

November 9, 2022, Town of Sheridan Special Council meeting Part 2. Virginia City, Montana

Council Members in attendance were Rahn Abbot, Tammy Todd, Tonya Romkema, Tom Roberts. Also, in attendance were Mayor Mike Walter and Clerk/Treasurer Sarah Hanson and guest clerk Kristi Millhouse (Twin Bridges).

Guests: Jerry Grebenc (Great West Engineering), Jeremy Fadness, Peter Haun, Town Attorney Stephanie Kruer, Shawn Higley, Rick Remitz (Developer), Cody Marxer and Jerry Grebenc (Great West Engineering), Gary Hilliker, Jeff Gerth (Sheridan Fire Chief), and Kate Rose (The Madisonian)

Mayor Walter called the meeting to order at 6:09 pm.

Public Comment: Non-Agenda Items – No comments

Applicant's presentation: No presentation. Rick was ready to get started.

Public Comment New Information only on Crossings Subdivision: No new information provided.

Mayor Walter provided the ground rules for the meeting.

New Business Crossing Subdivision Continued with conditions of approval starting on page 26. Tom Roberts asked when they could go back to some of the previous items that were discussed. Mayor Walter commented that after we got through everything then the Council will go back and review any previous that were not finalized yet in the findings.

Were there any other question on page 2, none at this time, council moved to page 27 compliance with the Town of Sheridan Growth Policy. No comments on page 27

No comments on the section regarding the growth policy.

Cody Marxer explained that the council will need to make three different motions. One for findings, one for conditions, and one for the entire application.

Page 7 – Agricultural Water User Facilities – Recommended findings are finding of facts; they are actual support for the finding. Findings are more for the research of the development. Stephanie commented that when we talked about the ditches last time, the developer commented that he didn't know if he was going to fill in the ditches. Tom commented that he thought the developer needed to go to the point of diversion and shut it down completely so it can't be used at all. Look at the conditions and see if the wording is good and then make changes there. Council needs to make changes now and discuss what they want to do. Conditions are what you actually want the project owner to do.

Tom asked about if the ditch along Poppleton takes into account the stormwater Flowing to the southeast corner from two different roads. Is it included in the plan. Jeremy Fadness commented that it is not currently because it was originally planned to be abandoned. Would have to work with Sheridan to determine where the stormwater would come from. Tom Suggested that there be a condition added. Stephanie commented that we need to address the findings first and then go back to the conditions. Tom is looking for something that says it is legally and permanently abandoned and is not sure how that works because it is on someone else's property.

Stephanie commented ditches are abandoned, diverted properly, or rendered inoperable. No interference with other water rights. Make sure no upstream users as well as downstream users are

affected. Already states no downstream users. Change wording on item 8. Finding of fact now is that ditches only provide water to the property under question and the developer is going to abandon. Legal documentation added to determine that the water is properly abandoned, diverted, or rendered. Stephanie will do the proper wording. Cody commented that they have done the findings they need to finalize the conditions and then do all of them at the end. Tonight, the Council will vote on the edits.

Tom commented that on item b whatever is said on the first should be said on the second.

Item C – No edits.

Impacts on Agricultural Facilities – Tom suggested that we add one to this. Potential for contaminated water going down into the irrigation supply. Refers to grading. Keeping drainage on site. Shall not cause discharge affecting neighboring properties. MCA 4-10 F. Paragraph D add to the findings. Exact wording of the regulation.

C – Impacts on Local services – Tom commented in one of the last meetings we discussed a new well. “May be” built on new development and connected to current water system. Do we need to add this on. Mike thought we should leave this in just to have a backup spot in case the current planned well site, doesn’t produce the needed gallons per minute that the Town needs.

Tammy Todd asked if the 123 GPM was resolved. Stephanie commented that the formula that was used was historical data. Previous numbers were probably not accurate. Is this something that should stay, or the Council should change in a condition later. Shawn commented that it is a finding of fact. He would suggest leaving it as a minimum production to provide adequate water for the subdivision. The quote is specific. Peter didn’t think it would be a good idea either to put specific numbers in there.

Stephanie commented we will take the quotes out and change to a new source of water that meets adequate flow of water.

Shawn stated that as it sits right now there isn’t adequate water capacity, but there needs to be. New well only provides water for the development, then it would be an inadequate well. Current proposed well is mainly for the current housing situation in Sheridan.

Cody stated that the current findings and conditions need to be specific for this project. You can’t look at the Town as a whole. Discussion occurred regarding the wording.

