

MINUTES OF THE WILLOWS PLANNING COMMISSION MEETING
HELD MARCH 18, 2009.

The meeting was called to order at 7:00 p.m. by Chair Person Domenighini.

PLEDGE OF ALLEGIANCE: Commissioner Thur led the Pledge of Allegiance.

PRESENT: Woods, Warren, Domenighini, Thur, Alves

ABSENT: None

AGENDA REVIEW: There were no recommended changes by the commission or Staff and the agenda for March 18, 2009 was accepted as presented.

CONSENT AGENDA:

It was **moved** by Commissioner Warren and **seconded** by Commissioner Woods to approve the Consent Agenda. The motion was unanimously passed and the following items were approved / adopted:

- a) Minutes of Planning Commission Meeting held February 18, 2009.

NEW BUSINESS:

FORREST SPRAGUE: DESIGN REVIEW (DR-09-02)

City Planner, Audrey Anderson introduced the Design Review Application request by Forrest J. Sprague for design review approval for modification of the architectural style and design of new homes for 14 vacant lots within the Willowglen Estates Subdivision, Unit 2, Phase 2. This property covers APN numbers 005-182-010, 005-182-012, 005-182-013, 005-182-014, 005-182-015, 005-182-016, 005-260-031, 005-260-033, 005-187-017, 005-187-016, 005-187-015, 005-187-014, 005-187-013, 005-187-011, and is zoned R-1 Single Family Residential.

Ms. Anderson presented the staff report which consisted of a description of four different designs submitted by Forrest Sprague which includes such features as built-up columns, in-set entries, arched window and door trim, outside corner treatments, and decorative vents.

After the staff report was presented Chairperson Domenighini asked the Planning Commissioners if that had any questions for staff to which they replied that they did not. Chairperson Domenighini then invited Forrest Sprague to the microphone to make a statement and answer questions pertaining to his design review application.

Mr. Sprague began his statement with a correction regarding phases 1 & 3 of this project. He said that what was requested of him were 3 standard floor plans with elevations. What he asked at the time was that there would be some flexibility allowed so that buyers could modify the standard floor plans or start from scratch. The project had always had standard plans associated with it. Mr. Sprague states that what he is presenting to the Planning Commission is not to dissimilar from the plans that were approved before but they are modified due to the change in the market.

When Mr. Sprague was finished with his statement Chairperson Domenighini asked the Planning Commissioners if they had any questions or comments for Mr. Sprague. Commissioner Woods asked Mr. Sprague if at this time he has a market for these houses. Mr. Sprague answered that he does not at this point but that he expects the market to turn around and when that happens he would like to be ready.

Commissioner Thur stated that in his opinion the four designs that Mr. Sprague has presented look “cookie cutter” and that they all look about the same which is a significant deviation from his “custom home” concept. The new plans only offer a square footage range of 1272 to 1499 whereas the square footage of his earlier custom homes range from 1368 to 1820.

Commissioner Alves asked if the Planning Commission has the ability to mandate quality within the building of the homes. She is concerned that the homes may come out looking like the rest of the homes in the neighborhood but may be worth significantly less due to poorer quality materials, less upgrades etc.

Mr. Sprague said that sadly because of the market that some of these houses have sold for significantly less however also because of the market suppliers will work for significantly less so the house may be built for less money than when the market was on a major upswing. Also some of the upgrades that were put into the homes that are currently standing don’t equate out in an appraised value because the appraised value is based on square footage, fireplaces etc.

Brian Millar, AICP for PMC, said that the city’s design review criteria does not seem to address the issue of quality per se but indirectly you can make the argument that the design criteria’s intent speaks to having quality within the design.

Commissioner Domenighini asked Mr. Sprague if the new floor plans were submitted to try and fit the needs of the buyer in today’s market.

Mr. Sprague answered affirmatively but that they aren’t much different than some of the more modest homes in the Willowglen estates subdivision right now.

Chairperson Domenighini asked Mr. Sprague how many plans were approved in phase one.

Mr. Sprague answered that there were three standard floor plans with a proposed elevation for each of those plans and those elevations were approved.

Chairperson Domenighini asked staff if the Planning Commission approves the submitted floor plans is there anything that precludes a buyer from upgrading these floor plans?

Ms. Anderson stated that the Design Review is to be able to include upgrades.

