

**PUBLIC MEETING**  
**February 7, 2006**

Chair Anita Varone called the meeting to order at 9:00 a.m. Commissioners Murray and Tinsley are present. Others attending all or portion of the meeting included, Ron Alles, Jerry Grebenc, Larry Marshall, Lindsay Morgan, Wayne Pacheco, Cheryl Green, John Huyg, J.J. Conner, Jason Crawford, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Consent Items. Ron Alles reported on the consent items.

- a. Final Plat Approval – Phase II of the Hoff Lot 3 Amended Major Subdivision. (Applicant John Herrin) (Planner Jerry Grebenc)
- b. Final Plat Approval for the Huyg Minor Subdivision. (Applicant John Huyg) (Planner Jerry Grebenc)
- c. Resolution Ordering a Refund of Taxes/Fees/Assessments Paid. Dale and Betty Cote for York Fire Service Fees in the amount of \$75.00. (Cheryl Green)

Commissioner Tinsley moved to approve the consent items and authorize the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Montana Board of Crime Control #06-9 STOP Violence Against Women Act (VAWA) Funds. (nunc pro tunc action 2/6) (Sheriff Liedle/Jacalyn Grenfell). Commissioner Varone reported this grant application was signed yesterday morning because it had to be submitted yesterday afternoon. The grant is designed to augment the efforts already undertaken by the Helena Police Department with goals to create a partnership with the current program to ensure an equitable distribution of the workload for investigating domestic violence, dating violence, sexual assault and stalking cases; strengthen victim services; and improve officer training in handling crimes against women/children. The total amount of the grant is \$120,419 of which \$75,072 is being applied to the Board of Crime Control. Commissioner Murray moved to approve the nunc pro tunc action and authorize the Chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Final Plat Approval for the Northwest Minor Subdivision (a.k.a. Northwest Major Subdivision-I). (Applicant, Larry Marshall) (Planner, Lindsay Morgan) (cont. from 1/31/06). Ms. Morgan reported that condition 14.b, requiring the applicant to provide documentation from the lien holders, has been satisfied. Mr. Marshall now owns the property in full, so there is no lien holder against the property.

Staff recommends changes to the conditions of approval:  
Condition 6. Add Exhibit B-relocation of the mailboxes. Mr. Marshall's letter of credit covers the relocation of the mailboxes.

Condition 14. Strike the last sentence in the second bullet paragraph, "A buy/sell agreement has been attached from the lien holders as well."

The applicant entered into a Subdivision Improvements Agreement last year to get into his fourth year of preliminary plat approval which expires April 9, 2006. Staff recommends approval of the changes.

Commissioner Murray moved to approve the final plat and the changes as recommended by staff. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be known as New Horizons Subdivision. (Applicants, Wayne & Doretta Pacheco). The applicant proposes to create 5 lots, each for one single-family dwelling and 1 to be utilized for a multi-family residential dwelling. The proposed subdivision is located in the NE¼ of Section 30, T11N, R3W; generally located south of and adjacent to John G Mine Road and west of and adjacent to North Montana Avenue. J.J. Conner of DEBC is present representing the applicants who are out of town.

Lindsay Morgan presented the staff report. Two comments have been received in opposition to the proposed development. Two Helena Valley Irrigation District ditches are located adjacent to the subject property. Subdivision regulations require a 50' setback from the ordinary high-water mark of all Helena Valley irrigation ditches. Setback requirements would need to be displayed and identified on the face of the final plat. The applicant shall install fencing along the easements for the irrigation ditches to effectively restrict the access of small children to these ditches. A no-access restriction shall be required along John G Mine Road with the exception of the two approaches for the proposed internal access roads, as well as a no-access restriction required along North Montana Avenue. The applicants are requesting two variances: (1) no single lot shall be divided by a public street, road, alley or right-of-way. Proposed Lot 5 is divided by the internal access road; and (2) Lot 2 exceeds the 3 to 1 length to width ratio.

The applicant will be required to construct the proposed internal access roads to County Standards Typical Section No. 1--gravel standard. Asphalt map aprons will also be required at the approaches onto John G Mine Road. Based on traffic count information for John G Mine Road from 2003, staff does not believe the current traffic along this road will require widening of John G Mine Road. Staff also recommends that there be a 50' building setback from the right-of-way easement of John G Mine Road and North Montana Avenue. Some areas of the 100-year floodplain are located in the southeastern corner of proposed Lot 5. If the 100-year floodplain has not changed in that area, it will need to be designated on the face of the final plat. Staff recommends approval of the proposed subdivision subject to 18 conditions as outlined in the staff report.

Commissioner Tinsley asked if the two lots could be reconfigured to meet county subdivision regulations.

Ms. Morgan stated there is not much the applicant can do with the 3 to 1 lot length to width ratio for Lot 2 because of the very narrow strip in the northeastern portion of the

property which is not buildable, yet it has to be considered part of a lot. Lot 2 could be configured differently to not require the variance. The Applicant is proposing a second ingress-egress to eliminate the need for a variance for a dead-end road in excess of 700 feet.

Jerry Grebenc stated the applicant could consider offering to sell the narrow lot to the adjacent property owner by doing a boundary line relocation.

Commissioner Tinsley stated according to the application, the purpose of a variance is “when strict compliance would result in undue hardship and when it is not essential to the public welfare. Such variances shall not have the effect of nullifying the intent and purpose of these regulations.” He does not see any undue hardship considering the amount of ground included in the application.

J.J. Conner stated the applicant concurs with the conditions of approval with the deletion of condition 11.I that each lot owner provide on-site retention because it is required under condition 2. He asked for an extension of time through February 24 to possibly refigure some of the lots relating to the variances.

Commissioner Tinsley moved, at applicant’s request, to extend the review period to February 24 and continue the proposal to February 21 at 9:00 a.m. Commissioner Murray 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 9:30 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

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Anita L. Varone, Chair

ATTEST:

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Paulette DeHart, Clerk of the Board