

**CITY OF WILDOMAR
PLANNING COMMISSION
OFFICIAL REGULAR MEETING MINUTES
March 17, 2010**

1.0 CALL TO ORDER

The regular meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Devine at 7:00 P.M. at Wildomar City Hall, Council Chambers.

1.1 ROLL CALL OF PLANNING COMMISSION

Present: Robert Devine, Chairman
Scott Nowak, Vice-Chairman
Harv Dykstra, Commissioner
Gary Andre, Commissioner
Michael Kazmier, Commissioner

Absent:

Staff Present: David Hogan, Planning Director
Erica Ball, Assistant City Attorney
Jon Crawford, Supervising Engineer
Alia Kanani, Planner

1.2 PLEDGE OF ALLEGIANCE:

Commissioner Nowak led the flag salute.

2.0 COMMUNICATIONS FROM THE PUBLIC:

None.

3.0 CONSENT ITEMS:

3.1 MARCH 3, 2010 REGULAR MEETING MINUTES

Commissioner Nowak moved to approve the Minutes of March 3, 2010. The motion was seconded by Commissioner Dykstra. Motion carried, the following vote resulted:

AYES: Devine, Nowak, Andre, Dykstra, Kazmier.

NOES:

ABSENT:

ABSTAIN:

4.0 CONTINUED PUBLIC HEARING ITEMS:

None.

5.0 PUBLIC HEARING ITEMS:

5.1 TENTATIVE TRACT MAP 31895, ZONE CHANGE NO. 6936 AND GENERAL PLAN NO. 801 (08-0164)

Applicant:	Markham Development Management Group
Location:	Southeast of Huckaby Lane and northeast of Rancho Mirlo Road (APN: 380-160-016, 380-160-019 & 380-160-020).
Proposals:	The project proposes to subdivide a 30 acre site into a 51 lot subdivision and change the zoning from Rural Residential (R-R) to a combination of One-Family Residential (R-1), Open Area Combining Zone Residential Developments (R-5) and Water Course, Watershed & Conservation Area (W-1). This project also proposes to amend the General Plan Land Use designation of the site from Very Low Density Residential to Low Density Residential.
Environmental Action:	In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been recommended for adoption.

Planner Kanani made the Staff Report.

Commissioner Dykstra discussed the proposed western bypass which would connect the City of Murrieta to Ortega Highway in the City of Lake Elsinore via Grand Avenue. He asked staff for an update.

Director Hogan responded that the City of Murrieta did not continue the western bypass and staff is not aware of any plans to continue the western bypass in the City of Wildomar.

Chairman Devine asked how the bypass location would relate to the proposed project.

Director Hogan responded again that there is no physical location for the bypass but staff will look into it prior to the next meeting. Staff will contact the City of Murrieta.

Chairman Devine commented that the roadway will be gated from Murrieta to Wildomar.

Director Hogan confirmed and stated that the road closures were at the request of the residents of Murrieta.

Chairman Devine asked for clarification of the change in land use designation related to the minimum lot sizes.

Director Hogan responded that a clustering approach was used to determine the allowable units. He further commented that the approach would minimize impacts to the floodplain and protect oak trees. He went on to state that the density is consistent with the General Plan land use designation.

Chairman Devine confirmed that staff is using the total acreage to determine the density.

Director Hogan replied in the affirmative. He stated that the total number of lots is consistent with the overall density contained in the General Plan land use designation.

Chairman Devine stated that he may require more explanation at a later date.

Commissioner Andre asked how floodplain is land for development. He stated he is okay with the clustering but has concerns over the use of floodplain.

Chairman Devine restated Commissioner's Andre's comment about developing in the floodplain.

Chairman Devine requested clarification on Lot 51 and if it was being re-zoned from W-1 to R-1.

Planner Kanani responded in the affirmative.

Director Hogan further clarified that only a portion of area, which contains Lot 51, is proposed to be re-zoned.

Chairman Devine asked if the Lot 51 was in the floodplain.

Director Hogan stated that Lot 51 will not be located in the floodplain by the time that the project is developed.

