

SUBDIVISION MEETING
December 27, 2001

Chair Karolin Loendorf called the meeting at 9:00 a.m. Commissioners Murray and Varone were present. Others attending all or a portion of the meeting included Sheila Cozzie, Nancy Everson, Cheryl Green, Paulette DeHart, Jerry Grebenc, Michael McHugh, Frank Rives, Richard Cary, John Grant, John Loucks, Floy Peterson, Dean Retz, John Seliskar, Vivian Drake, Larry Tode, Jim Taylor, John and Diana Brodston, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge of allegiance.

Minutes. There were no minutes to approve.

Request for Waiver of Fees (\$75) for an Approach Permit. (12/18/01). The applicant, John Seliskar, is requesting a waiver for the approach permit fee for tract C. Tract C will be used by the Lewis and Clark County Fire Department and Forest Service fire trucks to access a dry hydrant on the applicant's property. Commissioner Murray moved that the approach permit fee be waived because it is an existing approach and an existing approach should not require an access permit or fee. Commissioner Varone seconded the motion and it carried unanimously.

Floodplain Variance Request. (cont. from 12/20/01). The applicants, Richard A. and Vickie Jo Cary, have requested a variance for a 40' x 80' building. The building is located in the Seymer Park Subdivision, 3108 Broadwater Avenue. Commissioner Murray moved that the Commission approve the variance request subject to the 5 conclusions of fact and subject to 3 conditions as proposed by staff. Commissioner Varone seconded the motion and it carried unanimously.

Final Plat Approval and Signatures for the Harms Minor Subdivision. (cont. from 12/20/01). Tabled until the taxes are paid.

Final Plat Approval and Signatures for the Haub Tracts, Lot 1 Minor Subdivision. Michael McHugh reported that the 16 conditions and 1 road variance have been met and all the taxes have been paid. Staff recommended approval. By consensus, the Commission will sign the final plat.

Final Plat Approval and Signatures for the Wiley Tracts Lot C Amended Subdivision. Jerry Grebenc reported that the applicant, Terry Lewis, has completed all of the conditions of approval and all of the taxes have been paid. Staff recommended approval. By consensus, the Commission will sign the final plat.

Final Plat Approval and Signatures for the Moore Court Lot 4A Amended Subdivision. Jerry Grebenc reported that the applicant, Michael Dodge, has completed all of the conditions of approval and all of the taxes have been paid. Staff recommended approval. By consensus, the Commission will sign the final plat.

Superintendent of Schools. (cont. from 12/19/01). The Commissioners will consider whether or not to establish the Superintendent of Schools as a part-time office or consolidate with another elected office. Commissioner Murray moved that the Commission leave the Superintendent of Schools position as a full-time elected office. Given the state of education in this country, the importance of this elected position for Lewis and Clark County needs to be emphasized. Commissioner Loendorf seconded the motion. It is important to have a superintendent of schools in the smaller schools. Commissioner Varone opposed the motion because it is clear that this position is at best a half-time position and paying this position approximately \$50,000 for less than 40 hours is not efficient spending of county funds. She would rather see this a half-time position and then consolidation with another office. The motion carried 2-1.

Proposed Major Subdivision, Phase I Preliminary Plat, North Star Planned Unit Development Major Subdivision. (cont. from 12/18/01). The applicant, Floy Peterson, proposes to create a 272 lot on a 187.9-acre tract. Phase I proposes to create 28 lots, 15 for single-family dwellings. The proposed subdivision is generally located west of and adjacent to North Montana Avenue north of and adjacent to Valley View Road.

Variance. To have a 16-foot wide Rancho Deluxe Road that would be situated on the west boundary of the property and will function as an alley way. Commissioner Murray moved that the Commission approve the proposed variance as requested. Commissioner Varone seconded the motion and it carried unanimously.

Commissioner Murray moved that the Commission approve the proposed subdivision subject to 23 conditions as proposed by the Planning Board. Commissioner Varone seconded the motion.

Commissioner Varone moved that a narrative be included in the report indicating that this proposal complies with the growth policy. Commissioner Murray seconded the motion. Michael McHugh reported that staff was directed by both the county attorney and the Director of Planning not to discuss the comprehensive plan in staff reports. Commissioner Varone stated that it is not up to the planning supervisor, nor the county attorney. It has been the process of the county planning department to have narrative in the report and the Commissioners have not been notified of this change. The motion carried unanimously.

Condition 5. Commissioner Murray moved that this condition be modified to read: "The applicant shall provide mailbox banks at approved interior locations throughout the subdivision. Commissioner Varone seconded the motion and it carried unanimously.

Condition 6. Commissioner Varone moved that the Commission modify the language to read: "A fire protection plan shall be negotiated with the West Valley Volunteer Fire Department. All specifications of the negotiated plan shall be met. Appendix 3A shall not be used to determine fire flow requirements." Commissioner Murray seconded the motion and it carried unanimously.

Condition 17. Commissioner Varone moved that the Commission modify the language as written in the Tech-net dated December 17. Commissioner Murray seconded the motion and it carried unanimously.

Condition 18.a. Commissioner Varone moved that the Commission delete this condition referring to radon concentration. The motion died for the lack of a second.

Condition 18.b. Commissioner Varone moved that the Commission delete this condition referring to UBC until the county adopts an ordinance. The motion died for the lack of a second.

