
**PLUMAS COUNTY
PLANNING COMMISSION**

Minutes of the Meeting of April 4, 2013

PLANNING COMMISSION MEMBERS

Mark Dotta, Commissioner (District 1) **Larry Williams, Vice-Chair** (District 4)
Betsy Schramel, Commissioner (District 2) **John Olofson, Chair** (District 5)
Richard Rydell, Commissioner (District 3)



I. CALL TO ORDER

The Plumas County Planning Commission (*the Commission*) convenes in a meeting on April 4, 2013, at 10:00 a.m. in the Planning and Building Services Conference Room, Quincy, CA; Chair Olofson, presiding.

II. SALUTE TO THE FLAG

III. ROLL CALL

Commissioners Present: Olofson, Dotta, Schramel, Rydell (by telephone)

Commissioners Absent: Williams

Also in attendance (Supervisors, Consultants, County Staff):
Randy Wilson, *Planning Director*
Rebecca Herrin, *Senior Planner*

IV. CONSENT ITEMS:

A. ITEMS TO BE CONTINUED OR WITHDRAWN FROM THE AGENDA *-none*
M/S/C to approve agenda: Dotta/Schramel/4-0

B. APPROVAL OF MINUTES *-none*

V. COMMISSIONER REPORTS / COMMENTS

Commissioners Dotta and Williams, along with Planning Director Wilson, attended a meeting in Graeagle. Carol Viscarra presented a power point. The majority of the people at the meeting were concerned about Agenda 21. There was also a presentation about Independence Lake and how the public has lost access.

Commissioner Schramel discusses an article about the Bay Area and projected growth. The Bay Area has an influence on the County due to water need, second homes. The growth of the State affects us in Plumas County.

The Spanish Creek bridge is finished and has a visitors pull-out with benches and landscaping. She feels that it is a great addition to the travelers' experience.

VI. PUBLIC COMMENT OPPORTUNITY

Member of the audience, Michael Jackson, adds that the bridge replacements by CALTRANS are influenced by our General Plan policies. The County, through its plan, demonstrates that we place an importance on aesthetics and historic bridges, while stressing importance of infrastructure. Policies in the General Plan must be followed, as much as possible, by agencies such as CALTRANS. The Board of Supervisors made a deal with CALTRANS that the old bridges be repaired rather than replaced, but in the case of the Spanish Creek bridge, it could not be repaired. They replaced the bridge, but built something different, based on our policies. He hopes that 25 years from now, the plan will still be providing guidance.

Larry Douglas, Portola: Portola is an example of what happens when elected officials don't implement the general plan. Water rates have increased but population has decreased. He is concerned that the community can be destroyed by not implementing the plan. Portola needs capital investment in order to be active and to have voice. He is working on bringing investment to the City of Portola and the County.

Mark Mihevc, Graeagle: Also attended the Graeagle meeting, which was advertised as a non-partisan, non-political meeting to exchange viewpoints. The three speakers took up the entire meeting and there was no time for questions. He does not feel that there was any exchange of viewpoints and that it is impossible to have an intellectual conversation with people who will not tolerate viewpoints other than their own. The "County shall" is legally required. The word "sustainable" does not have some super secret meaning. He feels that the adults need to direct the children (those raising the Agenda 21 issues). He questions why an Agenda 21 presentation was not held in Quincy. He never got a response to his email about having a meeting at the Quincy Library.

Joyce Wangsgard responds to Mihevc: The Graeagle meeting ran late. Carol Viscarra works full-time, it is difficult for her to attend meetings. There was no point in having a Quincy meeting. They don't want to keep repeating the message. They are not children, they are not stupid people; they have jobs and other things to do, but they think it is important.

Tracy Ball: If there are issues with the plan, comments need to be addressed to the specifics of the plan.

