
PLUMAS COUNTY PLANNING COMMISSION

Minutes of the Meeting of January 18, 2018

PLANNING COMMISSION MEMBERS:

Dr. Robert Abbott, Vice-Chair (District 1)
Jeff Greening, Commissioner (District 3)
Larry Williams, Commissioner (District 4)
John Olofson, Commissioner (District 5)

I. CALL TO ORDER

The Plumas County Planning Commission (the *Commission*) convenes in a meeting on January 18, 2018, at 10:00 a.m. in the Planning and Building Services Conference Room, Quincy, CA. Vice-Chair Dr. Robert Abbott presides.

II. SALUTE TO THE FLAG

III. ROLL CALL

Commissioners Present: Dr. Robert Abbott, Jeff Greening, Larry Williams, John Olofson
Commissioners Absent: none

Also in attendance (Supervisors and staff)

Tim Evans, Assistant Planner
Randy Wilson, Planning Director

IV. CONSENT ITEMS

A. Items to be continued or withdrawn from the agenda

None.

V. PLANNING COMMISSIONERS' REPORTS/COMMENTS

Planning Director Wilson reports that there are currently no minutes available. Discussion takes place on form of minutes; the minutes could consist of action items only, rather than detailed minutes of every item discussed. Wilson adds that all the meetings are being filmed, so that there is a clear record. The videos may be posted on the County website as was done with the Cannabis Ordinance meetings.

Commissioner Olofson states that he is in favor of the concept of action minutes.

Wilson reports that the Governor's Office of Planning and Research (OPR) and Director Scott Morgan will be holding workshops on Military operations and impacts on land use. There will be two upcoming meetings on the following Wednesday and Thursday in Susanville and Oroville respectively. Dr. Abbott and Larry Williams express interest in attending the Oroville meeting with Wilson.

Wilson reports on various water issues, including an independent analysis on the dam failure at Oroville which is 500 pages. He is reviewing this report.

The Board of Supervisors will most likely be discussing enforcement of the cannabis moratorium at the first meeting in February.

Wilson and Commissioners discuss the potential impacts of drones on wireless towers and facilities.

VI. PUBLIC COMMENT OPPORTUNITY

Rich Green, representing Plumas Sierra Rural Electric Cooperative, asks about a letter sent from legal counsel regarding the Telecommunications Ordinance. Wilson explains that the public comment opportunity is for addressing items not on the agenda. The letter will be discussed under the workshop agenda item.

There is no public comment.

VII. ELECTION OF CHAIR AND VICE-CHAIR

Vice-Chair Abbott calls for nominations.

M/S/C: Williams/Greening/4-0 to elect Dr. Robert Abbott as Chair

M/S/C: Abbott/Williams/4-0 to elect John Olofson as Vice-Chair.

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

Copies of the letter received from Plumas Sierra Rural Electric Cooperative are distributed.

Discussion of the latest version of the draft Telecommunications Ordinance begins. Wilson explains that the comments shown in green have been added as a result of Deputy County Counsel Gretchen Stuhr's review. Most of the comments are in the definitions section where she is including language from Code of Federal Regulations (CFR) into the language of the Ordinance. Some comments have been added to other sections such as the section on indemnification.

Commissioner Williams asks about the required review of the Ordinance by the Airport Land Use Commission (ALUC). Wilson responds that he has obtained a list of current members from the Clerk of the Board. There are currently two vacancies on the Commission. The Ordinance must be reviewed by the ALUC. If changes are proposed, the Ordinance would come back to the Planning Commission for review.

Wilson proceeds through his comments on the draft Ordinance:

On page 17, the definition of Zoning Clearance Certificate contains wording referring to a "certificate of compliance". He proposes to add zoning to the phrase making it "certificate of zoning compliance" so that it will not be confused with the procedure in the Subdivision Map Act.

