

Midcoast Community Council

A Municipal Advisory Council to the
San Mateo County Board of Supervisors
Post Office Box 64
Moss Beach, CA 94038

10 September 1996

Hon. Ruben Barrales, President
San Mateo County Board of Supervisors
County Government Center
401 Marshall Street
Redwood City, CA 94063

re: On-Site Wastewater Treatment and Disposal System Ordinance

Dear Supervisor Barrales,

The Midcoast Community Council considered issues related to the proposed revisions to the septic system ordinance at our meeting of August 28 and instructed me to write to the Board with our concerns.

As our Council has expressed many times in the past, we strongly urge you to protect the fair and equal treatment of all property owners in our area, without giving unjustifiable special benefits to any individual property owner. We remain extremely concerned with the exception language in the current draft. It permits one property owner to receive a special benefit, allowing greater or more intense development of his property, while at the same time precluding or restricting the otherwise legal development on adjacent parcels. Beyond the basic fairness issue, we are concerned lest the County expose itself to claims under the "taking" theory that is currently being constructed by landowners.

Section 9311 (1) (d) reads, "The exception will not have any adverse *environmental* effect on the use of the adjoining property." [Emphasis added.] The word "environmental" should be deleted, and the clause "without a written and recorded agreement between the applicant and the owner of the adjacent property." An exception should have no adverse effect — especially no adverse economic effect — unless the owner of the adjacent property agrees to the loss, and has an opportunity to negotiate a fair and equitable payment for that loss. Anything else amounts to a County-imposed taking of value of that land. The agreement should be recorded, so that future prospective purchasers of the property are adequately notified of the existence of County-created restrictions on its development and use.

Sincerely,



Chris McComb, Chair



Paul Perkovic, Councilmember