



PUBLIC MEETING

June 23, 2015

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, June 23, 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 Michele Peterson-Cook, K. Paul Stahl, George Theborge, Jennifer McCullough, Laura Erikson, Cheryl Green, Lindsay Morgan, Tony Prothero, John Ratliff, Ed Axtman, Terry Pirtle, Peter Kloepfer, DeAnna Noel, Bob Drake, Wayne Smenton, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

Contract Agreement between Lewis & Clark County and Helena College. (Jennifer McCullough)

Jennifer McCullough, Sustainability Coordinator, presented the contract between Lewis & Clark County and Helena College for implementation of the Environmental Workforce Development and Job Training Program in an amount not to exceed \$40,000. The program provides training up to 20 people in each course and is provided to underemployed and unemployed persons in the community. The contract work will be completed by December 2016.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Amended Plat of Lot A-5 - Clark Subdivision. (Applicant: Kevin J. McDuffie) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the proposed five-lot subsequent minor Subdivision located adjacent to York Road, across the highway from Cupid Lane. The Commissioners will also consider the variance request from Chapter XI.S and Appendix K.18-4.6 of the County Subdivision Regulations. The property is located northwest of and adjacent to York Road across from the intersection of York Road and Cupid Lane. The Applicant proposes to divide Lot A-5 of the Clark Subdivision into five lots, each for one single-family dwelling. The lots will range in size from 0.90 of an acre to 1.07 acres. Each lot will be served by an individual well, an individual on-site wastewater treatment system, and utilities. Three of the proposed wells will be located within a well access and maintenance easement that will serve Lots A-5C, A-5D, and A-5E. In order to fulfill parkland requirements, the applicant proposes to dedicate a trail easement along York Road and to provide a cash donation. As part of this proposal, the applicant is requesting a variance from Chapter XI.S (Fire Protection) and Appendix K.18-4.6 of the Lewis and Clark County Subdivision Regulations. Lot A-5 is an undeveloped tract of rangeland, approved for one single-family dwelling. The tract is not currently being used for grazing or any other use. There are no trees or bushes on the tract, and native grass is the predominant vegetation type. Irrigation ditch laterals are located to the north, northwest, and southwest of Lot A-5. The irrigation ditch lateral along the north

