



PHYLLIS L. MURDOCK, DIRECTOR
MARK A. LUNDBERG, M.D., M.P.H., HEALTH OFFICER

WWW.BUTTECOUNTY.NET/PUBLICHEALTH

ENVIRONMENTAL HEALTH DIVISION

WASTEWATER ADVISORY COMMITTEE

AGENDA

Meeting in Chico

JANUARY 15, 2013 ❖ 3:00 P.M.-5:00 P.M.
ASSOCIATION OF REALTORS BOARD ROOM ❖ 1160 E. 1ST AVENUE, CHICO

I. Preliminary Items

- A. Call to Order
- B. Role Call and Determination of Quorum
- C. Introduction of Guests
- D. Review of Minutes
- E. Agenda Review
- F. Public Comments and Input

II. Action Items

- A. Draft interpretation of the Ordinance regarding the requirement to upgrade the existing system of a large parcel when a secondary dwelling is proposed
[Action: Review interpretation and recommend modification if needed](#)

III. Informational Non-Action Items

- A. Identify Areas for Program Improvement
- B. Graywater and Composting Toilet Pilot Study Update
- C. Certification Program Update

IV. Agenda Preparation for Next Meeting

V. Adjourn

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ENVIRONMENTAL HEALTH DIVISION

DATE: December 31, 2012

TO: File

FROM: Brad Banner
Environmental Health Director

RE: Environmental Health Director's Interpretation
Butte County Code 19-7 A. 4. Special Consideration for Large Parcels

- Draft -

When Butte County Code (BCC) Chapter 19 was considered for adoption by the Board of Supervisors, an issue was raised by the public concerning the hundreds of parcels, five acres or greater in size, that were legally created under the previous requirements (Appendix 7) but not yet developed.

At the direction of the Board, the Division added a section to the code (BCC 19-7. A. 4.) to specifically address these legally created large parcels, allowing the wastewater systems serving them to be approved with reduced vertical separation requirements. The new section also specified a number of additional requirements and safeguards to assure that public health and water quality would continue to be protected, consistent with the stated purpose of the code (BCC 19-2. A.).

One of the safeguards is a deed restriction to assure that both the primary residence, approved with the reduced vertical separation, and any new permanent secondary dwelling would be served by an onsite wastewater system meeting the more restrictive vertical separation requirements specified in elsewhere in the code (BCC 19-7. A.2.a.).

The primary impact of this deed restriction on the property owner is that it would require replacement of the primary dwelling's standard gravity wastewater system with one utilizing supplemental treatment and pressurized distribution. As well as this replacement being a significant expense for the property owner, the excavation work involved could in some cases be highly disruptive on existing landscaping, underground water lines, underground electrical lines, etc.

It is reasonable to assume that when the deed restriction provision was included in the Code, existing five acre parcels were envisioned. However there are a number of existing parcels, much larger in size than five acres that are also impacted by the deed restriction requirement. This Environmental Health Director's Determination is written to apply the deed restriction provision to these existing parcels that are significantly larger in size than five acres.

- Draft -

Based on this assessment, my interpretation is as follows:

1. When an existing parcel less than ten acres in size is developed with reduced vertical separation, replacement or upgrading of the primary residence's wastewater system with a supplemental treatment system, as well as development of the secondary dwelling with a supplemental treatment system is appropriate.
2. When an existing parcel ten or more acres in size is developed with reduced vertical separation, the deed restriction will only require supplemental treatment and pressurized distribution for the secondary dwelling.
3. When replacement or upgrading of the primary residence's wastewater system is required, our office will approve, where feasible, the addition of a supplemental treatment component and continued use of the existing gravity drainfield system.

It is my belief that this interpretation is consistent with the intent of the Board of Supervisors when BCC Chapter 19 was approved, and that his interpretation maintains the safeguards and other provisions built into the Code for protection of surface and groundwater quality.

This interpretation was reviewed and approved by the Butte County Wastewater Advisory Committee on _____, and is effective as of the date of the Environmental Health Director's signature below.

Brad Banner, Environmental Health Director

Date

Appendix

BCC 19-7. A.4.g.

A deed restriction shall be recorded to assure: (a) The parcel will not be subdivided in the future; and (b) The parcel shall not be further developed with a permanent secondary dwelling, until such time that the wastewater system is upgraded to meet the requirements of Subsection A.2. of this Section or until another method of wastewater disposal is approved by the LEA, such as connection to a public sewer;

BCC 19-7. A.2.a.

Except as provided in Section 19-4, B. (Wastewater System Repairs) and Subsections A.3. and A.4. of this Section, new wastewater systems shall not be approved by the LEA for parcels created prior to the effective date of this Chapter, unless the following minimum vertical separation can be met:

- i. Standard systems shall be sited and designed so as to have a minimum vertical separation of 36 inches.
- ii. Supplemental treatment systems shall be sited and designed so as to have a minimum vertical separation of 18 inches with effluent dispersal using pressurized distribution or subsurface drip dispersal of treated effluent.