

COUNTY OF PLACER
NEWCASTLE/OPHIR MUNICIPAL ADVISORY COUNCIL
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MINUTES OF JULY 19, 2012 MEETING
OF THE
NEWCASTLE/OPHIR MUNICIPAL ADVISORY COUNCIL
Ophir Elementary School, 1373 Lozano Rd., Newcastle, CA

Members Present

Joe Irvin
Gaytrell Lapp
Steve Palmer
Elliott Rose
Ed Sander
Sam Moore

Members Absent

Dick Dal Pino

County Staff Present

Ruth Alves

County Staff Absent

Supervisor Jim Holmes

1. CALL TO ORDER:

The regular meeting of the Council was called to order at 7:00 p.m.
Absent member: Dick Dal Pino

2. PLEDGE OF ALLEGIANCE

3. THE MINUTES OF THE JUNE 21, 2012 MEETING WERE APPROVED

With the following corrections, 1. Under Action Item, Gold Hill Gardens, Pg. 3, 7th Para, to read: Board Member, Elliott Rose, had inspected the property and found it impossible to turn around if you pass the entrance. 2. Mac Member Reports and Correspondence, Pg. 5: Elliott Rose was named Citizen of the Year by the Newcastle Community Association.

Motion to approve made by Elliott Rose, 2nd by Steve Palmer, carried.

4. THE JULY 19, 2012 AGENDA WAS APPROVED

Motion made by Gaytrell Lapp to move Information Item e. Ophir Pipeline Project Update to be first to be presented, and to approve the July 19, 2012 Agenda, 2nd by Elliott Rose, carried.

5. PUBLIC SAFETY REPORTS:

a. California Highway Patrol: No one in attendance

b. Newcastle Fire Department: Jay Love, Newcastle Fire District – Multiple fires had started next to mobile homes in Penryn. Firefighter team returning from the Robbers Fire stopped immediately and put out the fires.

c. Placer County Sheriff's Department: No one in attendance

d. Placer County Fire Department: No one in attendance

6. PUBLIC COMMENTS: None

7. COUNTY UPDATE:

Ruth Alves, in lieu of Supervisor Jim Holmes, reported on the following items:

- a. Five Year Budget Strategy** – At the July 10th Board meeting, the Board directed staff to move forward with implementing a proposed 5 year budget strategy to protect our long term fiscal health, and to better meet the public’s service needs with limited resources, fulfill the Board’s priorities and position ourselves to withstand the next economic downturn. It is anticipated that property tax revenue could return to the 2009-2010 levels in 5 years, but will remain below pre-recession levels.

Some of the goals are: 1) Setting aside up to 50% of any new county revenues to eliminate potential budget deficits; 2) Bolster reserves up to 50% of unspent funds carried over year to year; 3) Eliminate some county positions that are funding but vacant because of the hiring freeze.

On June 5 the Board adopted \$690 M budget. Budget workshops will take place on August 16 and 17, hearing for a proposed final budget on September 11, and adoption of a final budget September 25. Since 2007, the General Fund has dropped \$17.8M or 4.8% and the County workforce is down 15.4% to 2,150 positions.

- b. Public Safety Realignment** – In October 2011, the State started making counties responsible for many offenders the State classified as non-violent, non-serious and non-sex offenders sentenced after October 1. It is helping the state balance its budget and comply with a US Supreme Court decision that requires the state to reduce overcrowding in its prisons.

North Auburn County jail is housing about 55 – 65 more inmates/day than the previous year. \$3.1M has been received to accommodate these individuals and expect \$6.2 in this fiscal year. These changes affect not only the jail but the public defender, district attorney, sheriff, health and human services and probation.

- c. Ladder Truck for the North Auburn/Ophir Area**

The North Auburn Ophir Area has a 31 year old ladder truck that is costing the county thousands of dollars a year in repair and certifications. So, the Board has authorized a purchase of a used ladder truck which was leased by the Monterey Presidio. It is a 2009 with only 15K miles and will be capable of carrying water, pumping it and flow the water where the current, 31 year old ladder truck cannot. It will cost \$500k and would normally cost \$850k, so there are significant savings and it is expected to be operational for the next 30 years.

- d. Animal Services** – Until August 31, the Animal shelter will be holding off adoptions for dogs and cats. Dogs will be \$54 and cats \$46. The cost includes altering, vaccinations, registration and microchip identification.

