

## CHECKLIST OF PROCEDURES FOR ROAD PETITIONS

Original signed petition must be submitted to the Clerk and Recorder along with a map showing the area of the road under consideration. Stamp the date received on the petition. Get name and phone number of contact person for questions.

NAME Marlie Stewart PHONE 587-1434

- 1) Determine if there are sufficient qualified signatures.
- 2) Complete "Report of Qualified Signatures".
- 3) Schedule petition on Commissioner's agenda. DATE: 1-22-02
- 4) Make copies of petition and report. Forward to:
  - County Attorney (attach note of date on Commissioner's agenda)
  - County Road Superintendent (attach note of date on Commissioner's agenda)
  - County Commission (3 copies)
  - City of Bozeman
- 5) Commissioners receive petition and assign viewing committee.
- 6) Assign Road Petition Number. 803
- 7) Type regular mail envelopes for:
  - All landowners named on the petition
  - All signers on the petition
  - All individuals named in the petition who could be affected
  - The postmaster of the area
  - The Public Lands Access AssociationType and prepare certified mail envelopes for:
  - All owners of land abutting the road
  - All individuals named in the petition who could be affected
  - The postmaster of the area
  - The Public Lands Access Association
- 8) Viewing committee completes road report.
- 9) Schedule public hearing on Commissioner's agenda and prepare notice. DATE 4-23-02
- 10) Publish public hearing notice one time. DATE 4-11-02
- 11) Send a copy of the viewing committee report and public hearing notice to the following:
  - Persons listed in #7
  - County Road Superintendent
  - County Attorney
  - County Commissioners (3 copies)
- 12) Prepare affidavit of mailing for petition file (regarding the viewers report).
- 13) Commissioners hold public hearing to grant or deny petition.
- 14) County Attorney drafts resolution for Commissioners to consider at next public hearing.
- 15) Commissioners pass resolution
- 16) Within 10 days of passage of resolution send copies of resolution to all persons listed in #7 (BY CERTIFIED MAIL)
- 17) Type affidavit of mailing for petition file (regarding the boards decision).
- 18) If the petition is granted, a certified copy of the resolution must be recorded.

DOCUMENT RECEIVED:

Petition to Abandon County Roads

FROM: Martie Stewart

PHONE: 587-1434

TO: \_\_\_\_\_

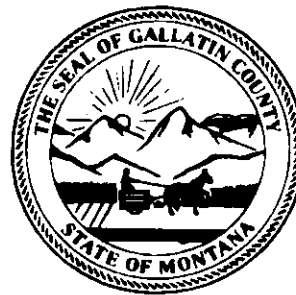
DATE: 12-5-01

TIME: 12:00 PM

State of Montana

*County of Gallatin*

Bozeman



**CERTIFICATE OF THE COUNTY CLERK AND RECORDER  
RELATING TO  
QUALIFICATIONS OF THE SIGNERS**

**Statement of Purpose:** Petition to abandon a road commonly known as Bitterroot Way and another unnamed road both located in Pleasant Valley Subdivision.

**Legal Description:**

**Area #1:** An unnamed access road located between Lots 7 and 8 of Pleasant Valley Subdivision in Section 11, Township 2 South, Range 5 East.

**Area #2:** A road commonly known as Bitterroot Way located between Lots 5 and 6 of Pleasant Valley Subdivision in Section 11, Township 2 South, Range 5 East.

STATE OF MONTANA )  
  )ss  
COUNTY OF GALLATIN)

I, Shelley Vance, do hereby certify that I am the qualified and acting County Clerk and Recorder for Gallatin County, State of Montana; that I have examined the petition to which this certificate is attached, and that pursuant to instruction by the Gallatin County Commission, it contains the signatures of at least 10 qualified freeholders in Gallatin County.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office at Bozeman, the County Seat of Gallatin County, State of Montana, this 4th day of January, 2002, A.D.

*Shelley Vance*  
\_\_\_\_\_  
Shelley Vance  
Clerk and Recorder  
Gallatin County, Montana

11/25/2001

RECEIVED  
Date 12-05-01  
Clerk & Recorder  
Gallatin County, Mont.

To the Board of County Commissioners of Gallatin County:

Please find enclosed a Petition to Abandon County Road(s) and the required information necessary in order for our request to be considered.

-Sect. 1 The particular areas in question are located on Valley Drive in the Pleasant Valley Subdivision and extend toward two separate pastures (one to the east of Valley Dr. and the other to the west of Valley Dr.). At this point, the 2 areas in question are mowed, weeded and/or graveled by the adjacent homeowners and neither area is a through road. Please refer to the enclosed map.

-Sect.3 a. The area between lots 7 and 8 is maintained by the home owners, (lot 7- Mike & Heather DeVries and lot 8- Ross & Jill Grubb), and has been used as a Park for the neighborhood children for many years.

-Sect. 3 b. The area between lots 5 and 6, (home owners of lot 5- Jack & Sandra Felts and lot 6- C.Craig & Martha Stewart), has been maintained and used as the driveway for the home owners of lot 6 for over 35 years.

c.. Each area butts up to fenced pasture land. To the east, the pasture land is owned by the Frank Harrington family and to the west, the pasture land is owned by the Brad French family.

-Sect.8 The majority of adjacent landowners, as well as, the homeowners on Valley Drive, have signed the petition for the abandonment of these two direct access roads. It's not because we are adverse to change. However, we are adverse to a large increase in the amount of traffic on Valley Drive. Primarily, it's the safety and health issues which are our biggest concerns. However, this petition is also driven by economics and the quality of life on Valley Drive that the residents have come to expect and appreciate as well. Our reasons are as follows:

If these 2 dedicated access roads are eventually opened-

1. the amount of traffic on Valley Drive would increase dramatically

2. an increase in traffic would definitely affect the amount of dust kicked up on Valley Drive since it is a narrow, dirt road. This would create bigger health issues for allergy sufferers in the neighborhood.

3. increased traffic would exacerbate the level of neighborhood noise pollution. All of the homeowners living on Valley Drive chose to moved here because of the quietness of the neighborhood and the unobstructed mountain views, (the later is fast becoming a thing of the past). Shouldn't the county try to PROTECT existing residential neighborhoods/subdivisions from traffic and noise encroachments?

4. the number of speeding cars through our front yards would increase. Any Valley Drive Resident would tell you that a gravel road is NOT a deterrent in slowing down cars of non-street residents! This in turn,

5. would directly affect the safety of our children, pets and any pedestrians utilizing Valley Drive, (ie. children walking to and from school buses, people walking their dogs, bicycle riders, joggers). Our kids often play next to and on Valley Drive since we are a quiet county road. Because Valley Drive has no sidewalks or streetlights, an increase in traffic could prove to be detrimental/fatal to any of the above road users.

6. there would be major increases in the cost of neighborhood road maintenance due to more traffic on Valley Drive. (grading and plowing are additional costs to Valley Drive residents...county doesn't do it and certainly the city won't do it.)

-Sect. 5 With the exception of Mr. French, (who would like to keep his options open), all of the property owners adjacent to the 2 dedicated roads in question, would very much like the Petition for Abandonment to proceed. Certainly any dedicated access roads created on paper over 30 years ago, but not utilized in the meantime, can be undedicated.

Please help Valley Drive Residents by granting our Petition to Abandon these Dedicated Access Roads.

Sincerely,

Martha Stewart  
3303 Bitterroot Way  
Bozeman MT 59718  
587-1434

(lot 6, Block 2  
Pleasant Valley Subdivision)

Dear Gallatin Valley Commission -

RE: Adjacent Landowner on Valley Drive

The Land adjacent to our property should not be used for a road into the new subdivision behind us.

This land has been maintained (mowing, watering, weed spraying, etc) by Mike Devries, Ken Laudato, and myself.

Also, there are many young children that play in this area. Since there are no sidewalks or lights on this street, it can be very dangerous. People do not drive slow on this road either. Making another road in and out of this subdivision would ~~not be a good~~ only make it more dangerous for our children.

The city has made park areas for other subdivisions in Bozeman. We are asking you to leave this as our neighborhood park. Thank you for considering this matter.

Sincerely,  
Ross Grubb

December 4, 2001

To Whom It May Concern,

I am writing concerning the vacant property, which is located between our home at 112 North Valley Drive and the Ross Grubb property at 18 Valley Drive in Pleasant Valley Subdivision. During the 7 years that we have been living in our current home the property has been maintained and used only by the neighbors that border the property. It is mowed and watered by us, the Grubb's and the Laudato family, who live across the road. The children in the neighborhood use it as a play area for volleyball, baseball, kickball, as well as biking and other creative play. We have heard that previous occupants used it as a garden area before we lived in the area. If we did not maintain the property it would have been an overgrown eyesore because the county has never made an effort to maintain it. The residents of our subdivision maintain even the county road that borders it. It is our opinion that the above mentioned property should be considered abandoned and that the property should be appropriated to the people who are actually using and maintaining it.

We appreciate your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike and Heather DeVries". The signature is written in dark ink and is somewhat stylized.

Mike and Heather DeVries  
112 North Valley Drive  
Bozeman, MT 59718

Gallatin Valley Commissioners

Re: Concerning the extension of Bitterroot Way

Sirs:

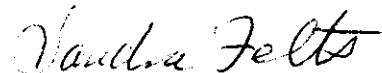
My family and I have been living at 111 N. Valley Dr. for thirty-five years. Bitterroot Way is adjacent to our property. To extend this road to be a through street would have no value. It would cause more traffic on Valley Dr., which would tear up our road and be more costly to keep it up. As you probably know the city or county does not tend Valley Dr. The property owners have been caring for this road for over thirty years.

To extend Bitterroot would be very costly and prohibitive, especially to those of us on a fixed income. We are, also, concerned for safety reasons. There are no lights or signs on our street.

The families that live on or near Bitterroot Way would like to keep the road as it is.

Thank you for your consideration on this problem,

Sandra Felts

A handwritten signature in cursive script that reads "Sandra Felts".



FRANK R. HARRINGTON  
3125 WEST BABCOCK  
BOZEMAN, MT 59718

Mr DarrellBurkenpas.  
Valley Drive Home Owners Association  
124 Valley Drive  
Bozeman, Mt 59718

Dear Darrell:

I enjoyed my visit with you, in your offices at Belgrade, yesterday.

During our conversations, I informed you that the city was persisting in their desire to access valley drive thru that dedicated access on the west side of my field. Our developer does not want to be required to do this, nor does your Association want all that traffic dumped out into valley drive.

