



AGENDA
CITY OF NORCO
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
AUGUST 18, 2010

- CALL TO ORDER: 7:00 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
- PLEDGE OF ALLEGIANCE/INVOCATION: Council Member Sullivan
- PRESENTATION: In Recognition of the Vasquez Family
Miguel's Jr. 35th Anniversary

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. CRA 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 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 August 4, 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:
Regular Meeting of August 4, 2010
Recommended Action: Approve the City Council Minutes (City Clerk)

- B. Planning Commission Action Minutes, Regular Meeting of August 11, 2010.
Recommended Action: Receive and File (Planning Director)
 - C. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
 - D. **Ordinance No. 923, Second Reading.** City-Initiated Proposal to Add Chapter 18.58 to the Norco Municipal Code Entitled "Historic Preservation Overlay Zone". (Zone Code Amendment 2010-02). **Recommended Action: Adopt Ordinance No. 923.** (City Clerk)
 - E. Acceptance of Bids and Award of Contract for Ingalls Park Security Fencing.
Recommended Action: Award the base bid with add alternates 1 – 7 for the Ingalls Park Security Fencing project to Valley Cities/Gonzales Fence, Inc. in the amount of \$106,460 and authorize the City Manager to approve contract change orders up to 10 percent of the original contract amount. (Director of Parks, Recreation & Community Services)
4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:
5. CITY COUNCIL PUBLIC HEARING:
- A. Public Hearing to Consider Amendments to the City's Zoning Code, and to the Norco Hills and Norco Ridge Ranch Specific Plans, Related to Accessory Structures
 - 1. Zone Code Amendment 2010-01 Amending Title 18 (Zoning) of the Norco Municipal Code.

This is a City-initiated proposal to amend the Zoning Code to regulate the size, height, and approval process of accessory buildings allowed in agricultural-residential zones.

Recommended Action: Adopt Ordinance No. ____ for first reading. (Planning Director)
 - 2. Specific Plan 91-02, Amendment 5 Amending the Norco Hills Specific Plan.

This is a City-initiated proposal to amend the Norco Hills Specific Plan to regulate the height and approval process of accessory buildings allowed in the Equestrian-Residential District.

Recommended Action: Adopt Ordinance No. ____ for first reading. (Planning Director)

3. Specific Plan 99-01, Amendment 4 Amending the Norco Ridge Ranch Specific Plan.

This is a City-initiated proposal to amend the Norco Ridge Ranch Specific Plan to regulate the height and approval process of accessory buildings allowed in the Equestrian-Residential District.

Recommended Action: Adopt Ordinance No. ____ for first reading. (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:
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.

/bj-75866



MINUTES
CITY OF NORCO
CITY COUNCIL/NORCO REDEVELOPMENT AGENCY
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
AUGUST 4, 2010

CALL TO ORDER: Mayor Pro Tem Hanna called the meeting to order at 7:05 p.m.

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

Staff Present: Carlson, Groves, Jacobs, King, Milano, Okoro, Oulman and Thompson

City Attorney Harper – **Present**

PLEDGE OF ALLEGIANCE: Council Member Azevedo

INVOCATION: Grace Fellowship Church
Pastor Vernie Fletcher

REGULAR COMMUNITY REDEVELOPMENT AGENCY (CRA) AGENDA AS FOLLOWS:

1. **CRA CONSENT CALENDAR ITEMS:**

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

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

- A. **CRA Minutes:**
Regular Meeting of July 21, 2010
Recommended Action: Approve the CRA Minutes (City Clerk)
- B. **Request for the Norco Redevelopment Agency to be a "Silver" Sponsor of the Horsetown USA Hall of Fame. Recommended Action: Approve the request to become a "Silver" Sponsor in the amount of \$1,500 for the Horsetown USA Hall of Fame. (Executive Director)**

2. CRA PUBLIC HEARING:

- A. Approval of a Purchase and Sale Agreement by and between Daniel Schlossberg and the Norco Redevelopment Agency for Agency-Owned Property Located at 1468 Second Street

As part of the Second Street Widening Project, the Norco Redevelopment Agency purchased all of the property at 1468 Second Street and then demolished the substandard structures on that property. The adjacent property owner, Daniel Schlossberg, located at 1885 Valley View Avenue, has offered to purchase the remaining property after the dedication of the necessary right-of-way and merge this property with his to create one parcel.

Recommended Action: Adopt CRA Resolution No. 2010-___, authorizing, as required by Health and Safety Code §33433, the approval of the sale of Agency-owned property at 1468 Second Street acquired for the widening of Second Street in the amount of \$60,000. (City Engineer)

City Engineer Milano presented the CRA public hearing item noting the terms and conditions of the agreement.

Vice Chairman Hanna OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak. With no one wishing to speak, Vice Chairman Hanna CLOSED the public hearing.

M/S Bash/Sullivan to adopt CRA Resolution No. 2010-16, authorizing, as required by Health and Safety Code §33433, the approval of the sale of Agency-owned property at 1468 Second Street acquired for the widening of Second Street in the amount of \$60,000. The motion was carried by the following roll call vote:

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

OTHER CRA MATTERS: No other CRA matters.

ADJOURNMENT OF CRA: 7:13 p.m.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

3. CITY COUNCIL CONSENT CALENDAR ITEMS:

Mayor Pro Tem Hanna pulled Item 3.H. as a speaker card was submitted requesting discussion on this item

M/S Sullivan/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: AZEVEDO, BASH, HANNA, SULLIVAN
NOES: NONE
ABSENT: MILLER
ABSTAIN: NONE

- A. City Council Minutes:
Special Joint Meeting and Regular Meeting of July 21, 2010
Recommended Action: Approve the City Council Minutes (City Clerk)
- B. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
- C. Designation of Voting Delegates for the 2010 League of California Cities Annual Conference. **Recommended Action: That the City Council designate Mayor Pro Tem Hanna as Norco's voting delegate and designate Council Member Azevedo as Norco's alternate.** (City Clerk)
- D. Approval of the Implementation Agreement for the Santa Ana Regional Municipal NPDES Permit – 2010. **Recommended Action: Approve the NPDES Urban Runoff Discharge Implementation Agreement Santa Ana Region.** (Public Works Director)
- E. Approval of a One-Year Maintenance Services Contract Extension with Orange County Striping Service, Inc. to Provide Street Striping and Pavement Marking Services. **Recommended Action: Approve the one-year Maintenance Services Contract extension with Orange County Striping Service, Inc. through June 30, 2011.** (Public Works Director)
- F. Approval of a Two-Year Maintenance Services Contract Extension with Republic ITS, to Provide Traffic Signal Maintenance Services. **Recommended Action: Approve the two-year extension of the Traffic Signal Maintenance Services Agreement with Republic ITS, through June 30, 2012.** (Public Works Director)
- G. Norco Firefighters Association's (NFA) Annual pancake Breakfast. **Recommended Action: That the City Council permit the NFA to continue to use Station 22 to host a community pancake breakfast on an annual basis.** (City Manager)

- H. Amendment to the Horsetown USA Sign Program. **Recommended Action: Approve the amendment to the Horsetown USA Sign Program to include all signs, where appropriate, either developed and/or constructed by the City, and include the Horsetown USA Logo and the City Seal. City Manger) PULLED FOR DISCUSSION**

4. ITEMS PULLED FROM CITY COUNCIL CONSENT CALENDAR:

- 3.H. Amendment to the Horsetown USA Sign Program. **Recommended Action: Approve the amendment to the Horsetown USA Sign Program to include all signs, where appropriate, either developed and/or constructed by the City, and include the Horsetown USA Logo and the City Seal. City Manger)**

City Manager Groves stated that at its meeting held on July 21, 2010, the City Council recommended that a policy be placed on a future agenda regarding signs throughout the City. She noted that the previously approved Horsetown USA Sign Program, approved in 2007, includes the placement of the Horsetown USA Logo and the City Seal and staff is recommending that the Horsetown USA Sign Program be extended to include all signs, where appropriate, either developed and/or constructed by the City, and include the Horsetown USA Logo and the City Seal.

Council Member Azevedo recommended that the Council consider changing one sentence in the recommendation stating ".....and include the Horsetown USA Logo and/or the City Seal, **within the discretion of the City.**"

Margaret Harris. Ms. Harris stated that the general understanding is that the signs serve two purposes, for identification and direction. She noted that the "Norco Ridge Ranch Estates" signs do both and the current sign for Valley Drive is covered by a tree and is hard to view. Ms. Harris questioned what the process is for reconstructing existing signage. She also wanted to know what the source of funding is for reconstructing the signs. City Attorney Harper stated that the City discretion only applies to one/both logo(s) and not the selection process.

Pat Overstreet. Ms. Overstreet stated that the Council has gone out of its way to keep the City as one unit. She added that the whole idea is to keep all of the areas as one City.

Lance Gregory. Mr. Gregory stated that he was pleased that the sign in the Norco Ridge Ranch development was repaired. He further asked that the City understand the economic times and exercise common sense when implementing the signs.

Jodi Filkens Webber. Mr. Webber questioned the word "developed" as stated in the staff report. She also questioned the process for making improvements to signs in LMD No. 4 and where the funding came from to pay for the existing signs. She commented on noticing requirements and Government Codes related to any changes to improvements and/or increased assessments.

John Box. Mr. Box stated that he is concerned that this policy is very vague and ambiguous. He further recommended that City Attorney Harper take a look at this and improve on it to satisfy the community. Mr. Box noted that the entry sign to Valley and Norco Hills sign is the reference of most speakers and further commented on how the new sign was discussed in private.

Emmet McKune. Mr. McKune stated that certain things make sense and all of this is ridiculous. He noted that the sign defining Valley is behind a huge tree and further asked why the City is spending time doing this when there is a budget problem. Mr. McKune stated that the City is the custodian of the LMD fees and has the fiduciary responsibility to spend them appropriately.

Council Member Bash stated that the signs in the Norco hills were put into effect by Council resolution. He added that the Specific Plan did a good job in defining the signs, but was not followed. Council Member Bash stated that he would prefer to see the words Norco and Horsetown USA, as we are trying to create an economic base for the City and supports the proposal.

Council Member Azevedo commented on the public process that occurred prior to the adoption of the Horsetown USA brand and logo. She stated that any time we have the opportunity to share the uniqueness of the community, we need to. Council Member Azevedo noted that it is hard to fathom why anyone would not want the logo(s) on signs.

Council Member Sullivan commented on the appropriate locations for entryway and monument signs and noted that the Norco Horsetown USA Logo was never intended to replace the City Seal. He further noted that the Horsetown USA Logo should not be placed on signs without the City Seal. Council Member Sullivan stated that City Attorney Harper should review the Specific Plan and LMD No. 4 before signs are changed. He further noted that he has no problem with leaving the sign program the way it is.

City Attorney Harper stated that the only thing before the Council tonight is to approve the amendment to the Horsetown USA Sign Program, and only signs developed or constructed within the public right-of-way. He further stated, regarding the questions if LMD No. 4 was paying for the changes to the signs, it was not suggested that they pay for any changes. City Attorney Harper stated that a LMD is a means of constructing improvements and maintaining a portion of the public right-of-way.

M/S Azevedo/Bash to approve the amendment to the Horsetown USA Sign Program to include all signs, where appropriate, either developed and/or constructed by the City within the public right-of-way, and include the Horsetown USA Logo and/or the City Seal, within the discretion of the City. The motion was carried by the following roll call vote:

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

Council Member Sullivan received confirmation, under discussion, that the approval of this would affect only future signs and has nothing to do with the signs in the Norco hills.

City Manager Groves noted that there is no funding included in this item to make any changes and this amendment only extends the existing program.

5. CITY COUNCIL PUBLIC HEARING:

- A. City-Initiated Proposal to Add Chapter 18.58 to the Norco Municipal Code Entitled "Historic Preservation Overlay Zone". (Zone Code Amendment 2010-02)

The purpose of the proposed Historic Preservation Overlay Zone is to allow the City to protect the historic integrity of areas having a significant concentration of historic resources. The Planning Commission reviewed the proposed zone code amendment at its meeting on July 14, 2010 and recommended approval after some modifications to the proposed text. The Historic Preservation Commission also recommended approval at its meeting held on May 13, 2010.

Recommended Action: Adopt Ordinance No. ____ for first reading.
(Planning Director)

Planning Director Steve King, along with City of Norco Cultural Resources Consultant Bill Wilkman presented the City Council public hearing item and noted that the Norconain is the primary focus.

Mayor Pro Tem Hanna OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Margaret Harris. Ms. Harris commented on the economic impacts that would result in the closing of the Navy Base and the Prison.

Jeanine Adams. Ms. Adams commented on the importance of the preservation of the Norconian and the positive financial impacts that would result.

Su Bacon. Ms. Bacon stated that she has been Involved in historic preservation for over 20 years and noted that this overlay will not hurt the City's real estate but the City will only gain from it.

Council Member Bash clarified that this is not an endeavor to close the Navy Base nor the Prison. He added that the Prison does not use all Norco vendors as they are required to go through a public process. He further encouraged the Council to adopt this ordinance.

Council Member Azevedo stated that she supports the ordinance and commented on the importance of the preservation and redevelopment of the Norconian. She further noted that the result would be an economic benefit to the City. She stated that she is concerned about any future modifications made to the Overlay Zone by staff and added that there should be a process.

Council Member Sullivan stated that he has concerns with the Historic Preservation Overlay Zone in the case where a development standard would be in conflict with the design standards listed in the ordinance. He further noted that he understood that passing this is would provide an opportunity to come back later and change it to a historical district. City Manager Groves stated that the action at this time is just to create a process. Mr. Wilkman noted that the ordinance section referred to is 18.58.06, which indicates the permitted uses and development standards – permissive language and not mandatory.

City Attorney Harper noted that the only revision that staff would be able to make is to the survey, which is technical in nature only (referenced Section 18.58.10.(5) b.). He further stated that the Council is not approving the placement of an overlay district, only adopting an ordinance that would create the next tool if the Council wants to move forward.

Mayor Pro Tem Hanna CLOSED the public hearing.

M/S Bash/Azevedo to adopt Ordinance No. 923 for first reading. The motion was carried by the following roll call vote:

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

6. CITY COUNCIL ITEMS FOR ACTION:

A. Resolution in Support for Arizona's Adoption of Senate Bill 1070

The Members of the City Council unanimously recommended that a resolution be adopted in support of Arizona SB 1070. The proposed resolution resolves that the City Council stands with the people of Arizona and supports the right of the State of Arizona to create laws to protect and defend its citizens and our country.

Recommended Action: Adopt Resolution No. 2010-___, expressing support for Arizona's adoption of Senate Bill 1070. (City Manager)

City Manager Groves presented the City Council item stating that this is a resolution in support of Senate Bill 1070.

Speakers in Support of Norco Expressing Support for Senate Bill 1070

Jeane Ensley-Rossiter
Ted Wegener
Ed Dixon.
Ernie White
Robin Hvidston
Kay O'Mara
Wendie Stevens-Rodriquez
Ronald Lohan
Tim Scott
Julie Waltz
Cindy Chafiar
Su Bacon
Vern Showalter
Bill Kezar

Speaker Against Norco Expressing Support for Senate Bill 1070

Karen Leonard

Council Member Sullivan stated that he is excited to have so many people in attendance and thanked everyone, as he was the one that recommended that this be placed on the agenda.

Council Member Azevedo stated that she supports this, but is concerned that the Council is ultimately responsible for the decision, as it is unknown what the ramifications may be. She added that it would help her to have a count of the Norconians that support this.

