

MINUTES OF THE PLANNING COMMISSION  
MEETING HELD  
SEPTEMBER 13, 1988

PRESENT: LaMar Pace  
Van Martin  
DelRay Hatch  
Larry Shafkind

Jerry Smith, Planning Director  
Franklin Anderson, Dep. County Attorney  
Anita Lewis, Planning Office Secretary

ABSENT: Brent Ovard, Ron Robinson, Robert McGregor

The meeting was called to order at 7:45 p.m. by Vice Chairman, Van Martin

American Savings, Ryan Richards - Continuation of the review of the open space at Silver Springs.

Jerry Smith said at the last Planning Commission meeting it was suggested to do some further research regarding the open space or master plan approval for the Silver Springs development. At this time the research has not been done. Mr. Smith said shortly after the last meeting a letter was sent to the Planning Commission from American Savings summarizing the comments of the last meeting and comments were made regarding "open space requirements". Mr. Smith pointed out to the Planning Commission that American Savings reference to open space requirements were only Mr. Smith's intention to provide information to summarize what area had been committed as open space versus what area is currently available for open space in the Silver Springs area. Mr. Smith suggested to the Planning Commission that they should rely on the master plan as approved. Mr. Smith said that the area identified as parcel "H" was approved for recreational facilities. In 1982 the Planning Commission approved a site specific plan for the development of an indoor pool, tennis courts and a club house. Unless the Planning Commission revises that plan, this is the plan the Planning Commission should follow. In regards to access to the lake, Mr. Smith advised the Planning Commission that they consider common access points as Parcel H, Parcel R and also an area at the northend of the lake near the outlet. Mr. Smith suggested that access by the general public be restricted along the lake where "lake view" lots are located.

Ryan Richards, representing American Savings, said the banks standing on this issue was stated at the last Planning Commission meeting. Mr. Richards said that is was his recommendation that the "parcels" be disposed of as was recommended at the last Planning Commission meeting.

Ron Morgan, a homeowner at Silver Springs, said the master plan that was approved by the Planning Commission in 1978-79 was in accordance with the law and should be followed now.

★ Dale Boschetto, president of the homeowners association, said he supports upholding the master plan as was approved by the Planning Commission. Mr. Boschetto said the access to the entire lake shore was a pardoned parcel of the master plan of Silver Springs. Mr. Boschetto said the right of access that would be impared should parcels be transferred to other small groups would greatly deny the rights of the rest of the homeowners at Silver Springs.

Bill Lappin, homeowner at Silver Springs, said he was one of the first homeowners at Silver Springs. Mr. Lappin said he bought his home from the developer. The developer told Mr. Lappin that the lake would be made public and kept public.

Van Martin asked if this was for the general public or just the homeowners?

Bill Lappin said that is would be made public to the homeowners for their use. Mr. Lappin said that when the developer took out bankruptcy the homeowners were told that the lake would be private.

Ryan Richards said in regards to changes in the master plan, parcels I & K have not had designated uses since their original uses were abandoned at construction time. Mr. Richards said that American Savings is not recommending change to the master plan just designating I & K uses. Mr. Richards said in regards to access around the lake, Mr. Tully addressed access at the last Planning Commission meeting. When the master plan was approved access was not intended in areas in-between the lake view homes and the lake be used as a walk way by the public or by the homeowners.

Lynn Stevens said his main concern was access for the water system. If access was cut off to parcels I&K the water company will have to go through decks and lawns to get the water company equipment to clean around the lake. Mr. Stevens said the general use of the propertys in and around the lake area were to be determined between the water company, homeowners and/or managing committee.

Dale Boschetto replied to Mr. Tullys' statement in the last Planning Commission meeting that the decision to privatize the lake shore came subsequent to the master plan and was not presented before platting.

Larry Shafkind said in this issue there appeared to be three separate issues.  
1) There is an approved site plan for parcel H that was approved by the Planning Commission on May 11, 1982. Mr. Shafkind said that he did not believe the procedure for changing or revising that plan is a letter of request from the owner of the property; rather a new site plan has to be submitted for review, discussion and hearing. At this time parcel H cannot be addressed, it has been approved or designated for recreation use.  
2) The lakes access is one of the major concerns shared by everyone. Mr. Shafkind said in his opinion the intent was that there be access to the lake.

