
**PLUMAS COUNTY
PLANNING COMMISSION**
Minutes of the Meeting of March 24, 2016

PLANNING COMMISSION MEMBERS:

Dr. Robert Abbott, *Commissioner* (District 1)
Dr. Shauna Rossington, *Vice Chair* (District 2)
Richard Rydell, *Commissioner* (District 3)
Larry Williams, *Chair* (District 4)
John Olofson, *Commissioner* (District 5)

I. CALL TO ORDER

The Plumas County Planning Commission (the *Commission*) convenes in a meeting on March 24, 2016, at 10:02 a.m. in the Planning and Building Services Conference Room, Quincy, CA; Chair, Larry Williams, presiding.

II. SALUTE TO THE FLAG

III. ROLL CALL

Commissioners Present: John Olofson, Larry Williams, Dr. Robert Abbott, Richard Rydell, and Dr. Shauna Rossington

Commissioners Absent: None

Also in attendance (Supervisors, consultants, and staff):

Supervisor Sherrie Thrall

Supervisor Kevin Goss

Supervisor Terry Swofford (arriving after Supervisor Goss leaves)

Randy Wilson, Planning Director

Rebecca Herrin, Senior Planner

Heidi Wightman, Recording Secretary

IV. ELECTION OF CHAIR AND VICE CHAIR

Rydell nominates Williams for Chair. Olofson seconds the nomination. Williams is elected Chair by unanimous vote.

Olofson nominates Rydell for Vice Chair. Rydell withdraws the nomination due to scheduling conflicts. Abbott nominates Rossington for Vice Chair. Williams seconds the nomination. Rossington is elected Vice Chair by unanimous vote. Supervisor Kevin Goss introduces the new commissioner from his district, Dr. Shauna Rossington. (Supervisor Goss leaves the meeting after the introduction.)

V. PUBLIC COMMENT

Board of Supervisor Chair, Sherrie Thrall, thanks the Commissioners on behalf of the Board of Supervisors and citizens of Plumas County for serving on the Planning Commission.

VI. GENERAL PLAN LAWSUIT UPDATE

Planning Director, Randy Wilson, gives an update on the status of the lawsuit filed against the County by High Sierra Rural Alliance (HSRA). The judge filed an opinion (decision) on March 3, 2016, in favor of Plumas County on all counts. HSRA now has 60 days to decide to appeal. The process can go on another couple of years if they appeal. Commissioner Williams adds that he was at the hearing and the whole team (Planning Department staff, consultant, and legal representation) deserves kudos for a job well done.

VII. INTRODUCTION AND PLANNING DIRECTOR'S REPORT

Planning Director, Randy Wilson, presents a list of items the Planning Commission will be addressing today and over the next several months:

- The Commission has been charged with developing an ordinance to regulate medical cannabis. The Board of Supervisors held a hearing in January and decided to not impose a moratorium on the growing of medical cannabis. Staff is researching marijuana codes in the State of California, looking at other ordinances, and reading and understanding the law concerning medical cannabis.
- The General Plan Amendment request from Mohawk Valley Ranch is on today's agenda. This is a legislative act, which will ultimately be decided by the Board of Supervisors. The Planning Commission's role is to make a recommendation to the Board.
- The Board of Forestry changed the rules for implementation of PRC 4290 and PRC 4291, which are the State Fire Safe Standards. The Planning Commission is charged with reviewing Plumas County's ordinances implementing the California Fire Safe Regulations and making a recommendation to the Board of Supervisors for adoption of implementing ordinance and/or in lieu ordinance. This item is on today's agenda for discussion and possible recommendation.
- Consistency zoning with the General Plan and the Plumas County Zoning Code needs to be completed at some point in the future.
- The General Plan Housing Element needs to be updated. This needs to be done every five years. The process is about a year out.
- The County Subdivision Ordinance, which is contained mostly within Title 9 (Zoning Code), needs to be updated.

- The County's local CEQA ordinance needs to be updated. The County can designate certain uses exempt that go beyond the CEQA Guidelines.

VIII. PUBLIC HEARING – GENERAL PLAN AMENDMENT: MOHAWK VALLEY RANCH (Marcia White, Owner/Applicant); APN 133-130-115; T.21,22N/R.13E/S.5 & 32 MDM; 150 WHITEHAWK DRIVE, WHITEHAWK RANCH, CLIO

Rebecca Herrin, Senior Planner, begins by explaining that a general plan amendment is a legislative act, which means the Board of Supervisors as the legislative body will make a decision on the actual general plan amendment and rezone. The Planning Commission is tasked with holding a public hearing and making a recommendation to the Board. This general plan amendment and zone change request is intended to bring the current designation of this specific parcel into conformance with the planned uses of the parcel that were originally approved in 1981. Herrin presents an overview of the project as outlined in the Staff Report. Herrin reads aloud a letter received from Steve Ursebach and also presents a letter received from Norm Brown.

