



**UNAPPROVED
PLANNING COMMISSION MINUTES
MONDAY, FEBRUARY 11, 2008**

6:00 P.M.
City Hall
130 Cremona Drive, Suite B
Goleta, California

Members of the Planning Commission

*Kenneth Knight, Chair
Brent Daniels, Vice Chair
Edward Easton
Doris Kavanagh
Julie Kessler Solomon*

*Patricia Miller, Secretary
Linda Gregory, Recording Clerk*

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:00 p.m. by Chair Easton followed by the Pledge of Allegiance.

ROLL CALL OF PLANNING COMMISSION

Present: Planning Commissioners Daniels, Easton, Kavanagh, Knight, and Solomon.
Absent: None.

Staff present: Planning Commission Secretary/Current Planning Manager Patricia Miller, Director of Planning and Environmental Services Steve Chase, Senior Planner Scott Kolwitz, Legal Counsel Scott Porter, Principal Civil Engineer Marti Schultz, and Recording Clerk Linda Gregory.

PUBLIC FORUM

No speakers.

AMENDMENTS OR ADJUSTMENTS TO AGENDA

None.

A. ADMINISTRATIVE AGENDA

A.1 Appointment of Chair and Vice Chair.

Commissioner Daniels nominated Vice Chair Knight to serve as Chair.
Vice Chair Knight was appointed to serve as Chair by unanimous vote.

Commissioner Solomon nominated Commissioner Daniels to serve as Vice Chair. Commissioner Daniels was elected to serve as Vice Chair by unanimous vote.

A.2 Planning Commission Minutes for December 10, 2007

Recommendation:

A. Approve the Planning Commission minutes of the meeting of December 10, 2007.

MOTION: Commissioner Easton moved/seconded by Commissioner Solomon to approve the Planning Commission minutes of the meeting of December 10, 2007, as amended.

VOTE: Motion approved by the following voice vote. Ayes: Chair Knight, Commissioners Easton, Kavanagh and Solomon. Abstain: Vice Chair Daniels.

B. PUBLIC HEARING

B.1 03-159-OA, 03-159-CUP: Fairview Gardens Ordinance Amendments, Farm Labor Camp, Commercial Poultry Operation, and Sale of Off-Site Agricultural Products located at 598 North Fairview Avenue (APN 069-090-052)

Recommendation:

1. Adopt Planning Commission Resolution 08-____ (Attachment 1), thereby:
 - a. recommending that the City Council Approve Case No. 03-159-CUP (Major) for a farm labor camp;
 - b. recommending that the City Council Approve Case No. 03-159-CUP (Minor) for the operation of a commercial poultry operation;
 - c. recommending that the City Council Deny Without Prejudice Case No. 03-159-OA to Amend to the City of Goleta Municipal Code, Chapter 35, Article III, §35-216.3.4 to allow buildings up to 2000 SF for sale of agricultural products (AG-I Permitted Uses);
 - d. recommending that the City Council Deny Without Prejudice Case No. 03-159-OA to Amend to the City of Goleta Municipal Code, Chapter 35, Article III, §35-216.5 to allow the sale of agricultural products grown off-site through a Minor CUP (AG-I Uses Permitted with a Minor Conditional Use Permit); and
 - e. recommending that the City Council Deny Without Prejudice Case No. 03-159-CUP (Minor) for the retail sale of agricultural products grown off-site.

Vice Chair Daniels recused himself and exited the Council Chambers.

STAFF SPEAKERS

Director of Planning and Environmental Services Steve Chase
Current Planning Manager Patricia Miller
Senior Planner Scott Kolwitz
Principal Civil Engineer Marti Schultz

Documents: PowerPoint entitled "City of Goleta Planning Commission Public Hearing 03-159-OA & 03-159-CUP February 11, 2008". Memorandums from Senior Planner Scott Kolwitz transmitting public comment letters and e-mails as follows: a) Memorandum dated February 8, 2008; b) Second Memorandum dated February 8, 2008; c) Third Memorandum dated February 11, 2008; and d) Fourth Memorandum dated February 11, 2008.

