

LAKE COUNTY PLANNING BOARD
April 8, 2009
Meeting Minutes

MEMBERS PRESENT: Bob Kormann, Sigurd Jensen, Clarence Brazil, Ken Miller, Joyce Funda, Brad Trosper

STAFF PRESENT: Joel Nelson, LaDana Hintz, Lita Fonda

Bob Kormann called the meeting to order at 7:03 pm.

Motion by Joyce Funda, and seconded by Brad Trosper, to approve the February 11, 2009 meeting minutes. Motion carried, 5 in favor (Bob Kormann, Sigurd Jensen, Clarence Brazil, Joyce Funda, Brad Trosper), one abstention (Ken Miller).

AMENDED TRACT 4, ROLLING HILLS SUBSEQUENT MINOR, A WEEKA:

LaDana Hintz summarized the staff report. (See attachments to minutes in April 09 meeting file for staff report.) She noted the concern about the potential living quarters was looked into due to a concern voiced by a neighboring landowner about density and the number of dwellings.

Clarence noted what the Wetland Conservation Coordinator said about concerns of locating a septic system without risking contamination to the stream below. It's a DEQ problem but what is known? LaDana replied a location has been reviewed by Rowland Environmental and submitted. They would be building on the ridge where the Wetlands Coordinator recommended.

Joyce asked about the crushed pump house and irrigation water. LaDana said there's a main line and there's a pump in it, but she couldn't say if it works. She affirmed it would have to be in working order in order prior to filing the final plat.

Jack Duffey spoke on behalf of the applicant. Bob asked him about the hose coming out of the trailer. Jack hadn't noticed it. LaDana reiterated it was brought up by a concerned person. It comes out of the side of an old travel trailer and it might go underground. Bob asked if it was going away. Jack didn't know. The owners live in CA and rent out the house and lease out the property for pasture. Joyce thought the covenants said no trailers. LaDana thought that was in the old covenants. Joyce found on pg. 8 of the Staff Report that mobile homes were prohibited. Clarence observed this was not a mobile home, it was an RV.

Joyce asked about the intention in dividing the property. Jack said the owners did not express an intention. The adjacent parcel to the east was for sale. He didn't think they intended to build on parcel B themselves. LaDana clarified that the Aweekas own tract 3 of Rolling Hills Subdivision. That's the lot for sale, and also where the pump house is currently located. The travel trailer is on lot 4B. Lot 4A is undeveloped at this time.

Public comment opened:

Marc Carstens: He said an irrigation pump didn't have to have a roof on it.

Brad Trosper: He noted this one did have a roof on it.

Public comment closed.

Bob clarified with staff that the staff suggestion is to include a 20' easement that would extend into lot 4A, given a 20' irrigation easement on tract B, and the delivery point for tract A is on the boundary. LaDana affirmed. That's where the riser is going to be located.

Bob asked if in the CC&R's, they can only build on that ridge on tract 4A. LaDana said no, but that this could be added to the conditions. Jack didn't think that would cause a problem. Clarence wondered if something should be said about the trailer (refers to the RV). LaDana read the last paragraph of the approval on pg. 19, which is specific regarding structures containing water and sewer facilities. There is a doublewide trailer for the residence currently. The trailer (refers to the RV) or the barn potentially may have living quarters and may potentially be guest houses. Joel added if these were used for guests and not rented out.

Bob asked if the double wide was on a permanent foundation. Jack didn't know. It was an existing structure when Rolling Hills Subdivision was done. Bob pointed out that normally the Board would require manufactured homes to be on a permanent foundation. Joel said when that's been requested, covenants have been requested that require the permanent foundations for trailers that are new as opposed to existing. Bob wanted to cover that if the existing double-wide goes away and another is brought in, this would be smart to have in the covenants. LaDana noted the covenants already cover that.

LaDana said Rolling Hills Subdivision was 4 lots, in response to Joyce's question. The applicants own 2 forty-acre lots.

Joyce returned to Clarence's concern about the concern of Clint Folden (Wetland Conservation Coordinator). LaDana said this proposal will go through Environmental Health/DEQ review after the Planning review. Further discussion and comments ensued, concluding that DEQ will cover this. LaDana noted that she'd done a site visit with a sanitarian, who did not mention red flags at that time.

Bob asked if the ridge was the most logical place for a home and guest house, and if this needed to be covered by the conditions. Joel said Clint Folden did mention concerns with developing a home anywhere but the upper ridge. LaDana suggested this could be added to the conditions. Joyce asked if DEQ could override this. Marc said DEQ was concerned with location of drainfield, well and stormwater runoff. Joel noted the purpose of public comment is so [DEQ] consider those comments. Bob asked if tract A is sold, DEQ has approved this plan, can the new owner put the house somewhere else. Jack said DEQ doesn't fix the dwelling location, just the drainfield and the well. Joel said if there was a perpetual condition, the building notification process would catch it, if the Board thought it was appropriate to require a building site location, and to address the concern of the Wetlands Coordinator by requiring them to build on the ridge.

