

LAKE COUNTY PLANNING BOARD
May 14, 2008
Meeting Minutes

MEMBERS PRESENT: Jack Meuli, Ken Miller, Brad Trosper, John Fleming, Bob Kormann, Clarence Brazil, Lisa Dumontier

STAFF PRESENT: Joel Nelson, LaDana Hintz, Lita Fonda

John Fleming called the meeting to order at 7:01 pm. He noted the order of the two subdivision items would be switched.

Motion by Ken Miller, and seconded by Lisa Dumontier to approve the April 9, 2008 meeting minutes. Motion carried, all in favor.

MAJESTIC VIEW MAJOR SUBDIVISION INTRODUCTORY

Joel Nelson presented the staff report.

Bob reviewed with Joel that major issues are road width of County roads, the variance, useable size and functionality for parkland, irrigation plan and potential to require infrastructure to be extended to the larger parkland areas, and potential landscaping to address the parkland concerns. For the water 'place of use' (POU) described on pg. 12, staff intends to look into it more; it's not something the Board can do much with at this time. Joel noted the walkway along Montana Avenue is shown directly adjacent to the existing roadway surface, and typically a 3' to 5' buffer is required. Staff also intend to recommend some amendments to the draft covenants. Bob said perimeter fencing was mentioned in the covenants, but there wasn't a proposal for fencing the parklands. Joel said typically just the perimeter of the subdivision is required.

Joel clarified for Ken the conflict mentioned on pg. 8 regarding 7.5' easements along perimeter and interior lot lines and 5' structural setbacks. One could potentially comply with the setback and be in violation of the easement.

John thought regarding the roads mentioned on pg. 4, people would turn up Division Street. He asked if there would be comments from the Road Supervisor on Division Avenue. Joel said he'd already made comments and had not addressed Division Street. He would probably provide additional comment if he's asked for clarification or additional comment. John thought Division Street east of Old 93 was pretty relevant to this subdivision.

John asked about the variance regarding the curve radii and the speed, and if the curve radii and the speed correlate. Joel said he could look into this more. He suggested the applicant's agent might address the curve radius as proposed and elaborate on the requested variance.

John asked about water supply and sewage disposal as described on pg. 11, where the capacity is available but there is concern about who will pay for the upsizing. He asked if capacity meant they had enough water but no way to deliver it. Joel said they have the capacity to provide that much water. Ken said they have the water available, but the pipe isn't big enough to transport it.

Joel said they have the water available, but not necessarily at the subdivision boundary. Bob confirmed with Joel that the upsizing would be at the developers' expense.

John asked about pg. 12 regarding water supply and that it may be legally difficult for the developer to obtain water. Joel explained the issue will be looked into more, and they may come up with a condition to address that potential problem. It was also included in the report to notify the developer of the potential problems.

Bob didn't like the configuration of the parks and asked if there were ideas for improving it. Joel mentioned perimeter walkways as well were proposed early in the review. The narrow parkways were more apt to be maintained by the Homeowners Association if there were walkways. John asked if the walkways could be reinstated. Joel suggested discussing this with the developer.

Marc Carstens spoke on behalf of the developer. On pg. 5, for off-site improvements on Montana Avenue and Division Street, they are not offering to rebuild it but they are offering \$10,000 to the County for improvements for those 2 streets. Given the number of lots, there's the possibility of an SID. In light of other subdivision, such as Conrad Peterson's, the Commissioners needed road improvement money, and they came to an acceptable price. For tonight's subdivision, they proposed a figure based on the average cost per lot from the previous subdivision, as an appropriate starting point. He pointed out roads, features and traffic patterns on a map, including the Pablo post office with 620 mailboxes.

Some confusion existed over width of walking trail as 8' versus 6', since 8' external walkways were easy to lay oil on and to plow for snow and were originally proposed. Due to costs, they elected to put in an interior 6' chip-sealed hard surfaced walkway instead, and still have room for a standard road section. This did not get changed on the map legend. They have no issue revisiting the Homeowners Association to bolster maintenance, signs and so forth. They contemplated using striping. He requested a copy of the manual on uniform traffic control devices to review, if the staff have a copy of this.

