

PUBLIC MEETING

August 31, 2004

Chairman Mike Murray called the meeting to order at 9:00 a.m.

Comms T and V are present. Others, Ron, Sharon, Lindsay, KPS, Michael McHugh, Frank Rives, Jerry Grebenc, Chuck Hanson, Mike Fasbender, Dick Weschenfelder, Catherine McNeil, Bill Ries, Jerry Grebenc, and Carole Byrnes.

Pledge of Allegiance.

Bid Opening. [Postponed to September 9, 2004]. The Commissioners will consider opening proposals for the Countywide UHF Paging System.

Proposed Major Subdivision, Preliminary Plat to be known as Southridge Estates Major Subdivision.

(Applicant, Southridge Properties/Dick Weschenfelder)(Planner, Lindsay Morgan) The Commissioners will consider creating thirty-two (32) lots. Thirty-one (31) lots will each be used for one single-family dwelling and one lot will be used for commercial storage units. The subject property lies in the SE1/4 of Section 10 and the SW1/4 of Section 11, T10N, R3W; generally located on the east of and adjacent to York Road.

Comm. T stated he understands the applicant has made some changes since the last meeting and asked for legal guidance from deputy county attorney.

KPS. The wisdom is that needs to be referred back again to the planning board. Given the substantial changes proposed by the applicant in the previous meeting, there are enough changes, that the commission could remand this back to the planning board as the applicant now wants it to be. There is a statutory timeline in which the commission must approve or deny a subdivision and if the applicant doesn't agree to extend the time period, we have violated the law. If there is no request to extend the deadline then either deny the subd as proposed, or to approve it with a number of conditions. Recomm comm. Move forward or ask the applicant if he is willing to extend the deadline to go back to the planning board.

Comm. M suggested the planner, the applicants, and any member of the public meet in the conference room to review the legalities.

Mike Fasbender, 2415 Buckboard, East Helena. Would like to see this matter tabled to extend review period and expedite the process and waive fees.

Sharon Haugen staff the planning board will meet on Sept 21 and have adequate time to notice and publish. Extend to 2 months from today Oct 29. Applicant is not available 9/21. option to convene Special Planning Board October 5.

The applicant requests the statutory deadline be extended to Nov 5, planning board Oct 5.

Comm T moved to grant applicant request to move deadline to Nov 5. comm. V seconded and it carried unan.

Comm V moved that fees be waived and send back to planning board with further action. Comm. T seconded the motion and it carried unan.

Transmittal memo plng board to re-submit findings of fact conclusions of law.

Proposed Minor Subdivision, Preliminary Plat to be known as Spud King Acres Subdivision. (Applicant, Ken & Catherine McNeil)) The Commissioners will consider creating five lots, 4 for one single-family dwelling and one for commercial shop with storage building. The applicants have indicated that no commercial lighting or signage would be installed on proposed lot 4. The subject property is generally located south of and adjacent to York Road and west of Tizer Road. The applicant, Catherine McNeil is present and indicated her willingness

to proceed.

Michael McHugh presented the staff report. Currently no existing covenants and no zoning on this property. The applicants are proposing covenants. Staff recommend any further access to lot 5... the applicant is required to hard surface aprons. Will allow for two approach routes. East Valley Fire Department is requesting a \$500 new lot fee. Amend the condition to allow them to negotiate utilize the existing site. There are numerous structures dating to mid-20th century and the Historic Preservation Officer indicated some of these buildings may have cultural resource value. Staff is recommend approval subject to 15 conditions as outlined in the staff report.

Comm. V asked if the fire dept can indicate in writing they have no problem with the lot lines.

Catherine McNeil would like to renegotiate cond 9 with the fire department in lieu of \$500 per lot. The proposed covenants prohibit livestock on lots 1 and 2. lots 3,4 5 would like to have 4-H animals.

Michael McHugh suggested cond 9 can include language "and/or an agreement to provide fire protection and improvements acceptable to the East Valley Fire Department.

