County of Placer

GRANITE BAY MUNICIPAL ADVISORY COUNCIL

8789 Auburn Folsom Blvd., Suite C-214, Granite Bay, CA 95746 County Contact: Brian Jagger, District Director (916) 787-8950

Meeting Date and Time: February 3, 2010 @ 7:00 p.m. Meeting Location: Eureka Union School District Office 5455 Eureka Road, Granite Bay, California

- 1. Call to Order 7:03 PM
- 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, Tom Habashi, Walt Pekarsky, and John Thacker (Secretary).
- B. Also present were Supervisor Kirk Uhler, and Fourth District Director Brian Jagger.

4. Approval of February 3, 2010 MAC Agenda

A motion was made (and seconded) to reverse the order of the two action items as originally presented in the February 3, 2010 Agenda such that item 11(A) (regarding Fowl and Poultry) shall be item 11(B); and item 11B) (regarding Emergency, Transitional and Supportive Housing) shall be item 11(A). The motion passed unanimously. A motion was then made (and seconded) to approve the Agenda as amended. The motion passed (7-0).

5. Approval of Minutes: January 6, 2010

A motion was made (and seconded) to approve the January 6, 2010 Minutes. The motion passed (6-0), with one abstention (Mr. Habashi).

6. Public Safety Report

Deputy David Clark of the Placer County Sheriff's Department reported that fortunately, demand for Sheriff's Department services in Granite Bay has been slight of late. There have not been any burglaries recently. However, there was a "smash and grab" recently in the vicinity of the Bank of America near Auburn-Folsom and Douglas. Thus, Deputy Clark emphasized that it is unwise to leave valuable items in cars, especially if they are visible from outside. Also, he implores us to lock our vehicles.

7. Public Comment

No public comments.

8. Supervisor Uhler's Report

Supervisor Uhler first addressed the surveys the public returned regarding the

community plan update process. A total of 246 surveys were turned in. However, because of the decision to make the survey results public, four responders availed themselves of the opportunity to withdraw their responses, leaving a total of 242 responses. E.J. Ivaldi of Planning was to present on the survey results tonight, but was unavailable due to pressing family business. He will present regarding the survey results at the March Granite Bay MAC meeting. Subsequent to this presentation, Planning will present regarding policy issues at either the April or May MAC meetings.

Supervisor Uhler next addressed the county's response to the passage two years ago of Assembly Bill 811, which permits counties to sponsor energy generation/conservation programs. Accordingly, Placer County will sponsor energy generation financing for residents that will allow for repayment via property tax bills. In response to a citizen inquiry, Supervisor Uhler indicated his belief that the interest rate on AB811 financing will be somewhere between 6-8%; however, his best estimate is that it will be closer to 6.5%, though it may be higher initially as the county attempts to recover start-up costs thereby.

Finally, Supervisor Uhler responded to a recent inquiry regarding his silence at MAC meetings regarding agenda items (save for the Supervisor's Report). Supervisor Uhler answered that it is his practice to attend MAC meetings for the purpose of listening to both the concerns of the residents in attendance, and the deliberations of the MAC. He believes that as a general matter, Board of Supervisors meetings are the appropriate forum in which to speak formally regarding matters of public concern. Moreover, the character in which issues present themselves typically changes a great deal from the time of their first hearing before the MAC to the day they are heard before the Board of Supervisors. Notwithstanding the foregoing, Supervisor Uhler expressed his eagerness to discuss matters of public concern informally with any constituent. He invited Granite Bay residents to contact him directly by telephone at either (916) 652-5005 (home), or (916) 416-3262 (cell). Further, District Director Brian Jagger can be reached at (916) 787-8954.

A long time resident suggested that Supervisor Uhler's reluctance to offer opinions publicly at MAC meetings might constitute an inappropriate withholding of public information. Supervisor Uhler responded that his silence is a product of a desire to avoid opening himself to criticism that he is leading the MAC. He reiterated that he is here to listen. He does not want to bias the process, or appear to be attempting to do so.

Mr. Gravlin asked whether some portion of a \$1 million sum the Air Pollution Control District has made available to businesses for pollution abatement could be made available to the chipping program to restore its status as a free service. Supervisor Uhler responded in the negative, because strings are attached to the pollution abatement funds such that they may not be diverted.

A long time resident inquired concerning the role of the community plan update survey responses in the Planning Department's evaluation of change requests. Supervisor Uhler clarified that the first stage of the process is for Planning to reveal the results of the surveys. Then, Planning will offer opinions regarding change requests, in light of the survey results. Meanwhile, Planning will periodically apprise the Board of Supervisors of their progress in this process.

