

**LAKE COUNTY PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**March 22, 2018**

**Commission Members**

**P John Hess, District I**  
**P Bob Malley, District II**  
**P Eddie Crandall, District III**  
**A Matt Levesque, District IV**  
**A Daniel Suenram, District V**

**Staff Members**

**P Robert Massarelli, CDD Director**  
**P Michalyn DelValle, Principal Planner**  
**P Shanda Harry, Deputy County Counsel**  
**P Danae Bowen, Office Assistant III**

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**9:04 a.m.      CALL TO ORDER**

Pledge of Allegiance was led by Eddie Crandell.

**9:04 a.m.      CITIZENS INPUT - None**

**9:05 a.m.      Public Hearing on consideration of a Resolution of Intent to amend Article 27 of chapter 21 of the Lake County Code to regulate the manufacturing, distribution, and testing of cannabis. (Michelle Itrace)**

Robert Massarelli, Community Development Director, said that the Board of Supervisors has been holding a series of workshops addressing the cannabis issue and had previously given staff direction to proceed with the Cultivation Ordinance, which passed on the final reading on Tuesday, March 20, 2018, and will go into effect in thirty-days on April 19, 2018, and staff will not be accepting applications until that date. He said the Board of Supervisors have given direction to move forward with manufacturing and distribution and his recommendations were to include testing. He said pursuant to the Zoning Ordinance to amend the Ordinance, staff first has to do a Resolution of Intent to modify it, so this is the first step to that process. He said staff will have a Draft Ordinance prepared for the Planning Commission and bring it back to the Planning Commission on April 26, 2018, for consideration and possible recommendations to the Board of Supervisors. He said staff recommends approval of the Resolution of Intent to amend Article 27 of the Lake County Zoning Ordinance to address the manufacturing, distribution and testing of cannabis.

Comm. Hess pointed out that the Ordinance reads the April 12, 2018 hearing.

Mr. Massarelli corrected the date for the next hearing to April 12, 2018.

**9:08 a.m.      Opened Public Hearing**

Michael Green said it was exciting to see the Ordinance pass at the Board of Supervisors Hearing on Tuesday, March 20, 2018, addressing all the cultivation types. He said now they are looking at all the downstream license types, and there are several subtypes, including a processing license and he did not know if the Resolution is worded broadly enough to include all of the downstream licenses, but they would certainly like to support the cultivation industry that is just getting started here by making sure that any downstream license type, including processing would be something that the Planning Commission could take a look at, as these regulations move forward. He said they are in support of the resolution.

**9:09 a.m.      Closed Public Hearing**

Mr. Massarelli addressed the comment about the processing, which staff considers that part of manufacturing. He said the way the state licenses are set up, there is processing under the Cultivation Ordinance that did not address that, and staff will address that process as part of manufacturing and how it applies to the cultivation license.

Comm. Crandell offered the Resolution of Intent to amend Article 27 of the Lake County Zoning Ordinance.

**RESOLUTION OF INTENT APPROVAL BY ROLL CALL VOTE: 3 Ayes 0 Noes 2 Absent (Comm. Levesque and Comm. Suenram)**

**9:10 a.m. Public Hearing on consideration of a Major Use Permit (UP 17-05) for Specific Plan of Development and Tentative Subdivision Map (SD 06-01), prior projects GPD 06-01, GPAP 06-02, RZ 04-23 and Certified Final Environmental Impact Report (FEIR) based on Initial Study (IS 06-11). The project applicant is KIMCO DEVELOPMENT proposing a planned residential development of approximately 380 detached single family homes, three-acre medium density residential parcels having a density of up to fifteen units per acre, two and one-half acre multi-family residential care and/or assisted living facility, and approximately 31 acres of commercial development. A Major Use Permit is also required for Subdivisions of land that include more than three parcels within the Floodway Fringe Combining District. The project location is 18196 & 18426 South State Highway 29, Middletown and further described as APNs 014-260-36 & 014-260-51. Environmental Evaluation: Certified Final Environmental Impact Report. (Continued from December 14, 2017, January 4, 2018, January 25, 2018, February 22, 2018 and March 8, 2018) (Robert Massarelli)**

Robert Massarelli, Community Development Director, said this is a continuation of the discussion on the approval of the Specific Plan of Development for the Valley Oaks Subdivision. He said the direction of the Planning Commission, as staff understands is to develop conditions of approval to allow this project to go forward, at the same time addressing all the deficiencies in the application. He said staff has been working with the applicant and their counsel and have developed conditions of approval, which were distributed to the Commission this morning.

