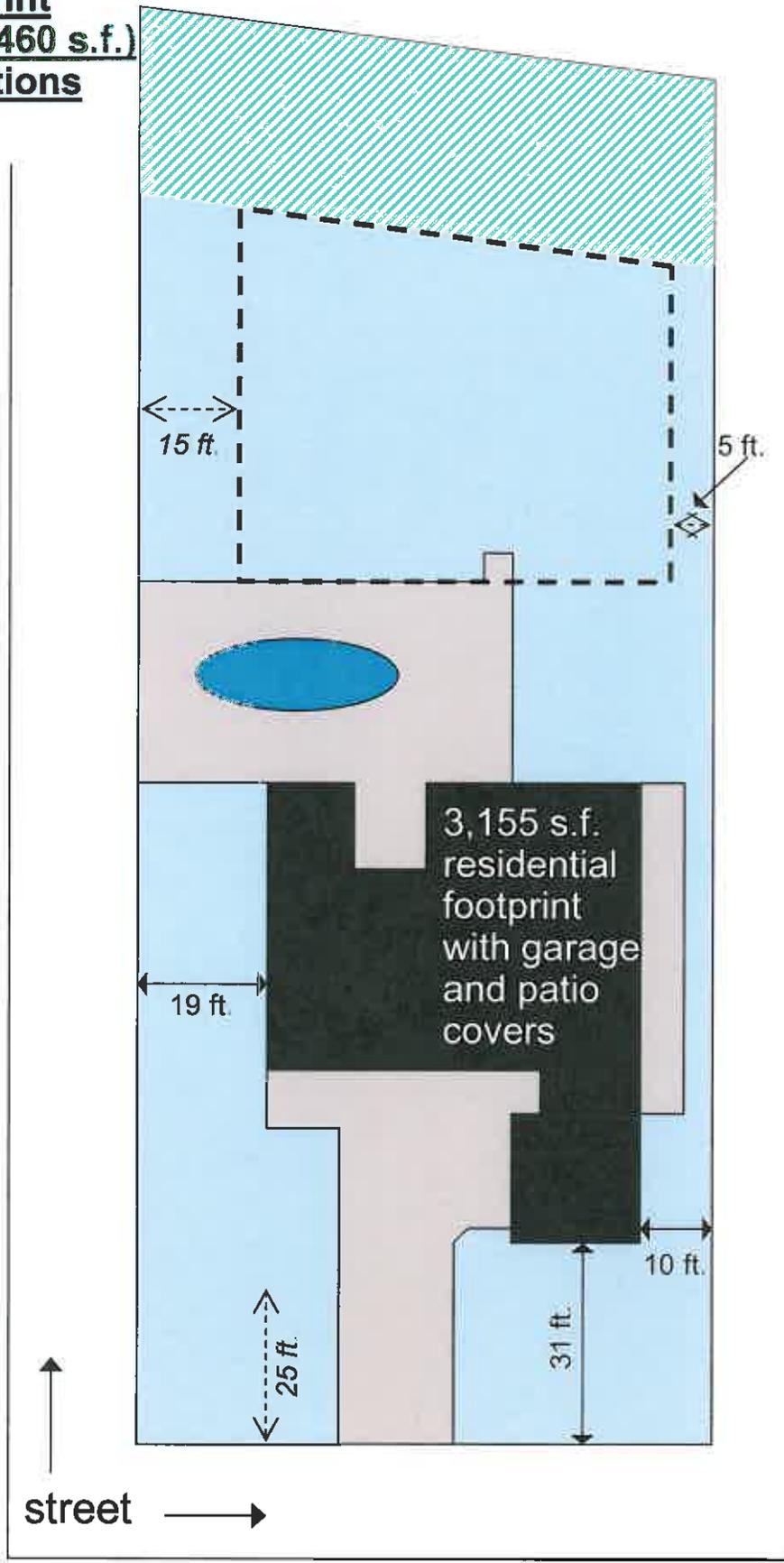


Exhibit "E"

Susan Dvorak - Fwd: Accessory Structures

From: Steve King
To: Susan Dvorak
Date: 5/11/2010 5:28 PM
Subject: Fwd: Accessory Structures

>>> john harper <jrharper@harperburns.com> 2/18/2010 1:52 PM >>>
Steve.

Pursuant to your request, I have reviewed the draft Accessory Structures ordinance (18.13.02 et seq) with regard to concerns expressed that the ordinance unlawfully took a property interest by devaluing properties subject to the ordinance; i.e., inverse condemnation. Clearly, any restriction on the use of property may have the effect of reducing the value of the property, but in order to rise to the level of a regulatory taking, the restriction must deprive the property of all economically beneficial use. This ordinance clearly does not do so. If there are other different or more specific concerns, let me know, but the ordinance enactment appears lawful.
John

EXHIBIT "F"



CITY of NORCO

PLANNING DIVISION
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Residential Accessory Structure Approval PROCESS/CHECKLIST

MINOR SITE PLAN REVIEW FOR STRUCTURES 600 SQUARE FEET OR LESS

Approval is by the Architectural Review Sub-Committee of the Planning Commission and will take approximately 2 weeks.

