

**PUBLIC MEETING**  
**February 22, 2005**

Chairman Ed Tinsley called the meeting to order at 9:00 a.m.

Commissioners Varone and Murray are present. Others attending all or portion of the meeting include Ron Alles, Jerry Grebenc, Jackie Grenfell, Michael McHugh, Lindsay Morgan, Frank Rives, Bob Miller, Scott Carpenter, Shawn Bryant, Arne Wiebe, Mike Dowling, Wayne Jones, Connie Jones, Tommy Rohn, Rich Fabiano, Chris Ries, John James, Doriana James, Lois Reinemer, Dennis Lay, Jerry Shepherd, Jimmy Senterfitt, Ted Handel, Andy Onushco, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the Pledge.

Sheriff Contract with Mobilfone for Radio Project. Undersheriff Leo Dutton reported the contract with Mobilfone, Inc. from Kalispell for radio installation is part of the FEMA grant. The purpose of this contract is to hire an additional contractor to assist with installation of the large number of radio to complete the project on time. The prices listed in the contract are only for installation. The amount will depend on how many vehicles will be fitted with new radios

Commissioner Murray moved to approve the agreement and authorize the chair to sign the contact. Commissioner Varone seconded the motion and it carried unanimously.

Request for One-Year Extension of Preliminary Plat Approval of the Griffin-Davis Lot 2 Amended Subdivision. (Applicant, Brady VanVliet) (Planner, Frank Rives) (tabled from 2/8/05). This item was tabled to allow the applicant to provide information regarding why the extension was not requested in a timely fashion.

Chris Reis, 6850 Green Meadow Drive, is present representing the applicant. Mr. Reis stated there was a misunderstanding between his client and the planner. After becoming involved in mid-December he realized the oversight and asked the Commission to grant the extension.

Commissioner Murray moved to grant a one-year extension to November 6, 2005 and authorize the chair to sign the letter. Commissioner Varone seconded the motion and it carried unanimously.

Request for One-Year Extension of Preliminary Plat Approval of the Myles Tract G Minor Subdivision. (Applicant, Elaine Myles). Frank Rives reported the applicant has requested a one-year extension. Staff did not submit the request timely due to his involvement with the subdivision regulation revisions.

Commissioner Varone moved to approve a one-year extension to January 6, 2006 and authorize the chair to sign the letter. Commissioner Murray seconded the motion and it carried unanimously.

Final Plat Approval and Subdivision Improvements Agreement for the Hart Minor Subdivision. (Applicant, Delores Hart). Michael McHugh reported most of the conditions have been met except for the installation of the required fencing along the irrigation canal, the construction of the road, and the placement of all necessary traffic control signs and identification signs. The applicant has posted a bond in the amount of \$24,400 to cover completion of the work. Staff recommends approval of the final plat and the agreement.

Commissioner Murray moved to grant final plat approval and authorize the chair to sign the improvements agreement. Commissioner Varone seconded the motion and it carried unanimously.

Final Plat Approval and Subdivision Improvements Agreement for the Norman Minor Subdivision. (Applicant, Mike Ries). Michael McHugh reported most of the conditions have been met except for improvements to the borrow ditch and some compaction on Morrello Road. The applicant has posted a bond in the amount of \$768.00 to cover completion of the work. Staff recommends approval of the final plat and the agreement.

Commissioner Varone moved to grant final plat approval and authorize the chair to sign the improvements agreement. Commissioner Murray seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be known as the Wade Minor. (Applicant, Wade Rea). The applicant proposes to create 4 lots, each for one single-family dwelling and 1 lot for commercial storage units with office facilities. The proposed subdivision is generally located east and adjacent to Green Meadow Drive and approximately 1 mile south of Lincoln Road. The applicant is present and indicated his willingness to proceed.

Michael McHugh presented the staff report. Currently, the property is developed with a single-family residence located in the northwestern portion of the property and the remaining property is being used for grazing of sheep and llamas. The eastern property of Lot C is proposed to be developed as a 225 self-storage unit. The Green Meadow Wrecking Yard is located south of the two parcels. There are no covenants or zoning to regulate the use of the subject property. The existing home would need to go through re-review by both DEQ and the City-County Health Department. The subject property is located within the DNRC North Hills Temporary Ground Water Control Area and pump tests may be required prior to development of any well in this area. All utilities will need to be extended at the applicant's expense. The applicant is proposing to use an internal access road that would terminate in a cul-de-sac between Lots B, C, and E. Because of the security fencing that would be necessary for the self-storage units, this cul-de-sac would need to be moved to the west on Lots B and E. The applicant would also be required to obtain approach permits from MDT.

An off-premise sign located in the northwestern portion of proposed Lot D and within the

right of way should be re-located or an encroachment permit would need to be obtained from the County. The West Valley Fire Department has requested either a 500 gallon per minute water supply system or a fee of \$500 per new lot. The fire department expressed some access constraints associated with the development along the northern boundary of Lot C. The applicant has requested a gate on the northern, eastern, and southern portions of the fenced property to allow access. Applicant may need to revise the site plan to reduce the number of self-storage units to allow proper access. The commercial development with security lighting every 100 feet on the buildings, on-site signs and off-premise signs would present a visual impact and may be reduced by vegetative screening. This would add maneuverability constraints for emergency vehicles. The applicant is proposing to develop a storm water detention pond. Based on the findings, staff recommends approval of this proposal subject to 14 conditions.

Commissioner Varone asked staff to discuss the fire department's concern regarding the cul-de-sac. Her calculations appear wide enough for a turn around.

