

NOTICE OF PUBLIC MEETING

May 18, 2004

Others attending all or part of the meeting: Felicity McFerrin, Claude R. Wilburn, Guy Youngblood, Jerry Crawford, Barbara Crawford, Chick Rolling, Jerry Shepherd, Marni Bentley, Dan Dengel, Mike Meloy, Luke Fortune, Barto Tocas, Win Youngblood.

Pledge of Allegiance.

Chair Murray: Good Morning and welcome. My name is Mike Murray, to my left we're happy to see Commissioner Varone back with us, to my right is Commissioner Tinsley, to his right is Ron Alles our Chief Administrative Officer, to his right is Sharon Haugen our Director of Planning, to her right is Tammy Smith one of our administrative secretaries in the company, welcome Tammy. The first item on the agenda, there is agenda's going around the room or there should be, if there isn't we'll get them going and there should be sign in sheets going around the room.

Commissioner Varone: I would just like to take a few minutes to thank everybody while I was gone, I received a ton of get well cards and I appreciated it so much and especially to staff, in particular either the staff came up to visit me and or they sent cards and it really meant a lot to me and I just wanted to publicly announce how important it was and also all the flowers and ___ and especially I wanted to talk specifically about Carole Byrnes and Mandi Ross, neither of them are in the room today but they were the two people that kept me in touch with County Government and Carole came over and brought me my mail and e-mailed to me about every other day and did a lot of my responsibilities while I was gone and I just absolutely couldn't have gotten by without them so I just wanted to publicly thank everybody and especially those two.

Bid Award. (Darrel Folkvord)

The Commissioners will consider awarding the bid for one landfill compactor. The bids were opened 5/13/04. Postponed to Thursday May 20th.

Chair Murray: Thank you. Item number 2 on the agenda is the Commission will consider awarding the bid for a landfill compactor; the bids for the compactor were opened last Thursday. Staff is still working on the recommendation for a bid they're accepted and looking at them. I'm not aware of exactly what it is but I know they're looking at it so Commissioners they've asked that we move the award of the bids to the Thursday agenda, so without objections I will do that.

Resolution Calling for the Appointment of Election Judges for 2004-2006. (Marilyn Bracken)

The Commissioners will consider the resolution.

Chair Murray: Item number 3 is a resolution calling for the appointment of election judges for the coming election season. Paulette, please and take the mic Paulette, or take the podium you don't have to take the mic.

Paulette DeHart: Good Morning. Before you you have a resolution requesting the appointment of election judges for the years 2004 through 2006. According to state statute anybody working in elections must be trained and certified. The list contains 390 individuals who have provided interest or attended some training that has already been completed.

Chair Murray: Paulette I noticed in the, with the list of people you have, you have a precinct part and there's a number plus a tenth, what does the tenth represent?

Paulette DeHart: It represents a district within a precinct; you can have one precinct with two different fire districts so it's got two different fire numbers, or two different landfill districts, this just _____.

Chair Murray: Thank you. Anyone else have any questions?

Commissioner Varone: Mr. Chairman, Commissioner Tinsley, If I may, Paulette, when I was going through these and I found it extremely interesting but my question is do people come in that are just interested or are they recommended by the central committees parties or how do they get on the list?

Paulette DeHart: They get on the list by several ways. One is the parties sends us a list every two years and there are usually individuals on it, State of Montana Secretary of State's Office did a statewide campaign trying to recruit people, we do our own recruiting throughout the year, we have people just walk in, the government classes at the college.

Chair Murray: Any questions? Is there a motion?

Commissioner Varone: Mr. Chairman, I move a resolution calling for the appointment of election judges for 2004-2006 and authorize the chair to sign.

Commissioner Tinsley: Second

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

Commissioners: Aye

Chair Murray: Motion carries.

