

Delta Citizens Municipal Advisory Council

P.O. Box 189, Walnut Grove, CA 95690, Phone 916-776-1161

Meeting Minutes

Date: 9/13/17
Call To Order: 7:30 PM
Adjourned: 9:00 PM
Location: Jean Harvie Community Center, 14273 River Road, Walnut Grove, CA 95690
Prepared By: Amelia Wareham, Secretary

I. Call To Order

1. Roll Call

Present: Gil Labrie, Chairman Bradford Pappalardo
Michael Steinbacher, Vice-Chair William Schauer
Amelia Wareham, Secretary Topper van Loben Sels
John Baranek
Stan Eddy
Michael Morris

Excused: Sally Shanks

Absent:

Quorum Present: Yes (9).

2. Introductions:

County Representative(s)

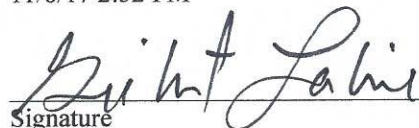
Present: Tim Kohaya, County Planning & Environmental Review

Guest Speakers: Peter Castle, Communications & Media Officer, Regional San & Sacramento Area Sewer District

Public Attendees: 8 - See Appendix.

3. Role of Council

Gil Labrie brought to Council's attention that November 16, 2017, marks the 40th Anniversary of DCMAC. He noted that there are 3 members who have served since the beginning: John Baranek, Bill Schauer, and himself. Gil noted that he has been Chairman for 39 of the 40 years. He also noted that DCMAC was the first advisory Council established by


Signature


Title


Date

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Sacramento County. There were comments suggesting that the Council do something to celebrate the anniversary.

II. Agenda Setting

1. No new items added.

III. Old Business

1. Approval of Meeting Minutes from 7/12/17.

Motion: To approve Minutes as written.

Motion by: Bill Schauer

Motion 2nd: Stan Eddy

Vote: Ayes = 9. Noes = 0. Abstains = 0.

Result: Motion carried.

IV. New Business

1. Item: PLNP2017-00713 Georgiana Oaks Time Extension.
APN: 146-0180-075.

Discussion:

- a. The Applicant:

Provided further revised plans than those provided for Council's review at this meeting. The Applicant stated that the subdivision map was approved in 2009. There have been minor changes since 2007: 1) they have eliminated a separate water tank and will hook into the well at Jean Harvey Center. This will help provide adequate fire flow. 2) Lots 9 & 18 have been eliminated making Lots 8 & 10 deeper. They have proposed sound walls on three sides to mitigate impacts from directly adjacent industrial sites. There was discussion as to the adequacy of the height (apx. 10 feet) of the walls. The applicant expects that the houses will likely be two-story due to the size of the lots and interest in 2000 square feet houses. No house plans were provided or discussed. They proposed parking on only one side of the residential cul-de-sac street due to lot depth. The result being that not everyone would be able to park in front of his or her own homes. Other changes may have been made but were not discussed.

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b. Gil Labrie:

This matter originally came to DCMAC in September and October 2007. Gil provided copies of Minutes from 2007 DCMAC meetings (See Attachment), which provided background concerns.

The remaining concerns from 2007 appear to not have been addressed at this point. They were:

- Have the Reclamation District review the plans for drainage.
- Creation of a Memorandum of Understanding regarding the agreed exclusion of residential development rights on the portion of the long parcel opposite the Lyman facility as agreed to by the Applicant in 2007.
- The County to initiate a re-zone of the strip of property opposite Lyman to substitute "storage" for "residential" to which the owner agreed in 2007.

Gill questioned whether DCMAC could add further Conditions of Approval to the project at this time, since it was previously approved.

c. Guest: Les Lyman, Owner -- Lyman's Industries.

Addressed the Council. He acknowledged that he did not follow through on matters from the 2007 meeting. He raised the following concerns previously discussed in 2007:

- His business can not exists anywhere else due to zoning and environmental matters.
- The proposal is for residential dwellings directly adjacent to industrial area. Specifically, his business, which is fertilizer production. This runs 24x7, produces a lot of noise, visual impact, odors, among other concerns. There is no buffer between the industry and the residences. This should have been addressed in 2007 but was not. Hence, a mistake/oversight was made at the prior reviews.
- He is concerned that if the residences are built, the owners will later have issues with his business and try to force him to close.
- If this project goes forward, he wants a mechanism in place that will ensure that the prospective buyers are aware of what they are getting into with the industries directly next door.

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- d. Guest: Jay Vierra, Owner -- Jay's Towing Company.

Addressed the Council. He voiced the same concerns as Les Lyman. Jay's business runs 24x7. He cannot move his business. Concerned that there is no buffer between his facility and residential dwellings. Concerned about the noise from his business in the middle of the night. He is concerned that residents will later try to force him out of business.

- e. Topper van Loben Sels.

Topper van Loben Sels proposed adding Conditions of Approval that would require the County to require realtors to disclose to buyers the location of the adjacent chemical plant and other industries that are directly across the street. The suggestion was that buyers would sign a type of "hold harmless" document.

