

## **SUBDIVISION MEETING**

September 8, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m.

Commissioners Varone and Murray are present. Others attending all or portion of the meeting included Jerry Grebenc, Frank Rives, Lindsay Morgan, Nancy Everson, Audra Zacherl, Marsha Davis, John Hinshaw, Mr. Williams, and Carole Byrnes.

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

Chairman Tinsley: Good morning and welcome to our regularly scheduled Thursday morning Subdivision meeting. I'm Commissioner Tinsley, to my left is Commissioner Varone, to her left is Carole Byrnes, our Executive Assistant, to my right is Commissioner Murray, to his right is Jerry Grebenc, our Director of Community Planning and Development, and also sitting in for our Chief Administrative Officer, Ron Alles this morning. We have a sign in sheet at the front and there is also an agenda if you would care to take one. Please sign in if you would for the record. First item on the agenda this morning is the Consent Action Items. Mr. Grebenc.

### **Consent Action Items.**

Jerry Grebenc: Mr. Chairman, Commissioners, there's four items on the Consent agenda. The first item is (a) Vendor claims report for the week of September 5<sup>th</sup> of this year. Item (b) is the Health Department Renewal Contract with DPHHS. The Breast and Cervical Health Program with a maximum reimbursement of \$53,250.00. Item (c) is a request for a 1 year extension of the Preliminary Plat approval to September 2, 2006 for the Spud King Acres Subdivision. And Item (d) which is a request for a 1-year extension of the Preliminary Plat Approval for the Grassland Major Subdivision to September 16, 2006.

Chairman Tinsley: Thank you. Would the Commissioners like to pull any of those items out and consider them separately? Is there a motion?

Commissioner Murray: I move approval of the Consent Agenda.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion and a second to move approval of the Consent Action Items Agenda. Any discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

### **Lanning Family Exemption Request.**

We're going to hold off for just a moment while we are waiting on Mr. McHugh. We're going move onto the regularly scheduled item, number 3, the Lanning Family Exemption Request. This is continued from September 6, 05. The Commissioners will consider rendering a decision on the request. We heard a, we had a hearing on Tuesday, to hear a request for a family transfer and today's decision day.

Commissioner Varone: Mr. Chair, I make a motion to deny the Lanning Family

Exemption request and authorize the Chair to sign.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion to deny and second. Any discussion?

Commissioner Varone: Mr. Chair.

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray, if I may. During the meeting yesterday, there was an extensive discussion about the application and the process and the forms that were completed by Lloyd Lanning Ono and the particular concern to me we two questions that were answered erroneously on the application yet the Attorney for the Family indicated that that was miss-information. He had no idea why the two items were erroneously answered. The first one was Item #2: Is this parcel to be transferred intended for a home site for the family member and the Applicant said yes. And their attorney said that it would not be, they don't even live in the State. And Item #4 was: Does the parcel to be transferred become one of 3 or more parcels, that were subdivided from the original tracts since July 1, 1973 and the applicant marked no and there was very obviously 3 parcels, in fact there are 4 as one had been subdivided out of the property earlier. I'm confident that if any other work is going to be done with dividing this property that it should be done in a different manner.

Chairman Tinsley: Thank you Commissioner. Commissioner Murray, do you have anything to say?

Commissioner Murray: I do. I'm going to support the motion. The property in questions was purchased in May of this year, and the proposed Family Transfer of Subdivision appears to be an attempt or an evasion of going through the Subdivision and Platting Act because of the short time, because of the fact that one of the family transfers would go to a parent who is actively engaged in the real estate and development business. A trust was set up for a minor who is to receive one portion or 1/3 of the proposed family exemption and the trust for the minor the grandfather who happens to be the realtor/developer in question has the right to dispose of any property that is in the trust for the youngster. For that reason and because of the Subdivision and Platting Act to request a subdivision is an easy process with Lewis and Clark County to go through, the family is familiar with the process and does use the subdivision process, I believe that this piece of property if it's to be divided needs to go through the subdivision process. For that reason I'm voting against the (sic) Beal Family Exemption.

Chairman Tinsley: Thank you Commissioner. Any further discussion? All in favor of the motion to deny the Lanning Family Exemption request signify by saying Aye. Aye. Motion passes 3-0.

**Proposed Closure and Abandonment of a Segment of B Street in Lincoln.**

Mr. McHugh, we're going to do the proposed closure and abandonment of a segment of B Street in Lincoln. The Petitioner is Mrs. Phyllis Hemstad. Michael McHugh is the Planner. This is continued from the Lincoln Public Meeting of September 2<sup>nd</sup> 05. Mr. McHugh.

