



Community Development and Planning
Lewis and Clark County

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STAFF REPORT

Date: June 16, 2023

To: City of Helena and Lewis and Clark County Consolidated Planning Board

From: Angela Hubbard, Planner II

RE: Scenic Vista Major Subdivision, SUBD2023-008

Owner/Applicant:

Able Planning LLC
Joe Nistler
8145 Adele Rd
Helena, MT 59602

Representative:

WWC Engineering
Drew Pearson, PE
1275 Maple Street, Suite F
Helena, MT 59601

City-County Consolidated Planning Board Hearing: 6:00 p.m., Thursday, June 29, 2023

County Commission Meeting: 9:00 a.m., Tuesday, July 11, 2023

I. EXECUTIVE SUMMARY:

The Applicant is proposing to divide an existing 160.873-acre parcel into 15 lots. All lots will be for single-family residential use and will range in size from 10.00 and 13.57 acres. Water and wastewater treatment will be provided by individual on-site systems. Fire protection will be provided via an existing public fire protection system within the Canyon Ridge Subdivision which is to the north of the subject property. Direct access to the proposed lots will be off of a planned internal road network with connections to Berkshire Road, Callaway Drive and Ranger Drive within Canyon Ridge Subdivision

II. REQUEST:

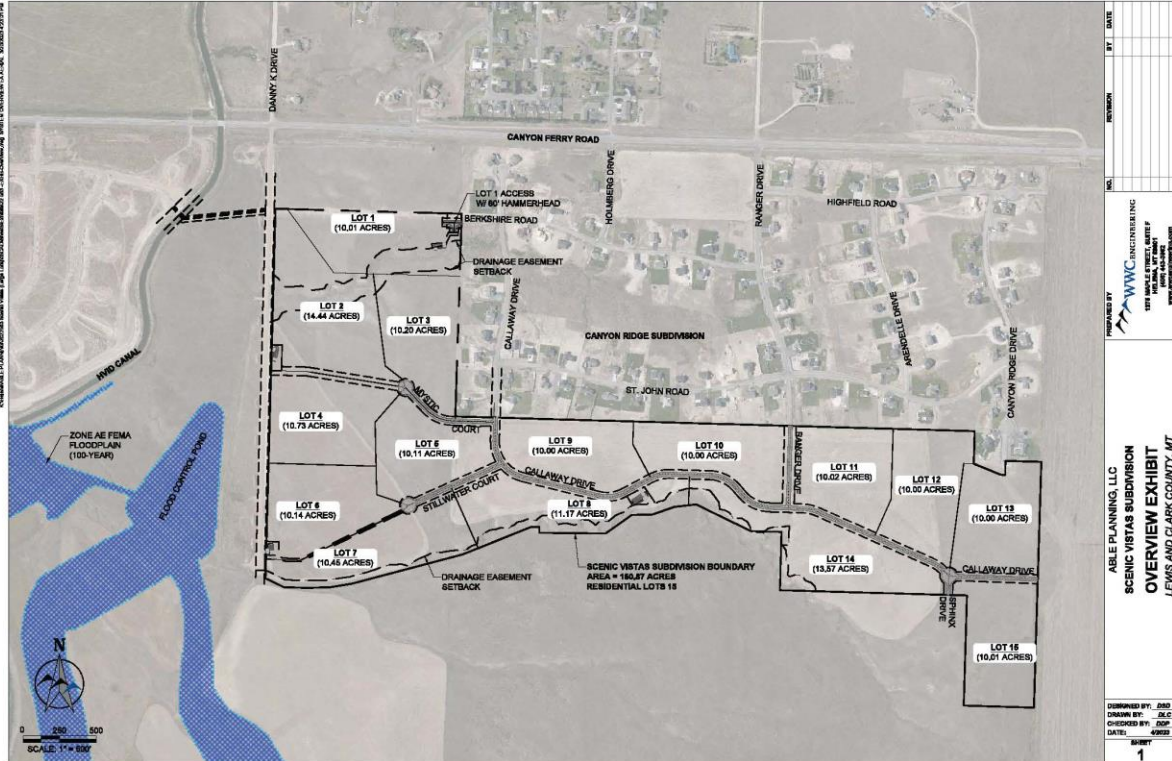
The Applicant has requested approval of a 15-lot Major Subdivision for single-family homes. Furthermore, the Applicant has requested variances from *Chapter XI.F.7* No lot shall have an average length greater than 3 times its average width, *XI.F.9* Double frontage lots, and *XI.H.16* Improvements required to western road extension.

III. STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed Major Subdivision Preliminary Plat and Variance requests subject to the conditions of approval based on the recommended findings of fact included in this Staff Report.

IV. LOCATION:

The proposed Subdivision is located south of Canyon Ferry Road and east of Lake Helena Drive on Lot 3A-1A1A-1A-1 of COS No. 3389384 in Section 21, T10N, R2W, P.M.M., Lewis and Clark County, Montana. A vicinity map, showing the location of the proposed Subdivision, is below.



V. EXISTING DEVELOPMENT AND USES:

The property is bordered to the north by Canyon Ridge Subdivision and nearby to the west by Red Fox Meadows Subdivision.

VI. ADJACENT LAND USES:

North: Residential
South: Agriculture
East: Agriculture
West: Residential

VII. PUBLIC COMMENT:

We have received many comments from adjacent landowners. The comments are provided in Exhibit D. Some of the concerns include water usage, road impacts to Canyon Ridge roads, single family residential use only for the properties, and noxious weed control.

VIII. PROJECT BACKGROUND:

Water is proposed to be provided to each lot via individual on-site wells. The plans are subject to review and approval by the Montana Department of Environmental Quality (DEQ), and the Lewis and Clark Public Health - Environmental Services Division. Montana Department of Natural Resources and Conservation has limited the individual use to .28 Acre Feet per year for domestic and .15 acres or .39 acre feet per year for irrigation.

Wastewater treatment is proposed to be provided by on-site wastewater treatment systems. The plans are subject to review and approval by Lewis and Clark Public Health - Environmental Services Division.

The application indicates that an existing off-site fire protection system located in the Canyon Ridge Subdivision to the north will be used to provide a fire protection water supply. According to the correspondence provided, the Fire Chief's for the Tri-Lakes Volunteer Fire Department and the East Valley Fire District indicated that the existing Canyon Ridge Subdivision fire protection water is sufficient for the proposed Subdivision.

Direct access to the proposed lots will be off of a planned internal road network with connections to Berkshire Road, Callaway Drive and Ranger Drive within Canyon Ridge Subdivision.

The Applicant has requested variances from *Chapter XI.F.7* No lot shall have an average length greater than 3 times its average width, *XI.F.9* Double frontage lots, and *XI.H.16* Improvements required to western road extension.

IX. STAFF ANALYSIS:

Compliance:

The proposed Subdivision is located within the Rural Residential Mixed-Use District of the Helena Valley Zoning Regulations. Rural Residential Mixed-Use district requires a minimum lot size of 10 acres. This subdivision application complies with that requirement.

On March 3, 2016, the County Commission adopted an update to the Lewis and Clark County Growth Policy with two volumes: Volume 1 – Key Issues Report (Key Issues Report) and Volume 2 - Helena Valley Area Plan (Helena Valley Area Plan). The Key Issues Report explores the five development constraints in the Helena Valley (water, wastewater, roads, fire, and flooding) and the policy options for addressing them. The Helena Valley Area Plan takes a more in-depth look at these policy options and makes specific recommendations for pursuing a balanced mix of public investment, density controls, improved regulations, and public education for designated Urban, Rural, and Transitional Growth Areas.

The proposed Subdivision lies within the Rural Growth Area (RGA). The Rural Growth area was established through consideration of lands constrained by water availability, roads, and rural fire protection.

X. CRITERIA FOR REVIEW:

In accordance with 76-3-608(3), MCA, a subdivision proposal must undergo review for impacts on the following primary criteria: 1. agriculture; 2. agricultural water user facilities; 3. local services (water, wastewater, solid waste, utilities, roads, traffic, schools, emergency services, and parkland); 4. the natural environment; 5. wildlife; 6. wildlife habitat; 7. public health and safety; 8. compliance with the County's subdivision regulations; 9. compliance with survey requirements; 10. the provision of easements within and to the proposed subdivision for the location and installation of any planned utilities; and 11. the provision of legal and physical access to each parcel within the proposed subdivision. Listed below are the Findings of Fact and Conclusions regarding each primary criterion.

FINDINGS OF FACT AND CONCLUSIONS:

IMPACTS ON AGRICULTURE

FINDINGS OF FACT:

1. Per Chapter XI.A of the County Subdivision Regulations, all subdivisions must be designed and developed by the Applicant to provide satisfactory building sites that properly relate to topography and must avoid or mitigate any significant adverse impacts on agriculture.

The property will be divided into lots greater than 10 acres. The land is not currently being used for agriculture. There is land to the east and south of the proposed development that is currently in agriculture.

2. Per Chapter XI.C.4 of the County Subdivision Regulations, where a subdivision is proposed next to an irrigation ditch or canal, the developer may be required to install fencing between the affected property and the ditch in order to protect children, depending on the hazard posed by the ditch. In addition, the fence must be built outside the boundary of the ditch easement and must not cross the ditch.

A site visit by staff found no evidence of irrigation ditches located on the property. The Helena Valley Irrigation District Canal is located along the southern and eastern border of a nearby subdivision, Red Fox Meadows.

3. Per Chapter XI.L.13 of the County Subdivision Regulations, where a subdivision is traversed by a watercourse, drainage way, channel, ditch, or stream, easements or rights-of-way may be required to parallel the lines of such watercourse at a sufficient width to allow for maintenance or to protect natural drainage. Setbacks on each side of irrigation canals or ditches may be required for maintenance purposes.

A site visit by staff found no evidence of irrigation ditches located on the property. The Helena Valley Irrigation District Canal is located along the southern and eastern border of a nearby subdivision, Red Fox Meadows.

4. Per Chapter XI.T of the County Subdivision Regulations, all subdivisions must be designed to avoid or mitigate any significant adverse impacts on agriculture.

The subject property is vacant and is not currently used for agricultural purposes.

Conditions of Approval for the proposed Subdivision will require a Five Year Weed Management Plan to be completed to mitigate noxious weeds; a Montana Pollutant Discharge Elimination System (MPDES) permit for stormwater and erosion control; and restrictive covenants providing notice about agricultural operations in the area; that the property should be maintained in weed-free manner; the use of best management practices for erosion control during construction; and restraining domestic pets on the property. Other Conditions of Approval will provide the opportunity to financially guarantee any improvements required by the MPDES permit or weed management plan.

5. Per Chapter XI.T of the County Subdivision Regulations, to mitigate impacts of residential uses in an agricultural area, the sub-divider shall provide restrictive covenants addressing agriculture-related issues that will accompany the final plat. Issues addressed in the covenants shall include the following: the presence of nearby agricultural operations (and a listing of potential impacts such as odors and noise); existence of irrigation facilities and easements; protection of existing water rights; rights of the irrigation facility operator to perform maintenance; control of domestic pets; weed management responsibilities; and other agriculture-related factors that may be present.

The subject property is vacant and is not currently used for agricultural purposes. There is land to the east and south of the proposed development that is currently in agriculture.

Conditions of Approval for the proposed Subdivision will require a Five Year Weed Management Plan to be completed to mitigate noxious weeds; a Montana Pollutant Discharge Elimination System (MPDES) permit for stormwater and erosion control; and restrictive covenants providing notice about agricultural operations in the area; that the property should be maintained in weed-free manner; the use of best management practices for erosion control during construction; and restraining domestic pets on the property. Other Conditions of Approval will provide the opportunity to financially guarantee any improvements required by the MPDES permit or weed management plan.

Conditions of Approval Nos. 2, 14.f, 14.g, 14.h, 14.m, 14.r ,15, and 19 are required to mitigate impacts on agriculture. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Condition of Approval No. 2 mitigates impacts under Finding No. 4.

Condition of Approval Nos. 2, 14.f, 14.g, 14.h, 14.m, 14.r ,15, and 20 mitigate impacts under Finding No. 5.

CONCLUSION: Scenic Vista Subdivision will have adverse impacts on agriculture. The impacts to agriculture, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

IMPACTS ON AGRICULTURAL WATER USERS

FINDINGS OF FACT:

1. Per Chapter XI.L.13 of the County Subdivision Regulations, where a subdivision is traversed by a watercourse, drainage way, channel, ditch, or stream, easements or rights-of-way may be required to parallel the lines of such watercourse at a sufficient width to allow for maintenance or to protect natural drainage. Setbacks on each side of irrigation canals or ditches may be required for maintenance purposes.

A site visit by staff found no evidence of irrigation ditches located on the property. The Helena Valley Irrigation District Canal is located along the southern and eastern border of the nearby subdivision Red Fox Meadows.

2. Per Chapter XI.T of the County Subdivision Regulations, all subdivisions must be designed to avoid or mitigate any significant adverse impacts on agricultural water users or agricultural water facilities.

According to the application there are no existing agricultural water user facilities on the property for the proposed Scenic Vista Subdivision. The current site is non-irrigated. No

mitigation is planned for irrigation or irrigation facilities. Domestic water will be used via DNRC exempt water wells using less than 35 gallons per minute. Further impacts will be mitigated through the same restrictive covenants that are used to mitigate agricultural impacts.

A site visit found no evidence of irrigation ditches located on the property. The Helena Valley Irrigation District Canal is located along the southern and eastern border of the subdivision Red Fox Meadows.

3. Per Chapter XI.T of the County Subdivision Regulations, to mitigate impacts of residential uses in an agricultural area, the sub-divider shall provide restrictive covenants addressing agriculture-related issues that will accompany the final plat. Issues addressed in the covenants shall include the following: the presence of nearby agricultural operations (and a listing of potential impacts such as odors and noise); existence of irrigation facilities and easements; protection of existing water rights; rights of the irrigation facility operator to perform maintenance; control of domestic pets; weed management responsibilities; and other agriculture-related factors that may be present.

The draft covenants submitted with the Application do not contain language addressing agriculture-related issues and their impact upon the Subdivision. A condition of approval will require the establishment of covenants addressing agricultural issues as described under Chapter XI.T of the County Subdivision Regulations.

Condition of Approval Nos. 14.f, 14.h, 14.m, and 14.r are required to mitigate impacts on agricultural water user's facilities. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Condition of Approval Nos. 14.f, 14.h, 14.m, and 14.r mitigate impacts under Finding No. 3.

CONCLUSION: The impacts to agricultural water user facilities, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

IMPACTS ON LOCAL SERVICES

FINDINGS OF FACT REGARDING WATER & WASTEWATER:

1. Per Chapter I.C.7, 8, 9, 10, and 11 of the County Subdivision Regulations, the purposes of these regulations are to promote the public health, safety, and general welfare and to provide for the provision of potable water; the protection and rights of all citizens; the avoidance of subdivisions that would involve unnecessary environmental degradation; the avoidance of subdivisions that would cause danger or injury to public health, safety and general welfare by reason of the lack of adequate or sufficient water; and the avoidance of

subdivisions that would require an excessive expenditure of public funds for the supply of public services.

Water is proposed to be provided to each lot via individual on-site wells. The plans are subject to review and approval by the Montana Department of Environmental Quality (DEQ), and the Lewis and Clark Public Health - Environmental Services Division. Montana Department of Natural Resources and Conservation provided a pre-determination letter limiting the individual use to .28 Acre Feet per year for domestic and .15 acres or .39 acre feet per year for irrigation.

2. Per Chapter XI.C.1.h of the County Subdivision Regulations, the governing body may find land to be unsuitable for subdivision because of natural or human caused hazards identified during the subdivision review process. These lands must not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction techniques. Examples of hazards that could render property unsuitable for subdivision or require mitigation include (but are not limited to) the following: polluted or non-potable water supplies.

According to the nitrate and water analysis data provided in the application there are no known water quality issues in the surrounding groundwater wells.

3. Per Section 76-4-101, MCA, it is the present public policy of the State to extend present laws controlling water supply to include individual wells affected by adjoining sewage disposal and individual sewage systems to protect the quality and potability of water for public water supplies and domestic uses and to protect the quality of water for other beneficial uses. The use of individual water wells for each lot is subject to review and approval by Montana Department of Environmental Quality (DEQ), and the Lewis and Clark Public Health - Environmental Services Division.

Water is proposed to be provided each lot via individual on-site well. The plans are subject to review and approval by the Montana Department of Environmental Quality (DEQ), and the Lewis and Clark Public Health - Environmental Services Division.

4. Per Chapter XI.M.1 of the County Subdivision Regulations, all water supply systems (including individual wells, shared wells, multi-user, and public water supply systems) shall meet applicable regulations and design standards of the Montana Department of Environmental Quality (DEQ) and the Department of Public Health and Human Services (DPHHS) and comply with existing water rights and water rights regulations. The proposed method of supplying domestic water to each lot in the subdivision must comply with the applicable current Administrative Rules of Montana (ARM). By this reference these DEQ standards are incorporated into and made a part of these regulations. Unless defined elsewhere in these regulations, the terms used in these standards will have the meanings assigned to them in ARM.

According to the application, potable water for all of the lots will be provided from individual wells for the lots. The plans are subject to review and approval by the Montana Department of Environmental Quality (DEQ), and the Lewis and Clark Public Health - Environmental Services Division. Montana Department of Natural Resources and Conservation provided a pre-determination letter limiting the individual use to .28 Acre Feet per year for domestic and .15 acres or .39 acre feet per year for irrigation.

5. Per Chapter XI.M.2 of the County Subdivision Regulations, the water supply system shall be subject to approval by the governing body, which may require that any proposed public water supply system provide adequate and accessible water for fire protection.

The application indicates that an existing off-site fire protection system located in the adjacent Canyon Ridge Subdivision will be used to provide a fire protection water supply. According to the correspondence provided, the Fire Chief's for the Tri-Lakes Volunteer Fire Department and the East Valley Fire District indicated that the existing Canyon Ridge Subdivision fire protection water is sufficient for the proposed Subdivision.

6. Per Chapter XI.M.3 of the County Subdivision Regulations, where the subdivision is within the service area of a public water supply system, the subdivider shall submit plans and specifications for the proposed water system to the water district involved and Montana Department of Environmental Quality (DEQ) and shall obtain their approval prior to undertaking any construction to install such facilities. In cases when the proposed development is within 500 feet of an existing public system, the applicant must provide evidence that the public water supplier has been contacted and the applicant can meet the appropriate standards. If connection to an existing public system is denied, then the landowner must submit plans and specification for the proposed water systems to the County for review and approval.

The Subdivision is not within the service area of a public water system.

7. Per Chapter XI.M.5 of the County Subdivision Regulations, all pump tests for ground water wells must comply with all applicable requirements and standards set by Montana Department of Environmental Quality (DEQ).

Pump tests will not be required for the proposed Subdivision application but may be required by DEQ.

8. Per Chapter XI.M.9 of the County Subdivision Regulations, for proposed subdivisions that include new water supply or wastewater facilities, the Applicant shall provide as part of the subdivision application all applicable information required under Section 76-3-622, MCA.

The Applicant provided all information required under Section 76-3-622, MCA with their subdivision application.

9. Per Chapter XI.M.10 of the County Subdivision Regulations, a subdivision that is served by a water supply system which will utilize more than 35 gallons per minute or 10-acre feet per year must demonstrate a sufficient water supply prior to final plat approval. If a permit to appropriate water has not been issued by Montana Department of Natural Resources and Conservation (DNRC) to serve the entire subdivision, the governing body shall require a restrictive covenant notifying future property owners that a permit to appropriate water has not been issued by DNRC.

If the combined annual use of water for all proposed wells is less than 35 g.p.m. and/or 10 AF/YR, the wells will be exempt from obtaining a beneficial water use permit from the Montana Department of Natural Resources and Conservation (DNRC). According to the application, domestic water for all of the lots will be provided from individual wells and all the lots will have a combined estimated total domestic volume of use of 9.83 AF/YR.

10. Per Chapter XI.N.1 of the County Subdivision Regulations, all sewage wastewater treatment systems shall meet the regulations and design standards of the Montana State Department of Environmental Quality (DEQ), the Public Health - Environmental Services Division (PHESD), and applicable zoning regulations. The proposed method of disposing of sewage from each lot in the subdivision must comply with the Administrative Rules of Montana (ARM) 17.36.301, 17.36.302, 17.36.312, and 17.36.320 through 17.36.326 or subsequent amendments as applicable. By this reference these DEQ standards are incorporated into and made a part of these regulations. Unless defined elsewhere in these regulations, the terms used in these standards will have the meanings assigned to them in ARM 17.36.101.

Wastewater treatment is proposed to be provided by individual onsite systems. The plans are subject to review and approval by the Montana Department of Environmental Quality (DEQ), and the Lewis and Clark Public Health - Environmental Services Division.

11. Per Chapter XI.N.2 of the County Subdivision Regulations, the means of wastewater treatment shall be subject to approval by the governing body.

The individual on-site wastewater treatment systems are subject to review and approval by Montana Department of Environmental Quality (DEQ), the Lewis and Clark Public Health - Environmental Services Division and the County Commission.

12. Per Chapter XI.N.5 of the County Subdivision Regulations, before the governing body will approve the final plat of a subdivision containing lots of less than 20 acres in size, the subdivision must have been approved by Montana Department of Environmental Quality (DEQ) or other authorized reviewing authority under the Sanitation in Subdivisions Act Sections 76-4-101 *et seq.*, MCA. This approval applies to the development of the lots at the time of the approval and is no guarantee that the location for a septic system will be available when the lots are actually developed.

The individual on-site wastewater treatment systems are subject to review and approval by Montana Department of Environmental Quality (DEQ), the Lewis and Clark Public Health - Environmental Services Division and the County Commission.

13. Per Chapter XI.N.7 of the County Subdivision Regulations, pursuant to Section 76-3-622, MCA, the Applicant shall provide information for new wastewater facilities.

The Applicant has provided the required information in the subdivision application.

14. Per Chapter XI.I.10 of the County Subdivision Regulations, a governing body may require a restrictive covenant on the property, waiving the right to protest a district to fund the installation and/or maintenance of capital improvements such as water supply systems, wastewater treatment systems. This waiver will be required for the Subdivision.

Water and wastewater will be provided by individual on site systems. However, a waiver will enable future maintenance for public water or wastewater systems.

Conditions of Approval Nos. 1 and 14.q are required to mitigate impacts to water and wastewater under local services. (A full list of the Conditions of Approval is found starting on Page No. 34.)

- Condition of Approval No. 1 mitigates impacts under Finding No. 1.
- Condition of Approval No. 1 mitigates impacts under Finding No. 3.
- Condition of Approval No. 1 mitigates impacts under Finding No. 4.
- Condition of Approval No. 1 mitigates impacts under Finding No. 10.
- Condition of Approval No. 1 mitigates impacts under Finding No. 11.
- Condition of Approval No. 1 mitigates impacts under Finding No. 12.
- Condition of Approval No. 14.q mitigates impacts under Finding No. 14.

FINDINGS OF FACT REGARDING SOLID WASTE:

1. Requirements for solid waste collection and disposal must be in compliance with Chapter XI.O of the County Subdivision Regulations.

Contract collection and disposal of solid waste is available from City-County Sanitation Inc. and contracting with a solid waste provider will be the responsibility of the property owners. Property owners may transport and dispose of solid waste at the Helena Transfer Station. The subject property is within the Scratch Gravel Solid Waste District.

No conditions of approval are required to mitigate impacts to solid waste under local services.

