



CITY OF FOWLER
PLANNING COMMISSION MEETING
November 5, 2009

MINUTES

Chairman Mukai called the meeting to order at 6:33 p.m.

Commissioners Present: Gary Mukai, Craig Mellon, Henry Fernandez and Mark Rodriguez

Commissioners Absent: Sandie Monis

City Staff Present: City Attorney, Scott Cross, City Manager, David Elias, Planning Consultant, Bruce O'Neal, Community Development Director, Randy Deaver, Police Chief, Darrell Jamgochian, Police Officer, Art Duron, Police Assistant, Derek Thomason, Administrative Assistant, Karen Mukai

Approval of Minutes:

City Attorney Cross noted corrections to the minutes bottom of page 2 last paragraph to read: *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.* Page 3, mid page should read: *A motion was made by Chairman Mukai to approve Conditional Use Permit (CUP) No. 09-03.*

Vice-Chair Mellon moved to approve the minutes as corrected, second by Commissioner Rodriguez, motion carried by unanimous voice vote.

Public Presentation:

Public presentation opened at 6:41 pm; there were no public presentations, public presentations closed at 6:42 pm.

Agenda Item No. 5: Discussion preceded opening at 6:55 pm, Closed at 7:34 pm.

Public Hearing to Consider Zoning Text Amendment No. 09-02 to Permit Homing Pigeons in the City of Fowler.

Planning Consultant O'Neal presented the Staff Report which gave the historical background and which responds to the Council direction. The staff report recommended the Fowler Zoning Ordinance be amended to include a specific definition of homing pigeons. He reminded those present that this was a policy discussion and zone issue, not an emphasis on individuals.

Staff does not recommend accepting the existing zoning ordinance and has included alternatives in additional districts. Council asked that the option to consider prohibiting pigeons in the city limits be included. Staff recommends that there be a clear definition of pigeons and specifies where they would be permitted.

Public Hearing: opened at 6:55 pm

Mr. McManis, Fowler resident spoke against allowing pigeons in Fowler. He suggested Fowler adopt an ordinance similar to Selma's which lists pigeons as fowl and once passed would give the pigeon owners 90 days to remove them from the city.

Scott Marshall, Fowler Resident. He is a member of the AU and has had homing pigeons in Fowler for 5 years. Pigeons are not legally defined as fowl. He continued to define and give historical background of homing/racing pigeons. He states this is really a nuisance problem not a health/safety issue. He and a fellow fancier have raised homing pigeons in Fowler for a total of 16 years without incident whereas Mr. Singh is not a member of the AU and within 3 weeks had complaints filed against him.

Commissioner Rodriguez asked what the advantage was to have the pigeons at the owner's home. Scott Marshall responded that it is convenience, but also the pigeons are trained to return to the loft where it is now. Eventually some of the pigeons would be trained to return to the loft at a new location. Pigeons locate by their own senses.

Ken Larrey, president of the local Racing Pigeon Flyers Organization. There are 62 paid members who are also members of the national organization. He also stated that of the 1100 flyers, nationally, Scott Marshall was ranked #5.

Chairman Mukai went over the definition as noted in the staff report. He continued by asking Mr. Larrey if the 5 requirements listed are reasonable. Points A: reasonable, B: reasonable (after 1-2 weeks the pigeons are trained); C: he thought was rather vague; D: reasonable if the owners were responsible pigeons flyers; E: reasonable. He also stated limiting the ownership to 50 pigeons was a standard practice in city ordinances.

Rick Duran, Fowler Resident, spoke against Zoning Text Amendment and addressed his concerns pertaining to the pigeons and his neighbor. He also submitted signed petitions' from those against allowing pigeons within the city limits of Fowler. No one else approached the podium and spoke against this issue.

Chairman Mukai closed the public hearing at 7:34 p.m.

Communications:

Chairman Mukai expressed the unfortunate experiences Mr. Duran has had to endure with not only the pigeons but also confrontations with his neighbor. Staff also felt that it has been unfair to those who have followed the rules and regulations of raising homing pigeons to be banned from raising them within the city limits.

Chairman Mukai recommended delaying the recommendations to City Council and have Staff prepare a Zoning Text Amendment, with restrictions, that would allow the raising of homing pigeons in the R1 Zone District within the city limits of Fowler.

Chairman Mukai made a motion to continue the item for Zoning Text Amendment 09-02 as revised; this was seconded by Commissioner Fernandez and passed on a 3-1-1 vote. Commissioners Mukai, Fernandez and Rodriguez voted in favor and Commissioner Mellon voted against, Commissioner Monis absent.

No other business was discussed and the meeting was adjourned at 7:59 p.m.