

NOTICE OF PUBLIC MEETING

December 23, 2003

Chair Varone: 9:00 in the morning. On my left is Commissioner Murray, to his left is Carole Byrnes our executive secretary. To my right is Commissioner Tinsley. Before we say the pledge, I'd like to on behalf of the Commission wish everyone in the audience a Merry Christmas, Happy Hanukah and a great New Year. Would you please join the Commission in the pledge.

Others attending all or part of the meeting: Jerry Shepherd, Jim Taylor, Dean Retz, Cheryl Liedle, Dave Rau, Jeff Erickson, Chris Ries, Jodi Hill and K. Paul Stahl.

Pledge of Allegiance. (Everyone recited the pledge)

Chair Varone: At the front of the room is a roster if someone would start passing around the sign up sheet and also an agenda. The first item we're going to address is actually number six on the agenda, it's a State of Montana Quit Claim Deed.

Resolution to Adopt County Growth Policy.

The Commissioners will consider the resolution.

Chair Varone: It reads, resolution to adopt the proposed update of the Lewis and Clark County Growth Policy Comprehensive Plan. Commissioners?

Commissioner Murray: Madam Chair, I'd move the resolution to adopt the proposed update of the Lewis and Clark County Growth Policy and authorize the chair to sign.

Commissioner Tinsley: Second

Chair Varone: Discussion

Commissioner Murray: Discussion

Commissioner Tinsley: Madam Chair, I'd like to make a motion that we in the plan, I had too much coffee this morning so I can't think of the work I'm looking for, but be consistent with our wording regarding the term transition, transitional and transitional planning areas and simply use the definition that's in the glossary, use the title that's in the glossary transitional areas throughout the plan and just have staff make those changes as necessary.

Commissioner Murray: Second

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries.

Commissioner Tinsley: Madam Chair, I'd like to make a motion that we add into our section 3 implementation strategy and we could do this in one of two ways, but I'd like to first make the motion and get some discussion add into the implementation strategy discussion on a cost of services study, cost of community services study for the County and a build out analysis for the County and I'll leave it at that and we can amend that as needed per our discussion. Does that make sense?

Commissioner Murray: Second.

Chair Varone: Discussion

Commissioner Tinsley: Discussion. Well, we can do one of two things in my mind. We can allow staff to just put the language in there or I kind of scratched out some language and I'm not sure this is the place it would fit but this is where I thought it would fit would be implementation page 3.5. I'll let you all get there; it's the first bullet on that page. It's the bolded bullet on that page, it's the third actual third paragraph that you see there and right before the last sentence in that word starts Lewis and Clark County will ensure, I thought of putting something like the County should conduct a cost of community services study and a build out analysis both of which will provide critical information for the implementation of the County wide planning process. The County should conduct a cost of community services study and a build out analysis both of which will provide critical information for the implementation of the County wide planning process.

Commissioner Murray: Madam Chair. Commissioner Tinsley, What's that mean?

Commissioner Tinsley: Essentially when we were at the Sonora Institute sponsored, co-sponsored by MACo, our County was asked to put together some priorities for our County regarding the future of the County and land use development and two of the top of either three or five items we discussed and all agreed on were putting together a cost of community services study which basically goes through and it's a study, there's a formula for it that the Sonora Institute and MACo will assist in conducting and they'll also provide some funding, but basically gives us an idea of what the cost, what the cost of different types of land use changes are in the urban transitional and rural areas and the build out analysis is simply a formula that's been developed, formula that's been developed on a computer where we can go out and put different scenarios into this model and show up if we do 'a' what the County would look like, if we do 'b' what the County would look like, etc. and that too is assisted by the MACo and Sonora Institute.

Commissioner Murray: Madam Chair, Commissioner Tinsley. In the build out analysis, you're not trying to limit the use of land that individuals now own throughout the County?

Commissioner Tinsley: Not in my mind, absolutely not. What it will do is give us as many different scenarios as we would like to see, given certain factors that are put into the formula. If you put a formula of more ag land less development it would show you what it would look like, if you put in equal retaining some ag land but doing more development it would show us what it would like, and basically give us a visual representation of what parts of the County or the County as a whole depending on how you formulate your analysis will look like given certain scenarios and it, I think it's a good tool that will allow us to figure out where we want to be in certain parts of the County, when we're making land use decisions.

Commissioner Murray: Thank you.

Chair Varone: Any further discussion? If I could just add on to that a little bit. When they did the demonstration at the Sonora Institute about how that works, if I need to convince you, it, I believe it is a valuable tool for us to be able to use and I didn't view the software that was written as something that was limited or something that was just environmental it was a scientific tool that's been established and there were a lot of examples that were used. But I do like the word 'should' because I don't know what the cost associated or what the amounts of money are, how much it's going to cost us, so.

Commissioner Tinsley: I put that in there for you.

Chair Varone: Thank you.

Commissioner Tinsley: Madam Chair, Commissioner Murray, does my proposed statement makes sense?

Chair Varone: The language sounds sufficient to me.

Commissioner Tinsley: Then I would amend my original motion to include that language in that particular spot.

Commissioner Murray: I'm agreeable with that.

Chair Varone: Any further discussion?

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries.

Commissioner Tinsley: If anybody has any more that would be fine. I think I've got a couple more I'd like to look at, but.

Chair Varone: Why don't you go ahead, because I have a few from the comments that we received that I'd like the Commission to consider as well. So why don't you go ahead through.

Commissioner Tinsley: Okay, if you'd just indulge me for a moment. Got all these papers on my desk here. There was a discussion put forth by Plant Helena and if you have the Plant Helena comments, it was on page 3 of 5 and it was regarding page 313 and there were two points on 313 I wanted to bring up, one of which I am sure I would like to include and the other one I just want to throw it out there for discussion. In the initial paragraph under neighborhood planning, the very first paragraph, the suggestion was made to add the following sentence to the very beginning of that paragraph, 'neighborhood plans must be prepared in conjunction with the neighborhood residents and property owners in the affected area' and I don't think it was something we specifically left out I think it was just something we overlooked and I think it would fit well in that paragraph because it basically just says we're going to work with all the local residents and property owners in any given area, so I'd like to make a motion that we include that paragraph, or that sentence in that paragraph.

Chair Varone: Do I hear a second? I'll second it. In fact, that was one of the areas that I also wanted to include and that was very thoughtful of Plant Helena to add that in because that was my intent, so any further discussion.

Commissioner Murray: Yes. (unknown) a bit more ambiguous than the woulds and coulds and shoulds throughout the plan, what constitutes a neighborhood? Neighborhood plans must be prepared in conjunction with the neighborhood residents. Is a neighborhood a block, is it a mile, you've got ambiguous wording here that a mile away could be considered part of the neighborhood.

Chair Varone: Commissioner, the implementation strategy on the following page says that a neighborhood is a minimum of 640 acres in size.

Commissioner Murray: I understand a minimum, it's the maximum that concerns me with, I could agree to it if you can define what a maximum neighborhood is.

Commissioner Tinsley: Madam Chair, Commissioner Murray. This may help, because I thought about the same thing and I went to the glossary and looked it up and there is no definition for neighborhood and I don't think we can sit down and specify one, but this comes as close as you can come I think and this may help. Neighborhood plan, a plan developed for particular geographic area within the County, typically including the active involvement of area residents. So I think, I don't know that you can necessarily define a specific, define a neighborhood as a specific size, but what you can do is define it in the sense of folks who live in an area that's a geographic area and are active and involved in putting together a process, I think we can come as close as we can come to calling something a neighborhood and perhaps neighborhood isn't the correct word, but I think it's the best thing we have right now.

