

PUBLIC MEETING

Chair Mike Murray called the meeting to order at 9:00a.m. Commissioners Varone and Commissioner Tinsley were present. Others attending all or a portion of the meeting include Sharon Haugen, Michael McHugh, Frank Rives, Eric Griffin, Joan Bowsher, Dan Dangel, Erik Garberg, Glen Hart, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Request to Schedule Public Hearing to Modify Conditions of Approval for the Northwest Minor Subdivision.

The applicant was not present at the meeting. This public hearing was postponed to accommodate the applicant's schedule. The public hearing was opened, however, hearing no comments was closed. Commissioner Tinsley moved to schedule a public hearing. Commissioner Varone seconded the hearing and it carried unanimously.

Request to Schedule Public Hearing to Modify Conditions of Approval for the Bryant No. 3 Minor Subdivision.

Planner Frank Rives presented the modification. The applicant is not present but is represented by Erik Garberg, who indicated his willingness to proceed. The developer requested the Commission consider modification to condition 5 and 5a. The subdivision received preliminary plat approval in November 25, 2003 with conditions. The Department of Transportation expressed a preference to access off of Motsiff rather than Montana Ave.

Erik Garberg, 100 Financial Dr., Kalispell. Asked to have the opportunity to present the traffic impact study.

Hearing no public comments, the public hearing is closed. Commissioner Varone moved to schedule a public hearing. There being no second, the motion died due to lack of evidence by the board.

Proposed Minor Subdivision, Preliminary Plat to be Known as Hart Minor.

The applicant's representative, Dean Retz, was present and indicated his willingness to proceed. Michael McHugh presented the staff report. The lots will be approximately 10acres each. The existing developed property would be exempt from any covenants placed on the remaining property by the county or the applicant. The property is surrounded by agriculture and an irrigation canal is located along the west boundary. A large lateral canal runs along the northern property. Prohibition of trailer homes would be placed on the property. The applicants would allow milk cows and saddle horses for non-commercial use, and a limit on the number of animals would be limited. Public notice was placed in the Independent record as well as on the property, and no public comment has been received. Two soil-mapping classifications have been identified. The property to be subdivided has a statewide importance classification. The applicant currently holds a water right for 2.5 acres feet per year, which would be transferred proportionately according to the size of the parcels. The irrigation easement on the west side is 110feet and the northern canal has an easement of 60feet. The applicant would be required to place adequate fencing to prevent small children from harm. The applicants are proposing individual wastewater treatment systems. Nitrate concentration in ground water would increase from 1/ml to 2.88/ml. County subdivision

regulations do not permit Dead-end roads in an excess of 1000feet. The applicant is proposing a dead-end road in excess of 2,000 feet and a cul-de-sac be located between lots 3 and 4. Staff recommends that the cul-de-sac be located on the western boundary of lot 4. Future development requires that the planning board facilitate a road network in this area. The school district #9 has no capacity constraints although students would need to be bused to school. The property lies in the Lakeside Fire District and the district has requested a \$200 per lot fee be paid to provide additional fire protection. There are naturally occurring arsenic and zinc levels in the irrigation waters and shallow waters in this area. There were no noxious weeds found on this property. A large number of species utilize the area, and will further fragment the habitats. Two seismic fault zones within a mile and a half are located near the property. Staff recommends approval subject to 18 conditions as outlined in the staff report.

Dean Retz, 1430 Shirley Road, discussed the variance request. The phone pedestal could be moved to make the road alignment more correct. The applicants were hoping to stop the road at the cul-de-sac between lots 3 and 4. In talking to planning staff Mr. Retz concurs with the recommendation of staff to improve the road. The applicant would like to include covenants prohibiting further subdivision of the lots. The Hart Family has been on the land since 1912. The applicant concurs with condition of approval 6. The applicants would like to add to their covenants condition 15e, stating that no access restriction, lot 1 cannot access on to Hart Minor. They also wish to add 15L., to restrain dogs and cats within their property boundaries at all times. The applicants wish to add 15n, to maintain proper fencing along canals, to add strength to covenants.

Michael McHugh suggested that condition 15.o be added notification that all future property owners are responsible for maintaining weed free property.

Dan Dangel, 7170 Skully Gulch, addressed the road issues. Mr. Dangel stated that he prefers the northern road alignment rather than the southern route.

Glen Hart, 4270 Hart Lane, stated that the Commission's proposal to enforce the weeds is a good idea.

Hearing no other comments, the public hearing is closed.

Dean Retz stressed the restrictive covenants, and expressed his willingness to strengthen them. Individual well and sewer locations are on the north side to encourage homeowner to place their homes on the north side as well.

Commissioner Tinsley moved to render a final decision Thursday, October 21, 2004 at 10:00am. Commissioner Varone seconded the motion and it carried unanimously.

Final Plat Approval for Burns Minor Subdivision. (Applicant, Charles Burns) (Planner, Michael McHugh). This subdivision was given preliminary plat approval on May 25, 2004 with 11 conditions. All of the conditions have been met all of the taxes have been paid. By consensus, the commission agreed to sign the final plat at the conclusion of this meeting.

Independent Contractor Contract with Wadsworth Builders, Inc. (Eric Griffin) The

Commissioners will consider the contract to build another office for the public defender at the courthouse.

Ron Alles presented the contract to build another office for the public defender, not to exceed \$8,239.06. Staff recommends approval. Commissioner Varone moved to approve the contract and authorize the chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

New Contract with Safetech, Inc. Joan Bowsher reported on the contract to remediate one home in East Helena for lead based paint and replace windows on one house. Staff recommends approval. The contract will not exceed \$22,480. Commissioner Tinsley moved to approve the contract and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Ordering a Refund of Taxes/Fees/Assessments Paid.

Ron Alles reported the potential refund to Daryl & Leslie Olsen in the amount of \$343.45, as a result of the Applegate Rural Improvement District audit. Commissioner Tinsley moved to approve the resolution and authorize the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Appointments to Development Permit Committee.

The Commissioners will consider the following appointments:

Representing Smart Growth:	Tim Davis
Representing State Realtors:	Michael Kakuk
Representing Local Realtors:	Jim Kemble
Representing HBIA:	Mike Hughes
Representing Engineers:	Bob Peccia
Representing _____:	Dave Cole
Representing Agriculture:	Vacant

Commissioner Varone moved to table to allow the commission time for additional discussion. Commissioner Tinsley seconded the motion and it carried unanimously.

Public comments on matters not mentioned above. None.

Adjourn. Chairman Mike Murray adjourned the meeting at 10:00 a.m.