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**PLUMAS COUNTY  
ZONING ADMINISTRATOR**

Minutes of the Regular Meeting of June 14, 2023

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The Plumas County Zoning Administrator convened in a meeting on June 14, 2023, at 10:07 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Tracey Ferguson, presiding. Staff planner, Rebecca Herrin, is in attendance via telephone.

**I. PUBLIC COMMENT OPPORTUNITY**

No public comment is presented.

**II. SPECIAL USE PERMIT: NORBERG, KIMBERLY; APN 100-481-016; T.28N/R.7E/S.7,8 MDM**

The request for a Special Use Permit for the keeping of a lamb in a single-family residential zone ("7-R") for a 4-H project, which is projected to end in July 2023, located at 273 Farrar Drive, Chester, is presented. Rebecca Herrin, staff planner, gives a presentation as reflected in the staff report. Herrin explains the special use permit process in that the project needs to be found environmentally, economically, and socially compatible with the surrounding area. The 4-H project will end with the Plumas-Sierra County Fair at the end of July 2023, although the 4-H special use permit process allows for the opportunity to continue future 4-H projects while the participant is enrolled in 4-H.

Staff recommendation is denial because of the issue with social compatibility and noise, as stated in the staff report: *The project is not socially compatible with the surrounding area due to the existence of a code enforcement complaint that has not been withdrawn. Unless the project can be modified so as to remove the nuisances that interfere with the surrounding community, the project should be denied as proposed.*

A complaint was made to the Plumas County Code Enforcement Department regarding noise. Tracey Ferguson, Zoning Administrator, questions if any other comments have been received from the public. Herrin replies that no other comments were received. Herrin states that the 4-H representative, Sierra Washington, is supportive of the lamb in so far as care of the animal is meeting the guidelines of 4-H. Herrin goes on to state she also received a comment from the Plumas County Environmental Health Department, which requires standard conditions be met regarding animal waste and feed. Further, Herrin notes that the school district, which is a property owner within 300 feet of the project, had no comments.

Ferguson questions if the applicant, Kimberly Norberg, has any questions or comments. Norberg requests the name of the complainant so she can make amends with them, although she was told it is an anonymous complaint. From what she understands, the complaint was that the lamb bellows all night. Norberg clarifies that lambs don't bellow at night because they are prey, and when it gets dark, they get quiet because they are afraid.

Jennifer Langston, Chief Code Enforcement Officer, explains that Code Enforcement received an Investigative Service Request form via e-mail on May 2, 2023, which was forwarded from Planning Director, Tracey Ferguson, regarding a sheep (lamb) that was keeping an individual awake at night. After further investigation, the property was identified at 273 Farrar Drive, Chester, which is zoned "7-R" (single-family residential). On May 9, 2023, Code Enforcement Officer, Liliana AhWah, contacted the property owner and informed her that livestock are not allowed in residential zones, although if the animal was a part of a 4-H project, a special use permit would be required. AhWah gave Ms. Norberg until May 12, 2023, to relocate the animal out of the residential zone. As of May 12, 2023, the animal had not been relocated. On May 19, 2023, Langston sent a citation warning notice to the property owners identified as Kimberly Norberg and Donald Housen. The notice listed the violation code section 9-

2.1302(b)(a) 4-H and FFA animals are only permitted with a special use permit in single-family residential zones. The notice also notified the property owners that if the animal was not relocated off the property, or a Special Use Permit was not issued by June 7, 2023, an administrative citation may be issued. On June 7, 2023, Code Enforcement observed that the lamb had been removed from the property.

Norberg explains that yesterday she went door to door to all the neighbors and asked them to sign a letter in support. Prior to that, she had a whole bunch of neighbors who came over to her house telling her they received notice of the public hearing. These neighbors didn't even know she had a lamb. Norberg adds that she was trying to make amends, but the one complainant was none of the people that she knows of. Norberg provides Ferguson with a list of six signatures from neighbors in support of the special use permit.

When questioned by Ferguson, Norberg describes a typical day with the lamb. Feeding time is 7:00 a.m. and 6:00 p.m. The lamb generally makes noise in the evenings at feeding time, and when her dogs go back inside the house. The dogs stay outside with the lamb until dark. However, now that school is out, Norberg explains that her granddaughter, Samantha Hamilton, 4-H participant, will be with the lamb all day, which would be mitigation for the noise. And, normally, the noise only lasts about 15 minutes. When they aren't at home, the dogs are outside with the lamb.

Ferguson explains the project is determined socially incompatible if the use causes a nuisance or negative effect on the neighborhood, neighbors, people, and property. Continuing, Ferguson states a finding needs to be made that there is social compatibility with the neighborhood, and at this point there is one neighbor who sees it as a nuisance, so the keeping of the lamb in the residential zone is not socially compatible. Social compatibility is determined through the public hearing process and the notification of the neighbors. The focus of today's public hearing is to determine if there are conditions that can be included as part of the special use permit to mitigate the noise nuisance. Ferguson goes on to state that right now, we are trying to figure out how the project can be modified to remove the noise nuisance, meaning are there some conditions that can be placed on the project so it will be socially compatible regarding noise. The Plumas-Sierra County Fair starts on July 26, 2023, so the lamb will be going to the fairgrounds on July 23 or 24. That means there are only 40 days remaining for this project; however, once granted, a 4-H special use permit can continue while the student is in school.

