

PUBLIC MEETING
March 1, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioners Murray and Varone are present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Michael McHugh, Lindsay Morgan, Beverly D'Amato, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

Request for Family Exemption. (cont. from 2/25/05) The Commissioners will consider rendering a decision on Gary and Ann Baker's request. Comm. M moved to deny the request for family exemption. Commissioner Varone seconded the motion and it carried unanimously.

Request for a Public Hearing to Modify Condition of Approval #5 of Duthie Minor Subdivision. (Applicant, Richard Cary) (Planner, Michael McHugh) The Commissioners will consider whether there is sufficient evidence to hold a public hearing to modify condition of approval #5 to improve Barraugh Road to county road standard Peccia, typical section #3. the applicant is unable to construct. To allow 40 foot right of way. Requires the applicant must provide new information. The property owner has given permission for the additional 10 feet of right of way.

Comm. V stated the individual indicated he plans on subdividing his property.

Comm. v moved to approve scheduling a public hearing. Comm. M seconded the motion and it carried unanimously.

Minor Subdivision Proposed, Preliminary Plat to be Known as the Hidden Bay Estates Minor. (Applicant, Ann Pierce) (Planner, Michael McHugh) The Commissioners will consider creating 5 lots, each for one single family dwelling on an 11.6 acre portion of 300 plus acre parcel. The proposed subdivision is generally located west of Favorite Gulch Road with Nelson Road.

Michael McHugh presented the staff report. Staff recommends that all livestock and farm animals be prohibited. Main concern is the access. The applicant is requesting a variance for a dead end road in excess of 3,000 and a variance because the road will bisect. Another concern is the road. The fire dept is requesting the installation of a tank or contribute \$1,000 per new lot. Future property owners need to obtain a 404 permits from Army Corps of Engineers for shoreline work. Enhancement of habitat in this area. Staff recommends numerous covenants to mitigate human/wildlife conflicts. There are some earthquake faults in this area. The variance is not to require Favorite Gulch Road to county standards, dead end road in excess of 1,000 feet, and bisect a road.

Commissioner Murray asked if someone has been working on this road. Michael McHugh stated the applicant has been working with the forest service on timber removal and clearing. Favorite Gulch Road is not a private road.

Commissioner Varone.

Dean Retz. This application was submitted by the Jan 31 deadline under the old subdivision regulations. Have recorder public access easements. Under Conservation Reserve Enhancement Program (CREP). This contract will continue through 9/30/18. variances: road issue with excess of 1,000 feet. The road will be under Peccia standards. The applicants want to supply an onsite water source instead of fire service fee.

Chris Ries, Green Meadow Drive. Have worked to try and resolve the road issue. The easements were recorded in the 1980's. most of the roads are within the right of ways.

The Commission recessed for 5 minutes.

Fire Chief Terry Olsen. The proposed language will work for the fire department.

Barney Hoffman, 7151 Gregor Lane. Ownership of Favorite Gulch Road. Prior to 1983 tried to get the county to recognize ownership of this road. Since 1996 Eldorado homeowners spent \$\$ to improve this road. They did this because they were under the assumption this was a private road. Future development will require heavy trucks and equipment.

Hearing no other public comments, the public hearing is closed.

Commissioner Varone asked Chief Olsen if the department is ok with this long term because the road is so long.

Chief Olsen. Ok with the water supply proposal.

Commissioner Murray. There are county roads, public, and private. Privates roads are generally driveways with no more than 2 homes. In order the county can have fee title to the road. The county maintains some county roads, not all.

Mr. Hoffman is correct that the county does not own this road. This road has historically been a stagecoach route. Commissioner Murray is correct the county does not maintain this road. The applicant would be required to improve this road. They have looked at forming an RID for this area. There is public easement from Nelson road to the property. Staff recommends the applicant bring this road up to county standards and will not require excessive maintenance.

Directed staff to meet with HOA to describe maintainance, RIDs, county standards.

Dean Retz, Scott Black is the son of Ann Pierce. In the covenants is a road maintenance agreement. The FS has established a 60 foot wide easement. Review period ends March 11 and is willing to extend the review period if the commission needs additional time to view the property.

Chris Ries. There is a major safety concern on the forest service property. Client is willing to improve this road.

Dean agrees to extend the review period to March 18. Commissioner Murray moved to grant applicant's request to extend deadline to march 18 and render a final decision March 15. Commissioner Varone seconded the motion and it carried unanimously.