Steve Welton, of Suzanne Elleldge Planning & Permitting Services, agent for Center for Urban Agriculture at Fairview Gardens, discussed the project plans and presented a PowerPoint entitled "Fairview Gardens".

Matt Dobberteen, Board President, Fairview Gardens, expressed appreciation for the consideration and cooperation regarding the proposed project and stated that they look forward to transitioning the farm towards a better future. He stated that the applicant believes it will take a one-year timeline to raise the funds needed for the project.

Toby McPartland, the new Farm Manager at Fairview Gardens, stated that in response to concerns regarding the rooster noise, the roosters will be removed by the end of the week. He commented that he looks forward to developing and sustaining a strong relationship with the community.

Javier Gomez, farm worker, Fairview Gardens, requested approval of the project and consideration regarding their need for farm worker housing.

PUBLIC HEARING OPENED AT 6:41 P.M.

Steve Nelson, Concerned Neighbors of Fairview Gardens, stated that the neighbors strongly support the staff report with some recommended additions. He requested that one or more immediate neighbors be included on the Advisory Board. He presented and discussed a PowerPoint entitled "City of Goleta Planning Commission Public Hearing 03-159-OA & 03-159-CUP, February 11, 2008". He pointed out that the code violations have been known for several years. He urged beginning the fundraising for the project now.

Linda Cobb, Concerned Neighbors of Fairview Gardens, spoke regarding sanitation issues which included the concerns regarding the existing restroom building which was permitted by the County as not connected to the sewer. She presented the following requests: a) the use of the composting toilet and showers shall be limited to the use originally permitted; b) the irrigation standards should be written clearly into the Maintenance Agreement; c) the gray water system should conform to the universal plumbing code if it is not going to be connected to the sewer; and d) human feces should not be on the farm grounds.

Rob Hofberg, Concerned Neighbors of Fairview Gardens, spoke in support of the applicant and staff recommendations regarding the poultry issues. He requested that no more than 100 hens and 4 roosters be allowed as a way to address the noise concerns. He suggested that a 17 percent reduction in the flock size may reduce sound and noise by 17 percent. He requested the opportunity to make necessary changes in the event a nuisance persists.

James Hurst, Concerned Neighbors of Fairview Gardens, spoke in support of the staff recommendations related to the produce stand. He made the following recommendations: a) produce from offsite should not be allowed to be sold; b) clarity and further study is needed

with regarding to the proposed plans for the produce stand; and c) the library easement and bikepath easement should not be granted.

Janet Walker, Concerned Neighbors of Fairview Gardens, stated the neighbors support ending the zoning and health violations and the creation of decent legal housing for the farm workers. She urged supporters of Fairview Gardens to donate to the fundraising efforts.

Stephanie Chirstoff, spoke in support of allowing a reasonable amount of time for the applicant to make the necessary improvements. She commented that the produce stand is located along a business corridor which is a compatible use; and that the farm worker housing would be compatible with the neighborhood residences once it is in compliance with codes.

Eric Cardenas, Environmental Defense Center, spoke in support of the project and commented on the importance of setting a trend to house farm workers on-site. He requested consideration that a timeline longer than 6-months may be necessary to complete the project.

RECESS HELD 7: 33 P.M. TO 7:43 P.M.

Jim Downing, Goleta, presented two letters dated February 11, 2008, in opposition to the proposed library easement. He expressed concerns that there would be safety issues with regard to the creation of a roadway in the library parking lot and that the easement appears to be a gift of public land. He suggested consideration of the construction of a turn-around traffic area within the Fairview Gardens.

Suzanne Feldman, Community Environmental Counsel, requested consideration of the request from the applicant for the extension of the 6-month timeline, which she believes will be necessary, so the project can move forward in a way that will be beneficial and appreciated by the neighbors. She commended Fairview Gardens as a community icon that has demonstrated economic viability and sustainable localized agriculture.

