

PUBLIC MEETING
January 11, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m.

Commissioner Murray is present. Commissioner Varone is absent on personal leave. Others attending all or a portion of the meeting included Ron Alles, Frank Rives, K. Paul Stahl, Carol Bridge, Ronald Schatz, Jeremy Vivrett, Bonnie Jo Geier, Charles Louis Geier, Larry Koehler, Cliff Ulmer, Gary Fredrick, Pat Raymer, CT Canterbury, Stewart Nash, Corinne Waldernmayer, Peggy Benkelman, Bob Lindgren, Marvin Ratcliff, Ken Mergenthaler, Norbert Waldenmayer, Michael Fasbender, Nancy Jenkins, Barney Benkelman, Brian Giddings, Pam Harris, Jim Harris, Ronald Steg, Stephen Phillips, Suzanne Drivdahl, Lynne Neer, Pam Neer, Bob Blanchet, Joane Bayer, Jack Layten, Martin Drivdahl, Kim Schlecher, Donna Meed, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Proposed Major Subdivision, Preliminary Plat to be Known as Stallion Ridge Ranch Estates. (Applicant, Waldenmayer Enterprises). The applicant proposes subdividing Lot 2 of the Senecal Minor Subdivision and Tract B of COS 574877 and change the subdivision name to Stallion Ridge Ranch Major Subdivision. The proposal is for three phases: Phase I for 19 single-family residential lots in the SW portion of the property; Phase II for one commercial lot (Lot 43) and 27 single-family residential lots; and Phase III for 39 single-family lots in the eastern portion of the property. The proposal is generally located 9 miles north of Helena, adjacent to Birdseye Road. The applicant was present and indicated his willingness to proceed.

Frank Rives presented the staff report. It may be difficult to find adequate drainfield locations in some of the proposed lots due to steep terrain and shallow depth to bedrock. The applicants have not yet applied for DEQ review of waste water treatment system test sites. Groundwater appears to be adequate for domestic purposes, however long term sustainability of ground water is a concern in this area because some of the wells in the area are low producers while others provide adequate groundwater quantities. Intermountain Engineering conducted groundwater availability tests on subject property in accordance with DEQ standards. DEQ indicated from a preliminary review, the aquifer in the proposed subdivision could provide water for lots in that area, but would have to examine all hydro-geologic information when the subdivision application is submitted to DEQ. The WQPD recommends water conservation methods be developed in the covenants and through other mechanisms. There may be potential surface impacts for Seven Mile Creek, Ten Mile Creek and other water sources if horse manure is not properly disposed of. The developer proposes to provide access to the lots in the second and third phase by using Sunset Road to access Birdseye Road. The property owners indicate Sunset Road is a private road and is privately maintained. County records show certificate of survey describes Sunset Road and Sunset Hill Road as a 60 foot access and utility easement. A road in the county is assumed to be public if, for example, the road serves more than one residence and the burden of proof if the road is private remains on the party claiming

