

PUBLIC MEETING
May 6, 2003

Chair Anita Varone called the meeting to order at 9:00 a.m.

Commissioners Murray and Tinsley were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Frank Rives, Michael McHugh, Jason Mohr, Jeff Larson, Jerry Shepherd, Greg Brown, Jim Taylor, Crystal Ness, Gary and Betty Snyder, Donna Schroder, David C. Larson, Dean Retz, Steve Bartmess, Steve Nummerdor, Victor Kelly, Phil Wirth, Byron Stahly, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Encroachment Agreement between Lewis and Clark County and Montana Fish, Wildlife, and Parks. Crystal Ness reported Montana Fish, Wildlife, and Parks will install and maintain an 18-inch culvert under Nelson Road at the town of Nelson to return irrigation runoff to the Beaver Creek Watershed. Staff recommends approval subject to the conditions outlined in the encroachment agreement. Commissioner Tinsley moved to approve the agreement and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Proposed Major Subdivision, Preliminary Plat to be Known as the Bridge Creek Estates Major Subdivision. The applicant Phil Wirth proposes to create 101 lots, 100 residential lots and 1 lot to be developed at a later date. The proposed subdivision is generally located east of and adjacent to North Montana Avenue and approximately ½ mile north of Lincoln Road. The applicant was present and indicated his willingness to proceed. Michael McHugh presented the staff report. Staff recommends the road be extended to Silver Creek to relieve pressure off access to North Montana. The proposal would have a community park and a bike/pedestrian path. Proposed lots 18,19,20, and 21 are double frontage lots on Bridge Creek Loop and would require a variance. The soils have a prime importance for agricultural soils. A LESA study has been conducted. Pump tests have been done on existing wells. The fire department has requested the existing fill station be upgraded and a fire modification plan be developed. The applicant is required to obtain an approach permit from the County Permit Office for approaches onto North Montana Avenue. The Public Works Department recommends a turn lane onto North Montana. Staff suggested an RID be created for this area. The proposal should be redesigned to reduce the number of accesses. A five-year weed management plan is required. The applicant has requested 5.2-acre parkland dedication instead of cash in lieu. The Park Board recommended the applicant develop a bike/pedestrian path and that the proposal conform to the non-motorized plan. Historical inventory of the area will be conducted. Staff recommends approval of the proposal subject to 19 conditions as recommended by staff. The Planning Board recommended approval of the proposal subject to 21 amended conditions: Condition 20 to provide for an interconnected bike/walking path between Bridge Creek Estates and Ranchview Estates; Condition 21 to include in the private covenants a requirement that the operator be retained by the homeowners' association to inspect all wastewater

treatment systems; Condition 14 language “reconnaissance archeological survey” be changed to “cultural resource inventory”; and a no-access restriction be placed.

Jeff Larson, Stahly Engineering. Mr. Larson stated the applicant has reviewed the conditions and distributed revisions to staff’s conditions. The applicant would like (1) the site plan to remain as is; (2) provide an easement of right of way for a future pedestrian facility because there is a bike trail across the street; (3) install a community wide detention basin instead of onsite stormwater detention ponds; remove the archeological survey from the conditions.

The Commissioners recessed for five minutes.

Jerry Shepherd, West Valley Fire Chief, 4345 Cougar Drive. Chief Shepherd stated Phil Wirth currently owns and maintains the irrigation well which the fire department uses for fire protection for the area. The fire department would like a guarantee from the owner allowing the fire department access to it or take ownership of the well.

Greg Brown, 7727 North Montana Avenue, is concerned about the accumulation of water at the bottom of the road, turn off lanes are necessary, and nitrates in the water.

Jim Taylor, TechNet, Ltd., 8422 Diamond Springs, expressed his support for this development and encouraged the planning process to alleviate road networking problems for future development in this area.

Gary Snyder, 1380 Ranchview Road, expressed his concern for water availability and travel on Montana Avenue.

