

**LAKE COUNTY PLANNING BOARD**  
**June 11, 2008**  
**Meeting Minutes**

**MEMBERS PRESENT:** Fred Mueller, Brad Trosper, Bob Kormann, Clarence Brazil, Lisa Dumontier, Steve Hughes

**STAFF PRESENT:** Sue Shannon, Joel Nelson, LaDana Hintz, Lita Fonda

Bob Kormann called the meeting to order at 7:00 pm.

**Motion by Fred Mueller, and seconded by Lisa Dumontier to approve the May 14, 2008 meeting minutes. Motion carried, all in favor.**

**MAJESTIC VIEWS MAJOR SUBDIVISION**

Joel Nelson presented the staff report.

Fred asked if there was O and M on the lots but they wouldn't have water for irrigation. Joel confirmed. Bob asked if they can't get water from Pablo, how does that work, as far as time. Joel said the review expires after 2 years. If they ask for and receive an extension, it could go 4 years from the preliminary approval.

Marc Carstens spoke on behalf of the applicant. They agree with much. He was concerned that the conditions required road infrastructure to be brought to county standards, and also the walkway, prior to final plat; if they used a SID, they would only count as 1 lot rather than 72. He asked that this be part of the perpetual conditions instead, since they would need 72 lots for the SID to function. Regarding the markings for a non-stop sign crossing on pg. 9, he thought those described in the manual were not as glaringly obvious as what they would like, which he described. With the issue of showing the utility easements as dashed lines, he understood this was regulation, but historically they've done verbal statements to describe. It will be very crowded, with the dashed lines shown.

Regarding the stubs, he would prefer that the County would get the legal advise to assure the easement language meets the purposes intended, rather than just reserving the right to do so.

Previously, the Homeowners Association document and the covenants were two separate documents. The documents were revised and the single document submitted was intended to replace both the previous Homeowners Association and the earlier CC&Rs. He noted that the information about the conditions where the lots are subject to O and M but unable to gain water delivery. That should probably be on the face of the plat, which is enforceable by the governing body.

He explained that staff requested a landscape/buffer plan. He hasn't given that to the Board yet. He hired that out and is late in receiving it. The aim is to establish a native plant buffer around the perimeter of the subdivision. The neighbors would deal with one entity, the Homeowners Association, about fencing or weeds. They've met with the neighbors since the last meeting

here, and upgraded the fence. Sue asked if the buffer would be installed before final plat or would the Homeowners Association be charged with this. Marc preferred that the Homeowners Association do this. The fencing would be put in immediately upon preliminary approval. Sue was concerned about usability of parkland. She thought it would at least need to be grass instead of hay and alfalfa. Marc thought its purpose was to isolate the subdivision from the adjoining properties. He said they would accept a condition to seed that to a native grass.

Marc said the Homeowners Association is charged with two annual contract levies. One is for the hard surfaces. The other is for the Homeowners Association parklands.

He repeated some of the above points for the conditions section, including conditions #19 (easement language and legal council), 20 and 21 (moving the timing of these items to after final plat so they count as 72 for a SID instead of 1).

They originally proposed 9 fire hydrants and \$25 per lot. The fire chief wanted \$100 per lot plus fire hydrants. They offered an alternative, which the chief did not like either. Marc wasn't sure if it was appropriate to give the Pablo Water/Sewer District the infrastructure and then take back the maintenance of the fire hydrants.

Steve commented that this was one area he thought should be taken out of the Project. He asked if this was requested. Marc said they'd been given a recent letter stating that FIP is not going to take any more out of the Project. Steve said this was because they were in the process of transferring the Project to local control. Marc said his client would be happy to take it out. They were going with the regulations, since they were notified FIP wasn't taking property out. Steve said his problem with it being in, was there was no system provided to do anything with the water. He and Marc discussed this further. Steve said if it wasn't removed, they needed to put buried pipeline on both sides of the road so they can get water to the parklands and the lots. Marc said the lots would not get water. He referred to Lake County subdivision regulation IV.A.19 and read from it. Sue checked that he was planning on utilizing that language. She thought #41 should be amended to allow him the potential to attempt to remove it between now and final plat. Steve said he would avail himself of Marc to talk with Ed McKee, the acting systems manager, and Chuck Courville. He thought either a better plan to provide water to lots was needed or to take it out of the Project. There would be a minimum charge, maybe \$85, for each lot owner.