Jack said if they could satisfy DEQ by building anywhere they wanted, this is really the standard that they're held to. He didn't know if they should limit or restrict based on someone's opinion. Ken agreed. Bob asked what happened to the stormwater runoff if DEQ approves it as being up on the hill, and the owner wants to move it elsewhere. Joel said that would be addressed through building notification, but it probably wouldn't be held to the same DEQ standard. Marc thought that if this was a smaller lot, the point was valid. He thought on a 20-acre lot, with maybe 20,000 square feet of impervious surface, which would be about a half acre, it was different. State law said stormwater must be maintained on site. Bob asked if this had anything to do with the level of the groundwater. Marc thought it all factored in, but stormwater created by impervious surface areas of the subdivision must be maintained on the subdivision. Bob said if they wanted to put their house and guest house closer to the creek, there's a 100' vegetative buffer, and it slopes down to the creek. There are 20 acres, but it can't get over the ridge and then it flows into the creek, with herbicides and pesticides or whatever that the vegetative buffer doesn't catch. Ken said you wouldn't necessarily notice an increase in those chemicals from the impervious surface, especially coming off the roof. The lawn is the really ugly stuff. Bob checked that if this were a smaller lot, this would be something to address. Ken thought the Board usually did see proposed building sites with subdivisions with a number of smaller lots.

Motion made by Joyce Funda, and seconded by Sigurd Jensen, to recommend approval with findings of facts, staff recommendations, staff report and conclusions as written. Motion carried, all in favor.

Joyce asked for an inclusion to identify information from neighbors as such. LaDana explained the neighboring commenter requested anonymity. LaDana and a sanitarian did a site visit to address the neighbor's concerns.

LONG MINOR SUBDIVISION:

Bob noted the variance request would need to be voted on first.

LaDana Hintz summarized the staff report for this proposal, which constitutes an amendment to a preliminary plat approval for a minor subdivision. (See attachments to minutes in April 09 meeting file for staff report.) She pointed out the Board may want to amend condition 16b on pg. 16 regarding the driving surface width if the variance is approved.

Brad asked about the well. There will be a new well on lot 2, so will the well on lot 1 continue to serve the same number of residences it serves now? LaDana replied the problem that came up during the review was that we thought the well served lot 1 and lot 2. The DEQ approval said it serves lot 1 and another lot she indicated on the map. The Swallings, who own another lot, have pointed out that the well serves their lot as well. She pointed out 4 lots that it's currently serving. One of the Longs' lots has a proposed well. Is it a shared well or a multi-users well? That has to be figured out in the DEQ review.

Joyce asked about the two tied portions separated by 2 adjoining lots in the lot description. Marc said this isn't done anymore. For a while, a parcel could be created using ground that was not even contiguous. That's what had happened here. Bob asked about another well, and LaDana described the users for it. Marc added that this took them by surprise. He acknowledged that

there are more users on the well than are approved or that they were knowledgeable about. Because it's known now, it will go through review at DEQ to be settled. There may need to be some update to the well or its structure. They don't know at this time. Condition #3 has been expanded to take that into consideration with the DEQ review. LaDana pointed out that right now the well on lot 2, which has been approved by DEQ, has only been approved as an individual user for one only. If any other of the lots attach to this well, it's going to require coming back to the Board for review. If there are easements or the like associated with it, it would have to be reviewed here. Marc disagreed. He thought that would be covered by DEQ to cover the possibility of adding an additional water user to a well within DEQ review. Bob thought they could wrestle that out elsewhere.

Bob asked if there were 6 lots. LaDana counted 6. He was curious about ownership. If the well proposed for lot 2 serves more than one residential family, there would have to be an easement through some property. Marc thought DEQ would cover that. Bob clarified that someone would have to grant an easement in that case. Joyce, LaDana and Marc talked about the map. An extra line was noted as such. Joyce asked about the 2006 survey date. Marc explained the original survey was done in 2006, and described details. Joyce asked if the house and garage currently proposed were added after. Marc said that technically, they should be doing revision blocks. That would take care of that confusion.

Joyce asked if there were water concerns. Bob replied that this would be covered by DEQ. Joyce asked where the Longs live, which LaDana showed. LaDana said that the other containing the Long's house is currently up for sale.

Bob asked for discussion on the variance. He thought 18' was fine. Ken agreed, if the neighbors and fire department were okay with it. Bob noted the right of way was still 60', so down the road if this was inadequate, the homeowners could come back and say they want to widen it. Joyce asked who would pay for the widening and chip-seal. Marc replied it would be the developer.

