

MINUTES PUBLIC MEETING 11/30/04

Chair Commissioner Murray opened the meeting at 9:00am. Commissioner Tinsley and Commissioner Varone were also present at the meeting. Those attending all or a portion of the meeting include Ron Alles, Sharon Haugen, Frank Rives, Lindsay Morgan, Michael McHugh, Bill Straley, Kevin Crabtree, Hans Algard, Larry Marshall, Ralph J. Thomas, Jim Taylor, Robert Gomes, Dean Retz, Judith A. Carlson, Monica Abbott, Bryan Shields, Myron Laib, Tamara Laib and Carrie Severson.

Pledge of Allegiance. Everyone recited the pledge.

Health Department Contract.

Mike Henderson presented the contract for emergency preparedness in the amount of \$108,866.00. Commissioner Varone motioned to approve the contract. Commissioner Tinsley seconded and it passed unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Crabtree Minor Subdivision. Lindsay Morgan reported on the Crabtree Minor Subdivision, stating that the date of the item had been postponed by suggestion of the County. A public hearing was opened and closed, no one testified. The item has been postponed to December 9, 2004.

Proposed Major Subdivision, Preliminary Plat to be Known as Timber Acres II.

Frank Rives reported on the Timber Acres II. There are 5 proposed lots, each for a single-family dwelling. The language for weed control and 4-H animals was modified. Commissioner Tinsley moved to approve with 14 conditions as amended. Commissioner Varone seconded and it passed unanimously.

Proposed Major Subdivision, Preliminary Plat to be Known as Polaris Major Subdivision. (Applicant, Dwayne McNeil) (Planner, Lindsay Morgan) (cont. from 11/23/04)

Lindsay Morgan reported on the Polaris Major Subdivision. Added a condition that allowed 4-H animals to be allowed and specified the weed management plan. There are 16 proposed lots, fourteen lots with one single-family dwellings and two for commercial purposes. Commissioner Varone moved to delete condition #6, 14a,l. Conditions 14q&t were adopted by the Commission. Commissioner Tinsley seconded and the amendments passed unanimously Commissioner Varone motioned to approve with 21 conditions and amendments. Commission Tinsley seconded and it passed unanimously.

Proposed Road Abandonment of Deer Park Drive.

Murray has inspected the area to be considered for abandonment, however the report was unavailable at this meeting.

Frank Rives presented the area in consideration in the overhead projector. Proposed abandonment would allow for lot 20A to place a drain field on the abandoned area. The land was subdivided and signed by the County Commission and County Attorney prior to plat regulations. The applicants did fill and file a petition to close and abandon the segment of the road. The applicants intend to relocate the boundary line and acquire the section of road in the north lot, 20A. They claim that no other properties would be affected by the abandonment as it borders BLM lands, with out providing access to the BLM land. Question regarding access to BLM land shall be investigated.

Commissioner Tinsley pointed out that there are currently two strands of barbed wire across the road currently constituting an illegal gate.

Kevin Crabtree, Po Box 5572 Helena Mt, stated that the public currently does not access Bureau of Land Management land off of the road. His father closed the road, with a gate, so that the public could not drive down to their cabin. Requests that the county abandon that section so that he could make two lots and put the drain field up on the road.

Commissioner Murray opened a public meeting for public comment.

Larry Marshall. 3176 Baxendale Dr., he would like to see the issue continued until officials determine the purpose originally intended for the road. He's concerned that some property owners are still attempting to access their land via Deer Park through Bureau of Land Management.

Hearing no comment Commissioner Murray closed the Public hearing.

Commissioner Varone asked that the item also be presented to Bureau of Land Management. Commission Murray requested the planning office acquire his recommendation and add it to the record. Commissioner Tinsley moved to table the item until Tuesday, December 14, 2004 with a public hearing. Commissioner Varone seconded the motion and it passed unanimously.

Request for Modification of Conditions of Approval for Preliminary Plat to be known as Northwest Major.