Bob reviewed comments from Marc, beginning with conditions #20 and 21 on pg. 34, where the point of concern was that prior to final plat approval, this property would count as 1 lot rather than 72 for RID. Paddy Trusler agreed the language needed changing, since there was only one lot to assess.

Bob touched on the traffic control device on pg. 9, and Marc described again that they would like to use a 6'-wide path with horizontal bars with yellow paint 0.5' wide spaced 1' apart. These are typically found in commercial lots. Joel thought Marc wanted to exceed the standards, not deviate from them. Bob asked Sue if staff and the developer could look into this, if there was question on legality. Sue agreed.

On pg. 34, #19, Bob thought it was a good idea for the County to write the legal. Sue didn't think #19 needed to be changed for that to happen. There's proposed language already, and that can be reviewed by the attorney. Marc thought that the County would do this.

Bob checked with Marc that with the parkland/buffering plan, they would seed it into grass. Bob asked for thoughts from staff on maintenance of fire hydrants by Pablo Water and Sewer. Sue thought Pablo Water and Sewer should be asked for how they feel about it. The fire infrastructure needs to be maintained by someone. Marc said he could call them. Bob observed they might be here tonight.

Bob asked that on #41, pg. 37, this would be amended to see if this could be removed from FIP. Steve noted it does say 'may'. He asked about pg. 37, #42 which talks about culvert installation, and whether water lines would be put in for the parks. Marc confirmed that lines would not be put in. Sue agreed with Steve that the water should be provided. The parkland should be set up for easy maintenance, with irrigation water. Steve thought it should be amended if the parklands were to be irrigated in lieu of the lots. A sprinkler system would need to be provided to the parklands. Marc said it has the pump in the parklands. Steve said they needed to provide pipe and sprinkler system. Fred asked if there was some way of irrigating the parklands if it's taken off. Steve thought they needed a system. Marc said historically when there's a subdivision, if the water's immediately available to the lot they don't devise an irrigation system, given subdivision regulations. Steve said he'd go with him on the lot owners, if they'd put in a system for the park. Marc agreed. If they could do the removal of the lots, they will install the necessary infrastructure. Steve said couldn't guarantee that, but he thought they needed to put this other system in. He had to go look at the system.

*Public comment opened:*

Paddy Trusler: He asked if the walkway was on Division or Montana Street.

Joel Nelson: There'd be one on the inside of Sheeps Head Loop, one along Montana Avenue, and they're proposing an SID to create one along Division from the property to the light.

Paddy: He asked if a walkway on Division St. was practical given the right-of-way width and where the ditch is located on the north side of Division.

Marc Carstens: He believed it was 70' right-of-way there. He hadn't mapped the ditch.

Paddy: He thought it was 50'. He thought it needed to be looked at. He pointed out to the Planning Board that he appreciated that Marc Carstens called and was accommodating and listened to their concerns. He asked about the proposed stop sign on Division.

Joel: They haven't specifically proposed a stop sign on Division. They indicated the Road Supervisor has been talking to them about installing a stop sign.

Marc: They didn't show it on the drawing, but they did propose it.

Paddy: He questioned the necessity of a stop sign at that point. It is a 90-degree corner, and normally would not have one unless it was an intersection.

Sue: It will become an intersection with Sheeps Head Loop.

Dan Salomon: He conveyed the same compliment to Marc. He has animals and was under the assumption that it was a 6' fence. From what he's read and heard tonight, it's a 4' fence with one strand of wire above it.

