

MEADE COUNTY PLANNING AGENDA

September 20, 2004

Meeting #358 of the Meade County Planning Board will be held Monday, September 20, 2004 at 1:00 PM. If you are unable to attend, please contact our office at your earliest convenience. If no notification is given, we will assume you will be present.

The agenda is as follows:

OLD BUSINESS:

1. Jeff Stygles—Prelim—Eagle Ranch Estates Tracts 1-8 in 5-2-9
2. Bob Parsons—Final—Eden Gardens Sub Tract A & Lot 7 in 30-6-5
3. Frank Jordan—Final—Tract A1 & A2 in the S2NW of 22-6-5
4. Dan Freed—Form of Intent—Turning existing church into commercial business and existing parsonage into rental house on Union Center Plat Tract F in 21-7-12
5. Chad Niehoff—Prelim—Niehoff Subdivision Tract 4 in 9-2-7
6. Frank Noble—Final—Requesting change to final plat of Jackson Sub Lots 3A-3C Block 1

NEW BUSINESS:

1. Randall Christenson—Prelim—Lots A1 & A4 Revised in the SWNW of 32-5-6
2. Jack Marler—Prelim—Elk View Campground in 31-5-5
3. Bruce Hanson—Prelim—Government Lots 2,3,4; S2NW, N2SW of 5-6-5
4. Stagebarn Partnership/Dr. George Jenter—Prelim—Siouxland Estates unplatted portion of 23-3-6
5. Mary Hollenbeck & Cathy Smith—Form of Intent—Want to put up a cell phone tower on Lot 3 of the NWNW in 6-4-6
6. Dean & Tammy Hackens—Form of Intent—5 ten acre lots in the SWSE, NE of 35-3-10
7. Duane Robbins—Prelim—Replat of Rolling Dice Subdivision Lots A-C of Lot 11, A-B of Lot 12, and A-C of Lot 13 in 5-2-8
8. Eire Real Estate Investment LLC/Gordon Bryan—Form of Intent—Sun Valley Estates Lots 1-249 in 14-3-6
9. Ron Baker—Prelim—Summerset Subdivision Phase 5 in 31-3-7 & 36-3-6
10. Ron Baker—Prelim—Replat Summerset USA Lots 1-32 Block 8 into Twinhome sites in 25-3-6
11. Ron Baker—Prelim—Replat Summerset USA Lots 1A-7B of Lot 3, Lots 1A-7B of Lot 4 of Block 10 into Twinhome sites in 25-3-6
12. Keith Kuchenbecker—Prelim—Hideaway Hills Phase 4 in 8-2-7
13. Galen Niederwerder—Form of Intent—Wants to build a road down the section line on his property in 28-3-11; he was sent to Planning after Commissioner's meeting on 9-8-04

VARIANCES: 3:00 PM

1. Stacey Nickelson—Discuss variance for 1974 mobile home that she turned into storage shed on Lot J1 in the NWSW of 33-5-6
2. Patricia Schmidt—Renew variance for salon business in house on Nolds Knolls Subdivision Lot A of Tract 1 in 10-2-9
3. William Clements—Commercial variance for camping cabins & restroom facility on his residence in Tilford Lots 1-7, 18-20 Block 9
4. Matt Fallon—Setback variance for garage in Northdale Subdivision Lot 25 Block 1
5. Mike Strain—Setback variance for existing garage in Blucksberg Mountain III Lots 11 & 12 Block 5
6. Donovan Williamson—Variance to live in existing mobile home while building new house on Debra Subdivision Lot J

MEADE COUNTY PLANNING BOARD MINUTES

Members Present: Bob Powles, Wayne Gutzmer, Craig Shaver, and Tim Potts

Members Not Present: Meade County Commissioner Bob Mallow, Planning Alternate Dayle Hammock, and Director of Equalization & Planning Kirk Chaffee

Guests Present: Frank Noble, Patty Booze, Denise Askvig, Rick Askvig, Rick Bush, Jeff Stygles, Duane Robbins, Gordon Bryan, Trevor Bryan, Glenda Hall, Richard Colwell, Rolyn Ludens, Ron Baker, Keith Kuchenbecker, Dean Hackens, Stacey Nickelson, Patty Schmidt, Matt Fallon, Colleen Williamson, Donovan Williamson

Bob Powles called the meeting to order at 1:02 PM.

Motion #1: Shaver made a motion to approve the minutes from August 16, 2004 planning meeting with 1 correction. Potts seconded the motion. Motion passed unanimously.

