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## PLUMAS COUNTY PLANNING COMMISSION

Minutes of the Meeting of June 6, 2013

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### 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 June 6, 2013, at 10:04 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, Williams, Rydell

**Commissioners Absent:** Dotta, Schramel

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

Randy Wilson, *Planning Director*

Rebecca Herrin, *Senior Planner*

Lori Simpson, *Supervisor, District 4*

#### IV. CONSENT ITEMS:

##### A. ITEMS TO BE CONTINUED OR WITHDRAWN FROM THE AGENDA -*none*

##### B. APPROVAL OF MINUTES

Terri Simon-Jackson comments that the quote attributed to her in the minutes is incorrect as she was not in attendance at the May 16, 2013 meeting. The quote is removed from the draft minutes.

*M/S/C to approve minutes of the meeting of May 16, 2013, with correction:  
Williams/Rydell/3-0*

#### V. COMMISSIONER REPORTS / COMMENTS - *none*

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#### VI. PUBLIC COMMENT OPPORTUNITY

Discussion with the public regarding the upcoming public hearings on the Final EIR and General Plan Update. Members of the public encourage staff to provide a concise explanation of the General Plan update and to provide some sort of printed information that will help the public understand the process that has been followed and the results of that process.

Wilson explains that most citizens do not interact with the General Plan and so the plan does not drill down to individual's lives. Most of the public interaction with planning is through zoning codes, by obtaining building permits and with code enforcement issues.

Public comment period is closed at 10:12 a.m.

Wilson states that staff has been working with the consultants on responses to comments. Target date for the public hearing on the Final EIR is now July 11, 2013.

At that hearing, the Planning Commission will review the Final EIR and any interaction with the General Plan Update resulting from proposed changes in the Final EIR. The focus will be on the Final EIR, and will lead to a recommendation from the Planning Commission to the Board of Supervisors regarding the Final EIR certification.

As part of the Planning Commission's review, draft findings on the Final EIR certification will be presented. All potential impacts of the Final EIR are evaluated and a finding made for each impact.

At the Board of Supervisors public hearing, the Board will consider the Final EIR and the draft findings. Once the Final EIR is certified by the Board, the Board will consider the adoption of the General Plan. The Board may accept the Planning Commission recommendation or may direct the issue back to the Planning Commission.

The legal focus of the review will center on the relevancy of comments received, the responses to those comments, and any proposed changes resulting from those comments received during the DEIR review period.

If the public hearing is on July 11, 2013, notices will be published on June 26<sup>th</sup>; the Governor's Office of Planning and Research will be notified; all materials will be posted on the County's website and made available to the public. The consultants will be present at the public hearing(s). Jim Moose is providing legal review on the responses to comments.

## **VII. PRESENTATION/DISCUSSION**

Wilson asks the chair for his pleasure; there are two items on the agenda; a continued discussion of the 1959 General Plan and excerpts from four CEQA textbooks regarding findings.

Chair Olofson requests that Wilson cover the CEQA findings first.

Wilson starts off by stating that findings are one of the least understood aspects of CEQA. He shows the Tulare County General Plan Update EIR findings which is 120 pages long.

Successful CEQA Compliance: A Step-by-Step Approach, Ronald E. Bass and Albert I. Herson, 1994 Edition.

"Simply stated, a finding is a written statement made by the decision-making body that explains how it dealt with each significant impact and alternative in the EIR. Each finding must contain the following:

- An ultimate conclusion
- Substantial evidence supporting the conclusion
- An explanation of how the substantial evidence supports the conclusion

"Legally, the findings are made at the time a project is approved. In practice, however, tentative findings, often written by agency legal or planning staff, are presented to the decision-making body with the project staff report and recommendation. They are then rewritten to conform to the final decision shortly after the decision-making body approves the project. The findings become part of the project's administrative record and are available to the public, but they do not have to be circulated for public review.

"For each significant impact, the decision makers must reach one of the three conclusions:

- Changes have been required of, or incorporated into, the project to avoid or substantially lessen the significant environmental impact
- Changes are within the responsibility and jurisdiction of another agency, and have been or will be adopted by that agency
- Specific economic, social, legal, technical, or other considerations, such as employment opportunities for highly skilled workers, make mitigation measures or alternatives infeasible

"Each conclusion must be supported by substantial evidence of record and must contain an explanation that links the evidence to the conclusion, otherwise known as a 'finding'."

Wilson explains that, under CEQA, the decision makers can only approve a project with a "significant and unavoidable" impact by the use of an Environmental Impact Report.

"A Statement of Overriding Considerations is a written statement made by the decision-making body when it approves an environmentally damaging project. In making a decision to approve or deny a project, the decision makers must balance the benefits of the project against unavoidable environmental impacts. The Statement of Overriding Considerations is simply an explanation of this balancing."

The conclusions must be supported by substantial evidence in the record. Wilson reads an example from the text.

Mitigation monitoring with a reporting requirement is discussed.