boundary is fenced and wholly located on the adjacent property. The laterals along the northwest and southwest boundaries of Lot A-5 are not fenced. Some of the project issues on the project include a cul-de-sac, the County Subdivision Regulations require that all subsequent minor subdivisions provide at least two different ingress-egress vehicular access routes and provide legal and physical access, unless the access provided by a cul-de-sac or hammerhead turnaround is 700 feet or less in length and the subject cul-de-sac or hammerhead turnaround accesses a local, collector or arterial road that is not classified as a dead end road and does not present an evident threat to public health and safety and will not inhibit evacuation of residents in the event of an emergency. The proposed internal access road for the Amended Plat of Lot A-5 - Clark Subdivision is a cul-de-sac that is approximately 523.5 feet in length, and will access onto York Road, a State highway. The cul-de-sac should neither present an evident threat to public health and safety nor inhibit evacuation of residents during an emergency. Hammerhead Court is the name of the cul-de-sac the Applicant has chosen. The Address Coordinator, in his comments, stated that per Appendix G of the County Subdivision Regulations (Appendix G), the extensions of roadways shall be named the same as the road from which they extend. Therefore the internal access road will need to be renamed Cupid Drive. The applicant's amended plat proposal would relocate the location of an existing approach to the southwest to align it with existing Cupid Lane per the requirements of the approach permit from the Montana Department of Transportation for purpose of increased safety of operations on York Road. The internal access road shall be constructed to the Typical Section No. 2, which is the County's paved local road standard. The summary of the applicant's Traffic Impact Study indicates that the proposed subdivision will not significantly impact existing off-site roads. Traffic generated by the proposed subdivision will not require improvements or the payment of a percentage of impact fee for adjacent or off-site roads. The next project issue addresses the preliminary plat shows a 50-foot wide "no-build" setback from York Road for Lots A-5A, A-5D and A-5E. Chapter XI.H.10 of the County Subdivision Regulations allows the governing body to require a reservation for additional right-of-way when a subdivision abuts a highway. The Montana Department of Transportation, as a rule, prefers highway rights-of-way to be 120 feet in width. York Road currently has a 100-foot wide right-of-way at this location. Therefore, a 50-foot wide "no-build" setback exceeds what is necessary. A 20-foot wide "no-build" setback for these lots would be adequate for the purposes of reserving additional right-of-way in the event of future widening of York Road. The next project issue is the impacts of agriculture as the soil mapping unit for Lot A-5 of the Clark Subdivision is Attewan Loam (413A), which is identified as having "farmland of statewide importance." The next project issue is water quality and quantity as the proposed five lots would be served by individual wells and on-site wastewater treatment systems. Proposed Lots A-5A and A-5B will have individual wells located on-site. The Applicant proposes to locate three wells within a well access and maintenance easement between proposed Lots A-5A and A-5B to serve proposed Lots A-5C, A-5D and A-5E. The reasons for locating the three wells within the easement are the placement constraints due to well setback requirements from irrigation ditches, a requirement for chlorination if a shared well system is used for this project, and to avoid the requirements of a shared well system. The soil mapping unit identified on Lot A-5 of the Clark Subdivision has severe limitations for individual wastewater systems due to poor filtering capabilities. Well logs of properties in the immediate vicinity indicate that an adequate domestic water supply is available for the proposed residential lots. The proposed subdivision is subject to review and approval by the Montana Department of Environmental Quality (DEQ) and the City-County Health Department, Environmental Division, for the water and wastewater treatment systems. The next project issue is Parkland Dedication as the Lewis and Clark County Subdivision Regulations require the applicant contribute parkland, the cash equivalent, or a combination of the two. The total parkland requirement for the proposed Subdivision is 0.295 of an acre. The applicant proposes to fulfill the parkland dedication requirement by dedicating a 12-foot wide pedestrian trail easement along York Road (approximately 0.18 of an acre) and making a cash-in-lieu payment of approximately \$690 to meet the remainder of the requirement. The Park Board met on June 3, 2015 and recommended accepting the applicant's proposal for a combination of a trail easement dedication with the remainder of the requirement being met with a cash payment. The Park Board also recommended that the Commission place a covenant requirement in the conditions of approval to ensure that future property owners adjacent to the trail easement are noticed of the easement and understand the applicable setbacks and requirements. The next project issue is fire protection as the applicant proposes to meet the fire protection requirement by using an existing source, owned by the East Helena Valley Fire District, located approximately one mile northeast

of the proposed Subdivision. According to the subdivision application, the location of the off-site fill site is on Lori Road; however, the actual location is on a strip of land between Bossell Drive and Lisa Drive on the south side of York Road. The East Helena Valley Volunteer Fire District has stated that they have no objection to the applicant using this source to meet their fire protection water supply requirement. An email from David Sammons, dated February 25, 2015, stated that Sammons believes the fill site is rated at 490 g.p.m. In order to utilize the off-site source, fire trucks will have to travel approximately one mile on York Road, a State highway that serves as a major collector roadway. Chapter XI.S and Appendix K.18-4.6 of the County Subdivision Regulations prohibit the utilization of an off-site water supply that requires the fire department to travel on an arterial or major collector road in order to access the fire protection water supply source. The applicant is requesting a variance from Chapter XI.S and Appendix K.18-4.6 of the County Subdivision Regulations in order to be allowed to utilize this off-site fill site to meet its fire protection requirement, since the fire department will be required to utilize and cross a major collector roadway.

Commissioner Murray asked Ms. Morgan if the proposed subdivision will become a part of the East Helena Valley Fire District.

Lindsay Morgan stated that the proposed subdivision would be a part of the East Helena Valley Fire District.

Tony Prothero, the applicant's representative, stated that they did a lot of work upfront in terms of fire protection to ensure the proposed subdivision would meet regulations. They have also received an approach permit from the Department of Transportation.

Commissioner Geise asked Mr. Prothero about the project issues regarding the internal access road to be constructed to a paved road, typical section no. 2.

Tony Prothero stated the road would be a paved surface with 3 inches of asphalt and 9 inches of gravel under that and would include 3 feet drainage ditches on each side.

Commissioner Hunthausen asked about access to the individual wells and electric for maintenance.

