MEADE COUNTY PLANNING MINUTES

Members Present: Wayne Gutzmer, Tim Potts, Craig Shaver, Bob Powles, Bob Mallow, Kirk Chaffee, and Bill Rich

Guests Present: Laura Myers, Jean Howe, Scott Sumner, Kale McNaboe, Dirl Steffe, Bob Bertolotto, Robert Olson, Rose Carlson, Gloria Hedglin, Shane Matt, Bill Phillips, Shelby Nester, Ken McGirr, John Olson, Rick Bush, Barb Peterson

Tim Potts called the meeting to order at 1:00 PM.

Motion #1: Powles moved to approve the minutes from the May 15, 2006 planning meeting as presented. Gutzmer seconded the motion. Motion passed unanimously.

Motion #2: Gutzmer moved to enter the board of variance. Shaver seconded the motion. Motion passed unanimously.

VARIANCES:

1. **WILFRIEDE THARP** could not be present, but sent the Equalization office a new letter from her doctor stating that she needs full time care due to her physical limitations. Her son lives in the second residence on the N2NW, N2S2NW of 8-2-9 to take care of her. Nothing has changed and there have been no complaints.

Motion #3: Powles moved to approve the variance for another year. Shaver seconded the motion. Motion passed unanimously.

2. **STACEY NICKELSON** rescheduled for July.

3. **JEAN HOWE** appeared before the board to renew the variance for a second residence that her daughter lives in on Lot 1R2 of Calhoon Subdivision #2 in the NW of 10-2-7. She provided a new letter from the doctor. Nothing has changed and there have been no complaints.

Motion #4: Powles moved to approve the variance for another year. Shaver seconded the motion. Motion passed unanimously.

4. **LAURA MYERS** appeared before the board to renew the variance for a second residence that her mother lives on Lot AR of Lot 1 of Tract 1 in the NW of 8-2-7. She turned in a new letter from the doctor. Nothing has changed and there have been no complaints.

Motion #5: Powles moved to approve the variance for another year. Gutzmer seconded the motion. Bob Mallow abstained. Motion passed unanimously.

5. **BONITO WILSON** was represented by Bill Rich who told the board Mr. Wilson needs a variance so he can build his new approach 350’ from the neighbors instead of the required 500’. The neighbor built their approach in the wrong location and now Mr. Wilson has to build his in a different location. They were supposed to have a common approach according to the plat of Tracts B & C of Payne Subdivision in the SENE of 9-2-9. Ken McGirr said he has no problems with the variance, but the neighbor is really the one that needs the variance because their’s is in the wrong place.
Motion #6: Mallow moved to allow Mr. Wilson to build his approach where proposed and to send the neighbor a letter that their driveway location is in violation. Gutzmer seconded the motion. Motion passed unanimously.

Motion #7: Gutzmer moved to exit the board of variance. Mallow seconded the motion. Motion passed unanimously.

OLD BUSINESS:

1. **RUSS FICEK** and Rick Bush presented a final plat of Lots HR1 & HR2 Revised of Carlsten Subdivision in the NWNE of 1-4-5. HR1 Revised is 79.67 acres with an existing campground. Lot HR2 Revised is 3.87 acres with Mr. Ficek’s house. The plat shows a community well lot and the existing 50’ public right of way to the property.

   Motion #8: Mallow moved to approve the plat as final. Shaver seconded the motion. Motion passed unanimously.

2. **DON WILLIAMS** presented a final plat of Lots CC1 & CC2 of Shadowland Ranch Subdivision in the S2 of 25-3-6. Lot CC1 is 3.0028 acres and Lot CC2 is 5.3449 acres with an existing house. He turned in a letter from Black Hawk Water stating that they will provide water, but no water plans have been submitted. The road needs to be built or a bond in place for the improvements. Mr. Williams said he will have the road built or a letter of credit before the commissioner’s meeting.

   Motion #9: Mallow moved to approve the plat as final with the contingency that Mr. Williams have the improvements done or turn in a letter of credit before the commissioner’s meeting. Gutzmer seconded the motion. Motion passed unanimously.

3. **WESTON HEIGHTS SANITARY DISTRICT** was represented by Shane Matt and Bob Olson who presented a final plat of Tract BR & WHSD Utility Lot of Weston Heights Subdivision in the NESE of 2-2-7. Tract BR is 13.2 acres and WHSD Utility Lot is 18.4 acres where the new lagoon will be located. Weston Heights has had sewer problems for quite a while, but the new lagoon should double their capacity and solve the sewer problems. Ken McGirr said the new approach locations are fine. There needs to be a correction on the location of the drainage easement, so they will turn in the mylar when that correction is made.

   Motion #10: Powles moved to approve the plat as final. Shaver seconded the motion. Motion passed unanimously.

