

**DRAFT – NOT APPROVED BY BOCC**

**PUBLIC MEETING**  
**October 25, 2005**

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioner Murray is present. Commissioner Varone is absent. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Greg Wallinger, Terry & Judy Will, Michael McHugh, Tamara Laib, Lindsay Morgan, Greg McNally, Dean Retz, Jim Taylor, Trevor Taylor, Craig and Cheryl Riley, Mike Reis, Ted Weintraut, Troy Olson, Mike Maupin, Nicole Pirro, Sarah Shade, Nick Manuele, A J Auer, Jr., Roger Nummerdor, and Maria Penna.

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

Chairman Tinsley: Good Morning and welcome to our regularly scheduled Tuesday morning meeting. I'm Commissioner Tinsley. To my left is Maria Penna, our executive assistant. Commissioner Varone is out of the office. To my right is Commissioner Murray. To his right is Ron Alles our Chief Administrative Officer, and to his right is Jerry Grebenc our Director of Community Development and Planning. First item on the agenda this morning are the Consent Items. Mr. Alles.

**Consent Items.**

Ron Alles: Mr. Chairman, Commissioners. There are 3 items on the consent list.

- a. Resolution Declaring County Property Surplus Property. They are 2 items from the fair grounds, some old 2" pipe, there's 340 feet of that, and there's a Toro lawn mower that was in the budget to be replaced this year. These are all individually valued at less than \$2,500.
- b. Annual Financial and Operating Agreements with the Helena Forest and Lewis and Clark National Forest and Lewis and Clark County Sheriff's Office. Total available reimbursement \$4,500.00
- c. Annual Financial and Operating Plan between Helena National Forest and Lewis and Clark County Sheriff's Office. Total available reimbursement \$11,000.00.  
This is to provide patrols and stuff on national forest lands. Staff does recommend approval.

Chairman Tinsley: Questions for Staff? Is there a motion?

Commissioner Murray: I move approval of the consent items and authorize the Chair to sign.

Chairman Tinsley: Second. Any discussion? All in favor of the motion signify by saying Aye.

Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 2-0.

Chairman Tinsley: I should add before we get too far down the road. Right in front of these folks in the front row there is a sign in sheet. If you wouldn't mind signing in, we would appreciate it. Just so we have a record of who's here. After you are done signing in would you go ahead and pass it around Sir? Thank you. And if you happen to have been here too long and you receive a ticket while being here, please bring it up to the 3<sup>rd</sup> floor and we will take care of it. We will only take care of the ones that you attended this meeting so don't bring any of the other ones, please.

Chairman Tinsley: All right. The next item on the agenda is the Montana Conservation Corps update. Greg Wallinger is going to come up and give us a little bit of information. Come on up Greg, please.

### **Montana Conservation Corps Update**

Greg Wallinger: Hi, my name is Greg Wallinger. I'm the Senior Crew Leader with the Montana Conservation Corps and actually the guy who was going to tell you a little bit more is still working on a place to park. They'll be up momentarily; they're driving around in circles outside right now.

I don't want to tell you too much that he's going to repeat in a few minutes.

Chairman Tinsley: Why don't you introduce some of the Conservation Corps members that are here while we wait.

Greg Wallinger: Sure. You guys want to come up here real quick? Again, my name is Greg Wallinger. I'm from Harrisonburg, Virginia. I've been in Helena for a couple of years working with a couple of different Americorp programs.

Chairman Tinsley: Were you on the crew last year when I was out at the Gruber Ranch on 7 mile I think?

Greg Wallinger: I went on a float trip a couple of weeks ago with you.

Chairman Tinsley: Oh, that's right. That's where I knew you. Anyway, go ahead and introduce yourselves.

My name is Sarah Shade. I'm a Crew Leader for the Helena region. I'm originally from Liberty, Missouri and this is my first year here.

Chairman Tinsley: Welcome.

My name is Nichole Pirro: I was a Youth Crew Leader last year with the Montana Conservation Corps and I'm Field Crew Leader this year. Originally I'm from Syracuse New York but I've been living here in Montana for 3 years now.