Tony Prothero stated that the wells and utilities would be within the easements and available for access.

No public comment was received.

A motion was made to table the item until the regularly scheduled item on Thursday June 25, 2015 was made by Commissioner Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Road Agreement between Lewis & Clark County and Canyon Ferry Crossing Inc. (Applicant: Canyon Ferry Crossing Inc.) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the applicant's request to modify the road agreement, which currently requires improvements to a section of Magpie Gulch Road. The Canyon Ferry Crossing Subdivision V was granted preliminary approval on November 6, 2008. The property is located northwest of and adjacent to Magpie Gulch Road and east of and adjacent to Sunset Ridge Drive. The property is 164.36 acres in size. The preliminarily approved subdivision will create eighteen residential lots and one lot for a wildlife corridor, and each lot will be served by an individual well, an individual on-site wastewater treatment system and utilities. Access to the lots will be off of one of two internal roads via either Magpie Gulch Road or Sunset Ridge Drive. On September 9, 2008 the applicant entered into a road agreement with Lewis & Clark County. According to that agreement, the applicant was required to upgrade a section of Magpie Gulch Road to typical section no. 1 which is the County's gravel standard upon final approval of the Canyon Ferry Crossing Subdivision V. As a part of bringing his road up to County standards, the applicant's engineer designed a new intersection wherein Magpie gulch Road would intersect Canyon Ferry Road at a single, 90-degree angle, whereas currently the road intersects Canyon Ferry Road at two locations which is more of a y-intersection. The proposed changes to this intersection were approved by the County Public Works Department in 2011. Staff has spoken with the School District and stated that the current Y-intersection configuration allows for a school bus to utilize this intersection as a bus stop. Without the Y-intersection the grade will be too steep at the proposed 90-

degrees angle intersection for a bus to utilize it. According to the School District, the closest bus stop will be located on mile further to the west. Staff has spoken to the property owner on the south side of Magpie Gulch Road and he stated that there is no easement for a portion of the Y-intersection on his property. Staff has looked at three surveys for the road, but has been unable to find a survey that shows an easement for this segment of the Y-intersections however two of the surveys, dated 1976 and 1986 do show the centerline of this leg of the Y-intersection. After reviewing the three surveys, Staff has found that the location of the proposed 90-degree angle intersection will go through an area that is located outside of both the easement for Magpie Gulch Road and canyon Ferry Road and therefore the property owner of the south side of magpie Gulch Road would have to grant an easement for the proposed new intersection. Staff has spoken with a property owner on the north side of Magpie Gulch Road with a driveway that crosses onto their neighbor's property before it hits Magpie Gulch Road. According to the approved road plans, this driveway would be relocated further to the east so that it will be located too close to the proposed 90-degree angle intersection. According to the road plans, a portion of the driveway that will need to be moved further east is located outside of the easement for Magpie Gulch Road and will require permission from the owner of that property prior to relocating that portion of the driveway. Staff has spoken to property owners in the area, and all have stated they would like the intersection to remain a Y-intersection. The applicant would like to keep the Y-intersection at Magpie Gulch Road, instead of changing it to a single 90-degree angle intersection as required under the road improvements agreement. The applicant said that after meeting on-site with his engineer on June 3, 2015, along with adjacent property owners, the applicant believes the sightlines are better with the Y-intersection instead of the proposed 90-degree angle intersection because the proposed 90-degree angle intersection is located closer to the apex of a curve on Canyon Ferry Road where sight distances will be reduced. Under this proposal the applicant would keep the Y-intersection and implement necessary signage to improve it. In addition to the proposed intersection improvements, the applicant is planning to improve stations 1250 to 1550 which are sections of Magpie Gulch Road located near the internal access road for the subdivision. According to the applicant, the grade along this portion of the road needs to be raised so that the grades on the internal access road will not exceed County requirements. All other improvements required under the agreement would be eliminated under the applicant's proposal. Staff is looking for direction from the Commission for direction on how to proceed.

Commissioner Hunthausen stated if the Y-intersection is the best configuration he wants to ensure the private property owners who are impacted satisfied.

Lindsay stated that she has spoke to Ed Axtman who owns the triangular piece of the Y-intersection. Mr. Axtman had mentioned fencing off the property.