A lengthy discussion took place regarding the need for a truth-in-disclosure statement upon the sale or marketing of the residential properties as a protection for the buyer, given the close proximity of the industrial chemical plant and commercial trucks utilizing the road that borders half of the residential properties.

- f. Other Concerns.

Topper van Loben Sels interest in adding further Conditions of Approval raised the issue of whether DCMAC could add further Conditions of Approval such as sound abatement, adequate wall height, etc. to the project at this point. Council asked the County Representative for clarification. The answers were unclear.

Bill Schauer questioned whether the original project had actually expired.

Brad Pappalardo asked the County Representative for clarification as to Council's task at hand being solely the extension of the project for 5 years. He voiced concerns similar to Gil Labrie's about not adding additional conditions of approval at this time.

Motion: To deny application as proposed.

Motion by: Bill Schauer

Motion 2nd: Stan Eddy

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Discussion on Motion:

- a. Topper van Loben Sels raised concerns about simply denying the project as presented. He questioned whether it might result in the Applicant returning to his original proposal and going forward with those plans. County Representative did not clarify the possibility of this happening. It was not clear if this was possible to do.
- b. There was discussion between Gil Labrie and Bill Schauer that raised the question of whether DCMAC could deny a project that it was previously approved. It was unclear. The County Representative commented that:

If this project currently came before the County for the first time, the County would likely not approve it because there is no buffer zone between the industrial area and residential zoning. However, the parcels are currently zoned as adjacent industrial and residential, so that is the governing rule.

DCMAC requested the County re-zone this property back in 2007, but it has not been.

Vote: No Vote Taken.

Motion Revised: To deny extension of the application without DCMAC being able to add recommendations for Conditions of Approval at this time.

Motion by: Bill Schauer
Motion 2nd: Stan Eddy

Discussion on the Motion:

Gill Labrie said he would call for a Roll Call vote. Topper van Loben Sels asked Les Lyman and Jay Vierra how each of them wanted him to vote. Each reiterated their concerns about lack of separation between industrial and residential properties.

Roll Call Vote:

Topper van Loben Sels – Yes
Bill Schauer – Yes
Stan Eddy – Yes
Michael Steinbacher – Yes
Gil Labrie – No

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Amelia Wareham – Abstained. Stated she was unclear about ramifications of the motion.

Michael Morris – Yes

John Baranke – Yes

Brad Pappalardo – No

Ayes = 6, Noes = 2, Abstain = 1.

Motion to deny project extension carried.

2. Item: PLNP2017-00155 Carroll Road Tentative Parcel Map. APN: 132-0240-061

Discussion:

Project proposed splitting acreage into two sections. Council advised applicant to allocate the 2 acres for residential use out of the smaller of two properties resulting from the reconfiguration. Applicant contended that there would never be a second residence. Gil Labrie advised applicant to not preclude the possibility for a future second residence in deciding which parcel to use now.

Motion: To approve application as presented.

Motion by: Stan Eddy

Motion 2nd: Bill Schauer

Vote: Ayes= 9. Noes= 0. Abstains = 0.

Result: Motion carried.

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3. Discussion Items for Next Meeting

Guest Speaker: Peter Castle, Communications & Media Officer, Regional San & Sewer District.

Brought information to the Council regarding efforts to upgrade the town of Freeport by putting in sewer system and thereby replacing septic tanks. Pointed out that use of sewer system protects drinking water wells. Pointed out that Freeport is eligible for a 75% grant. Eligibility for grants is based, in part, on area's income levels. Regional San will be seeking other avenues for funding for Freeport. First phase is to convert residential customers. Plans are to build system with sufficient capacity to support commercial customers, the local marina and golf course. The community is very much in favor of the project.

This is part of a series of future projects to convert septic systems. Hood, Franklin and Florin Town are also under consideration.

Council members advised that Hood could particularly benefit from the program because Hood has many issues with cesspools due to septic systems.

Grants are available through 2022.

Carry Over Items: Postponed to future meetings.

1. 2016: Roadway Priorities:
 - Develop list of road priorities for Dept. of Transportation from 11/9/16 meeting.
 - Invite Mr. Penrose to return to Council's meetings and clarify plans for Walnut Grove traffic calming measures and planned road projects in the Delta.
2. 2016:Council Size -- Update on Letter to Supervisor Nottoli requesting change.

7/12/17 – Gil stated that he has not taken action on this item. With Darrell Ferreira's resignation the Council is at 10 members. Gil wants to have the Council formally set at 11 members.
3. 2016: Update on by-laws review.
4. 2016: Update on expanding WG SPA, zoning violations.
5. 2017 June: Irrigation Ditch Maintenance Responsibilities

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6. 2017 June: Traffic Violations — Illegal passing, dangerous road conditions and driving conditions in the Delta. CHP Violation Reporting phone: 916-681-2300.

Next regular meeting is 10/11/17 unless notified otherwise.

V. Attachments – 2007 DCMAC Meeting Minutes.

VI. Appendix – Guests.

Name	Address	Email
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