

NOTICE OF SUBDIVISION MEETING

July 8, 2004

Others attending all or part of the meeting: Colt Wise, Randy Christiansen and Janet Pallister

Pledge of Allegiance. (Everyone recited the pledge)

Chair Murray: Good Morning and welcome. This is our regularly scheduled public meeting for Lewis & Clark County.

Bid Opening. (Colt Wise-Stahly Engineering)

The Commissioners will consider opening bids for the Gable Estates 2004 RID Project.

Chair Murray: Janet if you want to come up since you know what's supposed to be in the bids.

Janet Pallister: Actually I'm going to let Colt Wise our Engineer come up, he is with Stahly Engineering and he is here to do that Commissioners.

Chair Murray: The first bid that we have is from Gallatin Asphalt and Paving of Bozeman. _____.

Colt Wise: There were no addenda issues for this project.

Chair Murray: Is there a bid bond required?

Colt Wise: Yes. This proposal and it includes a contractor's registration number and this proposal is signed and there is a bid security in the form of a bid bond. Would you like to read the bid amount?

Chair Murray: Gallatin Asphalt proposal

Colt Wise: The bid amount submitted is \$461,899.40, \$461,899.40

Chair Murray: Then next bid that we have is from Helena Sand and Gravel out of Helena Montana.

Colt Wise: This proposal is from Helena Sand and Gravel and does include a contractor's registration number. The proposal is signed by the bidder and there is a bid security in the form of a bid bond and the bid amount is \$262,484.69, \$262,484.69

Chair Murray: Is there a motion to take the bids under advisement and turn them over to staff for future _____.

Commissioner Varone: So moved

Commissioner Tinsley: Second.

Chair Murray: We have a motion and a second, all in favor signify by saying Aye

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. In my haste this morning to get the meeting going, I forgot introductions. My name is Mike Murray, to my left is Commissioner Varone, to her left is Mrs. Byrnes our executive secretary, to my right is Commissioner Tinsley, to his right is Ron Alles our Chief Administrative Officer to his

right is Frank Rives our Senior Planner.

Bid Award. (Janet Pallister)

The Commissioners will consider awarding the bid for the Gates of the Mountains Road Improvement Project Federal Aid Project No. PLD 2003(1)

Janet Pallister: For the record, my name is Janet Pallister and I'm the Director of Finance and Operations for Lewis & Clark County Public Works. On June 24th the Commission opened bids for the Gates of the Mountains Road Improvement Project. We received one bid from Helena Sand and Gravel and an itemization of that bid is attached to your memo along with the engineers estimate. The project consists of resurfacing 2.5 miles of the Gates of the Mountains Road, it will begin about 1100 feet east of the off ramp on I-15 and continue all the way through to the Gates of the Mountains Resort. The road department has placed 5-6 inches of road mill material over the old asphalt surface of the road. The contractor will come in and pulverize this to a depth of about 9 inches and than place over the top of that about 3 inches of asphalt. Then the County will come back in and strike and chip seal the road and we hope to have all of this work accomplished by the end of August or first of September. This project is federally funded through the federal highway administration and that is because the Gates of the Mountain area provides public access to a very major feature of the Lewis and Clark Expedition and it was important to get this road into good shape before the bicentennial of 2005. Stahly Engineering has reviewed Helena Sand and Gravel's bid and it has confirmed that it has met all the bid requirements, the federal highway administration concurs with the award of this bid and I recommend that the Board of County Commissioners award the bid to Helena Sand and Gravel for \$256,256.25 and authorize the chairman to sign any related contract documents for the project. Are there any questions?

Chair Murray: Questions of Ms. Pallister? Is there a motion?

Commissioner Tinsley: Mr. Chairman I move that we award the bid in the amount of \$256,256.25 bid for the Gates of the Mountain Road Improvement Project from Helena Sand and Gravel and award them the contract and authorize the chair to sign any related documents.

Commissioner Varone: Second.

Chair Murray: We have a motion and a second, discussion? All in favor of the motion signify by saying Aye.

Commissioner Varone: Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Settler's Cove RID Rate Hearing (Marni Bentley) (cont. from 7/6/04)

The Commissioners will consider the resolution levying and assessing a tax upon all benefited property within Rural Improvement District No. 97-3. The Settler's Cove Land Owners Association has recommended an increase for each lot by \$50 per year.

Chair Murray: Commissioners what is your preference?

Commissioner Varone: Mr. Chair I move approval of Settler's Cove RID rate hearing and authorize the chair to sign the increase as stated.

Commissioner Tinsley: Second.

Chair Murray: We have a motion and a second. Discussion? Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Tinsley. During the meeting on Tuesday I asked the staff to come up with additional language that talked about the establishment of a road committee considering that

the committee we are going through does not encompass the entire RID area, it encompasses a part and it requires folks to join, I can't remember what the name of the organization is that's out there, in order for them to participate in the RID and I guess I personally think that's wrong and what I would like to see that organization to do for instances relative only to the RID to include at least two people from the surrounding area that are involved when there's going to be a discussion on a RID to come into that homeowner's association and be a participant so that they can have a voice be heard and I'd like that language to be included in the resolution.