Condition 18.c. Commissioner Varone moved that the Commission delete this condition referring to waiver of right to protest joining a road improvement/ maintenance agreement because there is already one in the covenants. The motion died for the lack of a second.

Condition 18.d&h. Commissioner Varone moved that the Commission adopt the language as written in the Tech-net letter dated December 17. Commissioner Murray seconded the motion and it carried unanimously.

Condition 18.g. Commissioner Varone moved to modify the language to read: "Any exterior lighting shall be arranged downward to minimize visibility from beyond the property lines." Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion because the motion is covered in the agreement reached between the applicant and staff. Commissioner Varone offered a substitute motion to approve condition 18.g as written in the Tech-net letter dated December 17. Commissioner Murray seconded the motion and it carried unanimously.

Condition 8.i. Commissioner Varone moved that the Commission adopt the language as written in the Tech-net letter dated December 17. Commissioner Murray seconded the motion and it carried unanimously.

Condition 23. Commissioner Varone moved that the Commission replace the language with the agreed upon language between Tech-net and staff. Also add: "Reports will be forwarded to County Health Department." Commissioner Murray seconded the motion and it carried unanimously.

Amendments to Findings and Conclusions.

2.f. Commissioner Varone moved to delete this item because it was included as a condition of approval but was modified. The motion died for the lack of a second.

3.e. Commissioner Varone moved that this item be deleted because there is no proof at this time that the septic system density and older systems can be attributed to it. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

3.g. Commissioner Varone moved to change "would" to "could". Commissioner Murray seconded the motion and it carried unanimously.

3.h. Commissioner Varone moved to delete this item is irrelevant unless or until an actual study takes place. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

3.i. Commissioner Varone moved to delete this item as irrelevant. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

3.j. Commissioner Varone moved to delete this item. The motion died for the lack of a second.

5.e. Commissioner Varone moved to delete this item. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

5.g. Commissioner Varone moved to change "would" to "could." The motion carried unanimously.

5.h. Commissioner Varone moved to delete this item. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

Commissioner Varone moved to add an item 13 stating the proposed subdivision complies with the requirements of the comprehensive plan. The Conclusion will read, "The proposed subdivision does comply with the goals and policies of the Comprehensive Plan dated December 2000. Commissioner Loendorf seconded the motion and it carried unanimously.

Commissioner Murray moved that the Commission approve the proposed subdivision subject to the Conditions of Approval and Findings of Fact as amended. Commissioner Varone seconded the motion and it carried unanimously.

Request for Modification for the Mountain Heritage, Lot 102 Minor Subdivision. The applicants, John and Diana Brodston, have requested two variances: (1) from the required road width of 24 feet to a width of 20 feet and (2) from the requirement to construct the road to County standard Typical Section 3, Peccia. The proposal is generally located east of Timber Trail Drive, approximately 1 1/2 mile north of Lincoln Road. Michael McHugh reported that staff received a letter from the Lakeside Volunteer Fire Department indicating they are not opposed to development but they need to have standard roads in that area to be able to provide emergency services. A 1998 letter from Richard Grady of the Department of Natural Resources and Conservation requesting that the road be brought up to county standards because it difficult in acquiring access to these properties. Staff recommended denial of the variance. The

road in this area varies between 14 and 18 feet, with steep grades, poor drainage, and tight curves. Staff recommended that the county standards be adhered to because of public health and safety issues. Commissioner Murray moved to deny the variance as requested. The motion died for the lack of a second.

Variance to improve the road width from 24 feet to 20 feet. Commissioner Varone moved to approve the variance based on the criteria listed on the variance request. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the variance based upon the concerns of the Lakeside Volunteer Fire Department. The motion carried 2-1.

Variance to follow county road construction standard (Typical Peccia No. 3). Commissioner Varone moved to approve the variance. The applicant has provided sufficient information regarding the granite shell base. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the variance based upon the concerns of the Lakeside Volunteer Fire Department. The motion carried 2-1.

Fire Fighting Assistance Agreement V436P-3456. The agreement is with the Department of Veterans Affairs. Commissioner Murray stated he supports this agreement, however, there is no recommendation from the Sheriff or the County Fire Chief and moved to table this to Thursday, January 3. Commissioner Loendorf stated she recently spoke to the fire chief and he is in full agreement. Commissioner Varone generally agreed and has not had the opportunity to review the document and seconded the motion and it carried unanimously.

Resolution Ordering a Refund of Taxes Paid. Cheryl Green reported that \$50 be refunded to Michael Houser for the York Fire Service Area as an erroneous assessment. The fire charges should only be charged on the main structure. Commissioner Murray moved that the Commission refund the taxes paid to Mr. Houser and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Ordering a Refund of Taxes Paid. Cheryl Green reported that \$50 be refunded to Dale and Betty Cote for the York Fire Service Area as an erroneous assessment. The fire charges should only be charged on the main structure. Commissioner Varone moved that the Commission refund the taxes paid to Mr. and Mrs. Cote and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Resolution Ordering a Refund of Taxes Paid. Cheryl Green reported that \$100 be refunded to Max Dana for the York Fire Service Area as an erroneous assessment. The fire charges should only be charged on the main structure. Commissioner Murray moved that the Commission refund the taxes paid to Mr. Dana and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 10:20 a.m.