

## ACTION MINUTES

### LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

August 19, 2010

**MEMBERS PRESENT:** Louis Boitano, Supervisor, District IV  
Richard Forster, Supervisor, District II

Supervisor Boitano called the meeting to order at 10:10 a.m.

**AGENDA:** The order of the Agenda was revised to hear Item 2 first.

**CORRESPONDENCE:** None.

**APPROVAL OF MINUTES:** The minutes of the July 15, 2010 meeting were approved with the following revisions:

- Item 1, Paragraph 2, Last sentence: change “have not been unsuccessful” to “have not been successful.”
- Committee Action: would like clarification from Mike Israel action is correct.

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

**ITEM 2. CONSIDERATION OF PROPOSED ORDINANCE REVISIONS AMENDING TITLE 19 (ZONING) AND TITLE 8 (ANIMALS) REGARDING COMMERCIAL AND NON-COMMERCIAL KENNELS — Planning Department**  
(Present: Cara Agustin; Jon Hopkins, GSA)

Cara Agustin, Planning, reviewed the staff report and indicated she did not change the number of dogs allowed because of concerns voiced by the Supervisors during the May 25, 2010 Board meeting.

Ms. Agustin recommended changing non-commercial kennel to personal kennel. She recommended a personal kennel be permitted by Animal Control instead of the Planning Department; the permit would require a Planning Department clearance and parcel size has been removed from the restrictions.

Supervisor Forster was concerned about spay/neuter requirements and asked if it could be appealed. Jon Hopkins, GSA, stated the spay/neuter requirements are included because it keeps costs down for the County. An applicant can always ask the Board to consider an appeal to that requirement.

Supervisor Forster was concerned about removing the parcel size requirement and asked what the minimum parcel sizes are for each zoning district. Ms. Agustin stated the minimum parcel size is based on the general plan not zoning and the proposal would allow for personal kennels on parcels less than five acres. Mr. Hopkins stated it is usually an education process and most people want to comply with the codes. Ms. Agustin added that even when people want to comply with the codes they may not be able to because of the zoning and parcel a size restriction which is why she removed the parcel size restriction. Supervisor Forster asked if John Vail with Animal Control was in agreement with the proposed revisions. Mr. Hopkins indicated Mr. Vail was in agreement with the revisions. Supervisor Forster asked if the five acre minimum could be kept in the code. Ms. Agustin stated she could keep the five acre minimum and

add the “R1” zone district for personal and commercial kennels. It was discussed and decided to require a five acre minimum parcel size for personal and commercial kennels in residential zone districts.

Supervisor Boitano asked if fencing could be added to the code. Mr. Hopkins stated it is already part of the code and state law. Mr. Boitano asked for that section to be referenced in this section.

Supervisor Forester asked if the revocation process could be simplified. Mr. Hopkins stated Mr. Vail came up with the process; he likes it because it outlines the specific steps of revocation.

Ms. Agustin asked for direction on where to provide the definitions. Supervisor Forester stated she should talk with County Counsel but would prefer to remove anything that is duplicative.

**Committee Action:** The Committee directed staff to make the changes as discussed and to bring it back to the Committee with John Vail present.

**ITEM 1. CONSIDERATION OF PROPOSED ORDINANCE PERMITTING SMALL WIND ENERGY SYSTEMS — Planning Department**  
(Present: Cara Agustin)

Cara Agustin, Planning, reviewed the staff report. She corrected the staff report the LUC date was July 15 not June 15, 2010.

Supervisor Forster liked that it was kept simple and would recommend adding noise to the list of items that would be minimized in the purpose.

Ms. Agustin asked for comments regarding the conditional use permit process and the height requirements. The Committee liked that the Planning Commission would approve the height through a use permit condition. The Committee recommended removing the maximum height restriction and let the full Board decide if a maximum height limit should be required.

Ms. Agustin recommended adding “to ensure there would be no impacts to surrounding property owners” to B. 2.

Supervisor Forster recommended getting Commissioner Wardall’s opinion on Item C of the Limitations on Location which referred to private airstrips.

The Committee discussed the noise levels and recommended keeping the noise level consistent with AB45 at 60 dBA.

Ms. Agustin stated the reference to the Uniform Building Code and National Electric Code would be changed to read “the current edition of the California Building Standards Code” after receiving comment from the Building Department. Ms. Agustin added a Development Standard to read: “The systems maximum power shall not exceed 50 kilowatts”; which is part of AB45 and would result in renumbering the Development Standards. The committee asked for her to research why there is a limitation to the size.

Supervisor Forster recommended verifying Item B.11. and C. of Limitations are consistent.

Ms. Agustin corrected “Security” should read “Financial Surety” under the Abandonment process. Supervisor Forster felt requiring surety could be an issue with the full Board.

The Committee recommended bringing the proposal back to the next meeting. Ms. Agustin reminded the Committee the County must adopt the ordinance prior to the end of the year. Due to notification timelines, it would be difficult to bring the ordinance back to the Committee, then to Planning Commission, and to the Board before the end of the year. She suggested making the recommended changes and taking it forward to the Planning Commission.

**Committee Action:** The Committee directed staff to conduct the research, make the changes and proceed with taking the ordinance to the Planning Commission and Board of Supervisors.