

**PUBLIC MEETING  
APRIL 22, 2014  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, April 22, 2014, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chair Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen was present. Commissioner Mike Murray was excused from the meeting. Others attending all or a portion of the meeting included Eric Bryson, George Thebarga, Katie Jerstad, Mike Fasbender, Ryan Casne, Greg McNally, Jack Walsh, Kevin Demaray, Colter Landt, Dick Weschenfelder, Mike Mayer, Jr., Mike Mayer, Sr., Laurie Blakley, Andy Adamant and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

There were no consent action items on today's agenda.

Public Hearing. Southridge Estates Major Subdivision (Modifications). (Applicant: Southridge Properties, LLC) (Planner: Greg McNally) The applicant is requesting modifications to both the preliminary plat and conditions of preliminary approval. The applicant is also requesting the Commission sign a MDT approach permit for an extension of Tizer Drive on the north side of York Road. The Commission will hold a public hearing and consider the modification requests and signing of the approach permit.

Commissioner Good Geise opened the public hearing and provided an overview of the process for presenting and considering modifications to Southridge Estates Major Subdivision.

Greg McNally, Planner, noted today was a public hearing for a Request for Modifications that came from 35 Conditions of Approval granted to Southridge Estates Subdivision as a result of a Settlement Agreement between the applicant and the County. The 32-lot residential subdivision was located north of York Road and east of Tizer Drive. A request to modify Conditions of Approval was received; the Commission agreed to hear the request on March 18, 2014, and hold a public hearing. On March 20, the applicants submitted an application to modify 13 of the 35 Conditions of Approval, and add three new Conditions. The Conditions to be modified were 1, 2, 3, 9, 11, 15, 20, 28.d, 29.i, 30 30.a. 30.f and 34; new Conditions 1, 2 and 3 were included. Staff reviewed each Condition of Approval as stated in the Settlement Agreement. Staff's discussion about each proposed modification, the Applicant's proposed modification to that Condition, and on page 16, were Draft Commission Findings and Conclusions were addressed in the Staff Memo of April 16, 2014. Aerial photos were viewed. Staff provided options for the Commission's consideration in rendering a decision.

Discussion –

Commissioner Hunthausen asked about fencing along the western boundary of Lot 7 and the entire length of York Road. Mr. McNally noted the applicant's proposed Condition 2 did not list fencing along the north property boundary.



Commissioner Hunthausen asked why the cross-walk was no longer indicated as per the original Agreement. Mr. McNally stated it was his understanding that MDT and the School District had both stated concerns about installation of the cross-walk at this time, due to sparse development, the need for crossing guards and high speeds along York Road. A speed study for York Road had been requested of MDOT by the Public Works Dept. The School District supported the bus stop installation. Commissioner Hunthausen raised the issue of a legal obligation to address safety of students when a subdivision was being proposed. Katie Jerstad offered to research the issue.

Commissioner Hunthausen questioned the applicant's request to include the bus stop as part of the subdivision's parkland dedication. Staff confirmed this was their first experience with this type of request.

Commissioner Good Geise questioned who would maintain the proposed bus stop if it was not School Dist. property, and whether a floodplain permit would be required. Mr. McNally confirmed a floodplain permit would be required for construction; the Postal Service would review and approve the location. Commissioner Good Geise asked about the 20-foot trail easement. Mr. McNally indicated where the applicant proposed reducing the 20-foot easement to 10 feet; construction might be problematic. Commissioner Good Geise asked why some lots had failed groundwater monitoring, but had subsequently passed testing. She asked for clarification on Condition 11 related to the 60-foot wide public access and underground utility easement for an extension of Tizer Drive north of York Road. Greg McNally explained this was a mechanism to provide MDT some control over the issuance of an approach permit for full-on public access as development occurred in the area. Commissioner Good Geise inquired about Condition 30 that addressed the proportional share for Floweree Drive improvements at 200 percent instead of the standard 125 percent. Greg McNally stated he was not familiar with the reasoning behind the 200 percent requirement in the Settlement Agreement.

Greg McNally called attention to a numbering error on page 28; "Applicant's Proposed Modifications to Approval Condition No. 31.i." should read "29.i."

Ryan Casne, the applicant's representative, complimented Staff on their excellent work related to the Modification Request and provided a handout titled, "York Meadows," that contained a detailed analysis of each Condition related to the applicant's requested modifications. Mr. Casne reviewed each in detail and concluded with the cul-de-sac shown on the "Conceptual Overall Roadway Plan," stating the developer preferred not to install the cul-de-sac, and remove it from the plat.

Commissioner Good Geise questioned whether it was appropriate to address the cul-de-sac as it was not in the Conditions of Approval or the Modification Request.

