

NOTICE OF PUBLIC MEETING

May 25, 2004

Others attending all or part of the meeting: Mike Glueckert, Daniel Ries, Charles Burns, Kent DeVore, Don Bhixt, Tim Davis, Bryan Shields, Chuck Hanson, Jerry Shepherd, Jason Mohr, Bernadette Rice, Kent Rice, Art Thompson and Margie Thompson.

Pledge of Allegiance. (Everyone recited the pledge)

Chair Murray: Good morning and welcome. My name is Mike Murray, to my right is Commissioner Tinsley, Commissioner Varone is not here today she had surgery yesterday and is doing very well, we're thankful for that. To Ed's right is Ron Alles our Chief Administrative Officer, to his right is Sharon Haugen our Director of Planning, to her right is Paul Stahl our Deputy County Attorney to Paul's right is Carole Byrnes our Executive Secretary to her right is Larry Hoffman our County Extension Agent.

Resolution Declaring County Property Surplus Property (Amy Reeves)

The Commissioners will consider the resolution.

Ron Alles: Mr. Chairman, Commissioners the purpose of this resolution is to declare the roping chute down at the fairgrounds in the arena, the old one declare is surplus. As you know the volunteers have done for the last few months putting in the new arena and that was part of the project was to replace the chute and put in the new one. Staff recommends approval. Are there questions?

Chair Murray: Questions of staff?

Commissioner Tinsley: Mr. Chairman will this be sold at the Friday morning sale through the state or do we do our own sale.

Ron Alles: There are some potential buyers, I believe it's below the amount but we'll either take the appropriate notice to have qualified bidders or people to make a bid on it or if it's below that amount

Commissioner Tinsley: Okay, Mr. Chairman I make a motion that we approve the resolution declaring County Surplus Property the roping chute out at the fairgrounds and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Food Stamp Nutrition Education Program Support Agreement (Larry Hoffman)

The Commissioners will consider signing a support agreement for Fiscal Year 2005 supporting the Food Stamp Nutrition Program in the amount of \$8,986.03

Larry Hoffman: Mr. Chairman I would like to have the Board approve this, it's an agreement that we worked out with FNEP out of Montana State University to have a Food Nutritional Person on for the ___ office, we pay no funds out, it's a matching and that's our share of that program. If you have any questions, I'll be glad to answer.

Chair Murray: Questions of Staff?

Commissioner Tinsley: Mr. Chairman, Mr. Hoffman our total share than as indicated by your spreadsheet would be \$8986.03.

Larry Hoffman: Yes, that's in kind.

Commissioner Tinsley: In-kind. Mr. Chairman I make a motion we approve the Food Stamp Nutrition Education Program Support Agreement and our amount in-kind matches \$8986.03 and authorize the chair to sign.

Chair Murray: Second. Discussion. Mr. Hoffman, what exactly what education will be provided?

Larry Hoffman: The lady that's worked for this, she goes out in the community and works with low income on nutrition _____ home is one of the major ones and than through head start and several other _____

Chair Murray: Does she coordinate with the Health Department program?

Larry Hoffman: She does.

Chair Murray: Thank you. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Noxious Weed Trust Fund Project Grant Agreement, Lower Tenmile Watershed Group Noxious Weed Project Number MDA 2004-056. (Larry Hoffman)

The Commissioners will consider signing the agreement for the purpose of obtaining a grant from the Department of Agriculture.

Larry Hoffman: This agreement is on the lower Tenmile, it's a grant that we've received through the Weed Trust Fund. This is for one year and it will be for like I said the lower Tenmile, which will take in approximately 725 land __ cost share.

Chair Murray: Questions of Staff?

Commissioner Tinsley: I just want to look at the cost, we're talking about, we're talking about \$36,727?

Larry Hoffman: Yes.

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the Noxious Weed Trust Fund Project Grant Agreement for Lower Tenmile Watershed Group Noxious Weed Project Number MDA 2004-056 in the amount of \$36,727 and authorize the chair to sign.

Chair Murray: Second. Discussion. All in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Amendment to the Striping Contract Dated October 16th, 2003. (Wayne Effertz)

The Commissioners will consider signing the Lewis And Clark County Public Works Contract Amendment #1 to increase the total dollar amount of the contract from 415,624.00 to \$24,878.00 (increase of \$9,254.00). The original bid price of \$10.40 per gallon will remain the same for Amendment #1.

Ron Alles: Mr. Chairman, Commissioner the purpose of this amendment is to increase the miles of roads that would be striped. It takes the contract from \$15,624 to \$24,878. There is budget authority within the gas tax fund to do this. Staff recommends approval.

Chair Murray: Questions of staff?

Commissioner Tinsley: None
Chair Murray: Is there a motion?

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the Amendment to Striping Contract dated October 16th, 2003 change the total amount of the contract from \$15,624 to \$24,878 and there is existing budget authority in Fiscal Year 04 gas tax in the budget and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Resolution Levying & Assessing a Tax Upon All Benefited Property within the Rural

Improvement District No. 2004-2, Fawn Meadow Estates Subdivision. (Marni Bentley)

The Commissioners will consider an annual assessment of \$76.61 per year per geocode for road improvement activities and an annual assessment of \$59.42 per year per geocode for road maintenance activities to be levied and assessed upon all benefited property within the boundaries of RID No. 2004-2.

Sharon Haugen: Mrs. Bentley couldn't be here today. Mr. Chairman, Commissioner Tinsley what you have before you for your consideration is a resolution establishing rates for the Fawn Meadow Estates RID that was created earlier this year. The rates as proposed in this resolution are \$76.61 for the road improvements and \$59.42 for the road maintenance. Both these rates are per geo code, this has been a noticed meeting and no public has been notified and I'd be happy to answer any questions you may have.

Chair Murray: Questions of staff?

Commissioner Tinsley: Mr. Chairman, Ms. Haugen the road improvement assessment is for ten years correct?

Sharon Haugen: That is correct.

Commissioner Tinsley: and ___ on going maintenance

Sharon Haugen: That is correct.

Chair Murray: This is a public hearing, anyone that wishes to speak in favor of and opposition to or speak in general about the proposed Rural Improvement District for the Fawn Meadow Estates Subdivision, now is your opportunity. If I can get you to use the podium. For the second. For the third time. This closes the public hearing. Commissioner Tinsley what is your preference.

Commissioner Tinsley: Mr. Chairman I make a motion we approve the resolution levying and assessing a tax upon all benefited property within the Rural Improvement District No. 2004-2 Fawn Meadow Estates Subdivision and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Resolution Levying & Assessing a Tax Upon All Benefited Property within the Munger Road Rural

Improvement District No. 2004-3 (Marni Bentley)

The Commissioners will consider an annual assessment of \$36.76 per year per geocode for road improvement activities and an annual assessment of \$28.51 per year per geocode for road maintenance activities to be levied and assessed upon all benefited property within the boundaries of RID No. 2004-3.

Sharon Haugen: Mr. Chairman, Commissioner Tinsley what you have before you for your consideration is an RID establishing the rates for the Munger Road RID. This has been a noticed hearing. The rates as proposed in this resolution are \$36.76 per lot for road improvements and \$28.51 per lot for road maintenance activities. We have notified the property owners and I'd be happy to answer any question that you may have and again the improvements are for ten years.

Chair Murray: Questions of staff.

Commissioner Tinsley: that was my question

Chair Murray: This is a public hearing, anyone that wishes to speak in favor of and opposition to or in general, now is your opportunity. For the second and third time. This closes the public hearing. Commissioner Tinsley what is your preference.

Commissioner Tinsley: Mr. Chairman I make a motion we approve the resolution levying and assessing a tax upon all benefited property within the Munger Road Rural Improvement District No. 2004-3 and authorize the chair to sign.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Proposed Minor Subdivision, Preliminary Plat (Haub Tracts, Lot 1E). (Applicant, Michael T. Gluckert)
(Planner, Michael McHugh) (cont. from 05/18/04)

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.

Chair Murray: Mr. Gluckert before we start did you receive a copy of the staff report?

Michael Gluckert: Yes Sir

Chair Murray: And you're prepared to go forward this morning with a public hearing?

Michael Gluckert: Yes

Chair Murray: Thank you. Mr. McHugh.

Michael McHugh: Commissioners this is not an additional subdivision, what it is is a request for a modification on the conditions of approval for the Haub Tracts Minor Subdivision which was originally given preliminary approval in July of 2001 and was final platted in December of 2001. The subject property is located west of Green Meadow Drive in the west central portion of the Valley. When the subdivision was originally created it created 5 lots, those lots included several lots that are slightly over 1.3 acres in size. A large lot that was approximately 5.7 acres in size and the subject property is this undeveloped lot that's located on the western portion of the original subdivision and that property is approximately 3.1 acres in size. When the original subdivision was approved each one of these lots were approved for a single-family residential development with onsite water and wastewater treatment systems. What the applicant is requesting to do is to create two duplex units on the property, the proposed duplexes, I wouldn't hire this builder because he can't get anything square but the darker yellow areas would be the areas that the proposed duplexes would be located. Currently on the existing property this area here is set aside as an easement for an existing wastewater treatment system that serves the existing house on this. The lighter green areas are the areas that are proposed to serve the new duplex units. The applicant is proposing to utilize a shared water supply system, the proposed

well would be located over in this area, there is an existing irrigation well located along the western boundary of the property. Some of the issues that were brought up in telephone calls and correspondence were some concerns about the water availability and water quantity in the area of the subject property. Prior to the west of this property and south of this property there are areas that have been identified as having extremely high nitrate concentrations however, during initial subdivision review the nitrate concentrations for the subject property came in at only .61 milligrams per liter so that's very background issue. Other issues that were brought up in discussions with the public were proposals about or concerns about the additional traffic on Foxborough Lane which is the access point located along the northern boundary of the property. The people that called up were concerned about the additional traffic generated on this. Initially when this lot was approved it was assumed that between 8 and 10 trips per day would be generated by the single family unit however with this proposal the additional units, it's estimated that between 6-8 trips per day would be generated by each of the duplex units so that would add between 16 and 24 additional trips per day. The traffic that would be generated would only depending on the approach location along Foxborough Lane would only impact approximately 150-200 feet of this road. There are existing covenants on this property that do require a road maintenance agreement and that all property owners be responsible for helping to pave or the cost for that. One of our concerns here is that there is a mailbox approach turn here, this mailbox bank would probably have to be moved to facilitate access to that and any relocation to that would have to be at the applicants expense. Staff has recommended approval of the modification of conditions, which this the applicant would be required to resubmit an application and approval for this lot for the wastewater treatment systems and the well and the shared community water systems. Also because of the geology of this area, staff is recommending that any structures, residential structures be constructed with radon abatement systems and than again if the mailbox bank does need to be relocated be done at the applicants expense and that the other conditions that staff is recommending because of the short distance between the intersection of Green Meadow and Foxborough that the any approach be located at least 150 feet to the west of that intersection. Are there any questions?