Request to Amend Special Zoning District No. 25 to Permit Metal Roofs and to Grandfather Existing Setback Violations.(Petitioner, Bert Carlson) (Planner, Frank Rives) (cont. from 5/11/04) The affected area is Special Zoning District No. 25 and is located in the SE1/4 of Section 12, N1/2 of Section 13, and SE1/4 of Section 14, T10N, R4W; generally located west of Green Meadow Drive and east of the Burlington Northern Railroad. **[Because this matter has been legally advertised for today, it must remain on the agenda. On May 11 the Planning and Zoning Commission moved to table a decision until Tuesday, May 18 at 5:30 p.m. in Room 326 of the City-County Building.**

Chair Murray: Item number 4 is a request to amend zoning district no. 25 to permit metal roofs and to grandfather existing setback violations. The planning and zoning commission is still working with their recommendation for this commission, so we do not have a recommendation before us this morning to act upon. Planning and Zoning Commission will meet this evening at 5:30 in this room. If there is someone that showed up that wishes to testify that is not before us, you're certainly welcome to give us your opinion.

Mike Malloy: That would be me.

Chair Murray: If we could get your name and address please.

Mike Malloy: My name is Mike Malloy and I think has everybody signed this, my name is Mike Malloy I live out on Horeshoe Bend and the issue that you still have on the zoning commission is effects that property that I live on. I wasn't able to make the either last weeks meeting for the zoning commission and I can't make the one this week so I thought I'd just tell you what, give you my piece now and than you can put it in to the mix whenever you are considering this issue if that's alright.

Chair Murray: Thank you.

Mike Malloy: As you know, I think that several of you were at the zoning commission meeting last week so you probably heard about this but the property that surrounds the fairgrounds on the west and north which part of that is Green Meadow Ranch and it was subdivided into ten acre parcels in the 70's and sold. My brother Steve bought two of the lots and built on them back in the mid 70's, I bought the one right next to him in early 80', '81 or '82 I think. That lot incidentally was supposed to be used for the baseball fields and than when Badge field was developed they decided to sell that lot and I ended up with it, it's a ten acre piece on the

North of me I have a, the Laborer's AGC Training Center, south of me thank you, I was lucky to be able to find my way here, so Felicity is just south of me and then there's me and then there's my brother Steve and he has twenty acres, I have ten acres anyway we're right next to each other. So in the early 80's I built a house on my property and then I think in about 1985 I built a barn on my property and Steve and I have a common road that goes right down between our two parcels, I've got ten here and he's got twenty here and we've got this common road and when I bought the property there was really nice restrictive covenants on the property, you couldn't have, you couldn't subdivide, you could only have a one single family residence, you couldn't have tin roofs, you couldn't have pigs, you couldn't have businesses, and it was just really a nice set of covenants of which I was aware. The thing that I was not aware of and I have no excuse for was in '77 or '78 the County incorporated those covenants into a this zoning district and imposed some additional restrictions including the setback requirement and not being blissfully unaware of that requirement I built a two story barn, it's one of those classic style barns about maybe 10 or 12 feet from the road or from the lot, from the road which I think is right on the property line and so we all live out there and we all do things together and we all the neighbors cooperate on things except for occasional road bumps that they were having problems with and people as they developed and improved their property would put metal roofs on their mostly on their out buildings and I'm not a fan of metal roofs, but and I didn't put a metal roof on my barn but I thought well, they're okay, they're not bad looking so nobody said anything about it and I think one of the neighbors is operating a business out of his house and none of the neighbors said anything about that and then about 6-8 months ago we all got a lot a letter from Mr. Stahl saying there's a whole bunch of violations of the zoning district requirements and here they all are and if you don't get them in compliance I guess we'll throw you in jail, I mean I don't think it was quite that bad but it was a pretty serious letter, so I called the planning staff when I got that letter and I said tell me what I need to do to get this done so I don't have to cut my barn in half and so they said, well don't do anything yet, there's going to be a meeting with all the people out there and maybe they can work out some kind of solution and I said well, okay, but I really think I ought to start going on the variance process, no no no wait wait, they'll get together and we'll work something out and then if it doesn't work out than you can do it so I said alright. So, all the people got together out there and put together a plan which is the one which is before the zoning commission now which essentially, there are three problems essentially actually four problems but I'm not going to count the junk cars because I assume that's something that can be handled without too much further action so the only three requirements that the residents out there are looking for relief from are they want to have metal roofs because there's a whole bunch of people out there that have metal roofs, they want relief from the setback requirements through some type of a grandfather arrangement because there's lots of people out there who have built close to the property line and then the third thing is the, operating business and I think there is only one person out there operating a business and I think that the proposal in front of you would sort of say kings ax, everybody, anybody from this point on has to comply with the zoning requirements. So that was submitted to the staff and for some reason and this is the primary reason I wanted to talk to you, for some reason the staff said okay with zoning, okay with metal roofs but not okay with setbacks and the theory seems to be that because there were land owners out there that complied with setback requirements it wasn't fair to grandfather those in that essentially violated the setback requirements and my thinking is if that's a good argument and I'm not necessarily saying that's a bad argument, but if it's a good argument than it also applies to the metal roofs because I didn't put a metal roof on my place, I don't like it, I don't mind if my neighbors have metal roofs, but the same should apply to the setback, so when you consider this, please keep in mind that there are some of us out there that complied with the requirements on metal roofs and some of us that complied with the requirements on setbacks. So, if you're going to give relief to people out there who already have structures in place, make it go across the board or say No, we're going to apply these zoning regulations strictly. No more metal roofs and I guess you tell them to take their metal roofs off although that's, or get a variance, or Meloy you're cutting your barn in half or you get a variance so I think the logic unless I'm missing something and it could be that I'm missing something because I don't know what kind of a day it is and I don't know what direction my neighbors are but if I'm not missing something than I think consistency is the better part of valor and so I've said my piece.