Commissioner Tinsley: Mr. Chairman.

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman, Commissioner Varone. Perhaps Mr. Alles could answer this question or maybe even Janet might know. When we create an RID, although we're working with the existing homeowner's association currently, do we not create a separate commission, isn't one established by the benefiting properties, they come together at some point and I don't know how that occurs to create a committee to oversee this or do we use the existing group that we're using now.

Ron Alles: Mr. Chairman, Commissioners. Actually what the County does, technically the County does not need to refer to the homeowner's association or any members of the RID it would be up to the Public Works Department of the County to decide when and whether we're going to spend money and actually fix potholes or plow. What we have done and adopted is a policy, is to refer to homeowner's associations because they're an organized group and they know best when and where they want to spend that money. We just do that as a matter of policy because we have a focal point, a person or a group of people that come together with regular meetings and advise us when they want that project completed. In this particular instance, because of the homeowner's association only makes up part of the RID what I would suggest is that not only does Public Works take the advice of the homeowner's association but that we also refer to people outside of that homeowners association and accept comment from them when they want certain items taken care of. It would be very cumbersome I think for the Public Works Department to create 38 different road committees out there and take advisement from each of those because many of those subdivisions already have homeowner's associations and they make up the greater part of that RID. I don't know if I've answered your question, but it will just be cumbersome for us to create a bunch of those, but certainly as Commissioner Varone stated we need to take under consideration input from those who are outside of the homeowner's association there and I know Public Works staff would be absolutely willing to do that and do that anyway.

Commissioner Tinsley: Mr. Chairman.

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman, Commissioner Varone. Janet, perhaps you can answer this and if not that's fine, is there an _____ in place for us to adequately contact each affected benefiting property owner in a timely fashion as we go along through this process for deciding how and when to spend the money to _____ infrastructure.

Janet Pallister: Typically what we do is we get a recommendation from within the RID itself, like Ron said there's a homeowners association that might have it's own road committee or a group of members that come to us with recommendations. As Ron said, it would not be difficult to include the other people. This is rather unique in that the homeowner's association doesn't encompass the entire RID so in this situation as we get those requests that come forward it would not be difficult for us to send off a letter to the people who are outside the homeowner's association. On new projects, quite often like the Gable Estates Project where we just opened the bids this morning, when we're going through a construction project we quite frequently try to get someone to volunteer to be a representative on the road that they live on so that we can get feedback from the people within the RID and we call it in a loose term a road committee, it's not a formal road committee but we do try to elicit input whenever we can from the people that live in the RID. So to do what Commissioner Varone is asking, I don't think would be at all difficult for us.

Chair Murray: Commissioners I would point that out of the three people that testified at the rate hearing, two of the members were outside of the existing corporation that petitioned for the \$50 increase in their RID so the place for them to be heard is at commission meetings. They're not excluded from joining the Settler's Cove Inc., fact they're Settler's Cove Landowners Association, in fact they're encouraged to join the association. The fact that they choose not to join the association since it is a private corporation, I'm not sure how this commission can tell that corporation they must include two members of the benefiting properties outside of their association. What I'd like to suggest Commissioners is we also invite Mr. Meyering who I believe is the president or the chair or whatever they call their title up at Settler's Cove Landowners Association Inc to give you an explanation of their association and what the annual dues for the association are. With your permission, I'm going to ask Mr. Meyering

Commissioner Tinsley: Mr. Chair, I'm comfortable with his explanation that was given on Tuesday. I don't necessarily think that's necessary for me, but wouldn't object to it if anybody else wants to. My concern is the same one that you raised and that is we cannot, I don't think and I understand Commissioner Varone intent, I just don't think we can mandate to a private corporation that they can or should include non-members. I feel comfortable in the process as explained by Ron and yourself Janet, so I think as long as we take the initiative and ensure that every person that's affected has an opportunity to voice their concerns and voice their opinion regarding the expenditure of public funds, that's fine with me. I, however, have assumed in the past I've heard that term referred to as a Road Committee. If it doesn't exist I would suggest that we probably should use it and if we don't ___ I assumed there was a committee in the past so, but I'm comfortable with the process as it stands as long as, and you have assured me that Public Works can and will ensure that every benefiting property owner is contacted and their opinion taken.

Chair Murray: Commissioner Varone?