You advised me that Valley drive was too narrow, and would have to be widened with some broadening of the base, and re surfacing under any paving.

We spoke of the attraction an improved Valley Drive would be to thru traffic proceeding from Babcock to Durston or vice versa, opening it up to a heavy use situation that occurred on West Babcock when valley unit was attached to to it.

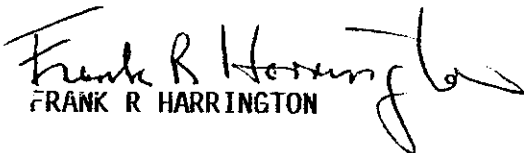
If your group would be willing to take a firm position on this matter, in the form of a letter to the City, with many of you signing same, we believe such an action might be sufficient to defuse their drive to have it done.

Perhaps a letter to the Chronicle editor, might be necessary if they do not back down.

Could I have a copy of any such letter, Darrell for our use in negotiations with the city?

Its nice to be able to work together, and continue our good relationship of many, many years.

Yours truly

  
FRANK R HARRINGTON

October 10th, 2001

Dick and Pam Backstrom  
216 N Valley Drive  
Bozeman, MT 59718

Bozeman Planning Commission

Dear Planning Commission:

We are opposed to the City Planners considering access to the newly annexed subdivision, formerly called the Butcher, Davis, Harrington property, be through Valley Drive. Valley Drive is **not** part of the City of Bozeman, is **not** paved, and **is** a small residential neighborhood where children play between houses and even on the road. If the subdivision developer has to pave the street, our traffic will increase drastically, because people from Harvest Creek and Michael Grove will use Valley Drive as a shortcut to get to Fowler Lane and the Mall.

It seems to us that 2 entrances/exits from the new subdivision will be adequate for police and fire needs, and our road doesn't have to be paved or used. At the planning and annexation meetings, the developer planned to access the area from Mendenhall as well as from Babcock, into areas previously annexed and built up. There is other open land behind us which will at some future time be developed, and we do not think that Valley Drive should be the access road for anything but Valley Drive itself.

Yours truly,

Dick and Pam Backstrom

Area #2

**PETITION TO ABANDON COUNTY ROAD  
(APPENDIX A)**

TO: THE BOARD OF COUNTY COMMISSIONERS, GALLATIN COUNTY, MONTANA

COME NOW the undersigned freeholders of the road district of Gallatin County, Montana, and petition this board pursuant to Section 7-14-2601, MCA, to abandon a county road located in Gallatin County, Montana and represent as follows:

1. The road to be abandoned is particularly described as follows: Dedicated Access Road leading from Valley Drive toward Mr. Brad French's pasture (to the west of valley drive)

(Attach additional page if required).

2. The road is commonly known as: Bitterroot Way

3. The general route of the road is described as follows: Used as Driveway to Stewarts house and their access to Valley Dr. as well as Babcock & Durston. Runs from Valley Drive to horse pasture owned by the French family. Approximate length is 145 feet.

4. The lands and owners immediately adjacent to the road are:

<u>3</u>	<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1.	<u>C. Craig &amp; Martha V. Stewart</u>	<u>3303 Bitterroot Way Bozeman, MT 59718</u>
	<u>Parcel ID# rgg 7580</u>	<u>Pleasant Valley Subdivision, Lot 6, Block 2</u>
	<u>PROPERTY DESCRIPTION</u>	
2.	<u>J.E. Felts &amp; Sandra Felts</u>	<u>111 N. Valley Dr. Bozeman, MT 59718</u>
	<u>Pleasant Valley Subdivision Lot 5 Block 2</u>	
	<u>PROPERTY DESCRIPTION</u>	
3.	<u>Mr. Brad French</u>	<u>3325 W. Babcock Bozeman, MT 59718</u>
	<u>Pasture land to west of Valley Drive, Pleasant Valley sub.</u>	
	<u>PROPERTY DESCRIPTION</u>	

MCA #1

**PETITION TO ABANDON COUNTY ROAD  
(APPENDIX A)**

TO: THE BOARD OF COUNTY COMMISSIONERS, GALLATIN COUNTY, MONTANA

COME NOW the undersigned freeholders of the road district of Gallatin County, Montana, and petition this board pursuant to Section 7-14-2601, MCA, to abandon a county road located in Gallatin County, Montana and represent as follows:

1. The roads to be abandoned is particularly described as follows: Dedicated access roads leading from Valley Drive towards Mr. Frank Harringtons, pasture (to the east of Valley Drive)

(Attach additional page if required).

2. The road is commonly known as: Play area/park for Valley Drive children One access into Mr. Harringtons Pasture

3. The general route of the road is described as follows: From Valley Drive turn and drive between Mike and Heather DeVries home: 112 Valley Drive - and - Ross and Jill Shubbs home: 18 Valley Drive to fence posts Gate which leads into Mr. and Mrs. Frank & Dorca Harringtons pasture. Approximate length of area is 150 ft.

4. The lands and owners immediately adjacent to the road are:

4 signatures

**LANDOWNER(S)**

**MAILING ADDRESS**

1. Michael & Heather DeVries 112 North Valley Drive  
Bozeman MT 59718

Residential lot adjacent to South of road. lot 7, Pleasant Valley Subdivision

**PROPERTY DESCRIPTION**

2. William Kent Laudato 21 VALLEY DR.  
BOZEMAN MT. 59718

RES. LOT 2 Block 2 #1 Gallatin Co.

**PROPERTY DESCRIPTION**

3. Ross & Jill Shubb 18 Valley Drive  
Bozeman MT 59718

Res Lot adjacent to north of road

Lot #8 Pleasant Valley Subdivision  
**PROPERTY DESCRIPTION**

area #1

**LANDOWNER(S)**

**MAILING ADDRESS**

4. **FRANK R & DORA B HARRINGTON TRUST**  
*Dora B Harrington*  
*Frank R Harrington*

3125 West Babcock Street  
Bozeman, MT 59718

All of Tract 2 IN THE SW1/4 NW 1/4 IN THE S/W Corner of Section II,  
T/R2S, Range 5E  
**PROPERTY DESCRIPTION**

5. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY DESCRIPTION**

6. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY DESCRIPTION**

7. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY DESCRIPTION**

8. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY DESCRIPTION**

9. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY DESCRIPTION**

10. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY DESCRIPTION**

#192

5. Except for the following landowners the landowners identified in Section 3 consent to the abandonment: (If any of the adjacent landowners do not consent identify them in this paragraph)

Brad French - Owner of pasture land to the west of the Stewart & Felts properties

---

---

---

---

6. If a landowner stated in Paragraph 3 cannot be found to determine the landowner's consent, identify the landowner and state the efforts made to locate the landowner: NA

---

---

---

---

7. To the best of our knowledge the following are landowners, who do not own land immediately adjacent to the road, but who could be affected by the abandonment of the road: NA.

LANDOWNER(S)

MAILING ADDRESS

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: Primarily for safety reasons.

- Section 8. -> \* Please see attached letter under "reasons are as follows:"

If these 2 dedicated Access Roads are ...

---

---

---

The undersigned state that they are owners of real property in the Gallatin County road district which is taxable for the county general road tax. If more than 10 freeholders sign, use additional pages. \*

1. (Martha V.) Martie Stewart Craig Stewart  
 Signature Address  
(Martha V.) Martie Stewart C. Craig Stewart  
 Printed Name Bozeman, MT 59718  
 City, State & Zip  
11-18-01  
 Date  
Pleasant Valley Subdivision, Lot 6, Block 2  
 Parcel ID# reg 7580  
 Description of Property

2. Sandra Felts  
 Signature Address  
Sandra Felts  
 Printed Name Bozeman, Mt. 59718  
 City, State & Zip  
11-18-01  
 Date  
Pleasant Valley Subdivision, Lot 5 Block 2  
 Description of Property

3. Kevin J Miller  
 Signature Address  
Kevin J Miller  
 Printed Name Bozeman Mt 59718  
 City, State & Zip  
11-18-01  
 Date  
Tract 3 of Pleasant Valley Subdivision  
 Description of Property

4. Michael DeVries Signature 112 N. Valley Drive Address  
V Michael G. DeVries Printed Name Bozeman, MT 59718 City, State & Zip  
November 18, 2001 Date

lot 7, Pleasant Valley, Subdivision  
Description of Property

5. William Kent Laudato Signature 21 VALLEY Address  
V WILLIAM KENT LAUDATO Printed Name BOZEMAN MT 59718 City, State & Zip  
NOV 18, 2001 Date

PLEASANT VALL LOT 2 Block 2 # / GAL. CO.  
Description of Property

6. Jill Grubb Signature 18 Valley Drive Address  
V Jill Grubb Printed Name Bozeman, MT 59718 City, State & Zip  
November 18, 2001 Date

Pleasant Valley Lot # 8 Block # 2  
Description of Property

7. B. Susan Jackson Signature 27 Valley Dr Address  
V B. Susan Jackson Printed Name Bozeman, MT 59718 City, State & Zip  
November 18, 2001 Date

Pleasant Valley lot #3 Block 2  
Description of Property



8. Anna Jay Burkenpas Signature 124 N. Valley Dr Address  
ANNA JAY BURKENPAS Printed Name BOZEMAN, MT 59718 City, State & Zip  
11-18-01 Date

Lot 9 of Block 2 Pleasant Valley Subdivision

9. Todd Radel Signature 116 Valley Dr. Address  
Todd Radel Printed Name Bozeman MT 59718 City, State & Zip  
11/18/01 Date

Pleasant Valley Subdivision Lot 10 Block 2

10. Steve Denny Signature 210 N. Valley Address  
Steve Denny Printed Name Bozeman, Mt 59718 City, State & Zip  
11-18-01 Date

Lot 11 of block 2 Pleasant Valley Subdivision

Description of Property

general road tax. If more than 10 freeholders sign, use additional pages.

11. *Pamela Backstrom Richard P. Backstrom* 216 N. VALLEY DR  
 Signature Address  
PAMELA B. BACKSTROM RICHARD P. BACKSTROM BOZEMAN, MT 59718  
 Printed Name City, State & Zip  
11/24/01 11/24/01  
 Date

Lot 12 Pleasant Valley Subdivision Block 2  
 Description of Property

12. *Carolyn S. Howell* 315 N Valley  
 Signature Address  
Carolyn S. Howell Bozeman  
 Printed Name City, State & Zip  
Dec 3, 2001 MT 59718  
 Date

Lot 7 Tract 7 Smith Subdivision  
 Description of Property

13. \_\_\_\_\_  
 Signature Address  
 \_\_\_\_\_  
 Printed Name City, State & Zip  
 \_\_\_\_\_  
 Date  
 \_\_\_\_\_  
 Description of Property

*Please see additional pages.*

14. *Trust* Frank R. Harrington  
Dora B. Harrington Signature  
 DORA B HARRINGTON  
 FRANK R HARRINGTON  
 Printed Name

3125 West Babcock St  
 Address  
Bozeman, Mt 59718  
 City, State & Zip

November 19th, 2001  
 Date

FRANK R & DORA B HARRINGTON TRUST., PROPERTY LYING EAST OF AND  
 ADJACENT TO SUBJECT PROPERTY TO BE VACATED.

