

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

PLANNING COMMISSION

MEETING MINUTES

DATE: JUNE 2, 2015

CALLED TO ORDER: 6:00 P.M.

MEETING LOCATION: City Council Chambers
450 East Latham Avenue
Hemet, CA 92543

1. CALL TO ORDER:

PRESENT: Chairman John Gifford, Vice Chairman Michael Perciful,
Commissioners Vince Overmyer,

ABSENT: (Absent with notice) Tami Wilhelm

Invocation and Flag Salute:

2. APPROVAL OF MINUTES: None

3. PRESENTATION OF CERTIFICATE OF APPRECIATION TO FORMER COMMISSIONER RICK CRIMENI

Chairman Gifford expressed his sincere appreciation for the work of Commissioner Rick Crimeni, who had to leave his position for health reasons. Mr. Crimeni was given a certificate from the City of Hemet, noting his distinction and service to the City.

4. PUBLIC COMMENTS:

There were no members of the public who wished to address the commission regarding items not on the agenda.

PUBLIC HEARING ITEMS

5. ZONING ORDINANCE AMENDMENT (ZOA) NO. 15-004 Continued Public Hearing - A city-initiated ordinance amending Section 90-77 (Animal Regulations and Keeping Requirements) of Chapter 90 (Zoning Ordinance) of the Hemet Municipal Code to update the regulations on chicken keeping.

Project Information:

Applicant: City of Hemet
Location: Citywide
Presented by: Nancy Gutierrez, Contract Planner

1
2 **Recommended Action:**
3

4 That the Planning Commission:

- 5
6 1. *Adopt Planning Commission Resolution Bill No. 15-010*
7 *recommending **APPROVAL** of Zoning Ordinance Bill No. 15-020 to*
8 *the City Council, as amended; or*
9
10 2. *Adopt Planning Commission Resolution Bill No. 15-010*
11 *recommending **APPROVAL** of Zoning Ordinance Bill No. 15-020 to*
12 *the City Council, subject to modifications to the proposed ordinance*
13 *as determined by the Planning Commission; or*
14
15 3. *Continue the public hearing on ZOA 15-004 and direct staff to return*
16 *with a resolution recommending **DENIAL** of Ordinance Bill No.*
17 *15-020 to the City Council based upon findings as determined by the*
18 *Planning Commission.*
19

20 (PowerPoint presentation by Planner Gutierrez.)
21
22

23 Planner Gutierrez explained that the proposed ordinance amendment under
24 consideration had been revised subsequent to the May 19, 2015 Planning
25 Commission meeting to delete the provision regarding Community Development
26 Director administrative adjustment authority and to add a provision prohibiting the
27 commercial sale of eggs produced by residential backyard chickens.
28

29 Chairman Gifford reminded the Commission that the final decision will be made by the
30 City Council. The Commission recommends changes, but will not be deciding on the
31 ordinance amendment. He also noted that as shown on the map provided by staff,
32 chicken keeping is currently allowed in the Ag zones and the RA zones, but two hens
33 only in the RA zones.
34

35 Vice Chair Perciful commented that the map indicates that the zones in which
36 backyard chicken keeping is being considered are probably only ten percent of the
37 city. The areas with homeowners associations or specific plans would decide
38 separately whether they wanted to allow chicken keeping.
39

40 Commissioner Overmyer noted that he had listened to an online debate on this issue
41 at a City Council meeting for a city in the mid-west and realized there must be
42 thousands of cities where this issue was being considered. He listened to the whole
43 thing and found it informative.
44

45 Chairman Gifford opened the continued public hearing.
46

47 Luke Parker (no address given) said he had lived in the valley all his life and reminded
48 the Commissioners that this area had started out as an agricultural community. He
49 recommended chicken keeping as an educational opportunity and a positive
50 experience as well as a means to provide fresh eggs. He noted that further limiting
chicken keeping could possibly hurt those businesses dealing with chicken feed and

1 related items. Mr. Parker indicated that he thinks of his chickens as pets and has
2 names for them.

3
4 Commissioner Vasquez and Mr. Parker had an extended conversation regarding the
5 keeping of chickens.

6
7 Seeing no more speakers on this topic, Chairman Gifford closed the public hearing.

8
9 Vice Chair Perciful commented that he felt that less regulation is better. He said that
10 the residential areas in the planned community development or specific planned areas
11 that aren't governed by a homeowners association should be afforded the same
12 opportunity to raise chickens as residents who live within the R-1 zones. It should,
13 however, remain at the minimum lot size of 6,000 or greater.

14
15 Commissioner Overmyer stated that the way the recommendation is worded is fine.
16 He felt it should be approved the way it is.

