

ACTION MINUTES

LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

February 15, 2007

MEMBERS PRESENT: Rich Escamilla, Supervisor, District I

MEMBERS ABSENT: Louis Boitano, Supervisor, District IV

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

AGENDA: Approved

CORRESPONDENCE: None.

APPROVAL OF MINUTES: The minutes of the January 18, 2007 meeting were approved as submitted.

PUBLIC MATTERS NOT ON THE AGENDA: None.

ITEM 1 - REVIEW AND DISCUSSION OF REFERRAL FROM BOARD OF SUPERVISORS TO REVIEW AND DISCUSS THE REQUEST FOR APPEAL FILED BY RON REGAN ON BEHALF OF MARTELL INVESTMENTS, INC. OF THE INTERPRETATION OF ALLOWED USES IN THE "M," MANUFACTURING DISTRICT--Planning Department

(Present: Susan Grijalva, Planning; Martha Shaver, County Counsel; and Ron Regan, Property owner)

Susan Grijalva said the Board of Supervisors referred this matter to Committee for review and discussion in order that comments could be brought back to the Board at their March 6 meeting.

Discussion regarding the types of businesses Mr. Regan was considering and where those types of business fit in the zoning code took place.

Martha Shaver advised the Committee that allowing a use permit for a business would be far more dangerous than re-opening the moratorium for a specific project.

Committee Action: The Committee recommended the uses in Mr. Regan's commercial complex remain consistent with the existing Manufacturing District. The businesses that could not be allowed are:

- beauty salons and barber shops with beauty and hair care product sales,
- facial and skin care, including tanning methodologies, along with sales of skin care products,

- pedicures and nail care .

It was agreed, however, that the following types of businesses could be allowed:

- exercise, weight loss and fitness centers as long as there were no food service, tanning methodologies, or massages,
- sale and service of business equipment, copiers, printers and computers with no to minimal retail sales,
- real estate/title offices.

The General Plan, when updated, may allow for other uses. Mr. Regan was invited to participate in the GPAC meetings.

ITEM 2- APPEAL OF DEPARTMENT'S REQUIREMENT FOR ADDITIONAL GROUNDWATER MONITORING PRIOR TO FINALING THE SEWAGE DISPOSAL SYSTEM LOCATED ON APN 003-011-007-000 OWNED BY JIM JORDAN AND CLARIFICATION OF THE COMMITTEE'S INTENT REGARDING THE DECISION MATRIX-- Environmental Health

(Present: Mike Israel, Environmental Health; Martha Shaver, County Counsel; Jim Jordan, Property Owner; Jeff Morlan, Consultant; and numerous other property owners, contractors and interested parties.)

Mike Israel, Environmental Health, said that there was confusion on how to interpret the matrix that was approved by the Board in May, 2006. Mr. Morlan, consultant and engineer for the Jordans, thought per the matrix, that the Jordans could go to design with separation corrected before final, have a fix specified, an engineered estimate for correction, post a bond and final the system. The Environmental Health Department was requiring the Jordans go to design with separation corrected before final. Therefore, the Jordon's septic system could not be finalized until it was proven that separation to groundwater was being met which would require enough rainfall to perform wet weather testing.

Mr. Jordan said that he needed to obtain a building final on his house so he could convert his construction loan to a regular home loan and move in. His building final is contingent on obtaining a septic final. If his building permit is not finalized by the first part of March, he will start incurring penalties.

It was agreed that the consultants and Environmental Health would meet within the next two or three weeks (by March 15) and come to an agreement on how the matrix should be interpreted.

The question was asked as to how many septic systems were actually failing. Mr. Israel said that he estimated 15 to 20 failures including systems bleeding out or surfacing at 50 feet; most of those systems were less than 5 years old.

Committee Action: It was agreed that the Environmental Health Department would final the septic system located on APN 003-011-007-000 and sign off the Building Department's inspection card upon receipt of the following:

- A proposed fix from the design consultant if groundwater separation is not met during monitoring.
- A bond or some other type of financial security in the amount set forth by the design consultant to construct his proposed fix.
- An agreement drafted by County Counsel and signed by the property owners.

The Environmental Health Department will monitor the Jordan's sewage disposal system when there has been sufficient rainfall (60% of annual average for the area or when 10 inches of rain has fallen over the past 30 days) and determine whether or not 24" of separation to groundwater is being met. If groundwater separation is not being met, the proposed fix must be constructed.

Supervisor Escamilla said that he would like this matter placed the February 27 Board meeting Consent Agenda to give the other Board members an opportunity to review this matter.

The meeting adjourned at 11:37 a.m.