Once Planning has offered its opinions, resident input will again be solicited. It should be recalled in this regard just what the survey was and was not. It was not an actual referendum on any or all requests. It was, instead, an opportunity to provide specific input on the various requests. One resident asked whether budget shortfalls at the county might influence the progress of the community plan update. Supervisor Uhler does not anticipate delays, though progress will be challenging in the current budgetary environment.

A resident inquired whether Board of Supervisors agendas could be distributed by e-mailed per request. Mr. Jagger will attempt to arrange for this.

9. MAC Committee Reports

None

10. Informational Non-Action Items

None

11. Action Items

A. Continued from the January 6, 2010 meeting - Zoning Text Amendment (ZTA 20080448 Emergency Shelters, Transitional and Supportive Housing)

(This item was originally agendized as action item "B").

The MAC is being asked to provide input on revisions to the Placer County Zoning Ordinance to bring the Ordinance into compliance with State housing law for emergency shelters, transitional, and supportive housing. The proposed amendments will establish definitions for Emergency Shelters, Transitional Housing, and Supportive Housing as well as identify appropriate zoning designations where these uses will be allowed. (On Oct 8, 2009 the Planning Commission unanimously approved a motion to continue the proposed amendments to allow for additional input from interested parties as well as the MACs). Jennifer Dzakowic of the Placer County Planning Department presented on this item.

The passage of SB2 provides the impetus for this item. It clarifies and strengthens housing elements, and adds requirements for counties in regard to the uses described above. Also, new definitions are being added to clarify these uses. Thus Planning is seeking input regarding county-wide amendments to zoning text. No project is being approved thereby – this is an exercise in rule-setting only. Thus, the MAC is free to approve or disapprove the proposed definitions, and/or to recommend changes. Other MACs have responded in all of the above manners.

Mr. Teed-Bose inquired regarding the latitude counties have in writing definitions, inasmuch as they are codified in state statute. There is some discretion permitted to counties, however the definitions cannot be "more restrictive" than those provided in the state Health and Safety code. Thus, as a practical matter, the counties have little wiggle room. Regarding public notice requirements for these types of projects in specific locations, there is no requirement for level "C" (clearance required); however, there is a public notice requirement for projects falling under level of review MUP, CUP, and ARP.

Mr. Pekarsky inquired concerning the origin of the "no more than 24 months" language found within the transitional housing definitions. Ms. Dzakowic responded that this was developed based on input from service providers. Ms. Dzakowic also noted with respect to the suggestion that residents be enrolled in a twelve-step or similar program that such is already required by the Welfare and Institutions code, and thus would be superfluous within a zoning code.

Mr. Sanchez inquired concerning the level of public notification should a proposal be made to provide housing for "high risk offenders", such as pedophiles. Ms. Dzakowic responded that sexual criminals are allowed into some transitional homes without a public notification requirement; however they would nevertheless be required to register per Megan's law. Further, the proposed changes have no effect whatsoever on the right of registered sex offenders to live in "RS" zones. Moreover, 99% of residents aren't sex offenders.

With respect to the need for use permits, Ms. Dzakowic noted that if a project is to be within 500 feet of a school, or of a zone that does not allow the use, then a use permit would be required. Thus, even among those projects housing 20 or fewer residents (and thereby exempted from the general requirement of a use permit), many would fall within 500 feet of either a school or a zone that does not allow the use, so very few would not require a use permit. It should be noted that the 500 foot limit was developed by planning. It could be 1000, or 100. Staff simply attempted to create a workable solution that would both create a reasonable buffer and not effectively eliminate all possible properties.

One resident suggested that the MAC should recommend that there be a notice requirement attached to all such projects. Mr. Jagger noted this would be impracticable, since state law prohibits notice on some matters. In any case, all projects requiring a use permit would make it to the MAC agenda. So as a practical matter, there would be very few instances in which projects of this type would not receive public notice via a MAC hearing.

Another resident inquired concerning the level of urgency in addressing this matter. Ms. Dzakowic responded that counties are required to keep their general plans in compliance with state requirements or risk loss of housing funding. In this regard, Supervisor Uhler noted that last year, the county redevelopment agency received 43

million dollars. He also noted that courts have imposed county-wide development moratoria where housing elements are not compliant.

Many residents had questions concerning the map Ms. Dzakowic presented and the probable dispersion of projects. Mr. Jagger indicated that he will post the map on granitebaymac.com, and that he would forward a copy to anyone upon request. The probable ultimate "bunching" of such facilities is quite simply a function of the zoning designations contained in the community plan. This factor also, determines availability of public transportation.

Fire Chief Corrado noted that in reality, the county's latitude in this matter is limited due to the restrictions of state law. However, he encouraged the MAC to consider suggesting a greater distance requirement vis-à-vis schools and non-allowing zones. Deputy Clark added that such facilities are already part of the landscape, and that calls for service therefrom are not unusual inasmuch as the residents thereof are commonly probationers or parolees.

