

DRAFT – NOT APPROVED BY BOCC

NOTICE OF PUBLIC MEETING
November 15, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioner Murray and Commissioner Varone are present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Marni Bentley, Sheila Cozzie, Frank Rives, Greg McNally, Art Pembroke, Archie Taylor, Bill & Mary Schroth, Norb & Ann Lauer, Shawn Higley, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Chairman Tinsley: Good morning and welcome to the regularly scheduled Tuesday morning meeting. My name is Commissioner Tinsley. To my left is Commissioner Varone. To her left is Maria Penna our Executive Assistant. To my right is Commissioner Murray. To his right is Ron Alles our Chief Administrative Officer. To his right is Jerry Grebenc our Director of Community Development and Planning. Let me point out, we have a sign in sheet right up here at this table; if you haven't signed in please do so for our records. Our first item on the agenda is the Consent Action Items. Mr. Alles.

Consent Items.

Ron Alles:

- a. Montana Noxious Weed Trust Fund Grant Program. It's for the Ponderosa Snow Warriors for Lincoln valley snowmobile trails. Grant funds: \$17,000. It requires matching funds of \$16,096. The total project cost \$33,096.00.
- b. Resolution Declaring County Property Surplus. It's a part of IT&S capital replacement program to replace some of the PC's that are 3 & 4 years old. There's several items on there and individually valued at less than \$2,500.00.
- c. Final Plat Approval for Austin Tract B Minor Subdivision.

Staff does recommend approval of the consent list.

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

Commissioner Murray: Mr. Chair I move approval of consent agenda as presented.

Commissioner Varone: Second.

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

Commissioner Murray & Commissioner Varone: Aye.

Chairman Tinsley: Aye. Motion passes 3-0

Chairman Tinsley: Next item on the agenda is, and is John here? Art, are you here for him? Ok. Road Naming request. The Address Coordinator is John Hinshaw and in his place this morning is Art Pembroke our Director of Information Technology & Services. The Commissioners will consider naming a road located off of Beaver-Willow Road, which is off Grizzly Gulch Drive in accordance with county road naming system. Good Morning Mr. Pembroke.

Road Naming Request.

Art Pembroke: Good Morning Mr. Chairman, Commissioners. You have before you a request from Staff to resolve a road naming issue. As you're aware we have been working with residents over the last several weeks, meeting with them, trying to work out an acceptable naming convention. At this time Staff felt that with the correspondence from the Forest Service and the lack of an approved road name, we felt the recommendation as submitted by Staff for Park City Road, would be in the best interests for public safety and addressing.

Chairman Tinsley: Questions for Staff? Mr. Alles I have a question. Is this is a, should we open a public comment section for this?

Ron Alles: You can. You're not required to, but you can.

Chairman Tinsley: All right. Are there any folks in the audience here on this? 4 of them? Ok. Mr. Pembroke I assume you'll stick around in case we have any questions? Ok. What I'd like to do now is upon up a public hearing on the Road Naming request for a road, which is located off of Beaver Willow Road, which is off of Grizzly Gulch Drive. If you have testimony or comments please come to the microphone and give your name and address for the record. Good Morning and Welcome.

Norbert Lauer: 2070 Grizzly Gulch. Yes, we have been trying to work with Mr. Hinshaw for about a month or so now, and we have as a majority of the, there's 11 homes in this particular road that we're addressing and none of us know what Beaver Willow Road is incidentally, we don't even know where it's at. But anyway, 11 of us own homes on that road and we have worked very hard to get together to try and come up with a name we thought was suitable and also provide the safety measures that were brought out as being necessary. We submitted 2 petitions to Mr. Hinshaw. On the first petition our aim was, because we felt it was the best thing in the interest of safety and of common sense and identification that we keep some sort of reference to "Grizzly" in the name. If you think of the situation of if you may have a problem of some sort for a long period of time, I don't know how long, some 40 years or whatever, that whole area has been known as Grizzly Gulch Drive. Our road has been know as Grizzly Gulch Drive. People have lived there for 40 years and it seems natural to us that if any emergencies arose it's quite easy then if our name was a derivative of Grizzly Gulch and we thought something like West Grizzly Drive something in this nature. The major problem we have on our road is the addresses. The addresses are almost at random so anyone coming on to serve an individual home does have a problem. There's no question about that, and so our initial suggestion was that we do a derivative of Grizzly Gulch such as West Grizzly which we thought was distinct enough not to cause problems and more importantly we change all of the addresses so the thing would fall in line, and finally that we would put at the end of the street what those addresses were so there would be no confusion what so ever as to what homes were down that street and should be very clear. For those of you who know there's an intersection there with what is the main Grizzly Gulch Drive and our road. That road is the road that goes to the Ridge Trail trailhead, the Mount Helena trailhead up there. That was not accepted and the main reason for that being saying they didn't want to have a derivative of the name, which still we as individuals don't find to be a sensible point of view. So we went back again and trying to come up with a better name. My wife and I met with Mr. Hinshaw and met for quite some time. It was well over an hour we met with him and during that meeting he suggested that an acceptable name would be Bear Trail Road, and based on that, and that was right at the end of the meeting we asked him 3 times if that was acceptable and his exact words, which I put in an e-mail to you folks, was that it was acceptable to him and if we got the majority of names it was a done deal. So that's what we focused on because we thought that was it. At the same time, we as a neighborhood didn't think that was the greatest name and we thought we wanted something associated with bears so we thought Bear Tooth Trail, Gulch, Road something like that. The other name of Bear Tooth around that we know of is over in Wolf