CEQA Deskbook, Ronald E. Bass, Albert I. Herson, and Kenneth M. Bogdan, 1999 Edition.

"Consideration and Certification of a Final EIR

"Consideration

"A decision-making body is required to read and consider the information in an EIR before making a decision. The Lead Agency's administrative record on the proposed project must show that the Lead Agency reviewed and considered the Final EIR before acting on a project. Guidelines sec. 15090.

**"Certification**

"Before approving the project, the Lead Agency must certify that the Final EIR was prepared in compliance with CEQA and was presented to the Lead Agency's decision-making body, which reviewed and considered the Final EIR before approving the project. Guidelines sec. 15090. In addition, the Lead Agency must certify that the EIR reflects the independent judgment of the Lead Agency. Pub. Res. Code sec 21082.1(c)(3). Responsible Agencies are not required under CEQA to make any additional certifications regarding the preparation or adequacy of the Final EIR."

Discussion ensues on responsible and trustee agencies. Many times there are several agencies, including the USFS, involved in the environmental review and the decision-making processes.

Wilson explains that the Planning Commission does not have CEQA authority, hence the need for a recommendation to the Board of Supervisors for the FEIR certification. The Zoning Administrator has been delegated legal authority by the Board of Supervisors for CEQA. Decisions by the Zoning Administrator can be appealed to the Board. In order to have legal standing to file a lawsuit, administrative remedies must be exhausted; meaning that all appeals must be filed and decisions on the appeals made before a lawsuit can be filed. In the case of the FEIR certification and approval of the General Plan Update by the Board of Supervisors, there would be no further appeal process and the next step would be the filing of a lawsuit.

**"Taking Actions on Projects for Which an EIR Was Prepared**

**"Lead and Responsible Agency Authority**

"The Lead or Responsible Agency may approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations adopted..."

**"Limitations on Authority**

"An agency does not have unlimited authority to impose mitigation measures or alternatives discussed in an EIR that would reduce the environmental effects of the proposed project to a less than significant level. Rather, a public agency is subject to both general and specific limitations on its authority. In mitigating or avoiding a project's significant environmental effects, an agency may exercise only those express or implied powers provided by law, aside from those provided by CEQA."

If a rule applies: If it is a legal requirement, it must be done. Only CEQA allows the Lead Agency to go beyond the rules to mitigate an impact.

The General Plan Update EIR is a high level EIR. It is not necessary to evaluate every parcel for potential impacts. The General Plan Update EIR provides an analysis of the potential impacts of the General Plan Update. The Final EIR will drive changes to the project (General Plan Update) if those changes are based on a valid environmental analysis.

"Notice of Determination

"A Lead Agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared. No Notice of Determination is required if the agency decides to disapprove the project."

Wilson encourages the Commissioners to look at the 1959 General Plan and the hard numbers analysis in the plan.

## **VII. INFORMATIONAL ITEMS**

### **A. PLANNING DIRECTOR'S REPORT**

Tracy Ball questions Wilson about the Lead Agency and the delegation of duties. The Planning Commission is the advisory body. The Planning Commission will provide a recommendation to the Board of Supervisors.

#### **1. BOARD OF SUPERVISORS MEETINGS**

The Board will shortly begin the budget process.

#### **2. ON-GOING PROJECT UPDATES**

##### **a. Zoning Administrator**

There was no Zoning Administrator meeting since the last Planning Commission update. There is a scheduled meeting on June 12, 2013.

##### **b. Current Planning**

#### **3. INTEGRATED REGIONAL WATER MANAGEMENT (IRWM)**

The decision-making process for the grant is being revised. Joyce Wangsgard asks if the Board will be involving the ag community. Wilson responds that the ag community is involved through the inclusion of the Resource Conservation Districts as signatories to the revised Memorandum of Understanding.

Wilson goes on to list the makeup of the Board. All parties are signatories and may make recommendations. The IRWM is a non-binding plan. Although USFS is a participant, the Forest cannot delegate decision-making authority.

## **IX. CORRESPONDENCE –none**

Commissioner Rydell leaves the meeting at 11:25 a.m.

## **X. FUTURE AGENDA ITEMS**

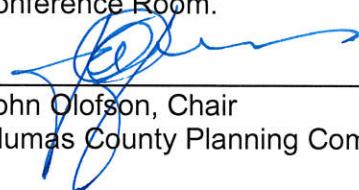
- Leah Wills and Randy Wilson—"missing water" presentation
- Brown Act presentation by County Counsel
- Surface Mining and Reclamation Act (SMARA)
- Discussion of public lands being used for development of solar/wind facilities
- Update on the Genesee-Beckwourth Road (FHA) project
- Discussion of methods 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.
- Greg Williams (Sierra Buttes Trails Association) and Bill Copren (Trout Unlimited) presentations

**XI. ADJOURNMENT**

Commissioner Williams makes a motion to adjourn the meeting as the quorum is lost.

The next regularly scheduled Planning Commission meeting is set for June 20, 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