Michael McHugh: You have the Staff report. They had the Public Hearing in Lincoln last Friday. I believe the Commission had some questions about some of the issues. Some of the issues dealt with the parkland and attached to the Staff report is the deed of transfer from the Lincoln and Lewis and Clark County Sewer district to a private entity, a Mr. McQuinlan, and this occurred back in 1985. How the Lincoln Sewer District acquired ownership of the property, there's no record. Staff has researched all of the Assessors records and all of the deeds that we could go back to, but the property is no longer a parkland. I believe that there was another question about the two copies of the plats that are attached to the Staff report. The first one that shows B Street in a straight line was a 1948 original plat. And after that there is a plat that shows angularization of B Street that was done in 1986 with a terminable encroachment. And I believe all of those agreements and letters are attached to the Staff report. Are there any additional questions?

Chairman Tinsley: Thank you Mr. McHugh. Questions for Mr. McHugh? Hearing none is there a motion?

Commissioner Murray: Mr. Chair. I move approval of the proposed abandonment.

Michael McHugh: Just for the record an abandonment will not be completed until a resolution is signed by the Board of County Commissioners, and that is depended upon the applicants completing the conditions that are stated.

Commissioner Murray: Thank you. Subject to the conditions as proposed by Staff.

Chairman Tinsley: Second. Any discussion?

Commissioner Murray: Mr. Chair, the reason that we brought it back here today is one of the Applicants raised questions about the map that we had that listed it as park land and I needed further time and council with Mr. McHugh to resolve that issue and that issue is resolved in my mind.

Chairman Tinsley: Thank you Commissioner. Hearing no further comment all in favor of the motion signify by saying Aye.

Commissioner Murray: Aye.

Chairman Tinsley: Opposed? Any abstains ions?

Commissioner Varone: Abstain.

Chairman Tinsley: Commissioner Varone abstains. She was out of town that day. Thank you very much. Motion passes 2-0. Mr. McHugh, is there something that we need to sign at some point? This one doesn't have a signature sheet.

Michael McHugh: As Staff indicated before a resolution that officially abandons it will be prepared by Staff at the time of completion of the re-surveying and other conditions of approval.

Chairman Tinsley: Thank you.

**Resolution Calling for a Public Hearing on a Proposed Project for the Issuance of Industrial Development Revenue Bonds for the Proposed Expansion of Spring Meadow Resources.**

All right. Next item on the agenda is a resolution calling for a Public Hearing on a proposed project for the issuance of Industrial Development Revenue Bonds for the proposed expansion of Spring Meadow Resources. Bob Murdo is the Bond Counsel. He called this morning and asked, respectfully asked the Commission if we could withdraw this. They've decided to take another course of action in this particular project and asked us to withdraw it. They did not ask us to reschedule. Mr. Grebenc or Miss Byrnes, do you need a motion or can we just remove it from the agenda? Just remove it? Ok. It's removed. Thank you.

Next item on the agenda is the Superintendent of Schools. Dr. Marsha Davis is here. The Commissioners will consider the school levies for 2005-2006. Welcome Dr. Davis.

**Superintendent of Schools.**

Dr. Marsha Davis: Good Morning Commissioners. You should have in your packet a chart with all of the school district and County levies, and also attached to that a graft. First of all in looking at the chart, I wanted to point out a few things. Lincoln School District and Augusta School District are both going to have a reduction in the Mills required by about 25 to 27 Mills. So they're being very fiscally prudent. Craig District you will notice no longer has a general fund mill. They are non-operating this year and all of the funds are combined into what is called a non-operating fund. And as a result of that it's a reduction of about 1/2 of what they would have had this school year to operate. And Wolf Creek is also enjoying a slight reduction in their Mills required. The other school districts are all up in terms of their mill levy requirements. I'm just pointing out the Helena School District did pass a technology levy this last year so you will see some Mills required for technology, for the elementary and the high school districts there. And Trinity School District general Mills went up about double over last year and that's due mainly because they lost their isolation status so they lose a portion of their state aide. They'll get that back because they do have 14 students out at the school this year and the reason they lost their isolation status is because they dropped to under 10. In terms of the countywide levies there's the required 33 Mills for the elementary and the 22 for the high school levy. And then for the elementary retirement and the high school retirement there is a reduction in Mills and I believe that's not due to less money, because as I look at the district requirements for funds for both of those, and it's about the same amount of money, but our taxable valuation increased this year to about \$92 plus million and therefore I think there's less Mills required to generate the same amount of money. School transportation, however, is up considerably and I believe that's due to the anticipation of the transportation hike cost fuel. So I need your approval of the levies, and I need your authorization to have the Chairman sign each of

the school district budgets.

Chairman Tinsley: Questions for Dr. Davis?

Commissioner Murray: Mr. Chair.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Mr. Chair, Commissioner Varone, Dr. Davis. Where are the elementary youngsters from Craig attending school?

