

# MINUTES OF THE REGULAR MEETING OF THE THATCHER PLANNING & ZONING COMMISSION

November 9<sup>th</sup>, 2021 – 6:00 pm

MEMBERS PRESENT: Chair Ray Tuttle, Vice-Chair Wayne Layton, David Griffin,  
Jerry Hoopes, Brandon Homer  
and Tom Palmer, Town Engineer

MEMBERS ABSENT: Billy Orr, Machael Layton

VISITORS: Duane Moulton, Gajendra Shrestha, Daniella Brown, Kalli  
Maner, Ric & Jennifer Bryce, Julie Bryce, Kathy Cash, Ronnie  
Cash, Kamron Carlsen, Seth Carlsen, Jarrod Davis, Nikki  
Davis, Kent & Susan Hancock, Isaac Morris, Cynthia Gileadi,  
David Gileadi, Blaine Taylor, Davis & Gentry Kempton, Kellie  
& Travis Harley, Cody Caffall, Kiersten Caffall, Mike McEuen,  
Gary Allred

## 1. Welcome and Roll Call

Chair Tuttle called the meeting to order and established that a quorum was present

## 2. Approval of Minutes

The Commission unanimously approved the minutes from the July 13<sup>th</sup> meeting.

## 3. Public Hearing – Preliminary Plat for “Desert View Estates”

*To consider a Preliminary Plat for a proposed 24-lot single-family residential subdivision. The subject property is off of Sandy Creek Drive, West of Reay Lane & south of 12<sup>th</sup> Street (Graham County Assessor Parcel # 104-01-208). The developer is Seth Carlsen*

Chairman Tuttle opened the hearing, and asked if there was anyone that would like to speak to represent the project.

Seth Carlsen spoke & introduced the project as a 24-lot subdivision with one-acre lots. He stated that the access was off of Sandy Creek Drive & was essentially a single loop road with a cul-de-sac inside of the subdivision.

Mr. Tuttle asked about the access to the subdivision.

Mr. Duane Moulton w/ W3 Engineering introduced himself as Seth’s engineer. He explained that the primary access to the subdivision was through Sandy Creek Drive via the paved public road. He said that a secondary, “emergency” access was proposed out to Reay Lane via an all-weather gravel road in an existing easement across the neighboring property to the East. He stated that the subdivision was proposed as 1-acre lots on septic, with on-lot retention.

Mr. Tuttle asked for clarification regarding the location of the emergency access, which Mr. Moulton gave.

Mr. Tuttle asked if the zoning is appropriate for the proposed use. Mr. Palmer affirmed that the existing zoning is R1-43, which is the appropriate zone for the proposed use and that no re-zone is requested, nor required.

Mr. Tuttle stated that a Citizen Review meeting had been held the week prior (on November 2<sup>nd</sup>) and asked that the minutes from that meeting be included in the record for this meeting. Mr. Palmer agreed that the minutes would be included.

Mr. Moulton pointed out that the developer is requesting a variation to the town code regarding street section. He stated that the requested street section is a 30' wide street section (back of curb to back of curb), which is in-line with the town's street section for a "small subdivision" (15 lots or less), but that it is less than what is required for subdivisions larger than 15 lots. He pointed out that the Town does not have a "large lot" street section, which many towns and cities do have and that they felt the proposed street section is more in-line with the character of a 1-acre lot subdivision.

Mr. Layton asked what the difference is between what the code requires and what is being proposed. Mr. Moulton said that they are proposing 30' from back of curb to back of curb. Mr. Palmer said that the only street section in the ordinance for subdivisions in excess of 15 lots is 42' back of curb to back of curb.

Mr. Tuttle said that the code also requires two access points and asked if the proposed emergency access fulfills the requirements of the code for two access points. Mr. Palmer clarified to the commission that any exceptions from the code that are asked for as part of the pre-plat can be approved by Council and are the standard that must be followed. The code does allow for deviation from the ordinance on a case-by-case basis so long as those exceptions are shown on the pre-plat and accepted as such.

