

PUBLIC MEETING

August 24, 2004

Chairman Mike Murray called the meeting to order at 9:00 a.m.

Commissioners Tinsley and Varone are present. Others attending all or a portion of the meeting include Ron Alles, Sharon Haugen, K. Paul Stahl, Frank Rives, Lindsay Morgan, Deborah Hayden, Sheldon Bartel, Ed Casne, Ryan Casne, Duane and Beth Noel, Dick Weschenfelder, Bob Stauffer, Marc Uechti, Phil and Terry Lamping, Betty Dotson, Thurston Dotson, Delores Strom, Mike Fasbender, Kathy Moore, Linda Kindrick, JL Williams, Ed Casme, Ryan Casne, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Presentation on Gateway Economic Development Corporation Comprehensive Economic Development Strategy and Resolution in Support. Deborah Hayden, regional economic development coordinator for Gateway Economic Development Corporation, reported on the goals, objectives and strategies. Ron Alles has a copy of the 155-page draft of the document. This report will be send to the Economic Development Administration. Jobs created will be in Broadwater, Meagher and Lewis and Clark Counties. Strategies are to increase business counseling, increase volume of business counseling, increase regional capital flow, increase ways in which we retain and create businesses, add two interns to the counseling center which will increase caseload by 80%, increase the size of Gateway loan portfolio, and create a team of marketing and advertising experts. They will support K-12 training and post-secondary education to reduce teacher/student ratio.

Three goals included involve Gateway's loan portfolio increasing by 10% annually, targeting two technical assistant grants, establish a permanent endowment fund. Increase personal income by 2% per from the current 1% year to change personal income status in the United States. They propose bringing in high-income tourists and immigrants, and industries with global markets. The third goal is to increase average earnings per job by 3% per year for five years.

Commissioner Varone moved to table the resolution regarding the Gateway Economic Development Corporation Comprehensive Economic Development Strategy document September 14, 2004. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Major Subdivision, Preliminary Plat to be known as Southridge Estates Major Subdivision. (Applicant, Southridge Properties/Dick Weschenfelder) (continued from 8/10/04) The applicant proposes the creation of thirty-two lots. Thirty-one lots will each be used for one single-family dwelling and one lot will be utilized for commercial storage units. The subject property is generally located on the east of and adjacent to York Road.

The applicant's representative administrator was present in indicated his willingness to proceed.

Lindsay Morgan presented the staff report. Individual wells and waste water facilities will be used for each lot. Access will be on to both Floweree and York roads. Park land dedication will be required, applicant expressed willingness to provide cash in lieu of parkland. The property does not lie within a zoning district. One comment has been made in opposition to the subdivision has been made. There are water rights associated with this property. An irrigation ditch, for flood irrigation, is located on the northern portion of the property and staff recommends fencing along the north property line. There are severe soil constraints due to several factors. Depth to ground water is from 2-25feet. Transportation coordinators recommend applicants reconstruct Floweree Drive to county standards. Drainage plan shows individual culverts. Site distance may lead difficulties, turn lanes may ease traffic issues. MDT states the applicants have received an approach permit for the lots off York Road. They would rather see an approach onto Floweree instead of York. Submit a pedestrian plan from access to and from the development. School district stated buses could bus children across the street for a yearly fee to parents. The East valley fire dept requests a 30,000 gallon tank and should have a dry hydrant and be located on a graveled turnout. The applicants feel they would rather pay a fee of \$200 in lieu of providing an onsite water storage tank. A five-year weed management plan is required. Delineate the wetland area. A 50-foot setback is required from the perimeter of the wetland area. Delineation of the 500-year flood plan be shown on the final plat. Proposed lots 1,17,18, & 29 would need to obtain a flood plain permit from the flood plain administrator. Portions of internal access roads are located in zone A and will require a permit from the flood plain administrator prior to road construction. Irrigation ditches will be filled and equipment be removed before final plat. Staff recommends approval of the preliminary plat approval subject to 25 conditions. The applicants have requested lots 1,17,18, and 29 be exempted from condition 17.q (prohibition of raising livestock).

The Planning board disagrees with recommendation for approval and they recommend the development be denied 4-1 with Steve Mandeville abstaining from the vote. Access onto York road be eliminated and a seconded access be placed on to Floweree drive. Remove condition 7 (approach permit), condition 20 be removed (fence), amended condition 21 to say "for safe access to and from proposed development to Warren School". Amend condition 5 and 6 for additional access onto Floweree Drive. Added a new condition 7 stating that the applicant shall improve Floweree Dr. from the junction of York Road to the Northern most approach location to the specifications required by the county subdivision regulations Peccia #2 the road improvement shall meet requirements specified by the County road engineer. The planning board also recommended deletion of condition 14. The planning board recommended elimination of access to York Road. Commission requested a copy of planning boards recommendations before denial.