Chair Murray: Questions of staff?

Commissioner Tinsley: Mr. Chairman, Mr. McHugh so there is no, I can't find on here a proposed access to this subdivision.

Michael McHugh: At this time the applicant has not delineated any approach route. It will probably come back in where those mailbox banks are so it would probably be the center of this. There is an existing gate that was utilized when this property was being utilized for agricultural uses.

Commissioner Tinsley: Would you go back to the aerial and point out where the mailbox

Michael McHugh: This was taken previous to the development; it's located right in this area.

Commissioner Tinsley: Okay.

Michael McHugh: Because of the location of the drain field site and everything the approach would have to be located somewhere in this area which is currently been developed for that turn out. Access could be facilitated through here it wouldn't be a great access but ___ something.

Commissioner Tinsley: Okay.

Chair Murray: Mr. Gluckert this is your opportunity to comment on the staff report and comment in general or use your consultant. If I can get your name and address please for our record.

Mike Gluckert: Yes, I'm Mike Gluckert, my address is 6841 Applegate Drive. Ladies and Gentleman, Commissioner Tinsley, Commissioner Murray, I would like to put a couple duplexes in here primarily to help supplement my social security as you know the lot of us or most of us at utility companies lost our retirement and that's why I'm doing this. Also as proposed here ___ and I'm also here to answer questions and give you a new perspective ____ I did bring Daniel Ries the surveyor and ___ my closest neighbor.

Chair Murray: Mr. Gluckert I do want to warn you that if you submit your photos they do become part of our permanent record and you don't get them back.

Mike Gluckert: Okay, sure I've brought three sets and you're sure welcome to them.

Chair Murray: I have one set of each, we'll share. Thank you. Further questions of Mr. Gluckert? Thank you Mr. Gluckert. Unless you're going to use Mr. Ries as part of your presentation we'll go to public hearing. Before we open the public hearing, for the record we have three letters of opposition. One from Patrice Longfellow a Mr. and Mrs. Chapman and Mr. and Mrs. Martello. These letters are already part of the permanent record. Anyone else that wishes to speak in favor of and opposition to or speak in general about the proposed subdivision now is your opportunity. Anyone. Chief Shepherd if we can get your name and title please.

Jerry Shepherd: I'm Jerry Shepherd, Fire Chief of West Valley Fire Department. Commissioner Murray, Commissioner Tinsley, I did not send a letter in on this subdivision but I have spoken to the developer Mike Gluckert and the only comment that I would have that I would like to have in the conditions is as far as the duplex I have no problem but anything larger than a 4-plex or any building larger than 6000 square feet I would like to have a requirement for a fire sprinkler system. I talked to Mr. Gluckert and he was only building duplexes and it wasn't going to be a problem so they might have already agreed separately that I had no other restrictions because this was already _____. Any questions of me?

Chair Murray: Questions of the Chief. Thanks. Anyone else? Anyone else? For the final time? This closes the public hearing on the proposed subdivision. Commissioner Tinsley do we want time, I've got to give Mr. Gluckert the right to close based on Chief Shepherd's testimony. Do you have any comments with which you'd like to close?

Mike Gluckert: No Sir.

Chair Murray: Thank you. Commissioner Tinsley what is your preference, do you wish to take time to look at the proposed subdivision and move forward this morning?

Commissioner Tinsley: Mr. Chairman I think I'm ready to move forward this morning if you are otherwise we can wait until next week? Was there one other condition of approval that we needed to add in? That you mentioned. It was moving the mailbox _____ is that in there?

Michael McHugh: Those are included in this, _____ there are four conditions and again they would include resubmittal of the application to DEQ and City-County Health Department for wastewater treatment systems, additional covenant, got all structures being required to be constructed ____ radon abatement systems, if there is a need to relocate the mailbox it will be done at the applicants expense and than that the driveway should be at least 150 feet from the intersection and that's all reflected in the staff report.

Commissioner Tinsley: Right. Mr. Chairman I make a motion that we accept the staff recommendation of approval and approve the modification request subdivision approval for the Haub Tracts Lot 1E and authorize the chair to sign with the four conditions of approval as _____

Chair Murray: Second. Discussion. Commissioner Tinsley you heard the Fire Chief recommend a fifth proposed condition stating that any building larger than 6000 square feet needs sprinklered and this is new for our ____ but that's what the Chief asked

Commissioner Tinsley: and I'm going to have an amendment. Mr. Chairman I'd like to make a motion that we amend and add a fifth condition of approval based on Chief Jerry Shepherd of the West Valley Fire Department's recommendation that any other duplex, if there are any additional duplexes to be put on or duplexes are going to be more than 6000 square feet per duplex

Michael McHugh: Commissioners the modification is to allow two duplexes, so if the applicant wanted to put a third or fourth he'd have to come back. So what I assume the recommended condition of approval is all structures greater than 6000 square feet must have a ___ space would be required to be sprinklered.

Commissioner Tinsley: So my amended condition would read based on Chief Shepherds recommendation any structures in this modification greater than 6000 square feet shall be sprinklered, shall have a sprinkler system.

Chair Murray: Second. Discussion. Mr. Gluckert are you agreed to this?

Mike Gluckert: _____

Chair Murray: All in favor of the amended condition #5 signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Commissioner you have before you five conditions as amended for approval of the proposed subdivision, all in favor of the motion for approval signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Thank you Mr. Gluckert. If any of you have the misfortune this morning of receiving a parking ticket, if you'll bring that to our office we'll attempt to take care of the tickets ___ for participating in County Government.

Proposed Amendment to Condition of Approval #16 for Northwest Minor Subdivision (Planner, Michael McHugh)

The Commissioners will the proposed amendment.

Michael McHugh: Commissioners I don't see the applicant present and I don't see representatives for the Townview Subdivision present, I'd recommend we delay this until

Chair Murray: The end of the meeting?

Michael McHugh: Yes Sir.

Chair Murray: Thank you. Without objection.

(Item to be tabled until Tuesday June 1st - see discussion under Ambleside Minor)

Proposed Minor Subdivision, Preliminary Plat to be Known as the Burns Minor (Applicant, Charles Burns) (Planner, Michael McHugh)

The Commissioners will consider creating two (2) lots of 20 and 37 acres in size from an existing 224 acre

parcel, each for one single-family dwelling. The proposed subdivision is located northwest of Highway 200 at approximately mile marker 93.

Chair Murray: Is Mr. Burns present?

Charles Burns: Yes I am

Chair Murray: Mr. Burns did you receive a copy of the staff report?

Charles Burns: I have

Chair Murray: and you're prepared to go forward this morning with public hearing?

Charles Burns: Yes

Chair Murray: Thank you. Mr. McHugh.