Mr. Palmer further stated that the two exceptions from the code that are being requested by the developer are: 1) Two improved access points and, 2) A reduction from the required 42' wide street section. He said that the code requires two access points that are "improved to Town standards". In this proposed subdivision, the developer is proposing one access point to a public road that is paved, with curbing. The second access point is across private property and the developer cannot dedicate the right of way out to Reay Lane, so they are proposing a gravel road as the secondary access. Mr. Palmer stated that he feels like a second, all-weather access that would allow traffic in & out, especially in the case that the primary access was blocked for any reason, could meet the intent of the ordinance. He pointed out that we've approved three subdivisions in the past year (all on Reay Lane, further north) and that none of those had a secondary access point. He stated that in some cases a secondary access is just not practical or feasible. In this case, a secondary access is provided, but unless the developer owns the land, he can't pave across it & dedicate it to the town.

Mr. **Palmer** stated that the second exception from the code is the reduced street section. He said that the code currently does not have a “large lot” street section. He has done research and most municipalities have a “large lot” street section which allows for a narrow pavement section, typically with ribbon curb and no sidewalk. Mr. Palmer stated that he’s in the process of proposing revisions to the ordinance which would include a different street section for large (acre+) lots, but that it doesn’t exist in the ordinance at this time. Mr. Palmer stated that the three options for P&Z & Council are to “approve”, “deny” or “approve with conditions”. If the pre-plat is approved as proposed, it would not have sidewalks & would have a reduced street section. If something different was wanted, it would have to be noted as a condition of approval.

Mr. **Layton** asked if the secondary access provides sufficient width that it could be improved to Town standards in the future as other properties develop. Mr. **Palmer** explained that the existing easement being proposed as secondary access is an 80’ wide easement that crosses over several different properties and serves several different properties. The easement is the primary legal access to several large properties south and west of this development. The easement is definitely wide enough for future development. However, the problem with requiring that as primary access for this development is that they don’t own it. They can’t pave (without permission) on someone else’s property and they can’t dedicate it to the Town for maintenance.

Mr. **Griffin** stated that he’s concerned if we approve streets that are too narrow. He said that Quail Ridge went in with really narrow streets and that he doesn’t want to see that again. Mr. **Palmer** said that the street section that is being proposed is the same width as the “Sunset Circle” subdivision which was recently paved off Reay Lane and the two subdivisions by Ben Allred that were recently approved. The width of the streets would be the same. The difference is that those were all approved under the “small subdivision” standard & this one is more than 15 lots. Mr. **Palmer** said that the smaller street sections are common in very high end, large lot subdivisions in towns such as Gilbert. With larger lots, you don’t need to park on the road, as most parking is on the lots. In fact, many of the large lot subdivisions are signed for no parking on the streets.

Mr. **Layton** asked how the proposed street section compares to what’s currently on Sandy Creek & 12<sup>th</sup> Street. Mr. **Palmer** said that he believes that 12<sup>th</sup> Street is 24’ wide & Sandy creek is around 28’ wide. Most of the roads in Town that don’t have curbing & sidewalk are 28’ of asphalt. The proposed section is 26’ of asphalt w/ 2’ curbs on each side, for a total width of 30’. Bigger than what’s out there now & smaller than the section in the ordinance.

Mr. **Tuttle** stated that the public had submitted some letters. He said that he could either read the letters aloud, or he could allow the authors of the letters, if present, to voice their concerns themselves.

1st letter – read by **Mr. Tuttle:**

To whom it may concern:

We are in support of the proposed 24-lot single family residential subdivision. We feel having the 24-lot residential subdivision will benefit the community. This will provide housing to an existing great neighborhood.

Rowena and Mike Richins  
1629 S Sandy Creek Drive  
Thatcher AZ 85552

2<sup>nd</sup> letter – read by **Mr. Tuttle:**

To whom it may concern,

We reside at 4198 W. 12th St and have received the above mentioned letter and do have some concerns which are listed below.