Creek and we don't see how that could be a possible identification problem, but in our petition we left it open to Mr. Hinshaw, that a) we would take either the Bear Trail Road which he had very distinctly said was very acceptable, or we preferred the Bear Tooth with some sort of suffix to it, and I was just amazed when he came back and said that it wasn't acceptable because again his words were if we brought the petition in with the majority of neighbors we had 8 of the 11 people sign it. The other people either agreed and did not get around to signing it or said nothing, so we had the high majority of the landowners going along with that and then what I considered out of the blue, he came back and said that that wasn't acceptable. My overall point is we've been trying to work along this and I can understand if as a neighborhood we have been unresponsive why someone would say OK Commission go ahead. That hasn't been the case at all. We've been very responsive and interested and trying very hard to work along this thing and then just all of a sudden last week have a note saying "we're coming in today, the County Commission and the County Commission is going to name the road and this is a bit much for us. Finally, in terms of the Forest Service, we have never, no one had ever told us, no one had even mentioned they thought it was a Forest Service Road up until the note last week from Mr. Murray saying he thought this should be checked in to. The folks that have lived there longest have had some sort of title search which indicates that it really was a County road but I can't get into that, I'm not familiar enough to know it, so but whether it's a County Road or a Forest Road or whether it's a private road, one of the first things that Mr. Hinshaw said to me was that when we talked in our first meeting was it didn't make any difference whether it was a County Road, a public road or any other kind of road, the naming aspects was still the same in terms of how the County would approach this. In other words, if there was only 2 houses on this and it was a private road according to my conversation with him, the County department still has the same mechanisms that you go through in naming it. So whether or not it is or isn't a forest road I haven't the foggiest idea. In terms of the Park City designation we don't care for that, we don't think it makes any sense what so ever. If you talk about a safety issue, here we are on Park Avenue or whatever this is which also becomes Benton, which also becomes something else and that connects directly to Grizzly Gulch Drive, now how is this a distinguishable, unique address is beyond us to understand. So anyway, we for our part would like to keep trying to resolve it. Our preferences are to one we said, but we're open to coming up with new names. We feel very strongly that we don't want to just accept whatever the Forest Service road is or anything else on there. I don't think, we don't think enough time, enough effort has been to resolve the problem about us being at this particular stage before the Commission so, that's all.

Chairman Tinsley: Thank you for your comments Mr. Lauer. Further public comment? Any further public comment on the matter?

Betty Schroth: 2074 Grizzly Gulch. I was kind of wondering if, whatever the name happens to be, couldn't we just like number the houses from 1 to 11?

Chairman Tinsley: Mrs. Schroth what we will do is take note of your question, but this is a period for you to comment to us and make testimony and comments. When the comment period is over we can ask the Staff that question but this is your opportunity to make testimony to us. We're not going to answer that question right now. When we're done with the comment period we'll have Staff come up and answer that question.

Betty Schroth: Well basically I wanted our address to remain on Grizzly Gulch and just rename the street and then make that from number 1 to 11 because that's how many people that are on that street. Would that be feasible?

Chairman Tinsley: That's something we can ask Staff when we're done with the comment period.

Betty Schroth: Thank you

Chairman Tinsley: Thank you very much. Further public comment?