15. Gilbert Stober  
 Signature  
 GILBERT STOBER  
 Printed Name

Description of Property  
39 S. VALLEY DR.  
 Address  
BOZEMAN, MT 59718  
 City, State & Zip

11/24/01  
 Date

Lot 6 of the Re-ARRANGEMENT of Tract 7 of Smith Subdivision, located in  
 N1/2NW1/4 of Section 11, Township 2 South, Range 5 East, M.P.M., Gallatin Co.  
 MT, according to Certificate of Survey No. 753

16. Cindy Kindsochi  
 Signature  
 CINDY KINDSOCHI  
 Printed Name

Description of Property  
505 N. Valley Dr  
 Address  
Bozeman, MT 59718  
 City, State & Zip

11/24/01  
 Date

Smith Sub Rear Tr 7 IN N1/2NW1/4 11 25 SE  
 Lot 4

17. Larane Newman  
 Signature  
 Larane Newman  
 Printed Name

Description of Property  
535 Valley Dr.  
 Address  
Bozeman MT 59718  
 City, State & Zip

11/24/01  
 Date

Smith Sub Lot 3 N1/2NW1/4

Description of Property

F A X

CONSOLIDATED ENTERPRISES, INC.  
633 EAST 81ST AVENUE  
ANCHORAGE, AK 99518  
PH- (907) 344-4567 FAX - (907) 349-6390

To:

MARTIE STEWART

From:

JOHN HEALOW

Company:

\_\_\_\_\_

Company:

Consolidated Enterprises, Inc.

Fax Number:

406 587 9771

Date:

11/21/01

No. of Pages:

2

Subject:

PETITION

MARTIE Thanks for the info.  
Attached is the signed petition



14. Frank R. Harrington Signature  
Dora B. Harrington Signature  
DORA B HARRINGTON  
FRANK R HARRINGTON Printed Name  
3125 West Babcock St Address  
Bozeman, Mt 59718 City, State & Zip  
November 19th, 2001 Date

FRANK R & DORA B HARRINGTON TRUST., PROPERTY LYING EAST OF AND  
ADJACENT TO SUBJECT PROPERTY TO BE VACATED. Description of Property

18. Patricia A. Healow Signature  
John R. Healow Signature  
Patricia A. Healow  
John R. Healow Printed Name  
2450 CHANDLER Address  
ANCHORAGE AK 99504 City, State & Zip  
November 21, 2001 Date

LOT 4 AT 105 Valley Dr. Pleasant Valley Subdivision  
 Description of Property

19. \_\_\_\_\_ Signature \_\_\_\_\_ Address  
 \_\_\_\_\_ Printed Name \_\_\_\_\_ City, State & Zip  
 \_\_\_\_\_ Date

\_\_\_\_\_ Description of Property

20. \_\_\_\_\_ Signature \_\_\_\_\_ Address  
 \_\_\_\_\_ Printed Name \_\_\_\_\_ City, State & Zip  
 \_\_\_\_\_ Date

\_\_\_\_\_ Description of Property



1864 E

Brad French Pasture  
West



... eight  
... 10.0  
... the  
... on G  
... (B  
... two  
... and t  
... quarter  
... five degree  
... four and t  
... West (50°  
... Thence So  
... one-hundr  
... six minut  
... Thence al  
... five minu  
... of two-hu  
... curve to  
... twenty-fi  
... feet (39.  
... of one-hu  
... degrees t  
... (60.0 ft)  
... the acres  
... as shown  
... are here

There is  
the East  
of publi  
existing  
per. etc.

STATE OF  
City of  
County

On this  
date of

at the  
City of

County

East

Frank G. Jones Pasture

STATE OF  
City of  
County

In Pa  
of No  
the P  
surva  
the  
and  
alwa  
day  
and

TRACT EAST

## Vance, Shelley

---

**From:** Semerad, Eric  
**Sent:** Wednesday, February 13, 2002 5:06 PM  
**To:** Vance, Shelley  
**Subject:** FW: Petition to abandon roads in Pleasant Valley Subdivision

.....  
**From:** Debbie Arkell[SMTP:darkell@BOZEMAN.NET]  
**Sent:** Wednesday, February 13, 2002 5:00 PM  
**To:** esemerad@co.gallatin.mt.us  
**Cc:** Andy Epple; Richard Hixson  
**Subject:** Petition to abandon roads in Pleasant Valley Subdivision

Hi, Eric. Thanks for giving us the opportunity to review this petition. Andy, Rick and I looked it over, and here's our comments.

- This subdivision was platted about 30 years ago, and someone at that time had the foresight to think about future road connections!
- In addition to street access, these rights of way could provide sewer and water connection options for adjacent landowners.
- If the rights of way are vacated, in addition to losing vehicular access, you also lose pedestrian access between housing developments. If vacated, a 20-foot wide (or so) pedestrian access would be beneficial to neighboring residents.
- This area lacks pedestrian/vehicular access, other than Babcock and Durston. We have diligently strived to connect Mendenhall from 24th Avenue to Fowler.

The city will soon (if we haven't recently) annex the property to the east, and is currently reviewing a subdivision preliminary plat for that property (Todd/Harrington/Butcher). The plat does not show a connection to the unnamed access road between Lots 7 and 8, because of the objection of the residents on Valley Drive. They instead propose a future northern road connection to that undeveloped property. The City Commission will determine (in about 60 days) whether the street should connect or not. We think it should, but we also know the neighbor's concerns will be considered.

Hope this helps!

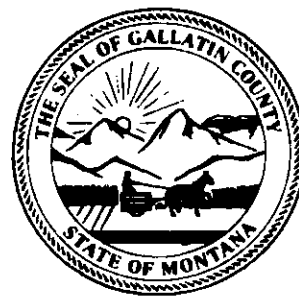
Debra H. Arkell  
Director of Public Service  
City of Bozeman, Montana  
(406) 582-2306  
darkell@bozeman.net



State of Montana

*County of Gallatin*

Bozeman



March 29, 2002

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: abandonment of access roads to un-subdivided properties east and west of Pleasant Valley Subdivision.

Dear Board,

The undersigned, being appointed as viewing committee, viewed the areas described in Road Petition No. 803 on February 1, 2002. Gallatin County Road Superintendent Lee Provance accompanied the viewing committee as a consultant.

According to 7-14-2603 M.C.A., the Board of County Commissioners shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition. The investigation shall be sufficient to properly determine the merits or demerits of the petition. The petition appears to be in order.

The roads are not constructed. Pleasant Valley Subdivision and properties to the east and west are currently not in the city limits of Bozeman. Properties surrounding Pleasant Valley Subdivision are in, or proposed to be annexed into the City.

The road between Lots 5 & 6 in Pleasant Valley Subdivision appears to line up with Cascade Street to the west. This road appears to have three medium sized trees planted within the right-of-way. Property between Cascade Street and this access road consists of a vacant lot, approximately 9 acres in size, with mature willows located on the west side of the property.

The road between Lots 7 & 8 in Pleasant Valley Subdivision does not line up with a city street to the east. Mendenhall Street is approximately 150 feet north of this road.

We have received comments from the Director of Public Service and Planning Department within the City of Bozeman. While the City stated the need for street access, rights of way for sewer and water connections, pedestrian access between housing developments, the lack of pedestrian/vehicular access other than Babcock and Durston within this area, and the statement that they have diligently striven to connect Mendenhall from 24<sup>th</sup> Avenue to Fowler, the city did not object to the proposed abandonments.


According to Gallatin County Subdivision Regulations Section 7.A.3: Relation to Subdivided Areas: The subdivider shall arrange the roads to provide for the continuation of roads between adjacent subdivided properties when such continuation is necessary for the convenient movement

*of traffic, effective provision of emergency service, and efficient provision of utilities; and Section 7.A.8. Second or emergency access: To facilitate traffic, the provision of emergency services, and the placement of utility easements, the subdivider shall provide all subdivision with six or more lots with a second means of access. If, in the judgment of the Commission, a second dedicated right-of-way cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency access, built to the standards in these Regulations. The subdivider may be required to provide a second or emergency access for minor subdivisions if the maximum cul-de-sac length standard is exceeded or if topography or physical conditions so warrant.*

No one would be land-locked nor denied access to public lands if either abandonment were granted.

While it is feasible to grant the road abandonments, the viewing committee recommends that the Commission weigh the desirability of granting the petition based upon comments received by the City of Bozeman and the sections cited of the Gallatin County Subdivision Regulations.

Respectfully submitted,

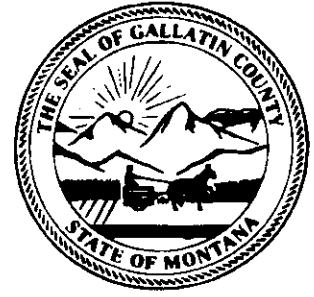
  
\_\_\_\_\_  
Bill Murdock, County Commissioner

  
\_\_\_\_\_  
Shelley Vance, Clerk and Recorder/Surveyor

State of Montana

*County of Gallatin*

Bozeman



**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on April 23, 2002, at 9:00 A.M., in the Bozeman City Commission Meeting Room, 411 E. Main, Bozeman, Montana. Public opinion shall be heard regarding a petition to abandon two access roads to un-subdivided properties east and west of Pleasant Valley Subdivision off of Valley Drive. All interested parties are encouraged to attend.

Further information may be obtained from Gallatin County Commissioners Bill Murdock, Jennifer Smith Mitchell, or John Vincent at 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 582-3000.

Dated this 1<sup>st</sup> day of April 2002.

*Shelley Vance*

Shelley Vance  
Clerk and Recorder  
Gallatin County, Montana

Please publish: April 11, 2002

Please Bill: Clerk & Recorder



APRIL 15, 2002

RECEIVED APR 15 2002

TO: GALLATIN COUNTY COMMISSIONERS OFFICE

FROM: ROBERT FRENCH

VIA FAX, 3 PAGES INCLUDING THIS ONE

PLEASE MAKE A COPY OF THE LETTER AND THE MAP FOR EACH OF THE COMMISSIONERS AND SEE THAT THEY RECEIVE IT. ALSO PLEASE GIVE A COPY TO CLERK & RECORDER SHELLEY VANCE.