Dr. Marsha Davis: There were only 2 children there last year and one is a 7<sup>th</sup> grader and typically the Craig school sends their junior high kids to Cascade, so she's attending Cascade, and the other child was a kindergartner last year and it's my understanding, I've had communication from the parent, that the child is attending Cascade School.

Commissioner Murray: Thank you.

Chairman Tinsley: Further questions? Hearing none is there a motion?

Commissioner Murray: Mr. Chair, I would move that we approve the Lewis and Clark County Levies for schools for 2005 to 2006 and each of us sign the appropriate levy form and authorize the Chair to sign the School Budget form.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion and a second. Further discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0. Thank you Dr. Davis.

Dr. Marsha Davis: Thank you.

**Resolution Providing for the Annual Tax Levy in Mills for FY July 1, 2005 through June 30, 2006.**

Chairman Tinsley: Ok. Next item on the agenda is a resolution providing for the annual tax levy in Mills for FY July 1, 2005 through June 30, 2006. Nancy Everson is the Staff person. The Commissioners will consider the resolution. Miss Everson.

Nancy Everson: Good Morning Commissioners. You have in your packet a resolution and Attachment A showing the Mill Levies proposed for Lewis and Clark County, the cities, the schools, all the local special districts for Fiscal year 2006. This attachment A includes all of the County property levies, all of the outside incorporated cities levies, any special assessments including Fire Districts, Cemetery Districts, Water and Sewer Districts. And this is the sheet that you have in your packet. This starts out with the County Mills inside the city limits, the 2 County Mills outside the city limits which is Road and Planning, the County school levies that Dr. Davis just talked about, School District levies down below, the City of Helena, the City of East Helena, the State levies, the four School Districts, State University, State Equalization and the Vo-Tech Levy. Total County Mills this year: 181.60. This is up almost 6 Mills mostly due to the float. This is

the increase that's allowed by Statute 1510.420 that allows us to levy the inflationary factor. And this sheet shows part of the special districts within Lewis and Clark County that we levy for. And I've highlighted some of them. The yellow highlights are changes and increases, the blue are Special Districts where we have been able to decrease the fees. Canyon Creek had a voted Mill Levy. Canyon Creek Fire District had a successful voted Mill Levy. That's included in that 25 Mills. And as you remember Lakeside and Canyon Ferry combined into Tri-Lakes that shows on here, and the York Fire District has proposed a fee increase from \$100.00 to \$150.00. The Augusta Solid Waste District decreased their fee, \$5.00 for residential from \$75.00 to \$70.00 and a \$25.00 decrease in their commercial classes. And the Scratch Gravel also decreased from \$73.00 to \$69.50. These are the Maintenance Districts, some of them, not all, there's another sheet. We have a lot of RID Maintenance Districts in the County, and again, I've highlighted ones where there have been changes this year or new ones. The Applegate Maintenance District did a project out there this year and increased their rate from I believe \$15.00 to \$70.51. Colorado Gulch was a very, very, slight change, pennies, for a light that was added in that district. Golden Estates did a project. Lincoln was a new Maintenance District that ties in with the construction and the creation of a new district, in which we require them to add a new Maintenance District as well as a construction portion to pay for that initial project. Maynard, Raven Road again, Gable Estates comes on this year, that paving project was finished, just recently. Lincoln again was a big project. Maynard, Prickly Pear, new projects this year that are include in the tax bills going out in November. And again on the left hand side of this sheet is the continuation of the Maintenance Districts. The Oro Fino subdivision had a rate increase and again the Prickly Pear was a new creation the Maintenance District was broken into 3 different districts and those are the rates for those, Prickly Pear 1, 2 and 3. And then we have Mosquito Control Districts, Lighting Districts, the Water Quality District, the Westside Sewer District, soil conservation, various ones, no changes in those other than the float if they are mill levy based rather than fee based. I have an example of what the Fiscal year 2005-2006 levies will be on a \$100,000 home in the City of Helena. This is an example. You just take the \$100,000 home, there's an exemption rate of 32% that comes off of that, so you end up with \$68,000 for the market value, times the tax rate, you come down to taxable value per mill of \$2.19, the total levy in Mills, this is on that first page, is assuming a City of Helena property in School District One, 702.74 Mills total, this is City of Helena, County Mills and the School District Mills. Calculated total property tax is \$1539.00 on a \$100,000 home. I was going to compare this with last years, Fiscal year 2004 because it actually went down assuming the same \$100,000 market value but it was apples to oranges because that market value again is phasing in, so it would be higher. A \$100,000 home would probably be \$105,000.0, if that made any sense. I was kind of excited about it until I thought about it. This is how it breaks down. This shows the breakdown: total Mills in the City of Helena: 702.74. Of those Mills, State and Local school levies make up 413.79 or 58.88% of that total. The City Mills, 18.5%, the County Mills 15.98 and then we broke out County voted Mills, which is another 6.64. This is the Fairgrounds, Public Safety, and the Library Mills that have been voted on in the last 5 years. This is a history of the Mills from 2001 to 2006. This is amazing to me. This shows a change like Dr. Davis referred to in the Mill Levies from Fiscal year 2005, approximately 86,000 up to 92,867. There were no changes in the Mills this year. Last year, if you remember the voted Fairgrounds levy came in. These Mills did not change other than the float, but you can see at the bottom the percent of increase of 10.96% which is huge, it's an indication of the growth that's going on in the City and the County. Part of that, approximately 2% is due to the tax