Chairman Tinsley: Welcome.

My name is Troy Olson. I'm an Assistant Crew Leader. I'm from Helena and this is my first year and it's been a good time.

Chairman Tinsley: Thanks Troy.

Hi. My name is Ted Weintraut. I'm from Macon, Georgia originally. This is my first year with the MCC and I'm Crew Leader.

Chairman Tinsley: Great.

My names Katherine Abbot. I'm from Helena and I'm a Crew Member this year.

Chairman Tinsley: Hi Katherine.

My name is Michael Maupin and I'm from Helena and I'm a Crew Member.

Chairman Tinsley: Welcome. So, I've got a question while we're waiting on you're other person

comes up. I think I read in the paper you guys are doing some energy assistance stuff for low-income people. The Governor asked you to go around and help some of the low-income folks, is that right?

Greg Wallinger: Yeah, it's the One Homes project and actually Mike's going to tell you a little more about that project here in a few minutes. I'll go ahead and let Brendan come up and tell you a little bit more about the program.

Chairman Tinsley: Wonderful. Thanks Greg.

Good Morning. My name is Brendan Morgan. I'm from Helena, and I'm a Crew Member with the Helena Region of the Montana Conservation Corps. On behalf of the MCC I'd like to thank the County Commission for accommodating and welcoming us today. And letting us have an inside look at the administration and behind the Helena Government. I would also like to tell you a little bit about the Montana Conservation Corps. The MCC's Mission Statement is to equip young people with the skills and values to make a positive difference in their community environment. Support for the MCC comes from many individuals and organizations that have a keen interest in the energy and enthusiasm of our young people. Over 200 public and private agencies sponsor MCC projects each year. Americorp funding through the Governor's office of community service accounts for a little over half our budget with sponsors providing the bulk of the remainder. MCC was established in 1991 by the Human Resource Development Councils in Billings, Bozeman and Kalispell. At that time it was primarily a summer program serving disadvantaged youth. In 1993 the Americorp National Service program began funding the MCC and enabled the progression to a year round program. In its present form, there are 6 regions: Helena, Kalispell, Missoula, Great Falls, Bozeman and Billings consisting of 26 crews of 5 to 7 members each for a total of approximately 120 members state wide. This season 3 of the crews in the Helena region has completed a variety of projects for National Resource Agencies including recreation area management, trail construction and repair, fence building, fuel reduction, wildlife habitat improvement and stream rehabilitation and we've just completed a week of community service projects that included sorting food and cleaning Helena Food Share, constructing homes with Habitat for Humanity, scraping and priming the exterior of the Planned Parenthood Clinic, cleaning God's Love, helping prepare for a Luau Week at the Big Sky Care Center and visiting the residents, lake construction at the Helena Humane Society and 3 weeks of disaster relief up in Louisiana helping victims of Hurricane Katrina. For many MCC members, working to improve Montana's environment generates a life long feeling of satisfaction, self-worth and a commitment to serving our Community. The MCC strives to be challenging, a time to develop new skills, new knowledge and a stronger commitment to the people, communities and natural resources in Montana. In the words of Teddy Roosevelt "far and away the best prize life offers is a chance to work hard at work worth doing." Now I'd like to welcome Mike Maupin up to tell us about what he has been doing the last few weeks.

Good Morning. My name is Michael Maupin. I'm from Helena, Montana and they asked me to come up and tell you about my best experience with MCC. It's kind of hard just to figure one, but just recently we're weatherizing with Rocky Mountain Development Council and the LEAP Council helping low income families and conserve their energy bill. We're putting plastic up on their windows, wrapping their hot water heaters, and stuff like that. We were up in Lincoln and we're at this elderly couples house talking about lunch when she recommended we eat lunch at the Pit Stop. We took her up on it and we went and ate there and we sat up at the bar area, just right in there and they came in right after us and apparently we had took their seats and she came up to us and she gave the 3 of us that were there a huge hug and said how grateful and thankful she was that we could come up there and help her. It just made it all worth it knowing that I could help somebody so much and knowing that I did that and that's probably my best experience. And now I would like to bring up Nicole Pirro.

