

**SUBDIVISION MEETING**  
**March 28, 2002**

Commissioner Murray called the meeting to order at 9:00 a.m.

Commissioners Varone and Loendorf were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Janet Pallister, Mike McHugh, Frank Rives, Mike Henderson, Kathy Moore, Dean Retz, Andy Adamek, Ina Modde, Christina Quinn, Paul Stahl, and Carole Byrnes.

Recognition. Commissioner Murray noted for the record that Lewis and Clark County has received recognition from the Montana Department of Commerce and Gateway Economic Development Corporation certifying Lewis and Clark County as a Montana Certified Community through 2005.

Pledge of Allegiance. Everyone recited the pledge.

Request for Modification of Condition of Approval for the Lowe Tracts, Lot 3 Major Subdivision. Deputy County Attorney, K. Paul Stahl, reported that applicant Ann Pierce has requested a modification of condition of approval #14.i. The condition would read, "The raising, keeping or confinement of livestock or other large animals on 3-B1 of COS #598433/B is prohibited, except on the remainder parcel Tract 3-B1-2." Commissioner Loendorf moved to reconsider and review the evidence that applicant has provided. Commissioner Varone seconded the motion and it carried unanimously. The reconsideration of conditions of approval will be heard at a future public meeting.

Request for Modification of Conditions of Approval for the Foxview Estates Subdivision. Deputy County Attorney, K. Paul Stahl, reported that applicants, David Brown and Dan Fiehrer, have requested a modification of condition of approval #9 for a variance from the canal fence requirement. Commissioner Varone moved to reconsider applicants' request for modification. Commissioner Loendorf seconded the motion and it carried unanimously. The reconsideration of conditions of approval will be heard at a future public meeting.

Request for Extension of Subdivision Improvements Agreement to March 5, 2003 for the Foxview Estates Subdivision. Michael McHugh reported that this final plat was filed March 2001 with a subdivisions improvements agreement. The improvement agreement included monies to pay for the fencing of the irrigation canal that runs through the property and also the installation of the fire protection water supply. The applicants have been working with the Prickly Pear Land Trust and the Soil Conservation Service in adopting a new design for the fire protection water supply system. The applicants have requested an amendment to the condition of approval regarding the fencing requirement. Staff recommended approval and signature of a one-year extension of the improvements agreements for \$22,000. Commissioner Loendorf moved to approve the extension to March 5, 2003 and authorize the chairman to sign. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be known as the Clink Minor No. 3.

(cont. from 03/26/02) The applicant, Richard Cary, proposes to create four lots from an existing 7.13-acre tract, each for one single-family dwelling. The proposal is generally located ½ mile north of John G Mine Road, west of and adjacent to Green Meadow Drive. Commissioner Varone moved to approve the proposed subdivision subject to 17 conditions as amended. Commissioner Loendorf seconded the motion.

Amendments to Conditions of Approval.

Condition 7. Commissioner Varone moved that the fire protection plan requirement be removed. The motion died for lack of a second.

Condition 13.a. Commissioner Varone moved to delete the radon condition. The motion died for lack of a second.

Condition 13.b. Although Commissioner Varone agrees that structures should be built to UBC requirements, she moved to delete the UBC requirement because the county has not adopted the UBC. The motion died for lack of a second.

Condition 13.c. Commissioner Varone moved to delete the road maintenance agreement condition. The motion died for lack of a second.

Condition 13.f. Commissioner Varone moved to delete the waiver of right to protest joining a water improvement district condition. This is the same as zoning. The motion died for lack of a second.

Condition 13.i. Commissioner Varone moved that this condition be removed. The motion died for lack of a second.

Amendments to Findings of Fact.

Conclusion 5. Commissioner Varone moved to modify this conclusion to read, "This proposal may have adverse effects on public health and safety." The motion died for lack of a second.

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

Proposed Subdivision Opre II Minor, Summary Review. (cont. from 03/26/02). The applicant proposes to create two lots, each for one single-family dwelling. The proposal is generally located west of Eames Lane and south of and adjacent to Keir Lane. Commissioner Loendorf moved to deny the proposed subdivision. The motion died for lack of a second. Commissioner Varone moved to approve the proposed subdivision subject to 14 conditions as recommended by staff. Commissioner Murray seconded the motion.

### Amendments to Conditions of Approval.

Condition 3. Commissioner Varone moved to modify this condition to read, "Prior to final plat approval the applicant shall provide county planning staff with a copy of the irrigation easement for the proposed subdivision and provide proof that Tract B-1 and Tract B-2 have legal access to the Helena Valley Irrigation ditch, including the diagonal easements if necessary." Commissioner Loendorf seconded the motion and it carried unanimously.

Condition 6. Commissioner Varone moved to approve staff's recommendation to modify this condition to read, "Prior to any development, construction, or soil disturbance, the applicant shall submit a five-year weed management plan for the proposed development for review and approval, pay the required inspection fee, and have the site certified by the County Weed District. All specifications and requirements of an approved plan shall be met." Commissioner Murray seconded the motion and it carried unanimously.

Condition 9.b. Commissioner Varone moved to remove this condition relating to the radon requirement. The motion died for lack of a second.

Condition 9.e. Commissioner Varone moved to remove this condition relating to waiver of right to protest joining a community water or wastewater treatment system improvement district. The motion died for lack of a second.