Michael McHugh: Commissioners the proposal before us is to create essentially three lots from a 224 acre parcel that's located west of Highway 200 approximately 13 miles from the intersection of Highway 279 and 200. Because of state statutes, because the one lot is larger than 160 acres it is exempt from subdivision review so our review will only be dealing with the 37 acres and the proposed 20-acre parcel in this area. The subject property is undeveloped. Land uses in the area include very large land ownership mainly used for seasonal livestock grazing and some recreational cabins located to the southwest and southeast of the subject property. There's several accesses that have been permitted from the Department of Transportation onto the property. The property has highly variable topography; the vegetation on the property varies between open parks and fairly heavily timbered areas. There are some areas within this property that do have some ___ constraints. One of the major developments on here is a 230,000 KB electrical transmission line. As far as zoning and covenants, there are no zoning or covenants located on the property. The applicant has preliminary discussed maybe putting some covenants on the property that would prohibit future subdivision on the two lots 20 & 37 acre lots. Other than that nothing else has been proposed. As far as public comment, we did get one inquiry about what was happening on the property, that individual did express some displeasure on seeing these larger parcels subdivided he also realized that it was eventually going to happen in this area. As far as the review criteria, there's little soil mapping available for this area, there's no specific information. However, because of the topography the seasonal climatic conditions, the property is best used for seasonal livestock grazing and for ___ cultural activities. As far as impacts on adjacent agricultural properties there could be some conflicts associated with free roaming domestic pets, it also ___ roaming livestock could encroach upon residential properties and it is the responsibility of residential units to fence out the livestock. As far as impacts on local services the applicant is proposing to utilize individual wastewater treatment systems in this area. On the center lot down here, the 20-acre lot, 4 test holes were dug and inspected by the City-County Health Department. They did find suitable soils down here in the southeastern portion of the property. Because of the shallow depths of bedrock in the western and northern portions of the property, that would not be a suitable area. Depths of groundwater in this area range from 160-320 feet and because these lots are greater than 20 acres in size they'd only be required to undergo by the City-County Health Department. As far as water supply, the applicants are proposing to utilize individual wells; essentially the underlying geology in this area is fractured bedrock structure. The depths of wells vary between 103-320 feet and the average yield is about 15 gallons per minute. As far as solid waste, the subject property is not located within solid waste district. Individual property owners in the past have received permits from Cascade County to utilize the Hardin Creek Disposal Site along the interstate going up to Great Falls. As far as utilities, all utilities well electrical and telephone utilities are located adjacent to Highway 200, they would have to be extended at the developers expense and all these new utilities would be required to be placed underground in compliance with County Subdivision Regulations. Again, there is that high voltage distribution line located on the property and Northwest Energy holds that easement, it's 50 feet on either side of the line but talking to Mike Campbell the representative up in Lincoln he requested that a covenant be placed on the property that no permanent structures be placed within 200 feet of the outer boundary of that easement and that is reflected in the proposed conditions of approval. As far as access and there are approved access approaches from Highway 200, these approach permits would need to be amended to allow full time residential use, right now they're issued just for a ranch use. The applicant would have to apply for the amendment of those permits through the Montana Department of Transportation Great Falls Office. As far as schools, students generated from this proposal, the elementary students would attend a Wolf Creek School until the 6th grade, currently there's no capacity restraint at the Wolf Creek School. As far as middle school and high school students, they can either attend Cascade County Middle and High School or the Helena School District #1. The parents, since there is no bussing in this area, parents are eligible to be reimbursed for transportation of these students at a .25 per mile. As far as police protection, the nearest sub station is in Lincoln, that's approximately 30 miles away so response times could be very long for law enforcement response. As far as fire protection, the property is located in the Wolf Creek/Craig Fire Service Area. Distance is approximately 26 miles and response would be

long. Response time could be reduced by approving the access into the property and also property signing for addressing. Because of the slopes of these properties, as you can see some of them are very severe, staff is recommending that a covenant be placed on there that all driveway approaches be kept at less than 11% grade. Ambulance is from the Lincoln Ambulance District; again response times are very long in that area. As far as impacts on the natural environment there are several creeks, this is an example of, most of these appear to be ____ creeks. These creeks or quarters do provide habitat for a large number of wildlife species and also traffic corridors. As far as the groundwater in this area, we don't have a lot of information about groundwater quality, it is a bedrock aquifer and because of the shallow depths of bedrock and the fracturization of the bedrock it makes groundwater and surface water very susceptible to contamination from improperly maintained or installed wastewater treatment systems and disposable chemicals. As far as animals, there is a large number of species identified in this area; several of them are listed as either endangered or threatened species. The impacts on wildlife can be reduced by locating all the development as close as possible to Highway 200 and the use of native landscaping materials and not the introduction of foreign ____ species in this area. As mentioned before there are some steep slopes in this area, some of them do exceed 25%. No unable slopes were identified during the site visit and again staff does recommend that all driveway approaches be kept at less than 11% grade. As far as cultural resources because of the location and proximity to water course land and the Deerborn River there is a high potential for archeological and aboriginal hard ____ in this area and staff does recommend that a covenant be placed on the property requiring that prior to development all contractors be notified of the potential for this and that if any are found that the County Planning Department be notified and that a suitable professional be able to go out there and examine them for their relevance. The proposal as submitted does comply with all the County Subdivision Regulations as far as design as submittal requirements and based on the staff's findings, staff does recommend approval of the proposed subdivision with the 11 conditions attached. Again, any conditions attached would only be attached to the 2 southern lots under the 60 acres would be exempt from any covenants or conditions of approval.

Chair Murray: Questions of staff?

Commissioner Tinsley: Mr. Chairman. Mr. McHugh I don't see in here or perhaps it was missing, your condition for driveway approaches, did you add it in or do we need to add it in? I've gone through it a couple times and I don't see it.

Michael McHugh: I guess that was an omission by staff.

Commissioner Tinsley: That's okay. Where would you like it when we do it? Number 9 or in

Michael McHugh: I would put it in the covenants section and also I'd put it number 8.

Commissioner Tinsley: Okay.

Chair Murray: Mr. McHugh I'm still not exactly sure where this is. Where is Sunrise Mountain or Sunset in relationship to this?

Michael McHugh: I don't know where Sunrise Mountain is. It's about 13 miles north east of the intersection of Highway 200 and 279 it's on the other side of Rogers Pass. It's around Highway Marker 93.

Chair Murray: Is it closer to Stearns Hall than it is to Rogers Pass? That's fine. Further questions of staff?

Commissioner Tinsley: No.

Chair Murray: Mr. Burns this is your opportunity to comment on the staff report and speak in general if I can get you to the podium please and if I could get your name and address for our records.

Charles Burns: My name is Charles Burns and I live at 203 1st St North in Cascade. This is a first for me so I really am not exactly sure how this process is going to take place but I really don't have a lot to say. ____ cultural ground, I've lived in the area for several years about $\frac{1}{2}$ mile from the piece of ground that I purchased

and I know most of the ranches there are ____ ranches and I have intentions of building on a 20 acre parcel this summer leaving the 38 acre parcel to the boys and keeping the 160 parcel open for myself in the future. I guess _____.

Chair Murray: How close are you to Sunrise Mountain?

Charles Burns: Approximately ____ miles.

Chair Murray: I was going to say this property borders Mr. Tompson's

Charles Burns: I'm surrounded by Ernie _____

Chair Murray: Thank you. You're in Elk ____ ranges adjoins your property that your proposing to

Charles Burns: Yeah, there's a big mountain that we call Bird Hill there behind me that the Elk run along, they don't enter on my place it's a lot more ground, they do come through there, Elk and Deer and lots of wildlife.

Chair Murray: Rogers Pass here, this is the primary water area I think right behind your property.

Charles Burns: Well, more towards Sunrise Sunset ____ ground up in there.

Chair Murray: Thank you.

Commissioner Tinsley: Mr. Chairman, Mr. Burns. Mr. McHugh indicated in his opening comments that you might be interested in closing some type of covenant on this to prevent further subdivision, could you explain

Charles Burns: Yeah, you know I built a real nice home down the road that I had to sell through a divorce and purchase this ground, I don't want to see any more further development of these, the 20 or 38 acre parcel and I plan to build a log home there this summer _____ and I'd be glad to place a covenants on the ground that would prevent any further subdivision _____.

Commissioner Tinsley: Would you be willing to do that at this point of the process?

Charles Burns: I sure would.

Chair Murray: Further questions? Mr. Burns will you relate, for purchasing, would you relate more to Lincoln than to Wolf Creek

Charles Burns: You know, I call this east of Rogers Pass and _____ my primary shopping was Great Falls, the boys went to school in Lincoln, Lincoln had a bus that came over the pass for a while and then financially that didn't work and I took the boys to school. _____ it's 21 miles to Wolf Creek and about 23 miles to Lincoln.

Chair Murray: I was going to welcome you to be part of the Lincoln Landfill District rather than sending you Cascade County,

Charles Burns: That's what we ____, for landfill, I purchased a yearly card

Chair Murray: If this goes through we'd be happy to sell you another yearly card. Doesn't show that I'm on the Lincoln Landfill Board. Questions of Mr. Burns?

Commissioner Tinsley: None

Chair Murray: Thank you. This is a public hearing, anyone wishing to speak in favor of and opposition to or speak in general, now is your opportunity. For the second. For the third time. Do you have any closing remarks?

Charles Burns: No

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman, I'm prepared to go forward at this time if you are.

Chair Murray: Sure

Commissioner Tinsley: Mr. Chairman I'd like to make a motion that we approve the proposed minor subdivision preliminary plat to be known as the Burns Minor with the eleven conditions of approval as indicated by staff and authorize the chair to sign.

Chair Murray: Second

Commissioner Tinsley: Mr. Chairman I'd like to amend the document now if I may. First of all I'd like to add a condition of approval #8R as requested by staff that reads driveway approaches shall not exceed an 11% grade.

Chair Murray: Second. Discussion. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries

Commissioner Tinsley: Mr. Chairman I'd like to, if it's okay with you to ask County Attorney Stahl, Deputy County Attorney Stahl for some guidance in putting in language regarding further subdivision.

Paul Stahl: I'll think of that, Mr. Chairman could we have the public hearing here before we take care of that.

Commissioner Tinsley: We did

Chair Murray: We did have a public hearing.

Paul Stahl: We did

Commissioner Tinsley: Do you have any suggestions Mr. Stahl in regards to the language being placed in the document.

Paul Stahl: No, I guess whatever, I don't know what he is agreeing too, whether he's agreed to not to, the condition would be to not further subdivide the 37 an 20 acre parcel, that's good enough.

Commissioner Tinsley: Would you like it in the conditions section or the covenants section?

Michael McHugh: It should be placed in the covenants section, which would be condition #8.

Commissioner Tinsley: Mr. Chairman I make a motion that we add condition #8S as offered by the applicant that reads the 37 acre and the 20 acre parcels in the Burns Minor Subdivision shall not be subdivided in the future, is that fine?

Chair Murray: Second. With your permission, what I'd like to suggest is that the staff and Mr. Burns work on that

Commissioner Tinsley: That would be better, instead of me trying to write it up here. Is that okay with you Mr. Burns?