1. We are paying for the paved road in front of our house and the properties that are in the back area are still unpaved. Why should we allow those residents and the construction crews to travel down our nice road and possibly mess it up.
2. Before anymore construction begins, build and black top a secondary or third route in and out of the area the houses will be built and make those residents or property owners fit the bill.
3. Place speed bumps on our road to slow the traffic down plus increase the flow of law enforcement. I do see a Thatcher Police Officer patrolling the area and I greatly appreciate it but more housing and people tend to bring more crime.
4. I feel there should be more lighting down our road as well. My opinion, there should be a light on every pole down our street.
5. If possible, place a sidewalk along our road so the kids aren't walking in the road to catch a bus.

I as a resident am not opposed to new housing going up in the area but I feel that some things need to be addressed or changed before any more construction takes place.

Thank you for your time,  
Phil Urbanek

3<sup>rd</sup> letter – Mr. Ric Bryce stood & read through his letter:

To: Town of Thatcher Planning and Zoning Commission, Thatcher Town Council, Town Manager Heath Brown, and Town Engineer Tom Palmer

I have the following list of concerns that I have identified concerning this currently proposed new 24 home subdivision off 12th Street and Sandy Creek Drive.

1. 12th Street and Sandy Creek Drive were not designed for the proposed traffic flow that this new subdivision will bring. The addition of 24 additional homes will add a minimum of 96 additional vehicle trips in and out of this neighborhood each day. 24 homes X 2 vehicles minimum X 1 trip in +1 trip out equals 96 vehicle trips.
2. 12th Street and Sandy Creek were paved by the current homeowners to make the neighborhood a nicer place to live. Not to provide access to this new subdivision which has other means of access.

3. I feel like the approval of this subdivision by the Town of Thatcher is basically looking after what is best for the developer rather than what is best for the current residents impacted by this increased traffic.
4. The new subdivision will have sidewalks, streetlights, etc. I see no mention of upgrades for the existing streets. There are residents and school children who walk this quiet neighborhood every day using the streets. This increased traffic is a safety concern that can't be ignored.
5. There isn't a clear understanding about how power and water will be routed to this subdivision. Nor what additional impacts to 12th and Sandy Creek residents will occur.
6. It bothers me quite a bit that if the current residents hadn't taken the action to pave our little street that this current subdivision would either not be proposed or built because the developers of the new subdivision wouldn't have purchased that property nor paved the other access to it.
7. The other access is the prime access for all those properties sold by the Daley family and has a much wider easement than this proposed access. The only reason the developer isn't using that better access is the cost of paving, which is why they are forcing their way through our neighborhood.
8. There are other properties to the west and south of this proposed subdivision. If those properties are later developed is the Town going to allow even more traffic through our little neighborhood to access those properties or will they have to use the other better access?
9. If the Town of Thatcher is okay with these proposed and future developments, why doesn't the town go for the win-win here and pave that other access at least to the proposed subdivision property line to facilitate a better solution for this and future development of this area?
10. I see a lot of improvements going on in town. The current sewer project along Reay Lane to allow that new 8 home development to go in, the improvements to Church Street, chip sealed access to homes, etc. I assume that the town has paid for all those improvements. If so, why would it not also step up and provide paved access to this larger 24 home development and potentially the other land south and west.
11. There is a much better solution for access to this and future developments that should be implemented at this time. Please take that better solution.

Richard A. (Ric) Bryce  
4329 W. 12th Street Thatcher, AZ 85552  
Phone number 928-965-9633

4<sup>th</sup> letter – Ms. Brown stood & read through her letter:

Town Council and Planning & Zoning Commission,

As concerned homeowners of West 12th Street in Thatcher, we are writing to voice our concerns and recommendations about the proposed development of the 24-lot family subdivision off Sandy Creek Reay Drive. We have reviewed information and attended the citizen meeting for the 24-lot residential subdivision that was held on November 2nd.