Jon Williams, Santa Barbara County Action Network, requested that the 6-month timeline be extended. He spoke in support of Fairview Gardens, stating that it is relevant with regard to housing, open space and transportation issues. He spoke in support of preserving Goleta's farming heritage and requested that the City do what it can to help Fairview Gardens achieve its goal.

Judith Nybalcken, neighbor, stated that the neighbors have been patient for many years and requested that they not be asked to wait indefinitely. She expressed appreciation that the farm and neighbors are becoming a cooperative group and that they want to work together to solve the problems. She spoke in support of requiring the uniform enforcement of rules and standards for all projects within the City.

Adrienne Davis, Board Member, Fairview Gardens, stated that a few years ago the applicant started to rectify the problems and to air what needs to be done. She spoke in support of the farm which has provided her family with certified organic food for the last twenty years.

Joan Rakowski, Member of the Goleta Valley Historical Society, spoke in support of the application so the farm, which she believes is a true treasure, can be brought up to code and move ahead. She requested that the 6-month timeline be extended stating that she understands from experience how long it takes for fundraising.

Charlie Hamilton, Goleta, expressed concern regarding the living conditions on the farm and the length of time it has taken to enforce compliance. He believes that the proposed ordinance amendment is too open-ended regarding the sale of produce. He spoke in opposition to the proposed bicycle path and library easement.

Larry Cobb, representing himself and his daughter Christianne, spoke in support of strict adherence to the staff recommendations, including the 6-month timeline, which he believes are a fair compromise that should be workable both for the farm and neighbors. He requested that the project be prioritized to address first the most urgent improvements including sanitary conditions and sewer hook-ups. He urged everyone to move forward with a neighborly attitude.

Arjun Sarkar, Transportation Services, UCSB, stated that the neighborhood component is an important consideration regarding the farm operations. He hopes that the farm and community including UCSB will continue with their dialogue. He encouraged a realistic consideration regarding the timeline requirement.

David Cleveland, Environmental Studies Professor, UCSB, encouraged that the decision makers consider that Fairview Gardens is a tremendous resource in the community and a model regarding how agriculture can be made more urban friendly. He requested consideration of a realistic timeline to complete the project.

Sandy Lejeune, former staff member at Fairview Gardens, stated that the farm has been a good neighbor to the community for the last thirty years and requested that the City and community continue to work with the farm through this process. He commented that the farm has been preserved in perpetuity and also that the farm has been operated organically without pesticides and chemicals.

Sharon Rose, Goleta, spoke in support of urban organic farms and allowing on-site housing for farm workers when possible. She believes it is incumbent to find a way to deal with some of the commercial aspects of the farm. She urged everyone to keep working together and agrees that a neighbor should be a member of the farm's Advisory Board.

Steven Sherill spoke in support of the Center for Urban Agriculture at Fairview Gardens, stating that it is a valuable asset to the community and should be protected and preserved for future generations. He commented: a) there should be on-site housing for the farm workers that is affordable; b) the 6-month timeline is not realistic; and c) the produce stand as an income source is vital for the continued success of the farm.

Marianne Henry spoke in support of the project and allowing enough time to make the needed changes. She is a regular customer and believes it is important to support Fairview Gardens and all local organic agriculture. She believes that the farm should be able to supplement its produce selection from other local farmers because it meets her objective to buy locally grown food without making several stops.

Anne Ostrowsky, Goleta, spoke in support of the farm and hopes the project moves forward quickly, although she is disappointed at the cost of the project. She commented that the noise from dump trucks carrying loads in her neighborhood near Winchester Canyon is worse than noise from chickens and that she is exposed to pollution from the diesel trucks.

Mike Feely, Goleta, stated that he would not want the families in the labor camp to need to move offsite. He knows the families in the labor camp through their children's interactions and he believes the parents are hard-working with good values. He commented that there had been some extreme winds and rain when some of the photographs were taken of the tarps on the trailers. He urged that citizens who are concerned regarding the conditions participate in a fundraising effort and stated that he is willing to contribute to the effort.

