Eureka Union School District Office, 5455 Eureka Road, Granite Bay

- 1. Call to Order: 7:03 p.m.
- 2. Pledge of Allegiance

3. Introduction of MAC Members

- A. Chairman Eric Sanchez, Vice-Chairman Eric J. Teed-Bose, Virg Anderson, Dr. Gloria Freeman, David Gravlin, Walt Pekarsky, and John Thacker (Secretary).
- B. Also present were Fourth District Supervisor Kirk Uhler, and Brian Jagger, MAC administrator.

4. Approval of Agenda

A motion was made (and seconded) to approve the July 2010 MAC Agenda. Approved, 6–0.

5. Approval of Minutes from June 2, 2010

A motion was made (and seconded) to approve the June 2, 2010 MAC Minutes. Approved, 5–0 (Chairman Sanchez abstaining).

6. Public Safety Report

South Placer Fire Marshal Bob Richardson noted that this July 4th was "very successful" from a fire safety standpoint. There were a total of only five calls, four of which were for fireworks violations. This total is remarkably small. He credited education within our community regarding fireworks for this year's success.

On a cautionary note, Mr. Richardson stated that power tools should not be used outdoors the in vicinity of anything combustible after about 10a.m. this time of year.

Sadly, the Fire Department is receiving an increasing number of pedestrian-versus-vehicle, and cyclist-versus-vehicle, calls. Everyone needs to be attentive to those with whom they are sharing the roadway. There was one recent "very ugly" accident in which the cyclist was lucky to survive.

Another caution is for consumers to be diligent regarding their contacting of manufacturers in the event of product recalls. This is because failure to do so may invalidate a claim in the event of a fire resulting from a product defect.

Finally, on a happy note Mr. Richardson noted that calls to the lake are down this year.

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7. Public Comment

A long-time resident spoke regarding the Placer Land Trust. She reviewed the status of the Bruin Ranch project, which she initially addressed in May. Additionally, this resident wished to commend Supervisor Uhler for making a site visit to the property and taking a strong interest in this project. She presented him with a token of the esteem of the Trust. Mr. Jagger added that there is an art show relative to the Bruin Ranch at the Supervisors' chambers, all proceeds to benefit this project and the Trust.

Another long-time resident remarked concerning the requirements of the MAC handbook relative to MAC meetings and MAC member duties. He noted the role of members in "gathering input from the community", and that they "should encourage community comment", take "an impartial viewpoint", and "convey public input". He thinks the MAC has failed in these obligations. He also noted that MAC members should refrain from commenting on matters as to which they have a personal interest.

Another long-time resident announced the opening of a new business near Auburn-Folsom Road and Fuller. It is a bike shop called the Hub Express. At the rear part of the shop is a "Cycles for Hope" staging area, which is directed toward collecting used bikes, which can be refurbished and donated to the underprivileged. Local teen Jonathan Eitzman is helping with this effort in connection with his Eagle Scout project.

8. Supervisor Uhler's Report.

Supervisor Uhler remarked first on the presence this night of an A-V crew. Their presence represents a milestone on multiple levels. First, it is the first time any Placer County MAC meeting has been recorded for the purpose of uploading the video to a MAC website. Second, the Granite Bay MAC website was itself a first among MACs. Finally, it should be noted that in the near future, the A-V crew and the website will combine to produce live-streaming of the Granite Bay MAC meetings, which will likely also represent a first.

With respect to recent construction activity on Douglas Boulevard, Supervisor Uhler is pleased to note that there have been very few complaints, probably because the work is being done at night. He believes that the Public Works people have worked well with the contractor to make this project "seamless".

With respect to the M-Power program, there is bad news. Notwithstanding the efforts of Janine Windeshausen to establish a fund from which home improvements relative to water and energy conservation could be financed and then made a part of

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property tax bills, the feds in their infinite wisdom have effectively shut down this initiative. In essence, Fannie Mae (also known as the Third Bank of the United States), hath decreed that they will not allow any such encumbrance on any property on which they hold the note. Actually, it's not quite as ham-fisted as that, but the effect of stringent new underwriting requirements on all properties financed in jurisdictions that have adopted an AB811-type program is to make such programs impracticable. Thus, the program is suspended. Funds dedicated to the program will be returned to the treasury.

