

**LAKE COUNTY PLANNING COMMISSION**

**MINUTES**

**REGULAR MEETING**

**October 11, 2018**

**Commission Members**

**P John Hess, District I**  
**P Bob Malley, District II**  
**P Eddie Crandall, District III**  
**P Dan Camacho, District IV**  
**P Daniel Suenram, District V**

**Staff Members**

**P Michalyn DelValle, Director**  
**A Byron Turner, 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.

**CITIZENS INPUT – None**

**9:05 a.m. Public Hearing on consideration of a Subdivision Map Extension (SDX 18-01) and Deviation (DV 17-08) for Tentative Subdivision Map (SD 16-01). The project applicant is DAMON FANUCCHI requesting to deviate from curb, gutter, and sidewalk requirements and a request for an extension of time for two years. The project is located at 15385 Stonefield Court, Middletown and further described as APN 014-111-21. Environmental Evaluation: Subsequent Mitigated Negative Declaration. (Continued from September 27, 2018) (Mireya Turner)**

Mireya Turner, Associate Planner, provided background information on the project application and reviewed what was discussed at the previous hearing. She added that the County Surveyor Gordon Haggitt and Assessor-Recorder Rich Ford were present for questions if needed.

Comm. Suenram stated that he had conducted a site visit. He asked about the parcels that have extra pavement on the side and if that was done when the initial road was put in.

Damon Fanucchi, the applicant, noted that the initial road was completed in 2005 and a paved shoulder was required at the time there was an additional subdivision of one of the lots that changed into three lots.

Comm. Suenram asked if that was in lieu of curbs and gutters and was that was approved by the Board of Supervisors.

Mr. Fanucchi said yes.

Comm. Hess stated the reason we are here today is because Mr. Fanucchi has subsequently come back with additional plans for further subdivision and so something the Board of Supervisors might have done when he had a three lot parcel under consideration is very different than what the Board did years later when the plan was for a different kind of development. He said the back and forth with this project has got his head spinning and both the Commission and the Board have approved, rejected, denied and everything else, but if you take things in their chronological order the final actions of the Board and the Planning Commission are what they are and he did not know how far back in time you can

go to point to something that happened in 2005, when you were talking about a different type of development.

Mr. Fanucchi said he was trying to find continuity and go forward.

Comm. Hess said a subdivision triggers different requirements on a different kind of development, in terms of the smaller parcels and everything else.

Mr. Fanucchi thought it was about reconciling what has been and where we are going now and that is why he was here today. He said he realizes it is not what is good for him, but what is good for the community in the future, and the access and egress. He said they had a tentative agreement with the Commission in the past and the problem came up with the neighboring property on Stonefield Court. He said he is willing to put in curb, gutter and sidewalk and he thought in a way it would be floating in space compared to the other lots, but he was willing to do that. He said the issue with the neighbor's lot, and for them to build on the neighbors parcel could have some problems, so that is why the central point here is to exclude that requirement that was agreed to in the past. He said he will put in curb, gutter and sidewalk in front of this subdivision, but he did not think it would be appealing with the continuity with the other part of the street.

Comm. Hess asked for clarification from staff if the property closest to Santa Clara is not owned by Mr. Fanucchi and that the neighbors are not necessarily amenable. He said there has been some discussion in the staff report about other such developments that the County has maintained that curb, gutter and sidewalks must go all the way to connecting street, regardless of whether that particular parcel is owned by the applicant.

Ms. Turner said Gordon Haggitt, Lake County Surveyor is present and could offer a more detailed description.

Gordon Haggitt, Lake County Surveyor, said in his opinion the roadway and the public utility easement that was dedicated on the initial parcel map is for public use for improving the road and putting public utilities in that fifty-foot strip. He said if the curb, gutter and sidewalk were to be extended down to Santa Clara Road, the neighbors might not be in favor of it, but they do not have a say in that, because it is a public roadway. He said if the curb, gutter and sidewalk were to deviate from the public roadway easement on to their property, then they would have to be involved, because then you would have to acquire more right-of-way. He said as far as the availability of that roadway to do improvements and structures within, it is not up to the neighbors to grant permission, they may not be in favor of it, but it is out of their hands.

