

**CITY OF FOWLER
PLANNING COMMISSION MEETING
September 3, 2009**

MINUTES

Chairman Mukai called the meeting to order at 6:30 p.m.

Commissioners Present: Gary Mukai, Sandie Monis, Craig Mellon, Henry Fernandez and Mark Rodriquez

City Staff Present: City Attorney, Scott Cross, City Manager, David Elias, Planning Consultant, Bruce O'Neal, Community Development Director, Randy Deaver, Building Official, Michael Koch, Police Chief, Darrell Jamgochian and Planning Secretary, Corina Burrola

Approval of Minutes:

A motion was made by Vice Chair Mellon and second by Commissioner Monis to approve the minutes of May 4, 2009 with corrections to be made and passed by a 5-0 roll-call vote.

Public Presentation:

Public presentation opened at 6:32 pm; there were no public presentations, public presentation closed at 6:33 p.m.

Agenda Item No. 5: Opened at 6:33 p.m, Closed at 8:31 p.m.

Public Hearing to Consider Zoning Text Amendment No. 09-01 – A Proposal to Permit Homing Pigeons in R-1 Family Zone District (Singh)

Vice Chair Mellon excused himself from the panel due to conflict of interest. Vice Chair Mellon lives within 500 feet within the radius of the property.

Planning Consultant, Bruce O'Neal presented the facts to the Commission recommending denial of Zoning Ordinance Amendment No 09-01. The decision of the Planning Commission is a recommendation to City Council who will consider the matter at a later public hearing. Homing pigeons do not fit the definition of a household pet, as they are not confined to the limits of the residential property; they would not be permitted even if the number were restricted to four or less.

In response to complaints from neighboring property owners, the City issued a Notice of Violation stating that pigeons are not listed as a permitted use in the R-1 Family Residential District. Due to lack of compliance with the violation, the City subsequently issued a criminal complaint, which also stipulates that, the pigeons on Mr. Singh's property constitute a public nuisance in violation of Fowler Municipal Code Section 5-16.02(m).

In response to the Notice of Violation, Mr. Singh has proposed that the Fowler Zoning Ordinance be amended to permit the keeping of homing pigeons by right in the R-1 Family Residential Zone District without restrictions on number. In light of the text amendment request, the Notice of Violation and criminal complaint have been held in abeyance until a decision has been made by the City Council on the text amendment request.

Applicant, Harmeet Singh raises pigeons in the backyard of his home. Mr. Singh presented his case proposing to amend the existing zoning ordinance to permit homing pigeons in residential districts and amend the definition of household pets. Mr. Singh also explained to the members of the committee in detail of raising homing pigeons. The pigeons are released once a day for one hour for exercise and are released four hours after feeding time. The pigeons are kept in five lofts and the lofts are cleaned daily on a regular basis. Mr. Singh stated that his pigeons do not free fly, they are well cared for and the lofts are kept clean. The pigeons are trained to return home from as far as 600 miles. They are not exercised or are out after feeding time so therefore; they cannot be associated with the mess some wild birds create.

Scott Marshall, a Fowler resident spoke in favor, lives near Mr. Singh's home has been raising about 40 homing pigeons to race and has not had any neighboring complaints.

Ken Laray, AU Representative of the Fresno Racing Club was present to provide information regarding homing pigeons to the Commission and to the public. Mr. Laray also visited Mr. Singh's property the day of the hearing and was pleased at how Mr. Singh was keeping his pigeons.

Murray McManis, a Fowler resident, spoke against the CZA, had some concerns of raising homing pigeon in his or any other residential district. Another of Mr. McManis concerns was the property and home value in his neighborhood infested with pigeons.

Tomas Flores, a Fowler resident who spoke against the CZA stated to the Commission that even though he lives only a few feet away from Mr. Singh's property the pigeons have not had an affect on him.

Rick Duran, Fowler resident who lives next door to Mr. Singh is affected most by these homing pigeons. The Pigeons are roosting on top of his house for hours, leaving dropping and feathers all over his property and mainly in his back yard pool. He and his wife constantly have to clean up after the pigeons. They are unable to enjoy family gatherings in his back yard due to the pigeon's constantly flying overhead. Mr. Duran has had to file a restraining order against Mr. Singh due to his harassing and verbal outburst towards him, his wife and his children.

Ruby Duran, Fowler resident who lives next door to Mr. Singh, expressed her concerns as a mother and the health and safety of her children.

A motion was made by Chairman Mukai to recommend denial of Zoning Text Amendment No. 09-01; this was seconded by Commissioner Monis and passed on a 5-0 roll-call vote. The Commission requested staff to develop alternative text amendments to allow homing pigeons in residential zones and present those alternatives at the next Planning Commission meeting.

Public hearing closed at 8:31 p.m.

Agenda Item No. 6: Opened at 8:33 p.m.

Public Hearing to Consider Conditional Use Permit (CUP) No. 09-03 (Environ Fuels Enterprises)

Planning Consultant, Bruce O'Neal presented the staff report proposing to consider approval of Conditional Use Permit No. 09-03 including attached resolutions and conditions of approval. Enviro Fuels Enterprises proposes to operate a biodiesel production facility in an existing building located at 2398 S. Golden State Blvd. The project is consistent with the general plan and zoning; the site has no value as habitat; project approval would not result in significant traffic, noise, air quality, or water quality effects; and the site can be serviced by utilities and public services.

Applicant, Bob Steinburg presented to the Commission a product description of the operation. Processing equipment for making biodiesel from vegetable oils will be installed in the existing building; the equipment is considered portable. The main feedstock for the process is vegetable oil. Enviro Fuels will begin using virgin oils but also anticipates using used or waste vegetable oils as well. Storage of feedstock vegetable oil and processed biodiesel and glycerin will be in tanker trucks located on the plant parking lot.

There were no public presentations pertaining to Conditional Use Permit (CUP) No. 09-03.

Public hearing closed at 9:18 p.m.

A motion was made by Chairman Mukai to approve Conditional Use Permit (CUP) No. 09-03; this was seconded by Commissioner Mellon and passed on a 5-0 roll-call vote.

Communications:

No Communications were announced.

No other business was discussed and the meeting was adjourned at 9:20 p.m.

Corina Burrola
Planning Secretary