

Minutes: Lake Canyon Mutual Water Company Special Board Meeting

Tuesday, May 5, 2020 5:45 p.m.

Held onsite at 19388 Beardsley Rd

Community members are welcome to attend: masks recommended and social distancing required
Alternatively, you can **send your feedback to LCMWC via email or phone** using contact info below

lakecanyonmwc@gmail.com <http://www.lakecanyon.com/> 408-834-7745 (message)

PUBLIC FORUM: Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, if the matter is not on the agenda or pending before the Board.

Roll Call: Casey Farrand, Jim DiZoglio, Mindi Porebski, Rebecca Cabral, Susan Ady

Also in attendance: Bud Everts, Mike Muscara, Phil Abel, Barbara Abel, Vu Dang, Erick Rector, Ben Oberg, Terry Truong

Business

- **Topic:** John Lipka (homeowner at 19833 Beardsley) would like to show the board the road width in front of his house.
- **Request:** He would like to get LCMWC board approval, and a letter of support to SC County.

Rebecca calls meeting to order at 5:49pm

Background

- Homeowner at 19388 Beardsley shares that the center of the roadway is marked towards the 19400 Beardsley side of his property, but that the marker has been removed in the process of re-paving the road in front of 19350 Beardsley
 - Homeowner at 19388 Beardsley shares that the county is upset about this, as you are supposed to commemorate pins. Mentions there may be a high fee for this violation.
 - Previous survey at that site stated there was no survey marker
- The county gave the homeowner at 19388 Beardsley the impression that he cannot complete his home build until the road is re-surveyed. However, his attorney offered him the advice that he seek the LCMWC approval for his intentions of where the roadway will be placed
 - The County for this purpose is the LDE department (Land Development Engineering)
- Request raised for any documentation of what the county has requested of the homeowner at 19388 Beardsley
 - Homeowner at 19388 Beardsley confirms there is no documentation of what the county has asked - it was verbal
- Homeowner at 19388 Beardsley states that LCMWC does not have a legal easement because we don't have an updated survey of the easement

Paving / road placement

- County requires the homeowner at 19388 Beardsley pave 18 feet of roadway, but the homeowner at 19388 Beardsley believes that where in the 20 feet of easement is negotiable
- Statement raised that if we had a center of the road marker still in front of 19350 Beardsley, this would help choose road placement
- Red dots along the right hand represent where homeowner at 19388 Beardsley intends the road will go
- Homeowner at 19388 Beardsley states he is not legally required to place the easement on either specific side of the road

- Approved site plan appears to show 1 foot easement on either side with 18 ft of roadway in between
- Homeowner at 19388 Beardsley reiterates his belief that the road can be placed anywhere within the 20 foot easement
- Suggested compromise that homeowner at 19388 Beardsley pave 20 ft of roadway (as compared to 18) in exchange for the shift of the easement to one side
 - Homeowner at 19388 Beardsley states he only intends to pave 18 feet due to the fact that the county requires 18 feet, and if he were to pave 20 feet they may have questions about why
 - Reinforces that the inspections with the county will require 18 feet of roadway
 - Later when the compromise is re-raised, but it is made clear that this request to pave 20 feet of roadway would be included in the letter from the board to the county, the reaction appears more amenable
- Board members share general sentiments on happiness at full 20 feet width, but also concerns that any documentation needs to hold up to legal scrutiny

Parking, grade, and other road considerations

- General concern voiced about how to keep people from parking in the easement, now and in the future
 - Recommendation that fire lane be added to the far edge of the road
 - Ideas for red reflectors or red paint lines
- Recommendation that the grade stay the same so drainage is the same and no new berms are needed
 - Homeowner at 19388 Beardsley mentions he does not intend to resurface the whole road, but only the additional required on the sides, hence the grade remains the same for the existing road

Road Taper

- There is only 12 feet of roadway at the lower end of the property, and the county as requested a taper on that end
- Homeowner at 19388 Beardsley asks the board how they want the taper to be handled
 - Questions are raised as to whether a taper is actually required, but homeowner states that County requested a taper
- Property owner at 19360 Beardsley requests that whatever is done, his property is left alone

Home construction in relation to road

- Homeowner at 19388 Beardsley states that the corner of the home closest to the road has 7 foot variance that is approved.
- Homeowner at 19388 Beardsley mentions the plan being shown is the original approved plan, there is a modified plan due to changes in the works (e.g. “kink” in retaining wall, removal of retention pond due to engineer saying it was not needed)
 - Later clarified there is no modified plan, there is an as-built plan being documented, may be ready as soon as one week
- Concern voiced that the home is built closer to the roadway than the approved plan shows, which was approx 30 feet from the existing far road edge. Rough measurements on site appear to show only 21 feet from existing edge
- Homeowner at 19388 Beardsley states they do not feel the road placement has shifted

Letter of support

- Homeowner is seeking LCMWC letter of support for his intentions of where the roadway will be placed, for the county LDE department
- Specific timeframe this letter of support is needed is unknown, but the sooner the better from homeowner’s point of view
- Questions raised on how to ensure any letter is legal and will be binding for future owners, etc.

- Homeowner recommends a disclosure in his home sale, which would stay with the home for future sales
 - Validation needed on lifetime of sale disclosures across future sales

Plan to move forward

- Facts sought by the board:
 - as built plans, comments from county in permit card, measurements and photos
- Future considerations for the board:
 - paving plan, paving slope, legal signoff on any letter written

Rebecca adjourns the meeting at 7:15pm

These meeting minutes approved at May 19th meeting