VII. PRESENTATION/DISCUSSION

A. Review of proposed California State Association of Counties CEQA Reform General Principles and Policy Statements; March 2013

B. NEPA and CEQA: Integrating State and Federal Environmental Reviews; Draft for Public Review and Comment, March 2013

Randy Wilson gives the presentation. The Plumas County Coordinating Council meets on the 1st Friday of the month. He gave a presentation to the Council several months ago, discussing similarities and differences between the California Environmental Quality

Act (CEQA) and the National Environmental Policy Act (NEPA). The United States Forest Service uses NEPA and the County uses CEQA.

There are continuing requests for reform of CEQA. The California State Association of Counties (CSAC) defers to the local jurisdictions to provide review and comment about reform legislation. Wilson reads from the material presented to the Commission. Costly litigation creates project delays when lawyers get involved. There are more lawyers than CEQA practitioners. Staff must have the training to write and review CEQA documents. Lawyers review the work of the practitioners. The number of planners statewide has dropped; leaving fewer people who know CEQA.

A General Plan Environmental Impact Report is a "programmatic" document. It is a higher level review than a "tiered" document and is thus not as complicated. Most litigation tends to end up being resolved through non-binding mediation whereby practitioners mediate issues with the attorneys. That does not tend to be the case in Plumas County.

Michael Jackson feels that there will be some reforms in CEQA, but not a wholesale rewriting.

Environmental law is enforced by various agencies; in the case of the Clean Water Act, the Water Board enforces. The County follows the mandates of the Water Board.

Jackson adds that most of his practice as an attorney comes from the Clean Water Act. States can be the enforcement agencies of federal law; California was granted the ability to enforce federal law through the Porter-Cologne Act. The California Regional Water Quality Control Board is the enforcement agency, unless an appeal goes to the Environmental Protection Agency (EPA).

Wilson discusses how complicated water issues can be. Project analysis can include cumulative impact analysis and the fair argument standard sets a low bar for requiring the preparation of an Environmental Impact Report (EIR).

Jackson relays some examples of his experience during a thirty-year CEQA practice, including representing Imperial Valley farmers, the Carmel and Monterey moratorium on growth due to lack of water, State Department of Water Resources issues with the Bay Delta and Lake Oroville projects, representing Plumas and Butte Counties. He has been a water advisor for eight years to the Regional Council of Rural Counties (RCRC). He has been on every side of the issues.

CEQA cases generally involve either a 1) process failure or 2) following the process but failing to provide analysis in the document. Judges may not overturn the decision but will require you to follow statutes and regulations and to show your work in the analysis. The court will rule in your favor if there is substantial evidence and any expert disagreement is disclosed.

Jackson adds that he is concerned due to the fact that the Office of Planning and Research (OPR) extension has expired and he knows what can happen; the shutdown of development county-wide.

Joyce Wangsgard questions Jackson if he is representing the County.

Jackson replies that he is representing himself.

Herrin adds that he also has historical background as he was extensively involved with the development of the previous general plan.

Wilson explains that, even though issues may be raised late in the process as a tactic to stop the project, he has to consider and respond to those issues.

Jackson advises that there be a good faith effort to include late-arriving material. Discussion ensues about the use of the word "shall" in the general plan. Commissioner Schramel adds that there are 277 "shalls" in the United States Constitution. The word clearly states a duty; legally states what needs to be done.

Jackson advises against the use of "weasel words". Mandatory policies should be stated clearly. Wilson adds that most of the use of words such as "shall encourage", "shall strive", etc., are in the Economic Element. Jackson advises that perhaps there should be a preface to the Economic Element.

Discussion ensues about infill exemptions. Governor Brown is still trying to reform the rules for infill. Jackson comments that in 1980 to 1982 there was talk in the County about infill and redeveloping communities. Prior to the current plan, higher density was not allowed; that was changed to increase allowable density in those areas that had services available. These were called "opportunity areas". Today's planning areas follow the same concept as the opportunity areas. Mixed use in historical communities is another example of an idea carried forward. The 1982 plan did not allow mixed use.