Comm. Malley asked if the cost of relocating the existing drainage receptacle and transfer box that is currently there is born by the developer.

Mr. Haggitt said he did not know the history of how those things were placed there, and assumed it was a PG&E structure. He said he was hesitant to weigh in on that as to the responsibility of moving it.

Comm. Hess asked if there were other examples in the County where the transformers had to be moved that could serve as a precedent.

Mr. Haggitt said there are other examples and typically in those situations it was up to the developer and PG&E did not pay for it.

Mr. Fanucchi added that he did not own the properties on the either side of the lot in question. He said the cost of moving the transformer and the drainage receptacle figures in his thinking and there is a point when things are prohibitive.

Comm. Malley asked if Mr. Fanucchi paid to have the drainage put in.

Mr. Fanucchi said yes, he did. He said it was one of the requirements that he had to do.

Comm. Malley said his concerns about this whole project is the time it is taking, because it was started in 2003.

Mr. Fanuuchi said that he has built four houses since 2003 and he had owned the whole entire court. He said he purchased 3.77 acres and he built a house, then applied to subdivide and put in all the underground utilities, PG&E transformers and in the process, he made it clear the possibility of re-subdividing later and plan for the future.

Mr. Haggitt said he was not sure if DPW approved the PG&E box.

Comm. Malley did not think PG&E would install something if the permits were not correct.

Michalyn DelValle, Community Development Director, said only private property owners come in and apply for permits for power poles, otherwise PG&E power lines do not go through the Community Development Department.

Mr. Fanucchi stated that the plans have to be submitted to the Department of Public Works. He asked staff if the issue was for the property at the corner of the street.

Comm. Malley said the issue is whether or not it is required to put in curb, gutter and sidewalks and since the Commission has already made that decision once and it was sent to the Board of Supervisors and they said that it did not need to be done at this point, where do we sit and what do we do. He said Mr. Fanuuchi has changed things again by changing the project and because of that it has triggered more questions. They need to make a decision at what point the curb, gutter and sidewalks need to be included and the ability of an appeal and the Board of Supervisors could change that.

Ms. Turner said this particular item is grouped with a subdivision extension request and it will go to the Board of Supervisors with the Planning Commission's recommendation. There is no need for Mr. Fanucchi to appeal it.

Comm. Malley said if the Commission recommends that Mr. Fanuuchi puts in curb, gutter and sidewalks and the Board agrees, then Mr. Fanucchi appeals, there is no appeal after that.

Ms. Turner said due process from a Board of Supervisors decision allows for an appeal to Superior Court.

There was further discussion on curb, gutter and sidewalk options in the subdivision.

Mr. Fanucchi said perhaps an in lieu fee could be developed for future development of sidewalks.

Ms. Turner said during review of this project she spoke with the Roads Division regarding the in lieu fees, which are sometimes available, but they said the County only allows payment of in lieu fees on projects that are in the planning process. She said in this case, in lieu fees are only available to people in the South Main Street area, because there is an ongoing project there. She said in this case since the County does not have an ongoing project at the moment, in lieu fees would not be available.

Mr. Haggitt noted that if curb, gutter and sidewalk is to be installed the drainage needs to be included in the design, because you do not want to create problems for neighbors or an offsite owner. He said he did not know to what detail the

original improvement plans were, and felt sure it provided for some kind of drainage off the site. He said when you add curb, gutter and sidewalk it adds a new dimension to the engineering of the road and the property in general. He said in a major subdivision the first thing you design is the streets and the drainage.

Ms. DelValle asked Mr. Haggitt if the Department of Public Works would review the improvement plans if the curb, gutter and sidewalk was required.

Mr. Haggitt said yes, Todd Mansell in the Roads Department would review the plans.

Mr. Fanucchi said what he would like is to not have to do any improvements on the neighbor property, but he will put in curb, gutter and sidewalk on the property that he is trying to subdivide, or what he thinks is better is a continuation of what was with the last lot, which is the paved shoulder, with a swale or something to divert water. He said he wants to do something good for the community.

