



**PUBLIC MEETING**  
March 26, 2015  
**MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on March 26, 2015, at 9:00 AM in Commission Chambers Room 330.

**Roll Call**

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, K. Paul Stahl, Eric Griffin, James Combs, Lindsay Morgan, George Theborge, Christal Ness, Marni Bentley, Parker Heller, Ryan Casne, Julie Lamb-Heller, Al Knauber, Karen Marble, Sharon Haugen, Les Cramer, and Nichole Nisbet, Recording Secretary.

**Pledge of Allegiance**

Everyone recited the pledge.

**Announcement**

- a. March 31, 2015, Public Meeting Canceled – MACRS Conference.

**Consent Action Items**

- a. Vendor Claims Report for week ending March 27, 2015. (Marni Bentley)
- b. Resolution 2015-52 Approving the Bylaws for the Board of Directors of the Lewis and Clark County DUI Task Force Steering Committee. (Eric Bryson)

Eric Bryson reported on the consent action items 3 a-b and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise, and the motion result was Passed with a vote of 3-0

**S-280 York Road Special Speed Study. (Eric Griffin)**

Eric Griffin, Public Works Director, introduced the speed study for S-280 York Road that was requested to be performed by MDT. Jim Combs of the Montana Department of Transportation is here today to explain the findings.

Jim Combs presented the speed study that was done on the S-280. The study began at the intersection of Canyon Ferry Road and continuing east to York Bridge, there was an emphasis on Wiley Drive and to Lake Helena Drive and the area around Warren School. A variety of factors are looked at during a speed study such as road side characteristics, a three year crash history, citation data, 85th percentile speed. It was found that the existing posted speed limits of 55 and 60 miles per hour are in line with what they are seeing statistically and they recommend no change to the current speed limits.

Commission Hunthausen asked Mr. Combs if any weight was given to what the particular road passes, for example if it passes a school.

Jim Combs stated that it is taken into consideration. There is some flexibility to have a reduced speed limit if there is a school. In this instance the school is off the main road and the road is not considered to be in a school zone.

No public comment was received.

A motion was made by Commissioner Geise to accept the S-280 York Road Special Speed Study and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

**Proposed Major Subdivision to be known as the 46 Degrees North Subdivision. (tabled 3/24/15)**  
**(Applicant: Heller Development, LLC) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, stated that today is decision day for the proposed 94 lot subdivision to be known as 46 Degrees North Subdivision. Staff has given the Commission a transmittal memo that covers both the August and March Planning Board meetings and the Boards recommendation to the Commission regarding the proposed development. Staff has also provided the Commission a list of draft motions to help you through the decision making process.

A motion was made by Commissioner Murray to grant conditional approval of 46 Degrees North subdivision subject to 44 conditions of approval as recommended by the Planning Board and seconded by Commissioner Geise.

Lindsay Morgan stated that the applicants are proposing Heller Place as a minor collector roadway. The design standards we have in the subdivision regulation do not allow the roadway to be divided. In this case, the applicant is proposing to divide the travel lanes in order to meet the minor collector design standard. Our regulations do not allow for this therefore the applicant has requested a variance. A motion was made by Commissioner Geise to approve the Variance No. 1 request for the minor collector design standard from Chapter XI. H. 1 of the Lewis and Clark County Subdivision Regulations and was seconded by Commissioner Murray. Commissioner Geise moved to accept the Planning Board's recommended findings of fact on the variance, 1. Heller Place is an internal access road that will provide the main ingress-egress route for the proposed Subdivision. 2. Heller Place will access directly onto North Montana Avenue. 3. Heller Place will run traffic east-west. 4. Heller Place is adjacent to all four, proposed commercial lots. 5. According to the Applicant's Traffic Impact Study for the proposed Subdivision, Heller Place will be functionally classified as a minor collector roadway, which means that average daily traffic volumes will be between 1,500-3,500 vehicles per day. 6. According to the Applicant's Traffic Impact Study for the proposed Subdivision, Heller Place will have an estimated 1,513 trips per day where it accesses onto North Montana Avenue. 7. As proposed, Heller Place will have two, eighteen-foot wide, single travel lanes with curb and gutter that will be separated by a 30-foot wide boulevard. 8. Because the County has no standard for a split roadway, the applicant is required to obtain a variance for this deviation from the road standards. Public comment was also taken into account including that the project is poorly designed if it needs so many variances. The Commissioners reviewed and discussed the 8 findings of fact as submitted by staff for the variance request and moved to approve them as being accurate. The motion was seconded by Commissioner Murray, result motion was Passed with a vote of 3-0.

A motion was made by Commission Geise that based on these findings of fact and after considering public comment, the Commissioners conclude that the requested variance complies with the four criteria for granting variances from standards and requirements of the Subdivision Regulations. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise to grant the variance based on the findings of fact and conclusion of law. The motion was seconded by Commission Murray, and the result was Passed with a vote of 3-0.

Lindsay Morgan presented Variance Request No. 2 and stated that the applicants have proposed two parks. The first park in phase 1 is a proposed Brielle Park which would be accessed by trails only. There is also a maintenance access easement. The second park would be an easement on property in Phase 2. There are some trails to provide access. The variance request is because Brielle Park is not adjacent to a 60 foot wide public access and utility easement as required by subdivision regulations.

A motion was made by Commissioner Geise to approve the variance from County subdivision regulations from Chapter XI.F.4 as requested by the applicant. The motion was seconded by Commissioner Murray.

Commissioner Geise moved to accept the Planning Board's recommendation including 8 findings of fact that are part of the parkland requirement, the applicant is proposing to dedicate a park. In addition, the applicant is proposing to dedicate a park easement and trail easements on the plat, to construct those trails, and to make a cash payment should any remaining amount be left unfulfilled after the dedications and construction are completed. 2. According to the preliminary plat, the proposed park does not abut or have legal and physical access to a public street or road, as defined by the County Subdivision Regulations. 3. The proposed park will be 0.46 acres in size. 4. As proposed, there will be a 9-lot multi-user well and water system located on the proposed park. 5. Because the property will not be accessible via a public road, the applicant is proposing to instead provide access through a trail network with 25-foot wide easement dedications. 6. As proposed, there will also be a planned 30-foot wide maintenance access easement provided to the proposed park. 7. On Wednesday, August 6, 2014, the Parks Board reviewed the applicant's parkland proposal, and then made a recommendation to both the City-County Consolidated Planning Board and Lewis and Clark County Commission that the applicant provide cash in-lieu of dedicating the park, park easement, and trail easements, and constructing the trails. 8. If the requested variance is denied, the park property must either be absorbed into adjoining residential properties or have an access for a public roadway provided to it that meets County requirements. There was also public comment received that the project is poorly designed if it needs so many variances. Concerns were expressed that the limited access to parkland in the subdivision would lead to increased use of the park in Treasure State Acres. Concerns were expressed that the proposed parkland would not be ADA accessible. The motion was seconded by Commissioner Murray.

A motion was made by Commissioner Hunthausen to add a condition to the approval of the variance request, one being that the applicant shall provide a minimum of three off street parking spaces located adjacent to the trail network in phase 1. The parking area would be required to be constructed in accordance with typical section 2 with regard to thickness of the gravel section and asphalt mat. The applicant shall submit a design and construction plans for the parking spaces to Community Development and Planning for review and approval, all the requirements of the approved plan shall be completed. An engineer registered in the state of Montana shall certify all improvements as meeting approved plans with concurrence by Public Works. Commissioner Hunthausen included these findings; according to County subdivision regulations all lots are required to have a minimum frontage of 60 feet on a public roadway. Second finding would be that the standard dimensions of the parking space are 9 feet by 20 feet. The third finding is 60 feet of frontage on a public roadway would provide three parking spaces. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 2-1 with Commissioner Geise voting against.

A motion was made by Commissioner Hunthausen to propose a condition that the 9 lot multi user well and water system plant be located in an area or areas of the park that will not impede open or unencumbered use by the public. The facts supporting that are scattered well heads, well house, buildings and other utilities on parkland pose a potential hazard to public safety when placed on public parkland. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise asked Lindsay Morgan how the wells might be placed or how the structures would look.

Lindsay Morgan stated that it depends on what the applicants are proposing. If the wells are located inside of a well house, it would be a small building and would be locked.

Commissioner Geise reviewed the criteria to grant variances being, 1. The granting of the variance will not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties. 2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if these regulations were enforced. 3. The granting of the variance will not cause a substantial increase in public costs. 4. The approval of the variance will not place the subdivision in non-conformance with adopted regulations.

Commissioner Geise stated that based on these findings of fact and after considering public comment, that the requested variance complies with the four criteria for granting variances from standards and requirements of the Subdivision Regulation and moved to accept the conclusions of law as expressed. The motion was seconded by Commissioner Murray. Commissioner Murray stated that one public comment expressed that the park would not be ADA accessible. The applicant's representative in testimony to the Commission assured the Commission it would be ADA accessible.

A motion was made by Commissioner Murray to amend the findings of fact to include the ADA accessibility. The motion was seconded by Commissioner Geise, and the motion result was Passed with a vote of 3-0.

The motion to accept the conclusions of law as presented is on the floor with no further discussion, the motion result was Passed with a vote of 3-0.

The motion to approve the overall variance as amended is on the floor with no further discussion, the motion result was Passed with a vote of 3-0.

Lindsay Morgan presented Variance Request No. 3, stating that the applicants have requested the variance from the lot length to width requirements for two of their proposed commercial lots, C2 and C4 as the subdivision regulations do not allow lot length to width ratio to exceed 3:1.

A motion was made by Commissioner Geise to approve the variance from Lewis & Clark County subdivision regulations regarding length to width from Chapter XI F.7 regarding lots and seconded by Commissioner Murray.

A motion was made by Commissioner Geise to accept the findings of fact, 1. Proposed lots C2 and C4, two of the four proposed commercial lots, have an average length greater than three times their average width. 2. According to the preliminary plat, proposed Lot C2 will be 1.03 acres in size and proposed Lot C4 will be 1.47 acres in size. 3. Both proposed lots will have direct access onto Heller Place, a proposed internal access road. 4. According to the applicant's Traffic Impact Study for the proposed Subdivision, Heller Place will be functionally classified as a minor collector roadway. Public comment received was a comment that was made that the project is poorly designed if it needs so many variances. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise stated that after consider the criteria for granting variance of which there are four; this variance request will not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties. 2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if these regulations were enforced. 3. The granting of the variance will not cause a substantial increase in public costs. 4. The approval of the variance will not place the subdivision in non-conformance with adopted regulations. Commissioner Geise moved to grant the variance. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Hunthausen stated that there is an open motion to approve the variance from the subdivision regulations as presented including the findings of fact, conclusions of law including the criteria and public comment as presented. Upon no further discussion, the motion result was Passed with a vote of 3-0.