Good Morning. My name is Nicole Pirro. For the last 3 weeks myself, Sarah Shade, Ted

Weintraut, Brendan Morgan, Troy Olson and Chris Besged have been down in Slidedale, Louisiana. We started out in Baton Rouge. We were initially contracted to go down there to work with FEMA and FEMA lent us out to Operation Blessing and the Christian Contractors Association. When we were down there we were blue tarping roofs to help keep any more rain or any more damage from happening to these peoples homes. It was devastation beyond anything I have ever seen in my life. It was pretty, pretty disconcerting because there was just a lot of help needed down there. But we did a lot of great work. We finished close to 100 homes that were blue tarped. There were a lot that we couldn't do because they had enormous trees in them, or on top of them, but the people that we helped were very gracious and thankful that we were able to come there and help them. They're very sadden by the fact that they've lost most of their lives and their homes. There's a lot of flooding down there. There's a lot of homes that have 20-25 feet of water in their homes, for several days, because it took quite a while for the storm surge to dissipate and move back out into the ocean. But it was a great experience. The people that we worked with were wonderful, they were amazing; they accommodated us very well, they fed us, they gave us a place to stay and there were a lot of prayers and hopes for people would get their lives back together. Thank you.

Chairman Tinsley: Thank you Nicole.

Greg Wallinger: Well, that's about all that we have. Do you have any questions I could answer for you?

Chairman Tinsley: Commissioner Murray to you have any questions?

Commissioner Murray: No, I'm grateful that they're in our Community and work to help throughout the entire county including Lincoln.

Chairman Tinsley: Why don't you give me a hand real quick. We've got a present for you guys. Come on up. These are hats that have our Lewis and Clark County Seal on them. We don't just give these out to anybody. I spent an afternoon with you guys out on the Guber Ranch at 7 Mile Creek and you guys were doing spring bank reconstruction and it was some pretty good stuff. To read about you and this Warm Home Thing, that's a really good project and I appreciate you folks for stepping up to the plate for helping out these folks, so this isn't much but we thank you for your service.

Commissioner Murray: You may want to tell the people there's no significance in the black colored hats you chose for them.

Chairman Tinsley: I tried to get as many of the same color as I could so there wouldn't be a lot of fighting. I have two kids so I know what happens when you bring stuff out. (Laughter) Well, thanks a lot folks, we appreciate it. We've got a couple more items on the agenda and if you feel the need to leave, feel free you don't have to sit through the rest of them, so we're going to go ahead with the rest of our meeting. Thanks a lot Greg. Thank you all.

Chairman Tinsley: Next item on the agenda is the proposed minor subdivision, preliminary plat to be known as the Big Valley Lot 107-A Subdivision. The Applicants are Terry and Judy Will. The Planner is Michael McHugh. Mr. McHugh.

**Proposed Minor Subdivision, Preliminary Plat to be known as the Big Valley Lot 107/A Subdivision.**

Michael McHugh: Commissioners I believe that the Applicants are present.

Chairman Tinsley: They are present? As I'm supposed to ask. (Laughter) Where are the Applicants? Please raise your hand. Have you received your packet of material from the

County and are you prepared to go forward this morning? Ok. Thank you. Mr. McHugh.

Michael McHugh: Commissioners, the proposal before you this morning is a minor subdivision that's located north of Prairie Road between Green Meadow and Diamond Springs Road. This property was previously subdivided. They broke off of 1.5-acre parcel, located to the southeast of the area here. What the applicants are proposing to do is create 4 lots. These lots would range in size between 1.9 and 3.09 acres in size. Current development on the property has a residence located here. There is a mobile home that's unoccupied, located to the north of this. There are some outbuildings located in the area. Present access to the property is off a private driveway from Prairie Road. The Applicants are proposing to provide additional access from Clear View Court to a cul-de-sac that would provide access to the additional 3 lots in this area. The additional land uses are primarily residential; some of them include ranchette development the sizes range between 3 to approximately 16 acres in size. Currently there's no zoning in this area. Covenants were placed on the property when they did the original Big Valley Subdivision that limited the use to single family residential with some additional restrictions on the raising of animals, fencing and setback requirements. In addition to that when the property was previously subdivided in 2002 the County placed its standard Conditions of Approval on covenants on it.