Shawn provided the wording “For new development to be considered a new source of water will need to be developed.”

Part C – Existing Wells – Tom commented on the plat that it will indicate where the wells are if they are going to be used or abandoned. This would be a condition not a finding. What is the intent of these existing wells per Tom? Mike commented that there has been discussion for a cistern or irrigation water making it less use of potable water.

Tom commented that it would be good to know where they are because if they are in a middle of a road then they would need to be abandoned or the roads would have to be moved.

Cody responded draft a condition that there is a specific plan for those wells. Adding a 10 C with a condition that the wells will either be abandoned or turned over to the Town for use.

Stephanie asked Cody if there are any other findings that need to be added for this condition. Cody reviewed the findings, and it looks like the conditions will be supported.

On Page 33 – B has been stricken. Older document on page 32.

D – talks about streets and traffic. Cody commented that traffic is addressed under public health and safety.

Stephanie asked Jerry Grebenc in two of the original drafts there was a statement that talked about the basis for the planning boards recommendation to have paved streets because of the dust. That didn't make it to the next draft for the council meeting. Can the council put that back into the finding of fact. Jerry commented that when it was done Jerry was absent. Cody was kind enough to take this piece over. The Town council can add that back in. Cody commented that it was not a finding of fact. It should be added either in the findings or the mitigation.

Tom commented that under Public Safety there is nothing for traffic. Ok to add right now. He still has concerns about the traffic impact study. Recommend that the impact study be revised so that ATV's and peak season are taken into consideration and second issue is nothing in the plans explaining how the 60/40 split between Water Street and Poppleton street was derived. He would like an explanation of that. Data used was from 2019. 2020 not used because of Covid. Would like this updated with MDT calculations and the most current information. Wants to make sure the intersections will be operating correctly with seasonal development. Stephanie commented that they could add this as a condition but need to make sure there are enough findings to support this condition.

Jerry commented that if you're going to require an updated traffic study it is going to be to late because the Council is approving the application tonight.

Cody commented that the regulations are supportive in the traffic study. The subdivision regs. are not up to date because there are no set of standards for traffic studies. The council doesn't have a lot of support to require another study. Stephanie asked if they could put in a condition to require the developer to give an explanation. Tom commented that there is something that says if it is an error that the Council can request it to be corrected. Cody commented that there is not something that would support that request and if that is done then the process starts all over with the project going back to the Planning Board and public comment.

Stephanie asked if they could put something in, that fire codes have been met to Montana Department of Transportation (MDT) standards? Cody stated that road standards are there, but it does not state MDT. So, the question is could that be challenged by the developer.

Tom commented that it is a relevant issue.

Cody replied that you can require it, but what is it going to do for you. Tom wants to make sure that the intersection is up to C standard. Supported in the MDT road manual.

Stephanie commented that MDT manual would have to be added to the subregs for it to be defended.

Asked if MDT going to be able to come forward if there is an intersection problem. Shawn commented that yes MDT is always looking at their roadways. As they have money, they fix areas that are a

problem. He stated that he sees where everyone is going with this, but it has to be something that can be defended.

Stephanie asked what the planning board requires for roadways. Further discussion occurred.

Stephanie commented that item 21 discusses internal roadways. Those are all Town roads. There is nothing in the regs defining those impacts. There is nothing in the conditions because there is nothing to define those roadways.

Cody asked what the definition of an adverse impact is. There is no definition. You must be comfortable with the decision and that you can defend it. Yes, the subregs are behind and the County is looking at getting them updated.

Level C is an industry standard. Jeremy did talk to the traffic engineer for the project. He did provide info to the county. Engineer did provide back up data for the traffic study. Engineer felt that he did an adequate traffic study. Even if numbers go up during the summer, it doesn't affect the numbers. The traffic on the side streets is not the same as the highway. The Town cannot enforce any updates to the intersections as the intersections belong to MDT. MDT jurisdiction, even if the Town had requirements the Town can't dictate what MDT does within their jurisdiction.

Tom commented that we would not ask anything from MDT. This development could potentially affect the intersections. Doesn't think it would be an unreasonable request to have them use 2021 data. Stephanie asked what the source is for determining level of standard. Jeremy responded they use Ashco AASHTO and Institute of Traffic Engineers manuals. They put out the models for the intersection requirements. That's what the engineer uses for all of the traffic studies that they work on.

Tom commented that all he knows is that MDT says it should be done a certain way. If we understand the 60/40 split, then we could find ways to mitigate a problem. We don't know if there is a problem.