Break/Reconvene

Commissioner Hunthausen stated that we will now consider the finding of facts and conclusions regarding the entire subdivision as recommended by the Planning Board. The Commission will consider each statutory impact area separately. A motion was made by Commissioner Geise to accept the Planning Board's recommended finding of facts as regards to impacts to agriculture. There are nine in total. 1. One soil mapping unit was identified on the property. 2. Being identified as prime farmland, if irrigated. It is also identified as having cropland limitations due to: excessive permeability, lime content, the potential for groundwater pollution, and soil blowing. 3. The Helena Valley Irrigation District (HVID) canal is located adjacent to the south boundary of Phase I of the proposed Subdivision. 4. The County

Subdivision Regulations classify irrigation ditches and canals as Class IV water bodies and require that a minimum 50-foot wide setback and 30-foot wide buffer along the water course be graphically shown and described on the plat. 5. There is a 25-foot wide easement for the HVID canal along the south property boundary of Phase I. 6. The HVID has an historical easement across this property for access to the canal. There is a 10-foot wide utility easement and a 30-foot wide road access easement along the north property boundary of Phase I, and a 30-foot wide road access easement along the east boundary of Phase I. 7. According to the application, Essentia Way, one of the proposed internal access roads, will be constructed within and adjacent to the existing 30-foot wide road access easement the runs along the east side of Phase I. Essentia Way will be 24 feet in width, and will have a 70-foot wide easement that will separate Phases I and II. 8. According to the HVID, none of the lands are considered "irrigable" or eligible for water; therefore, the proposed subdivision will have no negative impact on the District's total irrigable or assessable acres. In addition, none of the land within the proposed subdivision is eligible to receive water from the canal for any purpose. 9. The easement for Essentia Way has been extended to the south boundary of the proposed subdivision. The subdivision regulations require the roadway to be constructed all of the way to the property edge. If, at some point in the future, this roadway is ever extended beyond the property line, a Special Use Permit will be required from the HVID for access across the canal. Public comment was raised about who has use rights in a 30-foot easement along the canal. Questions were raised about whether lot owners can use water in the canal. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on the findings of fact and after considering public comment that Commissioner Geise moved to accept the conclusion that the proposed subdivision does not have adverse impacts of agricultural lands and agricultural operations. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise to accept the finding of facts on impacts to local services to start with water and waste water as there are 16 findings of fact being 1. According to the application, a Level II, public centralized wastewater treatment system will serve the proposed Subdivision. 2. One soil mapping unit was identified on the property: Thess Loam (209A). 3. This soil mapping unit is identified as having severe limitations for on-site wastewater treatment systems due to poor filtration. 4. Fifteen, eight-foot deep test pits were evaluated in the area of the proposed drainfield by the City-County Health Department – Environmental Division in April of 2014. 5. The proposed Subdivision is subject to the Department of Environmental Quality (DEQ) review for the wastewater and water systems and must receive DEQ approval as a condition of subdivision approval. 6. A letter from DEQ states the following: the Applicant has submitted an application for review; however, there are several outstanding matters that will need resolution prior to final approval. 7. Lots within the proposed Subdivision will be served by either an individual, a shared, or one of two multi-user water systems, drawing from the Helena Valley Alluvial Aquifer. 8. The applicant plans to install both multi-user water systems. There is a 9-lot multi-user water system proposed on the parkland parcel, and there is an 8-lot multi-user water system to be located between proposed residential Lots 27 and 28. 9. The site is located in an area where groundwater is present in the Helena Valley Aquifer at relatively shallow depths estimated to range from 20 to 30 feet below ground surface. Groundwater flow is northeast towards Lake Helena. The site is located north of the HVID canal where recharge from irrigation water may occur seasonally. Additional recharge is linked to flow in Tenmile Creek to the north, and from direct infiltration of precipitation. The Helena Valley Aquifer in this location generally provides good yield for potable wells. 10. Water chemistry from public water supply wells in the area show elevated nitrates in an up-gradient position from the proposed subdivision. Sampling results from previous studies indicate an old, degraded source of nitrates within and just north of the City Limits of Helena. Arsenic represents an additional concern for water quality for the proposed subdivision, since the waters in the canal provide recharge to the aquifer, and that canal water has elevated levels of arsenic above the drinking standard of 0.010 mg/L. 11. The Water Quality Protection District recommends that the method and location of wastewater treatment disposal should consider alternatives that protect the integrity and water quality of public water supply wells down-gradient from the property and ultimately the drain system in the Helena Valley which feeds nutrients to Lake Helena. 12. The Water Quality Protection District states that the Aquifer should provide a sufficient yield for potable water for this system; however, the presence of nitrate and potentially

arsenic sources to shallow groundwater should be considered, and water samples should be collected from wells prior to development as a potable water source. The recommended well depths should be well below the top of the water table to the maximum depth practical to aid in protecting water quality, since potential contaminants are discharged into the top of the water table. 13. According to the application, there is a known petroleum release site up-gradient from the proposed Subdivision. The application further states that the petroleum plume was mapped by DEQ in 1989, and that although the release site is considered "closed", it has not been "formally closed;" therefore no water supply wells have been proposed within the boundary of the mapped plume. 14. Wells in this area have an average depth of 77.11 feet. 15. Wells in this area have an average yield of approximately 44.78 g.p.m. 16. Well logs of properties in the immediate vicinity indicate adequate domestic water supply is available for the proposed residential uses. The Commission also took into account the public comment received about concerns were expressed about contamination of wells within the subdivision. Claims were made that the wastewater system is too close to the Treasure State Acres wells. Claims were made that stormwater will be going right over the septic system. Claims were made of the need to drill wells deeper because of elevated levels of arsenic and nitrates in the groundwater. Concerns were expressed about the petroleum plume flowing through the subdivision. Concerns were expressed about existing wells not having enough water if new wells are drilled on this property. Questions were asked about who pays if existing wells are affected. Questions were asked about how court decisions on exempt wells will affect this subdivision. Concerns were expressed about rising nitrate levels that could affect wells in the future. After taken all the public comment into consideration and advisement the motion on the floor is to accept the Planning Board's 16 draft findings of fact as submitted by staff for impacts to local service in regards to water and waste water and underwater and wastewater them as being accurate. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise to accept the findings of fact impacts in regards to solid waste, utilities and schools and was seconded by Commissioner Murray.

Commissioner Geise stated that the findings of facts are number 17 - 24 specifically that the solid waste fee will be assessed for each lot, which covers the cost of disposal for 1.5 tons/year/residence including all four commercial lots. Waste generated in excess of this amount will be assessed an additional fee, under a "pay as you throw" rate structure. Utilities are adjacent and available to the proposed subdivision in addition, replacement or relocated utility lines would need to be installed in accordance with the County subdivision regulations. For the schools: 20. According to the School District, students would attend one of the following public schools, depending upon their age: Four Georgians Elementary School, C.R. Anderson Middle School, or Capital High School. 21. Due to capacity constraints at Four Georgians Elementary School, students may instead attend Bryant elementary School. Should this occur, students residing within the proposed Subdivision will then attend Helena Middle School and Helena High School instead of C.R. Anderson Middle School and Capital High School. 22. It is estimated that there will be 132 students residing within this development: 88 elementary students and 44 secondary students. 23. No written information has been provided by the School District regarding the proposed Subdivision. The Community Development and Planning Office spoke with School District No. 1 over the phone on August 14, 2014 and received both information and recommendations regarding the proposed Subdivision. 24. Due to the proximity to these schools (greater than one mile), a bus stop should be required within the proposed subdivision. In addition, School District No. 1 has requested that this stop be located in close proximity to North Montana Avenue. This bus stop should be installed in accordance with both School District and County requirements. The Commission also took into account the public comment received complaints were made that the current schools are at capacity before this subdivision. Concerns were expressed about the safety of bus stops. Concerns were expressed about the effects of bus stop maintenance on Rural Improvements Districts. After taken all the public comment into consideration and advisement the motion on the floor is to accept the Planning Board's draft findings of fact as amended as submitted by staff for impacts to local service in regards to solid waste, utilities and schools as being accurate. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that the Commission accept the findings of fact regarding parkland including numbers 25-29. The motion was seconded by Commissioner Murray.

Commissioner Geise stated that in order to fulfill the parkland requirement, the applicant is proposing to dedicate a park, a park easement, and trail easements on the plat, to construct those trails, and to make

a cash payment should any remaining amount be left unfulfilled after the dedications and construction are completed. 26. According to the application, the applicant has requested annexation into the Treasure State Acres RID for maintenance of the proposed park, park easement, trail easements, and trails. 27. On Wednesday, August 6, 2014, the Parks Board reviewed the applicant's parkland proposal, and then made a recommendation to both the Planning Board and County Commission that the applicant provide cash in-lieu of dedicating the park, park easement, and trail easements, and constructing the trails. 28. If the park, park easement, trail easements, and/or trails are accepted by the County Commission, an RID must be established for future improvements and/or maintenance of them. 29. If the park itself is not accepted by the County Commission, there are a few options based on different scenarios. If the variance related to access for the park property is approved, the applicant can still use the property as a park, but it won't be considered as meeting the parkland requirement for subdivision. Alternatively, if this variance is denied, the park property must either be absorbed into adjoining residential properties or have an access for a public roadway provided to it that meets County requirements. Public comment regarding the parkland included complaints that the proposed parkland has no road access. Concerns were expressed that the limited access to parkland in the subdivision would lead to increased use of the park in Treasure State Acres. Concerns were expressed that the proposed parkland would not be ADA accessible. Questions were asked about if the proposed subdivision would pay into the RID that currently exists for the Treasure State Acres Park.

Commissioner Hunthausen stated that there is a motion on the table to accept, approve the findings of fact related to parkland under impacts to local services and consideration of public comment and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Hunthausen to include in the parkland findings that all lots are required to have a minimum frontage of 60 feet on a public roadway. Second finding would be that the standard dimensions of the parking space are 9 feet by 20 feet. The third finding is 60 feet of frontage on a public roadway would provide 3 parking spaces and to include the finding that scattered well heads, well house and buildings and other utilities on public parkland pose a potential hazard to public health and safety when placed on a public parkland. The motion was seconded by Commissioner Geise, and the motion result was Passed with a vote of 3-0.

Commissioner Geise moved that the Commission accept the findings of fact regarding traffic and they begin with item number 30 and proceed to item number 64. The motion was seconded by Commissioner Murray.

Commissioner Geise stated that the findings of fact are 30. The subject property is located east of and adjacent to North Montana Avenue. 31. For the proposed subdivision's main ingress-egress route, the applicant is proposing to have direct access onto North Montana Avenue, a State highway. North Montana Avenue has a right-of-way width of approximately 80 to 90 feet adjacent to the proposed subdivision. There is also an additional 50-foot wide easement that runs along the west boundary of the proposed subdivision, which makes the combined right-of-way/easement for North Montana Avenue at this location between 130 and 140 feet in width. According to the applicant's Traffic Impact Study (TIS), North Montana Avenue is a paved roadway that is 50 feet in width with three lanes: two 12-foot wide travel lanes (one for northbound traffic and one for southbound traffic) and a 15-foot wide center turn lane. 32. The applicant is proposing to have second and third ingress-egress routes through the Treasure State Acres Subdivision, using either Pondera Drive or Glacier Drive and either Beaverhead Road or other internal roads within the Treasure State Acres Subdivision that ultimately connect to Buffalo Road to access onto North Montana Avenue. 33. According to the applicant's TIS, Beaverhead Road, between North Montana Avenue and Bobcat Drive, carries approximately 1,580 vehicles per day, and is a paved road approximately 45 feet in width. Beaverhead Road, east of Bobcat Drive, carries approximately 500 vehicles per day to 55 residential homes, and has a paved width of 34 feet with curb and gutter. Pondera Drive and Glacier Drive are also 34-foot wide, paved roads. 34. The applicant would be required to obtain an approach permit from the Montana Department of Transportation for the proposed access onto North Montana Avenue for Heller Place. 35. According to the applicant's TIS, a traffic signal and/or designated right-turn deceleration lane may be warranted at the junction of North Montana Avenue and Heller Place in order to operate at or above Level of Service C (LOS C) through full build-out of the proposed Subdivision. Typically LOS C or better is considered acceptable for peak hour conditions. 36. According to the applicant's TIS, the traffic signal at the junction of Beaverhead

