

LAKE COUNTY PLANNING COMMISSION

MINUTES

SPECIAL MEETING

January 4, 2018

Commission Members

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

Staff Members

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

9:02 a.m. CALL TO ORDER

Pledge of Allegiance was led by Bob Malley.

ELECTION OF CHAIR AND VICE CHAIR

Comm. Hess moved, 2nd by Comm. Suenram to nominate Eddie Crandell as Chair to the Planning Commission. All were in favor.

Comm. Crandell moved, 2nd by Comm. Suenram to nominate John Hess as Vice Chair to the Planning Commission. All were in favor.

9:04 a.m. CITIZEN'S INPUT - None

9:06 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 12-14-2017) (Robert Massarelli)

Robert Massarelli, Community Development Director, provided background information and a power point presentation on the project application.

Items in the power point discussion:

- Valley Oaks Phasing Development Plans
- General Project Description
- Required agreements, plans, modifications, mitigations or conditions of approval of the general plan of development.
- Flood Plain Management
- Grading Ordinance Standards
- General Plan Issues
- Middletown Area Plan consistency/issues

- Coyote Valley Special Area - Town Center
- Conditions of Approval for the Valley Oaks General Plan Amendment, Rezoning, and General Plan of Development
- Open Space Requirements
- Environmental Analysis (CEQA)
- Storm Water Treatments

11:06 a.m. Break

11:17 a.m. Back to Order

Mr. Massarelli continued with his power point presentation:

- Required Findings
- Discussion (Does the Final EIR need to be amended), open space, design standard consider climate change and resiliency, width on the scenic corridor, should request for clarification be addressed as conditions of approval.
- Staff Recommendations
 1. Alternative Actions:
 - Approve
 - Approve with conditions
 - Table to a date certain
 - Deny

12:00 p.m. Opened Public Hearing

Melissa Fulton, Lake County Chamber of Commerce CEO, said the most efficient way for this project to move forward would be to identify and prioritize the conditions and get this project going.

Fletcher Thornton, Middletown resident, felt this presentation is an argument against planned development. He said we need to get this project started, because we need the income and taxes and asked that the Planning Commission support this project.

Jack Lair, Middletown resident, addressed how this project was brought to the Planning Commission in 2007 as a Tentative Map, and asked how a project goes from a two page staff report to a four hundred page staff report full of corrections. He felt we need to move forward and encourage people to come into this County and not impede the process.

12:12 p.m. BREAK FOR LUNCH

1:26 p.m. BACK TO ORDER

1:27 p.m. Opened Public Hearing

Ken Porter, the applicant, said that Dave Colombo, Architect on the project and Cliff Ruzicka, Civil Engineer were present to speak.

Dave Colombo, project Architect since 2002, presented a power point presentation and explained the history of the Valley Oaks project.

Alexandro Gonzalez, Engineer on the project, presented a handout to the Planning Commission clarifying base flood elevations and hydrology study. He spoke to volumes of water and drainage issues.

Cliff Ruzicka, Civil Engineer, pointed out that this is a first class housing development and will be a significant improvement for the type of housing that we have seen in Lake County and it will set standards for other housing developments. He said this development has been well thought out and it has been hard to keep up with changing the project to meet current regulations and land development standards. He said it was his goal to address most of Mr. Massarelli's concerns, and there may be a few issues that they will have a hard time coming to grips with, but they will try to work those issues out

and referenced resolving the issues around the dam failure study, storm water management and treatment handling.

Comm. Hess asked about the missing things from the conditions with reference to the indemnification with the County, and asked if the issues were being stalled. He asked for clarification on the CC&Rs and propane tank issues.

Mr. Porter said that he did not get the indemnification notice until a month ago and that he had a problem signing the indemnity in its present form, however if there were some modifications he would sign it. He said CC&Rs are typically done after an approval is given, because there are conditions of approval that have to be incorporated into the CC&Rs and they are done in conjunction with the final map. He said that the propane tank will be an underground 30,000 gallon tank.

Comm. Malley asked at what point the utility dedicated easement will be in place for water, sewer, electrical and propane lines.

Mr. Porter said propane and electrical lines are proposed to go into the street and once the final improvement plans are done they will get an easement prepared once the final plans are completed for the water and sewer.

Comm. Malley spoke to a sound wall in the area near the senior living facility and sewer elevations. He asked Mr. Porter what the areas he felt were not surmountable.

Mr. Porter said that he did not think there are any issues that are not resolvable, however he disagreed with some of Mr. Massarelli's positions.

Comm. Hess asked how Mr. Porter felt about taking things in phases as opposed to complete approval.

Mr. Porter said he would rather have complete approval and get as much out of the way as he can. He said with a project this size, there will always be engineering, design/construction issues to be resolved and interpretations of the Zoning Ordinance.

Comm. Malley said when the zoning code is involved and says that something "shall be done," that there is no choice in the matter.

Mr. Porter said the way the Lake County Zoning Ordinance is written as it pertains to "PDR", "PDC" and Specific Plans of Development, and it did not anticipate a project of this size. He said it is impossible for them to know what they are going to do for Commercial down the road.

Comm. Malley thought it was this Commissions feeling, that however unfortunate, if something says "shall", it is something that will have to be addressed. He spoke to the reality of our times and the increase in cost of building materials.

Comm. Hess asked about an approved phased plan with conditions, which Mr. Porter could agree upon a list of those conditions and an arrangement to extend an expiration date. He asked Mr. Porter how much time was needed to agree upon the issues.

Mr. Porter said he did not know and he did not think they had any issues. He said they made a legitimate application and there were no comments from the Planning staff. He said they assumed they had an application that was submitted and was deemed a complete application. He said he is willing to try to work things out.

Mr. Massarelli said his intent would be to bring to the Commission a recommendation for approval with conditions that are agreed upon. He suggested continuing the hearing to January 25th to allow time to resolve several issues.

Comm. Hess stated that this type of development is essential for Lake County and he wants to get to an approval of this project. He said it does not look that an approval can be made today, but a path forward is possible and perhaps resolving it by the end of

January. He said his recommendation would be to give approval with conditions and to give the parties involved time to hammer out the thorny issues.

Mr. Massarelli said he did not see any fatal flaws with this project, it is just a lot of loose ends that need to be tied up. He believes most of the issues can be resolved with conditions. He said there is a deadline of fifty days to act on the tentative map and he asked if the applicant would agree to extend that time limit to the 25th, so that we do not inadvertently approve the tentative map by not taking action.

Mr. Porter said he would like to go on record and said that this is a vesting tentative map, which is a huge difference. He did not have any issues extending it to January 25th.

Mr. Massarelli recommended that the Commission get a consensus to move forward the concept of the recommended approval with conditions and to have staff return with conditions after working with the applicant.

Shanda Harry, Deputy County Counsel, said if there is a consensus, she recommend that the applicant needs to agree to the extension of time, so that it is part of any statement of consensus.

Mr. Porter said he was in agreement.

3:01 p.m. Closed Public Hearing

There was a consensus from the Planning Commission and for the record this meeting will be continued to January 25, 2018, to send it back with the intention of approval with conditions, as long as those conditions can be worked out and based on that, the applicant has agreed to extend the time until January 25, 2018 at 10:00 a.m.

ADJOURNED 3:03

Respectfully Submitted,

Eddie Crandell, Chair
Lake County Planning Commission

By: _____
Danae Bowen
Office Assistant III