Cody stated they could put it as D under mitigation and that the roads would need to be paved to county standards based on the high density. The planning board recommends paving of roads to help with the high density and eliminating dust.

E. No changes

F. Addresses shall be assigned to all locations. Tom stated that all houses should be marked when they get built. County assigns the addresses.

Stephanie commented that it is implied. Assigned and marked. County GIS will assign the numbers, but it is Council's job is to make sure they are clearly marked. Jeremy thought it was a county requirement that everything be clearly marked for emergency services. Easily could be added to the covenants. Rick stated that it is a county requirement but can easily be added to the covenants. He does not have an issue with this.

Fire Hydrants – condition 21B. Meet standards of IFC for residential structures. Tag to item F.

Mike commented that this brings up the fire flow study that should be a condition. Since it hasn't been done yet. Cody commented that she felt it was implied in 21B. Stephanie also commented that it is applied because you will have to test hydrants to determine fire flow.

G. Impact on Community Facilities - Tom commented that G is a concern and the number of 125 additional students. Sheridan School Superintendent stated that the school would not be able to take on a rapid influx of students. They would not be able to take on more than 50 percent of the proposed numbers. Taken from 2021 census bureau data.

Tom would like to add the comments from the Superintendent. Cody commented that the Superintendents comments may be added. We don't know how many houses will have kids. The 125 is the maximum number that could be there. There isn't away to put in a condition on it. You can't pick and choose who lives in the house. You make get 125 and you may get 2.

Tom commented that we have nothing in the way for mitigation for this issue and it is a significant issue. Stephanie asked for comments from Shawn. It's a difficult to put any condition on that. You can't deny someone the option of buying a house based on impact from schools. You can adjust the finding. Stephanie stated the finding addition would be to add the comments from the Superintendent.

Tom commented we have a significant finding and how do we mitigate it. Stephanie stated that your only option is to deny with something else because you can't deny based on numbers only.

Tom asked if density could be adjusted and bring those numbers down. How would you mitigate this impact on the school. Jeremy commented that there is another school in the area that would be willing to take their student overflow. The issue would be that parents are then required to transport their students to that school. Discussion occurred regarding transportation. Stephanie Kruer commented that there is a fine line between where the buses can go. There is an open boundary for the schools.

H – Mail – Tom commented that he is wondering if a decision has been made for where the mailboxes are going to go. Jeremy commented that when they deal with the post office, they usually require a pull off area for the mailboxes. They work with the post office as to where that is going to be. Postal service has the final say on mailboxes.

Rick commented that it is completely up to the post office. He has the developer, or the council can say where they would like the mailboxes to go, but it ultimately up to the Post Office.

I – No Comments

J- Discussion open areas. Tom asked does the Town really want to take on open area parcels. Lot 1 is for snow removal. Lot 3 is for storm drain run off. Lot 2 is designated as park land. Mike commented that probably may not meet the requirements for a park. But better to have just as an open space area.

Discussion occurred. Council can change to Town accepting as open space land. Safety Concerns were stated. Add those to your finding of facts.

Impacts on Environment - Noxious weeds on property. Disturbance of soil may be potential for spread of weeds. Can we make a new finding. Make sure condition gets addressed per Tom.

Cody commented that most is covered under the Weed Management Plan. That must be followed. Tom would like to see something that weeds are removed before ground developed. Weed Management Plan does say this. Stephanie commented that the Management Plan is like DEQ. It must be followed.

Discussion occurred on how to change the wording.

Tammy asked if lot three is an imperium area. Subregs definition of an imperium area is not suitable for development. Do you want to add wording discouraging disruption of the imperium area. If you want to address later then you need to add wording now.

Address as Item H per Mike. Water/Sewer Stormwater will all be approved or disapproved by DEQ.

Lot 3 is open space for the stormwater. Construction of Housing and streets will increase impervious areas for run off. Tom had added – runoff from streets is supposed to be contained on site. Adding MF4

D – Towns proposed well. The Towns well.

E – A new well may be proposed added.

F – Riparian areas – Hadn't addressed. Riparian areas unsuitable for development – should have a comment that it shouldn't be development. MCR 4-8-3. Wording discussion occurred. Two areas that are riparian. DEQ will look at the riparian areas.

G. Barn – Tammy asked is the barn the white barn behind Hillickers and sits on open space 1. Yes, it is behind Hillickers per Tom. Cody commented that the State Historical society stated that this does not hold any historical features. Tom commented that anything over 50 years should be historical. Cody answered the historical society looked specifically at this application and there is no historical value.