Council Member Bash stated that the impacts of this are important and further noted that he is personally in favor of this.

Mayor Pro Tem Hanna stated that he is tired of government not doing its work and stated that it is time that we stand up and take our Country back.

M/S Sullivan/Azevedo to adopt Resolution No. 2010-50, expressing support for Arizona's adoption of Senate Bill 1070. The motion was carried by the following roll call vote:

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

Council Member Sullivan commented, under discussion, that Mayor Pro Tem Hanna will be attending the League of California Cities Conference in September and would like to see him carry this excitement and support over to all of the cities in California.

B. Discussion of a Potential Ordinance Stipulating Contractor Requirements Related to the Use of E-Verify

At its July 21, 2010 meeting, the City Council directed staff to agendaize a discussion item on the E-Verify Program. The City of Norco currently uses E-Verify for all new employees hired by the City. The Council request is to discuss making the use of E-Verify a requirement for all contractors that provide products or services to the City.

Recommended Action: That the Council Members reach consensus regarding bringing forward an ordinance stipulating contracting requirements related to the use of E-Verify. (City Manager)

City Manager Groves presented the City Council item stating that this item is being brought back following the Council's recommendation. She further noted that if the Council directs staff to bring back a draft ordinance, a public hearing will be noticed prior to the meeting.

Council Member Sullivan stated that Congressman Ken Calvert introduced legislation to create the program more than a decade ago. He noted that we need to start doing this on the local level and this is a great start in finding out who has the jobs and who does not.

Speakers in Support of E-Verify

Ted Wegener

Michael Coultos

Shellie Milne

Karen Leonard

Carol Baretto

Linda Dixon

Robin Hvidston

Ed Dixon

Kay O'Mara. Ms. O'Mara presented a petition that was signed in support of the City of Norco using E-Verify

Wendie Stevens-Rodriquez

Bill Kezar

Vern Showalter

Julie Waltz

Council Member Sullivan stated that it is time the City does this and agrees with the suggestions made by Ms. O'Mara, but is not sure that we can do all she requests. He further noted that he would like to some day see the entire list included on that petition be included in two (2) proposed ordinances.

Council Member Azevedo stated that she supports E-Verify but questions how far the City should go. She further stated that she would need to know how it would be implemented and enforced.

Council Member Bash stated that he owns a couple of family businesses and there is a part of him that does not like big government, but noted that he uses E-Verify. He added that he is nervous about sending volunteers or employees into businesses to verify records and noted that this is also time consuming. He further noted that he does not have a problem passing this but he would need to realize the City's obligation and how it would be enforced.

Mayor Pro Tem Hanna stated that he is in favor of this and noted that sub-contractors should be included in the ordinance.

City Manager Groves stated that the motion should contain how comprehensive the ordinance should be written.

Council Member Azevedo stated concerns regarding the implementation of this and what the financial impacts would be.

City Manager Groves stated that it would be the first meeting in September, at the earliest, before we could bring back a draft ordinance to include all of the information that would realistically be implemented.

M/S Sullivan/Bash to bring back an ordinance that includes E-Verify requirements for all City employees, City sub-contractors and all City businesses and their sub-contractors. The motion was carried by the following roll call vote:

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

7. PUBLIC COMMENTS OR QUESTIONS:

Linda Dixon. Ms. Dixon presented to the Council and Staff the Norco Fair Program and expressed appreciation for the City's support.

Ben Comrado. Mr. Comrado commented on the situation at the City of Bell regarding the high salaries and noted that the City of Norco was mentioned as having a relationship with City of Bell. City Manager Groves responded that the City of Norco is in the same California Public Employee Retirement risk pool as the City of Bell, and that is the only relationship.

Ken Bleck. Mr. Bleck commented on the unsafe condition of the narrow traffic lanes on Bluff between Vine and River Road. He also commented on the high weeds growing on the property that the City's water wells are located on.

Robert Leonard. Mr. Leonard thanked City Manager Groves, Public Works Director Thompson, and Senior Engineer Askew for their assistance with a situation that he was dealing with.

Pam Smith. Ms. Smith stated that the Federated Republican Women provided all 5th graders in the Corona Norco Unified School District with a pocket size US Constitution. She also noted that their Chili Cook Off will be held on Saturday, August 14th.

Robert Swindell. Mr. Swindell commented on his concerns regarding the City's financial stability and his concern over its leadership. Mr. Swindell submitted his comments for the record.

Julie Waltz. Ms. Waltz commented on the death reported at a Group Home on Broken Arrow and noted that she is concerned and would like to see the house investigated. Ms. Waltz submitted information regarding who to contact at the State of California Department of Developmental Services, and specifically mentioned Director Terri Delgadillo. She also suggested that the City's Police reports be sent to them.

Bobbie Pope. Ms. Pope stated that the purpose of the Army Corps of Engineer's project is to eradicate the arundo and they are working with the City to help keep the trails. She added that with the restoration, there will be new plants added and that ongoing meetings with the Corps will be held.

Greg Newton. Mr. Newton commented on how well the Home and Land Real Estate office remodel and façade turned out and complemented staff and Council on their work.

Michael Harris. Mr. Harris commented on his previous request for the City to develop a 5-year financial plan and noted that it does not seem to be available. He added that he has not seen any long-term financials for the City and questioned if the City is out of the woods and in the black. Mr. Harris requested that the Council bring the residents up-to-date regarding progress on the budget and put a "real" strategic plan together.

Kaye O'Mara. Ms. O'Mara complemented Council and staff on the upcoming Farmer's Market and commended the City for its sponsorship of the National Day of the American Cowboy events.

Cindy Chafian. Ms. Chafian stated that you can be diverse with originality.

Elizabeth Swindell. Ms. Swindell stated that because of poor decisions, the City is broke. She further added that she wants to see good decisions made and not irresponsible spending and recommends using outside financial advisors. Ms. Swindell commented that the City is in the midst of a financial meltdown.

Donna Maxey. Ms. Maxey noted that she is an Act for America member and is working to combat Islam in America. She further encourages attendance at Calvary Chapel in Chino Hills on September 11 regarding this subject.

Pat Overstreet. Ms. Overstreet stated that the National Day of the American Cowboy was fantastic. She also stated that she believes that anyone refusing to state their last name should not be allowed to speak. Ms. Overstreet distributed and commented on a picture of an accessory building that started on fire and stored explosive ammunition. Ms. Overstreet also stated that Norco is liberal and tolerable with property rights and encouraged support of the proposed accessory building ordinance.

Doug Roberts. Mr. Roberts applauded the City for its pro-active marketing. He also stated concerns regarding the River trails and added that the arundo should be removed in a safe manner and the City should take a pro-active stand on this.

John Box. Mr. Box stated and clarified that he moved to Norco for the rural lifestyle and all the things already in tact are what they are trying to protect. He noted that money is the issue and it should be managed correctly so that the lifestyle can be protected. Mr. Box stated that he does not think the Council has been upfront with them regarding the accessory building ordinance and noted concerns regarding the residents living in the "flat lands" and if they are in agreement with it.

Jeanine Adams. Ms. Adams commented on the statements made regarding property rights and noted that she would like to see persons that complain volunteer and participate in City activities.

8. OTHER MATTERS – COUNCIL:

Council Member Bash:

- ↓ Stated that a future meeting to discuss the River trails is going to be held.
- ↓ Commented on the increased business to Bob's Big Boy with the "Cowboy Bob" present.

Mayor Pro Tem Hanna:

- ↓ Stated that the City of Canyon Lake is a new member of the Northwest Mosquito Abatement District.
- ↓ Commented on the National Day of the American Cowboy noting that it was a great event and thanked everyone that volunteered. He added that this was one event that the City put on that ended up in the black.

9. OTHER MATTERS – STAFF: Nothing to report.

10. ADJOURNMENT: There being no further business to come before the City Council, Mayor Pro Tem Hanna adjourned the meeting at 10:41 p.m.



ACTION MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
AUGUST 11, 2010

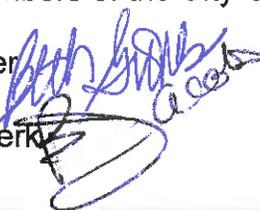
1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: Chair Hedges, Vice-Chair Wright, Commission Members Henderson, Newton, Jaffarian
3. STAFF PRESENT: Director King, Senior Planner Robles, Deputy City Clerk Germain, City Manager Groves, City Clerk Jacobs, Public Works Director Thompson, Senior Engineer Askew
4. PLEDGE OF ALLEGIANCE: Chair Hedges
5. APPEAL NOTICE: Read by staff
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA:
No items
7. APPROVAL OF MINUTES: Minutes of July 14, 2010 (July 28, 2010 cancelled):
Approved 5-0 with corrections
8. CONTINUED ITEMS: **None**
9. PUBLIC HEARING: **Resolution 2010-11; SILVERLAKES DEVELOPMENT AGREEMENT (BALBOA MANAGEMENT GROUP, LLC):** A request for consideration and approval of a Development Agreement for development of the Silverlakes Equestrian and Sports Park project, along the northern boundary of the City of Norco, east of Hamner Avenue, and west of the Interstate 15 Freeway. The document is a binding agreement with required provisions for duration of agreement, use of land for public purposes, and provision of a mechanism to pay for the construction of certain public and private facilities.
Recommendation: Recommend approval (Planning Director King): The Planning Commission recommended approval to the City Council 5-0. This item will go before the City Council on October 6, 2010.
10. BUSINESS ITEM: Information Report on the Norconian Specific Plan.
Recommendation: None, item is informational only (Planning Director King; Bill Wilkman, Cultural Resources Consultant): Received and Filed 5-0

11. CITY COUNCIL: **Received and filed.**
 - A. City Council Action Minutes dated August 4, 2010
 - B. City Council Minutes dated June 29, 2010 (Special Meeting); July 7, 2010 (Regular Meeting), and July 21, 2010 (Special Joint Meeting and Regular Meeting)
12. PLANNING COMMISSION: Oral Reports from Various Committees: **None**
13. STAFF: Current Work Program: **Received and Filed**
14. OTHER MATTERS: **Commissioner Newton questioned the project currently underway at 911 Sixth Street with respect to: how much of the building must be left standing to be considered a rebuild; what would trigger another review by the Planning Commission for a rebuild and; how does the Façade Renovation Program apply to a building that is completely torn down.**
15. ADJOURNMENT: **8:58 p.m.**

/sd/adr-76336

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: August 18, 2010

SUBJECT: City-Initiated Proposal to add Chapter 18.58 (Historic Preservation Overlay Zone) to the Norco Municipal Code. (Zone Code Amendment 2010-02)

RECOMMENDATION: Adopt **Ordinance No. 923** for second reading.

SUMMARY: The first reading of Ordinance No. 923 was held on August 4, 2010 and was adopted by a 4-1 vote of the City Council, as Mayor Miller was absent. Staff is recommending that the City Council adopt Ordinance No. 923 for second reading. The purpose of the Historic Preservation Overlay Zone (HPOZ) is to allow the City to protect the historic integrity of areas having a significant concentration of historic resources.

Attachment: Ordinance No. 923

/bj-76299

ORDINANCE NO. 923

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO TITLE 18, BY ADDING CHAPTER 18.58 WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED ESTABLISHING THE HISTORICAL PRESERVATION OVERLAY ZONE (HPOZ). ZONE CODE AMENDMENT 2010-02

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2010-02, an amendment to Norco Municipal Code Title 18 (Zoning Code), adding Chapter 18.58 to establish the Historical Preservation Overlay Zone with related development standards; 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 July 14, 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 2010-10 recommending to the City Council that Zone Code Amendment 2010-02 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 August 4, 2010, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, 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 the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines.

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

SECTION 1: Title 18 (Zoning) of the Norco Municipal Code shall be revised as follows:

Chapter 18.58
HISTORIC PRESERVATION OVERLAY ZONE

Sections:

- 18.58.02 Purposes.
- 18.58.04 Definitions.
- 18.58.06 Permitted Uses and Development Standards.
- 18.58.08 Specific Plan Areas.
- 18.58.10 Overlay Zone Establishment or Boundary Change.
- 18.58.12 Approval Process
- 18.58.14 Certificate of Appropriateness for Contributing Elements
- 18.58.16 Certificate of Appropriateness for New Construction
- 18.58.18 Certificate of Appropriateness for Non-Contributing Elements
- 18.58.20 Certificate of Appropriateness for the Demolition of a Non-Contributing Element
- 18.58.22 Certificate of Appropriateness for the Demolition of a Contributing Element
- 18.58.24 Appeal
- 18.58.26 Preservation Incentives
- 18.58.28 Enforcement and Penalties.
- 18.58.30 Severability

18.58.02 Purposes.

The purposes of the Historic Preservation Overlay Zone (HPOZ) shall be as follows:

- (1) Protect and enhance the buildings, structures, landscaping, natural features and areas which are representative of important aspects of the City's cultural, social, economic, political, architectural, or natural history.
- (2) Protect and enhance the settings and environment which preserve these buildings, structures, landscaping, natural features, and areas.
- (3) Protect, stabilize, and enhance property values, neighborhoods, and communities.
- (4) Enhance economic prosperity, including facilitating the eligibility of properties for financial benefits and promoting tourist trade and interest.
- (5) Foster public understanding of the history, aesthetics, and identity of the City as reflected in its buildings, structures, landscaping, natural features, and areas.
- (6) Promote public education through the preservation and interpretation of the City's cultural, social, economic, political, architectural, or natural history.

(7) Promote the involvement of the City's diverse neighborhoods in the historic preservation process.

(8) Ensure compliance with the California Environmental Quality Act

18.58.04 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed below:

(1) "Context Statement" means a written document that establishes the relationship between the physical environment of the HPOZ and its history by theme, place and time, and which designates contributing and non-contributing elements in the HPOZ.

(2) "Contributing Element" means any building, structure, landscaping, natural feature, or public improvement identified on the historic resources survey as contributing to the historic significance of the HPOZ.

(3) "Historic Resources Survey" means a document which defines the historic context of the HPOZ and identifies all contributing and non-contributing buildings, structures, landscaping, natural features, and public improvements and which is certified as to its accuracy and completeness by the Cultural Resources Administrator.

(4) "Historic Preservation Overlay Zone" means any area of the City of Norco containing buildings, structures, landscaping, natural features, or public improvements having historic, architectural, cultural, or aesthetic significance and designated as a HPOZ under the provisions of this Chapter.

(5) "Non-Contributing Element" means any building, structure, landscaping, natural feature, or public improvement identified on the historic resources survey as not contributing to the historic significance of the HPOZ or which is not listed in the historic survey.

18.58.06 Permitted Uses and Development Standards.

Except as specified in Section 18.58.16 and 18.58.18, all permitted and conditionally permitted uses and all development standards shall be in accordance with the underlying zone and the regulations of this chapter.

18.58.08 Specific Plan Areas.

Specific Plans and specific plan amendments that affect lands within a HPOZ shall be subject to review and recommendations from the Historic Preservation Commission prior to consideration by the Planning Commission, and City Council.

18.58.10 Overlay Zone Establishment or Boundary Change.

(1) Initiation: Consistent with the purposes of this Chapter, procedures for establishing a HPOZ may be initiated by the City Council upon recommendation of the Historic Preservation Commission or upon submission to the City of a petition supporting such an overlay zone signed by at least 75% of the property owners within the proposed district, as recorded on the most recent rolls of the Riverside County Assessor.

