

Emergency Community Meeting  
August 18, 2004

Meeting called to order at 7:05pm

Steve Bates introduced himself and said he and a few other neighbors are spear-heading some issues in the community lately. He thanked everyone for coming and thanked Supervisor Jack Sweeney for coming as well.

Steve explained that he, Dick Moody, & other neighbors have taken interest in the issues with flow into the ponds and Mill Creek, located in Audubon Hills. Many people in the community have started to complain about the lack of water flow and stagnate water. He went to talk with the new owners of a property that have the headwaters, or spring, that feeds Mill Creek and the ponds in the community. Though, Steve was not the first to talk with him, he felt he needed to try.

This creek has been in constant flow for over 40 years that we know of, probably a lot longer. The Moody's that live on Waxwing stated that one of their two ponds was completely empty, upon returning from a three-week trip last week. Their other pond is going down rapidly. The two ponds on Kingfisher are going down at the rate of ½ - 1 inch a day or more. The water line on one pond is now eight feet from its normal spot.

The owner repeatedly says, "Its dry year" and "I only cleaned out the cat-tails from the pond and set them behind." There has been a lot more done than that, and we believe that the water stopped because of this, not because of a dry year. He's done a significant amount of grading, which can be easily seen from Barkley and at the end of Kingfisher to the left. All of this was done without a permit, prior to grading. He did receive a permit AFTER the grading was complete. The purpose of the permit is to insure damage isn't done to the environment before it's done.

There are several health issues related to this, such as dead fish, dead frogs, dying riparian habitat, and mosquitos. The scare of the West Nile virus is a concern we need to think about.

The question is: What can the county do? The building department, Fish and Game, DOT (grading), and the water resource board have been called. It seems that now the complaints need to come from us as a group.

Joe Hurley, in DOT, said "I don't want to bother people." Jack Sweeney spoke up and said, "I'll call tomorrow, they will take great interest." It was asked if there was a Mosquito Abatement group on the west slope. Mr. Sweeney said, "There will be one soon."

A resident asked Steve, "Who is it that is doing all of this?" Steve said he wasn't going to share that unless he was asked, and stated the new owner was Cal Abel. Several people shared that Mr. Abel has done similar things before, and only as a community will something get done.

Residents started sharing the following ideas and asking the following questions:

1. He has altered a primary source of the American River.
2. He has altered a blue line stream, which in the context of the USGS; means a year round stream.
3. He's done this before, on a creek and pond in Audubon Larsen's pond to the right of the entrance of Audubon) many years ago, and he was forced in court to return it to its previous state.
4. Why aren't there any penalties for starting this amount of work without a permit?
5. Why was he allowed to get the permit, without restoring what he had damaged?
6. This is a primary source of water for wild animals, and Fish & Game should take more interest.
7. Should we send a letter from the community to Mr. Abel?
8. Should we send a letter from the community to the county?
9. Someone stated they thought letters would be redundant at this point.
10. Someone else stated the next letter should be from a lawyer.
11. Mike Fennessy stated that the federal government might have something to say about the water no longer flowing into the American River, which then flows into the Folsom Dam. There was a write up in the paper not that long ago about the federal authority on Folsom Dam's water.

Steve stated, "We hoped that maybe Mr. Sweeney would be able to give us some direction on this." Mr. Sweeney stated that he may be able to get something done. Someone asked if we can get Mr. Abel to cease and desist; and Mr. Sweeney said yes, tomorrow.

The second problem is with the same neighbor. He's currently building a 150' x 75' "barn" with six roll-up doors. The permit is for a barn, and agricultural equipment; but Mr. Abel is concurrently applying for a "special use" permit, which will allow him to operate his business out of this "barn". This barn will become an industrial workshop and storage facility for his business "Abel Emergency Support, Inc." They provide showers, portable toilets, washers and dryers, food, and etc. to the fire lines. This property will be used to store portable toilets, several large service trucks and trailers, and equipment. This equipment will be serviced, at the property, by employees of Mr. Abel.

Residents in attendance stated:

1. Ann Bozo found that this business is listed as "Abel Emergency Support, Inc."
2. A neighbor said that they provide showers, portable toilets, washers and dryers, food, and etc. to the fire lines.
3. It was asked if the property will be used to store toilets, large service trucks and trailers, and equipment. Yes
4. Will people be services this equipment here? Yes
5. This could provide an opportunity for increased crime in our neighborhood, familiar with areas zoned commercial/industrial. We are not equipped to deal with this type of business and its problems near our homes, how can this happen?
6. The noise associated with large vehicles running, beeping of trucks backing up would disturb our tranquil way of life.
7. Some stated they had concerns about the toxics from all the trucks and portable toilets now in and near the waters that run through our neighborhood.

8. What is that area currently zoned as? (Residential Estates 5 acres)
9. How can he do that? We bought in this area because we knew we were surrounded by residential and agricultural. That would destroy our whole neighborhood, community, and way of life.
10. Have you seen his current operation? It's on the corner of Cable and Larsen. You should drive by if you want to take a look at what to expect. Once a building of this size comes in, he'll have the whole operation here.
11. Many of you should know this "barn" is less than 100' from the McCarthy's front door.
12. Why wasn't he in trouble for clearing without a permit? I've seen how big the dirt berm is more than you can do without a permit.
13. Mr. Whiteacre stated that he owned a business down in Sacramento, and the toxic problems would seem to be of issue for operating this business in a residential area. He said he had to jump through hoops for the EPA (Environmental Protection Agency). He wondered if they've been contacted. Have steps been taken, to insure there will be containment of all run-off from his barn? There could be possible contamination of displaced water off of the barn and cement.

Mr. Sweeney said, "I will call code and enforcement, to see what is going on there. As far as I can tell, this is not something that can be allowed there. His barn sounds like its industrial, not agricultural."

The third and final problem is with the same neighbor. There have been indications of interest of a road easement of Kingfisher Lane. Some residents have found out, that in order for anyone to subdivide their property, they need to have two exits and entrances. Kingfisher Lane could be that second entrance/exit. This road would then connect to Barkley. This would not be beneficial to Audubon Hills, mainly because our quiet neighborhood would become a thoroughfare for all of Camino, not just Audubon Hills and this new subdivision. This would become a "short cut" for all to drive on. Additionally, we have to face the fact that he can use this road for his commercial vehicles, bringing them in the "back way", to avoid having them drive past his house. We have got to send a pre-emptive letter to the Board of Supervisors, Building, Planning, & DOT; stating that Audubon Hills is opposed to a connection to any of its roads.

Some neighbors added:

1. According to Joe Hurley of DOT, Mr. Abel has not gotten an encroachment permit for the widened driveway onto Barkley.
2. Another neighbors stated Mr. Abel's property is the one on Barkley that has just widened its small country driveway to three times its size. It's obvious what he's planning on doing, and that he's planning on bringing large vehicles in and out of his property. This is more than agricultural equipment, and more than just a couple of small vehicles.

Mr. Sweeney stated that he will try to do what he can, to have our concerns heard. He said that he can't promise anything, but to give him a chance to get this right. He got the names of people that have been called and talked to, and he'll see what is going on.

The meeting was closed with an appreciation to all that attended, and a plea for everyone to sign all three letters; one for the pond, the second for the special use/zoning, and the third for opposing any connections onto any roads into Audubon Hills.

Meeting adjourned at 9:10