

**Subdivision Meeting
February 10, 2005**

Verbatim Transcript

Continuation of Proposed Major Subdivision, Preliminary Plat to be Known as Stallion Ridge Ranch Estates.

Commissioner Murray moved to approve a variance request for double fronted lots in Phase 1, Lots 2-3 to 2-13, 2-17 and 2-18. Commissioner Varone seconded the motion.

Commissioner Varone stated she does not care for double-sided lots unless it is a new application. The new property owners have been made aware that the lots are double-sided.

The motion to approve the variance carried 2-0.

Commissioners Murray moved to approve the proposed subdivision subject to 21 conditions as proposed by staff and deny the planning board recommendation and their 6 proposed conditions. Commissioner Varone seconded the motion.

Commissioner Murray. I don't personally care for this subdivision or where it's located. There is not a legal reason not to approve this subdivision. The planning board in my opinion did what was politically expedient and denied the subdivision. I wanted extra time this morning to go through the conditions to satisfy in my mind that staff had looked at all of the legal contingencies and mitigated the problems that existed. I grew up in the west side of Helena and familiar with the area. I guess I am one of those people that's dragging my feet and would like to see it remain open space. Progress happens and hopefully this is progress for the better. I am very comfortable with the applicant's assurances that they have the experience to develop a parcel such as this. That they are not planning on having livestock that is going to graze the land but rather will receive supplemental feed. I think the testimony before us that the applicants presented they are prepared to mitigate and to be good neighbors with the people in that area. After hearing all of the testimony, I have some water concerns as the planning board had some water concerns as the testimony presented had some water concerns. As your county commission we don't necessarily have the knowledge nor the experience, nor the expertise to give an answer to these concerns. We rely on a state agency where they hire scientists that tell us if there is water, if there is adequate drainage for septic systems. That's included in these conditions. That they will be mitigated. That is if there is not water. The subdivision will either stop or will have to come back with a different lot scheme. That's in these conditions. I believe the conditions, I'm satisfied that they mitigate the concerns that were raised by the public. The personal concerns I have about this subdivision and that's the reason I am prepared to vote in favor of the motion. In studying this over the weekend, I was convinced this was a subdivision that was ready to go forward and as for inconveniencing you folks this morning to give me an extra hour and a half to review the conditions of approval I wanted to be very sure that staff, both Jerry and Frank, had proposed conditions that would mitigate the possible impacts that may exist there. I am satisfied with that and that was the reason for my motion.

Commissioner Varone. I think this is a well-designed application. I'm not sure if the applicant is going to be successful in putting together what they want for their equestrian center, but I think it needs to start somewhere and I would like to give them the opportunity to try and do that. I am going to be asking for a couple of additional conditions of approval but I thought it was important because it looks like we may be approving this subdivision that we do address the reasons for

denial from the planning board and I'd like to do that if I could, item by item. The first reason for their denial indicated that the impacts of the increased traffic on the existing road system and the inability to mitigate the impacts. And they talked about specific roads. During the process and the information that staff was able to provide, our staff individual, Brian Holling, who was the transportation coordinator, indicated that the addition of this subdivision would bring the traffic level only up to 24% of capacity. I trust our staff. I know that Brian Holling, who since moved on to a different job, I trust not only his intelligence and his ability to make those kinds of determinations—I think he is accurate. Additionally, mitigation is addressed in conditions of approval #5 that talk about access points and require permits and conditions of approval #6, 7,8, which require road building requirements as well as asphalt mats and pavement in certain areas.

The second reason for denial had to do with inadequate information to evaluate the impacts of public health and safety because of insufficient data relating to the availability of water and the non-degradation analysis for wastewater systems. The DEQ letter from a woman by the name of Cheryl Consort indicated: [I'm just synopsising some of the things she said] "It appears that the aquifer in the valley portion could provide the water supply needed for the proposed lots in that area. Testing the two wells on the hills met DEQ requirements. The water level monitoring conducted from neighbors' wells did not indicate any well interference. At this time, we can say there were no obvious fatal flaws regarding the water supply based on the report." Additionally, deputy county attorney Stahl at the planning board meeting that the planning board could not consider this as a reason for denial because the applicants met the subdivision regulation requirements.