Charles Burns: Yeah, that is

Commissioner Tinsley: Okay, something along those lines is the intent of my motion

Chair Murray: With that motion and a second for condition 8S, all in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. We have before us eleven amended conditions for the approval of the Burns Minor all in favor of the motion signify by saying Aye.

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Thank you Mr. Burns.

Proposed Subdivision, Summary Review to be Known as the Amended Plat of Lot 3A - Lamb Ranchettes Minor Subdivision. (Applicant, Amy Blixt) (Planner, Lindsay Morgan)

The Commissioners will consider creating two (2) lots, each for one (1) single-family dwelling. The proposed subdivision is located north of Stable Road and lies directly east of Juniper Drive.

Chair Murray: You're prepared to go forward this morning with the hearing?

Don Blixt: Yes, this was ok'd a year ago and what happened was they didn't follow through and get it all done and so we had to start all over again.

Chair Murray: Thank you. The planner is Mrs. Morgan.

Commissioner Tinsley: Mr. Chairman, while we're waiting on Ms. Morgan, in the event that item #9 the applicants don't show, should we just go ahead since we've got all the documents or should we postpone it?

Chair Murray: I'm going to direct that question to Mr. Stahl. Mr. Stahl we're going to ask you whether or not we need to postpone or whether we should go forward with the item #9 which is the Northwest Minor Subdivision this morning if the applicant does not show.

Paul Stahl: I think it's okay to go forward but I, given that there is no one here I am a little concerned that it might be better off just continuing it to another date and if someone is here to testify of course take that but continue it so if neither the, neither side something is wrong I think.

Chair Murray: Thank you.

Lindsay Morgan: Good Morning Commissioners. You have before you the summary review to be known as the amended plat of Lot 3A Lamb Ranchettes Minor Subdivision and the applicant is Amy Blixt, the primary contact person is Don Blixt. The proposed subdivision is located north of Stable Road and lies directly east of Juniper Drive. I have a vicinity map showing the location of the proposed development up on the screen for you. The applicant proposes to create two lots, each for one single-family dwelling. Proposed lot 3A1 is currently developed with one single-family dwelling that is served by an individual well, individual wastewater treatment system and utilities. Proposed lot 3A2 would be served by an individual well and a community wastewater treatment system that would be in conjunction with Treasure State Acres and utilities. Access to the lots would be off of Juniper Drive. Driveway construction may be required in order to provide standard physical access to the new lot. Because this is a minor subdivision the proposed development is exempt from parkland dedication. The applicants have also requested three variances from the subdivision regulations. One for lot width to depth ratio, one for dead end road access totaling over 1000 feet in overall length and three for the lack of emergency access turnaround that meets County Subdivision Standards. I have the site plan up on the screen for your review. The applicants are also proposing a boundary line relocation of approximately $\frac{1}{4}$ of an acre to the adjacent 1-acre tract to the southwest. The relocation of the boundary will bring the existing garage on the adjacent tract to meet compliance with the zoning regulations, which currently require

a 25-foot side yard setback. The boundary line relocation would increase the lot to $1 \frac{1}{4}$ acres in size. Right now I have an aerial photo on the screen. This shows the proposed boundary location over in this, right along here. This is proposed lot 3A1 and 3A2. The adjacent property is owned by the applicants' son Steve Blixt. His lot was an existing lot that was moved to its present location in January of 1992 through the use of a boundary line relocation. Boundary relocations are exempt from the subdivision and planning act. Special zoning district #41 was created in December of 1992 after the subject boundary line relocation took place therefore the 1 acre lot became a non-conforming creates a ___ district. If the proposed development is approved today, the existing 25-acre tract will be divided into two lots; a 10-acre parcel and a 15-acre parcel. The proposed subdivision is located within county special zoning district #41. The regulations for this district solely permit single-family residences and agricultural activity, requiring minimum lot size of 10 acres and allow for home occupations. No covenants presently affect the use of the subject property and none have been proposed as part of this subdivision. As of Friday, May 14th, 2004 no written comments in favor of or opposition to the requested subdivision were received by the County Planning and Development office. With regards to effects on agriculture the subject property is surrounded by other agricultural properties with uses ranging from irrigated pastures and irrigated hay fields. The applicants have indicated that there are water rights associated with the property, a small irrigation ditch traverses the property from northeast to southwest, the ditch is approximately 1 foot deep and 2 feet wide and old irrigation ditch also runs north and south along the western property boundary and this ditch also appears to be 1 foot deep and 2 feet wide. With regard to effects on local services, the applicants again are proposing a community wastewater treatment system in conjunction with Treasure State Acres for the new lot. The sewer line for Treasure State Acres traverses the subject property and the applicants have indicated they have the ability to connect the new lot to the system. Both parcels will be subject to review and approval by DEQ and the City-County Health Department. The access route to the proposed development is from the frontage road via Stable Road and Juniper Drive. Jerry Shepherd with the West Helena Valley Fire District has commented on the proposed development and has requested that mitigation measures be imposed. For mitigation measure #1, he has asked that the applicants either install a tank and wet hydrant capable of delivering 500 gallons per minute for 30 minutes. This tank must be equipped with a well to ensure that the tank is kept full at all times or that the applicants reimburse the West Valley Volunteer Fire Department a sum equal to \$500 for the lot created by the proposed development for the costs associated with installation and maintenance of the water supply points. For mitigation measure #2, Mr. Shepherd has asked that the developer develop and maintain a fuel modification plan that shall be approved by the West Valley Volunteer Fire Department. As far as effects on the natural environment groundwater quality appears to be good, onsite wells will be completed in the ___ aquifer which will likely provide a long term supply of groundwater. As far as wildlife and wildlife habitat is concerned the additional residential development in the area will increase the potential for harassment of wildlife by free roaming domestic pets and will likely increase the potential for human wildlife conflicts, however the 10-acre minimum lot size required by zoning will provide some mitigation of impacts to wildlife. As far as public health and safety no flood plain or steep or unstable slopes were identified on this site. Additional traffic generated approximately 8-10 additional vehicle trips per day, which would be a total of 16-20 total vehicle trips per day for both lots. As far as the County growth policy the proposed development is located in a rural area as identified by the plan. Rural areas are lower in residential density, lower intensity of use and require minimal infrastructure. Rural development shall according to the plan have the least impact upon sensitive lands and resources and shall be sustained by levels of public infrastructure and services associated with rural development. The proposal does appear to comply with the regulations with the exception of the three variance requests. Based on the findings, the staff does recommend approval of the proposed preliminary plat of the amended plat of lot 3A for land ranchettes, minor subdivision subject to twelve conditions of approval. I do have some pictures of the site. This is a view to the southwest; you can see Juniper Drive on the right hand side of the screen. Another view of the southeast this time. This picture is a view to the east and it shows the old irrigation ditch that runs north-south along the western property boundary. This is the proposed lot 3A1 that's currently developed with the existing house. Again, proposed lot 3A1 shows the existing barn as well. Another picture of the old irrigation ditch. Do you have any questions?

Commissioner Tinsley: Mr. Chairman.

Chair Murray: Questions of staff?

Commissioner Tinsley: Ms. Morgan, could you walk us through, you indicated that this has already been passed, has it been passed as is with the exception of the proposed boundary adjustment?

Lindsay Morgan: The original, the proposal has not changed in any way. In 2002 the applicants received preliminary plat approval from the Commission for the amended plat of lot 3A Lamb Ranchettes Minor Subdivision.

Commissioner Tinsley: Did they receive the variance as well

Lindsay Morgan: They did, that's correct.

Commissioner Tinsley: Okay

Lindsay Morgan: In, Mr. Blixt was unaware that he only had one year to meet all the conditions of approval and he did not request an extension in 2003, he has met the majority of the conditions of approval, if not all of the conditions of approval however, the final plat application was submitted a year after the expiration date.

Commissioner Tinsley: Basically the only change in this, since it was approved by the Commission in 2002 is the adjustment of the boundary

Lindsay Morgan: No, the boundary

Commissioner Tinsley: Was that in there too?

Lindsay Morgan: Yes, that's correct.

Commissioner Tinsley: Okay. So there has been no changes.

Lindsay Morgan: That's correct.

Chair Murray: Mrs. Morgan is this proposed subdivision in compliance with the ___ district

Lindsay Morgan: Yes

Chair Murray: that it's located in

Lindsay Morgan: Yes it requires a 10-acre minimum lot size and in this case one of the lots will be 10 acres the other lot size will be 15 acres and the zoning district only allows for agricultural uses, single-family dwellings, and home occupations.

Chair Murray: There's no violations that you're aware of

Lindsay Morgan: The violation that exists is on, and I'm not sure if, it's actually a pre-existing violation so it's just a non-conforming use and that would be on the adjacent property that's requesting a boundary line relocation. If the boundary line is relocated the side yard setback will be in compliance with County zoning regulations but the house as far as I've known was built prior to the zoning district.

Chair Murray: Thank you. Further questions? Mr. Stahl do you have comments? Are you aware of

Paul Stahl: Commissioners this is one in this zoning district we went to court on and over pre-existing uses with trailers that were not in compliance and Mr. Blixt I think part of this was done because of some of the stuff in the zoning district to keep, to be in compliance and so I, there are, there's still one property in this zoning district that is not in compliance but we, and that is in court we just haven't reached a resolution on it yet, it doesn't involve Mr. Blixt.

Chair Murray: Thank you. Mr. Blixt, this is your opportunity to comment on, if I can get you to the podium please. If you have any comments on the variances, proposed staff conditions.

