

**PUBLIC MEETING**  
**December 11, 2007**  
**MINUTES**

Chairman Michael Murray called the meeting to order at 9:00 a.m. Commissioners Ed Tinsley and Andy Hunthausen were present. Others attending all or portion of the meeting included Ron Alles, Kelly Blake, Michele Peterson, Lindsay Morgan, Jerry Hamlin, Janet Pallister, Jack Walsh, Michael Kakuk, Dean Retz, Frank Rives, Greg McNally, Larry Kline, Tony Prothero, Rebecca Shaw, K. Paul Stahl, Jim Mitchell, Dorothy Mitchell, Glen Hart, Shawn Higley, Leonard Ennis, Ron and Sherrie Hinx, Kelly Williams, Mike Sedlock, Jerry Christison, Barb Hamlin, Bret Hamlin, and Maria Penna, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Items. Ron Alles reported on the consent agenda and recommended approval.

- a. State of Montana Right-of-Way Deed. Amount \$8,838. Affecting a Tract of Land In S2SW4 and NE4NW4 of Section 36, Township 12 North, Range 5 West, Lewis and Clark County. (Janet Pallister)

Hearing no public comments, the comment period closed. Commissioner Hunthausen moved approval of the consent agenda and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried 3-0.

Intention to Adopt Revised Lewis & Clark County Subdivision Regulations. (Tabled from 10/30/07) (Decision) The Commissioners will consider the proposed changes to the regulations.

Frank Rives reviewed the December 11, 2007 Planning Department memorandum outlining recommended changes to the draft subdivision regulations reflecting public comments received and reviewed by planning staff.

The Commission accepted public testimony of proposed changes to the subdivision regulations. The following folks made comments. (written transcript of this proceeding is available in the clerk's public meeting folder)

Michael Kakuk, representing Helena Association of Realtors, Jerry Christison, Cherche Prezeau, John Herrin, Jack Walsh, representing HBIA. The comments dealt with off-site road issues and additional time to review the regulations.

Commissioner Tinsley moved to extend the comment period through 5 p.m. Friday, December 14, and render a final decision on Tuesday, December 18 at our regularly scheduled meeting. The comment period would only apply to this morning's hearing on the staff report dated December 11, 2007 containing 72 proposed edits. Commissioner Hunthausen seconded the motion.

Public Hearing. Resolution Levying and Assessing A Tax Upon All Benefitted Property Within The Ryan Minor Rural Improvement District No. 2006-8. (Michele Peterson)

The Commissioners will conduct a public hearing to solicit public input on the resolution.

Michele Peterson reported that road maintenance activities could include, but is not limited to, road grading, additional gravel, weed control, snow removal, street signs and other maintenance and repair as necessary to preserve the road surfaces. The assessment for each lot per year is \$256. There being no inquiries regarding the assessments, staff recommended approval of the resolution setting the assessment at \$256 per year per lot for road maintenance activities.

Hearing no public comments, the public hearing closed. Commissioner Tinsley moved to render a final decision on Thursday, December 13. Commissioner Hunthausen seconded the motion and it carried 3-0.

Public Hearing. Resolution Levying and Assessing A Tax Upon All Benefitted Property Within The Gruber Minor Rural Improvement District No. 2006-9. (Michele Peterson)

The Commissioners will conduct a public hearing to solicit public input on the resolution.

Michele Peterson reported that the road maintenance activities could include, but is not limited to, road grading, additional gravel, weed control, snow removal, street signs and other maintenance and repair as necessary to preserve the road surfaces. The assessment for each lot per year is \$545. There being no inquiries regarding the assessments, staff recommended approval of the resolution setting the assessment at \$545 per year per lot for road maintenance activities.

Hearing no public comments, the public hearing closed. Commissioner Hunthausen moved to render a final decision on Thursday, December 13. Commissioner Tinsley seconded the motion and it carried 3-0.

Public Hearing. Resolution Levying and Assessing A Tax Upon All Benefitted Property Within The Pimley Subdivision Rural Improvement District No. 2007-4. (Michele Peterson)

The Commissioners will conduct a public hearing to solicit public input on the resolution.

Michele Peterson reported that the road maintenance activities could include but is not limited to, road grading, additional gravel, weed control, snow removal, street signs and other maintenance and repair as necessary to preserve the road surfaces. The assessment for each lot per year is \$298.20. There being no inquiries regarding the assessments, staff recommended approval of the resolution setting the assessment at \$298.20 per year per lot for road maintenance activities.

Hearing no public comments, the public hearing closed. Commissioner Tinsley moved to render a final decision on Thursday, December 13. Commissioner Hunthausen seconded the motion and it carried 3-0.

Public Hearing. Resolution Levying and Assessing A Tax Upon All Benefitted Property Within The Foothills Estates Rural Improvement District No. 2007-5. (Michele Peterson) The Commissioners will conduct a public hearing to solicit public input on the resolution.

Michele Peterson reported that the road maintenance activities could include, but is not limited to, road grading, additional gravel, weed control, snow removal, street signs and other maintenance and repair as necessary to preserve the road surfaces. The assessment for each lot per year is \$157.50. One telephone inquiry was received. Staff recommended approval of the resolution setting the assessment at \$157.50 per year per lot for road maintenance activities.

Robin Hochs, 2002 Wooten Road, opposed the RID. She owned the property approximately 4 months and did not receive a letter regarding this matter.