Chair Murray: Mr. Meloy, I believe the part that your missing is to my understanding is covenants were not filed, the neighborhood drew up zoning regulations and asked the County to enforce them although the County was remiss in enforcing them for a period of approximately twenty years. This particular commission hired staff and we are in the process County wide of enforcing zoning ordinances.

Mike Meloy: And I think that's great. I think that's great, but don't give half of the people relief and not the other half on the theory that you shouldn't reward past violations.

Chair Murray: I understood you. Anyone else. Felicity, you spoke the other night, you did not?

Felicity McFerrin: No, I was not there. No. Chairman Murray, Commissioners Varone and Tinsley. My name is Felicity McFerrin, I'm Director for the _____ training program, which is directly south of Mike's property. I was asked by some of the residents in that area, we are also part of special zoning district 25, although we are not in the section zoned as residential, we are agriculture, I was asked by some of the residents in that area to support this amendment of special zoning district no. 25, specifically for two reasons. Number one I know there are people who have been complying with the requirements of special zoning district 25, specifically one neighbor who has been waiting for three years to put a metal roof on his house and would very much like to do so but doesn't want to do it in violation of the special zoning district and also to sort of tidy up the people who don't comply with the requirements right now. There are several people who have metal roofs, there are people like Mike mentioned who are in violation of that setback requirement and it just seems to me and to several of the people in that area that I've talked to that it would be much tidier to just go ahead and grandfather those people in, be done with it once and for all and move forward so I would like to specifically state our support for that amendment to special zoning district no. 25.

Chair Murray: Thank you. Anyone else since I've opened Pandora's box. The testimony we received this morning will be moved forward to the point that the commission receives a recommendation from the planning and zoning commission. Thank you for testifying this morning.

Proposed Minor Subdivision, Preliminary Plat (Haub Tracts, Lot 1E). (Applicant, Michael T. Gluckert)
(Planner, Michael McHugh)

The Commissioners will consider a request to modify the condition of approval for lot 1E from a single family to a multi-family dwelling. The proposal is in the N $\frac{1}{2}$ of Section 25, T11N, R4W; generally located west of and adjacent to Green Meadow Drive and south of and adjacent to Foxborro Lane. **[The applicant has requested this hearing be postponed to May 25. Because it has been legally advertised for today, it must remain on the agenda for public comment.]**

Chair Murray: Item number 5 on the agenda is a proposed minor subdivision preliminary plat, Haub Tracts, Lot 1E. The applicant is Michael Gluckert, Mr. McHugh is Mr. Gluckert

Michael McHugh: No Sir, I think you received a request to postpone that public hearing, or continue the public hearing for next week.

Chair Murray: The applicant has requested that the public hearing scheduled for this morning be postponed until May 25th which is next Tuesday but because it's been legally advertised anyone who wishes to offer their testimony this morning rather than next Tuesday now is your opportunity and we welcome your testimony.

Claude Wilburn: This is for Gluckert?

Chair Murray: This is for Gluckert, yes sir and if I can get your name and address and if you'd use the podium please.