The applicant, Larry Marshall, was present and indicated his willingness to proceed. Micheal McHugh reported on Northwest Major. The proposed change involves reduction in the total number of lots from 5 to 4. The Plat has previously been approved with 16 conditions. All adjacent property owners have been notified and no objections were heard.

Larry Marshall presented additional information to the Commission for review, stating that he is selling a portion of one of the lots to an adjacent property owner along with one of the four water rights he currently holds for the land.

Micheal McHugh stated that the Commission must identify a use for the property, such as a development lot, for lot 4.

Commissioner Murray opened public hearing. Public denied to comment and the public hearing was closed.

Larry Marshall closed public comment by stating that he would be willing to provide or find the information for the commission.

Commissioner Tinsley moved to render a final decision on the Preliminary Plat, with a public hearing on Tuesday, December 2, 2004. Motion was seconded by Commissioner Varone and passed unanimously.

Revocation of Encroachment Agreement on John G. Mine Road.

Sharon Haugen reported that she has given the applicant a memo of the staff report. In June of 1995 the County commission approved an encroachment for grazing horses on John G. Mine Rd. and placing a gate to confine them. Later the Commission found that the state, and not the county owned the encroachment. Staff recommends approval of the revocation of the encroachment agreement on John G. Mine Rd.

Myron Liab requested that the County not make him take down his fence until March due to circumstance. The Commissioners clarified the issue by stating that they have no power over the decision regarding the encroachments on John G. Mine and therefore cannot dictate any activity or structure on that road.

Commissioner Murray opened the matter for public Comment.

Judith Carlson, 1530 Bitterroot Rd., questioned other fence and encroachments on the road.

Commissioner Murray stated that the correct action of the County would be to address the mistake to Department of Transportation. She then asked that a copy of the Department of Transportation letter be sent to her.

Bill Strayly, 1266 Ponderosa Rd., questioned how many feet of road were involved. Sharon Haugen clarified the lots affected by the error.

Monica Abbot, 1390 Ponderosa Rd, clarified that all property owners return the lots to the manner in which they were, prior to the encroachments.

Tammera Laib, clarified that they do own part of the area of encroachment, and are willing to work with the Department of Transportation to alleviate the problem.

Commissioner Varone moved to revoke the encroachment agreement, send a letter to the Department of Transportation with a postponed removal request on behalf of the Liab's. Commissioner Tinsley seconded and motion passed unanimously.

Commissioner Tinsley motioned to research the fee and return it to the Laib's. Commissioner Varone seconded and it passed unanimously.

Encroachment Agreement for Meadowlark Road.

Staff recommends approval of the encroachment agreement for Meadowlark Road. Myron Laib stated that he majorily owns the property on the north and south sides and that he would graze his horses and cows on it to reduce weed and fire problems.

Commissioner Tinsley stated his concern of the County achieving a fair market value of the property and does not feel that the current fee is accurate.

Commissioner Murray opened the item for public comment.

Robert Gomes, 1395 Ponderosa, stated that the road is used often and would like the county to deny the encroachment and keep his public right to the road in tact. He would also like to see the fence posts that

have been recently put up be removed.

Bill Straley, 1260 Ponderosa Rd, is against the encroachment agreement and would like to see the road remain open for public use.

Ralph Thomas, 1315 Ponderosa, stated that he has a fence around his property that could not keep horses out of his property.

Monica Abbot, 1390 Ponderosa Rd., stated that in the covenants of the subdivision cattle are not allowed on the property, just horses and would greatly object encroachment if cattle were included. She would like to keep the roads free for children to ride bicycles and horses on the dirt roads.

Judith A. Carlson, 1350 Bitterroot, would like the encroachment to be denied. She is also concerned about the right of way, the weeds, the children and the horses. Feels that other persons from the county also utilize the road.

Myron Laib stated that he would not have cows on the road, but their land to the south allowed cattle.

Commissioner Tinsley motioned to deny the encroachment agreement, and request the Weed District to prioritize Meadowlark Dr. Commissioner Varone seconded the motion and it carried unanimously.

Public comments on matters not mentioned above.

No public comment was heard.

Adjourn.

Commissioner Murray adjourned the meeting at 10:56.