Matthew Brooke, representing Fairview Gardens, stated that he has a Ph.D in acoustics and clarified that decreasing the number of chickens in the flock by 17 percent would not result in a noise reduction which is audible and that the number of chickens would need to be reduced by half to result in a noise reduction that would be just noticeable in field conditions.

Karen Boris, Goleta, requested that the proposed easement and bike path to connect the two ends of Stow Canyon Road be removed from the proposal. She pointed out that the applicant indicated that these items are not part of their proposal and that it was not part of the dialogue with the neighbors and Fairview Gardens. She stated that her concerns are further explained in a letter she has submitted. He asked for additional time to meet the demands of the fundraising and to construct the housing for the on-site farm workers.

PUBLIC HEARING CLOSED AT 8:37 P.M.

Steve Welton, agent for the applicant, stated that their proposal is being modified to remove the roosters from the farm. He clarified that the applicant is not requesting approval of a 2,000 square foot produce stand and stated that they are asking to permit the existing produce stand which currently reads as 600 square feet, although it seems somewhat small.

Current Planning Manager Patricia Miller clarified with regard to the existing bath house and restroom that the plumbing code allows for alternate systems. She also clarified that the two proposed easements are City staff recommendations. She clarified that the applicant has indicated that the 6-month timeline is problematic. She further stated that staff believes there are compelling reasons to require the 6-month timeline; however, there are options that the Planning Commission may consider.

Marti Schultz, Principal Civil Engineer, stated that the purpose of the easements are to allow the City to provide for curb, gutter and sidewalks improvements to Fairview Avenue and also provide for safe pedestrian access. The library easement would formalize an existing use that facilitates residential vehicular traffic. She clarified that only the dedication of the easements would be required for this project, not the construction, which would be anticipated in the future.

PUBLIC HEARING REOPENED AT 8:55 P.M.

John Fox, Director, Goleta Sanitary District, stated that the District has approved the start of the annexation and that it would take approximately three to six months for them to complete their part which includes the LAFCO process. He clarified that the District has the capacity and is ready to move forward.

PUBLIC HEARING CLOSED AT 9:00 P.M.

Steve Welton, agent for Fairview Gardens, clarified that the plan for the loading zone is no longer proposed and also that the map identifies potential locations for the placement of the yurts.

Commissioner Easton recommended that the yurts should be placed in a grouping, probably to the east side of the road so there is some shelter behind the avocado trees. He expressed concern that the site plan needs to show specific locations of the structures including the bath trailer and compost pile. He suggested that design is important to consider regarding placement of the structures.

Chair Knight suggested the continuation of the public meetings with the neighbors and consideration of placing a neighbor on the Board of Fairview Gardens.

Commissioner Easton recommended that the following three conditions of approval be added: 1) The applicant shall have 12 months to comply with the conditions with a 6-month progress report. 2) The library easement are to be restricted to apply only during the hours the library is open. 3) The DRB shall review the project before building permits are issued.

Commissioner Kavanagh commented that 6 months would not be a sufficient amount of time to complete many of the items and supported the recommendation by Commissioner Easton for condition with a 12-month timeline with a 6-month progress report.

Chair Knight Knight stated he would be comfortable if some measure could be taken to ensure public health and safety issues in the interim.

Director of Planning and Environmental Services Steve Chase suggested that the Planning Commission consider the staff recommendation for a 6-month requirement but direct that a meet and confer be held with staff, the applicant and neighbors, prior to the City Council meeting, which would continue the collaborative process.

Current Planning Manager Patricia Miller stated that there may be an impact regarding timing if there is a requirement for DRB review.

Commissioner Solomon supported staff's recommendation to keep the 6-month timeline but allow for a meet and confer.

Commissioner Easton recommended a condition that the library easement be restricted to the library's non-operating hours. Current Planning Manager Patricia Miller clarified that current library hours are Monday through Thursday, 10:00 a.m. to 9:00 p.m.; Friday and Saturday, 10:00 a.m. to 5:30 p.m.; and Sunday, 1:00 p.m. to 5:00 p.m.

John Buttny, Interim Executive Director, Fairview Gardens, stated that he did not believe there would be a problem for Fairview Gardens if the hours were restricted for the use of the library easement.

