
**PLUMAS COUNTY
PLANNING COMMISSION**
Minutes of the Meeting of August 20, 2009

The Plumas County Planning Commission (the *Commission*) convenes in a Meeting on August 20, 2009, at 10:02 a.m. in the Plumas County Board of Supervisors Chambers, Quincy, CA; Mark Dotta, Chair, presiding. Members appointed are as follows:

1. Mark Dotta, Chair (District 1);
2. Elizabeth "Betsy" Schramel, Vice Chair (District 2);
3. Richard Rydell, Commissioner (District 3);
4. Larry Williams, Commissioner (District 4); and
5. John Olofson, Commissioner (District 5).

Staff in Attendance: Randy Wilson, Planning Director
Rebecca Herrin, Senior Planner
Nancy Fluke, Recording Secretary

Supervisors in Attendance: Lori Simpson and Terry Swofford.

I. **CALL TO ORDER** – By Chair Dotta.

II. **SALUTE TO THE FLAG** – By Planning Commission and Attendees.

III. **ROLL CALL**

Present: Mark Dotta, Betsy Schramel, John Olofson, Larry Williams & Rich Rydell.

Absent: None.

IV. **APPROVAL OF AGENDA**

Dotta calls for a motion to approve the agenda. Motion is made by Schramel. Olofson seconds the motion with a unanimous affirmative voice vote recorded.

V. **COMMISSIONER REPORTS / COMMENTS**

A. **SPECIAL DISTRICT FUNDING CUTS** (Commissioner Schramel) – *Handout and Discussion.*

Schramel references a list that was generated at the Courthouse and appeared in the local newspaper. Schramel explains that this is a list of the Special Districts in Plumas County and the cuts that they are predicted to receive through the State. Schramel adds that many of the districts (i.e., fire departments) are mostly volunteers and they don't have a lot of surplus funds to begin with. Schramel reports that she has heard about the possibility that street lights would have to be turned off and that our hospitals would be affected. Josh Sebold, Reporter-Feather Publishing, adds that there will be a *Special Districts Association* meeting tomorrow and they will be addressing that issue.

B. FOLLOW-UP ON THE REQUEST FOR STAFF TO PROVIDE PLANNING COMMISSION / GENERAL PLAN UPDATE DOCUMENTATION TO CONSULTANT (Commissioner Rydell) – Update by Staff and Discussion.

Fluke reports that she is putting together past records pertaining to the Planning Commission and the General Plan Update to give to the consultant, and she will also present the Commission with a list of those items. Rydell emphasizes the importance of money and time being spent on writing the plan and not gathering information that is already there. Rydell comments that he doesn't feel that information is being used the way it should be used. Dotta states that the public should continually be encouraged to contribute more suggestions and information, especially since some of the information we have is a few years old now and times and ideas may have changed some.

VI. PUBLIC COMMENT OPPORTUNITY

At this time, the public has the opportunity to address the Commission concerning any item of interest not listed on this agenda. The Commission may not discuss or take any action on any item presented during the public comment period that is not on the agenda. The Commission may briefly respond to statements made or questions posed by members of the public. Upon recognition by the Chairman, please state your name, address, and subject matter. Discussion of any non-agenda items will be limited to three (3) minutes or such reasonable time as is granted by the majority of the Commission.

Dotta opens the Public Comment Opportunity. Hearing no comments, Dotta closes the Public Comment Opportunity.

VII. GENERAL PLAN UPDATE PROCESS

A. THE CONSULTANT TEAM'S REPORT

Coleen Shade from Design Workshop begins an overview of activities that took place over the past week (starting with most recent). Shade says she had a meeting with John Sheehan of Plumas Corporation this morning who provided her with older documentation concerning where the County has been and what the participation has been in the past. Shade adds that they discussed how today's current economic problems add a different nuance to conversations about visioning. Shade says she has talked to all the Planning Commissioners with the exception of Rich who she will speak to this evening. Shade also says she has met with several of the Board members and plans to meet with the other Board members this week as well as members of the public. Steve Frisch, from Sierra Business Council, introduces himself and explains he is part of the Consulting Team. Frisch adds that he participated in the Visioning Sessions that were done two years ago. Frisch states they are very committed to using that information and they are actually internalizing and using that information in their analysis. Frisch says a great deal of that material, and the survey that was done by the County at that time, are very valuable. Frisch elaborates that there was a remarkable return on that survey of almost 10% of Plumas County residents responding. Frisch says he believes the process the Planning Commission went through was extremely pro-active to engaging the public. Frisch reiterates they are committed to using all the previously gathered information as a base and also use the more recently gathered information. Frisch says the one thing that has changed is the economic ground under our feet has shifted in the last 2 year and they want to take that into

