

PUBLIC MEETING
January 4, 2000

Chairman Mike Griffith called the meeting to order at 9:00 a.m. Commissioners Loendorf and Murray were present. Others attending all or a portion of the meeting included Tim Burton, Sharon Haugen, K. Paul Stahl, Robert Rasmussen, Jerry Grebenc, Dave Dunn, Paulette DeHart, Alicia Pichette, Warren Morehouse, Robert Hudnall, Cheryl Green, Paulette DeHart, David Jensen, Floyd Hoff, Cathy Ransier, Jason Hyndman, Mark Mackin, Ron Johnson, Kent Rice, Bernadette Rice, and Carole Byrnes.

Minutes. There were no minutes to approve.

Commission Elections. Commissioner Murray moved to table the election of Chairman of the Commission until Thursday, January 6, and elect Commissioner Griffith to serve as temporary Chairman through 5:00 p.m. January 6, 2000. Commissioner Loendorf seconded the motion and it carried unanimously.

Budget Amendment. Warren Morehouse reported this is a budget amendment for schools. Whenever a school has an increase of more than 6% at either an elementary or a high school level they can request additional funding from the State of Montana to support that additional enrollment. Craig School had an increase of about 5 kids, which will increase their state aid by \$7,248. The Augusta Elementary School had an increase of about 17 kids and their amount of additional state aid will increase to \$17,662.

Contract for Daily Incarceration Rates at the County's Detention Center. Dave Dunn reported that the contract with Department of Justice and Department of Corrections from October 1, 1999 through September 30, 2000 will increase daily rates to \$53.81/day for incarceration of any state inmate. Commissioner Murray moved that the Commission enter into the agreement and authorized the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

County Auditor Quarterly Report. Alicia Pichette reported on the audit expenditures reports for the audits that have been conducted this quarter. The Auditor also reported on the change in travel vendor. Carlson Wagonlee has been selected in offering travel arrangements for the county for FY00 and Morris Travel was selected for FY01. Commissioner Murray moved that the Commission acknowledge the quarterly report and adopt the Auditor's recommendation on travel agencies. Commissioner Loendorf seconded the motion and it carried unanimously.

Reconsideration of the Denial by the BoCC of the Thrapp/Paisley Lot 4B1 Subdivision. (cont. from 12/28/99). The owners/applicants of this property petitioned the Commission for reconsideration of its previous decision.

Applicant, David Jensen, 1215 Beaverhead Road, stated he received a copy of the conditions of approval and indicated his willingness to proceed. The applicants would

just like to amend condition 6 by extending the related facilities area to 175 feet (instead of 150 feet as proposed by staff) of Lot 4B-1A, which would include an existing approach. Mr. Jensen is in agreement with the remainder of the conditions.

Robert Rasmussen stated that staff does not have any problem with amending proposed condition 6 to 175 feet.

Hearing no other public comments, the Commission closed this portion of the hearing. Commissioner Loendorf moved to approve the proposed subdivision subject to 11 conditions as proposed by staff and amending condition 6. The Chair seconded the motion.

The Commission reviewed the Findings and Conclusions.

#1. Commissioner Loendorf moved that the conclusion would not have adverse effects on agricultural lands and agricultural operations. Commissioner Murray seconded the motion and it carried unanimously.

#2. Commissioner Murray moved that this conclusion would not have adverse effects on local services. Commissioner Loendorf seconded the motion and it carried unanimously.

#3. Commissioner Loendorf moved that the conclusion would not have adverse effects on the natural environment. Hearing no second, the motion died.

Commissioner Murray moved that the conclusion would not have significant adverse effects on the natural environment. Commissioner Loendorf seconded the motion and it carried unanimously.

#4. Commissioner Murray moved that the conclusion would not have significant adverse effects on wildlife and habitat. Commissioner Loendorf seconded the motion and it carried unanimously.

#5. Commissioner Murray moved that the conclusion remain as stated. This proposal would have adverse effects on public health and safety. The Chair seconded the motion. Commissioner Loendorf opposed the motion and it carried 2-1.

