

POLSON CITY COUNCIL PUBLIC HEARING
NOVEMBER 21, 1994
7:00 P.M.

Council Present: Tom Jones, Roland Pedersen, Tom Vergeront, Jack Cross, Mike Lies. **Mayor John Glueckert presiding.**

Others Present: Tom Cahill, Elsa Duford, Forrest Sanderson, Elinor R. Johnson, Stephen Day, Ken Langston, Bob Fulton, Marty Corse

PUBLIC HEARING ON PRELIMINARY APPROVAL OF CASA HEIGHTS SUBDIVISION:
Forrest Sanderson said the Casa Heights subdivision proposal remains the same as was proposed and presented by Don Wester approximately one month ago. It comprises of eight single family residential lots, to be served by an extension of 14th Avenue terminating in a cul de sac having a 50' radius. The concerns expressed at the last public hearing centered around safety and the access of two lots 6 and 7 onto 15th Avenue. Potential for gutters and sidewalks in this area and a request for a Park, and substantial concern about the extension of 14th Avenue across private property on a 60' right of way. Sanderson noted that Mr. Langston has obtained the easements required and they are on record at the Courthouse. The (Land Services) staff recommendation (to) of the City Council at the last Council meeting was for approval of this subdivision. (In order to comply with mandatory State regulation requiring review of a subdivision within 60 days, a recommendation was given to the City Council by the Land Services staff because the City County Planning Board did not have a quorum, at their last meeting and could not issue a recommendation.) Councilman Pedersen proposed additional conditions to the staff recommendations and the motion was not approved. The Council voted to disapprove the subdivision proposal. The developer, F. A. Langston granted an extension of the review time giving an opportunity to review the proposal. Under Montana law the Council has six basis of review criteria upon which they must approve or disapprove subdivisions. 1) Conformance to the Master Plan and Zoning requirements. Effects on 2) Agriculture, 3) Local services, 4) Natural Environment, 5) Public Health and Safety, and 6) Wildlife and Wildlife Habitat. Sanderson confirmed that the plan as previously presented by Wester has not changed, with access onto 15th Avenue and payment in lieu of Parkland. Jones noted that a concern of the Council was that the developer provide Parkland and adequate protection for the existing irrigation line that crosses 14th Avenue. He asked how adequate protection would be defined. Sanderson said that is a question for the City Attorney. Glueckert said that would be addressed when Fischer arrives. He asked if there has been any consideration by the developer to access the two lots onto 14th Avenue instead of 15th Avenue, because of the safety concerns expressed at the last meeting. Steve Day said Langston felt the road access through the lots to access 14th Avenue would restrict building on those lots, and would like to access the two lots onto 15th Avenue. A joint access for the two lots would create a severe steep drive for the southwest lot. Lies agreed that there is an 8' rise in less than 30' on lot 6. Steve Day said the access could be moved to the west to ease the slope. Pedersen said these additions can be made as conditions of approval. Marty Corse said there is a strong safety problem with this subdivision having a main access on 14th Avenue which does not run through from 7th Street. The traffic would be turning up on 13th Avenue up on 8th Street to 14th Avenue. 8th Street is not paved and in poor washboard condition, almost undrivable. This additional traffic will create more traffic on a road which is awful. She asked if something can be done to pave that block before the subdivision is built. This would be the main access for the proposed lots. There have been accidents and near major accidents on that street. Sanderson said the City Attorney could answer the legal question if the City can asses an impact fee for streets. Elsa Duford asked why the developer did not divulge that he obtained the easements required until now. Sanderson said the easements were recorded in March and April. Duford asked why he kept this information from