(2) Historic Resources Survey: A historic resources survey, including all of the minimum components listed below shall be completed by a professional who meets the Secretary of Interior's Qualifications to determine the viability and boundaries of the proposed HPOZ. The applicant shall be responsible for funding the survey. Previous surveys may be used or modified as necessary to meet all the minimum components below:

- a. Context Statement: A context statement shall be prepared that establishes the relationship between the physical environment of the HPOZ and its history, thereby allowing the identification of historic features of the area as contributing or non-contributing. The context statement shall present the history of the area by theme, place, and time. It shall define the various historical factors which shaped the development of the area. It shall define a period of significance for the HPOZ and relate historic features to the period of significance. As appropriate, topics shall include historic activities, events, associations with historic persons, architectural styles and movements, architects, designers, building types, building materials, landscape design, geographic patterns, and natural features that influenced the character of the HPOZ.
- b. Recordation of Resources: Each resource shall be recorded on State of California Department of Parks and Recreation forms as appropriate.
- c. Identification of Contributing Elements: The historic resources survey shall identify contributing elements to the HPOZ. No building, structure, landscaping, natural feature, or public improvement shall be considered a contributing element unless it is identified as a contributing element in the historic resources survey for the applicable HPOZ. To qualify as a Contributing Element, a feature must meet one or more of the following criteria:
 - i. The resource contributes to the historic architectural qualities or historic associations for which the HPOZ is significant because it was present during the period of significance and possesses historic integrity reflecting its character at that time; or

- ii. owing to its unique location or singular physical characteristics, the resource represents an established feature of the neighborhood, community, or City; or
- iii. retaining the building, structure, landscaping, natural feature, or public improvement would contribute to the preservation and protection of a historic place or area of historic interest in the City.

(3) **Concentration of Resources:** For an area to qualify as a HPOZ, at least 50% of the buildings must be certified to be contributing elements.

(4) **Boundaries:** Boundaries shall be drawn so as to encompass a clear concentration of contributing elements and reflect the historic context of the proposed HPOZ.

(5) **Modification of Previously Certified Historic Resources Survey:** Modifications, including boundary changes, re-surveys, partial re-surveys, and minor corrections of a previously certified Historic Resources Survey shall be processed as follows:

- a. Boundary changes or revisions involving a re-survey or partial re-survey shall be processed in accordance with the procedures for establishing a HPOZ.
- b. Revisions involving the correction of technical errors or omissions shall be subject to the review and approval of the Cultural Resources Administrator.

(6) **Repeal of a HPOZ:** The repeal of a HPOZ may be initiated and processed, subject to the same procedures for establishing a HPOZ, when one or more of the following conditions apply:

- a. As a result of natural disaster or other calamity the number of buildings that are Contributing Elements falls below 50%.
- b. A petition with signatures of at least 75% of the property owners within a HPOZ, as reflected on the most recent County Assessor rolls, requests consideration of the repeal of the HPOZ.

18.58.12 Approval Process:

(1) **Application:** Application for approval of a HPOZ shall be made on such forms as established by the Cultural Resources Administrator and accompanied by such fees as established by resolution of the City Council.

(2) **Certification of Historic Resources Survey:** The Historic Resources Survey shall be submitted to the Cultural Resources Administrator for certification. In consultation with a professional meeting the Secretary of

Interior's professional qualifications, the Cultural Resources Administrator shall review the survey for compliance with the standards of this Chapter and shall require revisions as necessary for this purpose.

(3) HPOZ Designation Meeting Date: Upon the filing of a complete application, the matter shall be set for consideration before the Historic Preservation Commission. The date of such meeting shall be not more than sixty (60) days from the date of filing of a complete application.

(4) HPOZ Designation Meeting Notice: The Cultural Resources Administrator shall cause notice of the date, time, place and purpose of the meeting before the Historic Preservation Commission to be given by at least one publication of a notice in a newspaper having general circulation in the City not less than ten (10) days prior to the date of such meeting and by depositing in the United States mail, at least ten (10) days prior to the date of the meeting, a notice addressed to the owner(s) or other person(s) having legal custody and control of the properties within the proposed HPOZ area and to owners of real property within a minimum radius of three hundred feet of the exterior boundaries of the proposed HPOZ area, or within the minimum radius that is required such that a minimum of 25 property owners will be notified. The last known name and address of each owner as shown on the records of the Riverside County Assessor may be used for this notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record or the non-receipt of any notice mailed pursuant to these regulations shall not invalidate any proceedings in connection with the proposed designation.

(5) HPOZ Meeting: A public meeting shall be conducted before the Historic Preservation Commission at the time and place so fixed and noticed. Subsequent to the Historic Preservation Commission meeting, a public hearing shall be conducted before the Planning Commission for a recommendation, and then before the City Council for final decision on the HPOZ application.

(6) HPOZ Designation Investigation: The Historic Preservation Commission shall cause to be made by any of its own members or by the Cultural Resources Administrator, such investigation of facts bearing upon such application as in the opinion of the Commission or Administrator will serve to provide the necessary information to assure Commission action consistent with the intent and purposes of this Chapter.

(7) HPOZ Public Meetings: The Historic Preservation Commission at a public meeting shall forward to the Planning Commission for consideration at a public hearing its recommendation and findings in writing regarding the designation of a HPOZ, in whole or in part, based on the criteria set forth in this Chapter and the facts presented in connection with the application. The recommendations of the Historic Preservation Commission and the Planning Commission shall be

forwarded to the City Council for consideration at a public hearing. The City Council, on the recommendation of the Historic Preservation Commission and Planning Commission, shall make the final determination as to whether the purposes of this Chapter are met by such designation.

(8) HPOZ Designation Ordinance: A HPOZ shall be designated by an ordinance of the City Council, which provides facts and findings based on the criteria for designation as set forth in this Chapter. The Council shall adopt the ordinance by a majority of the members present and voting. Subsequent to adoption by the City Council, the HPOZ shall be defined on the City's zoning map.

(9) Notice of HPOZ Designation: Notice of the designation of a HPOZ by the City Council shall be transmitted to all City departments, the Assessor and the Recorder of Riverside County, and any other departments and governmental agencies the Cultural Resources Administrator deems appropriate. Each City department and division shall incorporate the notice of designation as a HPOZ into its records, so that future decisions or permissions regarding or affecting any HPOZ made by the City or an official of the City will have been made with the knowledge of the HPOZ designation, and in accordance with the procedures set forth in this Chapter. The City Clerk shall record all designating ordinances in the Office of the Riverside County Recorder.

18.58.14 Certificate of Appropriateness for Contributing Elements:

A Certificate of Appropriateness shall be required for all alterations to contributing elements in a HPOZ in accordance with the standards and procedures in Chapter 20.30.

18.58.16 Certificate of Appropriateness for New Construction:

A certificate of appropriateness shall be required for all new buildings or structures, including associated landscaping, or other improvements in a HPOZ in accordance with the procedures in Chapter 20.30, except that the Planning Commission's Architectural Review Subcommittee shall join the Historic Preservation Commission in reviewing and making recommendations, prior to final action by the City Council. In evaluating such projects the following design standards along with any design standards specific to the HPOZ shall be applied to help assure compatibility with contributing elements in the HPOZ, particularly those contributing elements within close proximity. Where zoning standards would allow height, bulk, massing, placement, orientation, lot coverage, grading, site improvements, landscaping, or signs that would be incompatible with the following design standards or the specific design standards of the HPOZ, the design standards shall take precedence:

(1) Design: The design shall be compatible with the prevailing design of the contributing elements in the HPOZ, including colors, materials, and architectural style.

(2) Height, Bulk, and Massing: The height, bulk, and massing shall be similar to and reflective of the prevailing height, bulk, and massing of the contributing elements of the HPOZ.

(3) Placement and Orientation: The placement and orientation shall be similar to that prevailing among the contributing elements in the HPOZ, including doorways, fenestration, entrances, vehicular access, parking, and setbacks.

(4) Lot Coverage: Lot coverage shall be similar to the prevailing lot coverage in the HPOZ.

(5) Grading: Grading shall be designed so as to preserve the natural features of the land and to maintain the views toward, and integrity of, the contributing natural features in the HPOZ.

(6) Site Improvements: Site improvements, including walls, walkways, lighting, statuary, water features, and the like shall be designed so as to be compatible with those associated with prevailing contributing elements in the HPOZ.

(7) Landscaping: Plant materials, layout, placement, and design shall be compatible with the landscaping associated with the prevailing contributing elements in the HPOZ.

(8) Signs: Signs shall be of materials, design, colors, style, and types that are compatible with the prevailing contributing elements in the HPOZ.

18.58.18 Certificate of Appropriateness for Non-Contributing Elements

A certificate of appropriateness shall be required for all alterations to existing non-contributing elements in a HPOZ. If a non-contributing element is individually designated or eligible for historical designation, it shall be evaluated in accordance with the procedures and standards in Chapter 20.30. If a non-contributing element is not individually designated or eligible for historical designation, it shall be evaluated in accordance with the procedures in Chapter 20.30 and the following design standards and any specific design standards of the HPOZ to help assure compatibility with contributing elements in the HPOZ, particularly those contributing elements within close proximity. Where zoning standards would allow height, bulk, massing, placement, orientation, lot coverage, grading, site improvements, landscaping, or signs that would be incompatible with the following design standards or the specific design standards of the HPOZ, the design standards shall take precedence:

(1) Design: Non-contributing elements may represent a wide variety of design styles. Generally, it is preferred that alterations be respectful of the

original style of the non-contributing element. Where integrity has been disturbed by past alterations, consideration should be given to the restoration of the original style of the building if this is feasible.

(2) Height, Bulk, and Massing: To the extent that height, bulk, and massing are being altered, the alterations shall be compatible with the height, bulk, and massing of the prevailing contributing elements of the HPOZ.

(3) Placement and Orientation: To the extent that placement and orientation are being altered such shall be similar to that prevailing among the contributing elements in the HPOZ, including doorways, fenestration, entrances, vehicular access, parking, and setbacks.

(4) Lot Coverage: Lot coverage shall not be increased if doing so is incompatible with the prevailing lot coverage in the HPOZ.

(5) Grading: Grading shall be designed so as to preserve the natural features of the land and to maintain the views toward, and integrity of, the contributing natural features in the HPOZ.

(6) Site Improvements: Site improvements or alterations to existing site improvements, including walls, walkways, lighting, statuary, water features, and the like shall be designed so as to be compatible with either the existing non-contributing element or those associated with prevailing contributing elements in the HPOZ.

(7) Landscaping: Plant materials, layout, placement, and design shall be compatible with either the existing non-contributing element or the prevailing landscaping associated with the contributing elements in the HPOZ.

(8) Signs: Signs shall be of materials, design, colors, style, and types that are compatible with either the existing non-contributing element or the prevailing contributing elements in the HPOZ.

18.58.20 Certificate of Appropriateness for the Demolition of a Non-Contributing Element

A Certificate of Appropriateness for the demolition of a non-contributing element shall be processed in accordance with the procedures in Sections 20.30.060 and 20.30.080. The City Council, upon recommendation of the Historic Preservation Commission, or the City Council on appeal may approve, grant conditional approval, or deny the application. In reviewing an application to demolish a non-contributing element, consideration shall be given to impacts of the demolition to the essential form and integrity of the historic character of its surrounding built environment.

18.58.22 Certificate of Appropriateness for the Demolition of a Contributing Element

A Certificate of Appropriateness for the demolition of a contributing element shall be processed in accordance with the procedures in Chapter 20.30.

18.58.24 Appeal

Any person aggrieved or affected by a recommendation of the Historic Preservation Commission or Cultural Resources Administrator to approve, conditionally approve or deny an application, or by the failure of the Commission to act within the required time limits may appeal to the City Council any time within fifteen (15) days after the date the Commission or Cultural Resources Administrator announces its decision or is required to announce its decision. An appeal shall be taken by filing a letter of appeal with the Cultural Resources Administrator and by concurrently paying to the City a fee in an amount established by City Council resolution. Such letter of appeal shall set forth the grounds upon which the appeal is based. Within ten (10) days after the receipt of the letter of appeal and the filing fee, the Cultural Resources Administrator shall transmit to the City Council the letter of appeal, copies of the application and all other papers constituting the record upon which the action was taken. The City Council may affirm, reverse or modify the decision of the Cultural Resources Administrator or the recommendation of the Historic Preservation Commission. Such action by the City Council shall be final.

18.58.26 Preservation Incentives

The preservation incentives specified in Chapter 20.35 shall be applicable to all contributors within a HPOZ.

18.58.28 Enforcement and Penalties.

Enforcement and penalties shall be in accordance with Chapter 20.40.

18.58.30 Severability

If any Section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have passed this ordinance and adopted this Chapter, and each Section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more Sections, subsections, sentences, clauses or phrases be declared invalid.

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 August 18, 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 August 4, 2010 and thereafter at a regular meeting of said City Council duly held on August 18, 2010, 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 August 18, 2010.

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

/sk-76196

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brian K. Petree, Director
Parks, Recreation & Community Services
Dominic C. Milano, City Engineer

DATE: August 18, 2010

SUBJECT: Acceptance of Bids and Award of Contract for Ingalls Park Security Fencing

RECOMMENDATION: Staff is recommending award of base bid with add alternates 1-7 for the Ingalls Park Security Fencing to Valley Cities/Gonzales Fence, Inc. in the amount of \$106,460 and authorize the City Manager to approve contract change orders up to 10 percent of the original contract amount.

SUMMARY: Bids for the Ingalls Park Security Fencing were opened on August 10, 2010 with Valley Cities/Gonzales Fence, Inc. being the lowest responsible bidder. It is recommended that the City Council award a contract to Valley Cities/Gonzales Fence, Inc. in the amount of \$106,460 and authorize the City Manager to approve contract change orders up to 10 percent of the original contract amount.

BACKGROUND/ANALYSIS: Staff completed requirements and contract documents for the Ingalls Park Security Fencing on July 29, 2010. Notice to Invite Bid was advertised starting August 1, 2010. A total of 3 bids were received with the base bid ranging between \$48,534 and \$90,838 with the lowest responsible bid submitted by Valley Cities/Gonzales Fence, Inc. The bid summary sheet has been attached for council review. Staff is recommending Award of Contract to include base bid with Add Alternates 1 – 7. The additive alternates include the security fencing for Nellie Weaver Hall and the Animal Shelter with all fencing being vinyl coated. The additive alternates increase the contract amount to \$106,460. With a 10% contingency the total appropriation of the project will be \$117,106.

FINANCIAL IMPACT: \$1,514,176 has been appropriated in the Ingalls Park Improvements Fund 141.940.43140 Project No. 4105-1 in the 2010/2011 CIP Budget. With the completion of the south arena construction the fund balance will be \$1,265,208 and may be used to complete fencing, restrooms, electrical and additional arena amenities. \$19,100 of this project is funded from Animal Control Facilities Fund 151.942.43115 Project No. 4414-1 for fencing that has fallen in disrepair and is part of the new shelter project.