Wilson states that there are many good concepts in the current plan were carried over into the General Plan Update.

Discussion ensues on statutory and categorical exemptions, use of EIRs, Feather River Inn lawsuit issues, challenges to the contents of the administrative record, etc. Wilson advises that if a categorical exemption is going to be used, a blank checklist should be filled out to provide a record reinforcing the use of the exemption.

Jackson comments that all counties over 1 million in population have CEQA courts; Sacramento County has four full-time CEQA judges. Circuit rider CEQA judges for smaller counties would seem like a reasonable request. The judge for the Feather River Inn lawsuit came from Sonoma County.

William Abbott, of Abbot and Kindermann, is under contract with the County for land use issues, but is not being used for the General Plan.

James Moose, of Remy, Moose, Manley, is the General Plan consultant attorney. Jackson states that Moose is one of the top five CEQA attorneys.

Jackson opines that the General Plan looks defensible to him. Looks like a constitution to him.

VII. INFORMATIONAL ITEMS

A. PLANNING DIRECTOR'S REPORT

1. BOARD OF SUPERVISORS MEETINGS

2. ON-GOING PROJECT UPDATES

a. Zoning Administrator

Issues on the next week's agenda include a continuation of the McNeill Special Use Permit, a 4-H pig in East Quincy, and a determination of General Plan conformance for an acquisition of highway right-of-way by the Department of Public Works.

b. Current Planning

3. INTEGRATED REGIONAL WATER MANAGEMENT (IRWM)

Wilson states that there will be meetings on the relicensing of the Bucks Creek FERC 1619 at the Quincy Library this coming Tuesday. These are public meetings and everyone should attend. This will be a multi-year process; at least five years.

Mark Mihevc: Discusses the use of "shall" in the plan. Questions if he has issues with the goals and policies, can he submit comments?

Wilson responds that staff is preparing the response to comments on the DEIR. Once public hearings begin, things can be changed. The County is open to further comments on the General Plan update. Bring those comments to the public hearings. They can be submitted early, but will be addressed at the hearings.

The OPR extension has expired. A court order could shut down everything until the plan is adopted. This would be up to the Board of Supervisors.

Chair Olofson appreciates everyone's attendance and participation.

Wilson states that Uma Hinman and Leah Wills are both working on the IRWM. Hinman will be taking on Wilson's previous role as administrator, but Wilson will retain oversight. There was a meeting in Sierra Valley where the IRWM was discussed. Use of local consultants allows local control in the writing of the plan.

IX. CORRESPONDENCE

Commissioner Schramel thanks everyone for the card.

X. FUTURE AGENDA ITEMS

- Leah Wills and Randy Wilson-"missing water" presentation
- Brown Act presentation by County Counsel
- Surface Mining and Reclamation Act (SMARA)
- Discussion of public lands being used for development of solar/wind facilities
- Update on the Genesee-Beckwourth Road (FHA) project
- Discussion of methods of developing tourism/ecotourism/economic enhancement activities to Plumas County
- Feather River College President, Dr. Kevin Trutna, to discuss economic development and Vocational Education Program at the college

- Jerry Sipe (Sue McCourt) – Fire protection issues, education and information, evacuation plans.

XI. ADJOURNMENT

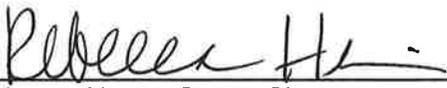
There being no further business, Olofson calls for a motion to adjourn the meeting of April 4, 2013.

M/S/C: Dotta/Schramel/3-0 to adjourn the meeting. Meeting is adjourned.

The next regularly scheduled Planning Commission meeting is set for April 18, 2013, at 10:00 a.m., in the Planning & Building Services Conference Room.



John Olofson, Chair
Plumas County Planning Commission



Rebecca Herrin, Senior Planner
Plumas County Planning Department