Ann Lauer: I just wanted to make a note that I talked with many of the homeowners last night who couldn't be here because of jobs interfering with getting here on a Tuesday morning, and they all feel strongly that they want to participate in the decision and that the two petitions that we entered, the first one we entered requesting the derivative as a group had been led to believe that there was some flexibility with the Commission as far as neighborhoods getting together and trying to solve a safety issue and that if it didn't necessarily fall along exact lines that had been stated before as long as it was sensible and clear and would be a safety issue that that might be entertained, and so our first petition was along those lines. We weren't trying to be rebels going against what people wanted we were all trying, saying OK this will work this is what makes sense to us and if we put numbers at the end of our driveway a number at the end of the road and have a name that was different from Grizzly Gulch, but still like West Grizzly Trail it would still let people know where we were. So that's the feeling we had going into it so we were trying hard thinking that might work. And so the second one as Norv said was directly at the end of the conversation with John Hinshaw and he said, "If you come back with West Bear Trail Road then that would be acceptable. So both petitions we entered we thought would be acceptable petitions and so the homeowners are very disappointed, here we are in this situation, because we are not coming up with random names, we have been trying to come up with something that we thought was acceptable. So again we would like to try and work with it and figure what will work and have a say in it and several of them agree last night they really don't like and don't understand if you can't use the word Grizzly again then how can you use the word Park again? And didn't like that and didn't think that was a safety issue since our homes are involved in safety. Thank you

Chairman Tinsley: Thank you Mrs. Lauer. Further public comment? Yes Sir.

Bill Schroth: 2074 Grizzly Gulch Drive. I was under the impression that that's a forest service road. It's a county road. It's right here in this document that shows it's a county road and it was called Nelson Gulch road at the time.

Chairman Tinsley: Would you like to submit that into the record?

Bill Schroth: Say what?

Chairman Tinsley: Would you like to submit that paper into the record?

Bill Schroth: Well, I need it back.

Chairman Tinsley: We can make a copy and get it back to you. Why don't you just bring it around to me and we'll take a look at it, or give it to Miss Penna. Thank you Mr. Schroth. Further public comment? Any further public comment? Well, this closes the public hearing. What I would like to do now is have, and Art, I don't know if you have the answers to this question, maybe Jerry Grebenc might have the answer as well. Mr. Schroth had a question that she brought up in her testimony and I would also like you to expand a little bit regarding the Forest Service letter we received and what they were talking about and while you are doing that we will look at this document Mr. Schroth gave us.

Art Pembroke: In response to the first question dealing with the addressing the 1 through 11. The reason we cannot do that is the entire City and County are all on what are called a grid system and what this allows us to do we can always reference if you're in the 3000 block some place if you go two miles west theoretically your going to still be in the 3000 block, if your going north, south, or east, west depending on the layout and that's why it's important to keep that grid system and that's why addressing from 1 to 11 would not work on that road because it wouldn't match up with the City County grid system. And the grid system plays a real important

part on how some of the automated response systems, emergency systems depict where a vehicle has go to go, because it knows if it's a 3000 address that it's going to be up in this area. It doesn't have to physically see that on a map. The importance of maintaining that grid system just can't be stated enough. It's really important that we know when we say we are in a 3000, 2000, 100 block area that emergency responders know generally where they're heading in that direction and that it also prevents duplication of addresses. For example if you started addressing Park City, Grizzly Gulch, whatever the road is and started at 1 to 11 and there was another segment of that road anywhere else that matched up with the grid system at a future date or anywhere out in the county you would have duplicate addresses because they're not in the correct range.

Chairman Tinsley: Thank you. Mr. Pembroke, I'm going to step outside the normal way we do things this morning and allow Mr. Lauer to come up to the microphone. It looks like he had a question. Very quickly if you can Mr. Lauer.

Norb Lauer: Just to clarify, I don't mean to speak for Betty, but I don't think she was necessarily saying 1 to 11. If you wanted it 3001 to 3011 that's fine she wasn't trying to predispose what the numbering system was, it was just an example.

Chairman Tinsley: Thank you for clarifying that Sir. Mr. Grebenc, it looks like you have a point to make?

Jerry Grebenc: The one thing I would add is that the thing you've got to be careful about when you are assigning addresses right now as we look at the situation assigning addresses whether it's 3001 through 3011 seems to make sense but all it would take is 1 or 2 people to actually divide their property into even one additional lot and you don't have room to put an address in so when you assign addresses even though a subdivision or a development may not occur in the future you want to make sure that you leave enough numbers so that somewhere down the road you can add people in there. It may never happen but in our experience if you don't do that sure enough someone comes along, does a little development or even a large development and then the whole address system may be a mess because you don't have enough numbers to add in there. It seems inconsequential now but believe me when you get down the road it can be a big issue.