I WOULD LIKE THIS LETTER ENTERED INTO THE RECORD AT THE HEADING FOR THIS ISSUE.

THANK YOU.

please put in  
next week's  
packet  
thanks -wm

April 12, 2002

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Access roads to East and West of Pleasant Valley Subdivision No. 1

Dear Board,

This letter is in response to Commissioner Bill Murdock's letter of March 29 to the Board regarding the above referenced access roads. My late father, John S. French Jr, developed Pleasant Valley Subdivision No.1. He dedicated the rights-of-way for Valley Drive as well as the East/West right-of-way stubs, as required by the County Subdivision Regulations. One of the principal reasons for the stubs, particularly the one going West (known as Bitterroot Way), is for secondary access to phase no. 2 of Pleasant Valley subdivision. Phase 2 is the vacant parcel situated immediately to the West of Pleasant Valley No.1 on the plat map. The reason the vacant parcel appears on the Pleasant Valley plat is because it is part of the subdivision. That is why Bitterroot Way was required from the outset. Mr. Murdock's statement that Bitterroot Way is not constructed is inaccurate. It went in at the same time as Valley Drive.

The phase 2 parcel is still owned by our family, and at some point we will complete the subdivision. I feel that both rights-of-way should remain, but Bitterroot Way must. Removing it will deny us the use of a roadway that we constructed, and will need. I feel all the more as though we are entitled to the use of these rights-of-way because we gave up the land for them originally.

I therefore object to the removal/abandonment of these access roads. It will make it impossible for us to complete the subdivision as intended, by taking away the secondary access required by the Regulations.

My understanding is that abandonment of these roads would give ownership of the land to the property owners on either side of the rights-of-way. In essence, this scenario enriches the adjacent landowners at my father's, and the public's, expense. That would be unjust and inappropriate. The other unjust aspect of this process is that my mother, the titleholder of the phase 2 parcel, did not receive a copy of the County's letter! She is the party who stands to lose the most if these roads are abandoned, and she should have been notified.

The roads will become ever more necessary as this area of town continues to rapidly expand and gain density. The County believed these rights-of-way to be necessary back when this area was far from built-up the way it is today. They are even more necessary now.

Thank you for your consideration.

Sincerely,



Robert L. French

Cc: Bozeman City Commission



RECEIVED APR 18 2002

April 15, 2002

Gallatin County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

Dear Commissioners,

This letter is in response to the letter I received March 2, 2002 regarding the abandonment of access roads to the East and West of Valley Avenue in Pleasant Valley Subdivision. My name is John Bradley French; I live at 3325 W. Babcock. My late father, John S. French Jr., developed the first half of Pleasant Valley Subdivision, and built Valley Avenue. The letter states the roads are not constructed, which is not correct! Bitterroot Way, going west, is constructed. Some residents have a Bitterroot Way address, and use this road every day to get to their driveway.

This road is very important to my family and the future of our subdivision, "Pleasant Valley". As you stated in your letter (Gallatin Co. Subdivision Regulations), "The subdivider shall arrange the roads to provide for the continuation of roads between adjacent unsubdivided properties when necessary for the convenient movement of traffic, pedestrians, & utilities". My father did this when he dedicated & built Bitterroot Way. How can Gallatin County require this from subdividers and then give that land away later? Bitterroot Way is our secondary/emergency access for the rest of our subdivision.

I strongly object to the abandonment of Bitterroot Way. The Pleasant Valley Plat Map contains the following statement: "The lands included in the streets, avenues, and park, as shown on said plat, are hereby granted, donated, and dedicated to the free use of the public forever" (from "certificate of dedication"). These roads are public property and the public is obviously going to need them in the future.

Thank you for considering this.

Sincerely,



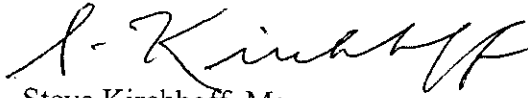
John Bradley French

Shelley —  
we need to talk —  
we need a plat of  
adjacent properties — I  
have some new information  
Billy boy



In the spirit of cooperative land use planning in an area of mutual interest, the City greatly appreciates your consideration of these comments. Staff will be present at your hearing to answer any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Kirchhoff". The signature is fluid and cursive, with a large initial "S" and a stylized "K".

Steve Kirchhoff, Mayor  
City of Bozeman

enclosures: West Glen Preliminary Plat  
Aerial Photo

cc: Bozeman City Commission, c/o Clark Johnson, City Manager

**PUBLIC MEETING****TUESDAY THE 23rd DAY OF APRIL 2002**

The meeting was called to order by Chairman Bill Murdock at 9:00 A.M., at the City Commission Meeting Room. Also present were County Commissioners Jennifer Smith Mitchell and John Vincent, and Acting Clerk to the Board Glenda Noyes.

- - - -

Chairman Murdock requested everyone to stand for the Pledge of Allegiance. The following proceedings were had to wit:

**APRIL 15, 2002**

- The Commissioners attended a regularly scheduled office meeting. In attendance were Commissioners Murdock and Vincent, Grants Administrator Larry Watson, DES Coordinator Jason Shrauger, ITS Director Ed Kawa, Facilities Director Bob Isdahl, Commission Secretary Rose Blaskovich, and Commission Assistant Glenda Noyes. The Commissioners discussed the purchase of Duress security and fire alarms for the Phase III, IV construction. The group recommended that 60 systems be purchased. Mr. Blackman noted that there is money available and supports the recommendation. Commissioner Murdock made a motion to approve 60 Duress alarms finding that the money is available and the construction committee has recommended the purchase. Commissioner Vincent seconded the motion. In discussion, Mr. Isdahl noted that this is consistent with the systems at the Law and Justice Center and in the Health Department. All voted aye. Motion carried with a vote of two to zero.

The Commissioners considered a request from DES, Health Department, and ITS for permission to remodel and use a small room on the fourth floor of the courthouse for storage of the Noah Weather radio, a satellite dish for Health, and phone equipment for ITS. The room will have to be expanded to accommodate the radio. Mr. Shrauger has the funds to help pay for most of the project. Commissioner Vincent made a motion to approve the remodel and use of the room for the above referenced purposes. Commissioner Murdock seconded the motion. In discussion it was noted that as much as possible the work will be done in house and any funding needs will come from Facilities funds. All voted aye. Motion carried with a vote of two to zero.

The Commissioners considered approval of an amendment to contract #2002-100 between TSEP and Gallatin County for a time extension only. Commissioner Vincent made a motion to approve said contract, extending the time to June 30, 2002. Commissioner Murdock seconded the motion. All voted aye. Motion carried with a vote of two to zero.

The Commissioners considered approval of a request for payment in lieu of vacation for Dave Fowler. Commissioner Murdock made a motion to approve said request, noting that this is consistent with the Personnel Policy. Commissioner Vincent seconded the motion. All voted aye. Motion carried with a vote of two to zero.

The Commissioners considered approval of a budget transfer for the Road and Bridge Department. Commissioner Vincent made a motion to approve said transfer in the amount of \$3,000. Commissioner Murdock seconded the motion. All voted aye. Motion carried with a vote of two to zero.

The Commissioners considered approval of an expenditure of \$4,000 for an RID Manual Update. Commissioner Vincent made a motion to approve said expenditure. Commissioner Murdock seconded the motion. All voted aye. Motion carried with a vote of two to zero.

**APRIL 16, 2002**

- The Commissioners conducted regular County business.

**APRIL 17, 2002**

- The Commissioners attended a regularly scheduled office meeting. In attendance were Commissioners Murdock and Vincent, Commission Secretary Rose Blaskovich, and Commission Assistant Glenda Noyes. The Commissioners considered approval of claims numbered 8009658-8009663, totaling \$24,252.45. Commissioner Vincent made a motion to approve said claims. Commissioner Murdock seconded the motion. All voted aye. Motion carried with a vote of two to zero. The Commissioners considered a request for privilege to charge tipping fees at the Gallatin County landfill @ Logan. Commissioner Vincent made a motion to approve said request. Commissioner Murdock seconded the motion. All voted aye. Motion carried with a vote of two to zero.

**APRIL 18-19, 2002**

- The Commissioners conducted regular County business.

**The following items were on the consent agenda:**

1. Claims were presented for approval by the Auditor, dated April 18, 2002 in the amount of \$186,942.93.
2. Application for Cancellation of Taxes in the Amount of \$3,505.55.
3. Consideration of Contract(s): USDA, Gallatin National Forest, 2002 Financial and Operating **Plan**; USFS, Gallatin National Forest, Modification #02 Financial and Operating **Plan**; and Amendment #1, WIC Program, Task Order 02-07-5-21-019-0, to Contract #1999-21.

