

**Subdivision Meeting
February 24, 2005**

Chairman Tinsley called the meeting to order at 9:05 a.m. Commissioners Varone and Murray are present. Others attending all or a portion of the meeting include Ron Alles, Jerry Grebenc, Lindsay Morgan, Marni Bentley, Beverly D'Amato, Michael McHugh, Paulette DeHart, Frank Rives, Chris Ries, and Carrie Severson.

Pledge of Allegiance. Everyone recited the pledge.

Resolution to Alter The Boundaries of the Wolf Creek/Craig Fire Service Area to Annex Adjacent Land, Pursuant to Resolution 2005-5. Marni Bentley reported in January the Board of County Commissioners passed a resolution of intent to annex land into the Wolf Creek/Craig Fire Service Area. The public notice process has been followed and one comment was received by a landowner to make sure they are not assessed for fire protection since it is undeveloped. This resolution is for the Lewis and Clark County Pass area. Staff recommends approval of the resolution.

Hearing no public comment, Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Resolution To Alter The Boundaries Of The Wolf Creek/Craig Fire Service Area To Annex Adjacent Land, Pursuant to Resolution 2005-6. Marni Bentley reported this resolution would include the Fish, Wildlife and Parks buildings at the end of Beartooth Road, and the property on Chevalier Drive. Staff recommends approval of the resolution. Commissioner Murray asked if the state agencies have been notified in regard to this resolution. Marni Bentley stated that they had signed the petition and were sent notice of the hearing.

Hearing no public comment, the public hearing is closed. Commissioner Varone moved to approve the resolution and authorize the chair to sign. Commissioner Murray seconded and the motion passed unanimously.

Marni Bentley added that the passage of these two resolutions include a 60-day protest period starting immediately, and will present the Commission with resolutions to establish the effective date on April 26,2005.

Proposed Minor Subdivision, Preliminary Plat to be known as the Wade Minor. (Applicant, Wade Rea) (cont. from 2/22/05). The applicant proposes to create 4 lots, each for one single-family dwelling and 1 lot for commercial storage units with office facilities. The proposed subdivision is generally located east and adjacent to Green Meadow Drive and approximately 1 mile south of Lincoln Road.

Michael McHugh reported the West Valley Fire Chief and the surveyor have redesigned the configurations on that Lot C addressing the 225 commercial storage units to allow for increased distances between the fence and greater maneuverability, but does not decrease the number of storage units or trips generated. The proposal does permit access by emergency vehicles. Staff's original recommendation was for approval of the subdivision. A clarification was made naming this subdivision Ray Minor Subdivision. However, due to a previous subdivision referred to as Ray Minor, the name has been changed to Wade Minor.

Commissioner Murray moved to approve this proposal subject to 14 conditions as proposed by staff. Commissioner Varone seconded and the motion passed unanimously.

Proposed Agricultural Covenant Revocation Minor Subdivision, Preliminary Plat to be known as the Canyon Vista Estates Lot 65A-2 Minor. (Applicant, Harold Poulson) (cont. from 2/22/05). The applicant has requested the Commission consider removing an agricultural covenant which was placed on a 12.57 acre portion of a 31.82-acre tract. Permitted use of the subject property would be restricted to 1 single-family residential and accessory use. The subject property is generally located west and adjacent to Canyon Ferry Road and adjacent to Canyon Ferry Crossing Subdivision. Commissioner Varone moved to approve the revocation subject to 6 conditions and authorize the chair to sign. Commissioner Murray seconded and the motion passed unanimously.

Amended Resolution Of Intention To Create Rural Improvement District No. 2005-2 For Kerr Drive. Marni Bentley reported the resolution has been amended to allow the use of asphalt pavement or asphalt millings for the top surface. After cost estimates have been established a determination will be made as to which will be more cost effective for the neighborhood. The only change in the resolution is the change in improvements to be made and the type of material used. Staff recommends approval of the resolution. Commissioner Murray moved to approve the resolution and authorize the chair to sign. Commissioner Varone seconded the motion and commended the property owners for their civil approach and remedy to this issue. The motioned carried unanimously.