Regarding the County budget, the Board of Supervisors has adopted a preliminary budget for fiscal year 2010-2011. This is a balanced budget, accomplished in part by reducing expenditures 11% year-over-year. There will be only twelve layoffs, out of a total workforce of approximately 2400. What this means for the Community Plan Update will begin to be determined in late August or early September, when Mr. Johnson is expected to present a work plan relative to the Update. Preliminarily, however, it is probable that one person will be budgeted for an additional one year.

Lastly, Mr. Jagger addressed the Auburn-Folsom Road widening. Currently, the utility companies are wrapping up their portion of the project. There is limited work occurring on nights and weekends. Public Works wants people to know who to contact. Matt Medill will appear next month at the MAC for a more comprehensive update.

9. MAC Committee Reports

No Committee Reports.

10. Action Items—

Rancho Del Oro Estates- Proposal to rezone a 119.4 acre site from RS-AG-B-100-PD 0.83 (Residential Single Family, combining Agriculture, combining a minimum Building Site of 100,000 square feet (or a 2.3 acre minimum), combining Planned Residential Development of .83 dwelling units per acre) to RS-B-X-42,000-DL 0.83 (Residential Single Family, combining a minimum Building Site of 42,000 square feet minimum, combining Density Limitation of .83 dwelling units per acre) to allow an 89-lot single- family residential subdivision (including eight open space lots and one common lot). Lot sizes would average 43,350 square feet in area. Entitlements required include a rezone, Vesting Tentative Map, and Variance (entry gates up to 8 feet tall at two locations along Olive Ranch Road). An Environmental Impact Report has been prepared for the project. The subject property is located on the north side of Olive Ranch Road, approximately 0.25 mile east of Cavitt Stallman Road, in the Granite Bay area.

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This item is scheduled to be heard by the Placer County Planning Commission on Thursday, July 22, at 10:40am.

E.J. Ivaldi presented for the Planning Department. From a Planning perspective, the key points are as follows. The 89 lots proposed would be consistent with the current Community Plan. Current zoning, however, permits many fewer, hence this proposal for a zoning amendment, which would both harmonize zoning with the Community Plan respecting the number of lots allowed, and remove the AG and PD designations. Further, there are a lot of oaks, wetlands areas, and associated animal habitat on the property.

The average lot size proposed is 42,000 square feet. There would be eight open space lots to protect natural resources on site, such as Miner's Ravine. Two gated entrances along Olive Ranch Road would provide ingress and egress. Olive Ranch Road would be widened as well.

The EIR concluded impacts would be mitigated to less-than significant, except for biological resources. Cumulative impact on biological resources would be significant and not override-able, thus requiring a statement of overriding concern.

Marcus LaDuca presented on behalf of the applicant. He emphasized that the density proposed is less than what the Community Plan allows. However, the base zoning would allow only 42 units, and PD would allow only 63. This inconsistency between the Community Plan and zoning is analogous to the situation presented by the development of Douglas Ranch, which was able to proceed based on a zoning change which harmonized zoning with the Community Plan. Mr. LaDuca believes that the lot sizes proposed would be reasonably consistent with those of the surrounding areas. Additionally, he believes the transition factor is good relative to adjoining neighborhoods.

Mr. LaDuca next discussed what he believes are the benefits to the community the project would confer. These include: a meandering trail and frontage improvements on Olive Ranch Road; improved emergency vehicle access, developed in consultation with Fire Marshal Richardson and Fire Chief Corrado; and the replacement of culverts (which he noted would address only existing drainage issues).

Benefits would also include benefits to the local environment. Regarding woodland, interior live oak woodland is of poor quality, due to decay. Nevertheless, the proponents propose three different levels of mitigation. First, they propose to pay

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an in lieu fee of approximately \$360K. Second, although roads will remove 69 significant trees, new trees would be planted on site in mitigation; in fact, total tree inches replaced would exceed those removed by a factor of two-to-one. Finally, there is the overall mitigation approach: they are assuming all significant trees will be removed, even though this won't happen. This would yield an additional \$213K in fees. In short, they are over-mitigating for tree loss. These mitigation costs will be spread equally over all lots, to the tune of approximately \$6K per lot.

In addition, the project would undertake air quality mitigation in the form of both energy conservation and reduced carbon footprint. All homes will have state-of-the-art air conditioning systems and whole house fans, and either tank-less water heaters or enhanced insulation. The cost of these measures amounts to several thousand dollars per home. Though air quality was judged a less than significant impact, the proponent is proud to lead the way in Placer County in this regard.