Commissioner Varone: Mr. Chair, Commissioner Tinsley. I want to do what's fair and when the homeowner's individual got up and spoke on Wednesday I never expected anybody except that individual to be here because the discussion had already taken place during the meeting. What concerned me was when the individual by the name of Eileen Winsleck got up and informed us that she was refused to be heard in the association because she was not a member, that concerned me and as I understand it the homeowner's association which she and her husband started or was part of or is an extension of _____ shaking his head no, regardless of that fact, if I lived in an area where I didn't need the boat ramp or I wasn't using the park, I would not myself join that association even if it was \$5 that's not the point, the association is not established to, I mean the association is not established except to have an area within the context of their association and in most instances an RID and homeowner's association is one in the same. In this instance it is not and to require someone to join the association for only to benefit the RID which probably won't be needing ___ for another ten years to me is a waste of money. What I want to be sure of is the same thing as Commissioner Tinsley talked about and that was just discussed also was to make sure that should a discussion take place in the association during the time of the association meeting that people from outside the association that will be affected will have an opportunity to participate and I agree that probably legally we don't have any mechanism to require them to do that but I would certainly ask our staff that when they know that those meetings are taking place that the staff attend and that meeting be open for all people who are in the RID participate and it ends up being a closed meeting it's going to ultimately affect Eric and I and yes Commissioner Murray you're correct, they are the ones that are notified and have the opportunity to speak here but they also should have an opportunity when the discussion originally takes place.

Commissioner Tinsley: Mr. Chairman.

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman, I think there's a missing section that and Marni perhaps you might be able to answer this one too I don't know, I keep calling on everybody out there, private homeowner group cannot, like the association out there, and maybe they're under the misconception that they can but my understanding the boat ramp is not private, correct?

Rich Meyering: That's correct

Commissioner Tinsley: It's a public boat ramp

Chair Murray: Commissioner Tinsley if you're going to ask questions of Mr. Meyering, we need him to come to the podium

Commissioner Tinsley: You bet Commissioner.

Chair Murray: So are we in agreement?

Commissioner Tinsley: You bet, I'd like to ask Mr. Meyering a question. A couple of questions. Would you state your name for us

Rich Meyering: My name is Rich Meyering, I sit on the board of the Settler's Cove Homeowner's, or landowners association is the correct title of it.

Commissioner Tinsley: Mr. Meyering I'm going to ask you a couple questions, my intent is not for you to get up and give us a history of the association because I think you did a good job of it on Tuesday. The boat ramp and the, I forgot what else you said, a park or something, those are public parks correct, those are not owned by the association? The subdivision was created

Rich Meyering: The property that the park is on is owned by the association, all the landowners who bought property in that area have an easement to the boat ramp

Commissioner Tinsley: Whether they belong to the association or not?

Rich Meyering: Right.

Commissioner Tinsley: That's the point I wanted to make, excuse me a minute Mr. Meyering, so I guess the misconception that I was hearing on Tuesday and perhaps this morning is you don't have to belong to the association to use the park or use the boat ramp. The association exists so collectively this group of homeowner's can come together and push forward agenda items that benefit the majority of the people that live out there. To live out there you don't have to be a member of the association, you don't give up your rights to voice your opinion of the expenditure of public funds in that area, you don't have to belong to that association to do that just like the gentlemen who was here the other morning, Mrs. Wensleck, I can't remember her name, she, her and her husband have chosen, they made a conscious choice to not belong to the association. By doing so they didn't give up their rights to voice their opinion on this RID, perhaps what they have given up is the ability to speak collectively with their neighbors in a conjoined effort as opposed to coming up here singly as individual homeowner's and I guess that's the point I wanted to make.

Rich Meyering: The park, just so it's clear, everybody that owns property in that area, all of the folks that testified and spoke the other day have access to the boat ramp only to launch a boat and retrieve it. They can't park on that property; they can't park their trailer or anything in that department. They can't use the park for festivities or anything else. So they only have access to that boat launch area. Ms. Winsleck gave some inaccurate testimony the other day, she indicated that her husband had started the corporation or started the association, that's incorrect. I started it. It's on record at the Secretary of States office and ___ so he has been a member in the past with the association, they elected not to join. She testified in that public hearing that she had requested or wanted to discuss this RID and was refused by me, ___ that's incorrect. She has never mentioned a thing about the RID to me and I've never mentioned anything to her. So there is some inaccuracies in the testimony the other day that was given.

Commissioner Tinsley: The point I was trying to make though is for the people that live in the area and I'll reiterate, I know I said it once before but the people that live in this, the benefiting properties in the affected area that we're talking about do not necessarily have to belong to your association to voice their

concerns or voice their opinion on the expenditure of public funds in this potential or any RID that we're talking about correct?

Rich Meyering: That's correct

Commissioner Tinsley: Okay, that's what I wanted to get to

Rich Meyering: Okay, one other item to is that I was going to request this RID on my own as a resident in the area, having information that I've received from the Department of Public Works, the expenses were not being covered right now for the road repairs. I went to our association and said I can either make the request as an individual or I can make it through the association, how does the board feel on it and they said we'd like to make it as the Board of Directors. So, anybody could request it, an increase, or anybody could request a decrease a member or non-member of our association so the rights are not being denied to anybody, not being ___ the RID process at all by not being a member of our association.

Commissioner Varone: Mr. Chair, Commissioner Tinsley.

Chair Murray: Commissioner Varone?