Frank Preskar, Environmental Division of the County Health Department, monitored water on lots 2, 9, 10 have been recorded with ground levels of less than 4 feet. Ten lots were recorded with less than 5 feet include the Northern 1-11, 14,15 and 16. State sanitation subdivision act requires that for on sight wastewater treatment there be a minimum of 48inches (4feet) of dry soil year round below the discharge point. Mounds would be an option for the properties with 4 or less feet.

K Paul Stahl stated that the commission is only allowed to require a developer to mitigate impacts that his/her development caused, not the damage that has already been caused. Commissioner Murray stated that the road, currently chip-sealed, needs to be rebuilt and paved to meet the demands placed on it by the development. Paul Stahl recommended creating an rural improvement development to improve the whole of the road rather than just the area from access to York Road. Lindsay Morgan required that they don't build in a wetland area and that they are a minimum of 50 from any surface water.

Kathy Moore, Water Quality PD Administrator, Improper use of chemicals near irrigation ditches can be a threat to water both ground and surface. Groundwater is most likely contaminated by land use over time. The quality of water around the area is better than most she has seen in the Helena Valley.

The Commission recessed for ten minutes.

Mark Liechti, Schwarz Architectural and Engineering, 100 Financial Drive, Suite 120, Kalispell.

Discussed the issues that prevented the planning board from passing the subdivision. Concerned that the board denied the subdivision because the size of the lots failed to meet County goals. The fence along the northern boundary he feels should remain the same. He wants an approach to remain on York Road. He supports the original approach towards the east to give access to lot 9. Opposed to having two accesses onto Floweree as it would create problems with easements on internal roads and problems associated with easements and weed problems.

Speed limit.

Turning lanes on York Road. MDT sees no reason for this change. Access to lot 9 already has an approach. Applicant is willing to pave approach.

Easement and extension of road to north, he stated that no plans exist for development to the north and land is more suitable for farming.

Access to Warren School should include options of crosswalk, lights and to make a safe crossing for children.

Fire department and owners are working on details of the 30,000 storage tank. Fire chief would rather see facility on site.

Failing irrigation ditch on to the developer's property causes the wetland. The ditch was overflowing at some points in time. Understand it is in the floodplain but would like the developer decide what to do with lots 1,17,18, 29 and allow livestock utilize the land.

Improvements to Floweree Drive to provide alleviation to the vision impairment situation include traffic flow onto York rather than congesting Floweree Dr. Therefore he feels

that it is unreasonable to require development to improvement the county road that is in reasonable condition. He feels that the subdivision as proposed by the applicant, meets county regulations.

Bob Stauffer, Schwarz Architecture and Engineering, Kalispell. Groundwater is in direct relation to irrigation canal. Commercial lot 9, would not be in need of a septic system. Currently well monitoring is taking place. Some of the lots will require elevated sand mounds that provide a better degree of treatment than standard septic systems. He recommends that the floodplain will not be a problem for development, and asked that livestock be allowed to graze on the designated wetland.

Condition 8 he would like deleted.

Condition 13 regarding future extensions to the north. Would like to see deleted.

Condition 17.a. should not reflect on each additional lot.

Condition 17.l. intent of the applicant to eliminate of irrigation ditches.

Jack Williams, 3727 Floweree Dr. Concerned with the access to Floweree drive contains sight hazards. Lack of site both east and west. Would like to see a speed limit and turn out lane to access Floweree drive into the subdivision and reduction of speed limit from York to second curve on the road.

Jerry Shepherd, Chief West Valley Fire Department. The 30,000 gallon requirement is a compromise to a hydrant.

Hearing no other comments, the public hearing was closed.

Mike Fasbender, Buckboard, East Helena. Only portion of the lots are included in the floodplain limit two horses per each lot. Condition 21 regarding the crosswalk he would like to see a lower the speed limit at the crosswalk by 20% to 45 mph. He is proposing a crosswalk with red flashing lights during school hours. The school district said approving the pedestrian plan is out of their jurisdiction. He's proposing a move of access to straighter section and Montana Department of Transportation has no problem with this.

Hearing no other comments, the public hearing closed. Commissioner Tinsley moved to render a final decision Thursday August 31. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Major Subdivision, Preliminary Plat to be known as Grassland Major, Phase 1. (Applicant, Duane & Beth Noel) (Planner, Frank Rives) (cont. from 6/8 and 8/17/04) The Commissioners will consider creating a subdivision of 63 residential lots, ranging in size from .229 to 5.31 acres, and a remainder lot of 46.72 acres, which may be developed in the future as a second phase. The proposed subdivision is located in the NE1/4 of Section 8 and the NW1/4 of Section 9, T10N, R3W; generally located east of and adjacent to the Pleasant Valley Subdivision and south of and adjacent to Munger Road.