Finally, the project would generate badly needed revenue for the county. Revenues generated from 89 units far exceed those derived from 42.

Mr. Teed-Bose had an opportunity to quickly review the EIR. His concerns related thereto center on the watersheds, drainage issues, and tree removal. Regarding the trees, Mr. LaDuca clarified that the only trees to be removed during construction would be for roads, drainage, and sewers. On individual lots, they will only remove trees in the center, not within setbacks (and this during actual home construction). No buyer wants to a lot that has been clear-cut.

Mr. Pekarsky sought clarification regarding impact as to biological resource. Project specific impact is less-than significant with mitigation; however, the cumulative impact is significant.

There followed some discussion concerning gates. Gates are usually not preferred absent "extenuating circumstances", per the Rural Design Guidelines. Mr. LaDuca believes the property meets this qualification based on the neighborhood generally and the lack of access by neighbors. In that regard, the project would be in contrast to Douglas Ranch, which originally requested gates, but does not have them because of the presence of Grosvenor Downs and the ability of that neighborhood to connect to Douglas Ranch. No such circumstance is present at Rancho Del Oro. Also, there are issues relative to the artifacts that they are trying to preserve. Winterhawk is the closest gated community.

Dr. Freeman asked what part of the property is within the federal flood zone. It's in the NW portion, generally, running to the NE. However, the flood zone is located

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primarily on the Tanner (adjacent to the north) property. Dedication of land for parks is impracticable since all adjacent land is private space – there is no public space to connect to.

Artifacts include evidence of Maidu sites. These are not eligible for any national register, but there is some indication that "useful" materials may be found to be catalogued and/or removed.

Mr. Teed-Bose addresses the 100' setback from the center line of Miner's Ravine per the Community Plan. Mr. LaDuca confirmed that the project is in conformity. Regarding the tree survey, Mr. LaDuca confirmed that the blue oaks on the west end of the site were seen as being in much better health than the interior live oaks.

One long-time resident lamented the inability of neighbors to walk through the property. He believes the project would be too much "of an island". Also, he doesn't see the substantial community benefit touted. He also believes the claimed financial benefits are dubious.

Placer County Ag Commissioner Christine Turner wanted to bring to our attention a policy issue relative to this rezone request. That is the proposed removal of the AG designation. This does contribute to cumulative impact – loss of Ag resources. Removal of the AG designation would eliminate animal keeping within the project area.

A resident of Strap Ravine Estates expressed concern regarding the possible precedent of what she believes would be aggressive tree removal.

A long-time resident who was involved in the development of the current Community Plan stated that Olive Ranch Road was intended to be a dividing line separating a more suburban feel to the south, and rural to the north. Therefore, any characterization of Rancho Del Oro as a transition project is not consistent with the spirit of the Plan. Moreover, this resident believes the project is incompatible with surrounding properties. She also believes that any benefits to the community are questionable, and that tree removal would be excessive. She is skeptical whether any in lieu mitigation will benefit Granite Bay.

Further, this resident projects an additional 900 vehicle trips per day on Olive Ranch Road as a result of the project. The wildlife corridor of Miner's Ravine will be seriously impacted. The community has no guarantee that homeowners won't remove trees. Finally, she believes the number of total allowable lots under the current Community Plan would likely be no more than 76, not 89, and is fearful

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that rezoning this parcel would be regarded as precedent setting relative to the Tanner property to the north.

Another long-time resident also expressed concern relative to the precedential benefit to any development proposed on the adjacent Tanner property. She also questioned the net financial benefit to the county.

A 35-year resident of Olive Ranch Road stated that she spoke for a number of neighbors. None of them like the rezone proposal. She emphasized what she believes would be adverse environmental impact, specifically to trees, habitat, and air quality. She expressed skepticism regarding "green" claims by the proponent. She and her neighbors like the Olive Ranch Road area the way it is.

A resident of Itchy Acres inquired concerning sewage, improvements to Olive Ranch Road, and proposals for a trail system. He noted that he is able to ride his horse through Los Lagos. There is not any reference to a trail system within the proposal. He is skeptical whether the project complies with the 1986 flood plane.