He spoke about parkland. They intended to draw people away from the streets and traffic areas. The Homeowners Association parkland in the interior is where they envision children's playground. The narrowest point is about 48' wide. Children aren't the only ones to use parks. He referred to trails that get used. Staff mentioned this might be palatable with more landscaping and irrigation system standards for the Homeowners Association for parks. He asked if there were published criteria or standards. Joel said he didn't have a standard in mind. The biggest concern was the narrow strips, and turning potential non-irrigated weed patch into landscaped area. Marc suggested they could meet in the future to discuss this. A walk path that might not be hard-surfaced, possibly gravel, might also be considered, to provide product on a budget. Walk paths are a long-term goal. The problem with showing them is to see them done prior to final. With a decision to put in \$10,000 to the County to improve off-site access, they're getting to a point of looking at the budget pretty hard.

With water rights, there's on-going boundary change to the water-sewer district and boundaries taking place. Marc talked about the water-sewer situation with lot 40 and showed a map of infrastructure for the Pablo Water-Sewer District created in the past.

Regarding the irrigation plan, usually it involves getting the water to various subdivision lots. Typically if there's a FIP acknowledged access point, they don't have to get into a detailed plan. They have a delivery point and ample easements and ownerships strips to tie together, so they don't need easements from others. The Homeowners Association can come up with an irrigation plan that suits their needs without additional infrastructure across adjoining properties. They aren't proposing to use FIP waters on individual lots, as it would be problematic on the small lots. They can visit more in the future on that point.

On the fire hydrant locations, historically Lake County has acknowledged either water source for the hydrants, dry hydrants, or pond sources or discretionary cash. They would like to place hydrants at the discretion of the Ronan Rural Fire Dept and offer \$25 per lot instead of \$100 per lot, since they're doing some of both.

He explained about the curve radii at the map. The original radius was reduced since density regulations speak to extending accessibility to adjoining properties. The tighter radius allows for a 'stub' for future connections, with improved sight distance of the future connection. The speed was reduced to accommodate that. He would speak to an engineer to come up with better facts about at what speeds the curves could be traveled. The slots are proposed to be used in future connections. There needs to be some sort of mechanism so when an adjoining land owner wants to use this, it has to be available, and also to protect the Homeowners Association rights and recompense them so it's not a taking. They also need to recompense their portion of the construction. Language has also been included in the dedication that says when the governing body says they want the roads (and/or parklands), the Homeowners Association will surrender them without issue.

Marc thought the developer should come up with the language for the 'stubs', in response to Bob's question. He thought whoever wanted to use it would have to deal with the obligations involved with constructing the road to make the connection. It's just held in abeyance for a singular use: an easement. Bob checked with Marc that the proposal would include language to get people to the bargaining table. Bob and Marc agreed it was a good idea. Marc reiterated that it doesn't tell what kind of language is appropriate so it doesn't seem like a taking but is available to adjacent landowners.

Bob brought up the walkways. He was interested in seeing a perimeter walkway on the exterior boundary of the subdivision. He knew a 4' walk was not ideal, but wondered if it was a possibility. Marc mentioned the wider paths were easier to maintain, although 6' was considered due to the amount of room in the roadway. With the narrow path, the responsibility for the resident to shovel the sidewalk in front of the house might be adopted. The walk path along the exterior was different, being much longer and probably of more limited use. They'd need to look at something easy to maintain, like with a pickup or a snowplow.

Ken thought this was a great proposal. He liked the stubs for future subdivisions, and the parkland seemed usable to him. He suggested the covenants might change a little, and reference to sheep, pigs and bees taken out, and maybe put in some prohibitions on livestock.

Public comment opened:

Paddy Trusler: He was here to represent himself. He thought it was an appropriate subdivision, with some issues to be clarified, such as the covenants not quite fitting this subdivision per se. Regarding the \$10,000 to fix roads, with the price of gas increases, this might improve the road from the SE corner to the railroad tracks. With oil at \$585 a ton, the cost to rebuild a mile of road is in excess of \$55,000. The law says the subdivider shall mitigate his proportionate share of impacts. He didn't think the \$10,000 would fit with the law. Montana Ave is the beginning of the corridor that takes you to Polson over Skyline Drive. This subdivision is designed for low/moderate income, which is sorely needed. The overall impact has to be looked at.

