

MEMBERS PRESENT

Bob Jordan, Member
Harry Averett, Member
Kurt Siebenaler, Vice Chairman
Anna Land, Member

MEMBERS ABSENT

Todd Hildebrand, Chairman

STAFF MEMBERS PRESENT

Sam Proffer, Planner and Zoning Administrator
Clark Melinkovich, Senior Engineer & County Recorder
Matt Olsen, Public Works Director

The meeting was brought to order at 7:00 p.m. by Vice Chairman Siebenaler. He thanked the public for attending and reminded them of how to address their comments to the Commission.

Approval of Minutes:

Vice Chairman Siebenaler asked for a motion to approve the September 16th, 2021 minutes as presented. Commissioner Jordan moved and Commissioner Averett seconded.

All voted aye. Motion carried.

Public Hearings:

Case No. 21.02 COMP – Nettle Creek Minor Subdivision – Sam presented the case. The proposal is for a 25.9-acre tract of land that the applicant would like to split into 2 parcels: one 15.9-acre and one 10-acre parcel. Zoning is currently residential suburban and there are no plans to change the zoning. Existing land use is rural residential to the North, unzoned agricultural to the South, residential suburban to the East and unzoned to the West. The area is served by the Cook Road W&S district. They are proposing to do individual septic on the two lots. There is a home under construction currently on lot 1A.

The 2-lot subdivision was originally done in 1997 and substantially met the development standards of that time. Nettle Creek Ct is the only dedicated public right-of-way access and all lots are served by that. The cul-de-sac dead-ends into a utility easement that eventually hooks into North Valley Ave. It is currently being used as a road. The area was never fully developed correctly with respect to the road regulations. While this has been working, to this point, for the folks in the area, we must now consider the increased density with the addition of this minor subdivision and evaluate future use.

An internal staff review showed that drainage and soils reports were adequate. However, staff did identify 4 items that were lacking and for which variances were requested:

1. Road culvert size – we don't know if the existing culvert is large enough to meet our new standard of a 25-year rain event.
2. Road width minimum is 22 feet and staff engineer reports that it varies between 15 and 18 feet currently.
3. A permit would be required to construct a new road and a subdivision improvements agreement and guaranty would be required
4. Regulations require either an HOA or I&S district be formed to maintain the roads.

The applicant's agent, Doyle Surveying, submitted variance requests addressing the above items.

Vice Chairman Siebenaler asked if staff had received any public comments. Sam responded that they had. Mr. Doyle presented the background of the applicants purchase and subsequent request to subdivide his property. Mr. Doyle presented that none of the responsibility for the road improvements should be on the shoulders of the applicant.

Discussion ensued regarding how much of the road was expected to be improved. Mr. Melinkovich stated that none of the road was up to current standards and that improvements would have to be made from Cook Road up to the cul-de-sac. Mr. Averett clarified that the applicant would only need to improve that portion of road that was located within his subdivision and adjacent to his property. This would leave the other roads in their existing status which is fairly narrow, and the only section would this short stretch. Mr. Doyle reiterated that this road was constructed in 1997 and should not be the sole responsibility of his applicant.

Sam clarified that any time a new subdivision (or re-subdivision) occurs, it has to be measured on how it affects surrounding infrastructure and increased use. He then stated that the question before the commission is – does this meet that standard? Is there enough impact from this proposed development or do we let it go and re-evaluate if any future growth occurs?

Commissioner Jordan presented his position that all involved parties should sit down and have a long discussion about how maintenance would be handled in the future.

Current landowner, Roxanne Randall, addressed the Board and detailed how the three involved landowners split the cost of road maintenance. Resident Mark Breeden also came forward to address the Board to detail the road maintenance and issues with the road. They shared concerns of large, heavy equipment using the road during construction by the applicant and dust, mud, snow, and other road damage as a result.

Discussion ensued regarding the current HOA maintenance agreement and covenants, specifically road maintenance and new structure maximum height limitations. Commissioner Jordan suggested it might be easiest to form an Improvement & Service District.

Sam gave the Board some possible options to deal with the variances as well as the overall subdivision request. Vice Chairman Siebenaler asked for a motion to table, based on the current discussion. Commissioner Averett made a motion to table to allow the applicant time to get together with the other affected homeowners and attempt to reach an agreement. Commissioner Jordan seconded.

Mr. Doyle interjected that he felt his client would not be happy with having this issue tabled as he is invested in moving forward with his project. Vice Chairman Siebenaler asked if there were any further comments prior to voting. There were none.

Motion passed with a unanimous vote.