As far as notice: Notice was placed in the newspaper and sent to adjacent property owners. We did receive some public comment that objected to it. Mainly the use of Clear View Court and additional improvements to Clear View Court. There were also some comments dealing with the number of mobile homes that are located on the property at this time.

As far as impacts on local services: The Applicants are proposing to utilize individual on-site wastewater treatments systems. There's currently a wastewater treatment system located on the proposed lot A-1. The site evaluations have been conducted by the City-County Health Department and suitable sites have been identified on all of the proposed lots. Additional review will need to be done by the Department of Environmental Quality and septic permits will need to be issued by the City-County Health Department.

As far as water supply: Individual wells are proposed for the new development. Currently there's a shared well between the lot located on Lot 1-A and the additional Tract B. As far as the water supply, again, the subject property is located within the North Hills Temporary Ground Water Control Area. DEQ has provided written documentation that there is adequate water supply in that area to serve the proposed subdivision and a copy of that was attached to your Staff report.

All necessary utilities are located adjacent to the property and would need to be extended at the sub-dividers expense prior to the final plat.

As far as access: Again, the Applicants are proposing to utilize Clear View Court. It's located north of the property and have the cul-de-sac in that area. Clear View Court was constructed in 2002. It was constructed to County Standards at that time but since then the subdivision regulations and road standards have been amended. The subject property is located within a road maintenance district. This shows the extent of it. All of the major roads, which would include Buffalo Horn, Diamond Springs, Green Meadow, Prairie are all maintained in this. The local roads such as Clear View Court are not maintained. Because of the amendment and the County Subdivision Regulations and Road Standards the Applicant would be required to bring the roads both Prairie Road and Clear View Court up to County Standards. This over-head here shows Prairie Road looking to the east, this shows it looking to the west, and this is Clear View Court here. The Applicants have been, have requested variances from bringing the roads up to the new County standards. The Applicants have also submitted a variance request requesting that they not be required to bring the internal access road up to County standards prior to the filing of the final plat. There are stipulations within the County Subdivision

regulations that do allow for bonding of improvements of that road and the Applicants could avail themselves of that provision and so this request for the variances is not necessary at this time.

Other issues in this area is that the subject property is located within the Jim Darcy School attendance area. Currently, Jim Darcy is experiencing capacity constraints for numerous classes there and students would have to be bused at the taxpayer's expense.

As far as fire protection: The subject property is located within the West Valley Fire District. They would be required to pay a fee of \$1,000.00 per new lot for the additional development in that area.

Again, we do have some concerns about the long-term availability of water because the subject property is located within the temporary ground water control area and there have been some stipulations placed in the draft Conditions of Approval.

Based on Staff's findings, Staff does recommend approval of this subdivision with 17 conditions and based on the action that the Board of County Commissioners takes on the 2 requested variances not to bring Prairie Road and not to bring Clear View Court up to County standards, there may need to be either deletion or amendments proposed conditions number 6 and number 7.

Chairman Tinsley: Mr. McHugh. The 3<sup>rd</sup> one, the Clear View Court, bring Clear View Court up to standards is the one we don't have to worry about.

Michael McHugh: No the third request for variance was for the internal access road.

Chairman Tinsley: The new road into the subdivision?

Michael McHugh: Yes, that would be the road that's out-lined in the yellow there and again County Subdivision regulations due permit Applicants to bond for improvements prior to final plat, but the Applicants need to be aware that that road would need to be constructed at their expense to County Standards at some point.

Chairman Tinsley: Thank you. Further questions for Mr. McHugh? Any further questions?