Mr. Massarelli said the staff report for this project has not changed and there has been no additional information submitted, which would cause staff to change the staff report, so all the deficiencies still exist. He said the proposed conditions of approval provides for a procedure that those deficiencies would be addressed and the process would be that we would have specific sub-plans of development, so each phase of the residential development or each parcel of the commercial development, a specific sub-plan of development would come in, and have to be found to be consistent with the General Plan of Development, the Lake County General Plan, the Middletown Area Plan, the Code of Ordinances, the EIR and the Mitigation Monitoring and Reporting Plan. He said there would be individual processes to do this.

Mr. Massarelli said while staff is in support of this, this will create a lot of problems for the staff. He said instead of getting everything resolved at once, which is the intent of the Ordinance, there will be as many as fifteen applications coming in for the process of review, so there will be staff impacts. Mr. Massarelli said he has been working with Counsel on this for two weeks to get the final language.

Comm. Hess asked if there were major areas of disagreement.

Mr. Massarelli said that it has be narrowed down to two areas. He asked if the Commission would like staff to highlight and focus on those.

The Commission agreed to start with the areas of disagreement.

Tina Wallis, Attorney for Kimco Development, said there were clerical modifications and two substantive disagreements. She acknowledged Mr. Massarelli's efforts and that they have worked together to work through these conditions. She said there is not a meeting of the minds, but she did want to commend Mr. Massarelli for working hard to reduce the conditions to almost half and that there was only two areas of disagreement.

Ms. Wallis noted their requested changes to the conditions.

- Page 3, condition #5 – she said it is a substantive disagreement and under the Lake County Code Section 13.24(d); *“For residential parcels the ordinance requires for Open Space requirement to be calculated based on net acreage, and it is different for commercial parcels.”* She said that is one revision that they are requesting in condition #5 on lot coverage.
- Page 3, condition #7 – The first reference to “PDC” should be “PDR”, since that condition talks about the “PDR”.
- Page 3, condition #10 – On October 16, 2013 proposal statement did contain alternative approvals for a front yard setback, a garage setback and lot coverage for single family homes. She said she would like them moved to page 31 and renumber them there and that was at Mr. Massarelli’s request.
- Page 4, condition #13 – The revised conditions require a Major Use Permit, for what we are calling specific sub-areas and this was a mechanism that Mr. Massarelli was amenable to, because as things stand right now, we do not know how the commercial development will unfold over time, so this was to give the applicant the flexibility to respond to market conditions. She said the applicant cannot innumerate the types of uses that may come over the next ten years. She said in this condition a Major Use Permit is being required for these specific sub-plans as they come in, and they ask that this would just be noticed as a Use Permit and the decision as to whether or not it is major or minor, be made when the use permit application comes in the door. She said the larger initial applications will require Major Use Permits, however as the next ten to twenty years unfold, the later applications may only be Minor Use Permits. She said that was their request on condition 13 and they would like to strike the word “Major.”

Comm. Hess asked if it could be: “or include and Minor” He asked Mr. Massarelli if he had an issue with that.

Mr. Massarelli said yes, and said approval of the Specific Plan of Development is a Major Use Permit and you can only amend a Major Use Permit with a Major Use Permit application. He said you cannot use a Minor, unless it is spelled out specifically, but then there is a problem with which one is a minor and what is a major and we will be arguing this down the road. He said it needs to be made real clear what the process is, because we could be doing this fifteen times. He said the more that can be resolved as to the process now, it will be a lot easier in the future.