Mr. Domenighini stated that he likes the variations of designs within the old subdivision but that the new designs look too much the same; it would be his preference to grant Mr. Sprague more flexibility to change up the design and the look of the exterior of the houses.

Mr. Sprague said that he would like to be able to that also but that the city’s rules are constraining when it comes to set backs etc. as far as putting the garage in a different place or staggering the look of the front of the houses.

Chairperson Domenighini asked staff how the Planning Commission would go about granting Mr. Sprague more design flexibility.

Mr. Millar said that what the Planning Commission allows Mr. Sprague to do depends on what they put into their action in terms of approving plans in terms of accepting the range of these alternative architectural features that a buyer might want to utilize.

Commissioner Thur asked Mr. Sprague that if his Design Review was to be approved tonight does he plan to start building right away.

Mr. Sprague answered that he would not be building right away as he will have some decisions to make on whether or not to build a model home to attract buyers or to market in some other way so as to have buyers in place before he starts building.

Commissioner Alves asked Mr. Sprague if it is his intent to build these houses himself or if he is going to sell the lots for someone else to build on.

Mr. Sprague said that he cannot sell individual lots but at this time as a prudent businessman all of his options are open to him.

Commissioner Alves asked Mr. Sprague that if someone came in looking to buy a subdivision would he sell it.

Mr. Sprague said that is certainly within his legal right to do so.

Commissioner Alves asked Mr. Sprague if he has a buyer for the subdivision, or potential buyers, or are there investors who are looking not for one home but to buy an entire subdivision?

Mr. Sprague answered that he could have sold the subdivision a long time ago but he didn't. He said that he is a builder by profession and not a land merchant. It is more profitable for him to build the house instead of selling the lot.

Commissioner Alves asked Mr. Sprague that if he had a buyer would he sell.

Mr. Sprague answered that he would keep all of his options open.

Commissioner Thur asked Mr. Sprague that if he did sell the lots would the people that bought them be subject design wise to what was decided at the meeting?

Ms. Anderson answered that the Design Review goes with the property.

Chairperson Domenighini opened the floor for public comment.

Rosemarie Thrialkill began her comments with a letter from Karen Mantele to Forrest Sprague dated December 3rd 2008 stating that in the city's opinion his newly submitted designs do not have the architectural elements of the existing homes within the Willowglen Estates Subdivision and would significantly deviate from the agreed upon custom homes. Ms. Thrialkill asked why on the agenda then is staff recommending that the Planning Commission approve the new designs turned in by Forrest Sprague, she would like to know what changed.

Chairperson Domenighini answered in saying that staff at the time was obviously Karen Mantele and the new planners are Brian Millar and Audrey Anderson and they have a different opinion. However, staff's opinion is just a guide and does not necessarily have any bearing on what the Planning Commission decides.

Ms. Thrialkill then asked if either City Manager Holsinger or Chairperson Domenighini were involved in staff's decision.

Staff responded that neither Chairperson Domenighini nor City Manager Holsinger was involved in the staff recommendation.

Ms. Thrialkill stated that herself and the people of the existing subdivision are concerned that Mr. Sprague will sell the rest of the subdivision to CHIP. Her concern is founded on the fact that subdivisions in Orland are foreclosing and the only entity that seems to be buying them is CHIP. Ms. Thrialkill goes on to say that the new designs that Mr. Sprague have submitted have the look of cookie cutter homes which undermines the integrity of the image of the unique subdivision in which her and her neighbors live. Ms. Thrialkill also presented to the Planning Commission two pages of signatures from people living within the neighborhood. The petition is entitled "We the Undersigned as Residents and or Owners of Homes within Willowglen Estates and/or the Surrounding Area Wish to State that we Desire Willowglen Estates to Remain as Custom Built Designs and Ask that the Design Review Changes for Mr. Forrest Sprague be Denied."

Michaela Polit stated that she has a friend and a sister in law that live in Willowglen estates and that she and her sister in law were both told about how special this subdivision was because it was all going to be custom built homes. Ms. Polit states that Mr. Sprague told her sister in law time and time again that it would remain as such. She doesn't agree with a person telling people one thing and then changing their story.