Comm. Crandell asked staff if Mr. Fanucchi did not have to improve the other person's property, what would he have to do.

Ms. Turner said the Planning Commission can make a recommendation to the Board of Supervisors that condition D2 be removed or it could recommend that it be removed in lieu of a continuation of that 12 foot wide strip, similar to the northern part of the road. She said the Commission's recommendation would then get forwarded to the Board of Supervisors for their consideration.

Mr. Haggitt said if the Commission were going to require curb, gutter and sidewalk along the proposed portion, he thought there would need to be plans prepared so that what is put in there, if not extended all the way to Santa Clara Road. He said it needs to fit in the design to carry it down to Santa Clara Road so it does not create a drainage problems.

Comm. Suenram asked if the general slope was from the inside of Stonefield Court down to Santa Clara Road.

Mr. Fanucchi said that he has been told that it is sloping slightly in the other direction towards the cul-de-sac.

Comm. Hess said he felt like they were trying to devise an imperfect solution to a problem that is no one's fault. He said he personally likes the idea of curb, gutter and sidewalks.

Comm. Malley said he remembers past hearings and thought that what should be done today is to send it on to the Board of Supervisors and have them look at this decision and make up their minds on whether they want to back their previous decision about not requiring curb, gutter and sidewalk and being happy with the arrangement they gave Mr. Fanucchi and have it continued out to Santa Clara Road.

Comm. Camacho said when the Board made the decision in 2007, it was due to horse traffic and at that time the lots were bigger than 40,000 square feet, which would allow for horses. He said since that time they were divided up and that is no longer an issue.

Mr. Fanucchi said some of the input was that horses do not work well with sidewalks and there is actually one lot at the end of the cul-de-sac that is over an acre, which will take a horse. He said that is an issue on Santa Clara Road, because there is a lot of horse traffic.

Ms. Turner said with the size of these lots, another thing the Commission may want to take into consideration is their potential for further subdivision. She said

the acre lot at the corner as well as a couple of other ones, do have the potential for further subdividing.

Comm. Suenram said one issue that could come up with the sidewalks and gutters is the amount of runoff that would be generated from one of the major downpours and where would that water go immediately.

Comm. Malley said engineering would come into play to make that water go uphill if it is actually going towards the Court, it would need to go another way. He said he could go either way and if the Commission wants to require the curb, gutter and sidewalk and send it on to the Board of Supervisors, or stand by the decision made by the Boards previous action he could go with that as well.

Comm. Hess said he was prepared to offer the motions prepared by staff.

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission recommend that the Board of Supervisors find that the Mitigated Negative Declaration, previously prepared for SD 14-01 and later applied to SD 15-01 and based on Initial Study IS 14-11 for the property located at 15385 Stonefield Court, Middletown, does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in the staff report dated September 4, 2018.

**RECONSIDERATION OF A PREVIOUS MITIGATED NEGATIVE DECLARATION 5 Ayes 0 Noes**

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission recommend that the Board of Supervisors approve Subdivision Map Extension (SDX 18-01) for Tentative Subdivision Map (SD 16-01) for Damon Fanucchi located at 15385 Stonefield Court, Middletown for a period of two years to July 28, 2020, with the findings listed in the staff report dated September 4, 2018.

**SUBDIVISION MAP TIME EXTENSION 5 Ayes 0 Noes**

Comm. Hess moved, 2<sup>nd</sup> by Comm. Malley that the Planning Commission recommend the Board of Supervisors deny the Deviation applied for by Damon Fanucchi on property located at 15385 Stonefield Court, Middletown, and further described as APN 014-111-21 as it does not meet the requirements of Section 17-31.2 of the Lake County Code, with the findings listed in the staff report dated September 4, 2018.

**DEVIATION 4 Ayes 1 Noes (Comm. Suenram)**

Comm. Crandell noted that there is a fifteen (15) calendar day appeal period provided by the Lake County Subdivision Ordinance.

**ADJOURNED 10:00**

Eddie Crandell, Chair  
Lake County Planning Commission

Respectfully Submitted,

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