Comm. Hess asked about the parameters of a Minor versus a Major Use permit spelled out in terms of incoming things later and identifying it as major or minor.

Mr. Massarelli said the Zoning Ordinance is being redone and staff has combined Minor Use Permits, Design Review and Development Review Permits all into one Development Permit, so in the future smaller things will be a Development Permit. He said unless the criteria is spelled out for; traffic generation, air quality and utility impacts and what would trip a major versus a minor, it is not clearly articulated in the Zoning Ordinance. He said the current Zoning Ordinance states if is over 10,000 square feet, it is a minor and over 20,000 it becomes a major and there are specific benchmarks. He said if it is not defined here then staff will be debating it.

Ms. Wallis said the impetus for the request for this flexibility is that this is a conditional use permit and it does run with the land and Mr. Massarelli is correct, this is a project where the EIR was certified prior to the recession and noted that she and Mr. Massarelli have worked hard to identify the relevant documents, but the sheer passage of time has had an impact on the department’s ability to regulate and their position as an applicant. She said the way she looks at this, since this is a use permit and it runs with the land, she looks at 100 years in time, and where you do not want to be is a commercial parcel that is largely developed, fifty years from now you have one use coming and that triggering a Major Use Permit, wherein a Minor Use Permit would be required, under either scenario, the Major or Minor Use Permit, it will still have to comply with CEQA and address the traffic and air quality impacts, that Mr. Massarelli has referenced and decide if subsequent environmental review is required.

Mr. Massarelli made a suggestion that it is Major Use Permit for the initial sub-plan and then a major or minor for any modifications to that, which would address Ms. Wallis’s concern for 100 years from now.

Ms. Wallis said they are absolutely open to that and thought it was a great solution.

Comm. Malley asked how that would be worded.

Mr. Massarelli stated condition 13 could read: *“The applicant shall submit an application for a Major Use Permit for the initial...”*

Ms. Wallis said condition 13 could say: *“A Major Use Permit for the initial sub-plans of development for a parcel, later sub-plans may be major or minor use permits as required by law.”*

Mr. Massarelli said that is where he was headed, but the problem is the second sentence in condition 13, which defines the uses as the term **“Specific Sub-plan of Development”**, which is not in the first sentence and asked how those two sentences could be combined.

Ms. Wallis suggested adding a sentence at the end of condition 13 to read: *“Any specific sub-plan of development for any parcel or grouping of parcels must be a Major Use Permit and any subsequent specific sub-plans for maybe major or minor use permits as allowed by law.”*

Mr. Massarelli said the only thing that he would add to that is not just parcel or combination of parcels, it is phase or parcel, or combination of phase or parcel.

Ms. Wallis said that they were amenable to that.

Mr. Massarelli said the reason is that the residential portion is in phases and the commercial areas in parcels and need to make sure everything is covered. He asked if the Commission agreed to make that the last sentence.

The Commission agreed.

Ms. Wallis said the next requested change is on Page 5, condition 15(a) at the end of the first full paragraph on page 5. She said this is one of their two substantive disagreements that they have not been able resolve. She said the Environmental Impact Report required the roads to be elevated above the 10 year floodplain and this condition has the 100 year floodplain. She said she is not a Hydrologist or Engineer, and they do have their Civil Engineer, Mr. Ruzicka present, who can address this issue from a technical perspective, should the Commission wish to hear from him.

Ms. Wallis said their last change is on page 31, which is a minor clerical change, and this is where they are carrying over the alternative development standards that were approved in the 2013 Proposal Statement, which is #10 from page 3. She said they would like to add under **Roman Numeral VI. - Alternative Development Standards** on page 31, under **Alternate Standard (5 & 6)**: *“Front yards, the garage, may be 20 feet from the back of sidewalk, the front yard may be 10 feet from the back of sidewalk and lot coverage for one story structures, is allowed up to 44%.”*

Mr. Massarelli asked for a recess to get the exact language of what the existing criteria is, so he can put that citation in and what the current standard is and what the alternative standard is.