Mr. Millar stated for the record that since there was reference made to the nature of the homes being built and the affordability of those homes in terms of who might occupy them, the planning and zoning law in California is real clear; one of the key provisions speaks to the fact that a city can't prohibit or discriminate against any residential development based on the method of financing, likewise the city can't take that same kind of action against any project where there might be low or very low type affordability issues.

Chairperson Domenighini opened the floor to Mr. Sprague to respond to the comments made.

Mr. Sprague said that he would prefer to build custom homes on the lots in question but that the market is not such at this time that buyers want custom homes.

Chairperson Domenighini asked if anyone else would like to come forward.

Don Flowerdew stated that what made him decide to buy his house was that it was going to be a custom built home. Mr. Flowerdew said he feels like he entered into a verbal contract with Mr.

Sprague regarding what kind of subdivision Willowglen Estates was going to be and that he was willing to spend that kind of money because of what was going to happen within the subdivision.

Mark Entz said that there is a lot of potential in the proposed elevations and that they don't look too bad but the thing that he is most worried about is the possibility that the remainder of the lots could be sold to CHIP.

Commissioner Alves asked if she could get some clarification so that she understands what is on the table before the Planning Commission. It is her understanding that under the current resolution the lots in question cannot be sold as a subdivision but only as individual lots with one of Mr. Sprague's previously approved standard plans. The whole subdivision cannot be sold with the previously approved standard plans so the newly submitted plans are to then enable the subdivision to be sold as a whole.

Mr. Sprague said that it would certainly allow for that if that was what Commissioner Alves was asking.

Commissioner Alves confirmed that is in fact what she was asking. Commissioner Alves stated that it is her understanding that the subdivision cannot be sold as a whole with the current standard plans, that there is a custom element so each lot must be reviewed individually by the committee consisting of a Planning Commissioner, the Planner, and the Building Inspector. Mr. Sprague could sell each lot individually with one of the previously approved standard plans, but Mr. Sprague could not sell the entire subdivision?

Mr. Sprague said that he could sell the entire subdivision with the previously approved standard plans. Commissioner Alves said "well then I don't understand why we are here".

Mr. Sprague said that quite frankly he doesn't understand why we are here either because it was his understanding that the initial approval allowed for what he was talking about doing. It was Ms. Mantele that said that the new plans were a deviation from what was already approved. Mr. Sprague stated, "We are all here at the request of Ms. Mantele."

Chairperson Domenighini closed the Public Comment portion of the meeting and opened Commission Discussion.

Chairperson Domenighini asked staff if they had any comments.

Mr. Millar said that under the conditions, assuming that the commission moves for approval of this item, under General Condition #1 it speaks to this new set of plans that is before the Commission. Mr. Millar said that he thinks the intent is to provide these new plans as an option and that the plans that have already been approved would still be on the table for Mr. Sprague or whoever purchases the lots that this will just provide another option but is not necessarily a mandate and that a slight change in language in Condition # 1 would capture that.

Chairperson Domenighini asked Mr. Millar what he would propose as a change to Condition # 1.

Ms. Anderson stated that to the end of Condition #1 "and including designs models and design features previously approved by the city."

Chairperson Domenighini asked what the thoughts of the commission were.

Commissioner Warren said that she was very conflicted about this, that she understands Mr. Sprague's position and that she sympathizes with it but that she thinks that the new designs that he has presented are very cookie cutter and that the other homes out there are beautiful homes and she just can't see these designs blending in with what is already there.

Commissioner Woods said that she is conflicted also.

Commissioner Thur said that he would be hard pressed to believe that Mr. Sprague could make any of the four designs presented at the meeting look anywhere near the rest of the homes that are already there no matter what you do to the outside of them.

Commissioner Alves said that she concurs with the thoughts of the other Commissioners. She believes that there are plenty of homes for sale at this time and if someone wants to build a new home in Mr. Sprague's subdivision the standard plans to do that already exist.

Commissioner Woods asked if anyone knows the average amount that the value of homes has dropped in that subdivision.

No one wanted to speculate on that number.

Commissioner Alves stated that another of her concerns was that there is a base value within a neighborhood and the value of one home is only as good as the value of the lowest valued home. Commissioner Woods stated that she understood what Commissioner Alves was trying to say but with the way the markets is right now the homes could be built for a much lower cost and still look comparable to the existing homes.

Chairperson Domenighini said that he shares the concerns of the rest of the Commissioners and he doesn't see that these plans are adding anything design-wise to this neighborhood. He would think the options are already there so he is not in favor of approving this Design Review.

