

D-R-A-F-T

**STILLWATER COUNTY PLANNING BOARD
MINUTES OF MEETING**

Wednesday, December 7, 2011 at 7p.m.
Stillwater County Annex Planning Department
809 E. 4th Avenue N., Suite C

BOARD MEMBERS PRESENT: Larry Gee (President), Cynthia Colbert (Vice-President), Adelbert Eder, Alvin Stadel, Clinton “Clint” Teegardin, Vincent Vandersnick, and Bob Van Oosten.

BOARD MEMBERS NOT PRESENT: Linda Halstead-Acharya and Allen McMillen

STAFF: Forrest Mandeville and Marissa Plumb

OTHERS: George Bokma, Stillwater County Fire Warden and Dry Hydrant Liaison; City-County Planning Board member.

I. CALL TO ORDER: President Gee called the meeting to order at 7 p.m..

II. NEW BUSINESS:

A. Joint Public Hearing of the County Planning Board and City-County Planning Board– Subdivision Regulation Changes.

1. Open Public Hearing (Board Presidents). President Gee and President Fink both opened the public hearing. Forrest ran through the changes to the current Subdivision Regulation. Changes to the regulations came from the last State Legislative session in July 2011 as well as from the Board of County Commissioners (BOCC). Please refer to the attached document for changes and specific details. Webb noted that on the Approval Period Extension Agreement it only references the County and he felt it should include the Town as well. Forrest will make that addition to include both the Town and the County on the Agreement. Rod noted on page 5 it discusses sprinkler systems for residences over 3600 square feet. He wondered who enforces this policy. Forrest said that the Town has zoning which is easier to enforce than the rest of the county and this item is generally left to Homeowners’ Associations to enforce. Webb asked if the covenants, codes, and restrictions (CCR) are reviewed by the County. Forrest said the CCR’s are reviewed.

2. Public Comment. Both President Gee and President Fink opened the hearing for public comment. George Bokma asked who is responsible for making sure a subdivision has met all the conditions of approval (COA). Forrest stated that the County Planning office as well as the BOCC makes sure the COA are all met before they file the subdivision. Enforcement of CCRs is difficult due to the lack of personnel and funds. George expressed his opinion that the County approves subdivisions with certain conditions and those conditions aren’t checked on after the subdivisions are approved. George believes there needs to be a better policing of these conditions after the

subdivisions are approved. Forrest noted that the Homeowners' Associations (HOA) are set up to police themselves but in many situations the HOA's do not actively enforce their covenants and bylaws. However, this is a civil issue between neighbors that the County does not regulate.

George asked why Schmidt Subdivision was not required to construct a dry hydrant. Forrest responded that Schmidt was a two-lot minor subdivision, which is not required to construct a dry hydrant. Through Schmidt Subdivision is located within Shane Creek Ranch, Shane Creek Ranch is not viewed as a subdivision since it did not meet the legal definition of a subdivision at the time of its development. George was under the impression that there was an existing dry hydrant in the subdivision and that Schmidt Subdivision increased the lots and should have been required to repair the existing dry hydrant. Forrest responded that the existing dry hydrant in the area is in Rowen Subdivision, another minor subdivision in Shane Creek Ranch, which was submitted and reviewed as a five-lot subdivision requiring a dry hydrant. However, due to a dispute regarding the covenants of Shane Creek Ranch, legal action resulted in Rowen Subdivision being reduced to three lots. The existing hydrant is not useable. Its rehabilitation was one of the options given to Claire Summit Subdivision to meet its dry hydrant requirement, but that option was not pursued.

3. Close Public Hearing (Board Presidents). Both President Gee and President Fink closed the public hearing and asked for the Board's comments. Clint pointed out that with what George had discussed it seems as though there are loop holes in the regulations and wondered if there is something that can be done to eliminate those holes. Forrest said that people will always look for loop holes in the regulations but if the regulations were to become too strict you increase the possibility of legal problems by encroaching on people's rights as land owners. If the regulations are too loose you would run into the issue of having too many gaps. The current regulations are set to give the County standards for proposed subdivisions. Vincent thought that the County should look into zoning to combat some of the issues arising with subdivisions. Forrest said that if the Board would like to look at county wide zoning that can be done in future meetings.

Vincent made a motion to recommend to the Commission to approve the changes to the Stillwater County Subdivision Regulation as presented. Adelbert seconded; with all in favor, motion carried.

**A short recess was taken. At that time the City-County Planning Board was dismissed.

B. Expiration of Terms. Forrest mentioned to the Board that Allen McMillen, Cynthia Colbert, and Larry Gee's term are expiring in January and they will be receiving a letter from the County to reapply. They may reapply or choose not to, in which case new people will be found to fill their seats.

III. MINUTES APPROVAL: Bob made the motion to approve the November 2, 2011 meeting minutes as written. Clint seconded; with all in favor motion carried.

IV. UNFINISHED BUSINESS:

A. Planning for Value. Nothing was discussed at this time.

V. OTHER:

A. Julson Subdivision. Forrest informed the Board about a 1-lot, 40-acre subdivision proposed by Margaret Julson. He also stated that a house is already being built on the proposed tract and because there is no zoning in the county there is nothing that prohibits multiple dwellings on one tract of land in case the subdivision does not get approval by the County Commission.

VI. ADJOURN: Vincent made the motion that the meeting be adjourned, Clint seconded; with all in favor motion carried. The meeting was adjourned at 8:00 p.m..

The next meeting will be on Wednesday, January 3, 2012 at 7:00 p.m. at the Stillwater County Annex, in the Planning Department office, located at 809 E. 4th Avenue N., Suite C.

Marissa Plumb
Administrative Assistant