

2. LAND USE ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

- a. **RECONSIDERATION OF** Rogers, Gary & Micki, **FINAL PLAT (PZ.17.2181)**, requesting review and approval of a Final Plat for property addressed as 700-800 E. Northgate Drive to replat Lot 36, Block 1 and Lot 14, Block 2, 5<sup>th</sup> Section in order to create 12 residential lots and 1 common area in the RSS (Residential Single-Family Small-Lot) zoning district and a request to consider design modifications to the public water main extension per Section 23.64 and 23.357.

Mr. Mike Beaty, Development Review Manager, presents staff's report and findings.

Mike states that we are revisiting this Final Plat from the last meeting due to there being some items not made clear in the last report.

Mike advises that one of the conditions of granting approval for the special exception to this Final Plat is that it needed to be granted by 3/4 of the entire Planning Commission. Mike states that this was not made clear to the Planning Commission at the previous meeting. Mike goes on to say that at the last meeting the request was granted by a majority but not a full majority.

Mike states that the City of Stillwater's current standards were adopted after the preliminary plat for this whole subdivision was granted and requires that any new water lines built would provide a minimum 40 psi (pounds per square inch) of water pressure.

Mike advises that due to the close location of this development to the water tower, the City's standard cannot be met. Mike goes on to say that the Department of Environmental Quality's requirement is that all new water lines meet 25 psi minimum pressure, but this does not meet the City of Stillwater's standard. The applicant is requesting a special exception to this standard.

Mike advised that there will be no water line extension along E. Baker Street. Mike states that each individual house will have its own private water service line extended from the water line along Hartford or Northgate via easements across adjacent properties.

Mike states that approval of the Final Plat as presented would require the approval of the exception.

Mike asks if there are any questions for him.

Commissioner Ross asks if they are being asked to waive the requirement of the public water line extension. Mike responds, yes but makes the correction of "water service lines" instead of "water line".

Commissioner Ross asks what the psi of the private lines will be. Mike responds that it will be between 30 and 35 psi. Commissioner Ross asks for confirmation that it would not meet the 40 psi. Mike advises that it will not meet 40 psi.

Commissioner Emde asks what the difference is between a private water service line and a private water line. Mike advises that a private water service line is the individual line serving each house

and is small, such as 1 – 1 1/2 inches. Mike states that a private water line is larger than a service line at around 6 inches and that it would not be allowed here unless there were improvements made to the height of the water tower, an expensive pump station, or granting of the requested exception.

Commissioner Ross asks if the private water service lines are required to meet the 40 psi. Mike responds no and advises that the requirement is for new public mains.

Commissioner Emde asks who would maintain the private water service lines. Mike responds that it would be the private property owner's responsibility. Mike goes on to say that the City would not maintain past the meter and explains where the meters would be located. Mike states that from the meter to the house would be the private property owner's responsibility.

Commissioner Buchert states that if the water service line breaks across a neighbor's lot and damages the neighbor's line as well that there will have to be open and honest discussions between those neighbors. Mike responds with yes.

Commissioner Emde asks if this is done in other places in Stillwater. Mike responds that there are several places where private water service lines run across multiple properties. Commissioner Emde asks if this has worked well in those areas. Mike responds that it works, but does not know particular details; however, this is not a unique situation where private water service lines run across adjacent properties.

Commissioner Emde asks if these are 1 – 2 inch flexible lines. Mike responds with yes and that some are larger.

Commissioner Ross states that the report shows the developer does not wish to extend Northgate Drive and asks if there is a reason for that decision. Mike responds that it refers to the portion along the southern lots but is not related to the requested exception.

Mike asks if there are any other questions for him.

Commissioner Lane asks if there are any other options. Mike responds that there are other options but that it would become considerably more expensive. Mike advises there was a similar issue in another part of the city where there were pressure problems. Mike goes on to say that they were thinking of putting in a pump station as you cannot isolate a water system for a particular part or area of a subdivision. Mike advises that it would have to address the entire area supported by that particular water tower and that with increased density the more expensive it would be. Mike advises that the tower could be raised, a booster pump could be installed that would have to be isolated from the rest of the system which would require special controls in order to prevent other issues. Mike states that it would not be an easy solution but that the options exist.

Commissioner Emde asks how many lots there are involved with this request. Mike responds that in this instance there are 12 lots but the impacted area is somewhere between 70 and 80 lots.

Commissioner Emde asks if there are 70 – 80 lots currently on the main. Mike responds, yes.

Chair Marler asks if this would impact the water pressure of those lots. Mike responds, no, that the connection of additional users would not affect the outcome as it is not a volume problem but a problem with the height of the tower creating the pressure problem.