FINDINGS OF FACT REGARDING MAIL DELIVERY:

1. Mail collection and delivery shall be in compliance with Chapter XI.J of the County Subdivision Regulations.

According to the application, the US Postal Service has indicated a set of mail collection boxes will be installed in between the existing CBU's on Ranger Drive within Canyon Ridge Subdivision.

Conditions of Approval Nos. 8, 13, and 19 are required to mitigate impacts on mail delivery under local services. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Conditions of Approval Nos. 8, 13, and 19 mitigate impacts under Finding No. 1.

FINDINGS OF FACT REGARDING UTILITIES:

1. Per Chapter XI.H.17 of the County Subdivision Regulations, if utilities are to be installed after an access road is constructed, the subdivider shall install conduit prior to road construction per the requirements of the utility providers to ensure that utilities can be installed without disturbing the roadbed.

According to the application, the subdivision will be served with Montana internet service, Northwestern Energy electrical power and natural gas which will be extended into the proposed Subdivision. A condition of approval will provide the opportunity to financially guarantee the installation of utilities if not installed prior to final plat.

2. The installation of utilities shall be in compliance with Chapter XI.P of the County Subdivision Regulations.

According to the application, the subdivision will be served with Montana internet service, Northwestern Energy electrical power and natural gas which will be extended into the proposed Subdivision. A condition of approval will provide the opportunity to financially guarantee the installation of utilities if not installed prior to final plat.

3. The installation of utility easements shall be in compliance with Chapter XI.Q of the County Subdivision Regulations.

The final plat shall include the provision of utility easements in compliance with the County Subdivision Regulations.

Conditions of Approval Nos. 4, 13.a, 13.b, 13.c, 14.c, and 19 are required to mitigate impacts on utilities under local services. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Condition of Approval No. 19 mitigates impacts under Finding No. 1.

Conditions of Approval No. 14.c and 19 mitigate impacts under Finding No. 2.

Conditions of Approval Nos. 4, 13.a, 13.b, 1 and 3.c mitigate impacts under Finding No. 3.

FINDINGS OF FACT REGARDING ROADS AND TRAFFIC:

1. Per Chapter XI.H.1 of the County Subdivision Regulations, roads located within a subdivision, shall meet appropriate County design specifications in the Lewis and Clark County Public Works Manual. The appropriate road classification standard shall be determined through a traffic impact study by a professional engineer registered in the State of Montana.

Based on the Traffic Impact Study (TIS) provided with the application, a gravel Typical Section #1 road will be required.

2. Per Chapter XI.H.2 of the County Subdivision Regulations, the arrangement, type, extent, width, grade, and location of all streets shall be assessed in respect to existing and planned streets, topographical conditions, public convenience, and safety, and to proposed uses of the land to be served by them.

Callaway Drive will be extended south and curve through the subdivision. Ranger Drive will be extended south. Berkshire Road will be extended with a hammerhead to the west. Three new roads will be constructed, Mystic Court and Stillwater Court and Sphinx Drive. The roads will be constructed to the design and construction standards of the County Public Works Manual for Typical Section #1, gravel road.

3. The proposed Subdivision shall be in compliance with Chapter XI.H.3 of the County Subdivision Regulations to address impacts to adjacent and offsite roads.

The Applicant has submitted a Traffic Impact Study (TIS) prepared by Robert Abelin, P.E. from Abelin Traffic Services, which evaluated potential traffic generation and trip distribution. This TIS indicates that additional traffic generated by this Subdivision will not create any capacity problems and all roadways and intersections will continue to operate at or within acceptable levels of service. Abelin Traffic Services evaluated the turn-lane warrants for the area with the additional traffic from the Scenic Vista Subdivision. Traffic volumes at the intersections of Canyon Ferry Rd and Holmberg Drive and Ranger Road would not meet volume warrants for the installation of eastbound right turn deceleration lanes on Canyon Ferry Road at either approach. According to the TIS, the project will generate an estimated 141 additional vehicle trips per a day. In addition, the TIS indicates that the Level of Service (LOS) for the roundabout at Canyon Ferry Road and Lake Helena Drive will function at LOS A and the approaches onto Canyon Ferry Road from Holmberg Drive and Ranger Drive will perform at LOS B or better at full build out and no additional mitigation measures will be needed to improve intersection capacity.

4. Per Chapter XI.H.4 of the County Subdivision Regulations, whenever physically feasible, all roads shall connect to other roads within the neighborhood or development and connect to existing or projected through streets and provide access to adjacent parcels, as part of an interconnected road network, outside of the development.

Callaway Drive will be extended south and curve through the subdivision providing a future connection to the east. Ranger Drive will be extended south. Berkshire road will be extended to the west. Sphinx Drive will provide a future connection to the south.

The applicant has requested a variance from XI.H.16 for the west connection via Mystic Court. The applicant will provide an easement however, they are requesting to not construct the road section to County standards.

5. Per Chapter XI.H.5 of the County Subdivision Regulations, all streets and roads shall be designed and developed in accordance with the Greater Helena Area Transportation Plan. The developer shall develop arterials and collector roads in accordance with the transportation plan or provide and develop right-of-way for such roads in accordance with these plans.

All the roads within and adjacent to the Subdivision are classified as local roads.

6. Per Chapter XI.H.6, all roads shall be designated as county road easements, and shall be shown and described as such on the final plat.

A condition of approval for the proposed Subdivision will require that the extension of Berkshire Road, Callaway Drive and Ranger Drive and the construction of Mystic Court and Stillwater Court and Sphinx Road be dedicated as County-road easements on the final plat.

7. Per Chapter XI.H.7 of the County Subdivision Regulations, all internal roads and streets within subdivisions shall be maintained by creating and properly funding a rural improvement district. In all subdivisions, property owners shall sign a waiver of right to protest joining a rural improvement district. A waiver of the right to protest may not be valid for a time period longer than twenty (20) years after the date that the final subdivision plat is filed with the County Clerk and Recorder. Where a rural improvement district exists, the subdivider shall enter into said district. At a minimum, rural improvement districts shall provide for road maintenance, dust control, weed control, and maintenance of turnouts, traffic control signs, and drainage facilities.

The internal roads for Scenic Vista will be included in a new Rural Improvement District (RID). The RID will be responsible for the maintenance of the new roads. Yearly road maintenance will include plowing of snow/sanding, noxious weed control, dust control, and grading.

8. Per Chapter XI.H.8, local roads and residential driveways shall not have direct access onto roads that are functionally classified as state highways, arterial roads or major collectors. Where there is no other reasonable alternative to a local road or residential driveway accessing a state highway, arterial road or major collector, an approach permit must be obtained from the appropriate agency (Montana Department of Transportation, City of East Helena, City of Helena, Lewis and Clark County) before approval can be granted for the proposed road or driveway.

The roads shown on the proposed preliminary plat for the Subdivision do not have direct access onto any arterials or collectors in the area.

9. Per Chapter XI.H.9 of the County Subdivision Regulations, unless designed as part of an integrated road network, or identified as an important traffic corridor, or public health and safety would be enhanced by a through connection, local streets should be designed to discourage through traffic.

The road network within the Subdivision is designed for local access only and local streets are designed to discourage through traffic.

10. Per Chapter XI.H.10 of the County Subdivision Regulations, whenever a subdivision abuts or contains an existing or proposed collector, arterial highway, or other major thoroughfare, the governing body may require the following: frontage roads; a reservation prohibiting access along certain property lines; deep lots; building setbacks; county road easements or reservations for additional right-of-way; and/or other treatment as necessary for adequate protection of residential properties, and to separate collector or arterial traffic from local traffic.

The roads shown on the proposed preliminary plat for the Subdivision do not have direct access onto any arterials or collectors in the area.

A “no access” restriction on the west side adjacent to Lots 2, 4, 6, and 7 to discourage a connection to the west until an accommodating road network can be provided.

11. Per Chapter XI.H.11 of the County Subdivision Regulations, a dead-end street must include a cul-de-sac or hammerhead turnaround unless the dead-end road is proposed as part of a future road connection pursuant to XI.H.16 and the road connection does not serve as access to any lots in the subdivision. All aspects of a dead-end street shall meet the design and construction standards of Section 4 of the Lewis and Clark County Public Works Manual.

The proposed cul-de-sacs Mystic Court and Stillwater Court as well as the proposed hammerhead at Berkshire Road will also need to meet the design and construction standards of the County Public Works Manual (Typical Section #1 Gravel Road).

12. Per Chapter XI.H.12 of the County Subdivision Regulations, the county only accepts the dedication of full width county road easements unless: 1) a subdivision abuts an existing county road easement that is less than the required width, and the remaining portion of the county road easement can be dedicated within such subdivision; 2) the dedication of a partial width county road easement provides, or could provide, for interconnectivity of a road network in accordance with the Greater Helena Area Transportation Plan; and/or 3) the dedication of a partial width county road easement provides, or could provide, for the interconnectivity of roads when the adjoining property is subdivided.

A condition of approval for the proposed Subdivision will require the Applicant to dedicate 60-foot-wide County Road easements for the extension of Callaway Drive as well as the new cul-de-sacs Mystic Court, Stillwater Court, Sphinx Drive and an 80-foot-wide County Road easement for the extension of Ranger Drive.

13. Per Chapter XI.H.13 of the County Subdivision regulations, horizontal and vertical alignment of streets shall conform to the requirements of the Lewis and Clark County Public Works Manual.

The proposed extension of Berkshire Road, Callaway Drive, Ranger Drive and the proposed cul-de-sacs Mystic Court and Stillwater Court and Sphinx Drive will need to be certified as meeting County Road standards by a professional engineer.

14. Per Chapter XI.H.14 of the County Subdivision Regulations, intersections shall conform to the requirements of the Lewis and Clark County Public Works Manual.

A condition of approval for the Subdivision will require that intersections conform to the requirements of the County Public Works Manual.

15. Per Chapter XI.H.15 of the County Subdivision regulations, each major subdivision and subsequent minor subdivision shall provide at least two different ingress-egress vehicular access routes and provide standard legal and physical access. The exceptions to the requirement to provide at least two different ingress-egress vehicular access routes would be major subdivisions and subsequent minor subdivisions that meet all of the following criteria:

- access provided by a dead-end road that is seven hundred (700 ft.) feet or less in length and the subject dead end road accesses a local, collector or arterial road that is not classified as a dead-end road; and
- does not present an evident threat to public health and safety and will not inhibit evacuation of residents in the event of an emergency.

Based upon the proposed preliminary plat and traffic impact study there are two ingress-egress routes to Scenic Vista that provide connection through Canyon Ridge Subdivision to Canyon Ferry Road and Lake Helena Drive. There are two road approaches from Canyon Ridge Subdivision onto Canyon Ferry Road.

16. Per Chapter XI.H.16 of the County Subdivision Regulations, when county road easements are extended to exterior property boundaries within a subdivision for a future road connection as provided in Section XI.H.4, the roadway shall be constructed in accordance with the County Road Standards in the Lewis and Clark County Public Works Manual.

The applicant is requesting a variance from constructing the extension on Mystic Court to the western boundary of the Subdivision. The applicant will provide a 60 foot future public access and utility easement for future connection when an accommodating road network can be provided.

17. Per Chapter XI.H.18 of the County Subdivision Regulations, no subdivision shall be designed in such a way that prevents or inhibits public access by a gate or other method of obstruction on any road within or accessing the subdivisions.

No gates or obstructions are proposed for use within the Subdivision.

18. Per Chapter XI.H.19 of the County Subdivision Regulations, any property accessing a county or public road must have an approach permit. The following items shall also be incorporated into design and construction: (a) all driveway approaches shall conform to the road approach permit requirements of the Lewis and Clark County Public Works Manual; (b) driveway turns shall have a turning radius no less than thirty (30 ft.) feet; (c) a driveway's traveled way, including bridges and cattle guards, shall be a minimum of twelve (12 ft.) feet in width and have a vertical clearance of at least fourteen and one-half (14.5 ft.) feet over its full width; (d) driveway bridges and cattle guards need to meet HS20 load rating standards; (e) all driveway gates shall be located a minimum of thirty (30 ft.) feet from the public right-of-way and shall open inward. Gate openings shall provide a clear opening of not less than twelve (12 ft.) feet; (f) fire department personnel shall have ready access to locking mechanisms, on any gate restricting access on a driveway; (g) driveway rights-of-way shall be a minimum of twenty (20 ft.) feet wide to accommodate the traveled way, vegetation modification, and other local requirements; (h) driveway grades shall be no greater than eleven (11%) percent; (i) every dead-end driveway more than three hundred (300 ft.) feet in length shall be provided with a turnaround at the terminus having a minimum radius of fifty (50 ft.) feet to the center line or a "hammerhead-T" turnaround to provide emergency vehicles with a three-point turnaround ability; (j) driveway access shall be located at least fifteen (15 ft.) feet from the closest edge of turnouts and shall not be located on a turnout; and (k) driveway access shall be at a location that does not conflict with the requirements of XI.F.5, XI.F.6, XI.F.10, and XI.H.10 in these regulations.

A condition of approval for the proposed Subdivision will require the Applicant to apply for approach permits for roads, and extensions of roads, accessing onto existing County Road and public access easements. A covenant will also provide notification to future property owners that an approach permit is required from the County Public Works Department for all driveway accesses onto the proposed internal road network.

A condition of approval for the proposed Subdivision will require that the proposed extension Callaway Drive and Ranger Drive and the proposed cul-de-sacs Mystic Court and Stillwater Court , Sphynx Drive and Berkshire Road hammerhead will need to be certified as meeting the design and construction standards of the County Public Works Manual (Typical Section #1, Gravel Road.

19. Per Chapter XI.I.1 of the County Subdivision Regulations, all roads within subdivisions shall be dedicated as county roads, except within mobile home and recreational vehicle parks.

All roads within the Subdivision will be dedicated as County Road easements.

20. Per Chapter XI.I.2 of the County Subdivision Regulations, all roadway improvements required by the governing body, including pavement, curbs, gutters, sidewalks, driveway approaches and drainage shall be constructed in accordance with the specifications and standards prescribed in these regulations, and the Lewis and Clark County Public Works Manual, using materials approved by the governing body.

A condition of approval for the proposed Subdivision will require that the proposed extension Callaway Drive and Ranger Drive and the proposed cul-de-sacs Mystic Court and Stillwater Court , Sphynx Drive and Berkshire Road hammerhead will need to be certified as meeting the design and construction standards of the County Public Works Manual (Typical Section #1, Gravel Road.

21. Per Chapter XI.I.3 of the County Subdivision Regulations, the subdivider must provide proof that all easements are county road easements.

All roads within the Subdivision will be dedicated as County Road easements and shown on the final plat as County Road easements.

22. Per Chapter XI.I.4 of the County Subdivision Regulations, existing trees and other vegetation shall be preserved where possible. Plantings may be required for buffering, screening, weed control, or soil erosion protection and are subject to approval by the governing body.

A condition of approval requiring the revegetation of areas disturbed by road construction and utility installation will be required for the Subdivision.

23. Per Chapter XI.I.6 of the County Subdivision Regulations, street or road signs and traffic control devices, when appropriate, shall be placed at all intersections by the developer or included as part of the public improvement's agreement. Traffic control devices and placement shall be consistent with the Manual on Uniform Traffic Control Devices, available from the County Public Works Department.

Road names for any new roads must be submitted to the City-County Address Coordinator for review and approval, and road names shall be shown on the final plat and all other documents of the proposed Subdivision. A signing plan for traffic control and street identification signs must be submitted to the County Public Works Department for review and approval and all signs installed in accordance with the approved plans.

24. Per Chapter XI.I.8 of the County Subdivision Regulations, prior to construction of any public improvements, and after receiving preliminary approval, County Planning must review and approve all plans for public improvements required to be submitted by the subdivider, and the subdivider must obtain all necessary permits, which may include but are not limited to: a weed management plan, approach permits, encroachment permits, provisional permits for water supply systems, and floodplain development permits, as well as any permits required by state and federal agencies.

Conditions of approval will require that plans for new public improvements required by the Subdivider be submitted to the County Planning Department for review. In addition, conditions of approval will require that all permits that must be obtained by the Subdivider must be submitted to the County Planning Department for review.

25. Per Chapter XI.H.7 of the County Subdivision Regulations, all internal roads and streets within subdivisions shall be maintained by creating and properly funding a rural improvement district.

A condition of approval will require the creation or amendment of a rural improvement district to maintain the roads in the Subdivision. A new RID for the internal roads of the proposed Subdivision is proposed to be created.

26. Per Chapter XI.I.10 of the County Subdivision Regulations, the governing body may require a restrictive covenant on the property, waiving the right to protest a district to fund the installation and/or maintenance of capital improvements such as water supply systems, wastewater treatment systems, solid waste, parks, open space, conservation areas, roads, sidewalks, non-motorized trails, fire protection, grading and drainage, erosion and sediment control, weed control, vegetation management, mailboxes, outdoor lighting, and other utilities. The waiver of a right to protest must identify the capital improvements for which protest is being waived. A waiver of a right to protest may not be valid for a time period longer than 20 years after the date that the final subdivision plat is filed with the County Clerk and Recorder.

A covenant is included in the Conditions of Approval that will provide notification to property owners of the waiver to the right to protest the joining or creation of an RID or special district to fund the installation and/or maintenance of roads providing access to the proposed Subdivision.

A covenant is included in the Conditions of Approval that will provide notification to property owners of the waiver to the right to protest a district to fund the installation and/or maintenance of capital improvements such as water supply systems, wastewater treatment systems.

A covenant is included in the Conditions of Approval that will provide notification to property owners of the waiver to the right to protest the joining or creation of an RID or special district to fund the maintenance of the off-site fire protection system.

Conditions of Approval Nos. 4, 5, 7, 9, 10, 11, 12, 13.c, 13.g, 14.a, 14.e, 14.j, 16, 20, and 21 are required to mitigate impacts on roads and traffic under local services. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Conditions of Approval Nos. 4 and 13.c mitigate impacts under Finding No. 1.

Condition of Approval No. 4 mitigates impacts under Finding No. 2.

Conditions of Approval Nos. 9, 10, 11, and 12 mitigate impacts under Finding No. 3.

Condition of Approval No. 4 mitigates impacts under Finding No. 4.

Conditions of Approval Nos. 4 and 13.c mitigate impacts under Finding No. 5.

Condition of Approval No. 5 mitigates impacts under Finding No. 6.

Conditions of Approval Nos. 14.e and 20 mitigate impacts under Finding No. 7.

Conditions of Approval Nos. 13.g and 14.j mitigate impacts under Finding No. 10.

Condition of Approval No. 4 mitigates impacts under Finding No. 11.

Condition of Approval No. 13.c mitigates impacts under Finding No. 12.

Condition of Approval No. 4 mitigates impacts under Finding No. 13.

Condition of Approval No. 4 mitigates impacts under Finding No. 14.

Conditions of Approval Nos. 4, 13.c, and 14.a mitigate impacts under Finding No. 15.

Conditions of Approval Nos. 4 and 13.c mitigate impacts under Finding No. 16.

Condition of Approval No. 14.a mitigates impacts under Finding No. 18.

Condition of Approval No. 13.c mitigates impacts under Finding No. 19.

Conditions of Approval Nos. 4, 5, and 14.a mitigate impacts under Finding No. 20.

Condition of Approval No. 13.c mitigates impacts under Finding No. 21.

Condition of Approval No. 4 mitigates impacts under Finding No. 22.

Condition of Approval No. 7 mitigates impacts under Finding No. 23.

Conditions of Approval Nos. 4, 5, and 16 mitigate impacts under Finding No. 24.

Condition of Approval No. 20 mitigates impacts under Finding No. 25.

Conditions of Approval Nos. 14.e, 20, and 21 mitigate impacts under Finding No. 26.

FINDINGS OF FACT REGARDING EMERGENCY SERVICES:

1. Per Chapter XI.C.1.I of the County Subdivision Regulations, the governing body may find land to be unsuitable for subdivision because of natural or human caused hazards identified during the subdivision review process. These lands must not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction techniques. Examples of hazards that could render property

unsuitable for subdivision or require mitigation include (but are not limited to) the following: high-risk fire areas (see fire standards).

The Lewis and Clark County Sheriff's Department will provide law enforcement services for the proposed Subdivision. Emergency medical and ambulance services are provided by Saint Peters Hospital for the proposed Subdivision. Fire protection services are currently provided by the East Helena Valley Fire District and Tri Lakes Fire District.

The application indicates that an existing off-site fire protection system located in the adjacent Canyon Ridge Subdivision will be used to provide a fire protection water supply. According to correspondence from the Fire Chief's for the Tri-Lakes Volunteer Fire Department and the East Valley Fire District indicated that the existing Canyon Ridge Subdivision fire protection water is sufficient for the proposed Subdivision.

2. Per Chapter XI.C.2 of the County Subdivision Regulations, the governing body may find land to be unsuitable for subdivision because of natural or human caused hazards identified during the subdivision review process. These lands must not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction techniques. In addition to specific hazards, there may be cases where a subdivision proposal has potential to place unreasonable burdens on the general public because of environmental degradation, critical fish and wildlife habitat, vegetation listed as rare or threatened, or other factors that may require an excessive expenditure of public funds. In other cases, a proposal may, for a variety of reasons, be detrimental to the health, safety, or general welfare of existing or future residents. In these cases, the governing body has the authority to deny a subdivision request, based on its analysis of impacts, and the inability to mitigate the impacts.

According to the application materials there are no natural or human caused hazards that would be unsuitable for development.

3. Per Chapter XI.C.5 of the County Subdivision Regulations, the governing body may find land to be unsuitable for subdivision because of natural or human caused hazards identified during the subdivision review process. These lands must not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction techniques. Building sites shall be prohibited on slopes greater than thirty percent (30) and at the apex of "fire chimneys" (topographic features, usually drainage ways or swales, which tend to funnel or otherwise concentrate fire toward the top of steep slopes), head of draws designated high fire hazard areas, or severe fire hazard areas. The governing body may require a minimum lot size and building envelopes for development in areas of steep slopes greater than thirty (30) percent.

According to mapping in the Tri-County Community Wildfire Protection Plan, the property has a low fuel hazard rating. A vegetation management plan will be required for the property as a requirement of the Subdivision Regulations. A copy of this plan shall also be

filed with the Clerk and Recorder's Office upon final approval of the proposed Subdivision and a restrictive covenant shall provide notice to property owners of the vegetation management plan and that the plan is on file with the Lewis and Clark County Clerk and Recorder.

The application indicates that an existing off-site fire protection system located in the adjacent Canyon Ridge Subdivision will be used to provide a fire protection water supply. According to correspondence from the Fire Chief's for the Tri-Lakes Volunteer Fire Department and the East Valley Fire District indicated that the existing Canyon Ridge Subdivision fire protection water is sufficient for the proposed Subdivision.

4. Per Chapter XI.M.2 of the County Subdivision Regulations, the water supply system shall be subject to approval by the governing body, which may require that any proposed public water supply system provide adequate and accessible water for fire protection.

The application indicates that an existing off-site fire protection system located in the adjacent Canyon Ridge Subdivision will be used to provide a fire protection water supply. According to correspondence from the Fire Chief's for the Tri-Lakes Volunteer Fire Department and the East Valley Fire District indicated that the existing Canyon Ridge Subdivision fire protection water is sufficient for the proposed Subdivision.

5. Per Chapter XI.M.11 of the County Subdivision Regulations, any public water supply system must provide adequate and accessible water for fire protection, unless an alternative fire-fighting water supply system is approved for use by the governing body and recommended for use by the Fire Protection Authority Having Jurisdiction (FPAHJ).