In response to a question from a resident, Mr. Teed-Bose noted that he has in fact visited the project site. He has a "series of concerns" about the project. First and foremost, he believes the Community Plan should take precedence over inconsistent underlying zoning. Though this would be favorable to the applicant with respect to the number of units proposed, he believes - especially given the lack of implementing CC&Rs - that the project does not comply with the existing Community Plan in many other respects, particularly relative to tree removal. Though he appreciates the frontage improvements, he would prefer the use of decomposed granite over concrete. He also takes issue with gating, and the use solid fencing.

Mr. Pekarsky inquired whether the streets would be public or private, and open to pedestrians. Mr. LaDuca responded for the applicant that the streets are to be private as to vehicles; however, the matter of whether pedestrians will have access is unresolved at present.

Mr. LaDuca then expressed surprise that the animal keeping issue has come up at this late date. With respect to Mr. Pekarsky's inquiry regarding sewage, Mr. Remington, the applicant's engineer, responded that a public system will be installed per county requirements. He also noted that county specs do not permit decomposed granite. Although Mr. Remington expressed generalized agreement with community suggestions regarding open space near Miner's Ravine, and to the trail issue, Mr. LaDuca argued that such would be trails to nowhere, unless the

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county exercised eminent domain with respect to adjacent properties. He also added that of course, there will be CC&Rs relative to the project.

Mr. Gravlin then pursued the discussion concerning trail development. He noted that there are trail easements along Miner's Ravine east of Barton, so why not take this opportunity to pursue an extension of such easements to the west, including through the subject project? He believes it would be sensible to preserve this possibility within the subject development in case the opportunity later arises to acquire additional trail easements nearby. In this regard, Mr. Ivaldi noted the Parks Dept. believes a trail feature in this vicinity should be along the north side of Miner's Ravine; however, he agreed that a trail along the south side would be a nice on-site amenity. Mr. Gravlin then noted that in Carolinda, the trail is on the south side. Finally, Mr. Gravlin added that he is generally opposed to use of gates.

Mr. Anderson asked Ms. Turner what the minimum lot size is to raise a horse. She responded that there is no minimum lot size requirement *per se* for horses; it is the Ag component of the zoning that allows for such use. Mr. Anderson then noted his agreement with the principle that Olive Ranch Road should constitute a boundary between higher and lower densities. Although he agrees there is some public benefit to the project, he is nevertheless concerned about the rights of the people to the east of the project. These people would be getting many more neighbors than they bargained for. As a general matter, he believes there are too many lots within the project as now proposed. He did have an opportunity to make observations of the project site without entering.

Dr. Freeman expressed concern about possible flooding. She also wondered whether a bridge could be built over Miner's Ravine for trail purposes.

Mr. Sanchez believes the project would be a financial boon to the County, through employment opportunities as well as taxes and fees. Mr. Sanchez hiked through the property.

Mr. Teed-Bose made a motion to approve the zoning change proposal with the following modifications: there should not be an elimination of the Ag overlay; the proponent must submit CC&Rs for staff review which set standards for maximum disturbance; County staff is to set standards for preservation of oak trees outside the 20,000 square foot building envelope; decomposed granite paths are urged to the extent allowed by county ordinance; solid walls should be disfavored and fences should not be present on every lot line; there shall be no gates; and a trail easement along Miner's Ravine allowing limited public access should be acquired. Mr. Pekarsky seconded the motion. This motion failed by roll call vote, 4-2.

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Dr. Freeman moved to deny the request. This motion failed for lack of a second.

Mr. Gravlin moved that the MAC approve the request, with the following modifications: that gates not be allowed; that the Ag overlay be retained; and that a public easement for trail access along Miner's Ravine be established. This motion failed for lack of a second.

Mr. Anderson then moved to approve the proposal with the following conditions: that there be a minimum lot size of one acre; that the Ag zoning designation be retained; that sound walls not be used (all fencing be open); and that no gate be permitted within 75' of Olive Ranch Road.

Mr. Pekarsky seconded the motion, following which a lengthy discussion ensued. Mr. Anderson and Mr. Gravlin both expressed concern that the MAC should not endeavor to micromanage features within the project, as opposed to those that impact the surrounding area. Mr. Pekarsky expressed concern that agreeing to a zoning change without substantial benefit to the surrounding community would set a poor precedent, especially with respect to a similar initiative by proponents of development on the adjacent Tanner property. Mr. Teed-Bose, by reference to the Community Plan policies, similarly argued that developers seeking extra density should have to go the extra mile to adhere thereto. This motion failed by roll call vote, 3-3.

