

**PUBLIC MEETING**  
**February 8, 2005**

Vice-Chair Anita Varone called the meeting to order at 9:00 a.m. Commissioner Murray is present. Commissioner Tinsley is absent on personal and county business. Others attending all or portion of the meeting include Ron Alles, Jerry Grebenc, Frank Rives, Nancy Everson, Lindsay Morgan, Beverly D'Amato, Gene Leuwer, Holly Kaleczyc, Sharon Haugen, Kay Matthews, Moe Wosepka, Judith Johnston, William Robinson, Maria Nyberg, Alan Smith, Wayland D. Smith, Rockey Whipkey, Dean Retz, Bob Drake, Sherrell Rhys, John Herrin, Jason Mohr, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

Public Hearing - CDBG HOME Grant Application for The Friendship Center. Nancy Everson reported the County is sponsoring a grant application to the HOME Program on behalf of the Friendship Center. Rocky Mountain Development Council is writing the grant. Today's public hearing is to receive comments about the proposed project.

Gene Leuwer, RMDC Director, stated Rocky is assisting the Friendship Center in effort to secure grants necessary for the construction of a new facility for that organization which is in need of repair. RMDC is requesting the county sponsor a \$500,000 HOME grant on behalf of the Friendship Center. RMDC would sub-contract both the CDBG and the HOME money from the county assuming the grants are successful and get the construction done. The Friendship Center currently owns the land and has some money in hand.

Holly Kaleczyc, Friendship Center Director, thanked the commissioners for the support, information, and the \$20,000 from the Human Services Task Force to support emergency services for their clients. An established painter in town will donate all the interior painting approximately a \$20,000 donation. The focus of this grant application is to help provide the transitional housing for victims of domestic violence and sexual assault and their children.

Moe Wosepka, Good Samaritan Ministries, is present to support this grant application. The Good Samaritan Ministry has developed a strong relationship with the Friendship Center. The facility is very restricted in what they can do as far as providing security, counseling for the children in the home, and providing the type of opportunity for the women to be able to move on. As part of the group that has reviewed the planning of the new facility, what they have in mind is incredible and matches the skills and abilities that the Friendship Center has.

Kay Matthews, President of the Board, stated a new building is desperately needed. The existing building is more than 100 years old and is not meant to be a safe haven for 5 to 8 families. Urged the commission to support the grant application.

Maria Nyberg, Program Director, God's Love Family Transitional Center, has a very close working relationship and partnership with the Friendship Center. The Friendship Center provides many services in addition to the transitional and emergency shelter to this community in terms of counseling and consultation in order to be more efficient. Asked the Commissioners to support this grant because their building will also match the level of expertise, kindness, and support that staff provides for people in need.

Sharon Haugen, City Director of Community Development and Chairman of Helena Area Housing Task Force, encouraged the county to support this application. It is a very needed project in this community. The Friendship Center is currently located in the 6<sup>th</sup> Ward and the new building will also be located in the 6<sup>th</sup> Ward. This goes along with plans of redevelopment and reinvestment in the area. Residents of the 6<sup>th</sup> Ward believe the Friendship Center is a good neighbor and would like a new facility that would provide a more safe and secure place for the residents. Residents of the Center are also residents of the city and the county.

Transitional housing is one of the number one needs in the community for youth, homeless families, and victims of domestic violence. This Center represents their first ray of hope in moving forward with a new life. Ms. Haugen urged the Commissioners to support this application and the city is available to lend support to the Friendship Center.

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

Commissioner Murray moved that the County Commissioners sponsor a grant application for new construction of a transitional living facility and emergency center to house the Friendship Center and authorize the chair to sign the grant application.

Commissioner Varone seconded the motion and stated she had an opportunity a few months ago to tour the Friendship Center and saw the facility is in need of replacement.

The Friendship Center not only provides help to women and children, but it also provides help to men and it is important for the community to understand that it's doors are open to anyone who has a need for their services.

The motion to support the grant application carried 2-0.

Request for One-Year Extension of Preliminary Plat Approval of the Griffin-Davis Lot 2, Amended Subdivision. (Applicant, Brady VanVliet) Frank Rives reported the applicant has requested a one-year extension to November 6, 2005 to complete a fuel modification plan with the West Valley Fire Department, letters from leinholders that they have no objection to the subdivision, and updated title reports. Staff recommends approval of the extension request.

Commissioner Murray asked why the county is only granting a 10-month extension? Frank Rives stated the applicant is late in requesting the extension. Preliminary approval was November 6, 2003.

Commissioner Murray stated he has a problem with late requests and moved to table the request to February 22 when a full Commission is present. Commissioner Varone seconded the motion and directed the applicant to provide information to the Commission about why they were late. The motion to table to February 22 carried 2-0.

Hahn Tracts Proposed Major Subdivision, Preliminary Plat to be known as Amended Plat of Tracts P1 & P2, Subdivision. (Applicants, Ralph Holmes & Judith Johnston)  
Applicants proposed to create 20 lots, each for one single-family dwelling. The proposed subdivision is generally located west of North Montana Avenue, east of McHugh Drive on both sides of Hahn Road.