We have many concerns about the proposed new subdivision utilizing West 12th Street and Sandy Creek Drive, off Reay Lane, as their main access the 24-lot single family resident homes. Many of which are safety issues for our families and property. As current homeowners, we are still paying for the paving of these roads. I'm sure most of us would not have given up a portion of our property to the Town of Thatcher to maintain if we knew more traffic was to come down our road and add unsafe conditions. Most of us are not

opposed to a new subdivision in the area but we are opposed to West 12th Street / Sandy Creek Drive being used as main access roads for this development.

Concerns:

- With the new development using 12th Street/Sandy Creek Drive, this increases congestion of vehicles, off-road vehicles, and foot/bike traffic. Another concerned neighbor stated at the Citizen Review Meeting, “ For each new home, 2 vehicles per household will be traveling this street (approximately 96 trips per day)” but this does not include all new residence’s extended family or friends coming to/from this area, school/work activity trips, store trips, construction vehicles, off road vehicles, Town of Thatcher maintenance equipment. “More traffic means more probabilities for unsafe conditions and accidents!”
- “Safety is our first priority!” With more traffic going through, there is a big concern for the safety of our children, animals, and property. Speed limit on this road is 25 for West 12th Street. Over the past few years and more recently, the neighborhood citizens have seen an increase in issues with numerous speeders and erratic drivers. On several occasions this has caused children playing/walking on the side of streets to almost get hit. In a recent event, two Labrador dogs (Sara and Sadie), who were trained to stay on side of roads when traffic was around, were hit and died of injuries due to a distracted speeding driver. Shortly after this incident, there was an individual driving an off-road vehicle who was arrested due to criminal speed on our street. More traffic means higher rate of killing of rabbits, snakes, Gila monsters, birds/owls, coyotes, and domestic animals that inhabit this area. “We do not want to add a human life to this list!”
- West 12th street road and Sandy Creek Drive are narrow streets with no curbing / sidewalks and limited illumination at night. This can cause pedestrians to walk on uneven ground of current resident properties or ditches, drivers to move over in our property to allow bigger vehicles to go by and cause excess dust/ damage of yard landscaping and early wear/tear of current asphalt on this street that is not even paid for. Our existing West 12th street was not made to handle excessive vehicles. It was for current residence to allow safe travels on a smooth road that helped cut down on dust and eliminate washed out roadways during Monsoons. No curbing and sidewalks were added because that meant giving up more of our property. It is not fair to the current residents of West 12th Street and Sandy Creek Drive to pay for the roadway that gives free access to the developer’s subdivision. It was not ok for the Town of Thatcher, Planning & Zoning Committee, to give the developer the ok to just cut through a quiet neighborhood roadway for his new subdivision. “We just wanted peace, quiet and some comfort but ended up losing a piece of our property that we now have no say over!”
- With more traffic to/from Reay Lane onto West 12th Street, Sandy Creek Drive and Brooke Lane, it could bring more unwelcome attention of pranksters and/or unlawful activity of criminal acts. Within the last few years, there has been an increase in criminal activities in our area: stolen packages from homes, mail missing and even vehicle break-ins. “Neighborhood watch is important but harder to obtain with excess traffic!”
- Noise pollution has increased since paving our street. Noise pollution has tripled since construction has started going through Sand Creek Drive. Regular exposure can have adverse effects on people which can cause an increase in stress levels. More noise of vehicles going through this street will highly effect those that do shift work and increase the annoyance of dogs barking day and night. “Sleep is important to our health and less stress makes us less of a mess!”

Suggestions/proposals:

- Help develop the use of Ridge View Way as a new access point to tie into Sandy Creek Drive for the new subdivision from Reay Lane. Ridge View Way has less homeowner development, extra room for wider streets, curbs, lighting, and sidewalks to the new subdivision. See about asking businesses or community for help. Planning and Zoning could help propose funds be added into Town of Thatcher budget for a safer access point for new subdivision. Postpone work on less critical areas and use funds to help develop a safer roadway here. Add higher rates for public works for new residents for a period to help pay for road development. Find / give discounts to developer to add money from his profit to help with roadway.
- Is there any new access point that can be developed to tie in the new 24-lot subdivision that will be safe to enter Reay Lane without making more unsafe congestion coming through Sandy Creek Drive and W. 12th Street or even Ridge View Way. Please help investigate more options if possible.
- With new developments sprouting all over the Gila Valley, we need to keep safety in mind for all residents of the Town of Thatcher, new and old. As part of the Planning and Zoning Division, it is your responsibility to provide a variety of services to protect, maintain and develop an attractive, safe, and healthy environment. The Thatcher Public Work Department purpose is to help ensure we have safe streets, alleys and right of ways and maintain them for the citizen.

