

Matthew Conser recapped what they did last month.

Not proposing...

Proposing homes. In their application they provided 10 provisions that

Provided a traffic impact analysis, maps that showed their intentions, phases, topography,

Demonstrated that the proposal is not denser...it's just different with what most people are used to. Not proposing industrial, commercial or ag uses.

Talking about a use that's compatible. Compliance with our land use goals. Lot mix, 6300 sf with a range of 5-12,000 sf.

Only exception to the criteria is they are providing a mixture.

In conclusion, when we came to M in 1990 some of the citizens were resistant to change. Meet with skepticism i...if we hadn't persisted back then, some of the citizens wouldn't be living here. Took a huge gamble by buying real estate here. Encourage you as city leaders, to implement your own development code. Use the comp plan. The proposed PD has met or exceeded the conditions in your comp plan.

Darrin Lane, with respect to the HOA, you made it clear that the intent that the HOA would manage the open space. What other things would be managed...the CC&R's. Darrin asked what those would include. Size of shop, can't raise livestock, color of house, etc. Darrin said you haven't come up with the CC&R's yet. MC said the CC&R's are usually done at the end of the process, not now.

Darrin asked if you have a HOA that's responsible for managing the open space, what is the process the city would use if the HOA would be failing to operate. Forrest said the city could take action by fixing what needs to be fixed and then going after the P.O. DL asked if the city could have an ordinance going after a HOA. The issue would be whether we would have to go after the HOA and collect. It is difficult and is not an easy thing to do.

Many HOAs are not functioning correctly. It's not as though they have a pool of money Forrest said.

DL is it possible for a HOA to effectively disband. Would a HOA collect from the members from a monthly or annual basis and what do they do?

Ed Schultz, represent the Conser family. HOAs are an entity that are created by a document. One of the reasons they are difficult if there, the conditions we might impose would go into a CC&R. That's the only time we know what the project will look like. Practically available. The HOA can be structured so that it is the owner of the common areas. Each of the owners is a fraction owner of the common area. It depends on if you want to put those on. The city would like to have ownership of the land, even though

in this case, it isn't necessary. If the city decided for instance, a multi use path to go through the path. If you leave it in a hoa, only those people in the hoa have the right to use the property. Many of your questions will be based on what you decide. On paper we can write a document that the hoa can levy assessments. Some hoa stay alive and stay active because the people have an interest, when you have others when no one wants to take on the duty of managing the hoa, then the hoa degrades to just being on paper. The city would have to create an ordinance on what they were going to regulate.

Goals and guidelines have been more than concrete. Also required you to have less than the 10,000 sf. The city council is in a position must based on the regulations and not the public sympathy. We have this system that is driven by absolute compliance with regulations. The city must comply with state land use goal 10. One of the things the city can't do, is have to make a decision based on the criteria. How each one of the criteria was met. If we have an appeal that goes to court, we want to make sure. Need

One of things that hasn't been discussed is the inclusion of the open space area in the density calculations. The purpose of doing a pd, is you are going to propose something that is different than the normal. How do the other 8 elements are addressed. Can't find anything that wouldn't allow

All of their issues have been covered. Only issue is there will be variable lot sizes.

Clayton mentioned if the city owns the open space, there is a potential liability with owning it.

Ed Schultz when we do these documents, we have to do the ccrs until we know what the final position is of everything. Have to comply with chapter 100.

Don's question is are you going to discuss it?

Applicant's presentation is done.

Darrin lane from the discussion perspective. Share his thoughts. Listening to testimony in opposition, there was sort of a concern about this is just a way for a developer to shrink the lot size and to increase their profit margin. That is a perception that is a challenge to overcome. If we approve this one, we have to approve the next one. If you are going to approve one, then you should make sure that you would approve the rest of them. If we approve this one, we need to make sure we put very detailed to prevent it from becoming one of the worst case scenarios. The question is how well it is maintained. The open space will become an area that won't be maintained. It will become a vegetated dump. The applicant says they are complying with the code. Darrin said for his part he would be willing to vote for a pd if it included a proposed hoa and proposed ccr's final to conditional of approval being granted. Would want the open space to be operated by a hoa and to have the hoa collect dues so it would have funds to keep the open space well maintained, want the applicant to submit an open space management plan for us to look at. We want to see a plan that says this is how it will be maintained. It will look like a limited developed park. Have a basis to judge if they are complying. Concurrently want the city to develop an ordinance so the city could go after a hoa if they weren't complying. Want to make sure the hoa and the ccr's address things like quality of life things that affect others. How you store things, an example we allow chickens. Perhaps there are lots this shouldn't be allowed. I would be willing to approve this pd if I felt that those things were adequately addressed. So thus isn't a way for the applicant to come and make a few bucks. Would want it approved tentatively. Then seeing all these conditions written out in such a way.

Jim lepin said he doesn't agree but understands it.

Lisa said he understands what Darrin says about the open space. The open space has potentially liability for the city. All the houses are around the open space. Not a free for all to enter it. How are those people going to feel when those people are going on the open space. How to you prevent crime, camps from setting up in there. The original plan was 81 lots, the wetlands were contained within the lots. When you have a big open space and a hoa. lisa said the hoa really didn't protect her at all and she had to take it to a lawsuit. Lisa said the oopen space is her biggest concern

Jim lepin...not willing to back off the 10,000 sf. Say that because I was very proud of the community at the last meeting.

Jimlepin, this whole ccr and hoa is a sticky wicket. Sat a t a borad of directors you can have the best designed hoa, but it is impacted by the people. Throught that process things change. Not wanting to get involved where we can support that when in effect people don't want it.

Staff summarized the options:

Depending on your decision,

Don