The application indicates that an existing off-site fire protection system located in the adjacent Canyon Ridge Subdivision will be used to provide a fire protection water supply. According to correspondence from the Fire Chief's for the Tri-Lakes Volunteer Fire Department and the East Valley Fire District indicated that the existing Canyon Ridge Subdivision fire protection water is sufficient for the proposed Subdivision.

This Subdivision is proposed to be added to the existing Canyon Ridge RID.

6. Per Chapter XI.S of the County Subdivision Regulations, all subdivisions shall be planned, designed, constructed, and maintained in compliance with the fire protection standards described in Appendix K to minimize the risk of fire and to permit the effective and efficient suppression of fires in order to protect persons, property, and forested areas.

The application indicates that an existing off-site fire protection system located in the adjacent Canyon Ridge Subdivision will be used to provide a fire protection water supply. According to correspondence from the Fire Chief's for the Tri-Lakes Volunteer Fire Department and the East Valley Fire District indicated that the existing Canyon Ridge Subdivision fire protection water is sufficient for the proposed Subdivision.

According to mapping in the Tri-County Community Wildfire Protection Plan, the property has a low fuel hazard rating. A vegetation management plan will be required for the property as a requirement of the Subdivision Regulations. A copy of this plan shall also be filed with the Clerk and Recorder's Office upon final approval of the proposed Subdivision and a restrictive covenant shall provide notice to property owners of the vegetation management plan and that the plan is on file with the Lewis and Clark County Clerk and Recorder.

7. Per Appendix K 18-4.3 of the County Subdivision Regulations, an easement for unrestricted use by the fire department, in perpetuity, of the water supply system shall be recorded and noted on the plat.

No easements are necessary unless the fire protection system is installed onsite.

8. Per Appendix K 18-4.3 of the County Subdivision Regulations, the subdivider shall establish or join a Rural Improvement District (RID) prior to final plat approval that, at a minimum, ensures continual operation, annual testing and maintenance of the water supply system and fire protection features. The Fire Protection Authority Having Jurisdiction (FPAHJ) will not be responsible for any maintenance, electricity, or any costs associated with enhancements, upgrades or other measures necessary to assure the system functions to original specifications. The RID shall include assessments for the annual testing of the water supply system by the FPAHJ, or a subcontractor specified by the FPAHJ. The results of the annual testing shall be provided to the FPAHJ and the benefiting property owners within the RID as soon as available.

Maintenance of the fire protection system will be provided through the amendment of the existing Canyon Ridge RID.

Conditions of Approval Nos. 3, 13.h, 14.f, 14.p, and 17 are required to mitigate impacts on emergency services under local services. (A full list of the Conditions of Approval is found starting on Page No. 37.)

Condition of Approval No. 3 mitigates impacts under Finding No. 1.

Conditions of Approval Nos. 14.f and 14.p mitigate impacts under Finding No. 2.

Condition of Approval No. 3 mitigates impacts under Finding No. 3.

Condition of Approval No. 3 mitigates impacts under Finding No. 4.

Condition of Approval No. 3 mitigates impacts under Finding No. 5.

Condition of Approval No. 3 mitigates impacts under Finding No. 6.

Condition of Approval No. 13.h mitigates impacts under Finding No. 7.

IMPACTS ON THE NATURAL ENVIRONMENT

FINDINGS OF FACT:

1. Per Chapter XI.A of the County Subdivision Regulations, all subdivisions must be designed and developed by the Applicant to provide satisfactory building sites that properly relate to topography and must avoid or mitigate any significant adverse impacts on the natural environment.

The property will be divided into lots greater than 10 acres. There will be substantial area available for building sites. The applicant has provided information for building sites far from any steep slopes.

2. Per Chapter XI.C.2 of the County Subdivision Regulations, the governing body may find land to be unsuitable for subdivision because of natural or human caused hazards identified during the subdivision review process. These lands must not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction techniques. In addition to specific hazards, there may be cases where a subdivision proposal has potential to place unreasonable burdens on the general public because of environmental degradation, critical fish and wildlife habitat, vegetation listed as rare or threatened, or other factors that may require an excessive expenditure of public funds. In other cases, a proposal may, for a variety of reasons, be detrimental to the health, safety, or general welfare of existing or future residents. In these cases, the governing body has the authority to deny a subdivision request, based on its analysis of impacts, and the inability to mitigate the impacts.

There is a natural drainage to the north and south of the property. The Applicant has reserved this area as open space. A drainage easement and fifty (50) foot setback must be dedicated from the highwater mark of this drainage. There are no other known natural or man-made hazards that should preclude the subdivision of the subject property.

3. Per Chapter XI.Z of the County Subdivision Regulations, all outdoor lighting fixtures shall be designed and constructed in a manner to ensure that any exterior lighting shall be arranged and directed downward to minimize illumination beyond the property lines.

A condition of approval requires a restrictive covenant providing notice that any exterior lighting shall be arranged and directed downward to minimize illumination beyond the property lines.

4. All proposed/required grading, drainage, and erosion control shall be in compliance with Chapter XI.L of the County Subdivision Regulations.

The application states that the proposed stormwater collection system will collect and convey runoff to the detention pond(s) located in the northeastern portion of the property and two located to the west and one located to the southern part of the Subdivision as

shown on the preliminary plat. All stormwater facilities will be constructed within standalone easements for construction and maintenance operations. Comments from Public Works state that the stormwater ponds are not accessible by road. The stormwater ponds will need to be maintained by the homeowner or Home Owners Association.

5. Per Chapter XI.V of the County Subdivision Regulations any subdivider causing one or more acres of ground disturbance is required to contact the Department of Environmental Quality (DEQ) to obtain a Montana Pollution Discharge Elimination System (MPDES) permit. All requirements and specifications of the permit shall be met prior to final plat approval unless the subdivider financially guarantees the completion of the permit.

A Montana Pollution Discharge Elimination System (MPDES) permit is required as a condition of approval if disturbance activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of subdivision if the larger common plan will ultimately disturb one acre or more; and a restrictive covenant providing notice about the use of best management practices for erosion control during construction. Another condition of approval will provide the opportunity to financially guarantee any improvements required by the MPDES permit.

6. Per Chapter XI.U of the County Subdivision Regulations and pursuant to Section 7-22-2121, MCA of the County Weed Law, anyone significantly disturbing soil must submit a written weed management and re-vegetation plan to the County Weed District. The plan shall be approved and certified by the County Weed District prior to any soil disturbance. All requirements and specifications of an approved plan shall be met prior to approval of the final subdivision plat. An approved weed management plan shall remain in effect for the five-year management period, regardless of any changes in property ownership.

A Five-Year Weed Management Plan is required as a condition of approval for all subdivisions in the County to prevent the propagation of noxious weeds as a result of ground disturbance; and a restrictive covenant providing notice about maintaining the property in a weed-free manner. Another condition of approval will provide the opportunity to financially guarantee any improvements required by the Weed Management Plan.

Conditions of Approval Nos. 2, 13, 14.d, 14.f, 14.h, 15, 16, and 19 are required to mitigate impacts on the natural environment. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Conditions of Approval Nos. 13.f and 14.o mitigate impacts under Finding No. 2

Condition of Approval No. 14.e mitigates impacts under Finding No. 3

Conditions of Approval Nos. 13.e, 16, and 19 mitigate impacts under Finding No. 4

Conditions of Approval Nos. 15 and 19 mitigate impacts under Finding No. 5

Conditions of Approval Nos. 2, 14.i, and 19 mitigate impacts under Finding No. 6

CONCLUSION: The impacts to the natural environment, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

IMPACTS ON WILDLIFE

FINDINGS OF FACT:

1. Per Chapter XI.L.3.d of the County Subdivision Regulations, it is recommended that the use of native vegetation acknowledge certain plant species' relative attractiveness to wildlife when revegetating an area to stabilize a slope after grading.

A Five-Year Weed Management Plan is required as a condition of approval for all subdivisions in the County to prevent the propagation of noxious weeds as a result of ground disturbance which would negatively impact wildlife; and a restrictive covenant providing notice about maintaining the property in a weed-free manner. Another condition of approval will provide the opportunity to financially guarantee any improvements required by the Weed Management Plan.

2. Per Chapter XI.X of the County Subdivision Regulations, depending on wildlife issues raised during their review of the preliminary plat application, the Board of County Commissioners may require "wildlife friendly" fencing as a condition of approval. While not applicable in all situations, hedges or other vegetative barriers are preferable from a wildlife perspective.

The impacts to wildlife habitat will be negligible based upon the large parcel size. Landowners are encouraged to install wildlife friendly fencing, contain domestic animals, and secure solid waste to reduce wildlife incidents whenever possible. Conditions of approval require a restrictive covenant providing notice about installing wildlife friendly fencing and keeping domestic pets restrained on the property.

Condition of Approval Nos. 2, 14.h, 14.m, 14o, and 19 are required to mitigate impacts on wildlife. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Conditions of Approval Nos. 2, 14.h, and 19 mitigate impacts under Finding No. 1.

Conditions of Approval Nos. 14.m and 14.o mitigate impacts under Finding No. 2.

CONCLUSION: The impacts to wildlife, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

IMPACTS ON WILDLIFE HABITAT

FINDINGS OF FACT:

1. Per Chapter XI.X of the County Subdivision Regulations, depending on wildlife issues raised during their review of the preliminary plat application, the Board of County Commissioners may require “wildlife friendly” fencing as a condition of approval. While not applicable in all situations, hedges or other vegetative barriers are preferable from a wildlife perspective.

The impacts to wildlife habitat will be negligible based upon the large parcel size. Landowners are encouraged to install wildlife friendly fencing, contain domestic animals, and secure solid waste to reduce wildlife incidents whenever possible. Conditions of approval require a restrictive covenant providing notice about installing wildlife friendly fencing and keeping domestic pets restrained on the property.

2. Per Chapter XI.L.3.d of the County Subdivision Regulations, it is recommended that the use of native vegetation acknowledge certain plant species’ relative attractiveness to wildlife when revegetating an area to stabilize a slope after grading.

A Five-Year Weed Management Plan is required as a condition of approval for all subdivisions in the County to prevent the propagation of noxious weeds as a result of ground disturbance which would negatively impact wildlife; and a restrictive covenant providing notice about maintaining the property in a weed-free manner. Another condition of approval will provide the opportunity to financially guarantee any improvements required by the Weed Management Plan.

Condition of Approval No. 2, 14.h, 14.m, 14o, and 19 are required to mitigate impacts on wildlife habitat. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Conditions of Approval Nos. 14.m and 14.o mitigate impacts under Finding No. 1.
Conditions of Approval Nos. 2, 14.h, and 19 mitigate impacts under Finding No. 2.

CONCLUSION: The impacts to wildlife habitat, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

IMPACTS ON PUBLIC HEALTH AND SAFETY

FINDINGS OF FACT:

1. Per Chapter XI.C.1 of the County Subdivision Regulations, the governing body may find land to be unsuitable for subdivision because of natural or human caused hazards identified during the subdivision review process. These lands must not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved

design and construction techniques. Examples of hazards that could render property unsuitable for subdivision or require mitigation include (but are not limited to) the following: earthquake fault zones; irrigation ditches and canals; steep slopes and/or areas prone to rock falls, landslides, or avalanches; radon/radiation; mine tailings, contaminated soils, toxic waste, etc.; flooding; high water table, as defined by the Sanitation in Subdivisions Act; polluted or non-potable water supplies; high voltage power lines; high pressure gas lines; air or vehicular traffic hazards or congestion; and/or high-risk fire areas.

According to the application, the only known geologic hazard in the vicinity of the proposed Subdivision is the Spokane Bench Fault line located $\frac{1}{4}$ of a mile east of the proposed Scenic Vista Subdivision. There are no other geologic conditions that could result in property damage or personal injury. All new buildings in Lewis and Clark County are required to meet the Uniform Building Code, which classifies this area as Seismic Zone 3. All building within Scenic Vista will be built according to Lewis and Clark County Requirements

No seismic rock falls or slides; land, mud, or snow slides; high water table; or unstable or expansive soil conditions are present within or near the project area.

Lewis and Clark County is rated as a Zone 1 County (the highest designation), which means that it may have predicted average indoor radon screening levels greater than 4 picocuries per liter (4 pCi/L). A Report on Radon in Drinking Water released by the National Academy of Sciences in 1998 concluded that radon is the second leading cause of lung cancer in the United States and a serious public health concern. A condition of approval shall require a restrictive covenant providing notice of design alternatives for radon gas.

According to mapping in the Tri-County Community Wildfire Protection Plan, the property has a low fuel hazard rating. A vegetation management plan will be required for the property as a requirement of the Subdivision Regulations. A copy of this plan shall also be filed with the Clerk and Recorder's Office upon final approval of the proposed Subdivision and a restrictive covenant shall provide notice to property owners of the vegetation management plan and that the plan is on file with the Lewis and Clark County Clerk and Recorder.

There is a natural drainage to the north and south of the property. The Applicant has reserved this area as open space. A drainage easement and fifty (50) foot setback must be dedicated from the highwater mark of this drainage, and any other on-site ephemeral drainage.

There are no other known natural or man-made hazards that should preclude the subdivision of the property.

2. Per Chapter XI.S. of the County Subdivision Regulations, all subdivisions shall be planned, designed, constructed, and maintained in compliance with the fire protection standards

described in Appendix K to minimize the risk of fire and to permit the effective and efficient suppression of fires in order to protect persons, property, and forested areas.

The application indicates that an existing off-site fire protection system located in the adjacent Canyon Ridge Subdivision will be used to provide a fire protection water supply. According to correspondence from the Fire Chief's for the Tri-Lakes Volunteer Fire Department and the East Valley Fire District indicated that the existing Canyon Ridge Subdivision fire protection water is sufficient for the proposed Subdivision.

According to mapping in the Tri-County Community Wildfire Protection Plan, the property has a low fuel hazard rating. A vegetation management plan will be required for the property as a requirement of the Subdivision Regulations. A copy of this plan shall also be filed with the Clerk and Recorder's Office upon final approval of the proposed Subdivision and a restrictive covenant shall provide notice to property owners of the vegetation management plan and that the plan is on file with the Lewis and Clark County Clerk and Recorder.

3. Per Appendix K 18-4.3 of the County Subdivision Regulations, the subdivider shall establish or join a Rural Improvement District (RID) prior to final plat approval that, at a minimum, ensures continual operation, annual testing and maintenance of the water supply system and fire protection features. The Fire Protection Authority Having Jurisdiction (FPAHJ) will not be responsible for any maintenance, electricity, or any costs associated with enhancements, upgrades, or other measures necessary to assure the system functions to original specifications. The RID shall include assessments for the annual testing of the water supply system by the FPAHJ, or a subcontractor specified by the FPAHJ. The results of the annual testing shall be provided to the FPAHJ and the benefiting property owners within the RID as soon as available.

Maintenance of the fire protection system will be provided through the amendment of the existing Canyon Ridge RID. After final plat, the lots can be included in the annual assessment for the RID.

Conditions of Approval Nos. 3, 14.e, 14.g, 14.i, 14.j, 14.k, 14.l, 14.n, 14.p, and 17 are required to mitigate impacts on public health and safety. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Conditions of Approval Nos. 3, 14.e, 14.g, 14.i, 14.l, 14.n, 14.p mitigate impacts under Finding No. 1.

Conditions of Approval Nos. 3 and 14.g, mitigate impacts under Finding No. 2.

Conditions of Approval Nos. 14.e, 14.g, and 17 mitigate impacts under Finding No. 3.

CONCLUSION: The impacts to public health and safety, as set forth in the Findings of Fact, will be mitigated by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

COMPLIANCE WITH SUBDIVISION REGULATIONS

FINDINGS OF FACT:

1. Per Chapter XI.A.2 of the County Subdivision Regulations, all subdivision applications must also be in compliance with these Subdivision Regulations and the review procedures contained in these Subdivision Regulations.

The proposed Subdivision meets all Subdivision Regulations, and it will remain in compliance with these Regulations if all conditions of approval are satisfied and the proposed Variances are approved.

2. Per Chapter XI.A.5 of the County Subdivision Regulations, all subdivisions approved by the governing body shall comply with the provisions of this chapter, except where granted a variance pursuant to Chapter II, Section B.

The applicant is requesting approval of three variances. One would allow one double-fronted lot (Lot 5) (XI.F.9). The second is to allow Lots 7, 8, and 14 to be greater than three times the width (XI.F.7). The third is to allow an easement to extend Mystic Court to the western boundary of the subdivision and not construct that portion to County Road Standards (XI.H.16).

Approval of the Variances and all conditions of approval are required to address compliance with the Subdivision Regulations. (A full list of the Conditions of Approval is found starting on Page No. 34.)

CONCLUSION: Compliance with subdivision regulations, as set forth in the Findings of Fact, will be addressed by the imposed Condition of Approval, based upon the record, when satisfactorily completed.

COMPLIANCE WITH SURVEY REQUIREMENTS

FINDINGS OF FACT:

1. Per Chapter XI.A.2 of the County Subdivision Regulations, all subdivision applications must also be in compliance with survey requirements of the Montana Subdivision and Platting Act.

A land survey and plat completed by a registered land surveyor in the State of Montana will need to be prepared. A review of the plat by the Community Development and Planning Department, the Lewis and Clark County Survey Review Committee, and the Examining Land Surveyor at the time the final plat application is submitted to the Community Development and Planning Department will ensure the plat conforms to all conditions of approval, plat rules, and regulations.

Condition of Approval No. 13 is required to address compliance with survey requirements. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Condition of Approval No. 13 mitigates impacts under Finding No. 1.

CONCLUSION: Compliance with survey requirements, as set forth in the Findings of Fact, will be addressed by the imposed Condition of Approval, based upon the record, when satisfactorily completed.

THE PROVISION OF EASEMENTS WITHIN AND TO THE PROPOSED SUBDIVISION FOR THE LOCATION AND INSTALLATION OF ANY PLANNED UTILITIES

FINDINGS OF FACT:

1. Per Chapter XI.A.3 of the County Subdivision Regulations, all subdivisions must provide easements within and to the subdivision for the location and installation of any planned utilities.

Utility easements will have to be shown and described on the plat, in accordance with the Subdivision Regulations and in consultation with the utility providers, where utilities are or will be installed, and where necessary for the future extension of services.

Conditions of Approval Nos. 13.a, 13.b, 13.c, and 14.c are required to address the provision of easements within and to the proposed Subdivision for the location and installation of planned utilities. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Condition of Approval Nos. 13.a, 13.b, 13.c and 14.c mitigate impacts under Finding No. 1.

CONCLUSION: The provision of easements within and to the proposed Subdivision for the location and installation of any planned utilities, as set forth in the Findings of Fact, will be addressed by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

THE PROVISION OF LEGAL AND PHYSICAL ACCESS TO EACH PARCEL WITHIN THE PROPOSED SUBDIVISION

FINDINGS OF FACT:

1. Per Chapter XI.A.4 of the County Subdivision Regulations, all subdivisions must provide legal and physical access to each parcel within the subdivision with notation of that access on the plat and any instrument of transfer concerning each parcel.

Legal and physical access to the Subdivision will be via the existing road network within the Canyon Ridge Subdivision. Three new roads will be constructed as a part of Scenic Vista. Callaway Drive and Ranger Drive will be extended South through the property. Mystic Court and Stillwater Court will be constructed west of new Callaway drive and terminating in a cul-de-sac. Sphinx Drive will be constructed to the southern boundary off of Callaway Drive.

All roads within the Subdivision will have to be dedicated as County Road easements and shown on the final plat as County Road easements.

2. Per Chapter XI.H.19 of the County Subdivision Regulations, any property accessing a county or public road must have an approach permit. The following items shall also be incorporated into design and construction: (a) all driveway approaches shall conform to the road approach permit requirements of the Lewis and Clark County Public Works Manual; (b) driveway turns shall have a turning radius no less than thirty (30 ft.) feet; (c) a driveway's traveled way, including bridges and cattle guards, shall be a minimum of twelve (12 ft.) feet in width and have a vertical clearance of at least fourteen and one-half (14.5 ft.) feet over its full width; (d) driveway bridges and cattle guards need to meet HS20 load rating standards; (e) all driveway gates shall be located a minimum of thirty (30 ft.) feet from the public right-of-way and shall open inward. Gate openings shall provide a clear opening of not less than twelve (12 ft.) feet; (f) fire department personnel shall have ready access to locking mechanisms, on any gate restricting access on a driveway; (g) driveway rights-of-way shall be a minimum of twenty (20 ft.) feet wide to accommodate the traveled way, vegetation modification, and other local requirements; (h) driveway grades shall be no greater than eleven (11%) percent; (i) every dead-end driveway more than three hundred (300 ft.) feet in length shall be provided with a turnaround at the terminus having a minimum radius of fifty (50 ft.) feet to the center line or a "hammerhead-T" turnaround to provide emergency vehicles with a three-point turnaround ability; (j) driveway access shall be located at least fifteen (15 ft.) feet from the closest edge of turnouts and shall not be located on a turnout; and (k) driveway access shall be at a location that does not conflict with the requirements of XI.F.5, XI.F.6, XI.F.10, and XI.H.10 in these regulations.

A condition of approval for the proposed Subdivision will require the Applicant to apply for approach permits for roads, and extensions of roads, accessing onto existing County Road and public access easements. A restrictive covenant will also provide notification to future property owners that an approach permit is required from the County Public Works Department for all driveway accesses onto the proposed internal road network.

Conditions of Approval Nos. 4, 5, 9, 10, 11, 12, and 14.a are required to address the provision of legal and physical access to each parcel within the proposed Subdivision. (A full list of the Conditions of Approval is found starting on Page No. 34.)

Conditions of Approval Nos. 4, 5, 9, 10, 11, 12, and 14.a mitigate impact under Finding No. 1. Conditions of Approval Nos. 5, and 14.a mitigate impacts under Finding No. 2.

CONCLUSION: The provision of legal and physical access to each parcel within the proposed Subdivision, as set forth in the Findings of Fact, will be addressed by the imposed Conditions of Approval, based upon the record, when satisfactorily completed.

Based on these findings of fact and conclusions for each criterion, the Planning Board concludes that the proposed Subdivision is supported under the criteria and standards of the Lewis and Clark County Subdivision Regulations.

In view of these findings of fact and conclusions, the Planning Board voted (x-y) to recommend conditional approval of the Scenic Vista Major Subdivision to the Board of County Commissioners.

SCENIC VISTA MAJOR SUBDIVISION, SUBD2023-008

RECOMMENDED CONDITIONS OF APPROVAL

JUNE 29, 2023

On June 29, 2023, the City County Consolidated Planning Board held a public hearing regarding the proposed Scenic Vista Major Subdivision located in the NW 1/4 of Section 20, T10N, R2W, P.M.M., Lewis and Clark County, Montana.

