



AGENDA CITY OF IONE PLANNING COMMISSION MEETING



*Mike McDermed, Chairman, Vacant, Vice Chairman
Mark Hopkins, Commissioner • Mark Gebhardt, Commissioner, Stewart Wilkerson, Commissioner*

**Regular Meeting
Tuesday, December 13, 2011 at 6:00 p.m.
City Council Chambers, 1 E. Main Street, Ione 95640**

PLEASE LIMIT PUBLIC COMMENT/TESTIMONY TO FIVE MINUTES
Gov't. Code §54954.3

The Ione Planning Commission welcomes, appreciates, and encourages participation in the Ione Planning Commission Meeting. The Planning Commission reserves the right to reasonably limit the total time for public comment on any particular noticed agenda item as it may deem necessary.

Full staff reports and associated documents are available for public review at the Office of the City Clerk, City Hall, 1 E. Main Street, Ione, California. Hard copies may be obtained for 10 cents per page. Documents that are not available when the agenda is posted will be made available for public review at the meeting.

AGENDA

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. PUBLIC COMMENT: *EACH SPEAKER IS LIMITED TO 5 MINUTES*

*This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. Persons may address the Ione Planning Commission at this time on any subject within the jurisdiction of the Ione Planning Commission. There is a **5 minute time limit per person.***

Pursuant to the Brown Act, the Planning Commission may not take action or engage in a detailed discussion on an item that does not appear on the Agenda. However, matters that require Commission action will be referred to staff for a report and/or recommendation for possible action at a future Commission meeting.

Is there any person in the audience who wishes to address the Commission at this time?

E. CONSENT CALENDAR:

All matters on the Consent Calendar are approved under one motion unless requested to be removed for discussion by a commissioner or any member of the public.

E.1. Approval of Agenda of December 13, 2011

F. REGULAR AGENDA ITEMS

F.1 Chicken and Rabbit Keeping Ordinance – City Initiated Project – The Planning Commission will consider making a recommendation to the City Council regarding the adoption of an ordinance revising the City's regulations for the keeping of chickens and rabbits on residential property. Current regulations limit chicken and rabbit keeping to properties in the R-1b zoning district. The Planning Commission will consider expanding this allowance to the R-1a District. Additional regulations limiting the number of animals allowed, how they are kept, and limitations on roosters will also be considered.

G. CITY PLANNER'S REPORT

This item is reserved for the City Planner to comment or report on items not on the agenda. No action will be taken.

H. ADJOURNMENT

FUTURE MEETINGS

January 10, 2012
February 14, 2012

NOTICE REGARDING APPEALS

Pursuant to §17.16.060 of the Zoning Code, appeals of a final action by the Planning Commission must be filed with the City Clerk no later than ten calendar days after the day on which the final action was taken, along with the appropriate fee.

NOTICE REGARDING CHALLENGES TO DECISIONS

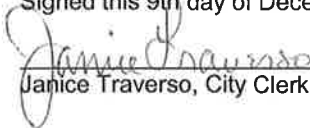
Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, this public hearing.

ADA COMPLIANCE STATEMENT

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk Janice Traverso at (209) 274-2412. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

I, Janice Traverso, the City Clerk of the City of Lone, declare under the penalty that the foregoing agenda for the December 13, 2011 regular meeting of the Lone Planning Commission was posted on December 9, 2011 at the office of the City of Lone City Hall at 1 East Main Street, Lone, CA 95640 and was available for public review at that location.

Signed this 9th day of December, 2011 at Lone, California



Janice Traverso, City Clerk, City of Lone



CITY OF IONE PLANNING COMMISSION STAFF REPORT



FOR THE MEETING OF: DECEMBER 13, 2011

DATE: DECEMBER 9, 2011

TO: HONORABLE PLANNING COMMISSION

FROM: CHRISTOPHER JORDAN, AICP, CITY PLANNER

SUBJECT: REGULATIONS FOR THE KEEPING OF CHICKENS AND RABBITS ON RESIDENTIAL PROPERTY

STAFF RECOMMENDED ACTION:

Staff recommends that the Planning Commission:

1. Receive the staff report;
2. Open the public hearing and take public comment; and
3. Adopt a Resolution of the Planning Commission of the City of Ione making a recommendation to the City Council regarding an ordinance regulating the keeping of chickens and rabbits on residential property.