Mr. Anderson made a motion that we recommend and support the proposed text amendment with the following amendments: that facilities must be spaced 1000 feet apart and 1000 feet from schools; and that residents of Supportive or Transitional facilities be enrolled in treatment programs. Mr. Gravlin seconded this motion. Mr. Habashi asked for an amendment to the motion to include parks. Mr. Teed-Bose asked that public notice requirements be added consistent with permit requirement "c". Ms. Dzakowic recommended that the proposed 1000-foot limit exclude emergency shelters, since to do otherwise would be contrary to state law.

A new motion was made by Mr. Anderson, and seconded by Mr. Gravlin, as follows:

The MAC recommends that the County's proposed amendment be adopted, with the following modifications:

- 1. That facilities should be a minimum of 1000 feet apart, and a minimum of 1000 feet from both schools and parks; this limitation does not apply to emergency shelters;
- 2. That transitional residents participate in a rehabilitation program; and
- **3.** That public notice requirements appertain to any request requiring zoning clearance.

The motion passed (6-1) by roll call vote.

A. Continued from the January 6, 2010 meeting - Zoning Text Amendment (PZTA T20090403) – Fowl and Poultry.

(This is now item B per motion noted above)

The MAC is being asked to provide input on the proposed revisions to the Fowl and Poultry section of the Zoning Ordinance to allow for the keeping of up to three chicken hens in the Residential Single-Family (RS) zone district. The proposed

wording is as follows: "In the Residential Single-Family (RS) zone district, the keeping of no more than three (3) chicken hens is permitted, subject to the approval of an Administrative Review Permit (ARP). The keeping of roosters, guinea hens, peacock hens, or other exotic hens, is prohibited. Chicken hens shall be confined to the subject property and shall not be allowed off-site. Residential Single-Family uses located in the Tahoe Basin, the Squaw Valley Land Use Plan area, as well as other adopted specific plans, are subject to this provision."

Charlene Daniels presented on this item. Christine Turner from the Agriculture Commission was also present to answer questions. This proposed text amendment arises from a complaint in Martis Valley. A resident there had a rooster. The rooster was evicted. The human resident took this opportunity to make a stand on behalf of roosters' rights and gender-based discrimination. Thus Planning has undertaken this effort in order to minimize potential adverse effects arising from animal keeping on adjoining properties/residents, such as rooster crowing at inopportune times.

In planning-speak, the goal of the proposed amendment is to minimize land use conflicts. Thus, it does not in any manner require the sheltering of animals; however, if a resident does utilize an enclosure, there are set back and size requirements. Similarly, the proposed amendment does not address the care of animals, since this issue is within the purview of Animal Control.

Ms. Turner was well aware of the Camp Martis clucking, and has therefore been monitoring this issue from an Animal Control viewpoint. She opined that the proposed amendment is "extremely conservative" in the sense that it is highly protective of the possible interests of adjoining residents. For example, the requirement of an ARP for hens is "probably overkill"; in this regard, she noted that four pot-bellied pigs per parcel are allowed as a matter of right. She would be a lot more concerned about four little pigs next door than three chickens. Moreover, she believes hen lovers are likely to build enclosures, so that they can both protect the animals and locate the eggs.

Regarding the ARP requirement, Ms. Daniels observed that if this were removed, Planning would be obliged to impose a minimum lot requirement, which would likely provoke a different round of controversy. Planning has therefore simply made a judgment that on balance, the ARP requirement is the best way to proceed. This was also based on the expressed preference of one of the Supervisors, who wanted to proceed cautiously in regard to regulation due to concern about how the public would view hen raising as a matter of right.

Mr. Habashi inquired whether it would have been a better idea to proceed in a manner similar to that adopted by Los Altos; i.e., based the allowable number of hens on square footage. Ms. Daniels responded that this was considered, however again, there were trade-offs involved in such an approach, and the ARP requirement was believed to be the better way to commence the regulatory scheme.

Mr. Gravlin observed that the ARP process could prove costly.

Numerous residents opined that the ARP requirement, in essence, epitomized regulatory overkill and government overreach.

Mr. Pekarsky made a motion to approve the proposed amendment with two modifications: (1) that the keeping of three chicken hens on parcels 5000 square feet or larger be allowed without an Administrative Review Permit; and (2) that the term "peacock hens" be changed to read "pea hens, a.k.a. female peacocks". Mr. Gravlin seconded the motion. The motion passed (6-1) by roll call vote.

12. Correspondence – Found on Table at the rear of the room.

13. Next Meeting: GB MAC March 3, 2010 @ 7:00 p.m.

Subcommittee meetings: (Held at the Eureka Union School District Office) Parks and Recreation Committee @ TBA Public Safety Meeting Committee @ TBA

14. Adjournment: 9:48p.m.