Commissioner Murray: Mr. Chair, Mr. McHugh. On Prairie Road what extent would they be required to bring it up to County Standards, the full length of it, or just certain....

Michael McHugh: They would need to bring it up to County Standards from the intersection of Green Meadow Drive which is located to the east to their property. To the western portion of their property. And I believe that's reflected in Draft Condition number 6. That would be constructed to a gravel standard.

Commissioner Murray: Thank you.

Chairman Tinsley: Thank you. Any further questions for Mr. McHugh? Thank you Mr. McHugh. Are the Applicants or their representative prepared to come forward and give us a presentation? Good Morning.

Good Morning County Commissioners. My name is Michael Reis and I'm representing our clients, Judy and Terry Will. Everything that Michael McHugh has stated we agree with and we would like those variances be granted due to the fact that that would cost a lot of money for my clients to bring up Prairie Road up to County Standards. I think the distance is approximately about 2 miles, you know, in bringing that road up. We would bond, get a letter of credit from the

bank, to build the additional road coming off of Clear View, and the 2 other tracts, A-2 and A-3 are actually going to go to their children. They did apply, I think first, to do a family transfer but since they've already did a break-off in 2002 they were not granted that so that's why we're pursuing through the subdivision rules and regulations.

Chairman Tinsley: Mr. Reis, what is that area to the northwest, west, northwest of the subdivision?

Michael Reis: Right here?

Chairman Tinsley: What is, see all of the track looking?

Michael Reis: Oh, that's trees, I believe.

Chairman Tinsley: Just planted trees?

Michael Reis: Yeah, and that's owned by Nummerdor.

Chairman Tinsley: By whom?

Michael Reis: Nummerdor is the property owner.

Chairman Tinsley: Ok. I was just curious it looked interesting on the screen. Further questions for Mr. Reis?

Commissioner Murray: No

Chairman Tinsley: Thank you. I guess I could ask the Applicants or their representative. The review period ends on November 4<sup>th</sup>, which is 1 week from this Friday, which would leave us 3 potential meetings to make our final decision. Commissioner Varone is not here today, however, she gets back, she won't be here this Thursday either, but she will be back next week. Would you like us to wait until she gets back so she can participate as well? So she can go back and review the record or do you have a preference? Does it matter?

Michael Reis: Yeah, that's fine.

Chairman Tinsley: What's fine?

Michael Reis: Oh, to wait for Commissioner Varone to return for a final decision.

Chairman Tinsley: For a final decision? Ok. Thank you. Of course that's entirely up to her whether or not she wants to participate. She would have to go back and review the record of today's meeting so. Thank you. Further questions for Staff or the Applicants? Is there a motion?

Commissioner Murray: Mr. Chair, I move we render a final decision on November 3<sup>rd</sup>.

Chairman Tinsley: Second. Any discussion? All in favor of the motion signify by saying Aye.

Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 2-0. Thank you for your time this morning. We will issue a final determination a week from this Thursday. Thanks.

Next item on the agenda is the proposed minor subdivision, preliminary plat to be known as

Amended Plat of Lot 11A2B, Big Valley Subdivision. The Applicants are Myron and Tamara Laib. The primary contact person is Dean Retz. Lindsay Morgan is the Staff person. Welcome Miss Morgan. Are the Applicants present? Or their representative? Are you prepared, have you received all of the documents and are you prepared to go forward this morning? Mr. Retz, please come forward.

**Proposed Minor Subdivision, Preliminary Plat to be known as Amended Plat of Lot 11A2B, Big Valley Subdivision.**

Dean Retz: Chairman Tinsley, Commissioner Murray. My name is Dean Retz. My question is, we are prepared to go forward but because our review period ends November 7<sup>th</sup> which happens to be my birthday, and I understand Commissioner Varone will be here so we would be have either November 1<sup>st</sup> or November 3<sup>rd</sup>, I'm prepared to go forward, if we can ask Commissioner Varone to participate in the voting.

Chairman Tinsley: We can ask her. Again, it's entirely up to her and I don't think she would have a problem with it; it just entails her of having to go back and read the record of today's proceedings if that's all right with you.

