

ACTION MINUTES

LAND USE & COMMUNITY DEVELOPMENT COMMITTEE

July 16, 2009

MEMBERS PRESENT: John Plasse, Supervisor, District 1

Supervisor Plasse called the meeting to order at 9:05 a.m.

AGENDA: Could not be approved due to the absence of Supervisor Boitano.

CORRESPONDENCE: None.

APPROVAL OF MINUTES: Approval of the minutes of the June 18, 2009 meeting was postponed until both members of the Committee could be present

PUBLIC MATTERS NOT ON THE AGENDA: None.

**ITEM 1. DISCUSSION AND RECOMMENDATION TO BOARD OF SUPERVISORS FOR APPROVAL OF ANY CHANGES NECESSARY TO COMMUNITY DEVELOPMENT BLOCK GRANT REUSE FUNDS TO ENABLE ITS USE TO ASSIST LOW INCOME PROPERTY OWNERS IN REPAIRING FAILED SEPTIC SYSTEMS AND POSSIBLE DIRECTION FOR THE ENVIRONMENTAL HEALTH DEPARTMENT TO INVESTIGATE OTHER POSSIBLE SOURCES OF FUNDING--
Environmental Health
(Present: Mike Israel, Environmental Health)**

Mike Israel, Environmental Health, said he was recently made aware of the possibility that funds could be available through the Community Development Block Grant program for repairs of failing onsite sewage disposal systems if the resolution authorizing administration of the grant was amended to allow the funds for that type of use. Currently the Department is dealing with two owners of failing septic systems that could benefit from using either grant funds or a low interest, long term loan.

Committee Action: The Committee authorized the Environmental Health Department to appear before the Board of Supervisors to request changes be made to the Community Development Block Grant resolution to enable grant funds to be used to assist low income property owners in repairing failed septic systems. The Committee also authorized Mr. Israel to conduct any investigation necessary to find other possible sources of low interest loans or grants.

ITEM 2. DIRECTION TO PLANNING DEPARTMENT STAFF REGARDING POSSIBLE AMENDMENT TO TITLE 19 (ZONING) OF AMADOR COUNTY CODE TO FACILITATE THE IMPLEMENTATION OF PROGRAM D.I OF THE AMADOR COUNTY HOUSING ELEMENT PERTAINING TO THE USE OF RECREATIONAL VEHICLES FOR HOUSING DURING TIMES OF ECONOMIC HARDSHIP--Planning Department

(Present: Susan Grijalva, Cara Agustin, Heather Anderson, Planning Department; Mike Israel, Environmental Health; Linda VanVleck, Code Enforcement; Greg Gillott, County Counsel)

Heather Anderson, Planning Department said the Board of Supervisors adopted a Resolution of Intention directing staff to develop a proposed ordinance that would provide for the use of recreational vehicles for housing during times of economic hardship thereby amending Title 19 to expand the definition of hardship to include reduction in income (death of a spouse, divorce, loss of employment).

The Planning Department was looking for opinions and after discussion it was agreed they would move forward with drafting an ordinance based on the following input:

- Recreational vehicles located on vacant land should have permitted septic, water and power.
- Rent could not be charged.
- Modification of CCRs would follow the same procedure as with medical hardships.
- Some type of proof of financial hardship must be shown.
- Permit would be issued to landowner and name the person residing in the RV.
- Property owner must give permission for person to reside on property
- Property owner would be responsible for the upkeep of the property.
- A maximum number of RVs allowed on a site would be designated.
- Could be an over the counter use permit
- Justified objections could be grounds for denial of the use permit with the right to appeal to the Planning Commission

Committee Action: The Committee directed staff to revise the draft ordinance and bring it back before the Committee for further review.