Claude Wilburn: My name is Claude Wilburn, my address is 162 Shelly. My only complaint is that we have a water problem out there and I'm not opposed to the fellow building but just it's only going to exasperate the problem and he also has 13 acres that's directly behind me that he was starting to develop and when he gets this addition finished I'm sure he's going to want to start on the other. The lady to the northwest of me just across the street, she just had to put a new well in in the tune of \$13,500.00. The guy next door to him had to do the same and I've had my well _____ up. We got a water problem out there, I think everybody's aware of that and that's what my complaint is there's only so much water and we keep putting more houses and more families in and nobody's going to want to _____ and we'll all be hurting.

Chair Murray: Thank you Mr. Wilburn.

Claude Wilburn: Thank you.

Chair Murray: Is there anyone else that wishes to testify? The hearing Commissioners will be moved to next Tuesday, May 25th.

Proposed Subdivision, Summary Review to be known as Schatz Lot 9, Amended. (Applicant, Bartoleme & Natalie Tocas) (Planner, Michael McHugh)

The Commissioners will consider a creating two lots, approximately 1.01 (Lot 9A) and 1.24 (Lot 9B) acres in size; each lot for one single-family dwelling. The subject property is located in the SW1/4 of Section 32, T11N, R3W; generally located north and adjacent to Sierra Road and west and adjacent to Center Drive.

Chair Murray: Item number 6 on the agenda is a proposed subdivision summary review to be known as Schatz Lot 9, Amended. The applicants are Mr. and Mrs. Tocas. Have you folks received a copy of the staff report?

Barto Tocas: Correct.

Chair Murray: and had the opportunity to review it and are prepared to go forward this morning with the public hearing.

Barto Tocas: Correct. Yes.

Chair Murray: Thank you. Mr. McHugh will present and you will have the opportunity to speak at the staff report and after you folks speak than we'll open it to a public hearing. Mr. McHugh.

Michael McHugh: Commissioners, the proposal before you this morning is to divide an existing 2.3 plus acre parcel that's located north of Sierra Road in between the Interstate 15 and North Montana Avenue. What the applicants are proposing to do is to create two lots, one slightly over one acre in size and one approximately 1.24 acres in size. Presently the land uses in the area include single-family residential areas to the west, to the east and to the north of the subject property. This large parcel over here is developed with the Rossiter School and the Sierra Park parkland over here. This area over here is being utilized as stormwater retention and the County spent a lot of money, project impact funds to develop that as a retention area. This is an aerial photograph; again you can see the school site here, the parking area for Sierra Park Parkland, retention area and than a fairly highly developed community out there that ranges from approximately a half acre in size to a little over two and a half acres in size. The subject property is located within a special zoning district that's been special zoning district #18, the intent of this special zoning district which just extends to the north of Sierra and to the Interstate and doesn't include anything south of Sierra Road. As for single-family residential development it does permit homes, mobile homes and modular homes on permanent foundations and it does have a covenant in there that does allow animal densities not to exceed one animal per acre. Currently the northern and the western portion of this property is being utilized as pasture. This is looking at the property looking to the southwest of the property; this area is being utilized for pasture in here. Over to the west of the property are some buildings that are being used for shelter and hay storage. This is looking at the property from to the northwest. As you can see, the property is developed with a single-family residential unit. There's a well located over here for groundwater use and the septic system is located to the south of subject property. Currently there is no covenants on the property and as far as public notice, we did not receive any public comment associated with this proposed subdivision. As far as the review criteria, soils are identified on the subject property are identified as being prime if irrigated however due to the density of surrounding development and the small acreage there's not a productive use of, a agricultural use of this property. As far as impacts on local services, the applicants are proposing to develop an individual onsite wastewater treatment plant. The FCS mapping unit indicate that there are severe constraints for onsite wastewater treatment due to the wetness and poor filtering capacity of the soils in this area and at a minimum the City County Health Department indicated that any new or replaced drainfields would require a minimum sand lime trenches to be