Chair Knight commented that there is not enough information at this time to decide whether it would be appropriate to restrict the hours of use of the library easement.

Commissioner Easton expressed concern that the yurts are on the skyline and not sheltered. He recommended that the placement of the structures needs to be considered to make them fit into an urban environment.

Planning Manager Patricia Miller stated that the Exhibit Map will be revised by the applicant per the comments and action taken at this meeting to show the proposed locations of the structures including the yurts, which will be provided for the City Council review.

Current Planning Manager Patricia Miller read into the record the following amendments to the Planning Commission Resolution recommended by the Planning Commission at this hearing:

1. The project description will be updated to note that the portable restroom facility for the farm labor camp will include shower facilities.
2. The project description will be updated to note that the commercial poultry operation will not include roosters. This change will also be reflected in the Noise Management Plan.
3. The exhibit map will be updated.
4. Exhibit 2, Condition 5 will be corrected to reference the Goleta Sanitary District (not the Goleta Water District).

In addition, the following direction was also given by the Planning Commission:

1. Planning and Environmental Services is to further analyze the proposed easement through the library parking lot that would provide access to the Fairview Gardens property and provide the City Council with the additional information regarding use, impacts, and restrictions.
2. Planning and Environmental Services is to continue to meet and confer with Fairview Gardens and neighbors and is to evaluate the potential for modifying the 6-month performance timeline condition on the farm labor camp permit. Any possible alternatives to the 6-month performance timeline shall be forwarded to the City Council for consideration.

MOTION: Commissioner Kavanagh moved/Commissioner Solomon seconded to adopt Planning Commission Resolution 08-01 (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta, California, Regarding Recommendations to the City Council on Various Fairview Gardens Applications, Case Numbers 03-159-OA and 03-159-CUP; 598 North Fairview Avenue; APN 069-090-052", as amended at the hearing of February 11, 2008.

VOTE: Motion approved by the following voice vote. Ayes: Chair Knight, Commissioners Kavanagh and Solomon. Abstain: Commissioner Easton. Recused: Vice Chair Daniels. Noes: None.

By consensus, the Planning Commission appointed Commissioner Easton to represent the Planning Commission at the meet and confer meetings with staff, Fairview Gardens and neighbors.

RECESS HELD: 9:37 P.M. TO 9:47 P.M.

C. DISCUSSION ITEMS

C.1 Final Planning Commission Procedures

Recommendation:

1. Adopt Planning Commission Resolution 08-____ (Attachment 1), thereby approving Final Planning Commission Procedures.

STAFF SPEAKERS

Current Planning Manager Patricia Miller
Legal Counsel Scott Porter

MOTION: Vice Chair Daniels moved/Commissioner Kavanagh seconded to adopt Planning Commission Resolution 08-02 (Attachment 1), entitled "A Resolution of the Planning Commission of the City of Goleta, California, Establishing Planning Commission Procedures".

VOTE: Motion approved by unanimous voice vote.

D. DIRECTOR'S REPORT

Current Planning Manager Patricia Miller stated that a special meeting of the Planning Commission will be held on February 25, 2008, regarding the Housing Element of the General Plan.

Director of Planning and Environmental Services Steve Chase stated that the purpose of the meeting on February 25, 2008, will be for the Planning Commission to make recommendations to the City Council regarding the Housing Element Amendment – Key Issues.

E. PLANNING COMMISSION COMMENTS

Commissioner Easton commented on his term as Chair of the Planning Commission for the past year.

Chair Knight and the Planning Commissioners expressed appreciation to Commissioner Easton for his fine work as the first Chair of the Planning Commission particularly during the Planning Commission's first year.

Commissioner Solomon commented that it is her understanding that the election of a Chair and Vice Chair is an annual procedure and she would hope that all Planning Commissioners will have an opportunity to serve as Chair for one year.

F. ADJOURNMENT: 10:00 P.M.

Prepared by Linda Gregory, Recording Clerk

GOLETA PLANNING COMMISSION