#6. Commissioner Murray moved that the conclusion remain as stated. This proposal would not have adverse effects on cultural and Historic Resources. Commissioner Loendorf seconded the motion and it carried unanimously.

#7. Commissioner Murray moved that the conclusion remain as stated. This proposal does not comply with the comprehensive plan. Commissioner Loendorf seconded the motion and it carried unanimously.

#8. Commissioner Murray moved that the conclusion remain as stated. This proposal does comply with all of the applicable subdivision regulations.

#9. Commissioner Murray moved that the conclusion remain as stated. This proposal does not comply with survey requirements, but said requirements are not required until final platting upon subdivision approval. Commissioner Loendorf seconded the motion and it carried unanimously.
survey requirements.

#10. Commissioner Murray moved that the conclusion remain as stated. This proposal does provide for utility easements. Commissioner Loendorf seconded the motion and it carried unanimously.

#11. Commissioner Murray moved that the conclusion remain as stated. This proposal does comply with access requirements. Commissioner Loendorf seconded the motion and it carried unanimously.

#12. Commissioner Murray moved that the conclusion remain as stated. This proposal does conform with zoning and other regulations in effect. Commissioner Loendorf seconded the motion and it carried unanimously.

The Commission affirmed, seconded and carried that condition 8.f would include the standard earthquake language.

Proposed Minor Subdivision Preliminary Plat to be known as Lakeside Heights. (cont from 11/30/99). The Commission office received a letter submitted by the owners/applicants, Connie Wellingstein and Ron Johnson that this application will be withdrawn.

Request to Modify a Condition of Preliminary Approval for the Ransier Minor Lot 1 Amended. The applicant, Cathy Ransier, was present and indicated her willingness to proceed. Jerry Grebenc presented the staff report. The proposal is located off of Eagle Bay Drive north of Canyon Ferry Road, west of the north end of Canyon Ferry Lake.

The applicant has requested a modification of condition of approval 5. Currently, the condition states the applicant shall improve the internal access road to the specifications required by the County Subdivision Regulations, typical section #3 Peccia, from the intersection from Eagle Bay Drive to the southern boundary of Lot 1 A, and shall include a cul-de-sac turnaround with a 90' diameter. The applicant is requesting to move the northern edge of the cul-de-sac approximately 130 feet south of the boundary of Lot 1A.

The applicant's preliminary plat indicates that the right-of-way diameter for the cul-de-sac would be 90 feet. The County standard is 100-foot right-of-way. The applicant would be required to establish a 100-foot diameter right-of-way for the cul-de-sac on the final plat, regardless of where it's located.

The subdivision as proposed earlier did not meet County Subdivision Regulations. Due to an oversight by county staff with regards to the original proposal, certain subdivision

regulations were overlooked. Staff is bringing it to the Commission's attention now. According to the regulations, no single lot shall be divided by a public street, road, alley, or right-of-way. Lot 1B, the southwestern-most lot, is divided by the proposed Ransier Drive and by the access road to Lot 2. Both of these roads exist and are being utilized by the applicants and the residents of Lot 2. This division of a lot by a road or right-of-way does not constitute any additional development rights. The applicant has applied for a variance from the County Subdivision Regulations regarding this matter and staff does recommend approval of this variance. If the BoCC approves the variance, staff recommends that the language of condition 7 be modified to include language that indemnifies the county from litigation etc. Staff recommended approval for the modification of condition of approval 5.

Kathy Ransier, 3137 Eagle Bay Drive, stated a weed control plan already exists, but will go through the process again. The leafy spurge is a concern, and will continue to work with it.

Hearing no other public comment, the Commission closed this portion of the hearing. Commissioner Murray moved that the Commission approve the requested variance for Lot 1B to be divided by a public, street, road or right-of-way. Commissioner Loendorf seconded the motion and it carried unanimously.

Commissioner Murray moved that the Commission approve the request to modify condition 5 as recommended by staff. Commissioner Loendorf seconded the motion and it carried unanimously.