Peter Kloepfer, the applicant, 1000 Spring Drive, Boulder, CO, stated that he has had negative reactions to changing the road from the neighbors. Mr. Kloepfer stated that the road is in good shape and would like to leave the intersection as is.

PUBLIC COMMENT-

Ed Axtman, 4149 Magpie Gulch Road, stated that the Y-intersection is owned by him. Mr. Axtman asked for a reduction in his taxes if everyone will be using it.

Commissioner Murray asked Mr. Axtman if he would like to the road to stay the same.

Ed Axtman stated that he would still like to know that it is still his property but would the road to remain the same.

Terry Pirtle, 8986 Canyon Ferry Road, owns the house where the driveway will need to be moved stated that her preference would be to leave the road as is.

Commissioner Murray was excused for County business.

DeAnna Noel, 8582 Canyon Ferry Road, stated that her children use the bus stop and would like the road to remain as is. Diane Morey, 4941 Magpie Gulch Road, stated her concern is about safety of the sightlines and would like to know what the proposed signage would be.

Bill Morey, 4941 Magpie Gulch Road, stated that he would like to see the road remain the same and has concerns in regards to safety.

Peter Kloepfer, stated that the proposed signage includes putting a stop sign at the Y-intersection entering onto Canyon Ferry Road along with curve signs with the posted speed limit along the curves.

Diane Morey, stated asked about the signage for the traffic coming from Townsend and suggested including signage indicating oncoming traffic or intersection ahead.

Upon no further testimony or comment, Commissioner Hunthausen stated that the public comment is now closed.

A motion was made by Commissioner Geise to table the item to the regularly scheduled meeting on June 30, 2015, seconded by Commissioner Hunthausen, 2-0.

Modification Request for the Canyon Ferry Crossing Subdivision V. (Applicant: Canyon Ferry Crossing Inc.) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented three proposed modifications to the conditions of approval for the preliminarily approved subdivision located northwest of and adjacent to Magpie Gulch Road, and east of and adjacent to Sunset Ridge Drive. The applicant is requesting modifications to the following conditions of approval: 1. Condition No. 7.e regarding the requirement to create a Rural Maintenance District (RID) for maintenance of the fire protection system; 2. Condition No. 10 regarding the requirement to create an Rural Improvement District (RID) for maintenance of the roads; and 3. Condition No. 11.a regarding the requirement to pay cash in-lieu of dedicating parkland. In addition to modifying the three existing conditions, the applicant has requested a variance from Chapter XI.H.7 of the 2007 County Subdivision Regulations, which requires the formation of an RID for maintenance of the roads. The subject property is approximately 164.36 acres in size and can be described as hilly with areas of steep terrain. During the site inspection, it was noted that the base for the internal road network has been installed; however, these improvements have yet to be certified as meeting the required standard. Preliminary approval of this 19-lot Subdivision, 18 lots for single-family residential purposes and one lot for a wildlife corridor was granted by the County Commission on November 6, 2008. As a requirement of preliminary approval, the Applicant was required to meet 21 conditions. The Applicant is now seeking to modify Condition Nos. 7.e, 10, and 11.a of that approval. Condition No. 7.e. requires the creation of an RID for maintenance of the fire protection system. An RID for a subdivision is intended to fund, or aid in funding, the maintenance of public improvements, such as parks, streets and roads, community water supply and/or wastewater treatment systems, and fire protection systems. According to the application, the applicant has requested that this Condition be eliminated and that the Canyon Ferry Crossing Homeowners' Association be allowed to provide maintenance for the system instead, as the applicant believes that this system will benefit the entire Canyon Ferry Crossing community, which consists of approximately 150 lots. According to the applicant's request, there will be approximately 45,000 gallons of stored water throughout the community upon completion of this system. It is also the applicant's belief that the fair and practical approach is to have the entire community paying for the maintenance of these facilities through their annual Homeowners' Association dues, as the institution of an RID will unfairly place the burden of maintaining the new system on the 18 lot owners within the Canyon Ferry Crossing Subdivision V. The proposed fire protection system will be located on the east side of Soren Trail, approximately 350 feet from its junction with Magpie Gulch Road. There is no waiver of the right to protest the creation of an RID for maintenance of a fire protection system under any covenants placed on property within the Canyon Ferry Crossing community. In addition, the conditions of preliminary approval for the Canyon Ferry Crossing Subdivision V do not require this waiver. Because the applicant believes that all residents of the Canyon Ferry Crossing community will benefit from the fire protection system and that all property owners within this community should pay for its maintenance, the applicant is requesting to eliminate Condition No. 7.e. as follows: 7. Condition No. 10 requires the creation of an RID for maintenance of the internal road network. As a part of this request, the applicant has also requested a variance from Chapter XI.H.7 of the 2007 County Subdivision Regulations, which requires the creation of the RID prior to final approval of the Subdivision. According to the application, Canyon Ferry Crossing is a 20-year master planned community, and this Subdivision is its final phase. All prior phases have been placed under the Canyon Ferry Crossing Homeowners' Association, which, according to the application, has a 17-year successful track record of maintaining a high standard for the community. The application further states that over the last several years, the Homeowners' Association has been able to afford hard-surfacing of roads in Phases I, II, and III, which was paid for by dues collected from all phases of the community.