installed. The depths to ground water are variable, they range from 3-8 feet and it will only be certain that depth to ground water when they actually go out there and do a test hole on the subject property. The subject property, both of the systems, the existing system and the proposed system would be required to undergo DEQ and City County Health Department review. Water supply in this area is from the Helena Valley ____ Aquifer, the well depths are fairly shallow they range from 34-78 feet, they do have a very high yield from 15 - 80 gallons per minute and the draw down is less than a half hour which is a very big draw down rate. All necessary utilities are adjacent to the second property and any additional utilities would need to be installed underground in compliance with the County Subdivision Regulations. As far as access, the current residence is accessed off Sierra Road, the new proposed residential would have to be accessed from Center Road, which lies directly to the east. There is a separation of grade here, there would need to be some fill added. Because of a small area, which is approximately 70 feet, staff is requesting a condition be placed on the proposal that would put a no access restriction here because there's not enough separation distance between Center Drive and the existing approaches and also the approaches associated with Sierra School. The subject property is located within a RID so maintenance is being done on the property it does allow for snow removal and maintenance on the hard surfaced areas and also grading in gravel areas which are located to the north of subject property. As far as impacts on the schools, the subject property is located in special, or in Helena School District #1, there are some capacity constraints in Rossiter School. All new students if there are capacity constraints, would be required to be bussed. It's estimated that this proposal has potential of generating from one to two additional students. As far as fire protection, subject property is located within the west valley volunteer fire district and the fire district has requested a \$500 fee be paid for the new lot, for the additional fire protection needs in this area. As far as impacts on the natural environment, there's no surface water located on the subject property, the Lewis & Clark County Water Quality Protection District indicates that nitrates in this area range from 1.8 - 3.4 milligrams per liter and have been consistent over the last ten years. Again, we should congratulate the applicants because there were no noxious weeds identified on the subject property and as far as visual appearances; this proposal would be similar in character with the development surrounding it. One of our main concerns is that there is a flood plain associated, a five hundred year flood plain associated with this property, the County does not regulate development in five hundred year flood plains but there ought to be a notification in the covenants notifying potential future property owners of the flooding potential and there also needs to be a restriction on basements because of shallow depths to groundwater and potential for flooding. As far as other natural environment issues, there is a scratchgravel fault line terminates approximately $\frac{3}{4}$ mile west of the subject property. Any new development on this property should be constructed in compliance with applicable coverage for seismic zone number 3. Again, drainage because of the soils out there and the relatively large size of the parcel, there's not going to be any major drainage concerns and again we do have the stormwater retention area located just to the south of the subject property in this area here. As far as compliance with subdivision regulations the proposal and design does comply with all County Subdivision Regulations, there is not a parkland requirement associated with this because it is a minor subdivision. Based on these findings, staff is recommending approval of this subdivision with the ten conditions attached to the staff report.

Chair Murray: Questions of staff? Mr. Tinsley.

Commissioner Tinsley: Mr. Chair, Commissioner Varone. This might be a better question for the applicant Michael, but why, would you go back to the way the plat is drawn out, the 'L' shape, just out of curiosity, why was it drawn like that, why was it laid out?

Michael McHugh: That was the applicant's preference and they could probably address that more directly.

Commissioner Tinsley: Okay.

Michael McHugh: I think it is to accommodate the existing stable facility and the hay over in this area.

Commissioner Tinsley: Oh, I didn't see that.

Chair Murray: Further questions of staff? Mr. McHugh, in the staff report on drainage, in your sentence the borrow ditches a ???

Michael McHugh: Um

Chair Murray: The printer obviously went schizophrenia

Michael McHugh: No, it was probably the staff member is schizophrenic, probably got interrupted while he was trying to type it. The burrows in this area could accommodate any, the minor increase in stormwater retention is what the sentence was suppose to be.

Chair Murray: Thank you. Are there further questions of staff? Mr. Tocas this is your opportunity to comment on the staff report, to comment on conditions either in favor of or opposition to and if I can get you to get over, you're blocking the camera a bit and I ___ on that on two other people. For the record, we need your name and address please.

Barto Tocas: My name is Barto Tocas and my address is 1480 East Sierra Road 59602. I really appreciate what you did, it was well done. As you can see it's a property too big for me, I just want ____, so I thought it was the best way to do it and I appreciate all that staff ____. Well done.

Chair Murray: Mr. Tocas, do you wish to comment on any of the conditions as proposed by staff, there are ten of them?

Barto Tocas: I was reading through that, we can meet those.

Chair Murray: Thank you. Mr. Tocas I'll reserve time for you at the end of public testimony that you'll have an opportunity to comment one more time.

Barto Tocas: Okay, thank you.