8. Informational Non-Action Item:

a. Ophir Pipeline Project Update – Rick Lund, Placer County Water Agency Project Manager

The construction includes three major pipelines in Ophir Road corridor to convey irrigation and treated water to PCWA customers. Work also includes improvements at the Ophir Road Pump Station and at two locations at Dutch Ravine. This will be an update from PCWA staff.

On the installation of pipeline in Newcastle: West of Lozano there is still some work to be completed and also at Dutch Ravine, where there are large culverts. At the Geraldson intersection there is a very large rock that will have to be moved and site will be closed from 10-11am on August 10. Installation of pipelines into Ophir will start in a few months. Roads will be closed and there will be traffic delays. Work hours will be 7am to 6pm and there will be traffic control 24 hours/day. The department will work with community to ensure it is notified of work to be conducted. It is anticipated work will wrap at end of year. More updates will be given next month on the work progress.

b. Placer County Fire Mitigation Update – George Alves, Fire Mitigation Coordinator

Placer County is active in helping citizens mitigate the danger of fire in rural communities to which several actions are currently in progress – The Community Wildfire Protection Plan (CWPP), the Catastrophic Wildfire Strategic Plan Update and the activities of the Fire Safe Alliance and local Fire Safe Councils. This will be an update of these activities.

George Alves gave a presentation of his role as Fire Mitigation Coordinator, and the focus and mission of the Placer County Fire Mitigation organizations, how they all share the objective of making California communities less vulnerable to catastrophic wildfire, their collaborative approach to maintain a fire prone environment and how each of these agencies accomplish this objective.

The 2008 Community Wildfire Protection Plan (CWPP) is in the process of the five year update of the existing 2007 CWPP. All of the local, state and federal government agencies are working together to update the current plan. For information on the status of the update, information and meetings, please log on to the Placer County Fire Safe Alliance website at 222.placerfirealliance.org.

The Strategic Plan update – The Placer County Strategic Plan for the Wildfire Protection and Biomass Utilization Program update has just begun. The updated plan will define the accomplishments made over the past 5 years and will define clear objectives for wilder protection and biomass utilization in the future.

Mr. Alves urged people to make use of these agencies. At the Auburn Home Show, September 28, 29, 30, the Alliance members will have a booth at the Fall Home Show. Members will be available to provide valuable public education material and to answer fire mitigation questions. They will be location in the large tent adjacent to the baseball field.

Robbers Fire – The fire is 50% contained. Firefighters made significant progress on the Southeast and Northeast sides of the fire. Evacuations remain in effect for many homes, and many roads remain closed.

Cooperating agencies: Placer County sheriff, Placer County OES, Placer County Animal Control, California National guard, CHP, CalEMA, BLM, CDCR, State Parks, and BOR.

So far, there have been 12 injuries, 170 structures threatened, 4 outbuildings and 1 residence destroyed. Estimated cost to date: \$8,100,000. Cause of fire under investigation.

c. Farmworker Housing Zoning Text Amendment – Chris Schmidt/Kathy Donovan, Placer County Planners

Zoning text amendments are proposed to the Placer County Code (Zoning Ordinance) to bring the Code into compliance with State housing law for farmworker housing. The proposed changes will better define farmworker housing and allow such facilities to operate as an allowed agricultural use in the Residential-Agriculture (RA), Residential-Forest (RF), Agricultural Exclusive (AE), Farm (F), Forestry (FOR) and Timberland Protection Zone (TPZ) zoning districts with up to 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

Two proposals are identified in the 2009 document. If the county allows agricultural use, then it allows for farmworker’s housing. This fall it will start updating the farm labor housing and the new definitions can be included.

Definitions

Farmworker Dwelling Unit: Housing for up to six agricultural (farm) employees or one farm employee and the worker’s household.

Farmworker Housing Complex: Agricultural (farm) employee housing with up to 36 beds in group quarters and 12 units designed for use by single families or households.

Some of the important development standards:

1. Farmworker dwelling units cannot exceed 1,200 sq. ft. in size and cannot be subdivided from the primary parcel.
2. Requires the completion of a farmworker housing verification form prior to occupancy.
3. On parcels adjacent to a residential zoning district, year-round farmworker housing must be set back a minimum of 200 feet from the property line adjacent to the residential zoning district.
4. Farmworkers do not need to work on the property where the employee housing is located.

