

LUCERNE VALLEY ECONOMIC DEVELOPMENT ASSOCIATION (LVEDA)

To: Brad Mitzelfelt, First Dist. Supervisor

Cc: Neil Derry, Third Dist. Supervisor
David Zook, First Dist.
Robert Eland, First Dist.
Terri Williams. EHS

From: Chuck Bell, LVEDA Pres. 760 964 3118 (chuckb@sisp.net)

Date: 10/6/09

RE: COUNTY "NO HAUL" WATER POLICY

Brad:

We know how busy you are dealing with current County issues, but we firmly believe the policy should be rescinded ASAP. Supervisor Derry's constituents via the Johnson Valley Improvement Association (JVIA) are making the same request. Possibly County Counsel has or can provide you with a legal opinion. If you think a meeting would be productive – let us know.

Following is our position:

Prohibition of hauled water is "recommended", but not mandated by the state -which only requires "legal hauling". This seems to be an internal staff policy - not specifically defined in the Development Code. It apparently does not apply to existing dwellings or improvements already served by hauled water – but applies to all new development – whether overlying groundwater or not.

In instances where groundwater is not or only marginally available – or its quality unacceptable for domestic uses – or where the success of a well cannot be guaranteed – or where a land-owner outside the purview of an established water system prefers it - hauled water must be allowed. Bottom-line: The County allows a residence – even in remote RC zoning with its min. 40 acre parcel size.

Landowners purchased said land accordingly. A building permit and a residence require water. Withholding a building permit or prohibiting water hauling where no other source is reasonably available denies said owner the "right" to build on property which allows a residence. This is not only a "catch 22" issue – but a constitutional one as well – with no recorded title disclosures to warn buyers.

Water hauling promotes water conservation – a major County objective. The County allows development with only "physical" access – not "legal" access – so why not water hauling which is significantly less consequential?

The First and Third Districts need to get this property right "taking" policy rescinded.

If the county is dead-set in continuing this "granny government" dictate - it needs to pay property owners that are denied "hauled water" for their development rights - in turn converting their zoning to "open space" - with no residential development allowed!!