Don Blixt: No, I really don't. The only thing is I thought it was \$250 for the fire department, I guess he's gone. Maybe it is \$500 but I thought it was \$250. That was the only comment I had, the \$500. If it's \$500, it's \$500.

Lindsay Morgan: In the letter that I received from Mr. Shepherd, he requested \$500 just for the one additional lot it's not for both lots.

Commissioner Tinsley: Yeah, Mr. Blixt in his mitigation efforts in his packet it does indicate \$500.

Don Blixt: Other than that, that's fine. I didn't realize that we had a year to go and I let it go over and Amy and her husband had a baby so this is why this got left so when they decided to build a house, we had to come up here.

Chair Murray: ____ like the rest of us. Thank you. This is a public hearing, anyone who wishes to speak in favor of and opposition to or speak in general including the three proposed variances, the hearing on the subdivision as well as those three variances, for the second, for the third and for the final time. This closes the public hearing. Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman, I'm inclined to go ahead and support this because Mr. Blixt has already had this approved at one time. I would look seriously upon this had this been a new proposal but it appears that you were in compliance with everything that you should have been in compliance with except for the time line and that was just an oversight. Would you like me to take each variance separately or can we include it as a package?

Chair Murray: Combine all three if you'd like just start with the variances.

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the three variance requests by Mr. Blixt and I will read them out for the record, that will include, will allow ____ an average depth greater than three times the average width, I don't have your language so I'm reading off the request, there it is, the second one, the second variance has to do with the Juniper Drive does not have an emergency access turn around at the end of the road that meets County Standards, and there's a variance for that standard regarding the emergency access turn around and then there's a variance request for the dead end road over 1000 feet in total length and authorize the chair to sign.

Chair Murray: Second. All in favor of the three variance requests signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Commissioner Tinsley now to the approval of the proposed subdivision.

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the proposed subdivision summary review to be known as the amended plat of lot 3A Lamb Ranchettes Minor Subdivision and authorize the chair to sign.

Chair Murray: subject to

Commissioner Tinsley: Subject to twelve conditions as proposed by staff

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Commissioner Tinsley: Mr. Blixt you've got (tape ended)

Proposed Subdivision. Summary Review to be Known as Ambleside Minor (Applicant, Tim Davis)
(Planner, Frank Rives)

The Commissioners will consider creating dividing the existing 223-acre tract into five (5) lots ranging in size from 8.09 to 151.18 acres. The proposed subdivision is generally located north and adjacent to Cedar Valley Drive, and east of and adjacent to Nesting Osprey Way.

(Tape Begins)

Sharon Haugen: Mr. Rives is ill this morning so I will be attempting to, Mr. Davis

Chair Murray: Thank you, Mr. Davis have you received a copy of the staff report?

Tim Davis: I have

Chair Murray: and had the opportunity to review it and you're prepared to go forward this morning with public hearing?

Tim Davis: I am

Chair Murray: Thank you.

Ron Alles: Mr. Chairman maybe in the interest of time, can I talk about something else?

Chair Murray: Mr. McHugh can I get you to come to the podium please.

Michael McHugh: Staff left a voice messages with the applicant over at Mr. Wilson's office and reminded them that if they don't appear _____ not _____

Chair Murray: Thank you Mr. McHugh.

Commissioner Tinsley: What's that mean, make a motion to move it

Chair Murray: Table it

Commissioner Tinsley: Table it

Ron Alles: You should take public hearing though

Sharon Haugen: You might want to Mr. Chairman, see if there's anyone in the audience

Chair Murray: Before we start on this subdivision, is there anyone present that wishes to comment on the proposed amendment of condition of approval #16 for the Northwest Minor Subdivision. Is there anyone present that wishes to comment? There being none, Commissioner Tinsley

Commissioner Tinsley: Mr. Chairman I make a motion since the applicant and the opposing side are not here, it appears there's been some scheduling conflict, I make a motion that we table this proposed amendment to condition of approval #16 for the Northwest Minor Subdivision until Tuesday June 8th at our regularly scheduled

Chair Murray: June 8 or June 1, are you going to give them two weeks?

Commissioner Tinsley: Oh, June 1 that's right, Tuesday June 1 that's what I meant at our regularly scheduled subdivision hearing in this room at this time.

Chair Murray: Second. All in favor of the motion to table until June 1, signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Sharon Haugen: Commissioners, and we did establish that the applicant was here. This is a proposed subdivision known as Ambleside Subdivision; it's for five lots ranging from 8 acres to 151 acres. Lot 2 is developed already with a single family home and with an individual well and septic. Lots 1,3,4 and 5 will also be for single-family homes. This proposed is with individual wells and septic. The proposed subdivision requires four variances for road design and construction standards since this is a minor subdivision there is no parkland requirements. Up there is a map and I think a copy of that is attached to your report that you received from staff. Here is lot 1, here's the existing home on lot 2, lot 4, lot 3 and here's all the lots together. The proposed subdivision ____ cover this is generally located on Cedar Valley Drive and Nesting Osprey Drive. The property as we've discovered has single family dwelling, most of the property is generally rolling range land with trees and ____ areas to the North of Cedar Valley Road. The northern 2/3 of the property is ____ with sagebrush, prickly pear, native grasses and some trees. A deteriorating dugout cabin, outhouse and out buildings the other things associated with the bottom ____ including barrels that were found in the northwest corner of lot 5. The barrels appear to be empty at the time of inspection by staff. Also in that same general area there's a shallow open well. As indicated before there are four variance requests dealing with roads and _____. No covenants presently affect the use of the property, the applicant has proposed covenants as part of this subdivision, I believe they are attached to your staff report. These covenants will limit one development, one single-family dwelling per lot, it's ____ building construction standards, they prohibit commercial activities, ____ keeping of farm animals but do allow one horse per 10 acres, require building envelopes and to make Soaring Eagle a public road, which is currently considered a private access easement. As I indicated, copies attached to your staff report. There are five soil mapping units identified with these properties, none of these identified soil mapping units are prime or statewide or local importance. We do have severe limitations that generally make them unsuitable for cultivation and limit their use largely to pasture and woodland and wildlife. The main limitation is the risk of erosion of close ground plant cover if not maintained. Several of the nearby properties do have livestock; this development and the resulting risk of animals also increase potential for vandalism, trespass and harassment of livestock by those domestic animals. There are no irrigation facilities identified on the property but the parcels to the south and east of this existing site do have some irrigation facilities. Residential development near or adjacent to the irrigation facilities does increase the potential for vandalism again ____ trash and other things. Incremental subdivision in agricultural areas can both provide ability of adjacent ____ cultural operations. Here's the soil maps that shows the different soils ____ site of the subdivision. As indicated before, each of the residential lots will have onsite wastewater treatments with septic and drain fields and replacement, any plans will have to be approved by the DEQ and City-County Health Department. The soil-mapping units do have severe limitations on onsite wastewater treatment systems to the shallow to depth rocks, slope and slow percolation rates. Both horizontal and vertical separations do appear to be adequate for the depth of ____ water and lot sizes. Groundwater will be drawn for five residential lots from the Grayson formation bedrock aquifer, groundwater availability appears to be adequate for ____ domestic use purposes but ____ this area is limited, we have seen some wells in the southeast quarter not far from this in section ____ that go 120-190 feet with the average depth of 138 feet. In the southeast quarter there's wells that yield 8-35 gallons per minute with an average of 20 gallons per minute. Long terms of ____ stability concern with any bedrock aquifer and there is no known water quantity issues in this area right now. However, there's just ____ wells so based on the information we have right now that is, there is adequate water. Roads and access, perhaps the biggest thing or ____ created the most issues was the roads and access, the subdivision does not provide legal access easements or standard physical access. The applicant has requested four variances related to a lot, we have one for a lot divided by a road, road width, improved road standards and cul-de-sac. The Soaring Eagle Drive which is one of the first is 4323 feet in length, the road is currently

