

PUBLIC MEETING
May 29, 2007
MINUTES

Chairman Murray called the meeting to order at 9 a.m. Commissioners Hunthausen and Tinsley were present. Others attending all or portion of the meeting included Ron Alles, Kelly Blake, Christal Ness, Jim Wilbur, Cheryl Green, Michael McHugh, Lindsay Morgan, Greg McNally, Vivian Drake, Larry Brown, Vern Evans, Craig Riley, Roy Andes, and Maria Penna, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Reconsideration of the Denial in 2004 for the Frontier Major Subdivision. (Applicant, Kim Smith) (Planner, Michael McHugh) (Tabled from 5/29/07) (Decision) The Commissioners will consider rendering a decision.

Chairman Murray stated upon the advice of Counsel and Staff, the fact that the Staff has presented nothing that we can consider, this item will be removed from the agenda. If you wish a copy or you wish to be notified when it's put back on the agenda please put an asterisk or some kind of a mark along side your name and Planning will see that you're notified when this is put on the agenda at a future meeting.

Consent Items. Ron Alles: Reports on the consent agenda and recommended approval.

- a. Montana DEQ Modification 1 Agreement No. 207024 Extended from June 30, 2007 to October 31, 2007. (Jim Wilbur)
- b. Contract and Encroachment Agreement. Greg and Terry Kockler for the 60' public access easement created as a Conditions of Approval of the Lowe Tracts, Lot 5E Minor, aka, Country Home Ranchettes; described as Lot 5E1, located in the SE ¼ of Section 12, T10N, R3W. To maintain on the aforementioned County property the domestic water well. (Christal Ness)
- c. Contract and Encroachment Agreement. Jeff Yanzick for the 60' public access easement created as a Conditions of Approval of the Lowe Tracts, Lot 5E Minor aka Country Home Ranchettes; described as Lot 5E2, located in these ¼ of Section 12, T10N, R3W. To maintain on the aforementioned County property the landscaping, to include approximately 10 trees located 25' into the east side of the easement, running north for the length of the property. (Christal Ness)

Commissioner Hunthausen moved approval of the consent agenda and authorized the Chair to sign. Commissioner Tinsley seconded the motion and the motion carried unanimously.

Resolution Ordering the Cancellation of Real Property Taxes That Have Been Delinquent For 10 Years or More. (Cheryl Green) (Tabled from 5/22/07) The Commissioners will consider the resolution.

Ron Alles reported that staff has not had an opportunity to meet with the Treasurer/Clerk and Recorder and Ms. Green and recommended this item be tabled. Commissioner Hunthausen moved to table to a future public meeting. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Stack Minor Subdivision. (Applicants, Jim and Laura Stack) (Planner, Lindsay Morgan) The Commissioners will consider creating five (5) lots, each for one single-family dwelling. If approved the existing 10-acre tract will be divided into lots ranging in size from 1.01 acres to 4.58 acres. The site lies in the SE ¼ of Section 10, T10N, R3W; generally located north of and adjacent to York Road, and east of and adjacent to Floweree Drive.

Lindsay Morgan reported the applicant has requested to table this for 30 days. Commissioner Tinsley moved, at the applicant's request, to extend the review period to June 14th. Commissioner Hunthausen seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be known as Wilkinson Minor Subdivision. (Applicant, Dee Wilkinson) (Planner, Greg McNally) (Tabled from 5/22/07) (Decision) The Commissioners will consider creating two lots each for one single-family dwelling. The existing 4.76-acre tract would be divided into two lots ranging in size from 3.11 acres to 1.65 acres. The subject property is in the SW ¼ of Section 15, T11N, R4W; generally located south of an adjacent to Lincoln Road and north of Silver Creek Road.

Variance. To create lot that will have an average depth 3 times greater than its average width. Commissioner Hunthausen moved approval of the variance. Commissioner Tinsley seconded the motion.

Commissioner Tinsley asked staff to explain this type of variance request--why it exists and why in this particular instance, may or may not be a good thing.

Kelly Blake said it is a situation where the size of the tract and its physical location makes this a situation for the owner of the property that can't be resolved in any other fashion; that the topographic features of the property, its physical location, were substantial and that serious consideration of the variance should proceed.

The motion carried 3-0.

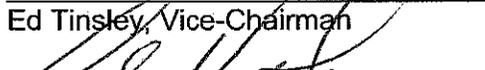
Commissioner Tinsley moved approval of the subdivision proposal subject to 18 conditions of approval and authorized the Chair to sign. Commissioner Hunthausen seconded the motion. Chairman Murray opposed the motion based on the fact this is a piece of land that does not lend itself to development. The motion carried 2-1.

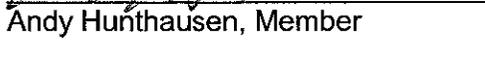
Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None

There was no other business and the meeting adjourned at 9:10 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Ed Tinsley, Vice-Chairman


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board