Chair Varone: and I'll agree with Commissioner Tinsley and I think that's a point where if it becomes a need, the Commissioners will decide what the neighborhood is.

Commissioner Murray: I remind Commissioner Varone that they're using the must word.

Chair Varone: and that's been used regularly by both the planners and by the planning board and you (unknown) and I've wanted to change it to should or may and you've insisted it be shall or must so I'm just following what you've done in the past.

Commissioner Murray: Well I appreciate you following what I've done; you're inconsistent with what you've done throughout the plan.

Chair Varone: As I

Commissioner Tinsley: Oh now, now let's be civil.

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: You're a piece of work.

Commissioner Murray: When you're caught on an avalanche, you might as well go with it.

Commissioner Tinsley: Swim with the flow.

Commissioner Tinsley: Madam Chair, I want to toss this one out for discussion. Another point was brought up and may have, and we may even want to ask Jeff about this I don't know, it was pointed out that we have used the word special, okay I'm sorry on the same page in the shaded in paragraph that begins 'typically completion of a neighborhood plan', if you go down to the one, two, three, fourth sentence it reads the relationship between neighborhood plan and specials zoning district is similar in some respects, and I think the contention is and it's a good that it was pointed out, we have not identified anything or defined anything as a special zoning district, I think that may have just been a term that we used or the planning board used in putting it together and I don't know if it's a word that needs to come out or if it fits with what we have defined in the glossary or what. I'm comfortable either way, but if it's something we need to fix I think this is the time to do it, so, I'm not making a motion, I'm just pointing it out.

Chair Varone: I had that marked as well and Jeff what's your position on that? Do you know what we're talking about? It's Plant Helena page 3 of 5 and it reads second paragraph, fifth line, 'the relationship between neighborhood plan and special zoning district is similar and if we crossed out the word special' and he goes on to say, he says 'Title 76 Chapter 2 Parts 1 and 2 of the MCA uses the terms planning and zoning district and zoning district respectively and it would be better to simply use the term zoning district and define it as being formed under either part one or part two. The County should continue with this policy of using primarily part two County initiated zoning and working with the planning board'. It think what he was trying to do is he was just trying to make a consistency there. What you're, do you have any thoughts on that and any recommendation?

Jeff Erickson: Madam Chair, I believe that the word special is in the statute in the section that deals with zoning districts, so, I guess my recommendation probably would be to leave that word in there.

Chair Varone: Thank you. Commissioner Tinsley?

Commissioner Tinsley: That's good for me.

Chair Varone: Good for me. Good for you?

Commissioner Tinsley: Again there was a, I like the language that was suggested to kind of clean up the language that we actually had in the document. In item 3.18, I mean on page 318, item 5 basically what they suggested in their suggestions to reword the sentence to make it a little bit easier to read and understand,

page 318 5 reads 'work with the Montana Department of Transportation to establish a process to limit access to arterials to protect capacity and restrict development' and essentially what it looks like they did to me is was took the first sentence and put it at the end after our comments that 'establish a process to limit access to arterials to protect capacity and restrict strict development working with the Montana Department of Transportation as appropriate', and me being the non English scholar, or non scholar, the English language as you point out to me so often in our debates, the rationale was this will clarify the phrase as appropriate and modifies it for as working with Montana Department of Transportation and the main idea is to establish a process to limit access so this should come first so it just seems like it makes it a little more easier to the average person I guess.

Chair Varone: Is that a motion?

Commissioner Tinsley: That's a motion.

Chair Varone: Do I hear a second?

Commissioner Murray: Second

Chair Varone: Discussion. When I first read this, my comments on my paper were to say no because Montana Department of Transportation makes that decision, but they'll make that decision on their roads and so the modification that Dick I think wrote it clarifies it and I think it is appropriate. Any further discussion? All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries

Commissioner Tinsley: Madam Chair, I only have one other one that I'd like to bring up and again I'd like to bring it up as an item for discussion not necessarily a motion just yet. Page 329, item 'M', the final reads 'provide effective and statutorily required public notice and pertinent documents at least one calendar week or seven days in parenthesis before each public hearing' and I won't read the rest. The suggestion was made that seven days notice of land use decisions is not adequate. When we first started this, I agreed and then I read it again and it appears to me that because it says 'at least' it gives us a minimum standard and not a maximum, so I don't know if this needs to be changed, the suggestion was made to change it to at least fourteen days before hearings and documents and at least seven days before hearings, but I just want to toss that out there and see if it's something we may have overlooked and need to correct.

Chair Varone: Commissioner Murray do you have something in response?

Commissioner Murray: Yeah, I oppose it do to the time restraints we're now under. Ideally I certainly support as much notice to the public as possible. The problem we have will come out in one of the hearings today where if we don't reach a decision we have to ask the applicant to extend the statutory deadline today. Given the statutory deadlines that we're now under, we're against the wall all the time and quite often don't allow ourselves enough time to work these land use changes and that's the reason that I believe that seven days is a notice that we have to stay with. If we can give the public more notice that certainly ought to be a goal, but to put ourselves under a deadline that we're having trouble meeting half that deadline doesn't seem reasonable to me.

Chair Varone: and I'd agree with Commissioner Murray if we have two or three more planners and their workload wasn't so heavy, that might be an appropriate time frame, but it's just not possible for them to get all their work done and I see Michael in the back raising his hand, while I'd like to have the fourteen days as well, I just don't think it's achievable. Michael?

Michel McHugh: If you had a fourteen day deadline, currently we're doing summary reviews on under twenty-one day review period, if we had to have the staff report out fourteen days before the public hearing that would only give us a week to obtain comments and prepare the staff report, do the site visit and it's not

practical and now on your major subdivisions it takes an awful lot of time to review the information, go back to the source that provides it, you know clear up unclarified points so the staff is working under you know these deadlines and it's pretty tough you know just from my point of view.

Chair Varone: I agree. Thank you Michael for the information. Any further discussion? Are you okay with that? Did you have anything else? Commissioner Murray did you have anything?

Commissioner Murray: I have general comments, not specific changes so I'll wait.

Chair Varone: I would like to move on with Plant Helena's recommendation if we could go to the glossary there are a couple items that I'd like for the Commission to consider. The first one is on page 405 and it's item number 4 and the definition for 'appropriate', now reads 'an act, condition or state that is considered suitable' and what they would like to do is add the, for clarification, 'for a specific situation by the BOCC' and I'm asking that one of you make a motion to add that, I think it does clarify their definition of the word 'appropriate'.

Commissioner Tinsley: So moved

Commissioner Murray: Second

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: and the second one also says they would like to add a definition for 'development permit' and 'development standard' the rationale are these are key elements of the implementation strategy but are not clearly defined and I would like to ask for the Commission to consider those definitions and ask that if it's approved that the staff put together a definition as appropriate.

Commissioner Murray: Madam Chair, if you're going to request this I also suggest that we may want to add in the plan development right with remaining property there is inheritantly a development right and, where is it?

Chair Varone: It says 'the right to own one residence or commercial operation per parcel of land' so

Commissioner Murray: It says, but where?

