

SUBDIVISION MEETING

March 10, 2005

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioners Varone and Murray are present. Others attending all or portion of the meeting included Frank Rives, Beverly D'Amato, Lindsay Morgan, Michael Dowling, Larry Marshall, Nancy Everson, Paulette DeHart, Paul Putz, and Carole Byrnes, Troy Simms.

Pledge of Allegiance. Everyone recited the Pledge.

Approval of Minutes. January 4, 6, 13, February 1, 10, 2005. Commissioner Murray moved to approve the minutes. Commissioner Varone seconded the motion and it carried unanimously.

Commissioner Tinsley stepped out of the meeting momentarily and left Vice-Chair Varone to conduct this portion of the meeting.

Request for Proposals: Under-Sheriff Leo Dutton reported receipt of RFPs for a Countywide Paging System at the Sheriff's office. One bid was received from Cal Amp, 2310 Couteau Ct. Vista, CA 92081. The bid was signed by Ron Weber, the president, has a table of contents and does appear to be in compliance. The total amount is \$210,243.00.

Commissioner Varone: There is only one agency in Montana that's qualified to do this?

Leo Dutton: No, there are other companies that can do this.

Commissioner Varone: There is only the one bid?

Leo Dutton: Yes, only the one bid.

Commissioner Murray: Madam Chair, I move we take the bid under advisement give it to the staff and report back to us at a later meeting for rewarding of the bid.

Request for One-Year Extension of Preliminary Plat Approval for Bryant No. 3. (Applicant, Robert Bryant) (Planner, Frank Rives)

Frank Rives: I've been working with the applicants in bringing this subdivision to completion. There are still quite a few things they need to work on. As you may be aware, next Tuesday they'll be requesting a modification in conditions of approval. In their letter which you received, dated February 15th, they listed the things they have done for due diligence and I can concur that I personally know some of these things have been done, for example, I've been in contact with Dan Martin at MDOT regarding the systems impact analysis and I am aware of the wells that have been drilled and the test pits that have been dug.

Commissioner Murray: Mr. Chair, Commissioner Varone, I would move that we grant a one year extension through November 25, 2005.

Commissioner Varone: Second

Commissioner Tinsley: We have a motion and a second. Any discussion? All in favor say "aye". Motion carries 3-0

Proposed Minor Subdivision, Preliminary Plat to be known as Timber Ridge Subdivision. (Applicant, James Senterfitt & Michael Dowling) (Planner, Lindsay Morgan)(cont. from 2/24/05)

Lindsay Morgan: I've attached an interoffice memo discussing what the applicants proposed for fire mitigation measures. The plan is to connect the proposed cul-de-sac back to Winscott Lane. I've shown the extension on the map in blue. The majority of vegetation within the center of the proposed loop will be removed to provide a staging area in case of a fire and also to serve as a safe zone for homeowners in an emergency.

Commissioner Tinsley: Questions of Ms. Morgan

Commissioner Murray: With the mitigation measures the applicant went out and provide, is the variance now required. There is a cul-de-sac and a proposed emergency exit.

Lindsay Morgan: Both variances will still be required because the road length will still be over 1000 feet. Also, the lot will be bisected in 2 places; 1) where the loop will be created and 2) where initially they asked for the lot to be bisected because the road exists.

Commission Murray: Even though on the aerial map provided they provided proposed for emergencies to hook the 2 roads together, you still need a variance for the dead end road that's 2360 feet?

Lindsay Morgan: That would be correct. It's actually less than 2360 feet now because the dead end would only go to where the loop begins, but the second emergency access route won't meet county standards. It would have to meet all county standards.

Commissioner Murray: It does provide a way out in an emergency.

Lindsay Morgan: They would have to do some upgrades to that to provide a way out and those upgrades won't meet county standards. The applicant does have some information prepared for you about what his plans are for that route.

Commissioner Murray: Ms. Morgan the 2 chains on either side of the lane appear to me to be excessive. I don't want to create another Scarsdale in the South Hills. Wouldn't 1 chain be more than adequate, which I think is 66 and 2/3 feet, which I'm not positive of.

Lindsay Morgan: That is correct. That is something the applicant proposed; 2 chains, so that's why I have that in the memo that way. A good portion along the road, there are no trees. He's talked with Pat McKelvey about this and I don't know what they decided, if one would be adequate or we'd need to have 2. That's probably a question better suited for the applicant.

Commissioner Tinsley: Commissioners, normally I don't believe we don't hear from the applicants prior to taking final action, however I think in this case, we did ask them to come to us with information, so if it's okay with you I'll ask the applicant to come forward and present.