Request to Amend the Regulations of Special Zoning District No. 33 (Townview Estates) to Permit Storage Units by Conditional Use Permit. (Applicant, Larry Marshall) (Planner, Beverly D'Amato) (cont. from 2/10/05). The Commissioners will consider the Planning and Zoning Commission's recommendation. The property is generally located on the west side of North Montana Avenue, east of Avocet Drive and south of Seagull Road. Staff has requested that this be tabled to March 10 so the process could be further reviewed. Commissioner Varone moved to table the request to March 10 at 9:00 a.m. Commissioner Murray seconded the motion and it carried unanimously.

Final Plat Approval for the Myles Minor Subdivision. (Applicant, Elaine Myles). Frank Rives reported the applicant has met all of the conditions of approval. Staff recommends approval of the final plat. By consensus, the commissioners agreed to sign the final plat.

***Proposed Minor Subdivision, Preliminary Plat to be known as Timber Ridge Subdivision

Lindsay Morgan presented the preliminary plat to be known as Timber Ridge Subdivision. Gaurdrails must be installed on the road and must meet all AASHTO

requirements and at a minimum guardrails must be installed areas having a minimum three to one slope or greater with a distance of five feet or greater down said slope. Also with regard to the guardrail issue, along that road there is one area as you're going around the curve that the road flattens out where you wouldn't necessarily need to be installed, however a staff requests that the guardrail be continued through that area although that specification is not in the current conditions of approval. Condition number eight requires that they get a zoning variance also because it's in the OSR zoning district and the zoning only allows for the cul-de-sac to be five hundred feet long maximum, staff has specified who the applicant needs to contact to get the zoning variance from. Condition 11J, a covenant, was added from the ground for the trees. Condition 11w staff has added a strike through a portion of the weed condition, the portion that would not be consistent with the conditions of approval. Commissioner Tinsley asked what would happen if the preliminary plat passed and was rejected by the county zoning Commission and why the order of events were occurring as they were. Planner Lindsay Morgan clarified that if the preliminary plat is passed and is rejected by the zoning Commission, in effect the zoning Commission would ultimately reject the subdivision. When the pre-application meeting was done for this subdivision staff was unaware that the subdivision was located under the OSR zoning and was realized after a receipt of subdivision application. The applicant is aware of the situation and knows that this is the first condition of approval that they will have to meet. Commissioner Tinsley asked if the applicant would have the opportunity to modify the subdivision to try to address the portion of the conditions of approval if it was denied by the zoning Commission. Planner Lindsay Morgan stated that she does not believe that the applicant could do anything with that issue as the road leading up to the property is longer than five hundred feet long, they would not be able to subdivide the property. The proposed road length is 2,360 feet and the old subdivision regulations prohibit roads to be longer than 1,000 feet, therefore the applicant would first have to request a variance from the subdivision regulations because it would be over 1,000 feet and second they would also have to request a variance from the zoning which is 500 feet. Commissioner Tinsley asked that assuming this passes immediately and goes to the zoning Commission and passes in zoning Commission does it then come back to the County Commission again or is there a reverse process in effect. Planner Lindsay Morgan stated that the only thing that would come back before the Commissioner would be the final plat. Commission Murray stated that the planning zoning board recommends to the County Commission so the County Commission has to act on their recommendation so to that extent it comes back to the Board of County Commissioners. County planning director Jerry Grebenc stated that the county planning/zoning Commission, which consists of the Commissioners, would make a recommendation to the board so the Board of County Commissioners would be making a decision on that variance request. Ideally it would have been better to have the zoning Commission occur first, but since it wasn't caught it's now a procedural matter that needs to be done due to the fact that the zoning exists. Commissioner Tinsley asked if it would make sense to go forward or what they would like to do. Commissioner Murray stated that in an ideal world that this would not happen, however the statutory deadline on this ends February 28, 2005, and with out the Commission acting on the Subdivision today it would automatically pass as approved without any mitigation efforts on part of the county. He asked the Commission to agree to take care of the matter immediately and schedule a zoning/planning hearing in a timely manner that would take care of it then. Chief administrative office Ron Alles stated that by concurring with the subdivision, they would also concur with the variances or could deny the subdivision because they don't concur

