

**LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 8, 2015**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of April 8, 2015 was called to order by Chair Kiser at 7:00 p.m.

Present: Planning Commissioners – Cummins, Heinitz, Hennecke and Chair Kiser

Absent: Planning Commissioners – Kirsten, Olson and Slater

Also Present: Senior Planner Craig Hoffman, Deputy City Attorney John Fukasawa and Administrative Secretary Kari Chadwick

2. MINUTES

“March 11, 2015”

No Quorum for this item. The minutes will be brought back to a future meeting.

3. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use Permit to allow an auto dismantler business in the industrial zone at 722 E Lodi Ave. (Applicant: Noe Montero; File 2015-05 U; CEQA Determination: Exempt per Section 15301)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned.

Vice Chair Heinitz asked for clarification regarding the Fire Operational Permit reference in condition number ten. Mr. Hoffman stated that the Operational Permit will be done prior to occupancy.

Commissioner Cummins asked if Environmental Health classifies vehicle fluids to be hazardous. Mr. Hoffman stated that it depends on the quantity being stored.

Chair Kiser asked what type of screening will be done for the site. Mr. Hoffman stated that the zoning code does require that outdoor storage to be screened. There are several types of screening that can be used. Mr. Kiser stated that he had concerns that the screening may make it easier for people to break in.

Commissioner Hennecke asked if the past violation will require remediation of the soil. Mr. Hoffman stated that no they have to do with the activity occurring without the benefit of a Use Permit.

Vice Chair Heinitz asked if staff will be requiring a phase two environmental report. Mr. Hoffman stated that the property owner has not changed, so any environmental contamination will stay with the property owner not the tenant.

Hearing Opened to the Public

- Neo Montero with Mrs. Montero interpreting, applicant, came forward to answer questions.

- Chair Kiser asked if they understand the conditions and agree with them as written. Mrs. Montero stated that they have read and agree with the conditions.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Heinitz second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, and adopts a Resolution approving the Use Permit to an auto dismantler business in the industrial zone at 722 E Lodi Avenue subject to conditions of approval contained in the draft resolution provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke and Chair Kiser
Noes: Commissioners – None
Absent: Commissioners - Kirsten, Olson and Slater

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public hearing to consider the request of the Planning Commission for approval of a Use to allow a wine production facility, Type 2 ABC license, at 270 Commerce Street. (Applicant: Calwd, Inc., on behalf of Jeremy Wine Co. DBA.; File 2015-06 U; CEQA Determination: Exempt per Section 15321)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending approval of the project as conditioned.

Vice Chair Heinitz asked if the condition to remove the waste material is in the resolution. Mr. Hoffman stated that it is number thirteen.

Hearing Opened to the Public

- Jeremy Trettevik, applicant, came forward to answer questions.
- All Commissioners expressed their support for the growth of the business.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Kiser second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopt a Resolution approving the Use Permit Use to allow a wine production facility, Type 2 ABC license, at 270 Commerce Street subject to conditions of approval contained in the draft resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz, Hennecke and Chair Kiser
Noes: Commissioners – None
Absent: Commissioners - Kirsten, Olson and Slater

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Kiser called for the public to review previous and existing zoning code in regard to chickens in the residential zoning districts and make recommendation to the City Council. (Applicant: City of Lodi; File 2015-09 Z; CEQA Determination: Exempt per Section 15321)

Senior Planner Craig Hoffman gave a brief PowerPoint presentation based on the staff report. Staff is recommending that the Planning Commission make a recommendation to the City Council to change the Zoning Code to allow chickens in the residential zoning district as conditioned.

Chair Kiser asked about roaster. Mr. Hoffman stated that roasters are not allowed.

Vice Chair Heinitz stated that he is pro chicken, but stated that there needs to be more punch to the ordinance. He spoke with Code Enforcement and Animal Control Staff and several of the items that come with the owning of chickens are what create the problems not the chickens themselves. He would like to see the chickens contained in the back yard, the feed kept in secure containers, the waste should not be left to sit around the yard and there should not be any butchering of them in the city limits.

Commissioner Cummins asked for clarification on how many animals are allowed. Animal Control Staff Brena DeFazio and Brittnee Munsch came forward to answer questions. Ms. DeFazio stated that you cannot currently have more than five domesticated animals in the city limits.

Commissioner Hennecke asked what is done when you discover a resident has too many animals. Ms. DeFazio stated that a citation can be written, but animal control typically tries to work with the pet owners with education and getting the animals placed elsewhere. Mr. Hennecke asked how enforcement was done for the chicken when they were allowed. Ms. DeFazio stated that the owner was given three days to remove the extra chicken. Mr. Hennecke asked if there is a licensing program for owning chickens. Ms. DeFazio stated that she was not aware of a licensing program ever being in place for chickens. Mr. Hennecke asked about communicable diseases. Ms. DeFazio stated that there are diseases that can be passed from chicken to chicken. Mr. Hennecke asked if this addition will have a negative impact on staff's workload. Ms. DeFazio stated that she did not believe it would negatively affect the workload.

