

**SUBDIVISION MEETING**  
**January 5, 2006**

Chairman Ed Tinsley called the meeting to order at 9:00 a.m. Commissioners Murray and Varone are present. Others attending all or a portion of the meeting included Ron Alles, Jerry Grebenc, Marni Bentley, Lindsay Morgan, Kim Smith, David Quick, Darcy O'Dell, Jenny Balcerzak, Mark Stahly, Deputy Phil Clark, Jaclyn Grenfell, Paulette DeHart, Dean Retz, Wendy Stewart, Ron Solberg, Tyler Emmert, and Maria Penna.

Pledge of Allegiance. Tyler Emmert led the pledge and everyone recited.

Recognition. Commissioner Tinsley recognized Sheriff Deputy Phil Clark, Sergeant in the 189<sup>th</sup> Air Assault Unit, a division of the National Guard. He served in Iraq for about a year flying a UH60 Black Hawk helicopter and was deployed in Bilad, Iraq. Commissioner Tinsley stated the county is very proud of his service and gave him a county hat and pin as a small token of our appreciation.

Consent Action Items. Ron Alles reported on the consent items and recommends approval.

- a. Depository Services Resolution for Governmental Entities. To permit the Treasurer-Clerk & Recorder to purchase a zero-rate savings certificate through U.S. Bank National Association depository.
- b. Resolution Ordering a Refund of Taxes/Fees/Assessments Paid. Eagle Rock Residence Limited Partnership \$1,323.04 for tax year 2005.

Commissioner Murray moved to approve the consent agenda and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Board of County Commission Chair & Vice-Chair Designation for Calendar Year 2006. Commissioner Murray moved that Commissioner Varone serve as Chair for calendar year 2006. Commissioner Tinsley seconded the motion and it carried unanimously.

Commissioner Varone moved to nominate Mike Murray as Vice-Chair. Commissioner Tinsley seconded the motion and it carried unanimously.

Commissioner Varone asked Commissioner Tinsley to finish conducting today's meeting.

Board of County Commission Assignments/Appointments for Calendar Year 2006. Commissioner Varone moved to approve the Commissioner Assignments and Appointments as presented. Commissioner Murray seconded the motion and it carried unanimously.

Commissioner Varone stated in accordance with Commission policy, each Commissioner in their 3<sup>rd</sup> and 6<sup>th</sup> year in office would serve as Chair.

Public Hearing. Resolution to Create the Rosendale Road Rural Improvement District. Marni Bentley reported on November 22 the Board passed a resolution of intention to create the Rosendale Road RID based on a petition from landowners for a maintenance district. No protests were received by the protest deadline. Each developed lot will pay \$300 per year and undeveloped lots will pay \$50 per year for maintenance. Staff recommends approval of the resolution.

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

Resolution Levying And Assessing A Tax Upon All Benefited Property Within The Rosendale Road Rural Improvement District No. 2005-8. Marni Bentley reported this resolution is the rate hearing for the maintenance district. The annual costs are \$3,450 and the assessments for developed lots are \$300 per year and \$50 per year for undeveloped lots. Staff recommends approval of the resolution. Commissioner Murray moved to adopt the resolution and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Major Subdivision, Preliminary Plat to be Known as Ryan Subdivision. (Applicant, Michael & Susan Ryan) (Planner, Lindsay Morgan) (cont. from 12/6/05). The applicant proposes to create 5 lots, lot 12-A-1A to be used for 2 single-family dwellings, the other 4 lots will each be used for 1 single-family dwelling. The subject property is generally located south of Lone Pine Road west of and adjacent to Birdseye Road.

Lindsay Morgan reported the Commission asked staff about further subdivision of the lots and prohibiting livestock on-site. After consulting with Deputy County Attorney Paul Stahl, he states, in order to prohibit the further subdivision of lots there would have to be a reason, whether it is a public health and safety issue or it would affect local services in such a way that staff could not mitigate it through the conditions of approval.

Staff presented three options regarding the condition to prohibit livestock.

- (1) As recommended by the applicant: The keeping of family milk cow or saddle horses for non-commercial purposes, and children's club project animals are permitted. No more than one horse or one cow or a combination thereof, per acre shall be kept on any or all of the five lots.
- (2) Prohibit the raising or confinement and/or keeping of livestock with the exception of animals used for 4-H projects.
- (3) Prohibit the entire condition.

Variance Request. Length to width ratio on Lot 12-A-1-B in excess of county regulations. Commissioner Murray moved to approve the requested variance. Commissioner Varone seconded the motion and it carried unanimously.

Commissioner Varone moved to approve the proposed subdivision subject to 19 conditions as amended by the Planning Board and authorize the chair to sign. Commissioner Murray seconded the motion.

Amendments to Conditions of Approval.

Condition 11.t. Commissioner Varone moved to replace language added by the Planning Board and shall read, "A prohibition of the raising, confinement, and/or keeping of livestock with the exception of animals used for 4-H projects" and add a sentence that "no more than 1 horse or 1 cow or a combination thereof per 2 acres shall be kept on any or all of the 5 lots." Commissioner Murray seconded the motion and it carried unanimously.

