
**PLUMAS COUNTY
PLANNING COMMISSION**

Minutes of the Meeting of May 2, 2019

PLANNING COMMISSION MEMBERS:

Dr. Robert Abbott, *Chair (District 1)*

Moorea Hoffman Stout, *Commissioner (District 2)*

Jeff Greening, *Commissioner (District 3)*

Larry Williams, *Commissioner (District 4)*

John Olofson, *Vice-Chair (District 5)*

I. CALL TO ORDER

Vice-Chair John Olofson calls the meeting to order at 10:00 am.

II. SALUTE TO THE FLAG

III. ROLL CALL

Commissioners Present: Jeff Greening, Larry Williams, John Olofson

Commissioners Absent: Dr. Robert Abbott, Moorea Hoffman Stout

Also in attendance (*Supervisors and staff*)

Michael Sanchez, Supervisor, District 1

Randy Wilson, Planning Director

Rebecca Herrin, Assistant Planning Director

Tim Evans, Assistant Planner

Gretchen Stuhr, Deputy County Counsel III

IV. CONSENT ITEMS

A. *There are no changes to the agenda.*

V. PLANNING COMMISSIONERS' REPORTS/COMMENTS:

There are no Planning Commissioners' reports or comments.

VI. PUBLIC COMMENT OPPORTUNITY

There are no public comments.

VII. PUBLIC HEARING ITEM: PROPOSED ORDINANCE ADOPTING TITLE 9, CHAPTER 2, ARTICLE 43: BACKYARD CHICKENS

Associate Planner Tim Evans gives the presentation on the draft ordinance. The proposed ordinance, if adopted, will implement three General Plan policies and one implementation measure.

Staff is recommending that the Commission adopt Resolution 2019-4 making recommendations. The ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061(b)(3).

Planning Director Randy Wilson adds that chickens are already allowed in certain zones located outside towns or communities and this ordinance will allow the keeping of chickens within single-family residential zones within towns and communities.

Commissioner Williams suggests removal of the words "on the owner's property" in Section 9-2.4305(a)(4) because the person keeping chickens can also be a tenant.

Vice-Chair Olofson opens the public hearing, while reminding the audience that there is a three-minute limit for each person to speak.

Willo Vieira, of the Ag Commission, adds her suggestions for changes to the proposed ordinance:

- Section 9-2.4305(a)(5) General Requirements-Among the listed predators, the most common, skunks and foxes, are not listed. Dogs will not bother the chickens if the enclosure is fenced. Nothing is bear-proof so bears should be removed from the listing of predators. Commission suggestion that the listing of predators be removed and that every instance where "predator-proof" is used, replace with "predator-resistant".
- Section 9-2.4305(b)(1)-Design requirements for the coop-Vieira discusses the coop area requirement of six square feet per chicken. The standard for organic chickens is two square feet per chicken. After discussion, the Commission changes the requirement to two square feet per chicken as a minimum requirement.
- Section 9-2.4305(b)(2)-Design requirements for the run attached to the coop-Vieira explains that the standard is five square feet per chicken for organic chickens. Commission agrees to change the design standard to five square feet per chicken.
- Chickens need to scratch in the dirt, so the floor should not be covered. Clarification is made that the coop shall be predator-resistant from the sides, top, and bottom and the run shall be predator-resistant from the sides and top.

Jennifer Langston, County Code Enforcement Officer, speaks next. Langston expresses concern with hawks, owls being able to access through the top. Vieira responds that if a chicken cannot get through the enclosure, a hawk or owl cannot get through. She adds that a teepee of rope on top of the enclosure will also deter birds.

Ellie Hinrichs opposes Section 9-2.4305(a)(3). She believes that the chickens should not be required to be confined to the coop or run but should be allowed to be free range.

Rose Buzzetta urges the Commission to keep the regulations to a minimum and as flexible as possible. She feels that it should be up to the owner to regulate the keeping of chickens.

Wilson proposes changing the wording to chickens should be contained within the coop, run, or contained within the property boundaries.

James White, representing the American Valley 4-H poultry project, speaks next. He does not think that the feeders should be required to be within the coop because that would provide an incentive for rats, rodents and other predators to come within the enclosure. It is preferable to have the feeders outside the coop in the run. He also recommends five feet per chicken to be the standard in the run.