Commissioner Varone: If I could ask, Commissioner Tinsley asked a question about why you separated it into an 'L' was staffs comment correct that you wanted to separate out the barn into

Barto Tocas: Correct, it's an existing barn right now ____

Chair Murray: This is a public hearing, anyone that wishes to comment in favor of or opposition to or speak in general on the proposed subdivision, now is your opportunity. I ask that you do use the podium and we need your name and address. For the second time. For the third and final time. This closes the public hearing. Mr. Tocas do you have further?

Barto Tocas: No I don't

Chair Murray: Thank you. No further comments. Commissioners, what is your pleasure?

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the proposed summary, the proposed subdivision minor, summary review to be known as Schatz Lot 9 Amended minor, there we go, there's minor, with the ten conditions of approval as noted by staff and authorize chair to sign.

Commissioner Varone: Second.

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

Commissioners: Aye

Chair Murray: Motion carries. Thank you. While you folks are leaving if you have the misfortune of receiving a parking ticket for participating in your County Government if you'll please bring the parking ticket to our office, we don't fix parking tickets but we will take care of them.

Resolution Annexing Land Into The West Helena Valley Fire District, Woodland Hills Area. (Marni Bentley)

The Commissioners will consider the resolution.

Chair Murray: The next item on the agenda is a resolution annexing land into the West Helena Valley Fire District Woodland Hills Area. Mrs. Bentley.

Marni Bentley: Mr. Chairman, Commissioners. A petition has been received to annex certain lands into the West Helena Valley Fire District. The petition was signed by 77% of the owners in the area and would be constituting the majority of the taxpayers at 64.1%. The petition was forwarded to the Board of Trustees for the West Helena Valley Fire District. They approved the request and a copy of the petition and the letter received from the West Helena Valley Fire District were attached to your memo. It is anticipated that fire protection services will be provided by West Helena Valley Fire District and funded by assessments made within that fire district. Property to be annexed will be taken out of the Lewis and Clark Fire service areas and will not be assessed the fire service area fee. Notice of the Public Hearing was sent to all owners of property within the area to be annexed. Legal ads were published in accordance with state law. As of this date, as of actually last week, I received no comments and I didn't receive any today. Staff recommends approval of the attached resolution annexing certain properties into the West Helena Valley Fire District.

Chair Murray: Questions of Mrs. Bentley? Chief Shepherd do you wish to comment? No Comments from the Chief. This is a public hearing, anyone who wishes to speak in favor of and opposition to or speak in general on the proposed annexation, now is your opportunity.

Chick Rolling: My name is Chick Rolling, I am a resident of the Woodland Hills area that is subject to the annexation. I live at 899 and what I really wanted to do today is just to acknowledge the tremendous effort of both the West Valley District in accepting and acting on this petition. Our own homeowners association leadership with Pete Smith and Mike Fisher who have led this effort recently and than going back Jerry Crawford who was one of the earlier presidents of the associated when this whole discussion of fire protection and fire annexation out in our area was first brought to light and we first begun to work on it and they all did a terrific job and than finally I'd like to just comment and acknowledge Pat McKelvey and his crew and Mike McFerrin who was a project leader that did a field mitigation effort out in our region about a year ago and that has also was part in parcel of the reason for the annexation being able to come hither so we're very very pleased with the participation and the efforts of all those folks who have been very helpful to us and I'm very much in favor of this petition.

Chair Murray: Thank you Mr. Rolling. Anyone else? For the second? For the third and final time? This closes the public hearing. Commissioners before we offer a motion, the people in this annexation area will enjoy a new fire rating that West Valley Fire Department led by Chief Shepherd has been able to achieve, I believe the rating is a 6 and the only other rating in the area that surpasses that is the City of Helena with a full time fire department so it's something to really be proud of and a great achievement. Commissioners, now that I've given a speech, is there a motion.

Commissioner Varone: Mr. Chair, I move to approve a resolution annexing land into the West Valley Fire District Woodland Hills area and authorize the chair to sign.

Commissioner Tinsley: Second.

Chair Murray: A motion and a second, all in, Discussion?

Commissioner Varone: If I can tag onto your little speech with West Valley, I think everybody in this room knows I worked for the State Fire Marshall for many many many years and I think that any volunteer fire department in Montana would be hard pressed to see a level 6 for a fire rating, I don't know if there, I know there are none in the region, it's been several years since I've worked there but I, in the time that I worked there, I didn't know of any volunteer fire department that was rated as a 6, so it says a whole lot about what

you have done in the area and you ought to be congratulated and I was glad to see the article in the paper. Good Job.