Regarding the covenants, he suggested #5 on dwellings, which mentioned modular homes of conventional materials needed to be clarified. There's a definition with respect to FHA standards that could be incorporated, which might help clarify this quite a bit. Regarding #11, on fencing, the adjacent properties are used for agriculture. He would be opposed to the external walkway from the standpoint that it would encourage trespass against the legal fence. He would like to have the developer reconsider the donation for road improvement, and respectfully request that the walkway be excluded. This is only 1/2 mile from 12 miles of new walkways that are located along Highway 93. He felt the requirement in the covenants for the legal fence, 3 wires and 16 foot on center, is terribly inadequate to prevent illegal trespass on the exterior. For #12, on pets, with 72 lots and 2 dogs and 2 cats on each lot, there would be 288 animals on this particular tract. His experience has been there are lots of feral cats out there, and problems with disease from them. He didn't know how someone could keep a cat confined to a lot, other than keeping it in the house. He thought #12 should be revisited and more stringent language added for cats. With dogs, there's already a problem, that they deal with using the 'three S's'. He believed the language for dog containment has to be improved. The covenant says dogs are to be maintained on the property, but doesn't say how. He suggested that language be considered in the covenants that require dog-proof fencing. He would like to propose animal control be taken out of the covenants and put in the conditions of approval so the Lake County Sheriff's office can enforce that requirement.

With the wildlife segment, Paddy thought a. through i. could be deleted. He'd also like to see height restrictions on the buildings as a condition of approval. He suggested a height restriction of 24' for lots 10 through 21, which is the western portion of the subdivision. Eastward, it's over a hill and 30' could be maintained on those other units. He wished Duane luck with the subdivision, as the low/moderate income was desperately needed. He did feel that if the budget didn't allow for it to be done right, then perhaps it shouldn't be done.

Dan Salomon: He is an adjacent landowner to the west. They run dairy, and somewhat surround this block of land. He shares the concerns that Paddy listed. Regarding the sightlines and the covenants, he looks to the east to the mountains, and he reiterated the height concern. They run cattle and horses, and have known problems with dogs from Pablo. The opportunity for well over 100 more dogs with no way to control it could be a financial and a time problem, and also a heartache for people who lose a dog. He'd like to see this addressed before, rather than after. The covenants say 'will be taken care of' and he'd like to know by whom and when and how fast and so forth.

Dan thought Division Street was going to become much more traveled because the stoplight is going there, and it will be a point to get onto Highway 93. At some point in time, if more land is developed, would Division Street be an easier thoroughfare?

For weeds, it can be a significant problem while it's waiting to be developed and afterwards, not only for the people in the development, but for the adjacent landowners. If they're trying to farm, dry weedy spots on the outside spill over and cost production and time and effort. He would like to see an opportunity to have a good weed control situation and have it taken care of, both to have a plan and to have someone to take care of it.

Ralph Soames (sp?): He didn't like the recreation park. It isn't wide enough and doesn't work out. He gave some history of Pablo and the lack of use for set-asides because they weren't wide enough for a little league ballpark. He thought the little pieces were inadequate.

Marc C and Ralph: Marc asked at the map about the locations, and Ralph responded.

John F: He also was concerned with the narrowness.

Janie Salomon: She raises horses and kids. The dogs are an extreme problem in Pablo, even on the school playground. The possibility of 144 dogs on the 20 acres behind her is a scary thought. She felt strongly that the border fence needed to be dog-proof. The walkway around the outside perimeter would make trespass more likely onto her property. With a 3- or 4-wire fence, she feared young children would easily slip through and be tempted to be with the livestock, which could be a harmful situation. She asked that the covenants contain the dogs and that someone account for that.

Harry Medland: His concern was trespass on his property, and that there be adequate fences.