David Larson, 1370 Angus Road, stated he is concerned about the addition of five new accesses onto Montana Avenue and the overcrowding in the schools.

Phil Wirth stated there is a demand for lots in this area similar to Ranchview Subdivision. The positive side of this development is the increase in population will give the state a tax base to expand North Montana Avenue and schools. He requested removal of the condition for an archeological study. Mr. Wirth stated he has no problem with single access to the double fronted lots.

Hearing no other comments, the public hearing is closed. Commissioner Murray moved to render a final decision Thursday, May 29 in Room 309. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Major Subdivision, Preliminary Plat to be Known as Silver Creek Commercial Major. The applicant Flying J, Inc. proposes to create 24 lots from 4 existing parcels. Twenty-three lots will be used for commercial use. The remaining lot would be used for a drainfield site for a community wastewater treatment system. The proposed subdivision is generally located east of and adjacent to North Montana Avenue and north of and adjacent to Lincoln Road. Jeff Larson of Stahly Engineering represented

the applicant.

Michael McHugh presented the staff report. Staff recommends a special zoning district be established in this area. The applicant will provide additional covenants that will provide a tighter development pattern for the proposed development. A LESA evaluation has been conducted. There appears to be adequate water for this proposal. The non-motorized transportation plan recommends a bike/pedestrian path to Ranchview Subdivision. A fire protection plan has been agreed to for a phasing-in of facilities. An additional well will be established on the site during Phase 2. Phase 3 development with more than 5 structures would need to be sprinkled. There is no designated floodplain on this property. The National Guard has indicated there is little or no probability of finding unexploded ordnance on the subject property. Earthquake faults are located within the vicinity and structures must meet seismic zone requirements. Staff's main concern is no zoning and the impact on traffic on the Lincoln interchange. There is no parkland dedication for this proposal. A development-wide storm water retention area is proposed. The Montana Historical Society has recommended a cultural resource survey be conducted on the property. Staff recommends approval of the proposal subject to 18 conditions as outlined in the staff report. The Planning Board approved the proposal subject to 19 conditions with a recommendation limiting access to Lincoln Road. The Planning Board also requested the Commissioners delay rendering a decision until June 12 to allow MDT sufficient time to complete the traffic study.

Jeff Larson. The applicant is concerned with limiting access to Lincoln Road to one approach and sharing the private approach into the Grubsteak Restaurant. He offered the same comments as in the previous proposal regarding storm water retention. The applicants would rather forgo the archeological survey because the cabin is on Grubsteak property and outside the boundaries of the subdivision.

West Valley Fire Department Chief Jerry Shepherd reported West Valley Fire and the applicant have discussed a fire protection plan.

Phil Wirth stated he would prefer the Commissioners to consider a conditional decision on the approach issue rather than extending the subdivision decision.

Commissioner Murray stated if the evidence indicates subdivision approval and MDT's decision is unfavorable, Mr. Wirth could request the Board of County Commissioners to consider a modification of conditions at a later date.

Steve Nummerdor, 8375 Diamond Springs Drive, stated congestion problems in the valley are based on not planning for the future.

Hearing no other comments, the public hearing is closed. Commissioner Murray moved to render a final decision Thursday, May 29 in Room 306. Commissioner Tinsley seconded the motion and it carried unanimously.

Final Plat Approval for the Blacktail Ranch Minor Subdivision. Tabled until final documents are received.

Old Glory Landmark Funding Request. Ron Alles reported the Old Glory Landmark Committee is requesting the County waive or pay the \$4,000 landfill fees/tipping fees as a result of constructing the flag site. The City Commission approved \$1,000. Commissioner Murray moved the Commission grant \$1,000 of relief. Commissioner Tinsley seconded the motion. Commissioner Varone stated if the promised funds for completion of the project are not available the Commission may reconsider an additional \$1,000. The motion carried unanimously.

There was no other business and the meeting adjourned at 11:55 a.m.