increment district which ended this year. And that taxable base went back to the County. City of Helena and School District 1 so that's a little bit of the increase, but the rest is new growth that came in, came on the tax rolls this year. Is there any questions on that one? And this again just shows outside the incorporated cities, the Road and Planning. Again that was 9.88%. This does not include the tax increment so that is new growth that's outside the city limits of Helena and East Helena. Fiscal Year 2006 increases is the float like I've been talking about. Generate the same dollars as the prior year plus the inflation that was approximately 5.86 Mills or \$524,000. The increases as I showed in the yellow, on the sheet, for new and existing RID's and the voted increase for the Canyon Creek Fire District. Those are approximately \$11,600.00. Decreases. A couple of the Mills are based just on the Mill value. One of those is the Health Facilities debt services. We take the amount of dollars that we need to service the debt for the Cooney Home and for the Health Center building on 9<sup>th</sup> Avenue and we were able to decrease that Mill, slightly, around \$4600.00. Also, the Permissive Health Levy, we were able to decrease to .61 Mills approximately to \$56,000. This is due to the increase in the value of the Mill. Scratch Gravel Solid Waste fees, as I said before, decreased and the Augusta Solid Waste fees decreased. That's all I have.

Chairman Tinsley: Is there any questions for Miss Everson?

Commissioner Murray: Mr. Chair.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Mr. Chair, Commissioner Varone, Miss Everson. Will you go back to the float issue and explain that since we're presenting that hopefully to a wide public audience today? What float means and what State Statute brought in float and why.

Nancy Everson: The 2001 Legislature changed. Prior to that, everything was based on the value of a Mill. So whatever the value of your mill was that was the value that you could raise. Mills didn't change, if you had 10 mills, you had 10 mills. It was based on the value of the mill. So it really restricted local government, because, if you were in an area where your taxable value, your value of your mill, was going down you were still limited to just that number of mills, so you were losing revenue. And again, even with the increasing, if you were in an area where there was growth, you're still weren't benefiting from that growth. 1510.420 what the Legislature did was say, Ok, we don't care about the value of the mill anymore. We're going to limit you to the amount of revenue that you collected in the prior year, and then we are going to give you inflation. So they set that inflation at 1/2 of the 3-year average inflation for the prior 3 years. This year it was 1.25% inflation. They also, excluded new growth from that, and that's where we're seeing some of the increase, or increases, as we can benefit from that new growth. So we take what we collected off of mill from last year, we can add in that inflation, that 1/2 % for the 3 years, whatever it amounts to and that's the amount that we can levy. So we set the mills to generate that amount of revenue and then we add in the new growth, to come up with the amount of revenue that we can levy in that year. It's confusing but that's basically how it works. That's what allows us to adopt our budget before we even know what the mill value will be.

Chairman Tinsley: You care to translate that Commissioner?

Nancy Everson: Does it not make a lot of sense?

Chairman Tinsley: It makes sense.

Commissioner Murray: It makes sense, however, I question the Legislatures wisdom in using the term "float" that they put in the bill. To arrive at this, when you pay your tax bill, you don't want to think of the government so you think floats. Mr. Chair, Commissioner Varone, Miss Everson. One of the other questions that were asked in regard to the County Budget is why don't you just budget a little more for roads and you can take care of all my pot holes or I have a favorite park, why don't you budget a little more for the park fund? Will you succinctly explain the all-purpose Mill Levy that we adopted a few years ago, instead of levying specific amounts for each department?

Nancy Everson: All Purpose Mill Levy, it's County wide, so it includes the taxable values, the City of Helena residents, the City of East Helena residents pay this all-purpose levy, 33.18 mills, that includes bridges, various departments, the Property Tax, the County Attorney, various departments in the all-purpose funds. But the point you're getting to is the roads. Road is roughly 1/2, I believe we had 92,000 was the value of a mill County wide, the value of a road mill was 45,000, this year. And those mills are only assessed on the people outside the City of Helena and outside the City of East Helena because they obviously have their own street maintenance departments to maintain those. Those mills cannot be changed. The road mill versus the all-purpose mill. 19.96 mills generated \$883,000 in this year, and that's the money that we use to maintain the roads in the County. Was that the question, that we can't move all-purpose money into the road fund?