Marcia White, owner and applicant, explains her justification for the request. Discussion follows regarding architectural review.

The public hearing is opened at 10:57 a.m.

Tim Nye, property owner at Hawk Ridge adjacent to Whitehawk Ranch, speaks to the legality of this amendment application and noticing requirements.

(Supervisor Thrall leaves the meeting.)

A number of property owners speak out against the general plan amendment and zone change.

The public hearing is closed at 11:23 a.m.

Herrin responds to the comments made by Mr. Nye.

Commissioner Olofson questions if this general plan amendment request has been run past County Counsel for their opinion. Olofson also feels there should be a control written into the CC&R's so that the architectural review transfers to the Homeowner's Association once Marcia White sells the property. Herrin responds that CC&R's are civil and the County cannot administer CC&R's. Additionally, State law requires that when you apply a zoning, it has to apply equally everywhere in the county. The uses allowed in C-3 zoning would be the same everywhere in the county. Zoning cannot be conditioned. Planning Director Wilson adds that you can do an overlay zone, but the limited combining zone would have to identify a significant environmental impact which would require future review, and the Board would have to do that. Commissioner Rossington questions if a limit can be put on the number of buildings allowed on the parcel. Commissioner Rydell agrees that Olofson raises a good point about legal review and he would not want to make a recommendation today. He would like to get a legal opinion on the issues raised by

Mr. Nye. Wilson adds that granting the general plan amendment and zone change is a legislative action under the rule making authority of the Board. It's not something you can file a lawsuit on unless it violates State law, which it doesn't. But to get clarity from County Counsel that the application was properly applied for is appropriate given the issues that were raised today and to make sure that the CEQA process that is being followed is adequate. That's where the lawsuit could be. Wilson recommends that this item be continued at least a month to the second regular meeting in April (April 21st). The public hearing is closed, so technically that continuation does not have to include a public hearing. The public hearing could re-opened and the meeting continued so we won't need to re-notice the hearing. Chair Williams re-opens the public hearing. **Motion is made by Rydell, seconded by Abbott, to continue this item to April 21, 2016, at 10:00 a.m. in the Permit Center conference room. Motion is passed by unanimous vote.**

IX. PLANNING COMMISSION REVIEW OF PLUMAS COUNTY ORDINANCES IMPLEMENTING THE CA FIRE SAFE REGULATIONS (TITLE 14, CALIFORNIA CODE OF REGULATIONS BEGINNING WITH SECTION 1270)

Rebecca Herrin, Senior Planner, gives a presentation as outlined in the Staff Report. Section 4290 of the Public Resources Code requires the Board of Forestry and Fire Protection to adopt regulations implementing minimum fire safety standards related to defensible spaces, which are applicable to state responsibility area lands under authority of the department. These regulations are contained in Title 14 of the California Code of Regulations. After over two years of testing and research by a workgroup made up of CalFire and local agency land use planning specialists, sixteen sections were changed beginning with Section 1273.01. These changes were adopted by the Board of Forestry and approved by the Office of Administrative Law on April 27, 2015, and became effective on January 1, 2016. The County now has two options: 1) Adopt the regulations as written and amend the Plumas County Code to reflect the State's requirement, or 2) Selectively revise the Plumas County Code to incorporate the CA Fire Safe Regulations while providing exceptions from those regulations for certain requirements (which would require certification by State.)

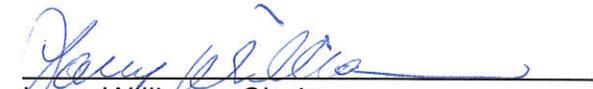
Discussion follows in regard to some of the changes that were made. Joe Waterman, Chester PUD General Manager, Fire Chief of the Chester Fire Department, and Vice-Chair of Plumas County Fire Chiefs Association recommends that the County ordinance mimic the State Standards for Fire Safety, with the possibility for exemptions, but the local chiefs would have a say in that exemption process to get it under local control, because they're the ones actually providing the fire protection and they want to keep the public and fire fighters safe and effective as they're taking care of wildland fires. Chair Williams questions if it would be possible to have Bob Perreault from Public Works attend a meeting in the future to address the driveway issue. Olofson feels the Commission needs to know how the appeal process works before they can make a decision. This item is continued to the Planning Commission meeting of April 7, 2016.

X. FUTURE AGENDA ITEMS

- CEQA Training
- Brown Act Training

XI. ADJOURNMENT

There being no further business, Williams calls for a Motion to adjourn the meeting. Motion is made by Abbott, seconded by Rydell, with a unanimous affirmative vote recorded to adjourn the meeting of March 24, 2016, at 12:53 p.m. The next regularly scheduled Planning Commission meeting is set for April 7, 2016, at 10:00 a.m., in the Permit Center conference room.



Larry Williams, Chair
Plumas County Planning Commission



Heidi Wightman, Recording Secretary