

**SUBDIVISION MEETING  
December 9, 2004**

Chairman Mike Murray called the meeting to order at 9:00 a.m. Commissioner Tinsley is present. Commissioner Varone is absent on medical leave. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Paulette DeHart, Marilyn Bracken, Lindsay Bracken, Michael McHugh, Dean Retz, Bill Ries, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Bid Opening.

Paulette DeHart reported on bids for replacing the current central county ballot tabulating system in the Treasurer's Office. October 15, 2004 a Request for Proposal was solicited. One response was received from the only vendor certified in the state of Montana to utilize equipment here. A review committee was formed of persons experienced with computer equipment, finance, and election experience to review the bid. Paulett DeHart then proceeded to read the bid.

A request for this request for proposal required two pieces of information. The first piece of information is the cost of for the replacement of the current central tabulating system with another central tabulating system. The second piece of information includes the cost of replacing the current central tabulating system with a precinct counters.

Precinct counter proposal solution number one \$322,770, Precinct counter solution number two \$134,437. The Help America Vote through Federal Funds in the Secretary of State's office will match the cost for precinct counters if the decision is reached before January 1, 2005. If the county decided to go with precinct counters the county would still need something in the office to handle the absentee ballots. The review committee will bring a recommendation back to the board regarding the one bid received. Commissioner Tinsley moved to authorize the clerk to take the bids under advisement and report back to the Commission with a recommendation. Commissioner Murray seconded the motion and it carried 2-0.

Resolution Ordering a Refund of Taxes/Fees/Assessments Paid.

Tracy Grimm, of appraiser from the Montana Department of Revenue reported. The refund being brought before the Commission for consideration is pursuant to 15.16.6-03 and 15-8-6-01 Montana Codes Annotated. The taxpayer appealed to the State Tax Appeal Board, and based upon that decision rendered from the State Tax Appeal Board, the department recommends a refund in the amount of \$50.28 be granted to Jeff and Helen Gonsowski. Commissioner Murray clarified the decision by the State Tax Appeal Board, stating that their decision is final.

Commissioner Tinsley moved to grant the refund and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Tracy Grimm then brought forth the second appeal. The State Tax Appeal Board ordered a refund of \$20.70 be granted to Rodger Peterson.

Commissioner Tinsley moved to grant the refund and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Proposed Minor Subdivision, Preliminary Plat to be known as the Crabtree Minor Subdivision. (Applicant, George Crabtree) (Planner, Lindsay Morgan creating three (3)

single-family residential lots. The proposed subdivision is located in the NW<sup>1</sup>/<sub>4</sub> of Section 18, T11N, R2W. The property lies east of and adjacent to Hauser Dam Road, approximately one-third of a mile north of Lincoln Road East. There are no zoning or covenants with this property. The fire dept has requested \$1,000 for each additional lot. Staff placed \$500 to be consistent. Staff recommends approval of the proposal subject to 13 conditions as contained in the staff report.

Bill Ries, 6850 Green Meadow Dr., the Crabtree's representative, stated the applicant agrees to the conditions.

Planner Lindsay Morgan presented the staff report. The property lies east of and adjacent to Hauser Dam Road, approximately 1/3 of a mile north of Lincoln Road East. The applicants are proposing creation of three single-family residential lots ranging from 1.98-25.02 acres in size. Each lot will be developed with a single-family dwelling served by individual well, on-site waste water system, and utilities. Access to the lots will be off of Hauser Dam Road. No park land dedication will be required. The existing tract of land is approximately 30.03 acres in size. The site is currently undeveloped and timbered. To the north, east, south and west the property is timbered and rural residential. To the east there is also some Bureau of Land Management land. The proposed subdivision does not lie within an existing zoning district. According to the application, covenants do not currently affect the use of the subject property. As of the writing of the staff report the County Planning and Development Office has received no written public comments in favor of, or opposition to the proposal. The soil complexes on site have severe limitations, making them unsuitable for cultivation and restrict their use largely to pasture, range, woodland, or wildlife. Comments from the water quality district include their monitoring of one well on a quarterly basis for the Montana Bureau of Mines and Geology and there are indications of a sight-decreasing trend in water levels since water measurements began in April of 2000. The access route would be Lincoln Road Easement via Hauser Dam Road. There is an existing approach for proposed lot B2c, the southern most lot. There appears to be adequate site distance for the proposed driveway approaches to proposed lots B2a and B2b. The site lies within the jurisdiction of the Lakeside Fire Services area. The fire department has requested that each parcel be assessed a fee for service provision and have requested a \$1,000 per additional lot. Under the conditions for approval staff placed \$500 per additional lot to be paid to the Lakeside Fire Services Area to be consistent with the requirements for other subdivisions and fire jurisdictions. With regard to Fire Protection, there are concerns that emergency vehicles may have difficulty accessing the home sites in the event of an emergency. In an attempt to mitigate this issue the driveways to each lot shall be wide enough to accommodate an emergency vehicle, 12 feet wide. The area adjacent to each driveway shall be cleared of vegetation within 2 feet of the driveway edge. An emergency vehicle turn-around shall be required on each lot adjacent to the home. The building sites for each home shall be prohibited on slopes greater than thirty percent or at the apex of a fire chimney. The apex of a Fire Chimney describes ravines or drainage areas adjacent to a hill or mountain. The United States Geological Survey notes that both formations are subject to decline of ground water on a secular basis with protracted with-drawl. The water quality protection district gave information stating that further formations in both formations interconnected fractures can serve as conduits for unimpeded contaminant flow. The Fish, Wildlife and Parks has submitted information stating that housing densities should not be increased in this area, it is an important wildlife area between the North Hills, the Missouri River and the Spokane Hills. There