OLD BUSINESS:

1. **JEFF STYGLES** was not present.
2. **BOB PARSONS** was not present.
3. **FRANK JORDAN** was not present.
4. **DAN FREED** was not present.
5. **CHAD NIEHOFF** was not present.
6. **FRANK NOBLE** appeared before the board with his final plat of Lots 3A, 3B, & 3C of Jackson Subdivision in the S2SWSW of 9-2-9. They are all 3+ acre lots. The plat was approved as a final by the board at the July 19, 2004 planning meeting contingent upon changing the private access easement to serve lots B & C to 66' on the plat and turning in a letter for an approved water system. Mr. Noble & the new owner of Lot 1 cannot come to an agreement about the use of the existing private access easement located on Lot 1. He came to the board to get other options to access the new lots. There was discussion about who actually owns the shared approach that Lot 1 granted an easement for Lot 2 and Lot 3 to use. The board felt Mr. Noble could use the shared approach and build his own private access road to serve lots B & C. They told him to do some legal research on the matter. Mr. Noble also asked the board if he could build a new approach on his property that would not meet the 500' minimum distance requirement between approaches in Ordinance 20. The board felt he should pursue the first option instead. There was also discussion about how many lots the private access served and Mr. Noble was told 5 or more lots would require the 66' private access easement to be changed to a 66' public right of way. Mr. Noble stated he is still waiting on a letter from Box Elder approving the water system.

No action taken.

1. **JEFF STYGLES** is present now. He presented the board with a preliminary plat of Tracts 1-8 of Eagle Ranch Estates in Government Lots 1 & 2 of 5-2-9. The lots are 9-10 acres each. Mr. Stygles told the board that he has drilled a deep community well, but the water plans have not been finalized. Powles commented that lots of this size do not require Meade County approval on the water system, but does require DENR approval. Gutzmer felt the board should approve the water system to make sure Meade County community water requirements are upheld no matter

what the lot size is. The board also told Mr. Stygles a well and storage tank lot needs to be noted on the plat.

Motion #2: Potts moved to approve the preliminary plat contingent upon the water system plans being submitted at the next planning meeting. Shaver seconded the motion. Motion passed unanimously.

2. **BOB PARSONS** was represented by Rick Bush who presented the board with a final plat of Tract A Revised and Lot 7 Revised of Eden Gardens Subdivision in the E2 of 30-6-5. The 2 owners have agreed to make the existing fence their common property line. It is a simple adjustment to both lots.

Motion #3: Gutzmer made a motion to approve the plat as final. Shaver seconded the motion. Motion passed unanimously.

3. **FRANK JORDAN** was represented by Rick Bush who presented the board with a final plat of Tract A1 & A2 of the S2NW in 22-6-5. A1 is 3.12 acres. A2 is 20.45 acres. There are not any additional approaches being created. A well lot has been added to the plat and a water agreement has been established according to Mr. Bush.

Motion #4: Potts moved to approve the plat as final. Shaver seconded the motion. Motion passed unanimously.

NEW BUSINESS:

1. **RANDALL CHRISTIANSON** was represented by Rick Bush who presented the board with a preliminary plat of Lots A5 & A1 Revised in the SWNW of 32-5-6. A5 is 9.07 acres. A1 Revised is 22.63 acres. The 66' utility & access easement will be extended to access Lot A5.

Motion #5: Gutzmer made a motion to approve the preliminary plat. Shaver seconded the motion. Motion passed unanimously.

2. **JACK MARLER** was represented by Rick Bush who presented the board with a preliminary plat of Tract Elkview of the NESW in 36-5-5 and the SESW of 31-5-5. It is a 41.77 acre lot that is used as a campground. Mr. Marler is platting the property for tax purposes. The property has existing water, sewer, and access. The plat is not changing or creating anything new. His neighbors have all been notified.

Motion #6: Gutzmer made a motion to approve the preliminary plat. Potts seconded the motion. Motion passed unanimously.

3. **BRUCE HANSON** was represented by Rick Bush who presented the board with a preliminary plat of Tracts D1, D2, & D3 of Dachtler Subdivision in 5-6-5. They are all 93.6 acre lots that are being platted to divide the land into 3 equal portions for hereditary purposes. There is no problem with access because all the Tracts border a section line.

Motion #7: Gutzmer moved to approve the preliminary plat. Potts seconded the motion. Motion passed unanimously.

4. **STAGEBARN PARTNERSHIP** was represented by Rick Bush who presented the board with a preliminary plat of Lot 19 of Sioux Land Estates Subdivision in the NWNW of 25-3-6. It is 2.92 acres that was the last remaining unplatted portion in Sioux Land Estates. Powles questioned the water system to the lot. The board needs to see a letter from Black Hawk Water stating they will provide water for the lot. They also need to see water and sewer plans for the lot. The water stub will need to be extended to the new lot.

Motion #8: Potts made a motion to approve the preliminary plat with the stipulation that a water letter is provided at the next planning meeting. Shaver seconded the motion. Motion passed unanimously.