the road is private. The transportation coordinator stated lots along Birdseye Road should only access Birdseye Road from internal streets and there needs to be an agreement to waive the right to an RID, which is a standard condition of approval. Birdseye Road is designated as a rural major collector and there should be excess capacity available throughout the day. The additional traffic from the subdivision would have a slight impact on peak hour volumes, but would not likely cause significant congestion. Applicants are requesting a variance from subdivision regulations to allow double fronted lots for lots 2, 3, 13, 17-19, and 79-81. If the variance is granted, these lots should have a no access restriction along Birdseye Road to prohibit direct access on Birdseye Road except at designated access road approaches. Sunset Road is a privately maintained gravel road and the applicants propose to utilize Sunset Road for ingress and egress. The applicants will be required to bring Sunset Road to a county standard from the intersection of Birdseye Road to the eastern edge of the most eastern access road of the subdivision and all improvements of course would have to be certified as meeting county road standards in design and construction by a registered engineer. The Birdseye Fire Department has not completed a fire protection plan for the proposed subdivision. The school district expressed concern for the potential of the district to provide for additional students and they requested land be set aside for a K-6 school; however, state statute prohibits requiring donation of land be made as a condition of approval. A sediment and erosion control plan should be required. DEQ approval of on site wastewater treatment systems would be required as a condition of approval. The Scratch Gravel Hills wildlife movement corridor and drainages are important conduits for wildlife traveling between Mount Helena Ridge, Scratch Gravel Hills and the North Hills. A 100 foot setback from the centerline of the Park Creek creek bed should be required to protect the riparian area. Earthquake faults are located in close proximity to the southwestern portion of the property. The Montana Historical Society and the County Historic Preservation Officer have recommended a cultural resource inventory be done on the property. Staff recommends approval of the proposed subdivision subject to the conditions as outlined in the staff report. The planning board recommended denial of the variance request for double fronted lots and denial of the proposed subdivision.

Commissioner Varone asked staff if Kathy Moore had an opportunity to review the test and ground water supply evaluation report? Frank Rives stated he felt review by DEQ was adequate review.

Commissioner Varone asked for clarification if the subdivision is approved and half of the lots qualify for a septic system what happens to the subdivision then and the remaining lots that do not qualify? Deputy County Attorney Stahl stated the applicant would be required to resubmit his proposal and start all over again because of the substantial change.

Commissioner Varone stated her personal concern of putting horses on small lots and what would an appropriate amount of land for one horse to graze. Frank Rives stated it was an oversight of staff not to include a condition of approval which limited pasturing of horses on the smaller lots.

Commissioner Murray asked staff if the packet of material provided by the applicant yesterday was presented to the Planning Board and if there was any new information provided? Frank Rives stated he did not believe there was any additional or new evidence or information submitted.

Applicant, Norbert Waldenmayer, 2590 San Clemente, Vista, California, President and CEO of Waldenmayer Inc. Mr. Waldenmayer's written statement addresses the vision and values of this subdivision, a summary of the process followed to complete the preliminary application, a commentary about the December 15th planning board hearing, and a response to the technical concerns raised by the planning board and the community. The technical data will be presented by his principal engineer, Tony Prothero of Intermountain Engineering. Mr. Waldenmayer stated he has 25 years of experience in developing neighborhoods that provide well valued homes and enhance quality of life by offering leisure and social activities, create and cultivate a sense of community, maintain and enhance the natural environment, and creates communities in which the homes are aesthetically pleasing as well as functional with purposefully mixed the lot sizes, and represent a good value for the buyer. If the Commission finds the equestrian center is not desirable, he is willing to eliminate or reduce that portion of the community center to a minimum. He is confident property values will increase in the Birdseye area. This subdivision will create an increased tax base for the county. He is willing to limit the amount of horses or livestock on each lot used as a single-family residence and prohibit open grazing on residential lots.

The Commission recessed for five minutes.

Tony Prothero, Intermountain Consulting Engineers, addressed several planning board issues that were deemed inadequate and insufficient. He discussed water, sewer, fire protection, traffic impacts, requested variances, creek setback distance, horses on the property, and Sunset Road. He suggested a condition of approval that the wastewater treatment and water supply systems for each lot shall be submitted to the Montana Department of Environmental Quality and City-County Environmental Health Department for review and approval. The applicant agreed to the Birdseye Volunteer Fire Department requirements which include providing the water source, limit road slopes to 8 degrees, extend roads to allow fire truck access to the fill site, and restrict parking and stopping on roads adjacent to the community center. Written comments by the County Transportation Coordinator stated this proposal would not significantly degrade the Birdseye Road A rating. The applicant has requested a variance for double frontage lots; they agree with staff recommendation of 100 foot setback distance for Park Creek; a condition of approval to prevent open grazing of livestock or horses on any lots; and a condition of approval to pave Sunset Road from Birdseye Road to the most western approach and improve Sunset Road if necessary to county gravel road standards to Sun Hill Road. He believes this project has a lot of merit and encouraged the Commissioners to approve this proposal.

