

ACTION MINUTES

LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

June 21, 2007

MEMBERS PRESENT: Rich Escamilla, Supervisor, District I
Louis Boitano, Supervisor, District IV

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

AGENDA: Approved

CORRESPONDENCE: None.

APPROVAL OF MINUTES: The minutes of the May 17, 2007 meeting were approved as submitted.

PUBLIC MATTERS NOT ON THE AGENDA: Mike Israel, Environmental Health, said there is an existing house on Sutter Creek with a septic system that is not to code. The owner would like to remodel the house for use as a secondary/weekend type home and wants to obtain a use permit for a holding tank to use as the septic system. Mr. Israel asked if the matter should be brought before the Committee. The matter is to be put on the Land Use Committee agenda for recommendation to the Board of Supervisors.

ITEM 1. DISCUSSION AND POSSIBLE AUTHORIZATION TO RELEASE FINANCIAL SECURITY BEING HELD BY THE ENVIRONMENTAL HEALTH DEPARTMENT FOR THE INSTALLATION OF A FRENCH DRAIN LOCATED ON APN 003-651-004-000, CUZICK--Environmental Health

(Present: Mike Israel and Lance Salisbury, Environmental Health)

Mike Israel, Environmental Health, said the septic system on APN 003-651-004-000 was installed and finalized with the condition that a French drain be installed, upon the design engineer's recommendation, by July 1, 2005 to mitigate groundwater issues. Financial security was deposited in the amount of the cost estimate for installation. To date the French drain has not been installed. Based on the fact that monitoring in 2007, a dry year, showed no groundwater, the property owner is requesting that he not be required to install the French drain and the financial security be released.

Committee Action: The Committee required the French drain be installed prior to releasing the financial security deposit.

**ITEM 2. REVIEW OF ENVIRONMENTAL HEALTH DEPARTMENT FEES
RELATIVE TO THE SMALL WATER SYSTEM PROGRAM—
Environmental Health**

(Present: Mike Israel and Lance Salisbury, Environmental Health)

Mike Israel said the Environmental Health Department's water program fees are based on the amount of time it takes to run the program in a normal and routine manner. The fees do not include cost recovery for time spent on enforcement.

The fact that there may be numerous wineries in the County that are public water systems and are not permitted was also discussed. One winery that is currently permitted will be receiving a citation and bill for time spent on enforcement action.

Committee Action: The Committee agreed that fees be charged as adopted in Ordinance No. 1648 and the Environmental Health Department bill at the hourly rate for their time spent on enforcement. The Committee asked that a questionnaire be drafted and sent to the wineries to complete as a means of determining whether or not they are a public water system prior to sending out the citation and statement for time spent on enforcement action.

**ITEM 3. REVIEW OF ENVIRONMENTAL HEALTH DEPARTMENT LATE
PAYMENT PENALTY FEES--Environmental Health**

(Present: Mike Israel and Lance Salisbury, Environmental Health)

Mike Israel said this year some of the facilities assessed late penalties for not paying their annual health permit fees within 90 days felt the penalty rate was excessive. He has done a comparison with four other counties which reveal similar assessments (Calaveras County--50% at 30 days; El Dorado County--50% at 60 days, 100% at 90 days; Yolo County 10% at 30 days, 15% at 60 to 90 days, then to collections; Tuolumne County--5% per month overdue.)

Committee Action: The Committee recommended at this time the Department continue charging penalties at 50 percent the annual fee. Any objection to the penalty rate can be appealed to the Board of Supervisors. The Committee further recommended that the Department charge 50 percent penalties after 90 days for another year and if it continues to be a problem, the Department may want to look at starting to penalize at a lower percentage rate but assessing penalties sooner and increasing the percentage rate at varying intervals (i.e. 10 percent at 30 days; 15 percent at 60 days, etc.)

The meeting adjourned at 9:25 a.m.