Commissioner Murdock called the meeting to order at 9:02 a.m. Item number 5 is continued. Commissioner Mitchell read the consent agenda, including claims numbered 8009667-8009873 in the amount of \$186,942.93, and noting that all contracts listed are contingent upon the approval of Fiscal Officer Ed Blackman. **Commissioner Mitchell moved to approve the consent agenda. Seconded by Commissioner Vincent. None voting nay. Motion carried.**

----

Grants Administrator Larry Watson reported on the consideration of a resolution of intent and letter of commitment for a Treasure State Endowment Program (TSEP) Application for bridges. Engineering firm Morrison Maierle did a preliminary engineering report on the state of the bridges in Gallatin County. Three bridges have been identified as in need of replacement or repair; Ice Pond Road, Story Hill Road, and Cameron Bridge Road. The report has since become an application to the Treasure State Endowment Program for funding to actually repair and replace the identified bridges. A resolution of intent to apply for the funding to the Department of Commerce and a letter of commitment that indicates the county's commitment to provide matching funds necessary to submit the application must be signed and sent to Helena by May 3, 2002. The request is for \$500,000 with a match of \$500,000 coming from the Road and Bridge Department budget. The Cameron Bridge will be removed and replaced, with the old bridge being moved and placed on Skunk Creek to meet the needs of bridge replacement there. The funding will be received by July 1, 2003, with the planning, design and schedule of repair and replacement for summer of 2004. **Commissioner Vincent made a motion to approve Resolution 2002-48, authorize submission of the Treasure State Endowment Program and also a letter of commitment for the application. Commissioner Mitchell seconded the motion. In discussion, Commissioner Mitchell noted that a full presentation was given at a public meeting in Manhattan prior to this meeting. None voting nay. Motion carried.**

----

Grants Administrator Larry Watson reported on a request for Gallatin County sponsorship to the Montana Department of Commerce for a Community Development Block Planning Grant (CDBG) Gallatin Development Corporation for Community Economic Development Strategy (CEDS). Mr. Watson explained that this is an opportunity for a collaborative effort between Gallatin and Park counties, utilizing the Gallatin Development Corporation to assist us in developing a community economic strategy. The strategy becomes a basis for determining eligibility to apply for a variety of different funding sources for which we are currently not eligible. Specifically the economic development administration funding that we intend to apply for some major infrastructure projects in Gallatin County such as the water and sewer needs in the Four Corners area. Demographics are needed in order to determine need and in order to qualify. Alicia Bradshaw, Director of the Gallatin Development Corporation explained that this is a great way to begin to plan for economic development in smaller areas of the county like Manhattan, Three Forks, Four Corners, etc., identify their needs and apply for funding for infrastructure in these areas. The Gallatin Development Corporation is matching the cost of the study with \$10,000, and are asking that each of the other entities involved, including Gallatin County, contribute an additional \$5,000 each. Park County is applying, but their project is separate from Gallatin County's and Gallatin County is the main project just described. Park County will be putting in more funds than Gallatin County since they are on their own. Fiscal Officer Ed Blackman has not reviewed this proposal and assured availability of funds, however the actual signing of the documents is scheduled for a Commission office meeting so that he can review the proposal. Mr. Watson expressed that he has identified areas from which the match can be pulled from, for example the County's revolving loan fund and in-kind donation of all county administration time can be considered match towards the \$5,000 match. **Commissioner Vincent moved to approve the request to sponsor**

**the application to the Montana Department of Commerce for the Community Development Block Planning Grant in conjunction with Gallatin Development Corporation for a Community Economic Development Strategy, contingent on the approval of Fiscal Officer Ed Blackman relative to funding sources for the match. Commissioner Mitchell seconded the motion. In discussion, Commissioner Vincent explained that economic development pertains to all of us, and the quality of infrastructure, education, job force, environment, and quality of life, in addition to the tax structure affect economic development. None voting nay. Motion carried.**

----



Clerk and Recorder/Surveyor Shelley Vance reported on the consideration off the abandonment of an access road to un-subdivided property east and west of Pleasant Valley Subdivision. The viewing committee consisted of Ms. Vance and Commissioner Murdock, and notice of the public hearing was published in the High Country Independent Press on April 11<sup>th</sup>, and an affidavit of mailing whereby notice of the public hearing and a copy of the viewing committee report dated March 29, 2002 was sent by regular mail to all signers of the petition, land owners named on the petition, individuals named in the petition that could be affected, postmaster of the area, and the public lands association; mailed April 1, 2002. At the time of receipt of petition and went to view the roads, one thing that was left out of the report but is important to note is that there was snow on the ground. As a result of the snow, it was found later, that some of the information included in the viewing committee report is inaccurate. The report states that the roads are not constructed, however it is now know that this is not true. Pleasant Valley Subdivision is outside of the subdivision. Area number one referred to in the petition is the unnamed road and it is between lots 7 and 8 in Pleasant Valley Subdivision. Area number two as named in the petition and is commonly know as Bitter Root Way and it accesses property to the west which is the French property and the property to the east which is the Harrington property. The petition was submitted to the County to abandon both of the referenced access roads. Bitterroot Way, a roadway between lots 5 and 6, is constructed. When viewing the area without snow on the ground, it is apparent that the trees as listed in the committee report as being in the roadway, are not – they are to the south of the roadway. Also, to the right of where Bitterroot Way, there is a small out-building, probably not a permanent structure, sitting in the roadway. There has been a lot of comment submitted to the Clerk and Recorder and the Commission regarding this petition. The viewing committee determined that comment from the City of Bozeman was necessary since much of the land surrounding the proposed properties to be abandoned is within the City limits or in the near future may be within the City of Bozeman if annexed. E-mail was received following the request for comment, from the Director of Public Service in the Planning Department within the City of Bozeman. This message stated that the City of Bozeman has a need for street access, has a need for rights of way for sewer and water connections, has a need for pedestrian access between housing developments, and the lack of pedestrian/vehicular access other than Babcock and Durston in the area, they have diligently striven to connect Mendenhall from 24<sup>th</sup> Avenue to Fowler. However, the e-mail did not indicate objection of the proposed abandonment's. According to Gallatin County subdivision regulations, the sub-divider shall arrange the roads to provide for the continuation of roads between adjacent subdivisions and subdivided properties when such continuation is necessary for the convenience, movement of traffic, affective provisions of emergency service and efficient provision of utilities. The regulations also address the need to provide emergency access to facilitate traffic, provisions for emergency services and utility easements, to all subdivisions of six or more lots with a second means of access. At the time of viewing, the committee determined that no on would be land locked or denied access to public land if either abandonment was granted. The petition was taken for its value without further investigation; however, Mr. French owns property to the south and Celia French, who was not named on the petition and did not receive notice of the petition to abandon, owns a 9-acre vacant lot. Cascade Subdivision to the west of the French property, but whether or not access would be denied is undetermined at this time. The viewing committee stated that while it is feasible to grant the abandonment, the viewing committee recommends that the Commission weigh the desirability of granting the petition based upon comments received by the City of Bozeman and the sections sited from the Gallatin County subdivision regulations. City of Bozeman Assistant Planner Karin Caroline, acting as representative for the City of Bozeman, entered a letter from the Mayor Kirchoff and the City Commissioners, dated April 19<sup>th</sup>, into the record. The letter is regarding the proposed vacation of the dedicated roads within Pleasant Valley Subdivision. The first paragraph of the letter was read into the record: "The purpose of this letter is to advise the Gallatin County Commission that the City of Bozeman opposes the vacation of any platted and dedicated rights-of-way in the Pleasant Valley Subdivision. These rights-of-way were platted in accordance with longstanding public policy to provide access to adjacent undeveloped lands; they should be retained to ensure orderly "smart growth" in this rapidly developing area." The remainder of the letter summarizes the reasons for opposition to the vacation of those rights-of-way. The Director of Public Service was asked to make comment on the proposed vacation prior to the review of the West Glen Major Subdivision that has since come before the City Commission. After considering all public testimony, City Commissioners voted unanimously to require

the developer to provide a 60-foot public right-of-way to connect West Glen Subdivision to the existing public right-of-way in Pleasant Valley. Those rights-of-way were placed in the original design due to foresight of future growth possibilities; they need to be left there for such purpose. Ms. Caroline explained the plans for streets in the areas, particularly those that are planned through the West Glen Major Subdivision. Access from one development to another would allow for pedestrian and traffic movement and also allow adjacent neighborhoods to use the park planned within the West Glen development. Commissioner Murdock asked if the land was vacated would the City leave the condition of approval of the 60-foot right-of-way? Ms. Caroline explained that this condition would not remain if the County vacates the right-of-way, the developer will be required to mirror whatever action the County Commission takes on the property. The County Attorney asked that Ms. Celia French Wood acknowledge her attendance and knowledge of the hearing today. Ms. Wood stated that her son made her aware of the meeting, but she received no letter of notification. Pamela Backstrom, Anna Burkenpas, Greg Kindschi, Martie Stewart, Ross Grubb, Laurie Reed (for Patsy and Kenny Lavdato), Heather DeVries, and Susan Jackson spoke in support of the abandonment of the two roadways, sighting the following reasons: Valley Drive is a gravel road that is paid for and maintained by the residents along the road, increased maintenance by use of adjoining subdivisions would fall on the property owners; the area is a haven for walkers and pedestrians and increased traffic could potentially be dangerous for pets and children that are used to using the "roadways" as park areas; Fowler Road should be the main access for Pleasant Valley Subdivision, and the proposed areas for abandonment have been maintained and landscaped by neighbors. Robert and Brad French and Celia French Wood spoke in opposition to the abandonment of the two roadways. They noted that their father, the original developer of Pleasant Valley Subdivision I, put in the access roads as it was a requirement for plat approval, and the access was to serve as the secondary access for Phase II when it was developed. Phase I was built with the expectation that Phase II would be a mirror image of Phase I. At the time the subdivision was approved, Mr. French was required by subdivision regulations to put in the access roads as they exist now. Bitterroot Way's purpose was to serve as the secondary access to Phase II of the subdivision. Robert and Brad French intend to complete the development plans that their father began, and it would be unfair for them to lose the right to use that road that they dedicated as access to Phase II. The French's expressed great concern over the property that they dedicated to the public as rights-of-way, being taken out of the hands of the public and given as a gift to a few individuals. On the recorded Pleasant Valley Subdivision Plat, a statement is found that says "...the land contained in these streets is hereby granted and donated to the use of the public forever..." and the French's believe it should remain as such. The approval of the abandonment of the noted roads would deny the French's the ability to use them for the purpose that they were originally dedicated for. Commissioner Mitchell asked George Durkin, County Road Department Engineer, to explain the maintenance of subdivision roads. Mr. Durkin verified that all subdivision roads are dedicated to the public but maintained by the subdivision, not the County. Commissioner Mitchell also asked if this property would be annexed into the City someday. Mr. Durkin stated that it is not scheduled for annexation at this time, but sooner or later all of the land around this area will probably be annexed into the City. The decision made today will not include a determination of what will happen with the land if it is vacated. Commissioner Mitchell asked if the viewing committee letter should be revised given the inaccuracies that have been determined. Ms. Vance stated that a copy of the minutes will be placed in the road petition file to indicate such. In board discussion, Commissioner Mitchell stated that she sympathizes with those people that bought land in the area when it was in the country and expected it to be for a long time, however, it was platted and those roads and streets were dedicated and platted according to the subdivision regulations at the time. As the City of Bozeman expands and more services are needed and more people move in, people that live here will have to give up some of the amenities that we have enjoyed for a long period of time and hopefully they are replaced with new amenities. When the French's property is developed it will have to come under the current regulations and those regulations are a little more stringent than the previous development came under. The previous regulations probably didn't require paved streets, parklands, etc. Currently City property is surrounding this area. If we remove street accesses we actually dump more traffic on existing streets. It isn't practical to take away streets, especially in a part of town that is developing as a part of the City. There are several options that the people in the existing area have, such as creating an RID or SID, create a Homeowners Improvement District or join the one created from the development of the property to the east in order to get the streets paved and a shared cost of the maintenance of the streets in the area instead of it falling on just a few people in the area. Commissioner Vincent stated that he would also be opposing the abandonment. He stated that it is not an easy decision to make, but the compelling deciding factor is the credibility of government itself. It is an issue of elementary fairness, when Mr. French developed the property he did what he was required to do and dedicated the property to the public. If the very government entity that required him to do so now reverses that action, would in essence be telling Mr. French that he didn't really need to, or shouldn't have done it in the first place. It would be unfair to void a good faith commitment. Commissioner Vincent stated that he would be open minded in the future with regards to the East access as far as making that a pedestrian traffic only access, however it is premature to make this decision now with regards to how it would impact new development in the future. There are further

