

MEMBERS PRESENT

Todd Hildebrand, Chairman
Bob Jordan, Vice Chair
Harry Averett, Member
Kurt Siebenaler, Member
Marc Matlick, Member

MEMBERS ABSENT

STAFF MEMBERS PRESENT

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

The meeting was brought to order by Chairman Hildebrand at 7:00 p.m.

Approval of Minutes

Chairman Hildebrand called for a motion for the approval of the minutes from the July 16, 2020 County Planning Commission meeting. Marc Matlick motioned; Harry Averett seconded. All voted aye. Motion carried.

**Case No. 20.01 CUP – Standley Conditional Use Permit
David Standley/Nick Dillinger, Lubnau Law**

Chairman Hildebrand introduced the case and asked staff to present. Megan Nelms presented the case, and stated staff is recommending denial of the conditional use permit request.

Commissioner Jordan inquired how many other lots in the area had two homes on one parcel. Megan stated that including Carefree Estates, Quail Meadows and Golden Meadows, there are approximately 10 parcels with either two homes on one parcel or the parcel has been split into an approximately 1.25-acre parcel with one residence per lot. Those subdivisions happened in the early 1990's. He also asked if there have been any changes since the zoning amendments in 2011? Megan stated no, no one else has been allowed to have a second home since then. She reminded the Commission of the neighbor who came to the previous zoning hearing, stating he had been denied placement of a second residence on his parcel.

Chairman Hildebrand asked Nickalaus Dillinger, the applicant's representative, if he had any idea, how many people, and the approximate time, people were occupying this parcel prior to Mr. Standley's purchase of the property. Chairman Hildebrand stated that he has been trying very hard to find a good solution for Mr. Standley's issue, however, he has serious concerns with regards to the septic system for the property. It was originally permitted for a 2-bedroom home and now Mr. Standley wants to have two homes connected, with the potential of five or more people utilizing a system that was not designed for that. That is a drastic change for the septic system and while everything may seem and

look okay now, that may not be true for the future. Additionally, there appears to be a driveway over the leach field.

Mr. Dillinger approached the Board and stated that the driveway shown on the site plan is not over the top of the leach field, however it is near it. He stated they would be willing to move the driveway slightly to the east if that could alleviate any concerns. He noted they also had a wastewater system report completed and that showed no issues with the system. Mr. Dillinger stated that his client was agreeable to generating this report on an annual basis, if required by the Commission.

Commissioner Jordan stated his biggest concern is the construction of this septic system and that it was installed in 1984; over thirty years ago. The types of materials used back then are not used now coupled with the fact that the average life span of a septic system is about 25 years. And even though they had decent perk tests, he has a concern that putting two homes into the same system may tax it past its operating limits. Commissioner Jordan did state that the report was excellent and thanked Mr. Dillinger and his client for having such a thorough report completed.

Commissioner Siebenaler inquired as to what the surfacing over the leach field is now. Mr. Standley stated that is only grass growing over the leach field area. Commissioner Jordan asked Mr. Dillinger how he and his client feel about the conditions proposed for the permit? Mr. Dillinger stated he felt the conditions are fair, but that he would like a moment to clarify with his clients that they are also okay with them. Chairman Hildebrand stated that the Commission should take a recess to allow Mr. Dillinger to meet with his clients to go over the conditions. Mr. Siebenaler stated that he would like to first add one more condition, that he felt should have been in place from the beginning to avoid something like this from happening. Mr. Siebenaler suggested to add a condition that all utility services, meaning water, sewer, electric, gas, etc. shall be removed or abandoned so they are not operable. He doesn't want to see a pedestal set in the yard with a meter next to it that people think they can just go and plug in a home or RV. Mr. Dillinger stated he thought that was fair. Mr. Jordan said he would concur with that addition. He wants to make sure that when this lot does sell again, that it is not represented as being able to have a second home. Mr. Dillinger stated he agreed, but qualified that his client has been affected by this misrepresentation greatly and he would be very surprised to one day find out they would market it that way to a future buyer. Chairman Hildebrand re-iterated that the concern was not with Mr. Dillinger's clients, but future purchasers. Chairman Hildebrand then called a five-minute recess.

Chairman Hildebrand brought the meeting back to order. Mr. Dillinger approached the Commission and stated that his clients were okay with the 11 conditions, as outlined in the case sheet, and with consideration #7 being amended. Commissioner Jordan asked how the County will verify that the conditions are being met. Megan stated that the Public Works Department would go out and inspect the leach field on as needed basis, and there is also the consideration that Mr. Standley file an affidavit with the Planning Office verifying he is the sole occupant of the mobile home.

Megan then re-stated the proposed amendments to the case sheet. First was, “all utility service connections, including water lines and sewer lines be removed and abandoned, the

electric meter and propane tank and gas line be removed from the property.” There was general discussion to clarify the wording for the infrastructure to be removed. Mr. Dillinger then asked the Commission for further clarification on removal of the electric service, as the service for this mobile home is connected to his shop building. There was general discussion regarding the layout of the electrical infrastructure on the parcel. The applicant was advised that he needs to have all the electrical infrastructure uncovered to get an inspection and to ensure the electrical infrastructure on the property is safe when they pull a permit to energize the mobile home.

Chairman Hildebrand asked if staff had received any comments on the permit request. Megan stated she had not. Commissioner Jordan asked if staff was comfortable with the language for the electrical disconnect and removal? Megan stated yes, and that staff would be able to work with the applicant when the time comes to verify that all utilities have been disconnected.

Chairman Hildebrand said he would really like to see the driveway to the mobile home moved as far away from the leach field area as possible. Mr. Jordan added that they should watch the water usage on the property to be on the safe side for functionality of the septic system. Mr. Dillinger stated he has had the conversation with his client about the possibility of a future septic failure and they are prepared for it if that happens.

Deputy Attorney Staben stated that she would recommend one additional consideration be added that the applicant be required to notify the County when he is no longer occupying the mobile home. It should also include a time frame, such as within 30 days. Megan suggested modifying consideration #3 to add that the applicant shall provide notification to the County of termination of his occupation of the mobile home within 30-days. The commission concurred with that revision, as did Mr. Dillinger.

Chairman Hildebrand asked if there were any further comments. There were none. With that, he asked for a motion. Commissioner Siebenaler moved to approve case number 20.01 CUP the Standley conditional use permit request, with the modified considerations, as presented. Commissioner Matlick seconded.

Voting was as follows:

Bob Jordan	Yes
Todd Hildebrand	Yes
Marc Matlick	Yes
Kurt Siebenaler	Yes
Harry Averett	Yes
Motion Carried	5/0.

Adjournment

There being no further business to come before the Board, Chairman Hildebrand adjourned the meeting at 7:44 p.m.

Todd 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.