



CITY OF WILDOMAR

## PLANNING COMMISSION

Commission Members

Chairman Robert Devine · Vice-Chairman Harv Dykstra

Gary Andre · Scott Nowak · Michael Kazmier

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REGULAR MEETING

**WEDNESDAY, DECEMBER 16, 2009 AT 7:00 P.M.**

Council Chambers, Wildomar City Hall, 23873 Clinton Keith Road, Wildomar, CA 92595

**PUBLIC COMMENTS:** Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Chairperson prior to an individual being heard. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker or less if a large number of requests are received on a particular item.

### AGENDA

#### 1.0 CALL TO ORDER

- 1.1 Roll Call
- 1.2 Pledge of Allegiance
- 1.3 Swear in Planning Commissioner Michael Kazmier

**2.0 PUBLIC COMMENT:** *Members of the audience may comment on matters that are not included on the agenda. Each person will be allowed three (3) minutes or less if a large number of requests are received on a particular item. No action may be taken on a matter raised under "public comment" until the matter has been specifically included on an agenda as an action item.*

#### 3.0 CONSENT ITEMS:

- 3.1 DECEMBER 2, 2009 REGULAR MEETING MINUTES

**4.0 CONTINUED PUBLIC HEARING ITEMS:** The Planning Commission will review the proposed request, receive public input and consider action for the following items:

None.

**5.0 PUBLIC HEARING ITEMS:** The Planning Commission will review the proposed request, receive public input and consider action for the following items:

**5.1 ZONE CHANGE NO. 09-0335:** The project proposes to change the zoning of a 7.22 acre site located at 32085 Beecher Street from Rural Residential (R-R) to Manufacturing-Service Commercial (M-SC). APN: 370-090-036.

Environmental Determinations: In accordance with the California Environmental Quality Act (CEQA) a Negative declaration has been recommended for adoption.

**6.0 GENERAL BUSINESS ITEMS:**

**6.1 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2010**

**7.0 ADMINISTRATIVE HEARINGS REPORT:**

None.

**8.0 PLANNING DIRECTOR'S REPORT:** This item is reserved for the Planning Director to comment or report on items not on the agenda. No action will be taken.

**9.0 PLANNING COMMISSION COMMENTS:** This portion of the agenda is reserved for Planning Commission business, for the Planning Commission to make comments on items not on the agenda, and/or for the Planning Commission to request information from staff.

**10.0 ADJOURNMENT**

The next scheduled Regular Meeting of the City of Wildomar Planning Commission is January 6, 2010 at 7:00 P.M.

**RIGHT TO APPEAL:** Any decision of the Planning Commission may be appealed to the City Council within ten (10) calendar days after the date of Planning Commission's action.

**REPORTS:** All agenda items and reports are available for review at Wildomar City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, California 92595. Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection at City Hall during regular business hours. If you wish to be added to the regular mailing list to receive a copy of the agenda, a request must be made through the Planning Department in writing or by e-mail.

**PUBLIC COMMENTS:** Prior to the business portion of the agenda, the Planning Commission will receive public comments regarding any agenda items or matters within the jurisdiction of the governing body. This is the only opportunity for public input except for scheduled public hearing items. The Chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please complete a "Public Speaker/Comment Card" available at the door. The completed form is to be submitted to the Chairperson prior to an individual being heard. Lengthy testimony should be presented to the Planning Commission in writing (8 copies) and only pertinent points presented orally. The time limit established for public comments is three minutes per speaker.

**ADDITIONS/DELETIONS:** Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Planning Commission.

**ADA COMPLIANCE:** If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Planning Department either in person or by telephone at (951) 667-7751, no later than 10:00 A.M. on the day preceding the scheduled meeting.

**POSTING STATEMENT:** On December 10, 2009, a true and correct copy of this agenda was posted at the three designated posting places: Wildomar City Hall, 23873 Clinton Keith Road; U. S. Post Office, 21392 Palomar Street; and the Mission Trail Library, 34303 Mission Trail Blvd.

**REGULAR MEETING  
CITY OF WILDOMAR  
PLANNING COMMISSION  
DECEMBER 2, 2009**

**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  
Gary Andre, Commissioner  
Scott Nowak, Commissioner  
Harv Dykstra, Vice-Chairman

Absent:

Staff Present: David Hogan, Planning Director  
Thomas Jex, Assistant City Attorney  
Jon Crawford, Supervising Engineer  
Sean del Solar, Planner

**1.2 PLEDGE OF ALLEGIANCE:**

Chairman Devine led the flag salute.

**2.0 COMMUNICATIONS FROM THE PUBLIC:**

Chairman Devine clarified that item 3.3 in the agenda would adopt a resolution recommending denial of Conditional Use Permit 09-0265 to the City Council.

Dana Martin suggested that the General Plan needed to be updated now that the city had incorporated. He also encouraged the city to better plan development at the freeway entrances. He concluded by advocating the use of commissions and committees to examine certain issues in the community.