with the variances. Commissioner Murray moved to deny variance for length of the cul-de-sac. Commissioner Tinsley seconded the motion for discussion. Commissioner Murray reported on a fire in the Bucksport near Canyon Ferry lake when fire fighters were forced to examine alternate routes of escape due to a lengthy dead end road that could have potentially been hazardous, therefore he is not comfortable allowing a variance that could put professional fire fighters lives at risk. He also noted that he supports the subdivision and would like to see the matter mitigated through utilizing the assistance of one of his neighbors to provide for an emergency egress route. Discussion centered on possible emergency routes. County Planning director Jerry Grebenc asked that the applicant come forward to extend the review period to mitigate. Commissioner Tinsley asked that Mr. Dowling come forward to address the issue. Michael Dowling expressed his concerns on mitigation with other private property owners and made a possible suggestion to install sprinklers, and requested a week extension to mitigate the issue and stated that he would be willing to extend until March 10, 2005. Commissioner Varone made a motion to extend the deadline to March 10, 2005 when a full Commission is seated. Commissioner Murray seconded and the motion passed unanimously.

Proposed Minor Subdivision, Preliminary Plat to be known as Valley View Heights Lot 47 Minor Subdivision.

Planner Beverly D'Amato presented the Preliminary Plat to be known as Valley View Heights. Question was raised as to which fire service area the property is located. Lewis and Clark and Lakeside fire service areas were possibilities. Jerry Grebenc was able to verify that in fact the fire service area was Lewis and Clark. Commissioner Varone also brought up the fire protection costs of this subdivision as they are \$1,000, and asked if he had discussed the details of the fee in his memo to planning staff. Planner Beverly D'Amato stated that she thought there may have been some overlap between the old regulations and the new regulations as under the new regulations a minimum of one thousand dollars is required unless other onsite water provision is provided. She thinks that the district was an overlap but reported that a thousand dollars is pretty universal and has sent the Fire Chief an email and left him a message to assure that his comments were based on the actual need for the subdivision rather than the confusion between the old and new subdivision regulations. Commissioner Varone asked that if the Board of County Commissioners approved the preliminary plat that the amount could be left open and staff could work to add the condition. Planning Director Jerry Grebenc reported that it should not be a problem to adjust the amount with the Fire Chief if necessary. Commissioner Murray said that there was a pump station within a mile of the property. Commissioner Varone moved to approve the improved service standards variance. Commissioner Tinsley seconded and the motion passed 2-1 with Commissioner Murray voting in opposition. Commissioner Varone moved to approve the preliminary plat. Commissioner Murray seconded the motion. Commissioner Murray discussed his concern of the testimony regarding the subdivision of the twenty acre lots in the area and the concern that property owners fear that a trend will be started. He stated that the property owners in the area have a responsibility to enact zoning and protect their property and the Commission has an obligation to comply with the law regarding subdivision requests, therefore he is supporting the subdivision. Commissioner Varone felt that the adjacent property owners will be pleased with the subdivision as the persons who have purchased the property have cleaned the area and begun to build their personal home. She is in support of the subdivision.

Commissioner Tinsley concurred with Commissioner Murray's remarks. The motion passed unanimously.

Professional Services Contract.

Ron Alles presented the contract involving the Fairground Footprint with Stahly Engineering and associates. Stahly Engineering will be subcontracting with Dowling Architecture to assist the county in the final design. June seventh is the contract date and the date they hope for the project to be completed. Public discussions will begin with the draft of the Footprint at which the public and the Commission will be a part of. Staff recommends approval. Commissioner Murray moved approval of the contract as recommended by staff and authorize chair to sign. Commissioner Varone seconded the motion and it passed unanimously.

Resolution Declaring County Property Surplus Property.

Ron Alles presented the first resolution consisting of nine items, five or six of the items are from old fairgrounds equipment, there are a few copiers, and old vehicles no longer needed by the county. Staff recommends approval. Commissioner Varone motioned to approve the resolution declaring county property surplus property and authorize chair to sign. Commissioner Murray seconded the motion. The motion passed unanimously.

Resolution Declaring County Property Surplus Property.

Ron Alles presented the resolution consisting of a Thermal Patcher from public works, and an old Chevy Astro van from the Juvenile probation department. Staff recommends approval. Commissioner Murray moved approval of the resolution declaring county property surplus property and authorizes the chair to sign. Commissioner Varone seconded and the motion passed unanimously.

Public comments on items not mentioned above. None.

There was no other business and the meeting adjourned at 9:57 a.m.