4. **DIRL STEFFE** presented a preliminary plat of Lots 2A, 15A, and 16A of Lone Teton Estates in the NW of 9-3-6. Mr. Steffe and two of his neighbors bought Lot 1 and are dividing the acreage. Lot 2A will be 4.21 acres, Lot 15A will be 3.49 acres, and Lot 16A will be 4.02 acres. All the lots have existing houses. The board told Mr. Steffe the legal description on top of the plat needs corrected and the lot lines need to be a thick dark line so they can be seen clearly. He will tell his surveyor.

   Motion #11: Gutzmer moved to approve the preliminary plat as long as the legal description is corrected, the lot lines are clearer, and the setbacks are shown on the final plat. Mallow seconded the motion. Motion passed unanimously.

5. **HIDEAWAY HILLS #2** was represented by John Ogdon and Kale McNaboe who presented a final plat of Lots 1 & 2, Block 1 and Lots 1-29, Block 2 of Hideaway Hills #2 in the SWNE, NWSE of 8-2-7. Mr. Olson said they will have the infrastructure completed by the commissioner’s meeting or they will have a bond in place. The bus turnaround is located
in the right of way next to Lot 2, Block 1. There was discussion about the cul-de-sac lot widths meeting the 85’ requirement. The lot lines between lots 10 & 11 and 11 & 12 need to be shifted to meet the 85’ lot width requirement.

Motion #12: Gutzmer moved to approve the plat as final with the contingency that the improvements are completed by the commissioner’s meeting or a bond is in place; and the lot lines between Lots 10 & 11 and 11 & 12 are shifted to meet the 85’ lot width requirement. Shaver seconded the motion. Mallow abstained. Powles abstained. Motion passed unanimously.

There was discussion about a road issue in Hideaway Hills #1. Kale McNaboe said he would try to answer any questions the board had. The original developers want to close off part of Daisy Drive because it is caving into the old underground mine. They want to use private driveways for the emergency turnarounds where the road will end. They have tried to repair the road, but it is still sinking. The planning board told Mr. McNaboe to tell his clients to fix the road properly because they will not approve the closing of Daisy Drive.

6. **DUANE ROBBINS** was not present.

Motion #13: Mallow moved to enter the board of variance. Shaver seconded the motion. Motion passed unanimously.

VARIANCES CONTINUED:

7. **BARB PETERSON** appeared before the board to request a variance to move her approach for Lot 1 in the NENE of 27-3-7 thirty two feet to the North because of litigation with her neighbor. They were sharing a driveway, but her neighbor won’t let her use it anymore because it is on their land. Ms. Peterson says she wants to build it 32’ over because there is no other reasonable location for the approach due to terrain or using her pasture, which she needs for her livelihood. Scott Sumner, an attorney representing her neighbors, the Hedglin’s, said they want more separation than 32’. Gloria Hedglin was present and said people looking for Ms. Peterson’s dog kennel and exotic bird business speed up to their house because you can see it from the road. Ms. Peterson has put up signs to direct people to her house, but they do not work. Ms. Peterson said she wants to postpone the variance request until next month when she can have her lawyer present.

Motion #14: Powles moved to exit the board of variance. Gutzmer seconded the motion. Motion passed unanimously.

NEW BUSINESS:

1. **SHELBY NESTER** presented the board with a form of intent for Lots 1A & 1B of Ferncliff Subdivision in the SWSE of 19-3-7. Lot 1A will be 10.74 acres and Lot 1B will be 9.02 acres. He will make the existing 66’ road easement into public right of way. He said he will build a 16’ wide road. Ken McGirr said 16’ is too narrow and could be dangerous. Mr. Nester says Ordinance 20 only requires him to build a 16’ road for less than 5 dwellings. He is willing to put covenants on the property to prohibit further subdividing until the road is widened. There was discussion about making Mr. Nester build the 24’ road now because there will be future development in the area instead of leaving someone else with the burden. Ken McGirr said he would like to see a drainage plan and erosion control for the road.

Motion #15: Powles moved to approve the form of intent with a 16’ road. Shaver seconded the motion. Gutzmer commented that he would like a note on the plat that the road may require upgrading if there is any further subdividing and in some areas there may be a need for more than 66’ right of way due to terrain. Mallow voted nay. Motion passed.
Mr. Nester also stated that there has been a lot of confusion about Sunshine Valley Road getting mixed up with Sunshine Road in Sun Valley Subdivision. He thinks it should be renamed for 911 purposes. Bill Rich said he will contact the City of Summerset about the road name.

2. **BOB BERTOLOTTO** wanted to talk to the board about subdividing Lot 2 of Eden Garden Estates in the W2NW of 29-6-5. His clients want to split their 17 acres, so one of the lots will be less than 9 acres. Mr. Bertolotto asked if the board would issue a variance on the community water requirement. The board said no variance will be issued; the owners will have to have community water.

**Motion #16:** Mallow moved to adjourn the meeting at 2:55 PM. Gutzmer seconded the motion. Motion passed unanimously.

Approved: July 17, 2006

Tim Potts, Chairman

Approved: July 17, 2006

Kirk Chaffee, Director of Equalization & Planning