Vice Chair Heinitz asked if there were any major problem in the past when chickens were allowed. Ms. DeFazio stated that there were not any problems at that time. There are more problems now with the calls complaining that people are keeping chickens verses the problems with the feed or waste.

Hearing Opened to the Public

- Debbie Hasche, Lodi resident, came forward to support the ordinance. She has many signatures from people that were unable to attend the meeting that support this item. Ms. Hasche would like to have the signatures be a part of the record. She will bring a copy to the Planning Division.
- Commissioner Cummins asked if you need to have a roaster when you have hens. Ms. Hasche stated that you do not.
- Vice Chair Heinitz asked if Ms. Hasche would mind having the additional items mentioned earlier added to the ordinance. Ms. Hasche stated that she would not mind having conditions placed in the ordinance.
- Mike Walter, Lodi resident, came forward to support the ordinance. He stated his support for the additional language as stated earlier by Vice Chair Heinitz.
- Andy Dukes, Lodi Resident, came forward to support the ordinance. Mr. Duke stated that there are zero aroma feed pellets now available for sell at the feed stores. He would like to see the number of chickens increase to five because three chickens will not lay enough eggs to feed a family of four.
- Commissioner Hennecke asked how many eggs will a chicken lay in a week. The Public stated that if the chickens are kept correctly you could get three or more eggs a week.
- Brittnee Munsch came forward to clarify the domestic animal question by stating the chickens are not included in that number. Brena DeFazio stated that title six of the Municipal Codes will cover the sanitation requirements.
- Michael Walter came forward to get clarification on the objection to butchering the chickens in the backyard. Mr. Hoffman stated that the activity can become a nuisance.

- Arlette Healey, Lodi resident, came forward to object to the ordinance. She stated that she has a few signatures from people that object to the ordinance. She is concerned over the possibility of rats and other pests being brought into the neighborhood.
- Andy Dukes came forward to object to the fact that he has to come to a meeting to support the right to feed his family from his own back yard. He reiterated the fact that three chickens will not feed his family.
- Kevin Peterson, Lodi resident, came forward to support the ordinance.

Public Portion of Hearing Closed

- Vice Chair Heinitz asked staff to read the additional conditions that have been discussed. Mr. Hoffman stated: All waste to be removed daily and left to sit longer than a week; feed needs to be enclosed in a sealed container; chickens need to be contained in a fenced area and or coup; chicken are only allowed in the back yard area; no butchering of the chickens in the city limits.
- Commissioner Hennecke stated that he would like to have the final draft brought back to the Commission once the changes have been made. He doesn't like the thought of other people inserting requirements and then presenting it to the City Council as a recommendation from the Commission before the Commission has a chance to vote on what is actually being taken to the Council. He would like to see other Cities' ordinances to see how they have conditioned this use. He added that he is in favor of this item, but feels that they should be licensed similarly to dogs and cats.
- Vice Chair Heinitz stated that the Commission has amended a resolution and approved it in the same night. Commissioner Hennecke stated that these are not minor changes. If staff is going to be consulting other staff members and making changes then it isn't a Commission recommendation. Mr. Hoffman stated that performance standards can be added at this time and sent on to the Council.
- Commissioner Cummins asked for clarification that the recommendation is to reinstate the language from the old ordinance. Mr. Hoffman confirmed that to be correct. Mr. Cummins asked how many chickens were allowed under the old ordinance. Mr. Hoffman stated that three hens were allowed. Mr. Cummins asked if the Commission can recommend allowing more with their motion. Mr. Hoffman stated that the Commission could make a recommendation to allow more than three chickens.

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Heinitz, Cummins second, finds that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321, and adopt a Resolution recommending the City Council approve the Zoning Code change to allow Chickens in the residential district subject to conditions of approval contained in the draft resolution with the additional language as stated below:

- #4 - All feed will be contained in a proper manner
- #5 - Chicken hens will be caged, fenced, or in coups
- #6 - Subject to enforcement from Animal Control or Code Enforcement on the manner of cleanliness and maintaining the manure
- #7 - All animals will remain in the back yard not in the front yard
- #8 - No back yard or "field" butchering of live animals
- #9 - Extend the number of chickens to five

The motion carried by the following vote:

Ayes: Commissioners – Cummins, Heinitz and Chair Kiser
Noes: Commissioners – Hennecke
Absent: Commissioners - Kirsten, Olson and Slater

4. PLANNING MATTERS/FOLLOW-UP ITEMS

Senior Planner Hoffman stated that the Tentative Looking Ahead Project List has been provided and staff is available to answer any questions.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Senior Planner Hoffman stated that the last item from tonight's agenda will be going on to the City Council.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

Chair Kiser gave a brief report regarding the Farmer Boys Restaurant item approved at the meeting earlier this evening. Commissioner Cummins asked how many employees they will have. Mr. Kiser stated that he did not ask that question.

8. ART IN PUBLIC PLACES

None

9. COMMENTS BY THE PUBLIC (NON-AGENDA ITEMS)

None

10. COMMENTS BY STAFF AND COMMISSIONERS (NON-AGENDA ITEMS)

None

11. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:10 p.m.

ATTEST:


Kari Chadwick
Planning Commission Secretary