

February 26, 2020

Page 1 of 3

TO: Carson City Planning Division, ATTN: Heather Ferris

FR: Lakeview Property Owners Association Architectural Committee,  
Gil Yanuck, Chairman and Bruce Kittess, member

RE: Comments to Staff Report, Elverum ADM-19-140, Agenda D-1, Wednesday,  
February 26, 2020, 2:30 pm

1. The staff report for the Sep 25, 2019 hearing had several major errors that we pointed out at the hearing. The site plan was confusing with two locations for the proposed detached garage and information was missing. Neither staff nor Manhard understood the significant hazardous nature of the labeled "water easement" on the plan. Planning cited City engineering requirements for the State easement including a 42" of earth cover over the old buried pipe. If we had not raised the several issues the City could have incurred an unneeded liability. The current staff report defers to wanting State specifications for the buried pipeline, if any.

2. Page 4, Sep 25 report: "this private agreement is not enforced by the Planning Division." This has been the City position for many years, relying on the October 2, 1989 Deputy DA Cockerill's decision. The Planning Division could have recognized the more restrictive 60' rear yard setback established with the final map and CC&Rs for Lakeview Knolls I recorded Jan 22, 1973. Instead Planning chose to intervene in a private contract by leading the property owner down an uninformed path with the less restrictive City 30' rear setback. Both Knolls I and Knoll II have 60' setbacks and all homes have been built observing the same restrictions. The committee and Lakeview neighbors believe granting a permit for a 23% larger garage and a 50% smaller setback is wrong.

3. We assume it was the City attorney opinion in the staff report that has finally acknowledged CCMC18.02.025 provides more restrictive CC&R setback may prevail over less restrictive City setback. The Attorney then has the audacity to say we forfeited our right to claim the 60' setback! The parties were well aware we were being accommodative waiting for the next administrative hearing. The CC&Rs give the committee discretion to alter the setback and we were waiting for the site plan with the location of the easement, the location and depth of the pipe within the easement. Manhard submitted this supplement information to City Planning and the POA Architectural Committee on Jan 27, 2020 (Staff report Feb 26, 2020 page 4/67). As of this date neither the Planning Division nor the committee know what the State specifications will be for crossing and moving the easement. The applicant wants a decision now so we will submit it after the Feb 26 hearing testimony and public comment.

4. The staff report is lacking the site plan. Is it the Jan 30, 2020 C1 plan?

The description of the Marlette waterline is not accurate. It should be stated as "an over 100 year old 11" iron pipe with over 650 psi and maybe buried 6" deep in some areas". The current statement that the pipeline just has "very high pressure" doesn't begin to describe the situation and puts the City and the entire Virginia City water supply at substantial legal liability.

We don't find a City building setback dimension from the pipeline required or a setback from the State 20' easement as it exists now or if is moved.

5. Manhard has tried to discredit the Architectural Committee's record on pages 16 thru 32 and City Staff has supported Manhard's efforts by including their exhibits in its report. It is apparent that Manhard is unaware that the "Lakeview Subdivision Area" is composed of 16 subdivisions and various parcel maps were recorded with some differences in the CC&Rs including setbacks. The first subdivision, Lakeview Unit 1 was recorded Feb 6, 1970.

For 50 years Architectural Committees have reviewed building plans for compliance with applicable CC&R setbacks. If there are non-compliance issues than look to City Planning and Building departments for resolutions. The City issues building permits, does the inspections, checks the survey stakes and issues final occupancy permits. The Committee does not perform surveys nor check on City officials.

6. The Planning Division should prepare a report on each of the properties reported by Manhard as to who might be at fault so that "it never happens again". We keep no record of City issued variances, lot line adjustments, etc. For example: concerning 4201 Levi Gulch (staff report page 23) the final map recites specific hillside lots with special setbacks.

7. Manhard suggests the property owner applicant didn't know how to find the Lakeview POA. The planning staff has known for many years how to communicate with the Lakeview POA. See two attachments mailed to all property owners in September and October 2019.

8. There are approximately 250 parcels in the Lakeview area. 11 parcels are in Knolls 1 subdivision and the only parcels which the Marlette pipeline crosses. 5 of the 11 parcels have the pipeline near the north boundary. To our knowledge this is the first owner to propose building close to the pipeline and who is also proposing to construct a driveway used by RV's and motorhomes to go across the pipeline. If there were no pipeline the garage could be built next to the existing home.

9. In our opinion, the Manhard site plan aside, a 42' x 52' building, 25'6" high with a 30' setback will be obtrusive in an otherwise beautiful natural meadow setting that is adjacent to existing homes.

10. Whatever the outcome, we strongly urge the City to require an indemnity or hold harmless agreement or maybe a bond. Not one dollar of taxpayer money should be spent on repairs if the pipeline bursts as a result of this owner's activity. This same historic pipe has burst near the City tanks; across County Line Rd by the Marlette HQ; by the water master's house and 580 freeway and on Duck Hill.

11. The Lakeview Architectural Committee, as well as Lakeview property owners believe a Planning decision now is premature. Granting a permit to squeeze/cram in a 2,184 sq ft detached garage now is wrong. Planning should be prudent and wait for the State's written comments/requirements for crossing the historic water line and adjusting the 20' easement.



Please join in a Gathering of Neighbors and Friends  
Sponsored by the

Lakeview Property Owners Association

Saturday, October 5th, 2019

1:00pm until 4:00pm

hosted by

Paulette Mitchell

4101 Meadow Wood

Drinks and appetizers will be served

\*\*\*\*\*

Lakeview Property Owners Association is a Voluntary organization dedicated to  
the preservation of our unique neighborhood.

The Association maintains the Hobart entrance and signage, participates in  
various programs such as Fire Awareness, Street and tree preservation,  
and a local Good Neighbor Awareness program, just to name a few.

If you are a property owner renting your Lakeview home, you and your tenants  
are invited to attend and meet the neighbors.

\*\*\*\*\*

Please RSVP with number of attendees by **September 30, 2019**

by email to: **[martys9@sbcglobal.net](mailto:martys9@sbcglobal.net)**

OR completing the RSVP on the dues form on reverse.

Please provide any name and address corrections and provide your  
preferred phone or email contact information.

# Lakeview Property Owners Association (LVPOA)

## NOTICE OF ANNUAL GENERAL MEMBERSHIP MEETING

All Lakeview property owners and residents are welcome to attend.  
Voting and Board positions are restricted to members current in their dues.

The dues fiscal year runs from 1 October through 30 September.

(3) 3year-Class C & (1) 1year-Class A Board positions are to be elected.

Please consider serving on the LVPOA Board of Directors.

Potential Candidates should notify LVPOA Sec/Treas ASAP - 775-250-9564

**November 16, 2019      11:00 am**

**Carson City Sheriff's Ormsby Meeting Room**

911 E Musser, Carson City

(Meeting Room - Westside access from parking lot)

Agenda:    Officer reports  
              Committee reports  
              Board elections  
              New Business