Commissioner Varone: I understand all that, I talked with Paul Stahl a little bit about that after the meeting and I understand the law. My concern is that this is out of the ordinary. At least most if not all of the other subdivisions that have RID's the homeowner's association encompasses the entire RID and in this instance it does not and I also understand that somebody that's in the RID but not in the association could have come and done that. All I'm requesting is that when, in this instance the committee is the homeowner's association, the committee does not encompass the entire RID that when the committee is contacted or contacts our staff that at least two people outside the designated association be also contacted for discussion about improvements or additional kind of services that are going to be required and I think that's the logical thing to do, legally is it required, no and you're absolutely right and I think that your homeowner's ___ just get a little suggestion to look into with your homeowner's association and whether or not that park is a private little park and it goes around to a privately owned ramp because I think you'll find that in the context of the law they are considered public. So you might want to take a look at that.

Rich Meyering: That's not correct, it's deemed private

Commissioner Varone: That's what our Deputy County Attorney alluded to the other day, so just take a look at that.

Commissioner Tinsley: Mr. Chair

Rich Meyering: The RID does not include the property with the parks on it, the RID does not

Commissioner Varone: We're talking about your homeowner's association and how you manage it Sir.

Commissioner Tinsley: Mr. Chairman

Commissioner Varone: Commissioner Tinsley?

Commissioner Tinsley: I agree with what Commissioner Varone says, except for that fact that I don't think we need to go outside the process and direct staff or direct well I guess staff to ensure that only two or to ensure that at least two people from outside the association are contacted. Staff has already testified this morning that they will contact every single benefiting property owner whether they are in the association or not. We cannot dictate to a private corporation what they can or cannot do with regards to the operation or the membership of their corporation. I mean in certain instances we can I guess, or maybe not us but somebody else regarding race, ethnicity, religious practice etcetera but we cannot dictate to you who should join or who you should have at your meetings. So, and I'm speaking directly to Mr. Meyering, but I believe that your concerns are being addressed by staff. Staff's indicated that every single benefiting property owner will

be contacted and their opinion will be sought and counted towards the overall feeling of the benefiting property owners of the area towards any decisions that are made.

Commissioner Varone: Mr. Chair, Commissioner Tinsley.

Chair Murray: Commissioner Varone?

Commissioner Varone: I don't think, and maybe I stated this wrong, but I don't believe that I ever said that it should be required and I don't believe that I ever said that it must be done. I believe what I said was that should the association or an individual within the association that brings an RID issue in front of the association for discussion purposes a request, not a requirement, a request to include at least two people from outside that are going to be affected in the RID that are outside the association.

Chair Murray: Commissioner it was my understanding that you wish to change or add verbiage to the proposed resolution _____ tax upon them

Commissioner Varone: Yes, and I asked for staff to prepare language.

Chair Murray: Excuse us Mr. Meyering, we're going to have to talk to staff a minute

Rich Meyering: May I just ask a question right now? Are you talking about making this resolution different than what other RID resolutions would be, that as administration of this resolution would be new

Commissioner Varone: The resolution, excuse me Mr. Chair, Commissioner Tinsley, the language of this resolution would include language that would request the committee to include two individuals from outside the association be included in discussions in the future.

Commissioner Tinsley: Point of clarification, Mr. Chairman, in the original motion I don't believe we included that I think you were intending to add amend after the second was made, correct?

Commissioner Varone: Correct

Commissioner Tinsley: Okay

Chair Murray: The original motion is still on the Board of Commissioners now would be the time to amend it after we here from Mrs. Bentley.

Marni Bentley: Commissioners, the resolution that is before you is merely a form assessing a tax and I think the discussion that Commissioner Varone would like us to add to it is something that is more properly, it should be in the policy. It shouldn't just apply, I don't think to just this particular resolution because this is a specific resolution for tax purposes. What we need to do is go back and look at our policies and add that into our policies to make sure that when we have road committees that they include everyone within the RID. But we do need to go back and look at our policies and update those, so if we can keep our tax resolutions as tax resolutions and then go back and update our policies and if this ever comes up again we can address it based on our policies.

Chair Murray: Commissioner Varone?

Commissioner Varone: Mr. Chair, Commissioner Tinsley. Thank you Marni, I think you're absolutely right that's the place for it to be.

Commissioner Tinsley: _____.

Chair Murray: _____ having been called, we have the motion to adopt a resolution levying and assessing a tax upon all benefiting property within Rural Improvement District #97-3 Settler's Cove and authorized the

chair to sign, signify by saying Aye

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. Thank you all for coming.

Proposed Major Subdivision, Preliminary Plat to be known as the Yuhas Tracts, Lot 1E Major Subdivision.
(Applicant, Randy Christiansen) (Planner, Frank Rives) (cont. public hearing from 7/6/04)

The Commissioners will consider the proposal to subdivide existing Lot 1E. The proposed subdivision is located in the SW1/4 of Section 24, T10N, R3W; generally located south of Elk View Drive and east of and adjacent to Wylie Drive.

Chair Murray: Mr. Rives, is the applicant present?

Frank Rives: Yes Sir, he is.

(tape ended)

(tape begins)

Chair Murray:... would you come to the podium please since you're not sure.