17
18 Commissioner Vasquez stated that an ordinance should satisfy the needs of most
19 stakeholders and that he didn't think the proposed ordinance amendment would
20 satisfy the majority of the residents of Hemet. It only satisfies a handful. For that
21 reason, he would go on record as opposing this ordinance. He felt strongly that a lot
22 size of 6,000 square feet is too small to raise chickens. Even in the County of
23 Riverside and City of Wildomar, the lot size minimums were 7,200 square feet.
24 Additionally, he felt that his concerns about health and nuisance were not addressed
25 by staff.

26
27 Chairman Gifford asked staff for clarification concerning nuisance and health issues.
28 CDD Elliano said that staff felt the previous report addressed the salient issues and
29 that the proposed development standards would regulate the health and nuisance
30 concerns. She stated that lot size minimums are a policy decision; there is no
31 absolute in terms of right and wrong. Animal keeping, whether chickens or dogs,
32 depends on the behavior of the people keeping the animals. Ms. Elliano said she
33 suspects that more residents keep chickens than staff is aware, but the City does not
34 get code complaints on hens, only on roosters, which are prohibited in the proposed
35 ordinance amendment.

36
37 Commissioner Vasquez reiterated that the 6,000 square-foot lot size was much too
38 small. He said he might be amenable to something in the 10,000 square foot range as
39 a modification.

40
41 Vice Chair Perciful asked if there was a compromise on mirroring what the County
42 does regarding lot size and number of chickens because they're our bordering
43 neighbors. A minimum lot size of 7,200 square feet would be a compromise.

44
45 Commissioner Vasquez stated he thought it best to recommend denial to the City
46 Council because the present law is fine the way it's written.

47
48 Chairman Gifford said looking at the benefit of chicken keeping versus the potential
49 impact gets down to what lot size minimum makes the most sense. The 7,200
50 square-foot requirement matches the County, which is important, and it makes logical
sense because it focuses on those areas of the City which have the least potential of

1 having an adverse impact on the neighbors while offering an alternative to a maximum
2 number of residents.

3
4 Following the discussion, CDD Elliano clarified that the Planning Commission
5 suggested proposal was to establish a 7,200 square foot lot minimum, which would
6 also apply to any planned community development or specific planned area that does
7 not have an active homeowners association. In areas with a homeowners
8 association, the homeowners association would establish the regulations and
9 restrictions on residential backyard chicken keeping. The amendment would not
10 supersede any CC&Rs established by a homeowners association.

11
12 Commissioner Vasquez asked to again go on record stating that the suggested lot
13 size of 7,200 square feet is still too small.

14
15 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Vice Chair
16 Michael Perciful to **ADOPT** Planning Commission Resolution Bill No. 15-010 to the
17 City Council **APPROVING** ZOA 15-002, subject to modification of the minimum lot
18 square footage to 7,200 and the stipulation that these regulations would also apply to
19 any specific plans, planned unit development, or planned community development
20 with 7,200 square foot lots that do not have an established Homeowner's Association.

21
22 The **MOTION** was carried by the following vote:

23
24 **AYES:** Chairman John Gifford, Vice Chair Michael Perciful, and Commissioner
25 Vince Overmyer.

26 **NOES:** Commissioners Greg Vasquez

27 **ABSENT:** Commissioner Tami Wilhelm
28
29

30
31 **6. FIVE YEAR CAPITAL IMPROVEMENT PLAN (CIP)** - A request for the Planning
32 Commission review and recommendation to the City Council regarding the
33 consistency of the proposed Five Year Capital Improvement Plan (CIP) for Fiscal
34 Years 2015/16 through 2019/20 with the City's General Plan.

35
36 **Project Information:**

37 Applicant: City of Hemet
38 Location: Citywide
39 Presented by: Deanna Elliano, Community Development Director
40
41

42 **Recommended Action:**

43 That the Planning Commission:

- 44
45 1. *Adopt Planning Commission Resolution Bill No. 15-013 finding the*
46 *Draft Capital Improvement Plan for Fiscal Years 2015/2016 through*
47 *2019/2020 to be consistent with the City's General Plan.*
48
49

50 CDD Elliano explained the Planning Commission's role is a determination pursuant to
state law to make sure the proposed draft CIP is consistent with the city's General
Plan.