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley: Absolutely, I saw you on the news last night and you looked fine in your spiffy white duds and, you're to be congratulated, it said, I recall you saying you were going for a 5 now.

Jerry Shepherd: That's correct. Hoping for a 7, got a 6, we'll go for a 5.

Commissioner Tinsley: Congratulations.

Chair Murray: Commissioners you have before you a resolution annexing certain properties into the West Helena Valley Fire District, all in favor of the motion signify by saying Aye.

Commissioners: Aye

Chair Murray: Motion carries.

Request for Public Hearing to Modify Subdivision Approval to Permit a land use change on Lot 4-3 of the Bartmess Lot 4, Minor Subdivision to be Changed from Residential Single-Family Land Use to Commercial Land Use. (Applicant, Patrick O'Leary) (Planner, Michael McHugh)

The Commissioners will consider scheduling a public hearing to modify subdivision approval for the Bartmess No. 4.

Chair Murray: The next item before us this morning is a request for public hearing to modify subdivision approval to permit a land use change on Lot 4-3 of the Bartmess lot 4 Minor subdivision to be changed from residential single-family land use to commercial land use. The applicant is Patrick O'Leary and Mr. O'Leary you receive copy, Mr. O'Leary is not here. Mr. McHugh if you'll present the staff report we'll proceed without Mr. O'Leary.

Michael McHugh: The proposal is to change the use on approximately 2 $\frac{1}{2}$ acre parcel located adjacent and west of Bartmess Road south of Valley View in between North Montana Avenue and Applegate Drive. The Bartmess minor subdivision was given preliminary plat approval back in June of 1997 for 3 lots for single-family use. It was platted in January 1998. At the time of development the property had two mobile homes on it and that constituted lots ____ to the subdivisions. As from this overhead you can see that during that time period and subsequent to that time period there has been an extreme amount of development that's occurred both to the east and to the south and this larger parcel here is where the Northstar POD is going. Those lots in there are going to range about $\frac{1}{2}$ acre in size and than to the south you have Skyview and Townview etc. So the overall residential densities in this area are becoming quite high. We did receive a copy of a letter which is attached to the staff report explaining that the applicant wanted to create storage units, again this shows you the densities on the overhead, wanted to create ten storage units, this is not exactly to scale but it's pretty close, the proposed storage units would average between 40 feet wide and 120 feet long. Each one of those buildings would be approximately 4800 square feet in size. In addition to this, the applicant's proposing to add exterior storage of RV and boats, he did not designate on site plan any specific area where those were going to be located. The property is proposed to be accessed from a 30-foot approach from Bartmess Drive. Bartmess Drive is currently a gravel standard road that accesses all the lots. The other approach is from Uri Drive, which is a hard surface road, and it is being maintained by the property owners in that area. We did receive numerous phone calls and some attached letters to the staff report that were in objection to the proposed land use change, most of the objections that were expressed were due to the increase traffic in the area, possibility of having exterior lighting that would be on all night and would impact adjacent property owners. When it was originally reviewed from single-family residential uses it was estimated that this property would generate between 8 and 10 average daily trips in this area using the institute of transportation engineering standards of 1997, based on the square footage it's estimated that approximately 2.5 weekday vehicular trips per 1000 square feet of growth ____ would be generated so in this case with a total area, this has potential of

generating an additional 108 trips per day, half of them coming and half of them leaving. It's also estimated that the truck traffic, and this is not pick up trucks, it's larger trucks would account for between 2% and 15% of the weekday traffic. Now these estimates may be a little high for Montana but it does indicate that there would be a significant increase in traffic both on Bartmess and Uri roads and both of these roads are privately maintained in its area. There would also be impacts associated with the additional traffic generation associated with glare, noise, odors associated with emissions and dust on the gravel road. Again, the preliminary site plan did not indicate any locations or specifications for the exterior lighting and typically the lighting in this area is on stanchions that are fairly high and does have visual impacts even though the light itself may not be flowing over to additional properties and with the proposal to have exterior storage of boats and RV type vehicles it does increase the potential for vandalism and theft. The applicant has indicated that he is going to put a security fence around it but he has not indicated whether or not there is going to be on site personnel to watch over this at night. Based on the original proposal that this was a single-family residential lot, the applicant purchased the property knowing that restriction and the residential character of this area staff is recommending denial of the proposed land use change in this area.