Commissioner Lane asks if there are other areas of town that do not meeting the 40 psi requirement. Mike responds, yes, there are existing areas, one in particular, along with others, that do not even meet DEQ (Department of Environmental Quality) standard of 25 psi. Mike advises that to alleviate that problem the City of Stillwater adopted the standard of 40 psi. Mike goes on to state there are areas of town in a moratorium due to any new development affecting the water pressure.

Mike goes on to advise that as this development was started with a preliminary plat before to the 40 psi standard, but meets DEQ standards, that it would be a good choice for the exception.

Commissioner Buchert asks if the public works department will not accept an exception to the standard. Mike responds, that the public works department has not indicated they will accept an exception. Commissioner Buchert asks if Mike knows the rationale behind this decision. Mike responds that it is a standard the City is trying to uphold.

Commissioner Buchert advises that he understands but what he does not understand is why, since this development was previously platted before the 40 psi standard, there cannot be an exception to the standard. Commissioner Buchert states that he thinks we are just causing problems here by having private water service lines go across multiple properties even though there will be an easement.

Mike states that he disagrees.

Commissioner Emde asks if the City were to run a new main if it would be 25-30 psi. Mike states that it would be 30-35 psi due to the height of the tower.

Commissioner Emde states that it would be below the City's standard. Mike states that it would be below the City minimum but higher than the DEQ minimum.

Commissioner Buchert states that it is his understanding that the other homes in this area are at the 30-35 psi. Mike responds, yes.

Mike states there are complaints within the area. Commissioner Buchert states that this will not solve the problem and that if there are complaints, there will be complaints with these new homes and that in his experience, in 25-30 years when the lines to start to deteriorate, the home owners don't understand that they are responsible for the lines even with the easement. Commissioner Buchert states that he believes there to be a better option but that if this is the only option that they have to develop this way and move forward.

Commissioner Emde asks if the City will not consider building a main there at a lower pressure. Mike responds that the City is aware there is a problem but is under a DEQ mandate to address other issues that are which are worse than this particular issue. Mike advises that it is on the list of items to be done but that there are other higher priority items.

Commissioner Buchert states that he agrees with the rationale of having a public main of 30-35 psi because when the improvements are made some time in the future where it is above 40 psi, the City would not have to do anything in this neighborhood. Commissioner Buchert states that now the City would not only have to raise the tower but would also have to go back and add a public main at a public expense as of where now a developer would build it.

Commissioner Ross states that she agrees with Commissioner Buchert.

Commissioner Buchert advises that he understand that Mike cannot respond to that question.

Commissioner Ross asks if Mike knows how much of the city is below the current water pressure standard. Mike responds that it is a small percentage and the areas are located in Tower Park. Mike states that this is probably the worst area in the city for water pressure issues. Mike advises that there are areas out in the county where it is as bad but, within the city limits, this is the worst area.

Commissioner Emde inquires about what happens if after the mains have been installed for 30-50 years, if they will start to drop below 40 psi with issues such as calcium build up; Mike states that restriction of the line can cause flow issues and pressure loss.

Commissioner Lane advises that he thinks we are penalizing the landowner/developer with a requirement of 40 psi that the City cannot make happen and the developer is trying to come up with a solution to make use of their land. Commissioner Lane advises that it may not be a good solution to have private service lines but is the only option.

Commissioner Buchert agrees but states his frustration with the situation.

Chair Marler states that we are also holding the developer to a standard that they maybe should not be held to as the area was platted before the standard of 40 psi was implemented.

Commissioner Lanes agrees with Chair Marler.

Chair Marler states that it is not ideal but is just where they are at.

Mike advises that the standard of 40 psi can be met.

Commissioner Emde asks if they would have to meet the 40 psi for the whole subdivision. Mike responds that unique engineering would have to be looked at in order to see how to isolate the 12 lots and not affect the rest of the subdivision.

Chair Marler states that there will be 6 -7 lots where the buyer will take a risk that 30 years from now they are going to have replace a water line, call City Hall and be advised that it is a private service line, and the homeowner will have to be responsible for repairing or replacing the service line. Chair Marler states that we can only hope that when the buyer goes to close on the home that they will be informed of the easement.

Mike advises that the easement will be shown on the plat.

Chair Marler says that there are 6 possible residents that could run into an issue but should be warned of such issue when closing on the home or before. Chair Marler goes on to state that along with this and the fact that we are holding the developer to a standard that cannot be met, that this should not be a reason that the developer cannot do what they want with their land.