Chairman Tinsley: Thank you Mr. Grebenc. It appears that there's a couple of things going on here. The residents up there are very close knit and they are trying very hard to come up with a name but it also appears we've got this unresolved question regarding the possibility that this is a previously named road through the Forest Service and in our subdivision regulations it does state: "Section 22 otherwise unnamed roads crossing the National Forest within the County will defer to the US designated US Forest Service road name." I think it's probably the feeling of the Commission and I don't mean to presume to speak for them that we might want to table this and do a little bit more research before we come up with a final decision this morning. I don't know if that's all right with my fellow Commissioners or not. And folks I guess what we'll do, Mr. Hinshaw is at a funeral this morning, he couldn't be here this morning, and he's very dedicated to what he does and I know sometimes you don't get the answer from him that you would like but a lot of the times he's giving you the answers that we tell him to give you because that's what our regulations state but we're willing to go a little bit farther into this and see if we can, or possibly willing to if there's a motion to table and see if we can go into a little bit farther into this and maybe resolve a couple of these issues before we go into a final deal. Is that all right with you Mr. Pembroke?

Art Pembroke: I believe Staff would be just fine with that Mr. Chairman.

Chairman Tinsley: Is there a motion from anyone?

Commissioner Varone: Mr. Chair, I make a motion to table the decision on this road naming and allow staff a little bit of time and if it's agreeable to extend to next Tuesday which would be the 22nd?

Chairman Tinsley: Tuesday, the 22nd. Is there a second?

Commissioner Murray: Second. Would the motion maker accept tabling it until December 1st and give it enough time to get it corrected?

Commissioner Varone: Absolutely.

Chairman Tinsley: Ok. We have a motion and a second to table this until December 1st. Any discussion?

Commissioner Varone: Mr. Chair, Commissioner Murray. This has been an issue with me. I've had a couple of telephone calls on this and I think we have all received several e-mails and after we received the letter from the Forest Service, I was going to regrettably go along with their Park City Road even though I don't like it either. I was very happy to receive this. I'm real interested in seeing on what we can find on this because I like two of the naming conventions. I liked West Grizzly Gulch. I thought that that really kept in tune with where the location is. It's been historically Grizzly Gulch it's what you've know, it's what the Park Service has known. And I also liked Bear Trail Road but West Grizzly Gulch was my favorite so I'm very appreciative that this was brought in we have an opportunity to maybe research it further.

Chairman Tinsley: I guess what I would like to say is we do have reasons why we don't allow double naming or naming like what Commissioner Varone said she is in favor of. I'm not saying I'm not in favor of it but we do have specific safety reasons why we try to dissuade people from doing that and once we start going downing the road in making those changes and allowing them here but not allowing them there we get ourselves into a bind, so I'm more than likely not going to support some derivative of that just because we have safety concerns. We have 15, I forgot how many, rural fire departments that all have mutual aid agreements. Some of them are from Wolf Creek and I'm not saying somebody from Wolf Creek is going to respond up here but we have folks out in the valley, we have districts in the valley that are between the two and they could very well get mixed up and go to the wrong one, which is why we do this. I want you to know it's not on a whim that we say we don't want these. They are great names but we have specific safety reasons why we do encourage different names. Any further discussion?

Commissioner Murray: Just so all three of us weigh in, I'm going along with the precepts of road naming and I won't support naming it West Grizzly Road. Just absolutely will not for the safety reasons that Staff has told you and told us and I would suggest we're told this is named Park City Road on Forest Services maps would suggest that you take a look at a Forest Service Map and see if that is in fact the case as we will.

Chairman Tinsley: Ma'am where in the middle of a motion and we're getting ready to vote but it's tabled and we can talk to you afterwards if you want to stick around.

Commissioner Varone: Mr. Chair if I could just comment.

Chairman Tinsley: Commissioners I don't want this to turn into a debate we've got the motion to table.

Commissioner Varone: Mr. Chair.

Chairman Tinsley: Commissioner Varone go ahead very quickly. Be ready with a response though.

Commissioner Varone: Mr. Chair, Commissioner Murray. I understand your concern about the safety but I also want you to keep in mind the grid system and I think that would delineate the addressing and confusion for fire departments should there ever happen to be an occasion to call to that area.

Commissioner Murray: Mr. Chair, Commissioner Varone. The grid system deals with numbering not naming.

Commissioner Varone: Which also provides a location based on the.

Chairman Tinsley: Ok Commissioners, we're going to move into the vote now. Where not going to get into a debate. This is a motion to table. We can debate all we want when it comes time to name the road. All in favor of the motion to table to December 1st signify by saying Aye.

Commissioner Murray: Aye.

Chairman Tinsley: Opposed same sign.

