

**PUBLIC MEETING  
November 9, 2004**

Chairman Mike Murray called the meeting to order at 9:00 a.m. Commissioner Tinsley and Varone are present. Others attending all or a portion of the meeting include Ron Alles, Sharon Haugen, K. Paul Stahl, Lindsay Morgan, Frank Rives, Bev D'Amato, Bill Ries, Steve Mandeville, Mike Fasbender, Valerie Thresher, Liane Taylor and Carole Byrnes.

**Pledge of Allegiance.** Everyone recited the pledge.

**Proposed Major Subdivision, Preliminary Plat to be known as Timber Acres II Major Subdivision.**

Frank Rives, presenting, stated that the applicant has requested a postponement of the public hearing to November 23. Because the public hearing has been legally advertised, the Commissioners will accept any public comment. The Commissioners receive a written request for postponement requesting that the review period will be extended to December 3, and comments will be carried forward to November 23.

Hearing no public comments, the public hearing is closed. Commissioner Varone moved to continue the proposed subdivision to be heard November 23. Commissioner Tinsley seconded the motion and it carried unanimously.

**Proposed Major Subdivision, Preliminary Plat to be known as Southridge Estates Major Subdivision.**

Lindsay Morgan presented the staff report. The applicant is proposing 32 lots, 31 lots for one single-family dwelling and the other lot would be utilized as a commercial storage unit. The applicant has indicated a preference to provide cash in lieu of parkland and a trail system. The lots will be served by individual wells and individual wastewater systems and utilities. The property does not lie within an existing zoning district. The property lies on land with severe soil constraints. Four of the proposed 32 lots failed groundwater monitoring and are not suitable for on-site wastewater treatment systems.

Relocated the access of York Road, but should be further discussed with MDT. EVFD recommends an emergency access off York road. Rather see access off of Floweree rather than York road. The applicants have requested commercial Lot 9-access on to York Road. Applicants have provided no info regarding an easement from MDT for access for lot 9. MDT states a crosswalk is not an option. The East Helena Valley FD has requested a 30,000gallon underground water storage tank. Applicants have requested a fee of \$500 instead of storage tank. Certain lots are located within the 100year floodplain. The proposal does not comply with county standards. The lots proposed are located within a prime agricultural area, flooding, high water table, traffic, and expenditures of public funds. Staff recommends denial. The planning board agreed with staff recommendation for denial.

The commission recessed for 5 minutes.

Valerie Thresher, Jackson, Murdo Law Firm, 203 N. Ewing. Supplied response to the proposed conditions of approval. Ms. Thresher also discussed the groundwater issue, York Road access, access to lot 9, and whether an easement from MDT is necessary.

According to MDT the applicant does not need an easement from the state. Access to be moved further north on York Road. Crosswalk is an option with motorist recognition. Crosswalk design needs to be done in conjunction with MDT. Busing issue is an annual fee. Applicants will follow school district plan for crosswalk. Wetland area—1-1.5 acres and is in the NW corner of lot 1 and is in the 100 yr floodplain. Parkland and cash donations—applicants have agreed to a cash donation and includes proposed trail. Do not see relevance of Lee Alt's comments from prior proposal.

Commissioner Tinsley moved to make the written objections submitted by attorney Thresher for this as well as her letter of November 8. Commissioner Varone seconded the motion and it carried unanimously.

The public hearing is closed. Commissioner Tinsley moved to render a final decision November 18 at 10:00 a.m. Commissioner Varone seconded the motion and it carried unanimously.

There was no other business and the meeting adjourned at 11:45 a.m.