

**CITY OF WILDOMAR
PLANNING COMMISSION
OFFICIAL REGULAR MEETING MINUTES
April 21, 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: Scott Nowak, Vice-Chairman
Harv Dykstra, Commissioner
Michael Kazmier, Commissioner
Robert Devine, Chairman

Absent: Gary Andre, Commissioner

Staff Present: David Hogan, Planning Director
Thomas Jex, Assistant City Attorney
Alfredo Garcia, Planner

1.2 PLEDGE OF ALLEGIANCE:

Chairman Devine led the flag salute.

2.0 COMMUNICATIONS FROM THE PUBLIC:

Kristen Lloyd spoke on local control and to have more community input into the General Plan.

3.0 CONSENT ITEMS:

3.1 MARCH 17, 2010 REGULAR MEETING MINUTES

Vice-Chairman Nowak moved to approve the Minutes of March 17, 2010. Motion carried, the following vote resulted:

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

4.0 CONTINUED PUBLIC HEARING ITEMS:

None.

5.0 PUBLIC HEARING ITEMS:

5.1 ZONING CODE AMENDMENT 10-04- PLANNING COMMISSION CODE CLEANUP AND PLANNING COMMISSION BYLAWS.

Director David Hogan made the staff presentation.

Chairman Devine repeated Director Hogan's code amendment for better understanding and clarification.

Director Hogan confirmed Chairman Devine's statement.

Vice Chairman Nowak adds, only if all members are gone, then the active council for that specific member would act as chair until an appointed member can be seated.

Assistant City Attorney Jex commented that any procedure the city would like to establish they can do so.

Vice Chairman Nowak asked, what would the likeliness of a situation such as the termination of all Commissioners were to happened?

Assistant City Attorney Jex answered that if City Council would wish to reappoint new Commissioners they could very well do so.

Chairman Devine stated this will be the Council's call and that the Council will act accordingly so this does not have to be in the Bylaws.

Commissioner Dykstra comments under meeting decorum and order, he saying there is literature on guidance behavior of the public but there is no information on the behavior of the commission under page 21 section 10 of the agenda.

Director Hogan commented, under section B it states: staff and Commission shall show courtesy between themselves and the general public at all times.

Vice Chairman Nowak replied the Commission had a town hall meeting going over conduct when becoming a Commissioner. The felt this had already been discussed.

Director Hogan stated there have been a number of influences in creating these Bylaws , but he did not feel the need to get into specifics. He went on by asking

the Commissioners what additional guidance would they like to see as far as standards of behavior, medium decorum, attitude etc.

Commissioner Dykstra felt that is something the Planning Director and City Attorney should work together on and come up with some guidance for what is proper for a Commissioner.

Director Hogan replied that is not as easy as it sounds. He continued that it would be helpful if staff could get a generalized answer to help.

Commissioner Dykstra answered there should be something written that offers guidance on public and newspaper interaction. He further added some Commissioners have a tendency to address issues from the agenda with the public before and after meetings. Therefore, something needs to be written. The public can say what ever they want to say but a Planning Commissioner is different and would like to see what legal standing it might have.

Chairman Devine repeated Commissioner Dykstra's statement in order to clarify the information for himself.

Assistant City Attorney Jex commented we can separate this process and can come back with rules of conduct at a later time. Bylaws in the past don't go so much into detail, as to what the Commissioners want but if they feel it's important we can add them at a later time. He stated some communities have adopted strict policies on the conduct for council and Planning Commission members out and inside the City related discussions.

Vice Chairman Nowak added if this could be handled during the initial training sessions of the Code of Conduct portion. Can there be specific areas added in that training cycle?

Commissioner Dykstra added if it's not in the Bylaws then what authority do they have.

Chairman Devine commented there's no enforcement of the Bylaws.

Vice Chairman Nowak said it's not the Commission's responsibility to enforce the Bylaws. The Commission is acting as appointees to the Council. Perhaps the Council should state the bylaws for their Commissioners.

Chairman Devine said if a Commissioner acts beyond his/hers authority, then there may be grounds for removal. That should be addressed in the Bylaws.

Director Hogan proposed a supplemental recommendation to the Council to request that the Council direct staff to work with the City Attorney in creating

supplemental guidelines on the behavior of Commissioners in the setting outside official meetings.

All Commissioners concurred.

Chairman Devine opened the public hearing

George Taylor requested a clarification as to why the Bylaws are part of the Zoning Code and not an administrative code and where the Commissions compensation is addressed. He compared what the board of director Bylaws states with the proposed Bylaws and thanks the Director for having answered his question with his presentation.

Director Hogan first apologized for any confusion and responded that the Bylaws will not be part of the zoning ordinance, and the Bylaws will be a separate free standing document that will be adopted by a resolution by the City Council. They were brought up because they are intertwined but they will no be part of the bylaws.

Director Hogan commented on compensation for the Commission by referring to the actual code section 17.04.048 which states: the City Council may establish by resolution the compensation pay for members of the Commission and it is authorized by the code and implemented by a resolution.

