

ACTION MINUTES

LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

April 16, 2009

MEMBERS PRESENT: Louis Boitano, Supervisor, District IV
John Plasse, Supervisor, District 1

Supervisor Boitano called the meeting to order at 9:00 a.m.

AGENDA: Approved

CORRESPONDENCE: None.

APPROVAL OF MINUTES: The minutes of the March 19, 2009 meeting were approved as submitted.

PUBLIC MATTERS NOT ON THE AGENDA: None.

ITEM 1. DISCUSSION AND RECOMMENDATION TO BOARD OF SUPERVISORS REGARDING REQUEST FOR VARIANCE TO CODE REQUIRING 20 FOOT ANNULAR SEAL FOR WELL LOCATED ON APN 030-470-005 (DULEY)--Environmental Health
(Present: Mike Israel, Environmental Health; Ronald Duley, property owner)

Mr. Duley said the existing building pad on his property is too small to accommodate a home with required setbacks and a turn around for emergency vehicles. After completion of the necessary grading, an estimated 6 feet of his well casing and seal would be exposed. Mr. Duley said he would like to avoid drilling a new well or the cost of deepening the seal. He was therefore requesting permission to reduce the well casing and seal approximately 6 feet. Mr. Duley further indicated everything flows downhill, away from the well, and there is no future potential for contamination because the well is located at the highest point on the lot.

Mike Israel, Environmental Health, said the 20' annular seal is intended to prevent contaminants on the surface from entering the groundwater. He said he has discussed the feasibility of changing building plans or deepening the seal with Mr. Duley; neither of which appear not to be viable options. Because State of California, Bulletin 74, requires a 20 foot annual well seal a variance cannot be granted by the Board of Supervisors; however, they can authorize staff not to enforce the standard.

Committee Action: The Committee recommended the Board authorize staff not to enforce the 20 foot annular seal standard as set forth in Bulletin 74 and to direct staff to employ other mitigation measures to prevent groundwater contamination. The mitigation measures are to be set forth in an agreement signed by the property owner and recorded with the County Recorder. It was further agreed that the mitigation measures to be employed are:

- An 8' x 8' concrete pad centered around and sloping away from the wellhead; and
- A pump house type structure constructed over the well.

The mitigation measures will become part of the well permit and verified at the time of final inspection.

Mike Israel will prepare the ATF placing this matter on the Board of Supervisors' Consent Agenda. County Counsel is to draw up the agreement.

ITEM 2. DISCUSSION AND RECOMMENDATION TO BOARD OF SUPERVISORS REGARDING HAROLD AND DIANE MC ANULTY'S APPEAL OF STAFF'S DECISION TO DENY THEIR REQUEST FOR WAIVER OF TRAFFIC MITIGATION FEES--Public Works
(Present: Roger Stuart, Public Works; The McAnultys, property owners)

Mrs. McAnulty said due to the cost of obtaining electric service from PG&E, they have made the decision to switch to solar as their source of power. The switch to solar involved additional costs for permits. To offset those costs the McAnulty's were requesting a waiver of traffic mitigation fees. In order to obtain a final on their building permit, they need to complete the landings at the entrances to the home and provide electrical hookup in addition to paying traffic mitigation fees.

Committee Action: The Committee recommended County Counsel draw up an agreement for signature by Mr. and Mrs. McAnulty wherein they would agree to making payments of \$500 per installment on their tax statement until the \$3000 traffic mitigation fee is paid in full. Mr. and Mrs. McAnulty agreed to move forward with obtaining the permits to install their solar system and in the meantime will install the landings and call for an inspection. The Committee directed the Building Department to not send the matter to Code Enforcement and to grant the McAnultys an extension on their building permit.

ITEM 3. DISCUSSION REGARDING A PROPOSED AGRICULTURAL BUILDING PERMIT EXEMPTION ORDINANCE--District I Supervisor
(Present: Heather Anderson, Planning Department; Steve Cannon, Amador Resource Conservation District)

After discussion regarding the items set forth in the attached "Proposed Agricultural Building Permit Exemption Ordinance" presented by Steve Cannon, and based on Planning's opinion that zoning designations should not be associated with building code exemptions, it was agreed that the use of an acreage limitation rather than a zoning requirement should be used to define eligibility for an agricultural building permit exemption.

It was further agreed that the definition of Scope, as set forth in the attached proposal, should be changed removing the reference to zoning and limiting the parcels to 10 acres or larger unless the property is under Williamson Act contract.

It was also agreed that Item C of the attached proposal should be revised to indicate landowners have the option of consulting with the building department and selecting a pre-approved building plan from a library of plans consisting of a cross section of sizes and types of structures (including pole barns).

The permit fee would be based on the number of inspections. The possibility of one or two was discussed. A vision of the process would be to choose a plan from the plan library, build it, and sign and record an owners agreement to which is attached the County code stating it is an agricultural building. If the owner chooses to submit a plan that is not included in the plan library, it would need to go through plan check.

The intention of the ordinance is to simplify the building permit process for viable agricultural operations.

The process to be taken to continue to move forward toward adoption of an Agricultural building Permit Exemption Ordinance is:

- Adopt a resolution of intention
- Hold a public hearing
- Direct staff to draft an ordinance
- Bring draft back to Committee for modification
- Place on Board agenda for adoption.

Committee Action: The Committee directed the Building Department to come up with some pre-approved plans that would be held in a “Plan Library” for people to choose from.

The Committee requested this item remain on the Land Use & Community Development Committee agenda.

ITEM 4. DISCUSSION AND RECOMMENDATION TO BOARD OF SUPERVISORS REGARDING AUTHORIZING THE BUILDING DEPARTMENT TO RETAIN IN EFFECT THE BUILDING FEE REDUCTION FOR THE PROJECT LOCATED AT 8875 LAUREN LANCE (COHEE)--Building Department

(Present: Mr. and Mrs. Lee Cohee, property owner; Rich Millar, Building Department)

Mr. Cohee said that after submitting building plans for a home under the stimulus package offered by the County where certain impact fees were reduced or waived, they came to the realization they were unable to afford the house for which plans were submitted. They have gone back to the drawing board and will be able to submit plans for an affordable home probably late in May. They would like to be able to continue to take advantage of the reduced fees.

Rich Millar, Building Department, said plan check fees were not a part of the “stimulus package.” The Cohee plan check was completed and the fees expended on the original plans. Another plan check fee will be required for the new plans when submitted.

The Committee advised the Cohees to submit their new building plans as soon as possible and attempt to meet the June deadline. However, if they are unable to meet the deadline and have difficulties, the Cohees were advised to come back before the Land Use & Community Development Committee for an extension. The Cohees were also advised that they could and should move forward immediately with their grading permit (showing they are making a good faith effort to complete their project).

Committee Action: The Committee recommended the Board authorize the Building Department to allow the Cohees to re-submit building plans and continue to take advantage of the “Amador County Economic Stimulus Package.” This matter is to be placed on the Consent Agenda.

The meeting adjourned at 10:20 a.m.