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## PLUMAS COUNTY PLANNING COMMISSION

Minutes of the Meeting of August 2, 2018

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### **PLANNING COMMISSION MEMBERS:**

**Dr. Robert Abbott, Chair (District 1)**  
**Jeff Greening, 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 August 2, 2018, at 10:14 a.m. in the Planning and Building Services Conference Room, Quincy, CA. Vice-Chair John Olofson presides.

#### **II. SALUTE TO THE FLAG**

#### **III. ROLL CALL**

**Commissioners Present:** Jeff Greening, Larry Williams, John Olofson  
**Commissioners Absent:** Dr. Robert Abbott

**Also in attendance (Supervisors and staff)**

Randy Wilson, Planning Director  
Rebecca Herrin, Assistant Planning Director  
Tim Evans, Assistant Planner  
Gretchen Stuhr, Deputy County Counsel III

#### **IV. CONSENT ITEMS**

##### **A. Items to be continued or withdrawn from the agenda**

None.

##### **B. Minutes from the July 19, 2018 meeting**

M/S/C: Greening/Williams/3-0 to approve the minutes of the July 19, 2018 meeting

#### **V. PLANNING COMMISSIONERS' REPORTS/COMMENTS**

Commissioner Williams questions if there is to be a fifth Planning Commissioner (representing District 2) appointed? Planning Director Wilson responds that is the Board member's decision.

#### **VI. PUBLIC COMMENT OPPORTUNITY**

There is no public comment.

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

Wilson announces that the date for the appeals court to hear oral arguments has been set for August 22, 2018 at 2:00 pm. Commissioners Williams and Olofson express willingness to attend. There is room in the county vehicle for the Commissioners to ride with Wilson and Rebecca Herrin.

Deputy County Counsel Stuhr explains that, while 90 days is allowed for a decision, the appeals court may issue a ruling in less than 90 days. There may already be a draft decision in place as the appeals court was ready to rule prior to accepting oral arguments.

Wilson states that the County is still in the process of amending the boundary of the Groundwater Sustainability area in Sierra Valley. The Department of Water Resources made a mapping error and included a small area not connected with the basin, but it is proving difficult to revise the map.

There will be a Plumas County Coordinating Council meeting after the Planning Commission meeting on August 16, 2018. Wilson is vice-chair and both Supervisors Thrall and Engel are members.

**VIII. ZONING CODE UPDATE: DRAFT TELECOMMUNICATIONS ORDINANCE:**  
**Discussion/workshop**

Assistant Planner Evans reviews the changes made to the ordinance at the previous meeting.

Commissioner Greening corrects the language “airstrip and airport” to “airstrip or airport” throughout. Evans and Wilson have reviewed the comments submitted by DigitalPath.

Page 6, (c) Expansion: Assistant Planning Director Herrin suggests adding a cross reference to the lawful nonconforming section in the Plumas County Code (Title 9, Article 2, Chapter 5. Nonconforming Structures and Uses). Wilson states that staff is not supportive of the proposed change to allow an expansion with a zoning clearance certificate as that would not be consistent with existing code requirements.

Section 9-2.4105. Exemptions (a)(2): Discussion ensues over the use of “provider” vs. “operator”. It is agreed that “facilities” should be removed from the sentence “Exemptions subject to subdivision (a) of this section do not apply to facilities operated, leased to, or used by any FCC licensed commercial telecommunications provided ~~or~~ facilities...”

Page 7, top of the page: Changes are not needed as exemptions are listed in Section 9-2.4108.

Wilson states his opinion that facilities in Timberland Production Zone (TPZ) should not be exempt. In order to address potential impacts, perhaps facilities in TPZ should require a zoning clearance certificate. Discussion ensues about CEQA issues regarding impacts to timberland and how they could be addressed. The exemption is left in place for the time being.

Page 10, Section 9-2.4108. General Requirements. Commission is in agreement that no change is necessary as Section 9-2.4109(b) already covers standards.

Deputy County Counsel Stuhr has reviewed most, but not all, of the comments submitted by AT&T. At the bottom of Page 3, second full paragraph: AT&T has an issue with lack of sufficient exemptions for facilities located within rights-of-way. Stuhr explains that the applicable section is 9-2.4108 (a) (4) which provides an exemption from setbacks for those facilities located within public or private utility easements. The 500 foot setback from residential zones is allowed to be modified by variance, so AT & T's claim that this will prohibit wireless facilities is not accurate.

The next paragraph presents an objection to the prohibition of facilities in Open Space (OS) and Lake (L) zones. Stuhr explains that local governments can make determinations in specific areas and preserve certain zoning classifications for open space use by banning facilities from those zones. Aesthetics is another reason to ban facilities from certain areas. She states that case law is clear on this issue.

Stuhr explains that the last paragraph on Page 3 addresses findings made in certain circumstances and that the case cited (*Metro PCS, Inc. v. City and County of San Francisco*) clarified the law. Therefore, Stuhr will redraft the findings to address the decision in *Metro PCS*.

She is still reviewing the citations in the letter from AT & T. Stuhr explains that the County has already made accommodations by adding and modifying code sections. The letter does not cite the appropriate code sections and seems to ignore the changes made to the ordinance based on input from providers and the public.

Page 5, 4<sup>th</sup> paragraph: Keith Chambers discusses “reasonable” fees and defined scope of work for the consultant. He feels there should be more assurance to the applicant that costs will not be too high. The Commissioners do not feel changes to the language are warranted. On the last page of the AT & T letter, Chambers reiterates that the biennial reporting requirement is not an imposition of standards, but merely requiring proof that existing standards are being met. Stuhr explains that the County has rights to request applicants to show compliance with the FCC requirements. Discussion ensues on self-certification and EMF studies performed by licensed engineers that can verify evaluation and date of compliance with certification that nothing has changed.

**IX. INFORMATIONAL ITEMS/ON-GOING PROJECT UPDATES:**

Wilson states that the Plumas Charter School Special Use Permit was approved and no appeal was filed.

**X. CORRESPONDENCE:**

There is no correspondence.

**XI. FUTURE AGENDA ITEMS:**

Herrin states that Tim Evans has completed a draft model landscape ordinance for review by the Commission. Wilson directs staff to put this on the next agenda. There will most likely be a public hearing on the Telecommunications Ordinance sometime in September.

**XI. ADJOURNMENT:**

M/S/C: Williams/Greening/3-0 to adjourn the meeting of August 2, 2018 at 11:57 pm.

There being no further business, the meeting is adjourned until the next regularly scheduled meeting on August 16, 2018.



John Olofson, Vice-Chair  
Plumas County Planning Commission



Rebecca Herrin, Assistant Planning Director