Gina Castanon expressed her confusion by the Bylaws layout. In addition, she feels the City should update the public on a daily basis with new information on City issues. Also, commented on the basis for Commissioner removal, she would recommend a super majority since she feels that it is unfair to try and control the actions of Commissioners by limiting them to share information with the community.

Director Hogan asked the Commission to add the additional text on Section 3 Removal from Office, Sub paragraph B. "An unexcused absence shall be defined as a failure to attend a regular meeting without providing prior notice to the Commission Chairman or Planning Director". Since this is a last minute modification, he asked the Commission to include that in the motion.

Chairman Devine mentioned the Commission should meet at least once a month.

Vice Chairman Nowak stated that the Commission met once a month we stay as a group.

Commissioner Dykstra agrees with the Commissioners comments.

Director Hogan says if that is the Commissioner's opinion he will bring it before the Council.

Vice Chairman Nowak mentioned when it gets busy it will keep staff constantly trained in preparing meetings with their daily tasks.

Director Hogan clarified that it is commissioner's recommendation to delete Section five of the ordinance. The current ordinance has the Commissioners meeting once a month and to keep it the way it is then Section five of the ordinance on page twelve will be deleted as part of the recommendation.

Chairman Devine recommended keeping as is.

Commissioners Dykstra asked Director Hogan, to request that the City Council provide further guidance on the decorum of the Planning Commissions.

Director Hogan responded he will include this as a supplemental recommendation to the Council.

Chairman Devine summarized agenda item number five.

Director Hogan restated if the Planning Commission would motion to approve resolution with the two amendments to the ordinance and would like to add the supplemental recommendation to the Council he will add it to the staff report for Council.

Motion: The approval of resolution with the two amendments to the ordinance and added supplemental recommendation to council.

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

6.0 GENERAL BUSINESS ITEMS:

6.1 ZONING CODE AMENDMENT 10-04 – RURAL RESIDENTIAL, LIST OF PERMITTED USES.

Director David Hogan made the presentation.

Assistant City Attorney Jex mentioned quickly that this item is a work study and there will be no action taken.

Director Hogan indicated zoning is the regulation of private land use to implement the General Plan. There are two components; the first is the official zoning map; which designates a zone on a piece of property. The other is actual text of the ordinance that translates the zone designation and explains what can

be done. Tonight there will only be a discussion on the text portion. This will be a large enough issue were a lot of input may be done by the Commissioners and the public, which will lead to several meetings.

Chairman Devine commented there should be a workshop with the Council and some members of the public.

Director Hogan responded Riverside County has not done a major revision to their zoning code since they adopted their General Plan and that this is a separate issue. At this point staff has not received any direction from the City Council to do any amendments to the General Plan. He continued by asking the Commission if he could proceed with his presentation and would discuss further questions that the Commission may have afterwards.

Director Hogan explained this all originated on December 2, 2009 when the Planning Commission recommended that the City Council consider a moratorium on self- and recreational vehicle storage facilities. On January 13, 2010, the City Council approved a temporary moratorium for a 45 day period. On February 24, 2010 the City Council extended the self storage and recreational vehicle storage moratorium to 2011 and accepted the Alleviation Report, which is the plan of action the City proposes to take to address the issue that caused the moratorium to take effect.

Director Hogan explained historically the Rural Residential Zone was used by Riverside County to provide basic zoning standards for diverse and remote rural areas within the County. Wildomar may have changed since the area was first zoned R-R Zone, consequently the zone may no longer be totally appropriate in all areas.

Chairman Devine, stated much of the uses permitted in Rural Residential area no longer reflect the needs of the community.

Director Hogan agreed and advised the commission to consider the following questions when discussing this item:

- Does the existing Rural Residential Zone meet the needs of the community and does it implement the General Plan?
- If it does, what should stay the same?
- If not, how should it be different?

Director Hogan went on to request that the Commissioners make notes and references for staff. He also added staff is requesting that the Planning Commission provide direction on the following subjects:

- Does the Commission want to use a Land Use Matrix in the Zoning Ordinance?
- Are there any changes the Commission would like to see in the future Land Use Matrix (list uses, etc.)?
- What land uses are appropriate for the R-R Zone?

Director Hogan commented based upon the direction provided by the Planning Commission, staff will bring an amendment to the Zoning Ordinance at a future Commission public hearing for a recommendation to the City Council.

Director Hogan added he would like to open up the item to public comment after Commission is done with their input.

Commissioner Dykstra, questioned a square placed on the matrix

Director Hogan responded it is a starting point to facilitate the Commission's discussion of the R-R zone.

Commissioner Dykstra further clarified his previous question and added another by saying when county adopted the RCIP they mentioned they were going to do a conformance zoning within 2 years and the impact for that conformance zoning was to wipe out the R-R zone and replace with the General Plan designation. Commissioner Dykstra asked, should the City not do any conformance zoning and live with the R-R zone for a much longer period of time.

Director Hogan replied that this is the start of the process of conformance zoning.

