
**PLUMAS COUNTY
PLANNING COMMISSION**

Minutes of the Meeting of November 15, 2012

PLANNING COMMISSION MEMBERS

Mark Dotta, *Commissioner* (District 1)

Betsy Schramel, *Chair* (District 2)

Richard Rydell, *Commissioner* (District 3)

Larry Williams, *Commissioner* (District 4)

John Olofson, *Vice Chair* (District 5)



I. CALL TO ORDER

The Plumas County Planning Commission (*the Commission*) convenes in a meeting on November 15, 2012, at 10:00 a.m. in the Planning and Building Services Conference Room, Quincy, CA; Chair Betsy Schramel presiding.

II. SALUTE TO THE FLAG

III. ROLL CALL

Commissioners Present: Schramel, Olofson, Williams & Rydell

Commissioners Absent: Dotta

(Rydell attends telephonically at 7310 Winding Oaks Drive, Colorado Springs, CO, a public place where other members of the public can participate in the meeting)

Also in attendance (Supervisors, Consultants, County Staff):

Supervisor Terry Swofford – *District 1*

Randy Wilson, *Director - Planning*

Rebecca Herrin, *Senior Planner*

IV. CONSENT ITEMS:

A. ITEMS TO BE CONTINUED OR WITHDRAWN FROM THE AGENDA –*none*

M/S/C to approve agenda- 4-0

B. APPROVAL OF MINUTES –*Minutes of the meeting of October 4, 2012*

M/S/C to approve minutes: Williams/Olofson/4-0

V. COMMISSIONER REPORTS / COMMENTS

Schramel presents an article on water/climate change “*Water Outlook Becomes Grimmer, Snowpack decline to hurt supply for cities, farms*”.

Schramel states that AB 1492 aims to impose a tax on finished lumber in exchange for an agreement to eliminate timber companies’ liability for wildfires that start on their properties. Discussion ensues as to whether or not the bill was passed. Wilson indicates that he has no knowledge of the content of the bill.

VI. PUBLIC COMMENT OPPORTUNITY

Larry Douglas presents a document “*Economic Recovery Plan for City of Portola and District 1 of Plumas County, prepared by High Sierra Community Development Center*” to the Commission. Douglas speaks to the need to implement elements of the City’s and the County’s General Plans, while creating jobs and boosting the economy. Projects listed in the document include: Lake Davis, Local Infrastructure Projects, Job Attraction Project, and the Railroad Museum (Portola).

Todd Anderson distributes a letter from the Department of Water Resources. Crescent Mills is not in the watermaster service district; this is not in the Integrated Regional Water Management Plan; there is misleading information in the plan which was used to inform the working groups and to lead to the formation of the goals and policies of the General Plan. He cites violations of the Water Code and encourages the Commissioners to read the Water Codes. There is a conflict that has not been addressed. Groundwater plans and adjudicated water sources have not been addressed in the IRWMP, in violation of codes, in Anderson’s opinion.

VII. GENERAL PLAN UPDATE PROCESS

A. CONSULTANT TEAM’S REPORT –*the Consultant is not in attendance.*

1. STATUS REPORT ON THE PROGRESS OF THE DRAFT EIR

Wilson indicates that December 13, 2012 is the target date for the Planning Commission’s workshop on the Draft Environmental Impact Report (DEIR). The meeting will be held in the Mineral Building at the Plumas-Sierra Fairgrounds. Copies of the DEIR should be distributed before Thanksgiving.

Oral and written comments will be taken at the workshop. This meeting is optional, but the staff and consultants have determined that the meeting should be held. The Planning Department will receive comments outside of the workshop, as well. These comments will be provided responses in writing. The comments and the response to comments will become part of the Final Environmental Impact Report (FEIR).

Rydell questions the benefit of having a public meeting. Discussion ensues with the majority of the Commission agreeing to hold the public meeting.

B. PUBLIC INPUT OPPORTUNITY – The public is provided input opportunity.

Tracy Ball, member of the public, questions targeting a meeting to occur between Thanksgiving and Christmas. Wilson responds that the date was chosen for that very reason.