consideration. Frisch adds that he is confident that approximately 80% of what was gathered previously is still relevant and useful and will be incorporated in this process. Rydell comments that Steve was heavily involved in what they previously did and he appreciates his comments. Rydell list three things that were done: the visioning effort; the survey; and also the minutes of our meetings. Rydell reiterates that he has concerns that some of the valuable material may not be available anymore, and he is also concerned that the Work Schedule that is being looked at now includes a large amount of talking to stakeholders, etc., which has already been done. Rydell summarizes that writing the plans is where most of the effort should be focused now. Dotta states we not only hired a consultant but we have hired a process. Dotta continues that at this point we can't vary the process. Rydell interjects that already the number of meetings with stakeholders has gone from fifteen to many more. Rydell continues that you make a proposal with your best information and then as you move forward reality sets in; therefore, even though there is a contract with very specific things, sometimes you have to consider readjusting that based on the information that is now presented to you. Rydell confesses that it bothered him that the number of stakeholder interviews increased. Olofson comments that he understands Rydell's concerns but he had his interview with the Consultant Team a few days ago and he was pleasantly surprised at the outcome; therefore, he suggests to Rydell that he's working under a severe handicap since he hasn't been interviewed by them yet. Olofson continues that once Rydell has had his interview with the Consultant Team, he believes he will feel a lot more comfortable about what they're doing, what resource material they have, and what resource material they're going to need. Rydell adds that he is also relaying the thoughts of the constituents that live in his district who are coming to him, so it isn't just him. Olofson says he's heard those comments too, but that he has turned it around. Olofson gives an example of a groundwater commission in Sierra Valley who was not a stakeholder before, they weren't heard before, and they have issues; however, they are going to be heard this time. Olofson also adds that John Showers wasn't heard before but will be heard now. Olofson summarizes by saying we should do the best we can to collect what we have, but we have a tremendously good opportunity now to move forward. Shade states that most of the members of the Consultant Team are present and she lists their names and specialties as follows:

- * Matt Kowta (Economics)
- * Steve Frisch (Conservation, Agriculture, Public Outreach)
- * Gordon Shaw (Transportation)
- * Coleen Shade (Natural Resource Planning, Project Manager, Public Engagement Process)
- * Eric Roverud (Assistant to Shade)

Kowta introduces himself and states he is from a firm called, Bay Area Economics, and works in their Davis office. Kowta explains that they are the sub-consultant to Design Workshop for economic aspects of the General Plan Update. Frisch introduces himself again and states he will be working on conservation, agriculture and other elements of the General Plan, and also on the public outreach effort. Shaw introduces himself as an engineer and planner and the Principal of LSC Transportation Consultants in Tahoe City. Shaw explains that he has had the opportunity to work in Plumas County before to do a traffic impact study for the Woodbridge area which expanded to all of the Southern part of the County. Shaw adds that he looked at the need for transportation improvements in that area and that he also wrote the transportation plan for Plumas County. Shaw says they

particularly do a lot of work in rural areas of California. Shaw adds that right now they are working on the regional transportation plan for Sierra County, and they've also worked on plans in Siskiyou, Modoc, Lassen and Trinity Counties in the past. Roverud introduces himself and explains he works for Design Workshop and that he will be assisting Coleen. Shade introduces herself and explains that she is a land use and natural resource planner and the Project Manager at Design Workshop.

