

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, April 3, 2014 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Senior Planner Marco Espinoza
Associate Planner Jennifer Williams
Director of Public Works Krishna Patel
Environmental Coordinator Latoya Cyrus
Planning Secretary Jan Sutton

Absent

Commissioner John Davis

CALL TO ORDER AND FLAG SALUTE

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: March 20, 2014

MOTION: Moved by Bratt, seconded by Ensberg to approve the Consent Calendar. Motion carried 4-0-1 (Davis absent).

PUBLIC HEARING

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 13-05** – A request to allow a limited number of fowl (chickens, ducks, and geese) in conjunction with a single-family detached residence in all Residential Zones and Specific Plans that allow single-family residential uses, and other minor miscellaneous edits

Staff report presented by *Associate Planner Jennifer Williams* who stated the Commission reviewed this item in October 2012 based on the interest of several residents on small lots in the single-family zone to keep chickens for egg laying purposes. She went over the previous ordinance and how it restricted other types of fowl and set standards for coop size, food storage, etc. in order to minimize impact on surrounding neighbors. The Commission recommended three changes which were incorporated into the ordinance presented to the City

Council. The Council approved the first reading at their November 12, 2013 meeting 5-0, but at the second reading on November 26th it was pulled because of questions by the Council on the number and type of fowl to be allowed. At the December 10, 2013 Council meeting, after providing additional information and proposed changes and interpretations, Staff was directed to make some additional changes and bring it back to the Planning Commission for consideration.

She stated Staff has revised the ordinance to amend the language in all single-family zones for consistency regarding household pets. Currently chickens are not allowed in most residential zones, and historically in looking at the wording allowing 15 birds, Staff's interpretation has been these are birds that are kept in the house in a cage, and other birds similar to chickens were not permitted. It seems unlikely the intent of the code was to allow fowl such as ducks or geese or emus in all single-family zones when chickens were prohibited. Staff felt this was an opportunity to clarify what is deemed appropriate and move forward.

In terms of changes to what was presented previously, some Councilmembers expressed the desire to raise the number of chickens allowed from three to four birds based on comments from the public about them being social animals that pair up. Another request was to consider allowing ducks and geese as well. There are concerns associated with keeping ducks and geese that were not addressed when considering just chickens. Ducks and geese require a water source, and they can be messier and noisier. Choosing an appropriate breed for a small lot can help to alleviate some of these issues.

Associate Planner Williams stated in researching the regulations in surrounding cities, seven out of nine currently permit ducks and geese in single-family neighborhoods. She spoke to several planning and code enforcement departments and the most common problem was with people keeping unpermitted roosters. One jurisdiction had a problem with a goose and handled it as a noise complaint similar to a barking dog.

The revised text would allow a total of four chickens to be kept on lots 5,000-10,999 square feet, and chickens, ducks and geese in whatever combination but not to exceed a total of four on lots 11,000 square feet and larger. This lot size was chosen as it is the minimum size for keeping of farm-type animals in the Single-Family Agriculture (SFA) and Private Horse Overlay (PHO) zones. Currently the Light Agricultural zone sets a minimum 16,000 square foot lot for animal keeping, and that is being reduced to a minimum of 11,000 square feet for consistency with the other zones.

During the research for this item, Staff determined there is an existing County Health Code that requires a 35-foot separation for animal pens from any residential building. This could have implications for keeping fowl on some of the smaller lots, but showed how it could be accommodated on a 7,500 square foot lot which is the most common size in the town core area.

Associate Planner Williams stated Staff is looking for any additional comments from the Commission, and that they recommend approval to the City Council. She stated there has been one additional letter submitted to the City on this topic but the resident seems to be having a specific problem with a neighbor that has built a coop right on the property line and is draining water over the wall onto his property, which would not be allowed in any circumstance.

Chairman Schoonover asked if Code Enforcement has been advised of the violation.

Senior Planner Marco Espinoza stated the letter was just received yesterday so it will be forwarded to Code Enforcement.

Commissioner Ensberg thought they might want to consider allowing a smaller number of fowl for a year to see if there will be any impact on limited Code Enforcement staff before expanding to allow ducks and geese.

Associate Planner Williams stated any animal welfare or safety issues would be handled by the Humane Society. Any issues that are nuisance related would go to Code Enforcement just like any other item.

Senior Planner Espinoza stated since the number of people who have shown an interest in owning chickens or other fowl is rather small, he felt that current Staff could handle any complaints.

Commissioner Bratt stated when they considered this before the Commission set a certain coop size for the well-being of the chickens. The report mentions that ducks and geese require a water source but did not see any standards about the size needed for their well-being, and felt a minimum standard should be set while they have the opportunity.

Associate Planner Williams stated they could look at incorporating a requirement for water and for keeping the water clean.

Commissioner Rahi concurred about setting a size for the water source based on the number of birds and asked if she had any feedback from the cities she contacted regarding that issue. He also felt since roosters are specifically being excluded, they should reference the allowed birds as "hens" instead of using the generic "chicken."