Regarding the prohibition on the keeping of roosters in the small lot single-family areas, White presents evidence to show that a rooster crow is only 48 dB compared to 70-100 dB for a dog bark, 107 dB for a lawnmower. Some municipalities allow roosters with a no-crow device around their necks. Also, if roosters are kept in a dark space in the morning, they will not crow.

Emily Bryant recommends three roosters and some consideration of one to two roosters as some are not nuisances and the fertile eggs are beneficial.

Langston is concerned about the spread of cockfighting if roosters were to be allowed.

Wilson talks about a 4-H project that came before the Zoning Administrator where the rooster was a contention between neighbors and a condition of approval was that the rooster be relocated.

Marty Swisher is concerned with the proliferation of Eurasian doves in the area which seem to attract predators. He advises that a trench covered in wire can be constructed around the chicken enclosure and backfilled.

Commissioner Williams asks about requirements to sell eggs as he likes to buy local eggs. Director of Environmental Health, Jerry Sipe, responds that eggs for personal use are not regulated, but any retail food sales must be from approved sources as per State law as regulated by the Ag Commissioner. Tim Gibson, Ag Commissioner, adds that is under the jurisdiction of the California Department of Food and Ag and all retailers must be registered with the State. Sipe recommends keeping the current language banning commercial sales of chicken eggs.

Wilson goes over the proposed changes. Commissioner Greening asks that the revisions to the ordinance be brought back at the next meeting on May 16th and that the public hearing be continued until that date.

M/S/C: Greening/Williams/3-0 to continue the public hearing until May 16, 2019 at 10:00 am.

VIII. WORKSHOP/DISCUSSION: Draft Commercial Cannabis ordinance

Updated version as per April 18, 2019 is discussed.

Christy Goodman of Lake Davis campground would like to see a clean ordinance that allows various uses without neighbor input.

Section 9-2.267.2 (b) Personal cultivation of cannabis- wording "Where feasible, outdoor cultivation sites shall not be located in front yards located adjacent to private or public road easements or rights of way" is removed. Side and rear property line setbacks remain at ten feet.

Mark Mihevc questions fencing and greenhouse requirements for personal cultivation. Fencing is proposed to be seven feet in height maximum. Fencing heights are regulated by the new fencing ordinance.

If the greenhouse is locked, does the requirement for a lockable fenced enclosure remain?

After discussion, the following changes are incorporated into the draft ordinance:

- Fencing shall be a minimum of six feet in height and any fence enclosing the cultivation site that exceeds six feet in height shall be constructed to meet the requirements of Section 9-2.407 (staff note: this ordinance was recently revised by the Planning Commission, but is not yet adopted by the Board of Supervisors).
- Fencing of the property will not be required if an enclosed, lockable greenhouse is used.
- Cannabis plants cannot exceed the height of the fence enclosing the site.

Department of Environmental Health Director Jerry Sipe states that there are developing problems with the processing of hemp and use of volatile and non-volatile solvents. He thinks that the Commission should send a strong recommendation to the Board of Supervisors to not allow manufacturing of either cannabis or hemp.

Tim Gibson adds that as of Tuesday, applications are being accepted for commercial hemp grows no less than 1/10th of an acre. Goodman explains that manufacturing processes are the same for cannabis as for hemp.

Assistant Planning Director Herrin states that while the Board has directed the Planning Commission to look at Industrial Hemp, it is not part of the current discussion.

M/S/C: Greening/Williams/3-0 to remove any reference of Type 6 Manufacturer 1 license from the ordinance.

Discussion ensues about dispensaries and delivery services resulting in no changes to the ordinance. Numbers of dispensaries in each jurisdiction will be regulated by the State of California.

IX. INFORMATIONAL ITEMS/ON-GOING PROJECT UPDATES:

None.

X. CORRESPONDENCE:

None.

XI. FUTURE AGENDA ITEMS: Zoning code update discussion

The revisions to the Backyard Chicken Ordinance and the draft Cannabis ordinance will be discussed at the next meeting.

XII. ADJOURNMENT:

M/S/C: Greening/Williams/3-0 to adjourn the meeting at 12:00 p.m. The next regularly scheduled meeting of the Commission will be held on May 16, 2019.



John Olofson, Vice-Chair
Plumas County Planning Commission



Rebecca Herrin, Assistant Planning Director