Road and North Montana Avenue will continue to operate at LOS A after full build-out of the proposed subdivision. Traffic volumes on Beaverhead Road will increase by 9.6% between North Montana Avenue and Bobcat Drive, and by 25% east of Bobcat Drive. The existing approach at Beaverhead Road and North Montana Avenue will not experience a noticeable increase in overall delay and no additional traffic controls will be needed at the junction of Beaverhead Road with Bobcat Drive. 37. The applicant will be required to obtain an approach permit from the County Public Works Department for the accesses from the proposed subdivision onto the sections of Glacier Drive and Pondera Drive located within the Treasure State Acres Subdivision. 38. The Montana Department of Transportation maintains North Montana Avenue. 39. The roads within Treasure State Acres Subdivision are maintained through a Rural Improvement District (RID). 40. According to the applicant's TIS, the proposed subdivision will generate 1,681 ADT: 1,513 of these ADT will be added to North Montana Avenue at Heller Place, and 168 of these ADT will be added to the roads within the Treasure State Acres Subdivision and onto North Montana Avenue at Beaverhead Road. 41. According to the applicant's TIS, North Montana Avenue, north of Custer Avenue, had approximately 21,960 ADT in 2013. 42. According to the Applicant's TIS, North Montana Avenue, north of Beaverhead Road, had approximately 11,890 ADT in 2013. 43. According to the Applicant's TIS, it is stated that based on historical traffic data for North Montana Avenue, traffic volumes have increased by 2% annually over the past ten years. 44. According to the County Subdivision Regulations, a traffic impact corridor is defined as: adjacent roads (including intersections) impacted by a proposed subdivision; two ingress-egress routes (including intersections) to the nearest State or federal highway; off-site roads where projected traffic from a proposed subdivision will account for at least 10% of the annual average daily traffic on those roads; and intersections where projected traffic from a proposed subdivision will account for at least 5% of the traffic volume on any approach leg of the intersection. 45. According to the County Subdivision Regulations, when any road or road segment within a subdivision's traffic impact corridor will not meet or exceed the Lewis and Clark County road standards in Appendix J at the time of full build-out of the Subdivision, the governing body shall require the subdivider to pay or guarantee payment of the costs for improving the road or road segment so that it meets the standards in Appendix J. The subdivider shall be required to pay or guarantee payment of costs that reflect the expected impacts directly attributable to the subdivision. 46. In order to determine the costs directly attributable to the subdivision, a Preliminary Engineering Report (PER), prepared and certified by an engineer licensed in the State of Montana shall provide estimated costs of improvements necessary to make a road or road segment meet or exceed the Lewis and Clark County road standards in Appendix J. The PER shall describe the existing and proposed conditions within the traffic impact corridor to the extent necessary so that all components can be quantified and assigned an estimated cost. 47. According to the County Subdivision regulations, external access roads constructed to the previous County Road Standards (Typical Section Nos. 1, 2, 3, or 4, Peccia) are grandfathered and considered acceptable as standard physical access if they meet all of the following criteria: a. the road(s) are certified as meeting the original standard; and b. no upgrade of the road is necessary due to an increase in the ADT or a decreased LOS. 48. Because portions of the road network within the Treasure State Acres Subdivision qualify as being a part of the proposed subdivision's traffic impact corridor, the Applicant will be required to contribute a payment for the proposed subdivision's percentage of impact on the specified road network within Treasure State Acres. If there are roads/road segments with Treasure State Acres that are certified as meeting or exceeding the County Standard after full build-out of the proposed subdivision, the applicant will not be required to contribute a payment for the certified road/road segment. If these roads/road segments are certified as meeting or exceeding the standard, no PER will be required for the specified road/road segment. 49. According to the application, proposed Heller Place will be classified as a minor collector roadway, as it will have over 1500 ADT. According to the application, this will be the only roadway within the subdivision that will be constructed to a curb and gutter standard. It will also have a 90-foot wide access easement with two, 18-foot wide travel lanes with a 30-foot wide boulevard separating them. 50. According to the application, all internal access roads, with the exception of Heller Place, will be twenty-four feet in width and constructed to Typical Section No. 2 (paved standard with roadside ditches). In addition, all internal road easements, with the exception of the easements for Heller Place and Essentia Way, will be sixty feet in width. 51. According to the application, proposed Essentia Way will have a 70-foot wide access easement. 52. According to Chapter XI.L.8 of the County Subdivision Regulations, "Street curbs and gutters, swales, or protection of the natural drainage shall be required according to the character of the area, density of



development, and nature of adjoining properties. Any curbs and gutters present on adjoining properties shall be extended according to current specifications of local and State authorities” 53. According to the application, the proposed subdivision is located approximately 1700 feet from the City Limits of Helena.

54. The east side of North Montana Avenue has curb and gutter along the west side of the proposed Subdivision. 55. With a few exceptions, the majority of roads within the Treasure State Acres Subdivision are developed with curb and gutter. 56. The applicant is proposing roadside ditches throughout most of the proposed Subdivision; however, the character of the area and nature of the adjoining properties contain roads that are constructed with curb and gutter. 57. A variance is being requested from the County Subdivision Regulations, Chapter XI: F.4 Lots that states: “Each lot shall abut and have legal and physical access to a public street or road”. According to the preliminary plat, the proposed park does not abut or have legal and physical access, as defined by the County Subdivision Regulations, to a public street or road. The applicant is proposing to instead provide access through a trail network with 25-foot wide easements. A planned 30-foot wide maintenance access easement will also be provided to the proposed park. Should this variance be denied, an access for a public roadway must be provided to the park property in accordance with County requirements. 58. A variance is being requested from the County Subdivision Regulations, Chapter XI.H.1 Streets and Roads, Appendix J-12 Figure 3, Typical Section No. 3 that states: “Roads located within a subdivision, shall meet appropriate County design specifications in Appendix J. The appropriate road classification standard shall be determined through a traffic impact study by a professional engineer registered in the State of Montana.” Heller Place, a proposed minor collector roadway, will have two, eighteen-foot wide travel lanes with curb and gutter that will be separated by a 30-foot wide boulevard. Because the County has no standard for a split roadway, the Applicant will be required to obtain a variance for this deviation from the road standards. Heller Place is adjacent to all four, proposed commercial lots. Which was granted. 59. According to the County Subdivision Regulations, Chapter XI.F.3 Lots states that: “No single lot shall be divided by a public street, road, alley, or right-of-way.” In order to provide the proposed subdivision with two ingress-egress routes, the Applicant will be constructing an extension of Pondera Drive to provide a connection between the internal road network within Phase I of the proposed subdivision and the internal road network within the Treasure State Acres Subdivision. To accomplish this, the wastewater utility lot, which will eventually become Phase II of the proposed subdivision, will be bisected by Pondera Drive, a public road. Proposed Lot 45 of Phase II is the only lot that will be located in the area where the bisection will occur. If both Phases are final platted at the same time, a variance from this requirement will not be necessary. If, however, Phases I and II are final platted separately, either a variance will be required from this regulation or the preliminary approval for Phase I should include Lot 45 to avoid the bisection.

60. According to the application, the applicant proposes to request annexation into the Treasure State Acres RID for future improvements and maintenance of the road network within both Treasure State Acres and the proposed subdivision. 61. A “no access” restriction shall be placed along North Montana Avenue prohibiting direct access from any proposed lots onto to this roadway, with the exception of the easement for proposed Heller Place. 62. The easement for Essentia Way has been extended to the south boundary of the proposed Subdivision. The Subdivision Regulations require the roadway to be constructed all of the way to the property edge. If, at some point in the future, this roadway is ever extended beyond the property boundary, a Special Use Permit will be required from the HVID for access across the canal. 63. The City-County Address Coordinator has stated that the road names were approved and reserved in March of 2014; however, Essentia Way should be renamed North Sanders Street due to North Sanders Street’s current location and its potential for extending north into the proposed Subdivision in the future. The City-County Address Coordinator has further stated that all residential and commercial lots will need to be addressed off of the internal access roads prior to final approval and that road identification signs be installed for proposed Lots C1 and C3 due to the fact that both lots are over 2 acres in size. 64. The Road Supervisor for the County Public Works Department has stated that he has no comments regarding the proposed Subdivision. Those conclude the finding of facts. Next the Commissioner would like to include the public comment regarding the traffic includes: questions were raised about the accuracy of the Traffic Impact Study. Claims were made that the Traffic Impact Study was conducted when schools were closed. Concerns were expressed about the assumptions in the Traffic Impact Study as whether more people would through Treasure State Acres to use traffic signal at Beaverhead Drive. Questions were asked about whether the Traffic Impact Study considered all uses. Concerns were expressed about the impacts of traffic from the proposed subdivision

traveling through Treasure State Acres on safety, property values and congestion. Concerns were expressed about construction vehicles going through Treasure State Acres. Concerns were expressed that through traffic into Treasure State Acres would require those streets to become minor collector. Questions were asked about whether the roads in Treasure State Acres were of sufficient quality width to serve the added traffic. Questions were asked about who would cover the increased maintenance costs of roads in Treasure State Acres due to vehicles traveling through from the proposed subdivision. Questions were asked about why this subdivision doesn't connect road south of the project instead of through Treasure State Acres. Concerns were expressed about MDT not requiring a light at the intersection of Heller Place and North Montana Ave- that the lack of light would make intersection extremely unsafe. Concerns were expressed about the ability to turn in and out of the proposed subdivision during peak traffic hours. Commissioner Geise stated that a lot of questions and concerns were raised about the traffic impact studies and she has a lot of faith in those studies. The Commission sent back to the Planning Board the issue of the traffic light and MDT was not interested in putting in another signal. So those were considerations and concerns that were taken seriously and she is satisfied and feels that the applicant met the proposed requirement.

Michel Peterson-Cook, Deputy County Attorney, stated that additional facts could be entered into the record at this point.

Commissioner Geise moved to enter traffic hazards into the record, 12. According to the Applicant's Traffic Impact Study (TIS), access to the proposed with 12-foot wide travel lanes and a 15-foot wide center turn lane. The posted speed limit for this section of North Montana Avenue is 50 MPH. 13. According to the Applicant's TIS, a traffic signal and/or designated right-turn deceleration lane may be warranted at the junction of North Montana Avenue and Heller Place in order to operate at or above Level of Service (LOS) C through full build-out of the proposed subdivision. Typically LOS C or better is considered acceptable for peak hour conditions. 14. According to the applicant's TIS, this intersection will function at LOS A with the installation of a traffic signal. 15. According to the applicant's TIS, 90% of the traffic generated by the proposed subdivision will use the access onto North Montana Avenue from Heller Place. The remaining 10% will utilize the road network within Treasure State Acres. 16. According to the applicant's TIS, the proposed Heller Place approach onto North Montana Avenue will function at LOS D during the a.m. peak hour and LOS E during the p.m. peak hour without a traffic signal. 17. According to the applicant's TIS, delays for traffic in the westbound left turn lane are 35.8 seconds during the a.m. peak hour and 57.1 seconds during the p.m. peak hour. 18. According to the applicant's TIS, the traffic signal at Beaverhead Road and North Montana Avenue will operate at LOS A after full build-out of the proposed Subdivision. 19. According to Chapter XI.H.2 of the County Subdivision Regulations, it states that "the arrangement, type, extent, width, grade, and location of all streets shall be assessed in respect to existing and planned streets, topographical conditions, public convenience and safety, and to proposed uses of the land to be served by them." 20. On February 12, 2015, a letter dated August 22, 2014 from the Montana Department of Transportation (MDT) to Ryan Casne, P.E. regarding the proposed approach design for Heller Place onto North Montana Avenue was received by the Community Development and Planning Department. This letter included comments from MDT regarding the proposed approach and additional information required for processing the approach permit application. 21. On February 13, 2015, an approach design for Heller Place at North Montana Avenue was received from Casne and Associates, Inc. 22. On February 13, 2015, an email from MDT was submitted to the Community Development and Planning department stating that "MDT does not require a signal for the approach to Montana Ave. We would not consider a stand-alone signal since the distance to Beaverhead is too close and would cause safety and operational issues." 23. In emails from Scott Randall (Traffic Engineer representing Lewis and Clark County) dated March 2, and March 3, 2015, he stated that the new intersection will operate at LOS E and LOS F for left turning movements, and further evaluation of the impacts of not having a traffic signal may be needed, in particular with regards to safety. He further observed that "the most feasible way to improve the operations (and safety) without providing additional traffic control (i.e. signal or roundabout), may be to restrict traffic movements. If left-turns out of the development were restricted, for example, it appears that the intersection would operate at a LOS C or better during the peak hours. This would require all left-turning vehicles to divert through Treasure State and to Beaverhead Road. 25. On March 10, 2015, an updated approach design for Heller Place at North Montana Avenue was received from Casne and Associates, Inc. 25. Per Section XI.H.8, the County can defer to the Montana Department of Transportation on the safety of the intersection of Heller Place with North Montana Avenue, but the

County must look at how the intersection design will impact internal access roads and roads within the traffic impact corridor. 26. On March 13, 2015, an email from MDT was submitted to the Community Development and Planning department stating that "MDT has reviewed the TIS. Traffic safety analysis is part of MDT's TIS review process. An additional traffic safety analysis will not be required of the Developer or conducted by MDT." Public comment received included that concerns were expressed about the safety of the proposed intersection of Heller Place and North Montana, that the lack of a light would make the intersection extremely unsafe. Questions were raised about the accuracy of the Traffic Impact Analysis. Concerns were expressed about the lack of a safety peer review analysis by the Montana Department of Transportation. Questions were asked about why this subdivision doesn't connect to roads south of the project instead of through Treasure State Acres. Concerns were expressed about MDT not requiring a light at the intersection of Heller Place and North Montana Ave. Concerns were expressed about the ability to turn in and out of the proposed subdivision during peak traffic hours.

