

## **ACTION MINUTES**

### **LAND USE & COMMUNITY DEVELOPMENT COMMITTEE**

May 1, 2013

**MEMBERS PRESENT:** Louis Boitano, Supervisor, District IV  
Richard Forster, Supervisor, District II

Supervisor Boitano called the meeting to order at 10:00 a.m.

**AGENDA:** Approved.

**CORRESPONDENCE:** None.

**APPROVAL OF MINUTES:** The minutes of the March 15, 2012, July 19, 2012 and March 21, 2013 meetings were approved as submitted with a minor correction to the July 19, 2012 minutes as follows:

Page 2, first sentence, added the word “to” --...Regional Board in order *to* follow where the basin plans are going.

**PUBLIC MATTERS NOT ON THE AGENDA:** None

**ITEM 1. DISCUSSION AND POSSIBLE DIRECTION REGARDING PROOF OF WATER FOR LAND DIVISION—Environmental Health**  
(Present—Mike Israel, Environmental Health; Susan Grijalva, Planning; Aaron Brusatori, Community Development Agency; Robin Peters, CalState Engineering)

Mike Israel said that over the past several years Environmental Health has been noticing potential concerns over groundwater in certain areas of the County. The criteria for proof of groundwater are set forth in County Code, Chapter 14.12. Mr. Israel asked if the committee was interested in exploring other standards for land divisions particularly those with larger parcels.

Susan Grijalva referred to her memo which is attached hereto and suggested the appropriate time to address this issue would be when the General Plan is updated so a cohesive review of all County development standards can be addressed.

Discussion took place regarding a specific project being proposed and whether data from surrounding wells should be used to determine yield or whether wells should be drilled on each parcel to determine if the land division requirement can be met per County Code. Other topics of discussion were whether or not a 40 acre parcel with a low yielding well should be considered viable agricultural land and how storage can be used as a modification to offset the low yield.

The project discussed is a land division with 40 acre parcels in a low yield area. There are three wells on the parcel; one well reportedly with a relatively high yield but not documented. Currently with the data available for the parcels, the project would be denied or a well meeting land division standards would need to be drilled on each resultant parcel. Robin Peters, engineer for the project, supported Mr. Israel's recommendation as set forth in his memo to the Committee and included in the agenda packet. Mike Israel was looking for direction as to what discretion he should use in conditioning the project.

The Committee suggested an appropriate condition for this project would be to show that one well on each resultant parcel, either existing or drilled, meets production requirements for land divisions. Should the developer choose not to drill a well on each parcel that meets production requirements, then a constructive notice shall be recorded on those parcels as notification that there is data indicating groundwater availability in the area of the project may not meet standards for residential use and storage of more than 2500 gallons may be required. Mr. Israel asked if the Committee was interested in putting the same type of notice on existing parcels that are not a product of a land division but have low yielding wells.

Supervisor Forster said he was concerned that currently a house can be built before a well is drilled. Mike Israel offered to alter this policy to wherein Environmental Health would not clear a building permit to be issued until such time a well was constructed to the point the yield was known. Supervisor Forster said people should be fully aware of what they are getting into before they build a house or purchase property. Mr. Israel said the well ordinance could be revised to have production requirements thereby serving as a mean to notify potential buyers of a possible issue with not having enough water.

**Committee Action:** The Committee directed staff on how to interpret existing code pertaining to proof of water supply when reviewing applications for land divisions. The approach Environmental Health is currently taking, using the more restrictive standard, will remain the same when reviewing land divisions with parcels less than 40 acres. Land divisions with parcels 40 acres and larger will be required to have one producing well within the project that meets land division requirements and a review of the well yield trend in the area of the project will be conducted. Should the review show the project is in a low yield area, a well that meets land division standards shall be drilled on each resultant parcel or in the alternative a constructive notice shall be recorded indicating low yield and that storage may be required. The approach Environmental Health is currently taking to review the trends of existing wells in the surrounding area of a project is acceptable with the Committee.

Environmental Health was further directed to draft and bring back before the Committee a policy for all parcels, whether created as result of a land division or an existing parcel, wherein a well to serve a residence must be drilled and developed to the point where the yield is known prior to building permit issuance. The policy will also define production requirements and provide recommendations on ways to mitigate low yielding wells. The Committee directed the policy be available as a handout for the public.

The meeting adjourned at 11:05 a.m.