Chair Varone: Oh, in the glossary on page 4, glossary 4-5.

Commissioner Murray: Okay I stand corrected.

Chair Varone: So if you'll agree then we need a motion

Commissioner Tinsley: So moved

Commissioner Murray: Second

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: and then also for discussion, if we move to the front of that document on page 205, general statement but then he speaks to it throughout the document and I'd really like to discuss this. It says ' the growth policy uses three terms for the same concept, transition areas, transitional areas, transitional growth areas, since this is such an important concept and designation, use the same term consistently transitional is the adjective form' and I'd like discussion from the Commission about that and also from Jeff to see if he thinks there's a problem with us interchanging those terms.

Commissioner Tinsley: Madam Chair, point of order, I think the very first one that I

Chair Varone: You did that, is that what you were referring to?

Commissioner Tinsley: We did that already, yeah, that was the very first one we did and we voted, and if it's not right we can change it, but we voted to be consistent and use the term transitional area.

Chair Varone: Okay

Commissioner Tinsley: throughout the document.

Chair Varone: Okay.

Commissioner Tinsley: I think it is appropriate

Chair Varone: and then there was, we also received a comment from a Lisa Olson and she talks about the planning areas and about in the middle of the paragraph it says ' in the action item B1 states the County will work to ensure the Canyon Creek/Marysville area has adequate fire protection however, in all other planning areas the wording is the County will ensure that new subdivisions are provided with adequate fire protection.' She says that this implies that all of the area would have adequate fire protection where in other areas only new subdivisions would, she's asking for consistency there and I would like the Commission to consider consistently (unknown) throughout the document.

Commissioner Tinsley: Madam Chair would you reference the page that we're on.

Chair Varone: It's not a page, it's this, it's a comment.

Commissioner Tinsley: What she is talking about?

Chair Varone: Oh, I don't have the

Commissioner Murray: It's actually Madam Chair signed by David Olson.

Chair Varone: Oh it is, David Ray Olson. And I agree with the comment and think that it should be consistent.

Commissioner Tinsley: It's B1, is that right?

Chair Varone: Correct, action item B1 states the County will work to ensure the Canyon Creek/Marysville

Commissioner Tinsley: It's on page 2-24, I think I found it. Yeah.

Commissioner Murray: Madam Chair, I'd like to remind you this is the chapter as we've come to call them that is the Canyon Creek/Marysville Chapter because we allowed six different chapters in this plan, I don't think this is inconsistent, it's a priority for Canyon Creek/Marysville in their chapter.

Commissioner Tinsley: Madam Chair, Commissioner Murray. I believe, I just believe Mr. Olson misread the document because I don't see where he is coming up with that, I somewhat understand his argument that he's making but I don't see how he got to that point.

Chair Varone: So both of you feel that it's fine as written?

Commissioner Murray: Madam Chair, I feel it takes away the uniqueness of the neighborhood or community chapters if you make them all vanilla. They each have their own priorities and uniqueness.

Commissioner Tinsley: I guess what, Madam Chair, Commissioner Murray, what I was saying is I believe, Commissioner Murray makes a good point, we relied on the citizens of each of these different communities to come up with what they thought was best for their community and in my opinion this includes and new subdivisions as well and if that's the point he's trying to make I don't think it excludes him by any means. I think it's just the wording is different the way Canyon Creek/Marysville folks came up with their action items. I'm fine with it the way it is.

Chair Varone: Okay. Alright. Thank you very much. Just lastly I'd like to read something that, and I know it's going to be on the record but I'd like to read it publicly and it came from Mr. Taylor from Technec. It's very short but I think it needs to be food for thought in the future. It says, it's the last part of a four page letter and he says 'the previous discussion is an expression of engineering logic founded in years of experience. It has become more the rule than the exception that engineering logic will collide head on with public logic and the (unknown) always comes out on the losing end. Public opinion drives growth decisions and this is evident in the draft growth policy. My concern is that public opinion is expressed by only a very small majority. Consider that only eight or nine people showed up at the Thursday hearing, .016% of the County population. Election of County Commissioners is generally achieved by about 5% or 6% of the County population. While there may be a multitude of reasons or excuses why the largest majority of residents don't appear on the radar screen of governance, the fact remains that they are governed by this Commission and will be directed by this growth policy and by the regulations that will follow for better or for worse. Food for thought, but the only point I would like to make in this respect is that public opinion and the public itself change. The individual who very (unknown) tries to preserve his five acre rural tract and live life today, may be replaced with an individual who has a completely different outlook tomorrow'. And then he goes on to talk about the forty million gallons of water that are available and he says ' the sewage runs down hill from the North Valley and from the City to the low point in the Valley will not. That infrastructure construction will be less costly in areas with less congestion for a lot change. Although the extent of our decongestion and of underground utilities and obstructed right of ways will change. There is an engineering logic that speaks to efficient and cost effective delivery of services. (Unknown) on the same side of the fence as a public that wants the same but not in their neighborhood. There needs to be within a policy that directs growth a balance of both types of logic and an acknowledgement of the vast majority of silent County residents rely on this County to do what is best for them'. I thought that was eloquently written and I just wanted to read that part in to the record and I Thank you for you letting me do that. Commissioner Murray, you said you had some comments.

Commissioner Murray: Madam Chair. I want to start with the comment that while I don't disagree with Mr. Taylor except in the second paragraph, as an elected official, we're elected by more than five or six percent of the County population so Mr. Taylor and his numbers are certainly incorrect with what you've read into the record, but I agree overall with his point.

Chair Varone: Well I believe, I was elected by I think about 27% of the folks that are the voting public, but I think he was talking about the full population.

Commissioner Tinsley: Madam Chair, Commissioner Murray. For the record, the full population's not eligible to vote either.

Chair Varone: So noted.

Commissioner Murray: We can beat this to death. We received comments from a Mr. Norman Mullen who talks about our alternative transportation plan that supporting building out as we develop new streets or thoroughfares in the Valley to (unknown) for bike, bicycle accessibility and safety as well as he speaks within the City of Helena. So his comments are not, I think he made valid comments but I think they belong in the transportation plan that we're now developing and I would suggest to the Commission that we forward these back to planning to be incorporated in the, or at least reviewed as part of the transportation plan.

Chair Varone: Consensus. For consideration not inclusion necessarily but for them to make the determination.

Commissioner Murray: Yes, Thank you. I also wanted to acknowledge Vivian Drake's comments. While I agree

with her on her signage comments about Bob's Valley Market in the Valley, the County lacked authority and until we implement our growth policy we continue to lack authority to limit the height and obnoxious nature of signs in the Valley or elsewhere in the County. Also, I think she strays off the growth policy document in that she talks about a subdivision that was approved next to the market between that and the Grub Steak Restaurant. One of the things we do is rely on our environmental health division as well as DEQ to provide for adequate septic drainage and I don't disagree with her comments about the harsh nature of commercial wastewater, I don't believe the comments need to be incorporated in this document rather they're better served being perhaps included in zoning if that's what the neighborhood wishes or leave the decision on what how wastewater is best treated up to the experts, DEQ and our own environmental health section. Madam Chair, as one that voted for and supported the original growth policy document, I think the changes that we have made and the additional time we've spend in the hearing that we've gone through have provided the residents of Lewis and Clark County with a better document than we've been able to live under the past two years so I want to acknowledge that you have the charge to rewrite this against my vote, but I'm happy to say that we now have a better document and I want to acknowledge your efforts in this.

