DEPARTMENT: Public Works  By: Michael D. Edwards  Phone: 966-5356
Interim Director of Public Works

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___  No X)

Public Works requests that the Board of Supervisors provide direction to staff regarding the issuance of an encroachment permit to Kay Hewitt and Robert Barber to allow installation and maintenance of a private sewer line (pipe) under Brooks Road with conditions as described below:

1. The work and restoration of Brooks Road shall be subject to the requirements of the Public Works Department, to be listed in the encroachment permit.

2. Adequate evidence of identical ownership of the land on both sides of Brooks Road shall be submitted to Public Works prior to issuance.

3. A deed restriction, approved by Public Works, shall be recorded against the property identifying this situation and alerting future owners of the need for maintenance of the pipe and markers and periodic replacement of the pipe to avoid future breakages.

4. "Paddle-type" markers, approved by Public Works, shall be placed at the edge of both sides of Brooks Road (where the conduit crosses) warning of a buried pressure sewer pipe.

5. Provide an engineered plan, to be approved by Public Works, for the crossing including a larger diameter conduit (sleeve) around the sewer line.

6. Public Works shall collect a fee deposit based on an estimate of actual staff time involved, due to the unusual nature of this application.

7. Issuance of the encroachment permit shall be void if permits from the Planning and Health Departments are not issued.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The property in question is located at 3483 Brooks Road, A.P.N. 14-430-024, at the NE corner of Highway 49S and Brooks Road. The property is a 3.14 acre parcel with an existing residence on it. The applicants, Kay Hewitt and Robert Barber, have applied to Planning for a permit to place a new bed and breakfast on the parcel. Zoning is Mountain Home, 5 acre minimum. At some point during the process, the Health Department noted that the existing septic system has failed. Efforts by the applicants' consultants to find a replacement leach field onsite have also failed. The applicants are now negotiating purchase of a suitable 0.9 acre site across Brooks Road for a leach field. Since the Brooks Road right-of-way is prescriptive (not owned in fee by the County), the new site could be annexed to the subject parcel through a lot line adjustment. The applicants propose to place a pressurized, 2-inch sewer pipe leading from the septic tank across Brooks Road to a new leach field. The septic system would serve both the existing house and the proposed bed and breakfast, if approved. Public Works feels that because of the unusual circumstances in this
case and because of increased use on the parcel, the Board should provide direction to staff regarding the encroachment issue.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. No Action. Public Works would likely deny the encroachment permit. The applicants could then appeal to the Board if they choose.

2. Authorize an encroachment permit to serve only the existing residence.

COSTS:  (X) Not Applicable
A. Budgeted current FY $__________
B. Total anticipated costs $__________
C. Required additional funding $__________
D. Internal transfers $__________

SOURCE:  () 4/5th Vote Required
A. Unanticipated revenues $__________
B. Reserve for contingencies $__________
C. Source description: Balance in Reserve Contingencies, if approved: $__________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

__________________________
__________________________
__________________________

CLERK'S USE ONLY
Res. No.: 83-231 Ord. No. This item on agenda as:
Vote - Ayes: _____________ Noes: _____________
Absent: _____________ Abstained: _____________
() Approved () Denied
\ Minute Order Attached () No Action Necessary
The foregoing instrument is a correct copy of the original on file in this office.
Date: _____________
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____________ Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action
Comment: _____________

A.O. Initials: _____________

Action Form Revised 5/92
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, INTERIM PUBLIC WORKS DIRECTOR

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

RE: ENCROACHMENT PERMIT TO CROSS BROOKS ROAD WITH PRIVATE SEWER LINE

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on April 20, 1993

ACTION AND VOTE:

Approval of Encroachment Permit to Cross Brooks Road with a Private Sewer Line

BOARD ACTION: Mike and Tony Lashbrook/Planning Director, provided input. (M)Parker, (S)Baggett, Res. 93-231 adopted approving encroachment permit, with direction that the fees cover County costs/Ayes: Unanimous.