Mr. Pekarsky then moved to approve the project as proposed. Mr. Gravlin seconded. Mr. Anderson and Mr. Gravlin thereupon expressed their general disapproval of gated communities. Dr. Freeman expressed concern about fencing and flooding. She doesn't think the benefit to the community is sufficiently substantial to support a re-zone. Mr. Teed-Bose added that because the applicant is asking for something substantial, the community should ask for something substantial in return. He doesn't believe the spirit of the project adequately conforms to the spirit of the Community Plan. This motion was withdrawn from consideration.

Mr. Pekarsky then moved that the MAC send to the Planning Commission a correspondence indicating that the MAC could not reach a decision on this item, but that individual members are encouraged to send to the Commission letters expressing their views. Dr. Freeman seconded the motion. This motion passed by a roll call vote, 4-2.

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11. Informational Non-Action Items-

A. Review of Proposed Administrative Citation Ordinance- The Placer County Building Department is proposing an amendment to section 17.62 of the Placer County Zoning Ordinance to establish an Administrative Citation and Hearing process that will provide remedial actions for the resolution of County land-use violations. This shall be accomplished by providing Placer County Code Enforcement Officers with the ability to issue Administrative Citations for Land Use violations that will be heard by an independent hearing officer who will have the ability to determine the extent of the violation and levy fines. This process will create a balanced, effective, and expedited process to resolve land use violations.

George Rosasco presented for the County. He is a Supervising Planner of 20 years' experience. He thanked Supervisor Uhler for his support in moving this initiative forward.

Mr. Rosasco distributed a handout that reviews the code enforcement process as of today. It is a complaint-driven process. Once the County receives a complaint, code enforcement engages in what are often very time-consuming negotiations in an attempt to resolve the matter, before going to court. Under the instant proposal, the process would begin with a complaint, following which an administrative citation may issue. Assuming the issuance of such citation, the matter would be brought before a hearing officer, who would then determine whether a violation exists, and if so, assign a remedy, which could include a fine. Local jurisdictions within the County have found that such a process causes compliance levels to "go through the roof". Mr. Jagger added that he deals with these issues in his role. He believes the proposed process would be of great benefit. Resolution times, also, would be much reduced. Code enforcement officers would be in charge of monitoring compliance. Fine collecting would be the role of Collections. Alternatively, Code Enforcement could institute abatement on its own initiative, the costs of which would then become the subject of a lien.

In response to a question from the audience, Mr. Rosasco noted that written complaints, which are required, are confidential. The only instance in which such would not be confidential is if a complaint makes its way all the way to the Superior Court *and* you are called as a witness. In all his experience, Mr. Rosasco is not aware of any instance in which the confidentiality of a complaint was actually breached.

One long-time resident spoke in approval of this proposed amendment.

Mr. Anderson wondered whether this proposal would affect the weed ordinance.

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Mr. Rosasco indicated that the weed ordinance would not be encompassed by the current proposal. However, discussion has been initiated concerning an amendment addressing vegetation. This new process addresses land use primarily.

B. Update - Proposed State Regulations for Septic Systems - Previously the MAC has heard an overview concerning the proposed state regulations for existing and new septic systems as required by Assembly Bill 885 (including how this directly would impact property owners with septic systems in Placer County). Placer County, along with many other counties throughout the state, opposed the regulation. As a result, the review of the proposed regulation was suspended. Since that time the staff at the State Water Resources Control Board has been working with interested groups to revise the regulations. Update on current status to be provided. – Jill Pahl, Director of Placer County Environmental Health Department

Jill Pahl presented for the County. She is the Director of Environmental Health, which is charged with monitoring septic systems and related regulations. In summary, she believes AB 885 was full of good intentions, however the regulations were very poorly received, thus Water Resources has undertaken a new approach to developing the required regulations. This new approach features a three-tiered system based on risk, which would determine the mitigation measures to be applied. Ms. Pahl hopes that new regulations will be adopted by the end of this year. For additional information, please see www.waterboards.ca.gov/septic, or feel free to contact her at jpahl@placer.ca.gov. Realtors might also be a source of information.

- 12. Correspondence Found on Table at the rear of the room.
- 13. Next Meeting: GB MAC August 4, 2010 @ 7:00 p.m.
- 14. Adjournment: 10:14 p.m.