Chairman Devine asked if elevating the lots will change the floodplain.

Supervising Engineer Crawford provided a definition of a floodway and floodplain. He further stated that under federal, state and local rules you are allowed to alter the floodplain with development to an allowable rise in the water and compress the floodplain.

Chairman Devine asked if the elevation could be raised.

Supervising Engineer Crawford confirmed that the elevation could be raised and the water can be raised up a couple inches throughout or upstream. He continued that with this project the water will be raised about 400 feet upstream.

Commissioner Andre asked for the elevation at Clinton Keith Bridge. He continued by stating that flooding occurred at McVicar during rains a month ago and that there is no flood control plan and sewage control plan for the west side. He further stated his concern for project's impact on local flooding in the area given current flooding due to recent rains.

Supervising Engineer Crawford stated that the review process would evaluate the impacts of development of the project in the floodplain. He further clarified that flooding due the recent rains at Clinton Keith Bridge was caused by blockage of one of the culverts.

Commissioner Andre commented that there is no more creek and it is full of dirt.

Supervising Engineer Crawford concurred with Commissioner Andre's assertion regarding the creek and stated that something needs to be done in the long term to address flooding. He continued by stating the current flooding problems are a good argument for development of the proposed project. He commented that channel of McVicker was not designed to handle a 100-year flood. Lastly, he stated that at this stage the project meets the specific criteria to move forward and the City will review the project closely regarding flood control.

Commissioner Andre commented on the various channels in the area and his concern for additional flooding due to lack of maintenance on the existing creeks.

Chairman Devine asked that Commissioner Andre hold his comments for Planning Commissioner comments at the end of the meeting.

Chairman Devine asked Supervising Engineer Crawford about the FEMA review.

Supervising Engineer Crawford responded that FEMA will do an engineering evaluation of the study and review of flood maps.

Commissioner Dykstra asked how the sewage from the tract would be treated.

Supervising Engineer Crawford clarified that the site is within the Elsinore Valley Municipal Water District (EVMWD) and such the sewage will be treated by EVMWD.

Chairman Devine commented on the findings in the Mitigated Negative Declaration that was prepared for the project.

Director Hogan responded that there are various findings and mitigation measures found within a Mitigated Negative Declaration. He further commented that staff would be able to provide more clarification on any specific findings or mitigation measures from the document.

Chairman Devine commented that the project has lots of unresolved issues and that the Planning Commission will likely concur with staff's recommendation to continue the project.

Commission Andre asked to have the letter submitted by Ray Johnston to be read aloud into the record.

Chairman Devine responded that the letter would be part of the record but did not know what would be gained from reading the letter aloud.

Assistant City Attorney Ball responded that the standard procedure for is to add the letter into the public record and that oral testimony should be limited to three minutes.

Chairman Devine asked that the letter be posted on the City's website.

Director Hogan commented that the letter would be part of the May 5th staff report so it would be available.

Chairman Devine opened the public hearing and noted that the project will be continued and the public hearing would therefore not be closed at the end of public comment.

George Taylor commented that at a previous City Council meeting all the trails were adopted by the City Council. Mr. Taylor further addressed the Planning Commission about the regional trail system and specifically a requirement for the project to connect to the trail system.

Jim Bach with Markham Development Management Group, applicant for the project, stated that he was available for questions but primarily was there to listen to questions in preparation for the May 5th meeting.

George Knapp commented that he was in favor of the project and that the project is not an equestrian project so the applicant should not be required to connect to the trail system.

Nancy Backstrand voiced her opposition to the project and discussed the history of the project when it was processed by the County of Riverside.

Rachel Jacobs spoke about access to the project site from the Spirit Tract including Jerome Lane and Huckby Lane. She requested that a block wall be

built along Rancho Mirlo Road to prevent access to Jerome Lane and Huckby Lane and reduce noise.

Martha Bridges discussed the letter and documents that she forward to Director Hogan and the Planning Commission earlier in the day. She also voiced her concern over the Mitigated Negative Declaration and recommendation for an Environmental Impact Report.