Ronald Steg, 6475 Austin Road, presented his written report on potential impacts to the natural and socioeconomic environment associated with this proposal. The traffic

transportation evaluation did not consider potential traffic for infrastructure impacts and an aesthetic impact analysis has not been completed. An increased tax base will be necessary to pay for the increased services and infrastructure for this development.

Martin Drivdahl, 6401 Lone Pine Road, stated his biggest concern is traffic safety and depletion of the ground water in the long term. There is no provision for storm water containment ponds in this proposal.

Barney Benkelman, 5030 Hidden Valley Drive stated his biggest concerns are road safety and water issues.

Cliff Ulmer, 6575 Raven Road, representing the Birdseye Fire Department, stated the fire department's concern is for fire suppression and adequate water supply.

Bob Blanchet, 5747 Eagle Ridge Road, feels it is important to look comprehensively and holistically at an image and this plan is ill conceived

Gary Fredrick, 6325 Vista Grande, supports this subdivision proposal and with the guidance of DEQ and the county's conditions of approval this will make a good subdivision.

Peggy Benkelman, 5030 Hidden Valley, stated her comments are based on scientific fact. The residents of Hidden Valley Drive have an established zoning district, the development is too dense, there would be adverse effects for fire and police protection, and traffic would increase. This subdivision does not follow the newly adopted Lewis and Clark County Comprehensive plan for a rural area. She asked the Commissioners, landowners, and the developer of this property to work together to find a better solution that benefits everyone involved.

Jim Harris, 5354 Hidden Valley Drive, stated he believes the DEQ review and report is incomplete and the pump tests are not valid because they were not run long enough. This proposal will add a high volume of traffic on Birdseye Road.

Martin Ratcliff, 4834 Birdseye Road, stated this proposal will impact water availability in the future.

The Commissioners took a five-minute recess.

Joane Bayer, 6385 Turk Road, urged the commission to deny this proposal.

Stewart Nash, 1275 Maple, Townsend, is involved in mapping of this property and test sites in relation to lot lines and is involved in the environmental impact report. He supports this proposal.

The public hearing is continued to this evening at 5:30 p.m. immediately following the County Planning & Zoning Hearing.

Public comments on matters not mentioned above. None.

There is no other business, the meeting adjourned at noon.

**Continuation of Public Hearing for Stallion Ridge Ranch Estates
January 11, 2005**

Chairman Ed Tinsley called the meeting to order at 6:00 p.m.

Commissioners Varone and Murray are present. Others attending all or a portion of the meeting included Ron Alles, K. Paul Stahl, Frank Rives, Jason Mohr, Norton Waldenmayer, Corinne Waldenmayer, Tony Prothero, and Carole Byrnes.

Commissioner Tinsley explained tonight's format is to offer the applicant and his engineer an opportunity to take questions from the commission and allow public comment.

Commissioner Varone asked Mr. Prothero if he has given any more thought to possibly reconsider allowing horses depending upon the results of today's meeting.

Mr. Prothero stated the applicant is flexible regarding the equestrian center. The equestrian center would be for the benefit of the residents at Stallion Ridge Ranch. If the commission felt an equestrian center is not appropriate for this area, it could be minimized and/or eliminated.

Commissioner Varone asked Deputy County Attorney Stahl if it is true that DEQ must approve all the lots before the final plat is signed relative to water and wastewater.

Deputy County Attorney Stahl deferred the question to Frank Rives.

Mr. Rives stated it is a DEQ requirement for all subdivisions to receive DEQ approval for water and wastewater treatment systems.

Commissioner Murray asked Mr. Rives if only Phase 1 needs DEQ approval or all three phases.