Randy Christiansen: Do you want my name and stuff?

Chair Murray: Please

Randy Christiansen: Randy Christiansen at I live at 2715 Elkview Rd in East Helena.

Chair Murray: Mr. Christiansen we need to be sure that you've had the opportunity to review the staff report and see the proposed conditions attached to the staff report and establish that you are prepared to go forward with public hearing this morning.

Randy Christiansen: Yes, this is what I received quite a while ago, correct? Or, I mean

Chair Murray: My question is Mr. Christiansen did you receive it, I assume you did

Randy Christiansen: Yes, I was just wondering if there was more recent one since than?

Chair Murray: There is not.

Randy Christiansen: Okay, yes I did.

Chair Murray: and you're prepared to go forward this morning with a public hearing?

Randy Christiansen: Yes Sir.

Chair Murray: Thank you Mr. Christiansen. Mr. Rives.

Frank Rives: What we have here is a, sort of revisiting of a major subdivision as I mentioned at the planning board it's kind of déjà vu because this was the very first subdivision that I reviewed as part of Lewis & Clark County

Chair Murray: Excuse me Mr. Rives, I was confirming that I'm not, ___ I wasn't blocking the presentation on

the screen. My two peers were pointing up looking at the TV screen that I have in front of me. That wasn't my concern. Please continue

Frank Rives: This is the site of the vicinity map that for Yuhas Tracts Lot 1E. As I mentioned I worked on this, this was the first subdivision I worked on when I came into the employ of Lewis & Clark County as Yuhas Tracts Major Subdivision Lot 1. What the applicant is requesting is to subdivide an existing lot in a major subdivision and although it's only the creation of one additional lot, because it's inside a major subdivision it is still a major subdivision. This is picture of the site plan, the proposed subdivision of the lot would be basically north south, there is currently nothing on lot 1E, its an ___ lot, there is building on the other lots. Lot 1F has a commercial business that Mr. Christiansen and his partners run, there are two ___ well existing mobile homes on lot 1G and there is a stick built homes on lots 1A through 1D. This is just a photograph of the, aerial photograph of the property. This here is a photograph showing the lot 1E, which as I said is undeveloped. This is lot 1E with the internal access road, the road was built to County standards at the time of the major subdivision, that was approximately $3\frac{1}{2}$ years ago and since than due to construction activity and to the fact that the road subsequently is sitting next to another major subdivision which uses this road for access the road has received some deterioration as you can see in the photograph there's a number of pot holes and most of the pot holes are centered or up ___ where you can see the pot holes around the curve so it's associated with people coming around the curves, perhaps going to fast and heavy vehicles for trucks and construction. As I mentioned, the applicant proposes to subdivide the existing lot 1E in Yuhas Tracts Lot 1 Major Subdivision. The, it is an undeveloped lot and an existing major subdivision was improved for single family dwelling with an individual well and individual wastewater treatment systems and utilities. Because the applicant is requesting to resubdivide this lot, the DEQ approval on this lot will have to be re-reviewed particularly since some of the lot lines and the driveway may be constructed or what not might interfere with the approved locations for the wells and the drain field. The property would access the internal access road called Eastview road and which then connects to Wylie Drive and the applicant has requested a preference for cash in lieu of payment to fulfill the parkland requirement. The property is fairly flat, it has native grasses throughout it but no trees, there were no noxious weeds identified when doing the site visit. There is an existing five year weed management plan on the subdivision. The weed board would want to re-look at that just to make sure that the lot is in compliance with the weed management plan. I should also not there is a water line easement for the City of East Helena which is located in the right of way of Wylie Road and that is shown on the plat, it should show on subsequent plats. Affects on agriculture should not be major, there are not active agriculture operations adjacent to the subject property, property to the west of the property along Wylie Drive includes a municipal water supply well and pump station, a transmitter facility and open space. The open space has been used in the past for agricultural purposes but is not currently used for agriculture at this time. Soil identified on this property is severe limitations for placement of crops and is generally used for pasture and ____. This is primarily due to the shallow, stony and droughty character of the ___ primary home, which you see identified on the soil-mapping unit. Back to the soil mapping unit, the soil mapping unit identified on the property does have poor filtering capacities which limit it's placement for onsite wastewater treatment systems, however this subdivision was reviewed by DEQ and Environmental Health in the subdivision phase of $3\frac{1}{2}$ years ago and did receive DEQ approval so environmental health is not anticipating any problems as far as placement of onsite wastewater treatment systems in the further subdivided lots with both being more than 1 acre in size, with 1 acre being the minimum requirement for the placement of onsite wastewater treatment systems without a deviation from DEQ. Static lower levels identified on the two existing wells on the major subdivision, on the property as the two existing wells which were identified in the major subdivision $3\frac{1}{2}$ years ago showed that the Static water levels were 42-47 feet in depth and that Static water levels in this general area range between 46 & 52 feet per year. There background nitrate levels have been reported to be rather low and hydraulic conductivity activities rather high as the water moves through the earth fairly quickly underground. These conditions indicate that additional placement of onsite wastewater treatment systems can be _____. ___ appears to be adequate for domestic purposes and for related residential irrigation of the well located on lot 1A is 86 feet in depth and has a yield of 20 gallons per minute and the well on lot 1F is 99 feet in depth and has a yield of 40 gallons per minute. Water quality is generally good, nitrate levels are low and as I mentioned hydraulic conductivity is fairly high. We received comments from the East Valley Fire Department, they are requesting \$500 per newly created lot for the maintenance and development of water supplies in the fire district, so in this case what they're requesting is \$500. Essentially utilities are already available and adjacent to the property. Local emergency services are available and their response time is good and legal and physical