Mike advises that he should explain the reason for the re-hearing of this issue and that the engineer for the development is here to address any specific questions.

Commissioner Lane asks for confirmation that there has to be 75 percent to approve and if that is 5 or 6 commissioners. Mike advises that 6 must vote yes for the item to move forward.

Chair Marler opens the public hearing and asks if there is anyone who would like to speak in favor of the proposal.

Mrs. Kelly Harris of Keystone Engineering, 923 S. Lowry, comes to speak on the following:

- Representing the owners.
- Advises that what makes the request unusual is the design complication.
- Requesting to not construct a public water line in the cul-de-sac.
- The request is not based on funding to construct the water line but that it is due to not being able to meet the 40 psi requirement.
- Reasons for the unusual request due to the location and height of the water tower.
- Volume is not an issue and that the water pressure would not change no matter how many taps are installed.
- Advises that these are infill lots as the rest of the neighborhood has already been developed.
- This is an older neighborhood built before the 40 psi regulation.
- The area has been modeled.
- The pressure will not be decreased.
- Another option is available to create the lots but would take several years. A minor subdivision could be done and create 3 lots a year.
- Due to efficiency, money, and time, they are asking for this modification up front.

Commissioner Emde asks where the public easements are in relation to the private easements. Mrs. Harris explains locations and types of the different easements which is a 10 foot utility easement along the right-of-way, and their request of an additional 10 foot easement adjacent to the utility easement. Mrs. Harris advises that on some lots the easement will be along the front of the yard and that they will not be taking away any buildable area along these lots.

Mrs. Harris goes on to state that on other lots, the easement will be in the back of the lot due to which water line it is connecting to. Mrs. Harris states that on these lots there is a 20 foot utility easement in which they will have an adjacent easement for a total 30 foot easement. Mrs. Harris states this could potentially decrease the buildable area for those lots.

Chair Marler asks if there are any other questions for Mrs. Harris.

Commissioner Emde asks what Mrs. Harris' other solutions are. Mrs. Harris responds that in order to bring the pressure up to 40 psi they would have to install a pump station, which would require a

building to house that pump station, and in order to only build one big enough for the 12 lots they would have to find a way to separate them from the remaining 80 some lots. Mrs. Harris goes on to state that they will be incrementally improving the rest of the subdivision as they try to get these 12 lots in line.

Commissioner Emde asks if it would be one pump station. Mrs. Harris responds, yes.

Mrs. Harris states they have not done a design on a pump station.

Commissioner Emde asks what the cost of doing a pump station would be. Mrs. Harris responds that, going on other parts of town, it would be somewhere around \$250,000.

Chair Marler asks if there are any more questions for Mrs. Harris; none respond.

Chair Marker asks if there is anyone else who would like to speak in favor; none respond. Chair Marler asks if there is anyone who would like to speak in opposition; none respond.

Chair Marler closes the public hearing and asks for staff's alternatives.

Mike presents alternatives, which are:

1. Accept findings and approve the proposed Final Re-plat and allow the removal of the improvement requirement.
2. Find that the Final Re-plat is not an appropriate use for the property based on the impacts to the surrounding vicinity and do not approve the Final Re-plat and water line modifications.
3. Find that additional information or discussion is needed prior to making a decision and table the request to a certain date.

Chair Marler asks if there are any questions.

Commissioner Emde asks if the "utility department" is okay with the request.

Mike advises that this is not a new water main, but private service lines which take precedent.

Chair Marler asks for discussion among the Commission.

Vice-Chair Rickelman states that when the subdivision exception was created, by having such a high standard of 3/4 vote for approval, that means all the Commissioners must really be okay with the decision and that if they move forward that it must be in the best interest and public welfare of the city.

Chair Marler asks if their concern with the City is what the homeowners down the road may try to do if there are issues or what other negatives are there.

Commissioner Buchert advises that his main concern is the future homeowners will not be made aware when purchasing their home that they have private service lines. Commissioner Buchert states that when working for the City of Tulsa, this was a major issue and ended up funding public mains to eliminate the problem. Commissioner Buchert goes on to state that it is a balancing act and this is the only way the developer can move forward with developing the property.

Commissioner Lane agrees with Commissioner Buchert and states that this may not be the best solution but the only solution available at this time.

**Commissioner Lane moved, Commissioner Buchert seconded to accept findings and approve the proposed Final Re-plat and allow the removal of the improvement requirement.**

Roll call:	Marler	Rickelman	Lane	Buchert	Ross	Emde	Wilkins
	Yes	Yes	Yes	Yes	Yes	Yes	Yes

*Time: 35 minutes*

DRAFT