

DEPARTMENT: Public Health

BY: C. B. Mosher, MD, MPH, Health Officer

PHONE: 209-966-3689 966-3689

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_x_)

Recommend variance from statutory setback distance of 100 feet between well and septic leachfield for APN 006-160-046, Karen Roseme, based upon uniqueness of property regarding geology and hydrology.

The setback distance from well and septic referred to above is found in County Code Section 13.08.090, Rules and Regulations Section .070. The rationale behind the codified setback is to maintain protection of drinking water from contamination resulting from the sewage leachfield. The 100 foot setback is a safe distance and in many cases could safely be reduced but that would depend on geological circumstances. Ms Roseme has submitted a geologic report (attachment A) addressing the issue of the local geology, concluding that a setback of 60 feet or more on this particular parcel is adequate for protection of public health issues. See attached memo for more details.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Similar variance requests have been made by three (3) owners of parcels located in the same geologic area. All three requests were entertained and relevant geological data were reviewed by the Health Department at that time. All three requests were recommended to the Board of Supervisors with certain protective conditions and time has proven the safety of this process. (See Resolutions 93-603, 96-604 and 01-82).

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve variance, owner will be required to develop property utilizing other alternatives.

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

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

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

CLERK'S USE ONLY:
Res. No.: 01-235
Vote - Ayes: 5
Absent:
Approved () Denied
Minute Order Attached () No Action Necessary
Ord. No.
Noes:
Abstained:

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action
Comment:
A.O. Initials:

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




COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222
DOUG BALMAIN, CHAIRMAN
ROBERT C. STEWART, VICE-CHAIRMAN
PATTI A. REILLY
GARRY R. PARKER
BOB PICKARD



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: DR. MOSHER, COUNTY HEALTH OFFICER
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: VARIANCES FROM WELL/SEPTIC LEACH FIELD SETBACKS
Res. – 01-235/ROSEME, APPLICANT
Res. – 01-236/BALLERINI, APPLICANT

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on August 14, 2001

ACTION AND VOTE:

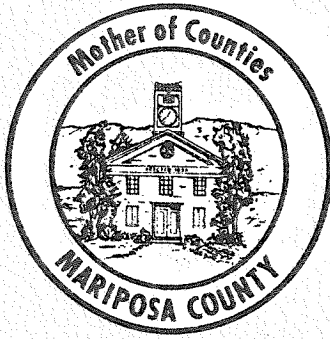
Dr. Mosher, Public Health Director;

A) Approve a Variance from Statutory Setback Distance of 100 Feet between Well and Septic Leach Field in APN 006-160-046; Roseme, Applicant; and

B) Approve a Variance from Statutory Setback Distance of 100 Feet between Well and Septic Leach Field for APN 006-160-019; Ballerini, Applicant

BOARD ACTION: Dr. Mosher advised that Dave Conway/Sanitarian, Mike Flynn/Geotechnical Research & Development, Linda Ballerini/applicant, and Sarah Williams/Planning Manager, were present to respond to questions. He also requested that the action include direction to staff to file a notice of exemption from CEQA requirements for each of these projects. Discussion was held relative to the process and requirements. Mike Flynn provided input relative to the requirement for a 100-foot seal on the well. Supervisor Pickard stated he wanted the record to reflect that this action is taken pursuant to a request by the National Park Service and the property owner in order for the National Park Service to sign-off on the Special Use Permit to install a well and septic for each of these projects. (M)Reilly, (S)Stewart, Res. 01-235 adopted approving Variance as recommended for Roseme; and Res. 01-236 adopted approving Variance as recommended for Ballerini; with direction for staff to file a notice of exemption from CEQA requirements for each of these projects/Ayes: Unanimous.

cc: Eric Toll, Planning Director
File



Mariposa County Health Department

Charles B. Mosher, MD, MPH, County Health Officer

Public Health Section
4988 Eleventh Street
Post Office Box 5
Mariposa, California 95338
(209) 966-3689 FAX (209) 966-4929

Environmental Health Section
5100 Bullion Street
Post Office Box 5
Mariposa, California 95338
(209) 966-2220 FAX (209) 966-8248

August 2, 2001

TO : Board of Supervisors
FROM : Charles B. Mosher, M.D., MPH, Health Officer
SUBJECT : Variance request on Roseme property, APN 006-160-046

A handwritten signature in black ink, appearing to read "C. Mosher", is written over the "FROM" line of the memo.

BACKGROUND:

This property is located in Foresta on a small lot measuring 50 by 100 feet. The owner's desire to rebuild on this property after the Foresta Fire presents the now familiar challenge of maintaining setbacks required by County Code applicable to both planning issues and public health issues. In July, 2001, Ms. Roseme received an N.P.S. permit for a sewage disposal system on this lot with a variance from property line setback recognized under regulatory provisions, condition 6(e) (See Attachment B). This variance was granted through the planning process as variance number 2000-02 (see Attachment C).

On 8/10/2000, Ms. Roseme submitted a geological report prepared by Geotechnical Research and Development (see Attachment A) which supports, on the basis of the underground geology on the lot, the reduction of the setback distance between well and septic below the 100 feet in Mariposa County Code, with the proviso that it be no closer than 60 feet (See Attachment A). Review by staff of the geologic report shows it to be consistent with geologic reports submitted on the previous three (similar) requests for variance from 100 foot setback submitted by owners of other lots in Foresta. Applying the same standards as those applied to previous cases, with the exception of not requiring the owner to fund an outside hydro-geologist to review the geologic report (which was accomplished on the first such case, but which the Health Department has been able to do in house since then) leads to the conclusion that the Health Department can recommend the requested variance to the Board of Supervisors without undue

I. Applicable codes:

- A. County Code Section 13.08.090 Rules and Regulations Section .070 "minimum setbacks"
- B. County Well Ordinance 13.16.090, "required setbacks", referring to the Department of Water Resources Bulletin 74-90.
- C. State of California Water Well Standards AKA Bulletin 74-90.
- D. Regional Water Quality Control Board guidelines for on-site sewage disposal.

II. Analysis of request:

Health Department staff analysis of the geologist's report indicates the following findings:

- A. Reasonable evidence that water inflow into the site of the proposed well will come from the opposite direction of the site of the current leach field.
- B. Previous experience in the area with wells indicating a first recharge of water at a depth between 70 and 90 feet below the surface.
- C. An adequately constructed annular seal consistent with current Department of Water Resources standards of at least 100 feet is proposed.
- D. The geological report indicates that there is a solid granite shelf located between the proposed well and the approved sewage disposal area, which slopes downward and away from the proposed well.

Recommendation:

Staff finds that the geological conditions on this lot are unique and sufficient to reasonably allow a closer encroachment between leach field and well than the 100 foot minimum established by County Code. We recommend granting the variance with the following conditions (consistent with conditions placed on previous variances):

1. Setback distance to encroach no closer than sixty (60) feet.

2. An annular seal of at least one hundred (100) feet in depth to be placed with the well.
3. Quarterly bacteriological testing to be performed by the property owner on water from the private well on said APN to include coliform count and heterotrophic plate count. Copy of results to be sent to the Health Department. (This condition may be waived after two years of monitoring).
4. In the case of any bacteriological tests of water demonstrating presence of coliform organisms or significant increase in the heterotrophic plate count, the County Health Department will be immediately notified and the drinking of raw water from that well will be immediately suspended.
5. In the event that the water from said well should demonstrate bacteriological contamination and that standard and reasonable attempts to decontaminate the well fail, after three such attempts the landowner will destroy the well.