Associate Planner Williams stated her contact with the other cities revolved more around any code enforcement issues encountered, and the biggest complaints were about the noise from roosters and the one city with a goose problem. She thought the language used the most in the ordinance was "fowl" but could look at using the word "hens" if appropriate.

Chairman Schoonover stated the discussion has been focused on chickens, ducks and geese, but he knew some people like to keep homing pigeons. He did not think our code set a limit on the number that can be kept, just how far away from a doorway they have to be before releasing.

Associate Planner Williams stated Staff did not analyze the homing pigeon topic other than the inconsistency with the County code for housing animals at 35 feet from habitable space. She believes there has only been one permit applied for in all the time this section has been in the code.

Chairman Schoonover asked would a determination be made on the appropriate number when an application was submitted.

Senior Planner Espinoza stated yes, and that Staff would consider the lot size.

Chairman Schoonover opened the meeting for public hearing. Addressing the Commission were:

Ginny Phillips, 525 N. Amelia Avenue, stated the current code that allows 15 birds or fowl has been in place since 1961, and that Larry Stevens stated at a public meeting that there haven't been any issues with that code section, and she wondered why instead of going through this process they didn't just cross out the prohibition on chickens. She stated she felt this whole issue came up because of them. They have two acres in the single-family zone and have had

up to seven fowl, and felt they would be affected the most by this change, and that if something isn't broken, they shouldn't change it. She thought their lot should be considered similar to a horse-keeping lot and not a single-family lot when it comes to the number of fowl they can keep, and asked if the City was going to require people to have permits for their fowl to ensure they were in compliance with the code.

Dennis Phillips, 525 N. Amelia Avenue, stated that ducks will quack and can be louder than chickens, and that this might be an issue on smaller lots. He stated ducks will not roost in trees and sleep tucked under bushes and not on water. While they love having water they do not need a large pond; a clean bowl of water is enough for a duck or a goose. He stated keeping fowl requires a certain amount of responsibility and daily attention which is why you don't have that many people now with them, and doesn't think there will be a large number of residents that will keep them even after this ordinance is passed based on the time needed. He added that Animal Control is very proactive in the welfare of animals, and that his cages have always passed their examinations, and reiterated that City Staff could not recall having received any complaints that involved ducks or geese. He stated his problem began when the City began to rewrite the ordinance for the keeping of chickens, but eliminated the wording that in the past allowed them to have 15 birds or fowl other than chickens. So even though he could keep his chickens, he would have to get rid of his ducks and goose that he has had for several years. He has been willing to relocate his animals on his property to limit the impact on his neighbors, and that now he will only be able to have four fowl when before he could have had up to 15 fowl. He felt he should be allowed to have more since they can be accommodated on his property.

Commissioner Ensberg asked if he was saying there should be a different set of rules for 7500 square foot lots than for larger lots.

Dennis Phillips, Amelia Avenue, felt there should be some type of sliding scale as they are not the only homeowners with a large property in a single-family zone. He was glad they were helping people on small lots to have their animals legally but didn't think they should punish the handful of people with large properties.

Dorothy Bristing, 929 Wellington, stated she has lived in San Dimas since 1980 and liked the rural feeling of the community. She has a large property with a ravine behind, but when she looked up the code many years ago she discovered that she could not have chickens. She described the enjoyment her friend has in keeping chickens in another city, and hoped the Commission would recommend allowing residents to keep a few chickens in our residential zones. Most people take good care of their pets and felt people who choose to raise chickens will treat them like pets and provide what is necessary for their care.

Gene Campbell, 740 and 746 N. Amelia Avenue, stated he has been on the Phillips' property where they have raised eight children and felt the Commission should exercise common sense on this issue. On his property he can keep 20 fryers and 20 layers, as well as keeping other fowl and he only has an acre. He felt the Phillips were doing an amazing job in caring for their animals and they should be given consideration for their unique situation.

There being no further comments, the public hearing was closed.

Commissioner Ensberg asked if Staff could expand on the suggestion that there should be different standards based on the lot size.

Senior Planner Espinoza stated this code amendment came about because there were a few residents on smaller lots that wanted to be able to keep chickens for their eggs but they were prohibited based on their zone. He concurred that there are larger lots in the single-family zone and the current proposal would limit them to the same number of household fowl as a smaller lot.

Commissioner Ensberg stated if the purpose was to allow people with small lots to enjoy keeping this type of animal, maybe it should be different for people with larger lots and they should consider a sliding scale. He felt it was at cross-purposes to take away something that was allowed before in order for people to now have chickens. He stated he would still like to see them try chickens only for a trial period with a sunset date, and if there weren't any problems, to then expand it to allow ducks and geese.

Senior Planner Espinoza stated if they were looking to increase the number of household fowl based on lot size, the current minimum size for a new lot in the SFA zone is 20,001 square feet. The Commission could consider letting a lot this size have up to 15 chickens, which would be similar to the number of birds allowed under the current code.

Chairman Schoonover stated in reviewing the regulations from the other cities they do not seem to reference lot size. He concurred with Commissioner Ensberg that they should not penalize someone with a larger lot, of which there are very few in the single-family zone in the City.