Commissioner Murray: Yes. Mr. Chair, Commissioner Varone, Miss Everson, you can't give a simple answer to a very complicated answer for the public that may be viewing the budget presentation or the mill presentation this morning. I just wanted to highlight it for us. Hopefully, you will provide a hard copy of your PowerPoint presentation as we go throughout the County speaking to groups we can refer to your presentation.

Nancy Everson: Bottom line, there's not enough money for roads.

Commissioner Murray: Thank you.

Chairman Tinsley: Further questions for Staff? If not is there a motion to approve the resolution?

Commissioner Varone: Mr. Chair, I make a motion to approve the resolution providing for the annual tax levy in mills for fiscal year July 1, 2005 through June 30, 2006 and authorize Chair to sign, all three of us to sign.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second. Any discussion? Hearing none all in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

Commissioner Varone: Good job Nancy.

Chairman Tinsley: Good job Nancy. Thank you.

Next item on the agenda is a proposed major subdivision to be known as the Amended Plat of Lots 2A & 2C, Anderson Subdivision. The Applicant is Erik Helfert. The Planner is Lindsay Morgan. This was continued from 9/6/05 and today is decision day. Mrs. Morgan.

**Proposed Major Subdivision to be known as the Amended Plat of Lots 2A & 2C, Anderson Subdivision.**

Lindsay Morgan: Good Morning Commissioners. I've received an e-mail yesterday from Erik Griffin of our Public Works Department, and he basically went over some comments with regards to Ohana Road or Ohana Court, I apologize, and some of his comments were that he would suggest that the new lots would have shared approaches on Ohana Court and then he also made some recommendations if the road was actually paved what would be required and then if the road was not going to be paved in the future, what he would recommend to be required. Do you have questions for me?

Chairman Tinsley: I have a question for Mr. Williams, if he wouldn't mind coming up, and you can stay there as well. Mr. Williams, representative of the Applicant. We did have a recommendation in an e-mail from Erik Griffin our Public Works Director suggesting shared drives. What are your thoughts on that? What are the Applicants thoughts on that?

Mr. Williams: Mr. Chairman, Commissioners. It would be tough for me to speak exactly to the applicants' position but I believe that would be acceptable. My only question on that would be, depending on how that cul-de-sac request variance comes out if we have to install a hammerhead, a shared approach would typically be on that lot line between the two lots. The intention of the Applicant was to put that hammerhead on the far eastern boundary of that last lot so it's far past his property as possible.

Chairman Tinsley: Which would be his access point for that property as well.

Mr. Williams: Right. If there's going to be a shared approach I don't think he would have any issue with that as long as that could be the location of the hammerhead as well. Based on what Lindsay's told I think that would work because she says the last driveway access is where that hammerhead would have to be located if required. So if that could be located in the same place I don't think the Applicant would have any issue with that at all.

Chairman Tinsley: Thank you Mr. Williams, appreciate it. Any questions for Mr. Williams while he is up here?

Commissioner Murray: Mr. Chair.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Mr. Chair, Commissioner Varone, Mr. Williams. Is the Applicant willing to put a hard surface down on this proposed subdivision rather than have us go

through the process of the variance and tearing up some road, making it wider, if we don't agree with the variance request?

Mr. Williams: Just so I understand your question, Commissioner, you're asking if he's acceptable to paving the road, putting a paved surface on it, as opposed to putting a gravel top?

Commissioner Murray: Right. Simple, understandable terms, yes.

Mr. Williams: I believe the latest information that I have is that the homeowners association is actually moving more toward paving that road, as a group. So I'm guessing that would be acceptable to the applicant if that happens. If the homeowners association decides not to, again it's tough for me to speak for the applicant, since it's his pocket book, not mine, I would guess, I mean, he will do what the County Commission approves because he wants to divide the property. However, I think he would rather put, improve the road to the gravel surface according to Mr. Griffin's e-mail, adding gravel surfacing to the top of the existing gravel road rather than pave it if it's going to be all on him. Does that answer your question Sir?

Commissioner Murray: Yes Sir. Thank you.

Chairman Tinsley: Thank you Mr. Williams. Is there a motion from one of the Commissioners? Oh, first of all, we need to work on the variances I apologize. We do need a motion and then we will do the variances. Is there a motion?

Commissioner Varone: Mr. Chair, I make a motion to approve the proposed major subdivision to be known as the Amended Plat of Lots 2A & 2C, Anderson Subdivision and authorize Chair to sign.

