

Response from David Meserve, owner, to the Public Works Subdivision Requirements, as filed on Feb. 13, 2025.

Application #PLN-2024-19119 PMS - APN 508-121-055

Regarding Section 2.5 (a), requiring Sidewalk and Gutter, with a 5' Landscape Strip:

I see that Public Works, in their Improvement Alternative section, is willing to support removing this requirement. I am happy to have that support and hope that the Planning Commission will agree.

There are currently no other "landscape strips" on the west side of Fisher, either to the south of me, where there are three parcels with sidewalks, or to the north of me, where there are currently no sidewalks, and many fences built up to the edge of where a standard sidewalk would be.

I have no problem with the requirement to build a sidewalk and gutter and driveway apron, and I was always planning on doing so when I began the subdivision process. But the landscape strip makes no sense at this location.

This requirement came as a total surprise to me. I just built an ADU on the east end of my property, and when I submitted the plans, the Site Plan included a wooden and wire fence that I carefully built a little over five feet back from the west side of Fischer to allow room for the future sidewalk and gutter. The fence was shown on the plans at this location, and the plans were approved. Subsequently, fruit trees and other plants were planted just behind the fence, most of which is see-through wire mesh. If a landscape strip were required, I would have to tear down the existing fence and move it back five feet, along with many of my plantings. With a conventional sidewalk, I plan on maintaining a vibrant landscape strip on my side of the wire fence.

In addition, if I were to build the sidewalk between five and ten feet back from Fischer, it would not be in line with the existing sidewalk to the south of me, and it would dead end at the north directly into an array of about 20 USPS Cluster Block Unit mailboxes, and then into my neighbor's fence.

Also, looking north on Fischer Avenue, almost all of the fences are in line with my recently built fence, which is one reason I felt confident about its location.

This portion of Fischer Avenue is unique, in that the east side of the road includes a 10 foot wide grassy area, and the 10 foot wide Hammond Trail. This provides ample green space and ample space for pedestrians and bicyclists.

I believe that my request for an exception includes all three requirements for the exception, as cited in section 325-9:

- (1) That there are special circumstances or conditions affecting said property.
- (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

Regarding Section 2.5 (b), the 18"runoff drain under Fischer Avenue:

The lowest point on Fischer Avenue, between School Road to the south and Montana Road to the north is the portion in front of my property. The elevation there is 59', with School Road at 62' and Montana Road at 65'.

Because of this dip, the County has a storm drain on the east side of Fischer, across from my property. Fischer is crowned in the middle, so this drain handles all rainwater that runs down between the center of the road and the Hammond Trail. Whenever this drain was built, it is clear that the County failed to consider the need for a drain on the west side of the road. This was probably because the whole west side of the road to the north is currently green, grassy area, on soil with very good drainage, and no sidewalks, and when it was built, there was no sidewalk directly to the south of me on the west side of the road.

It should also be clear that my entire property is almost flat, with a maximum slope of 0.25% (one foot in 400 feet) so there is no possibility of there being any storm water runoff onto Fischer Avenue. The soil is also very permeable, and even in very heavy rains, almost no puddles appear. The only impermeable areas are the two existing houses, which make up less than 5% of the total land area. Nothing in my subdivision plan will cause any storm water to impact Fischer Avenue, except, of course, the minor impermeable areas of a new sidewalk and driveway apron.

To the south of me, there is sidewalk and gutter, and when my neighbor to the south built her sidewalk a few years ago, it now causes a large puddle to form where her sidewalk and gutter end up against my gravel driveway. However, this puddle never gets high enough to crest my driveway, and because the ground below is very porous, the puddle soaks in to the grassy area on the south side of my driveway when it is diverted over the packed gravel apron.

When I build my sidewalk and gutter and driveway apron, I would be happy to provide a drain to the west, onto my property, that would go to an underground gravel bed adequate to take all of the water that currently puddles at the north end of her sidewalk, as well as any water that accumulates in my new gutter area.

I do not think it is fair for me to absorb all of the cost for the future draining of the west side of Fischer Avenue to the north of me, all the way to Montana Road. Whenever the storm drain on the East side of Montana was built to handle the runoff from the road crown and the Hammond Trail, the County must have foreseen that, at some time in the future, a drain would be necessary on the west side of the road. They could have built it then, at a fraction of the cost, while excavating for the eastern drain.

The cost of draining 1350 feet of the west side of Fischer Avenue should not fall entirely on me, just because I am the first to subdivide in this area. It is not as if this is a major subdivision that will greatly increase runoff by the construction of additional impermeable area. I am totally willing to take responsibility for any runoff that I cause by building a sidewalk and for the runoff from my neighbor's gutter, by draining it into a small leach field on the south side of my property. But I do not think I should have to pay for building the infrastructure to drain the whole west side of the road, especially when there is currently no drainage issue to the north of me.

I believe that my request for an exception includes all three requirements for the exception, as cited in section 325-9:

- (1) That there are special circumstances or conditions affecting said property.
- (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.