Commissioner Tinsley: Stop the presses.

Chair Varone: Thank you Commissioner. I want that in the paper. Just kidding. Just kidding.

Commissioner Tinsley: Madam Chair, Commissioner Murray. Very quickly I want to say this is a, this is probably the biggest thing that as a new Commissioner that I've worked on and it was a long, long, long tedious process and I hope we don't have to do it again for a while. But it was, we had some really good debates, really good battles, sometimes we got mad at each other, I think that comes when you have differing opinions and people working in the same office but it's healthy for the process and I just want to say that we regardless, we all probably have things in here that we don't like, but we all came to an agreement and I believe, we'll see in a minute, but it was a good process and it was a very good introduction in to how the process can really work for a new Commissioner and I just want to say that and number two I want to say to particularly Jeff Erickson sitting out in the audience, he's read this document more than any of us put together, he has been through it time and time again when we come up with goofy little changes that we want to make and of course we had to give him some more today so he's going to have to go through it again, but you did a great job on it and I just wanted to acknowledge your work and you deserve a good pat on the back from everybody and I think that's it.

Chair Varone: Okay, before we vote I just have a couple comments. I want to thank the Commission for this arduous process that we went through and the planning board and all of those private citizens and members of Plant Helena and Montana Growth Coalition who worked so hard on putting this information together. I said it at last weeks meeting but I need to say it again. We came up with some recommended changes, we agreed to them and we moved the document into the planning board for consideration and I need to commend them, it was a huge long complicated document and they read every word and as often as not they may have agreed with what we wanted to say they came back to us with language that was recommended that made the document even better. I want to thank them for that because they took our recommendation seriously and they really did try to make it better and I think it is too. My only concern right now is again with size, I just want show you something, I'm going to vote for it, I think we need to vote for it, but I want to give you an idea of other growth policies that are new to us and sort of close in size. This is Jefferson County's growth policy. This is Broadwater County's growth policy. This is a combined growth policy of Yellowstone County and the City of Billings. This is volume three of our growth policy. This is volume two of our growth policy. This is the executive summary, which makes sense of these two documents, which is why we vote. I just want to let you know just in figures just to show you the difference in the size of three counties, oh and by the way if we were going to add the City of Helena like Yellowstone County did, that's their growth policy. The population combined of Jefferson, Broadwater and Yellowstone is about 145,000 people. Lewis and Clark County is roughly 56,000 people, so this pile here is three times larger in population than this is and Yellowstone County alone is $2 \frac{1}{2}$ times larger than our County. When you talk about square miles if you're taking a look at roads and those kinds of things, Jefferson, Broadwater and Yellowstone County have 5,487 miles of roads or square miles. 5,487 square miles in these three counties. Lewis and Clark County has 2,011 square miles, or 3,476 square miles so these three counties have 2,011 more miles than this County alone. My concern is with the size of the document and how these other counties can be successful including Yellowstone and the City of Billings and

why we had to be so wordy I guess and my concern is in the future it's going to catch up with us from a litigation stand point.

Commissioner Murray: Madam Chair, I want to point out to you that when you allow citizen participation as well as encourage citizen participation you're going to have a wordier document to incorporate citizen wishes. If you look, although Broadwater or rather Jefferson County is considered a growth County, if you look at the number of subdivisions we handle in a year versus what Jefferson County handles in a year, we're two to three times more subdivisions although we're not as an urban County we're not considered a growth County although it's a voluptuous lengthy document, I think it's a well developed document. At no point in our document was the, have we asked the City of Helena nor they asked us to incorporate into a single document and that might be a goal for the five-year rewrite for this document, so the fact that it is massive I think it reflects that we've incorporated suggestions from every citizen that's willing to come forward and work with us in our document.

Chair Varone: Thank you for your comments Commissioner Murray, I appreciate that. I also understand that Yellowstone County and City of Billings did the same thing and they were able to do it in many many fewer words and I think their going to be safer from a litigation stand point than we are, I don't think they followed any different process than we did and I used the City of Helena's growth policy just as an indication of the size of the volumes compared to the other three counties, so that's been one of my main contentions and I just wanted to for the last hoorah to make my point and if, if you have anything to say before we vote?

Commissioner Tinsley: Very quickly because I know we want to get this on. I want to remind my fellow Commissioners that as the legislature pointed out or actually passed this last session, this is not a regular toy document so I'm not too afraid of the litigious folks out there that would like to come attack us from all angles on what we have or don't have in that document. In my mind, it's an owner's manual for the County and if we follow this owner's manual we're going to have a lot better County as much as we would if we followed the owners manual for our car. It's a guiding document. It gives us an idea of where we want to go as a community and how we're going to get there, so I'm not too afraid of lawsuits in this document. Thank you.

Chair Varone: Thank you Commissioner Tinsley, I appreciate that. In the future I'd like consideration too that we work with the City and come up with a mutual document, I think that's the wave of the future and at a minimum I'd like to see us adopt the executive summary which is about the same size as Yellowstone County and City of Billings that's basically what we're going to be using anyway. All those in favor of adopting the resolution to the proposed update of the Lewis and Clark County Growth Policy Comprehensive Plan, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries. Thank you very much Commissioners. Do you want to take just a short break? It's ten of ten; we can do it at 10:00. There is one thing that I neglected to do and meant to do with the Growth Policy was have a discussion about the mapping for land use and the Commissioners informed me at the Lincoln Meeting that I was unable to attend because I was out of, or I would have been out of town anyway during the meeting, they informed me that they had asked staff to take a look at the land use areas and the transitional and urban areas and what we're going to do just for information and purpose for the record is take a look at those maps and amend them and that will happen at a future date. Thank you Commissioners.

Proposed Subdivision, Summary Review to be Known as Griffin-Davis, Lot 7 Minor. (Applicant, Pam Kroll) (Planner, Frank Rives)

The Commissioners will consider creating a double-fronted lot in the Griffin-Davis Subdivision into two lots. The proposed subdivision is located in the NE1/4 of Section 24, T11N; generally located north of and adjacent to Bonner Road, south of and adjacent to Lincoln Road, and east of Applegate Drive.

Chair Varone: I don't see Pam Kroll in the audience, Chris? Chris are you the representative for Pam Kroll?

Chris Ries: Chris Ries, 6850 (unknown) Drive, yes, Madam Chair, Commissioner Tinsley and Commissioner Murray. I've been asked to represent them and Melvin Kroll is her dad who owns the property and she is the

power of attorney and executor of his estate and so forth, he isn't quite dead yet I don't think but we'll see. Excuse me, that's not supposed to be on public record.

Chair Varone: Before you leave, you've had an opportunity to read the report.

Chris Ries: Yes and we're in total agreement, we're in full agreement with the staff report.

Chair Varone: Okay, thank you very much. Frank.