BACKGROUND:

At the November 8, 2011 Planning Commission meeting, the Commission directed staff to prepare draft revisions to the City's regulations for the keeping of chickens on residential property in the City. The Commission specifically directed the following:

- Allow the keeping of up to 5 chickens by right;
- Allow for the keeping of 6 to 12 chickens through approval of a special permit;
- Prohibit the keeping of more than 12 chickens;
- Prohibit the keeping of roosters;
- Require an enclosure or pen and establish a reasonable setback requirement from property lines.

ANALYSIS:

The draft ordinance involves the following components:

1. Amendment to Table 17.22.030-1 (Allowed Uses and Permit Requirements for Agricultural and Residential Zoning Districts) to change the allowed uses for “Animal Keeping – Poultry/Rabbits” in the R-1a, R-1b, and R-1c districts to. The listing would be divided into three categories, based on number of animals, such that:
 - a. Five or fewer chickens or rabbits are allowed by right;
 - b. A Conditional Use Permit (CUP) is required for 6-12 chickens or rabbits; and
 - c. More than 12 chickens or rabbits are prohibited.
2. Adding a new Chapter 6.08 to Title 6 (Animals) of the Municipal Code providing standards for the keeping of chickens and rabbits, which includes the following:
 - a. Requiring the animals to be kept in a pen;
 - b. Requiring a minimum of four square feet of coop space and 15 square feet of run space per bird;
 - c. Prohibiting the keeping of roosters, except that those roosters that were kept prior to the adoption of the chapter are exempt from this limitation.

The CUP is a logical permit to require for the keeping in the 6-12 range. It does not require the creation of a new permit or process and places the decision in the hands of the Planning Commission. Further, it requires noticing of surrounding properties.

The draft is setup in such a way that if the Commission would like to modify the numeric standards, those could easily be adjusted.

ENVIRONMENTAL REVIEW:

CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed amendment is not subject to CEQA. Specifically, this action qualifies for an exemption under Section 15061 (b)(3) of the CEQA Guidelines under the general rule that CEQA only applies to projects which “have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The approval of this action does not approve any development project nor does it either directly or indirectly disturb the physical environment. It updates the City’s development regulations consistent with the City’s General Plan. Therefore, no further review is required.

RECOMMENDED MOTIONS:

If the Planning Commission agrees with staff's recommendation, the following motion is suggested:

"I move that the Planning Commission adopt a resolution recommending the City Council adopt the proposed amendments to City's Municipal Code regulating the keeping of chickens and rabbits on residential property, subject to the findings contained in the December 13, 2011 staff report."

FINDINGS

CEQA

Finding: The proposed amendments are exempt from review under the California Environmental Quality Act under the "general rule" that CEQA only applies to projects that "have the potential for causing a significant effect on the environment."

Evidence: Section 15061(b)(3) of the State CEQA Guidelines identifies that CEQA applies to projects which "have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The proposed amendments provide regulations for the keeping of chickens and rabbits on residential property. The amendments do not change the allowed density or intensity of development from that analyzed under the General Plan in 2009, nor do they change the allowed use regulations for any specific property. Further, the changes are regulatory in nature and will not, in and of themselves, approve any specific development. Therefore, the proposed amendments will not result in any direct or indirect change in the environment, the project qualifies for the exemption, and no further environmental review is required.

General Plan

Finding: The proposed amendments to the City's Municipal Code are consistent with the General Plan.

Evidence: The proposed amendments do not conflict with any section of the City's General Plan. The ordinance would allow for the limited keeping of chickens and rabbits on all single-family residential property, consistent with specific development standards that are intended to limit potential public nuisances. The keeping of rabbits and chickens, in limited quantities, is considered a normal accessory residential use by the City, and such uses are part of the low density residential General Plan land use category.