Gutzmer commented he does not understand why the board is requesting water plans for this lot and have not requested plans for any other lots in the subdivision. Powles explained that community water has just become available in this subdivision in the past year.

Motion passed unanimously.

5. MARY HOLLENBECK & CATHY SMITH were not present.

6. DEAN HACKENS approached the board with a form of intent to subdivide a portion of his land into 5 ten acre lots in the S2NE of 35-3-10. Mr. Hackens stated he met with Ken McGerr, the Meade County Highway Superintendent, about the approaches off Pioneer Road to access the lots. Some of them will be at the top of hills. Each lot will provide their own water and sewer. Mr. Hackens said he is researching the idea of drilling a community well, but this would be in the future. Gutzmer asked Mr. Hackens to make sure the section line is not vacated. Powles told him to be careful when he does the soil bore samples because of the high water table in the area. The board advised him to send his closest neighbor a notification letter even though Mr. Hackens owns all the surrounding land. The board told Mr. Hackens he could proceed with his plat.

No action taken.

7. DUANE ROBBINS appeared before the board with a preliminary plat of Lots A-C of Lot 11, Lots A & B of Lot 12, and Lots A-C of Lot 13 of Rolling Dice Subdivision in the E2NE and NESE of 5-2-8. He is splitting 3 existing lots into 8 smaller lots. Mr. Robbins has drilled a community well for the subdivision and gave the board the DENR approval letter. He said the 6" water line will be extended to reach all the new lots. There was some discussion about Lot C of Lot 13 because of its odd shape. The board suggested he reconfigure the lot to meet the Ordinance 20 lot width requirement. Rick & Denise Askvig, concerned neighbors, were in the audience and commented that Mr. Robbins has not upgraded the main road of the subdivision as promised. It is very rough and needs more gravel. Mr. Robbins stated the road has been bladed twice and he will put more gravel on it.

Motion #9: Gutzmer made a motion to approve the preliminary plat. Potts seconded the motion. Motion passed unanimously.

8. EIRE REAL ESTATE INVESTMENT LLC was represented by Gordon Bryan, Trevor Bryan, and engineer Richard Colwell from Dream Design International. They approached the board with a form of intent to create Lots 1-220 of Sun Valley Estates in 14-3-6. They will be 10,000 square foot lots with 2 deep community wells which produce 125 gallons per minute each. The North side of the subdivision will be Twinhome lots. There was discussion about Meade County park area requirements. The board told them there needs to be 10,000 square foot of park area per 50 lots. Powles stated the board needs to see the water & sewer plans for the subdivision. Access to the subdivision off Elk Creek Road was discussed. The developers explained they could not meet the 500' minimum distance between approaches with the Trails West approach unless they put their main entrance right on the curve of Elk Creek Road. The triangular shape of some of the lots was also questioned because these lots are very hard to meet setback requirements without variances. One of the cul-de-sacs, Steamboat Road, exceeds 500' in length and will need to be changed per Ordinance 20. The developers explained they are limited by the topography of the land and the natural gas easement which runs through the middle of the property. The board suggested they try to combine 2 of the cul-de-sacs into one through road instead. Ron Baker, a fellow developer, said the Gordon's have been in contact with him about connecting into his sanitary plant and he is in support of this development. Potts brought up the fact that 2 of the roads run into a dead end and will need to have a temporary turnaround in place until the road is

built through. The board also suggested the developers visit with the Meade County Highway Superintendent about the best location for the access approach into the development.

No action taken.

9. **RON BAKER & ROLYN LUDENS** approached the board with a preliminary plat of Summerset Subdivision Phase V in 36-3-6. The plat is for 68 new lots with community water and sewer. Savanna Lane has been created to lessen the traffic on High Meadows Road.

Motion #10: Gutzmer made a motion to approve the preliminary plat. Shaver seconded the motion. Potts abstained from the vote. Motion passed unanimously.

10. **RON BAKER & ROLYN LUDENS** presented the board with a preliminary plat of Summerset USA Lots 1-32 Block 8 in the SE of 25-3-6. They were previously platted as 4-plex lots and are being replatted into twinhome lots. They have changed the building envelopes only, not the size of the original lots. The board members commented that they do not have a copy of the new Ordinance 20 changes that pertain to these multi-residential commercial lots. Ron Baker stated the subdivision meets all the new Ordinance 20 requirements. Patty Booze is an adjoining landowner who asked if her property would be adjoining commercial or residential property now. Mr. Baker explained her property will still be adjoining commercial lots.

Motion #11: Gutzmer made a motion to approve the preliminary plat. Shaver seconded the motion. Potts abstained from the vote. Motion passed unanimously.