A motion was made by Commissioner Hunthausen to include the finding that the City of Helena and Lewis & Clark County entered into an MOU in July 2009 related to the efficient provision of services and infrastructure such as water, waste water, parks, transportation and emergency services in the Helena Valley Urban Growth area. The motion was seconded by Commissioner Murray.

Commissioner Hunthausen stated that the motion before them was to approve the findings of fact as related to impacts on local services related to traffic and traffic hazards, including the finding of fact that the traffic impact study done by the applicant was reviewed by two outside consulting engineers on behalf of the County and found to be compliant with general engineering standards, which are included in the staff report as amended. The motion was seconded by Commissioner Geise, and the motion result was Passed with a vote of 3-0.

Commissioner Geise entered into the record the last of public safety being emergency response. Number 65. The subject property is located within the West Valley Fire District. 66. The applicant is proposing to implement an on-site water source for fire protection. 67. The Fire Chief for the West Valley Fire District has stated that the water shall be supplied by a well and/or tank with a pump that can flow at least 1000 g.p.m. at a minimum pressure of 20 p.s.i. for at least two hours; that the fill site must be useable year round; that the Fire District must have legal access to the fill site; that the location they have proposed is acceptable; and that the fill site be tested and approved by the Fire District before any buildings are allowed to be constructed. 68. According to the application, the Applicant proposes to request annexation into the Treasure State Acres RID for maintenance of the proposed fire protection improvements. 69. The West Valley Fire District Station No. 1 is located approximately 1 ½ road miles from the proposed Subdivision and therefore the response time would be good. 70. The Lewis and Clark County Sheriff's Department is located approximately 4 road miles from the proposed Subdivision and therefore the response time would be good. 71. Emergency medical services are provided by Saint Peter's Community Hospital and Ambulance Service, which is approximately 5 road miles from the proposed Subdivision, and therefore the response time would be good. There was public comment regarding public safety: A question was raised about whether more hydrants are possible. A motion was made by Commissioner Geise to approve the findings of fact in regards to impacts on local services for public safety as amended. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise based on these findings of fact and after considering public comment, that Commissioner Geise moved to the conclusion that the proposed subdivision will have adverse impacts on local services. The motion was seconded by Commissioner Murray and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, that Commissioner Geise moved to the conclusion that the adverse impacts on local services can be mitigated through the adoption of conditions of approval. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Break/Reconvene

Commissioner Geise reviewed the findings of fact on the natural environment in regards to groundwater. 1. According to the application, depth to groundwater is approximately 31 feet. 2. The site is located in an area where groundwater is present in the Helena Valley Aquifer at relatively shallow depths

estimated to range from 20 to 30 feet below ground surface. Groundwater flow is northeast towards Lake Helena. The site is located north of the Helena Valley Irrigation District (HVID) canal where recharge from irrigation water may occur seasonally. Additional recharge is linked to flow in Tenmile Creek to the north, and from direct infiltration of precipitation. The Helena Valley Aquifer in this location generally provides good yield for potable wells. 3. Water chemistry from public water supply wells in the area show elevated nitrates in an up-gradient position from the proposed Subdivision. Sampling results from previous studies indicate an old, degraded source of nitrates within and just north of the City Limits of Helena. Arsenic represents an additional concern for water quality for the proposed subdivision, since the waters in the canal provide recharge to the aquifer, and that canal water has elevated levels of arsenic above the drinking standard of 0.010 mg/L. 4. The Water Quality Protection District recommends that the method and location of wastewater treatment disposal should consider alternatives that protect the integrity and water quality of public water supply wells down-gradient from the property and ultimately the drain system in the Helena Valley which feeds nutrients to Lake Helena. 5. The Water Quality Protection District states that the Aquifer should provide a sufficient yield for potable water for this system; however, the presence of nitrate and potentially arsenic sources to shallow groundwater should be considered, and water samples should be collected from wells prior to development as a potable water source. The recommended well depths should be well below the top of the water table to the maximum depth practical to aid in protecting water quality, since potential contaminants are discharged into the top of the water table. 6. According to the application, there is a known petroleum release site up-gradient from the proposed Subdivision. The application further states that the petroleum plume was mapped by DEQ in 1989, and that although the release site is considered "closed", it has not been "formally closed;" therefore no water supply wells have been proposed within the boundary of the mapped plume. 7. The property is identified as having a medium to high aquifer sensitivity rating, depending upon the on-site location. The majority of the property is medium-high, with areas of high being adjacent to the irrigation canal. 8. According to the application, the Bureau of Reclamation has water wells located on-site; however, all wells will be removed, with the exception of the one used for the groundwater discharge permit. The public comment received in regards to ground water include concerns were expressed about contamination of wells within the subdivision. Claims were made that the wastewater system is too close to the Treasure State Acres wells. Claims were made of the need to drill wells deeper because of elevated levels of arsenic and nitrates in the groundwater. Concerns were expressed about existing wells not having enough water if new wells are drilled on this property. Questions were asked about who pays if existing wells are affected. Questions were asked about how court decisions on exempt wells will affect this subdivision. Concerns were expressed about rising nitrate levels that could affect wells in the future. Commissioner Geise stated that in response to those comments that were raised we do have letters from DEQ, WQPD and the court decision on exempt wells is currently being considered by the legislator and those are aspects that have been taken into consideration.

A motion was made by Commissioner Geise that we accept the findings of fact and reflections of public comment in regarding to groundwater. The motion was seconded by Commissioner Murray, the motion result was Passed with a vote of 3-0.

Commissioner Geise reviewed the findings of fact in regards to air quality, soils, weed management, the Helena Valley Irrigation District and Visual Impacts. The findings of fact regarding air quality are, 9. The property is located within the Lewis and Clark County Air Quality Protection District. Potential cumulative impacts can result from increased vehicular emissions and the potential use of wood burning heating devices. The findings of fact regarding soils are, 10. According to the soil mapping unit, the property has a slope of 0-2%. 11. Due to the fact that more than one acre of land will be disturbed if the proposed Subdivision is approved, a Montana Pollution Discharge Elimination System (MPDES) permit will be required prior to final approval. The findings of fact for weed management are, 12. A Five-Year Weed Management Plan is required by the County Subdivision Regulations as a condition of approval for all subdivisions. The findings of fact for the Helena Valley Irrigation District are, 13. The HVID canal is located adjacent to a portion of the south boundary of the property, and at this location, the canal is lined with concrete. 14. The County Subdivision Regulations classify irrigation ditches and canals as Class IV water bodies and require that a minimum 50-foot wide setback and 30-foot. The findings of fact for visual impacts are, 15. Minor visual impacts can be expected due to increased development. These visual

impacts can be partially mitigated by requiring screening of the commercial lots, the underground installation of utilities, and restrictions on outdoor lighting. There were no public comments regarding the above aspects of this subdivision.

A motion was made Commissioner Geise that the Commission accept the 15 draft findings of fact submitted by staff in regards to the natural environment in regards to air quality, soils, weed management, the Helena Valley Irrigation District and visual impacts and approve them as being accurate. The motion was seconded by Commissioner Murray, the motions result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, that Commissioner Geise moved to the conclusion that the proposed subdivision will have adverse impacts on the natural environment. The motion was seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, that Commissioner Geise moved to the conclusion that the adverse impacts on the natural environment can be mitigated through the adoption of conditions of approval. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise read into the record the findings of fact on the impacts on wildlife 1. Deer, coyote, fox, numerous small mammals, and avian species utilize the subject property and the surrounding area as a foraging site. The public comment received in regards to impacts on wildlife was made about the enjoyment of seeing animals on the property. A concern was expressed about the lack of provision for animal movement through the proposed subdivision.

A motion was made by Commissioner Geise to approve the findings of fact and the impact of wildlife the reflection of public comment. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, that Commissioner Geise moved to the conclusion that the proposed subdivision will have adverse impacts on wildlife. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, that Commissioner Geise moved to the conclusion that the adverse impacts on the natural environment can be mitigated through the adoption of conditions of approval. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise read into the record the findings of fact in regards to the impact of wildlife habit, Deer, coyote, fox, numerous small mammals, and avian species utilize the subject property and the surrounding area as a foraging site. The public comments received were a comment was made about the enjoyment of seeing animals on the property. A concern was expressed about the lack of provision for animal movement through the proposed subdivision.

Commissioner Geise stated that she has reviewed, moved, seconded, discussed and approved the findings of fact as submitted by staff for impacts on wildlife habitat and approved it as being accurate. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise read into the record the findings of fact on impacts of public health and safety specifically flood hazards, 1. The subject property is not located in a designated floodplain. 2. The Disaster and Emergency services Coordinator/Floodplain Coordinator has stated that he has no comments regarding the proposed Subdivision. Public comment included: Claims were made that flooding from the proposed subdivision into Treasure State Acres properties is occurring. Concerns were expressed about the removal of a berm along the northerly property boundary. Concerns were expressed regarding the lack of drains or gutters proposed in the subdivision. There was considerable

discussion regarding the berms and it was determined that the berm was not visible to some but was established that the berm was located on the property of the applicant. The applicant will be required to prepare a stormwater drainage plan that will be required to be reviewed by DEQ. The findings of facts for drainage ditches and canals, 3. The Helena Valley Irrigation District (HVID) canal is located adjacent to a portion of the south boundary of the property. The canal is lined with concrete in this section and runs an average flow of approximately 225 c.f.s. or 100,913 g.p.m. 4. According to the HVID, encroachments are one of the major problems the District faces when lands that include their easements are subdivided. Problems are amplified when the newly created lots include the easement property within their boundaries. For open water conveyance systems to operate safely and efficiently, easements must be kept unobstructed without cross fences and gates. One suggestion for addressing this issue is for the lots to end at the edge of this easement instead of including the easement within the boundaries of the newly created lot. 5. According to the HVID, it is highly recommended that the applicant be required to fence along the canal easement with an adequate safety fence to keep people and animals away from the water. This is a high flow canal with depths of three to four feet with steep, slick, concrete slopes that make it difficult for people and animals to escape. 6. According to the HVID, there is also a check structure that adds to the potential dangers. A check structure backs up the water above it making the canal deeper and then releases the water in a high velocity and turbid manner. This check structure has plugged in the past due to storms, high winds, ice, and flood waters. If breached for an extended period of time, homes and neighborhoods could be inundated with water, which is another reason, the District must retain unobstructed access along its easements. Public comment received in regards to public safety: A comment was made about the need for fencing along the canal. The findings of fact for radon are, 7. Lewis and Clark County is rated as a Zone 1 County (the highest designation), which may have predicted average indoor radon screening levels greater than 4 picocuries per liter (4 pCi/L). A study released by the National Academy of Sciences in 1998 concluded that radon is the second leading cause of lung cancer in the United States and a serious public health concern. Mitigation may be achieved by required notice of dwelling design alternatives for radon gas. The findings of fact for earthquakes are, 8. The property is identified as having a low to moderate liquefaction susceptibility. Risk of injury and damage can be reduced by compliance with the applicable State building codes for this seismic zone (Seismic Zone 3). The findings of fact for stormwater are, 9. A stormwater detention pond will be located on the eastern edge of the proposed Subdivision. 10. A stormwater analysis that provides for on-site storage of water in excess of historic volumes discharged from the site will be required as a condition of preliminary subdivision approval. Any requirements for a stormwater drainage plan would have to be met prior to final approval. 11. An RID will need to be established for maintenance of the detention ponds and stormwater improvements.