access is present for the major subdivision to the construction of Eastview Road and of course Wylie Drive. This is also another photograph of Eastview Road showing the deterioration of the road due to heavy traffic, some pot holing. The road is generally in pretty good shape except for these few problem spots. As I mentioned the road is in some deterioration shape however this road was constructed as part of Yuhas Tract Lot 1 Major subdivision but it has developed some problem spots, which the applicant in the planning board hearing stated he didn't see a problem in fixing the rough _____. Effects on the natural environment, there is a principal irrigation canal of the Prickly Pear Creek Water Users Association that crosses lot 1E and does not directly affect this lot however stormwater runoff from the development will need to be retained on site to make sure this it doesn't enter the canal system. A five year weed management plan and revegetation plan is required, as I mentioned one is currently in place and what the weed board requests is that they just re-review the existing plan to make sure that it's, lot 1E is still in compliance. As I mentioned also in my site visit, I did not identify any noxious weeds however that is a decision for AI _____ to make. There is some potential for seismic activity, there is a fault zone just located approximately 2 miles northeast of the property, there is a potential for seismic events of such a magnitude which would cause significant threats of property damage and human injury that is why part of the conditions of approval we would recommend that all dwellings be constructed to the applicable state building standard. The property is identified as being within a quarter of a mile of the airports noise influence area. Application and proximity of the noise influence area should be provided. Traffic volumes on Wylie Drive at this time are approximately 5300-5500 average daily trips per day. Based upon ITE estimates, the one additional lot would generate an additional 8-10 trips per day to the street network. The parkland requirements are such that the applicant would be required to pay cash in lieu of payment of 0.64 acres, although the estimated land value is \$3500 per acre so the estimated payment for the original subdivision was \$2268, the applicant proposes to create two lots greater than one acre, less than three acres, the applicant in his application figured that the parkland dedication requirement would be 0.12 acres and is requesting a cash in lieu payment so that the estimated value of the undeveloped land at \$3500 an acre would require a cash in lieu payment of \$423 as proposed by the applicant. The park board has met on this matter and has accepted the applicant's request for a cash in lieu payment. This is just a final slide showing the location of the property and the approximate location of the subdivision of the lot, building on the _____ typical line which runs north south is the approximate location of the subdivision. It is staff's recommendation that the additional lot be approved as part of the Yuhas Lot Major Subdivision lot 1E subject to the findings and conditions contained in the staff report. That concludes my remarks at this time.

Chair Murray: Questions of Mr. Rives?

Commissioner Tinsley: Mr. Chair, first I might say for the viewing audience this is a very nice thing to have up here on our desks, we can finally see what we're being presented with instead of having to strain our necks to look at it so I really appreciate having the benefit of having this up here. I guess, I only found a few things that we need to clean up and you answered a couple of questions that I was going to ask. Condition of approval #9 indicated, I've never seen this before, I thought we always did this prior to it coming to us, essentially you were saying there needed to be an appraisal to find out the amount of the cost of the parkland, it appears that you've already achieved that through negotiations with the owner or the developer or the applicant excuse me for \$423, isn't that something we can only do up front though, that was the question I wanted to ask prior.

Frank Rives: Chairman Murray, Commissioner Tinsley, Commissioner Varone. It is our practice for a major subdivision which requires parkland identification that the applicant give us an estimate of what they think the value is but it is, we then require as part of our conditions of approval that they do a market analysis just to make sure we have a value because the applicant usually is just doing his best guess when he purchases the property it's seven years old

Commissioner Tinsley: Mr. Chairman, Commissioner Varone if in fact that it does come in less than what the park board ought to be would it then have to go back before the park board again if that's the case?

Frank Rives: No, it would not. It's based on the percentage of the appraisal. In this case it would, if it would be lower it wouldn't be much.

Commissioner Tinsley: I understand that. Number two, I just wanted to ask about 10.b, because there's been

some problems in the recent past with regards to the definition of utilities and for at least the next couple of weeks, couple of months I plan on assuring or being reassured by you that our understanding of the definition of utilities does include telephone lines or any other available services that are currently available in the area, correct? For instance, if cable TV is not available in this area that doesn't mean that he has to go out and have it run to it, but if telephone lines are, then telephone service must be included in the definition of utilities correct?