Ms. Wallis said that leaves them with the two substantive issues, condition 5, the calculations of how open spaces are calculated for residential parcels and they believe that should be net acreage, and she noted that this disagreement is a vestige of the passage of time and staffing changes. She said she did not think there is anyone still with the County who were involved with these initial approvals. She said they are doing the best they can to reach a compromise, but they are on impasse on that issue. She said the other issue that they are on impasse on is condition 15 A(1), and referenced the top of page 5, and that is for the roads being elevated above the 10 year standard, and it is only for the roads and not the structures.

Mr. Massarelli referenced page 3, condition 5, and said Ms. Wallis is correct on their citation, that the County Code under the “PDR” does talk about a 35% within the residential area and that does modify what you might read here, however the conditions of approval on the General Plan of Development, were very specific, that it is 35% of the site and it does not limit it to residential or commercial, it would be the entire project, and that is why this condition is there to make it abundantly clear that because of the conditions on the General Plan of Development for 35% are just being carried through here, and specifically saying how many acres that is.

Comm. Hess asked if the issues about passive open space versus active open space ever got worked out and did those passive numbers get added to the equation at any point.

Mr. Massarelli said the direction of the Planning Commission has been that the upper and lower Coyote Creek, 100% of the area can be accounted toward the open space. He said that is one of the things that will be debated in the future and as the individual things come in. He said this is a condition that has been agreed to, and approved and we are not changing the condition.

Comm. Hess asked Ms. Wallis for the reason for the request of net.

Ms. Wallis said that is what the County Code requires and when this project began years ago, that was the applicants understanding of the calculation and the applicant met with the former Director, Rick Coel, and that was the premise that he moved forward with the project on. She said she was not involved in the General Plan of Development, and she suspected that there was the residential and commercial requirements were conflated, because this condition #5 does reflect the standard for commercial open space, and they are not contesting that, they are only asking for the residential requirement to be consistent with the County Code.

Comm. Malley asked what the previously past agreement said.

Ms. Wallis said she would like Mr. Porter to speak, because it was a conversation with Mr. Coel.

Comm. Malley said he was not asking that and wanted to know what is on paper and what the agreement between the County is as far as what is in writing, which was negotiated by the Planning Commission and the applicant, as far as what we are talking about here. He asked if it was spelled out that it is 35% period.

Mr. Porter said he did not recall if it was in the conditions of approval as 35% and staff says that it is, but he did not know and it may be. He said in the plans and the documents that were submitted with the Tentative Map at the time and two other drawings that were attached to that, the calculations were for 35% of the net area. He said his Architect listed and calculated them to be 35% of the net, which was 31+ acres at the time.

Ms. Wallis said one of the conundrums that the applicant is struggling with is that this does in fact influence the design of the subdivision, so because of the passage of time and the fact that this project is reemerging after the recession, it is not 35% of net and they have to potentially go back and revise Tentative Maps and do additional CEQA compliance, so it is a material issue from the applicants perspective, because it has the potential to force a redesign of the project, and they would have to come back and redo all the same stuff for a redesign.

Mr. Porter said the plan for the General Plan of Development is where the 35% of the net area is calculated from and that plan was submitted for the General Plan of Development. He said he assumes that is what was approved and there was not an issue to bring forward on the 35%.

Comm. Malley said he was not directly involved, but he remembers there being a lot of hype at the time of the open space and how much there was, and how it was being presented as a park like residential setting, and he thought that over time, things have changed and properties changed in value, but he thought that if there was an agreement at the time, and that agreement is still in effect, then that is where we are at. He asked how much are we talking about changing.

Comm. Hess asked if it would be two lots that would be affected.

Mr. Massarelli said this condition does not require a change in the in the Tentative Map, but it will reduce the amount of space available for commercial development. He said you can still achieve this condition without going through changes and without affecting the EIR.

Comm. Hess asked how net got lost in the process.

Ms. Wallis addressed Comm. Hess's statement and said in Mr. Massarelli's office he has a table filled with nothing but documents for this project, so with the change in staff and constantly distinguishing between residential and commercial, she thought it was a modest oversight.

