

MEETING REPORT  
DITCH COMMITTEE  
WEDNESDAY, JUNE 17, 2009  
2:15 P.M.

Directors:	Delbert Rotelli	Public:	Laura Kobayashi Richard Brown Sasha Farkas Dave Holton
Staff:	Pete Kampa Kelly Klyn Casey Prunchak		

Ralph Retherford was not in attendance.

**Review Hold Harmless and Indemnity Agreement Regarding Construction of a Residence next to the Soulsbyville Ditch – Kobayashi/Brown**

Kelly Klyn reported that the property owners of a lot in the Black Oak Subdivision in Twain Harte are proposing to construct a residence on their lot. The District's Soulsbyville Ditch crosses through the middle of their lot which creates a setback issue. Unfortunately, when the subdivision was created in 1981, the subdivision map did create an easement for the ditch. As setback from the property frontage was created, however, there is insufficient area between the ditch and the property frontage to build a residence without encroaching into the frontage setback. The owners therefore requested and received a variance from the County to build within the frontage setback. As a condition of the variance, the County required that the owners get approval from the District to construct the residence in his proposed location, due to its proximity to the ditch. The proposed agreement is intended to protect the District from claims that could arise from the construction and use of the residence in the proposed location.

District staff, Laura Kobayashi and Richard Brown responded to questions from the Committee member.

***Staff recommendation: Approve Agreement.***

***Committee recommendation: Approval of the Hold Harmless and Indemnity Agreement Regarding Construction of a Residence next to the Soulsbyville Ditch for Kobayashi/Brown and place on the regular business section of the June 23 agenda for Board review and consideration.***

**Discussion of Potential Policy Development Regarding Ditch Impact Fees, Mitigation of Ditch Impacts, and CEQA Policy**

Pete Kampa reported that at a previous Ditch Committee meeting, it was suggested that District staff initiate the development of standards or a policy statement regarding the ditch system and possible enforcement guidelines for clear set-backs for the ditches. Mr. Kampa explained that there has been some concern expressed by Board members that when a developer permanently alters the ditch system in any way, that they pay an off-setting cost for the loss of vegetation and/or wetlands around the ditch. Mr. Kampa indicated that District staff proposes to prepare a policy identifying, through the Ditch Sustainability Project, a list of assigned values for the ditches, noting that areas that have been determined that no values exists then it would be acceptable for a developer to move forward with a proposed project.

***Committee recommendation: Following further discussion between Pete Kampa and Director Balen and additional review with other mountain county water agencies, District staff was directed to develop a proposed policy to be reviewed by the Ditch and Planning Committees at a later date.***