/bkp-76314

Attachment: Bid Summary

**Ingalls Park Security Fencing
Bid Opening - August 10, 2010**

	A 1 Fence	Moore Fence Co.	Valley Fence	Quality Fence
Bonds	x		x	x
Addendums	x		x	
Item 1: Mobilization, removal and traffic control	\$1,000.00		\$0.00	\$500.00
Item 2: Install 6' high galvanized chain link fencing with top and bottom rails	\$68,085.00		\$42,364.00	\$66,572.00
Item 3: Install 4' wide 6' high galvanized chain link walk gate	\$3,035.00		\$1,500.00	\$2,500.00
Item 4: Install 20' wide 6' high galvanized chain link double swing gate	\$3,740.00		\$1,200.00	\$1,800.00
Item 5: Install 24' wide 6' high galvanized chain link single slide gate with PCC Track Base	\$4,812.00		\$870.00	\$1,920.00
Item 6: Install 39' wide 6' high galvanized chain link B1-parting slide gate with PCC Track Base	\$5,348.00		\$1,400.00	\$3,120.00
Install 32' wide 6' high galvanized chain link B1-parting slide gate with PCC Track Base	\$4,818.00		\$1,200.00	\$2,560.00
Total Base Bid	\$90,838.00		\$48,534.00	\$78,972.00
Add Alternates	A 1 Fence	Moore Fence Co.	Valley Fence	Quality Fence
A1: Additional cost if all fencing material is in base bid was black vinyl coated	\$27,296.00		\$30,300.00	\$40,312.00
A2: Remove/replace existing chain link fencing at Animal Shelter with 6' high galvanized chain link fencing with top and bottom rails	\$14,715.00		\$14,580.00	\$12,852.00
A3: Remove/replace 20' wide 6' high chain link double swing gate at Animal Shelter	\$2,004.00		\$720.00	\$1,300.00
A4: Additional cost if black vinyl coating was added to bid items A2 and A3	\$4,154.00		\$3,800.00	\$6,980.00
A5: Remove/replace existing chain link fence at Nellie Weaver Hall with 6' high galvanized chain link fencing with top and bottom rails	\$6,783.00		\$6,156.00	\$5,426.00
A6: Remove/replace 20' wide 6' high galvanized chain link double swing gate at Nellie Weaver Hall	\$2,004.00		\$720.00	\$1,300.00
A7: Additional cost if black vinyl coating was added to bid item A5 and A6 at Nellie Weaver Hall	\$1,358.00		\$1,650.00	\$2,736.00
Total with Alternates	\$149,152.00		\$106,460.00	\$149,878.00

**CITY OF NORCO
CONTRACT AGREEMENT
FOR
INGALLS PARK SECURITY FENCING**

THIS CONTRACT AGREEMENT is made and entered into for the above stated project this 18th day of August, 2010, BY AND BETWEEN THE CITY OF NORCO, as AGENCY, and Valley Cities/Gonzalez Fence, Inc., as CONTRACTOR.

WITNESSETH that AGENCY and CONTRACTOR have mutually agreed as follows:

ARTICLE I

The Contract Documents for the aforesaid project shall consist of the Notice Inviting Sealed Bids, Instructions to Bidders, Proposal, General Specifications, Standard Specifications, Special Provisions, and all referenced Specifications, details, standard drawings, and appendices together with this Contract Agreement and all required bonds, insurance certificates, permits, notices, and affidavits; and also including any and all addenda or supplemental agreements clarifying, amending, or extending the work contemplated as may be required to ensure its completion in an acceptable manner. All of the provisions of said Contract Documents are made a part hereof as though fully set forth herein.

ARTICLE II

For and in consideration of the payments and agreements to be made and performed by AGENCY, CONTRACTOR agrees to furnish all materials and perform all work required for the above stated project, and to fulfill all other obligations as set forth in the aforesaid Contract Documents.

ARTICLE III

CONTRACTOR agrees to receive and accept the prices set forth in the Proposal as full compensation for furnishing all materials, performing all work, and fulfilling all obligations hereunder:

Said compensation shall cover all expenses, losses, damages, and consequences arising out of the nature of work during its progress or prior to its acceptance including those for well and faithfully completing the work and the whole thereof in the manner and time specified in the aforesaid Contract Documents; and also including those arising from actions of the elements, unforeseen difficulties or obstructions encountered in the prosecution of the work, suspension or discontinuance of the work, and all other unknowns or risks of any description connected with the work.

ARTICLE IV

AGENCY hereby promises and agrees to employ, and does hereby employ, CONTRACTOR to provide the materials, do the work, and fulfill the obligations according to the terms and conditions herein contained and referred to, for the prices aforesaid, and hereby contracts to pay the same at the time, in the manner, and upon the conditions set forth in the Contract Documents.

ARTICLE V

Contractor specifically acknowledges and agrees to be bound by the Wage Rates and Labor Code Requirements section of the General Conditions for this project.

ARTICLE VI

CONTRACTOR acknowledges the provisions of the State Labor Code requiring every employer to be insured against liability for worker's compensation, or to undertake self-insurance in accordance with the provisions of that code, and certifies compliance with such provisions.

ARTICLE VII

CONTRACTOR agrees to indemnify and hold harmless AGENCY and all of its officers and agents from any claims, demands, or causes of action; including related expenses, attorney's fees, and costs; based on, arising out of, or in any way related to the work undertaken by CONTRACTOR hereunder.

ARTICLE VIII

CONTRACTOR affirms that the signatures, titles, and seals set forth hereinafter in execution of this Contract Agreement represent all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest herein and that each is fully authorized to sign on behalf of any business entity that he may represent.

ARTICLE IX

CONTRACTOR represents and agrees that it does not and will not discriminate against any subcontractor, consultant, employee, or applicant for employment because of race, religion, color, sex, or national origin in any matter including without limitation employment upgrading, demotion, transfers, recruitment, recruitment advertising, layoff, termination, rates of pay, or other forms of compensation and selection for training, including apprenticeship.

ARTICLE X

CONTRACTOR warrants that all principals to this Contract are duly organized and validly existing business entities, and that each such entity has full right and authority to enter into this Contract.

CONTRACT AGREEMENT

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first written.

CITY:

CONTRACTOR:

MAYOR—CITY OF NORCO

(CORPORATION NAME—TYPE)

ATTEST:

BY: _____

TITLE: _____

CITY CLERK—CITY OF NORCO

BY: _____

TITLE: _____

NOTE: SIGNATURES OF CORPORATE OFFICIALS MUST BE NOTARIZED.

Subscribed before me on the _____ day of _____, 2010.

Notary Public

My commission expires:

**CITY OF NORCO
CONTRACT AGREEMENT
FOR
INGALLS PARK SECURITY FENCING**

THIS CONTRACT AGREEMENT is made and entered into for the above stated project this 18th day of August, 2010, BY AND BETWEEN THE CITY OF NORCO, as AGENCY, and Valley Cities/Gonzalez Fence, Inc., as CONTRACTOR.

WITNESSETH that AGENCY and CONTRACTOR have mutually agreed as follows:

ARTICLE I

The Contract Documents for the aforesaid project shall consist of the Notice Inviting Sealed Bids, Instructions to Bidders, Proposal, General Specifications, Standard Specifications, Special Provisions, and all referenced Specifications, details, standard drawings, and appendices together with this Contract Agreement and all required bonds, insurance certificates, permits, notices, and affidavits; and also including any and all addenda or supplemental agreements clarifying, amending, or extending the work contemplated as may be required to ensure its completion in an acceptable manner. All of the provisions of said Contract Documents are made a part hereof as though fully set forth herein.

ARTICLE II

For and in consideration of the payments and agreements to be made and performed by AGENCY, CONTRACTOR agrees to furnish all materials and perform all work required for the above stated project, and to fulfill all other obligations as set forth in the aforesaid Contract Documents.

ARTICLE III

CONTRACTOR agrees to receive and accept the prices set forth in the Proposal as full compensation for furnishing all materials, performing all work, and fulfilling all obligations hereunder:

Said compensation shall cover all expenses, losses, damages, and consequences arising out of the nature of work during its progress or prior to its acceptance including those for well and faithfully completing the work and the whole thereof in the manner and time specified in the aforesaid Contract Documents; and also including those arising from actions of the elements, unforeseen difficulties or obstructions encountered in the prosecution of the work, suspension or discontinuance of the work, and all other unknowns or risks of any description connected with the work.

ARTICLE IV

AGENCY hereby promises and agrees to employ, and does hereby employ, CONTRACTOR to provide the materials, do the work, and fulfill the obligations according to the terms and conditions herein contained and referred to, for the prices aforesaid, and hereby contracts to pay the same at the time, in the manner, and upon the conditions set forth in the Contract Documents.

ARTICLE V

Contractor specifically acknowledges and agrees to be bound by the Wage Rates and Labor Code Requirements section of the General Conditions for this project.

ARTICLE VI

CONTRACTOR acknowledges the provisions of the State Labor Code requiring every employer to be insured against liability for worker's compensation, or to undertake self-insurance in accordance with the provisions of that code, and certifies compliance with such provisions.

ARTICLE VII

CONTRACTOR agrees to indemnify and hold harmless AGENCY and all of its officers and agents from any claims, demands, or causes of action; including related expenses, attorney's fees, and costs; based on, arising out of, or in any way related to the work undertaken by CONTRACTOR hereunder.

ARTICLE VIII

CONTRACTOR affirms that the signatures, titles, and seals set forth hereinafter in execution of this Contract Agreement represent all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest herein and that each is fully authorized to sign on behalf of any business entity that he may represent.

ARTICLE IX

CONTRACTOR represents and agrees that it does not and will not discriminate against any subcontractor, consultant, employee, or applicant for employment because of race, religion, color, sex, or national origin in any matter including without limitation employment upgrading, demotion, transfers, recruitment, recruitment advertising, layoff, termination, rates of pay, or other forms of compensation and selection for training, including apprenticeship.

ARTICLE X

CONTRACTOR warrants that all principals to this Contract are duly organized and validly existing business entities, and that each such entity has full right and authority to enter into this Contract.

CONTRACT AGREEMENT

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first written.

CITY:

CONTRACTOR:

MAYOR—CITY OF NORCO

(CORPORATION NAME—TYPE)

ATTEST:

BY: _____

TITLE: _____

CITY CLERK—CITY OF NORCO

BY: _____

TITLE: _____

NOTE: SIGNATURES OF CORPORATE OFFICIALS MUST BE NOTARIZED.

Subscribed before me on the _____ day of _____, 2010.

Notary Public

My commission expires:

**CITY OF NORCO
CONTRACT AGREEMENT
FOR
INGALLS PARK SECURITY FENCING**

THIS CONTRACT AGREEMENT is made and entered into for the above stated project this 18th day of August, 2010, BY AND BETWEEN THE CITY OF NORCO, as AGENCY, and Valley Cities/Gonzalez Fence, Inc., as CONTRACTOR.

WITNESSETH that AGENCY and CONTRACTOR have mutually agreed as follows:

ARTICLE I

The Contract Documents for the aforesaid project shall consist of the Notice Inviting Sealed Bids, Instructions to Bidders, Proposal, General Specifications, Standard Specifications, Special Provisions, and all referenced Specifications, details, standard drawings, and appendices together with this Contract Agreement and all required bonds, insurance certificates, permits, notices, and affidavits; and also including any and all addenda or supplemental agreements clarifying, amending, or extending the work contemplated as may be required to ensure its completion in an acceptable manner. All of the provisions of said Contract Documents are made a part hereof as though fully set forth herein.

ARTICLE II

For and in consideration of the payments and agreements to be made and performed by AGENCY, CONTRACTOR agrees to furnish all materials and perform all work required for the above stated project, and to fulfill all other obligations as set forth in the aforesaid Contract Documents.

ARTICLE III

CONTRACTOR agrees to receive and accept the prices set forth in the Proposal as full compensation for furnishing all materials, performing all work, and fulfilling all obligations hereunder:

Said compensation shall cover all expenses, losses, damages, and consequences arising out of the nature of work during its progress or prior to its acceptance including those for well and faithfully completing the work and the whole thereof in the manner and time specified in the aforesaid Contract Documents; and also including those arising from actions of the elements, unforeseen difficulties or obstructions encountered in the prosecution of the work, suspension or discontinuance of the work, and all other unknowns or risks of any description connected with the work.

ARTICLE IV

AGENCY hereby promises and agrees to employ, and does hereby employ, CONTRACTOR to provide the materials, do the work, and fulfill the obligations according to the terms and conditions herein contained and referred to, for the prices aforesaid, and hereby contracts to pay the same at the time, in the manner, and upon the conditions set forth in the Contract Documents.

ARTICLE V

Contractor specifically acknowledges and agrees to be bound by the Wage Rates and Labor Code Requirements section of the General Conditions for this project.

ARTICLE VI

CONTRACTOR acknowledges the provisions of the State Labor Code requiring every employer to be insured against liability for worker's compensation, or to undertake self-insurance in accordance with the provisions of that code, and certifies compliance with such provisions.

ARTICLE VII

CONTRACTOR agrees to indemnify and hold harmless AGENCY and all of its officers and agents from any claims, demands, or causes of action; including related expenses, attorney's fees, and costs; based on, arising out of, or in any way related to the work undertaken by CONTRACTOR hereunder.

ARTICLE VIII

CONTRACTOR affirms that the signatures, titles, and seals set forth hereinafter in execution of this Contract Agreement represent all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest herein and that each is fully authorized to sign on behalf of any business entity that he may represent.

ARTICLE IX

CONTRACTOR represents and agrees that it does not and will not discriminate against any subcontractor, consultant, employee, or applicant for employment because of race, religion, color, sex, or national origin in any matter including without limitation employment upgrading, demotion, transfers, recruitment, recruitment advertising, layoff, termination, rates of pay, or other forms of compensation and selection for training, including apprenticeship.

ARTICLE X

CONTRACTOR warrants that all principals to this Contract are duly organized and validly existing business entities, and that each such entity has full right and authority to enter into this Contract.

CONTRACT AGREEMENT

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first written.

CITY:

CONTRACTOR:

MAYOR—CITY OF NORCO

(CORPORATION NAME—TYPE)

ATTEST:

BY: _____

TITLE: _____

CITY CLERK—CITY OF NORCO

BY: _____

TITLE: _____

NOTE: SIGNATURES OF CORPORATE OFFICIALS MUST BE NOTARIZED.

Subscribed before me on the ____ day of _____, 2010.

Notary Public

My commission expires:

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: August 18, 2010

SUBJECT: **Ordinance ___**; 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 Approval Process of Accessory Structures Allowed in Agricultural-Residential Zones.

Ordinance ___; Specific Plan 91-02, Amendment 5 (City): A proposed Ordinance to Amend the Norco Hills Specific Plan to Regulate the Height and Approval Process of Accessory Structures Allowed in the Equestrian Residential District.

Ordinance ___; Specific Plan 99-01, Amendment 4 (City): A Proposed Ordinance to Amend the Norco Ridge Ranch Specific Plan to Regulate the Height and Approval Process of Accessory Structures Allowed in the Equestrian Residential District.

RECOMMENDATION: Approve the Zone Code Amendment and Specific Plans Amendments with the following motions:

Motion 1: Introduce for First Reading Ordinance ___ approving Zone Code Amendment 2010-02;

Motion 2: Introduce for First Reading Ordinance ___ approving Specific Plan 89-02 Amendment 5;

Motion 3: Introduce for First Reading Ordinance ___ approving Specific Plan 99-01 Amendment 4.

SUMMARY: The City Council along with the Planning Commission has 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. Over the past year three different proposals were recommended to

August 18, 2010

the City Council by the Planning Commission all of which were remanded back to the Planning Commission for further analysis and revision. The different versions ranged from too simple and not comprehensive enough, to too complicated to implement. Prior to and at the February 24, 2010 meeting, a majority of the Planning Commission had come to agreements on the primary components of what the draft code amendment and the draft specific plans amendments should contain based on direction from the City Council, and directed staff to set the matters for public hearing. That public hearing took place on March 31, 2010 at which the Planning Commission recommended approval of all proposed amendments to the City Council.