are steep slopes located on site, and under conditions of approval an adequate building site shall be indicated on the face of the final plat to protect the public health and safety of the future property owner. The archeological potential might be higher than usual given the proximity of an old route from the river into the Helena valley. With the owners permission the Historic Preservation Commission volunteers are interested in examining the area for sites. Should any be found they would be mapped and sampled with the suggestion that their presence be communicated to lot buyers so they might be avoided as a matter of personal stewardship. Additional traffic includes and additional 24-30 trips per day. If all conditions of approval can be met the proposal appears to comply with the minimum subdivision standards. Staff recommends approval.

Commissioner Murray opened the Public Hearing.

Planner Michael McHugh clarified the term 'fire chimney' and its effects on wild fires.

Bill Ries stated that his client agrees to all of the conditions of approval without opposition.

Hearing no other comments the Public Hearing was closed.

Commissioner Tinsley moved to render a final decision December 14, 2004 at 9:00 a.m.

Commissioner Murray seconded the motion and it carried 2-0.

#### Request from Applegate Village Homeowner Association.

Michael McHugh reported Applegate Homeowners request. A memo from Applegate Village Homeowners Association dated November 14, 2004 requesting that construction traffic from Rosemary Acres Subdivision be banned from entering Applegate Subdivision, a 25 mph speed limit be posted, and a stop sign be placed on the corner of Parsley Road and Best Place Road. The Rosemary Acres Subdivision consists of over 46 lots and lies directly west of Applegate Subdivision. Under state statute the roads in Applegate Village Subdivision and the Rosemary Acres are considered local roads and the speed limit whether posted or un-posted is 25 miles per hour. The public works staff is working with the Applegate Village Subdivision to get the signs posted. Under statute only the Board of County Commissioners can approve the posting of speed signs whether local or on other county controlled roads. The Applegate Village Subdivision is a 38 lot subdivision approved in 1996 and was platted in 1997 consisting of 34 of the 38 lots as residential lots. At that time the Board of County Commissioners approved a right-of-way of 50 feet and road surface construction of 22 feet. These measurements did not meet county standards at that time or the proposed standards in the new subdivision regulations. The Rosemary Acres subdivision has roads that comply with subdivision standards. The Applegate Village Subdivision is requesting a public hearing. Staff has tried to work with the developer of the Rosemary Estates Subdivision, and he has had several conversations with his builders in that area requesting them to use John G. Mine Rd. There are two accesses to the Rosemary Estates Subdivision from John G. Mine Rd. and would require the construction workers to go down Applegate Dr. or Green Meadow Dr. These roads are public roads and public access easements, which permit use by any member of the public. Staff requires 3 weeks notice prior to the public hearing to be adequately prepared for the hearing. Weight requirements and road standards should be present on these roads as well. Commissioner Tinsley moved to schedule a public hearing as requested by the Applegate Homeowners Association President, Joe Hartman, and authorize staff to set

the meeting date. Commissioner Murray seconded the motion and it carried 2-0.

Corrective Deed.

Ron Alles reported the corrective deed for John W. Hurni to correct a legal description on a Bargain and Sale Deed recorded July 1, 1971. The legal description placed on the property is insufficient. The Mr. Hurni is selling the property and the title company would like the deed corrected. The County Attorneys office has reviewed the corrected deed and recommends approval.

Commissioner Tinsley moved to correct the deed and authorize the chair to sign.

Commissioner Murray seconded the motion and it carried 2-0.

Resolution Declaring County Property Surplus Property.

Ron Alles reported the resolution to surplus various items from various county departments individually valued less than \$2,500. Staff recommends approval.

Commissioner Tinsley moved to approve the resolution and authorize the chair to sign.

Commissioner Murray seconded the motion and it carried 2-0.

Public comments on items not mentioned above. No public comments were given at this meeting.

Chairman Mike Murray adjourned the meeting at 9:30am.