On page 8, non-commercial satellite television facilities are regulated as to setbacks and height. Page 14 setbacks are 1 foot per 1 foot height plus an additional 25 feet. If these setbacks were applied to dish receiver/transmitters, many lots would become "legal non-conforming". He questions why the County would create a code that would lead to non-compliance. Wilson adds that Assistant Planner Tim Evans and Wilson will review this item further.

Discussion ensues on perhaps making all antennas exempt from height and setback requirements. Wilson and Evans will develop some exemption wording. Wilson explains that, in reality, the issues that government regulates are for health, safety and general welfare. Federal law allows the County to address aesthetics and zoning issues when regulating wireless facilities.

Commissioner Olofson is concerned with the additional wording added by Counsel. What happens if the law or other circumstances change in the future? Wilson explains that the wording "as may be amended" could be added after the citations so that it would be clear that if there are changes to the regulations, the changes would automatically occur within the Ordinance as well. Commissioner Olofson suggests this wording be added throughout the Ordinance as a clarification.

On page 3, under "emergency" and "disaster", Olofson says the words are used interchangeably but they are not interchangeable. He suggests removing the entire sentence. Wilson responds that staff will take a look at changing it.

On page 5, Olofson questions the additional references. Keith Chambers explains that these appear to be direct references from the Code of Federal Regulations (CFR). Wilson responds that we will discuss with Counsel (Stuhr).

Wilson reviews other changes made: The definition of "wireless facilities" was knocked out but moved to page 3 as Evans explains. Chambers is in agreement with Stuhr on the proposed changes. On page 7, the wording "or other zoning approval" was removed. Chambers questions if this would leave the special use permit as the only vehicle and remove the ability to obtain a zoning clearance certificate. Wilson responds that we will discuss with Stuhr.

Discussion ensues on page 8 and the definition of substantial change vs. enlargement or expansion and triggers for the requirement of a special use permit. Wilson agrees that it should be made clear.

On page 10, Wilson asks if airports should be defined? Commissioner Greening thinks that private use airfields should be included as well.

On page 11, discussion of 'indexing to inflation'. Chambers suggests wording on the letter of credit and options for providing security in case removal and remediation of the facility/structure is warranted. Wilson asks him to submit these suggestions in writing so that the Commission may review.

Wilson goes on to explain that Stuhr modified the section on indemnification. Chambers adds that the industry is very accustomed to having indemnification agreements in other jurisdictions. He feels that, instead of including the very specific language, the indemnification language should be more dynamic. He would remove items 1, 2, and 3 and add a simple statement to enter into an agreement acceptable to the County. Wilson asks him to submit some suggested language.

Chair Abbott asks Rich Green of Plumas Sierra Rural Electric Cooperative if his concerns have been captured. Green responds that he is confused as to where his operations fit in to the

Ordinance. The wireless facilities provided by PSREC are fiber generated, so are different than those used by DigitalPath, which also sent a letter. PSREC facilities are attached to their own poles and contain small radio antennas that broadcast two to three miles. Wilson responds that staff needs to review this issue and the letter submitted to the Commission.

Olofson suggests that the wording "security instrument" be added throughout instead of bond. Wilson is in agreement. Olofson would also like to receive a paper copy of the Ordinance changes as it is difficult to review on his tablet. Commissioner Greening would like both electronic and paper copies.

IX. INFORMATIONAL ITEMS/ON-GOING PROJECT UPDATES:

Wilson reports that there will be a meeting of the Integrated Regional Water Management (IRWM) group tomorrow, depending on weather. Commissioner Williams asks if there is any news on the lawsuit; Wilson replies no.

X. CORRESPONDENCE:

Chair Abbott asks if there is any correspondence, other than the letters from PSREC and DigitalPath. There is no other correspondence to discuss.

XI. ADJOURNMENT:

There being no further business, the meeting of January 18, 2018 is adjourned.



Dr. Robert Abbott, Chair
Plumas County Planning Commission



Rebecca Herrin, Assistant Planning Director