The applicant was present and indicated his willingness to proceed.

Commissioner Varone stated for the record that while she was ill she made a comment regarding the traffic volume on this proposal thinking the proposal was approved but it was not.

Frank Rives presented the staff report. The applicants intend to provide cash in lieu to fill the parkland requirement. Fire flow requirement be reduced to 600gpm. The property is included in both Munger Road RID and Pleasant Valley RID. The proposed subdivision will have onsite community wastewater and domestic water systems. Concerns expressed at Planning Board's public meeting were potential impacts on roads in Pleasant Valley subdivision, and impacts on the aquifer conflicts between agricultural and residential uses. Implementation of a five-year weed management plan is required. No floodplain has been identified on this property. An underground gas transmission line crosses the property. Staff recommends notification of surface groundwater to property purchasers. Property is located approximately 1.5 miles northwest of prickly pear fault and Scratch Gravel Hills fault. Waste water system must be created by a certified wastewater engineer and approved by the Department of Environmental Quality. West Valley Fire Department is requesting a 1000gpm for two-hours hydrant for the subdivision. A per lot fee will be assessed to fund both Rural Improvement District's. Congestion of traffic on Custer may slow traffic from Frontage road. Located in the Scratch Gravel Landfill District. There are ground water levels of less than ten feet. Proposed subdivision does have legal access and emergency assistance. Staff recommends approval subject to 20 conditions as contained in the staff report.

The commission recessed and reconvened at 1:15.

Commissioner Varone questioned Frank Rives on condition of approval #10, and 15g on Munger Road Rural Improvement District. Rives responded clarifying the Munger Rural Improvement District currently and requirements placed on proposed subdivisions.

Duane Noel, applicant, clarified the point of the pavement on Munger road. Also stated that there would be less groundwater pollution with a sand filter system. Homes will have a 15foot setback and strict covenants, paved streets, landscaping and a channeled storm drainage system. He suggested having calming traffic devices to channel residential use to other entrances. Wells would provide enough water for phase I and II. Residents will sign a waiver to protest a Rural Improvement District.

Ed Casme, representing the applicants. Stated this proposal system would provide for good water and sewer. A recirculation sand filter followed by pressure dose drain fields, and the system brings all sewage to one location so it could easily be connected to a regional sewer line when it becomes available. They are a level two septic system proposed by applicant. Proposed is comparable to Ranch View subdivision. Two large community wells would provide for all water needs in the subdivision and will leave more water in the aquifer than sod farming. They request a reduction in the fire protection

hydrant to 600gpm for 1 hour due to the costs associated. The Department of Environmental Quality approves both wells. This proposal is not within the North Hills Groundwater Control Area. Streets will be built and paved to county standards. Lot owners will participate in both Munger road and Pleasant Valley Rural Improvement Districts. Community mailboxes will be installed. Developers are willing to construct driving circles.

Ryan Casme, traffic accident information is limited for Frontage Road /Custer Ave intersection and the applicants have conducted an unofficial traffic study. Presented traffic information collected by applicants and the Montana Department of Transportation in east and west directions.

Commissioner Murray asked if a traffic study has been expedited. Ron Alles stated that the Montana Department of Transportation indicated that a traffic study would not be completed until early winter.

Delores Strong, Pleasant Valley. Did not receive the map that was sent out in April because her property is not immediately adjacent to the proposed subdivision. Her objections include the wear of Munger Road Rural Improvement District, the safety of children playing on the streets, and the possibility of the costs of being annexed to City sewer and water.

Linda Kindrick, 3835 Kismet Drive. Corrected photo #7, as it should be Kelly Road, not Karmen Road. Requested another traffic study when school begins. Concerned about the site distance over Munger road. Does not want to allow the neighboring subdivision to utilize access road.

Thurston Dotson, 3845 Kitt Drive, presented concerns and comments.

Jerry Shepherd, Chief West Valley FD. He does not have the information to determine if a 4inch line is adequate to meet fire suppression needs. He does feel that the department needs 1,000gpm to meet their needs. He is willing to compromise if they require a 15foot setback and houses 30 feet apart then only require a fill site.

Hearing no other comments, the public hearing is closed.

Duane Noel requested an extension of the statutory deadline to September 9. At the request of the application Commissioner Varone motion to extend deadline through Sept 16. Commissioner Tinsley seconded the motion and it carried unanimously.

Commissioner Varone moved to continue the public hearing on September 14, 2004 and render a decision on September 16, 2004. Commissioner Tinsley seconded the motion and it carried unanimously.

The commission recessed and reconvened at 3:00 p.m.