ATTACHMENTS:

1. Planning Commission Resolution and Draft Regulations

RESOLUTION NO _____

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF IONE
MAKING RECOMMENDATION TO THE CITY COUNCIL REGARDING THE ADOPTION
OF REGULATIONS FOR THE KEEPING OF CHICKENS AND RABBITS ON
RESIDENTIAL PROPERTY**

WHEREAS, the City of Ione has regulations in its Municipal Code limiting the keeping of chickens and rabbits on residential property in the City; and

WHEREAS, the Planning Commission reviewed the current regulations at the regular meeting on November 8, 2011 and, after taking public comment, directed the drafting of changes to the regulations; and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments, and to review and consider the draft amendments to the Municipal Code December 13, 2011; and

NOW THEREFORE BE IT RESOLVED, the Planning Commission does hereby recommend that the City Council adopt the proposed Municipal Code amendments described in Exhibit A, based upon the following CEQA Determination and Findings of General Plan Consistency:

CEQA

Finding: The proposed amendments are exempt from review under the California Environmental Quality Act under the “general rule” that CEQA only applies to projects that “have the potential for causing a significant effect on the environment.”

Evidence: Section 15061(b)(3) of the State CEQA Guidelines identifies that CEQA applies to projects which “have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The proposed amendments provide regulations for the keeping of chickens and rabbits on residential property. The amendments do not change the allowed density or intensity of development from that analyzed under the General Plan in 2009, nor do they change the allowed use regulations for any specific property. Further, the changes are regulatory in nature and will not, in and of themselves, approve any specific development. Therefore, the proposed amendments will not result in any direct or indirect change in the environment, the project qualifies for the exemption, and no further environmental review is required.

General Plan

Finding: The proposed amendments to the City’s Municipal Code are consistent with the General Plan.

Evidence: The proposed amendments do not conflict with any section of the City’s General Plan. The ordinance would allow for the limited keeping of chickens and rabbits on all single-family residential property, consistent with specific development standards that are intended to limit potential public nuisances. The keeping of rabbits and chickens, in limited quantities, is considered a normal accessory residential use by the City, and such uses are part of the low density residential General Plan land use category.

The foregoing Resolution of the Planning Commission of the City of Ione was duly introduced and adopted by the Planning Commission at its regular meeting on December 13, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike McDermed, Chairman

ATTEST:

Janice Traverso, City Clerk

**Exhibit A
Revisions to the Municipal Code**

Proposed language to be added is shown with underlines and language to be removed is shown with strikeouts.

1. Table 17.22.030-1 is revised as follows:

Land Use \ Zoning District	A	R-1a	R-1b	R-1c	R-2	R-3	R-4	MP
Animal Keeping – Poultry/Rabbits	<u>P</u>	<u>N</u>	<u>P⁴</u>	<u>P⁴</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Animal Keeping – Poultry/Rabbits, <5 animals</u>	<u>P</u>	<u>P⁴</u>	<u>P⁴</u>	<u>P⁴</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Animal Keeping – Poultry/Rabbits, 6-12 animals</u>	<u>P</u>	<u>C⁴</u>	<u>C⁴</u>	<u>C⁴</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Animal Keeping – Poultry/Rabbits, >12 animals</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Notes:

~~4. No more than 12 of any one combination of such animals or fowl may be maintained on one lot. The keeping of such fowl and animals shall conform to all other provisions of law governing the same and no fowl or animals nor any pen or coop shall be kept or maintained within 50 feet of any dwelling or other building used for human habitation, or within 100 feet of the front lot line of the lot upon which it is located, or within 100 feet of any public park, school, hospital, or similar institution (Ord. 51-§5.00(B), 1958) All poultry and rabbits shall be kept consistent with the standards and limitation provided in Chapter 6.08 (Poultry and Rabbits).~~

2. Chapter 6.08, Poultry and Rabbits, is hereby added to the Municipal Code:

Chapter 6.08 – Poultry

Sections:

- 6.08.010 Purpose
- 6.08.020 Applicability
- 6.08.030 Standards for Keeping Poultry
- 6.08.040 Standards for Keeping Rabbits
- 6.08.050 Roosters Prohibited
- 6.08.060 Violations

6.08.010 Purpose

The purpose of this chapter is to provide regulations for the keeping of poultry and rabbits in residential districts of the City in a manner that protects the public health and safety and allows for the continued enjoyment of property. These regulations are also adopted to ensure minimum habitat space is provided per animal such that the health and safety of the animal is provided.