Mike Dowling, 280 South Hills Road: I do have one slide that I'll show you, but prior to that I'll let you know what we've been doing. We did meet with Pat McKelvey on site as well as with staff on site to discuss the alternatives and approach to mitigate the concerns. Interestingly, with McKelvey, he's never had a developer approach him prior to doing a project. He was genuinely excited about the opportunity to create something that he thinks is going to benefit the whole south hills, this item#1 on Lindsay's memo. It's a safe zone, not only for the residents that are going to live here, but a staging area for wildland fire protection where he feels safe during a fire event. In order of his preference, we talked a lot about the emergency exit and during a panic situation, what people really do. Similar to the way we design buildings, (we think) people have a tendency to go to the door they came in when they are exiting in a fire. He felt pretty strongly that people are going to take Winscott Lane when they exit and he actually preferred to have that emergency exit for his own fire fighting purposes and didn't feel that people would use it, but that it was a good thing to have so we are going to propose to do that. I'll show you the

slides and then can answer any questions. (Dowling showed and explained aerial photographs of Goldrush & Winscott Lane).

Lindsay Morgan: I just wanted to make one comment. When we met last, I also had some proposed condition changes that I wanted you to consider. Thank you.

Commissioner Varone: Lindsay, with the applicants proposed for mitigation measures, the 3 itemized here, do we need to add those as conditions of approval?

Lindsay Morgan: I believe so, yes.

Ed Tinsley: The first variance we need to consider is the cul-de-sac length be extended from 2360. The cul-de-sac is still going to be over the 1000 feet. What we can do is amend that language, I believe, after the vote, but we do know it is over 1000 feet as per subdivision regulations. Is there a motion.

Commissioner Varone: Mr. Chair, I move to approve the variance that allows a cul-de-sac length to be more than 1000 feet.

Commissioner Tinsley: We have a motion, is there a second?

Commissioner Murray: Second. For the record, because of the mitigation measures proposed by the applicant, that is why I support this particular variance.

Commissioner Tinsley: Any discussion. We have a motion and second, all in favor of the motion say "aye". Motion passes 3-0.

Commissioner Tinsley: The second variance we are considering is Lot #5 is to be bisected by a road.

Commissioner Murray: I move to approve a variance allowing Lot#5 to be divided by a road

Commissioner Varone: Second.

Commissioner Tinsley: Any discussion? We have a motion and a second. All those in favor say "aye" Motion passes 3-0.

Commissioner Tinsley: Next, 20 conditions of approval for the proposed minor subdivision, preliminary plat, to be known at Timber Ridge Minor Subdivision.

Commissioner Murray: I move to approve the subdivision subject to 20 conditions as proposed by staff.

Commissioner Varone: Second.

Commissioner Tinsley: We have a motion and a second. At this point we have to add some conditions prior to our vote.

Commissioner Varone: I make a motion to add conditions of approval that will state in part the applicant plans to connect the proposed cul-de-sac to Winscott Lane creating a loop. The majority of the vegetation within the center of the proposed loop will be removed to provide a staging area in case of a fire and also to service a safe zone for homeowners in the event of an emergency.

Commissioner Murray: Second.

Commissioner Tinsley: We have a motion and a second. Any discussion? All those in favor say "aye". Motion passes 3-0.

Commissioner Varone: Mr Chair, as a second condition, I would make a motion to add that the applicant remove all vegetation within 2 chains of either side of Winscott Lane, this way the road will be usable in the event of fire.

Commissioner Tinsley: We have a motion, is there a second.

Commissioner Murray: Second. Commissioner Varone would you allow a word change to your motion to state, "not to exceed 2 chains" which provides an ambiguity that if 2 chains are not needed by the applicant, for example, ½ a chain, than that's what the applicant would mitigate with.

Commissioner Varone: I would accept that as a friendly amendment and we might also add language "as recommended by Fire Mitigation Officer".

Commissioner Tinsley: Okay with that Commissioner Murray

Commissioner Tinsley: We have a motion and a second. Any discussion? All in favor say "aye". Motion passes 3-0 and that's condition #21.

Commissioner Varone: In Condition #22, the language needs to be changed to form language to list is as a condition of approval.

Commissioner Murray: Second.

Commissioner Tinsley: We have a motion and a second. Any discussion? All in favor say "aye". Motion passes 3-0 and that's condition #22.