Commissioner Hunthausen stated he would like to add to the facts that there is historic difficulty for maintaining stormwater ditches as it is up to the homeowner to maintain the ditches.

Commissioner Geise stated that public comment received in regards to stormwater were concerns expressed about the stormwater design and potential for stormwater from this property flowing onto properties in Treasure State Acres. A complaint was made about the developer's proposal to not install curb and gutter. Concerns were expressed that if the developer isn't required to install curb and gutter, it will affect future annexation. Concerns were expressed that future costs of installing curb and gutter would be placed on the Treasure State Acres Rural Improvement District. Concerns were expressed that the proposed subdivision is not designed to properly deal with stormwater. There have been written comments received from Bartos Law as well.

A motion was made by Commissioner Geise to accept the findings of fact as amended related to drainage ditches, canals, radon, earthquakes, stormwater and recognize public comment. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Hunthausen stated that the findings of facts and the public comments in regards to Traffic Hazards were addressed under impacts to local services.

A motion was made by Commissioner Murray to approve the findings of facts under traffic hazards and recognize public comment under the public safety section. The motion was seconded by Commissioner Geise and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, that Commissioner Geise moved to the conclusion that the proposed subdivision will have adverse impacts on public health and safety. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, Commissioner Geise that the adverse impacts on public health and safety can be mitigated through the adoption of conditions of approval. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise stated the findings of fact for the impacts on cultural resources being no historical or cultural resources were identified on the property and the potential for cultural resources is limited. There was no public comment.

A motion was made by Commissioner Geise to accept the findings of fact in regards to cultural resources as outlined by staff. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering there was no public comment that Commissioner Geise moved to the conclusion that the proposed subdivision will not have adverse impacts on cultural resources. The motion was seconded by Commissioner Murray, and the Motion result was passed with a vote of 3-0.

#### Break/Reconvene

Commissioner Geise noted the findings of fact for compliance with subdivision regulations, 1. According to the Lewis and Clark County Growth Policy (2004), the proposed Subdivision lies within Urban Area C. According to the Growth Policy, Urban Areas will eventually be annexed into the City of Helena, and development will need to meet City standards. It is anticipated that these areas could accommodate high-density development, with an emphasis on infill and a range of uses. Overall residential density at build-up would be a minimum of approximately four units per acre. 2. The proposed subdivision does not comply with all subdivision regulations. 3. The applicant has requested three variances from these regulations: a. A variance has been requested from the County Subdivision Regulations, Chapter XI: F.4 Lots that states: "Each lot shall abut and have legal and physical access to a public street or road". According to the preliminary plat, the proposed park does not abut or have legal and physical access, as defined by the County Subdivision Regulations, to a public street or road. The applicant is proposing to instead provide access through a trail network with 25-foot wide easements. A planned 30-foot wide maintenance access easement will also be provided to the proposed park. Should this variance be denied, an access for a public roadway must be provided to the park property in accordance with County requirements. b. A variance has been requested from the County Subdivision Regulations, Chapter XI: F.7 Lots that requires that: "No lot shall have an average length greater than three times its average width." Lots C2 and C4, two of the four proposed commercial lots, have an average length greater than three times their average width. c. A variance has been requested from the County Subdivision Regulations, Chapter XI.H.1 Streets and Roads, Appendix J-12 Figure 3, Typical Section No. 3 that states: "Roads located within a subdivision, shall meet appropriate County design specifications in Appendix J. The appropriate road classification standard shall be determined through a traffic impact study by a professional engineer registered in the State of Montana." Heller Place, a proposed minor collector roadway, will have two, eighteen-foot wide travel lanes with curb and gutter that will be separated by a 30-foot wide boulevard. Because the County has no standard for a split roadway, the applicant will be required to obtain a variance for this deviation from the road standards. Heller Place is adjacent to all four, proposed commercial lots. Commissioner Geise stated those variances have been addressed today. 4. According to the County Subdivision Regulations, Chapter XI.F.3 Lots states that: "No single lot shall be divided by a public street, road, alley, or right-of-way." In order to provide the proposed Subdivision with two ingress-egress routes, the applicant will be constructing an extension of Pondera Drive to provide a connection between the internal road network within Phase I of the proposed



subdivision and the internal road network within the Treasure State Acres Subdivision. To accomplish this, the wastewater utility lot, which will eventually become Phase II of the proposed subdivision, will be bisected by Pondera Drive, a public road. Proposed Lot 45 of Phase II is the only lot that will be located in the area where the bisection will occur. If both Phases are final platted at the same time, a variance from this requirement will not be necessary. If, however, Phases I and II are final platted separately, either a variance will be required from this regulation or the preliminary approval for Phase I should include Lot 45 to avoid the bisection. 5. In order to fulfill the parkland requirement, the Applicant is proposing to dedicate a park, a park easement, and trail easements on the plat, to construct those trails, and to make a cash payment should any remaining amount be left unfulfilled after the dedications and construction are completed. 6. If the park itself is not accepted by the County Commission, there are a few options based on different scenarios. If the variance related to access for the park property is approved, the applicant can still use the property as a park, but it won't be considered as meeting the parkland requirement for subdivision. Alternatively, if this variance is denied, the park property must either be absorbed into adjoining residential properties or have an access for a public roadway provided to it that meets County requirements. 7. No information was provided in the application regarding any planned improvements to the proposed park parcel, other than the 9-lot multi-user water supply well and system for residential properties within the subdivision. Commissioner Geise stated that this has been conditioned earlier today. 8. No information was provided in the application regarding any planned improvements to the proposed park easement. 9. On Wednesday, August 6, 2014, the Parks Board reviewed the applicant's parkland proposal, and then made a recommendation to both the Planning Board and County Commission that the applicant provide cash in-lieu of dedicating the park, park easement, and trail easements, and constructing the trails. Public comment received in regards to compliance with subdivision regulations are, concerns were raised about the developer requesting variances from the subdivision regulations—why the developer was requesting so many and why the developer cannot conform?

Lindsay Morgan stated that with finding number 4, the lot being bisected by the ingress/egress routes it was mentioned that if both phases were final platted at the same time there would not be an issue. It was also mentioned that if they were final platted individually they would be required to request a variance however the conditions of approval require lot 45 to apart of phase 1 as drafted currently.

A motion was made by Commissioner Geise that to approve the draft findings of fact as submitted by staff for compliance with subdivision regulations and approved them as being accurate. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment; Commissioner Geise moved to the conclusion of law that the that the proposed subdivision will not be in compliance with subdivision regulations. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, Commissioner Geise moved to the conclusion that the project can be brought into compliance with subdivision regulations through the adoption of conditions of approval. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote 3-0.

Commissioner Geise noted the findings of fact for the compliance with survey requirements being the proposal do not comply with all survey requirements. There was no public comment.

A motion was made by Commissioner Geise to approve the one draft finding of fact as submitted by staff for compliance with survey requirements and approved it as being accurate. The motion was seconded by Commissioner Murray and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, Commissioner Geise moved that the proposed subdivision will not be in compliance with survey requirements. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.



A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, Commissioner Geise moved to the conclusion that the project can be brought into compliance with survey requirements through the adoption of conditions of approval. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise noted the findings of fact for provision of utilities, 1. Essential utilities are present and adjacent to the proposed subdivision. 2. The proposal does provide for some utility easements within the subdivision; however, prior to final plat approval, utility easements will have to be provided in accordance with the Lewis and Clark County Subdivision Regulations where utilities are, or will be, installed and where necessary for the future extension of services. Public comments received are concerns were expressed about easements along the northern boundary of the proposed subdivision— Treasure State Acres residents are concerned without access to the back of the lots they will not be able to maintain their utilities.

A motion was made by Commissioner Geise to accept the findings of fact and public comment, to approve the 2 draft findings of fact as submitted by staff for provision of utilities and approved them as being accurate. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment that, Commissioner Geise moved to the conclusion that the proposed subdivision will not make adequate provision for utilities. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, Commissioner Geise moved to the conclusion that the project can make adequate provision of utilities through the adoption of conditions of approval. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise noted the findings of fact for provision of access, 1. The proposed subdivision would not provide for standard legal and physical access. 2. Two variances from the County Subdivision Regulations related to access have been requested: a. A variance has been requested from the County Subdivision Regulations, Chapter XI: F.4 Lots that states: "Each lot shall abut and have legal and physical access to a public street or road". According to the preliminary plat, the proposed park does not abut or have legal and physical access, as defined by the County Subdivision Regulations, to a public street or road. The Applicant is proposing to instead provide access through a trail network with 25-foot wide easements. A planned 30-foot wide maintenance access easement will also be provided to the proposed park. Should this variance be denied, an access for a public roadway must. Public comment received included questions were asked about a potential easement between Treasure State Acres and the proposed subdivision. Neighbors in that subdivision asked for an easement along the rear of their properties. Questions were asked as to whether use of an alley constituted a prescriptive easement. Concerns were expressed about losing access to wells and utilities if the alley is eliminated.

A motion was made by Commissioner Geise to approve the two draft findings of fact as submitted by staff for provision of access and approved them as being accurate. The motion was seconded by Commissioner Murray, and the motion result was passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, Commissioner Geise moved to the conclusion that the proposed subdivision will not make adequate provision for access. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering public comment, Commissioner Geise moved to the conclusion that the 46 Degrees North Subdivision can make adequate provision of access through the adoption of conditions of approval. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise noted the findings of fact for compliance with zoning and other regulations, 1. Phase I of the proposed Subdivision is located in an unzoned portion of Lewis and Clark County. Phase

It lies within Special Zoning District No. 5-A and is zoned R-1. 2. The proposed lot dimensions and overall size are in compliance with the minimum lot size requirements under the R-1 zoning classification for the District. 3. The proposed wastewater utility lot is not a permitted use under the R-1 zoning classification. The Applicant will be required to obtain a variance from the Permitted Uses of the District. There was no public comment received.