Frank Rives: Chairman Murray, Commissioner Tinsley, Commissioner Varone. In our discussions with the County Attorney, based on state statute utilities include power and telephone they do not necessarily include cable. The, this is a developed subdivision, it does have power and it does have telephone. I've seen the boxes.

Commissioner Tinsley: Thank you for allowing me to editorialize on the definition of utilities. Mr. Chairman, Commissioner Varone, I just wanted to point out to you that number 10.h and 'i' is a duplicate so we just need to take one out and I also noticed in #10.j4 and 10.n we have a duplicate there too and I don't know if that's necessary or not.

Frank Rives: No, sorry.

Commissioner Tinsley: That's all I have thank you.

Chair Murray: Commissioner Tinsley yesterday at the park board, the park board requested that the finding come back and report to them what the actual appraisal turns out to be, they had concerns that the estimates provided by developers were coming in much less than the actual property value and so rather than going down generally park board ___ the appraisals will go up.

Frank Rives: They almost always do.

Chair Murray: Commissioner Varone?

Commissioner Varone: Thank you Mr. Chair, Commissioner Tinsley. Frank, on condition of approval #10.e it talks about the exterior lighting and you indicated early on in your presentation that when these conditions were first established for the original major subdivision that language was used and condition of approval 'e' has the old lighting language on it. I believe that the newly adopted language reads that any exterior lighting shall be arranged, shall be directed downward to minimize illumination beyond the property line so we won't vote on this I'm just asking for that updated language to be included.

Frank Rives: I'll check into that.

Chair Murray: Mr. Rives, at the planning board meeting, planning board member Mr. Mandeville asked the applicant if the property owners association is something that can be looked at to deal with the condition of the streets, is that a condition that you have added, I didn't see it.

Frank Rives: Chairman Murray, Commissioner Tinsley, Commissioner Varone. We have found in the past that most homeowner's associations are ineffective method of road maintenance and road improvement. A RID would be the preferred course of action and as part of the conditions of approval, we did include the usual stipulation of waiver of right to protest inclusion in a road district. Homeowner's associations are notoriously bad for getting road issues taken care of.

Chair Murray: Thank you. Further questions of Mr. Rives? Being none, thanks. Mr. Christiansen this is your opportunity to comment on the proposed conditions or add any additional information that you feel is important for us to hear, to receive.

Randy Christiansen: I really don't have anything. I've read through the conditions and stuff and everything looks good to me.

Chair Murray: Thank you. After the public hearing Mr. Christiansen we'll reserve the right for you to close, I think it will be a brief public hearing. This is a public hearing on the proposed subdivision, proposed major subdivision preliminary plat to be known as the Yuhas Tracts Lot 1E Major subdivision. Anyone present that wishes to testify in favor of and opposition to or speak in general now is your opportunity. For the second and third time. This closes the public hearing. Do you have any closing comments Mr. Christiansen? Thank you. Commissioners, what is your preference?

Commissioner Varone: Mr. Chair I move to approve the proposed major subdivision to be known as the Yuhas Tracts Lot 1E major subdivision including the conditions of approval as recommended by staff and authorize the chair to sign.

Commissioner Tinsley: Second.

Chair Murray: We have a motion and a second. Discussion. Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman, Commissioner Varone. Mr. Christiansen, you don't have to get up, I just wanted to point out that through reading the document you indicated in the planning board hearing that you have a good relationship with your neighboring subdivision and it would be very beneficial for us as County Commissioner's particularly when our phone rings all day long if you would work with your neighbors and put together some kind of RID to get those roads in a state that are acceptable to the residents out there. They all deserve to drive on good roads and I know that you intend to provide that for them. Your neighboring subdivision more than likely has waived their right to protest joining one so I don't think it would be a problem and you just did through this application you've agreed to that so thank you very much for your application and your time this morning.

Randy Christiansen: Thank you.

Chair Murray: Commissioner Varone?

Commissioner Varone: Mr. Chair, Commissioner Tinsley. Condition of approval #10.e contains old language regarding the lighting and for what it's worth I believe this is the way it reads, but if it doesn't the current language is being used if I could make a motion to modify the language to the current language which reads sort of any exterior lighting shall be arranged and directed downward to minimize the illumination beyond the property line.

Commissioner Tinsley: Second.

Chair Murray: We have a motion and a second, all in favor of the amended language for 10.e signify by saying Aye.

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. Commissioners it's my understanding there's duplicates 10.i and 10.n are going to be removed.

Ron Alles: Mr. Chairman, Commissioners I might point out that they're not necessarily duplicates. One is for the improvement district and one is for maintenance district and many times those are confused. One would actually put the improvements in the ground and the other would maintain the

Commissioner Tinsley: Mr. Chair I withdraw my original, looking at it now there are two different words there, they looked exactly

Frank Rives: It could be combined

Commissioner Tinsley: Maybe we can do that. Mr. Chairman I make a motion that we combine, make a motion we eliminate 10.i and include the word maintenance after the word improvement in 10.h and authorize the chair to sign.

Commissioner Varone: Second.