Chairman Tinsley: Motion passes 3-0. Folks if you want to come back and talk to us or e-mail us please feel free to, you don't necessarily have to stick around till the end of this meeting but you're more than welcome to if you like and we can chat with you.

Commissioner Murray: Mr. Chair, I would ask if they don't have a copy of the Forest Service letter that we ask Mr. Alles to provide that.

Chairman Tinsley: Ron, does Miss Byrnes have a copy of the letter.

Ron Alles: Yes, I believe so. Will get one for them.

Chairman Tinsley: Ok, and they can also stop over at our Commission offices anytime she's over there right now if you would like to go and get a copy of it. Thank you for your time this morning and your comments.

Chairman Tinsley: Next item on the agenda is a resolution relating to \$14,194.00 Bond for the Lewis and Clark County (Fawn Meadow Estates) Rural Improvement District No. 2004-2. Marni Bentley is the Staff person. Miss Bentley.

Resolution Relating to \$14,194.00 Bond for the Lewis and Clark County (Fawn Meadow Estates) Rural Improvement District No. 2004-2.

Marni Bentley: Good Morning Commissioners. The paperwork that I've provided would be for the draw down on the loan for the Fawn Meadow Estates Rural Improvement District improvements. I'm anticipating a closing on Friday so we'll have the money on Friday if we get all of the paperwork signed and in to Inner Cap and then I just need to have the Commission approve the paperwork for the draw downs.

Chairman Tinsley: Questions of Staff?

Commissioner Murray: Mr. Chair?

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Mr. Chair, Commissioner Varone, Miss Bentley: Why are we bonding rather than loan?

Marni Bentley: Bonding is just the term that is used for the money that we're receiving. It's not necessarily, maybe Ron could answer this better, but I don't think it's necessarily a bond.

Ron Alles: It's the equivalent of the bond. It's still through the Inner-Cap program, but they require a signature for that loan and it is, Inner-Cap does their form of bonding for these activities.

Commissioner Murray: Thank you.

Chairman Tinsley: Is there a motion?

Commissioner Murray: Mr. Chair, I would move approval of the resolution relating to \$14,194.00 bond for Lewis and Clark County Fawn Meadow Estates Rural Improvement District No. 2004-2 fixing the form and details and providing the execution and delivery thereof and security thereof and authorizing the Chair to sign all appropriate documents.

Commissioner Varone: Second.

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

Commissioner Varone & Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 3-0.

Chairman Tinsley: Next item on the agenda is the resolution relating to the \$11,580.00 bond for the Lewis and Clark County Munger Road Rural Improvement District No 2004-3. Miss Bentley.

Resolution Relating to \$11,580.00 Bond for the Lewis and Clark County (Munger Road) Rural Improvement District No. 2004-3.

Marni Bentley: Again this is the same situation, the improvements are all complete and we just need to do the draw down on the loan from Inner-Cap.

Commissioner Varone: Mr. Chair, I make a motion to approve a resolution relating to \$11,580.00 bond for the Lewis and Clark County Munger Road Rural Improvement District No. 2004-3 fixing the form and details and providing the execution and delivery thereof and security thereof and authorizing Chair to sign.

Commissioner Murray: Second.

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

Commissioner Varone & Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 3-0.

Chairman Tinsley: Next item on the agenda is a resolution relating to \$28,754.00 bond for the Lewis and Clark County Golden Estates Rural Improvement District No. 2000-1. Miss Bentley.

Resolution Relating to \$28,754.00 Bond for the Lewis and Clark County (Golden Estates) Rural Improvement District No. 2000-1.

Marni Bentley: Again Commissioners these are drawn papers for our loan for the Golden Estates improvements. All final costs have been calculated and again this will be for a closing on Friday.

Chairman Tinsley: Is there a motion?

Commissioner Murray: Mr. Chair I move a resolution relating to \$28,754.00 bond for the Lewis and Clark County Golden Estates Rural Improvement District No. 2000-1 fixing the form and details and providing the execution and delivery thereof and security thereof and authorize the Chair to sign all appropriate documents.

Commissioner Varone: Second.

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

Commissioner Varone & Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 3-0.

Chairman Tinsley: Next item on the agenda is a proposed major subdivision, Preliminary Plat to be known as South Boundary Acres II. The Planning Director is Jerry Grebenc. Greg McNally is here to speak to the subdivision, good morning Greg.

Proposed Major Subdivision, Preliminary Plat to be Known as South Boundary Acres II.