Ron Alles explained that county staff pulls the assessment roll from Department of Revenue.

Commissioner Tinsley mentioned there appears to be a breakdown in communication between the people purchasing property and people who owned the property that a waiver of right to protest out of an RID is included in subdivision conditions of approval.

Hearing no other public comments, the public hearing closed. Commissioner Hunthausen moved to render a final decision on Thursday, December 13. Commissioner Tinsley seconded the motion and it carried 3-0.

Break. The Commissioners recessed at 9:40 and reconvened at 9:50.

Proposed Major Subdivision, Preliminary Plat To Be Known As Red Fox Meadows. (Applicant, Jerry Hamlin, Hamlin Construction and Development Corp.) (Planner, Lindsay Morgan) The Commissioners will consider creating 127 lots, 110 of which will each be used for one single-family dwelling, 8 lots to be used for a total of 125 condominium units (46 duplexes and 11 triplexes), 5 lots to be utilized as open space, 3 lots for commercial purposes (storage units and a gas station), and 1 lot for a public wastewater treatment system. If approved the existing 165.46-acre tract will be divided into lots ranging in size from 0.46 acres to 20.37 acres. The site is generally located south of and adjacent to Canyon Ferry Road, and east of and adjacent to Lake Helena Drive.

Applicant, Jerry Hamlin, was present and indicated his willingness to proceed.

Lindsay Morgan presented the staff report. Proposed access will be off of both Lake Helena Drive and Canyon Ferry Road via a series of proposed internal access roads. Road construction will be required in order to provide standard and physical access. The applicant had expressed a preference to provide a combination of cash-in-lieu of

parkland dedication, a trail, and a trail easement to meet parkland requirements. The parkland requirements have been approved by the Parks Board. The site is currently developed with a single-family residence and associated outbuildings, which the applicant plans to remove prior to final plat approval. The proposed subdivision lies within the Helena Valley Interim Zoning District. A Helena Valley Irrigation District canal and easement is located along the southern and eastern property boundaries of the site; a ditch runs along the west side of Lake Helena Drive. Applicant proposed a fence along the south and east side of the irrigation canal with a 5-foot high chain link fence. All proposed internal access roads will be constructed to county road standards, Typical Section #2 curb and gutter. Each major subdivision shall provide at least two different ingress/egress vehicular access routes and provide legal and physical access. MDT plans to install conduit under the roadway at the junction of Canyon Ferry Road and Lake Helena Drive for a future traffic signal. The applicant intends to pay the proportional share of the cost for the installation of this signal. The applicant would also pay the proportional share of road costs for upgrading Lake Helena Drive. His costs will be 48% but plans to contribute 50%. In addition, the applicant proposed to dedicate the necessary easement for Lake Helena Drive along the western edge of the proposed development and had been working with property owners to obtain any remaining easement dedications. Even though the applicant plans to contribute 50% of the costs to upgrade the roadway there is no mechanism to cover the remaining costs. An RID may be difficult to implement on a collector roadway such as Lake Helena Drive because it is hard to determine the benefiting properties. There is no guarantee that an RID will pass in this area even if benefiting properties are determined.

The applicant had requested one variance from the county subdivision regulations to allow for a road approach onto Canyon Ferry Road, which is currently classified as a major collector and a state highway. A pedestrian path would be developed along the east side of Lake Helena Drive from the proposed development southward to Boundary Street for elementary and middle school students. FWP had concerns that the development will impact wildlife movement. The applicant had dedicated the area of 100 year floodplain as open space. Lake Helena Drive south of Canyon Ferry Road does not meet county standards for a major collector roadway at this time. The proposal does not comply with the minimum subdivision standards and therefore staff recommended denial of the proposed preliminary plat. The planning board approved the requested variance and made a recommendation of denial of the proposal to the commission.

Jerry Hamlin, 1625 University Street. This development features open space, a wildlife corridor, a fire suppression system, and access provisions. It has three easements for interconnectivity for future development. No access restrictions have been placed on all affected lots and a 50' building set back on both Canyon Ferry Road and Lake Helena Drive. He disagreed with the planning board interpretation that the applicant provide 100% of the cost to upgrade Lake Helena Drive. His report provided adequate mitigation to all items on the staff report.

Shawn Higley, WWC Engineering, 1275 Maple Street, distributed the same handouts which were delivered to the planning board. He presented an analysis of Lake Helena Drive mitigation measures due to increased traffic impacts resulting from the proposed subdivision.

John Herrin, 1032 Mouldin Avenue, stated he was in favor of the proposal regarding the roads and initiating an RID in the area for additional road work.

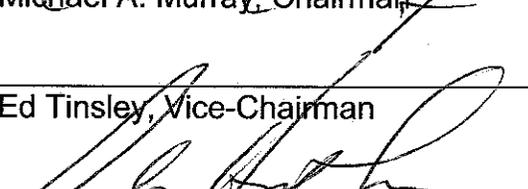
Hearing no other comments, the public comment period closed. Commissioner Hunthausen moved that the Commission render a decision on January 3<sup>rd</sup> at the regularly scheduled public meeting. Commissioner Tinsley seconded the motion and it carried 3-0.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business and the meeting adjourned at 10:37 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael A. Murray, Chairman

  
Ed Tinsley, Vice-Chairman

  
Andy Hunthausen, Member

ATTEST:

  
Paulette DeHart, Clerk of the Board