Approval by the Planning Commission is required before the applicant can proceed with plans to obtain a Building Permit. This approval is not an approval to begin construction.

Minimum Plan Requirements:

- Plot Plan: Drawn to scale (not smaller than 1" = 40') with North arrow. Indicate the size and setback dimensions of all proposed construction, including all flatwork, retaining walls, etc. Provide topographical elevations to indicate property drainage around and away from construction. Indicate all existing buildings, walls, and fences. Indicate a contiguous open animal area (minimum 24 feet on any side) equal to the allowed number of animal units X 576 square feet for the lot in question.
- Floor Plan: Fully dimensioned plan view of structure indicating size, types, and locations of all windows and doors. Indicate all plumbing, electrical, and mechanical fixtures and equipment. Indicate flooring material.
- Roof: Provide materials and pitch of roof. Indicate any rooftop equipment (HVAC, solar, etc.) and dormer-type attic vents.
- Exterior Elevations: Provide elevations adequate to identify the architectural theme and all exterior features, including doors, windows, porch and walkway overhangs, façade pop-outs, etc.

Use of Proposed Structure:

- Animal-keeping Garage Workshop Other (explain)
-

Will the proposed structure...

block the scenic viewshed of an adjoining property? N Y (explain)

block or re-direct natural or existing drainage flow? N Y (explain)

/sk-75607



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Residential Accessory Structure Approval PROCESS/CHECKLIST

MINOR CONDITIONAL USE PERMIT FOR STRUCTURES GREATER THAN 600 SQUARE FEET

Approval is by the Planning Commission in a public hearing and will take approximately 4 weeks for public noticing.

Approval by the Planning Commission is required before the applicant can proceed with plans to obtain a Building Permit. This approval is not an approval to begin construction.

Minimum Plan Requirements:

- Plot Plan: Drawn to scale (not smaller than 1" = 40') with North arrow. Indicate the size and setback dimensions of all proposed construction, including all flatwork, retaining walls, etc. Provide topographical elevations to indicate property drainage around and away from construction. Indicate all existing buildings, walls, and fences. Indicate a contiguous open animal area (minimum 24 feet on any side) equal to the allowed number of animal units X 576 square feet for the lot in question.
- Floor Plan: Fully dimensioned plan view of structure indicating size, types, and locations of all windows and doors. Indicate all plumbing, electrical, and mechanical fixtures and equipment. Indicate flooring material.
- Roof: Provide materials and pitch of roof. Indicate any rooftop equipment (HVAC, solar, etc.) and dormer-type attic vents.
- Exterior Elevations: Provide elevations adequate to identify the architectural theme and all exterior features, including doors, windows, porch and walkway overhangs, façade pop-outs, etc.

Use of Proposed Structure:

- Animal-keeping Garage Workshop Other (explain)
-

Will the proposed structure...

block the scenic viewshed of an adjoining property? N Y (explain)

block or re-direct natural or existing drainage flow? N Y (explain)

/sk-75608

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 Loock 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

Planning Commission Minutes

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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

March 31, 2010

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.

~

Bill KOHL 14514 And A10 SIMO DR

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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
Page 1 of 7 Michael Harris, Norco Planning Commission 3/31/10

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

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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

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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

Page 3 of 7 Michael Harris. Norco Planning Commission 3/31/10

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

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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

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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

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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 Page 6 of 7 Michael Harris, Norco Planning Commission 3/31/10 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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CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

DATE: May 19, 2010

SUBJECT: Discussion of Community Opinion Surveys

SUMMARY: At the May 5, 2010 City Council meeting, Mayor Miller requested that staff agendize a discussion and bring back information on options for surveying residents in our City to get input regarding potential local tax measures.

BACKGROUND/ANALYSIS: On April 29, 2010, the City Council held a Town Hall meeting to discuss the General Fund budget shortfall and potential local revenue measures that could be considered for a vote of the people. Approximately 150 attended and there were 27 speakers. As a follow up to that meeting, the Mayor has asked to discuss options for gaining a broader view of public opinion on the local tax measure options.

Opinion polls can take either an informal or formal approach. An informal approach is to place a short survey on a website, or to send out a written survey in a mailer, or with a city water bill. These can provide information; however, the response rate is unpredictable. A formal process would be accomplished with the use of a contracted public opinion research firm with experience in voter polling. This formal process involves first polling for issues of importance in a community and then continuing into specific tax questions. In the formal process, a firm would provide a statistically significant response sample. The most basic process would be a telephone survey. For example, in a city with 11,000 registered voters, of which 6,000 are likely voters, an overall sample size of 300 actual completed responses would provide a statistically significant response.

FINANCIAL IMPACT: The use of a one-page mailer included in approximately 7,000 city water bills would cost approximately \$1,800 if created in-house. Return postage would be an additional cost, as would staff time to compile the responses. A contracted service providing a statistically significant phone survey including creation, implementation, data processing and final report would cost approximately \$17,500.

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