Chair Murray: Questions of staff? Being none and Mr. O'Leary not being here this morning, we will go to a public hearing, anyone who wishes to speak in favor of and opposition to or speak in general, could I get you to use the podium please sir and I need your name and address.

Luke Fortune: My name is Luke Fortune my address is 1140 Uri Road. Since I'm the only one left, I guess I'm the only one speaking at this public hearing today. I'm speaking in opposition of this proposal for many reasons, reasons that are ___ expressed. We are the only paved road connecting Montana and Bartmess and we attract a lot of traffic through our neighborhood because of that. A lot of the people that live on Bartmess Road don't take Valley View or Montana instead they cut down and come across our hard surface road. There is a concern about maintenance and some serious ___ based on that. This aerial photograph is old, there are 13 units here along Uri Road and this happens to be our house here. We were the first ones to move ___ in this subdivision and we've been there since its construction. ___ instrumental in a lot of the development that's happened including the hard surface road. We have been very concerned about some of the construction that's been going on, increase traffic that has occurred over the past three years, we can see a lot of construction, we ___ a lot of the dust, which is one of the reasons we put in a hard surface road to begin with. It would be reasonable to assume that people that would be using the storage units would be using our road, increasing traffic, we are a neighborhood of a lot of young families, a lot of young children, and there is a great concern to us. The increased traffic, the attracting more people, the concern of the lighting and the possibility of additional crime in the area, ___ as a general, as a subdivision, in general opposed to the creation of this and support its denial. Thank you very much.

Chair Murray: Thank you. Is there anyone else present?

Commissioner Tinsley: No

Chair Murray: This closes the public hearing on the request for modification of subdivision approval for the Bartmess number 4 minor.

Commissioner Tinsley: Mr. Chairman, may I ask a question?

Chair Murray: Certainly.

Commissioner Tinsley: Mr. Chairman, Commissioner Varone, Mr. McHugh, was Mr. O'Leary made aware of the meeting this morning.

Michael McHugh: Yes he was.

Commissioner Tinsley: Okay. So he knew it was going on. Mr. Chairman I make a motion to accept the staff recommendation and deny request for modification of subdivision approval for the Bartmess number 4 and authorize chair to sign.

Commissioner Varone: Second.

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

Commissioner Varone: Mr. Chair, Commissioner Tinsley. When I read this I was pleased to see that staff recommended denial. The reasons I have for denying this is when this area was initially subdivided, it was subdivided for residential use and it's in the center of a residential area. I believe the property owners have a reasonable expectation that it will remain a residential area _____ on Montana Avenue, or another major street that would be a different story but it's residential, it's designed to be residential, all the other subdivisions around it are designed to be residential, I think it should remain residential. I also believe that if we were to approve this subdivision application that it would inevitably affect the property values and I don't want to see that happen.

Chair Murray: Commissioner Tinsley.

Commissioner Tinsley: Just for the record, my reasons were the same as listed in Mr. McHugh's findings number 8, 9 and 10. The possibility of an average 108 daily trips on the road, the fact that the adjacent properties would probably be impacted by increased noise, dust, glare, odors associated with the traffic and the properties, the neighboring properties that would be impacted by the installation of the security lighting system.

Chair Murray: And Commissioners I'm going to vote in favor of the motion of denial based on findings proposed by staff. The one positive thing about the subdivision is it's the only thing that's come before us lately that would not impact the aquifer in that area. All in favor of the motion of denial of the application signify by saying Aye.

Commissioners: Aye

Chair Murray: Motion carries.

Public Comments.

Chair Murray: This is the point in our meeting that anyone that has an item to bring before the Commission that we have authority over, now is your opportunity. Since there is no one present, we are adjourned.

Adjourn.

- Due to a remodeling project in the Commission Chambers and until further notice, all regular County Commission meetings will be held in Room 326 of the City-County Building. Thank you for your patience during this time.
- Public Meetings, Planning Board Meetings, and TCC meetings are now being video-taped and will air on HCTV Ch. 11 later in the day.