The preliminary approval is for a total of 15 lots for single-family residential use. To mitigate identified adverse impacts, this approval is subject to the following conditions:

1. Prior to submitting a Final Subdivision Plat application, the Applicant, its successors, and assigns, shall submit plans for wastewater treatment and water supply systems to the Montana Department of Environmental Quality (DEQ), Lewis and Clark County Public Works Department (Public Works), and Lewis and Clark County Public Health - Environmental Services Division (PHESD) for review and approval. The Applicant, its successors, and assigns, shall submit documentation to the Lewis and Clark County Community Development and Planning Department (CDP) from DEQ, Public Works, and PHESD verifying their review and approval. All specifications and requirements of the approved plans that are required to be completed prior to final plat approval, shall be met at the cost of the Applicant, its successors, and assigns. **(Mitigates Findings of Fact under “Impacts on Water and Wastewater under Local Services”)** (Sections 76-4-101, et. seq., MCA; Sections 17.36.101, et. seq., ARM; Sections 76-3-102(4), 501(1 and 7), 504(1)(g)(iii), and 608(3)(a), MCA; Chapters I.C.7, 8, 9, 10, 11. and XI.M. and N., County Subdivision Regulations)
2. Prior to any development and/or soil disturbance, the Applicant, its successors, and assigns, shall submit a Five-Year Weed Management Plan and Revegetation Plan for the proposed Subdivision to the Lewis and Clark County Weed District (Weed District) for review and approval and all specifications and requirements of the approved plan shall be met at the cost of the Applicant, its successors and assigns. The Applicant, its successors, and assigns, shall submit documentation to the County Community Development and Planning Department from the Weed District verifying their review and approval. **(Mitigates Findings of Fact under “Impacts on Agriculture, Impacts on Natural Environment, and Impacts on Wildlife and Wildlife Habitat”)** (Section 77-22-2121, County Weed Law; Sections 76-3-102(5 and 6), 501(1), and 608(3)(a), MCA; Chapters I.C.8.9. and XI.U., County Subdivision Regulations)
3. Prior to submitting the Final Subdivision Plat application, the Applicant, its successors, and assigns, shall complete all improvements and requirements listed below (in accordance with the County Subdivision Regulations) for the purpose of furthering fire protection. The Applicant, its successors, and assigns, shall be responsible for all costs in completing and demonstrating completion of the following improvements and requirements: **(Mitigates**

Findings of Fact under “Impacts on Emergency Services under Local Services and Impacts on Public Health and Safety” (Sections 76-3-102, 501, 504, and 608(3), MCA; Chapter XI.S. and Appendix K, County Subdivision Regulations)

- a. The Applicant, its successors, and assigns, shall have a vegetation management plan prepared for the property. A qualified fire management specialist shall draft the plan and all specifications of the approved plan shall be met prior to final platting. The Applicant, its successors, and assigns, shall submit documentation to the County Community Development and Planning Department verifying compliance with the vegetation management plan. In addition, a copy of this plan shall be filed with the Clerk and Recorder’s Office upon final approval of the proposed Final Subdivision Plat application. The Book and Page reference to the vegetation management plan (filed with the Clerk and Recorder’s Office) shall be indicated on the face of the plat.
- b. The Applicant shall utilize an existing off-site water supply or provide an on-site water supply of sufficient volume, pressure, and distribution to fight fire on-site according to the following schedule:
 - i. 250 GPM for two hours
 1. Water shall be supplied by a well and pump with required volume and minimum pressure of 20 PSI. An overhead fill may be required in order to fill tankers. The fill site must be useable year-round and the FPAHJ must have legal access in perpetuity.

OR
 2. Water shall be supplied by a tank/pressurized hydrant combination. The tank may be constructed from plastic, concrete, fiberglass, or other materials capable of holding and maintaining the required water supply. The tank must be built and installed so as to last a minimum of 30 years. The pump must be capable of delivering the required g.p.m. at a minimum of 20 PSI from an approved fire hydrant. The system shall be inspected and certified by a Professional Engineer and a copy of the inspection and certification will be provided to the FPAHJ and County Planning.

OR
 3. 30,000-gallon storage with dry hydrant. Dry hydrant applications may be used for ponds, streams, and lakes. The system must be designed to be useable and accessible year round. All pipe must be a minimum of 6 inch diameter and the threads at the outlet must be 6 inch male NST.
- c. Prior to approval of the final plat, the on-site or off-site system shall be inspected and certified as complying with the requirements of preliminary approval by a Professional Engineer licensed in the State of Montana, and a copy of the inspection and certification will be provided to the fire protection authority having jurisdiction (FPAHJ) and County Planning. After the certification by a Professional Engineer has been submitted to the FPAHJ, the Applicant shall provide written verification from the FPAHJ stating that the

FPAHJ has inspected and tested the system.

- d. All necessary easements and agreements shall be secured and submitted to County Community Development and Planning Department by the Applicant, its successors, and assigns, for the water source prior to submitting the Final Subdivision Plat application.
4. The Applicant, its successors and assigns, shall complete the following to construct the internal access roads including the extension of Callaway Drive and Ranger Drive and the construction of Mystic Court (cul-de-sac) and Stillwater Court, Sphinx Drive, and the hammerhead at Berkshire Road. **(Mitigates Findings of Fact under “Impacts on Utilities and Impacts on Roads and Traffic under Local Services and the Provision of Legal and Physical Access to each Parcel within the proposed Subdivision”)**:
 - a. Prior to the construction of any roads or the installation of any utilities, three (3) copies of the plans for the subject roads and utilities shall be submitted to the County Community Development and Planning Department. The County Community Development and Planning Department shall submit the plans to Public Works for review and approval. Said plans shall meet the requirements of the County Public Works Manual and the *County Subdivision Regulations, XI.H, XI.P, XI.Q.*
 - b. Prior to submitting the Final Subdivision Plat application, the Applicant, its successors, and assigns, shall improve all roads providing legal and physical access to all lots to the specifications required by the County Subdivision Regulations (*Typical Section #1, Gravel Road*).
 - c. All roads are to be built in accordance with the reviewed and approved plans submitted to the County Community Development and Planning Department and Public Works. An engineer registered in the State of Montana shall certify all road improvements as meeting County Standards Local Minor Road (gravel), with concurrence by Public Works. The Applicant, its successors, and assigns, shall be responsible for all costs associated with meeting this condition of approval. (*Sections 76-3-102, 501, 504(1)(g)(i), and 608(3), MCA; Chapters I.C., XI.E., H. I. J. and S., County Subdivision Regulations; Lewis and Clark County Public Works Manual*)
 5. Prior to any construction, the Applicant, its successors, and assigns, shall request approach permits from Public Works for the proposed access the extension of Callaway Drive and Ranger Drive and the extension of Berkshire Road. Installation of the approaches shall be completed in accordance with the approved permits. **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services and the Provision of Legal and Physical Access to each Parcel within the Proposed Subdivision”)** (*Sections 76-3-102(3 and 4), 501(1), 504(1)(g)(i), and 608(3)(a), MCA; Chapters I.C.2., 3., 5., 10., 11., XI.H., County Subdivision Regulations; Lewis and Clark County Public Works Manual*)
 6. The Applicant, its successors and assigns, shall, at the Applicant’s expense, apply for address assignments with the City-County Address Coordinator for all lots in the Subdivision and install address plaques for each lot prior to final plat approval. **(Mitigates Findings of Fact**

under “Impacts on Compliance with the Subdivision Regulations”) (*County Subdivision Regulations, Chapter XI.K*)

7. The Applicant, its successors and assigns, shall submit proposed road names for all roads to the City-County Address Coordinator for review and approval. Approved road names shall be shown on the final plat and reflected in all documents of the Subdivision (covenants, county road easements, etc.). **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”)** (*Sections 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C., XI.H., and XI.I., and Appendix G, County Subdivision Regulations*)
8. Prior to submitting the Final Subdivision Plat application, the Applicant, its successors, and assigns, shall have plans for the location and installation of additional mailbox units reviewed and approved by the United States Postal Service prior to installation. The Applicant shall submit documentation from the United States Postal Service verifying their review and approval. The Applicant shall install the mailbox units as indicated by the approved plans. The Applicant, its successors, and assigns, shall be responsible for all costs associated with meeting this condition of approval. **(Mitigates Findings of Fact under “Impacts on Mail Delivery under Local Services”)** (*Sections 76-3-102(4), 501(1), and 608(3)(a and b), MCA; Sections I.C.4., 10. and 11., and XI.J., County Subdivision Regulations*)
9. If an engineer licensed in the State of Montana certifies and provides documentation that the length of Holmberg Drive from its intersection with Canyon Ferry Road to its intersection with Berkshire Road, will meet or exceed County Road Standards, local road #1), the Applicant, its successors and assigns, will not be required to prepare a PER or to contribute to the cost of improving the Road. If, however, the road is not certified or documentation is not provided with the certification, the following is required:
 - a. The Applicant, its successors, and assigns, will be required to pay 16.38% of the costs associated with improving the length of Holmberg Drive from its intersection with Canyon Ferry Road to its intersection with Berkshire Road, to the specifications required by the County Subdivision Regulations and the County Public Works Manual (Typical Section No. 2 (Local Paved Road)).
 - b. The cost of improving the road shall be determined by a PER prepared and certified by an engineer licensed in the State of Montana. The PER shall describe the existing and proposed conditions of the road to the extent necessary so that all components can be quantified and assigned an estimated cost. Estimated costs shall include the following:
 - i. estimated preliminary and final engineering costs including, but not limited to: design plans and specifications, material testing during construction, inspection and administration;
 - ii. estimated costs of obtaining and completing necessary permits;
 - iii. estimated surveying costs;
 - iv. estimated right-of-way acquisition costs;
 - v. estimated utility relocation costs;

- vi. estimated costs for geotechnical and miscellaneous design-related site testing and laboratory analysis;
- vii. estimated costs for road construction/improvements including material, turning lanes, horizontal alignment and vertical grade adjustments, construction staking, temporary and permanent erosion control, road upgrade stabilization including geo-textiles and sub-base, sidewalks, curb and gutter, topsoil salvage and replacement, revegetation, weed management, traffic signals, signal timing changes, temporary traffic control, traffic control approaches, non-motorized facilities, provisions for stormwater drainage, and contingencies to bring the facility into compliance with the County Subdivision Regulations; and
- viii. estimated costs for any other item(s) necessary to improve the road.

Estimated costs shall not be older than six months at the time the Final Subdivision Plat application is submitted. The PER shall be submitted to Public Works for review and recommendation. The Applicant, its successors, and assigns, shall be responsible for the cost of preparing the PER, if one does not yet exist, and to prepare estimated costs.

(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”, “The Provision of Legal and Physical Access to each Parcel Within the Proposed Subdivision”) (Sections 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C., XI.H and Appendix J., County Subdivision Regulations)

10. If an engineer licensed in the State of Montana certifies and provides documentation that Callaway Drive from its intersection with Berkshire Road south to cul-de-sac at the end of Callaway Drive, will meet or exceed County Road Standards, Local Road #1, the Applicant, its successors and assigns, will not be required to prepare a PER or to contribute to the cost of improving the Road. If, however, the road is not certified or documentation is not provided with the certification, the following is required:
- a. The Applicant, its successors, and assigns, will be required to pay 25.94% of the costs associated with improving Callaway Drive from its intersection with Berkshire Road south to the cul-de-sac at the end of Callaway Drive, to the specifications required by the County Subdivision Regulations and the County Public Works Manual (Typical Section No. 2 (Local Paved Road)).
 - b. The cost of improving the road shall be determined by a PER prepared and certified by an engineer licensed in the State of Montana. The PER shall describe the existing and proposed conditions of the road to the extent necessary so that all components can be quantified and assigned an estimated cost. Estimated costs shall include the following:
 - i. estimated preliminary and final engineering costs including, but not limited to: design plans and specifications, material testing during construction, inspection and administration;
 - ii. estimated costs of obtaining and completing necessary permits;
 - iii. estimated surveying costs;
 - iv. estimated right-of-way acquisition costs;
 - v. estimated utility relocation costs;

- vi. estimated costs for geotechnical and miscellaneous design-related site testing and laboratory analysis;
- vii. estimated costs for road construction/improvements including material, turning lanes, horizontal alignment and vertical grade adjustments, construction staking, temporary and permanent erosion control, road upgrade stabilization including geo-textiles and sub-base, sidewalks, curb and gutter, topsoil salvage and replacement, revegetation, weed management, traffic signals, signal timing changes, temporary traffic control, traffic control approaches, non-motorized facilities, provisions for stormwater drainage, and contingencies to bring the facility into compliance with the County Subdivision Regulations; and
- viii. estimated costs for any other item(s) necessary to improve the road.

Estimated costs shall not be older than six months at the time the Final Subdivision Plat application is submitted. The PER shall be submitted to Public Works for review and recommendation. The Applicant, its successors, and assigns, shall be responsible for the cost of preparing the PER, if one does not yet exist, and to prepare estimated costs.

(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”, “The Provision of Legal and Physical Access to each Parcel Within the Proposed Subdivision”) (Sections 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C., XI.H and Appendix J., County Subdivision Regulations)

11. If an engineer licensed in the State of Montana certifies and provides documentation that Ranger Drive from its intersection with Canyon Ferry Road south to the end of Ranger Drive at the Subdivision Boundary, will meet or exceed County Road Standards, Local Road #1, the Applicant, its successors and assigns, will not be required to prepare a PER or to contribute to the cost of improving the Road. If, however, the road is not certified or documentation is not provided with the certification, the following is required:
 - a. The Applicant, its successors, and assigns, will be required to pay 7.15% of the costs associated with improving Ranger Drive from its intersection with Canyon Ferry Road south to the end of Ranger Drive at the proposed Subdivision Boundary, to the specifications required by the County Subdivision Regulations and the County Public Works Manual (Typical Section No. 2 (Local Paved Road)).
 - b. The cost of improving the road shall be determined by a PER prepared and certified by an engineer licensed in the State of Montana. The PER shall describe the existing and proposed conditions of the road to the extent necessary so that all components can be quantified and assigned an estimated cost. Estimated costs shall include the following:
 - i. estimated preliminary and final engineering costs including, but not limited to: design plans and specifications, material testing during construction, inspection and administration;
 - ii. estimated costs of obtaining and completing necessary permits;
 - iii. estimated surveying costs;
 - iv. estimated right-of-way acquisition costs;
 - v. estimated utility relocation costs;

- vi. estimated costs for geotechnical and miscellaneous design-related site testing and laboratory analysis;
- vii. estimated costs for road construction/improvements including material, turning lanes, horizontal alignment and vertical grade adjustments, construction staking, temporary and permanent erosion control, road upgrade stabilization including geo-textiles and sub-base, sidewalks, curb and gutter, topsoil salvage and replacement, revegetation, weed management, traffic signals, signal timing changes, temporary traffic control, traffic control approaches, non-motorized facilities, provisions for stormwater drainage, and contingencies to bring the facility into compliance with the County Subdivision Regulations; and
- viii. estimated costs for any other item(s) necessary to improve the road.

Estimated costs shall not be older than six months at the time the Final Subdivision Plat application is submitted. The PER shall be submitted to Public Works for review and recommendation. The Applicant, its successors, and assigns, shall be responsible for the cost of preparing the PER, if one does not yet exist, and to prepare estimated costs.

(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”, “The Provision of Legal and Physical Access to each Parcel Within the Proposed Subdivision”) (Sections 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C., XI.H and Appendix J., County Subdivision Regulations)

12. If an engineer licensed in the State of Montana certifies and provides documentation that Berkshire Road from eastern edge to Holmberg Drive , will meet or exceed County Road Standards, Typical Section No. 2 (Local Paved Road), the Applicant, its successors and assigns, will not be required to prepare a PER or to contribute to the cost of improving the Road. If, however, the road is not certified or documentation is not provided with the certification, the following is required:
- a. The Applicant, its successors, and assigns, will be required to pay 20.43% of the costs associated with improving Berkshire Road from the eastern edge to Holmberg Drive, to the specifications required by the County Subdivision Regulations and the County Public Works Manual (Typical Section No. 2, Local Paved Rd).
 - b. The cost of improving the road shall be determined by a PER prepared and certified by an engineer licensed in the State of Montana. The PER shall describe the existing and proposed conditions of the road to the extent necessary so that all components can be quantified and assigned an estimated cost. Estimated costs shall include the following:
 - i. estimated preliminary and final engineering costs including, but not limited to: design plans and specifications, material testing during construction, inspection and administration;
 - ii. estimated costs of obtaining and completing necessary permits;
 - iii. estimated surveying costs;
 - iv. estimated right-of-way acquisition costs;
 - v. estimated utility relocation costs;
 - vi. estimated costs for geotechnical and miscellaneous design-related site testing and

- laboratory analysis;
- vii. estimated costs for road construction/improvements including material, turning lanes, horizontal alignment and vertical grade adjustments, construction staking, temporary and permanent erosion control, road upgrade stabilization including geo-textiles and sub-base, sidewalks, curb and gutter, topsoil salvage and replacement, revegetation, weed management, traffic signals, signal timing changes, temporary traffic control, traffic control approaches, non-motorized facilities, provisions for stormwater drainage, and contingencies to bring the facility into compliance with the County Subdivision Regulations; and
 - viii. estimated costs for any other item(s) necessary to improve the road.

Estimated costs shall not be older than six months at the time the Final Subdivision Plat application is submitted. The PER shall be submitted to Public Works for review and recommendation. The Applicant, its successors, and assigns, shall be responsible for the cost of preparing the PER, if one does not yet exist, and to prepare estimated costs.

(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”, “The Provision of Legal and Physical Access to each Parcel Within the Proposed Subdivision”) *(Sections 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C., XI.H and Appendix J., County Subdivision Regulations)*

13. The Applicant, its successors and assigns, shall, at the Applicant’s expense, have a Final Subdivision Plat prepared in accordance with the applicable State survey requirements and the County Subdivision Regulations; in addition, the final plat shall show and describe the following: **(Mitigates Findings of Fact under “Impacts on Mail Delivery, Utilities, Roads and Traffic , Emergency Services, and Parkland under Local Services, impacts on Natural Environment”, “Compliance with Survey Requirements, the Provision of Easements within and to the Proposed Subdivision for the Location and Installation of any Planned Utilities and the Provision of Legal and Physical Access to each Parcel within the Proposed Subdivision”)** *(Sections 76-3-102, 402, 501, 504, and 608(3), MCA; Section 8.94.3003, ARM; Chapters I.C., III.C., XI.R., and Appendix D, County Subdivision Regulations)*
 - a. all existing and proposed utility easements on the subject property.
 - b. all existing access and utility easements adjacent to the subject property;
 - c. adjacent and proposed County Road and utility easements;
 - d. mailbox locations and easements, if on-site;
 - e. easement(s) for stormwater conveyance and detention/retention ponds, if on-site;
 - f. The 50-foot setback from the high-water mark of the drainage on Lots 12, 3, 7, 8, and 14.
 - g. “No access” restriction on the west property boundary.
 - h. Easements for fire protection access maintenance, if onsite.
14. The Book and Page reference to the restrictive covenants (filed with the Clerk and Recorder’s Office) shall be indicated on the face of the plat. In addition, restrictive

covenants, revocable or alterable only with the consent of the Board of County Commissioners, shall be placed upon the property at the time of filing the plat and shall provide for the following: **(Mitigates Findings of Fact under all of the Review Criteria Listed in this Staff Report)** (Section 76-3-608(3)(a), MCA; Chapters I.C. and III.B., and XI., County Subdivision Regulations)

- a. Notice is hereby given that all property owners are required to receive an approach permit from the Lewis and Clark County Public Works Department prior to the construction of the driveway approach to their lots. **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services and the Provision of Legal and Physical Access to each Parcel within the Proposed Subdivision”, and “Utilities”)** (Sections 76-3-102(3 and 4), 501(1), 504(1)(g)(i), and 608(3)(a), MCA; Chapters I.C.2., 3., 5., 10., 11., XI.H., County Subdivision Regulations; Lewis and Clark County Public Works Manual)
- b. Notice is hereby given that prior to building construction, the owner should contact the Lewis and Clark County Community Development and Planning Department to determine whether any zoning regulations are applicable. **(Mitigates Findings of Fact under “Compliance with Subdivision Regulations”)** (Chapters I.C and XI.B., County Subdivision Regulations)
- c. Notice is hereby given that any additional, replacement, or relocated utility lines shall be installed underground, in accordance with the Lewis and Clark County Subdivision Regulations, unless otherwise determined by utility providers. **(Mitigates Findings of Fact under “The Provision of Easements within and to the Proposed Subdivision for the Location and Installation of any Planned Utilities”)** (Section 76-3-608(3)(a), MCA; Chapters I.C.9.-10., and III.B., and XI.P., County Subdivision Regulations)
- d. Notice is hereby given that any exterior lighting shall be directed downward to minimize visibility beyond the property lines. **(Mitigates Findings of Fact under “Impacts on the Natural Environment”)** (Section 76-3-608(3)(a), MCA; Chapters I.C., and III.B., and XI.Z., County Subdivision Regulations)
- e. Notice is hereby given that each owner of any lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, waives the right to protest joining or the amendment of a Rural Improvements District and/or Special District for the installation, maintenance, preservation, and repair of the following: roads that provide access to the Subdivision; stormwater improvements for the Subdivision; fire protection improvements for the Subdivision. **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services and Public Health and Safety”)** (Section 76-3-102(4), 501,504, and 621, MCA; Chapter I.C. and XI.I.10, County Subdivision Regulations)
- f. Notice is hereby given that all construction activity shall comply with Best Management Practices to control erosion. **(Mitigates Findings of Fact under “Impacts on Agriculture, Impacts on Agricultural Water Users, and Impacts on the Natural Environment”, “Impacts to Emergency Services under Local Services”)** (Section 76-3-608(3)(a), MCA; Chapters I.C.9., and III.B., and XI.L., County Subdivision Regulations)

- g. Notice is hereby given that a vegetation management plan has been prepared for the Subdivision and that the plan is on file with the Lewis and Clark County Clerk and Recorder. **(Mitigates Findings of Fact under “Impacts on Agriculture and Impacts on the Public Health and Safety”)** *(Section 76-3-608(3)(a), MCA; Chapters XI.S. and Appendix K, County Subdivision Regulations)*
- h. Notice is hereby given that each lot shall be maintained in a weed-free manner. Noxious weeds must be pulled, sprayed, or cut. **(Mitigates Findings of Fact under “Impacts on Agriculture, Impacts on Agricultural Water Users, Impacts on the Natural Environment, and Impacts on Wildlife and Wildlife Habitat”)** *(Section 77-22-2121, County Weed Law; Sections 76-3-102, 501, and 608(3), MCA; Chapters I.C.7.-9. and 11. and XI.U., County Subdivision Regulations)*
- i. Notice is hereby given of the potential health risk from radon concentrations and that such risk can be evaluated through soil tests and mitigated through radon abatement techniques incorporated into structures. **(Mitigates Findings of Fact under “Impacts on Public Health and Safety”)** *(Section 76-3-608(3)(a), MCA; Chapters I.C.10., and III.B., and XI.C., County Subdivision Regulations)*
- j. Notice is hereby given that there is a “no access” restriction on the west side adjacent to Lots 2, 4, 6 and 7 to discourage a connection to the west until an accommodating road network can be provided. **(Mitigates Impacts on “Public Health and Safety”)** *(Section 76-3-608(3), MCA ; Chapters I.C., XI.F., and XI.H, County Subdivision Regulations)*
- k. Notice is hereby given that all dwelling units within the Subdivision should be constructed to specifications which meet or exceed equivalent provisions in the applicable State building code for this seismic zone (Zone 3). **(Mitigates Findings of Fact under “Impacts on Public Health and Safety”)** *(Section 76-3-608(3)(a), MCA; Chapters I.C., III.B., and XI.C., County Subdivision Regulations)*
- l. Notice is hereby given of a restrictive covenant, binding the landowner, any heirs, successors and assigns, and all future owners of property within the Subdivision, agreeing therein to hold Lewis and Clark County harmless and indemnify Lewis and Clark County from all claims, demands, obligations, suits, causes of action, damages, and liability, including the County's costs and attorney's fees, arising in any manner whatsoever out of, or relating to, the existence, use, operation, repair, and/or maintenance of the following: **(Mitigates Findings of Fact under “Impacts on Public Health and Safety”)** *(76-3-608(1) and (4), MCA; I.C.10., County Subdivision Regulations)*
 - i. Exposure to radon;
 - ii. Earthquake fault zone and any seismic activity;
 - iii. Water availability; and
 - iv. Variances granted from Sections XI.F.7, XI.F.9, and XI.H.16 of the Lewis and Clark County Subdivision Regulations.
- m. Notice is hereby given that domestic pets should be restrained on the property at all times. **(Mitigates Findings of Fact under “Impacts on Agriculture, Impacts on**