We hope the Town of Thatcher and the place we call home can find an effective way to keep our neighborhoods happy and safe!

With are deepest regards,

David, Daniella Brown & Family

**Cody Caffall** introduced himself. He said he lives on Sandy Creek, south of the pavement in the new home that Seth Carlsen built. He grew up in Gilbert in one of the acre lot neighborhoods. He's moved 12 times in the last 11 years & is grateful to finally find a place he can lay down roots w/ his family. He's grateful for the warm welcome he's received from the neighbors & the town. Based on what he can tell, he doesn't think Seth is doing this to make a "windfall of cash". He believes that if the costs become too high to develop this subdivision, the logical thing to do would be to sell to someone else that will probably want to maximize profits by putting in smaller lots w/ lots of houses to make more money. He's lived in other places that had lots of people, but didn't feel neighborly. He's glad Seth is trying to develop this is a nice neighborhood with large lots & hopes that it gets approved without so many requirements that it becomes cost prohibitive to build because then someone less interested in making it a nice place could end up with it. "Hopefully we don't scare him away and end up with some outside developer".

**Cynthia Gileadi** introduced herself. She loves it here. She understands why others would love to move to this area with acre lots. She moved here because she thought it was going to be "a roundabout at the end of the corner" and now there's gonna be 25 houses and "I'm a little stressed". There's no sidewalks and "my kids have ADHD and the bus stops and my girls get out and immediately my neighbor calls me and says your kid almost got ran over". So I take my kids to school & I have tried to not take them to school, but "they just wander" and "that just happens...kids are kids, there's no sidewalk, it's just how it is, they're going down the street and they're gonna get killed". Now you're telling me that 50 more cars are

going down the street, my kids are gonna be able to go out of the house.. “they’re too... kids”. We watch out for each other. But our neighborhood is awesome. And I don’t blame anyone for wanting to move in there. “I’m happy that he wants to build more houses so more people can love where they live, but I’m with... NO... not down my road, not that many cars, there’s no sidewalks, they’re gonna kill someone and I’m just saying... yeah... put in another road. Put in a road that’s not the exit for... oh my goodness, something horrible happened. Put in a road before something horrible happens. Cuz if something horrible happens... it better not be my kid... cuz OOOHHHH. NO. Before something horrible happens. Cuz, No. Just, there.”

**Kiersten Caffell** introduced herself. Lives on Sandy Creek. She understands the speeding issues. She’s seen the issues w/ school kids. She’s working with the school to try to get a bus stop where the kids don’t have to walk down to Reay Lane. The issue w/ the school is that they don’t have anywhere for a bus to turn around. That’s an issue for us as well & we’d love to see something done so that we can have our kids not have to walk out to Reay. I also have a kid with ADHD who also tends to wander, so I get the stress & concern for me. I did notice that speeding & traffic is already an issue... that’s due to residents that already live there. I think there are ways to solve the issue and still allow access. Things like speed bumps, increase in law enforcement, etc. could be used to solve the problem. I am in support of this development going in. I grew up in Gilbert, but not in acre lots. I dreamed of living in an acre-lot. We couldn’t afford it there, but we can here. We’ve met a lot of people that are looking at this area & we feel like there are a lot of good families w/ kids & this type of lot would bring in good people. I understand that the current residents are still paying for that road & they think that we shouldn’t have access to it because they’re paying for it. I looked up notes from Town meetings from 2012 & 2013. The notes were unclear, so I don’t know if the land was a County island. I was confused why the Town wouldn’t pay for the road unless there was more to the story.