Chairman Tinsley: With 15 conditions of approval.

Commissioner Varone: Yes.

Chairman Tinsley: Is there a second.

Commissioner Murray: Second. I was just waiting for you to coach me. (Laughter)

Chairman Tinsley: We have a motion and a second. We have a bunch of comedians up here this morning. First item we need to deal with, we have 3 variance requests. First variance we have is a request to allow the road to remain, as is, the old county standard. I believe this is addressed in Mr. Griffin's e-mail of 9/7 that was presented to us and for the public record, by Ms. Morgan.

Commissioner Varone: Mr. Chair, I make a motion to approve this variance request, and if there's a second I need some discussion about it.

Commissioner Murray: I'll second for discussion purposes.

Chairman Tinsley: We have a motion and a second for discussion purposes.  
Commissioner.

Commissioner Varone: Thank you, Mr. Chair, Commissioner Murray. If we approve this variance what I would like to do is I would like to add an additional condition of approval based on the language that Erik Griffin provided to be added as a condition of approval. That will give the Applicant an opportunity to either upgrade to the, with the asphalt add if they chose, or with the 3" mat and it puts it as a condition of approval one or the other.

Commissioner Murray: Mr. Chair, Commissioner Varone. How would you propose this condition be accomplished by adding it to the conditions? The conditions of approval, I understand what you're trying to do, and I agree with it. I'm just wondering how you're going to accomplish it.

Commissioner Varone: As I understand we can't require them to pave it, but what we can require is to go outside the variance request if it's approved, we can go outside and based on the recommendation by Staff, we can add language that says 3" of crush top surfacing shall be installed. And according to figure 1, table b-2 of the variance standards, and if there needs to be an explanation of that, it can be included. Am I right that we can do that Lindsay?

Lindsay Morgan: That's correct.

Chairman Tinsley: Commissioner, I have a suggestion here. I took Mr. Griffin's e-mail and essentially edited it to read as a potential amendment to the variance request. If you have his language in front of you the third paragraph starting with "if this road is going to be paved", I scratched "in the near future". I changed "after crush based course" the word "should" to "shall", I put in parenthesis see figure 3 and table b-3 the current standards, and then in the next paragraph I also took out the words, "in the near future", I struck those, changed the word "might" to "shall" and again put the see figure 1 into the parenthesis, which kind of reads as a potential amendment. So it's just for suggestion, I don't know if that would work or not, and Lindsay, I don't know if you want to comment on that.

Lindsay Morgan: I believe that's something you can do. You're not requiring them to pave it; I guess you're giving them an either/or option. We could ask Mr. Grebenc.

Chairman Tinsley: and he's shaking his head, OK, so apparently that seems like something we can do. Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray. I believe that's very appropriate. That's basically what I wanted to accomplish and if we can include language that discusses paving and it's appropriate to do so I'd like to have that language included as well.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Second agrees.

Chairman Tinsley: Second agrees with that so that is a friendly amendment to the motion. Essentially, there was a request for a variance. The variance has been moved

to be approved, as amended, with the amendments that I outlined?

Lindsay Morgan: It's 8-b in the conditions of approval?

Chairman Tinsley: Wait a minute. We would have to do that separately after we deal with the variance correct? I'm wondering if the variance can be amended like this, is my point. And then can you deal with.

Jerry Grebenc: Mr. Chairman, Commissioners. How you want to do this is deal with the variance and then go back and amend the conditions of approval to mitigate that issue.

Chairman Tinsley: So essentially we could deny the variance and then go back and amend the conditions of approval, correct?

Lindsay Morgan: You would actually have to approve the variance request and then it's subject to what you're stating here.

Chairman Tinsley: Approve the variance and then?

Lindsay Morgan: Because if the variance is denied then they have to meet all required standards.

Chairman Tinsley: Right.

Commissioner Varone: And that was my motion to approve the variance rather than deny.

Chairman Tinsley: Ok. What the question is, we have a motion to approve the variance, there are some conditions of approval that will be dealt with, suggested amendments to the conditions of approval that will be dealt with after that. Any further discussion?

Commissioner Murray: Question.

Chairman Tinsley: Question has been called. All in favor of the variance request signify by saying Aye.

Commissioner Murray & Commissioner Varone: Aye.

Chairman Tinsley: Opposed same sign. Motion passes 3-0. This is a variance request to allow for only one ingress/egress route. This was denied by the Planning Board, however, we had some discussion at our Hearing where the County Planning Board, or the County Planners, and the Deputy County Attorney met and normally do not give a recommendation, but in this particular instance recommended to the County Commission that we approve this variance request. Go ahead Miss Morgan.