Associate Planner Williams asked if the Commission wanted to increase the number of household fowl to 15 on lots 20,001 or greater, would they want to limit the type of fowl so that someone did not have all geese or all ducks.

Commissioner Bratt thought the code should just state 15 fowl including hens, ducks and geese and leave it up to the homeowner to decide in what combination. He knows they are trying to accommodate the smaller lots with the change but didn't think they should penalize the larger lots.

Commissioner Rahi stated based on the comments from Mr. Phillips allowing 15 fowl may be too many considering the amount of care needed and they should set a lower number.

Senior Planner Espinoza stated when Staff was writing the ordinance the consideration was that this was impacting all single-family zones and the majority of lots are small, and they were looking at how it would impact the majority, not any one individual situation.

Commissioner Bratt felt the previous ordinance allowed up to 15 fowl and that doesn't appear to have created any problems. He did not think a trial period would be beneficial. He felt they should add a third category for the number of fowl and type of fowl allowed for larger lots and a requirement for a water source for ducks and geese.

RESOLUTION PC-1505

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 13-05 AMENDING CHAPTER 18.20 RESIDENTIAL ZONES GENERALLY AND OTHER SECTIONS OF THE MUNICIPAL CODE TO ALLOW THE KEEPING OF CERTAIN TYPES OF FOWL IN A LIMITED NUMBER AS HOUSEHOLD PETS

MOTION: Moved by Ensberg, seconded by Bratt to adopt Resolution PC-1505 recommending approval of Municipal Code Text Amendment 13-05 with an amendment to allow up to 15 household fowl consisting of hens, ducks and geese on single-family lots 20,001 square feet and greater and to require an appropriately sized water source for ducks and geese. Motion carried 4-0-1 (Davis absent).

COMMISSION BUSINESS

3. RECEIVE AND FILE DRAFT LOW IMPACT DEVELOPMENT ORDINANCE AND GREEN STREETS POLICY IN ACCORDANCE WITH WASTE DISCHARGE REQUIREMENTS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) – NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

Staff report presented by *Environmental Coordinator Latoya Cyrus* who stated she is here to present information on the Draft Low Impact Development (LID) Ordinance and Green Streets Policy in compliance with the NPDES permit. The NPDES permit was developed under Section 402 of the Clean Water Act, which allowed regional water boards to develop permit requirements under the NPDES program. The Los Angeles Regional Water Quality Control Board adopted the most recent requirements in November 2012 and set three options for compliance which she explained. The City has decided to collaborate with the cities of La Verne, Claremont and Pomona as the East San Gabriel Valley Watershed Management Area.

As part of this they developed an LID and Green Street policy that was specific to San Dimas to align with the NPDES permit. The purpose is to minimize the percentage of impervious surfaces in developments and minimize pollutant loadings into the storm drain system through best management practices and outlined some examples. She stated the Commission can provide comments for the City Council to consider, and then receive and file the report. The ordinance will go to the City Council in May, and to the Regional Board for adoption no later than June 30, 2014.

Commissioner Ensberg asked if the proposed plan was more environmentally stringent than the default option.

Environmental Coordinator Cyrus stated all three options require LID principles to be required in the land development portion of the minimum control measures of the permit. The second two options, the Watershed Management Program and the Enhanced Watershed Management Program both require the development of an ordinance and the Green Street policy.

Commissioner Rahi asked if the other cities we have joined with will be adopting the same document.

Environmental Coordinator Cyrus stated they will be adopting similar documents for their communities.

Public Works Director Krishna Patel stated the reason they joined with the other cities was because of the watershed and how the water flows through this region.

Chairman Schoonover asked when would this ordinance be applied to new and redevelopment projects, and would that include projects such as NJD who have not pulled any building permits yet.

Environmental Coordinator Cyrus stated that any projects that weren't completed as of February 2013 are subject to the LID requirements.

Director Patel stated NJD would be subject to this requirement.

ACTION: The Planning Commission received and filed the report.

ORAL COMMUNICATION

4. Assistant City Manager for Community Development

Senior Planner Marco Espinoza stated Staff has received the environmental documentation for both the Foothill and the Eucla housing projects and both will be moving forward in the process. There is also a proposal to develop the equestrian center on San Dimas Avenue into residential, and the developer will probably schedule a community meeting in the next 30 days. The City would like them to consider how their project would relate to the surrounding underutilized lots, so they are doing a preliminary study to see how that area could be developed as a whole. He stated Smart & Final has opened, and the nine residential lots in Bel Vintage were finalized this week.

5. Members of the Audience

No communications were made.

6. Planning Commission

Commissioner Rahi asked about the Costco pads.

Senior Planner Espinoza stated Staff has spoken with a developer that wants to acquire the land and is working with potential food uses for the three pads.

Chairman Schoonover asked when the Loma Bonita Apartments will have occupants.

Senior Planner Espinoza stated the developer thinks they will be ready for occupancy in July.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Schoonover to adjourn. Motion carried 4-0-1 (Davis absent). The meeting adjourned at 8:15 p.m. to the regular Planning Commission meeting scheduled for Thursday, April 17, 2014, at 7:00 p.m.

Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: May 1, 2014