

## **ACTION MINUTES**

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

December 16, 2010

**MEMBERS PRESENT:** Louis Boitano, Supervisor, District IV  
Richard Forster, Supervisor, District II

Supervisor Boitano called the meeting to order at 10:07 a.m.

**AGENDA:** Approved.

**CORRESPONDENCE:** None.

**APPROVAL OF MINUTES:** The minutes of the August 19 and October 21, 2010 meetings were approved as submitted.

**PUBLIC MATTERS NOT ON THE AGENDA:** None.

It was requested and agreed that Item #2 be heard before Item #1.

**ITEM 1. REVIEW AND DISCUSSION REGARDING AMADOR COUNTY CODE CHAPTER 17.50--RECREATION DEDICATION AND FEES AND WHETHER SECOND FAMILY DWELLING UNITS SHOULD BE INCLUDED IN THE CALCULATION OF THIS FEE--Planning Department**

(Present: Heather Anderson, Planning Department)

Heather Anderson, Planning Department, said staff is unclear when interpreting Amador County Code Chapter 17.50 as to whether or not second units should be included in the total number of dwelling units when calculating recreation dedication and fees for subdivision and parcel maps since County Code Section 19.48.120--Second family dwelling units was adopted some 8 years after Chapter 17.50. Ms. Anderson said the Department intends to rewrite Title 19 and 17 when the General Plan is adopted but in the meantime would like to adopt a policy directing staff on how to calculate the fee.

**Committee Action:** The Committee recommended the Planning Department draft a policy in which the calculation of recreation dedication and fees would be based on one unit per lot.

**ITEM 2. DISCUSSION REGARDING AND DIRECTION ON HOW TO PROCEED WITH CSA #6, THE RECORDATION OF DEED AGREEMENTS, AND THE MONITORING OF ALTERNATIVE SEWAGE DISPOSAL SYSTEMS--Environmental Health**

(Present: Mike Israel, Environmental Health; Mr. and Mrs. Paul Miller, Property Owners with an Alternative Sewage Disposal System)

Mike Israel, Environmental Health, reviewed the history behind the creation of CSA#6 and the agreement the County entered into with the State, the purpose of alternative sewage disposal system monitoring and the recordation of deed agreements.

Mr. Paul Miller, an owner of property with an alternative sewage disposal system, was present and said he objected to signing the Deed Agreement because it gave the County the irrevocable right to enter upon his property at any time. He also objected to entering into a contract that does not set forth the cost and the term. Mr. Miller said that he was of the belief that the agreement he was to sign limited the number of bedrooms to be in the home. It wasn't until he had incurred the cost of installing the septic system that Mr. Miller was given the agreement to review and sign. Mr. Miller did not like that, under the terms of the agreement, if the system failed and was not fixed within 30 days it would be a criminal offense. Mr. and Mrs. Miller requested their sewage disposal system be finalized without the deed agreement being signed and recorded.

Mike Israel answered questions regarding the cost of the monitoring program, the reasons for monitoring, why monitoring needs to be extended in certain cases, and the reason for recordation of the agreement. Mike Israel suggested that a sample deed agreement be provided property owners for review prior to installing the septic system so they would realize the path they were going down.

The Committee expressed the importance of people being advised and knowing exactly what is required prior to having an alternative system installed. Hence, the Committee directed the agreement be revised to:

- Define monitoring
- Set forth the conditions under which the monitoring may be extended.
- Give the right to enter upon the property solely to the Environmental Health Department.
- Set forth the cost of monitoring which will remain the same through the life of monitoring.

Also discussed and to be considered is allowing a property owner to pay the entire 5 year monitoring fee up front. This would allow the entire cost of monitoring to be included in the financing package. The Committee discussed whether or not the agreement had to be recorded or if it could be signed, notarized, and retained by Environmental Health for disclosure to prospective buyers.

David Cochrane with Sutter Gold said he appreciated the fact that alternative systems are available. He said he felt alternative systems have been a benefit to the community because without them there would be a large number of parcels that wouldn't have sewage disposal available. Mr. Cochrane indicated he knew Sutter Gold would be subject to monitoring but was

unaware of the exact details set forth in the agreement. He supported the idea of providing a sample agreement to the property owner at the time plans are submitted and requested a copy of the agreement the County has with the Regional Board. Mr. Cochrane said he liked to know about restrictions prior to purchasing property in order to be an informed buyer.

**Committee Action:** The Committee directed Environmental Health to contact neighboring counties to see what they are doing and to bring this matter back to the next meeting. The Committee asked that a copy of Section 14.12 and a copy of the Miller's deed agreement be included in the agenda packet so the penalties can be compared. The agreement is to be revised as discussed.

The meeting adjourned at 11:15 a.m.