Stephanie commented that the developer stated that they would relocate the barn.

Tom asked about the water in the middle of the development. He wants something specific that says it is not a natural spring. Tom stated that it is approximately 2 ft deep. Nothing in the application about the water. If it is man made would like to know the source. If it is natural spring, then deal with as DEQ dictates. Would like to add this into the Geotech study. Finding there is a source that exists but needs to be identified as to what it is. Stephanie commented that the applicant will identify the water source. Cody added a finding through the public hearing and other meetings this concern was raised. They would have to do some digging on the regulation to support. Condition to confirm that it has been completed, whether that is Geotech study or something else. Shawn commented that it could be identified in the Geotech analysis. Someone will have to look around out there to find a hose or a pipe that feeds into that spot. Cody commented that the Town needs to identify what is acceptable documentation.

Jeremy Fadness responded that the developer is aware of the spring, there is a water right associated with that. They would have to work on abandoning that. Talking to the previous property owner there is a pipe coming from the west that is contributing to the water. Plan is to find that pipe and run it somewhere else via ditch or additional pipe to allow it to continue to drain. We would work with the Town once they figure out what is occurring there. It is in the final plans to determine where the water is coming from.

Natural Environment B – Stormwater – Retention Pond – protected from flooding with a berm instead of more effective ways. 4A BCD&E Tom has two issues. Retention pond has potential issues with contaminates. There is a proposal for drainage to go under the railroad tracks with potential to contaminate the Vigilante Irrigation Canal. First issue is the retention pond contamination and second

lots being flooded if the proposed berm doesn't hold. Cody commented that most of these items will be addressed by DEQ and identified.

MCSR 4A1 d1 – Trees – Tom commented that he is concerned about all the trees being removed. Subregs says they should do one thing and proposal says it is doing something else. Cody commented that you require a specific change of the design then you are sending the plans back for redesign.

Stephanie proposed the wording minimize the number of trees being eliminated. Tanya verified that the area is a riparian area. Cody commented that there are some areas that are not riparian areas. Anything in a riparian area requires its own permits. It doesn't just stop here. Discussion occurred. Stephanie stated that it is Planner speak. It isn't feasible to not cut down a tree but do your best to save some of them.

DEQ is going to look at the riparian area. Mayor Walter stated that DEQ is open to comments. There will be a number assigned by DEQ for this particular project.

Contamination will be included in the Stormwater plan.

J – 4a1d1 – added.

Insufficient outdoor lightening. If doing outdoor lightening needs to be addressed to code. Jeremy commented that they are not proposing lightening which is why they do not have in this in the plans. Can't remember if in covenants for lighting. Lighting is based on what the HOA wants to do. Rick commented he doesn't even know how to do lighting with a HOA. Comment that HOA must approve any type of lightening.

Rick commented that he has been listening to the comments and feels that there are a lot of items that are being pushed now. He would like to take a break and talk to Mike. Stephanie commented that it isn't something that needs to be addressed right but, something that can play out. Stephanie stated that we don't want to micromanage the project.

Cody stated that if you had some zoning regulations in place for lighting at this time then you push the requirement, but since there is no zoning and there is nothing proposed in this then to let it go.

Mayor Walter proposed a break at 9:00 pm. Meeting resumed at 9:14 pm

E. No changes

Impacts on health and safety.

A. DEQ

B. No changes

C. Discussion regarding areas for walking. Cody commented that requiring sidewalks would be difficult. It would require replanning. Hard to require sidewalks based on the Town wanting sidewalks in the future. Tom commented that he is convinced that we owe it to kids to provide them sidewalks for safe passage.

Jeremy commented that they added a condition approval to wave protest to a Special Improvement District (SID) and a SID for sidewalks or trails could be done in the future. These lots would be the only

ones to pay on the SID. Which would allow the Town to control where any future walkways/sidewalks would go.

As developer would Rick be willing to put in a nice path to connect both roads between water street and Poppleton. Rick hasn't gotten to look at where that would be yet.

Tom didn't think it was fair to be put the sidewalks the lot owners. Cody commented that a SID is pretty standard for sidewalks. Any development would go back on to the lot owner whether an SID is not or not. The purchase price of the lot would increase if sidewalks were required to be added per Stephanie.

Tom stated there is no Geotechnical analysis received yet other than soil samples in the original. Cody Marxer commented that a Geotech survey is not required at the front end. This development did not require a Geotech survey based on the check list in the subregs. Condition 22 refers to the Geotech. No basements are permitted.