**3.0 CONSENT ITEMS:**

**3.1 OCTOBER 21, 2009 REGULAR MEETING MINUTES**

Commissioner Nowak moved to approve the Minutes of October 21, 2009. The motion was seconded by Vice-Chairman Dykstra. Motion carried, the following vote resulted:

AYES: Devine, Andre, and Nowak.

NOES:

ABSENT:

ABSTAIN: Dykstra

### 3.2 NOVEMBER 4, 2009 REGULAR MEETING MINUTES

Vice-Chairman Dykstra moved to approve the Minutes of November 4, 2009. The motion was seconded by Commissioner Nowak. Motion carried, the following vote resulted:

AYES: Devine, Dykstra, and Nowak.

NOES:

ABSENT:

ABSTAIN: Andre.

### 3.3 DIVERSIFIED LANDSCAPE COMPANY ALMOND STREET NURSERY RESOLUTION

Director Hogan made a staff report.

Gina Castanon stated that she had spoken to Director Hogan about the item earlier in the week but asked for an explanation of the inclusion of a single parcel number in the denial resolution. She also requested an explanation of why it was necessary to vote on the resolution.

Director Hogan explained that the project had two components: a zone change which applied to all three parcels and a conditional use permit which only applied to one parcel. He went on to explain that on October 7<sup>th</sup>, the Commission approved the zone change for all three parcels and decided to continue the Conditional Use Permit request to the November 4<sup>th</sup> meeting. Mr. Hogan clarified that for continuity purposes, the title of the project was kept the same in the agenda for both meetings. He then explained that when the Commission voted to deny the Conditional Use Permit at the November 4<sup>th</sup> meeting, the action only applied to the Conditional Use Permit that proposed the use on a single parcel, so the resolution to deny the Conditional Use Permit only makes reference to that single parcel number. Director Hogan concluded by explaining that all Commission actions have a resolution and that the resolution presented reflects the actions taken by the Commission at the November 4<sup>th</sup> meeting.

Gina Castanon suggested that a Conditional Use Permit was needed for all three lots of the project site.

Chairman Devine explained that on October 7<sup>th</sup>, the Commission approved the zone change for all three lots comprising the project site, but continued the request for the

Conditional Use Permit to the November 4<sup>th</sup> meeting. Chairman Devine further explained that because the use proposed in the Conditional Use Permit was limited to just one parcel, that parcel number only needed to be referenced in the denial resolution.

Director Hogan added that the resolution was a formalization of the actions taken by the Commission at the November 4<sup>th</sup> meeting.

Commissioner Nowak moved to approve the resolution recommending denial of Conditional Use Permit No. 09-0265 to the City Council. The motion was seconded by Commissioner Andre. Motion carried, the following vote resulted:

AYES: Devine, Dykstra, Andre, and Nowak.

NOES:

ABSENT:

ABSTAIN:

**4.0 CONTINUED PUBLIC HEARING ITEMS:**

None.

**5.0 PUBLIC HEARING ITEMS:**

None.

**6.0 GENERAL BUSINESS ITEMS:**

**6.1 ZONING ORDINANCE MODIFICATION – SECOND DWELLING UNITS**

Resident Veronica Langworthy read from a letter she submitted to the Commission sharing concerns she had with second dwelling units.

Director Hogan made a staff report.

Chairman Devine expressed a reluctance to propose a policy which may inhibit property owners from building a second unit.

Director Hogan suggested that the Commission consider if there was a minimum lot size which would establish eligibility for a second unit.

Commissioner Nowak suggested that in situations where parcels did not meet minimum size requirements for detached second units, there could be an allowance for attached second units.

Director Hogan clarified that the current code did not differentiate between attached and detached second units.

Commissioner Andre stated that he worked with the County previously on second unit regulations. He explained that the one acre minimum was established to prohibit second units on smaller parcels and allow second units to be broken off from parent parcels. Mr. Andre then discussed several situations in the community of second units.

Vice-Chairman Dykstra explained that the County changed their second unit regulations after the City incorporated. He went on to explain that the new County regulations established a minimum lot size of one acre and allowable unit sizes from 500 to 800 square feet. He concluded by suggesting that the City consider making changes to the zoning code which would make the regulations more consistent with the County's new regulations.

Chairman Devine stated that establishing an acre minimum would be too restrictive and suggested that a half acre minimum would be adequate.

Director Hogan speculated that the County's intent with the requirement of having twice the area of the minimum required by the zone was to prevent overcrowding.

Commissioner Nowak inquired about the feasibility of constructing a second unit in residential subdivisions.

Director Hogan responded that while although most lots in subdivisions are smaller, with the City's current second unit regulations, a property owner could install a second unit on a parcel 14,400 square feet or larger.

Commissioner Nowak stated that if the regulations were changed to a one acre minimum, it would eliminate second units from subdivisions.

Attorney Jex added that State law had changed and that the City's second unit regulations needed to address two issues: the approval process must be ministerial and cannot require a Public Hearing and that provisions for senior hardship units would need to be removed. He concluded by explaining that at a minimum, the City did need to make changes to the second unit regulations to be consistent with State law.

The Commission agreed.