Dean Retz: Ok. We're prepared to go forward then. Thank you.

Chairman Tinsley: Ok. Thank you. Miss Morgan.

Lindsay Morgan: Good Morning Commissioners. This is the proposed minor subdivision to be known as, preliminary plat to be known as Amended Plat of Lot 11A2B, Big Valley Subdivision. The site is located east of Applegate Drive, immediately north of Jeanne Road. The Applicants propose to create five lots each for one single-family dwelling. If approved, the existing tract will be divided into lots ranging in size from 1.31 acres to 1.58 acres. All lots will be served by individual wells, individual on-site wastewater treatment systems and utilities. Access to four of the five lots will be off of Jeanne Road via Cooley Court. The 5<sup>th</sup> lot will access directly off of Jeanne Road. Road construction will be required in order to provide standard physical access. And because this is a minor subdivision no parkland dedication is required.

The existing tract of land is approximately 7.46 acres in size. The site is relatively flat and proposed Lot 11A2B-1 is currently developed with a 40' x 100' building built in 1950. And according to the application the building will be removed. We have received no comments from any adjacent property owners regarding the proposal.

As far as effects on agriculture: According to the Soil Conservation Service, soils with this classification have severe limitations that reduce the choice of plants and/or require careful management of these plants. And if irrigated these soils will still have very severe limitations.

As far as water supply: The proposed subdivision lies within the North Hills Temporary Controlled Groundwater Study Area. According to DEQ considering the surrounding well data and the fact that there will be 5 additional wells serving single-family residences, DEQ deemed a pump test unnecessary at this time.

As far as streets and access: The Applicants are requesting 2 variances from the County Subdivision Regulations, specifically the Road Standards. 1) Cooley Court is a dead-end road in excess of 700 feet in overall length and 2) Cooley Court and Jeanne Road are constructed to the old County Standards, which is Typical Section No. 3, Peccia, our old gravel standard. With the inclusion of the proposed road extension Cooley Court will be approximately 730 feet in overall length from Jeanne Road. Because Jeanne Road is currently a dead-end road as well, the total road length will actually begin at Applegate Drive. This distance is approximately 1,970 feet in overall length. One thing to note is that Jeanne Road may eventually connect through to

North Montana Avenue. North Star PUD has recently received preliminary plat approval while a second major subdivision along Jeanne Road has been submitted to the Planning Staff for review of the preliminary plat. That will also provide that connection over to North Star. Cooley Court was constructed; again to Peccia #3 within the last few months while Jeanne Road was constructed to that standard approximately one year ago. If the variance for Jeanne Road and the existing portion of Cooley Court is not granted, the Applicants will be required to bring all of Cooley Court and that portion of Jeanne Road lying west of Cooley Court up to our new County Standard, which is our Typical Section No. 1, which is also our gravel standard.

As far as the effects on the natural environment: Water quality taken in the area indicates that water quality is fair to good. There are 2 drainage swales located in the center of the site and they run northwest to southeast and both swales are routed under Jeanne Road through a 15" culvert.

Staff is recommending that a 30' easement be required on both sides of the centerline of each drainage swell. There will be a prohibition of any development, alteration or encroachment within these drainage easements. Another thing to note is the drainage channels require a 50-foot minimum, "no-build" setback from each side of the high-water mark of each drainage. The drainages on-site are only swales that appear to originate on-site. At one time they may have been channels, however lots to the northwest have been disturbed and the drainages have either been fill in or altered in some way.

With the exception of the requested variances, if all conditions of approval can be met, the proposal appears to comply with the minimum subdivision standards, and therefore, Staff is recommending approval subject to 16 Conditions. I do have an aerial photo of the property that's showing the drainage swells and the existing building located on site. You can see that Cooley Court is on the eastern edge of the property. Here's a view to the north showing the existing building.

Chairman Tinsley: Is that the old recycling center?

Lindsay Morgan: Yes.

Chairman Tinsley: That's what I thought.