Hearing no public comments, the public hearing is closed. Comm T moved to render a final decision Thursday September 2. comm. V seconded the motion and it carried unan.

Proposed Minor Subdivision, Preliminary Plat to be known as Duthie Tract (Blue Bird) Minor Subdivision.

(Applicant, Richard Cary) The Commissioners will consider creating three lots, each for one single-family dwelling. The subject property is located in the SW1/4 of Section 24, T11N, R4W; generally located east of Green Meadow Drive and south of and adjacent to Barraugh Road.

The applicant was not present. Bill Ries, 6850 Green Meadow Drive, is present representing the applicant.

Michael McHugh presented the staff report. There is no zoning, no covenants and no proposed covenants associated with this property. The on site wastewater system was replaced in 2004. A fence owned by the Green Meadow Auto Salvage Yard appears to encroach along line of the road right of way. WQPD states the availability of water is variable. The property is located in the North Hills Temporary Groundwater Control Area and additional wells will be required to obtain permits from the DNRC. The applicant will be required to document the road to show a 60 foot wide access to Green Meadow Road because no property pins have been identified. The West Valley fire department is requesting a \$500 new lot fee. A five year weed management plan is required. The scratch gravel fault line is located $\frac{1}{2}$ mile west of the subject property. Uncertainty of road width for Barraugh Road and may require relocation of fencing for wrecking facility. Staff recommend approval subject to 13 conditions as outlined in the staff report.

Comm. V asked for written documentation of fire dept recommendation.

Comm T asked if possible for applicant to clean up debris.

Sharon. The county has a community decay ordinance.

Bill Ries. The applicant's concern is bringing Barraugh Road to county standards due to financial hardship. The applicant will eventually clean up the lot.

Loretta Miller, owner of Green Meadow Salvage Yard. Concern for availability of water in this area. Barraugh Road is in poor shape. There is a 35 foot easement between property pins. Has no interest in maintaining Barraugh road. The run off is a concern. the water is natural absorbed into the ground at the low spot. Oppose this subdivision and if approved take concerns about access and water activities.

Hearing no other comments, the public hearing is closed.

Comm V moved to render a final decision Thursday September 2. comm. V seconded the motion.

Michael McHugh stated Cond 2 needs a storm water drainage plan be done and the covenants can provide notification about the existence of an auto salvage yard.

The motion carried unan.

Final Plat Approval for the Hoeffner No. 2 Minor Subdivision. (Applicant, Mary Faith Hoeffner) (Planner, Frank Rives reported the applicant has met all of the conditions of approval. By consensus, the comm. Agreed to sign the final plat at the conclusion of this meeting.

Request for Road Naming for Lot 2 of the Gilleran Minor Subdivision. Addressing Coordinator, Jerry Grebenc reported Steve and Cheryl Vick are the applicants and request a road name for lot 2 which accesses the subdivision for emergency services. Three names were submitted. The applicants requested Chimney Rock Road. The Vicks were unable to obtain a majority. One the conditions of final plat approval for the applicants is to name the road. Comm. V moved to approve the recomm of the applicant to name the road Chimney Rock Road. Comm. M seconded the motion. Comm. T would prefer to ponder a few more day. Substitute motion to table to Thursday Sept 2. comm. V seconded the motion and it carried unan.

Fence Use Agreement. (Ron Alles) The Commissioners will consider the agreement to re-install part of the historic Thomas Cruse fence at the Library. Comm. T moved to approve and authorize the chair to sign. Comm. V seconded the motion and it carried unan.

Reconvene at 10:30

Contract for Radio Room at Law Enforcement Center. (Eric Griffin) (cont. from 8/31/04) The Commissioners will consider the contract. To develop and build a radio control roomn at the law enforce in the amount of \$45,509.99 as part of the county radio grant. Staff recomm approval. Completion by end of September. Comm. V moved to approve and authorize the chair to sign. Comm. T seconded the motion and it carried unan.

Public comments on matters not mentioned above. None.

Adjourn. 10:45 a.m.