Mr. Rives indicated the applicants want to have the whole project approved so they would need all 86 lots reviewed by DEQ. If they want 19 lots approve they would have to come before the commission three times.

Commissioner Varone asked if this property is located in a zoning district or adjacent to a zoning district and if so are there implications that zoning spilled off into the adjacent property.

Mr. Rives stated the property is adjacent to special zoning district #38. A special zoning district would not be a community so it does not apply. The special zoning district for Hidden Valley does not specify that it has extra territorial powers therefore he does not believe it spills over. Mr. Stahl agreed with Mr. Rives that it does not spill over and it does not affect it at all legally.

Commissioner Varone believes new information was provided on both sides since the planning board hearing and how the commission should proceed.

Deputy County Attorney Stahl stated there is no clear answer. The commission should not be considering new information. The commissioners would need to decide whether or not to consider it.

The Chairman opened the public hearing.

Jim Harris, 5354 Hidden Valley Drive, Helena, is present to answer any questions regarding the two letters he submitted.

Hearing no other public comments, the public hearing is closed.

Tony Prothero, Intermountain Consulting Engineers, 3264 Harness Loop, Helena, addressed some comments that were expressed by the public regarding identification of storm water retention on the final plat. He clarified there are no public water wells anticipated on this project, they are all for individual water supplies and explained DEQ requirements for individual single-family wells. The purpose of the pump test was to test the wells at a rate that exceeded a rate that could potentially supply several house and the tests did exceed the minimum requirements. No well logs were provided because they were not available at that time. When the applicant submits an application to DEQ it will require more detailed analysis and it will include well logs. He addressed what they will find when they drill these wells. Regarding project phasing, DEQ would rather review a complete application that encompasses the water and sewer systems on the project. If DEQ approves the project the applicant can come back and final plat certain phases of the project as needed. Whether or not this project is approved an RID for Birdseye Road should be initiated to bring it up to county standards if it is going to function as a rural major collector.

Commissioner Murray asked Mr. Prothero if the applicant would be agreeable to extending the statutory deadline to give the commission additional time to read and digest all of the testimony and information which was received today.

The applicant agreed to extend the statutory deadline 30 days.

Commissioner Murray moved to grant a request from the applicant to extend the statutory deadline to February 10. Commissioner Varone seconded the motion and it carried unanimously.

In closing, Mr. Waldenmayer stated he and his wife spent a lot of time planning this subdivision and it is their intention to live within the subdivision. He thanked the citizens in the neighborhood for their input and introduced his wife.

Corinne Waldenmayer, 2590 San Clemente Avenue, Vista, CA, summarized the concerns of the residents in this community as water and sewer, roads, horses, services, and environment. She and her husband followed the subdivision process presented to them and they have complied and if the residents are unhappy with the process, then clearly the process is what they need to change. She believes the residents lack confidence in the agencies involved. They have proposed a water availability and septic system plan that would be approved by the DEQ. Impact of water wells on neighboring water supply is DEQ responsibility. According to MDT, Birdseye Road can support 10,000 trips per day however the residents do not seem to agree. The road improvement plan is required to meet the standards of the county subdivision regulations prior to final plat. They do not plan to graze horses because the land is not suitable for grazing. They are committed to providing fire safety in the area and will provide the fire department with what they need and could provide them with an additional mechanism for fire calls. The erosion and sediment control plan and re-vegetation shall be submitted to the conservation district for review and approval. There is no wetland on the property; Park Creek is an ephemeral creek which they plan to protect by building a large easement around that body of water and is a main asset of the property. Their intent to prohibit the discharge of firearms to protect wildlife on the property. She encouraged the commission's support of this subdivision.

Commissioner Murray moved to render a final decision Thursday, February 10 at 9:00 a.m. in room 330. Commissioner Varone seconded the motion and it carried unanimously.

There was no other business and the meeting adjourned at 7:30 p.m.