Mr. Massarelli presented the Commission with documents for the conditions of approval, and the 35%, which was signed by the applicant. He pointed out the 35% and did not see any confusion with the language there.

Comm. Hess read from the document: *"A minimum of 35% of this site shall be maintained as open space."*

Ms. Wallis said what she thought the applicant was saying is the maps were submitted and were calculated based on the language in the County Code for the net acreage. She said perhaps that condition should have included the word "net or gross." She said she did not think the issue, the discrepancy and the understanding of that was discovered until fairly recently.

Comm. Hess asked Mr. Porter if it was the impact on residential that was of more concern to him.

Mr. Porter said the way he understands it is the 35% of open space applies to residential and not commercial.

Mr. Massarelli said it is the entire site and it is very clear. He said there is no ambiguity of what was approved by the Planning Commission and what the applicant has signed and agreed to.

Mr. Porter said if that is the case then they cannot know the answer as to how much open space they are going to have until they are all built out with the commercial.

Comm. Malley read from section E, Land Use and Planning, Item 1: *"A minimum of 35% of this site, shall be maintained as open space."*

Mr. Porter asked if there could be a requirement that it is 35% of the open space once the project is complete and they do an aggregate of residential and commercial. He said he does not have a problem with that.

Ms. Wallis said they are all looking for a way to move forward today, because this project has been around for so long, and she thought this was an honest oversight attributable to the passage of time. She said the calculations reflected net and were not labeled as net, and that is how that condition got simply put at the 35%.

Comm. Malley said he was confused as to the bone of contention about what are we talking about. He said it says 35% period and it does not say 35% of commercial or residential, it just says 35%.

Ms. Wallis said the engineering calculations that were submitted along with that were based on net, but the condition of approval does not specify net or gross and it does not specify residential or commercial. She said all they are saying is to please use the language in the County Code that regulates commercial and residential.

Comm. Malley says he does not see that the Commission has the wherewithal with this agreement to change and add more options to what it says. He says it reads 35% period and is 35% of open space when that project is done.

Mr. Porter said the issue at the time was residential and they can come up with more than 35% if they include the commercial as well. He said the initial issue that they calculated on the map for the use permit was dealing with the residential, because the 35% was tougher to comply with.

Ms. Wallis said she thought what she was hearing is, if that condition represents the total acreage of the project site, then they are amenable to that.

Comm. Malley read the condition into the record again to be clear: *“A minimum of 35% of this site shall be maintained as open space.”* He said the site is the entire residential and commercial.

Ms. Wallis said the other substantive issue where they have not been able to achieve a meeting of the minds is the standard of the road for elevation for floods. She said staff is at the 100 year floods and they are at 10 years, based on the language in the EIR. She acknowledged Mr. Massarelli and the time he has spent working through these conditions and the fact that we are down to potentially one that they disagree on, is commendable to staff.

Ms. Harry said from her brief look at the document, the 35% open space does refer to the entire development.

Ms. Wallis said it looks like we can set that issue aside and they are in agreement that the 35% open space applies to the entire site.

Comm. Hess said that is certainly how he reads it, if one refers to the entire site, we are talking commercial and residential.

Mr. Massarelli pointed out Lower Coyote Creek is for a 10 year storm and it specifically says that flooding will occur outside the channel. He said Public Works does not want the travel lanes of the road flooded and it is a public safety issue. He said the alternative, which is being presented is that the road itself has to be above the 100 year flood, so there can be access. He said there is no place to store flood waters, and describing this in the phase, staff can make sure as this phase is developed there is adequate storage for the flood waters and that the road is not flooded, the utilities are flood proof and all structures are raised. He said right now it is designed to flood in 10 year storm, which will become more and more frequently.

Comm. Malley asked what the elevation difference was between the 10 year and the 100 year flood.

Mr. Massarelli said a map of the flooding areas has not been produced for the flood areas.