Commissioner Dykstra commented that he has mixed feelings on the subject and mentioned that other cities have done conformance zoning and don't have R-R Zoning. Another point he shared is his preference for the current R-R zone character of the City and the keeping of small businesses.

Director Hogan explained we are at a very preliminary stage and proposed an alternative option. That option being we can change the ultimate zone to a Ranch Community Residential and modify the General Plan map to keep the RR residential area and create a new Ranch Community Residential Zone.

Chairman Devine agreed with the idea since there are people in the area that have a ranch living style.

Vice-Chairman Nowak clarified the Commission is at a preliminary stage and summarizes Director Hogan's presentation.

Chairman Devine said he has difficulty understanding since he doesn't have a map in front him and feels that a map would aid him in structuring the language and be able to identify sections.

Vice-Chairman Nowak felt the Planning Commission is getting to far ahead and needs to modify the language and look at the present permitted uses and modify them to fit the land use. Once that portion has been established, the Planning Commission can later go to the map and modify it to match the new zone requirements.

Director Hogan expressed his understanding and understood the direction the commission wants to go with the item.

Chairman Devine referred back to matrix and said if the table came with a map and the other land use designation of R-1, R-2 and R-3 zones. It would better help him know what belongs were. He needs some thing to categorize with.

Director Hogan understood the Chairman's comment and responded with Vice-Chairman Nowak's explanation of the item and that the Planning Commission should look at the concept of the item at hand.

Vice chairman Nowak's added we should look at the concept without fixed labels such as R-1, R-2 and R-3 and see what fits in commercial and what fits in residential ranch. Once that is established, the Planning Commission should look at smaller groups and designate land uses for them.

Director Hogan responded by suggesting the Planning Commission look at the concept of the uses first before they go further along. He read a portion of the General Plan defining Ranch Community Residential as a Residential Community that promotes agriculture and supports equestrian use and asked the Commission to keep that in mind when trying to designate certain uses with the land use.

Chairman Devine responded that, it makes sense because the Director has categorized and went down a list of permissible uses within a section. He said to give him the same synopsis for all uses and residential designations and then he can place what uses would go with what land use designation.

Director Hogan commented he had not planned for the Commission to take on all the zones at one time. Unfortunately, there are not enough staff resources to do all of the zones. Therefore, he suggests the Commission start with the R-R zone.

Chairman Devine answers, we will then start with one category and move to the next.

Director Hogan agreed.

Commissioner Dykstra asked why on the matrix there are different uses permitted but others that are conditionally permitted and wanted to know were the differences between the allowances are drawn.

Director Hogan responded he took them from the County section 17.16 and indicated we are translating what is currently the R-R to make a transitional RR zone and creating a living Ranch Community.

Commissioner Dykstra asked what is going to be the procedure of small businesses that had been grandfathered in by the County.

Director Hogan explained if the establishment had been placed legally it will become a legal nonconforming use and it can stay.

Chairman Devine mentioned as the economy gets better it will help dictate and shape the land uses.

Chairman Devine opened the public hearing.

George W. Taylor urged the Commission to take into consideration the envisioning and the Wildomar Round Table discussions. He understands the zone is unorganized and now as a City we need to organized ourselves.

Gina Castanon expressed concerns with the decisions being discussed today. She feels the changes being proposed may affect people's incomes. Therefore, this discussion should have reached all citizens instead of just having public notices.

Dana Martin commented that he sees Wildomar as a growing community and sees the growth of our small businesses important because it's what carries the City. He feels the matrix is a good starting point to understand the land uses.

Diane O'Malley has lived in the community all her life and has seen the surrounding cities evolve to what they are now. She sees Wildomar as libertarian, as the freedom to do what ever you want and build a business from scratch.

Vice-Chairman Nowak stated he would like to take this information to the Council and see what guidance they may give the Commission.

Commissioner Dykstra commented he is surprised at the public input and never realized how in tuned they were with the City. He feels Wildomar should not impose on new development but at the same time protect its small businesses.

Chairman Devine appreciated the comments from the public. He mentioned today's meeting is not a decision making meeting the Commission will get further public comment, and continue to get additional information from staff.

Director Hogan commented that this item can be moved for much later time.

Chairman Devine responded to move this item to a much later time considering there are several large projects for the next meeting.

Assistant City attorney Jex mentioned a defined time frame can be determined at much later time since today's meeting was just an introduction.

Director Hogan agreed with having to wait and hopes this time period will give the Commission time to understand the information. Staff will also work of further noticing the public.

7.0 ADMINISTRATIVE HEARINGS REPORT:

None

8.0 PLANNING DIRECTOR'S REPORT:

Alfredo Garcia has now joined the Wildomar Planning Department.

9.0 PLANNING COMMISSION COMMENTS:

Commissioner Scott Nowak commented he will be resigning from his position as Commissioner to the City of Wildomar due to personal reasons. The Planning Commission thanked Mr. Nowak for his time of service.

10.0 ADJOURNMENT:

The March 21, 2010 regular meeting of the Wildomar Planning Commission adjourned at 9:45 P.M.

Respectfully submitted:



David Hogan
Commission Secretary