Mr. Millar said that if the application is denied that would be fine but that there need to be some findings incorporated in that so that there is a basis for understanding that motion and the two key items he sees as the basis for that motion at this time is consistency of this design with the established neighborhood and secondly that the design proposal doesn't bring any new design elements to the design spectrum in the overall neighborhood.

Chairperson Domenighini said that there are a few options on the table, the Commission could approve the application, deny it with findings or table to a later date.

Commissioner Thur said that he really like the idea of tabling because if the designers came back with something else the Commission could look at it, but that he is really not in favor of the designs being presented at this time.

Commissioner Warren stated that she would like to make a motion to deny with findings, Commissioner Alves seconded that motion.

Commissioner Woods asked what the process would be if this motion was denied and Mr. Sprague wanted to come back and present something that was more consistent with his previously approved designs, would he have to start the process over again.

Ms. Anderson confirmed that the process would have to start over again, if the Commission denied without prejudice then he could bring something forward at a later date.

Chairperson Domenighini called for a roll call vote. The Commission voted 5-0 in favor of denying with findings and without prejudice Mr. Sprague's Design Review Application.

DISCUSSION ITEMS:

Comprehensive Sign Law

Ms. Anderson presented the staff report stating that the changes to the Sign Ordinance from the previous meeting of February the 18th have been incorporated and also a Draft Resolution has been provided should the Planning Commission decide to move the Sign Ordinance forward to the City Council.

Ms. Anderson wanted to confirm that on Page 12 Table 10.18A Central Commercial and Commercial Centers and also under Entryway Districts that the Planning Commission would like to keep the verbiage "unless approved by a use permit" under the Maximum Sign Area Allowed. The Planning Commission confirmed that they would like to keep that verbiage.

Chairperson Domenighini asked the audience if there was anything that they would like to say regarding the Sign Ordinance.

Raeanne Titus, from Titus Properties, stated that has concerns regarding the Sign Ordinance's forbiddance of directional signs. She says that it takes away some great opportunities for real estate agents to do some much needed marketing. She would like the Planning Commission to reconsider deleting the addition to 10.02 (20) which states "Real Estate signs shall be located on site." Also 10.14 (C) Which states "All signs shall be located on the same parcel as the subject of the sign, except otherwise allowed by this article. A sign may project over an adjacent public right of way only when authorized by an encroachment permit as well as a sign permit."

Laura Flannery, who owns Hot 4 Handbags, said that she has a major issue with the lack of directional signage and with the consistency of the rules. Ms. Flannery is concerned that Willows is stifling their business community with the restrictive sign rules. She says it is very costly to advertise in this town for very little return.

Cynthia Mello, the owner of Willows Quality Thrift, would like to know if it would be possible to erect a sign near Wal-Mart wherein interested businesses could rent a portion so that there can be something directing traffic from I-5 to the Downtown area.

Vaughn Perkins who is a sign painter wanted clarification regarding vehicle signs on 10.03(12) "Prohibited Signs" he wanted to make sure that a decal on his work vehicle was not a violation of that ordinance. Chairperson Domenighini clarified that it was not, this ordinance pertains to a non operational vehicle or a vehicle that doesn't move whose purpose is to be an advertisement for a business.

Chairperson Domenighini stated that there will be further discussion on the Sign Ordinance at the April 1, 2009 meeting of the Planning Commission.

COMMISSION COMMENTARY

1. The Commissioners have a consensus to postpone the discussion of Storage Containers and have further discussion on the Sign Ordinance at the April 1, 2009 meeting.
2. Commissioner Domenighini spoke with Mr. Millar & Ms. Anderson regarding Basin Street and other subdivisions and briefly touched on what they would like and would not like to see in their neighborhoods.
3. Chairperson Domenighini expressed his concern regarding a standard format for Planning Commission agendas.
4. Chairperson Domenighini asked Mr. Millar what happened to Karen Mantele. Mr. Millar answered that it is a personnel issue so he is very limited in what he can say but that downsizing was part of it and that PMC is not exempt from what his happening with the economy.

ADJOURNMENT: The meeting was adjourned at 10:18 p.m.

LARRY DOMENIGHINI, Chair

Hollie Johnson, Minute Clerk