Cliff Ruzicka, Civil Engineer, said that the project was originally designed in accordance with the Lake County Hydrology Design Standards and with the Lake County Road Design Standards. He said the standard specifically says; *“The commercial and industrial sites, residential subdivisions, manufactured home parks or subdivisions shall be designed to carry the 10 year storm and the storm drain system and the 100 year storm within the confines of the street.”* He said the 100 year flood can flow in the street, and the standard provides for the roadways to carry the 100 year flows. He said this occurs so infrequently, to design above that standard is very costly and that is why the County has such a standard to make it feasible to do these kind of projects.

Mr. Ruzicka said the relocated creek is designed to carry the 100 year flood. He said the street internal design system will carry the 10 year flood and when the 100 year flood occurs, Coyote Creek will continue to carry the 100 year flood and there will be no flooding from Coyote Creek, but there may be some minor flooding because of the internal drainage system will be submerged and there may need to be some minor surcharge in the streets to get rid of the local drainage. He said there may be some water in the 100 year storm and the way it is designed in the street. He said the street will be travelable, so you can get through with emergency vehicles. He said they are adhering to the Lake County Standards.

Ms. Wallis noted and read from page 4.8-19 of the Environmental Impact Report, it specifically contemplated the scenario that Mr. Ruzicka is describing: *“Local runoff entering the project site from the Hidden Valley Lake Subdivision to the north, will be collected in the storm drain having capacity to convey the 10 year discharge and would be conveyed to the lower Coyote Creek bypass channel. Excess flow would be conveyed in the streets and finished floor elevations for proposed residences would be elevated above the 100 year surface elevations.”* She said because the project was designed in accordance with the Lake County Standards that allow for the 10 year event, some overflow into the streets, what Mr. Ruzicka is saying is exactly consistent with what the EIR analyzed in 2008.

Mr. Porter added that the finished elevation on their pad elevations will be one foot above the 100 year elevation.

Comm. Hess asked if the department would impose this new condition for 100 year standards on developments and travel roads or is this just for the Valley Oaks for some reason.

Mr. Massarelli said this is an absolute standard for everyone. He said Mr. Ruzica is correct and that is what the County guideline standards are called for, but it is a 10 year design on a small watershed and a larger watershed it is a 100 year design and there are some differences there. He said access to and from a property is critical in a disaster and this is a subdivision that is specifically designed for 55 and older, and if there is a 100 year flood event and people are trying to get out, even a few inches of water will be a problem for smart cars. He said this is a public safety issue to be able to leave or access properties during a flood.

Comm. Hess said he knows why we are having this conversation today, and climate change is more of a reality than ever before, but had this project been approved in 2008, it would have been constructed to this different standard. He said this conversation was not had back then and the development would have gone forward and we would be looking at roads built to that 10 year standard.

Mr. Massarelli said if the risk to the public is acceptable then you can design it for a 10 year storm event, but staff strongly recommends that the 100 year design is used, knowing even that will not be adequate in the future. He said it is a major public safety issue and he realizes it does change the design of the project. He said if there was a map where the street flooding would occur we could then judge the relevance of this. He said we have no idea how extensive or what areas will be impacted when this flooding is going to occur. He said it is a complete lack of information, which requires staff to be conservative in the approach.

Comm. Hess said this has been a herculean effort to get to this point where this seems to be a single issue that still dividing the applicant and the department and he would like to leave here today with a decision and take action. He said he is not a risk taker especially when public safety is at stake, however he would be prepared to make that change and go with as it is originally designed, based on County hydrology standards. He said he would like to get this voted on and move forward today.

Ms. Wallis asked Comm. Hess for the sake of clarity, that he is saying that he would go with the 10 year standard that is in the EIR.

Comm. Hess said yes he would.

Mr. Massarelli said if that is the desire of the Commission, he recommended deleting the last sentence of that paragraph.

Ms. Harry reminded the Commission that since there are only three Commissioners present it would have to be a unanimous decision.