Commissioner Geise moved to approve the three draft findings of fact as submitted by staff for compliance with zoning and other regulations and approved them as being accurate. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering there was no public comment, Commissioner Geise moved that the proposed subdivision will not be in compliance with zoning and other regulations. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise that based on these findings of fact and after considering there was no public comment, Commissioner Geise moved to the conclusion that the project can be brought into compliance with zoning and other regulations through the adoption of conditions of approval. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise stated the draft conditions of approval being 1. The applicant shall receive a zoning variance from the Permitted Use section under the R-1 zoning classification of Special Zoning District No. 5-A. 2. Proposed Lot 45 will either need to become a part of Phase I or the Applicant will need to receive a variance from Chapter XI.F.3 Lots of the County Subdivision Regulations which states: "No single lot shall be divided by a public street, road, alley, or right-of-way." 3. Plans for wastewater treatment and water supply systems shall be submitted to the Montana Department of Environmental Quality (DEQ) and the City-County Health Department - Environmental Division for review and approval. All specifications and requirements of the approved plans shall be met. 4. A storm water drainage plan, meeting the requirements of the County Subdivision Regulations and DEQ, and drafted by an engineer registered in the State of Montana, shall be submitted to the Community Development and Planning Office for review and approval. This plan shall include all Lots within Phase I, all roads providing legal and physical access to all lots within Phase I, and the extension of Pondera Drive. All specifications and requirements of the approved plan shall be met. 5. Prior to any development and/or soil disturbance, a Weed Management Plan and Revegetation Plan for the proposed development shall be submitted to the County Weed District for review and approval. All specifications and requirements of an approved plan shall be met. 6. If one or more acres of ground disturbance is planned, the Applicant is required to contact the DEQ to obtain a Montana Pollution Discharge Elimination System (MPDES) permit. Disturbance activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of subdivision if the larger common plan will ultimately disturb one acre or more. All requirements and specifications of the permit shall be met prior to final plat approval. 7. Prior to any development, an Approach Permit shall be requested from the Montana Department of Transportation for the proposed access point onto North Montana Avenue. Installation of the approach shall be completed in accordance with the approved permit. If the Montana Department of Transportation (MDT) imposes conditions to the proposed point of access, other than what is considered in the current Traffic Impact Study (TIS), the developer must complete a new TIS, including review of the Level of Service and safety of any off-site and adjacent roads and intersections within the traffic impact corridor, and submit the new TIS to the Community Development and Planning Department for review. If the proposed Subdivision's traffic distribution is altered by MDT's approved approach permit, the developer must apply for a modification or, if the proposed subdivision is substantially altered, resubmit the proposed subdivision for a new review, in accordance with the Lewis and Clark County Subdivision Regulations. 8. According to the applicant's Traffic Impact Study (TIS), the subdivision will impact roads and intersections under the jurisdiction of the Montana Department of Transportation (MDT). The applicant shall submit their TIS to MDT for review. If required by MDT, a more detailed TIS shall be completed and all requirements/improvements of MDT shall be met/completed. 9. Prior to any development, an Approach Permit shall be requested from the County Public Works Department for the proposed access point onto existing Pondera Drive.

Installation of the approach shall be completed in accordance with the approved permit. 10. The applicant shall complete the following to construct the internal access roads for Phase I and the extension of Pondera Drive: a. prior to the construction of any roads or the installation of any utilities, three copies of the plans for the subject roads and utilities shall be submitted to the Community Development and Planning Office. The Community Development and Planning Office shall submit the plans to the County Public Works Department for review and recommendation. Said plans shall meet the requirements of the County Subdivision Regulations and shall include the turnout(s) for the mailbox facilities and school bus stop; b. Improve all of the internal access roads providing legal and physical access to all lots within Phase I and the extension of Pondera Drive to the specifications required by the County Subdivision Regulations (Typical Road Section No. 2 – curb and gutter) with the exception of Heller Place, which is to be built to the specifications required by the County Subdivision Regulations (Typical Road Section No. 3 – curb and gutter). All roads are to be built in accordance with the plans submitted to the Community Development and Planning Office. An engineer registered in the State of Montana shall certify all road improvements as meeting the approved plans, with concurrence by the County Public Works Department.

A motion was made by Commissioner Geise to amend section 10b. precisely line 3, typical road section 2, to remove the curb and gutter requirement and instead allow the applicant to use roads and ditches within that part of the subdivision and seconded for discussion by Commissioner Murray.

Commissioner Murray stated that curb and gutter is safer for the residents and that thick roads will also divert the water into the holding reservoir better than the ditches since there is no provision that they will be maintained. Commissioner Murray opposed the motion.

Commissioner Geise stated that this isn't the perfect solution but feels that it doesn't need to be perfect but it needs to be good enough and in compliance, that is the reason for her motion.

Commissioner Hunthausen stated that he cannot support the motion due to the findings of fact on page 9 under traffic. There is plenty of evidence where there have been curb and gutter in the dense subdivisions that have been problematic where ditches are getting filled in. Ditches, culverts and gutters are all difficult to maintain and propose problems for driveways and parking. There is also the agreement between the City and the County from 2009 which relates to the services and infrastructure of the subdivision and will have future annexation into the City. Since the subdivision will not have sidewalks and is not required the residents will be walking in the streets and the curb and gutter will be more appropriate for this level of density.

Commissioner Geise stated that if the Commission allows curb and gutter, she feels the decision should be left to the developer on whether or not to go to the higher standard but to require that at this time seems to be excessive.

The motion result was Failed with a vote of 1-2, with Commissioner Murray and Commissioner Hunthausen voting against.

Commissioner Geise continued stating the draft conditions of approval, 11. If an engineer licensed in the State of Montana certifies and provides documentation that the roads within the Subdivision's traffic impact corridor (specified roads within Treasure State Acres Subdivision) will meet or exceed the County Road Standard (Typical Section Nos. 2 and 3, depending upon the average annual daily trips) at full build-out of the proposed Subdivision, the Applicant will not be required to prepare a PER or to contribute to the cost of improving the roads/road segments. If, however, the road/road segment is not certified or documentation is not provided with the certification, the following is required: a. When Phase I is final platted, the Applicant will be required to pay the County 76% of the cost for each of the following percentages: i. The applicant shall pay the County 9.6% of the cost for improving Beaverhead Road, from North Montana Avenue to Bobcat Drive, to the specifications required by the County Subdivision Regulations (Typical Section No. 3). ii. The applicant shall pay the County 25% of the cost for improving Beaverhead Road, south and east of Bobcat Drive, to the specifications required by the County Subdivision Regulations (Typical Section No. 2). iii. The applicant shall pay the County X% of the cost for improving Pondera Drive, from Beaverhead Road to the edge of Treasure State Acres Subdivision, to the

specifications required by the County Subdivision Regulations (Typical Section No. 2). X shall be determined with updated traffic calculations for this section of roadway, in accordance with the County Subdivision Regulations. b. The cost of improving all roads within the Subdivision's traffic impact corridor shall be determined by a preliminary engineering report (PER) prepared and certified by an engineer licensed in the State of Montana. The PER shall describe the existing and proposed conditions within the corridor to the extent necessary so that all components can be quantified and assigned an estimated cost. Estimated costs shall include the following: i. estimated preliminary and final engineering costs including, but not limited to, design plans and specifications, material testing during construction, inspection and administration; ii. estimated costs of obtaining and completing necessary permits; iii. estimated surveying costs; iv. estimated right-of-way acquisition costs; v. estimated utility relocation costs; vi. estimated costs for geotechnical and miscellaneous design related site testing and laboratory analysis; vii. estimated costs for road construction/improvements including materials, turning lanes, horizontal alignment and vertical grade adjustments, construction staking, temporary and permanent erosion control, road upgrade stabilization including geo-textiles and sub-base, sidewalks, curb and gutter, topsoil salvage and replacement, revegetation, weed management, traffic signals, signal timing changes, temporary traffic control, traffic control approaches, bridges, guardrails, signage and/or pavement markings, approaches, non-motorized facilities, provisions for stormwater drainage, and contingencies to bring the facility into compliance with the County Subdivision Regulations; and viii. estimated costs for any other items necessary to improve the road. Estimated costs shall not be older than six months at the time of final plat application. The PER shall be submitted to the County Public Works Department for review and recommendation. 12. A vegetation management plan shall be prepared for the subject property. A qualified fire management specialist shall draft the plan and all specifications of an approved plan shall be met prior to final platting. 13. The following improvements and requirements (in accordance with the County Subdivision Regulations) for the purpose of furthering fire protection shall be completed: a. Class I subdivisions (one dwelling per 0.50 to 0.99 acres) will provide a water supply of sufficient volume, pressure, and water distribution system to fight fire on-site according to the following schedule: i. 1000 g.p.m. for two hours Water shall be supplied by a well and pump with required volume and minimum pressure of 20 PSI. An overhead fill may be required in order to fill tankers. The fill site must be useable year round and the FPAHJ must have legal access in perpetuity. OR Water shall be supplied by a tank/pressurized hydrant combination. The tank may be constructed from plastic, concrete, fiberglass or other materials capable of holding and maintaining the required water supply. The tank must be built and installed so as to last a minimum of 30 years. The pump must be capable of delivering the required gpm at a minimum of 20 psi from an approved fire hydrant. b. Prior to the construction of any buildings on the residential or commercial lots, the system shall be inspected and certified as complying with the requirements of preliminary approval by a Professional Engineer, licensed in the State of Montana, and a copy of the inspection and certification will be provided to the FPAHJ and County Planning. After the certification by a Professional Engineer has been submitted to the FPAHJ, the applicant shall provide written verification from the FPAHJ stating that the FPAHJ has inspected and tested the system. c. All necessary easements and agreements shall be secured for the water source prior to final plat approval. 14. The applicant shall provide a location for a neighborhood mailbox unit for all lots within Phase I. The location shall not impede traffic or turning movements. Plans for the location and installation of the neighborhood box unit shall be reviewed and approved by both the United States Postal Service and the County Public Works Department prior to installation. The applicant shall submit documentation from the United States Postal Service verifying their review and approval. The applicant shall install the neighborhood box unit as indicated by the approved plans. 15. The applicant shall provide a school bus stop for all students to utilize within the Subdivision. The location shall not impede traffic or turning movements. Plans for the location and installation of the bus stop shall be reviewed and approved by both School District No. 1 and the County Public Works Department prior to installation. The applicant shall submit documentation from the School District verifying their review and approval. The applicant shall install the bus stop as indicated by the approved plans. 16. The applicant shall install a fence along the northern edge of the easement for the Helena Valley Irrigation District canal. At a minimum, the fence shall be constructed of woven wire at least three feet in height with two strands of barbed wire at the top of the fence, and shall be of sufficient construction to effectively restrict the access

of small children and pets to the irrigation ditch. If required by the Helena Valley Irrigation District, a gate(s) may also be required for access to the easement and canal by the District. 17. The Applicant shall provide an appraisal (by a land appraiser acceptable to the Board of County Commissioners) to assist the County in determining the amount of the cash payment to be made in-lieu of a parkland dedication. This fee shall be paid prior to final plat approval. This fee shall also be dedicated on the face of final plat.

Lindsay Morgan stated that on page 47 of the transmittal memo there is an option that states the applicant shall provide an appraisal (by a land appraiser acceptable to the Board of County Commissioners) to assist the County in determining the amount of the parkland dedication. The applicant shall provide a park and trail easements for Phase I of the subdivision. The land under which the park and easements are dedicated will be used towards the overall parkland dedication. In addition, the applicant will construct the trails within the trail easements in accordance with the County Subdivision Regulations. The cost of improving these trails will also be used towards the overall parkland dedication.

A motion was made by Commission Geise to have condition number 17 be stricken from the conditions of approval. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise to insert the language that appears stricken on page 47 on the memo to be inserted into condition number 17. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise continued stating the draft conditions of approval, 18. If the variance from Chapter XI.F.4 of the County Subdivision Regulations is denied, the proposed park will either need to be aggregated into the adjacent residential lots or have both a County Road easement dedicated and road constructed within that easement in accordance with the County Subdivision Regulations (Typical Road Section No. 2 – curb and gutter) Both options must be reviewed and approved by the Community Development and Planning Office for compliance with the County Subdivision Regulations.

A motion was made by Commissioner Geise to remove condition 18 from the staff report because it has been disposed of under the variance. The motion was seconded by Commission Murray, the motion result was Passed with a vote of 3-0.