Lindsay Morgan presented the staff report. In order to provide standard physical access, Hahn Road will be constructed to county standards and will provide a through connection between McHugh Drive and North Montana Avenue. Road construction will also be required for proposed internal access roads, Michelle Drive, Christine Drive and the extension of Carol Drive to the South. The applicant has expressed a preference to provide cash in lieu of parkland to fulfill the parkland requirement. Staff recommends the applicant to install stop signs at the junction of all other access roads and Hahn Road. The entire length of Hahn Road, the proposed internal access roads, Michelle Drive and Christine Drive shall be constructed to county standards. According to the non-motorized transportation plan there are future plans to extend the bike/pedestrian trail further north along McHugh Drive. Portions of the property lie in the 500-year flood plain. The Flood Plain administrator recommends the lots in Zone B have first floors that are 2.5 feet above grade with no basements. Staff recommends approval of the development subject to 22 conditions of approval as outlined in the staff report. The Planning Board also recommended approval subject to the 22 conditions with a change on Condition 8 to give the applicant the option to pay the fire department fee of \$500 per lot, or install onsite water for fire suppression capable of delivering 750/gpm for 2 hours. The applicant has discussed this with the fire chief for the district. Condition 17 speaks to fencing and gates that would be affecting the construction of Hahn Road. The applicant's intent is to remove the two rental units.

Dean Retz, 1430 Shirley Road, representing the applicant, is prepared to proceed. Wolf Road, directly south of Montana City Storage Units and north of Pebble Gardens will soon be a through road. DEQ will dictate basements for the lots within the 500-year floodplain, and Mr. Spangler recommends building sites in the 500-year floodplain would be elevated 2-1/2 feet. Regarding condition 8, the applicant will hire a registered/licensed hydrogeologist to conduct a 2-hour pump test to see if we want to go with on-site fire protection or the \$500 fee. The applicant will remove 2 of the 3 rental units.

Allen Smith, 1176 Phillips Road, representing his parents at 4651 Karen Drive. They do not feel constructing Hahn Road to a dirt road is adequate for the amount of traffic going through there, it will create a large amount of dust, and the road will deteriorate more rapidly. He asked who will be responsible for maintaining the road and who will be responsible for paving when it becomes an issue.

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

Dean Retz stated the road is a 60-foot access easement and will be 24 feet wide with 3-foot ditches on each side of the road. According to the new subdivision regulations the road must be signed off by a professional engineer before completion. The City-County Transportation long-range plan wants as many east-west corridors as possible. There will be a road maintenance agreement so all people using that road will have to maintain it. If an RID fails, the road is no longer maintained by the county. This portion that we are going to construct is a county road and the applicant/developer will be responsible for improving it to county standards.

Commissioner Murray moved to render a final decision Thursday, February 10 at 9:00 a.m. Commissioner Varone seconded the motion and it carried 2-0.

Proposed Major Subdivision, Preliminary Plat to be known as Dogbone Major Subdivision. Applicant, John and Enid Christenson proposed to create 8 lots, each for one single-family dwelling. The subject property is generally located south of John G Mine Road and west of and adjacent to Green Meadow Drive.

John Christenson is present and indicated his willingness to proceed.

Michael McHugh reported two homes currently existing on the property are in non-compliance with the Montana Subdivision Platting Act and County Subdivision Regulations. By completing the subdivision process and final platting, it will correct that error. The subject property is not located in a zoning area and the applicant is proposing covenants. The two existing systems on the property would be required to go through DEQ and City-County Health Department re-review as well as all the new lots. Utilities would need to be extended at developer's expense. The applicant is proposing to develop a 24-foot wide road that would extend east, west, and terminate in a cul-de-sac to provide access to the 8 proposed lots and 4 lots that were created through a family transfer. The applicant proposes a roadway easement between lots 2-B and 2-C. Staff recommends that this road be constructed to insure there is no encroachment. There is the potential to have a connecting road network with the neighboring Hobb Minor Subdivision, and the applicant is requesting two variances from the road standards: (1) for a dead end in excess of 1000 feet in length and (2) having one approach into a major subdivision. The planning board recommended the approval of two variances with the potential of extending the road network to the north for a second approach. The West Valley Fire District requests a \$500 per new lot fee for a total of \$3,500. The property is located adjacent to the Burlington Northern railroad track. Currently, the track is not in use but it does have the potential in time to transport hazardous and

volatile materials so a condition has been added about notification of potential impacts associated with that movement. The applicant proposes to use storm water retention ponds located on Lot 2-E. The applicant has indicated he wishes to make a cash-payment in lieu of parkland dedication for .55 acres of land. Staff recommends approval of the proposal subject to 20 conditions.

The planning board discussed whether the applicant had the right to establish easements on the adjoining properties staff required written verification from the applicant that the adjoining property owners were willing to have the easement established. After discussion, the planning board recommended approval subject to 20 conditions with the amendment of condition 7 to specify construction of a north-south road to the northern terminus of the property.

Mr. McHugh stated the applicant is required to construct the road prior to final plat. The additional road segment in the intervening property would need to be constructed by the property owner/developer. The Hobb Subdivision, this subdivision, and the intervening lot would waive the right to protest RID for maintenance.