Lindsay Morgan: Basically, you know, all major subdivisions require two ways in and out. They're creating 2 additional lots. If the road was actually less than 700 feet in length, which would meet our County standards, then there's the question of is Green

Meadow the 2 ways in and out or are they going to have to provide another way via Ohana Court. The Planning Board believed that they needed to provide another access, using Ohana Court and then reconnect maybe back with Green Meadow Drive or connect all the way to North Benton, which is further south. The easements have been reserved for Ohana Court to extend all the way over to the easement that's been reserved for North Benton Avenue and I believe this is something that we need to address in our regulations too. I guess address this sort of an instance.

Chairman Tinsley: thank you Miss Morgan. Are there any questions of Staff? If not, is there a motion?

Commissioner Varone: Mr. Chair, I make a motion to approve the variance request that reads allow for one ingress/egress route.

Chairman Tinsley: As recommended by Staff and the County Attorney.

Commissioner Varone: Yes.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second. Any discussion?

Commissioner Murray: Mr. Chair.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Mr. Chair, Commissioner Varone. I'm going to vote in favor of this variance solely because of Staff and the County Attorney and what we believe the future extension of Benton Avenue will remedy this situation. We just adopted these regulations and I'm certainly reluctant to put variances in for them, but I think this is a unique circumstance and I will vote in favor.

Chairman Tinsley: Thank you Commissioner. Further discussion? Commissioners, I agree with Commissioner Murray. This is something that we need to address in our Subdivision Regs. If at some future point, which I know we will have to, given the changes in Legislature, we're going to have to open them up anyway and make some changes, and I think we need to address this particular situation. But Commissioner Murray and Commissioner Varone stated it succinctly. Further questions? We have a motion and a second to allow for only one ingress/egress route variance. All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

Commissioners, we have one more variance request. Lindsay, I'm going to read what the request as written and then I wish you would give us a quick explanation. The request is to allow the existing 750-foot cul-de-sac to remain as is. Would you give us a quick explanation and alternative if the motion is denied?

Lindsay Morgan: As you already know, this is a 2 additional lots being created but there was an original 5 lot minor subdivision for this, of the property as a whole, and the Applicant is subdividing two of the lots. Under the old regulations for that first subdivision that was reviewed, the regulations allowed the dead end roads to be a

maximum of 1000 feet in length. This one is actually 800 feet in length, so at that time they didn't need a variance. Under our new regulations we require that dead end roads be no longer than 700 feet. If the variance in this case is not granted, the Applicants would be required to install an emergency vehicle turn-a-round, either a hammerhead or a cul-de-sac at the eastern most driveway entrance to their property which would mean then that the road, I guess technically, could be considered you know 300 feet long, which I believe would be the distance 200-300 feet. The main concern is that emergency vehicles can get in and out of there safely and not have to drive too far down the road. So that would mitigate the issue in my opinion.

Chairman Tinsley: Questions of Staff? Hearing none, is there a motion? Is there a motion? Is there a motion from anybody?

Lindsay Morgan: I have a comment. I guess Mr. Williams can address this if I'm saying anything that is incorrect, but I believe the applicant is possibly withdrawn this variance request or was considering that.

Chairman Tinsley: What you're saying is the Applicant wouldn't be averse to us denying the variance request?

Lindsay Morgan: That was my understanding from them. They talked about pulling the variance request.

Chairman Tinsley: Thank you. I don't see Mr. Williams rushing to the microphone to correct me so, is there a motion?

Commissioner Murray: Mr. Chair, I move to deny the variance request.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion to deny. Any discussion?

Commissioner Varone: Mr. Chair.

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray. When I went out there yesterday, I drove the road, and I thought I knew how long 800 feet was and didn't realize how short a distance it really is. And the reason I didn't make a motion on this is because, I'm really a little bit torn (sic) to put in a hammerhead, and I'm not saying that's the wrong thing to do. Two years later the road goes through to Benton, is it necessary to have a hammerhead then? As with the other variances we already said well it's only a matter of a short period of time before the road is going to go through to Benton, so I'm questioning the need for any of this including the hammerhead, based on that logic.

Lindsay Morgan: And I guess, as far as Staff is concerned, we're just trying to, generally what I do is if somebody is trying to request a variance I will, if it doesn't meet our standards and they have to request a variance, then what I will tell them, in most cases I try to place a condition of approval in there in case the variance is not granted then the condition of approval will mitigate the impacts.

Chairman Tinsley: Thank you. Further discussion? Hearing none we have before us a motion and a second to deny a variance request to allow the existing 750-foot cul-de-sac to remain as it is. All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

Commissioners you have before you now a proposed preliminary plat major subdivision to be known as the Amended Plat of Lots 2A & 2C, Anderson Subdivision. Are there any amendments to the 15 Conditions of Approval?

Commissioner Varone: Mr. Chair.