Stephanie commented that the Geotech Survey isn't required and if the council wants to add it as a condition, we need to show documentation to support the requirement.

Cody commented why would it meet the requirements now if it did meet requirements to provide at the time of review. Tom commented that there are requirements in the subregs that should be checked off currently that would require a Geotech Survey. Cody commented that you cannot have just one item check. There are multiple items in different sections that need to be checked. If it is a basement issue that is addressed. Mike asked what Tom was hoping a Geotech survey would accomplish.

Survey requirements – Concern with parking on the streets. Individuals cannot park on the right of ways. Issues for emergency equipment getting down the streets if vehicles are allowed to park on the street. Tanya asked if we have a requirement for no parking on the street then who is going to enforce it. Cody commented that a rule is only as strong as you can enforce it. Tom commented that there is a mechanism to enforce it. Can enforce through the HOA. Stephanie commented your only option would be to sue someone.

Rahn asked if it should be in there for protection for the fire department if they push a car off the road.

No back up for emergency water – Use a backup generator for new lift station. Cody commented that the generator would be part of your wastewater plan. Asked Jeremy if there is anything in the plan currently addressing this. DEQ will require a backup generator for the lift station. Issue is covered because of the requirement of DEQ.

Survey Requirements – Cody commented that these are standard across the State. Montana Association of Attorneys came up with these standards. No changes.

Subdivision Guaranteed – All State Mandated – Standard Language. – No changes

Stephanie commented on the survey requirements – requires both mitigation requirements and conditions. Mitigation may not require a condition. Double comfort level with these items.

Rahn asked about the utilities. Are utilities are stubbed out to the property line. Yes, they are per Cody.

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Easement for Utilities – Tom commented that there is a Subreg that speaks to adjacent roads meeting county standards. If roads are below county standards, then they need to be maintained. Provider is supposed to bring those roads to standard. Tom stated that the roads are not to standard because of the width. The streets will be maintained by the Town as they are Town roads. The Town is the County because they use the County regs per Cody.

Jerry – if going to require the roads updated then you have to do a proportional upgrade. You can't require the developer to repair the roads. It is considered taking and it is illegal.

Shawn commented that if you had a roadway that was way under width and did not accommodate 2 vehicles then substandard road. Lots of legal precedence that states have to be proportionate. Cody commented County standard is paved or dirt.

Subdivision regulations – No comments

Utilities – Easements – No comments

Legal access to each Parcel A and B and add on Developer to pave to county standard with minimum roadway widths. County standards for gravel or paved. Higher density 25 lots County has required paved roads. Stephanie recommended the language for the paved road standards added back in because of higher density.

No on street parking – Cody commented who is going to enforce. Tom thinks can be enforced. The Town needs to make an ordinance.

Shawn suggested signage – Rahn said he just wants something showing that a person can't park there because of fire suppression. He is ok with basic signage. Cody asked if there is any other signage in Town. Discussion occurred. Put in as a covenant in HOA. Platt covenant is what is going to be put on the ground for the development. Stephanie commented that on street parking is not a plat covenant. If you want on planning document, then it needs to have a finding. What is the actual finding to put in the CCR. Health and Human Safety. Becomes a C per Stephanie. Cody commented that it should go back to Public Health and Safety because that is what the actual issue is.

22 – Open Space 1 – Tammy – Barn – Relocate the barn correct where says open space to 2.

Mike commented that in A goal is to incorporate into the Sheridan community. A lot of people have brought up the concern about the density of the subdivision doesn't fit into the community. Cody commented that you can put a finding that citizens have commented that it isn't comparable to other lots in Town.

Stephanie asked if mitigation needs to be associated with that finding. Cody commented that it is ok as stands as a statement. You can't put anything in there to mitigate density because they have nothing.

23 – No comments

24 – Effects on Public Services provided by others in the community – Mike commented that we discussed RPA. Tom asked if this covered fire. May cover DES. Anything regarding fire is identified in the fire protection plan per Cody. Fire protection plan is shared with anyone that buys a lot. Recommendations how your property should look to prevent fire, but hard to enforce. Letters for agencies is getting hard to include. Unfortunately, density, setbacks, easements are

covered in zoning not subregs per Jerry.

Water rights – reviewed by DNRC for mitigation.

There was public comment regarding solid waste which is a county issue. Cody commented that garbage isn't something included in the reviews as a standard. County issue not a Town issue.