Frank Rives: Good Morning. This is a vicinity map of the Griffin-Davis subdivision showing the proposed, it is Winter again so I've got my bronchitis back, I know Commissioner Murray has threatened to forcefully commit me if I don't get better. This is a site plan for the proposed subdivision; there are existing two trailers on the property. You should have received a memo from staff addressing comments from the address coordinator, just to make the point both of these trailers actually have a Bonner Road address, although the proposed lot, lot 7A has access on Lincoln Road so it was the recommendation of the Address Coordinator that there be an additional condition of approval which requires the applicant to change the address to a Lincoln Road address to be determined and install an address placard. This is a photograph of the lot, this is the trailer which has frontage on Lincoln Road, Lincoln Road would be approximately there and then into the rear here is the trailer which accesses Bonner Road, 240 Bonner Road, 242 Bonner Road. That's just another photograph looking towards the North and of course the 242 Bonner Road is right there. The applicant proposes to divide a double fronted lot in the Griffin-Davis subdivision into two lots, each lot would be 1.22 acres in size. As I mentioned there are two mobile homes on the property, one with access on to Lincoln Road, one with access on to Bonner Road. Both trailers have individual wells; individual wastewater treatment systems and utilities are present. The soil-mapping unit identified on the property is gravelly loam; this is not classified as prime soils or of any statewide importance. The property is surrounded by (unknown) and undeveloped residential lots. There are no irrigation facilities, no agricultural (unknown) or agricultural easements on the property. The soil-mapping unit identified on the property has severe limitations due to its poor filtering capacities however; both wastewater treatment systems are on, already in place and in operation. The property draw of the lots have well which draw the Spokane formation out in front. The wells are about 109 feet in depth and yield about 20 gallons per minute. Essential utilities are in place and adjacent both lots would have legal and physical access and all lots within the Griffin-Davis Subdivision are participants in the Applegate South Rural Improvement District and creation of additional lots would result in additional revenues because these assessments are based on a per fee lot and the property is located within the Department of Natural Resources and Conservations North Hills Temporary Ground Water Control Area and any new wells in the area would be required to show adequate water availability prior to issuance of a water right however both wells are already in place. The property is in the West Valley Fire Department; currently there are two water supply sources in close proximity to the property. The West Valley Fire District is requesting a fee of \$500 per additional lot for improvement of water supplies in the fire district and a fuel modification plan to be reviewed and approved by the West Valley Fire Department. A copy of their comments was included with a staff report. Implementation of a five-year weed management plan would be required. There are the typical effects on public health and safety; there are no flood plains or unstable slopes on the property. The Scratchgravel Fault is located approximately $\frac{1}{2}$ mile West of the property and the Northwest Valley fault is located approximately $1 \frac{1}{2}$ miles from the property to the North. Risk to fire, earthquake hazard can be mitigated by the compliance with uniform building codes for seismic zone 3 or in this case the applicable State standard. The Griffin-Davis subdivision was created without subdivision review and many of the lots have double frontages at the time of creation. Over the years we've, these lots have been further subdivided to eliminate the double frontage section 10-A68 show the County Subdivision Regulations prohibits double frontage lots therefore, dividing lot 7 would bring these, this lot into compliance with the County Subdivision Regulations. As I mentioned before it is the recommendation of the address coordinator that the lot having access on Lincoln Road have a Lincoln Road address and then an address placard be installed. And it is staffs recommendation to approve the proposed subdivision Griffin-Davis Lot 7 amended minor subdivision subject to the findings and nine conditions which are contained in the staff report and the accompanying memo. That concludes my remarks.

Chair Varone: Thank you Frank. Questions?

Commissioner Murray: Madam Chair, Commissioner Tinsley. Frank, what's the purpose of this subdivision? Is it

to bring it into compliance because it has two trailers; is it for the purpose of sale?

Frank Rives: It is my understanding that it is the purpose of sale that, there was no action by staff to bring it into compliance it was an action taken by the applicant to subdivide the lot.

Commissioner Murray: Madam Chair, Commissioner Tinsley. If we agree with the address coordinator we'll be putting further safety risks on Lincoln Road with delivery of mail will we not? Wouldn't we be better requiring both to have an address on Bonner Road rather than Lincoln Road, there's far less traffic on Bonner than on Lincoln.

Frank Rives: Mail for the Griffin-Davis subdivision along Lincoln Road is now delivered from a mailbox bank at the line of mailboxes on Lincoln Road, I'm not sure whether or not this parcel receives their mail from, at Lincoln Road or I know they don't receive it off of Bonner Road because there is only one mailbox at Bonner Road, but it is the recommendation of the address coordinator for purposes of public health and safety and emergency response that that parcel have a Lincoln Road address.

Commissioner Murray: Thank You. Commissioners at some point, I think we need to get a neighborhood cluster box on Lincoln Road for safety but since the State controls Lincoln Road perhaps it's not our problem.

Chair Varone: Commissioner Tinsley do you have any questions?

Commissioner Tinsley: Commissioner Murray, Madam Chair. Commissioner Murray kind of asked what I was wondering, what my question was. How long has there been two trailers on this one lot? And the other thing was you pointed out in your presentation and it's in our book or packet as well that this particular didn't undergo subdivision review, if you would just give us a couple quick comments on that, explain that a little further.

Frank Rives: Madam Chair, Commissioner Tinsley, Commissioner Murray. The Griffin-Davis subdivision was platted prior to 1973 I believe, I used to know the date but it's slipped my mind, it was when it was created it was not created, it was created to prior to the County Subdivision Regulations. I'm sorry, what was your other question I'm sorry. I've forgotten. Oh, how long have the trailers been in place? I'm not sure how long the trailers have been in place, I don't have an answer for that question.

Commissioner Tinsley: Madam Chair, Commissioner Murray. Because this subdivision was created prior to the Subdivision and Platting Act, does that mean that they didn't have to comply with one development per lot or per (tape ended)

Frank Rives: (tape starts) why I don't know. Probably to open up the possibility of future subdivision, but I can't read their minds, I believe it was sometime ago that it was approved by COS.

Commissioner Tinsley: I understand. The thing that concerns me and we've run into this in the past, it's not as big a problem as it could be I guess, or perhaps it's not as big a problem it is a big problem we just don't know about it is this business of coming in after the fact, you know going ahead and doing what you want and then coming after the fact and asking for permission to do what we already did and it just doesn't sit well. I understand it happens but that's the point I was trying to make I guess.

Chair Varone: Commissioners. Frank if I may, I was concerned about that too, but I have some additional questions. Is there an easement or a right a way so that back lot will have access to Lincoln Road and if we really are going to do the right thing shouldn't we require that that back lot to access Bonner rather than Lincoln if we're going to do it, why don't we do it right and have their driveway, in other words we have a road there, it's a road, so two people using the access Lincoln Road and it seems to me that the front lot on Bonner should be accessing their property from Bonner and not from Lincoln.

Frank Rives: Madam Chair, Commissioner Tinsley, Commissioner Murray. The second, each of the trailers accesses a different road. The one to the North accesses Lincoln Road, the one to the South addresses

Bonner for accesses.

Chair Varone: So it does come off from Bonner?

Frank Rives: Yes, and the one along Bonner receives their mail at a mailbox on Bonner Road.

Chair Varone: Okay because from your pictures you showed us it looked like it was a lane that went to both trailer houses, but it does not.

Frank Rives: No, it's open land in between those two parcels.

Chair Varone: and then I just had a couple, Commissioner did you have a

Commissioner Murray: Excuse me Madam Chair, but the recommendation of the address coordinator is to have both of these access Lincoln Road still leaving the approach onto Bonner Road which would then require a variance wouldn't it because it's a double fronted lot to follow up on the line you were going after.

