

## **ACTION MINUTES**

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

May 17, 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 April 19, 2007 meeting were approved as submitted.

**PUBLIC MATTERS NOT ON THE AGENDA:** (Present: Mike Israel, Environmental Health; Tom Busi, Property Owner) Mike Israel said a number of wells have been drilled on Mr. Busi's property (APNs 011-100-006 and 029) in an attempt to find a well with adequate production; at least one and maybe two of which do not meet the setback to property line. In 2003 the Board of Supervisors granted a variance to the setback for a well site. County Counsel has advised that variance was for a specific site and does not apply to the wells now in question. A possible conflict with the neighbor has arisen and Mr. Busi is requesting a resolution to his situation as soon as possible. The Committee authorized Mr. Busi and the Environmental Health Department to take the matter directly to the full Board.

Mike Israel updated the Committee regarding the Gold (APN 003-202-015-000) matter discussed at last month's meeting. After meeting with the builder and Public Works, the builder agreed to backfill along the driveway cutbank where the weep is located. Hopefully this will solve the problem.

**ITEM 1. APPEAL OF NOTICE OF VIOLATION ISSUED TO BLACK'S STATION WATER SYSTEM--Environmental Health Department**  
(Present: Mike Israel and Lance Salisbury, Environmental Health; Robert McCann, Owner)

Mike Israel, Environmental Health, said Mr. McCann, owner and operator of the Black's Station water system, has failed to collect bacteriological samples in a timely manner and to properly identify the samples taken. Mr. McCann has also objected to the use of the term "ordered" in correspondence sent to him and to the fee charged for enforcement action by the Department.

Mr. McCann told the Committee that he tries to collect water samples every 90 days, which he

feels is the intent of the law, thereby meeting his responsibility. He said that the regulation is poorly written.

Mr. McCann said the notice he is required to post leads people to believe he has contaminated water. He requested permission to not post the notice as required by State regulation when a monitoring and reporting violation occurs.

**Committee Action:** The Committee waived the \$48 fee Environmental Health charged Black's Station for staff time associated with the preparation of the monitoring and reporting violation letter. Environmental Health is to bring the fee ordinance back to the Committee next month for review.

The Committee did not grant Mr. McCann permission to not post and distribute the Public Notice as required in Title 22. Mr. McCann was advised he could appeal their decision to the full Board.

The Committee suggested Mr. McCann follow proper procedure to avoid future problems.

The meeting adjourned at 9:30 a.m.