Compliance with Town of Sheridan Growth Policy – No comments. Cody commented that growth plans are goals. It's a guideline to build on for zoning and subregs. The current growth policy shows this parcel as a potential development.

No further comments on growth policy.

Going to give Rick a moment to make some comments. Rick didn't really have anything to say at this time. Rick commented that the council talked about a lot of things tonight that have already been discussed. He would like the council to finish and vote.

Stephanie – B – Paragraph A – Finding – Applicant proposes to fill in existing ditches. Rahn commented that it should be left the way it is. "Provide legal documentation inoperable, disabled. second finding move to mitigation to show documentation that ditches have been inoperable, abandoned, or permanently disabled or properly diverted without interference of other users' rights. Also, on B for mitigation.

B-B Town to accept new development a new source of water should be developed to provide adequate water capacity for the new subdivision.

Impacts on Agriculture – Covered under stormwater.

C- impacts on local services- remove 21 B condition.

Rahn clarified removing reference on 21 B.

10 C – Add – Adjust the status of the new wells. Included in 10B. Show on existing plat showing what will be done with them. Cody commented that the plan will be determined on the water rights. What is the purpose of showing on the plat. Tom commented that so they know where they are for development. Cody commented that if they are not going to use them then it is a moot point. Jeremy commented that they are already on the preliminary plat. One is on the center of the property where that spring is. Can provide the information again. No C on this one.

D – Want a second paragraph – proposed subdivision 720 cars a day. Did not include peak season. Does the Town want to add. Also pave roads per County because of density. Cody commented that doesn't need to be in two spots since already in the findings. Do they want to leave language as is? Rahn commented leaving the peak season number but not adding the paved roads. Finding of fact this number is not based on peak season.

Next issue is the traffic study and how it is being interpreted. Shawn commented that MDT will address the issue when funding is available. Jeremy commented that he had the traffic engineer look at this when issue came up. They use peak hour traffic in the morning and evening and that is how they calculate. It does look at the number for average traffic. Numbers will not change even they double the peak traffic. No additions

Paragraph F – Address – Shall be assigned to and marked on all houses. Part of Mitigation.

G – Schools – 125 maybe added. Add and the superintendent’s comments that the school cannot take on 125 students, could accommodate half. Other comments about lowering the density to help with school issue.

J – Safety concerns for the open space areas.

Environmental impact - Application states that noxious weeds have not been identified on the property. Application stated that may eliminate the weeds and they won’t be disturbed. This was according to the applicant. Can’t change the applicant wording per Cody.

Added that during the public comment section that the council has identified noxious weeds on the property.

C – Under regulations Add a new well will be developed. Change to may be developed.

Shall be identified outside of pervious areas.

G – Old Barn – Change to relocate and Opens space 1.

However, the applicant has agreed to move the barn on space 1. Mitigation move barn on open space 1.

H (New) through public hearing process, a source of water has been identified at the center of the property near lots 24 and 25. Finding. Proposed Mitigation find the water source and if man made remove the water via redirection via a pipe and address water rights as needed. It is not a well but was identified as a spring on the initial plans per Jeremy.

I(New) – Regulations sited about identifying what this water is and where it needs to go. 4a23 Regulation per Cody. 4 a 10 F water runoff not going to other areas.

Stormwater retention pond has potential to convey contaminated with the possibility of contaminating other water sources. Cody commented that this will be addressed in the Stormwater plan. Tanya asked if it is addressed by DEQ. Per Cody yes but can be included. Can add a finding that there is potential to adjacent water bodies. Refer to Stormwater Management Plan.

Regulation DEQ circular 8, Condition of approval is 10A. per Cody.

J 4-1A1 – Trees and shrubs shall be preserved to the maximum extent possible.

Impacts to public Safety – F – page 16 – Reference sidewalks 4A&A. No additions to B. SID already covered.

Riparian added to E – Wildlife inhabitants.

Geotech Study tabled – All requirements were not met to require a Geotechnical study. What will you do with the information per Cody. Already a requirement for no basements. What is the intent of the requirement. Tom stated to determine areas not acceptable to build on. Cody said this is a big ask. Application says unsuitable soils, what does that mean per Tom. Geotech Survey would tell us what this means. What happens if Geotech study not done. Someone goes and builds a house, and it sinks into

the ground. Who is liable. Requirement that Developer uses suitable soils for the development and not the Town. Stephanie fills that the document does put the liability back on the developer.

Add a requirement that applicant shows soils are suitable for development. Report comes back ok then move forward. You can't approve the development with the requirement of doing a Geotech survey and then take back your approval of the development back. Geotech must be provided to all homeowners and then their choice to build.

