

MEMBERS PRESENT

Bob Jordan, Vice Chair
Harry Averett, Member
Kurt Siebenaler, Member

MEMBERS ABSENT

Marc Matlick, Member
Todd Hildebrand, Chairman

STAFF MEMBERS PRESENT

Megan Nelms, Planner and Zoning Administrator
Clark Melinkovich, Staff Engineer & County Recorder

The meeting was brought to order at 7:00 p.m. Chairman Hildebrand was not present, so Commissioner Jordan filled in as Chairman.

Approval of Minutes

Commissioner Jordan called for a motion to approve the minutes from the April 15, 2021 County Planning Commission meeting. Harry Averett motioned; Kurt Siebenaler seconded. All voted aye. Motion carried.

**Case No. 21.02 CRSD – HD Reynolds Simple Subdivision
Harry & Diana Reynolds/Doyle Surveying**

Commissioner Jordan introduced the case and asked staff to present. Megan Nelms presented the case, and recommended approval of the subdivision request, pending completion of all planning considerations.

Commissioner Jordan asked if there were any public comments received for the case. There were none. Commissioner Siebenaler stated the Record of Survey doesn't show Reynolds Road completely across the most southernly parcel. He asked if it was a right of way or an easement. Megan confirmed that they were talking about the 60' access easement for Reynolds Road. Commissioner Siebenaler asked if it continues clear to the West. Megan stated she wasn't sure and that it was part of Consideration #3, providing us with the book and page reference; so as soon as we get that for the easement for Kenworth Drive, and if needed, Reynolds Road we would be able to plot it and see if it does extend further to the West. Commissioner Siebenaler asked to add that to the consideration. He also asked if it would be beneficial to label these two parcels. Megan stated that yes, they do need to be labeled and it should be added to the considerations.

Commissioner Jordan then asked if any of the Commissioners had any other questions or comments on the case? There were none.

With that, Commissioner Jordan asked for a motion. Commissioner Siebenaler moved to approve case number 21.02 CRSD, HD Reynolds Simple Subdivision, pending completion of all planning considerations. Commissioner Averett seconded.

Voting was as follows:

Bob Jordan	Yes
Kurt Siebenaler	Yes
Harry Averett	Yes
Motion Carried	3/0.

**Case No. 21.03 CRSD – Cox Simple Subdivision
Edward & Peggy Cox / Doyle Surveying**

Commissioner Jordan introduced the case and asked staff to present. Megan Nelms then presented the case, and recommended approval of the zoning request, pending completion of all planning considerations.

Commissioner Jordan asked if there were any public comments received for the case? Megan stated there were none.

Commissioner Jordan asked if any of the Commissioners had any other questions or comments on the case? There were none.

With that, Commissioner Jordan asked for a motion. Commissioner Averett moved to approve case number 21.03 CRSD, Cox Simple Subdivision. Commissioner Siebenaler seconded.

Voting was as follows:

Bob Jordan	Yes
Kurt Siebenaler	Yes
Harry Averett	Yes
Motion Carried	3/0

**Case No. 21.01 COMP Dove Creek Subdivision Minor Final Plat
Dove Creek Properties / Josh Pierce & Bear Lodge Engineering**

Commissioner Jordan introduced the case and asked staff to present. Megan Nelms presented the case and recommended approval of the request pending completion of all planning considerations. Ms. Nelms did note that she had received a revised plat just prior to this meeting and so the case sheet had not been updated to reflect that. All Commissioners had been given a copy.

Commissioner Jordan asked if there were any public comments received for the case? Ms. Nelms stated there were not.

Commissioner Jordan asked if any of the Commissioners or any audience members had any other questions or comments on the case. Mr. Pierce stated there had been several updates since the planning considerations had been drafted. He stated that one of their concerns was with lot 4 (or Lot R on the old plat). He stated that they would like to keep that as a 5-acre lot. When the property was being purchased the gentleman currently living there had requested to retain that 5-acres, and they fenced it off in an agreement with him and that was actually part of why this whole subdivision came about, to give the gentleman his 5-acres. There was a survey done previously, but apparently it was never filed, so technically Dove Creek Properties still owns his land. They are trying to get him his land back and those 5-acres had just gone off the corner posts from his current fence line.

Additionally, the Southern fence line is below the legal property line. Because of this they are maintaining that this will still wind up being a flag lot. Commissioner Siebenaler asked if there was a way to reconfigure the lines and still end up with 5-acres. Glenn Wise (owner of Dove Creek Properties) approached. He said that when he originally purchased the property, they went to the gentleman still living there and measured and fenced off his five acres. The previous owners were supposed to complete ownership transfer prior to Dove Creek purchasing the property, but that did not happen. Therefore, Dove Creek ended up purchasing the entire 90-acres, instead of 85-acres, and they are doing their best to get the ownership transferred back to the gentleman in question. Mr. Wise noted that it would just be a cost burden on them and that the owner wanted the 5-acres as originally fenced.

Commissioner Jordan stated that the Commission is always concerned with flag lots. Mr. Wise said that he is using the property to give opportunities to his employees to purchase a parcel of land at a reasonable rate. He also stated that the employees that are currently interested in purchasing this land are all good with how the parcels are divided.

Commissioners Jordan and Averett voiced their concern over future property owners and whether they would contest the fence line placement. Commissioner Averett confirmed with Mr. Pierce and Mr. Wise that they would not have a problem with future owners if they wanted to move the fence line to the legal property line. Commissioner Averett asked if the potential buyers of the Lots 1-3 were planning on putting homes on the lots.