Request to Modify a Condition of Preliminary Approval for the East Bench Subdivision Phase 5. The applicant, Floyd Hoff, was present and indicated his willingness to proceed. Michael McHugh presented the staff report. The proposal is located north of York Road and west of Lake Helena Drive. When the proposal was first brought before the BoCC, the proposal included 21 lots along the southern boundary. Six lots here were going to be utilized for town homes which would have three units per town home site. And that there would be community water and community waste water systems to serve those potential homes. The remainder of the lots that would run in a north-south direction were approved for single family residential development and they were to have shared water systems and then individual on-site waste water treatment systems. Because of some complications in obtaining a permit from Department of Environmental Quality, the applicant has proposed to utilize lots 1-6 located along the southern boundary that were previously designated for townhouse development, to have those be used for single family residential developments. The additional single family homes would be utilizing individual on-site wastewater treatment systems and individual wells. The result is lot 6 would be enlarged. Lots 7 and 8 would be combined and enlarged and the 20 lots would have individual on-site wastewater treatment systems and individual wells. Because of the reduction in the total number of dwelling units from 32 to 20, the impacts on public services, public health and safety and the impacts on the natural environment would be reduced.

Staff recommended approval of the modification request. Staff also recommended that condition 8.k be added requesting a waiver of the right to protest joining a community or public water or waste water treatment system in accordance to County Subdivision Regulations. Staff further recommended deleting condition 9.b from the original staff report referencing the developer's responsibility to make improvements to the sewer and water facilities because the individual well and septic systems would be the responsibility of future property owners.

The applicant has submitted a request for a variance to not pave the internal streets until 75% of the lots have been sold. No action is required by the BoCC because county regulations allow for improvements agreements to be developed.

Ed Casney, representing Floyd Hoff, 733 3rd Street, Helena, discussed the reasons for the reconfiguration of the lots. Mr. Casne stated that the applicant will withdraw the variance request.

The Commission opened the public hearing. Hearing no public comments the Commission closed this portion of the hearing. Commissioner Loendorf moved that the Commission approve the conditions as amended by staff. Commissioner Murray seconded the motion and it carried unanimously.

The Commission recessed and reconvened at 10:50 a.m.

Request for Modification of Preliminary Plat Approval and a Variance for the Guinn Haven Lot 4 Minor Subdivision. The applicants, Kent and Bernadette Rice, were present. Robert Rasmussen reported that the applicants have requested a variance from the requirement that utility easements be provided along all lot lines, interior and exterior.

Kent Rice, 5757 Eagle Ridge Road, requested that the Commission give favorable consideration to their modification for a variance request.

Commissioner Murray moved to deny the request submitted by the applicants for reconsideration of their condition on the basis that no new or different information has been received. Commissioner Loendorf seconded the motion and it carried unanimously.

Subdivision Improvements Agreement and Final Plat for the Opri Minor Subdivision. Michael McHugh reported this is a two-lot minor subdivision located east of Lincoln town site, west of the 4 by 4 Road. Preliminary Approval was given in March 1999 with 11 conditions and one variance to allow the 4 by 4 road to stay at the existing conditions. All of the conditions have been met except for the final improvements to the road accessing the subject property. The needed improvements to be done is replacing an existing 36 inch by 34 foot culvert and then grading and hauling in road mix for the final grade. The estimated cost of the needed improvements is \$2,340 approximately. Staff has prepared an improvements agreement for the value of \$2,574. County Subdivision

Regulations require that an improvements agreement be equal to 110% of the estimated cost. The applicant has submitted a cashier's check for the amount of \$2,574 from the South Trust Bank. Staff recommended signature of the improvements agreement and recommended approval of the final plat.

Commissioner Murray moved that the Commission approve the agreement and that the Commission sign the final plat. Commissioner Loendorf seconded the motion and it carried unanimously.

Proposed Revisions of Fees for Variances and Modifications of Conditions of Approval.

Sharon Haugen reported that the first proposed change is the fee structure reviewing variances. The current fee of \$50 for does not cover the costs for the Planning Department. Staff proposes an increase to \$75 for each variance request which will be included with a subdivision application.

The second proposed change is the fee structure for modifications of conditions of approval. Currently the Department charges \$50.00 without a site visit and \$75 with a site visit. Staff has proposed raising the fees to \$150.