Geotechnical analysis shall be prepared and made available to lot owners. 4A21 Reference

Addressed on street parking as a new item E – Do to safety concerns during the public hearing vehicle traffic, pedestrians, and emergency services; on street parking shall be prohibited. Mitigation is included in conditions and restrictions in the covenants. Pushing the enforcement on to the HOA per Cody. Signage for no parking is posted by the applicant, but HOA enforces it.

Jeremy stated that the roads are going to be property of the Town of Sheridan. He doesn't think the HOA can enforce requirements for City roads. Stephanie answered that if it is stated in the covenants then they have the authority to enforce it. The HOA cannot make changes to the roads.

Legal access – Add paving of streets for density to Item B.

Summary of proposed mitigation. Paved to County Standards with no on street parking because of increased density.

Other resources in the County -A – Comments received at public comment regarding lot size inconsistent to Sheridan Community lot size.

OLD BARN – C relocated from open space 1.

Public Services Affected – A – match section C. Get rid of Robert Prescia remarks need to have adequate water source.

Added proposed mitigation – MT DEQ fire flows tests approval water rights by DNRC. 21 B Condition.

Growth Policy No edits.

D page 10 – Traffic Study – According to the application an additional 720 trips a day will be made. The public hearing process revealed this estimate is not based on peak season road impact. Jeremy explained it is based on peak hours. Discussion occurred. Cody commented if they redo the standard then project would go back to the planning board and public comment again.

Shawn commented that level of service requirements for traffic has a pretty good range, and the impact probably isn't going to make much of difference in numbers based on peak season. What are you going to get from a new TIF other than a comfort level. Not sure what can be pinned down.

What would happen if some of the other people against the subdivision filed a lawsuit against Town that says the Town didn't require the roads to be up to standard. Cody stated you would respond with what is the standard.

Shawn commented that the only thing you could pin on is industry study. Shawn would have to pull the study apart. Most are based on ITE. Generalize your standard to read based on industry standards.

Public hearing process not a peak season peak hour analysis.

Shall be based on acceptable industry standards.

Findings going to say Proposed according to the application trips per day. Public Comment.

Intersection standard shall be based on acceptable industry standards. Mitigation.

Tammy made a motion to accept the findings of facts as proposed with proposed amendments. Tanya seconded the motion. Motion passed with a unanimous vote.

Conditions – Break at 11:26 resumed at 11:36

Page 29 – First 7 are standards for the County per Cody. They can be edited but they do go on all subdivisions – no changes. Tom asked on number 7 on infrastructure what should be required – improvements are spelled out in 21 per Cody. Which ones need to be done or identified. Come to you at final plat which improvements have been done and which ones are not. Anything that is not completed would go to a bond to make sure that other improvements are completed.

Item 8 Language about culvert is limiting. Should it be more general. Shawn yes, should become more generalized. Stephanie proposed change first sentence at operable and maintained period. Strike through culverts.

9. MEF or COSA. If you wanted to be more detailed in the storm drain section, then Town could take on a Town Exemption (MEF) but then they are taking on some of the responsibility. Council would have to agree to doing the exemption. If not comfortable that then go through DEQ. This is not something the council has to decide on to night per Jerry. The Town can leave as both options and approve at a later date. This is request is down the road per Shawn. Recommended to leave so Council has both options. Tom doesn't want to do the Town exemption. Rahn commented leave so we have both options.

Jeremy commented that the MEF puts the stormwater in the Towns hands. Wastewater and water all goes to DEQ for approval. Go through Town for letter of service. Probably will want to go forward to get the COSA or MEF. Probably the next council meeting the developer will be requesting MEF. If denied, then it will go to COSA

10. Why is well still on there if the well is on the Town. If the Town's proposed well is insufficient, then developer still has to do one. Water rights permitting for any addition new wells on the applicants new well if needed.

Even if they drill a new well it will become the Town's property per Shawn. Not applicants well. Add new well on the property.

11. When should the weeds be treated per Tom. Can be left to the weed board. – no changes

12. Add no on street parking as 25. No edits

13. Tammy asked about density and if there was an option to decrease density. Rick can't provide an answer because at the end of the day it is about cost. More lots the less we can charge. Currently they have \$16,000 in cost for the lots. He doesn't want to be the guy that says no but has to be realistic. Would also have other partners to answer to.

Stephanie asked how it works as a practical matter and council. Can the plots be amended prior to final plat. Everything would have to go through another change and go back to public comment planning board again.