Commissioner Geise continued stating the draft conditions of approval, 19. In cooperation with the County, the applicant shall either create a Rural Improvement District(s) and/or Special District(s) and/or amend the Treasure State Acres Rural Improvement District to address the maintenance, preservation, and repair of the following: internal access roads within Phase I, including the extension of Pondera Drive, in the 46 Degrees North Subdivision; the fire protection improvements for the 46 Degrees North Subdivision; the parkland property and trail easements within Phase I of the 46 Degrees North Subdivision; trails within Phase I of the 46 Degrees North Subdivision; stormwater improvements in Phase I of the 46 Degrees North Subdivision; the stormwater detention pond for the 46 Degrees North Subdivision; and all common areas/improvements within Phase I of the 46 Degrees North Subdivision. 20. Proposed road names for all roads within Phase I shall be submitted to the City-County Address Coordinator for review and approval. This includes the renaming of proposed Essentia Way to North Sanders Street. Approved road names shall be shown on the final plat and reflected in all documents of the Subdivision (covenants, road easements, etc.). 21. A signing plan for traffic control and street identification signs for the internal access roads providing legal and physical access to all lots within Phase I, along with the extension of Pondera Drive, meeting the applicable County regulations, shall be submitted to the Community Development and Planning Office and County Public Works Department for review and approval. All specifications and requirements of the approved plan shall be met. 22. The final plat shall be prepared in accordance with the applicable State survey requirements and the County Subdivision Regulations; in addition, the final plat shall graphically show and describe the following: a. Numbering of all lots within Phase I (including lot that will become future Phase II); b. County Road

easements within Phase I (includes the extension of Pondera Drive); c. Parkland and public trail easement dedications (if required); d. All existing and proposed utility easements within Phase I (includes the extension of Pondera Drive); e. Mail delivery facility location and turnout; f. School bus turnout; g. Easement(s) for stormwater detention; h. 50-foot setback and 30-foot buffer from edge of HVID canal; i. All HVID easements; j. MDT easement; and k. Notification on the plat that reads "See setback requirements in covenants." 23. The Book and Page reference to the restrictive covenants (filed with the County Clerk and Recorder) shall be indicated on the face of the plat. In addition, restrictive covenants, revocable or alterable only with the consent of the Board of County Commissioners, shall be placed upon the property and shall provide for the following: a. Notice is hereby given that all property owners are required to receive an approach permit from the County Public Works Department prior to the construction of a driveway approach to their lot(s); b. Notice is hereby given that all future property owners, heirs and successors shall be provided a copy of the reviewed and approved vegetation management plan and that the plan should be adhered to by all property owners and future property owners in the Subdivision; c. Notice is hereby given that any additional, replacement, or relocated utility lines shall be installed underground, in accordance with the County Subdivision Regulations, unless otherwise determined by utility providers; d. Notice is hereby given that any exterior lighting shall be directed downward to minimize visibility beyond the property lines; e. Notice is hereby given that there is a "no access" restriction along the west property line of the Subdivision, prohibiting direct access to North Montana Avenue, with the exception of the approach for Heller Place; f. Notice is hereby given of a fifty (50) foot wide easement along the west property boundary of the Subdivision for the Montana Department of Transportation. This easement begins at the edge of the right-of-way for North Montana Avenue; g. Notice is hereby given of an existing ten (10) foot wide utility easement along the north boundary of Phase I of the Subdivision; h. Notice is hereby given of an existing thirty (30) foot wide easement along the north and east boundaries of Phase I of the Subdivision for the Helena Valley Irrigation District; i. Notice is hereby given of a 50-foot setback, which includes a 30-foot buffer, from the ordinary high water mark of the Helena Valley Irrigation District canal along the south boundary of Phase I of the Subdivision. The 2013 Lewis and Clark County Subdivision Regulations (*Chapter XI.W*) indicate what is allowed and what is not allowed within the setback and buffer areas; j. Notice is hereby given of a twenty-five (25) foot wide easement along the south boundary of Phase I of the Subdivision for the Helena Valley Irrigation District. This easement begins at the edge of the right-of-way for North Montana Avenue on the north side of the canal and runs along the south boundary of the Subdivision to North Sanders Street; k. Notice is hereby given that property owners adjacent to the Helena Valley Irrigation District canal shall be responsible for the maintenance of fencing along the easement for the canal. At a minimum, the fence shall consist of woven wire at least 3 feet in height with two strands of barbed wire at the top of the fence, and shall be of sufficient construction and material to deter access to the irrigation canal by small children and pets.

Commissioner Geise asked if the property owner can change the fence from what the applicant has installed subject to this conveyance.

Lindsay Morgan stated that the property owner will have to have a very specific type of fence along this canal as described in this conveyance. In some circumstances the County has allowed an owner to install their own fence as long as it met the specifications at a minimum.

Commissioner Hunthausen stated that covenant is an ongoing issue for the County and wanted to ensure it was addressed as a significant covenant.

Commissioner Geise continued stating the draft conditions of approval, l. Notice is hereby given that property owners have no rights to irrigation water from the Helena Valley Irrigation District canal; m. Notice is hereby given that all types of improvements (i.e. fencing, wells, structures, etc.) are prohibited within the easement for the Helena Valley Irrigation District canal; n. Notice is hereby given that each owner of any lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, waives the right to protest joining a Rural Improvement District and/or Special District for the maintenance, preservation, and repair of the following: access roads within or to the 46 Degrees North

Subdivision; sidewalks and/or trails for the 46 Degrees North Subdivision; parkland within the 46 Degrees North Subdivision; fire protection improvements for the 46 Degrees North Subdivision; a community water system for the 46 Degrees North Subdivision; the community wastewater treatment system for the 46 Degrees North Subdivision; stormwater improvements for the 46 Degrees North Subdivision; and all common areas/improvements for the 46 Degrees North Subdivision; o. Notice is hereby given of the potential health risk from radon concentrations; such risk can be evaluated through tests and mitigated through radon abatement techniques incorporated into structures; p. Notice is hereby given that all dwelling units within the subdivision should be constructed to specifications which meet or exceed equivalent provisions in the applicable State building code for this seismic zone (Zone 3); q. Notice is hereby given that each lot shall be maintained in a weed-free manner. Noxious weeds must be pulled, sprayed, or cut; r. Notice is hereby given that the storage of foods, garbage or feeding domestic pets outdoors or other activities may create an attractive nuisance for wildlife species; s. Notice is hereby given that gardens, fruit trees and compost piles should be fenced with deer-proof fences; t. Notice is hereby given that domestic pets should be restrained or penned on the property at all times; u. Notice is hereby given that property owners should contact Montana Fish, Wildlife, and Parks for fencing standards and learning about living with wildlife in general; v. Notice is hereby given of the presence of agricultural operations in the vicinity and that such operations may occur at varying times and seasons and include, but are not limited to, the noises and odors due to the operation of machinery, the pasturing and feeding of livestock, irrigation, and the application of fertilizers, herbicides, and pesticides to fields; w. Notice is hereby given of a minimum fifteen (15) foot building setback from all property lines. There are areas on each property where the setback from the property line may be greater, however; x. Notice is hereby given of a restrictive covenant, binding the landowner, any heirs, successors and assigns, and all future owners of property within the Subdivision, agreeing therein to hold Lewis and Clark County harmless and indemnify Lewis and Clark County from all claims, demands, obligations, suits, causes of action, damages, and liability, including the County's costs and attorney's fees, arising in any manner whatsoever out of, or relating to, the existence, use, operation, repair, and/or maintenance of the following: i. Subdivision Regulation variances granted for access to Brielle Park, lot length to width ratio and from the County road standard for Heller Place; ii. Zoning variances granted from the Permitted Uses of the R-1 classification of Special Zoning District No. 5-A; iii. proximity to or any hazards associated with the Helena Valley Irrigation District canal; iv. proximity to or any hazards associated with North Montana Avenue and/or Interstate 15; v. earthquake fault zone and any seismic activity; vi. proximity to the petroleum plume; vii. water quality; and/or viii. water availability; y. Notice is hereby given that a continuous barrier of natural screening, fencing, or a combination of both, is required around parking, loading, service, and outside storage areas for Commercial Lots C2 and C4 where these lots are adjacent to existing residential properties in order to mitigate adverse noise and visual impacts. Said natural screening and fencing shall not interfere with safe sight distances along roadways for exiting traffic. Continuous maintenance and watering of the natural screening and fencing shall also be provided; and z. Notice is hereby given that the components of the water supply system used for fire protection are to be utilized solely for the purposes of fire protection, maintenance, and testing. 24. Prior to filing of the final plat, the following improvements shall be installed or otherwise guaranteed: a. internal access roads providing legal and physical access to all lots within Phase I and the extension of Pondera Drive; b. trails (if required); c. street identification signs; d. traffic control signs; e. fire protection improvements; f. multi-user wells and water systems; g. public centralized wastewater treatment system (Phase I components); h. mail delivery facilities (includes pullout); i. school bus pullout; j. fencing along the irrigation canal; k. any necessary improvements required by the drainage plan, Montana Pollution Discharge Elimination System (MPDES) permit, weed management plan, vegetation management plan, signing plan, and/or approach permits; l. MDT requirements; and m. utilities abutting and available to each lot within Phase I OR the installation of conduit to each lot within Phase I that will allow for the extension of utilities without negatively impacting other improvements and a signed agreement with each utility provider to ensure the utilities will be extended to each lot. If said improvements are not installed, then the Applicant shall enter into a written subdivision improvements agreement with Lewis and Clark County, guaranteeing the construction and installation of such improvements and shall provide an acceptable financial security guarantee, in accordance with the County Subdivision Regulations. 25. Prior to filing of the final plat, the applicant shall: a. Provide proof that all real property taxes and special assessments assessed and levied on the property are paid for the current tax year; including any past



delinquencies. b. Provide documentation showing that the applicant is the lawful owner of the property with the apparent authority to subdivide the same, and showing the names of lien holders or claimants of record. 26. This preliminary approval shall be in force for three (3) calendar years. At the end of this approval period the governing body may, at the request of the Subdivider, extend its approval if that approval period is included as a specific condition of a written agreement between the governing body and the Subdivider.

George Theborge, Director of Planning and Community Development, stated that since the Commission has requested to provide the option of funding the curb and gutter through a RID, the first two paragraphs on the draft findings are the findings that you've discussed and they will need to be moved and approved. The third paragraph addresses the RID and condition number 10 provides the option of having the RID to pay for the curb and gutter.

A motion was made by Commissioner Hunthausen to add in the conditions included earlier that were part of the variance request for the parkland and the other condition from the parkland variance being that the applicant shall provide a minimum of three off street parking spaces located adjacent to the trail network in phase 1. The parking area would be required to be constructed in accordance with typical section 2 with regard to thickness of the gravel section and asphalt mat. The applicant shall submit a design and construction plans for the parking spaces to Community Development and Planning for review and approval, all the requirements of the approved plan shall be completed. An engineer registered in the state of Montana shall certify all improvements as meeting approved plans with concurrence by Public Works. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

#### Break/Reconvene

George Theborge stated that the Commission was discussing the implications of the curb and gutter and under the regulations there is a requirement that states in section 3b. 10 whenever you are requiring mitigation the Commission shall consult with the applicant and give due way to consideration to their expressed preferences such requirements must be justified by the written findings of the governing body. The Commission did give due consideration to the claims of the applicant and their objections to curb and gutter. Proposed findings include per the preliminarily plat for the 46 Degrees North Subdivision, lots will have an approx average frontage of 115 feet along the internal road network, and per COS 123531, lots in Treasure State Acres along Beaverhead have a frontage of 100 feet along the road. The applicant's representative stated that the lots in the proposed subdivision are twice the size than Treasure State Acres. The second finding is there have been issues with open ditches in high density subdivisions. Property owners often fill in the ditches, which compromise the approved stormwater drainage system for the subdivision and secondly vehicles parked on opposite sides of a 24 foot wide road with a ditch compromise the access for safety of vehicles. The third finding would be the applicant's primary objection to the requirement of curb and gutter was due to cost as they expressed the concern that the cost would be over \$500,000 to add to the project. The fourth being the developer's claim of lots sizes and the fifth additional finding being the applicant's position was that the concerns that were expressed through the other finding could be addressed through conveyance rather than the requirement for curb and gutter. Those additional findings would be important to add into the record.

K. Paul Stahl stated that there are two contradictory facts the Commission will need to pick one.

Commissioner Geise stated she believes they are not contradictory. She believes the frontage of both subdivisions are almost the same but the lot sizes differ.

Commissioner Murray stated that they have been advised by legal counsel in review of the subdivision that cost cannot be a consideration.

Commissioner Hunthausen stated that it is a fact stated by the developer not a fact of how much it will actually cost.

George Theborge stated it is important as it represents the position of opposition by the applicant to this proposed condition.