Amended Preliminary Plat of Tract F, to be Known as Amended Plat of Tract F, Wiley Minor Subdivision. (Applicant, Chet French) The Commissioners will consider creating 4 single family residential lots, each lot being approximately 1.14 acres in size. The proposed subdivision is located in the NW1/4 of Section 12, T10N, R3W; generally located on the east side of Heather Drive and south of York Road.

Bill Ries is present representing the applicant and indicated his willingness to proceed. Beverly D'Amato. Currently there are no covenants affecting the property. A variance is requested to allow a culdesac length in excess of 1,000 from the intersection of Heather Drive. The fire district has requested \$1,000 per lot fee. A five year weed management plan is required. The drainage has been filled in. Staff recommends approval of the proposal subject to 18 conditions as contained in the staff report. Condition #1 was removed because the subject property is not located within the North Hills Temporary Groundwater Area.

Bill Ries, 1650 Green Meadow Drive. The fire dept amount should be \$500 instead of \$1,000. keep access off Heather Drive.

Beverly D'Amato. All roads to be accessed off the internal access road. This is a subd design criteria.

Jerry Grebenc. Need to check.

Ron Curtiss, Heather Drive. As the ditch is filled in the water then has a tendency to runoff Dry Creek. Concerned about down gradient from the back lots to the system.

Craig Marple, 3865 Heather Drive. Deteriorating the road.

Hearing no other comments, the public hearing is closed.

Bill Ries. Drainage issue, will need to do a drainage plan. Request an extension of review period to March 11. Commissioner Murray moved to grant the request and render a final decision March 10. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be known as the Amended Plat of Lot 17-Seaver Park Addition. (Applicant, Grant Stratton) proposes to create two additional rental spaces, one for a garage/apartment and the other for mobile home, on a parcel of land already developed with 2 single family residences. The proposed subdivision is generally located at 3434 Beck Street, Helena, MT.

The applicant is present and indicated his willingness to proceed. Lindsay Morgan presented the staff report. The applicant has requested 3 variances; lacks culdesac turnaround, only 40 foot right of way; neither Winslow nor Beck Street meet county road width standards. Existing apartment is not in the mobile at this time which would be in violation. Staff recommends approval of the proposal subject to 13 conditions as contained in the staff report.

Grant Stratton, 3434 Beck Street. Condition 5-if the variance is not granted he cannot bring the road up to standard because it will bring the road up to the front doors of the neighbors property. Condition d. the back garage was built in 1993. condition f. already has a facility to take care of this. Condition l. discusses fencing. If a fence is installed would not be able to keep in the pets, condition o. the weeds come from the open fields. Condition f-livestock. Condition 9-mailboxes are in place. Condition 11.

Commissioner Tinsley. Asked if the applicant needs

The applicant requested an extension through March 31. Commissioner Murray moved to approve the extension to March 31. Commissioner Varone second the motion and hearing the proposal on march 29.

Hearing no comments, the public hearing is postponed to March 29.

Request to Amend the Restrictive Covenants for the Amended Plat of Gable Estates Major. (Applicant, Home Owner's Association c/o Chris Ries) (Planner, Jerry Grebenc) The Commissioners will consider amending the Restrictive Covenants related to fencing. The property is generally located north of Lincoln Road East and west of Mountain Heritage Road.

Request to amend county restrictive covenants. The HOA is requesting the removing of fencing standards. The planning board recommended approval of condition 14 . The fence was installed along the northern property line. The covenants affecting the remaining. 1. the approval of the request to amend the restrictive covenant for the original, 2. deny the requested to amend the restrictive covenants for the Amended plat

Chris Ries, 2935 Arabian Road. Representing the HOA. Urged the comm. to remove this covenant.

Commissioner Murray asked if he supports staff/s recommendation of approval and denial.

Chris Ries. This type of covenant does not work with this area. This restriction will not allow residents to have 4-H projects. Approve recomm no. 1.

Steve Baril, 2975 Arabian Road. Supporting the request from the HOA and comments by Mr. Ries.

Addressed the mitigation measures.

Geri Hoffman, Vulk Drive. Do not understand why a portion of the area is restrictive.

Chuck Cruse, 5720 Palomino. Supports amending the proposal. A horse fence will not keep the deer out.

Cynthia Baril 2975 Arabian Road. Live in original Gable Subdivision.

Chris Ries. The wildlife can work around fences. Need to look at why this subd was designed and the benefits of this proposal. Removed and put back I the hands of the HOA. Urged the comm. to amend.

Commissioner Tinsley. Work with the planner.

Commissioner Murray March 24. Commissioner Varone seconded the motion and it carried unanimously.

Public comments on matters not mentioned above.

There is no other business, the meeting adjourned at 11:47