3) The intent was for the homeowners and homeowners association to resolve most issues. The bank has the right to dispose of parcels I&K as they wish. Mr. Shapkind said there has to be some easements for the water company in the properties when they are deeded.

Bob Hiedt suggested that the bank convey Parcels I and K to the water company and then let the water company work with the people involved.

Larry Shafkind said he would like to make a motion in two parts.

- 1) to reaffirm the approval of the site plan for parcel H as originally approved on May 11, 1982.
- 2) The bank has the right to dispose of parcels I and K as they will with the consideration that the water district be granted those easements.

Van Martin said that one of the key issues that should be added in the motion is the issue of access in and around the entire body of water.

LaMar Pace suggested the Planning Commission vote on the first issue, address them separately.

Larry Shafkind made a motion to reaffirm the approved site plan for parcel H that it stands as it was approved on May 11, 1982.

LaMar Pace seconded the motion.

All was in favor of the motion, the motion carried.

Larry Shafkind made a motion to affirm that the bank has the right to dispose of parcels I and K as they desire. Mr. Shapkind said that he does not feel that this motion needs to be voted on.

Franklin Andersen indicated that part of the issue before the Planning Commission tonight has focused on the problems of ownership and rights. He reminded the Planning Commission that their concern is use.

Ryan Richards said parcels I and K are encumbered presently with the water company to get access to the lake, if not, the bank will grant the water company easements.

Van Martin asked the Planning Commission if they would like to react to the two parcels?

Larry Shafkind said that he does not feel that the Planning Commission needs to react to what the bank does to parcels I and K, but the Commission thoughts on access to the lake needs to be addressed. Mr. Shafkind felt that the intent of the master plan was to provide access to the lake and as a Commission that access should be confirmed. Access to Parcel H, the bermed area adjacent to the highway what appears to be an access between lots 198 and 199 and a future access along the westerly area of the north end of the lake near the new entrance road would provide access to the lake. Mr. Shafkind said he feels that this would be adequate and serve the intent.

Jerry Tully said when the lots along the lake were platted the access between the lots was not platted. The intent of the plan was always to provide access to the lake at the use discretion of the water company. The water company gave the HOA members use of the entire perimeter of the lake.

Larry Shafkind said that for the record a vote is not required. There is a 15 foot strip around the lake that is not owned by the land owners. The intent of the developer and people that bought lots 37,46-49 and 193-199, was not to provide public access through or between those properties. The bank can do as they wish with parcels I and K. Mr. Shafkind stated for the record that after having two discussions this is the feeling of the Planning Commission.

Van Martin, LaMar Pace and DelRay Hatch agreed with Mr. Shafkind.

Van Martin said that for the record there is no need for a motion regarding parcels I & K.

Bruce Wallin, Hy Saunders - Discussion rerouting of the stream through Silver Springs.

Hy Saunders said several years ago the existing stream bed was moved so that on the east side buildings could be constructed. The stream bed that was built was not built correctly. In the heavy water run off years of '83 and 84' this bed was wiped out. Mr. Saunders said that as ranchers they are now required to put in points of diversion or gates by March 1989 because of the short water supply so the State Engineer can more adequately monitor the use of water. Mr. Saunders said that it is impossible to do this with the stream bed the way it is at this point in time. Mr. Saunders said when there is a heavy water year this will be a big problem to a lot of the homeowners.

Van Martin stated that this situation should involve the Homeowners, the Water Company, the downstream user and the State Engineer. The Planning Commission really does not have a say in this issue.

Franklin Anderson said that more information needs to be developed before the Planning Commission can really have a say.

Hy Saunders said the county does have a responsibility. There has been homes built on the old stream bed and the county is allowing the stream bed to change. Mr. Saunders said the State Engineer sent him to the Planning Commission. Mr. Saunders said that someone has to take responsibility.

Larry Shafkind suggested this item be taken back to the State Engineer, then if not solved to the County Commissioners. This is not an item for the Planning Commission.

The minutes for the August 23, 1988 Planning Commission meeting were approved as presented.

Meeting adjourned at 9:40 p.m.