Lindsay Morgan: The changes to condition #7 have been indicated in bold. I was waiting for slope information from the city engineer. I've added that information and that's what I have in bold and underlined.

Commissioner Tinsley: We have a motion by Varone and a second by Murray? Any discussion? Motion passes 3-0 on amending condition #7.

Lindsay Morgan: Condition #8 specifies that the request goes back to zoning commission and you three again.

Commissioner Tinsley: We have a motion by Varone and second by Murray. Any discussion? Motion passes 3-0 on condition #8 ammendment.

Lindsay Morgan: Condition #11J, I added the language "from the ground" to pruning trees

Ed Tinsley: We have a motion by Murray and second by Varone. Motion passed 3-0 on 11J.

Lindsay Morgan: On condition #11W, I requested any portion of a lot that's in the line of fire, be removed and weeds/grasses be kept at minimal height.

Commissioner Varone moved to approve and Murray seconded the motion and it carried unanimously 3-0.

Proposed Minor Subdivision, Preliminary Plat to be known as the Amended Plat of Lots 127 and 128, Lincoln Villa Sites, Block 12. (Applicant, Robert Doan) (Planner, Lindsay Morgan) (cont. from 2/28/05). The Commissioners will consider creating 4 single-family residential lots. The proposed subdivision is located in the NE1/4 of Section 24, T14N, R9W; generally located west of and adjacent to Seventh Avenue in the Lincoln Townsite. Variances will also be considered.

Lindsay Morgan: I've also attached another inter-office memo for this project. Condition 11C, I just wanted to specify the width of the drainage easement, which I did specify in my report. Do you have any further questions for me.

Commissioner Tinsley: I do want to state for the record I received a voice message from a resident, Mr. Dawson, in Lincoln. As soon as I realizing what he was referring to, I forwarded it on to the planning office. I don't know if it's included in the record or not. I identified it as exparte and immediately ceased listening to it.

Commissioner Varone: If I may, while I read the information in the report, I was not at the public meeting so I'm asking that I abstained from making a decision.

Commissioner Tinsley: The first variance is an alternative emergency turn around called Hammerhead.

Commissioner Murray: I move to approve the variance for an emergency turnaround.

Commissioner Tinsley: All those in favor say "aye". Motion passes 2-0.

Commissioner Murray: I move to approve the variance for a road standard.

Commissioner Tinsley: second. The motion and it carried 2-0.

Commissioner Murray: I move to approve a variance for a 48-foot right of way.

Commissioner Tinsley: Second. Motion carries 2-0.

Commissioner Murray: I move to approve a variance requesting a dead end street over 1,000 feet. Commissioner Tinsley seconded the motion and it carried 2-0.

Commissioner Murray: To provide some consistency in this particular variance request, on 7th street, you can work your way all the way through in case of an emergency or fire and that's why I am proposing to approve the variance.

Commissioner Tinsley: Next before us, a proposal with 14 conditions of approval. Is there a motion?

Commissioner Murray: I move to approve the proposal subject to 14 conditions as proposed by staff. On Condition #1: I see no reason to allow the people to put in a septic system when Lincoln has a sewer system.

Lindsay Morgan: The applicants will hookup to the system and will be using tanks as part of that hookup.

Buzz, rep from Lincoln Sewer district: Nods (yes)

Commissioner Tinsley: We do need to amend Condition #11 as proposed by staff. 11C, I believe?

Commissioner Murray: I move to change the language to 20 foot as recommended by staff. Commissioner Tinsley seconded the motion and it carried 2-0.

The motion to approve the proposal carried 2-0.

Regulations of Special Zoning District No. 33 (Townview Estates) to Permit Storage Units by Conditional Use Permit. (Applicant, Larry Marshall) (Planner, Beverly D'Amato) (cont. from 2/24/05) The Commissioners will consider the Planning and Zoning Commission's recommendation. The property is located in the NE1/4 of Section 7, T11N, R3W; generally located on the west side of North Montana Avenue, east of Avocet Drive and south of Seagull Road.

Beverly D'Amato: I provided a memo to clarify the process we were going through that was asked for at the last meeting.

Commissioner Tinsley: It appears by the memo we are not acting on creating a mini-storage unit on this site just yet, but we are acting on at this meeting today is whether or not to amend the district regulations to allow the CUP for a mini storage unit. And if we do this, we then come back at another time and decide whether to allow that mini-storage to begin with.