Gina Castanon commented that Wildomar is a horse community. She stated her concern for the connectivity of the trails, floodplain issues and she that she is opposed to the zone change.

No more public comments were received. Chairman Devine invited the applicant to respond to the public comments.

Chairman Devine asked Mr. Bach about the secondary (emergency) access point through Cooper Canyon Park and if the County Fire Department had approved the design.

Mr. Bach responded that the Fire Department is okay with the secondary access point and that a knox-box would be installed. He continued that actual use of the secondary access point would be very slim unless there was a large brush fire like what occurred in San Diego.

Chairman Devine asked if the Commissioners had any questions for the applicant. The Commission did not have any further questions for the applicant.

Charles Fisher stated his concern for the short-term and long-term impacts effects of the development and the impact to the floodplain by raising the creek bank.

Chairman Devine stated that he would continue the public hearing to May 5, 2010.

Director Hogan asked if Commission comments should be taken before or after the public hearing is closed.

Assistant City Attorney Ball responded that the public hearing could be continued and then comments from the Commission could be taken.

Chairman Devine requested a motion to continue the public hearing to May 5th.

MOTION: Commissioner Nowak motioned to continue the public hearing to the May 5th Planning Commission. The motion was seconded by Commissioner Dykstra. Motion carried, the following vote resulted:

AYES: Devine, Nowak, Dykstra, Andre, Kazmier.
NOES:
ABSENT:
ABSTAIN:

Director Hogan clarified that the entire project was covered under the motion.

Commissioner Andre stated that professionals from both sides should be present for the site visit. He continued that he has been to the project site several times and has seen the flood waters rise. He also commented that there is a community trail along Rancho Mirlo Road, voiced his concerns over raising the floodplain and indicated that the project has issues.

Commissioner Dkystra commented his dislike for gated communities and his concern raising the elevation of the floodplain. He further commented that he has concern over the loss of the western bypass and asked staff to approach the City of Murrieta about the western bypass.

Chairman Devine asked for the proposed timeframe the project.

Director Hogan responded that he was unaware of the timing for the development but that the hearing process would be lengthy.

Chairman Devine stated that the reason for his question was centered around the widening of the Clinton Keith overpass and the impacts of the additional residential housing units would impact the existing traffic.

Supervising Engineer Crawford responded that the widening of the Clinton Keith overpass would be go out to bid over the summer and construction would start over the winter. He further discussed the timing of the Clinton Keith overpass widening, timing of the construction of the residential subdivision and the specific haul routes required for construction traffic.

Chairman Devine asked about the Zone 7 proposed flood control related to the Windsong Tract and the flooding in the area, which carries large amounts of sand and dirt. He asked if there has been any contact with Flood Control regarding the funding for the five-year plan and the problems in the area.

Supervising Engineer Crawford stated that staff attended the public meeting recommending for capital projects in Zone 7.

Chairman Devine commented that he did not attend the meeting but had for 10 years prior.

Supervising Engineer Crawford continued that a letter of request was submitted to accelerate the Billie Ann storm drain and a portion of the funding was coming

from the Supervisor's office. Staff will be following up on the funding and encouraging the design to be completed since this is a high priority due to the impact on the residents and roadways.

Chairman Devine responded that McVicker is the first line of defense and Clinton Keith is getting a lot of the sand which is creating part of the problem with flooding. He suggested that the creek be cleaned out to original elevations.

Supervising Engineer Crawford commented that the main line is also contributing to the problem. Flood Control is looking at alternatives to address flooding in the area.

Director Hogan offered to work with the developer's representative and Commissioners to coordinate a site visit with experts related to flooding, hydrology and geotechnical.

Several Commissioners expressed interest in attending a site visit.

5.2 ZONING CODE AMENDMENT 10-01: Reduce side yard setbacks for small lots within the rural residential zone.

Director Hogan made the Staff report.

Vice-Chairman Nowak asked if the new setbacks would be for new construction.

Director Hogan explained that the new setbacks would be applied to new construction and that the setbacks would not be applied to existing structures.