According to the application, the maintenance and improvement of the original roads is intended to continue, and by pooling excess dues from all lots, the Homeowners' Association has had the ability to incrementally upgrade sections of roads within the community. In addition, the application states that the intention of this request is integrate the 18 lots within the Canyon Ferry Crossing Subdivision V into the 150-lot community. The applicant has cautioned that integrating these lots into the community will become structurally and economically impossible if the 18 lots are required to stand alone in a separate RID. There is a waiver of the right to protest the creation of an RID for maintenance of the road network under all covenants placed on property within the Canyon Ferry Crossing community. In addition, the conditions of preliminary approval require the waiver language to be placed in the covenants for the Canyon Ferry Crossing Subdivision V at final approval. So theoretically, an RID could be created if the Homeowners' Association does not continue to properly maintain the roads because the Homeowner's Association currently maintains all other internal roads within the Canyon Ferry Crossing community and, according to the application, has been successful at maintaining them, the applicant is requesting to eliminate Condition No. 10.

Commissioner Hunthausen asked the County Attorney's if the Commission could create an RID now and not require any payments.

Michele Peterson-Cook, Deputy County Attorney, stated that you can create an RID and hold off on doing a resolution to levy the assessment.

Lindsay Morgan continued with the conditions of approval. Condition No. 11.a requires the applicant to make a cash payment in-lieu of dedicating parkland. According to the Staff Report for the Canyon Ferry Crossing Subdivision V, the parkland dedication requirement is 0.6 acres. Under the original subdivision proposal, the applicant proposed a 13.98-acre wildlife corridor to meet parkland requirements; however, the Commission did not approve the request. Instead, the Commission allowed the applicant to create the wildlife corridor, but no credit was given for parkland dedication. In addition, the Commission required the applicant to complete a market analysis to aid in determining the amount of a cash payment. Instead of making the cash payment, the applicant has opted to pursue a second request to the County Commission to dedicate parkland. Under this new proposal, the applicant is seeking to dedicate 0.603 acres of land between Soren Trail, which is the main roadway through the subdivision, and the Forest Service property located adjacent to the subdivision on its north side. This will allow residents of the community, and possibly the public, non-motorized access to public open space for recreational purposes. Because the 0.603 acres of land is currently included in the acreage of both the 13.98-acre wildlife corridor and a residential lot located adjacent to the proposed parkland on its east side, the acreage of both the corridor and residential lots will be reduced should the 0.603-acre lot be accepted as meeting parkland requirements. There are two parkland statutes in the Montana Code Annotated that can be applied to this request: 76-3-621(4), under this statute, the County Commission has the option of accepting a proposed land dedication, requiring a cash payment, or having an Applicant provide a combination of both. As a part of this request, the Commission is to consult with the Planning Board or Park Board to consider the expressed preference of the Applicant for meeting parkland requirements; however, this modification request has not been considered by either the Planning Board or the Park Board at this time. If a land dedication is ultimately accepted for this development, the land will then be deeded over to the County upon final approval of the Subdivision. The other statute 76-3-621(6)(a), under this statute, the County Commission must waive the parkland requirement if a subdivision proposal includes land that will be permanently set aside for parks and recreational uses, so long as that land dedication is sufficient in meeting the needs of those who will ultimately reside in the subdivision, and the amount of the dedication will meet or exceed that required under a standard parkland dedication. The difference between this dedication and a typical parkland dedication is that: (1) the County does not take ownership of the land and (2) the land does not have to be available for public use. Under this scenario, the land is permanently set aside for its intended use in some way other than deeding it over to the County, such as through a conservation easement. Two other factors related to the proposed parkland lot are: a portion of a drainage easement lies in the southeastern