Mr. Pierce stated that was the case with Lots 1 & 2, and that the potential buyer of Lot 3 was aware that a home would have to be placed on the north end, because it does have property on the flood plain. Commissioner Jordan voiced concern about future buyers of Lot 3 not being aware of the flood plain restriction and having a very small spot to put a home, outbuilding and septic system. Mr. Wise noted that they had already built up a pad on that lot to ensure proper drainage. Mr. Pierce stated that most potential buyers would be using a bank and/or realtor and they would most likely pull up the FEMA flood map when looking at the property and therefore the buyer would be aware.

Commissioner Jordan voiced another concern with public right-of-way access. Mr. Pierce asked if it had to be a public right-of-way, or could it be an easement dedicated to the public, which is their preference. Commissioner Jordan deferred to Ms. Nelms regarding the question of public access right-of-way and an easement dedicated to the public. She stated that the planning staff had visited with the applicant and recommended that they hold firm to the right-of-way and take that all the way to the end of the property line; not necessarily build another road, but just to be sure that odd sliver on the North side is not left out. Commissioner Siebenaler asked for confirmation that this was a requirement of the subdivision process. Ms. Nelms affirmed that in the Chapter 6 rules, public access easements are not allowed. Ms. Nelms conceded that they all agree it is a “unique” property, but states that Staff is firm on their recommendation that there is a dedicated right-of-way all the way to the property line.

Mr. Pierce noted that they were essentially backed into a corner with their only options being either build the road in a new spot, at the costs of tens of thousands of dollars, or extend the existing road from a 60-foot road to an approximately 150-foot road. He proceeded to ask if there were any other solutions. Commissioner Siebenaler asked if the applicants know the owner of the property to the North and would they be interested in purchasing the small sliver of land and incorporating it into their property.

Commissioner Jordan asked for any additional suggestions or comments. Commissioner Averett noticed that closer to the interstate there is another access coming off the Adon Road and asked if that was a right-of-way. Mr. Pierce noted that it was for a well that was located there.

Commissioner Jordan asked if they should wait to decide until the property to the North has sold. Mr. Pierce asked that if the Commission’s proposal is for the applicant to visit with the buyer/seller of the property to the North to see if they were interested in purchasing that additional sliver of land, would that result in the need to be resurveyed and how would that process look? Ms. Nelms stated that they could potentially do a boundary-line adjustment and that would be between the applicant and the new owner to the North as to the cost. Or if the new owner was interested in a subdivision, possibly going together on that project.

Resolution reached is to have Dove Creek work on the right-of-way and sliver of land with the new owners to the North and in return, they get to keep their flag lot. Mr. Wise agreed that they could pursue this avenue. Ms. Nelms stated that Staff was in favor of

tabling this proposal until the next meeting, which would give Staff and Commissioners a chance to review the changes that were submitted just prior to the meeting, as well as to give the applicants time to visit with the new owners of the property to the North. Mr. Pierce asked if he would have to readvertise in the newspaper and Ms. Nelms said he would not.

Commissioner Jordan asked for a motion to table this case. Commissioner Siebenaler moved to table the case and Commissioner Averett seconded.

Voting was as follows:

Bob Jordan	Yes
Kurt Siebenaler	Yes
Harry Averett	Yes

Motion Carried	3/0
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**Case No. 21.02 COZ Dove Creek Subdivision Zoning
Dove Creek Properties / Josh Pierce & Bear Lodge Engineering**

Ms. Nelms stated that with the Dove Creek Final Plat case being tabled, the zoning case will be held until next meeting.

Case No. 21.01 SA Proposed Amendments to Chapter 6 Subdivision Regulations

Commissioner Jordan introduced the case and asked Staff to present an overview. Ms. Nelms stated that Staff has finalized the amendments to Chapter 6 and these are being completed in conjunction with updates to the Chapter 4 Rules Regulating Construction. These mostly consisted of requirements for community water systems that were removed from Chapter 4 as they were already in Chapter 6. There are also some minor revisions to definitions to provide clarity and ease of use. The Board of County Commissioners put the amendments out for a 45-day public comment period and a public hearing has been set for July 7, 2021. An open house was held on May 19th and an additional open house will be held on May 27th at the library at 6pm. Per State Statue the Planning Commission shall review and recommend the amendments to the Chapter 6 Subdivision Regulations for approval to the Board of County Commissioners. With that, Staff recommends that the Planning Commission recommend approval. There were no attendees in the audience to comment.

Commissioner Jordan asked if there were any comments or questions from the Board. There were none. Commissioner Jordan asked for a motion to approve the amendments. Commissioner Siebenaler motioned. Commissioner Averett seconded.

Voting was as follows:

Bob Jordan	Yes
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Kurt Siebenaler	Yes
Harry Averett	Yes

Motion Carried	3/0
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New Business:

Ms. Nelms stated that the next meeting would be June 17th, 2021. She also stated that there are two positions on the Planning Commission coming open. Commissioner Jordan's position will be open for renewal as well as Commissioner Matlick's position.

Adjournment

There being no further business to come before the Board, Commissioner Jordan adjourned the meeting at 8:03 p.m.

Chairman Hildebrand, Planning Commission Chairman
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NOTE: Campbell County Planning Commission meeting minutes contain a summary of discussions and are not intended to be verbatim.