At its May 19, 2010 meeting the City Council agreed with most of what had been agreed to by the Planning Commission but asked that certain changes be incorporated including the definition of a barn. At the May 26, 2010 meeting the Planning Commission came up with a proposed definition and that was agreed to by the City Council on June 2, 2010. The Zone Code Amendment and the Specific Plans Amendments were re-advertised for the June 30, 2010 Planning Commission meeting at which the Planning Commission voted to recommend approval to the City Council on each of the proposed amendments.

BACKGROUND/ANALYSIS: The primary issues agreed to by both the Planning Commission and City Council are summarized below.

1. Flat work, patios, pools, and courts are not counted in the building coverage.
2. A barn is defined as: "a building used for permitted agricultural uses, storing farm products, and sheltering livestock." A barn is not restricted from having a concrete floor.
3. A minor site plan review is required for accessory buildings 864 square feet or less, in the A-1 and A-E zones, and the Norco Hills and Norco Ridge Ranch Specific Plans.
4. A minor conditional use permit is required for accessory buildings that exceed 864 square feet, in the A-1 and A-E zones, and the Norco Hills and Norco Ridge Ranch Specific Plans.
5. Lot coverage regulations are not being changed in either the A-1 and A-E zones, or in the Norco Hills and Norco Ridge Ranch Specific Plans.
6. On lots where there is no Primary Animal Keeping Area (PAKA) a request for an accessory structure cannot be considered until after the applicant has demonstrated contiguous open areas based on the allowed number of animal units for that lot. There is no provision for encroachments into these open areas by any structure, as opposed to encroachments that can be allowed for animal-keeping structures on lots with PAKAs.
7. The allowed maximum height of an accessory structure, 864 square feet or less, in the A-1 or A-E zones, and in the Norco Hills and Norco Ridge Ranch Specific Plans is "14 feet or as approved by the Planning Commission." For structures

that exceed 864 square feet the allowed maximum height is 20 feet, or as approved by the Planning Commission.

The intent of the code amendment is to:

1. Protect animal-keeping rights as a primary use in agricultural-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);
2. Control the size of accessory buildings so that they do not overwhelm the main residence (or a neighboring residence) and do not overwhelm a neighborhood; and
3. Control the size, design, and location of accessory buildings so that they do not become eyesores in the community.

From the May 19, 2010 meeting the City Council wanted to amend three specific items before taking any action to adopt the ordinances. The first was the definition for a barn which has already been discussed. The City Council had also asked for a definition of a "workshop" but the Planning Commission determined that defining that term might give the impression that a use more intensive and commercial in nature could be allowed in a residential/animal-keeping neighborhood where it is not the case. That determination was presented to the City Council at the June 2, 2010 meeting and the City Council did not disagree.

Another correction that the City Council directed be included was a higher threshold in the size of an allowed accessory structure determining which would be subject to a minor site plan review as opposed to a minor conditional use permit review. The original threshold was 600 square feet and that was raised to 864 square feet.

The third issue that the City Council asked the Planning Commission to re-address was the concept of a "contiguous open animal area." As it was written in the draft ordinance the requirement in the A-1 and A-E zones was that one contiguous open animal area equal to the allowed number of animal units on a property multiplied by 576 square feet would have to be maintained. The discussion from City Council was that for larger properties it could be punitive to require that the entire area be one large contiguous open area where separated animal areas could still provide the required open space and still be adequate for animal-keeping, while giving more flexibility to the property owner. The proposed wording in the draft regulations has been revised to allow this flexibility with the requirement that any one open animal area would have to be rectangular and could not be smaller than 24 feet on any side.

Lastly it has been a request of the Planning Commission and the City Council that checklists are prepared to assist homeowners to know what is being asked of them in the design of accessory structures, and what the Planning Commission will be looking for in its review. Attached (Exhibits "A" and "B") are draft checklist forms that have been

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reviewed by both the City Council and Planning Commission. The final forms will be discussed further and approved by the Planning Commission once the City Council has taken action to approve the related Ordinances.

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Attachments: Ordinance ____ (Zone Code Amendment 2010-01)
Ordinance ____ (Specific Plan 91-02, Amendment 5)
Ordinance ____ (Specific Plan 99-01, Amendment 4)
Planning Commission Resolution 2010-07
Planning Commission Resolution 2010-08
Planning Commission Resolution 2010-09
Exhibit "A" – Review Checklist (Minor Site Plan)
Exhibit "B" – Review Checklist (Minor Conditional Use Permit)
Exhibit "C" – Excerpt Ordinance ____ (highlighted changes to code)
Exhibit "D" – Excerpt Ordinance ____ (highlighted changes to NHSP)
Exhibit "E" – Excerpt Ordinance ____ (highlighted changes to NRRSP)
Exhibit "F" – Excerpt City Council Minutes May 19, 2010
Exhibit "G" – Planning Commission Minutes June 30, 2010

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING AN AMENDMENT TO TITLE 18 OF THE NORCO MUNICIPAL CODE, BY AMENDING CHAPTERS 18.12 AND 18.13 WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED TO REGULATE THE SIZE, HEIGHT, AND APPROVAL PROCESS OF ACCESSORY STRUCTURES ALLOWED IN AGRICULTURAL-RESIDENTIAL ZONES. 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 approval process of accessory structures allowed in agricultural-residential zones; 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, the Planning Commission adopted Resolution 2010-02 recommending to the City Council that Zone Code Amendment 2010-01 be approved; and

WHEREAS, the Zone Code Amendment was duly submitted to the City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing on May 19, 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 City Council held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, the City Council remanded said Zone Code Amendment to the Planning Commission with direction for clarification of certain issues; and

WHEREAS, the Zone Code Amendment was duly re-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 June 30, 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 2010-07 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 August 18, 2010, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, 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 changes as follows:

SECTION 1:

Chapter 18.12

18.12.02 Intent and Purpose

This zone is intended to provide and encourage the development of agricultural estate 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.

18.12.06 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 864 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) (deleted)

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 864 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 864 square feet or smaller shall be 14 feet or as approved by the Planning Commission.

The maximum height of any accessory structure larger than 864 square feet shall be 20 feet or 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 864 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 864 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 864 square feet or smaller shall be 14 feet or as approved by the Planning Commission.

The maximum height of any accessory structure larger than 864 square feet shall be 20 feet or 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 contiguous animal areas.*
- (c) A contiguous open animal area shall be rectangular in shape with a minimum of 24 feet on any side. The total open area shall be equal to the allowed number of animal units multiplied by 576 square feet. The contiguous open animal areas shall be free of any structures that require a building permit. On lots two acres or less the contiguous open area shall be one contiguous area.*

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 September 1, 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 August 18, 2010 and thereafter at a regular meeting of said City Council duly held on September 1, 2010, 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 September 1, 2010.

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

/sk-76292

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 AND APPROVAL PROCESS OF ACCESSORY STRUCTURES ALLOWED IN THE EQUESTRIAN RESIDENTIAL DISTRICT. 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, the Planning Commission adopted Resolution 2010-03 recommending to the City Council that Specific Plan 91-02 Amendment 5 be approved; and

WHEREAS, the Specific Plan Amendment was duly submitted to said City's City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on May 19, 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 City Council held a public hearing and received both oral and written testimony pertaining to the Specific Plan Amendment; and

WHEREAS, the City Council remanded said Specific Plan Amendment to the Planning Commission with direction for clarification of certain issues; and

WHEREAS, the Specific Plan Amendment was duly re-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 June 30, 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 2010-08 recommending to the City Council that Specific Plan Amendment 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 August 18, 2010, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, 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 changes as follows:

SECTION 1:

III. DEVELOPMENT REGULATIONS

A. Introduction

B. General Provisions

C. 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 864 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.*

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 864 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.*

f. On-Site Development Standards
2) *Maximum Height: The maximum height of the main residential structure shall be 35 feet.*

The maximum height of any accessory structure 864 square feet or smaller shall be 14 feet or as approved by the Planning Commission.

The maximum height of any accessory structure larger than 864 square feet shall be 20 feet or as approved by the Planning Commission.

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 September 1, 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 August 18, 2010 and thereafter at a regular meeting of said City Council duly held on September 1, 2010, 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 September 1, 2010.

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

/sk-76293

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 AND APPROVAL PROCESS OF ACCESSORY STRUCTURES ALLOWED IN THE EQUESTRIAN RESIDENTIAL DISTRICT. 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, the Planning Commission adopted Resolution 2010-04 recommending to the City Council that Specific Plan 99-01 Amendment 4 be approved; and

WHEREAS, the Specific Plan Amendment was duly submitted to said City's City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on May 19, 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 City Council held a public hearing and received both oral and written testimony pertaining to the Specific Plan Amendment; and

WHEREAS, the City Council remanded said Specific Plan Amendment to the Planning Commission with direction for clarification of certain issues; and

WHEREAS, the Specific Plan Amendment was duly re-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 June 30, 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 2010-09 recommending to the City Council that Specific Plan Amendment 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 August 18, 2010, on or about 7 p.m. in the Council Chambers of the Norco City Hall, 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, 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 changes as follows:

SECTION 1:

III. *DEVELOPMENT REGULATIONS*

A. *Introduction*

B. *General Provisions*

C. *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 864 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.*

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 864 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.*

f. On-Site Development Standards
2) *Maximum Height: The maximum height of the main residential structure shall be 35 feet.*

The maximum height of any accessory structure 864 square feet or smaller shall be 14 feet or as approved by the Planning Commission.

The maximum height of any accessory structure larger than 864 square feet shall be 20 feet or as approved by the Planning Commission.

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 September 1, 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 August 18, 2010 and thereafter at a regular meeting of said City Council duly held on September 1, 2010, 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 September 1, 2010.

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

/sk-76294

RESOLUTION NO. 2010-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE 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 APPROVAL PROCESS OF ACCESSORY STRUCTURES ALLOWED IN AGRICULTURAL-RESIDENTIAL ZONES. 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 approval process of accessory structures allowed in agricultural-residential zones; 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, the Planning Commission adopted Resolution 2010-02 recommending to the City Council that Zone Code Amendment 2010-01 be approved; and

WHEREAS, the Zone Code Amendment was duly submitted to the City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing on May 19, 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 City Council held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, the City Council remanded said Zone Code Amendment to the Planning Commission with direction for clarification of certain issues; and

WHEREAS, the Zone Code Amendment was duly re-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 June 30, 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, 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 Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATIONS:

I. FINDINGS:

- A. The proposed Zone Code Amendment is consistent with, and not contrary to, the Norco General Plan or the Zoning Code since the project establishes new regulations for accessory structures consistent with the intent and purpose of agricultural-residential zones.
- B. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Section 3.13.

- II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled June 30, 2010 hereby recommends to the City Council of the City of Norco that Zone Code Amendment 2010-01 be adopted, thereby amending the Norco Municipal Code as follows:

Chapter 18.12

18.12.02 Intent and Purpose

This zone is intended to provide and encourage the development of agricultural estate 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.

18.12.06 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 864 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 864 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 864 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 864 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 864 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 864 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 864 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 864 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:

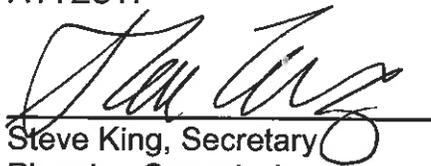
- (a) When a sloped area that is greater than four percent is graded to be four percent or less, the additional graded area is considered part of the pad if the new graded area meets the minimum primary animal-keeping area (PAKA) criteria established in this chapter.*
- (b) All site plans submitted for 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 contiguous animal areas.*
- (c) A contiguous open animal area shall be rectangular in shape with a minimum of 24 feet on any side. The total open area shall be equal to the allowed number of animal units multiplied by 576 square feet. The contiguous open animal areas shall be free of any structures that require a building permit.*

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held June 30, 2010.



Patricia Hedges, Vice-Chair
Planning Commission
City of Norco, California

ATTEST:



Steve King, Secretary
Planning Commission
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting held June 30, 2010 by the following roll call vote:

AYES: Hedges, Newton, and Wright
NOES: Harris
ABSENT: Jaffarian
ABSTAIN: None



Steve King, Secretary
Planning Commission

/sk-75891

RESOLUTION NO. 2010-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE 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 AND APPROVAL PROCESS OF ACCESSORY STRUCTURES ALLOWED IN THE EQUESTRIAN RESIDENTIAL DISTRICT. 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, the Planning Commission adopted Resolution 2010-03 recommending to the City Council that Specific Plan 91-02 Amendment 5 be approved; and

WHEREAS, the Specific Plan Amendment was duly submitted to said City's City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on May 19, 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 City Council held a public hearing and received both oral and written testimony pertaining to the Specific Plan Amendment; and

WHEREAS, the City Council remanded said Specific Plan Amendment to the Planning Commission with direction for clarification of certain issues; and

WHEREAS, the Specific Plan Amendment was duly re-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 June 30, 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, 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 Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATIONS:

I. FINDINGS:

A. The proposed Specific Plan Amendment is consistent with, and not contrary to, the Norco General Plan or the Norco Hills Specific Plan since the project establishes new regulations for accessory structures consistent with the intent and purpose of the Equestrian-Residential District of the Norco Hills Specific Plan.

B. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Section 3.13.

II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled June 30, 2010 hereby recommends to the City Council of the City of Norco that Specific Plan 91-02, Amendment 5 be adopted, thereby amending the Norco Hills Specific Plan as follows:

III. DEVELOPMENT REGULATIONS

A. Introduction

B. General Provisions

C. 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 864 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.

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 864 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.*

f. On-Site Development Standards

2) *Maximum Height: The maximum height of the main residential structure shall be 35 feet.*

The maximum height of any accessory structure 864 square feet or smaller shall be 14 feet. Structures may exceed 14 feet but only as approved by the Planning Commission.

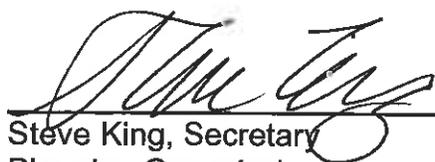
The maximum height of any accessory structure larger than 864 square feet shall be 20 feet. Structures may exceed 20 feet but only as approved by the Planning Commission.

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held June 30, 2010.



Patricia Hedges, Vice-Chair
Planning Commission
City of Norco, California

ATTEST:



Steve King, Secretary
Planning Commission
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting held June 30, 2010 by the following roll call vote:

AYES: Hedges, Newton, and Wright
NOES: Harris
ABSENT: Jaffarian
ABSTAIN: None



Steve King, Secretary
Planning Commission

/sk-75903

RESOLUTION NO. 2010-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NORCO RECOMMENDING THAT THE CITY COUNCIL APPROVE 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 AND APPROVAL PROCESS OF ACCESSORY STRUCTURES ALLOWED IN THE EQUESTRIAN RESIDENTIAL DISTRICT. 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, the Planning Commission adopted Resolution 2010-04 recommending to the City Council that Specific Plan 99-01 Amendment 4 be approved; and

WHEREAS, the Specific Plan Amendment was duly submitted to said City's City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, the Specific Plan Amendment was scheduled for public hearing on May 19, 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 City Council held a public hearing and received both oral and written testimony pertaining to the Specific Plan Amendment; and

WHEREAS, the City Council remanded said Specific Plan Amendment to the Planning Commission with direction for clarification of certain issues; and

WHEREAS, the Specific Plan Amendment was duly re-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 June 30, 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, 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 Planning Commission of the City of Norco does hereby make the following FINDINGS AND DETERMINATIONS:

I. FINDINGS:

- A. The proposed Specific Plan Amendment is consistent with, and not contrary to, the Norco General Plan or the Norco Ridge Ranch Specific Plan since the project establishes new regulations for accessory structures consistent with the intent and purpose of the Equestrian-Residential District of the Norco Ridge Ranch Specific Plan.
- B. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines pursuant to Section 3.13.