B. STAKEHOLDERS

Williams states that he sees a lot of groups on the Stakeholder list that he believes are included in an effort to pacify them. Williams voices that he doesn't like that idea. Williams expresses his opinion that the General Plan Update should be able to stand on its own and withstand legal challenges; and that including groups such as High Sierra Rural Alliance or the Sierra Club, who do not have a base in Plumas County, is wrong. Olofson states the same thought has occurred to him and he would like Design Workshop to explain why the Planning Commission should include those groups. Supervisor Swofford introduces himself and states that they need to be included to head off lawsuits in the future. Swofford adds that if we can listen to these groups and see what they want, we would be a lot better off. Williams continues that one of the selling points of the plan is that it is legally defensible; and if our approach to make the plan legally defensible is to include all these outside groups in the hopes that they won't file a lawsuit, he doesn't see the logic in that philosophy. Rydell adds that the model bothers him because the Planning Commission has public meetings and anybody who wants to address the Planning commission can come from whatever organization, council, or committee and say what they want to say and that will be input to what we're doing in the General Plan Update. Rydell continues that the concept of going out to fifty stakeholders is expensive when there is already an open process of public meetings. Rydell also mentions that there is a chance you might exclude somebody in the stakeholder approach, so he has a problem with the model. Schramel contributes that by adding such entities to the list as Chambers of Commerce, Lassen Natural Forest, Pew Forest Products, just to name a few who were not originally on the list, it helps Design Workshop become familiar with Plumas County. Josh Sebold, Reporter from Feather Publishing, cites the recent Reyes-Carillo-Garcia case in Chester and a study that was done which showed 17% of respondents said they had not heard of it; so that's an example of how there are people out there who are not aware of even one of the most prominent events. Sebold also asks Williams what his limit would be of who is Ok and who isn't Ok. Williams answers - the people who have residential or an economic stake in what happens in Plumas County. Olofson offers the suggestion that instead of Design Workshop going to each group, perhaps the groups could be invited to attend and share their thoughts at Planning Commission meetings. Kristi Jamison, attendee, introduces herself and offers that there may be people in Plumas County who want to hear what the Sierra Club, for example, has to say and they would like to see the Sierra Club included on the Stakeholder list. Olofson says he would at least like to see such groups show their interest by having a representative at the Planning Commission meetings. Jamison continues...*(the recording is not clear enough to hear her comment)*, Dotta responds to Jamison that Design Workshop may not be in attendance at every Planning Commission meeting. Williams suggests that members in our community that belong to a group such as the Sierra Club might want to show up at Commission meetings and express their point of view not as a representative of the group, but as an individual. Sebold suggests that the question being asked is whether it is the best use of Design Workshop's time to be at every

Commission meeting hearing everything you hear, or is it better to say they are good at some things and you are good at some things and both can work from different angles to share information. Dotta says he believes it's better to receive comments first hand than second hand. Sebold clarifies his comment by saying perhaps the Stakeholder approach is their (Design Workshop's) way of getting public comment. Olofson suggests that giving groups a platform where they can talk to the citizens can alleviate lawsuits. Olofson adds that he would still like to hear from Design Workshop whether we could complement their efforts by bringing in groups and coordinating with Design Workshop to have a representative at that meeting to hear the public testimony of those groups. Shade affirms that they will create the most legally defensible document possible. Shade stipulates that in her experience the lawsuits weren't focused so much on the document, but on the process: how public engagement occurred, and how matters were considered in the scope of their document. Shade says what is considered is who the stakeholders are and also whether a broad brush view of the interests of the people was accomplished. Shade stipulates that you increase the risks if you leave out, for example, environmental groups both inside and outside the County. Frisch comments that a major part of their responsibility is delivering the most legally defensible product possible and there are a number of different public outreach processes you can use—one is the public meeting format and the other one is just getting some understanding of what the concerns are of people who are likely litigants. Frisch continues that it doesn't necessarily mean they have input on the drafting of the plan itself. Frisch adds, this is a General Plan by and for the residents of Plumas County; but in order to deliver a plan to be used to the maximum utility and that is legally defensible, we need to at least understand the viewpoint and the opinions of the people that are potential litigants in the future. Frisch summarizes by saying what they are seeking to do is understand that and to have it in their minds as they are writing the plan by and for the residents of Plumas County who are the primary authors and the primary drivers of the plan and the process. Williams states that he likes the idea of those groups having input, but what he is concerned about is special interest groups navigating this process and not having the plan represent the voice of the people of Plumas County. Rydell echoes what Williams said and states he is also concerned about excluding people by coming up with a list of stakeholders. Rydell cites the Almanor Fishing Association as a group that is not on the list and that he didn't want to put them on the list because he didn't want to get into it so deep that every single group has to meet with the Consultant, particularly because it costs money. Rydell adds that even though we might have the best General Plan, it will not stop lawsuits. Dotta states that special interests usually drive things, but special interests have become a "dirty word." Dotta continues by saying that essentially when somebody's interest is different, it's considered a *special interest*. Dotta adds that we need to be cautious when we speak of special interests because basically special interests are what will put this plan together. Sebold says his understanding is that the Planning Commission has control as to what happens and putting them on a stakeholder list doesn't give them any power, it just gives them the ability to talk to someone. Olofson says he thinks we should leave it up to Design Workshop to review our agenda in advance and if they see someone listed and they aren't on the Stakeholder's list, they should make every attempt to come to that meeting to hear them speak. Williams asks if it would be beneficial to break the Stakeholder list down and combine the groups that have like interests into a shorter Stakeholder list, and then have another list of individuals or organizations with the same interest that can be contacted if needed. Shade adds that there are "must talk to" individuals and groups and then there are other individuals or groups that would be interviewed

