

## **ACTION MINUTES**

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

January 20, 2011

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

Supervisor Boitano called the meeting to order at 2:05 p.m.

**AGENDA:** Approved.

**CORRESPONDENCE:** None.

**APPROVAL OF MINUTES:** The minutes of the December 16, 2010 meetings were approved with the addition of a phrase in the last part of the fourth paragraph of Item 2 clarifying the reason for paying the entire monitoring fee up front would be to allow for the entire cost of monitoring to be included in the financing package.

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

**ITEM 1. DISCUSSION REGARDING ADA REQUIREMENTS FOR THE BED & BREAKFAST AT AVIO WINERY--Building Department**

This matter was postponed until next meeting in order to allow Avio Winery to be present. Information provided earlier by Stefano and Lisa Watson, Avio Winery, regarding this matter was handed out.

**ITEM 2. DISCUSSION AND DIRECTION REGARDING VERIFICATION OF WORKER'S COMPENSATION COVERAGE FOR OWNER/BUILDER BUILDING PERMITS--Building Department**

(Present: Rich Millar, Building Department; Susan Grijalva, Planning Department; Mike Israel, Environmental Health Department)

Rich Millar, Building Department, said the Department has received complaints that people are doing work without permits or pulling building permits as owner/builders and hiring unlicensed contractors/workers to do the work. The concern is that in these economic times, worker's compensation and contractor licensing laws are being violated in order to obtain work at a lower rate.

Discussion took place regarding the fact the Building Department currently has an Owner/Contractor Verification form that is completed by the owner-builder or licensed contractor at the time of building permit application. The form was prepared by County Counsel pursuant to California law. It is up to the County to obtain the information on the verification and it is up to the applicant to accurately disclose their intentions.

This is all the Building Department is obligated to regulate. It is not up to the Building Department to police that the applicant does what they have declared they are doing. That would be up to the Labor Commission, Contractor's Licensing Board, etc. It is the responsibility of contractors or other persons who are aware or observe violations of contractor's licensing and/or worker's compensation law to contact the proper authorities. Construction without a building permit, however, would be reported to and pursued by the Building Department.

Pursuant to the adoption of the 2010 amendments to the California Building Code, the Building Department is required to provide notification to any property owner on which a building permit is submitted of their responsibilities and the possible risks they may incur by having a permit. A draft sample of a "Notice to Property Owner" was provided to the Committee and a copy attached hereto.

**Committee Action:** The Committee directed the Building Department to educate homeowners and contractors, through the "Notice to Property Owner," of the laws so they are aware of their responsibilities and liabilities. The Committee further directed that the WARNING at the bottom of the Owner/Contractor Verification form be in bold or red so it is more obvious. The Committee agreed that there are avenues available to resolve this issue without involving the County. There is no need to take this matter back to the Board of Supervisors. The Committee directed that a copy of "Notice to Property Owner" be sent to Mr. Gray and a request for his comments made.

**ITEM 3. CONTINUED 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 Department; Rich Millar, Building Department; Susan Grijalva, Planning Department)

Mike Israel, Environmental Health, reviewed the deed agreements provided in the agenda packet and discussion took place regarding the "old" versions vs. the "new" version. Language regarding the reasons for extension of the 5 year monitoring period has been added to the new

agreement. Language regarding the number of bedrooms allowed in the home remained and is included in the new agreement.

Mr. Israel also reviewed and explained the purpose of the alternative system agreement for those systems using proprietary equipment and the obligations of the property owner when entering into the agreement.

Mr. Israel handed out the attached memo comparing what other counties are doing and charging for alternative sewage disposal system monitoring.

**Committee Action:** The Committee directed Environmental Health to work with property owners on an individual basis in order to achieve a deed agreement for recording that is acceptable to all parties involved. The new agreement in the agenda packet will be used for those property owners who have no objection to recordation of the agreement on their property. The agreement to be entered into with Mr. Miller will be the same type as entered into with Mr. Pier. If requested by the property owner, and allowed on a case by case basis, CSA #6 assessment fees can be paid up front for the first 5 years of monitoring.

**ITEM 4. REVIEW, DISCUSSION AND RECOMMENDATIONS REGARDING PARAMETERS FOR POSSIBLY EXPANDING THE EXCEPTIONS TO THE COUNTY'S GENERAL PLAN AMENDMENT MORATORIUM FOCUSING ON ALLOWING APPLICATIONS LIMITED TO THOSE WHICH WOULD PROVIDE FOR "VALUE ADDED" PRODUCT MANUFACTURING AND PROCESSING OPERATIONS WHICH UTILIZE THE COUNTY'S EXISTING NATURAL RESOURCES--  
Planning Department**

(Present: Susan Grijalva, Planning Department; Mike Israel, Environmental Health Department; Rich Millar, Building Department)

Susan Grijalva handed out the attached "Parameters for General Plan Amendment Applications," General Plan excerpts including the I Industrial, SP Special Planning and A-MR Agricultural-Mineral Resource general plan designations and the Industrial Development Policy Review. Discussion and review took place.

During the discussion Ms. Grijalva indicated SP Special Planning can be used for other than manufacturing. The A-MR designation is not currently assigned to anyone and is proposed to be removed from the new General Plan. She also said it is recommended an application would have to be consistent with the current General Plan, and because of the timing of this, we would want it to be consistent with the proposed General Plan as well.

Ms. Grijalva reminded the Committee the General Plan can only be amended 4 times per year so requests would need to be packaged into no more than 3 requests. She also said in the original discussion regarding the General Plan update, there was a MRP classification proposed and it might be the Board would want to revisit whether there is a need for this type of designation.

The Committee indicated they didn't want to incur more time and cost from the consultant. Discussion took place regarding time frames that need to be met and the possible costs that can be incurred.

**Committee Action:** The Committee said the Board of Supervisor's intent is to boost the economy and provide more jobs. The Committee acknowledged that full fees are to be paid. The Committee further indicated it was their intent for the Parameters to include *any* natural resource and directed Planning to revise the Parameters as follows:

- #2. Must have infrastructure necessary for the type of industrial development proposed.
- #8. Uses must be compatible with the uses on surrounding properties.
- #9. Applications must include the identification of the economic and fiscal benefits of the project and how it ties to the existing natural resources.

Ms. Grijalva was directed to ask counsel if the initial acceptance of an application can be by the Board of Supervisors rather than staff. She was further directed to work out the language set forth above and provide a copy of that language to Supervisors Forster and Boitano for approval. Upon their approval the matter can be taken directly to the Board of Supervisors. The Committee did not feel, at this time, it was necessary to bring this matter back before the Committee.

The meeting adjourned at 3:37 p.m.