Old Business:

1. **Hunter Hess Subdivision – 21.08 COSP** The Planning Commission had asked for some clarification on the final plat that had to do with clearly showing Katrina Ave was part of the right of way. Sam noted that the changes were made and presented to the Board of County Commissioners and it was subsequently approved. Sam is still trying to gather all signatures prior to recording the plat.
2. **Pasek Sketch Plat submittal** – Sam reminded the Commissioners of the discussion at the previous meeting and that part of the problem was there was no clarity in what the applicants were asking for. Sam stated that there had been much discussion since the last meeting to get clarification. He also reminded the Commissioners that they had asked Staff to get together with the Fire Marshall to get his input on the cul-de-sac and dead-end road lengths. Staff did meet with him and discussed with the following definitions: cul-de-sac is 600ft maximum and dead-end roads are not allowed. A cul-de-sac turnaround is public right of way. A dead-end road is part of the tools of Chapter 6 to get inter-connectivity to future development. In this particular case, the dead-end road has a cul-de-sac at the end of it, and in this case, it is not a public right of way, it is an easement that encroaches into the property owners land and if it eventually connects, that turn around will go away.

Another item of concern was the 90-degree turns shown on the sketch plat. After review by staff they did not have safety concerns providing that appropriate signage is installed. Sam also talked to the Fire Marshall and he said he had no concerns.

Public water systems – major subdivisions must create a public water system. In Chapter 6, appendix 1, it states that the Planning Commission and/or Board of Commissioners can make this requirement optional on parcels of 5-acres or greater in a major subdivision. In essence, the Planning Commission can approve on-site wells if they see fit.

Sam stated that the Commissioner's task tonight is to give the applicant some sense of how the PC views the sketch plat as presented. Vice Chairman Siebenaler asked for the agent Sheila Slocum PCA and applicant Amanda Pasek to come forward to comment. Ms. Slocum stated that the applicant has been gathering some of the materials requested at the last meeting, such as a quote on yearly road maintenance. The agent also stated that the applicant was currently trying to contact landowners of the Shiplap area to gauge interest in forming a shared I&S district if that's the route that is chosen but noted that the process has been slow.

Commissioner Jordan asked out of curiosity what the quote was to maintain the road and it came to \$13,900 for two miles (this does not include the Shiplap Rd). Commissioner Jordan noted that it seemed like a low bid compared to what he has seen.

Vice Chairman Siebenaler asked for comments on the following:

Dead-end /cul-de-sac comments: Applicant stated that they were not able to obtain a second access and the agent stated it was unfeasible at this point as there is no adjacent landowners that will work with them. Also Milne Valley is not a public right of way and at this point there is no way to connect with them. Commissioner Averett asked how they would compensate for the low spots in the road? The agent mentioned that this is why they are looking for direction from the Commission to decide even if it is worth it to proceed. Discussion ensued regarding future septic systems, drainage, access etc.

Road design / 90-degree turns: The agent mentioned that the fire dept was not concerned with the road design as presented. Commissioner Jordan and the Agent had a lengthy discussion about personal responsibility of future landowners and "setting them up to fail" with regards to information letting.

Vice Chairman Seibenaler asked if Staff has anything to do with covenants/HOA's. Sam stated that they do not.

Commissioner Jordan asked the status of the property to the North of the applicant's property. Agent stated that the owner of that property did not want anything to do with any developments.

Commissioner Jordan asked if the applicant had been in touch with the four landowners on Shiplap as far as letting them know about the increased traffic that will come with the addition of 20 lots behind them. The applicant stated they had been in contact with all but one so far.

Water Systems: All commissioners indicated they were on board with individual wells as opposed to a common water system.

Commissioner Jordan asked why they didn't just do ten lots. The Agent stated that they would like to follow County standards, but to do that, the amount of lots would need to justify the cost.

Clark interjected to summarize that what we are looking at is a long road with no second access and no looping. We are going to create a letter for the applicant to summarize and document the planning commission's recommendations, so we need to know from each commissioner whether you see this as favorable or not favorable.

Sam added the plat shows two connector roads running North and South as unimproved. While they are required by Chapter 6 they are not supposed to be unimproved so these would have to be included as a variance to leave them unimproved. There was no termination/turn around point showing on the far east termination point of Shiplap Spur. Agent assured that it was omitted by accident. Agent stated that unimproved right of ways are not a concern at this moment. All they really want to know is if they spend the money to move to the next phase and present those findings to the PC, are going to get a passing vote or not?

Clark then asked for indication from each Commissioner as to favorability or not to the vision of the proposed project:

Averett – in favor, but mentioned he foresees problems with the road and wants to make sure it is engineered, etc.

Jordan – gave a thumbs up but doesn't want to establish a new standard of variances with future development. Make certain to let the Shiplap owners know of the increased traffic.

Siebenaler – he will support

Land – in favor

Sam mentioned that Staff is required to respond to the applicant within 14 days. He asked the Commissioners if they were comfortable with staff drafting the recommendation letter and then sending an email copy to the Commissioners for their review and approval. Commissioners responded that they were.

New Business: No new business

Adjournment: meeting was adjourned at 9:01pm

Kurt Siebenaler, Planning Commission Vice Chairman

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