Larry Douglas, member of the public, indicates that the benefit of the public being able to provide comment leads to a beauty of diversity of opinions.

VIII. INFORMATIONAL ITEMS

A. ITEMS FOR DISCUSSION

1. Recommendations on implementation of AB 1616, Food Safety: Cottage Food Operations

Wilson summarizes the staff report prepared for today's discussion. Williams indicates that the recommendation is in line with the "straw poll" recommendation of the October 18, 2012 Planning Commission meeting. Wilson has included a series of emails from other county planning directors.

Wilson indicates that, as Planning Director, he has the power to provide an interpretation of the zoning code that will allow cottage food operations as home businesses. Staff's recommendation is that the Planning Commission take the following action:

"Recognize the Planning Director may make an interpretation of the Zoning Code provisions regarding Home Businesses and that the Planning Director, finding that the provisions of AB 1616 regarding land use regulation of Cottage Food Operations are similar to those in the Home Business section of the Zoning Code, and that in making this finding, that Cottage Food Processing is allowed by right in residential zones."

Schramel questions if, since a Cottage Food Operation is a "permitted use process" and subject to Environmental Health permits, it should be made more clear in the decision. Wilson indicates that uses in the zoning code are in the Planning Commission's jurisdiction, but not Department of Environmental Health permitting.

Todd Anderson questions whether the bill would apply to church fundraisers and bake sales. Wilson responds that the bill deals with residential food processing that is sold in retail establishments and that would put it under Department of Environmental Health jurisdiction.

Lindsey Buis-Kelley, member of the Plumas-Sierra Community Food Council, stresses the importance of the retail sales aspect (versus a "bake sale"), in that it provides for the opportunity to create a business model for the operation and of providing a paper trail through the permitting process with the Department of Environmental Health in case of a health issue arising from the food preparation.

Wilson reads an email from Kristi Jamason indicating the Plumas-Sierra Community Food Council's support of the Planning Department's recommendation to go with the option of classifying a cottage food operation as a permitted use of residential property in the county.

M/S/C: Williams/Olofson/4-0 to accept the language in the recommendation with the following changes:

"The Planning Commission recommends that the Planning Director make an interpretation of the Zoning Code provisions regarding Home Businesses and that the Planning Director, finding that the provisions of AB 1616 regarding land use regulation of Cottage Food Operations are similar to those in the Home Business section of the Zoning Code, and that in making this finding, that Cottage Food Processing is allowed by right in residential zones."

2. New Legislation affecting Safety Element requirements and fire protection: SB 1241

Wilson presents information on the legislation. He notes that the General Plan update policy language requiring fire protection for development is similar to the language in SB 1241 and Plumas County is "ahead of the curve" in this sense. Wilson has not provided analysis, but has provided copies of the legislation to the Commission.

Discussion ensues on the impact of the Multi-Hazard Mitigation Plan to the updating of the General Plan. The MHMP is due to be completed next year. Wilson responds that the Multi-Hazard Mitigation Plan is driven by the Federal Emergency Management Agency (FEMA) as a requirement of obtaining disaster relief funding. \$250,000 in grant funding was obtained through Plumas County Community Development. Of that, \$180,000 was dedicated to the General Plan update to cover the updating of the Safety Element. The Plumas County Office of Emergency Services (OES) is administering the preparation of the Multi-Hazard Mitigation Plan.

Williams indicates that the County has until December 31, 2015 to update the General Plan, if needed. Wilson responds that much of the General Plan is in line with the legislation. Schramel questions whether we have identified evacuation routes in the General Plan. Herrin responds that we have policies that address evacuation routes, but no adopted routes are in the plan, because they have not been fully identified.

Schramel questions whether the Noise Element identifies military overflight areas/routes in terms of noise conflicts.

Wilson discusses the issues with State Responsibility Areas (SRA), the fire fee for dwellings located in SRAs, time local agencies are taking to answer questions. No reimbursement is allowed under SB 1241, the justification being that local agencies can establish fees to cover their costs. The County participated in mapping efforts some years ago of the High Fire Hazard Severity Zones. Although we argued against some areas being designated as High and Very High, we were unsuccessful in our arguments, mostly due to modeling of mapping the areas used by CALFIRE.