Lindsay Morgan: Here is a view to the northeast and you can see Cooley Court kind of in the background or where it's actually located. Here's a view to the northwest. This is a view to the south, just basically giving you an idea of where the property is located and what's surrounding it. Here's a view of Jeanne Road looking east. And then looking west with Applegate in the background. And here's a view of Cooley Court, looking north. Do you have questions for me?

Chairman Tinsley: How many variances are requested on this particular one? Because I can only find one in my packet.

Lindsay Morgan: There are 2. It's from the Road Standards, the actual construction of the road because both roads were constructed to Peccia #3 and.

Chairman Tinsley: I have the temporary variance request from the.

Lindsay Morgan: And then there's the dead-end road lane.

Chairman Tinsley: Yeah, that's the one that I have. Can you get me a copy of the other one when you have a chance?

Lindsay Morgan: Sure.

Chairman Tinsley: Questions for Staff? Mr. Retz?

Dean Retz: Thank you Chairman Tinsley, Commissioner Murray. My name is Dean Retz. I reside at 155 All Sports Court and I've been retained by the Laib's in the presentation. I just have to mention up front that today was the first time I signed my name at 155 All Sports Court and last night was the first time we slept at our new place, off of Retz Estates Drive. Mrs. Laib is here, but she prefers only to answer questions if needed and within my presentation I have Jim and Trevor Taylor, the engineers in this project and Trevor is the adjacent landowner to the east. Just a real brief history of this. I do want to thank Lindsay on this. There is a definite continuity of planning here because Lindsay handled the Taylor Subdivision right next door Minor 3 Lot. She will be handling the Ken Smith/Jeanne Meadows Subdivision which is will be heard by the Consolidated Planning Board on November 17<sup>th</sup> and that's to the east of this. So we do have some continuity in the planning. Real brief history, on Jeanne Road. Back in April of 2004 the Commissioners approved a 5-lot subdivision for Steve and Cindy Hoy. In the meantime they sold it to a developer. It was final platted about a year ago and then Kim Smith bought these 5 lots, which we will be talking about in another month or so, and then last spring Trevor Taylor bought the adjacent land to the Laib's and then that 3 lot minor subdivision was final platted on September 15<sup>th</sup> of this year and that's how Cooley Court came to fruition. Just briefly on the Staff report, it mentioned natural gas is unknown. There is natural gas to this property, it's right on the road, and Chairman Tinsley, yes, you are exactly right. This is the old recycling center on Getchel. The good news about this is that that will be removed off the property. As stated in the Staff report Site Evaluation work completed non-\_\_\_\_\_ was done satisfactorily and I want to talk a little bit about water supply because everyone seems to be talking about water supply. Because this was a 5 lot minor, we did receive a letter from DEQ saying that a pump test was not necessary and that was back in June of this year. In September 19<sup>th</sup> of this year we received another letter from DEQ, from Eric Regsberger also stating that a pump test was not required. In conjunction with the Kim Smith Subdivision proposal, there was a 72-hour pump test done and a letter was issued from the DEQ saying that also was satisfactory. So there is quite a bit of water availability up there, plus the fact that the Water Quality Protection District on the land adjacent on Mr. Taylor's property, they had been monitoring wells, one of them, since 1990 and another one they've been monitoring since 2001. So fortunately, at least in this area, water quality is not a problem, in my opinion. Variances. Ok, this is confusing so I'm going to touch on them as much as I can. And, I mentioned temporary variance; way back in April 2004 we also mentioned temporary variance. I know there's no such thing but we're talking about Jeanne Road eventually going through to hook up with North Montana. What's happening now, is back in August 25<sup>th</sup> of this year you approved a preliminary plat for North Star PUD, which is phase 2 through 6. What's happening there and then the Kim Smith Proposal, he has a 5-acre lot adjacent to North Star that he will be hooking up to, and you don't have this in your packet so I apologize, hooking up to Rancho Deluxe Drive, which is north/south. In the meantime, North Star will hook up with Guthrie Road, which will go all the way from North Montana to basically Jeanne Road, and then you also have the North Star, which will be hooking up and also to Valley View Road. So there will very soon be eliminating the need for the Jeanne Road being over 700 feet. I might mention too that road, assuming the Jeanne Meadows Major is approved, will be reconstructed to County Standards, road standards. The other variance; we had a second pre-app with Planning Staff. It was a lesser of two evils. Originally the Laib's wanted to come up the middle of their property and not use Cooley Court. That would created a double fronted lot, which would have required a variance. So by using the existing Cooley Court, which Mr. Taylor constructed just recently to old subdivision standards, that is only 485 feet, the new Cooley Court as proposed to the Laib's will be 250 feet, that will be constructed under the new County road standards. So you add the two together which is 730 feet, of course, the old regulation was 1,000 feet the new is 700, so it was the consensus of Planning Staff and the Applicant and myself that a request for the road standard on existing Cooley Court and with putting the 2 together and then the over 700 feet was a better variance request than the double fronted lot request. If that makes any sense.