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair. Condition of Approval 8B on page 11, of the transmittal letter, needs to be amended to include language that we discussed earlier, based on Eric Griffin's e-mail, and I don't know if you want to reread that again or if we can just add it into the.

Chairman Tinsley: I've got it written right here and you heard me read it. Would you like to me just add it into the record?

Commissioner Varone: That, I think, would be OK.

Chairman Tinsley: We have a motion. Is there a second?

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and second. Any discussion? All in favor of amending Condition of Approval Number 8B signify by saying Aye. Aye. Motion Passes 3-0.

Lindsay I will give you this language so you can do the final.

Lindsay Morgan: Ok.

Chairman Tinsley: Further amendments for discussion? Hear none, Commissioners we have before you the proposed major subdivision preliminary plat to be known as the Amended Plat of Lots 2A & 2C, of Anderson Subdivision with 15 Conditions of Approval.

Lindsay Morgan: I do have one question.

Chairman Tinsley: Miss Morgan.

Lindsay Morgan: As far as the Conditions of Approval, are you doing the Staff's Conditions of Approval or are you doing the Planning Board's Conditions of Approval? Basically, the Planning Board, what they did was they removed anything regarding the variances.

Chairman Tinsley: But the actions of the variances change those. I'm assuming we're

acting off of the transmittal document and any actions we took will change whatever actions were done. So if you could just make those changes.

Lindsay Morgan: Ok.

Chairman Tinsley: Is that OK with the Commission? All right. With the 15 Conditions of Approval as amended, all in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

I have this document for you. You can come and get it if you like. Do me a favor Lindsay, when you do go through it and prepare it to send up for us to look, look over it very closely. It's often a that it's a couple of days that I see that.

### **Road Naming Request.**

Ok. Next item on the agenda is a Road Naming Request, off of the Gates of Mountain Road. We have one road. Mr. Hinshaw, welcome. We haven't seen you in a while.

John Hinshaw: Chairman Tinsley, Commissioners. In our on going effort to name roads that are un-named, for public safety and emergency services purposes, the road before you starts at the exit of I-15 Gates of the Mountains Roads, and goes directly north to the bottom of Sleeping Giant. All of the property owners were notified and asked to name the road. We only had 2 requests; therefore, we are not getting the majority. There are three homes on this road. One of the requests in front of you was Sperry Ranch Drive, and that was issued by Department of Natural Resources for the State because they are one of the property owners. The 2 of the 3 residences on this road requested Sperry Road, and so not having a majority of any one name of the property owners, Staff is requesting that the Commission name the road.

Commissioner Varone: Mr. Chair, I make a motion to re-name or to name this road Mike Murray Road.

Chairman Tinsley: Second. Any discussion? No, we're just kidding. (Laughter)

John Hinshaw: And you want me to explain this to the residences? (Laughter)

Chairman Tinsley: Well we figured this was a pretty big wide open road, and he's a wide open thoughtful kind of guy, but better sense got the better of us, so we decided to withdraw that. Is there a motion, except the Staff's request? The Staff is recommending either Bear Tooth Creek Drive or Sperry Ranch Drive. We already have a Bear Tooth Road. It would appear by being bolded that Sperry Ranch Drive is probably the preferable alternative.

Commissioner Varone: Mr. Chair. What I would like to do if it's OK, Staff requests that we have these be one word, and I believe the key here is Sperry, and if I could make a motion I would like to make a motion to name the road Sperry Drive.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second. Any discussion? All in favor of the motion signify by saying Aye. Aye. Motion passes 3-0.

John Hinshaw: Thank you Commissioners.

Chairman Tinsley: One thing I'd like to point out, early on, I forgot to do it, we started putting our claims on our Consent Action Item Agenda, any claims that we make, essentially bills that are paid, our checks that are written during a 2 week period, what I would like to do in the future, on the advice of our Deputy County Attorney's is give an opportunity to anybody in the audience to ask questions about those claims. I should have done it earlier and I didn't do it today but at the next 2-week period somebody remind. The other thing I would like to point out to the viewing audience is we have a special guest coming to visit us today. The Governor is coming to visit us today with the Commission, and we get to sit down and have a one-on-one with the Governor to talk about important issues today. It's going to be at 2:00 p.m. in one of our meeting rooms here, and I wanted to make sure the viewing audience knew about it. Is there anything else for the good of the Order?

Commissioner Murray: Mr. Chair.

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: I just wanted to point out that the claims are available in our office for anyone to review why we're paying and what we're paying.

Chairman Tinsley: I believe they are and that's correct.

**Public comments on matters not mentioned above.**

Chairman Tinsley: Seeing there is no public in the audience for Public Comment, we stand adjourned.

**Adjourned.** Adjourned 10:00 a.m.