11. **RON BAKER & ROLYN LUDENS** presented the board with a preliminary plat of Summerset USA Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B of Lot 3 and Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B of Lot 4 of Block 10 in the SE of 25-3-6. These lots were also previously platted as 4-plex lots and are being changed into twinhome lots. Mr. Baker explained the new roads all have temporary turnarounds until they are built through. He asked the board to approve the plat as final because he is waiting to close on some of them.

Motion #12: Gutzmer made a motion to approve the plat as final. Shaver seconded the motion. Potts abstained from the vote. Motion passed unanimously.

VARIANCES:

Motion #13: Gutzmer made a motion to move into the board of variance. Potts seconded the motion. Motion passed unanimously.

1. **STACEY NICKELSON** appeared before the board to discuss her 1974 mobile home on Lot J1 in the NWSW of 33-5-6. She had a temporary variance for a 3rd residence on the property which expired in August 2004. The board has asked her to remove the plumbing and heating unit to use the mobile home as a storage unit, completely remove the mobile home off the lot, or subdivide the lot. She said she does not understand what she needs to have removed to be considered a storage unit. She has taken out the plumbing fixtures and heating unit. The board explained they want all the plumbing pipes removed and verified by the Meade County Equalization office. Ms. Nickelson said she would have her dad remove the pipes and then call the Equalization office to have them look at it.

No action taken.

2. **PATRICIA SCHMIDT** appeared before the board to renew the variance for a salon business in her home on Nolds Knolls Subdivision Lot A of Tract 1 in 10-2-9. She stated nothing

has changed and there is very little traffic for her business. The Equalization office has not received any complaints and no one was in the audience to make comments.

Motion #14: Potts moved to approve the variance for another year. Shaver seconded the motion. Gutzmer abstained from the vote. Motion passed unanimously.

3. WILLIAM CLEMENTS was not present.

4. MATT FALLON approached the board to ask for a setback variance to build a garage on Lot 25 Block 1 of Northdale Subdivision. He needs to be 4 feet away from the side property line instead of 8 feet. Mr. Fallon turned in an approval letter from Northdale Sanitary District and adjoining landowner notifications.

Motion #15: Gutzmer made a motion to approve the 4 foot setback variance. Potts seconded the motion. Motion passed unanimously.

5. MIKE STRAIN was not present. Guy Edwards, the realtor who sold the property, stopped by the equalization office the morning of the planning meeting to say he could not attend but left a letter explaining the existing garage encroaches 1.8 feet into the North Blucksberg Mountain Road right of way. The new owners cannot obtain a clear title on the property without a variance for the encroachment. There was discussion among the board members about ownership of the right of way. The board felt they could not make any decisions without a representative present. Furthermore, they felt it should be heard at the next Meade County Commissioner's meeting because it was a right of way issue.

Motion #16: Gutzmer made a motion to send the issue to the October 6, 2004 Meade County Commissioner's meeting because it is a right of way matter. Shaver seconded the motion. Motion passed unanimously.

6. DONOVAN WILLIAMSON appeared before the board to ask for a variance to live in his existing mobile home on Lot J of Debra Subdivision in 10-3-6 while he builds a new house. They will be using the same water & sewer system. The mobile home will be removed once the house is complete and they move in. Mr. Donovan turned in a letter of approval signed by all his neighbors.

Motion #17: Shaver made a motion to approve the variance for 1 year or until the house is built, whichever occurs first. Potts seconded the motion. Motion passed unanimously.

Motion #18: Gutzmer moved to leave the board of variance. Shaver seconded the motion. Motion passed unanimously.

NEW BUSINESS CONTINUED:

12. KEITH KUCHENBECKER approached the board with a preliminary plat of Hideaway Hills Phase 4 in 8-2-7. The plat is for Lot 30 of Block 1, Lots 5R-8 of Block 6, Lots 8-13 of Block 7, and Lots 1-8 of Block 8. All the lots will have community water & sewer. Mr. Kuchenbecker stated everything meets Meade County Ordinance 20 regulations just like the past phases. He is still waiting for a letter of approval for the water system from DENR. There was discussion about the future access into the subdivision. The access across the railroad right of way will be closed and they will have to share an access with Northdale Subdivision unless an agreement is reached according to Mr. Kuchenbecker.

Motion #19: Potts moved to approve the preliminary plat. Gutzmer seconded the motion. Motion passed unanimously.

13. **GALEN NIEDERWERDER** was not present. Mr. Niederwerder called and talked to Kirk Chaffee the first week of October to explain that he has built a new road along the section line of his property in 28-3-11. The road has a 24' gravel driving surface and was built to county specs.

Motion #20: Shaver made a motion to adjourn the meeting. Potts seconded the motion. Motion passed unanimously.

Bob Powles adjourned meeting at 3:55 PM.

Approved: _____ October 18, 2004
Bob Powles, Chairman

Approved: _____ October 18, 2004
Kirk Chaffee, Director of Equalization & Planning