Proposed Minor Subdivision, Summary Review to be known as EZ Access Minor. (Applicant, Phil & Terry Lamping) The Commissioners will consider creating five storage structures on a 2.95acre tract that has two existing single-family dwellings. There is also an existing 12x24 foot billboard in the southeastern area of the property. The proposed subdivision is located in the NE1/4 of Section 31, T10N, R2W; generally located approximately 1 mile east of East Helena and north of Highway 12 East.

The applicants are present and ready to proceed. Frank Rives presented. Overhead power lines cross the property diagonally. They are proposing storage units on the tract. The proposed subdivision is not within any county special zoning districts. It does not have any zoning requirements or covenants on the property, nor are there any proposed for the subdivision. Existing driveway is the proposed access to the storage units. There are no agriculture uses or irrigation systems surrounding the property. Soil mapping units are identifies as prime farmland units if irrigated. Agricultural viability has long since passed. Soil permeability and percolation rates would make the land susceptible if used for multiple waste water systems, but should not interfere with the existing or proposed replacement system so long as storage units do not interfere with the drain field. No additional aquifer use would be needed.

Staff recommends approval subject to 9 conditions as outlined in the staff report.

Terry Lamping corrected the area owned to clarify the amount of property being utilized. Stated that her family moved the granary on to the property for storage, not for agricultural use. Spoke with insurance agent about the metal storage units and the possibility of fire is very low.

Commissioner Varone was excused for the remainder of the meeting to attend a Public Works meeting.

Commissioner Tinsley moved to render a final decision on Thursday, August 26, 2004. Commissioner Murray seconded the motion and it carried 2-0.

Proposed Minor Subdivision, Preliminary Plat to be known as Amended Plat of Lot 14A, Lowe Tracts. (Applicant, Ben Lesofski) The Commissioners will consider creating 3 lots, each for one single-family dwelling. The proposed subdivision is located in the NE1/4 of Section 12, T10N, R3W; generally located east of Pioneer Park Drive and south of York Road.

Lindsay Morgan presented the staff report. The applicant has requested an extension of the review period to August 31, 2004. Individual wells and individual waste water facilities will be installed for each lot. Access to the lots will be off of York Road, Pioneer Park Drive and a proposed internal access road. No parkland dedication will be required. The land does not currently lye with in a zoning district. Covenants have been met and will not be affected. An existing petroleum pipeline is located on the property owned by the Yellowstone Pipeline. Applicant must abide by all regulations.

No floodplain has been identified on site. Staff recommends approval subject to 19 conditions as outlined in the staff report. Students residing within the proposed subdivision would have to be bused to Helena Middle School or Helena High School due to capacity restraints at Warren School. East Helena Valley Fire district will require a fee of \$500 per lot. Did not require a stop sign at access road and no condition reserving right of way east to the edge of the property line.

Applicant, Ben Lesofski, requests that condition 7, regarding the repair of Pioneer Park Drive, be removed. He would rather not have the easement go all the way through the property he would like to stop at the cul-de-sac.

Hearing no public comments, the public hearing is closed.

Commissioner Tinsley moved to approve staff request to extend the deadline to Tuesday, August 31, 2004 and render a final decision on Thursday, August 19, 2004. Chair Murray seconded the motion and it carried 2-0.

Final Plat Approval for the Big Valley Tracts, Lot 43 Minor Subdivision. (Applicant, Sarah Suave & John McDunn) (Planner, Frank Rives) The Commissioners will consider the final plat. By consensus the commission agreed to sign the final plat at the conclusion of this meeting.

Request for One-Year Extension of Preliminary Plat Approval for the Bye Minor Subdivision. (Applicant, Gary Bye) (Planner, Frank Rives) The Commissioners will consider a one-year extension to September 19, 2005 with 15 conditions. The applicant needs to demonstrate due diligence and received approval of an extension. Commissioner Tinsley moved to extend to September 19, 2005. Commissioner Murray seconded the motion and it carried 2-0.

Request for One-Year Extension of Preliminary Plat Approval for the Hayfield Estates Major Subdivision. The Commissioners will consider a one-year extension to May 1, 2005. The applicant has transferred the property to Tenneson Family LLC and shown due diligence. Commissioner Tinsley moved to extend to May 1, 2005. Commissioner Murray seconded the motion and it carried 2-0.

Request to Increase FY05 Courthouse/LEC Capital Budget. Nancy Everson reported on a request of public works department to purchase a ½ ton truck in the amount of \$24,000. The budget currently inadvertently left out, purchasing money, of original budget. Public Works requested consideration increasing the capital budget by \$6,700 for purchase of equipment. Commissioner Tinsley moved to approve the request and authorize the chair to sign. Commissioner Murray seconded the motion and it carried 2-0.

Public Comments. None.

Adjourn. Commissioner Murray adjourned the meeting at 3:45 p.m.