Rick can't amend the lots he can't go back through this based on what he is hearing and is being proposed. We need the lots to keep costs down and the second issue is paving the whole development. If they lift the paving restriction, they could consider cutting the lots. He can't say yest to this. He said this is one of the most detailed plans he has gone through.

B. No edits

C. No edits

13. Delete MCPD and change to Town of Sheridan Town Council.

14. Take as open land or cash in leu or park land. Open spaces 1 and 3 - 2 could be park land or open space. Open space lot 2 will be dedicated to the town of Sheridan at park land, any extra will be cash and leu. Lot 1 Storm water pond and lift station. Lot 3 open space. lot 2 parklandShawn adv that the town is able to choose if they want to keep a lot as park land or open space. But it can be the towns choice to choose the cash and leu. But that needs to be decided at tonight's meeting.

A. amended all open space lots 1, 2 and 3 including language of dedication to the Town of Sheridan

B. Stricken out in entirety

C. Renumbering

D. No discussion

E. Wastewater

G. For ground water well easement if applicable.

H. Easements for stormwater

15. No edits

16. No edits

17. No edits

18. Tom adv they can probably strike the first phase because there is no subsequent phases.

Mike Walter gives wording strike out for the 1st phase

19. Cody adv to change the wording

Stephanie and Mike adv to word second sentence "in addition the location and extent of any potential ground water wells" Strike parklands out

20. The council and Stephanie agree upon wording "; Which address assignments will be clearly marked"

21. Discussion by council

Mike's question is there anything that has to do with the lift station.

Jeremy says the town will accept the infrastructure before final plat.

Jeremy adv the town will have a chance to review the plans before it is submitted to DEQ.

Jeremy adv Amendments will be able to be made at a the point before there are things submitted.

B. Mike ask's if there needs to be a fire flow study? After discussion with Shawn Higley, conclusion is fire flow study needs to be completed. Stephanie Kruer gives wording "Water distribution system including fire hydrants that have been tested to provide a fire flow meeting."

22.

A. Tom Roberts brings up change from "Consent of town council of Town of Sheridan, rather from Madison County commissioners." Mike Walters also brings up that it should also say of Platt covenants is applied to all lots within the subdivision and are revocable or altered only by consent of by town council", it was agreed that it already says that currently.

B.

C.

D.

E. Tom Roberts brings up wording and is discussed by Stephanie, Cody and council. It is advised that it should read "all open space lots shall be defined as open space as defined as statute" Mike brings up and strike out "the perpetuity for development".

F. Identifies Sidewalks, SID's.

G. Wording by council and Stephanie "Applicant shall provide a geotechnical report to address soil suitability, to advise of building site development, which shall be made available to each lot owner".

23. Strike the wording "each phase of" out.

Change wording consent of town council of Town of Sheridan not Madison County.

B. "Open space lots 1, 2 and 3"

E. "All open space lots shall be dedicated as open space as defined as statutes"

F. Understood as SID

G. Reference geotechnical report

24. No edits

25. Rahn Abbott brings up discussion about on street parking. Stephanie and council agree on wording, "On street parking will be prohibited. The applicant shall include this provision and enforcement by the HOA and the de-clarence of CCNR's, to provide basic signage to state no parking at all times"

26. Assessment of the springs. Council and Stephanie agree on wording "The applicant shall locate the water source and in areas of lots 24 and 25, and if man made, shall redirect the water at or near the western property boundary and drain via ditch or pipe; and shall address water rights as needed."

27. Riparian. Council and Stephanie give wording "development in and around identified riparian areas shall be evaluated and permitted according to applicable regulatory standards."

Rahn Abbott moves "that we approve the conditions as amended". Council decides to run back through conditions one last time.

Motion to approve post changes. Rahn Abbott moves "I move that we approve the amended proposed conditions with the changes". Tonya Romkema Seconds.

All in favor for conditions. Tom - yes, Tonya - Yes, Tammy - Yes, Rahn -Yes

Motion passes

Mike entertains motion to either deny, except or except with conditions the crossing subdivision.

Rahn Abbott moves "that we accept the crossing subdivision with conditions." Tammy seconds.

No further discussion. Rahn Abbott - yes, Tammy Todd - yes, Tonya Romkema - yes, Tom Roberts – No.  
Motion passes

Toyna Romkema makes motion to adjourn, Tammy Todd Seconds

Meeting Adjourned 1:48am

Minutes respectively submitted by Kriti Millhouse and Sarah Hanson