

ACTION MINUTES

LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

September 17, 2009

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

Supervisor Boitano called the meeting to order at 9:10 a.m. Supervisor Plasse arrived at the end of Item #1.

AGENDA: Approved.

CORRESPONDENCE: None.

APPROVAL OF MINUTES: Approval of the minutes of the August 20, 2009 meeting was withheld until next meeting due to the absence of Supervisor Plasse.

PUBLIC MATTERS NOT ON THE AGENDA: None.

ITEM 1. DIRECTION TO ENVIRONMENTAL HEALTH DEPARTMENT STAFF REGARDING PUBLIC WATER SYSTEM REQUIREMENTS FOR WINERIES/TASTING ROOMS--Environmental Health
(Present: Mike Israel and Michelle Opalenik, Environmental Health)

Michelle Opalenik, Environmental Health, gave an overview of Amador County's Small Public Water System Program and spoke to how State regulations have, will and could impact winery/tasting room water systems.

The financial impact of sampling, hiring engineers, treating water, and either deepening well seals or drilling new wells were discussed. Clustering water systems in the Shenandoah Valley was suggested by Mike Israel, Environmental Health, as a possible alternative to each winery/tasting room having an individual water system.

Also discussed were ways of allowing existing water systems to come into compliance, time frames that could be placed on water systems to come into compliance, and the liability of the County and the property owner if the water system is not operating legally.

Committee Action: The Committee directed Environmental Health to bring this matter before the Board of Supervisors before contacting the wineries/tasting rooms. It was the thought that the Board may want to provide workshops and education before directing Environmental Health to move forward in regulating and permitting the wineries and tasting rooms in Amador County.

ITEM 2. REVIEW OF AND RECOMMENDATION ON PROPOSED ALTERNATIVE SEWAGE DISPOSAL SYSTEM POLICY TO BE PRESENTED TO THE BOARD OF SUPERVISORS--Environmental Health

(Present: Mike Israel, Environmental Health)

Mike Israel, Environmental Health, presented the Committee with a revised, proposed Alternative Sewage Disposal System Policy noting comments and suggestions provided by engineers.

Discussion took place and the following changes (in *italics*) were agreed upon:

DEFINITIONS--2. Failure--d. The required supplemental treatment unit is non functional or ineffectual *as determined by laboratory analysis of effluent samples collected on at least two separate days which exceed 30 mg/L biological oxygen demand (BOD) or 30 mg/L total suspended solids (TSS).*

POLICY--second paragraph--second sentence: For that reason, alternative systems shall be monitored by the Department for a minimum of five years after completion *and first use of the system* at the expense of the property owner.

PROCEDURES--paragraph 3.--second sentence: In the event noncompliance includes lack of groundwater separation and site modification is proposed, the modification must be constructed and *the site may or may not (at the discretion of the Department) require monitoring* through the next qualifying wet season to demonstrate compliance prior to reinstating the permit and resuming construction of the disposal system. *This determination may be appealed to the Amador County Land Use and Community Development Committee. If there is no response from the owner or consultant within 30 days of the notice or if no resolution is proposed within 90 days, the permit shall be revoked and will be of no further force or effect.*

PROCEDURES--paragraph 4b.--add sentence: The notice shall be courtesy copied to the designer of the system. *The notice shall include a reasonable time frame to return to compliance and advise the owner whether it is advisable or necessary to contact a qualified consultant to return to compliance.* In the event...

Committee Action: The Committee recommended Environmental Health place the proposed Alternative Sewage Disposal System Policy with the above revisions on the Board of Supervisors agenda for approval and adoption.

ITEM 4. DISCUSSION REGARDING A PROPOSED AGRICULTURAL BUILDING PERMIT EXEMPTION ORDINANCE--Building Department

(Present: Larry Perez, Building Department; Greg Gillott, County Counsel; Susan Grijalva and Heather Anderson, Planning Department; Jim McCart, Amador Fire Protection District; Mike Israel, Environmental Health; Steve Cannon, Amador Resource Conservation District; Doug Ketron, PE;)

Steve Cannon, ARCD, found some plans for the plans library from the University of Tennessee

in addition to those being provided by Doug Ketron. Greg Gillott, County Counsel, said he was uncomfortable with the concept of the Plans Library.

Mr. Gillott said 15.30 states “for which county approvals or permits are required;” therefore, since the County would not be approving the plans, there might be some wiggle room on what would be required for agricultural buildings. Road requirements would not apply to off-site access, only that portion on-site. Clearance from Amador Fire Protection District would be required. Some fire districts may have development fees that apply to agricultural structures.

Mr. Gillott reviewed other ordinances for agricultural building permit exemptions and found other Counties do not require building plans; only a plot, elevation and floor plan. Setbacks are verified and a final inspection conducted. Other counties have adopted the 2007 Building Code with an appendix allowing agricultural buildings.

It was reaffirmed that an owner’s agreement would need to be a part the Agricultural Building Permit process. By signing an owner’s agreement, the owner would declare that the building would be built to code, the structure would be used as an agricultural building as defined in the ordinance and that any change in the use of the structure would require the necessary permits to bring it up to code for the new use. The agreement would indemnify the County of any liability regarding the construction of the structure. This agreement would serve as notification by recordation on the deed to future owners of the property that the structure was constructed under the provisions of the agricultural building permit exemption ordinance. Any electricity or plumbing serving an agricultural building would require a building permit for those improvements.

Greg Gillott said he will have, for review by next meeting, a draft ordinance incorporating the provisions agreed upon and a draft owner’s agreement which includes the definition of an agricultural building.

**ITEM 3. REVIEW OF CALIFORNIA HEALTH AND SAFETY CODE §17021.5 AND §17021.6 RELATED TO AGRICULTURAL EMPLOYEE HOUSING AND PRELIMINARY REVIEW AND DISCUSSION OF POSSIBLE CRITERIA FOR CONSIDERATION IN COUNTY ORDINANCE--
Planning Department**

(Present: Larry Perez, Building Department; Greg Gillott, County Counsel; Susan Grijalva and Heather Anderson, Planning Department; Jim McCart, Amador Fire Protection District; Mike Israel, Environmental Health; Ken Deaver, Sue Hokana, Jim Gullett, and Brian Oneto, members of the public)

Heather Anderson and Susan Grijalva, Planning Department, talked about the codes related to agricultural employee housing, staff’s proposed requirements for farm-worker housing, and regulations adopted by other counties. Presentation of this matter was solely for educational purposes.

Discussion took place. It was suggested an assessment be performed to gather data on the housing needs from an owner’s and an employee’s point of view; high fire danger areas be eliminated as locations designated for farm-worker housing; and the two year permit be extended

for a longer term. Questions arose regarding what fees apply and what fees may be able to be reduced, deferred, or waived; whether or not the housing should be allowed in R1A and X zones; and what types of permits could be required for the different types of housing. Staff will inquire into school impact fee requirements.

Due to the complexity of this matter, it was suggested it be broken down by topic and one topic discussed and reviewed at a time.

Committee Action: The Committee did not have the opportunity to thoroughly review the agenda packet and indicated they needed more time to go over the material provided.

The meeting adjourned at 12:25 p.m.