Condition 16.f. Commissioner Varone moved to delete the condition added by the Planning Board regarding prohibition of further subdivision of lots. Commissioner Murray seconded the motion and it carried unanimously.

The motion to approve the proposed subdivision as amended carried unanimously.

Proposed Major Subdivision, Preliminary Plat to be Known as Amended Plat of Lots 11B2A-1 and 11B2A-2, Big Valley Subdivision. (Applicant, Kim Smith) (cont. from 12/6/05). The applicant proposes to create 15 lots, each for one single-family dwelling. The proposed is generally located east of Applegate Drive, north of and adjacent to Jeanne Road.

Lindsay Morgan presented an amended Condition 10 as requested by the applicant. Staff concurs with the amendment to read, "In accordance with all County Subdivision Regulations, Jeanne Road must either be aligned with the approved road network for the North Star PUD or meet separation requirements in conjunction with the approved road network for the North Star PUD."

Variance Request #1-temporary. The proposed internal access road will be a dead-end road in excess of 700 feet in overall length. Commissioner Varone moved to approve the new language and also add **if the road is not constructed within a four-year time period the applicant can make a request for a modification of the condition.** Commissioner Tinsley seconded the motion. Mr. Grebenc stated final platting would not take place unless the roads are in place or applicants come back and request a modification. Commissioner Murray opposed the motion. The motion passes 2-1.

Variance Request #2-temporary. Each major subdivision shall provide two ingress/egress routes and provide legal and physical access. Commissioner Varone moved to approve the variance and also add **if the road is not constructed within a four-year time period the applicant can make a request for a modification of the condition.** Commissioner Tinsley seconded the motion. Commissioner Murray opposed the motion. The motion passes 2-1.

Variance Request #3. To allow proposed Lot 15 to be double fronted for a portion of the lot. Commissioner Murray moved to approve the variance request. Commissioner Varone seconded the motion and it passed unanimously.

Commissioner Murray moved to approve the subdivision subject to 23 conditions as proposed by the Planning Board and the intended language regarding condition #23 by the Commission that will be drafted by staff in consultation with the applicant. Commissioner Varone seconded the motion.

Amendments to Conditions of Approval.

Condition 19.f. Commissioner Varone asked for clarification regarding the 60-foot easement. Ms. Morgan stated in case the property to the north is developed in the future this would be an easement dedication between Lots 1 through 4 to provide inter-connectivity between the roads within this proposed subdivision and the roads to the north. Some of the subdivisions to the west had major drainage channel issues. Commissioner Varone moved to remove condition 19.f. Commissioner Murray seconded the motion and it carried unanimously.

Condition 10. Kim Smith, 3734 McHugh Drive stated he does not have a problem with staff's recommendation as long as other subdivision road networks are laid out in this fashion. Commissioner Murray moved to adopt staff's language. Commissioner Varone seconded the motion and it carried unanimously.

The motion to approve the proposal carried unanimously.

Huyg Minor Subdivision. (nunc pro tunc action) (Planning Director, Jerry Grebenc) **The 5 lot minor subdivision is generally located west of Spokane Creek Road and south of Drake Drive.** Jerry Grebenc reported the Commissioners granted preliminary plat approval in December. The applicant had requested a variance from the construction of a cul-de-sac that does not directly access the lots of the subdivision. In discussion with the applicant, it appears from the record the intent of the Commission was to grant the variance not to construct the cul-de-sac, but was not stated accurately. To clarify the record, Commissioner Murray moved to approve nunc pro tunc action eliminating the requirement for the cul-de-sac as outlined in red in staff's handout. Commissioner Varone seconded the motion and it carried unanimously.

Request for Zoning Variance, Special Zoning District #28. (Applicant/Owner, David & Becky Quick) (cont. from 01/03/06 Planning & Zoning Commission public meeting) The applicants request a variance from the side-yard setbacks to allow for a 6-foot side-yard setback for an existing garage, instead of the required 10-foot side-yard setback. The site is described as Lot 8 in Block 1 of the Vandenberg Village Subdivision, 1204 Shirley Road.

Lindsay Morgan reported the property lies within Special Zoning District 28. The side-yard setbacks for detached accessory structures over 256 square feet in area are 10 feet from each side property line. The applicant built the garage in 1993 on the eastern

side of his property. The previous garage also located on the eastern side of the property was attached to the home and applicants probably wanted to utilize the existing driveway for the new garage. Staff felt the applicant only met 2 of the 8 criteria and therefore recommends denial. The Planning and Zoning Commission approved the variance request unanimously. Commissioner Murray moved to incorporate the public hearing record from the Planning and Zoning Commission into the public record. Commissioner Varone seconded the motion and it carried unanimously.

Hearing no public comments, the public hearing is closed. Commissioner Murray moved that the Commission adopt the recommendation of the Planning and Zoning Commission granting the variance. Commissioner Varone seconded the motion and it carried unanimously.

Public comments on matters not mentioned above. None

There was no other business and the meeting adjourned at 9:52 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

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Anita L. Varone, Chair

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Michael A. Murray, Vice-Chair

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Ed Tinsley, Member