

CITY OF CERES
PLANNING COMMISSION
MINUTES

May 5, 2008

MEETING CALLED TO ORDER: 6:02 p.m.

ROLL CALL:

PRESENT: Del Nero, Kachel, Kline, Smith, Williams, Student Commissioner Linhares

ABSENT: None

ALSO PRESENT: Community Development Director Kenneth Craig, Planning Manager Barry Siebe, City Attorney Mike Lyons, Associate Planner James Michaels, Secretary Veronica H.Gonzalez

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Del Nero.

APPROVAL OF MINUTES:

1. April 21, 2008.

Commissioner Williams asked staff why her participation for Relay for Life was not in the minutes. Director Craig replied it could be added in, but the minutes were not verbatim minutes and also anything that is not a public item on the agenda will not be shown.

It was moved by Commissioner Kachel, seconded by Commissioner Kline, to approve the minutes as presented. Carried 5/0

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATION:

None

APPROVAL OF AGENDA AS POSTED (OR AMENDED) AND CERTIFICATION OF POSTING:

It was moved by Commissioner Smith, seconded by Commissioner Williams, to approve the agenda as posted. Carried 5/0.

CONSENT CALENDAR:

None

PUBLIC HEARINGS:

2. 08-05 ZOTA; Zoning Ordinance Text Amendment; Regulating Non-Hook Bill Birds.

Associate Planner Michaels gave the report.

Commissioner Del Nero asked for clarification on citizens being given a copy of the complaint and how many were given. Associate Planner Michaels responded that staff understood that Code Enforcement had informed Planning Division staff and took care of this issue which was taken to a study session.

Commissioner Del Nero also asked if there were any complaints. Associate Planner Michaels responded there were nine complaints that were filed. Planning Manager Siebe added that five people showed up and two were the bird keepers and the other three were neighbors who had some complaints but were given a chance to attend a study session from City Council for all citizens who were concerned to come and voice their opinions.

Commissioner Smith asked if there was a Pigeon Ordinance to address pigeon cooping in a residential area. City Attorney Lyons replied that the current Ordinance does not allow pigeons. Commissioner Smith asked for clarification if this Ordinance meant keeping the pigeons with some regulations comparable to other Cities. Associate Planner Michaels responded yes.

Commissioner Smith asked about enforcement. Director Craig replied it was a Code Enforcement activity, adding that the City took into consideration what other Cities have done in this type of Ordinance. The City did add some enforcement processes that other Cities don't have which are listed on page 4 of the staff report, including a provision that gives the Director authority to make changes and gives the City the right to enter the premises and inspect for compliance with the permit conditions, with a refusal of entry being cause for revocation.

Commissioner Smith asked if the requirement was to get a conditional use permit to house the pigeons. Director Craig replied that the Ordinance establishes the ability and process for the request; it is the conditional use permit that provides authorization once issued. Planning Manager Siebe adding there are no provisions for the allowance of birds in the code and that means any keepers of these birds would have to go through the permit process.

Commissioner Kachel commented that he checked the Pigeon Code Ordinance and compared it with Stanislaus County's Ordinance that was written in 1975 by him and he saw that it was only used twice. Commissioner Kachel compared and contrasted and was pleased to see the improvements with the City's Pigeon Ordinance.

Commissioner Kline asked if the original complaints were part of a property that had the birds when they incorporated into the City. Planning Manager Siebe responded staff did not know this, and they may have, however the area where the complaints originated from is an actual subdivision area in the Brown Annexation area which has been incorporated for a number of years. Director Craig added that there was no issue ever raised with the development.

Commissioner Kline asked if a conditional use permit is reviewed yearly or every two years. Director Craig replied that there is no requirement that establishes the time line and this Commission will be asked that question by City staff with each permit.

Commissioner Kline also asked if most people kept 50 birds or is it just a general standard. Associate Planner Michaels replied that is a general figure but no more than 50 birds are allowed that is the maximum proposed.