Marc: The total fence height would be 6'. There was going to be 4' high woven wire, then strands of barbed wire above that.

Dan: He was concerned that it be non-climbable. Are those 4-inch squares or 2 x 4 or 2 x 2? To him, 4 x 4 is a stepladder.

Marc: It was not the 4 x 4. It was intended to be the 2.5 x 4 and graduated. It wasn't meant to be climbed. If it would set minds at ease, they could make specific details of the fencing in the form of an agreement prior to its installation. A condition could say that the developer and his neighbors agree in writing to the fencing materials prior to the final plat.

Dan: He appreciated the reduction in the number of dogs. With the buffer zone, his concern was it would be torn up when they build, and it would go to weeds. He was pleased there would be a weed plan and people hired to do that. Later in the process, if it's not irrigated it will dry up. When it rains, it'll grow and become a fire problem. It's going to be tough to put it in native grass and then have it dry out. That's the best time for weeds, especially noxious ones, to show up. The height of the structure was addressed, and he appreciated that. He's hoping they come up with something that will fit the area for the vegetative buffer. His concern was with the care after building, and from a liability standpoint, from kids crossing the fence. He'd like to keep everybody safe.

Janey Salomon: She asked that the fence posts be wood, rather than metal, and that the mesh on the fence be smaller than 4 x 4. She appreciated that the number of dogs has been cut in half. She described a recent attack on an elderly horse by 7 dogs led by a pit bull. She asked for no pit bull breeds. She asked for no poisonous [plants or wood].

Fred Mueller: He disagreed on a restriction of dogs by breed.

Marc: He said the dog numbers were reduced and a dog proof fence would be required to keep a dog on a property. This could go in the perpetual conditions.

Bob: He asked about the Homeowners Association and dogs.

Marc: He said it was written so this was so. It didn't mean the County couldn't accept it as a perpetual condition so they could help enforce that. The only power as a developer is self-government through the Homeowners Association.

Bob: He asked if it has ever been put in the covenants that if your dog gets out or is uncontrolled after the second time or whatever that there's a monetary penalty.

Marc: The problem with placing enforcement mechanism in covenants is the problems that they are only enforced by the people living under them.

Brad: He suggested this be made a condition of approval, as discussed at the last meeting.

Bob: He asked Janey Salomon if enough had been done.

Janey: She said that more pit bull restrictions are being seen.

Mark Clary: He is the Ronan Fire Chief and the Water Superintendent for the City of Ronan. Generally when water lines and fire hydrants come in to the subdivisions they are taken care of and turned over to the City or in this case Pablo Water and Sewer. They would be responsible for maintaining the hydrants and water lines in this area. They've worked with Pablo Water and Sewer with the fire hydrants and spacing. They've worked hard in the volunteer fire department to get their ISO ratings down to a 5, which is really good for a volunteer fire department. It's pretty good insurance savings. This is why they'd like to see the fire hydrants every 300', especially if they're going to connect to Pablo's water system. Greater spacing reduces the flow they get to their truck and the amount of water they can put on a fire.

He had some concerns about the natural grass areas around the perimeter as far as fire efforts. As far as accessibility for the trucks, he didn't see how they were going to get back there easily without driving across people's lawns. It looks like tight quarters. Regarding the \$100 per lot, they have about \$1.5 million in inventory and equipment that's been paid for by taxpayers who have put into this. He didn't think subdivisions coming into this were paying their fair share of what they're getting. He was saying \$100 per lot was what they could do right now. As far as the fire hydrants, they would be Pablo Water and Sewer's.

*Public comment closed.*

Steve asked if kennels had been considered for this subdivision. Marc said they proposed requiring a dog-proof fence for those with dogs. Steve recommended kennels.