And then lastly, as far as the Recommended Condition of Approval we concur with every one of them, we have no problem with those and we will construct the one road to County road standards. So hopefully by the time this comes back to you in a final plat situation we will only have one variance request and that would be the 485 foot Cooley Court that was just final platted a little more than a month ago. Questions?

Chairman Tinsley: Thank you Mr. Retz. Questions for Mr. Retz? Thank you Sir.

Dean Retz: I would like to have just real briefly, one of the Taylor's either Jim or Trevor, explain, like Lindsay had mentioned, the fact of the swales there because they did the drainage plan on both properties and they will explain on how were going to use a joint drainage plan on that. Thank you.

Commissioners. My name is Jim Taylor and I'm president of Tech-Net and the engineer that did the drainage plan on this project. I kind of thought I might skate by here without having to stand up here today but thanks Dean. (Laughter) This is one of those projects where we kind of had a little difficulty with the wording of the new subdivision regulations, and what we have on this property are two drainages that really carry very minimal amount of flows. In fact, the 100-year storm calculates out at the very bottom end of the drainage. At this point in time they carry only about 3 inches in depth of flow. A good part of the northern end of the drainages disappear and have been modified and leveled and there really is no significant impact as far as drainage goes. Basically, our drainage plan considered that the northern end the drainages would basically be leveled for home sites and that sort of thing. That said I noticed Lindsay put a 30-foot easement on both sides of these drainages, which probably is a little excessive in terms of no build zones, but with exception of where we have sited the drain field on that north/west lot, that 30-foot set-back wouldn't create a problem. It does create a bit of a problem with the sighting of that drain field that we have to set back 30 feet from where the original drainages were. It's not insurmountable, we can move that drain field out of the way of that drainage, but by doing that we might create some additional problems with access to the lot and possibly require pressure dosing that drain field but. In general, we can live with the requirements. As a matter of retention, my son Trevor built a way oversized retention pond on his property and the run-off that's intercepted by that add-on to Cooley Court would be directed towards that retention basin and the additional flow generated by construction on this site will be retained at that point. So that's said, if you have any questions pertaining to the drainage I can sure answer them for you now.

Chairman Tinsley: Questions for Mr. Taylor? Thank you Jim. Any further questions for the Applicants or Staff? Is there a motion?

Commissioner Murray: Mr. Chair, I move we render a final decision on November 3<sup>rd</sup>.

Chairman Tinsley: We have a motion and I will second for a final on November 3<sup>rd</sup>. Mr. Retz, Miss Laib, we'll ask Commissioner Varone if she's interested in participating, I'm sure she will. We just need to get the minutes from this meeting to her so she can go over them. Thank you.

Chairman Tinsley: All in favor of the motion signify by saying Aye.

Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 2-0.

Chairman Tinsley: All right. We're now at the point in the meeting where we have public comments on any matters not mentioned on the agenda. Are there any public comments? Any public comments? Come on folks third time. All right. Thank you for your time this morning. We appreciate it.

**Public comments on matters not mentioned above.** None

**Adjourn.** Adjourned at 9:50 a.m.