whenever possible. Shade states that they take advantage of talking to as many individuals and groups as they can when they are in the county, either in person or by phone, and it doesn't cost more money. Frisch adds he can anticipate going into a coffee shop in Chester to get coffee and run into someone he wants to talk to. Frisch thinks possibly everyone is too tied to the term *stakeholder*, instead, he thinks of individuals and groups as opportunities for input into the process with some of them leading to great policy ideas that might be helpful. Supervisor Simpson expresses her concern that a conversation that nobody knows about violates the idea to provide transparency. Randy Wilson, Planning Director, suggests having a special agenda item specifically for input from individuals and groups on the General Plan Update. Rydell expresses his concern that people might think if they don't appear they won't be heard. Wilson says he will consider language for that item on the agenda that is inviting to all. Sebald asks when the Stakeholder list will be finalized. Shade answers that the Stakeholder list is dynamic and won't be finalized until the EIR is certified and even beyond. Wilson says he has studies about public participation and has learned that often groups stay out of the process until something comes up later on that prompts them to suddenly participate with a push to get what they want. Terry Simon-Jackson from the Forest Service introduces herself and expresses that when it comes to lawsuits, it is most important how you document any involvement in the process because that's what the judge is going to look at. Simon-Jackson adds that involvement with individuals and groups cannot be arbitrary and capricious but instead it needs to be transparent. Williams asks - where do you stop in the notification process? Shade answers that there is a test of reasonableness and whether there was an effort to foresee problems. James Reichle, County Counsel, adds that there should be a variety of ways to participate and an honest effort made to have a diverse group of opinions heard. Reichle adds that the Planning Commission has to be sure the procedure isn't so cumbersome that there isn't a workable level of participation. Dennis Miller, GIS Coordinator, states that he and Wilson are putting together a website for the General Plan update that will allow them to put the information out to everybody and also receive comments in some fashion. Reichle adds that this would be an excellent defense that you are being open and transparent.

C. **GOALS** – *Deferred to September Meetings.*

VIII. **BROWN ACT WORKSHOP**

The Ralph M. Brown Act and Related Statutes (Effective January 1, 2004); and, Open & Public IV: A Guide to the Ralph M. Brown Act – Discussion.

James Reichle, County Counsel, begins by explaining how important it is to have an up-to-date version of the Brown Act because there have been amendments to the law since it was adopted. Reichle points out that the copy given to the Commissioners is reasonably current but they should write on the front of it that it is not an up-dated version. Reichle tells the Commissioners that they don't need to worry about sections dealing with closed meetings because he can't think of a situation where the Planning Commission would go into closed session. Rydell asks whether a performance review for a consultant would be closed session. Reichle says he will get back to the Planning Commission with more information on that matter. Reichle briefly explains the following topics covered in the Brown Act:

Agenda – You can't bring up a new subject unless it is on the agenda.

Agenda – You can't respond to new matters brought up in public comment.

Agenda – Most agenda items should say “Discussion and Possible Action” so you have your options open on what you can do.

The Press – The local press is adamant about entities following the Brown Act.

Serial Meetings – Watch out for any “conduits” that would share opinions with other Planning Commissions outside of meetings. You can share information (facts) but not opinions.

Who Can Be At a Meeting – Be careful about having sit-down meetings that are not publicly agendized when you have elected members of two different bodies meeting together.

Committee Less than a Quorum / Regular Standing Committee - Is considered a Brown Act committee.

Special Task Committee – Doesn’t have to be a Brown Act committee.