Commissioner Murray asked if the commission amends condition 7 does it negate the proposed variances? Mr. McHugh stated no, it would be necessary to act on the variances.

John Christenson reviewed the recommendations and stated they seem reasonable. On tract 2-H a driveway is separate from the proposed street and requests that the person who lives in that house be able to maintain it.

Mr. McHugh stated there are three approaches to the three existing houses on the property. The northern one has two approaches, is on a curve, and in an area where there are some changes in height. Staff recommends consolidating the approaches into one single approach and restricting access to the internal access road to enhance public safety and travel movements. There are no constraints on the property to preclude the applicant or other property owner from accessing their garage or parts of their property from this access road.

Hearing no other comments, the public hearing is closed. Commissioner Murray moved to render a final decision February 10 at 9:00 a.m. Commissioner Varone seconded the motion and it carried 2-0.

Proposed Major Subdivision, Preliminary Plat to be known as Hoff Minor, Lot 3 Amended (Emerald Park Major Subdivision). (Applicant, John Herrin) (Planner, Beverly D'Amato) The applicant proposes to create a re-subdivision of Lot 3 of the Hoff Minor Subdivision into 12 single-family lots through 2 phases. The proposed subdivision is generally located 1.2 miles north of York Road, east of Lake Helena Drive off Emerald Ridge Loop Road.

John Herrin is present and indicated his willingness to proceed.

Beverly D'Amato presented the staff report. These lots will be served by two cul-de-sacs from Emerald Ridge Road. Due to proximity of the Scratch Gravel landfill with potential residential uses, there may be some conflict in regards to noise, odors, and blowing trash. The landfill manager recommends a minimum 150-foot set back.

The property is not within a special zoning district and covenants do exist. Only one ingress-egress is proposed for this subdivision. The applicant has requested three variances and is claiming economic hardship. Without the variances, he would not be able to create the 12 lot proposal. Variance 1, to reduce the right of way for the cul-de-sac from 60 feet down to 40 feet. Variance 2, the applicant is proposing one ingress-egress off of Emerald Ridge ending up in two separate cul-de-sacs. Variance 3, to allow triple frontage on lot 7. The Lakeside Volunteer Fire District has concerns with the request for a 40-foot right-of-way for Emerald Vista Court. The cul-de-sac should be expanded to 60 feet in width to allow for evacuations and fire fighting activities. The fire department also requests a fee of \$1,000 per lot for fire protection. The applicant offered to pay cash to satisfy the parkland requirement. Staff recommended denial of the proposal due to the design and issues regarding the location of the roads, triple frontage lot. The planning board also recommended denial of the variances and the subdivision.

Commissioner Varone discussed the similarities between this proposal in which the planning board denied the variances and Dogbone Major Subdivision and the approved variances by the planning board.

Jerry Grebenc stated there are some similarities, but there are also major differences. In the particular subdivision that Ms. D'Amato is reviewing, the applicant has requested 3 variances from the subdivision regulations. There is no way staff could redesign this subdivision without bringing it forward as a completely new subdivision without totally redesigning it, which under our policy requires a re-review. The Dogbone Major, staff and the applicants worked together to try to develop a mechanism for the potential integrated road network to deal with the 1000 foot dead end road and only one way in and out.

Ms. D'Amato stated with Dogbone Subdivision there is the potential to connect and create a second ingress-egress. That is not an option with this property because there is no long-term possibility to extend those cul-de-sacs any further to create a second ingress-egress.

John Herrin stated the cul-de-sac is less than 1000 feet and meets county criteria. He believes a 40-foot wide road is sufficient for serving 3 houses. The property to the north and to the east is landfill property and will never be developed. He has offered for sale the western 4 acres of this property to the Prickly Pear and Scratch Gravel Landfill Board so there is a possibility this cul-de-sac will not be built or ever needed. It is his intent to develop the eastern half of this property. The parcel is flat and there are county access roads to the north and to the east. The major fire hazard for this area is the landfill property with the tall weeds and 30-foot tall brush piles currently on that property. The extra 1000 feet of road will cost more than \$40,000 to construct and will double his

road costs. Mr. Herrin believes the 60-foot wide road variance is adequate for fire trucks.

Robert Drake, Chief, Lakeside VFD, 2940 Spokane Creek Road, stated the fire department does not support the variance on the road width to one cul-de-sac, but believes service can be provided for the limited number of lots and the limited length of the road.

Sherrell Rhys, Manager, Scratch Gravel Landfill, stated she and the Solid Waste Board reviewed this proposal and commented that the landfill will probably be at that site for many years and there will be obvious conflicts such as odors, litter, birds, and noise. The gravel pit will also probably be used in the future.

Hearing no other comments, the public hearing is closed.

The applicant stated this is a very simple layout and not just an economic issue and believes this is the best approach for the roads on this parcel of land.

Commissioner Murray moved to render a final decision Thursday, February 10 at 9:00 a.m. Commissioner Varone seconded the motion and it carried 2-0.

There is no other business, the meeting adjourned at 11:00 a.m.