The third reason were the concerns relating to the risk of wildland fire and insufficient measures to mitigate the impacts. There was a very long letter that was provided in the packer from the volunteer fire department up there and clearly condition of approval #10 "that the applicant would be required to meet" indicates that must meet the requirements in order to mitigate the fire concerns.

Number four was the impacts on wildlife that frequent the area. Impacts on wildlife mitigation not only through the applicant's design with open space in mind, but also conditions of approval #16.k and I talk about the prohibition of storage of food, garbage, and the restraining of pets. That has been address, in my opinion.

Reason number 5 for denial—the impacts of establishment of an equestrian center and the use of proposed lots for the feeding and keeping of livestock. I believe this is partially mitigated through condition of approval #3 which requires an erosion and vegetation control plan. I am going to be asking that an additional condition be added that says, "homeowners shall provide alternative and supplemental means to feed livestock to meet the sediment control and revegetation plan." I don't think that's an unreasonable requirement. What that does is it assures that if there are livestock on there that they will be fed appropriately and that the topsoil will not slough off that area.

And last but not least, it talks about insufficient information concerning the non-residential uses proposed for the property and the ability to evaluate the potential impacts and mitigation. There is insufficient information concerning the non-residential uses and mitigation and so what I'd like to also do is I'd like to add one more condition of approval that says and it talks about lot 41 only because that's the one where the clubhouse is planned and maybe potentially a little store or something like that. There was a concern and I think it was a legitimate concern and so what I'd like to do is add a condition of approval when the time is appropriate to just simply say "Lot 41

shall be used by the residents of the subdivision and may not be used for commercial purposes without the consent of the Board of County Commissioners.” And that means they just need to simply come back to us and then we will consider it and I think that is an appropriate and achievable thing to do. That’s all I have is there anything you’d like to add Commissioner Murray?

Commissioner Murray. No, I was aware that you were going to propose some changes. In the last change you proposed, I am not prepared to second the motion unless you remove “approved by the Board of County Commissioners.” If we’re going to approve this subdivision, we’re going to approve it and...

Commissioner Varone. I’d be willing to do that. Should we take these individually then?

Commissioner Murray. Sure, I’ll second that motion if you want to make it.

Commissioner Varone. Condition 16.p. shall read, “Lot 41 shall be used by the residents of the subdivision and may not be used for commercial purposes.

Commissioner Murray. I don’t know that the applicant doesn’t want it used for commercial purposes.

Commissioners Varone. That’s why I added without the consent of the Board of County Commissioners. They can’t do it unless they come before us and it seems that there is a need and a desire from the folks that are out there and that’s why I included that language.

Commissioner Murray. I just can’t second the motion. If they want to use it for commercial purposes then it’s now in their plat. I’m happy to let them make that decision. There’re in business, I’m not.

Commissioner Varone. All right Commissioner Murray, I’ll be honest with you—I was just trying to address the concerns of the people who live out there but if you’re fine with that, I’m with it. Then the one added condition of approval I have would be 16.p – homeowners shall provide alternative and supplemental means to feed livestock to meet the sediment control and revegetation plans.

Commissioner Murray. Second.

Commissioner Varone. All those in favor signify by saying Aye?

Commissioner Murray. Aye.

The motion carries.

Commissioner Murray. Now we need to vote on the 21 conditions as amended Commissioner, I believe, and that motion is on the table.

Commissioner Varone. And I seconded it. All those in favor of approving the proposed major subdivision preliminary plat to be known as Stallion Ridge Ranch Estates signify by saying Aye.

Commissioner Murray. Aye. Commissioner Varone. Aye.

The End.