**Mike McEuen** introduced himself as “the oldest resident out there”. Said he’s killed 68 rattlesnakes out there, so “buyer beware”. It’s not just the traffic of the residents, it’s the construction traffic as well that’s a big part of the problem. When construction traffic goes from Sandy Creek to 12<sup>th</sup>, they have to make a big wide turn with their trailers. There’s not sidewalks. It was a road improvement district... everyone gave up land and paid for the road. The reason it’s only 24 feet wide is because the Town didn’t want to pay to move the power lines. Bottom line in this thing is money. The easy way to make money is to hook on to Sandy Creek. Gave some history of the land south, east & west of the proposed development. Said Jimmy Daley gave the easement as the intended primary access to all of that property. Steve Hooper owned the land that this now being developed. He sold it at a very cheap price. There’s plenty of profit to be made. “I won’t go into all of that”, but there’s plenty of profit to be made to put money into ingress egress, which should be off Reay Lane. That 80’ easement should be for all the land south & west of this development. Some day all of that will be developed. We should look @ the access off Reay Lane as the primary access and Sandy Creek as only a secondary access. There are 3 homes off that 80’ easement now and there will be 24 more and probably a few more “on 4 acres that I bought from Steve and sold to a friend of mine”. The main ingress egress should not be off Sandy Creek. The only reason that it’s there is because it’s cheaper. They should pay for a road out to Reay Lane. There will be development costs, but he’ll sell these lots for \$50k, maybe more. But, he’ll have plenty of money to spend on a main road in & out. “I think Ric’s idea & other ideas is that maybe the Town will participate a little bit. They’ve certainly done it in



other areas of the Town that I won't mention, but I know several places that have been paved... nobody paid for anything, the Town paid for it. Same with sewer and other things.. depending on who's there... it should be the same for everyone. When the Town does things, they shouldn't be doing anything extra for someone who's a family member or close friend, it should be an equal playing field for everyone." Thinks the Town council should participate w/ Seth in paving a different access. Maybe sidewalks come later, but at least the kids could walk without being in the roadway. Safety is really the main concern. The dogs that were hit could have been kids. The kids are out there... when I go down there, I'm really watching. With the influx of traffic, that could be a real issue. I hope you'll consider primary ingress egress off Reay Lane which Mr. Daley designated as the access for that whole area.

**Kent Hancock** introduced himself. Does not live in the neighborhood, but has interest in a lot out there. He's empathetic to the concerns of the neighbors. He had rumors of several hundred homes feeding through his neighborhood, so he understands the feelings. However, Mr. Carlsen bought the property & is trying to do it right. He could have wildcat subdivided to develop this property like has been done in the area & all around town. He is trying to pave the roads, bring in utilities, deal with drainage issues, etc. It will cost more, but it will solve the issues of narrow roads, streetlights, sidewalks, etc. We've all seen the lot splitting wildcat stuff. It's illegal, but people do it all over the valley. Seth is trying to do it right. A vote against this subdivision is a vote for wildcatting.

**Julie Bryce** introduced herself. Lives on Sandy Creek right where the pavement runs out. She lives in a house built by Seth. He builds a good home. She's not opposed to a subdivision, but is opposed to access coming down "our" road. I think the access needs to come directly off Reay Lane and "I think the Town needs to pay for it". I've seen other developments here in Town... like the new road coming up Reay Lane on the left... "Who paid for that road? I don't think it was paid for privately, I think the Town helped pay for that". **Mr. Palmer** asked for clarification on which road & confirmed that she was talking about the new Sunset Loop subdivision. He clarified that the developer paid for that road, not the Town. **Ms. Bryce** mentioned the development on Church Street & that the development was by the Town, not the residents paying for it. She asked if the residents of church street are paying for that like they (the residents on 12<sup>th</sup> & Sandy Creek) are paying for their road. **Mr. Tuttle** said that he would prefer to hear her out & not dive into answering specifics at this time. **Mr. Griffin** said some history would be helpful for everyone, but that he'd wait his turn. **Mr. Layton** said that many of her questions could be answered if she came to Town hall any time.