Todd Anderson questions how the identification of rivers, creeks, groundwater recharge areas will be addressed in the General Plan. He discusses his issues in Crescent Mills. He indicates that, although he has continually requested information, he is not getting the answers and data he needs.

Wilson asks if the representatives of fire agencies present in the audience wish to provide input on the topic. Present in the audience are Shane Vargas of CALFIRE and Jerry Hurley of the Plumas County Fire Safe Council.

Hurley indicates that, after reviewing the language, there may be some fine-tuning of the General Plan necessary, but that he doesn't think it will be significant. There may be revisions required for element integration. The Community Wildfire Protection Plan (CWPP) is mentioned in the plan based on input from the Fire Safe Council.

Wilson discussed the progress made towards increasing structural fire protection, particularly in the Little Grass Valley area, driven by the General Plan update.

Hurley discusses the need to have better mapping of the State Responsibility Area (SRA) and Local Responsibility Area (LRA). Some areas of Quincy have been identified as high fire hazard areas. The pixel size of the maps is 350 acres and there are computer modeling issues. Discussion ensues on the Local Responsibility Area fire issues. Once land is added to a LRA, such as the City of Portola, the wildland fire responsibility is transferred to the district or the city from CALFIRE. Agencies need to be very careful when annexing territory for this very reason. Hurley indicates that Nevada County has a good model in their fire plan ordinance. Plumas County has no vacant lot ordinance or defensible space ordinance and he believes that is needed first. 100 foot vegetative clearance standards were adopted in 2008 but are not enforced.

Wilson discusses the efforts of Sue McCourt and Jerry Sipe of Office of Emergency Services (OES) to establish a "Point of Sale" ordinance to require realtors to disclose whether a property is in a structural fire protection district whenever it is sold. Sue McCourt adds that she has been meeting with fire chiefs and they want the County to notify property owners of status of fire protection.

Schramel adds that the legislation exempts publically owned and federal public lands, as well as open space designated lands of homeowners associations from meeting the defensible spaces standards. Hurley indicates that both Lake Almanor West and Plumas Eureka Estates have vacant lot ordinances in their Covenants Codes and Restrictions (CC&Rs) to require vegetative clearance.

Todd Anderson, member of the public, questions how riparian areas can be protected when they are required to be removed for fuel reduction. Shane Vargas responds that only 100 feet around dwellings is enforced, not in riparian or other areas located more than 100 feet from dwellings. Hurley adds that the best method of fuel reduction is clean the dead and dying material from the drainage, which will leave islands of green material that are less likely to burn. Although, in some cases, the drainages will also burn.

B. PLANNING DIRECTOR'S REPORT

1. BOARD OF SUPERVISORS MEETINGS *—no report*

2. ON-GOING PROJECT UPDATES

a. Zoning Administrator

The Zoning Administrator approved a fire station in Whitehawk Ranch to be built and operated by the Graeagle Fire Protection District.

IX. CORRESPONDENCE - *None*

X. FUTURE AGENDA ITEMS

M/S/C: Williams/Olofson/carried to cancel the December 6, 2012 meeting and to have the public workshop on the DEIR to be held on December 13, 2012 at a larger venue. Therefore, the workshop will be held at the Mineral Building at the Plumas-Sierra Fairgrounds.

M/S/C: Williams/Olofson/carried to cancel the regularly scheduled meetings of December 20, 2012 and January 3, 2013 and meet again on January 17, 2013.

XI. ADJOURNMENT

There being no further business, Schramel calls for a motion to adjourn the meeting of November 15, 2012.

M/S/C: Olofson/Williams/3-0 to adjourn the meeting

Meeting is adjourned at 11:58 a.m.

The next regularly scheduled Planning Commission meeting is a public workshop on the DEIR to be held at the Mineral Building of the Plumas-Sierra Fairgrounds.

Betsy Schramel, Chair
Plumas County Planning Commission

Rebecca Herrin, Senior Planner
Plumas County Planning Department