II. DETERMINATION: NOW THEREFORE, the Planning Commission for the City of Norco assembled June 30, 2010 hereby recommends to the City Council of the City of Norco that Specific Plan 99-01, Amendment 4 be adopted, thereby amending the Norco Ridge Ranch Specific Plan as follows:

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 864 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 864 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

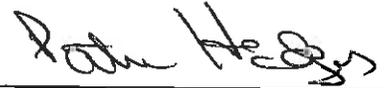
5) **Maximum Height:**

The maximum height of the main residential structure shall be 35 feet.

The maximum height of any accessory structure 864 square feet or smaller shall be 14 feet. Structures may exceed 14 feet but only as approved by the Planning Commission.

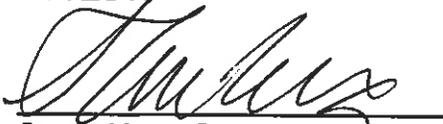
The maximum height of any accessory structure larger than 864 square feet shall be 20 feet. Structures may exceed 20 feet but only as approved by the Planning Commission.

PASSED AND ADOPTED by the Planning Commission of the City of Norco at a regular meeting held June 30, 2010.



Patricia Hedges, Vice-Chair
Planning Commission
City of Norco, California

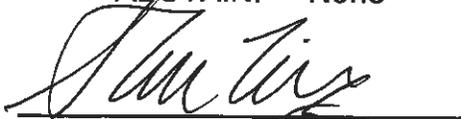
ATTEST:



Steve King, Secretary
Planning Commission
City of Norco, California

I HEREBY CERTIFY that the foregoing Resolution was duly and regularly passed and adopted by the Planning Commission of the City of Norco at a regular adjourned meeting held June 30, 2010 by the following roll call vote:

AYES: Hedges, Newton, and Wright
NOES: Harris
ABSENT: Jaffarian
ABSTAIN: None



Steve King, Secretary
Planning Commission

/sk-75904



CITY of NORCO

PLANNING DIVISION

CITY HALL • 2870 CLARK AVENUE • NORCO CA 92860 • (951) 270-5661 • FAX (951) 270-5622

RESIDENTIAL ACCESSORY BUILDING REVIEW

PROCESS/CHECKLIST: Structures Greater than 864 Square Feet

MINOR CONDITIONAL USE PERMIT

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. Planning Commission 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 contiguous open animal area equal to the allowed number of animal units X 576 square feet for the lot in question. Each unit of open animal area shall be rectangular with no side less than 24 feet in length.
- 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 and proposed heights 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:

- Barn* Garage Workshop Other (describe)

* A building used for permitted agricultural uses, storing farm products and sheltering livestock.

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)

ZONE CODE AMENDMENT 2010-01 HIGHLIGHTED CHANGES TO CODE

Chapter 18.12

18.12.02 Intent and Purpose

This zone is intended to provide and encourage the development of agricultural estate 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.

18.12.06 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 864 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, ~~unless expressly authorized by this ordinance.~~ 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 864 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 main buildings shall be two and one-half stories or 35 feet, whichever is less. ~~The maximum height of any accessory structures shall be two stories.~~

The maximum height of any accessory structure 864 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 864 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 864 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, ~~unless expressly authorized by this ordinance.~~ 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 864 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 main buildings shall be two and one-half stories or 35 feet, whichever is less. ~~The maximum height of any accessory structures shall be two stories.~~

The maximum height of any accessory structure 864 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 864 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 ~~with a percentage of slope that does not exceed four percent (4% grade or less).~~ For building coverage purposes ~~where 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.~~

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 contiguous animal areas.

(c) A contiguous open animal area shall be rectangular in shape with a minimum of 24 feet on any side. The total open area shall be equal to the allowed number of animal units multiplied by 576 square feet. The contiguous open animal areas shall be free of any structures that require a building permit.

SPECIFIC PLAN 91-02, AMENDMENT 5 HIGHLIGHTED CHANGES TO SPECIFIC PLAN

III. DEVELOPMENT REGULATIONS

- A. Introduction
- B. General Provisions
- C. 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 864 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.

- 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 864 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.

- f. On-Site Development Standards

- 2) Maximum Height: The maximum height of any the main residential structure shall be 35 feet.

- The maximum height of any accessory structure 864 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 864 square feet shall be 20 feet. Structures may exceed 20 feet but only as approved by the Planning Commission.

SPECIFIC PLAN 99-01 AMENDMENT 4 HIGHLIGHTED CHANGES TO SPECIFIC PLAN

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 864 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 864 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 the main residential structure shall be 35 feet.

- The maximum height of any accessory structure 864 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 864 square feet shall be 20 feet. Structures may exceed 20 feet but only as approved by the Planning Commission.

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)

City Manager Groves noted that this item is a public hearing to consider amendments to the City's zoning code related to accessory structures. She stated that this has been a lengthy process with spirited input at both the City Council and Planning Commission level. The proposal being recommended tonight by the Planning Commission is intended to regulate the size of accessory structures and preserve adequate open areas to maintain animal-keeping as a primary use by maintaining contiguous undeveloped open land on residential lots.

EXHIBIT 'F'

Planning Manager King reviewed the three proposed Ordinances noting that the Planning Commission and the 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 residential areas. The Planning Commission 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 Members came to agreement on the primary components of what the proposed code amendment and specific plan amendments should contain, which have been presented to the Council for their review.

Council Member Sullivan stated that he has a problem with the requirement of a contiguous open area on the A-1 property. He added that he doesn't believe that the City should tell property owners where they should build the structure as long as they meet the setbacks. He noted that he does not approve the height restriction, as it is a little restrictive, and should let the Planning Commission review them. Council Member Sullivan stated that he would like to have seen a definition of a barn in the Ordinance.

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

Kathy Walker. Ms. Walker attended some of the Planning Commission meetings and commented that she is sympathetic to what is trying to be accomplished. She noted concerns about the costs that are being addressed, as this could be very expensive. She stated that she did not realize that a CUP is a deed restriction and stays with the property. She would like to see clearer use and definitions of a barn, workshop, etc., as well as better guidelines that can be followed. As she is a real estate agent, she noted that this information will be useful to pass on to clients after it is cleaned up.

Bill Kohl. Mr. Kohl spoke as a resident of Norco and a local real estate agent. He noted that it is critical that further investigation be done so that better guidelines, definitions and criteria are established. He added that persons buying homes need to know this information before they buy in Norco. He stated that this needs to go back to the Planning Commission to develop these definitions and criteria for guidelines.

John Box. Mr. Box stated that he fully supports the idea of managing the accessory buildings; however, he does not agree with the outcome. He further stated that the Planning Commission should revisit this, as the process is very subjective as stated. He noted that this is a deed restriction and added that in the event that this is passed, it may expose the City to litigation.

Danny Azevedo. Mr. Azevedo, speaking for himself as a Norco resident, stated that he is sorry that this Council needs to make this decision, as it should have been done by our forefathers. He further spoke as the President of the Norco Horseman's Association, stating that they are in favor of this proposal, as they support issues that will keep Norco as Norco.

Rich Rosa. Mr. Rosa noted that this is too burdensome on the property owner and reads like a homeowners association.

Roy Hungerford. Mr. Hungerford stated that he supports the approval of the ordinances tonight. He recommended that the size of the accessory structure proposed at 600 sq. ft. be raised to 865 sq. ft., as this is the size of an average four (4)-horse barn. He stated that an educational process provided to the real estate boards would be beneficial.

Richard Craig. Mr. Craig stated that the height limit is restrictive and should be at least a minimum of 16 feet. He is worried about the CUPs, and noted that anyone with a CUP on an accessory building can be inspected by the City and the owner can say nothing. He further noted that CUPs were originally designed for commercial purposes and were never intended or designed for residential purposes.

Pat Overstreet. Ms. Overstreet commented on how difficult it has been to make everybody happy at the Planning Commission meetings. She stated that she likes the checklist and the formulas proposed, but wants to make sure that the accessory buildings built are not used for commercial purposes. She added that we need to protect the City's animal-keeping and thanked Danny Azevedo for his comments.

Greg Newton. Mr. Newton talked about the allowable area and noted that the purpose is to not dictate where the contiguous area is for animal-keeping. He noted that he would also like to see a definition of a barn and a workshop included, but it is difficult defining use and that is how the Planning Commission came up with a CUP. He stated that 600 sq. ft. was the number created for definition purposes and added that 20 ft. has always been the height defined in the specific plan. He noted that the Planning Commission worked with Mr. Rosa, resulting in a successful project.

Rich Rosa. Mr. Rosa responded to Mr. Newton's comments stating that the Planning Commission denied his plan and he had to come before the Council for approval with his paid appeal.

Robert Leonard. Mr. Leonard commented that he has a CUP on his property and would not have a problem with the City coming on his property for verification purposes.

Norvah Williams. Ms. Williams encourages the addition of the definition of a barn.

Margaret Harris. Ms. Harris stated that the issue is not about PAKAs, it is about the process homeowners have to go through and the potential to have the process be abusive. She referred to City Attorney Harper's opinion and stated that the CUP will lower property values. She added that this is a complicated process to deal with and understand and does not see this as bettering the community. She stated that there needs to be a process that is understandable with no confusion and does not understand why a CUP is required.

Mayor Miller CLOSED the public hearing.

Mayor Pro Tem Hanna noted it is time we did this, as he has seen accessory buildings going up all over and taking up the property. He agrees with Mr. Hungerford regarding the size of 24 x 36 sq. ft. for a four-horse barn. He stated that there needs to be definition of a barn or a workshop and added that it would be a good idea to state on the check list that the Planning Commission needs to review every barn or building that is built. He noted that staff has been bad about approving accessory buildings, as we do not know what they are going to be used for.

Council Member Bash commented on City Attorney Harper's opinion email and noted that the conclusion made was that this would not devalue property. He received clarification from Deputy City Attorney Burns that a CUP does not give the City the right to enter the property without the owner's consent and the City would need to secure a warrant in the situation where they were not allowed to enter if there were health and safety concerns. He stated that the problem is that there is so much confusion around this and the issue is how we protect neighbor's rights, along with the person building the structure. Council Member Bash stated that he believes that the City's properties will be worth a fortune in the future and questioned how we protect our community and still create community. He is concerned about a minor CUP, as he worries about the slippery slope that will follow. He is also concerned about the contiguousness of property and wants to protect the value of properties. He stated that there needs to be a definition of barns included. He noted that he does not want to see another "aircraft hanger" in the City.

Council Member Azevedo stated that she is concerned about staying within the intent of the A-1 zone and noted that the City should require a PAKA, as this is the intent of an A-1 lot. She noted that she likes this proposal because each accessory building goes to the Planning Commission on a case-by-case basis. She stated that she supports the 1% application fee, as this is significantly less than a minor CUP review. She commented that she wants barns in Norco, but also wants to protect the neighbors of these properties that have the huge buildings, as they infringe on their property rights. Council Member Azevedo noted that there are guidelines that will be followed and the Planning Commission is qualified to take on this task. She added that if this process is not working, it can be changed. She also believes that the definition of a barn is needed. She stated that she would also support increasing the 600 sq. ft. to 864 sq. ft.

Council Member Sullivan stated that if each plan goes to the Planning Commission, he does not see the need to specify a size. He added that the Planning Commission can make that determination. He would like to see the ordinances sent back to the Planning Commission for definitions of a barn and a workshop. He noted that he is against the PAKA, as they do not work in the hills and added that it sounded like a good idea, but it became burdensome for the property owners. He stated that the Planning Commission nor the Council should dictate where the structure is built and still believes in the 60/40 lot structure.

Mayor Miller commented that this is the third time this item has come back to the Council and stated that he thinks that we are almost there. He added that the constructive comments made will help in fine-tuning this. He stated that his preference is to send the ordinances back to the Planning Commission to include clearer definitions and guidelines.

Following Council discussion, Deputy City Attorney Burns stated that the two options at this time were to either recommend the amendments to the ordinances for approval at the second reading, or send them back to the Planning Commission.

M/S Sullivan/Miller to send the three (3) proposed ordinances back to the Planning Commission. The motion failed as a result of the following roll call vote:

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

Planning Manager King stated that the Planning Commission would need to know what the Council wants to include in regards to definitions for regulation purposes. He added that the enforcement down the road and the regulations to control the uses of the buildings will be the problem. He further added that the Building Code does not differentiate between the definitions of the buildings.

Deputy City Attorney Burns commented that a clear and descriptive definition of a barn, if created, makes it more restrictive.

Council Member Bash stated that he would like to see guidelines created for the benefit of the Planning Commission and the Council.

City Manager Groves confirmed that this new lower fee would need to be adopted by the Council in the Comprehensive Fee Resolution.

Council Member Azevedo stated that the Council should be very clear and concise before the ordinances are sent back to the Planning Commission as the comments so far are very vague.

Public Works Director Thompson stated that there is staff involvement that enters into this process and this will need to be better defined for the inspection process.

Council Member Bash stated that Deputy City Attorney Burns noted that a minor CUP could be done as a Charter amendment.

- A. 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.**

SUBSTITUTE M/S Azevedo/Hanna to adopt Ordinance No. ____ for first reading, amending the size to 864 sq. ft., and bring back the checklist and definitions as a resolution instead of including them in the ordinance.

The motion was carried by the following roll call vote:

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

B. 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.

SUBSTITUTE M/S Azevedo/Hanna to adopt Ordinance No. ___ for first reading, amending the size to 864 sq. ft., and bring back the checklist and definitions as a resolution instead of including them in the ordinance.

The motion was carried by the following roll call vote:

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

C. Ordinance No. ___ for first reading amending the Norco Ridge Ranch Specific Plan to regulate the height and approval process of accessory structures allowed in the Equestrian Residential District.

SUBSTITUTE M/S Azevedo/Hanna to adopt Ordinance No. ___ for first reading, amending the size to 864 sq. ft., and bring back the checklist and definitions as a resolution instead of including them in the ordinance.

The motion was carried by the following roll call vote:

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

RECONSIDERATION: M/S to reconsider 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 – followed by the SUBSTITUTE MOTION to adopt Ordinance No. ___ for first reading, amending the size to 864 sq. ft., and bring back the checklist and definitions as a resolution instead of including them in the ordinance.

The motion was carried by the following roll call vote:

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

M/S Sullivan/Miller to adopt Ordinance No. ___ for first reading, amending the size to 864 sq. ft., and bring back the checklist and definitions as a resolution instead of including them in the ordinance.

The motion failed as a result of the following roll call vote:

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

THAT MOTION NOW FAILS, AS THIS IS A CHARTER VOTE

RECESS: 9:11 p.m.

RECONVENE: 9:23 p.m.

RECONSIDERATION: M/S Bash/Hanna to reconsider 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 – followed by the SUBSTITUTE MOTION to adopt Ordinance No. ___ for first reading, amending the size to 864 sq. ft., and bring back the checklist and definitions as a resolution instead of including them in the ordinance.