Public comment closing

Paddy requested a short pause for departure.

Bob asked Dan Salomon how he would propose to enforce people taking care of the weeds. Dan guessed in a situation like this, someone would be designated and a structure would be in place. The person checks it out and takes care of these things. This has to happen several times over the course of the growing season. The way it's situated now, a complaint would have to be turned in and checked out. By the time the process is done, so are the weeds. Someone needs to have an action plan, utilize it and do it. Somebody has to have the ability to make that decision and to do that, and the funding to do it. The best and quickest way to do it is in the spring. If no one is designated or the who, when or how to pay for are not answered, if it spreads, the neighboring landowner has to deal with it. For complaints, it means next season. Bob summarized that the Homeowners Association have one individual designated at the weed guy. Dan thought someone was needed to do maintenance on the fences and keep up on things. Somebody needs to have the ability and the authority and funding to do something.

Bob asked if for a chain link or tight woven fence they would be willing to split the costs for that or if they expected the subdivider to take care of that. Dan hadn't considered that. Janie thought it was the dog owners' responsibility to keep their dogs off of her land. John thought they might come up with something like requiring each homeowner to contain their animals on their lot, since some people won't have pets. The exterior is going to have to be a better fence than 3-wire. Lisa liked the suggestion of not just leaving it in the covenants. Janie reiterated the dog problems at the school playground.

Public comment closed.

Lisa clarified with Joel that a weed plan is done, which is then filed with the subdivision. Joel explained that the plan might be submitted with preliminary plat. There's a condition requiring the plan to be approved and filed with the subdivision. It's an agreement between the weed district and the developer and future landowners. The plan expires 3 years after approval. Sometimes there's a problem where by the time the final plat is filed, the weed plan has expired. Jack said that down the line, somebody doesn't take care of his weeds. The law says the County can come in and spray them and put it on the tax rolls, but to his knowledge, they don't do this. It's a problem in the whole county.

Lisa thought people living on 7000 square feet aren't going to care about the weeds in the exterior strip. The agricultural neighbors are the ones who care and will have to have the cost to mitigate them or keep them off their property. It's one of the things that tends to fall through the cracks. Ken thought it could be specified in the covenants as one of the duties of the Homeowners Association, like snow removal. Marc said there's only one adjoining owner of the exterior property, which is the Homeowners Associations. John asked if the Homeowners Association could designate someone to take care of weeds, snow removal, animal complaints and so forth. Marc said these are points brought up by the staff to be bolstered and they will do so. He thought the Homeowners Association might be able to set up some sort of contractual situation with an expert for the weeds. Clarence commented that the electronic fences for dogs work well, and owners might prefer them. Marc thought that might be appropriate for interior fences although not the exterior.

John summarized that it sounded like the surrounding landowners would rather have the internal walkway. There needs to be more for the cost of the road to get the road out to Old 93. The external fence needs to be more than 3-wire. He'd also recommend if it's a barbed wire fence that it be barbless on the bottom line since the neighbor has horses. The dogs need containment for the external fence, for each owner and each lot. He thought the height limits for view for lots 10 through 21 were appropriate, with 30' on the remainder. Bob didn't think the Board could put a dollar amount for the road. That would be the Commissioners. Marc said the statutes do indicate the developer needs to pay his proportional share. Perhaps the developer should initiate an SID, and they should consider going to the end of Division's improvements. They might also consider an SID on the walk path. With 72 votes, the subdivider would have enough clout to ensure passage.

John liked the comments on usable space. If kids have a place to do something, they'll do it. Marc said the problem with baseball is windows. Marc showed some possibilities and

consequences on the map. One option would require a variance, which they've tried to avoid. John was in favor of this. Bob thought this would feel better. Ken said he liked the roads the way they are. The developer is over on parkland amount, and he felt this was more usable than some parks they've seen, and might accommodate a soccer field, though not a baseball field. Lisa echoed the window concern with close houses.

Brad asked about a better definition for modular homes. Marc said he was working on that.

John asked if Division Street could continue west after this project is put in, if it needed to be. Marc said Division Street does end with this plan, and showed this at the map. Jack noted that Division Street ends there now anyway. Marc said the 90-degree corners make people slow down, and make it safer.