Agricultural Water User Facilities, and Impacts on Wildlife and Wildlife Habitat”

(Section 76-3-608(3)(a), MCA; Chapters I.C., III.B., and XI.T., County Subdivision Regulations)

- n. Notice is hereby given of a 50- foot setback from the ordinary highwater mark of the natural drainage in the northwestern portion of the property as well as the southern border of the property. The Lewis and Clark County Subdivision Regulations state what is allowed and what is not allowed within the setback area. **(Mitigates Findings of Fact under “Impacts on Public Health and Safety”)** *(Section 76-3-102, 501, 504, 608(3), MCA, Section XI.F, XI.W, County Subdivision Regulations)*
 - o. Notice is hereby given that property owners should contact the Montana Department of Fish, Wildlife, and Parks for fencing standards and learning about living with wildlife in general. **(Mitigates Findings of Fact under “Impacts on Wildlife and Wildlife Habitat”)** *(Section 76-3-608(3)(a), MCA; Sections I.C.8.-11., III.B., and XI.X., County Subdivision Regulations)*
 - p. Notice is hereby given that the components of the water supply system used for fire protection are to be utilized solely for the purposes of fire protection, maintenance, and testing. **(Mitigates Findings of Fact under “Impacts on Emergency Services under Local Services and Impacts on Public Health and Safety”)** *(Section 76-3-608(3), MCA; Chapters XI.S. and Appendix K, County Subdivision Regulations)*
 - q. Notice is hereby given that the lot owner has waived the right to protest joining a special district for the purpose of providing community water and/or wastewater treatment system improvements and/or maintenance. **(Mitigates Findings of Fact under “Water and Wastewater under Local Services”)** *(Section 76-3-608(3)(a), MCA; Chapters I.C.10., and III.B, and XI.M.4. and N.4., County Subdivision Regulations)*
 - r. Notice is hereby given of the presence of agricultural operations in the vicinity and that such operations may occur at varying times and seasons and include, but are not limited to, the noises and odors due to the operation of machinery, the pasturing and feeding of livestock, irrigation, and the application of fertilizers, herbicides, and pesticides to fields. **(Mitigates Findings of Fact under “Impacts on Agriculture and Impacts on Agricultural Water User Facilities”)** *(Section 76-3-608(3)(a), MCA; Chapters I.C.9. and 10., and III.B., and XI.T., County Subdivision Regulations)*
15. If one or more acres of ground disturbance is planned, the Applicant, its successors, and assigns, shall, at the Applicant’s expense, contact Montana Department of Environmental Quality (DEQ) to obtain a Montana Pollutant Discharge Elimination System (MPDES) permit. Disturbance activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of subdivision, if the larger common plan will disturb one acre or more. All requirements and specifications of the permit shall be met by the Applicant, its successors, and assigns, prior to final plat approval. **(Mitigates Findings of Fact under “Impacts on Agriculture and Impacts on the Natural Environment”)** *(ARM 17.30.1102(28); Sections 76-3-102, 501, and 608(3), MCA; Chapters I.C. and XI.V., County Subdivision Regulations)*

16. Prior to submitting the Final Subdivision Plat application, the Applicant, its successors and assigns, shall submit a storm water drainage plan, meeting the requirements of the County Subdivision Regulations and Montana Department of Environmental Quality (DEQ), and drafted by an engineer registered in the State of Montana, to the County Community Development and Planning Department, Public Works, and DEQ (if required by DEQ) for review and approval. All specifications and requirements of the approved plan shall be met prior to submitting the Final Subdivision Plat application. An engineer registered in the State of Montana shall certify all storm water improvements as meeting the approved storm water drainage plan, with approval by Public Works and DEQ (if required by DEQ). The Applicant, its successors and assigns shall be responsible for all costs associated with this condition. **Mitigates Findings of Fact under “Impacts on the Natural Environment and Impacts on Roads and Traffic under Local Services”** (Sections 76-3-102, 501, 504(1)(g)(ii) and 76-3-608(3), MCA; Chapters I.C. and XI.L., County Subdivision Regulations)
17. In cooperation with the County, the Applicant, its successors, and assigns, shall create or amend a Rural Improvement District(s) for the maintenance, preservation, and repair of the fire protection system and its improvements installed within the Canyon Ridge Subdivision for the proposed subdivision. **Mitigates Findings of Fact under “Impacts on Emergency Services under Local Services and Impacts on Public Health and Safety”** (Sections (7-11-1003, 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C., XI.H., XI.S., and Appendix K, County Subdivision Regulations; Lewis and Clark County Public Works Manual)
18. The Applicant, its successors, and assigns, shall submit a signing plan for traffic control and street identification signs, which meets the applicable County regulations, for the internal access roads that provide legal and physical access to all lots within the Subdivision to the County Community Development and Planning Department and Public Works for review and approval. All specifications and requirements of the approved plan shall be met at the cost of the Applicant, its successors, and assigns. **Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”** (Section 76-3-608(3), MCA; Chapters I.C., XI.I. and Appendix G, County Subdivision Regulations)
19. Prior to submitting the Final Subdivision Plat application, the Applicant, its successors and assigns, shall, at the Applicant’s expense, complete the following improvements or otherwise financially guarantee the following improvements:
- a. necessary improvements required by the storm water drainage plan, Montana Pollutant Discharge Elimination System (MPDES) permit, vegetation management plan, and weed management plan.
 - b. Installation of mail delivery facilities; and
 - c. utilities abutting and available to each lot.

OR

The installation of conduit to each lot that will allow for the extension of utilities without negatively impacting other improvements and a signed agreement with each utility provider to ensure the utilities will be extended to each lot.

If said improvements are not installed, then the Applicant shall enter into a written subdivision improvements agreement with Lewis and Clark County, guaranteeing the construction and installation of such improvements and shall provide an acceptable financial security guarantee, in accordance with *Chapter III.C.4. and Appendix E of the County Subdivision Regulations*. **(Mitigates Findings of Fact under “Impacts on Agriculture, Impacts on the Natural Environment”, “Impacts on Mail Delivery and Utilities under Local Services”, and Impacts on Wildlife and Wildlife Habitat)** (*Sections 76-3-507 and 608(3)(a), MCA; Chapters I.C., III.C., Appendix D and Appendix E, County Subdivision Regulations*)

20. In cooperation with the County, the Applicant, its successors and assigns, shall create a Rural Improvement District to address the maintenance, preservation, and repair of the internal access roads for the Subdivision. **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”)** (*Sections 7-11-1003, 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C. and XI.H., L., R., and S., and Appendix K, County Subdivision Regulations; Lewis and Clark County Public Works Manual*)
21. The Applicant, its successors and assigns, shall create/amend a Rural Improvement District to address the maintenance, preservation, and repair of the external road network that provides two ingress-egress routes for the Subdivision via Callaway Drive to Berkshire Road to Holmberg to intersection with Canyon Ferry Road and Ranger Drive to intersection with Canyon Ferry Road. **(Mitigates Findings of Fact under “Impacts on Roads and Traffic under Local Services”)** (*Sections 7-11-1003, 76-3-102, 501, 504, and 608(3), MCA; Chapters I.C. and XI.H., L., R., and S., and Appendix K, County Subdivision Regulations; Lewis and Clark County Public Works Manual*)
22. Prior to submitting the Final Subdivision Plat application, the Applicant, its successors, and assigns, shall, at the Applicant’s expense:
 - a. Provide proof that all real property taxes and special assessments assessed and levied on the property are paid for the current tax year; including any past delinquencies, and **(Mitigates Findings of Fact under “Impacts on Compliance with the Subdivision Regulations”)** (*Section 76-3-611(1)(b), MCA; Chapter III.C. and Appendix D, County Subdivision Regulations*)
 - b. Provide documentation showing that the Applicant is the lawful owner of the property with the apparent authority to subdivide the same and showing the names of lien holders or claimants of record. **(Mitigates Findings of Fact under “Impacts on Compliance with the Subdivision Regulations”)** (*Section 76-3-612, MCA; Chapters II.C. and Appendix D., County Subdivision Regulations*)
23. This preliminary approval shall be in force for three (3) calendar years. At the end of this approval period, the Board of County Commissioners may, at the request of the Applicant,

its successors, and assigns, extend its approval if that approval period is included as a specific condition of a written agreement between the Board of County Commissioners and the Applicant, its successors and assigns. **(Mitigates Findings of Fact under “Compliance with the Subdivision Regulations”)** (Section 76-3-617, 610 and 507, MCA; Chapter II.C.14, County Subdivision Regulations)

REFERRAL AGENCY COMMENTS:

Requests for comments were sent to the following agencies:

Steve Rock, NorthWestern Energy
Lumen
Charter
Natural Resources Conservation Service
Helena Valley Irrigation District
DEQ, Water Quality Division
DEQ, Subdivision Review
DNRC, Water Resource Division
Montana Natural Heritage Program
Historic Preservation Commission
United States Post Office
Transportation Planning, Montana Department of Transportation
MT Dept. of Fish, Wildlife and Parks, Helena Resource Office
U.S. Geological Survey, Water Resources Division
Weed District
East Helena Valley Fire District
Tri Lakes Fire Service Area
Public Works Engineer
Public Works Construction Coordinator
Environmental Health Department
Lewis & Clark Conservation District
School District No. 9
Road Supervisor
Historic Preservation Officer
Address Coordinator
Sheriff's Department
Worby McNamee, Floodplain Manager
Jessica Makus, Special Districts Coordinator
Water Quality District
Kathy Moore, Water Quality District

Agency Comments are included in **Exhibit C**.

GENERAL INFORMATION:

Statutory Timeframes

Review Timeline Requirements.

Date Application Submitted: April 10, 2023

Date Application Deemed Complete: April 14, 2023

Date Application Deemed Sufficient: May 19, 2023

Date Review Period Ends: August 15, 2023

Public Notice Requirements:

All public notices have been provided in compliance with MCA, as more particularly defined below.

Legal notice has been published in the Independent Record, certified letters have been sent to all property owners adjacent to the proposed Subdivision, and three public notice signs have been posted two on-site and one off-site next to the mailboxes in Canyon Ridge Subdivision.

ATTACHMENTS:

Exhibit A: Preliminary Plat

Exhibit B: Variance Requests

Exhibit C: Agency Comments

Exhibit D: Adjacent Landowner Comments

Exhibit A: Preliminary Plat

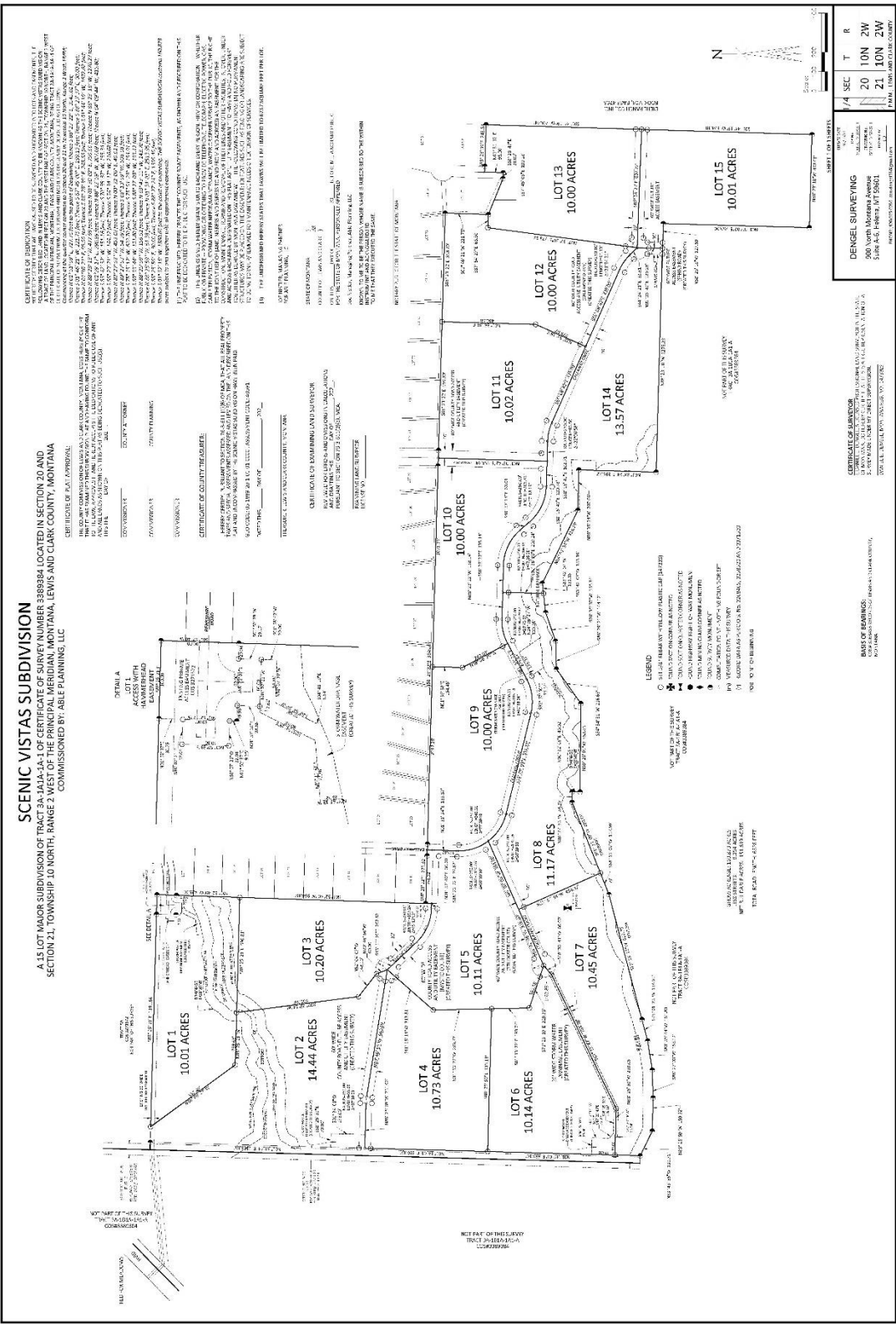


Exhibit B: Variance Request
Variance Request from Chapter XI.F(7)

Conclusions:

1. The granting of the variance WILL NOT be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner WILL result if these regulations were enforced.
3. The granting of the variance WILL NOT cause a substantial increase in public costs.
4. The approval of the variance WILL NOT place the Subdivision in non-conformance with adopted regulations.

Findings of Fact:

1. Chapter XI.F(7) states “No lot shall have an average length greater than three times its average width”.
2. Proposed Lot 7 is 10.45 acres in size and is approximately 459 feet wide and approximately 1384 feet long.
3. Proposed Lot 8 is 11.17 acres in size and approximately 209 feet wide and 1511 feet long.
4. Proposed Lot 14 is 13.57 acres in size and approximately 129 feet wide and 1649 feet long.
5. The proposed Subdivision is zoned Rural Residential Mixed-use District, which requires a minimum lot size of 10 acres.



1275 MAPLE STREET SUITE F, HELENA, MT 59601 | 406.443.3962

For the Scenic Vistas Subdivision, the applicant is requesting a variance from Section XI.F.7 of the County Subdivision Regulations which states, “No lot shall have an average length greater than three times its average width.” Lots 7, 8, and 14 are proposed to have a length greater than three times the average width. This is necessary to keep the lots above the 10 acre size per the county zoning requirements and to conform to the shape of the parent parcel, which is long and skinny in the east-west orientation south of the Canyon Ridge Subdivision. One of the reasons that this requirement is in place is to ensure that lots are buildable. Due to the large size of the proposed lots, there will be adequate buildable space for Lots 7, 8, and 14. Below are responses to the additional criteria for this variance request.

- a. The granting of the variance will not be detrimental to the public health, safety, or general welfare, or injurious to other adjoining properties.

Response: The granting of the variances will not be detrimental to the public health, safety, or general welfare, or injurious to other adjoining properties. The lots meet the minimum zoning requirement of 10-acres and have adequate buildable space.

- b. Because of particular physical surroundings, shape or topographical conditions of the specific property involved, an undue hardship to the owner would result if the regulations were enforced.

Response: The shape of the parent parcel coupled with the 10-acre lot size requirement results in a few lots that exceed the three to one lot length to width ratio. Making Lots 7, 8, and 14 meet this requirement would require these lots to be expanded to the north which would consequently result in the lots north not being able to meet the three to one length to width requirement.

- c. The variance will not cause a substantial increase in public costs.

Response: No, the variance will not cause a substantial increase in public costs.

- d. The variance will not place the subdivision in nonconformance with any adopted zoning regulations or applicable adopted plans.

Response: No, the variance will not place the subdivision in nonconformance with any adopted zoning regulations or applicable adopted plans.



LEWIS AND CLARK COUNTY
SUBDIVISION VARIANCE APPLICATION

City-County Building, 316 North Park Avenue, Helena, MT 59623 (406) 447-8374

The governing body may grant variances from Section XI. DESIGN AND IMPROVEMENT STANDARDS of the Lewis and Clark County Subdivision Regulations when strict compliance would result in an undue hardship and when it is not essential to the public welfare.

Applicant: Able Planning, LLC Subdivision: Scenic Vistas

Subdivision Regulation (i.e. Section XI.Q.1., utility easements): Section XI.F.7, 3:1 lot width

Variance Requested: Request a variance from the 3:1 lot length to width requirement
Variance request is due to the shape of the parent parcel and the need to keep lots at 10 acres.

Please attach any maps, diagrams, or other information that describe the requested variance.

Attach a written statement describing the requested variance and the facts of hardship upon which the request for the variance is based. In addition, describe how the requested variance applies to the following criteria (please attach additional pages if necessary):

a. The granting of the variance will not be detrimental to the public health, safety or general welfare, or injurious to other adjoining properties.

See attached

b. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an undue hardship to the owner would result if the regulations were enforced.

See attached

c. The variance will not cause a substantial increase in public costs.

See attached

d. The variance will not place the subdivision in nonconformance with any adopted zoning regulations or applicable adopted plans.

See attached

Innovative designs that address energy conservation, transportation efficiency, affordable housing, ADA accessibility or preservation of the natural environment which do not circumvent the purpose of these regulations may be reasons for granting of a variance by the governing body.

I, the above-mentioned Applicant, request review of the subdivision variance application. The information presented with this application is true and accurate to the best of my knowledge.

Signed:

Applicant

Subdivision Variance Application: Revised March 2010, May 2017

3/21/23

Date

Exhibit B: Variance Request
Variance Request from Chapter XI.F(9)

Conclusions:

1. The granting of the variance WILL NOT be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner WILL result if these regulations were enforced.
3. The granting of the variance WILL NOT cause a substantial increase in public costs.
4. The approval of the variance WILL NOT place the Subdivision in non-conformance with adopted zoning regulations or applicable adopted plans.

Findings of Fact:

1. Chapter XI.F(9) states “Through or double frontage lots are prohibited except where necessary to provide separation from arterials or collector streets, or to overcome specific disadvantages of topography or orientation”.
2. Proposed Lot 5 is fronted by Mystic Court and Stillwater Court, and is therefore considered a double frontage lot.
3. Proposed Lot 5 is 10.11 acres in size.
4. The proposed Subdivision is zoned Rural Residential Mixed-use District, which requires a minimum lot size of 10 acres.
5. According to the application, the double frontage is necessary to provide legal and physical access to the lots on the west side of the subdivision, while also connecting to existing roads from the Canyon Ridge Subdivision and meeting the 10-acre minimum lot size per the County zoning requirements.



1275 MAPLE STREET SUITE F, HELENA, MT 59601 | 406.443.3962

For the Scenic Vistas Subdivision, the applicant is requesting a variance from Section XI.F.9 of the County Subdivision Regulations which states, "Through or double frontage lots are prohibited except where necessary to provide separation from arterials or collector street, or to overcome specific disadvantage of topography or orientation." Lot 5 in the proposed subdivision will have a proposed access road on both the north (Mystic Court) and south (Stillwater Court) side of the lot. The double frontage is necessary to provide physical and legal access to the lots on the west side of subdivision while also connecting to existing roads from the Canyon Ridge Subdivision and meeting the 10-acre minimum lot size per the County zoning requirements. The double lot frontage does not create any adverse effects to Lot 5 due to the large size of the lot being over 10 acres in size. Below are responses to the additional criteria for this variance request.

- a. The granting of the variance will not be detrimental to the public health, safety, or general welfare, or injurious to other adjoining properties.

Response: The granting of the variance will not be detrimental to the public health, safety, or general welfare, or injurious to other adjoining properties. With all of the lots in the proposed subdivision being over 10 acres in size, the double frontage of lot 5 will not be detrimental.

- b. Because of particular physical surroundings, shape or topographical conditions of the specific property involved, an undue hardship to the owner would result if the regulations were enforced.

Response: There is a significant drainage that is located near the northwest portion of the subdivision and crosses Lots 1, 2, and 3. Trying to provide access to Lots 2 and 3 from Berkshire Road that provides access to Lot 1 would result in a steep road and fill being placed in the drainage channel. Therefore, by providing the additional cul-de-sac to access Lots 2, 3, and 4 the result is the double frontage of Lot 5 which is necessary to avoid crossing the existing drainage.

- c. The variance will not cause a substantial increase in public costs.

Response: No, the variance will not cause a substantial increase in public costs.

- d. The variance will not place the subdivision in nonconformance with any adopted zoning regulations or applicable adopted plans.

Response: No, the variance will not place the subdivision in nonconformance with any adopted zoning regulations or applicable adopted plans.

K:\Helena\ABLE PLANNING\2022563 Scenic Vistas (Large Lots)\08Reports\Pre Plat Application\03m) Variance Requests\2) Scenic Vistas Double Fronted Lot Variance Supp Info.docx



LEWIS AND CLARK COUNTY

SUBDIVISION VARIANCE APPLICATION

City-County Building, 316 North Park Avenue, Helena, MT 59623 (406) 447-8374

The governing body may grant variances from Section XI. DESIGN AND IMPROVEMENT STANDARDS of the Lewis and Clark County Subdivision Regulations when strict compliance would result in an undue hardship and when it is not essential to the public welfare. Such a variance shall not have the effect of nullifying the intent and purpose of these regulations. The governing body may not, by variance permit subdivision for building purposes in areas located within the floodway of a flood of 100-year frequency as defined by Title 76, Chapter 5, MCA. The governing body shall not approve a variance unless it makes findings based upon the evidence in each specific case as defined in the application section below. Please use a separate sheet for each variance requested.

Applicant: Able Planning, LLC Subdivision: Scenic Vistas

Subdivision Regulation (i.e. Section XI.Q.1., utility easements): Section XI.F.9, double fronted lots

Variance Requested: Request a variance from the double lot frontage prohibition for Lot 5
Variance request is due to existing road connection, shape of existing parent parcel, and county

Please attach any maps, diagrams, or other information that describe the requested variance. zoning

Attach a written statement describing the requested variance and the facts of hardship upon which the request for the variance is based. In addition, describe how the requested variance applies to the following criteria (please attach additional pages if necessary):

a. The granting of the variance will not be detrimental to the public health, safety or general welfare, or injurious to other adjoining properties.

See attached

b. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an undue hardship to the owner would result if the regulations were enforced.

