LAKE COUNTY BOARD of ADJUSTMENT
June 11, 2014
Lake County Courthouse Commissioners Office (Rm 211)

Meeting Minutes

MEMBERS PRESENT: Sue Laverty, Steve Rosso, Don Patterson, Frank Mutch

STAFF PRESENT: LaDana Hintz, Robert Costa, Matt Ellermann, Lita Fonda

Sue Laverty called the meeting to order at 4:03 pm

Motion made by Frank Mutch, and seconded by Don Patterson, to approve the May 14, 2014 meeting minutes. Motion carried, three in favor (Sue Laverty, Don Patterson, Frank Mutch) and one abstention (Steve Rosso).

LONG CONDITIONAL USE—FINLEY POINT

Robert Costa presented the staff report. (See attachments to minutes in the June 2014 meeting file for staff report.) He noted a numbering correction on pg. 14.

Sue asked for clarification regarding the boundary line adjustment and the setbacks. Robert explained that as far as the setbacks, the project was good either as existing or as proposed. The non-conformity with the setbacks would not change or be expanded. Using attachment 1 in the staff report, he explained more about the 3-lot boundary line adjustment at Steve's request.

Johna Morrison, agent for the Longs, said the conditions were fine. Stormwater was part of the DEQ approval, which they just received for a new sewer system. A stormwater plan was submitted with that. The boundary line adjustment couldn't be filed until the DEQ was available. Steve checked that when things were lined up, the applicants would have a zoning conformance done before construction.

Public comment opened:

Michael McKee was the adjacent landowner involved in the boundary line adjustment with the Longs. They were swapping 1.5 acres of property. He and his wife supported the project, although his wife was unable to attend tonight. He was happy to answer questions.

Public comment closed.

Steve outlined the problem he had with the current impervious surface regulations. Why was a limit on impervious surface given and how did the rules help achieve this objective? If a gravel drive on a property was outside the buildable area, the effect of paving the drive would be to increase the amount of stormwater runoff on the property, however it wouldn't change the impervious surface calculation for the property since the

current definition of impervious surface only took impervious surface within the buildable area into account. This didn't make sense to Steve.

Sue checked that the portion of the non-conforming guest house in the setback was not counted. Robert replied it was not in the buildable area. Sue said it was still impervious coverage on the lot. Robert said this was correct but the definition relied on stuff being in the buildable area. Frank asked about the definition of a buildable area. Robert said it was areas with slopes under 25% and outside of the setbacks. Frank thought it overlapped into the sanitary issues and that each piece of land should be looked at separately. Each has separate, distinct characteristics including a perc test, which affects this issue of impermeable surface and runoff. He didn't think one standard approach worked. Sue said the perc was different than impervious surface coverage. Frank referred to the ability to absorb moisture.

Robert said they did want to look at these individually, which was one of the reasons a conditional use approval was appropriate. It allowed for public review of these things on an individual basis. He thought Steve would see a property next month where he would see a good reason why they had stuff like that and to have approvals that would require stormwater to be managed. Steve thought that was good. He thought the zoning regulations weren't clear on what the purpose of the impervious surface limit was. Once it was explained and discussed and there was an accepted explanation for why they had impervious surface limits, they would find that the current definitions didn't make sense. The definitions needed correction to either include all of the impervious surface or to not allow impervious surface in the setbacks. He wanted the reason [for the regulations about impervious surface] to be clear to the applicants and people in the community, and also for the definitions to make sense based on that purpose.

Sue asked if the definitions came from state regulations or from the individual zoned area where it could be clarified as zoning areas came up for revision. LaDana replied this was from the zoned areas. Some of the zoning districts did not include these definitions.

Motion made by Sue Laverty, and seconded by Frank Mutch, to approve the conditional use with findings of fact and staff recommendations and conditions. Motion carried, all in favor.

Johna Morrison commented on the tradeoff between impervious surface and buildable area. You couldn't figure in slopes of 25% or greater in your buildable area. It didn't mean it wasn't pervious. When you dealt with stormwater for the sanitation portion, you dealt with stormwater for the entire piece of property, not the buildable area. She gave an example of a very small buildable area for a project because of 25% slopes. Water could permeate the sloped areas. It was a trade-off with driveways, setbacks and buildings.

Steve thought when the zoning regulations were developed, stormwater wasn't as high a priority. There weren't a lot of requirements and they assumed the limitations on impervious surface and the setbacks were going to control the stormwater from running onto the neighbors' property. Now the setback could be paved and would not absorb

runoff before it went over to the neighbors. He thought they'd lost track of the reasons for some of the basic regulations over time.

Johna outlined the example of the Finley Point zoning regulations, which were instituted in 1991 after most of the point was developed and a stormwater problem was realized. The regulations gave a trigger mechanism to control stormwater. Steve thought there was another issue. Pervious surface had a good purpose in the stormwater runoff issue. It also had some purpose in building density in a neighborhood, aesthetic value, green space and so forth. In this case tonight, the 29% hadn't been met. The trigger was that the project hit the maximum 15,000 square feet. There was plenty of open ground for the stormwater but they hit an impervious surface limit that was probably put in place because people didn't want the look of a neighborhood with 20,000 square foot homes in it. There were a lot of reasons why the impervious surface was put in 30 years ago. They need to recall those reasons and make sure the current regulations met those objectives.

The group talked about various zoning districts and when impervious surface regulations were added. LaDana said that ideally over time the zoning regulations would become similar. It would be easier for the planners and public to interpret. She mentioned the recently created zoning district near Hot Springs, the North Lake County people and their efforts to move forward with zoning, and other zoning update projects that needed attention.

<u>OTHER BUSINESS</u> (4:30 pm)
Items had been received for next month.

Sue Laverty, chair, adjourned the meeting at 4:33 pm.