Chair Murray: We have a motion and a second, all in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. 10.n I believe is necessary notification of noise ordinance wouldn't you agree.

Commissioner Tinsley: I just thought it was in 10.j.4 as well but perhaps it's different so it's fine.

Chair Murray: Mr. Rives.

Frank Rives: That would be my recommendation that, 10.j is the indemnification clause for the County as opposed to 10.n which is the notification of the existing landowners of the proximity of the air noise.

Commissioner Tinsley: That's fine, I just assumed, Mr. Chairman, I just assumed that somebody, if the indemnification clause was in there that they would be aware of the fact that there was noise as well, but that's fine.

Chair Murray: Apparently we're in agreement. Commissioners you have before you a motion to approve subject to 14 conditions as proposed by the planning board, all in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries. Thank you Mr. Christiansen, please continue to work with our staff.

Proposed Subdivision, Summary Review to be known as Asher Acres Minor. (Applicant, Trevor Asher)
(Planner, Frank Rives) (cont. from Lincoln 6/28/04 & 7/6/04)

The Commissioners will consider the proposal to subdivide Tract 2 of COS 245789 (16.3 acres) into 5 lots. The proposed subdivision is located in the NE1/4 of Section 21, T14N, R9W; generally located 2 miles west of the town of Lincoln, and east of and adjacent to High Chaparral Road. The Commissioners will also consider the variance request: High Chaparral Drive is a deadend cul-de-sac road that exceeds 1,000 feet in length.

Chair Murray: Mr. Rives you were going to get a changed request for variance.

Frank Rives: Commissioner Murray, Commissioner Tinsley, Commissioner Varone, I believe that you have an amended variance request as filled out by Mr. Asher.

Chair Murray: Commissioner Tinsley this was I believe your request.

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the variance request for Mr. Asher regarding the dead end road and the cul de sac exceeding 1000 feet in length and authorize the chair to sign.

Chair Murray: Second and I believe Commissioner Varone you wish to abstain?

Commissioner Varone: Yes

Chair Murray: We have a motion and a second to approve the variance request as submitted by Mr. Asher, all in favor of the approval of the variance request signify by saying Aye.

Commissioner Tinsley: Aye.

Chair Murray: Aye. Motion carries.

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the proposed subdivision summary review to be known as Asher Acres Minor with the fourteen conditions as indicated by staff and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye.

Chair Murray: Aye

Commissioner Tinsley: Aye

Chair Murray: And if the record will reflect, Commissioner Varone has abstained on both the variance request and the approval of the subdivision.

Fire District and Lincoln Community Council Candidates to be Elected by Acclamation and Appointment.

The Commissioners will consider the appointments.

Ron Alles: Mr. Chairman, Commissioners as you stated this is an appointment by acclamation of several fire district trustees. As you'll note if these trustees run unopposed or if there is no opposition to them for election, the Commissioners may be statute appoint them. It does save on the cost of voting ballots, etcetera. Staff does recommend approvals of these appointments.

Chair Murray: Questions of staff? Is there a motion?

Commissioner Varone: So moved and authorize the chair to sign.

Commissioner Tinsley: Second

Chair Murray: we have a motion and a second, all in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Commissioner Varone: Aye

Chair Murray: Aye. Motion carries.

Public Comments.

Chair Murray: This is the point in the meeting when anyone, Mr. Alles, I guess your anyone

Ron Alles: Mr. Chairman before you close the meeting I just want to take this opportunity to notify the public that we are accepting applications for appointment to the Resource Advisory Council. The purpose of that council is to identify and approve projects for use of our timber receipts money in approximate \$65,000 a year. We are working in conjunction with the forest service in creating this (tape ends)

(tape begins)

Chair Murray: Thank you Mr. Alles. The, although not an agenda item, we had advertised adoption of the County Budget today and that didn't come up, would you please give us a report on that?

Ron Alles: That's correct, the County is closing it's book for fiscal year 2004 and in an effort to make those numbers more accurate with the final year end figures we're asking to postpone adoption of the budget until next Tuesday.

Chair Murray: Commissioners?

Commissioner Tinsley: Mr. Chairman, Commissioner Varone, I'd also like to point out although I don't have particulars in front of me, I think you can find it in the morning paper yesterday, today and maybe tomorrows, Marysville is having a celebration this weekend, it's a historical celebration at the town site and there's many tours and barbeques and it's going to be a pretty fun time so I encourage viewers of the public to go out and attend.

Chair Murray: Commissioner Varone?

Commissioner Varone: Thank you Mr. Chair, Commissioner Tinsley. I was looking forward to participating in the adoption of the budget today and unfortunately I will not be here next Tuesday but for the record I met with Nancy Everson our Chief Financial Officer this morning and support adoption of the budget for ____.

Chair Murray: Thank you Commissioner, I appreciate your comments on that. Commissioners we're going to adjourn to room 309 in this building for the administrative staff and public works meeting following at 10:30 this morning. We are adjourned.

Adjourn.

Tuesday, July 13, 2004

9:00 a.m.

The Commissioners will consider adopting the final budget