Condition 9.g. Commissioner Varone moved to add this condition based on staff recommendation as follows: "Notification of the Deed of Agricultural Easement for the Opre II Subdivision." The motion died for lack of a second.

### Amendments to Findings and Conclusions.

Conclusion 1. Commissioner Varone moved to modify the conclusion to read, "This proposal may have adverse effects". The motion died for lack of a second.

Conclusion 2. Commissioner Varone moved to modify the conclusion to read, "This proposal may have adverse effects". The motion died for lack of a second.

Conclusion 4. Commissioner Varone moved to modify the conclusion to read, "This proposal may have adverse effects". Commissioner Murray seconded the motion and it carried unanimously.

Finding 5.d. Commissioner Varone moved to remove this condition relating to radon exposure. Commissioner Loendorf seconded the motion and it carried unanimously.

Conclusion 5. Commissioner Varone moved to modify the conclusion to read, "This proposal would not have adverse effects". Commissioner Murray seconded the motion and it carried 2-1. Commissioner Loendorf voted in opposition.

Conclusion 6. Commissioner Varone moved to remove the word significant from the

conclusion. The motion died for lack of a second.

Conclusion 9. Commissioner Varone moved to remove the word not from the conclusion due to a typographical error as recommended by staff. Commissioner Loendorf seconded the motion and it carried unanimously.

Commissioner Varone moved to approve the proposal subject to 14 conditions as amended. Commissioner Loendorf seconded motion and it carried unanimously.

One-Year Extension of Preliminary Approval for the Heartland Estates Major Subdivision. Michael McHugh reported that this is 12-lot major subdivision is located southeast of York Road and north of Herrin Road. The applicant has complied with the Health Department requirements and staff recommends a one-year extension from the anniversary date. Commissioner Varone moved to approve the one-year extension subject to staff providing the extension date. Commissioner Murray seconded the motion and it carried unanimously.

Rural Community Assistance Grant Application. (cont. from 03/26/02). Commissioner Murray reported that this grant application from the Canyon Creek Volunteer Fire Department in for the proposed facility on McDuffy Lane. Commissioner Loendorf moved to approve the grant application and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Amendment No. 1 to the Engineering Contract with Entranco, Inc. Janet Pallister reported that amendment #1 is for provide a preliminary engineering report for the Lewis and Clark County Bridge Inventory and covers the cost of services needed to complete the 2002 TSEP Grant Application. Staff recommended approval. Commissioner Varone moved to approve the amendment and authorize the chair to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

Maintenance Agreement between Lewis and Clark County and the Montana Department of Transportation for the Dearborn River Bridge South of Augusta. Janet Pallister reported that this agreement is for maintenance of the Dearborn River Bridge, (a/k/a High Bridge). MDT will be doing a rehabilitation of that bridge with off-system funding during the summer of 2003. The project will be bid in fall or winter of 2003. The bridge will be closed for approximately one year. The county will be responsible for posting the weight limits after the bridge is rehabilitated, any signage, removal of salvage materials from the bridge, and maintaining the bridge thereafter. Staff recommended approval. Commissioner Varone moved to approve the agreement and authorize the chair to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

Health Department Renewal Agreement with DPHHS. Mike Henderson reported that this was a renewal of an agreement between the county and the DPHHS for direct care and case management services for people with AIDS through Health Department social workers and nurses. Staff recommended approval. Commissioner Varone moved to

approve the agreement and authorize the chair to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

WQPD Contract and Encroachment Agreement. Kathy Moore reported that this was an agreement to allow the USGS to install a wire stream flow gauge on the Williams Street Bridge so they can measure flows on Lower Tenmile Creek. According to Fish, Wildlife and Parks no permit is needed for this work. Staff recommended approval. Commissioner Varone moved to approve the contract and encroachment agreement and authorize the chair to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

The Commission recessed and reconvened at 9:50 a.m.

Zoning Commission Appointment. Commissioner Varone moved to appoint Jeff Kuhn and Amy Orser to the county zoning commission. Commissioner Loendorf seconded the motion and it carried 2-1. Commissioner Murray voted in opposition.

Other business.

Madison-Missouri River Committee Appointment. Commissioner Murray stated that this committee was a result of the re-licensing of Montana Power Company's dams to Northern Energy. Staff recommended appointment of County Planning Department Senior Planner Jeff Erickson. Commissioner Loendorf moved to appoint Jeff Erickson to the Madison-Missouri River Committee. Commissioner Varone seconded the motion and it carried unanimously.

Exparte Communications-Amendments to Resolution 2002-23. Commissioner Murray stated that this item was an exparte communications amendment tabled so that it may be re-written to reflect the amended amendment. Commissioner Loendorf moved to withdraw her motion to amend the amendments. Commissioner Murray seconded the motion. For clarification, the exparte policy will remain as is.

Revisit Findings of Fact-Grady Ranch. (Discussion) Commissioner Loendorf requested that the Commission revisit the findings of fact for the Grady Ranch Subdivision. She stated she did not intend to breach the exparte policy by communicating with Ed Grady. (Note: A verbatim transcript of this discussion is available in this file folder)

There was no other business and the meeting adjourned at 10:00 a.m.