options that could be considered such as vehicle calming strategies, lower speed limits, etc. In an effort of fairness and consistency and commitment, it is important to make the decision not to abandon. Commissioner Murdock stated that he hopes to persuade his fellow commissioners otherwise. The best traffic calming is no traffic at all. Commissioner Murdock stated that while he has sympathy for the French's, traffic patterns have changed. Mendenhall doesn't go through, and Fowler will eventually be punched through and another 45 feet will have to be dedicated and be built. The character of the neighborhood is different than those developments around it. It would be intrusive to this county neighborhood that will have to pay for the increased maintenance on the street. Commissioner Murdock asked that the Commissioners at least consider the abandonment of the unnamed portion of road, as the City of Bozeman will approve the West Glen development regardless of the County Commission decision to abandon or not. Commissioner Murdock stated that he is unsure about the Bitterroot Way access and could be persuaded to wait on this one to see what the City requires when and if the French's develop on the other side. **Commissioner Murdock moved to abandon the eastern right-of-way portion for the reasons stated and make a decision on Bitterroot Way later. There was no second to the motion, therefore it died. Commissioner Mitchell made a motion to oppose the request for abandonment of these streets. Commissioner Vincent seconded the motion. Commissioners Mitchell and Vincent voted aye. Commissioner Murdock voted nay. Motion carried with a vote of two to one.**

----

County Planner Jennifer Koozer reported on the consideration of a resolution of the Gallatin County Commission amending the Gallatin Canyon/Big Sky Zoning regulations. The joint public hearing between the Gallatin County Commission and the Planning and Zoning Commission for this resolution was held on April 11, 2002. A unanimous favorable recommendation was made for this text amendment, which adds some additional uses to the commercial and industrial zone under the Big Sky Zoning Regulations. **Commissioner Vincent moved to approve Resolution 2002-049, amending the Gallatin Canyon/Big Sky Zoning regulations. Commissioner Mitchell seconded the motion. All voted aye. Motion carried.**

----

The public hearing and consideration of a request for preliminary plat approval for the Coder Minor Subdivision was continued at the request of staff and the developer until April 30, 2002.

----

County Planner Jennifer Koozer reported on the public hearing and consideration of a request for C & H Engineering on behalf of Dennis and Cindey Menders preliminary plat approval for the Menders Minor Subdivision, described as tract 2 if Certificate of Survey No. 964, located in the SW¼ Section 19, T2S, R5E, PMM, Gallatin County, Montana and is generally located at the corner of Beatty Road (where it turns from east-west to north-south. This is a twelve-acre parcel proposed to be divided into five residential lots. Four of the lots will be approximately one acre with the remaining lot approximately 8 acres. The parcel is not zoned under the Gallatin County plan it appears to be designated either mixed use or agriculture/forestry/residential. Under the draft Four Corners Community Plan that has not yet been adopted, this site is designated as residential. The topography is fairly flat and currently the site is vacant and is being used as horse pasture. The nearby land uses are fairly low to medium density residential and some agriculture uses. It appears that there may be high ground water on parts of the site and South Dry Creek flows through the southern corner of the property, proposed lot five. NRCS data also indicates that there is an intermittent creek that feeds South Dry Creek. In addition, there are a couple of irrigation ditches that are not shown on the plat. There is mature vegetation along some of the watercourses. The lots are proposed to be served by individual septic systems and wells, and would be subject to review under the Montana Sanitations and Subdivisions Act and any systems would have to be approved by the local Health Department. Subdivision regulations require that they would have to have a weed management plan, which they have done and as a condition of final plat approval they will have to enter into a memorandum of agreement regarding their weed management. Road Department Staff Engineer George Durkin has reviewed the proposal and provided standard comments; including a recommendation that the subdivision incorporate an interior road rather than have five new accesses onto the main roads. An alternative to this, Mr. Durkin would consider having shared access for a total of three driveways, minimizing traffic at the intersection. Public notice was sent as a courtesy, though for a minor subdivision it is not required. Two letters have been received from neighbors, Jill and Rich Brauss on Elk Lane and Pat and Leroy Hopper on Cobb Hill Road. The letters expressed concern about weeds and the preservation water rights and irrigation ditches, septic contamination, traffic and water quality and quantity. The Planning Board considered the proposal on April 9<sup>th</sup> and heard comments from the public about potential impact on water quality and quantity. The Board recommended 9-0 that

the subdivision be approved. Ms. Koozer briefly summarized the staff report that contained criteria for the Commission to evaluate and staff findings for considering the subdivision along with the suggested conditions. The Commission needs to make the following determination as to whether or not to approve the proposed subdivision. The basis for the decision shall be whether the preliminary plat, and additional information demonstrate that the subdivision meets the requirements of the Montana Subdivision and Platting Act, the Gallatin County Subdivision Regulations, and the Gallatin County Plan. If the Commission approves the subdivision, the following conditions for final plat approval are suggested: 1. The final plat shall conform to the Uniform Standards for final subdivision plats and shall be accompanied by the required certificates. 2. Montana Department of Environmental Quality and Gallatin County Health Officer's approvals shall be obtained for the subdivision. Applicant shall make a concurrent submittal to the Department of Environmental Quality and the Gallatin City-County Environmental Health Department. 3. Applicant shall obtain approval from the Gallatin County Attorney's Office for the following documents: a. Articles of organization or incorporation for the property owners' association approved by the Secretary of State of the State of Montana. b. Bylaws controlling the operation of the property owners' association. c. Restrictive and protective covenants encumbering the real property contained within the subdivision. d. Certificate of a licensed title abstractor. 4. Applicant shall record on the final plat(s) a waiver of right to protest creation of rural improvement districts, local improvement districts, or the creation of a sewer and/or water district. 5. All utility easements shall be shown on the final plat(s). Utility easements shall be twenty (20) feet wide, and be located along the property lines. In addition, the following statement shall appear on the final plat(s): *The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.* 6. A Memorandum of Understanding shall be signed between the Weed Control District and the applicant prior to final plat approval(s). 7. The final plat shall include building envelope(s) for Lot 5 that is (are) at least 2 feet above the bankfull elevation of South Dry Creek, the intermittent creek that feeds it, and any ditches that cross the property. The final plat shall include a statement prohibiting any construction on Lot 5 outside the building envelope(s), and requiring the finished floor elevation of all structures to be at least 4 feet above the bankfull elevation of South Dry Creek, the intermittent creek that feeds it, and any ditches that cross the property. 8. For South Dry Creek and the intermittent creek that feeds South Dry Creek, the final plat shall include 35-foot setbacks from the mean high water mark. 9. For all ditches, the final plat shall include an irrigation ditch easement that is at least 15 feet wide on one side of the ditch and at least 5 feet wide on the other side of the ditch. 10. Applicant shall record the following covenants on or with the final plat: a. *The control of noxious weeds by the Association on those areas for which the Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District.* b. *The landowner shall be responsible for the control of state and county declared noxious weeds on his or her lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds, after 10 days notice from the property owners' association, the association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within 30 days of the mailing of such assessment.* c. *Lot owners and residents of the subdivision are informed that nearby uses may be agricultural. Lot owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.* d. *All fences bordering agricultural lands shall be maintained by the property owners, in accordance with state law.* e. *All structures shall be constructed in compliance with Montana State adopted codes for construction, including codes for Seismic Zone 3.* f. *Lot owners acknowledge the presence of an active ditch and potentially high groundwater. Lot owners recognize that flooding and high groundwater are possible and accept responsibility for the location of structures and improvements.* g. *Lot owners shall not interfere with agricultural water user facilities nor remove water without deeded water rights approved by the Montana Department of Natural Resources and Conservation.* h. *Lot owners acknowledge and affirm the rights of agricultural water users and the jurisdiction of applicable federal, state and local agencies with respect to activities within all watercourses.* i. *The artificial feeding of all big game wildlife shall be prohibited.* j. *All garbage shall be stored in animal-proof containers or be made unavailable to animals.* k. *Owners acknowledge that wildlife damage to landscaping and other property may occur. Owners shall accept that risk and shall not file claims against the owners' association or any other governing body for such damages.* l. *Pets shall be controlled by each homeowner, and not allowed to roam at large.* m. *All lot accesses shall be built to County standards as*