The public hearing is opened at 10:32 a.m. Robin Eich, with California Tribal TANF, speaks in favor of the 4-H project because it is an extracurricular activity that provides involvement with the community, responsibility, and the opportunity to gain experience in business. Herrin points out that the County is fully in support of 4-H, but the County must also weigh a balance with social compatibility and nuisances. Norberg adds that right now she's driving 30 miles each way to Taylorsville twice a day to take care of the lamb now that it's been moved to Taylorsville. 4-H member, Samantha Hamilton, comments that it's difficult to take care of the lamb when it's not on her property because she needs to work with the lamb and 'get it up to weight' to make it ready for the fair and to go to market. The public hearing is closed at 10:41 a.m.

There is further discussion regarding the nature of the complaint received. Ferguson reiterates that the Zoning Administrator's concern is environmental, social, and economic compatibility. The Plumas County Environmental Health Department provided comments, which are conditions that would need to be included in the special use permit. No other neighbors were concerned, and they have the support of the 4-H Community Education Specialist, Sierra Washington. Ferguson states she wants to explore specific conditions that will mitigate the noise because she believes it's important for Samantha Hamilton to have the experience, responsibility, and finish what she started. Herrin adds that there are standard conditions plus the conditions from Environmental Health, and other conditions could be added for noise. Ferguson suggests a condition that the applicant's dogs be companion animals to help keep the lamb calm and prevent noise in addition to suggesting a condition that the 4-H member mitigate and monitor

the lamb for noise nuisance throughout the day, as she is now home from school, to remedy the issues or concerns of noise as quickly as possible. Lastly, Ferguson points out that should the Special Use Permit be approved today, as of today the lamb can come back to the property. If the approval gets appealed, there is no stay in the appeal. Until and unless the Board of Supervisors reverses the decision, the lamb could stay on the property during the appeal timeframe and hearing.

## **DECISION**

Zoning Administrator, Tracey Ferguson, finds the project exempt from the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3), making Findings A and B; and approves the special use permit subject to the conditions of approval, making Findings A through C, as follows:

## **ENVIRONMENTAL DETERMINATION FINDINGS**

- A) There is no substantial evidence in the whole record supporting a fair argument that the proposed project, as conditioned, might have any significant adverse impact on the environment; and
- B) The custodian and location of the documents which constitute the record of these proceedings is Plumas County Planning and Building Services, 555 Main Street, Quincy, California.

## **CONDITIONS**

### **Plumas County Planning Department**

1. The special use permit is in conformance with the application as submitted on May 15, 2023.
2. The project will end on July 25, 2023, with the lamb taken off the property.
3. The applicant's three dogs will be companion animals for the lamb to help keep the lamb calm and prevent noise.
4. The 4-H member, to the best of their ability, will mitigate and monitor the lamb for noise nuisance and remedy the issues or concerns of noise as quickly as possible.
5. The special use permit is to be signed by the property owners and applicants and returned within forty (40) days of the date of approval or the permit will be voided.

### **Plumas County Environmental Health**

6. Animal waste must be removed and disposed of in a trash container with a tightly fitted lid at least 3 times per week, or more frequently if so ordered by the Health Officer, to prevent a private or public nuisance or health threat, such as fly breeding conditions and offensive odors per Plumas County Code Section 6-10.102.1.
7. Animal waste must be removed from the premises at least once per week to an approved landfill or transfer site.
8. All grains or other loose feed must be stored in containers with tight fitting lids to prevent the entrance of vermin.

## **FINDINGS**

- A) The project, as conditioned, is environmentally compatible with the surrounding area because the proposed project conforms to all applicable State and County codes.
- B) The project is socially compatible with the surrounding area, as conditioned, to reduce the noise nuisance as not to interfere with the surrounding community.

C) The project is economically compatible with the surrounding area because the use will not interfere with the economic use of properties in the vicinity in conformance with zoning requirements adopted for the promotion of the public health, safety, and general welfare.

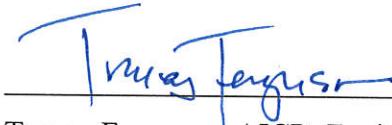
**Zoning Administrator Notation:** Any decision made as a result of this meeting may be appealed to the Board of Supervisors within ten (10) calendar days of the decision. If the tenth day lands on a Saturday, Sunday, or County holiday, the end of the appeal period will be the next working day. The appeal shall be based on relevant information stated or submitted at or prior to this meeting by (a) the applicant; (b) any owner of real property within 300 feet of the exterior boundaries of the property involved who was present at the hearing or who presented written testimony before the Zoning Administrator, or who may be adversely affected by the decision of the Zoning Administrator; (c) such other person whom the Board determines to have been adversely affected by the decision; or (d) any County department head whose department has an interest in the decision (Plumas County Code, Title 9, Chapter 2, Article 10, Section 9-2.1001). Appeals shall be filed with the Clerk of the Board of Supervisors, paying the fee according to the Planning & Building Services Fee Schedule.

## ADJOURN

There being no further business, the meeting adjourns at 11:02 a.m. The next regularly scheduled Zoning Administrator meeting is set for July 12, 2023, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.



Heidi Wightman, Dept. Fiscal Officer II



Tracey Ferguson, AICP, Zoning Administrator