2683, the variance would be we'd make the road exceed 4323 feet and the applicant also proposed to use a driveway which provides access to the existing grounds provide access to lots 2-4. The next variance would be for road design and construction. The applicant sites topographical constraints that would bring this section to the road to County Standards for 24 feet ____ fields to keep that from happening and than the variance for right of way width improved road surface for a section of Soaring Eagle Road, ____ does not meet County Standards and that roads going to provide access to lots 2 and 5. Finally, an access easement does bisect lot 5 and the existing easement, which acts as an existing ____ would subdivision. Here's the extension of Soaring Eagle Raod that would require the variance for road design and construction. There's where ____ and driven out there or when you drive out there you'll recognize this little parallel roads that go out there and that leads us to the other part of the issue that there are currently two roads that do run parallel as you just saw but according to the applicant these ____ really minor subdivision located on Hauser Lake, that's totally surrounded by the subject property because previously ____ to connect with Eagle Flat Road. However, a disagreement apparently occurred between the owners accessing ____ Point Road and ____ with the subdivision regarding road maintenance fees, that couldn't be resolved. The property owners of the Zion Wood Subdivision had found an alternate route to access Eagle Flat Road and than thus Soaring Eagle Road was created to __ Eagle Flat road, that's how it got there. The applicant, and he may want to talk about this, ____ expressed to Planning Staff that he would like to access Dana Point Road in the future and would __ need for the second parallel road, however he can't do this at this time, didn't want to delay his development, we did ask staff if the road issue was resolved after preliminary plat approval could he make a change prior to final platting and we told him he could apply for modification of conditions of approval. Impacts on local services, all the residents will be bussed at the taxpayers' general expense, this subdivision is in the scratch gravel landfill district and the appropriate fees will be assessed. Local emergency services are available and response times are moderate to long. There is a creek on the property, small creek runs through lots 1 & 5 and empties into the lake. Because the creek empties into the lake another apparent ____ present on their property, setbacks should be required along the creek. Groundwater quantity appears to be more than adequate, there is some potential for groundwater contamination due to slopes and shallow depth ground water and percolation rates. Then again, the soil types are subject to erosion. Noxious weeds were identified in the area and thus will require a noxious weed plan. Wildlife in the area are deer, antelope, ____ raptors, and other small areas. ____ very good, no threatened or endangered species do exist and the parcel doesn't provide significant wildlife habitat. Again, we talked about the slopes, however all the lots have sufficient developable areas outside the slopes for residential and that's the purpose of putting that building envelopes. Again Lewis & Clark County as you are aware is a zone 1 county when it comes to radon and pro____. Exposure to radon is linked to several diseases. Again we talked about the potential to groundwater contamination, low percolation rates and partial mitigation would be ____ onsite wastewater systems that meet the specs by environmental health department. This lot, 1, 2, 4 & 5 do front the Prickly Pear ____ at Hauser Lake. ____ does present a potential for drowning because of open water. The northwest portion of lot 5 there's a shallow open well that is partially covered by lumber that may propose a significant hazard to human life particularly children and there's also numerous 50 gallon drums found there. The drums appear to be empty and abandoned but should be removed because they do present, may present some hazard and also they're good _____. The valley and Spokane hills faults are approximately $\frac{1}{2}$ miles to the southwest of the property, ____ property, there's a dugout, dugout structure, I believe Frank did contact the Historic Preservation Officer with regards to that, I don't see it's worth an investigation I think is what he felt but he didn't have specific _____. The northwest portion has that dugout cabin and potential is good because the Historic buildings, old farming equipment and evidence of cultural use. Staff does recommend approval of the preliminary plat, the approval would be for five lots and there's 16 conditions and that's the end of the presentation. I would be happy to try and answer any questions.

Chair Murray: Questions of staff?

Commissioner Tinsley: Mr. Chairman, first of all Sharon would it be possible to get us a better copy of this that's a little larger.

Sharon Haugen: Yes that will be possible.

Commissioner Tinsley: Before we go to our site visit.

Chair Murray: For the record can you specify what 'this' is?

Commissioner Tinsley: The preliminary plat.

Chair Murray: Thank you.

Commissioner Tinsley: This.

Sharon Haugen: Chairman Murray, Commissioner Tinsley that would be very possible.

Commissioner Tinsley: Secondly, Mr. Chairman, Ms. Haugen, I've been out there because I had to go out and do a rural abandonment inspection at one point farther up by the state line, pass the state line, why didn't the, when these subdivisions passed a long time ago and therefore didn't have the condition of approval that didn't allow people to protest out of an RID, on these two parallel roads that we're talking about, are they both for the new subdivisions or are they fairly old?

Sharon Haugen: Mr. Chairman, Commissioner, some of them are older subdivision or might have been created outside the process, certainly wouldn't have had that waiver of right to protest, what you're talking about, for the RID. If I understand your question, the other part of that question is whether or not there was, improvements were required at that time and there probably were variances, but I did not go back prior to this meeting and check the previous approvals and see what the requirement was or if there was any variances and also most of the time instead of going through that waiver of protest we do require the developer improve that road so it may be something that the applicant is aware of or maybe some of the people in the audience that's certainly something you could research between now and the time you make a decision.

Commissioner Tinsley: Okay

Chair Murray: Commissioner Tinsley, the two parallel roads go back to a disagreement between two physicians that own the property and the water in that particular subdivision.

Commissioner Tinsley: That's all I have for now.

Chair Murray: With no more questions, Mr. Davis it's your turn to bat if I can get you to the podium please. For the record if we can get your name and address please.

Tim Davis: Tim Davis, 5189 Lake Helena Drive.

Chair Murray: This is your opportunity to comment on staff conditions on the proposal in general or anything else you wish to comment on and please include the three variances, four variances.

Tim Davis: One of our goals for this property is to create some nice building sites but also to preserve as much as the wildlife habitable area that we have out there, there's 152, approximately 152 acre lot that we plan to keep as much wildlife friendly as possible out there. Other than that we just want to put some nice residential sites out there and get them as accessible as possible. The roads are something of an issue out there as I'm sure a lot of people know, it's not like we've been out there ___ Commissioner and we would like to get a road situation cleaned up and get rid of the parallel roads. My understanding is the potential new owner for the Razzes facility, Razzes ___ facility is interested in working with us to clean that road situation up and get us a legal easement down Davis Point Road which would then be able to access the property without having that secondary road. The driveway variance, or extension of Soaring Eagle variance that accesses lots 2 & 3 the cut and fill on that driveway is pretty established at this point. There's vegetation starting to grow on it and it would be ashamed to scar the hillside farther by widening that road, but I'm willing to listen to any ideas that the Commissioners may have as far as that goes. I don't really have too much more to say on that, I think I'd prefer just to answer any questions that anybody might have.

Chair Murray: Mr. Davis, staff has proposed sixteen conditions are you ready to agree with them

Tim Davis: I am.

Chair Murray: Thank you. Commissioner Tinsley any questions of Mr. Davis?

Commissioner Tinsley: Not at this time.

Chair Murray: Okay. I will reserve for you the right to close after we have the public hearing.

Tim Davis: Perfect.

Chair Murray: Thank you. This is a public hearing, anyone that wishes to speak in favor of and opposition to or speak in general, this is your opportunity. If I can get your name and address please.

Kent Rice: Mr. Chairman, Commissioner Tinsley for the record my name is Kent Rice, I currently reside at 5380 Nesting Osprey Way. This is the property that is immediately west of the proposed subdivision area. I am here today representing myself along with my wife Bernadette and as I mentioned we are the property owners immediately to the west of this proposed Ambleside Subdivision. Today I'm actually here to speak in opposition to this proposal and I'd like to go through the reasons why we are in opposition to this. As mentioned in the staff report, the proposed access road will be constructed, excuse me, one of the things that wasn't mentioned in the staff report was the proposed access road to lot 1. This is basically in our opinion going to create a situation that was discussed in the staff report with Soaring Eagles and Eagle Flats if I have those two roads right. It's basically a proposal to put a road right next to an already existing lane which could than turn into the same kind of situation on the east side of the property. We would like to prevent this same negativity on the west side of the proposed subdivision and as a result we're going to actually make a recommendation and propose an alternative route and I would like to give you some information, Bernadette why don't you hand that out to the Commissioners and also to Mr. Davis. If you'll bear with me I'd just kind of like to go through it, I didn't realize when you said ___ other wise I might have brought some in to ___ them up. Thank you. In your packet of information, the first page is basically just the vicinity map, which you have seen and it shows all the roads that we're talking about. The second page which includes three different colors of highlights is actually Commissioner Tinsley a bigger version of what we're asking for. Anyway, what I've highlighted on that second page, in the yellow highlights are the existing access roads to basically all the general lots in that area. The pink highlight which is on the left side or the west side of the proposed area is the proposed access road to lot 1 of the proposed subdivision. From the Nesting Osprey Way, which is again on the west side, it's highlighted in yellow has a cul de sac turn around, it's approximately 2 ½ inches long on your page and it's where the pink starts, from that point parallel to the pink proposed access road is the access road to our house. As you can see it is unhighlighted but there is also a public access easement that exists partially along our lane that is for impacts to another road that has nothing to do with this so that potentially could actually, Nesting Osprey Way could eventually be extended and become even a longer public access road. So, what we're proposing is that the purple highlight is a proposed alternative route for access to lot 1. So the next few sheets of paper in your packet are just some photographs of the area. You've actually seen several of these so what I would turn your attention to basically the third sheet which has four pictures on it. It's kind of a close up of the access road that goes down to the lots that are on the prickly pear on the ___ lake I think it's the Zarnt Wood Subdivision. That's what the existing access road that is identified in those pictures, that's the road for them to get to their house. There is a road that goes off of there and it is not a developed road, it is basically a two lane I don't know what you'd call it a recreation road, agricultural road that takes off of that road and actually makes its way up to lot 1. The fourth picture there which is view looking north of lots 5 & lot 1 actually shows our road which is the access to our house and it shows by air where the proposed access road to lot 1 is. This is what we consider will create the same exact situation on the east side of the property which is in our opinion negative not only visually but aesthetically, it just doesn't make sense at all.

Chair Murray: Mr. Rice, if I could stop you there for a second. On the Rice private access you're proposing to make that a public easement?