Greg McNally: Good Morning Mr. Chair, Commissioner Murray, Commissioner Varone. I have before you South Boundary Acres II a 19 lot major subdivision. I will briefly discuss my Staff report. At the conclusion of my presentation I will discuss the results of the public hearing that occurred on October 25th. The proposal is a 20.228-acre tract divided into 19 lots ranging in size from .67 acres to 1.75 acres each for one single-family dwelling. The lots will be served by a shared water supply system, individual on-site wastewater treatment systems and utilities. Access to the lots is provided by internal roads intersecting with Boundary Street, Ruger Lane and one approach situated on Ruger Lane.

Chairman Tinsley: Greg, if you don't mind hold just for a second. Mr. Taylor I see that you're hear this morning and your representative. Did you receive your packet of information on this and are you prepared to go forward this morning? I apologize I should have asked you before he started. Please Greg, go ahead. Sorry.

Greg McNally: The subject property is located essentially approximately ½ mile east of Lake Helena Drive as seen in this vicinity map. I would like to note the Applicant was granted preliminary plat approval for this subdivision in November 1999. The 4-year approval period provided by statute expired before the Conditions of Approval could be completed when the final plat was filed. The Applicant had completed most of the improvements required by the 1999 preliminary plat approval prior to its expiration. This is an aerial photo of the property. This is a storm water drainage plan. I have it up here to show the lot layout of the subject proposal. This is a photo looking north over the subject property from the cul-de-sac on Laramie Street. This is a photo looking east from the end of the cul-de-sac on Camrose Circle. This is looking south from the intersection of Laramie Street and Boundary Street. This is looking west from Ruger Lane.

Regarding the effects on agriculture: Soils are classified as prime farmland if irrigated. Due to surrounding development the agricultural viability of the property has been reduced. There are no irrigation rights or irrigation facilities identified on the subject property. There is a irrigation

easement and ditch located along the western boundary of the property. It is owned by the Prickly Pear Water Users association. The ditch is currently in disrepair and has not been used for many years. The ditch runs along the western boundary of the property.

Effects on local services: The Applicant is proposing individual on-site wastewater treatment systems. He has already received approval from the Department of Environmental Quality. Water supply will be provided by a central supply system that will serve all lots. It is owned and operated by the Ruger Waters Association and this has already received approval from the Department of Environmental Quality. Utilities, electricity, telephone, natural gas and cable are currently installed on the subject property.

The proposed subdivision does have standard legal and physical access. Lot #19 which would be situated in the northeast corner of the subject property would require an individual approach off of Ruger Lane. All other lots would be served by the internal roads. Currently roads are constructed on the subject property to the old county road standards. It is a condition of approval that the applicant bring the roads up to the new county road standards and the applicant has requested a variance from that condition. Currently, Boundary Street is an unpaved road from the edge of Eastgate II Subdivision, which is right here, along it's length. Due to the number of lots created by this proposal the average daily trips would exceed 400, therefore we would require that the Applicant pave Boundary Street adjacent to the subdivision.

This is an image of Boundary Street looking east. This is an image of Boundary Street looking west.

School Districts #1 and #9 would serve this subdivision. An additional 12 to 20 students would be generated by this subdivision for elementary schools. An additional 8 to 16 students would be generated for secondary schools. No transportation would be provided for the elementary students and busing would be provided for the secondary students at the taxpayer's expense.

Police protection would be provided by the Lewis and Clark County Sheriff's department and response time is good at a distance of approximately 8 miles. Response time for ambulance and emergency services is good at a distance of approximately 7 miles. Fire protection would be provided by the Eastgate Rural Fire District. The response time is good at approximately 1.1 miles. County Subdivision Regulations require a \$1,000.00 per lot fee to be paid to the Eastgate Rural Fire District.

In addition a vegetation management plan would be prepared for the subject property.

In regards to the Lewis and Clark County Subdivision Regulations: The proposed subdivision does not comply to some of the regulations. One states that the roads in subdivision shall meet appropriate County Road designs specifications and as constructed the interior local roads do not meet the new County Road standards. The Applicant has applied for a variance from this request. At the October 25th Planning Board hearing the Planning Board recommended denial of this request.

Another regulation the proposal does not comply with is that the cul-de-sacs at Camrose Circle and Laramie Street do not meet the new County Road standards and the applicant has applied for a variance from these regulations. The Planning Board also recommended denial of these requests at their October 25th meeting.

Another regulation the proposed subdivision does not comply with is that Lot #1 is a double fronted lot. "Through or Double fronted lots are prohibited except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography or orientation." The Applicant has applied for a variance from this

regulation and the Planning Board recommended approval of this request.