The motion was carried by the following roll call vote:

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

RECONSIDERATION: M/S Bash/Hanna to reconsider Ordinance No. ___ for first reading amending the Norco Ridge Ranch Specific Plan to regulate the height and approval process of accessory structures allowed in the Equestrian Residential District – followed by the SUBSTITUTE MOTION to adopt Ordinance No. ___ for first reading, amending the size to 864 sq. ft., and bring back the checklist and definitions as a resolution instead of including them in the ordinance.

The motion was carried by the following roll call vote:

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

SECOND SUBSTITUTE M/S Bash/Hanna to send the three (3) proposed Ordinances back to the Planning Commission for modifications to the guidelines and the checklist.

The motion was carried by the following roll call vote:

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

FINAL MOTION AND VOTE UNANIMOUSLY PASSED

Council Member Azevedo stated that she has faith in the Planning Commission and will see if this can be rectified.

Council Member Sullivan stated that he is concerned with having a PAKA throughout the City.

Council Member Bash stated that he supported sending the ordinances back to the Planning Commission because of all of the confusion.

Mayor Pro Tem Hanna stated that if we are going to change the wording, it needs to go back to the Planning Commission so that they can put in the proper wording.

Mayor Miller stated that he wants to see the entire package cleaned up and brought back to the Council for approval.

Council Member Sullivan stated that he is concerned about the enforceability.

6. PUBLIC COMMENTS OR QUESTIONS:

Pat Overstreet. Ms. Overstreet invited everyone to the Friends of Norco Hills Ranch Tour to be held on Saturday, May 22. She noted that because of the advertisement display in the *Daily Bulletin*, there will be more attendees from outside of Norco. Ms. Overstreet also thanked Council Member Sullivan for the wonderful Extreme Mustang Makeover event that took place.

7. OTHER MATTERS – COUNCIL:

Council Member Sullivan:

- ✚ Thanked all of the volunteers and staff that helped with the Extreme Mustang Makeover. He noted that City staff was great to work with and he hopes to bring it back again next year.

Council Member Azevedo:

- ✚ Thanked Council Member Bash for nominating her to receive the President's Award from the California Preservation Foundation. She added that she received the award in Grass Valley on May 13th and it was an amazing experience.

Council Member Bash:

- ✚ Commented on the 30th Anniversary of the Norco Bank Robbery event to be held on Friday, May 21st at the Lake Norconian Club, where he will have the privilege of serving as the stage manager.
- ✚ Thanked Julie Reyes for contributions received from Waste Management.
- ✚ Requested that the Sheriff's Department look into crime that is being reported at and around Parmenter Park.
- ✚ Reported on the Norco Junior ROTC Grand Ball that he attended, where the unveiling of the George Alan Ingalls ROTC plaque took place.

Mayor Miller:

- ✚ Encouraged attendance at the "Spring into Awareness: The Power of Prevention" Town Hall gathering on Thursday, May 20th at Nellie Weaver Hall. This event is sponsored by the UNLOAD Committee with the purpose of educating adolescents and their parents on alcohol, tobacco and other drug prevention strategies, empowering them to live a drug-free lifestyle.

8. OTHER MATTERS – STAFF:

A. Discussion of Community Opinion Surveys. (City Manager)

City Manager Groves stated that in response to the Council's request, staff contacted a company that provides a statistically significant phone survey including the creation, implementation, data processing and a final report in regards to a public opinion on the local tax measure options. She added that the cost for this survey would be approximately \$17,500.

Mayor Pro Tem Hanna stated that the way the budget is at this time, this is too expensive and is not in support of this.

Council Member Bash stated that he does not want to proceed with the survey.

Council Member Azevedo stated that the Council got the message loud and clear that the residents do not want a tax and does not support a survey.

Council Member Sullivan stated that he wants to look at raising sales tax by one-half percent, maybe for the next two or three years. He further stated that he supports using an informal opinion poll through an insert in the water bills.

Mayor Miler confirmed that there is no purpose in pursuing the survey at this time.

- B. Modifications to the Trail Fence Material for the Sierra Avenue Street Improvement Project. (Public Works Director)

Pubic Works Director Thompson stated that Commission Member Showalter performed an informal survey regarding alternative trail fence material, which was then discussed with the Streets, Trails and Utilities Commission. The Commission requested that a sample of the white diamond vinyl fence be presented to the Council for placement as a pilot project.

Jeannie Hallgrimson. Ms. Hallgrimson stated that the vinyl does deteriorate and added that white is not rural. She noted that she has seen other fencing that looks better and added that she likes the vinyl for the safety factor, but not how it looks.

Mario Torres. Mr. Torres stated that he has a problem with the PVC fencing, as it has already been used as a pilot project. He noted that the City should put it in an area where there is no current fencing. He further noted that the City should replace the rotted trail fence wood throughout the City.

Pat Overstreet. Ms. Overstreet stated that they have had PVC fencing on their yard for 20 years and it was just power washed and looks brand new. She added that it has held up beautifully, but agrees that it is not as rustic looking as the wood.

Evon Torres. Ms. Torres noted that the PVC fence she has does get brittle.

Following discussion by the Council Members, the consensus was to install the white diamond vinyl fencing at the site of the new Community Center Parking Lot to serve as a pilot project for community review and comments.

- 9. **ADJOURNMENT:** There being no further business to come before the City Council, Mayor Miller adjourned the meeting at 10:31 p.m.



MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
June 30, 2010

1. CALL TO ORDER: 7:00 p.m.
2. ROLL CALL: Vice-Chair Hedges, Commissioners Harris, Newton and Wright.
Absent: Chair Jaffarian
3. STAFF PRESENT: Planning Director King and Executive Secretary Dvorak
4. PLEDGE OF ALLEGIANCE: Commissioner Harris
- 4.A. Proclamation presented to outgoing Commissioner Harris.
5. APPEAL NOTICE: Read by PD King
6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA:
None.
7. APPROVAL OF MINUTES: Minutes of June 9, 2010

MOTION: M/S Wright/Harris to approve the minutes of June 9, 2010 as written.

AYES: Harris, Hedges, Newton and Wright

NOES:

ABSENT: Jaffarian

ABSTAIN:

MOTION CARRIED

8. CONTINUED ITEMS: None
9. PUBLIC HEARINGS: (All three heard under same hearing)
 - 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 approval process of accessory buildings allowed in agricultural-residential zones. *Recommendation: 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 and approval process of accessory buildings allowed in the Equestrian Residential District. *Recommendation: Recommend for Approval (Planning Director King)*

Exhibit "G"

- 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 and approval process of accessory buildings allowed in the Equestrian Residential District. *Recommendation: Recommend for Approval (Planning Director King)*

PK King presented the staff report on these three items, as on file in the Planning Division. The draft resolutions include the changes per earlier meetings.

PC Harris questioned the origin and flow of presentation of the changes to these amendments.

PC Newton said the wording in Item 7 is correct, but that this wording was not used in any of the three resolutions, as it should have been.

PC Harris questioned 18.12. and 18.13 where staff added "contiguous land area" and asked where this came from.

PD King replied that the Commission held several discussions on this at previous meetings.

Vice Chair Hedges declared the public hearing open and asked for public comments.

John Box said the May 19, 2010 City Council minutes did not include Deputy City Attorney Burn's reading into the record the email from City Attorney Harper. Mr. Box read the attached statement into the record, regarding the loss of property rights if these three amendments are passed.

Kathy Walker thanked the Commission for its work on this but had concerns on the checklists. She asked why something on a minor site plan would have to go before the Commission; this is not how any other city does this. She said the Commission is asking that everything built be approved by the Commission.

Bill Kohl also thanked the Commission for its hard work on this difficult process and wanted to express concerns he has collected from his neighborhood as follows: Labeling and communications of proposals are misleading; greatly reducing rights of property owners who do not keep animals on their properties. Accessory structures could be managed through a single code change. Enforce current laws. Mr. Kohl said many Norco residents are still unaware of this being pushed through. This should not have been all bundled together. He urged the Commission to come up with guidelines or limits for new Norco homeowners so that in the future no one is blindsided with unexpected requirements and regulations.

Pat Overstreet asked staff to read the definition of a barn, which PD King did. Ms. Overstreet said she cannot understand that while the moratorium on accessory buildings was in effect, that a huge one was built and neighbors on either side won't complain for one reason or another. She did not feel the Commission was favoring animal lovers. Definition, size, and contiguous area have been addressed, and she was okay with these amendments.

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

PC Newton asked if the checklist is enough information for a guideline. PD King said more guidelines equal more parameters and a more complicated document.

PC Newton suggested that applicants be offered a meeting with the Architectural Subcommittee, same as with a pre-application review. The Commission will not get excluded. A minor application could get approved by the subcommittee and still would come before the Commission for information only. It could still be discussed by the Commission.

PC Newton asked again to change all resolutions to read exactly like in the staff report regarding 846- foot restriction, with PC Wright and Vice-Chair Hedges in agreement.

PC Wright felt the suggestion regarding the subcommittee was a good idea. He wants more contiguous animal-keeping space on half-acres or less but not on larger than half-acre properties.

PC Harris did not want to limit the contiguous areas to half-acre properties. He said he feels miles away from the rest of the Commission on this issue. It still does not make sense that so many applications will have to start coming before the Commission. He is convinced property rights will be diminished in this City if these amendments are passed. The City is shifting property rights from people who want accessory buildings to those who want animal keeping. Animal keeping rights are already protected. Referring to an oversized building put up during the moratorium, he asked how such an oversized building was permitted.

PC Harris said the Specific Plan was wrong and the Norco Municipal Code was wrong; the City needs to correct these and stop the over-sized buildings from coming up. Staff will not be able to tell anyone what is going to be allowed as most everything will have to come before the Commission. He has been asking for guidelines for how the Commission will make determinations; what is and what is not acceptable. For example, a question on the checklist refers to a "scenic view shed". He asked how to define that. Scenic view shed will mean different things to different people; how will this be ascertained. PC Harris said now that "barn" has been defined, what difference will it make? He asked why a corral larger than 864 feet would need to be approved by the Commission under a conditional use permit. He also questioned when at an earlier

meeting where he thought any open accessory structures that were see-through would not need the same approval as one with all four walls, such as gazebos and cabanas.

PD King stated that no roof means no building permit needed.

PC Harris said the resolutions were confusing; for example, that a 250-square-foot storage shed would need an engineered site plan. He asked how the City will treat everyone the same under these new changes. He suggested that applicants would need lawyers to represent them at Commission meetings.

PD King said our policy is that plans coming before the Commission must be very definitive, as in engineered.

PC Harris referred to City Attorney Harper's February 18, 2010 memo regarding barn definitions and that would restrict land use. He did not agree with John Box's comments about the City forcing animal keeping on residents. In his neighborhood of about 240 homes in the hills, he believes there are only about four properties with horses. People are buying larger lots in Norco for other than animal-keeping uses. He initially wanted to address accessory structures. Now it appears the Planning Commission, with these amendments, is replacing the Home Owners Associations that many people moved here to get away from.

PC Wright said the current process is not working; obviously changes are needed.

PC Harris stated simply to rewrite our code to not allow two-story buildings. He added that these three amendments will lead to more structures built without permits. He also indicated the City would be overwhelmed with site plan applications at a time when our staff and budget are limited.

PC Newton agreed with Commissioner Harris on some points but did not see the City being overwhelmed with site plan applications; rather, the City needs to stop large accessory buildings from being overwhelming.

MOTION 1: M/S Wright/Newton to adopt Resolution 2010-07 recommending to the City Council that Zone Code Amendment 2010-01 be approved.

Substitute motion: Harris/___ passed out a statement to the Commission and read it into the record and to the audience.

No second, motion died.

AYES: Hedges, Wright, and Newton

NOES: Harris

ABSENT: Jaffarian

ABSTAIN:

MOTION CARRIED

Commissioner Harris referred to his submitted written statement for his no vote.

MOTION 2: M/S Wright/Newton to adopt Resolution 2010-08 recommending to the City Council that Specific Plan 91-02 Amendment 5 be approved.

AYES: Hedges, Wright, and Newton
NOES: Harris
ABSENT:
ABSTAIN: None

MOTION CARRIED

Commissioner Harris submitted a written statement for his no vote.

MOTION 3: M/S Wright/Newton to adopt Resolution 2010-09 recommending to the City Council that Specific Plan 99-01 Amendment 4 be approved.

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

MOTION CARRIED

MOTION 4: M/S Hedges/Wright to approve the "Residential Accessory Building Review Checklists for Minor Site Plan and Minor Conditional Use Permit Reviews.

PC Harris submitted a written statement for his no vote.

The Commission held a short discussion on whether to proceed with this motion because the checklists were not actually on the agenda. PD King stated that several of the Council had said they would not take any action on the amendments until the checklists were reviewed by the Commission, not necessarily approved.

AYES: Hedges, Wright
NOES: Harris, Newton
ABSENT: Jaffarian
ABSTAIN: None

MOTION FAILED

PC Newton voted no due to a possible legality question because the item was not specifically on the agenda and no city attorney was present for advice. Commissioner Harris agreed, added that the checklists are woefully inadequate, and submitted his written statement for his no vote.

10. BUSINESS ITEMS: None

11. CITY COUNCIL: Received and filed.
A. City Council Action Minutes dated June 16, 2010

B. City Council Minutes dated June 2, 2010

12. PLANNING COMMISSION: Oral Reports from Various Committees: Commissioner Hedges said the Overlay zone for the Norconian area would be coming before the Commission on July 14, 2010.

13. STAFF: Current Work Program – Received and filed.

14. OTHER MATTERS:

- Commissioner Newton commented on a request from the audience to speak under “Other Matters”. Accepting comments from the audience at this point is at the discretion of the Chairman and comments could not refer to what was on the meeting’s agenda.
- Commissioners Newton and Wright thanked Commissioner Harris again for his time on the Commission.
- Vice-Chair Hedges asked about Reyna’s signs on Sixth/California. PD King said the banners and flags were taken down except for one. A letter has gone out about the illegal corner sign needing to come down.

15. ADJOURNMENT: 8:50 p.m.

Respectfully submitted,

Steve King
Planning Secretary

/sd-76002

Attachments:

Read into the record: John Box

Read into the record: Commissioner Harris’ substitute motion on accessory buildings

Read into the record: Commissioner Harris’ reason for no vote on accessory buildings

received at PG meeting
6/30/10 sk
attach to minutes

Planning Commission 06-30-10

For the record, I would like to make note that during City Council Meeting May 19th, 2010 the Minutes did not include Deputy City Burn's explanation of email received from John Harper 2-18-10 to Steve King. Mr. Burns read for the record John Harper's complete paragraph verbatim detailing that property rights would be affected by change proposed. And oddly, Mr. Burns's words were not included in the City Council Minutes that were provided by staff and that are before you today.

Now, I have a personal request, "No More Smoke and Mirrors...."

It is clearly stated in the record(s) that this commission is discriminating against residents with respect to their property rights to have or not have animals. However members of this commission and council have "publicly" denied that this is about discrimination and forcing people to preserve land for animals. As I have mentioned in the past, when I moved to Norco I and others neighbors knew we "could" have animals and many have enjoyed that right. Over the past 6 years I have witnessed what I will call an "Animal Paranoia" and "Forced Feeding". Now Council, Planning and Staff are trying to tell residents that you "must" have animals by current proposals or you are not welcome in Norco.

For the record, I would like to state that staff and planning are taking away all residents vested property rights. I would like to state that I personally have lost rights to my property under the moratorium and zoning code amendment before you today. I challenge this commission to send a letter through the water bill or by the best means to notify "all" residents what your intentions are. I assure you that a "majority" of the residents will not support your change in their vested property rights. Also I would request that an independent economic impact evaluation be made to quantify the results of your proposed zoning amendments. If you truly care about the residents you are representing then you will accept my challenge.