Proposed Farmworker Housing Zoning Text Amendment went to the Agricultural Commission and to the MACs. It will go to the BOS this fall.

d. Room Occupancy Zoning Text Amendment – Christ Schmidt/Kathy Donovan, Placer County Planners

Zoning text amendments are proposed to the Placer County Code (Zoning Ordinance) to bring the Code into compliance with State housing law. SB2 amended housing law regarding planning and approval for Single Room Occupancy units. The County is proposing to amend the Zoning Code to define Single Room Occupancy (SRO) units (units lacking either cooking facilities or individual sanitary facilities, or both) and explicitly allow SROs as a residential use in the Multi-Family Residential (RM), Highway Service (HS), and Resort (RES) zoning districts.

The ‘Single-Room Occupancy (SRO) Residential Hotels’ means any building containing five or more guestrooms or units intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied for sleeping purposes by residents, which is also the primary residence of these residents. Stays are limited to 30 days. Not included in this definition are residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging and extended care facilities or hospitals.

Kathy Donovan, Placer County Planner, runs the affordable housing program, whose primary reason is to provide a different kind of housing. Colleges have this kind of housing. After the Zoning Text Amendment has been presented to the various MACs, it will go to the Planning Commission and then to the BOS at end of year.

e. AB 885 – California State Policy for Siting, Design, Operating and Maintenance of On-Site Waste Water Treatment System Update – Ken Stuart, Interim Environmental Health Director

The State Water Resources Control Board has drafted a new policy that will require owners of small domestic septic systems to meet certain criteria. This will be an update of the most current information.

The State Water Board staff carefully evaluated the public comments received on the 2008 draft version of the regulations. The new draft policy provides a way to resolve OWTS related water quality issues without overburdening owners of functioning and properly sited septic systems, while still complying with the requirements of AB 885. Some of the more significant differences of the New Draft Policy from the Old Draft Regulations: 1. It does not require mandatory solids testing for every tank; 2. No mandatory domestic testing for well water; 3. No operating manual upon property sale; 4. Allows local programs for local conditions; 5. Estimated cost over 10 years to most existing septic owners: \$0 instead of \$1,000.

Homes with septic systems have to be inspected. The basic 1999 legislation plan was passed in 2000 and has not been revised since then. The adoption process of the proposed changes started in March 20, 2012, with a 45 public review, followed by staff workshop, State Water Board Hearing and consideration of adoption in June. Regulations will probably not be implemented till 2014/2015.

9. Action Item:

Gold Hill Gardens – Presenter: Mike Carson, Gold Hill Gardens Owner/Melanie Jackson, Placer County Planner

Located at 2325 Gold Hill Road, Newcastle, a proposal to allow a community center, bed and breakfast, farm-stay housing (as a part of the B&B), a nursery and on-site garden tours. The project proposes to be completed in three phases and to ultimately allow for 200-person events on a seasonal basis, between the months of April–October. **Phase I:** Events will be limited to 60 per season, proposed hours of operation for weddings, and events are 4:30 pm to 11:30 pm and will include 8-10 employees and/or wedding personnel. **Phase II:** construction of 5,250 square foot event center, a public water well and paving of the remaining parking area to total 90 parking stalls. **Phase II:** construction of farm-stay structures, a septic system and paved access to the structures. The MAC may make a recommendation.

Mitigated Negative Declaration lasting 30 days, closed on July 24. July 24 was deadline for public hearing on issues of traffic, noise. Hearing postponed to August 9.

MAC Member Gaytrell Lapp questioned why the Planning Department doesn't just say no to the proposed project, instead of having to go through mitigation procedures. George Rosasco, County Supervising Planner, stated the Environmental Document by Planning, is a recommendation, a process of looking at the impact of each different issue, followed by an EIR.

The audience was invited to publicly comment on the proposal.

- a. The issue of traffic congestion was raised - traffic studies by Public Works Staff showed no signification increase in volume on top of hill because road can handle more.
- b. Jerry Porter, Newcastle resident for 60 yrs. - Traffic, noise issues. Questioned whether applicant has any regard for community.
- c. Teresa Mulcahy, Newcastle resident – a) traffic problem on either right or left of Ophir due to poor visibility. b) Sound, 60 allowable decibels twice a week is too much.
- d. Patricia Burke, Newcastle resident – water issues, as there will be a greater water usage.
- e. Carol Rubin, Newcastle resident – a) traffic studies done in early December shows the baseline too low. Studies should be redone when traffic is at peak hours. b) cumulative traffic impacts should be considered. Lincoln MAC denied request and project sent back for a full environmental review. Hope this MAC will do same. Requests definition of 'Community Center' be revised, and that new guidelines for wineries be implemented.