Kent Rice: Mr. Chairman, Commissioner Tinsley, No. We are proposing to eliminate the proposed access to lot 1 and provide an alternative route using a different road. If you look at the large picture, this gives more of an

overall picture and this picture was actually taken basically south of the property up on the hill so you can kind of see the whole layout. It shows Nesting Osprey Way, you can actually see the cul de sac turnaround and then our private access to our property is indicated there and it's just an extension basically of Nesting Osprey Way. You can see tracts C & D which are already developed and not part of this subdivision, they're already existing. You can see where the proposed road will parallel basically a little bit of Nesting Osprey Way and our access road. Lot 1 is in the middle of the picture and it is actually lake front property and our proposed alternative access through lot 5 is indicated and it basically would run right along that ridge. If you recall some of the pictures that the staff report had of the dugouts and the barrels and that kind of thing. This proposed access road basically runs right through that area. I'm not sure if you can see it in your pictures or not. The pan out picture is basically a view from the northside of the prickly pear ____ of Hauser Lake looking back south of the proposed property. You can see on the extreme left of the picture, the Zarnt Wood Subdivision properties, pretty much in the center is lot 1, the best way to describe it is the power transmission line that has three holes together, that actually sits on lot 1 of the proposed subdivision. The very nice and beautiful house, this is green and black happens to be a Rice residence and it continues all the way down to the extreme right side, which is the Causeway. As you can see here, you can see the development is being at this point being confined in one location which is something that we prefer but the road situation is something that we think will create problems and impact maybe both from a visual aesthetic and potentially disagree with your neighbors in the future. The last picture on the, in the packet basically talks about the road situation, gives a couple of pictures of that road situation and I won't draw on that it's in the staff report and basically brought that up as an issue. In addition to our concern with the road, our concern with this additional access actually placing an unfair financial burden on the property owners of Winhaven Lot 4 which would be the property owners that are ourselves and the property owners that access their property from Nesting Osprey Way. Currently we have a road maintenance agreement and all the properties in the proposed subdivision including Zarnt Wood are not part of that. There's been comments in the past of potentially accessing, having other people access their properties on the lake, lake front of Zarnt Wood using Nesting Osprey Way. Creation of the proposed private access to lot 1 could potentially be further developed to include that and then would thus place a financial burden on the property owners of Winhaven Lot 4. Because as you are aware, a road maintenance agreement is simply that, an agreement between the landowners to equally share the cost of maintaining that road. As I mentioned the proposed subdivision potential future property owners as well as the Zarnt Wood property owners are not part of that maintenance agreement and have no responsibility in that at all. What we would like to ask for, if the Commissioners approve this subdivision as proposed then along with this what we'd like to do is ask that the eleven various property owners that could possibly access Nesting Osprey Way including the people that are using Nesting Osprey Way which is including ourselves be required to waive their rights to protesting an RID. If the new access to the additional lots is removed and the alternative is proposed we would still like to see that property owners have that restriction placed on them that Commissioner Tinsley mentioned previously about waiving the right to protest including an RID. Another one of the things we would like to see and Mr. Davis actually commented on his preference to kind of keep that area open and keep the wildlife protected, when we subdivided one of the things we did was left a wildlife corridor in-between so there's a heavy resident population of mule deer as well as antelope and some even now we're starting to see some upland birds, hopefully they'll stay. We left a wildlife corridor, the proposed access to lot 1 will sever that so that's just adding to that potential what we'd like to ask if the Commissioners are in agreement and if Mr. Davis is in agreement is to protect that land that a covenant be put on, included in the proposal that no further subdivision of the property can happen. I know this is a minor subdivision which is as I recall five lots or less becomes a minor subdivision, however there are currently 7 lots if you consider the two existing lots that are on the corner of the proposed subdivision on the southwest corner of the proposed subdivision plus the five lots that are being proposed that's actually 7 lots so our intent here is to basically do what Mr. Davis suggested in protecting that open area and wildlife habitat and making it, well it is much further developed than when we first purchased the property, the development is being confined so some of the open areas are being maintained. Finally in your packet of information we've included the restrictions that were placed on our subdivision several years ago and again we would just ask that the commission include but not limit themselves to these types of restrictions. A couple of those that are worth mentioning are the 100 foot setback from the lake shore and I believe if you look at some of the photos that lot 1 has very steep angles down to the water on ____ and so that would be very critical in our opinion to keep that same restriction on this proposal. In addition, we would like to see that the roads are improved, I understand that Mr. Davis is concerned that taking an existing road and making it wider would visually impact it, were it possible it would be

nice to have the county road standard met. So in conclusion I would kind of just like to reiterate one of our suggestions is that there be a road access road realignment to lot 1, that consideration of a RID or at least a restriction to waive the right to protest and RID, restriction of further subdivision of the property and also to put in similar restrictions as were placed on the adjoining property in the previous subdivision. I'd just like to finish by saying that we're actually not against people developing their property, what we're doing is coming here and basically speaking on behalf of ourselves and the other homeowners in that area just to make sure that our rights and our interests are protected as property owners as well.

Chair Murray: Thank you Mr. Rice. Anyone else that wishes to testify, now is your opportunity. If you have questions about the roads, in favor of and opposition to or in general, I need you to come to the podium please Sir.

Art Thompson: My name is Art Thompson and I live at 7950 Birdtail Road in Wolf Creek. My only access, my only question on the road is that I use it for access there for some agricultural ground there and it would be convenient to me if it was a little wider of ___ but I can understand that it is kind of unsightly to drive in there and there is two roads going to the same place there for $\frac{1}{4}$ mile anyway but that was my comment there. I came here to comment on other stuff.

Chair Murray: Thank you Mr. Thompson. Anyone else that wishes to speak in favor of and opposition to or speak in general. For the second. For the third and final time. Mr. Davis. Mr. Stahl while Mr. Davis is coming to the podium, would you give us some advice on public testimony on redesigning the subdivision for ____.

Paul Stahl: Well, it's unusual that's for sure. I think what it is is that the applicant has to give a reaction and certainly it's just public comment is what it is and it's actually criticism of what has been proposed. To redesign, for the commission to redesign we haven't done that very often if ever at all.

Chair Murray: I was going to ask if we have the authority to redesign.

Paul Stahl: We have not, you have the ability to condition, you don't have the ability to redesign so you can condition it saying well this will happen to the road or this won't happen to the road so that in some ways a redesign but it is not, you have to be careful because when you do that you have to make sure all the other pieces fit in and without a professional looking at all those other things coming in we don't know where that's going to be so. I can't categorically say Commissioner, I wish I could but I can't categorically say that you can't redesign because you can kind of wander through the tulips and do it in a different way but we have never done that very much and I think that if you, what I think you have to look at the previous testimony was criticism of the present proposal and whether or not you want the, what you want to do with that whether that's a reason to deny it or put another condition on, you can condition it, I mean we put conditions on you know, you make the road, you want to add another access road, we've done that before so that's another condition, that's a redesign you get another, we'll approve it if you put in a fence, you know to block the dust, we do those kinds of things, but a complete redesign is a dangerous way for the Commission to get involved in because it isn't just one condition it sort of affects everything, access does.

Chair Murray: Commissioner Tinsley?

Commissioner Tinsley: Mr. Chairman, Mr. Stahl I guess what I was going to ask was depending on how we take the variances that could make this necessary for the applicant to redesign, would he than if that was the case just in for instance, would he than have to come back and request a modification if we pass the subdivision but deny the variances or do not ___ the variances or could if we did it sounds like what you're saying is for instance, I'm not saying this is going to happen, deny the variances we than could condition based on our denial on the variance to recondition certain things?

Paul Stahl: Yes, the conditions have been placed on the property I think notwithstanding the variances, would that be correct Sharon?

Sharon Haugen: That would be correct, yeah

Paul Stahl: and so the conditions should be on there as if you didn't pass the variances and what would happen is that if you denied the variances than he'd be required to comply with those conditions which you adopt to it and than he may come in and say oh that's not possible, I need to change this condition or I need to do something else or hey hold off, let's take another run at this can we come back in a month and let me do a suggestion, Sharon is that

Sharon Haugen: Mr. Chairman, Commissioners, if the variances, and I'm looking through again I apologize because I'm not the staff that originally drafted this but normally the conditions are to make improvements to County standards if you grant the variances you normally do a couple of things. One is that you change those conditions to comply with that variance and also I see if you grant the variances you also indemnify the County for the granting of those variances. Right now as the staff report is proposed, we do require that all the roads meet County standards.

Paul Stahl: Mr. Chairman, Commissioner Tinsley I would also tell you that if you change conditions, you're kind of doing it on the public health safety, welfare kind of thing and you know it's got to be a pretty broad thing because we sort of let the applicant design his road. You say you know it really would be better if you put the road over here, we're going to be better if you cut down all those trees and you go well no, we don't do that that way I mean except how it affects public health and safety and welfare kind of stuff and that's in the Commissioners discretion and roads are probably certainly welfare and maybe safety or whatever but it's, we don't do it. I'm just going to tell you that, we haven't done that very much, not that it can't be done but it's certainly not our typical practice.

Chair Murray: Mr. Stahl is, I've called on Mr. Rice for his opportunity to close if Mr. Rice

Paul Stahl: You mean Mr. Davis

Chair Murray: Mr. Davis, still in shock after Mr. Rice's presentation, if Mr. Davis wants to consider the Rice proposal he has the opportunity to request the public hearing continued does he not?

Paul Stahl: Yeah and he could continue it until he has a chance to give a reaction to it or whatever or he could just say No, because I think I heard him say timing is of the essence here and that he needed to get something started to be built now and putting things off is a problem and that he would try to come back in once to try to get things resolved but he really does need to get this going so that he can pay for it I would assume. I think I heard him say that.

Chair Murray: Mr. Davis it's time for you to come to the podium. I am going to suggest to Commissioner Tinsley that we render a final decision on June 3rd which is our last meeting prior to the statutory deadline for your subdivision as you heard Mr. Stahl if you wish to continue the public hearing you can request that, if you're satisfied that you've had an adequate public hearing and just wish to comment today you can do that also.

Tim Davis: You're saying Commissioner that you plan on postponing a decision on this regardless of any comment that I may make at this point.

Chair Murray: Given the public testimony that we received, I'm going to ask that we render a final decision Thursday June 3rd, which is a week from this Thursday to give, I need time to review the proposal.

Tim Davis: Fantastic

Chair Murray: Hopefully Commissioner Tinsley will agree

Commissioner Tinsley: We can't talk to you if you see us out there so don't try to talk to us.