See attached

c. The variance will not cause a substantial increase in public costs.

See attached

d. The variance will not place the subdivision in nonconformance with any adopted zoning regulations or applicable adopted plans.

See attached

Innovative designs that address energy conservation, transportation efficiency, affordable housing, ADA accessibility or preservation of the natural environment which do not circumvent the purpose of these regulations may be reasons for granting of a variance by the governing body.

I, the above-mentioned Applicant, request review of the subdivision variance application. The information presented with this application is true and accurate to the best of my knowledge.

Signed:
Applicant

3/21/23
Date

**Exhibit B: Variance Request
Variance Request from Chapter XI.H(16)**

Conclusions:

1. The granting of the variance WILL NOT be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner WILL result if these regulations were enforced.
3. The granting of the variance WILL NOT cause a substantial increase in public costs.
4. The approval of the variance WILL NOT place the Subdivision in non-conformance with adopted zoning regulations or applicable adopted plans.

Findings of Fact:

1. Chapter XI.H(16) states “When county road easements are extended to exterior property boundaries within a subdivision for a future road connection as provided in Section XI.H.4, the roadway shall be constructed in accordance with the County Road Standards in the Lewis and Clark County Public Works Manual”.
2. The proposed Subdivision is zoned Rural Residential Mixed-use District, which requires a minimum lot size of 10 acres.
3. No adjacent properties would benefit from the construction of the road within the easement of the Mystic Court extension at this time.
4. There is a 60-foot-wide public access easement recorded, per COS No. 3371520, on the adjacent property to the west of the proposed Subdivision. This easement does not touch the boundary of the proposed Subdivision, as there is 8 feet of separation between the project boundary and the recorded public access easement.
5. The Montana Department of Transportation approach permit onto Canyon Ferry Road from the 60-foot-wide public access easement, recorded per COS 3371520, is for agricultural use only.
6. According to the application, Mystic Court will provide access to 4 lots, with or without the construction of the road within the easement for the Mystic Court extension.
7. Staff is recommending a “no access” restriction along the entire length of the west property boundary to prohibit access to the property located west of the proposed Subdivision.



1275 MAPLE STREET SUITE F, HELENA, MT 59601 | 406.443.3962

For the Scenic Vistas Subdivision, the applicant is requesting a variance from Section XI.H.16 of the County Subdivision Regulations which states, “*When county road easements are extended to exterior property boundaries within a subdivision for a future road connection as provided in Section XI.H.4, the roadway shall be constructed in accordance with the County Road Standards in the Lewis and Clark County Public Works Manual.*” While a road has been constructed along the western edge of the proposed subdivision, it is not a county road and cannot be accessed by the proposed subdivision. If a road were constructed between Lots 2 and 4 to the west property boundary then barricades, berms, etc. would need to be installed to prevent access to the constructed road. The construction of this additional road length beyond the end of the cul-de-sac that is needed to access the lots is unnecessary as the county will not allow for legal access onto the constructed north-south road. An access easement will be provided should the constructed road become a public or county road in the future. Below are responses to the additional criteria for this variance request.

- a. The granting of the variance will not be detrimental to the public health, safety, or general welfare, or injurious to other adjoining properties.

Response: The granting of the variance will not be detrimental to the public health, safety, or general welfare, or injurious to other adjoining properties. A road constructed within the easement meeting County standards cannot legally access the private road on the west boundary of the subdivision.

- b. Because of particular physical surroundings, shape or topographical conditions of the specific property involved, an undue hardship to the owner would result if the regulations were enforced.

Response: The construction of a road is unnecessary due to the fact the existing private road on the west boundary cannot be accessed and places an undue hardship to the owner to construct a road that cannot be used.

- c. The variance will not cause a substantial increase in public costs.

Response: No, the variance will not cause a substantial increase in public costs. The reduction in road length will reduce the amount of road maintenance required for the proposed subdivision.

- d. The variance will not place the subdivision in nonconformance with any adopted zoning regulations or applicable adopted plans.

Response: No, the variance will not place the subdivision in nonconformance with any adopted zoning regulations or applicable adopted plans.

K:\Helena\ABLE PLANNING\2022563 Scenic Vistas (Large Lots)\08Reports\Pre Plat Application\03m) Variance Requests\6) Scenic Vistas Road Extension Variance Supp Info.docx



LEWIS AND CLARK COUNTY

SUBDIVISION VARIANCE APPLICATION

City-County Building, 316 North Park Avenue, Helena, MT 59623 (406) 447-8374

The governing body may grant variances from Section XI. DESIGN AND IMPROVEMENT STANDARDS of the Lewis and Clark County Subdivision Regulations when strict compliance would result in an undue hardship and when it is not essential to the public welfare. Such a variance shall not have the effect of nullifying the intent and purpose of these regulations. The governing body may not, by variance permit subdivision for building purposes in areas located within the floodway of a flood of 100-year frequency as defined by Title 76, Chapter 5, MCA. The governing body shall not approve a variance unless it makes findings based upon the evidence in each specific case as defined in the application section below. Please use a separate sheet for each variance requested.

Applicant: Able Planning, LLC Subdivision: Scenic Vistas

Subdivision Regulation (i.e. Section XI.Q.1., utility easements): Section XI.H.16, road extension

Variance Requested: Request a variance to construct the west access road. An easement will be provided to facilitate access in the future.

Please attach any maps, diagrams, or other information that describe the requested variance.

Attach a written statement describing the requested variance and the facts of hardship upon which the request for the variance is based. In addition, describe how the requested variance applies to the following criteria (please attach additional pages if necessary):

a. The granting of the variance will not be detrimental to the public health, safety or general welfare, or injurious to other adjoining properties.

See attached

b. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, an undue hardship to the owner would result if the regulations were enforced.

See attached

c. The variance will not cause a substantial increase in public costs.

See attached

d. The variance will not place the subdivision in nonconformance with any adopted zoning regulations or applicable adopted plans.

See attached

Innovative designs that address energy conservation, transportation efficiency, affordable housing, ADA accessibility or preservation of the natural environment which do not circumvent the purpose of these regulations may be reasons for granting of a variance by the governing body.

I, the above-mentioned Applicant, request review of the subdivision variance application. The information presented with this application is true and accurate to the best of my knowledge.

Signed:

Applicant

3/21/23

Date

Exhibit C: Agency Comments

Angela Hubbard

From: Jason Danielson
Sent: Thursday, June 8, 2023 9:24 AM
To: Angela Hubbard
Subject: RE: Scenic Vista agency notice with vicinity maps

Good Morning Angie,

I neglected to CC you yesterday. Please see below!

Jason Danielson, GISP | GIS Analyst
City of Helena/Lewis and Clark County
316 N Park Ave, Helena, MT 59623
(406) 447-8367
<http://www.lccountymt.gov/gis>
<http://www.helenamontanamaps.org>

From: addressing
Sent: Wednesday, June 7, 2023 4:57 PM
To: Zachary Franklin <ZFRANKLIN@lccountymt.gov>
Subject: RE: Scenic Vista agency notice with vicinity maps

Hi Zach and Angie,

Please see below. The only addition to the original document submitted 5-25-23 would be a comment for clarification:

- Structures will be assigned an address from the road in which they are accessed (including on lots with double frontage).

Please let me know if you want me to resubmit the original request for comment document or if you have any questions.

Thanks,
Jason

Jason Danielson, GISP | GIS Analyst
City of Helena/Lewis and Clark County
316 N Park Ave, Helena, MT 59623
(406) 447-8367
<http://www.lccountymt.gov/gis>
<http://www.helenamontanamaps.org>

From: Zachary Franklin <ZFRANKLIN@lccountymt.gov>
Sent: Wednesday, June 7, 2023 1:23 PM
To: Alex Lopez <ALOPEZ@lccountymt.gov>; Dan Karlin <DKARLIN@lccountymt.gov>; Jessica Makus <JMAKUS@lccountymt.gov>; Jennifer McBroom <JMCBROOM@lccountymt.gov>; Kathy Moore <kmooore@lccountymt.gov>; Beth Norberg <BNORBERG@lccountymt.gov>; Jason Danielson <JDanielson@lccountymt.gov>; Pam Attardo <PATTARDO@lccountymt.gov>; Jesse Whitford <JWhitford@lccountymt.gov>
Cc: Karin Rutherford <KRutherford@lccountymt.gov>; Angela Hubbard <AHUBBARD@lccountymt.gov>
Subject: Scenic Vista agency notice with vicinity maps

Attached is the Internal and External Agency Comment Notices with the Preliminary Plat and Vicinity Map.



City of Helena Lewis & Clark County



Comments on the proposed Scenic Vista Subdivision

Planner: Angie Hubbard, Planner II

May 25, 2023

- The following road names were approved and [reserved](#) in March, 2023:
 - Stillwater Ct
 - Mystic Ct
 - Sphinx Dr
- Ranger Dr will extend south from Canyon Ridge Subdivision to the Callaway Dr intersection.
- Callaway Dr will extend south/east from Canyon Ridge Subdivision.
- Road identification signs must be installed at all intersections of existing roads and internal access roads prior to final platting:
 - Callaway Dr and Mystic Ct
 - Callaway Dr and Stillwater Ct
 - Callaway Dr and Ranger Dr
 - Callaway Dr and Sphinx Rd
- Structures will be assigned an address from the road in which they are accessed.
- Address plaques are required for each lot 2 acres or larger (Lots 1-15). Each plaque is \$10, and the form is available on the [Addressing website](#).
- Address numbers and unit numbers must be 4 inches at a minimum and clearly visible in a contrasting and conspicuous location. The installation and maintenance of address numbers shall be the responsibility of the property owner.
- Roads and addresses will be created upon final plat approval. Notification letters will be sent to the applicant and service providers after assignment.
- [Click this link for an interactive map](#) of the area of interest.



**Community Development and Planning
Lewis and Clark County**

316 N. Park Ave. Room 230 Helena, MT 59623
Phone: 406-447-8374 Fax: 406-447-8398
e-mail: planning@lccountymt.gov



REQUEST FOR REVIEW AND COMMENTS

June 6, 2023

To:

Steve Rock, NorthWestern Energy
Craig Bender, Jon Willyerd, Keith
Robinson, Lumen
James Foster, Helena Valley Irrigation
District
United States Post Office

DNRC, Water Resource Division
Montana Natural Heritage Program
U.S. Geological Survey, Water Resources
Division

Historic Preservation Commission
Transportation Planning, Montana
Department of Transportation
Jenny Sika, MT Dept. of Fish, Wildlife and
Parks, Helena Resource Office
DEQ, Water Quality Division

DEQ, Subdivision Review
Natural Resources Conservation Service

From: Angie Hubbard, Planner II

UPDATED NOTICE

PUBLIC HEARING DATE CHANGED FROM JUNE 20, 2023 TO JUNE 29, 2023

PLEASE SEE UPDATED NOTICE BELOW

PROPOSAL: A proposed major subdivision, to be known as Scenic Vista has been submitted to Lewis and Clark County for review. If approved, the Subdivision will divide the existing, 160.873-acre parcel into 15 lots. All lots will be for single-family residential use, will range in size from 10.00 and 13.57 acres, and will be served by an individual on-site well, individual on-site wastewater treatment system, stormwater detention facilities, and utilities. Direct access to the proposed lots will be off of a planned internal road network with connections to both Callaway and Ranger Drives. As a part of this request, the Applicant is requesting three variances from the Lewis and Clark County Subdivision Regulations (*Chapter XI.F.9 Double frontage lots, XI.F.7 No lot shall have an average length greater than 3 x its average width, and XI.H.16 Improvements required to western road extension*).

LOCATION: The proposed Subdivision is located south of Canyon Ferry Road and east of Lake Helena Drive on Lot 3A-1A1A-1A-1 of COS No. 3389384 in Section 21, T10N, R2W, P.M.M., Lewis and Clark County, Montana. A preliminary plat and a vicinity map, showing the location of the proposed Subdivision, is attached.

Please review this information and comment regarding the provision of services for the proposed subdivision and/or any potential adverse or beneficial impacts from the development of the proposed subdivision. Please contact our office if you need additional information. **PLEASE RETURN YOUR COMMENTS BY June 19, 2023.** The Consolidated City of Helena-Lewis and Clark County Planning Board will hold a public hearing at **6:00 p.m. on Thursday, June 29, 2023**, in Room 330 on the third floor of the City-County Building, 316 North Park Avenue, Helena, MT for the consideration of a proposed major subdivision to be known as Scenic Vista. This meeting will also be held electronically via Zoom at <https://us06web.zoom.us/j/87594510220>. If you would like to attend the hearing by phone via Zoom, call 1 (253) 215-8782 and enter Meeting ID No 87594510220.

The Lewis and Clark County Board of Commissioners will hold a public meeting for consideration of the proposed Subdivision at **9:00 a.m. on Tuesday, July 11, 2023**, in Room 330 on the third floor of the City-County Building, 316 North Park Avenue, Helena, Montana.

Please mail comments or correspondence to the Community Development and Planning Office at 316 North Park Avenue, Helena, MT 59623 or fax them to (406) 447-8398. Comments can also be e-mailed to: planning@lccountymt.gov.

Comment as follows:

No Comment



Signature/Date

6-14-23

Angela Hubbard

From: Zachary Franklin
Sent: Tuesday, June 13, 2023 2:29 PM
To: Angela Hubbard
Subject: FW: Scenic Vista Subdivision
Attachments: Scenic Vista.pdf

From: Sharon Foster <sharonfoster@hvid-mt.com>
Sent: Tuesday, June 13, 2023 8:59 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Scenic Vista Subdivision

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Scenic Vista Subdivision is not in the HVID and can not use HVID Irrigation water.

Sharon K. Foster
HVID Office Manager
Helena Valley Irrigation District (HVID)
3840 N. Montana Avenue
Helena, MT 59602
(406) 442-3292



**Community Development and Planning
Lewis and Clark County**

316 N. Park Ave. Room 230 Helena, MT 59623
Phone: 406-447-8374 Fax: 406-447-8398
e-mail: planning@lccountymt.gov



REQUEST FOR REVIEW AND COMMENTS

June 6, 2023

To:

Steve Rock, NorthWestern Energy
Craig Bender, Jon Willyerd, Keith
Robinson, Lumen
James Foster, Helena Valley Irrigation
District
United States Post Office

DNRC, Water Resource Division
Montana Natural Heritage Program
U.S. Geological Survey, Water Resources
Division

Historic Preservation Commission
Transportation Planning, Montana
Department of Transportation
Jenny Sika, MT Dept. of Fish, Wildlife and
Parks, Helena Resource Office
DEQ, Water Quality Division

DEQ, Subdivision Review
Natural Resources Conservation Service

From: Angie Hubbard, Planner II

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PUBLIC HEARING DATE CHANGED FROM JUNE 20, 2023 TO JUNE 29, 2023
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LEWIS AND CLARK COUNTY

Public Works Department

DATE: June 7, 2023
TO: Angie Hubbard, Planner II
FROM: Daniel Karlin, County Engineer
RE: Scenic Vista

Angie,

Public Works has completed a joint review of the Scenic Vista major request for comment dated May 24, 2023, and the three accompanying exhibit documents. We offer the following comments:

1. This project is situated adjacent to the Canyon Ridge subdivision that has sustained significant ditch erosion due to the steep roadway slopes and erosive nature of the native soil. The cost to repair the ditches fell to the Canyon Ridge RID. We do not want to see this situation occur again, so as a result request a hydraulic analysis be performed by a qualified professional engineer and that the analysis is used for stormwater drainage design.
2. We strongly encourage the extension of Berkshire Road to be required to be paved. This short segment will be difficult to maintain.
3. The roadways appear to all be gravel surfacing, which connects to paved surfaces maintained by the Canyon Ridge RID. Transition zones require frequent maintenance, especially within 25 feet of the surfacing change. We request a 25-foot asphalt apron be added so Canyon Ridge RID maintained roads are not negatively impacted by the surfacing transition.
4. Three of the stormwater ponds are not accessible by road. RID maintenance will not be able to access these locations and will not be maintained with RID funds. All of the stormwater ponds will need to be maintained by the homeowner or Home Owners Association.
5. Callaway Drive, as it currently exists, is a North/South roadway. The proposed network will shift Callaway Drive into a North/South and an East/West roadway. This situation should be discussed with the addressing coordinator. Public Works would prefer the road comes to an intersection and changes names when it changes direction.
6. The submission of this application appears to have occurred after the 2023 Public Works Manual was adopted, so road construction plans should comply with the manual's provisions.
7. A weed management plan must be submitted to the Lewis and Clark County Noxious Weed District for approval before any ground disturbance.

We look forward to our comments being included in the staff report. If you have any questions, don't hesitate to reach out to discuss. And as always, we look forward to reviewing and offering comments on preliminary construction plans.

Angela Hubbard

From: Daly, Jennifer <JDaly2@mt.gov>
Sent: Tuesday, June 6, 2023 11:23 AM
To: Angela Hubbard
Subject: Scenic Vista
Attachments: doc04398520230606112021.pdf; HRO 23-15-letter.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Angie,

The only comments for the Scenic Vista project are the water usage per lot is limited as described in the attached pre-determination letter. Please let us know if you have any additional questions for us on this project. Thank you,

Jennifer Daly
Regional Manager
DNRC Helena Regional Office
Jdaly2@mt.gov



**Community Development and Planning
Lewis and Clark County**

316 N. Park Ave. Room 230 Helena, MT 59623
Phone: 406-447-8374 Fax: 406-447-8398
e-mail: planning@lccountymt.gov



MAY 30 2023

RECEIVED

REQUEST FOR REVIEW AND COMMENTS

May 24, 2023

To:

Steve Rock, NorthWestern Energy
Craig Bender, Jon Willyerd, Keith
Robinson, Lumen
James Foster, Helena Valley Irrigation
District
United States Post Office

DNRC, Water Resource Division
Montana Natural Heritage Program
U.S. Geological Survey, Water Resources
Division

Historic Preservation Commission
Transportation Planning, Montana
Department of Transportation
Jenny Sika, MT Dept. of Fish, Wildlife and
Parks, Helena Resource Office
DEQ, Water Quality Division

DEQ, Subdivision Review
Natural Resources Conservation Service

From: Angie Hubbard, Planner II

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LOCATION: The proposed Subdivision is located south of Canyon Ferry Road and east of Lake Helena Drive on Lot 3A-1A1A-1A-1 of COS No. 3389384 in Section 21, T10N, R2W, P.M.M., Lewis and Clark County, Montana. A preliminary plat and a vicinity map, showing the location of the proposed Subdivision, is attached.

Please review this information and comment regarding the provision of services for the proposed subdivision and/or any potential adverse or beneficial impacts from the development of the proposed subdivision. Please contact our office if you need additional information. **PLEASE RETURN YOUR COMMENTS BY June 9, 2023.** The Consolidated City of Helena-Lewis and Clark County Planning Board will hold a public hearing at **6:00 p.m. on Tuesday, June 20, 2023**, in Room 330 on the third floor of the City-County Building, 316 North Park Avenue, Helena, MT for the consideration of a proposed major

**DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION**

Planning Board: Scenic Vistas Subdivision - Page No. 69

Water Resources Division • Helena Regional Office

1424 9th Ave, Helena, MT 59620-1601 Phone: (406) 444-6999 Fax: (406) 444-9317



GREGGIANFORTE, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE: (406) 444-2074
FAX: (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

June 21, 2023

Drew Pearson, P.E.
WWC Engineering
1275 Maple Street, Suite F
Helena, MT 59601

Re: HRO 23-15 DNRC Water Right Review of 15 lot subdivision of Tract 3A-1A1A-1A-1, of COS 3389384. This project is located in Section 20 and 21, Township 10N, Range 2W, in Lewis and Clark County.

Determination: Based on the information provided in your 3/20/2023 DNRC water right review request, the referenced parcel and well locations do fit the current statutes and rules pertaining to filing a water right using a DNRC Notice of Completion of Groundwater Development (Form 602). See full details below.

Dear Drew Pearson:

This letter is in response to your request for DNRC review of water rights for the referenced project in accordance with Administrative Rules of Montana (ARM) 17.36.103(1)(s).

Proposed Project

The proposed project is to split the existing 161 acre tract, 3A-1A1A-1A-1, into 15 separate lots (lots 1-15) each served by their own well. Each proposed lot is slated for 1 single family residence. The lots are all around 10 acres, ranging from 10.0–14.34 acres in size.

The applicant estimates the proposed uses will require 10 AF/year at a pumping rate not to exceed 35.0 gallons per minute (GPM). Any unallocated volume available for additional future appropriations under the water right permit exceptions of MCA §85-2-306(3)(a)(iii) is shown in the table below.

Reviewed Uses	Property Description (Parcel/Lot/Tract)	Filed Existing Groundwater Certificate	Maximum Volume Allocated to Parcel (10.0 AF/year Limit)	Volume Allocation by Use (AF/year)				Remaining Volume Available per Parcel	Total Project Volume under MCA § 85-2-306(3)(a)(iii)
				Domestic	Lawn & Garden	Other	Total		
Existing Use	N/A	N/A						N/A	
Proposed Use	Parcels 1-15	N/A	.67	0.28	.15acres = 0.39AF			0.66AF	
---				Development Totals				0.66AF * 15 lots	

**Applicant must state their intention to use the 0.28 AF/year/household domestic use volume on their Form 602 instead of the DNRC standard of 1.0 AF/year.*

Existing Water Use

N/A

Proposed Water Use

The proposed lots are each set to have 1 domestic house at 0.28 AF and 0.15 acres of lawn and garden at 2.5 AF/acre or 0.38 AF. The total for each of the 15 lots is 0.66 AF for a project total of 9.83 AF. The remaining 0.17 AF will be split evenly among the lots.

DNRC Conclusion

Based on the information provided in your 3/20/2023 DNRC water right review request, the referenced parcel and well location does fit the current statutes and rules pertaining to filing a water right using a DNRC Notice of Completion of Groundwater Development (Form 602). The proposed appropriation is considered a combined appropriation because proposed Lots 1-15 have not been approved with Lewis and Clark County prior to October 17, 2014. As noted on Form 602, the diverted flow rate and volume may not exceed 35.0 GPM/well and 10.0 AF/year per combined appropriation. Form 602 must be filed within 60 days after first putting water to beneficial use. If a well's flow rate exceeds 35.0 GPM or a development's volume exceeds 10.0 AF/year, then a beneficial water use permit (DNRC Form 600-GW) must be obtained prior to putting water to beneficial use.

In Clark Fork Coalition, et. al. v. DNRC, et. al., 2016 MT 229, 384 Mont. 503, 380 P.3d 771, the Montana Supreme Court concluded that the definition of "combined appropriation" in Admin. R. Mont. 36.12.101(13) was invalid. The Court reinstated the Department's 1987 Rule defining "combined appropriation" as:

An appropriation of water from the same source aquifer by means of two or more groundwater developments, the purpose of which, in the department's judgment, could have been accomplished by a single appropriation. Groundwater developments need not be physically connected nor have a common distribution system to be considered a "combined appropriation." They can be separate developed springs or wells to separate parts of a project or development. Such wells and springs need not be developed simultaneously. They can be developed gradually or in increments. The amount of water appropriated from the entire project or development from these groundwater developments in the same source aquifer is the "combined appropriation."

Under this Rule, the Department interprets subdivisions that are either pending before the Department of Environmental Quality for approval on October 17, 2014, or filed after that date, to be a single project that can be accomplished by a single appropriation. Consequently, all wells in such a subdivision will be considered a "combined appropriation" for the purposes of Mont. Code Ann. § 85-2-306. The only exception to this interpretation is that a subdivision which has received preliminary plat approval prior to October 17, 2014, which will not be considered a project under the "combined appropriation" 1987 Rule; individual lots will still be evaluated under the 1987 Rule at the time of an application to the Department. 2015 Mont. Laws § 1, Ch. 221.