Frank Rives: Madam Chair, Commissioner Murray, Commissioner Tinsley. I don't believe it is the opinion of the or the advice of the address coordinator that they both access Lincoln Road, I believe he just wants that the parcel probably lot 7A access Lincoln Road and having a Lincoln Road address, it already accesses Lincoln Road as a parallel as a driveway that meets into a parallel driveway that then meets into a shared accesses on to Lincoln Road so it would just be the address coordinators recommendation that the Lincoln, that the trailer that accesses Lincoln Road have a Lincoln Road address.

Chair Varone: I think I understand what Commissioner Murray is saying, in the recommended, looking at the recommended, are you looking at the condition of approval language? Is that, because it is confusing the applicant shall apply for a change of address for lot 20, or for lot 7A from 242 Bonner Road to an address on Lincoln Road and install one address. So we're just talking about that lot, the second one will retain the Bonner address and it does have a Bonner driveway.

Frank Rives: Yes mam.

Chair Varone: Okay. And then my other questions had to do with and I realize these are really small lots, but I am going to be asking later on for the Commissioners to consider an additional of approval for prohibition of livestock on the property just to comment and I know that that's getting to be kind of old but I think it's important and then also there's an indication that condition of approval number five talks about \$500 payment and while I was sick and then on vacation for a week I know there was going to be discussion and do we need a discussion to take place on the \$500 increase while I was gone. Was there any discussion? Because initially what we talked about is Chief Shepherd coming back to us with some information and then additionally we talked to Ron and it was Ron's recommendation that we wait until after the adoption of the fire regulations to make, to have a consistency and this goes out of that consistency language and if that's the case I'm going to ask that that be moved back to the \$200 that they usually ask for.

Frank Rives: Madam Chair, Commissioner Tinsley, Commissioner Murray. I believe that Chief Shepherd can address this better than I, but I believe he submitted a letter to the Commissioners, it's also my recollection that at a Commission meeting that you were not in attendance that he spoke briefly on his justifications for the for the increase but I think I should probably leave that to Chief Shepherd to elaborate.

Chair Varone: I was there and the Commissioners were concerned, we didn't believe there was enough justification for the tremendous increase and so there was some minimal discussion that took place and you

Commissioner Tinsley: I was not at that one.

Chair Varone: Okay. Are there any further questions? Mr. Ries do you have any comments before we open the public hearing?

Chris Ries: Yes. Madam Chair, Commissioner Tinsley, Commissioner Murray. First off yes this subdivision was filed before 1973, but it was, it did go through subdivision review, the Commission of the County did approve the subdivision at it's time and then secondly too the mailboxes on Lincoln Road as far as my knowledge and so forth there is new turnouts that they have placed on Lincoln Road for cluster boxes along that North side so I believe there is adequate room for this lot 7A and also to clarify, lot 7A will be accessing off of Lincoln Road and lot 7B will be accessing off of Bonner Road and if we had forced both to access off of Bonner than we would have to build a new road and so forth and it really is just cost prohibitive for my client plus it would obviously disturb more ground and so forth. And than also, if you recall about a month ago, you had looked at Brady VanLeeks(?) two lot minor subdivision which was just down the road, and remember the nitrates were an issue, since than I have acquired a nitrate analysis that comes back very good 1.5 and I did provide that to Frank so if you guys would like a copy of that or I have them right here I can give that to you guys, actually I'll submit that. I believe that's everything for now.

Chair Varone: Thank you very much Mr. Ries. This is a public hearing, anyone wishing to speak in support of and opposition to, please come forward and for the record state your name and address.

Jerry Shepherd: Jerry Shepherd, Fire Chief for West Valley Fire Department 4345 Cougar Drive. Before I start talking about the \$500, I'd like to bring up another comment. I have been to this trailer house and I guess I would have concern and a question to Lincoln Road. It currently does not have access to Lincoln Road, you have to access the lot to the East of it and come in that driveway and then run along a parallel road that I'm not sure they have the right of way for, so that would be the other thing I, that's fine with me that it accesses Lincoln Road, but I think it's something that the County should look at because it does not have good access. Basically what it does is it accesses this lot from the lot next to it, which is owned by Melvin Kroll, I have gone to Melvin Kroll's house several times because he is very, he is not feeling well, he is a diabetic, so that would be the comment that I would like to make as far as physical access to Lincoln Road and so it truly had a Lincoln Road access it does not have one now. The other comment I would like to make is on the \$500 and I thought I had explained it when I talked to you before, the only thing that I was missing and you had asked for was an explanation of how we would, if I collected \$500 how we would give this to somebody that had a water source next to it and in our conversation, I went back and talked to Chief Mason and our process as far as doing the fire regs, that's something that we have not figured out yet, but we'd come with that when the fire regs came up so that is why I have not come back and explained how I would handle that, I agree with that I just don't know how to handle it and I want to do it consistently. Any questions?

Chair Varone: Thank you Chief Shepherd, I appreciate that.

Jerry Shepherd: Okay.

Commissioner Murray: Chief, I've got one question. Have you filed your new fees with the Clerk & Recorders

Jerry Shepherd: I have not, I also went back to, it was suggested by planner McHugh that we do that and I also went back and talked to the other fire chiefs and Canyon Creek is the only one that I know that had actually filed it with the Clerk & Recorder, I don't have a problem doing it, it's just something, I didn't know that was the process and if that's the process we'll do it, I felt like me going in to the Clerk & Recorder and saying this is what it will be would be like telling you what it should be and I figured it should be a decision that you make so.

Chair Varone: Thank you very much. Maybe you can clarify for me, my ignorance, does not the County Commission have to approve the amount that's being collected or is that up to each Volunteer Fire Department?

Chief Shepherd?

Jerry Shepherd: I'm sorry I thought you were asking him the question, so I wasn't listening.

Chair Varone: I was, but he was looking at you.

Jerry Shepherd: Okay. As far as, would you ask the question again as far as the County Commission approving?
Chair Varone: Maybe, I see Michael standing in the back of the room, so one of the two of you could you answer that, whether

Michael McHugh: Actually I'm on the Board of Trustees at Canyon Creek so we'll

Chair Varone: Do you understand what my question is Michael?

Michael McHugh: I'm Michael McHugh, 5790 Race Horse Loop Road, Canyon Creek Fire Department and on the Board of Trustees and I'm speaking strictly for them. No, the Board of County Commissioners does not have to approve any fee structures under state statutes; the Board of Trustees can adopt fees and other things to implement fire protection within their district. This is not a levy, it's only done to take the new development that is not on the tax rolls and covering that additional cost until the new lots are on the tax rolls and as far as the consistency of the fees between various districts, each district has a different need. Some of them are more sophisticated they have the necessary trucks, they don't need the infrastructure in places the more rural ones as development occurs there the impacts of subdivisions are heavier on those more rural departments so having one fee for all fire departments is not reasonable because the cost of delivering service is different in each fire district.

Chair Varone: Thank you Michael.

Commissioner Murray: Madam Chair, it's my understanding that our authority rests in increasing the mill levies, which the fire department must run through us.

Chair Varone: Thank you. This is a public hearing, anyone else wishing to speak please come forward. For the second, third time. Chris you want to close?