A motion was made by Commissioner Murray to adopt the five facts as presented by George Theborge to add to page 9 under findings of fact on traffic. The motion was seconded by Commissioner Geise, and the motion result was Passed with a vote of 3-0.

Commissioner Geise stated that the conditions of approval for Phase II of the preliminary plat known as the 46 Degrees North Subdivision as the following: 1. Phase II shall either be final platted at the same time as Phase I or after Phase I is final platted. 2. Plans for wastewater treatment and water supply systems shall be submitted to the Montana Department of Environmental Quality (DEQ) and the City-County Health Department - Environmental Division for review and approval. All specifications and requirements of the approved plans shall be met. 3. A storm water drainage plan, meeting the requirements of the County Subdivision Regulations and DEQ, and drafted by an engineer registered in the State of Montana, shall be submitted to the Community Development and Planning Office for review and approval. This plan shall include all Lots within Phase II, in addition to all roads providing legal and physical access to all lots within Phase II and the extension of Glacier Drive. All specifications and requirements of the approved plan shall be met. 4. Prior to any development and/or soil disturbance, a Weed Management Plan and Revegetation Plan for the proposed development shall be submitted to the County Weed District for review and approval. All specifications and requirements of an approved plan shall be met. 5. If one or more acres of ground disturbance is planned, the Applicant is required to contact the DEQ to obtain a Montana Pollution Discharge Elimination System (MPDES) permit. Disturbance activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of subdivision if the larger common plan will ultimately disturb one acre or more. All requirements and specifications of the permit shall be met prior to final plat approval. 6. Prior to any development, an Approach Permit shall be requested from the County Public Works Department for the proposed access point onto existing Glacier Drive. Installation of the approach shall be completed in accordance with the approved permit. 7. The applicant shall complete the following to construct the internal access roads and the extension of Glacier Drive: a. Prior to the construction of any roads or the installation of any utilities, three (3) copies of the plans for the subject roads and utilities shall be submitted to the Community Development and Planning Office. The Community Development and Planning Office shall submit the plans to County Public Works for review and recommendation. Said plans shall meet the requirements of the County Subdivision Regulations; b. Improve all of the internal access roads providing legal and physical access to all lots within Phase II, in addition to the extension of Glacier Drive, to the specifications required by the County Subdivision Regulations (Typical Road Section No. 2 – curb and gutter). All roads are to be built in accordance with the plans submitted to the Community Development and Planning Office. An engineer registered in the State of Montana shall certify all road improvements as meeting the approved plans, with concurrence by County Public Works.

A motion was made by Commission Geise to strike condition 7b. Typical road section 2 curb and gutter and replace it with road side ditches. The motion was seconded by Commissioner Murray, and the motion result was Failed with a vote of failed 1-2, with Commissioner Hunthausen and Commissioner Murray voting against.

Commissioner Geise continued stating the draft conditions of approval 8. If an engineer licensed in the State of Montana certifies and provides documentation that the roads within the Subdivision's traffic impact corridor (specified roads within Treasure State Acres Subdivision) will meet or exceed the County Road Standard (Typical Section Nos. 2 and 3, depending upon the average annual daily trips) at full build-out of the proposed Subdivision, the applicant will not be required to prepare a PER or to contribute to the cost of improving the roads/road segments. If, however, the road/road segment is not certified or documentation is not provided with the certification, the following is required: a. When Phase II is final platted, the applicant will be required to pay the County 24% of the cost for each of the following percentages: i. The applicant shall pay the County 9.6% of the cost for improving Beaverhead Road, from North Montana Avenue to Bobcat Drive, to the specifications required by the County Subdivision Regulations (Typical Section No. 3). ii. The applicant shall pay the County 25% of the cost for improving Beaverhead Road, south and east of Bobcat Drive, to the specifications required by the County Subdivision Regulations (Typical Section No. 2). iii. The applicant shall pay the County undetermined

amount of the cost for improving Glacier Drive, from Beaverhead Road to the edge of Treasure State Acres Subdivision, to the specifications required by the County Subdivision Regulations (Typical Section No. 2). That unknown percentage shall be determined with updated traffic calculations for this section of roadway, in accordance with the County Subdivision Regulations. b. The cost of improving all roads within the subdivision's traffic impact corridor shall be determined by a preliminary engineering report (PER) prepared and certified by an engineer licensed in the State of Montana. The PER shall describe the existing and proposed conditions within the corridor to the extent necessary so that all components can be quantified and assigned an estimated cost. Estimated costs shall include the following: i. Estimated preliminary and final engineering costs including, but not limited to, design plans and specifications, material testing during construction, inspection and administration; ii. Estimated costs of obtaining and completing necessary permits; iii. Estimated surveying costs; iv. Estimated right-of-way acquisition costs; v. Estimated utility relocation costs; vi. Estimated costs for geotechnical and miscellaneous design related site testing and laboratory analysis; vii. Estimated costs for road construction/improvements including materials, turning lanes, horizontal alignment and vertical grade adjustments, construction staking, temporary and permanent erosion control, road upgrade stabilization including geo-textiles and sub-base, sidewalks, curb and gutter, topsoil salvage and replacement, revegetation, weed management, traffic signals, signal timing changes, temporary traffic control, traffic control approaches, bridges, guardrails, signage and/or pavement markings, approaches, non-motorized facilities, provisions for stormwater drainage, and contingencies to bring the facility into compliance with the county subdivision regulations; and viii. Estimated costs for any other items necessary to improve the road. Estimated costs shall not be older than six months at the time of final plat application. The PER shall be submitted to the County Public Works Department for review and recommendation. 9. The applicant shall install a neighborhood mailbox unit for all lots within Phase II at the location approved under Phase I. The siting of the mailbox unit shall not impede traffic or turning movements. Plans for the location and installation of neighborhood box unit shall be reviewed and approved by the United States Postal Service and the County Public Works Department prior to installation. The applicant shall submit documentation from the United States Postal Service verifying their review and approval. The applicant shall install the neighborhood box unit as indicated by the approved plans. 10. The applicant shall provide an appraisal (by a land appraiser acceptable to the Board of County Commissioners) to assist the County in determining the amount of the cash payment to be made in-lieu of a parkland dedication for Phase II. This fee shall be paid prior to final plat approval. This fee shall also be dedicated on the face of final plat.

Lindsay Morgan stated that if you choose to let the developer to dedicate the park easement, the trails and construct the trails within Phase II the other option for the condition is on page 54 of transmittal memo which states: The applicant shall provide an appraisal (by a land appraiser acceptable to the Board of County Commissioners) to assist the County in determining the amount of the parkland dedication. The applicant shall provide a park easement and trail easements for Phase II of the Subdivision. The land under which the easements are dedicated will be used towards the overall parkland dedication. In addition, the applicant will construct the trails within the trail easements in accordance with the County Subdivision Regulations. The cost of improving these trails will also be used towards the overall parkland dedication.

A motion was made by Commissioner Geise to strike the language in condition number 10 with the language from page 54. The motion was seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Geise continued stating the draft conditions of approval 11. In cooperation with the County, the applicant shall either amend the Rural Improvement District(s) and/or Special District(s) for the 46 Degrees North Subdivision, if created under Phase I, or if not created under Phase I, then amend the Treasure State Acres Rural Improvement District to address the maintenance, preservation, and repair of the following: internal access roads within Phase II, including the extension of Glacier Drive, in the 46 Degrees North Subdivision; the parkland easement and trail easements within Phase II of the 46

Degrees North Subdivision; trails within Phase II of the 46 Degrees North Subdivision; stormwater improvements in Phase II of the 46 Degrees North Subdivision; and all common areas/improvements within Phase II of the 46 Degrees North Subdivision. 12. Proposed road names for all roads within Phase II shall be submitted to the City-County Address Coordinator for review and approval. Approved road names shall be shown on the final plat and reflected in all documents of the Subdivision (covenants, road easements, etc.). 13. A signing plan for traffic control and street identification signs for the internal access roads providing legal and physical access to all lots within Phase II, along with the extension of Glacier Drive, meeting the applicable County regulations, shall be submitted to the Community Development and Planning Office and County Public Works for review and approval. All specifications and requirements of the approved plan shall be met. 14. The final plat shall be prepared in accordance with the applicable State survey requirements and the County Subdivision Regulations; in addition, the final plat shall graphically show and describe the following: a. numbering of all lots within Phase II (must continue sequentially from the last lot number in Phase I); b. parkland easement and public trail easements (if required); c. County Road easements within Phase II (includes the extension of Glacier Drive); d. all existing and proposed utility easements within Phase II; and e. notification on the plat that reads "See setback requirements in covenants." 15. The Book and Page reference to the restrictive covenants (filed with the County Clerk and Recorder) shall be indicated on the face of the plat. In addition, restrictive covenants, revocable or alterable only with the consent of the Board of County Commissioners, shall be placed upon the property and shall provide for the following: a. Notice is hereby given that all restrictive covenants filed with Phase I of the 46 Degrees North Subdivision are applicable, unless otherwise noted, to all lots within Phase II of the 46 Degrees North Subdivision. 16. Prior to filing of the final plat, the following improvements shall be installed or otherwise guaranteed: a. internal access roads providing legal and physical access to all lots within Phase II and the extension of Glacier Drive; b. trails (if required); c. street identification signs; d. traffic control signs; e. public wastewater treatment system (Phase II components); f. mail delivery facilities; g. any necessary improvements required by the drainage plan, Montana Pollution Discharge Elimination System (MPDES) permit, weed management plan, vegetation management plan, signing plan, and/or approach permit; h. MDT requirements (if any); and i. utilities abutting and available to each lot within Phase II OR the installation of conduit to each lot within Phase II that will allow for the extension of utilities without negatively impacting other improvements and a signed agreement with each utility provider to ensure the utilities will be extended to each lot. If said improvements are not installed, then the applicant shall enter into a written subdivision improvements agreement with Lewis and Clark County, guaranteeing the construction and installation of such improvements and shall provide an acceptable financial security guarantee, in accordance with the County Subdivision Regulations. 17. Prior to filing of the final plat, the applicant shall: a. Provide proof that all real property taxes and special assessments assessed and levied on the property are paid for the current tax year; including any past delinquencies. b. Provide documentation showing that the applicant is the lawful owner of the property with the apparent authority to subdivide the same, and showing the names of lien holders or claimants of record. 18. This preliminary approval shall be in force for three (3) calendar years. At the end of this approval period the governing body may, at the request of the Subdivider, extend its approval if that approval period is included as a specific condition of a written agreement between the governing body and the Subdivider.

Commissioner Hunthausen stated that there is a motion on the floor which was to conditionally approve the 46 Degrees North Subdivision with the amendments, additions and we will vote on whether or not to conditionally approve the subdivision subject to conditions of approval and findings of facts as amended and conclusions of law as amended by the Commission, the motion result was Passed with a vote of 3-0.

**Proposed Subdivision to be known as DeCunzo Subdivision. (tabled 3/24/15) (Applicant: East Helena Valley Volunteer Fire District) (Planner: Lindsay A. Morgan)**

A motion to table the item under the regularly scheduled meeting on April 2, 2015 was made by Commissioner Murray and seconded by Commission Geise. The motion Passed on a 3-0 vote.

**Board Appointments. (Eric Bryson)**

Eric Bryson presented the board appointment and recommended the appointment of Ernest Lundberg to replace Rick Dunkerley on the Lincoln Parks Board and complete the term that will expire 6/30/15 and to appoint Ezra Schwalm to replace Dennis Peterson on the Lincoln Parks Board and complete the term that will expire on 6/30/2016.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Hunthausen, and the motion result was Passed with a vote of 3-0

**Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.**

**Adjourn**

There being no further business, the meeting adjourned at 2:22 pm.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Andy Hunthausen, Chairman

  
\_\_\_\_\_  
Michael Murray, Vice Chair

\_\_\_\_\_  
Susan Good Geise, Member

ATTEST:

  
\_\_\_\_\_  
Paulette DeHart, Clerk of the Board