corner of the proposed parkland lot; and currently the wildlife corridor (Lot 19) is bisected by Soren Trail, but if the parkland proposal is approved, Soren Trail will no longer bi-sect this lot, as the wildlife corridor will lie solely on the south side of this road. Based on the language under the statues, Staff came up with the first option the applicant shall provide information on the market value of the property or 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. The Applicant shall dedicate 0.603 acres of land (proposed Lot 20) from the south boundary of the easement for Soren Trail along the wildlife corridor (Lot19) and from the south boundary of Lot 11 (southwest corner of Lot) to the north boundary of the Subdivision, between Lots 11 and 18, in the following manner: i. This land shall be dedicated to Lewis and Clark County as parkland. The Applicant shall prepare deeds for the parkland to transfer ownership over to the County. In addition, the parkland dedication shall be placed on the face of the final plat. Or the other option is that the land shall be permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development. The applicant shall provide the Community Development and Planning Department with a proposed mechanism to permanently set aside this land for said use. All requirements of the approved mechanism shall be met prior to final approval. In addition, this permanent dedication shall be placed on the face of the final plat. Comments received include The Road Supervisor for the County Public Works Department has stated that an RID is required for maintenance and is necessary. The County Sherriff's Office has stated that Condition No. 7.e is a crucial component of public safety, and that fire protection in a rural area is dependent on volunteers and is often difficult to maintain staffing and equipment. In addition, their Office states that they respectfully disagree with eliminating this requirement for maintenance of the fire protection system, and that homeowner's Insurance is high enough without increasing your ISO rating. The Tri-Lakes Volunteer Fire Department has stated their opposition to the Applicant's proposal to remove the requirements to create an RID for maintenance of the fire protection system and an RID for maintenance of the road network. In addition to these objections, the Department also has concerns about the water supply systems that were installed in previous phases of Canyon Ferry Crossing and the refill well for the proposed fire protection system in the Canyon Ferry Crossing Subdivision V. Northwestern Energy has stated that they have no comments. The Community Development and Planning Department requested comments from numerous agencies regarding the proposed modifications. After a full review of the comments received and the request for modifications, Staff has found that no circumstances have changed since preliminary approval was granted.

Commissioner Hunthausen asked about the comments made for the previous phases, how they are working and how they are funded as the comments received are contradicting.

Peter Kloepfer, the applicant, stated the original design of the community was to create recreational opportunities. There are trail systems in the area that are maintained by the Home Owner's Association. The applicant's intent is not to create a public park but to deed the park to the Home Owner's Association. The applicant stated there is no water that runs through the drainage easement or culverts. The applicant addressed the fire suppression system and stated that he had met with Bob Drake of Tri-Lakes Volunteer Fire Department and that Mr. Drake's preference would be to have a gravity fed fire hydrant. A storage tank was drilled and the pump test produced a constant 5 gallons per minute. The applicant stated that in regards to the maintenance of the fire protection system and the creation of the RID he feels that the Home Owner's Association has been successful at maintaining them. The applicant does not see a use for an RID to maintain the eighteen proposed lots. The applicant has met with officers of the Home Owner's Association and they have stated they are not in favor of an RID. The applicant is not opposed to have an RID created with a zero assessment as a back stop for future homeowners.

Commissioner Hunthausen stated that he respects the Road Supervisor and the Fire Department's comments and concerns and further stated that with an RID that County takes on the collection and dispersing of the funds.

Commissioner Geise stated that her main concern is in regards to the fire protection and stated that the comments received from the County Public Works Department, the Sheriff's Office and the Fire Department do concerns her.

Peter Kloepfer stated that he does not feel strongly about those issues.

Break/Reconvene.

