

SUBDIVISION MEETING
January 26, 2006

Chair Anita Varone called the meeting to order at 9:00 a.m. Commissioners Murray and Tinsley are present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Tony and Leanne Prothero, Audra Zacherl, Cheryl Green, Greg McNally, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Consent Action Items. Ron Alles reports on the consent action items.

- a. Vendor Claims Report for the week of January 23, 2005. (Audra Zacherl)
- b. Resolution of Support in Opposition to Eliminating National Guard Personnel in Montana.
- c. Resolution Ordering a Refund of Taxes/Fees/Assessments Paid. Robert and Twyla Stratton for York Fire Service Fees in the amount of \$75.00. (Cheryl Green)
- d. Resolution Ordering a Refund of Taxes/Fees/Assessments Paid. Harry and Ada Harlen for York Fire Service Fees in the amount of \$75.00. (Cheryl Green)

Commissioner Murray requested items 'a' and 'b' be pulled for discussion. Commissioner Tinsley moved to approve items 'c' and 'd' and authorize the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Consent Item 'a'. Commissioner Murray moved that the claims report be authorized and checks be released as soon as all of the customary signatures are on the claims form. Due to the extensive amount of claims to review all of the appropriate signatures are not yet on the form. Commissioner Tinsley seconded the motion and it carried unanimously.

Consent Item 'b'. Commissioner Tinsley moved to approve the resolution and authorize all three Commissioners to sign. Commissioner Murray seconded the motion. Commissioner Tinsley read the proclamation to the audience. The motion carried unanimously.

Proposed Major Subdivision, Preliminary Plat to be known as Elkhorn View Estates. (Applicant, Tony Prothero, PE) (Associate Planner, Greg McNally) (cont. from 1/24/06)
The applicant proposes to create 18 lots, each for one single-family dwelling. The proposed subdivision is generally located 1/3 of a mile east of Wylie Drive, 1/2 mile north of Canyon Ferry Road, and immediately south of the intersection of Rocky Road and M Scotty Drive.

Variance 1. Improving M Scotty Drive to County Standard Typical Section No. 1. Commissioner Tinsley moved to approve the variance as recommended by the Planning Board. Commissioner Murray seconded the motion and it carried unanimously.

Variance 2. Improvements to Howard Road between Wiley Drive and M Scotty to Typical Section No. 2. Commissioner Tinsley moved to approve the variance as recommended by the Planning Board. Commissioner Varone seconded the motion. Commissioner Murray voted in opposition to the variance stating Howard Road needs to be improved either through an RID or through subdivisions that will benefit. The motion carried 2-1.

Commissioner Varone noted by approving the variances it removes conditions 12 and 13.

Commissioner Murray moved to approve the proposed subdivision subject to the 25 conditions as recommended by the Planning Board. Commissioner Tinsley seconded the motion.

Amendments to Conditions of Approval.

Condition 17.e. Commissioner Tinsley moved to approve staff's recommended language to read, "no build zone within the location of the 100-year flood plain". Commissioner Murray seconded the motion and it carried unanimously.

Condition 17.g. Commissioner Tinsley moved to adopt the Planning Board's amendment to read, "individual on-site wastewater treatment systems must comply with the Montana Department of Environmental Quality Certificate of Subdivision Approval." Commissioner Murray seconded the motion and it carried unanimously.

Conditions 18 and 19.h. Commissioner Tinsley moved to approve staff's recommendation to remove these conditions. These conditions are not necessary as the County does not allow development within the 100-year flood plain. Commissioner Murray seconded the motion and it carried unanimously.

Commissioner Varone moved to add typical language to a condition that prohibits the keeping of large livestock regarding 4-H projects. Commissioner Tinsley seconded the motion and it carried unanimously.

The motion to approve the proposed subdivision subject to 22 conditions as amended carried unanimously.

Public comments on matters not mentioned above. None

There was no other business and the meeting adjourned at adjourned at 9:15 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Anita L. Varone, Chair

ATTEST:

Paulette DeHart, Clerk of the Board