ITEM 3. DISCUSSION AND POSSIBLE DIRECTION TO PLANNING DEPARTMENT STAFF REGARDING A POTENTIAL RESOLUTION OF INTENTION (ROI) TO AMEND SECTIONS 19.08.364, 19.08.366, 19.30 (KENNEL REGULATIONS) OF AMADOR COUNTY ZONING CODE (TITLE 19)--Planning Department

(Present: Susan Grijalva, Nathan Lishman, Heather Anderson, Planning Department; Jon Hopkins, GSA; John Vail, Animal Control; Mike Israel, Environmental Health; Linda VanVleck, Code Enforcement; Greg Gillott, County Counsel)

Nathan Lishman said the intention is to amend Title 19 focusing on individual rather than commercial kennels. Animal Control's ordinance requires vaccination for rabies and licenses for dogs by 4 months of age. As it is now, if a person requests more than 4 licenses, Animal Control refers them to Planning for a noncommercial, nondiscretionary permit. Animal Control only pursues non-compliant kennels based on complaints. The issue in question is who, Planning or Animal Control, is to enforce kennel regulations. Direction was requested as to whether or not the Committee wanted staff to enforce the ordinances as they exist today, turn their heads, or research and make changes.

Through discussion it was determined that the number of dogs, parcel size and zoning should be revisited. John Vail, Animal Control, requested that minor code violations be changed from misdemeanors to infractions with a fine.

Committee Action: Supervisor Plasse said a Code Revision Committee has been formed, as a result of the Strategic Plan Committee, to review County codes and prioritize those codes that need revising. Staff was directed to wait for the Code Revision Committee to contact them but to prepare for a presentation addressing the potential problems and possible solutions.

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

(Present: Larry Perez, Building Department; Kristin Bengyel, County Administration; Susan Grijalva, Cara Agustin, Heather Anderson, Planning Department; Mike Israel, Environmental Health; Linda VanVleck, Code Enforcement; Greg Gillott, County Counsel)

Kristin Bengyel, County Administration, reported that she has met with Doug Ketron, the ordinance has been put in the proper format, an application form has been drafted (copy attached), and Larry Perez, Building Department, has provided a snow load chart. Still to be addressed are flood zone information and 15.30 requirements. Doug Ketron is going to come up with plans for agricultural applicants to choose from that apply to standards for pole barns, detached garages, and utility sheds. All the applicant would need to do is select a plan, provide a plot plan and pay the fee. The plans should be ready for Committee review by the next meeting.

Greg Gillott said the County would need to adopt the 2007 Building Code and carve out the agricultural building permit exemptions prior to adopting the ordinance.

Discussion took place on the following topics

- The validity of an engineer's stamp after it has expired.
- The fact that there are changes to the building code every three years and how this would have to be dealt with.
- How the Plans Library would work.
- Whether or not anyone that so desired could choose a plan from the Plans Library.
- Notifying other engineers and offering them the option of participating in the Plans Library.

Planning requested a sign off for “Flood:” be added to the Agricultural Building Exemption Application.

The following changes were made to the draft ordinance text:

Change Scope to: This ordinance shall apply to lands within Amador County that are parcels 10 acres or larger, ~~unless the property is~~ *or* under Williamson Act contract *regardless of size*.

Exemption from Requirement to Obtain Building Permit change to: Agricultural ~~producers Buildings that own~~ on parcels 10 acres or larger, ~~unless~~ *or* under a Williamson Act contract *regardless of size*, are exempt from the requirement ~~to apply for~~ *of* a building permit, plan check, site review and inspection process if *all of* the following requirements are met:

A. File an application ...

- The Assessor’s parcel number, *site* address and the owner’s name and address on the plot plan.
- ~~If the Sites is within a 100-year flood zone plain, an elevation certificate prepared by a licensed engineer... must comply with County flood plain regulations.~~
- *Snow load requirements would need to be adhered to (see chart).*

B. Sign an “Owner’s Agreement to Limit Agricultural Operations,” as that agreement pertains to the agreement to limit uses of agricultural buildings built under the exemption to the definition stated above and record ~~notification the agreement~~ on the property that the structure is an agricultural building. *Recording shall be requested by the Building Department and the Chief Building Official shall be authorized to sign the agreement on behalf of the County upon final. ...*

E. Pay a nominal fee in the amount set forth on the current fee schedule, as approved by the Board of Supervisors, to cover the cost of a drive-by inspection and ~~filing costs~~ *staff time*.

Greg Gillott, County Counsel, requested time to look into how other counties have implemented the agricultural building permit exemption ordinance. Kristin Bengyel said she would provide him the file she has compiled on other counties.

The meeting adjourned at 11:50 a.m.