This letter does not serve as a pre-approval for a water right. The determination above is based upon the information provided in your request. Prior to issuance of any water right, the owner must make an application or notice to the DNRC for a water right. Applications are processed on a first-come, first-served basis. To ensure timely processing of your water right, please contact DNRC at your earliest convenience to discuss filing requirements.

A copy of this letter and your DNRC review request has been provided to the Department of Environmental Quality (DEQ). If you have any questions, please contact me at 406-444-6810 or Mtch.Hoffman@mt.gov.

Best Regards,



Mitch Hoffman

Water Resource Specialist

Mitch.Hoffman@mt.gov

(406) 444-6810



cc: DEQ, Leata English– via email only

SUBD2023-008

Type (Asc) ▼

GO

REVIEWS

WORBY MCNAMEE

FLOODPLAIN
REVIEW

Proposed location for subdivision is outside of any mapped floodplain area. No permit needed for development.

6/21/2023 1:49:23 PM

Close

Exhibit D: Adjacent Landowner Comments

Angela Hubbard

From: Zachary Franklin
Sent: Tuesday, June 13, 2023 2:29 PM
To: Angela Hubbard
Subject: FW: Written comments to public hearing en re Scenic Vista proposed major subdivision

From: Susan Hammell <susanehammell@gmail.com>
Sent: Tuesday, June 13, 2023 8:31 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Written comments to public hearing en re Scenic Vista proposed major subdivision

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Honorable Commissioners,

We question the plan to use Callaway and Ranger Drives as connecting roads to this proposed subdivision. We are residents of Canyon Ridge subdivision. We fear that the increase in traffic, both during construction and afterwards, will adversely impact the condition of the roads. It will not only be Ranger and Callaway, but also Holmberg, Berkshire and Saint John roads. Maintenance of these roads are currently paid for through an RID by Canyon Ridge property owners. Will the new subdivision also have an RID to cover the necessary maintenance of these roadways? All of these roads are used extensively by school buses, school children, and many walkers/bikers in the neighborhood. Our community mailboxes are located on Ranger Drive and many of us walk to get our mail. We have no sidewalks. We fear the increased traffic will cause a dangerous situation.

We question the availability of groundwater in the aquifer to support another subdivision with individual wells.

And finally, there is always the consideration of loss of habitat for the wildlife.

Respectfully submitted,

Ken and Susan Hammell
4410 Saint John Rd
East Helena, MT 59635
(406) 422-4049

Angela Hubbard

From: County_Planning_Mail
Sent: Monday, June 12, 2023 7:58 AM
To: Angela Hubbard
Subject: FW: Scenic Vista - Comments

From: Joseph Krall <kralljoseph@hotmail.com>
Sent: Friday, June 9, 2023 4:37 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Scenic Vista - Comments

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To whom it may concern:

Thank you for the correspondence regarding the proposal of the new subdivision know as Scenic Vista. In general we, as residents of Canyon Ridge Subdivision at 2922 Callaway Drive, are not opposed to the proposed plan as noted in the correspondence provided. We do have some questions concerning the existing proposal.

1. It appears that the proposal is specific for single family residential use. Is this designation fixed and final? Just want to be sure that the purpose of each lot cannot be changed (multifamily, commercial) once final approval is recorded.
2. Assuming that the Canyon ridge subdivision roads will serve not only as access point for the new division residents, but also for all construction vehicles, heavy machinery and related traffic, is there any plan to have the developer or home owners contribute to a fund to maintain/repair the Canyon Ridge roads? Is this County responsibility? Once developed will the new home owners be contributing to the RID account that existing Canyon Ridge residents contribute to for continued road maintenance?
3. Would the developer consider any changes to the proposed road layout? Specifically Mystic Court which is the only proposed road to significantly alter the existing Canyon Ridge resident traffic along their property line. This same road could be extended from the end of the proposed Stillwater Court, ending in the same location as the proposed Mystic court Cul de Sac. Impact to both developments would be reduced if this road location was approved.
4. Are there any restrictions on amount of these newly developed properties that can be landscaped? Water usage/availability is a constant concern, and it appears that these new lots will have access to the same water source that Canyon Ridge accesses. We have had no issues with our wells, and we would love to ensure that standard is maintained.

Overall, as a resident of Canyon Ridge I see this proposal as a much better option than previous proposals and would welcome the development with discussion of these items.

Thank you for the opportunity to inquire.

Sincerely,
Joseph Krall
2922 Callaway Drive
East Helena, MT 59635

kralljoseph@hotmail.com

Angela Hubbard

From: Zachary Franklin
Sent: Friday, June 9, 2023 4:56 PM
To: Angela Hubbard
Subject: FW: proposed subdivision (Scenic Vista)

From: Scott Fabel <scofabel@yahoo.com>
Sent: Friday, June 9, 2023 9:50 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: proposed subdivision (Scenic Vista)

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Scott & Glenda Fabel

4259 Saint John RD.

East Helena, MT 59635

June 9, 2023

RE: proposed subdivision located south of Canyon Ferry Road and east of Lake Helena Drive on Lot 3A-1A1A-1A-1 of COS no. 3389384 in Section 21, T10n, R2W, P.M.M., Lewis and Clark Montana. (Scenic Vista)

First I would like to voice my concerns that I did not receive any letters notifying us of this proposed subdivision (Scenic Vista) due to us bordering the requested subdivision.

The reasons that we have concerns for the proposal are as follows:

1. There were no covenants shared on the proposal.

2. Possibility of a lack of available groundwater to support the increased demand a new subdivision would create on the aquifer.

3. Added upkeep , traffic and safety of the existing roads.

Scott & Glenda Fabel

4259 Saint John RD.

East Helena, MT 59635

(406) 439-3678

Scott Fabel scofabel@yahoo.com

Angela Hubbard

From: Zachary Franklin
Sent: Friday, June 9, 2023 4:56 PM
To: Angela Hubbard
Subject: FW: Scenic Vista Proposed Subdivision Comments

From: K T <kst-jlt@hotmail.com>
Sent: Friday, June 9, 2023 10:08 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Cc: K T <kst-jlt@hotmail.com>
Subject: Re: Scenic Vista Proposed Subdivision Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sorry about this, but I have one additional concern in regards to the Scenic Ridge Subdivision. I was one of the residents that received a certified letter from the County. My next-door neighbor did not. In hearing from many residents of Canyon Ridge, most did not. Someone said they were told by the County that you only received one if you would be directly impacted by the subdivision. I don't understand this and do not know if it is true or not. If this is true, why would next door neighbors who border the northern edge of the proposed Scenic View Subdivision not both be impacted, and one get a letter and one not get a letter?

All residents in Canyon Ridge will be impacted by Scenic Vistas with increased traffic, more neighbors, construction, development, etc... It seems like the County may not be getting a complete picture of beneficial or adverse impacts if only a few received notification of the proposed action, comment period, and public meeting. It also leads to a perception issue for both the county and developer that there is not complete transparency in this process and that results are going to be schewed or not listened to.

All residents, basically including Red Fox Meadows, Holmberg Estates, Canyon Ridge and on eastward on Canyon Ferry will be impacted. Whether by increased traffic on Canyon Ferry, wear and tear of the roads, increase safety risk, etc... I am not saying every resident in this area should receive a certified letter, but at a minimum, all residents in Canyon Ridge should have received the letter and there should be multiple other methods of public notification used for all area residents. I am not saying some of this wasn't done, I am just saying I haven't heard or seen any other notifications about this proposed development, public comment period, and public meeting on July 11th. I have seen signs, posting, and heard on the radio other public notifications for other developments and items in the past, but nothing on this one (I even skim the IR, listen to local radio stations and watch Montana news on tv most days....)

Also, the letter from the County is dated May 24, 2023 with a response date of 9 June, so 16 days to respond, which seems reasonable. Except, the USPS used for delivery of these letters didn't notify me there was a certified letter to pick up until mail delivery on May 30th. I was fortunate to be in town that week and was able to get my letter from the Post Office in East Helena on May 31st. That only allowed a little over a week to compose my thoughts and respond by the . Some neighbors have been out of town the past week so probably have no idea this was waiting for them or just got it and are very limited in a response time. I do not think less

two weeks of actual response time is reasonable and think the 10 actual days from the letter being signed by the county to the USPS delivering should not be included in this amount of time. This is a business transaction. In almost all business transactions that need a public comment have minimum notification timelines. I am not sure this meets the normal or government standard.

The County may want to consider that they are not getting a true reflection of public input on this and if a different timeline and method had been used, a better compilation of adverse impacts, concerns and/or benefits would have been gathered.

Thanks again for letting me respond,
Kelly

From: K T
Sent: Friday, June 9, 2023 9:12 AM
To: planning@lccountymt.gov <planning@lccountymt.gov>
Cc: Kelly Traynham <kst-ilt@hotmail.com>
Subject: Scenic Vista Proposed Subdivision Comments

Good morning! I am writing some comments to address the proposed Scenic Vista Subdivision.

Potential Beneficial Impact:

1. Maybe new Scenic Vista owners would keep down on the weeds that grow and blow into the Canyon Ridge Subdivision (this hasn't occurred in the three years I have lived in Canyon Ridge, the only activity I have seen is when a survey is done or perk sites were dug, no mowing/spraying/disking has been done, I heard that a few years ago someone mowed along the property border between Canyon Ridge and the proposed Scenic Vista, but again that hasn't occurred in the three years I have resided in Canyon Ridge)

Potential adverse impact(s):

1. Proposed entrances appear to be primarily (or only) through the Canyon Ridge Subdivision using the existing Holmberg, Calloway and Ranger Drives. These roads are already showing wear and do not seem to be maintained. They aren't super wide and don't have curb and gutter, sidewalks, lines, etc.. A new community using these roads, from the construction phase through residents commuting through Canyon Ridge would accelerate the degradation.
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Scenic Vista but the developer owns other property that could be given to the school district or built into a park for county residents, or playing fields for youth sports, etc... Seems like that should be a consideration for all developments in L&C County and the future planning for growth in the County.

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 - b. The letter also said single-family residential use. 10 acres and above lends itself to small businesses, micro-farms etc.. The rumor I heard was there could be all of this including commercial buildings/use and agriculture use on these properties. For agricultural use, 10 acres only supports so many animals. For example, if the property allows animals, is it just a horse, as many horses as the resident wants, is it cattle, pigs, goats, etc.. and a limited number of each, can you build barns, sheds, and indoor riding arenas and if yes are there size/height limits. etc... If commercial can they build a retail shop, industrial shop, store old and/or broken equipment, are there limits to the size of a shop or garage that can be built, and how they maintain their property. These questions are just a few that come to mind when thinking about 10-acre properties and what is allowed/limited and how is that controlled, enforced etc... Single-family residential has a certain meaning to me, so I think it may be worth knowing exactly what the rules and covenants will be, how will they be enforced, what the limitations and allowances are.
6. If the subdivision is approved, what controls will be in place to control dust, construction debris, waste, dirt and mud on the roads, etc...? Who monitors/enforces? Does the developer have to resurface the current Canyon ridge Roads at some point in the build-out of Scenic Vistas as part of the terms and conditions due to accelerated wear and tear of Canyon Ridge Roads?
7. What are the covenants/restrictions going to be? Canyon Ridge and Red Fox Meadows seem to be built with rules in place to maintain a nicer look and a higher quality of subdivision than some others in the County/State. Seems like the County would want to be sure property values would stay high and not allow ill-maintained/lower quality residents be built or brought in. height

Thank you for allowing me an opportunity to express my concerns and thoughts as you consider the Scenic Vista and other proposed developments.

Kelly Traynham
Canyon Ridge Resident
(406) 461-4313

.a

Angela Hubbard

From: Zachary Franklin
Sent: Friday, June 9, 2023 4:55 PM
To: Angela Hubbard
Subject: FW: Scenic Vista - Comments

From: Joseph Krall <kralljoseph@hotmail.com>
Sent: Friday, June 9, 2023 4:37 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Scenic Vista - Comments

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To whom it may concern:

Thank you for the correspondence regarding the proposal of the new subdivision know as Scenic Vista. In general we, as residents of Canyon Ridge Subdivision at 2922 Callaway Drive, are not opposed to the proposed plan as noted in the correspondence provided. We do have some questions concerning the existing proposal.

1. It appears that the proposal is specific for single family residential use. Is this designation fixed and final? Just want to be sure that the purpose of each lot cannot be changed (multifamily, commercial) once final approval is recorded.
2. Assuming that the Canyon ridge subdivision roads will serve not only as access point for the new division residents, but also for all construction vehicles, heavy machinery and related traffic, is there any plan to have the developer or home owners contribute to a fund to maintain/repair the Canyon Ridge roads? Is this County responsibility? Once developed will the new home owners be contributing to the RID account that existing Canyon Ridge residents contribute to for continued road maintenance?
3. Would the developer consider any changes to the proposed road layout? Specifically Mystic Court which is the only proposed road to significantly alter the existing Canyon Ridge resident traffic along their property line. This same road could be extended from the end of the proposed Stillwater Court, ending in the same location as the proposed Mystic court Cul de Sac. Impact to both developments would be reduced if this road location was approved.
4. Are there any restrictions on amount of these newly developed properties that can be landscaped? Water usage/availability is a constant concern, and it appears that these new lots will have access to the same water source that Canyon Ridge accesses. We have had no issues with our wells, and we would love to ensure that standard is maintained.

Overall, as a resident of Canyon Ridge I see this proposal as a much better option than previous proposals and would welcome the development with discussion of these items.

Thank you for the opportunity to inquire.

Sincerely,
Joseph Krall
2922 Callaway Drive
East Helena, MT 59635

kralljoseph@hotmail.com

Angela Hubbard

From: County_Planning_Mail
Sent: Friday, June 9, 2023 11:04 AM
To: Angela Hubbard
Subject: FW: Scenic Vista Proposed Subdivision Comments

From: K T <kst-jlt@hotmail.com>
Sent: Friday, June 9, 2023 10:08 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Cc: K T <kst-jlt@hotmail.com>
Subject: Re: Scenic Vista Proposed Subdivision Comments

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Sorry about this, but I have one additional concern in regards to the Scenic Ridge Subdivision. I was one of the residents that received a certified letter from the County. My next-door neighbor did not. In hearing from many residents of Canyon Ridge, most did not. Someone said they were told by the County that you only received one if you would be directly impacted by the subdivision. I don't understand this and do not know if it is true or not. If this is true, why would next door neighbors who border the northern edge of the proposed Scenic View Subdivision not both be impacted, and one get a letter and one not get a letter?

All residents in Canyon Ridge will be impacted by Scenic Vistas with increased traffic, more neighbors, construction, development, etc... It seems like the County may not be getting a complete picture of beneficial or adverse impacts if only a few received notification of the proposed action, comment period, and public meeting. It also leads to a perception issue for both the county and developer that there is not complete transparency in this process and that results are going to be schewed or not listened to.

All residents, basically including Red Fox Meadows, Holmberg Estates, Canyon Ridge and on eastward on Canyon Ferry will be impacted. Whether by increased traffic on Canyon Ferry, wear and tear of the roads, increase safety risk, etc... I am not saying every resident in this area should receive a certified letter, but at a minimum, all residents in Canyon Ridge should have received the letter and there should be multiple other methods of public notification used for all area residents. I am not saying some of this wasn't done, I am just saying I haven't heard or seen any other notifications about this proposed development, public comment period, and public meeting on July 11th. I have seen signs, posting, and heard on the radio other public notifications for other developments and items in the past, but nothing on this one (I even skim the IR, listen to local radio stations and watch Montana news on tv most days....)

Also, the letter from the County is dated May 24, 2023 with a response date of 9 June, so 16 days to respond, which seems reasonable. Except, the USPS used for delivery of these letters didn't notify me there was a certified letter to pick up until mail delivery on May 30th. I was fortunate to be in town that week and was able to get my letter from the Post Office in East Helena on May 31st. That only allowed a little over a week to compose my thoughts and respond by the . Some neighbors have been out of town the past week so probably have no idea this was waiting for them or just got it and are very limited in a response time. I do not think less

two weeks of actual response time is reasonable and think the 10 actual days from the letter being signed by the county to the USPS delivering should not be included in this amount of time. This is a business transaction. In almost all business transactions that need a public comment have minimum notification timelines. I am not sure this meets the normal or government standard.

The County may want to consider that they are not getting a true reflection of public input on this and if a different timeline and method had been used, a better compilation of adverse impacts, concerns and/or benefits would have been gathered.

Thanks again for letting me respond,
Kelly

From: K T
Sent: Friday, June 9, 2023 9:12 AM
To: planning@lccountymt.gov <planning@lccountymt.gov>
Cc: Kelly Traynham <kst-ilt@hotmail.com>
Subject: Scenic Vista Proposed Subdivision Comments

Good morning! I am writing some comments to address the proposed Scenic Vista Subdivision.

Potential Beneficial Impact:

1. Maybe new Scenic Vista owners would keep down on the weeds that grow and blow into the Canyon Ridge Subdivision (this hasn't occurred in the three years I have lived in Canyon Ridge, the only activity I have seen is when a survey is done or perk sites were dug, no mowing/spraying/disking has been done, I heard that a few years ago someone mowed along the property border between Canyon Ridge and the proposed Scenic Vista, but again that hasn't occurred in the three years I have resided in Canyon Ridge)

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Kelly Traynham
Canyon Ridge Resident
(406) 461-4313

.a

Angela Hubbard

From: County_Planning_Mail
Sent: Friday, June 9, 2023 11:03 AM
To: Angela Hubbard
Subject: FW: proposed subdivision (Scenic Vista)

From: Scott Fabel <scofabel@yahoo.com>
Sent: Friday, June 9, 2023 9:50 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: proposed subdivision (Scenic Vista)

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Scott & Glenda Fabel

4259 Saint John RD.

East Helena, MT 59635

June 9, 2023

RE: proposed subdivision located south of Canyon Ferry Road and east of Lake Helena Drive on Lot 3A-1A1A-1A-1 of COS no. 3389384 in Section 21, T1on, R2W, P.M.M., Lewis and Clark Montana. (Scenic Vista)

First I would like to voice my concerns that I did not receive any letters notifying us of this proposed subdivision (Scenic Vista) due to us bordering the requested subdivision.

The reasons that we have concerns for the proposal are as follows:

1. There were no covenants shared on the proposal.

2. Possibility of a lack of available groundwater to support the increased demand a new subdivision would create on the aquifer.

3. Added upkeep , traffic and safety of the existing roads.

Scott & Glenda Fabel

4259 Saint John RD.

East Helena, MT 59635

(406) 439-3678

Scott Fabel scofabel@yahoo.com

Angela Hubbard

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Sent: Friday, June 9, 2023 11:03 AM
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5. I heard two rumors that I do not know are true or not, but think they should be addressed:
 - a. Utility Easements could be through Canyon Ridge owner's property/lots, possibly tearing down existing fences, going through landscaping etc... I didn't see any of this on the provided maps but do not think that is acceptable? What is allowed and what is prohibited? If easements exist and it will go through Canyon Ridge Property, where are they and what properties will be affected? If it is planned is there a way to change that and only use the existing edge of roadways for utilities, reducing the impact/damage to existing property owners?
 - b. The letter also said single-family residential use. 10 acres and above lends itself to small businesses, micro-farms etc.. The rumor I heard was there could be all of this including commercial buildings/use and agriculture use on these properties. For agricultural use, 10 acres only supports so many animals. For example, if the property allows animals, is it just a horse, as many horses as the resident wants, is it cattle, pigs, goats, etc.. and a limited number of each, can you build barns, sheds, and indoor riding arenas and if yes are there size/height limits. etc... If commercial can they build a retail shop, industrial shop, store old and/or broken equipment, are there limits to the size of a shop or garage that can be built, and how they maintain their property. These questions are just a few that come to mind when thinking about 10-acre properties and what is allowed/limited and how is that controlled, enforced etc... Single-family residential has a certain meaning to me, so I think it may be worth knowing exactly what the rules and covenants will be, how will they be enforced, what the limitations and allowances are.
6. If the subdivision is approved, what controls will be in place to control dust, construction debris, waste, dirt and mud on the roads, etc...? Who monitors/enforces? Does the developer have to resurface the current Canyon ridge Roads at some point in the build-out of Scenic Vistas as part of the terms and conditions due to accelerated wear and tear of Canyon Ridge Roads?
7. What are the covenants/restrictions going to be? Canyon Ridge and Red Fox Meadows seem to be built with rules in place to maintain a nicer look and a higher quality of subdivision than some others in the County/State. Seems like the County would want to be sure property values would stay high and not allow ill-maintained/lower quality residents be built or brought in. height

Thank you for allowing me an opportunity to express my concerns and thoughts as you consider the Scenic Vista and other proposed developments.

Kelly Traynham
Canyon Ridge Resident
(406) 461-4313

.a

Angela Hubbard

From: County_Planning_Mail
Sent: Friday, June 9, 2023 7:38 AM
To: Angela Hubbard
Subject: FW: Proposed Scenic Vista Subdivision

From: Wayne Fiskum <wfiskum@gmail.com>
Sent: Thursday, June 8, 2023 9:21 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Proposed Scenic Vista Subdivision

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Dear Community Development and Planning Committee,

I recently received notice of a proposed new major subdivision that would impact the subdivision I currently reside in, Canyon Ridge Subdivision. I am opposed to the proposed subdivision for the following reasons:

The reasons that I will be citing for my objection to the proposal are as follows:

1. The proposal does state that the type of lots the new subdivision would offer would be single family residential lots of 10-13.57 acre lots, but there were no subdivision covenants or HOA information shared on proposal that would indicate this could not be changed if the subdivision is approved.
2. It is my understanding that previous development attempts have been refused citing a lack of available groundwater to support the increased demand a new subdivision would create on the aquifer. In my experience, most people that would be willing to purchase a 10-13.57 acre property want to do some kind of landscaping that would involve water consumption over and above that of only a single family residence, thereby placing a further strain on the aquifer that would be supplying both subdivisions. There were no covenants (proposed or otherwise) shared and no proposed HOA information shared in the proposal stating how much of each lot could be landscaped or how much water could be used by the new Subdivision residents. It is my understanding that the Lewis and Clark County Water Quality Protection District recommended that the Developer approach the City of East Helena to request an extension of city water to supply a new subdivision.
3. The traffic and road surface impacts during the development, construction after initial development, and after completion of construction would strain the Canyon Ridge Subdivision roads, create possible safety hazards, premature road deterioration, congestion, and disrupt the community. There is also a concern regarding the Canyon Ferry Rd subdivision entry and exit points (located at Holmberg Rd, and Ranger Dr.) as there have been recent accidents involving vehicles traveling 60MPH or more coming over a blind hill (one of which recently causing the fatality of a 10 year old child that was off the side of the road), therefore Canyon Ferry Rd. has some obvious safety issues that have yet to be addressed by the County and should be prior to the addition of any further development.
4. Noxious weed control and drainage ditch weed control - The owner of the current 160.873 acre parcel has done nothing to control noxious weeds on the property that continue to migrate to the Canyon Ridge Subdivision

in the past three years that I have lived in my home. The County is also currently either unwilling or unable to meet their obligation for noxious weed control in the Canyon Ridge Subdivision or to maintain the drainage ditches in the subdivision, therefore adding more subdivisions isn't likely to improve the maintenance situation and should be addressed prior to considering any further development activity.