Sue commented on the vegetative buffer. From the public comment, she had the impression that people believe it will be installed. Her impression is there's no mechanism to force it to be installed. Marc thought they'd agreed it would be seeded to grass prior to final plat approval. Sue thought they were talking about more substantial vegetation than grass. She asked what had been agreed to, and whether there's a mechanism in place so it occurs. Marc said they discussed a vegetative buffer that would act as a visual sight barrier to keep the attention of people in their own back yard and not the field next store. He put out to bid to a couple of different nurseries to come up with this plan. For the last plan, it took over 3 months to get. They wanted, and had discussed, that the buffer should be native. Sue asked if there was something in the covenants to require the homeowners to put this in within a certain timeframe. Marc said they would be happy to include it. He thought the perpetual conditions would be a good mechanism. Sue said

it was easier to deal with the developer than with the Homeowners Association that has 76 votes and owners. Marc said he put out the request and has been unable to secure a plan at this juncture. They want a vegetative buffer. He didn't have a proposal to install it because he didn't know what it was yet. Sue noted that nothing other than grass seed was proposed to be installed prior to final plat at this point. She wanted the public to realize it might not happen since there was no mechanism to require it to happen.

Bob touched on the concern about putting out fire in the buffer strip. Marc showed where there were access points if only grass was planted. If trees and shrubs are planted, it's going to be difficult to get to. Bob checked that they propose to irrigate the buffer strip and keep it mowed. Marc affirmed. This is one of the contracts the Homeowners Association is charged with delegating every year.

Lisa asked about the \$100 per lot. Bob thought they should pay it. Sue said typically hydrants or the fee were done.

Brad asked about pg. 4 of the covenants, where section 1 and section 4 conflict on whether modular homes are allowed. Marc thought they intended to clarify, using Federal Housing Administration definition of mobile versus modular home, and that modulars were eventually acceptable. Paddy thought it was modular homes built of conventional materials. He thought they needed a better definition of what a modular home was. He suggested they use FHA requirements [inaudible].

Brad referred to the covenants in section 19 where it mentions addresses must be visible from Sheeps Head Loop. He thought three lots had been talked about as viewable from their access point. Marc said he would remedy this.

Bob asked if the wood posts for the fencing was included somewhere. Marc thought this would be acceptable. There was a condition that the construction standards of the perimeter fence meet approval of the neighbors prior to final plat. They will spell out the specific details there. Paddy suggested that the agreement on the fence be with the neighbors to the west and to the north.

Bob asked about the glitch with the parks and buffer strip/landscaping versus safety of the fire trucks. Sue said the buffer plan is suggested and might be nice but nothing in the regulations requires it, which is why it isn't seen as a condition. She thought a lot of those parkland areas are 15' wide, and not wide enough to get a truck down anyway. Perhaps if they are going to install a buffer, they could get comment from the fire department about where they're planting what.

Bob noted the variance with the curve radius needed to be addressed.

Bob and the Board summed up the items that had been discussed. Brad asked about the crosswalks. Clarence asked if he could work it by adding to the standard of 2 white lines. Marc thought he could. Sue thought that would be okay. It would exceed the standard and comply with #37.

**Motion made by Fred Mueller, and seconded by Steve Hughes, to approve the variance regarding the curve radius. Motion carried, all in favor.**

**Motion by Lisa Dumontier, and seconded by Fred Mueller, to recommend approval of the subdivision with staff recommendations with the following changes:**

- **An agreement between the developer and the neighbors to the west and to the north on a suitable fence**
- **The parkland shall be seeded into native grass**
- **#42 irrigation plan shall include the installment of a suitable system to irrigate the parkland and buffer strip, with the intent of removing the other 72 lots from the Project if possible**
- **The as-proposed fire hydrants, which are 300' apart, with \$50 per lot assessed to the Fire District**
- **#46 shall be amended to say that the Pablo Water and Sewer District shall maintain the hydrants**
- **#20 and #21 shall be reworded so immediately upon final plat approval the developer shall initiate a RID for the specified improvements**
- **The addressing on lots 38, 39 and 40 shall be on the access from Montana Avenue rather than Sheeps Head Loop**

**Motion carried, all in favor.**

Paddy asked to address the Board on another matter, since he needed to leave for professional reasons. He informed the Board that petition language has been submitted to the Election Office for certification. Its attempt is to require the governing body to rescind the Density Map. He thought the Density Map was a good tool. He asked the Board to keep an eye out for that. He noted that the governing body would oppose this, if the petition gets the required number of signatures.