DUBLIN GULCH MINOR SUBDIVISION

LaDana Hintz presented the staff report.

Ken verified with staff that there were 3 development units available for the 72.99 acres. John asked if COS 4437 tract A was the 2 acres, and LaDana confirmed. Ken assumed when the 4.3 acres was split off, that this was the time the agricultural restriction went into effect. Was information found about why this was set aside as an agricultural restriction? Joel explained it went through an in-house subdivision review, where it didn't go through public review, to create tract A. They didn't survey or include the remainder with the subdivision review, which was reviewed by staff and the Board of Commissioners. There was a condition requiring that prior to development of the remainder, it needs to be surveyed and reviewed as a subdivision.

Marc Carstens thought the agricultural exemption from that time era had to do with sanitation and getting a subdivision done fast. The sanitation review takes a lot of time, and agricultural exemption took you out of sanitation review on the remainder. He thought that as far as density, it does not preclude the ability to of a bonus due to clustering in the future.

For every FIP map Marc has found, the word used is 'canal', not 'ditch'. As a matter of housekeeping, regardless of size, he felt that these should be referred to as 'canals'. There's been confusion about the water delivery point. He showed a highlighted map in hopes to help increase understanding, and talked about the situation at the map. They could not find the turnout that Brown referred to. They've concluded that as long as there's no turnout to empty water into the draw, tailings are being used. He showed where there was a canal at one time that FIP acknowledged, and the easement is still in place. They can have that plowed in to satisfy the requirements.

On #14, the buffer (pg. 15), it sounds like nothing can be done with the area. Past acceptable proposals included a provision that historical use would be accepted. As written, if taken literally, it can't be grazed or cut for hay. He wasn't sure that this was the intent, and respectfully requested an alteration of the wording to allow for historical use with an agricultural basis. Ken asked about the vegetation in the buffer: was it native or hay in the buffer. Marc said it was pasture, not set aside. Brad thought it seemed like there was an inconsistency between the weed management plan, the buffer plan and the use for agricultural purposes. He

noted that herbicides could not be used in the buffer nor were you allowed to remove vegetation. This limits weed management.

Public comment opened:

Mike Roberts: His family has property adjoining this. What is the planned use? Will it remain agricultural? The weeds have been answered. Will this be something that affects cattle? They have a ditch on the northern boundary. It goes to the corner of the property but he didn't think it touched the property. He was just concerned about what would happen there. Is the landowner going to live there?

Marc C: He did not know the long term plans of the landowner, and could not answer.

John F: He thought they could get an answer. If the owner wanted to do something beyond what's asked tonight, a proposal would have to come back to the Board and the Commissioners.

Stan Roberts: What the applicant is asking for tonight is to build one house.

LaDana H: She confirmed.

John F: There would still be 3 lots available, given the density.

Jack M: They would have to come back here.

Public comment closed.

Lisa asked about the thought process behind the buffer management plan in condition #14.

LaDana said the 100' is typically requested for the buffer. Lisa asked about the restriction.

Marc said that typically there's been a caveat for the continuation of historical use. Ken said he would prefer to see a no-build zone rather than a buffer because of the inconsistency between noxious weed management and the buffer. He might feel differently if it were native vegetation or there was habitat for wildlife, but that wasn't the case and he didn't see a reason to preserve this without being able to take care of the weeds. He didn't see a benefit. Jack asked if Ken would be satisfied with historical use. Ken affirmed. Brad said this would remove his concern.

Motion by Jack Meuli, and seconded by Lisa Dumontier to approve recommendation of the subdivision, with the staff recommendations plus a change to condition #14 such that it restricts development and the removal of vegetation except as historically used. Joel asked if they wanted to define 'historical use'. The Board discussed how this was done last month.
Motion carried, all in favor.

OTHER BUSINESS

The subdivision regulation update meeting scheduled for 5/21 has been postponed to the third Wednesday in June. John asked for a notice to be sent.

Meeting adjourned by general acclaim at 9:25 pm.