**Mr. Tuttle** closed the Public Hearing & asked the Commission for any discussion.

**Mr. Griffin** said that there are things that P&Z can do & some that they can't. P&Z can't do anything about speeding. That's a law enforcement issue & we can't do anything about it. You'll have to take that up w/ the Town Council. The truth of the matter is that the houses that are built out there were built in an illegal subdivision. That's why there were no paved roads, no sidewalks, no streetlights, etc. If you had been in a subdivision w/ a developer like Mr. Carlsen, you would have all those things because we would have enforced the code. But, you, your contractors, etc. built homes without all of that. That's why you had to go back & pay for the road, because it wasn't put in initially. I live in Thatcher & had to pay for my cul-de-sac. We have to pay for hooking to Town sewer. Someone had to spend money on roads

& sewerlines for you to be able to connect to the Town system. The Town does pay for infrastructure, but the Town can't afford to go put in roads, etc. for people that don't do it. That's why we require developers to put in street lights, sidewalks, streets, etc. I've been on the commission a long time & I know your feelings. If you want sidewalks, you need to do what you did with the pavement and pay for it. You worry about the road being disintegrated by traffic, but you turned that over to the Town, so if the road is damaged, the Town takes care of it... it's now Town property. I know how you feel & I feel for you. You have a nice little community. But, your streets are big enough to handle the traffic on it. And, if you want sidewalks on your road, you should get after it.

**Tuttle:** So when the community wanted to pave the roads, they went with the minimum allowable because they had to pay for it, so that's why there's only 24' of pavement on 12<sup>th</sup> street. **Griffin:** That's exactly right. **Tuttle:** It's hard to go back now because there's not right-of-way & there's not room to widen the roads. It does look like Sandy creek is wider than 12<sup>th</sup> (confirmed by Mr. McEuen who thinks 12<sup>th</sup> is 24' wide & Sandy Creek is 28' wide).

**Ms. Giacoletti:** So if the residents did put in sidewalks, would the Town then take them over & maintain them? Mr. Griffin asked Mr. Palmer to respond to the question.

**Palmer:** I can't speak for the Town Council. Anything that involves Town money, you're welcome to come to a Town Council meeting & ask them that question. There is not sufficient right-of-way for sidewalks. In order to put in public sidewalks, people would have to give up additional right-of-way. Right now, some people have actually built fences right up to the road, forcing kids to walk in the road. There's not even a shoulder for kids to walk on. You'd have to give up right of way, move fences, etc. I'm not saying the Town wouldn't even be willing to put in sidewalks. We've done it in other areas of town and we are trying to put sidewalk on every street in Town eventually. We're about to do it on High School Ave. I'd love to see us put in sidewalk on 1<sup>st</sup> Ave. If you want to see a dangerous situation... you've got all of Quail Ridge that feeds onto 1<sup>st</sup> Ave that is a very narrow road with no shoulders, no sidewalk, etc. We aren't going to ask the residents of Quail Ridge to pay for sidewalks on the neighboring streets... eventually the Town will have to put that in. As for the subdivision off Reay Lane, the developer put in all of the street improvements & gave it to the Town, who will now maintain it. As for the sewer line on Reay, the Town is putting in that sewer line under an improvement district, just as the Town did for 12<sup>th</sup> Street & Sandy Creek... the Town installs it & the residents will end up paying for it. If the goal of the residents of 12<sup>th</sup> Street was to have a private road, they could have gone & paid for a contractor to pave it & it could have stayed a private road. They didn't want that. They gave the right-of-way to the Town, the Town paved it & it is now a PUBLIC road. We can't tell anyone that has legal access to a public road that they can't drive on it. I live on Church Street. I wish I could put up cones & keep people from driving on "my" road, but I can't. It's a public road. If Sandy Creek were a private road, if the residents had kept the land & agreed to maintain the road indefinitely, we wouldn't even be having this discussion. But it's not. It's a public road. Typically, developers build the infrastructure and give it to the Town. For new subdivisions, that's how it happens. But, the Town does fund other projects throughout Town as money is available. If all of you went to every council meeting for eternity and offered to give right-of-way and begged the Town Council to build you a sidewalk, it would happen eventually. That's the proper route to solve existing problems.