In regards to Parkland dedication or cash donation: The applicant is requesting a cash in lieu payment instead of Parkland dedication and the City/County Parks Board met on September 7th and approved the Applicants request to provide cash in lieu of parkland dedication based on the 2 conditions that you see there.

Once again this is a aerial photo of the subject property. This is a lot layout of the subject property. Staff recommended approval of the proposed preliminary plat of Southbound Acres II Major Subdivision. Staff recommends this approval be subject to the 19 Conditions discussed in the staff report. The Public Hearing occurred on October 25, 2005. There was notice published in the newspaper, certified letters were sent to the adjacent property owners and a sign was posted on the property. We received one written letter, which was submitted in your Staff report. 5 individuals spoke at the public hearing. The Planning Board made a recommendation to approve the proposed subdivision based upon the 19 conditions outlined in the Staff report. They did recommend some changes to the Conditions of Approval and those include 9A, which adds an "or" condition which states "if the Boundary Street, Remington Street RID is completed, which is currently being worked on that the Applicant would provide a pro-rata share of the construction costs of bringing Boundary Street to the paved standard." In addition Condition 13 I 1 & 13 I 2 were removed. Those were related to the variances that the Applicant requested. Condition 13 M was added which would prohibit the raising confinement and/or keeping of livestock on the subject property. Do you have any questions for Staff?

Chairman Tinsley: Greg, good job. That was your first presentation.

Greg McNally: Yes. Thank you.

Chairman Tinsley: Any questions for Staff?

Commissioner Varone: Mr. Chair?

Chairman Tinsley: Commissioner Varone.

Commissioner Varone: Mr. Chair, Commissioner Murray, Greg. Do you know when, I understand this was approved once in 1999 and from the pictures those roads were constructed quite some time ago, do you know approximately when they were constructed?

Greg McNally: I believe the roads were constructed in September of 2002.

Commissioner Varone: Thank you.

Chairman Tinsley: Further questions for Staff?

Commissioner Murray: Mr. Chair?

Chairman Tinsley: Commissioner Murray.

Commissioner Murray: Mr. Chair, Commissioner Varone, Mr. McNally. I believe the previous time that Mr. Taylor brought this through the process there was a problem with fire protection or water for a fire folks. Has that been resolved? And it's kind of a rhetorical question. I want to put Mr. Taylor on notice that he needs to speak to it, but if you have the answer you can take it.

Greg McNally: Mr. Chair, Commissioner Murray, Commissioner Varone. The new subdivision regulations in themselves resolve that issue by just requiring the applicant to provide \$1000.00 per lot fees to the Eastgate Rural Fire District.

Commissioner Murray: Thank you.

Chairman Tinsley: Further questions for Staff? Thank you Greg, good job. Appreciate it. Mr. Taylor or your representative, it's your opportunity if you would like to address us. For the record give us your name and address. Welcome.

Chairman Tinsley, Commissioner Murray, Commissioner Varone. My name is Archie Taylor, 1465 Valley Forge, Helena. As you have seen this before, I'm sure you're quite familiar with what we're doing here and the only thing I have a concern with is the roads and Commissioner Varone asked when they were constructed they were constructed in 2003 and haven't been used since. In relation to what we're trying to accomplish here with the roads that they are, will be under a maintenance contract as part of my final plat so consequently they will be maintained as opposed to in the past when none of the roads were maintained out there at all from 1996 when other roads were created in that area. So we make an upgrade here that will help every body as opposed to redoing the whole roads completely and I think that, as Jerry has stated in preliminary approval the road will be under a maintenance contract either by me or there is a RID being formed out there in that area my subdivision and most of the area, I don't know if you're familiar with that area or not but the people there are working on it to and they want to get the rest of the roads upgraded so, my understanding is that might happen or might not happen, but I'm going to move forward on my situation here to get it done and whatever bonding has to be done and so-forth. Stahly Engineering certified the roads in '03 and we have a copy of that certification and that was our major concern right there. So it's ready to go except for that and of course the paving will be done in the Spring on Boundary and we are required for a bond for final approval and I'll do that and just carry on here with our situation, so any recommendations I would appreciate your recommendation and approval and I know, but you probably don't know this, this is Jerry's first subdivision he ever did in the County and I guess he wants to get rid of it.

Chairman Tinsley: He's over there grinning like a possum right now.

Archie Taylor: Get it done. (Laughter). I'd appreciate that to and thank you for your time Commissioners.

Chairman Tinsley: Thank you Mr. Taylor. Did you want your representative to get up and speak?

Archie Taylor: If you have a question.

Chairman Tinsley: Any questions for Mr. Taylor or his representative?