Commissioner Andre asked for clarification of the current zoning map.

Vice-Chairman Nowak suggested that the setbacks not necessary be reduced to five feet but adjust the useable side where the access point for the gate/access for utilities to seven foot setback and other side have a five foot setback.

Director Hogan responded that other jurisdictions have total setback of 12 or 15 feet with a minimum setback of a certain size.

Vice-Chairman Nowak stated that he would rather see a total setback than setback minimums.

Director Hogan responded that if the minimum setback was set at five feet then five feet would be the minimum setback. An exception or variance would be required for unusual lots that cannot meet the minimum setbacks.

Vice-Chairman Nowak again stated his preference for cumulative setbacks/side yard width between properties.

Chairman Devine stated that the adjacent property would need to have the appropriate setbacks.

Vice-Chairman Nowak stated that the setbacks of the adjacent property would be reviewed by a lot layout.

Chairman Devine discussed the potential scenarios of incorporating the total setback strategy and whether it would work everywhere.

Commissioner Dykstra commented that setbacks will affect primarily manufactured housing. He proposed that anything up to sixty feet in width have a five foot side yard setback, sixty to seventy foot wide lot have a five foot side yard setback on one side and ten foot side yard setback on the other side, and lots with more than seventy feet in width have the ten foot side yard set back as originally proposed.

Commissioner Dykstra concluded that Cottonwood Canyon is close to a high fire zone and his concern for having homes too close together especially manufactured homes.

Commissioner Andre proposed zero lot lines for small lots and building two units together on small lots.

Director Hogan responded that in new tracts that zero lot lines work but may not work in the City. He clarified that if two small lots with a development across property lines were proposed a lot merger would be required.

Supervising Engineer Crawford commented that under the zone are there is a minimum lot size and if these lots are below the minimum lot size then a parcel merger is required to make the lot as big as possible.

Director Hogan responded that in the future when staff revises the zoning code that staff will look at flexibility in the code to allow for such provisions such as zero lot lines.

Commissioner Andre confirmed that Cottonwood Canyon is close to a high fire area and low density development was encouraged.

Chairman Devine stated that one speaker slip was received. The speaker declined to comment.

Chairman Devine asked if the rest of the Planning Commission agreed with the setbacks as proposed by Commissioner Dykstra.

Commissioner Andre and Commissioner Nowak discussed the application of the new setbacks for half acre parcels.

Chairman Devine requested a motion to include the amendment to the proposed setback as presented by staff.

MOTION: Commissioner Dykstra motioned that lots up to sixty feet have a five foot side yard setback, sixty to seventy feet have a five foot side yard setback on one side and ten foot on the other side, and lots with more than seventy feet have a ten foot side yard setback. The motion was seconded by Commissioner Nowak. Motion carried, the following vote resulted:

AYES: Devine, Nowak, Dykstra, Andre, Kazmier.
NOES:
ABSENT:
ABSTAIN:

6.0 GENERAL BUSINESS ITEMS:

None.

7.0 ADMINISTRATIVE HEARINGS REPORT:

None.

8.0 PLANNING DIRECTOR'S REPORT:

Planner Sean del Solar accepted a new position and no longer with the City of Wildomar. There is no Planning Commission meeting for April 7, 2010. At the second meeting in April, staff will be bringing forward a discussion on Rural Residential land uses for Planning Commission comments and feedback. Director Hogan asked the Commissioners to think about the types of uses allowed in the rural residential land uses.

9.0 PLANNING COMMISSION COMMENTS:

Commissioner Andre expressed that he had a conversation with Jerry Joliffe at the County about how to determine Rural Residential (R-R) setbacks.

Commissioner Nowak indicated that he will be out of town and will miss the meeting.

Commissioner Dykstra asked staff to contact the City of Murrieta regarding the potential connection from Grand Avenue for the western bypass.

10.0 ADJOURNMENT:

The March 17, 2010 regular meeting of the Wildomar Planning Commission adjourned at 9:00 P.M.

Respectfully submitted:



David Hogan
Commission Secretary