

**PUBLIC MEETING**  
**April 13, 2004**

Chairman Mike Murray called the meeting to order at 9:00 a.m. Commissioner Tinsley was present. Commissioner Varone was absent attending a MACRS Convention in Bozeman. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Lindsay Morgan, Michael McHugh, Kate Wilson, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Request for a One-Year Extension and Schedule Public Hearing to Modify Condition of Approval #16 for the Northwest Minor Subdivision. (Applicant, M&W Investments/Larry Marshall). Michael McHugh reported the applicant has requested a request for a one-year extension and a modification of condition #16. The subdivision received preliminary plat approval in April 2002. Staff is unclear if an extension was granted in 2003. Condition 16 reads, "the applicant shall establish locations and easements for additional wells, water lines, and a 100,000 gallon water reservoir on the subject property as identified in the agreement filed with the Clerk and Recorder's Office in book M4, Page 6866. The easement for the subject wells, water lines and reservoirs shall be indicated on the final plat. The Townview Water Users' Association and the applicant shall mutually agree on the location of the wells, easements and reservoir." The applicant requests modification of condition 16 shall read, "The applicant shall show existing easements on the final plat. The Townview Estates Water Users Association and the applicant shall mutually agreed on the location of the reservoir and additional wells before Tract 2A-1 (Lot 4) be developed." Staff has not had any discussion with the applicant on the modification and offers no recommendation at this time.

Commissioner Murray stated he has a problem with this being a minor. On a 2-1 vote, planning policy was changed that adjacent subdivisions... if you have two adjacent minors or more, you look at the cumulative impacts and that made them a major subdivision. The Skyview subdivision (this minor) happens to be adjacent to it and on a 2-1 vote it was ruled it was a minor rather than a major. I'm inclined to go ahead and schedule a hearing on this.

Michael McHugh. The remainder parcel is undergoing review for a major subdivision right now.

Commissioner Murray. So he complied with past policy rather than the one he slipped in here as a minor?

Michael. He's required to do it because it's 85 lots. I don't think anybody can make that a minor.

Commissioner Tinsley. I'd like to further the discussion on going back to the old policy. You stated this was given preliminary plat approval in April 2002 and then nothing

happened in 2003. He has one year from date of approval to either finish the subdivision or ask for an extension. Did he ask for an extension with the county?

Michael. My review of this file has been very brief, like in the last 5 minutes because I just found it. I cannot find any record of that an extension was requested or granted in 2003.

Commissioner Tinsley. If there was no request for an extension on behalf of the applicant then this is expired. Am I correct?

Sharon. I guess unfortunately we have not found copies of extension letters but we will go back to the minutes to see if there was an extension granted. My recommendation today would be to table this until next week so we can get that information for you and then we can go ahead and schedule a hearing.

Commissioner Tinsley moved to table the extension and modification request to Tuesday, April 27 to allow staff to review the file for an extension request for 2003. Commissioner Murray seconded the motion and it carried 2-0.

Request to Schedule Public Hearing to Modify Conditions of Approval for the East Bench Phase V Subdivision. (Applicant, Floyd Hoff) Lindsay Morgan reported the applicant has requested a modification of conditions of approval to change lots 9-14 to one acre for duplex condominium or townhouse units on each lot. Originally these were  $\frac{3}{4}$  acre lots. A townhouse would have three new buildings, two units in each. Each building will have a common wall but their own lot. Duplex condominiums would be two units on each lot (6 buildings—12 units). Staff requests the commission table this matter until staff has better clarification from the applicant—either condo or townhouse. Commissioner Tinsley moved to table to Tuesday, April 20. Commissioner Murray seconded the motion and it carried 2-0.

Sub-Recipient Agreement for Healthcare for the Homeless Program. Kate Wilson reported the agreement with Yellowstone County Health Department is in the amount of \$80,000 to provide healthcare for the homeless services at God's Love. Missoula County and Butte/Silverbow also receive the same amount of money. Staff recommends approval. Commissioner Tinsley moved to approve the contract and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Library Interlocal Agreement. Ron Alles reported on the updated version of the agreement with the City of Helena. Notable changes within the agreement are the city and the county can each appoint a member of their respective bodies to the board and some of the detail statute language has been removed. The statutes will guide this operation. Both the city attorney and the deputy county attorney have reviewed the agreement. Staff recommends approval. Commissioner Tinsley moved to approve the agreement as amended. Commissioner Murray seconded the motion and it carried 2-0.

Easement Agreement. Ron Alles reported the easement agreement is from Lewis and

Clark County to the City of Helena for the Fort Harrison sewer line which is in place at the county shop. The easement is along the northern property line of Tract B of the Cooney Home Minor Subdivision and the agreement formalizes the City's contractual obligation within this agreement. Staff recommends approval. Commissioner Tinsley moved to approve the agreement and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Public Comments. None.

There was no other business and the meeting adjourned at 9:25 a.m.