Chris Ries: Thank you Madam Chair. As far as the approach that Jerry had brought up it is correct that they do share an approach off of in front of Melvin Kroll's house, but understand that it's within the right a way and the road that does veer down and go in front of the trailer and so forth is still within the State right a way so this person would still have physical access and we could set up to clarify the issue if there's a point where they are sharing this access that it is known that they have the right to share it or that the person has the right to use it, let's say that Melvin sells his house, and the person says well No I don't want to have this neighbor using my approach da da da whatever, we might have an issue there so we could clarify it or force this person to build a new approach, but I would venture to say that the State would like them to share it if at all possible to not only minimize cost but just the additional approaches and possible accidents on Lincoln Road. There was one other issue too that I had

Chair Varone: Before you have that other issue can we stick to this one for a minute, if we did that could we do that in the conditions of approval and it be

Chris Ries: Yes, we could put it in a covenant or we could actually I have a certificate of survey I could put a condition on there stating that.

Commissioner Murray: Is an easement the appropriate way to do it?

Chris Ries: Well the thing is is it's fee ownership from the State and they have ultimate domain over their lands but the main thing is that if they do not agree with it maybe we should have them just give some type of approval that they have no objection and just take it at that or you know listen to their recommendation if they so choose then we may have to put an approach in, but I would venture to say just from my experience that they would say use it and they would be the ones to ultimately say it's their property. Alright. Any questions, I guess.

Chair Varone: I interrupted you; you said you had something else.

Chris Ries: I lost it.

Chair Varone: I'm sorry.

Chris Ries: It's alright.

Commissioner Tinsley: You're formulating your answer to the applicant when you explain that comment you made at the beginning.

Chris Ries: Hopefully she doesn't read the staff report or the minutes of the meeting.

Chair Varone: Alright. This closes the public hearing.

Chris Ries: Thank you.

Chair Varone: Commissioners?

Commissioner Murray: Madam Chair, since we're, and Commissioner Tinsley, since we're against the deadline on this one I'm comfortable going ahead if you two are. Madam Chair, I would move approval subject to eight conditions as proposed by staff.

Commissioner Tinsley: Second, Madam Chair.

Commissioner Murray: Madam Chair, I would move that we add a condition number nine which requires the applicant shall apply for a change of address for lot 7A from 242 Bonner Road to an address on Lincoln Road and install one address plaque at the approach of Lincoln Road, the plaque shall conform to the specifications for road identification signs in accordance with the County Subdivision Regulations.

Commissioner Tinsley: Second.

Chair Varone: All those in favor

Commissioners: 'I'

Chair Varone: Motion carries.

Commissioner Murray: Madam Chair, I am concerned about this shared driveway and at the moment don't have the language but I'd like staff to incorporate someplace that in writing we prior to filing final plat there be a signed agreement that this is a shared driveway between the two properties so in the future the, we resolve any arguments that may come up.

Chair Varone: Is that a motion?

Commissioner Murray: Well I was, the man of words over to your right I though would take my thought and put it in a motion but

Commissioner Tinsley: Madam Chair I make a motion that we direct staff to formulate a condition number ten that would fit the bill for what Commissioner Murray is requesting, I agree with him I just don't know how to do that proper wording. Can you do that Frank?

Frank Rives: Certainly.

Commissioner Tinsley: That's my motion.

Commissioner Murray: Second and as a friendly amendment with concurrence of the applicant

Commissioner Tinsley: Yes, I'll accept that as a friendly amendment.

Chair Varone: Discussion. Chris.

Chris Ries: Yes, we're in agreement with that and one thing to clarify to is that remember this is State owned and so they are in ultimate control here and really the more I think about it, even if Melvin sold his property they really don't own those approaches, they're well within the right a way and they're subject to the State they could take them out, they could relocate them, they could put a whole new road in, whatever, it's their domain so really I think the best way to clarify it is to just have a letter of approval from the State stating that they have no objection to both parties using this approach at this time and they leave it in their hands that they will deal with it if it ever comes to an issue later down the road.

Chair Varone: I think that might be a methodology that you might use, but I still needs to be somewhere in the document.

Chris Ries: Yes, we are in agreement with that, with the tenth condition.

Chair Varone: Okay. I'll leave it up to you on how to get that done. All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries. Commissioners would you consider adding a condition of approval on page 8, number 4I prohibition of livestock, against the keeping of livestock?

Commissioner Tinsley: So moved

Commissioner Murray: Second

Chair Varone: All those in favor

Commissioners: 'I'

Chair Varone: Motion carries. Commissioners would you consider moving back the \$500 to the \$200, I think that we had talked about that earlier until such time as we receive some decision on how the money is going to go back and who it's going to go back to, I guess my comfortableness or not comfortableness is if we start increasing this to \$500 with the intent of the Volunteer Fire Department to give part of it back to the applicant who originally paid for the service, there needs to be some sort of methodology developed on what that amount will be, who it will go back to and it needs to be in a condition of approval. The way that this is stated right now it just says that it will go to the fire department and based on what Chief Shepherd said a few weeks ago and than in a letter that was submitted that is the intent but unless we have a formula that says \$250 will go to the fire department, \$250 will go back to the applicant from the original or whatever that formula may be if it's \$400 and \$100 I don't know but I just don't feel comfortable increasing a fee by more than 100% without the justification about where the additional money is going to go and how much is going to go.

Commissioner Murray: Madam Chair, Chief Shepherd gives me great comfort and I have no reason to change this.

Chair Varone: Okay, Commissioners all those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries

Commissioner Tinsley: Can we take a quick five minutes.

Chair Varone: Sure

Proposed Minor Subdivision, Amended Plat of Lakeshore Acres, Lot 2. (Applicant, John Perros) (Planner, Michael McHugh)

~~The Commissioners will consider creating a double-fronted lot in the Griffin-Davis Subdivision into two lots. The proposed subdivision is located in the NE1/4 of Section 24, T11N; generally located north of and adjacent to Bonner Road, south of and adjacent to Lincoln Road, and east of Applegate Drive.~~

The Commissioners will consider creating two lots from an existing 1.52-acre parcel. Each lot would be for one single-family dwelling. The subject property is located approximately $\frac{1}{2}$ mile past Lakeside Marina between York Road and Hauser Lake.

Chair Varone: Subject property is located in NW $\frac{1}{4}$ of Section 27, T11N, Range 2W. The subject property is located approximately $\frac{1}{2}$ mile past Lakeside Marina between York Road and Hauser Lake. The applicant proposes to create two lots from an existing 1.52-acre parcel. Each lot would be for one single-family dwelling.

Jodi Hill: I'm Jodi Hill, address 5465 York Rd.

Chair Varone: and are you here as a representative for Mr. Perros today?

Jodi Hill: Yes I am.

Chair Varone: Have you had an opportunity to read the

Jodi Hill: I have

Chair Varone: and are you alright with us moving forward today?

Jodi Hill: Yes I am.

Chair Varone: Thank you very much.