- f.** Theresa Mulcahy, Newcastle resident – setting precedent will open up gate for many more similar projects. Does this proposal serve the community, is it compatible with the area. At least wineries have an agricultural component, vs. this proposed commercial enterprise, which will demand huge cost in county staff enforcement. Urges other neighbors to write to the Planning Commission and Supervisor Holmes to request they deny approval.
- g.** Dan Brown, Newcastle resident - traffic and safety issues. Narrow roads not safe for driving, especially at night.
- h.** Ray McLain, Newcastle resident – Inadequate parking, not enough stalls.
- i.** Mac McVarish, Newcastle resident – Project not compatible with agricultural community.
- j.** Wendy Brown, Newcastle resident – Proposal not meant for rural community. If there are issues, it is not up to the community to call the authorities.
- k.** Patrick Judson, Newcastle resident – Traffic issues.
- l.** Richard Lewis, Newcastle resident – Noise and traffic issues.
- m.** Susan Ames, Newcastle resident – Property values will decline. Has experience working with banks and change in use from residential to commercial will adversely affect the properties’ value.
- n.** Marilyn Jasper, Loomis resident – Requests the Board place a moratorium on all ‘Community Centers’ approvals so that parameters and guidelines are set. Request an EIR report be done and that MAC deny approval.
- o.** Virgil Buckner, Newcastle resident – Noise, traffic and security issues.
- p.** Carol Owens, Newcastle resident – 55 years in the community, a great place to live. Project would change many lives.

Amber Comby, Engineering Department, regarding speeding issues on Schindler Road – if there are existing issues, they are outside of this project. Call Public Works Department and staff will come out and see what can be done. Speed limit rule: limit is set at speed people are currently going and at what’s reasonable speed.

MAC member, Steve Palmer – is intersection on Gold Hill in study? Public Works – not enough traffic volume on hill. General threshold used. Engineering Staff – 20% increase in traffic would not impact the volume. Does not trigger any threshold to be significant.

MAC member, Gaytrell Lapp – Event Centers, Wineries, have they been looked at individually? George Rosasco – each one has been looked at individually. Two are in Environmental Review. It is not known which will stay with the process. Gold Hill Gardens is now being looked at.

MAC member, Joe Irvin – Asked if Mr. Carson has any support for the project. Mr. Carson answered yes. Regarding water usage: Water well is now used for personal use. Future potential use would be mainly for irrigation. Well passed pump test, more than 60 events will trigger public level. Only requirements are the casing of well seals and water quality.

MAC member, Elliott Rose questioned Mr. Carson a) if any action had been taken re alternative entrance/exit point. Mr. Carson: Will identify entrance/exit points with signs.

b) Traffic and noise are biggest issues for the community. If Mr. Carson cannot manage level of noise, then county will yank use permit. The project will go back to a hearing process and the issue will be looked at, and afterwards, decision will be made as to whether to revoke the use permit.

c) Precedent setting – Project may change area by allowing a commercial enterprise in rural area.

Motion made by Gaytrell Lapp for the MAC to oppose the approval of the Minor Use Permit for the Gold Hill Gardens event center. No one seconded, motion died.

Gaytrell Lapp explained that her proposal did not approve or disapprove the Planning Department proposal. Although she liked some of the proposal, she was opposed to the Event Center, and that is why her proposal was worded that way.

Motion made by Elliott Rose for the MAC to recommend the following information provided by the MAC and Public Comment be forwarded to the Planning Commission.

- 1. Traffic impacts. Traffic impact on Gold Hill Road and Highway 193 should be carefully studied. The MAC recommends that an additional turnout be constructed to allow traffic that passes Gold Hill Garden entrance from 193 by able to turn around on Mr. Carson's own property and not use other people's driveway to do so.**
- 2. Noise Abatement. Noise from events on the property should be closely monitored and should not exceed Placer County decibel standards. A reasonable time limit should be set for evening events.**
- 3. Since this may be a precedent setting development, Placer County should review Event Centers and the development of commercial enterprises on agricultural land and the affect they have on other rural properties.**

Motion approved – 3 ayes/2 noes/1 abstain, Motion carried.

- 10. MAC Member Reports and Correspondence: None**
- 11. The next scheduled MAC meeting is Thursday, August 16, 2012 at 7:00 p.m.**
- 12. Meeting adjourned at 9:05 p.m.**