**Tuttle:** 12<sup>th</sup> Street & Sandy Creek are both public roads? **Palmer:** Yes. **Tuttle:** Since there's been significant concerns w/ safety... can speed bumps be put in a public road? **Palmer:** They can. Ironically, studies show that the best way to slow people down is to have a narrower road.

**W. Layton:** There were some concerns about buses, etc. Would the new development as proposed accommodate buses turning around? **Palmer:** In the new development, yes. Not sure why the existing cul-de-sac at the end of Brooke Lane couldn't be used now.

**Tuttle:** What is the width of the proposed roads? **Palmer:** 30' back of curb to back of curb. 50' of right-of-way. **Tuttle:** The 80' easement... who owns that? **Palmer:** The piece between Reay Lane and this property crosses 7 different property owners before reaching Mr. Carlsen's property. The largest property owner is Springbok. Several large properties south & west of Seth's property utilize this easement as their primary legal access. In my opinion, requiring the primary access to this subdivision out to Reay Lane can't happen without the developer acquiring more land. He can't pave on someone else's property (it's called over-burdening an easement), and he can't then deed that land over to the Town for long-term maintenance (because he doesn't own it). So, if you think that needs to happen, you probably need to deny the subdivision and tell the developer to come back once he owns the land out to Reay Lane or has an agreement with the land owners in writing.

**Tuttle:** Has Springbok voiced any desire to partner with the developer on this? **Palmer:** We sent letters but did not hear anything from them. I don't know what conversations the developer has had w/ them. The main waterline will come through that easement.

**Griffin:** Will they have streetlights in this development? **Palmer & Moulton** confirmed: Yes.

**Griffin:** Can I get the developer to talk about the on-lot retention? We've seen that before & it doesn't work. **Palmer:** It is not allowed anywhere, except for on 1-acre lots, because we've seen that it doesn't work. But, it is allowed on -acre lots.

**Mr. Caffall** asked about the 20' between the back of curb & the right-of-way & whether the homeowners would landscape that. He also asked about parking in the right-of-way. **Mr. Palmer** confirmed that each lot maintains out to the back of sidewalk or back of curb even if a small portion of that is in the right-of-way. He also stated that unless signed for no parking, parking is typically allowed in the right of way (although not in the drive lanes or on sidewalks).

**Mr. Homer** asked about water mains. **Moulton:** We will be looping water mains from Reay, through the subdivision, out to Sandy Creek. It should increase the pressure in the area.

**Mr. Tuttle** asked for any more discussion & then said he'd entertain a motion.

Mr. Palmer clarified that a motion for approval without conditions would accept the preliminary plat “as-is”, with the access as proposed and the street section as proposed. He noted that the proposed street section did not include any sidewalks & that if sidewalks were going to be required, that would have to be included in the motion.

W. Layton: As proposed, there are no sidewalks, on either side of the street, correct?

Palmer: Correct

Homer: Are sidewalks required in this zoning? Palmer: The only street section in our code for any residential subdivision of more than 15 lots is 42’ back-of-curb to back-of-curb with sidewalks on both sides. The small subdivision standard is basically the street section that is being proposed, but with sidewalks on one side of the street.

W. Layton: I think we need sidewalks on at least one side. Half the issues we’ve heard are about lack of sidewalks & we don’t want to perpetuate that. Griffin: These are one-acre lots.

Layton: I think it’s a fair trade-off allowing for a reduced street size, but add sidewalks.

Griffin: Not a bad idea.

W. Layton made a motion to **“Recommend approval of the Preliminary Plat for Desert View Estates as proposed, with a condition of adding sidewalks on one side of the street”**.

Mr. Griffin seconded the motion.

**A vote was taken and was unanimous in favor of the motion.**

#### **4. Staff Report**

Mr. Palmer gave a report on the on-going streets projects in town.

#### **5. Adjournment**

The meeting was adjourned.