PUBLIC COMMENT –

John Ratliff, 4055 Water Dance Drive, stated his concern has to do with the funding and the existing homeowners paying for the development of the eighteen lots prior to them selling. Mr. Ratcliff stated his support for the proposed wildlife corridor in phase V.

Commissioner Hunthausen asked Mr. Ratliff about the fee collected by the Home Owner's Association each year and what it's used for.

John Ratliff stated there is a common mail box that is maintained, weeding and cutting dead trees to maintain the trail system, water sprinklers in the main entrance and road maintenance.

Commissioner Hunthausen asked Mr. Ratliff, if all lots were include in that Home Owner's Association and the Home Owner's Association was responsible for the upkeep of a fire system. Commissioner Hunthausen further asked Mr. Ratliff if he anticipates the fee to go up if it were to include the maintenance of a fire system.

John Ratliff stated he has no idea how much it costs to maintain the fire system but feels it is something that can be done for the whole subdivision.

Bob Drake, Fire Chief of Tri-Lakes Fire Department, stated that a donation is given each year to the Fire Department but there does not appear to be an urgency or necessity to fire protection. In Mr. Drake's opinion a maintenance district is must for fire protection. The water supply was sized based upon the proposed eighteen lots in phase V not based upon the five phases as a whole that make up the subdivision and stated that the Fire Department has the only credible water supply in that area. Mr. Drake received an opinion from a different driller in the area and was told for a standard, that FHA and VA loans will not loan on anything less than eight gallons a minute. In his opinion this is not acceptable to them and believes this will be a high maintenance well. Mr. Drake made suggestions to the developer that his preference is to have a fire hydrant by every house not a gravity fed hydrant. Mr. Drake noted that they are pleased to have a credible water source in their district however.

Commissioner Geise asked Mr. Drake if they rely on the existing well on Sawmill Gulch Road.

Bob Drake stated that there protocol is to use the pressurized system first and the next option would be to use the 10,000 gallon well on Sawmill Gulch Road. The gravity fed hydrant is adequate but the refill well is not adequate or feasible. The applicant's proposal is to hand the maintenance over to the Home Owner's Association however they have not taken any lead to replace or fix the existing water supply.

Commissioner Hunthausen asked Mr. Drake if the refill well was addressed would you be satisfied.

Bob Drake stated if they are forced to take ownership of the current system they would abandon the well and haul water to it as it is cost prohibitive for the Fire Department to maintain it.

Peter Kloepfer stated that the maintenance cost is the issue and will ask his engineer to work up a maintenance estimate. In his opinion abandoning the well is not practical.

Commissioner Hunthausen asked about the system being designed for the eighteen lots how do you propose to spread that to all the phases.

Peter Kloepfer stated that there is an existing 10,000 gallon tank and will have three tanks total once completed. Commissioner Hunthausen asked Mr. Ratliff if the Home Owner's Association want to take on the fire protection and the roads to the best of your knowledge.

John Ratliff stated that fire protection was never brought before the board in his time of being on the board. In his opinion the proposed location of the fire protection system will not benefit the whole subdivision.

Bob Drake stated that his protocol for water supply did not include the proposed fire protection system as it does not exist.

Upon no further testimony or comment, Commissioner Hunthausen stated that the public comment is now closed.

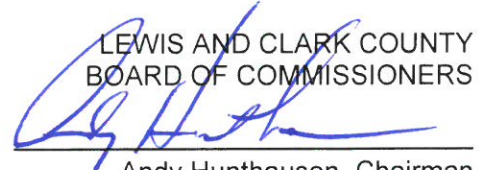
A motion was made by Commissioner Geise to table the item to the regularly scheduled meeting on June 30, 2015, seconded by Commissioner Hunthausen, 2-0.

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

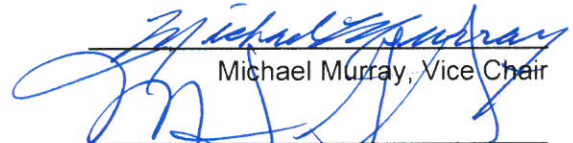
Adjourn

There being no further business, the meeting adjourned at 11:55 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman

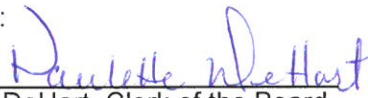


Michael Murray, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board