*specified in Section 7.G.2 of the Gallatin County Subdivision Regulations. n. Any covenant, which is included herein as a condition of the preliminary plat approval and required by the County Commission shall not be amended or revoked without the mutual consent of the owners, in accordance with the amendment procedures in the covenants, and the County Commission.* 11. Applicant shall obtain an encroachment permit from the County GIS Department for any access point coming off County-maintained roads. Each lot shall be limited to one driveway access. Each access must be at least 75 feet from the nearest intersecting County road. 12. Traffic safety concerns associated with multiple lot accesses near an intersection shall be mitigated by the method described in either (a) or (b) below: a. The final plat shall incorporate an interior road to provide access onto Beatty Road for all five lots. With respect to such interior road: i. A pre-construction meeting shall be set with the County Road Department prior to the start of any construction. ii. All roadwork shall be built to Montana Public Works Standard Specifications (4<sup>th</sup> Edition, January 1996), inspected and certified by a licensed engineer. Such inspection and certification shall be provided to the County Road Department in writing prior to final approval. iii. A "homeowners' association" shall be formed for the maintenance of all interior roads. A copy of the homeowner's association bylaws shall be submitted to the County Road Department prior to final approval. b. The final plat shall designate shared access points for adjacent lots, so that no more than three accesses are added to Beatty Road. 13. Forty five feet of Beatty Road south and west of the centerline shall be dedicated to the public for the entire length of the development. 14. All areas of the public right-of-way disturbed during construction activities must be sodded or reseeded. 15. Applicant shall pay road impact fees in accordance with the Gallatin County Road Impact Fee standards. 16. Applicant shall pay fire impact fees in accordance with the Gallatin County Fire Impact Fee standards. 17. Applicant shall provide a fire protection method in accordance with the Gallatin County Subdivision Regulations, which is acceptable to the Gallatin Gateway Fire District. Applicant shall provide a final subdivision plat to the Gallatin Gateway Fire District and shall provide written verification from the District that all fire protection requirements have been met. 18. Applicant shall provide a mitigation plan for sheriff services that is acceptable to the County Commission. 19. Applicant shall have up to three (3) years to complete these conditions and apply for final plat approval. Commissioner Murdock asked if condition number twelve satisfies the Road Department concerns regarding road access. Ms. Koozer expressed that she believes it does, but Mr. Durkin will answer that question after the applicant speaks. Mark Chandler, C&H Engineering and Surveying, spoke on behalf of the applicant. Mr. Chandler outlined the specifics relative to the proposed subdivision, stating that the road issues were discussed with both the Road Department and the Planning Department. Mr. Chandler stated that the requirement for a common access for all five lots when Elk Lane is not a heavily used road. They suggest that lots one and two have a common access on to Beatty Lane and lots three, four, and five have individual accesses onto Elk Lane. Mr. Chandler stated that the one issue that needs to be discussed is the letter from the County Sheriff stating that the mitigation for this subdivision would amount to \$4,846.88. The projected build out value is in excess of one million dollars. This will provide significant tax base that will contribute to fire and police departments. The quoted amount does not necessarily seem fair for this one development. Commissioner Mitchell inquired about the one driveway to serve Beatty Road, stating that this seems doable and might save the developer money as well. Mr. Chandler stated that subdivision regulations require public access into each lot; a driveway wouldn't meet this requirement. A dedicated road in this area would take up to ½ acre. Commissioner Mitchell asked which conditions the applicant is not in agreement with and Mr. Chandler stated that they are not in agreement with 12b, as it is overly restrictive, and 18 regarding Sheriff mitigation. Public comment: Jill Brauss spoke, stating that she has lived in the area for 18 years and lives directly north of the proposed subdivision. She stated that Beatty Road, as it comes off Cobb Hill, is the only access to anyone who lives in the area. There are a number of houses along Elk Lane, and their only access is onto Beatty as well. It is a County maintained road and is heavily used by heavy agricultural equipment. The intersection at Beatty and Elk Lane is dangerous, and while a stop sign has been put in, most people don't stop or slow down. There are many walkers, bikers, and school buses on this road. Ms. Brauss also expressed concern about water quality and quantity and the impact of the projected development in the Four Corners area. Mr. David Menders, applicant, spoke regarding the accesses onto the main roads. He stated that he is trying to maintain the integrity of the land between the houses. There is a road that is being developed off of Huffine Lane, Lynx Road, and this will help mitigate the road impacts once it is developed. Commissioner Mitchell asked if 12b, allowing three accesses onto Beatty Road, and Mr. Menders agreed that he would agree with this condition. Commissioner Mitchell asked Ms. Koozer if she would reword Condition 12 to be clearer. Ms. Koozer agreed and suggested: The Final plat shall designate shared access points for adjacent lots so that no more than one access is added to the East-West portion of Beatty Road and no more than two accesses are added to the North-South portion of Beatty Road, and all accesses shall be approved by the County Road Office. This was acceptable to the Commission and the applicant. Commissioner Murdock asked for verification that this proposal is in concurrence with un-adopted Four Corners plan and the adopted County plan. Ms. Koozer concurred, and added a reminder that the Planning Board approved the subdivision 9-0. Commissioner Murdock



stated that this information has influence on his opinion, and because this area has been slated as an area for infill, and absent public health, safety and welfare issues, he will agree to approve the proposal. Commissioner Mitchell moved to approve the Menders Minor subdivision with all conditions as provided by staff minus condition number 18 since this has not been a policy determined by the Commission, with the revised 12b as amended during discussion; finding that this subdivision meets the County Master Plan, was approved by the Planning Board, and meets the subdivision regulations and Montana State statutes. Commissioner Murdock seconded the motion. In discussion, Commissioner Vincent stated that he would be glad to support the motion, except for the deletion of Condition 18. He asked that a substitute condition be added that would state "Upon completion of the construction on each lot a mitigation be paid of \$500.00 per lot." Commissioner Murdock stated that he would not support the suggested change, as it constitutes a condition being placed absent a policy. Commissioner Vincent stated that he would like to ask the applicant if they would be willing to volunteer that payment. Mr. Menders commented on the tax base contribution to the Sheriff and County. Commissioner Murdock explained that there is a portion of the new construction taxes that go towards these services, but it is not adequate at this time and is not enough to keep up with the present needs of the County and public safety. However, he stated that he wouldn't require the fee as there is no policy in place. Commissioner Mitchell stated that she would not support the proposal of a voluntary fee as it is a five lot minor and the Commission should not be picking and choosing who is and isn't paying the fee. Mr. Menders declined to volunteer to pay the Sheriff's impact fee proposal. The question was called and all vote aye. Motion carried unanimously.

----

Gallatin County Planner Jennifer Madgic reported on the continuation of Meadowbrook Estates Major Subdivision. Commissioner Murdock explained that this application was heard on March 12 and that public comment was closed at that time. Currently the Commission is in Board discussion. Ms. Madgic explained that at the time of the public hearing there were concerns that she has since drafted some suggestions and clarifications offered by the applicant's representative Dennis Foreman. The Commission had concerns regarding stronger covenants to protect Acre Creek, snow removal on the streets, the number of pets allowed in the subdivision, parking of RVs and other large structures, density, and possible flooding and water damage from Farmer's Canal and Acre Creek. On March 12 the Commission agreed that the proposal generally complied with the Bozeman Area Master Plan and the Gallatin County/Bozeman Area Zoning Regulation. The area is in the donut and is zoned R3, medium residential and the density suggested does comply with this zoning restriction, and is even less than it could be at full build out. Mr. Foreman noted in correspondence on April 5 that the plat has been revised so that Acre Creek is completely outside of the lots and serves as part of the overall park area for the subdivision. Mr. Foreman has had discussions with the Farmer's Canal President regarding possible flooding of the Farmer's Canal. There is a management plan that would prevent possible flooding to the satisfaction of the Farmer's Canal, and there is a provision on the revised plat regarding high ground water potential of all of the lots, which borders the Farmer's Canal. There is a provision on the revised plat regarding high ground water potential of lots 41-56 that border the canal. Attorney Susan Swimley submitted a letter expressing a willingness on the part of the applicant to contribute \$500.00 per lot to mitigate any impact on the Gallatin County Sheriff's Department. Adjacent property has a variety of housing types that are similar to those in the proposed property. Mr. Foreman provided a density comparison with the Rae Subdivision, and noted that it has 3.6 units per acre and Meadowbrooks has 3.5 units per acre. The following additions have been made to the conditions and covenants in order to address the concerns voiced by the Commission at the hearing on March 12: p) There shall be a 15-foot setback from both sides of the high water line of Aajker Creek, which shall be left in its natural vegetative state. No fences, ponds or other obstructions within the Aajker Creek setback, and no existing trees may be cut within the Aajker Creek setback. q) As part of the landscape plan, there shall be at least two additional trees planted in the front yard of each dwelling unit. In the event any of these trees die, the lot owner shall replace the tree(s) within six months. r) No pickup camper, camping trailer, snowmobile, boat, trailer, motor home, or any type of vehicle or similar item used for recreational purposes shall be placed upon a lot or driveway for a period of longer than 30 days in a calendar year, unless it is placed in an enclosed structure or it is not visible from other properties, sidewalks, or streets. s) No pickup camper, camping trailer, snowmobile, boat, trailer, motor home, or any type of vehicle or similar item used for recreational purposes shall be parked in public right-of-way for a period of longer than 24 hours. t) No more than two pets over the age of six months are permitted per dwelling unit. The following animals are prohibited within the subdivision: horses, mules, donkeys, cows, goats, pigs, and sheep. 8. Applicant shall install a fence, six feet in height to include barbed wire on top, along southern property boundary along Farmer's Canal easement and along eastern property boundary. 21) The final plat shall contain the following statement: Lots 41-56, due to their close proximity to Farmers Canal, may experience high groundwater. Therefore, basements are prohibited, and finished floor

