

## ACTION MINUTES

### LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

November 21, 2019

**MEMBERS PRESENT:** Richard Forster, Supervisor District 2  
Frank Axe, Supervisor District 4

**MEMBERS ABSENT:** None

**PRESENT:** Mike Israel, REHS Community Development Director  
Michelle Gallaher, Code Enforcement  
Glenn Spitzer, Deputy County Counsel  
Gary Redman, Undersheriff  
Lynn Morgan, Foothill Conservancy  
Marion Anderson  
Ross Anderson  
Dan Morris  
Mary Ann Manges, Recording Secretary

Supervisor Axe called the meeting to order at 1:20 p.m.

**AGENDA:** Approved

**CORRESPONDENCE:** None

**APPROVAL OF MINUTES:** October 24, 2019 – Approved as amended

**PUBLIC MATTERS NOT ON THE AGENDA:** None

#### **ITEM 1: CONTINUED DISCUSSION OF DRAFT NUISANCE/NOISE - County Counsel**

Deputy County Counsel, Glenn Spitzer, shared the Staff Report beginning with the background history of the Nuisance/Noise Ordinance. He stated that at the last meeting three main issues were discussed which included limiting the ordinance to residential uses, making the first criminal violation a warning with the Sheriff having the authority to issue a warning or a citation, and Sheriff's office coordinating with the Code Enforcement officer.

Committee members shared scenarios about noises which included barking from dogs, humming from generators running all day to water trees in agriculture zones, hammering from working on cars in the early evening, and crowing coming from numbers of roosters. Also shared was the importance of having Sheriff and Code Enforcement discretion and an efficient way of sharing reports with Ms. Gallaher.

Discussion contributed by the public included concerns about noises during the day at pool parties, appropriate firearm usage, and habitual party houses. Ms. Morgan shared the Conservancy's desire to include agritourism, their concern about penalties not being high enough, and how this affects wineries and weddings.

Mr. Spitzer explained that the ordinance is not limited to nighttime noises, that nighttime noise is a prima facie violation, and that the ordinance only applies to residential use. He continued that the Sheriff has discretion about noises day and night and that Code Enforcement also has discretion.

Mr. Israel stated that wineries and firearms are under different codes and that a different avenue is being explored which would limit roosters. Concern by Supervisor Forster that the ordinance would start to be polluted if too many things were in it and that he does not want the ordinance to inadvertently hurt agritourism,

It was shared that that penalties are progressive and are in the ordinance to put some teeth into it. Mr. Spitzer stated that there are laws limiting penalties. It was shared that it is not desired to excessively penalized property owners and that the ordinance is not about making money for the County, but for changing behavior.

Ms. Gallaher asked that the Administration section be clarified so that enforcement is not only for short term rentals. Undersheriff Redman relayed that they have address history and that there is a mechanism in place to get reports of citations or warnings to Code Enforcement.

Mr. Ross stated that the draft is well done, gives law enforcement leeway and is not onerous to property owners. Supervisor Axe added that the ordinance is a good start, that it may not be perfect, but that changes can later be made. Supervisor Forster commented that the ordinance gives the Sheriff enough discretion to work with Code Enforcement and come up with reasonable solutions and stressed that the goal is not to penalize people but to get them to respond and stop doing it.

Mr. Spitzer stated that he will make minor changes and then it can go straight to the Board.

**Committee Action:** The Committee made a recommendation to send a revised draft ordinance to the Board of Supervisors.

The meeting adjourned at 2:15 p.m.