Tim Davis: Okay, I'd just like to know when you're coming. I guess I would like to comment a little bit more. First of all regarding the Rice's proposals, I'm very interested in having some discussion with them regarding

alternatives to having a pair of side-by-side driveways. I do not wish to have a pair of side-by-side driveways out there either. Perhaps there's some potential for us to discuss, I don't quite know what the easement situation is there on Nesting Osprey, how far it runs down Nesting Osprey, perhaps we can converse out there about possibly accessing lot 1 from further down Nesting Osprey or at least get out there and talk about some other ways of doing that that would hopefully benefit both of us. Also a couple of Mr. Rice's comments regarding wildlife corridor area, it is my intent to preserve that as much as possible and he had mentioned that the lot 1 driveway would cut the wildlife corridor, I would just say the wildlife corridor is already cut by the Rice's driveway but perhaps one driveway would have less impact than two so see what we can do about that. A little confused as to why there should be a waiving right to protest on RID for the remaining lots other than lot 1 because I don't see where the Zarndt Woods subdivision or Lots 2, 3, 4 of Ambleside Subdivision have any bearing on Nesting Osprey or where they would access Nesting Osprey or why. So I guess I'm a little confused as to that, I don't have any problems with creating a waiver to protest the RID for lot1, probably for lot 5 as well and probably discuss something on tract C and D as far as being involved in an RID on Nesting Osprey because I'd like to see that road improved since it's going to be my road to my driveway. So I'd be very interested in talking to you guys about that as well but I was not aware of an RID on Nesting Osprey Way or the potential of one. Also regarding comments on widening the existing driveway, you know as far as construction or widening of Soaring Eagle which is the parallel road, you know I'm not opposed to bringing that road up to County spec I would prefer to eliminate the road entirely. Sadly at this time I cannot, I need to figure out what legal easement is across whose property and what we can do and I did plan on pursuing that, I just don't know how long that's going to take or if it's ever going to happen. There has been enough dispute over Danas Point Drive, obviously there's been enough dispute over the second road that's been created right next to it and every time I get into discussion with anybody out there it just gets all kind of hot heated and crazy and so it's just not an issue that I'm able to really tackle right now so my only alternative is to propose widening and improving the road that runs next to it. With the possibility of new ownership coming in out there, I guess there is the possibility in the future of eliminating that second road and I'm certainly going to try as best I can to do that, I'd like to do it before I spend money to widen Soaring Eagle but I just don't know when that's going to happen or how long it's going to take. So that takes care of both of the Soaring Eagle issues. As far as improving that driveway up to the top, the two lots up on the hill, I will do it if necessary, I again prefer to not damage the hillside any further in that particular stretch. I think that's pretty much all I had to comment on based on the public hearing.

Chair Murray: Mr. Davis if you and Mr. and Mrs. Rice are going to meet, I would suggest that you request the public hearing to continue. That would allow you and the Rice's the opportunity to comment on the 3rd and again you would retain your right to have the last say, a right to close. But, the public hearing ends today unless you request to the commission to

Commissioner Tinsley: Mr. Chairman, if Mr. Davis decides that he would like to extend the public hearing until the 3rd, depending on the outcome of what happens at the public hearing, what's presented, we can still render a final decision on the 3rd is that correct?

Chair Murray: That would be my intent, yes.

Tim Davis: In order to have more discussion with the Rice's, I'd be more than happy to continue public hearing until the 3rd.

Chair Murray: Thank you, further questions of Mr. Davis? Commissioner we have a request from the applicant to continue the public hearing until June 3rd, this would allow people to submit written comments and would allow both the Rice's and Mr. Davis to comment at our public meeting, subdivision meeting on June 3rd. Is there a motion?

Commissioner Tinsley: So moved

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. So if you folks wish to get together between now and June 3rd, please do so, the public hearing will be continued to June 3rd and Mr. Davis to give you an idea of what's going on we will render a final decision on June 3rd based on the testimony that we have received today, the staff report and any further public testimony we receive. Thank you and good luck.

Final Plat - Gray Fox Minor Subdivision (Applicant, Ike Lanning) (Planner, Frank Rives)

The Commissioners will consider the Final Plat Approval.

Sharon Haugen: Mr. Chairman, Commissioner Tinsley what you have before you for your consideration is the signing of final plat for the Gray Fox Minor Subdivision. There is, all the conditions have been met except for those that were covered by the _____ subdivision improvements agreement, staff has reviewed both and recommends approval of, recommends the commission sign the final plat pending the approval of the subdivision improvements agreement. I'd be happy to answer any questions that the commission may have at this time.

Chair Murray: Questions of Ms. Haugen

Commissioner Tinsley: None

Chair Murray: Is there a motion?

Commissioner Tinsley: Mr. Chairman, I'm not sure if these folks were here to comment _____ at this time. This is the Gray Fox Minor Subdivision.

Male: No, We are here on the Charlie Burns matter.

Chair Murray: That has been resolved Sir.

Commissioner Tinsley: It's already over with

Chair Murray: It was approved with sixteen conditions, seventeen conditions as proposed by staff and one new condition that was agreed to that there be no further subdivision of the property.

Sharon Haugen: Mr. Chairman, eleven conditions with an additional condition added. The couple can have a copy of my staff report that shows the conditions.

Chair Murray: Do you want a copy of the staff report that shows the conditions with the exception the added condition is not listed there, the added condition is no further subdivision.

Paul Stahl: Just to the two lots

Chair Murray: The tow lots, not the larger remainder of the parcel.

Commissioner Tinsley: We have no authority over that 160 acre at this time, so there's no condition, we cannot place a condition on it but at the request of the applicant we did place a no further subdivision of the two, the 37 and the 20 acre

Male: Well they can't really subdivide the 160 because than it becomes under condition

Commissioner Tinsley: Than it comes under out

Male: Well he can build a house there and it doesn't make any difference but if he tries to subdivide that, does it come back to you guys?

Commissioner Tinsley: Yes Sir

Male: I was just having a credibility problem; he had several different stories that he told.

Chair Murray: It was our understanding the small lot he wants to construct a log home this year for himself, the other subdivision he is reserving for his children and I have no idea what he is doing with the 160 acres.

Commissioner Tinsley: And there's a covenant on those two that he can't subdivide any further.

Male: Thank you.

Chair Murray: Yes Sir.

Commissioner Tinsley: Mr. Chairman do you need a motion

Sharon Haugen: Mr. Chairman, Commissioners with the subdivision improvements agreement that requires a motion for the County Commissioners to enter into that agreement

Chair Murray: I was going to suggest that too.

Commissioner Tinsley: Mr. Chairman I make a motion that we approve the final plat for the Gray Fox Minor Subdivision ____ improvements and authorize the chair to sign.

Chair Murray: Both the plat and the improvements agreement?

Commissioner Tinsley: Yes Sir.

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Chair Murray: Commissioner we have before us a CTEP proposal to contribute \$1,010.00 of our CTEP money for the completion of the steps at the Montana State Capital

Commissioner Tinsley: Ten thousand and ten dollars?

Chair Murray: That's what it says here; I believe its Ten Thousand and one dollars.

Sharon Haugen: Mr. Chairman, Commissioner I think you did say \$10,010.00

Chair Murray: Thank you I stand corrected. The proposal before us today is to contribute \$10,010.00 of our CTEP dollars to refinish the capital steps

Commissioner Tinsley: So moved

Chair Murray: Second. All in favor of the motion signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries. Ms. Haugen it's not possible for you, it's not practical to use CTEP dollars to make a contribution to the statue of Francis ____ first territorial Governor that's in front of the step to the north?

Sharon Haugen; Mr. Chairman, Commissioners, I do not know, I didn't ____ that it's not a CTEP eligible activity but that wasn't part of this request, this request was just to repair the steps to the Capital. That would have to be entertained as a separate request and as I know right know there is no CTEP application being considered for that statue.

Chair Murray: Thank you.

Public Comments.

Chair Murray: This is the time in our meeting when any member of the public present wishes to comment on any item the commission has authority over, now is your opportunity.

Commissioner Tinsley: Mr. Chairman we need to vote

Chair Murray: we need to vote. I was so excited trying to get money for the statue. All in favor of the motion to contribute \$10,010.00 and authorizing the chair to sign it, signify by saying Aye

Commissioner Tinsley: Aye

Chair Murray: Aye. Motion carries.

Ron Alles: Mr. Chairman, one additional item, more of a point of information and looking for the commissions blessing, at the fair board meeting last night the fair board recommended that through the fair funds, that \$5600 be allocated out of its capital projects money to go towards completion of fencing at the arena, slight change in budget, most of that money was reserved for part of the roof at the multi purpose building but the fair board felt that it important enough to move ahead with those funds and I'm just pointing that out to the commission and looking for your blessing I guess to pass on to the fair board. It's within their budget they do have budget authority, it's not in addition to the budget.

Chair Murray: Do they have adequate money to complete the roof?

Ron Alles: Yes, if you'll recall they did rather than replace the roof they adopted a plan that would temporarily fix their roof for a period of three or four years that gave them some more funds to make other improvements down at the fairgrounds.

Chair Murray: Questions of staff?

Commissioner Tinsley: No

Chair Murray: Is there a motion or concurrence?

Commissioner Tinsley: We don't need a motion do we?

Ron Alles: No, it's more of an FYI

Chair Murray: Okay, Thank you. For Commissioner Tinsley benefit, I will be leaving today and will be out of State through Saturday attending a NACO, National Association of Counties Western State Region meeting in Ogden Utah.

Chair Murray: We are adjourned.

Adjourn.

11:05 a.m.

NOTE: 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. Public Meetings, Planning Board Meetings, and TCC meetings are now being video-taped and will aired on HCTV Ch. 11. Thank you for your patience during this time.