Bev D'Amato: Right. Just to make it a little clearer, to include a CUP within a regulation, you can't just have the process without identifying a specific use that you will consider a CUP permit for. It's one step beyond allowing a specific use as of right, listed as a permitted use. It's a use that you would recognize as appropriate for the area, however, with specific or additional conditions. You are going to be deciding on whether or not you want to approve the process for storage units by CUP zoning district, but NOT a specific project. If that's approved, then the applicant would come in and apply for a CUP for storage units within that zone.

Commissioner Murray: Ms. D'Amato, was the process used by the planning and zoning commission then flawed? Do we need to go back and correct it by the board.

Beverly D'Amato. No, it was just a little confusing. It's the B2 zoning district, a very small area.

Commissioner Varone: I move to approve the process that amends the zoning district to allow for a conditional use permit process

Commissioner Murray: I second. The motion carried unanimously 3-0.

Amended Preliminary Plat of Tract F, to be Known as Amended Plat of Tract F, Wiley Minor Subdivision. (Applicant, Chet French) (Planner, Beverly D'Amato) (cont. from 3/1/05) 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. A variance will also be considered.

Bev D'Amato:

Variance to allow the road to deadend and exceed 1,000 feet.

Commissioner Varone moved to approve the variance and allow the road to deadend in excess of 1,000 feet. Commissioner Tinsley seconded the motion for discussion purposes. Commissioner Murray proposes is this road has to be punched through to the west and requires this applicant and condition will recoup a proportionate amount from anyone else that subdivides.

The motion carried 2-1 with Commissioner Murray voting no.

Commissioner Murray moved to approve the proposal subject to 19 conditions as proposed by staff.

Commissioner Varone moved to change the fire district fee from \$1,000 to \$500. Commissioner Murray seconded the motion and it carried unanimously. Cond 1 and 9 will be removed.

The motion to approve the proposal subject to 17 conditions as amended carried unanimously.

The commission recessed five minutes.

Resolution Declaring County Property Surplus Property. Nancy Everson reported the resolution to surplus computer equipment. Commissioner Varone moved to approve. Commissioner Murray seconded the motion and it carried unanimously.

Bill of Sale and Quit Claim Deed. (nunc pro tunc action/signed 3/2/05) Nancy Everson reported the county sponsored bonds for MHESAC. To facilitate the sale of the bonds, the county held title to the tract of land that was used for bond proceeds. The bonds have been paid off and MHESAC requested a quit claim of the land and the property. The bill of sale and quit claim deed will transfer ownership from Lewis and Clark County to MHESAC. A tract of land situated in the NW1/4 of Section 33, T10N, R3W. Commissioner Murray moved to approve granting title and land back to MHESAC. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Ordering the Cancellation of Personal Property Taxes That Have Been Delinquent for 5 Years. Cheryl Green reported the resolution for total taxes delinquent \$1,441.56. Cheryl Green reported the property taxes are uncollectible. Commissioner Murray moved to approve the resolution and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Ordering a Refund of Taxes/Fees/Assessments Paid. Cheryl Green reported The Commissioners will consider a refund to Rick Rowley in the amount of \$1,005 for Lincoln Solid Waste fees. Commissioner Murray moved to approve. Commissioner Tinsley seconded the motion and it carried 2-1. Commissioner Varone voted no. believe the Commissioner should include 1999. Cheryl Green stated Mr. Rowley moved into the home in 1999. Commissioner Varone changed her vote to yes.

DNRC Limited Solicitation Bid Proposal. Larry Hoffman reported the proposal. DNRC is soliciting bids to establish a roster of qualified contractors to perform "call as needed" weed spraying tasks up to a maximum amount of \$2,000. will charge \$55 per hour plus chemicals. Commissioner Murray moved to approve. Include up to a maximum amount of \$2,000. Commissioner Varone seconded the motion and it carried unanimously.

Montana Historical Society Preservation Office Agreement. Paul Putz reported the agreement to continue funding the County Historic Preservation Officer not to exceed \$5,500 through March 31, 2006. Commissioner Varone moved to approve the agreement and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously. Distinction in historic places in Montana.

Case Management Contract. (nunc pro tunc action/signed 3/2/05) Nancy Everson reported the contract with New Dawn Technologies in the amount of ~~\$28,160~~ \$43,690 to purchase Case Management System for the county attorney's office and public defender's office. This was budgeted. Commissioner Murray moved to approve and authorize the chair to sign.

Commissioner Varone seconded the motion and it carried unanimously.

Public comments on items not mentioned above. None.

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

ANNOUNCEMENTS:

No Public Meetings week of March 27, 2005
Commissioners attending MACRS Conference In Billings