Commissioner Murray: Mr. Taylor do you want to respond to the question I asked to Mr. McNally regarding Fire protection?

Archie Taylor: Well, I'm going by the regulations I'm allowed to on the subdivision.

Chairman Tinsley: He was referring to the old subdivision why it stalled, why you can go forward now because of the \$1,000.00 per lot fee. I think Greg answered it, but he wanted to know if you wanted to say anything else about it.

Archie Taylor: No, not really. We just couldn't get an agreement with Eastgate that's all.

Chairman Tinsley: Ok.

Archie Taylor: That's what happened. Any other questions for me?

Chairman Tinsley: Any other questions for Mr. Taylor? Thank you Mr. Taylor.

Archie Taylor: Ok. Thank you.

Chairman Tinsley: Commissioners the review period ends December 31st. That's kind of odd that it's so far out but.

Jerry Grebenc: Mr. Chair, Commissioners. Archie had some health problems and underwent some surgery and we talked to him and thought it was best to extend the statutory time frame out so he had plenty of time, the Planning Board had time, and you had time. That's why the review period is so long.

Chairman Tinsley: Great. Commissioners, what's your pleasure?

Commissioner Murray: Mr. Chair I would we move render a final decision on November 22nd, which is Tuesday, if everybody, is present.

Commissioner Varone: Second.

Chairman Tinsley: We have a motion and a second to render a final on November 22nd. Any discussion? All in favor of the motion signify by saying Aye.

Commissioner Murray & Commissioner Varone: Aye.

Chairman Tinsley: Aye. Motion passes 3-0. Thank you Mr. Taylor.

Chairman Tinsley: Next item on the agenda is a Board Appointment for the Consolidated Planning Board. Mr. Alles

Board Appointment. Consolidated Planning Board.

Ron Alles: Mr. Chairman, Commissioners. You have a memo in your packet from Mr. Grebenc relating to the appointment of, it's actually the City/County Planning Board appointment recommendation of an individual. I would like to ask the Commission to table this for a while. It would be your pleasure but I would just ask that this be tabled for a week. We are in discussions with the City. This appointment is unique in that it's filling a position of the Soil and Conservation Board who has chosen not to appoint one of their members to the Planning Board so State law then allows the Planning Board to come up with a recommendation to the two governing bodies for confirmation. Mr. Grebenc did do a poll of the Planning Board and they have recommended this individual. It's now up to the County Commissioners to either confirm that.

Chairman Tinsley: Along with the City?

Ron Alles: Along with the City Commissioners to either confirm or deny that request. I just ask that this be tabled a week or so.

Chairman Tinsley: I think I'm fine with tabling it. I want to ask you a question about this though. This is a unique appointment because the Soil Conservation Boards this is there appointment and they've decided not to appoint. Say we appoint this position, once this position comes up again do we have to go through this process again? Do they get an opportunity to appoint and if they reject it do we do this same again or do we just appoint or not?

Ron Alles: Mr. Chairman, when this position term expires I believe it will go back to the

Conservation District Board to either appoint a member again or not, unless the state law changes between now and then.

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

Commissioner Murray: Commissioner Varone I was going to suggest December 1st if that isn't too long. That gives the City time to look and gives our Staff time.

Commissioner Varone: Mr. Chair that works for me. I was going to give them a week but December 1st works fine.

Chairman Tinsley: We have a motion to table until December 1st and second. Any discussion? All in favor of the motion signify by saying Aye.

Commissioner Murray & Commissioner Varone: Aye.

Chairman Tinsley: Aye. Motion passes 3-0.

Chairman Tinsley: Next item on the agenda is the Comp Time/On-call Policy. Mr. Alles.

Comp Time /On-Call Policy.

Ron Alles: Mr. Chairman, Commissioners. This is another item I would ask to table. Staff's been working on revision of that policy. There are some changes that have been made in working with the Sheriff's department. They are not yet included in the final language and I would like to table this until Thursday so we can make the appropriate changes in time for your review.

Commissioner Varone: So moved.

Commissioner Murray: Second.

Chairman Tinsley: We have a motion and a second. Any discussion. All in favor of the motion signify by saying Aye.

Commissioner Varone & Commissioner Murray: Aye.

Chairman Tinsley: Aye. Motion passes 3-0.

Chairman Tinsley: Next and last item on our agenda is any public comments on any matters not mentioned above? Any public comment? Any public comment for the third and final time? Hearing none we stand adjourned.

Public comments on matters not mentioned above. None

Adjourn. Adjourned 9:55 a.m.

November Holidays
Veteran's Day, November 11
Thanksgiving, November 24