In addition, to loss in vested property rights and discrimination by design, the process is very subjective and will lead to new lawsuits. I agree with Council Member Harvey Sullivan and urge this commission to recommend to council that the current lot coverage of 40% is adequate for preserving animal keeping. Then if you really are concerned on large buildings then just focus on bldg. height requirements as also suggested by Council.

Respectfully yours,

John Gunnar Box
159 Oldenburg Lane
Norco, CA 92860

PC Harris' No Vote
Reason - 6/30/10
attach to minutes

Substitute Proposal/Motion – Same applies to all residential and agricultural zones, as well as Norco Hills and Norco Ridge Ranch Specific Plans.

(See below graph for max size w/o CUP)

Permitted uses:

Accessory buildings and uses:

(a) Private garages used by persons residing on the premises, cabanas, pergolas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar structures provided these structures shall not be used as a habitable dwelling or space as defined by the adopted Uniform Building Code, unless expressly authorized by this ordinance. Any structure that exceeds 864 square feet, or 2.75% of the lot size on lots sizes between 30,000 - 80,000 square feet are prohibited; the maximum size allowed on lots above 80,000 square feet is 2,200 square feet.

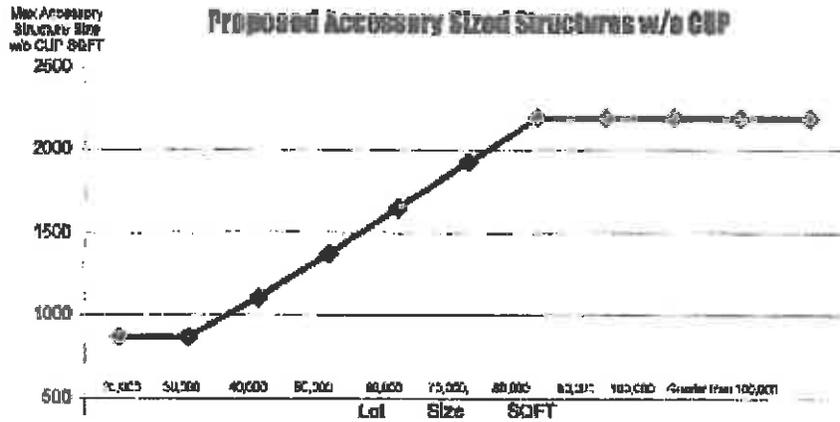
(b) Home Occupation, as defined in Section 18.02.04 (31) and subject to conformance to the criteria for home occupations provided in Chapter 18.32 and all the provisions thereof.

Permitted Heights:

Maximum height of any accessory structure 864 square feet or smaller is 14 feet. Maximum height of any accessory structure greater than 864 square feet is 20 feet.

Uses which may be permitted by Conditional Use Permit:

Private garages used by persons residing on the premises, cabanas, pergolas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar structures provided these structures shall not be used as a habitable dwelling or space as defined by the adopted Uniform Building Code, unless expressly authorized by this ordinance. This applies to accessory buildings and uses that do not fall under those listed as Permitted Uses as defined by both size and height.



Lot SqFt	Acre	w/o CUP Size Bldg	Sq Bldg Ea side Pt	%
20,000	0.46	884	28.4	4.32%
30,000	0.69	884	28.4	2.88%
40,000	0.92	1100	33.2	2.75%
50,000	1.15	1375	37.1	2.75%
60,000	1.38	1650	40.6	2.75%
70,000	1.61	1925	43.8	2.75%
80,000	1.84	2200	46.8	2.75%
90,000	2.07	2200	46.8	2.44%
100,000	2.30	2200	46.8	2.20%
110,000	2.53	2200	46.8	2.00%
120,000	2.75	2200	46.8	1.83%

Meeting, June 30, 2010. Reasons for Negative Vote on Resolutions 2010-07,08,09.

Major Reasons Against Proposal

1. The labeling and communication of the proposals are misleading. It is primarily a proposal to shift the bundle of rights that Norco property owners have enjoyed since our inception from numerous uses to limited uses that are designed to greatly reduce rights of property owners who do not keep animals on their property. It does absolutely nothing to preserve animal keeping rights as they are currently protected through our zoning codes. Accessory structures could be managed through a simple code change that defines sizes, heights and types of structures that must meet building codes and not dictate something different from the normal and universally accepted use of accessory buildings. This would rectify the opposition to the overwhelming structures allowed in the past. The only use that should be dictated is the one already in place to assure that a structure on a PAKA is used for animal keeping. If these changes were properly communicated and more residents in the Agricultural-Residential Zones knew the huge reduction in their property rights and its impact on values, there would be considerable opposition to this proposal. Reversed property rights and accessory structure limitations should never have been bundled in the same proposal as one part is highly favored and the other is heavily opposed.
 2. Essentially all structures requiring a permit will go to Planning Commission for approval. In spite of numerous residents and interested parties (along with a Commissioner/several Council members, staff members and the local Realtor Board) asking for comprehensive and clear guidelines on how the Commission will make decisions and the criteria for different types and uses of structures, no, or very few guidelines or limits have been proposed. See below for examples of guidelines that should be established**.
 3. The scope of loss of property rights is staggering and the extent is unknowable since every accessory structure must go to the Planning Commission without any guidelines or limits. The fact that anyone considering purchasing a lot covered by this proposal or anticipate adding an accessory building does not know their rights is in itself a huge loss of rights. Having to go through a hearing process instead of over the counter approval with a substantial percentage of applications is a huge loss of property rights. A 20,000 square foot lot in the A-1 zone that is required to designate a 2,880 square foot open area to be reserved for animal keeping is effectively losing over 14% of prime use that previously could be used for other things. Every additional condition, restriction or requirement imposed by the Planning Commission is a reduction in property rights.
- Page 1 of 7 Attachment to Minutes Planning Commission 6/30/2010
4. Even though the City Attorney(s) have commented that restrictions may reduce the value of property and definitions such as a bam make property use more restrictive, neither the Council nor the Commission has made

any attempt to quantify the huge impact this may have on the financial resources of the city. Not only does this impact the \$1.2M property tax that goes to the General Fund but the almost \$16M in incremental property tax that is used annually to help pay down the \$90M in the city's long term debt and the interest on that debt. Since there are many factors that drive property values besides use restrictions and the collection and distribution of taxes are subject to many additional factors, it is difficult to measure the exact contribution of each. However, with such huge rights reductions and the unknown use of property to new property buyers, I could easily estimate upwards of 10% reduction in lost revenue opportunity. These factors should be understood prior to making such a decision; particularly when they could be avoided or even managed to be an added revenue gain with the use of less City resources.

Substitute Proposal - Same applies to all residential and agricultural zones, as well as Norco Hills and Norco Ridge Ranch Specific Plans. (See below graph for max size w/o CUP)

Permitted uses:

Accessory buildings and uses:

(a) Private garages used by persons residing on the premises, cabanas, pergolas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar structures provided these structures shall not be used as a habitable dwelling or space as defined by the adopted Uniform Building Code, unless expressly authorized by this ordinance. Any structure that exceeds 864 square feet, or 2.75% of the lot size on lots sizes between 30,000 - 80,000 square feet are prohibited; the maximum size allowed on lots above 80,000 square feet is 2,200 square feet.

(b) Home Occupation, as defined in Section 18.02.04 (31) and subject to conformance to the criteria for home occupations provided in Chapter 18.32 and all the provisions thereof.

Permitted Heights:

Maximum height of any accessory structure 864 square feet or smaller is 14 feet. Maximum height of any accessory structure greater than 864 square feet is 20 feet.

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Uses which may be permitted by Conditional Use Permit:

Private garages used by persons residing on the premises, cabanas, pergolas, laundry rooms, workshops, stables, barns, tack rooms, pens, corrals, and similar structures provided these structures shall not be used as a habitable dwelling or space as defined by the adopted Uniform Building Code, unless expressly authorized by this ordinance. This applies to accessory buildings and uses that do not fall under those listed as Permitted Uses as defined by both size and height.

Max Accessory
Structure Size
w/oCUPSQFT
2500

Proposed Accessory Sized Structures w/o CUP

w/o +-----
1500+-----

1000 - .. _____
500+...=00^0 ... 000=_40^0. 0=00_=. ^000^... 000=-^7^0. ^00^0. ^... 000^00=, 000^1=00^, 000^... ^h^ 1^00^, 000=_ _ _

Lot Size SOFT

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****Samples of recommended guidelines to be established prior to allowing proposed Resolutions 2010-07,08,09 to be implemented.** No particular order and there are some overlaps and many more guidelines required.

- What architectural guidelines will be used. if any? Roles of Architectural Review Sub-Committee vs. Planning Commission? (these should be very precise and readily available so the applicant can use in their planning phase). According to the codes under CUPs and Site Plan Review, Section 18.41 applies to all. Since the architectural language of Section 18.41 is extremely comprehensive and requires an exhaustive checklist and hundreds of definitions are all of these available to applicants? Provide the guidelines. in objective language, that the Commission will use to determine these requirements are met.

How will previous structures and improvements be dealt with? Those that are permitted vs. those that may not have been? Will Planning Commissioners and or Planning staff visit the property? If so, what guidelines will cover the visit? Limitations or restrictions?

The proposed codes are very confusing in their language. Code 18.12.06 does not provide any permitted uses under *Permitted Uses* but does list two prohibited uses. Does this imply that any use that is normally associated with the type of structure can be used, or any legal use other than those prohibited? What is the rationale or purpose of the minor site plan review? Will the findings of this review clearly provide what the structure may be used for and what criteria/guidelines will be used to determine use? For example. barns, workshops and cabanas have almost unlimited uses throughout the city without any oversight unless illegal use is suspected. Are structures evaluated under the revised code going to have fewer rights than those allowed under the previous code? If different, how is it different? From an enforcement standpoint are similar structures going to have different uses allowed? Are different site plan or CUP determinations going to be property specific? If so, are equality and fairness assured? How will monitoring and enforcement be conducted? How will variations and specific property requirements be disclosed over time? The language carries into Specific Plans and the confUSing applies there also.

- Similar confusing language exists with 18.12.08 and the carry over into the Specific Plans. It almost sounds like every conceivable structure and use requires the issuance of a CUP. If so, that should be clearly stated. What is meant by distinguishing habitable dwelling or space? Does that mean that even the Commission or the Council cannot issue a CUP to allow habitable dwelling or space? If so, that may be inconsistent with other codes including 18.45.

What assistance will be available to assist the property owner? Such as drawing a plot plan. Many homeowners are not familiar with setbacks requirements, topographical elevations, contour lines, drainage flow, architectural themes, etc. Does the Commission expect expensive engineer blue prints? How much cost, time and inconvenience are added to the typical small homebuilt structure?

- Why is the use of a structure important? Other than the animal keeping requirement for structures allowed on a PAKA. why is the use even a factor? How will a barn be treated by the Planning Commission as opposed to a garage, cabana or workshop? What guidelines will be in place to assure that no

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discrimination of use exists? Will decisions, conditions and rationale of Commission findings be on a spread sheet for public audit and review?

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- The Council insisted on the definition of a barn. Where is the definition of a barn contained in the code and Specific Plans? Why does a barn require a definition, yet a cabana, garage, workshop laundry room does not? Will there be specific, objective definitions, uses and criteria for each? The building code does not use these definitions, why does the Planning Commission insist on one to be defined and the others do not?

- It appears that a 30' x 30' corral or pen requires a CUP; does that make sense? Does it now require a building permit? What specific guidelines will be used to assess the suitability of a small corral? Is the rationale on the A Zone lots so the property owner is forced to declare a PAKA? Will/can the corral area be included in the open animal area?

Define the "scenic viewshed" of a property (as required on Checksheet). How is "Block the scenic viewshed defined"? Does this mean totally blocking the view of an adjoining property to a person 6 feet tall standing in the center of the adjoining property, or blocking x% of the view looking toward a predominant landmark? How does setback factor in? How will the difference in opinions between the rights of a landowner to build an accessory structure and the rights of the neighbor to object to the structure be resolved? Where are the guidelines for these critical issues?

California cities have struggled with view protection for the past century. Very few have any codes that touch this very sensitive area. Most do not protect views. In the absence of a strong code, how will the City protect itself when the Commission chooses the rights of one property owner over another without the benefit of codes or bulletproof guidelines? Where are the codes and/or guidelines? Usually, these very sensitive and emotional issues are handled through CC&Rs or HOAs. Will the Planning Commission act like the city's HOA? Many property owners in Norco build accessory structures and other improvements requiring permits without any application to the City or knowledge by the City. Without defined codes and specific criteria and guidelines, the percentage will likely increase considerably. What are the City's plans and guidelines to 1) quantify and identify these violations and 2) remedy the violations?

The proposed code states that the maximum height for an accessory structure shall be 14' (<=864 square feet) or 20' (>864 square feet) unless a greater height is approved by the Commission. What criteria/guidelines will the Commission use to determine under what circumstances the maximum can be exceeded? What guidelines are in place to determine that all property owners are afforded the same rights under any exceptions?

- The Council required a homeowner with a PAKA to sign and record a deed restriction outlining specifically mapped access route from the trail to the PAKA before they would approve an accessory structure. To my knowledge this has not been required for anyone else by the City. The restriction runs with the property and will be binding on all future owners and can only be removed by the City. This action probably is discriminatory as the determination did not apply to others and other similar structures have the freedom to designate their own route to their PAKA. Will this type of undue pressure by the City be used in the Site Review/CUP process? If so, what guidelines will be used to 1) determine under what circumstances it will be used? 2) assure the rights of the property owner 3) recommend that the landowner be represented by an attorney before signing away rights, and 4) assure that the City does not discriminate in the use of this practice?

- The checklists provided for Minor Site Plans and Minor Conditional Use Permits

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are substantially different that the requirements under Code sections 18.40 and 18.45. The codes do not define either a minor site plan review or a minor CUP differently from a site plan review and CUP. Yet the checklists provide an illusion that substantially less is required than the code requires. From a guideline perspective either the code should be modified to define Minor Site Plans and Minor Conditional Use Permits or the checklist should be compatible with Code.

Additional sources from previous meetings/communications to support my vote in opposition to proposed resolution presented by staff.

Email City Attorney John Harper to Planning Manager Steve King 2/11/2010
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 economic beneficial use.

City Council Minutes May 19, 2010, Page 10

Deputy City Attorney Burns commented that a clear and descriptive definition of a barn, if created, makes it more restrictive.

Planning Manager King stated that the Planning Commission would need to know what the Council wants to include in regards to definitions for regulation purposes. He added that the enforcement down the road and the regulations to control the uses of the buildings will be the problem. He further added that the Building Code does not differentiate between the definitions of the buildings.

Council Member Bash stated that he would like to see guidelines created for the benefit of the Planning Commission and the Council.

Public Works Director Thompson stated that there is staff involvement that enters into this process and this will need to be better defined for the inspection process.

City Council Minutes May 19, 2010. Page 13

Council Member Bash stated that he supported sending the ordinances back to the Planning Commission because of all of the confusion.

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Mayor Pro Tem Hanna stated that if we are going to change the wording, it needs to go back to the Planning Commission so that they can put in the proper wording.

Mayor Miller stated that he wants to see the entire package cleaned up and brought back to the Council for approval.

Council Member Sullivan stated that he is concerned about the enforceability.

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