6.08.020 Applicability

The regulations of this chapter shall apply specifically to the keeping of poultry and rabbits within residential zoning districts of the City as allowed pursuant to Title 17 (Zoning) of the Municipal Code. These regulations shall specifically not apply to animal keeping on property zoned agriculture.

6.08.030 Standards for Keeping Poultry

All poultry kept on residential property shall be kept consistent with the following standards:

- A. All poultry shall be kept in a pen with sufficient coop and run space to provide for the health of the birds, with the following minimums observed:
 - 1. A minimum of four (4) square feet of coop space shall be provided for every bird;
 - 2. A minimum of fifteen (15) square feet of run space shall be provided for every bird;
 - 3. Space for roosting and nesting shall be provided.
- B. Pens shall be setback from all property lines a minimum of fifteen feet (15').
- C. Pens shall observe all required setbacks from other structures on the lot as required by Title 17 (Zoning) and the City-adopted Building Code.
- D. Food and water shall be provided as necessary to provide for the health of the bird(s).
- E. Pens shall be kept and maintained in a manner that provides for the health of the bird(s) and limits odor and sanitary impacts to adjacent property.

6.08.040 Standards for Keeping Rabbits

All rabbits kept on residential property shall be kept consistent with the following standards:

- A. All rabbits shall be kept in a manner that provides for their protection and well being.
- B. Pens shall be setback from all property lines a minimum of fifteen feet (15').
- C. Pens shall observe all required setbacks from other structures on the lot as required by Title 17 (Zoning) and the City-adopted Building Code.
- D. Food and water shall be provided as necessary to provide for the health of the animal(s).
- E. Pens shall be kept and maintained in a manner that provides for the health of the animals(s) and limits odor and sanitary impacts to adjacent property.

6.08.050 Roosters Prohibited

It is unlawful for any person to maintain a rooster over four (4) months of age on residential property. Exemptions to this limitation shall be provided for roosters that were kept prior to the adoption of this chapter.

6.08.060 Violations

Violations of this chapter are considered a public nuisance and shall be enforced as provided in Chapter 1.10 (Administrative Enforcement Provisions)

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City of IONE 1 EAST MAIN STREET// P.O. BOX 398 // IONE, CA 95640
[TEL] 209.274.2412 // <http://ione-ca.com/home/ione/>

NOTICE OF PUBLIC HEARING

Dated December 2, 2011

NOTICE is hereby given that on **December 13, 2011 at 6:00 p.m.**, or as soon thereafter as the matter may be heard, the **PLANNING COMMISSION** of the City of Ione will hold a Public Hearing at the **Ione City Hall**, located at 1 East Main Street in Ione, to consider the following project:

Chicken and Rabbit Keeping Ordinance – City Initiated Project

Project Description: The Planning Commission will consider making a recommendation to the City Council regarding the adoption of an ordinance revising the City's regulations for the keeping of chickens and rabbits on residential property. Current regulations limit chicken and rabbit keeping to properties in the R-1b zoning district. The Planning Commission will consider expanding this allowance to the R-1a district. Additional regulations limiting the number of animals allowed, how they are kept, and limitations on roosters will also be considered.

Location/ APN: Citywide

Environmental Review: The proposed ordinance is exempt from review under the California Environmental Quality Act pursuant to section 15031(b)(3).

For more information, contact: Christopher Jordan, AICP
209.274.2412, x104

Interested persons should attend the public hearing in order to make their comments known. If you are unable to attend the public hearing, you may direct written comments to the City Clerk, City of Ione, P.O. Box 398, Ione, CA 95640. Additional information on this project is available for review at City Hall between the hours of 8:00 a.m. and 4:30 p.m. on weekdays, or you may telephone 209-274-2412.

NOTICE REGARDING CHALLENGES TO DECISIONS

Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the City at, or prior to, this public hearing.

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