The agenda order was changed per request since the remaining members of the public were in attendance for Post Creek subdivision.

### **POST CREEK MAJOR SUBDIVISION INTRODUCTORY**

LaDana Hintz presented the staff report. One additional letter of comment was received. This was distributed to the Board.

Steve asked where the pump was on the irrigation map. LaDana and others explained the location. Sue described some details on the irrigation plan, as people looked at the maps. LaDana said the total acreage was 120.9, in response to Steve's question. There would be 6 lots, with lot #6 being the remainder. Sue noted they are not using a conservation bonus. Fred thought the large lot should be restricted from further subdivision.

Marc Carstens spoke on behalf of the applicant. He thought the introduction covered it pretty well, and offered to answer questions.

Fred said he'd like to see some language on lot 6. Marc said he'd take this up with the developer.

*Public comment opened:*

Dave Colvin: He believes this was originally supposed to be 20-acre parcels. He thought they couldn't have picked a worse area to do this. It's the highest point there. It will have the most impact on the landscape. He thought it was the wrong place to put this.

John Weber: The County made the 20-acre deals, not 5-acre deals. He was concerned they'd find a way to subdivide it further down the road.

Bob Kormann: He asked what happened with the height limit on Majestic View, and the concerns voiced by the Salomons.

Joel Nelson: Those buildings were limited to a height of 26 feet.

Bob: We could reduce the building height by 4 feet.

David: He thought that would be about right, more of a ranch-style house so they're not sticking up so far. And perhaps a setback from the County road, also. He was concerned about enforceability.

Marc Carstens: He suggested these be conditions of approval to give the County enforcement. He'll discuss the height concern with his client. His function tonight is to listen to concerns and go back to the developer and consult with him. What kind of setback?

David: He'd like about 300 feet.

Marc: He thought perhaps he could talk with his client about shifting the lot line [inaudible]. He didn't know about 300 feet.

Bob: He encouraged David and John to get with Marc to talk about this.

David: They graze sheep so he's concerned about a dog problem out there.

Bob: He suggested perhaps the same type of fencing as with Majestic Views.

Marc: He noted this was a different situation, with 5-acre tracts versus 7,000 square foot tracts.

Sue: She asked about Kerns Road. When David or John access Highway 93, which way do they go?

David: He goes both directions. It depends where he's heading.

Sue: There are concerns on the hill south of the property and sight distance. As you're climbing the hill, if someone comes over the hill fast, it seems like the road isn't wide enough to get off.

David: It's a marginal county road. There's not much gravel on the road itself. In the winter, a lot of times you can't get up that hill. He often goes around in winter.

Steve Hughes: He asked if the subdivision was not in David's view, if he would feel differently about the 5-acre lots, or if he would still want the 20-acre lots.

David: He'd still want 20-acre lots in that area. He thought the whole neighborhood would prefer that.

Steve: He asked if the Tostes were long-time owners.

David and John: They've been there since about 1989.

*Public comment closed.*

### **KING MINOR SUBDIVISION**

LaDana Hintz presented the staff report.

Fred asked why the developer didn't spray for whitetop, given that the subdivision process started a long time ago. Marc didn't know. For quite a while, they didn't know if they were going to be able to do a subdivision, due to easement and right-of-way issue.

Steve said it appears that the irrigation plan makes sense. LaDana mentioned that it was already installed.

*No members of the public were present to comment:*

**Motion by Fred Mueller, and seconded by Steve Hughes to approve recommendation of the subdivision, with the staff recommendations. Motion carried, all in favor.**

### **MEGA VIEW MAJOR SUBDIVISION INTRODUCTORY**

Joel Nelson presented issues in the staff report.