Director Hogan stated that the consensus appeared to be to consider a second unit policy similar to the new County Ordinance. He went on to ask if the Commission supported an additional category which would allow second units on parcels less than an acre, but larger than a half acre.

Chairman Devine agreed with the half acre allowance for second units.

Commissioner Andre suggested that there be protections placed in the Ranch Community to prevent the installation of second units.

Commissioner Nowak agreed with Ranch Community protections and the allowance of second units on half acre parcels.

Vice-Chairman Dykstra suggested that on lots between a half acre and an acre, only attached second units should be allowed.

Commissioner Nowak asked for clarification on the procedure of adopting the changes discussed.

Director Hogan explained that Staff would take the guidance from the Commission and create a draft ordinance which the Commission would vote on as a recommendation to the City Council at a noticed Public Hearing. The recommended ordinance would then go to the City Council for final adoption.

Commissioner Nowak asked for some hypothetical situations illustrating different second unit policies.

Commissioner Andre again added that he wanted to see protections for the Ranch Community.

## 6.2 ZONING ORDINANCE MODIFICATION – TRAILER AND BOAT STORAGE, MINI WAREHOUSES

Past Applicant Chris Hughes addressed the Commission. He explained that his firm had an entitled mini warehouse project in the City and explained the significant investment they had made in the project. He then explained that because of the economy, there could be a significant lag time between entitlements and construction and encouraged the Commission to consider a policy which would not inhibit any applicants' ability to receive extensions of time for approved entitlements.

Director Hogan made a Staff report.

Attorney Jex added that moratoriums allow the City to temporarily suspend the approval process, so that Staff can study all the impacts associated with development. He went on to explain that moratoriums were temporary and limited to two years in length.

Vice-Chairman Dykstra clarified that he only wanted to limit mini storage uses in commercial zones of the City because mini storage facilities did not generate sales tax. He went on to suggest a prohibition on mini warehouse facilities in the Rural-Residential, General Commercial, and Scenic Highway Commercial zones but permit them on Manufacturing Service Commercial and Industrial Park zones.

Commissioner Nowak agreed with Vice-Chairman Dykstra but added that a Conditional Use Permit should be required for mini warehouse projects in the Manufacturing Service Commercial zone.

Commissioner Andre stated that he felt the community was saturated with mini warehouse facilities and suggested that they be limited to certain zones and agreed with Commissioner Nowak's position.

Vice-Chairman Dykstra disagreed with the suggestion to require a Conditional Use Permit for mini warehouse facilities in the Manufacturing Service Commercial zone.

Commissioner Nowak stated that he did not want any change in the mini warehouse policy or moratorium to affect already approved projects.

The other members of the Commission agreed with Commissioner Nowak.

Chairman Devine asked Vice-Chairman Dykstra if he felt a Conditional Use Permit should be required for projects in the Manufacturing Service Commercial zone.

Vice-Chairman Dykstra stated that he did not feel it was necessary because there was not a significant amount of Manufacturing Service Commercial zoning in the City and because the most desirable locations would not develop mini warehouse facilities.

Resident and Business Owner Sharon Heil addressed the Commission. She expressed concerns with the quality and safety of mini warehouse facilities if a Conditional Use Permit is not required.

Chairman Devine responded that even if a Conditional Use Permit was not required, there would still be a development process an applicant would go through to ensure the safety and quality of the project. The Chairman went on to restate the consensus which was that mini warehouse facilities should be prohibited in the Rural-Residential, General Commercial, and Scenic Highway Commercial zones and allowed in the Manufacturing Service Commercial and Industrial Park zones.

Commissioner Andre added that a Conditional Use Permit should be required for mini warehouse facilities in the Manufacturing Service Commercial zone.

Director Hogan advised that Staff could bring back additional information to the Commission about the total area of the Manufacturing Service Commercial zone at a future Public Hearing. He then presented a hypothetical mini warehouse project to the Commission on a parcel zoned General Commercial.

Discussion about the hypothetical situation ensued and the Commission decided that the situation presented would not be an appropriate place for a mini warehouse facility.

Attorney Jex discussed an approach that used a moratorium which would go into effect immediately and allow Staff to create a permanent solution that could be enacted afterwards.

The Commission agreed with the approach presented by Attorney Jex.

**7.0 ADMINISTRATIVE HEARINGS REPORT:**

None.

**8.0 PLANNING DIRECTOR'S REPORT:**

Director Hogan reminded the Commission of the joint Planning Commission-City Council meeting on December 17<sup>th</sup> and that there will be a Planning Commission Chairman election at the December 16<sup>th</sup> Commission meeting.

**9.0 PLANNING COMMISSION COMMENTS:**

Vice-Chairman Dykstra expressed a desire for the city to engage in economic development activity.

Chairman Devine suggested that the Commission be able to attend some training opportunities and expressed a desire to have the topic discussed at the upcoming Planning Commission-City Council joint session.

**10.0 ADJOURNMENT:**

The December 2, 2009 regular meeting of the Wildomar Planning Commission adjourned at 9:05 P.M.

Respectfully submitted:

David Hogan  
Commission Secretary