Commissioner Murray moved that the Commission table this item to Thursday January 6 to review the staff recommendation. Commissioner Loendorf second the motion and it carried unanimously.

U. S. Board on Geographic Names. Sharon Haugen asked if the Commission has considered responding to the US Geological Survey letter regarding several proposals on the names of geographic features in Montana. Commissioner Murray instructed staff to respond to the USGS that this Board will retain the spelling of Sacajawea. Commissioner Loendorf seconded the motion. Chairman Griffith opposed the motion. The motion to retain the spelling carried 2-1.

Resolutions Ordering a Refund of Assessments Paid. Cheryl Green reported on a number of resolutions:

1. Cory Dullum VFW Post 10010. The VFW Post in East Helena was not given the exemption for their building for tax year 1999, and the exemption was granted. They have paid the taxes. Staff recommended that they be granted a refund in the amount of \$252.67, which includes penalty and interest.

Commissioner Murray moved that the Commission adopt the resolution and grant a refund to the Cory Dullum Post 10010 in the amount of \$252.67 plus penalty and interest and authorized the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

2. James and Jo Slayton. Mr. Slaten is 100% disabled veteran and due to an erroneous assessment, he was not given that exemption. His bill has been corrected. Staff recommended that Mr. and Mrs. Slayton be granted a refund in the amount of \$629.64.

Commissioner Murray moved that the Commission adopt the resolution and grant a refund to James and Jo Slayton in the amount of \$629.64 and authorized the Chairman to sign.

Commissioner Loendorf seconded the motion and it carried unanimously.

3. John and Dorothy Bruce. Mr. and Mrs. Bruce were assessed for the Lincoln Solid Waste District separately for both their mobile home and the parcel of land on which it is located. It is the policy of the District that [property owners be assessed only for the real property. Staff recommended a refund of \$45.00 for the first half of 1999.

Commissioner Murray moved that the Commission adopt the resolution to grant John and Dorothy Bruce a refund in the amount of \$45 and authorized the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

4. W. R. Hanson. Mr. Hansen was erroneously assessed for the Lincoln Solid Waste District. Staff recommended Mr. Hansen be granted a refund in the amount of \$360. Commissioner Murray moved that the Commission adopt the resolution to refund \$360 to Mr. Hansen and authorized the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

5. Selma Skillman. Ms. Skillman was erroneously assessed for the Lincoln Solid Waste District. Staff recommended Ms. Skillman be granted a refund in the amount of \$45.

Commissioner Murray moved that the Commission adopt the resolution to refund Selma Skillman \$45 and authorized the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

6. Steve Utick. Mr. Utick was erroneously assessed by the Department of Revenue on the square footage of his home. DOR representative, Don Blatt, recommended that Mr. Utick be granted a refund of \$159.09.

Commissioner Murray moved that the Commission adopt the resolution to refund \$159.09 to Steve Utick and authorized the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

7. Montana Recreational Properties. MRP was erroneously assessed by DOR for a garage. Staff recommended that MRP be granted a refund of \$91.42.

Commissioner Murray moved that the Commission adopt the resolution to refund \$91.42 to Montana Recreational Properties and authorized the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

Resolutions Denying a Refund of Assessments Paid.

1. Edward J. and Victor Shlimgin and Kathleen Shlimgin. The Lincoln Solid Waste District approved the refund in the amount of \$90. Staff reported that the property is not in common ownership and recommended that the refund be denied. Because of conflicting recommendations, Commissioner Murray moved that this matter be tabled until after the meeting of the Lincoln Landfill Board which would be the first Monday in

March of 2000. Commissioner Loendorf seconded the motion and it carried unanimously.

2. Montana Tunnels Mining, Inc. Montana Tunnels has requested that their penalty and interest be refunded due to the fact they were in bankruptcy at the time the taxes were paid. There is no statute that allows penalty and interest to be refunded. Staff recommended denial until the county receives an order from Bankruptcy Court. Commissioner Murray moved that the Commission adopt the resolution denying a refund in the amount of \$428.08 and authorized the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 11:40 a.m.