The ability to put a 26' road with 2' shoulders on each side of the drainage ditch, between the irrigation pipe and what would likely be a required irrigation easement for the farm ditch that runs along the southern boundary was discussed. Marc Carstens said the ditch was off-site. Joel agreed, but it's immediately adjacent to the property. Marc talked about the ditch and the buried pipeline that belongs to the users association. They've gone to a non-typical road section. A 2' foot slope that can catch the stormwater is an issue there. That will be adjusted before the next meeting. Marc didn't think they had to give a 10-foot easement for an off-site ditch. Joel said the easement was a result of off-site improvements. Marc didn't think that crowding a fence line with a ditch was sufficient cause for the developer to surrender a 10-foot easement.

Fred asked if water would be dumped off the road into the ditch. Marc said that it would not. The crown section of the road would be moved over. He described at the map the part he needed

to catch, which was a 2' high catch point in the natural grade. He showed also where the farm ditch came in. He asked if a document for the 10-foot easement had been found. Joel didn't know if it existed. Sue explained that they didn't want the road to affect functionality. The road is going right on the property boundary. The road should be located so it doesn't impact the ditch. Marc said it wouldn't impact the ditch as there was a fence between it and the road. He asked for clarification of 'impact'. Sue said it would be difficult to do road construction right on the property line without impacting the adjacent property. Marc reiterated that they'd move it over. Joel said the fence would be in the road. Marc thought the fence would be right along the edge of it, on the property line. Joel said this would be on the bank of the ditch. Marc said it could be.

Various ditch and road items were touched upon. Fred asked if it was a private farm ditch. Marc affirmed. Bob asked how they maintain the fence with the 2.5' ditch there. Steve asked if the association for the buried pipeline was associated with this subdivision or a separate line that just goes through. Marc said this land is a member of that association. In response to Steve's questions, Marc said he didn't think the party with the farm ditch was a member of the association. He wasn't sure why there was a private ditch, as this was not on the property he was working with.

Sue suggested that Marc might look for a reduction in the road driving surface on this one. It seems like he's limited, and this might be a good candidate for a road width variance. She wanted to see the cross-section before she commented on whether or not she thought it would work. He said he would provide one, and suggested a work session prior to the next meeting.

Bob asked about other issues. Marc mentioned the proximity of the road surface to a bend. FIP was okay with 30' distance between the road surface and the bend. Per one scaled measurement, it was 27' so they will field survey and verify the distance. It will be resolved before it comes back to the Board. It's the Pablo B canal.

Joel said the fire chief, Ray Frey, did request a cistern as a 'must', with minimum capacity of 500 gallons per unit with dry piping, which must be kept full and maintained by the property owners. Marc thought this was about a mile from the fire hall. It seems like it was close enough to an existing water source, such that the discretionary fund may be usable.

Bob asked if this [cistern?] had been done before, given other subdivisions on Watson and Airport Road. Various people answered no. He asked why we'd do it here, then. Joel pointed out that Greens Estate is in the same area. Bob thought perhaps this could be eliminated.

On the CC&R's, Marc replied to Bob that on #10, the 'as applicable' was for bedrock situations from the boilerplate and was not needed here. Bob noted dog control in #14 might be beefed up.

Brad referred to the buffer management plan and riparian/wetlands. Marc said they would revisit that.

Bob reiterated that they might be doing a variance request on the road.

**OTHER BUSINESS**

Sue reminded about next week's subdivision regulation update meeting next week. Adoption is targeted for October.

Lisa asked about the North Lake County zoning district and what was happening with that. Sue touched on this with the Board.

Discussion moved on to staff reports and then applications, and the challenge of hearing applications where there are areas of confusion or unknowns.

**Motion made by Steve Hughes, and seconded by general acclaim, to adjourn. Meeting adjourned at approximately 9:35 pm.**