IX. CONSENT ITEMS:

A. APPROVAL OF MINUTES – There are no minutes available to approve.

X. INFORMATIONAL ITEMS

A. PLANNING DIRECTOR’S REPORT

1. BOARD OF SUPERVISORS REPORT – No report.

2. *PMC REVIEW OF THE PLUMAS COUNTY GENERAL PLAN, 2008 - Discussion.*

Wilson begins by stating he would like to discuss some work that was done by Pacific Municipal Consultants (PMC) in the form of a draft, a re-formatting (pg. 15), of the present General Plan and focus on resource production and opportunity areas. Wilson draws attention to a map that is projected on the wall. Wilson says that PMC took the present General Plan and put it into the more standard goal and policy format. Wilson encourages the Commissioners to take a look at this documentation because it helps to understand the present General Plan. Wilson reads a goal in the current General Plan which is, “Establish land use patterns based on constraints and opportunities with intensity and density of development tied largely to the availability of public utilities and services.” Wilson adds that this encompasses the concept of the opportunity area. Wilson uses the Lake Almanor area as an example and points out on the map various areas represented by different colors. Wilson also provides a handout that delineates the current projects in review by the Planning Department. Wilson focuses on a zone change projects in the Almanor area that represent removal of acreage from TPZ in the areas of the Peninsula and North of the Peninsula. Wilson explains that these projects are on-hold at this time and won’t move forward during the General Plan Update Process. Wilson elaborates that the Almanor end of the County has the greatest potential for future development. Wilson goes back to the PMC documentation dealing with the opportunities under the existing general plan and reads portions dealing with non-mitigatable constraints; and also reads about prime, moderate and limited opportunity areas. Wilson talks about communities within our County, such as Chester, that are cities but they are not incorporated; and then Wilson elaborates about Chester in relation to prime, moderate and limited opportunity areas. Wilson adds that the

opportunity areas are designed to take the more intense development into account. Schramel brings up the subject of areas not served by Fire Districts. Wilson explains that this will probably be an important issue for the Planning Commission to consider. Rydell asks Wilson if the Board of Supervisors have commented on the PMC document. Wilson responds that nobody has commented on it because when it was done, County Counsel advised that this document not be adopted as an interim plan; and then, the decision was made to go through the consultant to re-do the whole General Plan. Wilson reiterates that review of the PMC report is useful to understand the current General Plan. Olofson asks Wilson about projects that want to be taken off-hold and how they would be affected by the OPR Extension. Wilson states that they would still have to meet the findings of the OPR Extension which would be a disincentive for them at this point. Olofson expresses his opinion that it is counter productive at this point to be discussing the current General Plan since they are technically responsible for writing a new General Plan and projects are essentially on hold. Wilson points out that not all projects are on hold; and also, staff would advise any applicants of constraints given the OPR Extension and the General Plan Update process. Wilson also adds that the TPZ projects he mentioned were put on hold prior to the OPR Extension being put in place. Olofson comments that he believes the Planning Commission should be involved in the new General Plan and not with the weaknesses in the current General Plan. Wilson asks Olofson if he believes the Planning Commission should not be involved in the current General Plan. Olofson responds affirmatively. Wilson comments – “That would be a policy and decision of the Board of Supervisors.” Wilson adds that the OPR Extension says you can operate under the existing Plan. Sebald states that in theory, the OPR Extension puts a lot of potential projects on hold, but the existing General Plan encompasses many things beyond those and there are many things the existing General Plan can do. Wilson cautions the Commissioners that people are relying on the existing General Plan to function today, and that the Commissioners are in effect taking a look at what the existing General Plan does and then updating it. Schramel expresses her frustration that this technical review from PMC has taken so long to get to the Planning Commission and asks if any of the PMC suggestions have been adopted. Wilson responds that none of it has been adopted. Schramel expresses her hope that in the future there will be more transparency. Wilson adds that he believes there is more transparency today. Wilson continues his presentation with his review of the opportunity areas on the map with a focus on Indian Valley, particularly how various flood planes affect opportunity in that valley. Wilson wraps up his presentation and states he will continue this item on the next agenda. Jamason explains that she has been frustrated in the past about the way the General Plan Update was being handled; however, she is willing to put those frustrations aside and support the efforts now being put forth. Simpson expresses that she is happy the Planning Commission is moving forward. Wilson elaborates that the Planning Department is still obligated to accept applications for projects both large and small, and those projects mean something to the property owners; so because of that, an active General Plan is necessary to have in place. Wilson also brings up the point that the contract with Design Workshop has a cap and there is a set limit on the deliverables, so he will be careful to keep that in consideration.

3. **ON-GOING PROJECT UPDATES** – No report.

XI. **CORRESPONDENCE** – There is no correspondence.

XII. **FUTURE AGENDA ITEMS**

Schramel - Discuss Goals at the September 3, 2009, meeting.

Olofson – Planning Commission minutes need to be thorough and timely and should take precedence over other tasks.

Schramel – Would like a report from the *Plumas County Coordinating Council*.

Schramel – If anyone plans to attend the meeting at UC Davis on September 17, 2009, dealing with available grant money, it would be good if could they give a report.

XIII. **ADJOURNMENT**

There being no further business, Dotta adjourns the meeting at 12:59 p.m. The next regularly scheduled Planning Commission meeting is September 3, 2009, 10:00 A.M., in the Planning & Building Department Conference Room.



Mark Dotta, Chair
Plumas County Planning Commission



Nancy Fluke, Recording Secretary