1
2 Chairman Gifford opened the public hearing. As there was no one in the audience
3 who wished to speak to the issue, he closed the public hearing and asked for
4 Commissioners' comments.
5

6 Commissioner Vasquez said he had looked through it and couldn't find any
7 inconsistencies.
8

9 Chairman Gifford said he is familiar with capital improvement plans in various cities
10 and water districts and he felt this plan was very well done and straight-forward.
11

12 It was **MOVED** by Commissioner Greg Vasquez and **SECONDED** by Commissioner
13 Vince Overmyer to **ADOPT** Planning Commission Resolution Bill No. 15-013, finding
14 the Capital Improvement Plan for fiscal years 2015/2016 through 2019/2020 to be
15 consistent with the city's General Plan.
16

17 The **MOTION** was carried by the following vote:
18

19 **AYES:** Chairman John Gifford, Vice Chair Michael
20 Perciful, and Commissioners Vince Overmyer and Greg Vasquez.
21

22 **NOES:** None
23

24 **ABSENT:** Commissioner Tami Wilhelm
25

26 **7. ZONING ORDINANCE AMENDMENT (ZOA) NO. 15-006** - A city-initiated
27 ordinance amending certain sections of Chapter 90 (Zoning Ordinance) of the City of
28 Hemet Municipal Code to update provisions related to metal shipping container uses
29 in the residential, commercial and industrial zoned properties in the City of Hemet.
30

31 **Project Information:**

32 Applicant: City of Hemet
33 Location: Citywide
34 Presented by: H.P. Kang, Principal Planner
35

36 **Recommended Action:**

37 That the Planning Commission:
38

- 39
40
41 1. *Conduct the public hearing and consider any public testimony on the*
42 *proposed ordinance; and*
43
44 2. *Provide direction to staff and continue to June 16, 2015 meeting for*
45 *adoption of the proposed ordinance.*
46

47 (PowerPoint presentation by Principal Planner H.P. Kang.)
48

49 Planner Kang explained the proposed ordinance provisions and recommended that
50 the item be continued to the July 7th Planning Commission meeting to allow staff time
to meet and review the provisions with the Chamber of Commerce.

1
2 Chairman Gifford asked what is considered a public right-of-way and what are the
3 conditions for access routes within private property. Planner Kang said if it's visible
4 from the public street, it's considered as being viewed from the public right-of-way;
5 internal private drives and streets are not affected.
6

7 Chairman Gifford asked for a definition of a construction site upon which there is a
8 maximum of two units – would that be acceptable? Planner Kang said that usually
9 would be for large tracts, but more language needs to be crafted for specificity.
10

11 CDD Elliano said that the cost for a temporary use permit is \$120. She said what they
12 are trying to address is the habitual use of these metal units in the commercial zone.
13

14 In answer to Vice Chairman Perciful's inquiry regarding storage containers in the
15 Ag zone, Planner Kang said they are not currently addressing Ag zones and those
16 existing containers could continue to remain at this time.
17

18 Commissioner Vasquez had questions about posting expiration dates and wanted
19 further clarification.
20

21 Planner Kang answered if there was not an expiration date posted, the city assumes
22 the temporary use permit has expired and the container must be removed within ten
23 days.
24

25 Chairman Gifford opened the public hearing, but with no one wishing to speak,
26 continued the public hearing to July 7, 2015.
27

28 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Vice Chair
29 Michael Perciful to **CONTINUE** public hearing on Zoning Ordinance Amendment
30 (ZOA) No. 15-006 to the July 7, 2015 meeting for adoption of the proposed ordinance.
31

32 The **MOTION** was carried by the following vote:
33

34 **AYES:** Chairman John Gifford, Vice Chair Michael Perciful, and Commissioners
35 Vince Overmyer and Greg Vasquez.
36

37 **NOES:** None
38

39 **ABSENT:** Commissioner Tami Wilhelm
40

DEPARTMENT REPORTS

41
42
43
44 **8. CITY ATTORNEY REPORTS:** (Nothing to report.)
45

46 **9. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**
47

48 **A. Report on actions from the May 26, 2015 City Council Meeting**
49

50 CDD Elliano stated that there were no planning issues considered, so she has nothing
further to report.

1 **10. PLANNING COMMISSIONER REPORTS:**

- 2
3 A. Chairman Gifford (Nothing to report)
4 B. Vice Chair Perciful (Nothing to report)
5 C. Commissioner Overmyer (Nothing to report)
6 D. Commissioner Wilhelm (Absent)
7 E. Commissioner Vasquez (Nothing to report)
8
9

10 **11. FUTURE AGENDA ITEMS:**

- 11
12 A. Work Study: Introduction to the Downtown Specific Plan
13 B. Work Study: Drought tolerant landscape requirements
14 C. ZOA 15-005 Temporary Use Permit/Special Event Permit
15 D. CUP 15-004 A-1 Tire Store
16
17

18 **10. ADJOURNMENT**

19
20 It was unanimously agreed to adjourn the meeting at 7:26 p.m. to the regular meeting
21 of the City of Hemet Planning Commission scheduled for **June 16 at 6:00 p.m.** to be
22 held at the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet,
23 CA 92543.
24
25
26
27

28
29 

30 _____
31 John Gifford, Chairman
32 Hemet Planning Commission
33
34
35

36 **ATTEST:**

37 
38 _____
39 Cathy Davis, Records Secretary
40 Hemet Planning Commission
41
42
43
44
45
46
47
48
49
50