5. Danny K Rd has not been improved to prepare for the increase in construction traffic that the proposed subdivision will create, there are currently roadblocks on Berkshire Rd, Callaway Dr., and Ranger Rd. The proposal does not state that the blocks will remain in place until at least the initial development ("dirt work", roads and utility work) is completed, making entry and exit through Canyon Ridge Subdivision (since they are paved) the most attractive option for both Contractors and eventually residents. The proposal does not state when Danny K Rd South of Canyon Ferry Rd would be improved to allow two lane traffic and paved.

6. Registered mail notifying the entire Canyon Ridge Subdivision of the proposed new subdivision was not performed, only houses that bordered the new subdivision were informed even though all of the subdivision residents would be impacted, which makes me question the intent of the agency.

7. We do not have sidewalks in the Canyon Ridge Subdivision, therefore our children and our residents walk or ride bicycles on the roads, and there is no enforcement of laws in the subdivision, creating a potential safety hazard for our children and residents due to the increased traffic that would be involved with the proposed Scenic Vista Subdivision. In the three years that I have lived in the Canyon Ridge Subdivision, I have never seen a citation issued for running stop signs, use of mobile devices while driving, or speeding in the subdivision.

8. The land where the proposed subdivision is located is currently habitat for a few remaining red foxes, antelope, deer, and other animals that would be displaced if approved.

9. The proposed subdivision does not contribute to an affordable housing solution for the Helena MSA and appears to only offer the current Owner/Developer a means to profit from the sale of the land.

It is for all of the above reasons individually that I object to the proposal and will be attending the scheduled meetings.

Sincerely,
Wayne Fiskum
2998 Callaway Dr.
East Helena, MT. 59635

Angela Hubbard

From: County_Planning_Mail
Sent: Friday, June 9, 2023 7:38 AM
To: Angela Hubbard
Subject: FW: Proposal for Scenic vista subdivision

From: Pat & Sara Hrnjak <hrnjak.wedding2019@gmail.com>
Sent: Thursday, June 8, 2023 8:46 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Proposal for Scenic vista subdivision

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To whom it may concern,

I am writing this response as a concerned citizen currently living in the canyon ridge subdivision, I live at 4317 Saint John Rd, East Helena MT 59635. My property line will be bordering lot 10 and possibly lot 9 of the new scenic vista subdivision. I believe I am Lot 28 of the canyon ridge subdivision. I have 4 main concerns and questions. Based on responses to these questions I may be opposed to the current property development :

- 1) currently there is a utility easement that borders the south side of all properties on Saint John road for the properties that border lots 9&10 of scenic vista . Will this utility easement continue to exist? If so how wide is the utility easement? Will the current property lines of Saint John and scenic vista physically be touching or will there still be a 4 foot utility easement?
- 2) has there been a proper DEQ or water survey done for the new Scenic vista subdivision? Will there be any impact to the current water aquifer of canyon ridge subdivision? May I receive a copy of the current water study performed?
- 3) The county letter states single family home sites, does this mean they will stay single family 10 acre + sites or will this property be able to be subdivided into smaller lots ?
- 4) Has there been an environmental study towards the impact this subdivision will have on current animals and wild game? There are many antelope and other game animals that live in these fields? Has there been any scientific research done to the impact of the destruction of natural habitat for these animals?

Thank you for your time

Patrick & Sara Hrnjak
(406) 439-3698

Angela Hubbard

From: County_Planning_Mail
Sent: Friday, June 9, 2023 7:38 AM
To: Angela Hubbard
Subject: FW: Objection to Proposed Subdivision - Scenic Vistas

From: Eric M. Thomas <eric.marcus.thomas@gmail.com>
Sent: Thursday, June 8, 2023 8:02 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Objection to Proposed Subdivision - Scenic Vistas

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Eric and Jerri Thomas
2909 Callaway Dr.
East Helena, MT 59635
eric.marcus.thomas@gmail.com
6/8/2023

Lewis and Clark County Community Development and Planning
316 North Park Avenue
Helena, MT 59601

Subject: Objection to Proposed Subdivision - Scenic Vistas

To Whom It May Concern:

I hope this letter finds you in good health and high spirits. I am writing to express my deep concern and objection to the proposed subdivision, Scenic Vistas, in East Helena, MT. While I appreciate the need for development and progress, there are several issues associated with this project that warrant serious consideration.

First and foremost, I want to bring your attention to the matter of increased traffic and a tragic accident that recently occurred on Canyon Ferry Road. The lack of a dedicated lane and the high-speed limit have proven to be hazardous, leading to the unfortunate death of a young child. While I understand that the county and the developers may not be directly responsible for this incident, it is important to acknowledge their shared responsibility in ensuring the safety of our community. Proper road infrastructure and regulations must be in place to prevent such accidents in the future.

Another concern that cannot be overlooked is the potential increase in wear and tear on our already neglected roads due to heavy construction equipment. I invite you to visit the Callaway Drive cul-de-sac and observe its current condition. The inadequate maintenance and the additional strain caused by construction activities will only further deteriorate our roads, imposing a burden on the entire community. To minimize this impact, it is crucial that Danny K Road be utilized exclusively during the construction period, without any exceptions.

Furthermore, I am troubled by the vagueness surrounding the proposed residential land use in Scenic Vistas. It is imperative that we have clear guidelines in place to address important questions such as whether farm animals will be allowed to roam freely and whether broken-down cars and campers will be permitted to litter the properties. These

concerns directly affect the aesthetics, safety, and overall quality of life for our community members. Additionally, it is crucial to establish the standards that will be upheld to complement the existing Canyon Ridge Homeowners Association (HOA) and maintain the integrity of our neighborhood.

Lastly, I would like to seek clarification on whether this property can be subdivided again in the future. The lack of transparency in this regard raises concerns about potential overdevelopment and the strain it may place on our resources and infrastructure. It is essential to ensure that any further subdivision is carefully evaluated and subject to rigorous scrutiny to protect the interests and well-being of the community.

In conclusion, I object to the proposed subdivision, Scenic Vistas, in East Helena, MT. The issues raised above highlight the potential negative impact on our community in terms of safety, infrastructure, quality of life, and the preservation of our neighborhood's character. I urge you to take these concerns seriously and thoroughly assess the implications of this development before making any decisions.

Thank you for your attention to this matter. I trust that you will prioritize the best interests of the community and carefully consider the objections raised. I kindly request that you keep me informed of any developments and decisions regarding this subdivision.

Sincerely,

Eric and Jerri Thomas

Angela Hubbard

From: County_Planning_Mail
Sent: Friday, June 9, 2023 7:38 AM
To: Angela Hubbard
Subject: FW: From Canyon Ridge resident re: Scenic Vista

From: Tom Layson <tdlayson@gmail.com>
Sent: Thursday, June 8, 2023 2:57 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: From Canyon Ridge resident re: Scenic Vista

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Greetings:

Please accept the following into the record for public comments about the proposed Scenic Vista development off Canyon Road.

I live on lot 76 of the Canyon Ridge subdivision off St. John road abutting the proposed Scenic Vista development.

I consider the plan as proposed to be a major win for those of us abutting the properties in question.

Unless those who oppose the plan want to buy the property and turn it into a preserve, trying to prevent the responsible use of it is completely counterproductive. The fact that nature will only allow 10-13 acre lots with single family homes on them is nothing short of an environmental and economic windfall for residents of Canyon Ridge.

The number of households proposed will have a minimal impact on infrastructure, views, traffic or any other metric you can invent. In addition, with the larger estate-sized lots, it makes the construction of higher-end homes much more likely, thus possibly increasing Canyon Ridge property values instead of the opposite.

So I support this plan - and feel like we got a lucky break from what might have come otherwise.

With that said, of course I want to make sure some guardrails are up:

- Homes need to be stick built and single family. No multi-family, duplexes, or residential outbuildings, etc.
- Generous setbacks from property lines should be at least 50-feet on lots of that size. Nobody wants a house or a shop pushed up against a property line. The lot sizes make generous setbacks completely doable in my opinion.

- The authorizing entities need to double check that water is indeed available and that landscaping is somewhat restricted in light of the region's continuing and future challenges with water supply. In other words, 9--acre lawns on 10-acre lots should not be allowed. Limiting the size of the acreage under irrigation is extremely important in my humble opinion. It isn't a matter of if water will become a challenge, but when.
- The developer and subsequent builders should make reasonable accommodations for all the things that usually come with construction and development: dust control, reasonable hours of operation, construction traffic management or mitigation etc.

I've discussed some of these elements with the developer and feel like what *he says* he has in mind addresses most of these concerns. I just want them in the record.

In summation, when I consider what *could* be happening to that land, 15 large lots with single family homes on them is about the best outcome I can imagine.

Thank you,

Tom Layson
253-682-9642
tdlayson@gmail.com
4435 St. John Road, East Helena, MT 59635

Angela Hubbard

From: County_Planning_Mail
Sent: Friday, June 9, 2023 7:38 AM
To: Angela Hubbard
Subject: FW: Scenic Vista

-----Original Message-----

From: Murl Booth <boothmurl@yahoo.com>
Sent: Thursday, June 8, 2023 1:05 PM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Scenic Vista

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To whom it may concern on the planning board I am writing to express my opinion of disagreement with this new subdivision going in on our border. I have not had time to form a more specific outline of my reasons because you the "planning" did not deem I was in need of knowing about this project. We have lived in Canyon Ridge for 5 years now and have not seen any consistent maintenance by the county yet.

For many more reasons than I can express here, tell them NO on any new homes going in out here!

Murl Booth
Resident of 2956 Arendelle Rd
East Helena Mt

Sent from my iPhone

Angela Hubbard

From: County_Planning_Mail
Sent: Friday, June 9, 2023 7:37 AM
To: Angela Hubbard
Subject: FW: Scenic Vista Development

From: Cindy Klaniecki <klanieckilcsw@gmail.com>
Sent: Thursday, June 8, 2023 10:10 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Scenic Vista Development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to the Lewis and Clark County Community Development and Planning surrounding the proposed Scenic Vista development.

We just learned about the proposed development via email from neighbors. Unfortunately our street Canyon Ridge did not receive certified letters but the development would impact us as well. The reasons for my objection to the proposal are as follows:

1. The proposal does not state what the type of lots the new subdivision would offer (single family, multi-family, agricultural, or commercial), only that they would be 10-13.57 acre lots, meaning that a lot purchaser could choose to construct nearly anything from a single family residence to apartments and condominiums. There were no covenants shared on the proposal that would indicate otherwise.
2. It is my understanding that previous development attempts have been refused citing a lack of available groundwater to support the increased demand a new subdivision would create on the aquifer. In my experience, most people that would be willing to purchase a 10-13.57 acre property want to do some kind of landscaping that would involve water consumption over and above that of only a single family residence, thereby placing a further strain on the aquifer that would be supplying both subdivisions and possibly impact the homes in the Red Fox Subdivision to the West of Canyon Ridge. It is my understanding that the Lewis and Clark County Water Quality Protection District recommended that the Developer approach the City of East Helena to request an extension of city water to supply a new subdivision.
3. The traffic and road surface impacts during the development, construction after initial development, and after completion of construction would strain the Canyon Ridge Subdivision roads, create possible safety hazards, premature road deterioration, congestion, and disrupt the community. There is also a concern

regarding the Canyon Ferry Rd subdivision entry and exit points (located at Holmberg Rd, and Ranger Dr.) as there have been recent accidents involving vehicles traveling 60MPH or more coming over a blind hill (one of which recently causing the fatality of a 10 year old child that was off the side of the road), therefore Canyon Ferry Rd. has some obvious safety issues that have yet to be addressed by the County and should be prior to the addition of any further development.

4. Noxious weed control and drainage ditch weed control - The owner of the current 160.873 acre parcel has done nothing to control noxious weeds on the property that continue to migrate to the Canyon Ridge Subdivision in the past three years that I have lived in my home. The County is also currently either unwilling or unable to meet their obligation for noxious weed control in the Canyon Ridge Subdivision or to maintain the drainage ditches in the subdivision, therefore adding more subdivisions isn't likely to improve the maintenance situation and should be addressed prior to considering any further development activity.

5. Danny K Rd has not been improved to prepare for the increase in construction traffic that the proposed subdivision will create, there are currently roadblocks on Berkshire Rd, Callaway Dr., and Ranger Rd. The proposal does not state that the blocks will remain in place until at least the initial development ("dirt work", roads and utility work) is completed, making entry and exit through Canyon Ridge Subdivision the most attractive option.

6. Registered mail notifying the entire Canyon Ridge Subdivision of the proposed new subdivision was not performed, only houses that bordered the new subdivision were informed even though all of the subdivision residents would be impacted, which makes me question the intent of the agency.

7. We do not have sidewalks in the Canyon Ridge Subdivision, therefore our children and our residents walk or ride bicycles on the roads, and there is no enforcement of laws in the subdivision, creating a potential safety hazard for our children and residents due to the increased traffic that would be involved with the proposed Scenic Vista Subdivision. In the three years that I have lived in the Canyon Ridge Subdivision, I have never seen a citation issued for running stop signs, use of mobile devices while driving, or speeding in the subdivision.

It is for all of the above reasons individually that I object to the proposal.

Sincerely,
Cindy Klaniecki
2989 Canyon Ridge Drive

Angela Hubbard

From: County_Planning_Mail
Sent: Friday, June 9, 2023 7:37 AM
To: Angela Hubbard
Subject: FW: Scenic Vista Development

From: Cindy Klaniecki <cklaniecki@gmail.com>
Sent: Thursday, June 8, 2023 10:04 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Scenic Vista Development

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I am writing to the Lewis and Clark County Community Development and Planning surrounding the proposed Scenic Vista development.

We just learned about the proposed development via email from neighbors. Unfortunately our street Canyon Ridge did not receive certified letters but the development would impact us as well. The reasons for my objection to the proposal are as follows:

1. The proposal does not state what the type of lots the new subdivision would offer (single family, multi-family, agricultural, or commercial), only that they would be 10-13.57 acre lots, meaning that a lot purchaser could choose to construct nearly anything from a single family residence to apartments and condominiums. There were no covenants shared on the proposal that would indicate otherwise.
2. It is my understanding that previous development attempts have been refused citing a lack of available groundwater to support the increased demand a new subdivision would create on the aquifer. In my experience, most people that would be willing to purchase a 10-13.57 acre property want to do some kind of landscaping that would involve water consumption over and above that of only a single family residence, thereby placing a further strain on the aquifer that would be supplying both subdivisions and possibly impact the homes in the Red Fox Subdivision to the West of Canyon Ridge. It is my understanding that the Lewis and Clark County Water Quality Protection District recommended that the Developer approach the City of East Helena to request an extension of city water to supply a new subdivision.
3. The traffic and road surface impacts during the development, construction after initial development, and after completion of construction would strain the Canyon Ridge Subdivision roads, create possible safety hazards, premature road deterioration, congestion, and disrupt the community. There is also a concern

regarding the Canyon Ferry Rd subdivision entry and exit points (located at Holmberg Rd, and Ranger Dr.) as there have been recent accidents involving vehicles traveling 60MPH or more coming over a blind hill (one of which recently causing the fatality of a 10 year old child that was off the side of the road), therefore Canyon Ferry Rd. has some obvious safety issues that have yet to be addressed by the County and should be prior to the addition of any further development.

4. Noxious weed control and drainage ditch weed control - The owner of the current 160.873 acre parcel has done nothing to control noxious weeds on the property that continue to migrate to the Canyon Ridge Subdivision in the past three years that I have lived in my home. The County is also currently either unwilling or unable to meet their obligation for noxious weed control in the Canyon Ridge Subdivision or to maintain the drainage ditches in the subdivision, therefore adding more subdivisions isn't likely to improve the maintenance situation and should be addressed prior to considering any further development activity.

5. Danny K Rd has not been improved to prepare for the increase in construction traffic that the proposed subdivision will create, there are currently roadblocks on Berkshire Rd, Callaway Dr., and Ranger Rd. The proposal does not state that the blocks will remain in place until at least the initial development ("dirt work", roads and utility work) is completed, making entry and exit through Canyon Ridge Subdivision the most attractive option.

6. Registered mail notifying the entire Canyon Ridge Subdivision of the proposed new subdivision was not performed, only houses that bordered the new subdivision were informed even though all of the subdivision residents would be impacted, which makes me question the intent of the agency.

7. We do not have sidewalks in the Canyon Ridge Subdivision, therefore our children and our residents walk or ride bicycles on the roads, and there is no enforcement of laws in the subdivision, creating a potential safety hazard for our children and residents due to the increased traffic that would be involved with the proposed Scenic Vista Subdivision. In the three years that I have lived in the Canyon Ridge Subdivision, I have never seen a citation issued for running stop signs, use of mobile devices while driving, or speeding in the subdivision.

It is for all of the above reasons individually that I object to the proposal.

Sincerely,
Cindy Klaniecki

Angela Hubbard

From: Jason Danielson
Sent: Thursday, June 8, 2023 9:24 AM
To: Angela Hubbard
Subject: RE: Scenic Vista agency notice with vicinity maps

Good Morning Angie,

I neglected to CC you yesterday. Please see below!

Jason Danielson, GISP | GIS Analyst
City of Helena/Lewis and Clark County
316 N Park Ave, Helena, MT 59623
(406) 447-8367
<http://www.lccountymt.gov/gis>
<http://www.helenamontanamaps.org>

From: addressing
Sent: Wednesday, June 7, 2023 4:57 PM
To: Zachary Franklin <ZFRANKLIN@lccountymt.gov>
Subject: RE: Scenic Vista agency notice with vicinity maps

Hi Zach and Angie,

Please see below. The only addition to the original document submitted 5-25-23 would be a comment for clarification:

- Structures will be assigned an address from the road in which they are accessed (including on lots with double frontage).

Please let me know if you want me to resubmit the original request for comment document or if you have any questions.

Thanks,
Jason

Jason Danielson, GISP | GIS Analyst
City of Helena/Lewis and Clark County
316 N Park Ave, Helena, MT 59623
(406) 447-8367
<http://www.lccountymt.gov/gis>
<http://www.helenamontanamaps.org>

From: Zachary Franklin <ZFRANKLIN@lccountymt.gov>
Sent: Wednesday, June 7, 2023 1:23 PM
To: Alex Lopez <ALOPEZ@lccountymt.gov>; Dan Karlin <DKARLIN@lccountymt.gov>; Jessica Makus <JMAKUS@lccountymt.gov>; Jennifer McBroom <JMCBROOM@lccountymt.gov>; Kathy Moore <kmoore@lccountymt.gov>; Beth Norberg <BNORBERG@lccountymt.gov>; Jason Danielson <JDanielson@lccountymt.gov>; Pam Attardo <PATTARDO@lccountymt.gov>; Jesse Whitford <JWhitford@lccountymt.gov>
Cc: Karin Rutherford <KRutherford@lccountymt.gov>; Angela Hubbard <AHUBBARD@lccountymt.gov>
Subject: Scenic Vista agency notice with vicinity maps

Attached is the Internal and External Agency Comment Notices with the Preliminary Plat and Vicinity Map.

Angela Hubbard

From: County_Planning_Mail
Sent: Tuesday, June 20, 2023 7:44 AM
To: Angela Hubbard
Subject: FW: Scenic Vista Subdivision

From: ricki.jones@gmail.com <ricki.jones@gmail.com>
Sent: Tuesday, June 20, 2023 1:49 AM
To: County_Planning_Mail <County_Planning_Mail@lccountymt.gov>
Subject: Scenic Vista Subdivision

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I hope you will accept my comments as it was before midnight when I started typing this comment but a late night monologue distracted me momentarily. On to the serious stuff. I live at 4379 Saint John Rd. in East Helena, adjacent to the Scenic Vista Development Project. First, allow me to thank you all for making a very responsible decision regarding the 10 acre parcel requirement. This will ensure water availability for all of us for years to come. I also know all of you work hard on these projects, and I appreciate your time and effort. I am the current, and it seems perpetual, President of the Canyon Ridge HOA, however the points I make here are based upon me being an adjacent resident and are not necessarily reflective of the HOA as a whole, or its Board. It is my hope that you will consider the following items in the final planning for this new subdivision.

- Members of the Canyon Ridge Community are being told that Lewis and Clark County are requiring the main entrance to Scenic Vista to be Ranger Drive. I and many of my neighbors are concerned about this, especially, but not exclusively, during the construction phase of the project. For obvious reasons this is not ideal during construction to have heavy equipment traffic regularly routed through residential areas with paved roads. The resulting wear and tear, noise, dust, and equipment traffic will cost money, and will significantly impact our quality of life. Also, our neighborhood, and specifically the properties along Ranger and St John, have high volumes of pedestrian and bicycle, side by side, quad, and skateboard traffic from both adults and children. These are family homes and children spend a lot of time outside on our streets. Additionally, this is where our mail boxes are located and the amount of turn out area is insufficient for the mail traffic. at times causing traffic after 5 pm to stop while folks wait to pull over and retrieve their mail. Not to be repetitive, but this also poses a risk to pedestrians who are walking to retrieve mail. If this becomes the main entrance to Scenic Vista, speed bumps may be necessary to ensure safety for children and pedestrians and adherence to the speed limit in these heavy pedestrian and traffic areas. I am respectfully requesting that Danny K be considered as a better and likely safer alternative to enter the new subdivision.
- Those of us with adjacent properties to this development are concerned about access to the back of our properties. Those of us who purchased these lots, at a higher price due for the view and undeveloped area between us and the Elkhorn Mountains, were given assurance, possibly falsely, by realtors and developers, that we would have access to the back of our properties. Many of us have placed fences and gates with a set back to take advantage of that access. The Plat shows a utility easement along the Southern boundary of Canyon Ridge, and we as property owners, would like to maintain access to our properties through this easement without having conflicts with neighboring lots.

- I suspect it will be attractive to consider adding Scenic Vista to the current Canyon Ridge RID. I do not feel this would be in the best interest of Canyon Ridge as many feel we are already paying a large supplemental tax assessment, and with 15 lots of 10+ acres, gravel roads, and possible agricultural traffic at Scenic Vista, it would seem that Canyon Ridge would be disproportionately responsible for the items the county struggles to maintain for us now with their existing work force. It would seem that folks who can afford these large parcels may be better positioned to pay their own RID assessment. Please provide details to this aspect of your plan and potential alternate options should that plan include combining RIDs.
- Our quality of life at Canyon Ridge is contingent upon being a bit in the country but not too far from work, town, and services. I would imagine this will appeal to folks who purchase lots at Scenic Vista as well. In the interest of maintaining that quality of life, I am requesting consideration of a fence-free wildlife corridor along the Southern boundary of Canyon Ridge and the Northern boundary of Scenic Vista. This would allow for the sizeable herd of antelope (Pronghorn) to continue to use the area for feeding, wintering, migrating from low to higher ground, and raising fawns. This is a main thoroughfare for this herd and has been at least a few hundred years. Additionally, it is nesting area for Curlews, Meadowlarks, Kingbirds, Horned Larks, bluebirds and more. I know based upon our subdivision requirements that it would be possible to have designated greenspace and setbacks for structures and fences along this boundary to achieve a Wildlife Corridor and preserve the quality of life Canyon Ridge residents enjoy and potential residents of Scenic Vista clamor for. We have taken so much of their open space already, but they persist, and we should make it easier for them as it would benefit us all.

I hope you will consider my comments, and those of my neighbors, as part of a solution based conversation that will help all of us be able to continue to enjoy the quality of life we are able to have in this beautiful state.

Thank you for your time,

Ricki

Erica (Ricki) Jones
406-925-9895
4379 Saint John Rd
East Helena, MT

Sent from [Mail](#) for Windows