and crawl space elevations should be set as high as possible to prevent groundwater contamination. 28) "fences" is added following "proposed development." Commissioner Mitchell noted that there is only one lot fewer than the original proposal, and Ms. Madgic concurred. Commissioner Mitchell inquired about the location of the road and whether or not it was acceptable to neighbors. Ms. Madgic explained that they went out and marked off where the road would be located and that she understands Mr. Fletcher to be in agreement with the location. The Commission asked Mr. Fletcher if he had been approached about the changes and whether or not he is satisfied with the changes. Mr. Fletcher stated that he met Ms. Madgic and Mr. Foreman and they came to an agreement on the location of the road based on other restrictions. He also stated that the conditions in general meet his needs and they have worked hard to come to an agreement on things that will also meet his needs. Commissioner Murdock stated that a letter was received from Al Lien on April 22<sup>nd</sup>, though public comments has been closed. Receipt was acknowledged and a summary made on the comments. Mr. Lien expressed concerns about the lagoon, household garbage in the irrigation ditch, adequate soils around the lagoon, and concerns regarding dry seasons and the effect on percolation tests. Commissioner Murdock told Mr. Lien that they would have to rely on the DEQ to make the best decisions. Commissioner Vincent asked Ms. Swimley if she would like to look at the letter and comment on it, she agreed. Commissioner Vincent asked Mr. Durkin about the status of concerns expressed regarding Gooch Hill Road to Huffine Lane. The Road Department required improvement of Gooch Hill Road, as it is the primary access, by the applicant from Dogwood Road to Huffine Lane. In addition, the developer will be required to pay impact fees on the number of lots that are created with the subdivision. There will also be a right turn lane at Huffine Lane added. Commissioner Murdock inquired as to why the applicant is only required to improve Gooch Hill Road to Dogwood Road. Mr. Durkin stated that the bridge does need to be repaired and perhaps this will be done with the impact fee monies. Ms. Madgic stated that she does have letters from Robert and Susan Ingram (Boxwood Drive) who express concerns regarding the detention pond for storm drainage, south of Mender pond. Ms. Swimley expressed her objection to the Commission for opening letters after public comment has been closed. It is inappropriate for these letters to have been opened and put into the public record. The applicant agrees to all of the conditions that have been added, and asked that to condition eight language be added: "and construct a gate along the east end of Dogwood Lane. The gate shall be constructed of like material to the fence." Regarding the improvements to the road, condition 18 is in the exact form as it was originally submitted. The applicant agrees to pay impact fees pursuant to the impact fee policy, and asks to be credited the appropriate amount for improvements such as the turn lane. All other conditions are agreed upon. Ms. Swimley stated that she believes Mr. Lien's concerns regarding the lagoon will be addressed with the system being constructed for the Rae Water and Sewer District. Brent Miller, Gaston Engineering, explained that he is the designer of the detention pond. The detention pond will detain water to the creek, it will be dry except during rain, and is two feet higher than the existing pond so that there will be no groundwater in the pond. The pond will be reviewed by DEQ and be put in place according to their policy. Commissioner Vincent asked Ms. Swimley for her insight as to covenants 7R and 7S, stating that problems in his subdivision cause him to worry about whether these conditions are clear enough. Commissioner Murdock answered the question by explaining that there is a County ordinance that states if they are dedicated public streets, no one is allowed to park equipment or vehicles such as trailers and campers in the right of way for any extended period of time. **Commissioner Vincent moved to approve the application for the Meadowbrooks Estates Major Subdivision, with the revised conditions including the new language to be added to Condition 8 as entered into the record by Susan Swimley, finding that the application is consistent and meets the requirements of state statute, the Gallatin County Road plan and the Gallatin County Subdivision Regulations. Commissioner Mitchell seconded the motion. Commissioner Murdock asked that the motion be amended to say Bozeman Area Master Plan and the Bozeman Area Zoning Regulations. Commissioner Vincent amended his motion. Commissioner Mitchell amended her second. In discussion, Commissioner Vincent stated that when letters are received after public comment has been closed, the Commission is treading on thin ice when those letters are allowed to be considered as if the public hearing were still open. He suggested that in the future, in similar circumstances, these letters should not be received at all and should be turned away or passed to the Planning Department unopened. . The fail safe here is that if a letter is submitted that substantially impacts the application, Planning can then forward the opinion to the Commission using the 30-day window available to the Commission in subdivision regulations to reopen the public hearing. If this is formalized this will clear the Commission from problems. Commissioner Murdock stated that he doesn't disagree with these comments, but explained that this has become a more frequent problem due to continuations of subdivisions and it is difficult not to be responsive to the public. Commissioner Mitchell stated that she appreciates the developer making changes in order to satisfy the Commissions' concerns, but feels that the lots are too small and too dense for the area that it is located in. This creates traffic, public health and safety problems. She does not feel that these changes have balanced adequately mitigated the impacts that will be caused. She stated that she is glad the developer worked with the neighbors to work out the location of the road and fencing, but can't get over the feeling that it is too many people in too small of a place.**

**Commissioner Murdock stated that he is voting for the application as he feels that the developer has mitigated to the best of their ability and in good faith with the adjoining land owners, and it is in conformance with the Bozeman Area Master Plan and Zoning Regulations, is on a central sewer system that is being approved, and it is the right place for development of this density. The question was called. Commissioners Murdock and Vincent voted aye. Commissioner Mitchell voted nay. Motion carried with a vote of two to one.**

-----

The Commissioners considered approval of additional claims numbered 8009874-8009875, on voucher list dated April 19, 2002, totaling \$15,116.00. **Commissioner Mitchell moved to approve said claims. Commissioner Vincent seconded the motion. All voted aye. Motion carried unanimously.**

There were no pending resolutions. There being no further business the meeting was adjourned at 3:04 P.M.

---

CHAIRMAN APPROVAL

---

CLERK ATTEST

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
Bozeman Post Master 5711 Baxter Lane East Bozeman, MT 59718		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) <b>Z 290 862 289</b>		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Z 290 862 289

US Postal Service  
**Receipt for Certified Mail**  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to	Bozeman Postmaster
Street & Number	5711 Baxter Lane East
Post Office, State, & ZIP Code	BOZEMAN, MT 59718
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address

CERTIFIED

Z 290 862 289

MAIL

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
Public Land Access Assoc. % Bill Fairhurst 105 3rd Ave East Three Forks, MT 59752		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) <b>Z 290 862 288</b>		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Z 290 862 288

US Postal Service  
**Receipt for Certified Mail**  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to	Pub. Land Access Assoc
Street & Number	% Bill Fairhurst
Post Office, State, & ZIP Code	105 3rd Ave East Three Forks, MT 59752
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address

CERTIFIED

Z 290 862 288

MAIL

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
John & Patricia Healow 2450 Chandalar Anchorage, AK 99504		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) <b>Z 290 862 287</b>		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

Z 290 862 287

US Postal Service  
**Receipt for Certified Mail**  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to	John & Patricia Healow
Street & Number	2450 Chandalar
Post Office, State, & ZIP Code	Anchorage, AK 99504
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address

Z 290 862 286

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sent to	
Frank & Dora Harrington	
Street & Number	
3125 West Babcock	
Post Office, State, & ZIP Code	
Bozeman, MT 59718	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address

**CERTIFIED**

Z 290 862 286

**MAIL**

Z 290 862 285

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sent to	
Ross & Jill Grubb	
Street & Number	
18 Valley Dr.	
Post Office, State, & ZIP Code	
Bozeman, MT 59718	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address

**CERTIFIED**

Z 290 862 285

**MAIL**

Z 290 862 284

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sent to	
William Kent Laudato	
Street & Number	
21 Valley Dr.	
Post Office, State, & ZIP Code	
Bozeman, MT 59718	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Frank & Dora Harrington  
 3125 West Babcock St  
 Bozeman, MT 59718

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

**X**

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) **Z 290 862 286**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Ross & Jill Grubb  
 18 Valley Dr.  
 Bozeman, MT 59718

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

**X**

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

Article Number (Transfer from service label) **Z 290 862 285**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

William Kent Laudato  
 21 Valley Dr.  
 Bozeman, MT 59718

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

**X**

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) **Z 290 862 284**

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael & Heather DeVries  
112 North Valley Dr.  
Bozemna, MT 59718

2. Article Number

Z 290 862 283

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-0381

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

 Certified Mail  Express Mail Registered  Return Receipt for Merchandise Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

Z 290 862 283

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Michael &amp; Heather DeVries

Street &amp; Number

112 North Valley Dr.

Post Office, State, &amp; ZIP Code

Bozeman, MT 59718

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom &amp; Date Delivered

Return Receipt Showing to Whom, Date, &amp; Addressee's Address

TOTAL Postage &amp; Fees

\$

Postmark or Date

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address

**CERTIFIED**

Z 290 862 283

**MAIL**

Z 290 862 282

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Brad French

Street &amp; Number

3325 West Babcock St

Post Office, State, &amp; ZIP Code

Bozeman, MT 59718

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom &amp; Date Delivered

Return Receipt Showing to Whom, Date, &amp; Addressee's Address

TOTAL Postage &amp; Fees

\$

Postmark or Date

PS Form 3800, April 1995

Fold at line over top of envelope to the right of the return address

**CERTIFIED**

Z 290 862 282

**MAIL**

Z 290 862 281

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

J.E. &amp; Sandra Felts

Street &amp; Number

111 N. Valley Dr.

Post Office, State, &amp; ZIP Code

Bozeman, MT 59718

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom &amp; Date Delivered

Return Receipt Showing to Whom, Date, &amp; Addressee's Address

TOTAL Postage &amp; Fees

\$

Postmark or Date

PS Form 3800, April 1995

Fold at line over top of envelope to

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brad French  
3325 West Babcock St.  
Bozeman, MT 59718

2. Article Number

Z 290 862 282

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-0381

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

 Certified Mail  Express Mail Registered  Return Receipt for Merchandise Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

J.E. & Sandra Felts  
111 N. Valley Dr  
Bozeman, MT 59718

2. Article Number

z 290 862 281

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-0381

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

 Certified Mail  Express Mail Registered  Return Receipt for Merchandise Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

C.Craig & Martha V. Stewart  
3303 Bitterroot Way  
Bozeman, MT 59718

## 2. Article Number

(Transfer from service label) Z 290 862 280

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-0381

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

- Agent  
 Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

## 3. Service Type

- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

Z 290 862 280

US Postal Service

## Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
C.Craig & Martha Stewart	
Street & Number	
3303 Bitterroot Way	
Post Office, State, & ZIP Code	
Bozeman, MT 59718	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

Fold at line over top of envelope to  
the right of the return address

CERTIFIED

Z 290 862 280

MAIL

C.Craig & Martha V. Stewart  
3303 Bitterroot Way  
Bozeman, MT 59718

J.E. & Sandra Felts  
111 N. Valley Dr.  
Bozeman, MT 59718

Brad French  
3325 West Babcock  
Bozeman, MT 59718

Michael & Heather DeVries  
112 North Valley Dr.  
Bozeman, MT 59718

William Kent Laudato  
21 Valley Dr.  
Bozeman, MT 59718

Ross & Jill Grubb  
18 Valley Dr.  
Bozeman, MT 59718

Frank & Dora Harrington  
3125 West Babcock St.  
Bozeman, MT 59718

John & Patricia Healow  
2450 Chandalar  
Anchorage, AK 99504

Public Land Access Assoc.  
% Bill Fairhurst  
105 3rd Ave East  
Three Forks, MT 59718

Bozeman Post Master  
5711 Baxter Lane East  
Bozeman, MT 59718



**AFFIDAVIT OF PUBLICATION**

Susan Zeter, residing at Belgrade, Montana, County of Gallatin  
Montana, being duly sworn, says she is the Principal Clerk of  
Independent Press, a newspaper published weekly at Belgrade  
of Montana and the annexed notice was published in the said  
Independent Press each week for 1 week(s), commencing  
11 day of April, 2002.

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on April 23, 2002, at 9:00 A.M., in the Bozeman City Commission Meeting Room, 411 E. Main, Bozeman, Montana. Public opinion shall be heard regarding a petition to abandon two access roads to un-subdivided properties east and west of Pleasant Valley Subdivision off of Valley Drive. All interested parties are encouraged to attend.

Further information may be obtained from Gallatin County Commissioners Bill Murdock, Jennifer Smith Mitchell, or John Vincent at 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 582-3000.

Dated this 1<sup>st</sup> day of April 2002.

Shelley Vance  
Clerk and Recorder  
Gallatin County, Montana  
Publish April 11, 2002

Susan Zeter, Principal Clerk  
Susan Zeter

Sworn to before me this 11 day of April, 2002.

Andrew B. Malby, Notary Public, Gallatin County, Montana  
Andrew B. Malby

Residing at Gallatin County, State of Montana.

My Commission expires 11-4-2004