Commissioner's had some concern over the size of loft standards and the maximum number of birds. Associate Planner Michaels explained that the conditional use permit process is discretionary and that an applicant can come in with a typical size that is appropriate and the Commission would still have the authority to make changes. It was further discussed that the ordinance simply establishes the minimum requirements, and that with each permit, the Commission would establish any additional requirements based on the circumstances of that application.

Student Commissioner Linhares requested to up the minimum square footage to at least two square feet. Associate Planner Michaels replied to keep in mind that there are sanitary condition requirements from Department of Environmental Resources. Planning Manager Siebe adding the Commission can change the number and increase the size of square footage.

The public hearing was opened at 6:03. Seeing no one in the audience, the public hearing was closed.

It was moved by Commissioner Smith, seconded by Commissioner Williams, to adopt PC Resolution 08-15, Carried 4/1. Commissioner Kline opposed.

CITIZENS COMMUNICATION:

It was moved by Commissioner Smith, seconded by Commissioner Kachel, to reopen and reconvene citizen's communication at 6:55 p.m., Carried 5/0.

Resident Diane Compton, residing at 2921 Dale Avenue, stated she has been battling with her neighbor regarding two cracking Cyprus trees that she stated were about to fall onto her property, from a neighbor at 2129 Mitchell Road. Mrs. Compton asked why property owners didn't have to maintain their trees as the City does. Director Craig responded that this is a private property issue and the City does not have any regulation on privately owned trees. City Attorney Lyons stated the City doesn't have any zoning code regulations on the condition of privately owned trees or regarding disputes concerning such trees between neighbors. Mr. Lyons added that this is a private matter to be addressed by the property owners between themselves, if necessary in a civil court proceeding. Commissioner Smith also added the City would give Mrs. Compton some other resources to help her with her issue.

Citizens Communication was closed at 7:09 p.m.

PUBLIC MEETINGS:

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF:

None

REPORTS:

Chairperson Del Nero commented he had attended the Ceres West Project.

Commissioner Kline commented he attended the Street Faire on Sunday. Commissioner Kline also commented a business owner had some concerns on why the City didn't inform business owners of the Street Faire giving the merchant an opportunity to sell some of their items from their store and also, if their business was going to be open or not. City Attorney Lyons responded the City doesn't run the Street Faire. It is run by the Chamber of Commerce. Director Craig commented this concern can be taken up with Bryan the Economic Redevelopment Manager working with the Chamber of Commerce on the new business plan for the City.

Commissioner Kachel commented he attended the Ceres West Project and facilitator's presentation was great.

Commissioner Smith thanked Bryan Briggs in regards to following up on the CDRAB funds for the Concert in the Park. Commissioner Smith also mentioned the Street Faire was great and the City did a great job in promoting.

Commissioner Williams commented she also attended the Street Faire on Sunday with her family and celebrated part of her son's birthday there and was also pleased to see City staff out there promoting Redevelopment, Planning and giving out information.

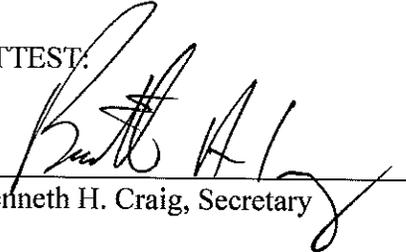
Student Commissioner Linhares commented she couldn't attend the Street Faire because she had been studying for tests.

Director Craig briefly mentioned he attend the Ceres West Meeting and was pleased with the turnout and the consultant's presentation. Director Craig also commented he didn't get to make it to the Street Faire but staff from Community Development were out there and there would be much more to come next year showing the new handouts with emphasis on the Hispanic Community. Director Craig also reminded the Commissioners of the mandatory statutory Ethics training which has an upcoming class on May 16th held at City of Modesto which begins at 9:00 a.m. and will last approximately three hours.

ADJOURNMENT:

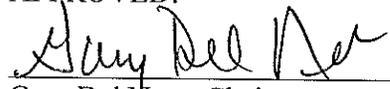
The Commission adjourned at 7:23 p.m. to the next regularly scheduled meeting of May 19, 2008.

ATTEST:



Kenneth H. Craig, Secretary

APPROVED:



Gary Del Nero, Chairperson