Michael McHugh: Commissioners as previously stated this is a 1.52-acre parcel that's located in between York Road and Hauser Lake, it's located about $\frac{1}{2}$ mile North and East of Lakeside Marina. For the record it should be noted that this same proposal was granted preliminary approval in May of 1998 however, the applicant failed to complete all the conditions within the statutory time frame. The existing use of the land is there is a new home it's been constructed; the home was constructed in 2000-2001. It's located in the Northeastern portion of the existing property. Other development on the property includes a well in the extreme corner over here and then a wastewater treatment system it's located to the Northwest of the house. There is an older existing three bay garage that's located on the Southwestern portion of the property and the approach is directly from York Road in this area. Adjacent land uses includes residential single-family development, the lots in the area range from .85 to a little over 1.5 acres on the segment of land between York Road and the lake. Northwest of the York Road there the parcel sizes are generally five to a hundred acres in size. As far as covenants, there were covenants placed on this property when it was originally subdivided back in 1987, there were three covenants, one dealt with wastewater facilities, another one was all structures be built to uniform building codes for a seismic zone and then they did designate some drainage easements on parcels that are not part of his subdivision. As far as notice, notice was placed; we did not receive any public comment. The review criteria, impacts on agriculture on the soils in this area are not considered prime or of statewide importance and there are no irrigation facilities. As far as onsite wastewater treatment systems, the subject property has already received approval in November of 2002 for both of the proposed lots, both of the proposed lots will be required to have level two treatment which would include a 1500 gallon septic tank, a 500 gallon dosing chamber, and intermittent sand filter and a pressure dose system for the drain field. As far as water supply, the supplies in this area are extremely variable depending on the depth from the lake and the elevation, however this property does have an existing well that is in excess of 15 gallons per minute. As far as streets and access on the subject property again will be located by a shared driveway from York Road. County Subdivision Regulations do require that they access a hard surface road that you would place a hard surface approach 15 feet from existing pavement and that would be one of the conditions. As far as schools, there's no

capacity constraints in any of the schools that would serve this area. As far as fire protection, the property is located within the Lakeside Fire Service area. The distance to this property to the fire hall is less than one mile. The Lakeside Fire Service area is requesting that the applicant contribute a \$300 fee for the new lot so it would just be new development on this lot. As far as impacts on the natural environment, the subject property is located immediately adjacent to Hauser Lake, there are some very steep slopes in this area, the soils there are very porous and highly erodible so any development activity or disturbance could have impacts on surface water qualities in this area. I did mention erosion again; the soil conservation district is going to require a sedimentation and erosion control plan because of the soil. Visual appearance, because of the proximity to both York Road and the lake all the structural development would have impact on the view shed in this area. As far as steep and unstable slopes, the slopes to the property are extremely steep going towards the lake as illustrated in this picture here, some of the slopes are inaccessible 50%, again retaining vegetation we'd reduce erosion and sedimentation potential. As far as seismic activity, the area is located approximately one mile from one earthquake fault and two miles from the other. As far as the agricultural land conservation program there's been several resource conservation values associated with the high scenic value and recreational values that have been placed on this property. Based on the findings, staff has recommended approval of this subdivision with the eleven conditions. Was that short enough?

Chair Varone: Yes, Thank you Michael. Any questions of Michael? Commissioner Murray?

Commissioner Murray: Madam Chair, Commissioner Tinsley. Michael are these the same conditions as were on the subdivision prior.

Michael McHugh: The only additional conditional is the fee to be paid to the fire department that was not in effect in 1998.

Commissioner Murray: Thank you.

Chair Varone: Thank you, that was my question too. This is a public hearing, mam do you have anything that you would like to say before we begin the public hearing?

Jodi Hill: Actually no, I don't really have anything that I would like to say other than the fact that if you have any questions, hopefully I can answer any questions you may have about this property because I know it's right on the river so. It is our, it is not for financial gain, it is to build a home for my mother, so that's what it's about.

Chair Varone: Thank you. Commissioner Murray.

Commissioner Murray: Madam Chair, Commissioner Tinsley. Jodi, you're satisfied with the conditions?

Jodi Hill: I am. Yeah. We were, we built these conditions and we're working with the County up to the point where we ran out of time basically the first time around so, nothing really has changed and yes, the conditions on as far as the building, the re-grassing the area, and that kind of thing is that what you're talking about Mike?

Commissioner Murray: That's what I was talking about.

Jodi Hill: Okay.

Commissioner Murray: And if this gets approved today, will you promise to build a fire under Mr. Perros?

Jodi Hill: What's that, Yeah. Right, I will, we'll get it done.

Chair Varone: This is a public hearing, anyone wishing to speak, please come forward, for the second and third time, this closes the public hearing.

Commissioner Tinsley: Madam Chair, I make a motion we approve the proposed minor subdivision amended plat of Lakeshore Acres Lot 2 with the eleven conditions of approval as suggested by staff and authorize chair to sign.

Commissioner Murray: Second

Chair Varone: All those in favor

Commissioners: 'I'

Chair Varone: Motion carries

Lewis and Clark County Detention Center Consultant Contract. (Tabled from 12/18/03) (Ron Alles)

The Commissioners will consider the contract with Helena Physician's Clinic (Dr. Kurt Kubicka).

Cheryl Liedle: Madam Chair, Commissioners, Good Morning. We are proposing an amendment to our existing contract with Dr. Kubicka, which would increase our services that he provides to the detention center. The amount of the contract would raise from \$400 per month to \$600 per month giving us additional contacts with Dr. Kubicka and Captain Dave Rau from the detention center is here with further on this contract and I'll let him take it from here.

Dave Rau: What we did is we, it's actually an amendment, we're going to be having Dr. Kubicka come to our facility once a month and this will help with security as well as the cost of an officer to stay with him, the inmate, and that usually takes up to an hour and it's well, I believe it's well worth the \$200 plus to have him come for federally mandated meetings at our facility and meet with our RN, so that's what we're putting forth and hoping that you approve.

Chair Varone: Thank you Captain Rau. Any questions of either Captain Rau or the Sheriff?

Commissioner Murray: I just want to compliment Captain Rau on the changes that he's brought about in the detention center, the Sheriff made a wise choice when she put Captain Rau to head the detention center.

Dave Rau: Thank you Sir.

Commissioner Murray: Madam Chair, I'd move we enter into a contract on behalf of the Sheriff and the Detention Center between Dr. Kubicka and Lewis and Clark County and authorize the chair to sign.

Commissioner Tinsley: Second.

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries. Thank you.

State of Montana - Quit Claim Deed.

The Commissioners will consider the deed from Lewis and Clark County quitclaiming to MDT Lots 1 and 20 of Block 17, Manlove Addition to the Original Townsite of East Helena, situated in Lewis and Clark County. [Route 433 - East Helena - North]

K. Paul Stahl: Madam Chair, Commissioners, this is actually the deed to the parcel of land that is not already in the States ownership is a matter of six or seven inches along the road and even the deed Quit Claims all the whole lot that's just an easy way to do it rather than having to go out and survey so you just do the whole lot so what we are doing, a long time ago in the '40s or something we had given this land to the State, they came in

and did a survey and the survey was six inches off and so we need to Quit Claim the rest of it, this is the deed we discussed at our meeting last Wednesday. There is no consideration for this because it was something that should have occurred the first time around and was just a mistake on their surveyors part so, any questions?

Chair Varone: Any questions of Mr. Stahl? What's the pleasure of the Commission?

Commissioner Tinsley: Madam Chair, I make a motion we approve the Quit Claim Deed before us today Quit Claiming MDT lots 1 and 20 of block 17 Manlove addition to the original townsite of East Helena situated in Lewis and Clark County and authorize chair to sign.

Commissioner Murray: Second.

Chair Varone: All those in favor, signify by saying 'I'

Commissioners: 'I'

Chair Varone: Motion carries. Thank you Paul. He's already out the door.

Public Comments.

Chair Varone: Seeing no one left in the audience, we stand adjourned.

Adjourn.