Katie Jerstad asked if the cul-de-sac was inadvertently included on the preliminary proposed modified plat. Mr. Casne clarified this was not a draft preliminary plat, but was actually titled, "Conceptual Overall Interior and Exterior Roadway and Trail Improvements Plan. Ms. Jerstad advised that the documents provided by Mr. McNally contained a picture of what was the preliminary plat agreed to under the 2009 Settlement Agreement, and did not show the cul-de-sac; therefore it did not need to be considered today.

Ryan Casne addressed the Commission's questions related to elimination of the crosswalk, including the bus stop in parkland dedication, new testing locations for groundwater monitoring, the trail easement, and the proportional share for Floweree Drive. Mr. Casne did not know what

the parkland dedication size requirement was for the subdivision and offered to calculate the amount. The contribution would be cash-in-lieu, excepting the trails built in the trail easement.

George Theborge, Director of Planning, addressed points made by Mr. Casne; he questioned whether a final road plan had been approved by Public Works, and whether the pedestrian easement from the cul-de-sac over to Tizer Drive should be constructed or not. Staff had previously raised concerns with inclusion of the bus stop in parkland dedication. Regarding the Tizer Drive access, the developer's proposal and request was acceptable if MDT was willing to issue an approach permit and access rights. Staff felt strongly that some form of turn-around was needed at the end of Reardon Road, in place of a cul-de-sac.

No public comment was received.

Commissioner Hunthausen moved to take the information into consideration and render a decision on April 29, 2014, at the regularly scheduled meeting.

Commissioner Good Geise seconded the motion. The motion carried 2-0.

Public Hearing. Amended Plat of Lots 1 and 61 of Broadwater Estates Subdivision. (Applicant: Michael F. Mayer) (Planner: Frank Rives) The applicant is requesting to amend the final plat of the Broadwater Estates Subdivision to relocate the common boundary of Lots 1 and 61 (County parkland) and exchange 1,239 sq. ft. of County parkland (Lot 61) for 1,239 sq. ft of Lot 1. The Commission will hold a public hearing and consider the modification request.

Greg McNally, Planner, noted today was a public hearing for the Amended Plat of Lots 1 and 61 of Broadwater Estates Subdivision. However, the Staff Report was not completed and available for today's hearing; therefore, Staff requested tabling until the April 29, 2014 public meeting. The review period for the subdivision expires May 2, 2014.

Michael Mayer, the applicant, stated that to his knowledge, all required documents had been submitted. He had not received a copy of the Staff Report prior to today's meeting. Mr. McNally clarified that the Staff Report would be provided prior to the April 29<sup>th</sup> public meeting.

Public comment –

Michael Mayer, Sr., 7704 US Hwy 12, Helena, expressed frustration with the process and timeline for obtaining approval for the modification request.

George Theborge, Director of Planning, responded by explaining these types of issues came up when an owner experienced difficulty with obtaining bank financing due to the bank's review that revealed encroachments into utility easements and/or parkland. Staff was attempting to assist the owner in rectifying problems created by construction that violated either covenants or utility easements. Delays were not caused by County incompetence or excessive red tape. This was a difficult, complicated situation and Staff was attempting to facilitate a solution.

Commissioner Hunthausen moved to continue the hearing on Broadwater Estates through the April 29, 2014, public meeting.

Commissioner Good Geise seconded the motion. The motion carried 2-0.

Final Plat. Amended Plat of Lot 10, Block 10 – Skyview Subdivision – Phase IV-B. (Applicants: Alex and Jolie Schroader) (Planner: Greg McNally) The applicants are requesting final approval of an amended plat to reduce the size of the side-yard utility easement at 985 Mallard Court. The Commission will accept public comment and consider the final plat.

Greg McNally, Planner, presented the applicant's request for Final Plat on the Amended Plat of Lot 10, Block 10 of the Skyview Subdivision, Phase IV.B. Preliminary approval was granted on Feb. 25, 2014, with four Conditions. The applicant was in compliance with the four Conditions of Approval, and the plat was found to be in substantial compliance with the County's Subdivision Regulations.

No public comment was received.

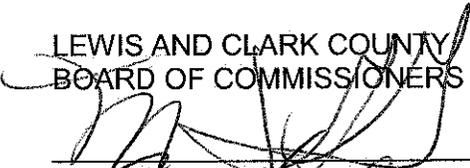
Commissioner Hunthausen moved approval of the Final Plat of the Amended Plat of Lot 10, Block 10- Skyview Subdivision – Phase IV-B, as presented by Mr. McNally.

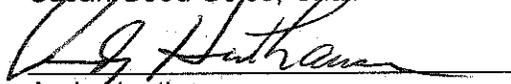
Commissioner Good Geise seconded the motion. The motion carried 2-0.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

There was no other business and the meeting adjourned at 11:00 a.m.

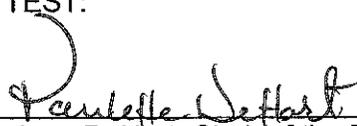
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Susan Good Geise, Chair

  
Andy Hunthausen

  
Mike Murray

ATTEST:

  
Paulette DeHart, Clerk of the Board