Marc referred to condition #4 on pg. 15. He suggested the 3rd line should be changed from 'Lake County' to 'Lake County Sanitation and/or DEQ' since DEQ issues how many people are on the well. He didn't think it should have to come back before the Planning Board for that purpose. He thought it was odd to come back to the Planning Board to add a water user. Joel noted that it hasn't been proposed for lot 2 to share the well with anybody. The information has been submitted that there's an individual well to be used by lot 2. Joel noted that the sanitation information is supposed to be submitted as required by 76-3-622 for review by the staff and to allow the opportunity for the public to comment on proposed water and sewer facilities for the subdivision. Marc disagreed. He thought this was saying that if they gain approval and the well is drilled, if someone else wanted to use that well down the road, they'd have to come back to the Planning Board for an easement. Joel disagreed. He said it would be additional review for the sanitation information that's required to be submitted with the preliminary plat application.

Ken read the condition as that would only have to come back to the Planning Board if this happened before final plat. Marc agreed this would have to come back if it changed prior to final plat. He was concerned about this applying further down the road. Joyce agreed with Ken about

the final plat. Joel noted there were hints that another lot might be using that well. If this was the intent, it should be part of the preliminary application. LaDana explained this was the solution to solve the potential problem of having a multi-user well. Marc explained his understanding of the project was a well would be drilled for this lot. The remaining users would go through a multi-users review that has not yet happened. He thought an individual well served no more than 2 users. Joel thought an individual was one user, and 2 became shared. The condition, the situation and the definition were all discussed further. LaDana reminded that the bolded portions of condition #4 indicate changes to the previous condition #4, which it would revert to if condition #4 was taken out here. This is back to the Board now because when it came in for final plat, there was a DEQ change that wasn't addressed before, so they'd like to know now if there going to be an individual well or a shared well for that lot 2. Marc thought it was as proposed. He reiterated his request for modification of condition #4.

Joel clarified from the ARM Sanitation Rules, 17-36-101 definitions, that an individual water system serves 1 living unit or commercial structure with a maximum number of people served being 24.

Ken said he was comfortable with condition #4 as written. He thought this would apply until final plat was issued, and the conditions to achieve final plat then essentially go away. Joel said the conditions don't go away. They get filed with the final plat and live by them unless amended. The amendment process seemed to be what was up for debate.

Bob asked Marc what else he had. Marc referred to the final paragraph on pg. 17, and the wording of 5 structures and an office. The structures are storage units, and don't come before the Board in the form of rent or lease. What if someone wants to add another storage unit building? Instead of a building notification procedure, they'd have to come back to the Board for amendment. He suggested striking the part about 'consisting of 5 structures and an office'. Joyce thought if someone came back, she'd want to know about the existing commercial storage units, and the answer would be 5 units and one office. Marc replied that if this is an element of subdivision review, it sets a standard for this property. Joyce thought the removal of 'existing' would address his concern. Marc asked if both could be taken out. LaDana asked about the 2nd part of the sentence. She thought the second part needed to stay because the variance approval and the DEQ approval are specific to say that none of these structures can contain water and sewer facilities. The unit proposed now is going to be the unit for this property and will have the water and sewer facilities, as approved by the Board of Adjustment. Marc agreed, as long as they could say 'neither the commercial structures nor the office may contain water or sewer connections'. LaDana asked what they'd like it to say now. Bob said "This approval allows Lot 1 to be developed with the commercial storage unit facilities; and neither the commercial storage facilities nor the office may contain water or sewer connections...."

Joyce asked about pg. 7, #4 about the meaning of 'division'. Joel replied this referred to division of land. Joyce asked for this to say 'subdivision' in order to be clearer. LaDana affirmed.

Motion made by Ken Miller, and seconded by Joyce Funda to approve the variance to allow an 18' chip-sealed road width. Motion carried, all in favor.

Motion made by Ken Miller, and seconded by Sigurd Jensen for approval of this subdivision with the findings of facts and the conditions with the changes noted:

- **Change 16b on pg. 16 from 24' to 18'**
- **Pg 7, #4, change 'this division' to 'this subdivision' and 'any other divisions' to 'any other subdivisions'**
- **Pg. 17, final paragraph, revise second sentence to "This approval allows Lot 1 to be developed with the commercial storage unit facilities; and neither the commercial storage facilities nor the office may contain water or sewer connections...."**

Motion carried, all in favor.

OTHER BUSINESS

An article forwarded to Board members with email was discussed briefly.

Motion made by Ken Miller, and seconded by Sigurd Jensen, to adjourn. Motion carried, all in favor. Meeting adjourned at 8:45 pm. (QED)