#### **9:56 a.m.      Opened Public Hearing**

Fletcher Thornton, Middletown resident, said he has been following this project since it was presented back when the Middletown Area Plan and General Plan were being done. He said this project is critical for the South County and housing is inadequate now. He said there are trailer houses with sheds built on the sides, all over Middletown and it looks awful. He said the Valley Oaks development will give people a place to move to and the fact that this is a senior living project is especially helpful for South County. He said seniors do not drive over the mountain to buy groceries and to work, and they spend their money locally. He said Hidden Valley has changed from a senior development to young families with lots of children and there has been a decline in shopping in Middletown. He said this development will give Middletown local businesses a boost and we need growth to increase our income. He asked the Commission to approve this project.

#### **10:01 a.m.      Closed Public Hearing**

Comm. Crandell said that he was prepared to move forward if the other Commissioners agreed.

Comm. Malley said he has been in favor of this project and glad we are to a point to make a decision to move forward and was in favor of hearing the motion.

Comm. Malley suggested that a break be taken to make all the changes in writing, so that the applicant can see what they are agreeing to.

**10:05 a.m. Break**

**10:24 a.m. Back to Order**

Mr. Massarelli presented the corrections and additions to the conditions to the Commission and the applicant.

Mr. Massarelli pointed out the changes:

- Page 1, under General 1(c) to change to: ***"The Mitigation metering to monitoring..."***
- Page 3, #5 the mathematical formula will now read: ***"A minimum of thirty-five percent (35%) or fifty-one and six tenths (51.6) acres ( $147.35 \times .30 = 51.6$ ) of the entire project area shall be in open space. Change from ~~.30~~ to **.35.**"***
- Page 3, #7 change: ***"(i) are allowed by the ~~PDR~~ to **PDC...**"***
- Page 4, #13 in the second line which says: ***"application for a ~~major~~ use permit"*** to strike major and add a last sentence to read: ***"The first Specific Subplan of Development for any parcel or phase or multiple phases or parcels shall require a major use permit. Subsequent plans shall require a minor or major use permit as provided in County Code."***

Ms. Wallis requested a two minute break to discuss the suggested changes with the applicant.

**10:27 a.m. Break**

**10:29 a.m. Back to Order**

Ms. Wallis addressed Page 27 item 37(b), the common areas to be counted as 35% open space.

Mr. Massarelli said his interpretation of this, is that they are talking about the actual accessory buildings, parking lot and loading facilities, which cannot be counted as open space. He said a ten foot landscaped area around a parking lot is not open space. He said a commercial patio area/promenade or plaza, could be counted as a common area and open space areas do not have to be green.

Ms. Wallis said with that clarification, that was their last question.

Comm. Crandell asked staff if there was anything else to be discussed.

Mr. Massarelli said staff recommends approval of the conditions of approval for the Specific Plan of Development for the Valley Oaks Subdivision.

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission approve the Major Use Permit approving the Specific Plan of Development (UP 07-05), Valley Oaks Subdivision with the changes to the conditions of approval that were amended today.

**SPECIFIC PLAN OF DEVELOPMENT 3 Ayes 0 Noes 2 Absent (Comm. Levesque and Comm. Suenram)**

Comm. Crandall noted that there is a seven (7) calendar day appeal period provided by the Lake County Zoning Ordinance.

### **UNTIMED STAFF UPDATE**

Mr. Massarelli announced that Michelle Irace, Senior Planner has turned in her resignation. He said the department is now down five planners, a Plans Examiner, two Building Inspectors, two Community Development Technicians, Secretary and Office Manager. He said they are trying to fill these positions, but unfortunately the cash flow that was projected is not coming in this year.

Mr. Massarelli said with the Cannabis Ordinance being passed, the County Administration Office is recommending that the staff be increased by a Senior Planner, Associate Planner, Office Manager, Office Assistant and Code Enforcement Officer. He said that Mary Jane Montana has been promoted from Plans Examiner to Chief Building Official and she is doing both jobs right now. He said in the spring they will run into problems and they are trying to fill the Plans Examiner position. He said building inspections are still one day out and said there are a lot of challenges in the department.

**ADJOURNED 10:38**

Eddie Crandell, Chair  
Lake County Planning Commission

Respectfully Submitted,

By: \_\_\_\_\_  
Danae Bowen  
Office Assistant III