Michael McHugh stated the building located on the northern portion of the property is 30 feet wide and only 10 feet off the boundary line. With the installation of a security fence the area is much constrained putting fire fighters and other emergency personnel in danger. The width between the other buildings would be about 42.5 feet and there is not enough room along the eastern portion of the property to allow ease of vehicle movement so they would have to back in and back out.

Commissioner Tinsley asked Mr. McHugh if the two current approaches to Green Meadow will be redesigned for a new approach to the subdivision?

Michael McHugh stated yes, the proposed conditions of approval restrict all vehicle access to the internal access road so the two approaches will be abandoned. A proposed condition of approval will be a no-access restriction except for the approved approach. Staff also recommended a no-build zone along the western boundary of the property because Green Meadow Drive at some point in the future will be extended.

Commissioner Tinsley asked if the applicant has expressed an interest in redesigning the configuration of the mini-storage unit because of the concern of the West Valley Fire Department?

Michael McHugh stated the fire department expressed it as a concern and not as a recommendation that it be reconfigured.

Chris Ries stated the applicant is in agreement with the proposed conditions. He stated Lot C would be moved back 50 feet to allow for the fence.

Jerry Shepherd, Fire Chief West Valley Fire Department. The fire department is concerned with the building farthest north with 10 feet between the fence, because it would be almost impossible to access safely with a fire truck. The fire department is

willing to work with the developer to correct this situation.

Chris Ries stated his client would be willing to redesign that lot to mitigate the fire department's concern regarding the building setbacks.

Hearing no other comments, Commissioner Murray moved that the Commission leave the record open to allow for additional information for a lot redesign and render a final decision Thursday, February 24 at 9:00 a.m. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Agricultural Covenant Revocation Minor Subdivision, Preliminary Plat to be known as the Canyon Vista Estates Lot 65A-2 Minor. (Applicant, Harold Poulson) (Planner, Michael McHugh) The applicant has requested the Commission to remove an agricultural covenant which was placed on a 12.57 acre portion of a 31.82-acre tract. Permitted use of the subject property would be restricted to 1 single-family residential and accessory use. The subject property is located in the south and eastern portions of Section 1, T10N, R1W; generally located west and adjacent to Canyon Ferry Road and adjacent to Canyon Ferry Crossing Subdivision.

Michael McHugh presented the staff report. This covenant was placed on the property in the 1970's. The soils on the property are not classified as prime or statewide importance and there are some limitations for agricultural uses due to the topography. Staff recommends revocation of the agricultural easement subject to 6 conditions as outlined in the staff report. The conditions require submittal and approval of a weed management plan, the applicant would be required to do an amended certificate of survey; public health and safety covenants be placed on the property, and install address plaques for identification for emergency vehicles.

Commissioner Murray asked why the covenant was originally placed on the property?

Dennis Lay is present representing the applicant. Mr. Lay stated the applicant will comply with the conditions on the revocation. The exemption was placed on the property when an occasional sale was removed.

Hearing no other comments, the public hearing is closed. Commissioner Varone moved to render a final decision Thursday, February 24 at 9:00 a.m. Commissioner Murray seconded the motion and it carried unanimously.

The Commission recessed for five minutes.

Proposed Minor Subdivision, Preliminary Plat to be known as Timber Ridge Subdivision. (Applicant, James Senterfitt & Michael Dowling) The applicant proposes to create 5 lots, each for one single-family dwelling. The proposed subdivision is generally located south of Gold Rush Avenue and adjacent to Winscott Lane. The Commissioners will also consider two variances from county road standards. The applicants are present and indicated their willingness to proceed.

Lindsay Morgan presented the staff report. Access to the lots will be off of an extension of Winscott Lane. Applicant has requested two variances from county road standards, (1) Winscott Lane exceeds 1,000 feet for a dead-end road; and (2) proposed Lot 5 will be bisected by Winscott Lane. This property is located within the OSR Zoning District and must meet the requirements of that zone. Each parcel is subject to review and approval by the DEQ and the City-County Health Department. Due to the slopes and concern for adequate sight distance, an approach permit for each of the 5 lots shall be requested from the County Road Department for the proposed access points off Winscott Lane. Winscott Lane is privately maintained and must be deemed a 60 foot public access and utility easement prior to final plat and the proposed cul-de-sac must be constructed to a minimum 50 foot radius. A cul-de-sac is required at the terminus of Winscott Lane. A no-access restriction must be placed along Winscott Lane for proposed Lot 5, with the exception of the driveway approach. The cul-de-sac must be located outside of the drainage easement. Because of the steep slopes, the Applicant will be required to install guardrails along of the edge of Winscott Lane. The curves in the road shall be designed to accommodate emergency vehicles. The road must be constructed to meet county standards prior to final plat approval. The Lewis and Clark County Fire Service Area recommends the applicant be assessed a fee of \$500.00 for each additional parcel created or install an on-site water supply. A 5-year weed management plan will be necessary. Due to steep or unstable slopes, an adequate building envelope for each lot should be placed on the final plat. A storm water drainage plan prepared by a registered engineer shall be submitted to both the County Planning Department and the City Engineer for review and approval. Staff recommends approval of the proposal subject to 20 conditions as outlined in the staff report.

Michael Dowling, 280 South Hills Road, stated the cul-de-sac is a low density, low cost solution.

Shawn Bryant, Stahly Engineering, is present representing the applicant. The road as it exist now is a private driveway. One half of the cul-de-sac length is used by other lots. The proposal will only be adding 4 more homes. His firm is proposing a storm water detention base.

Ted Handel, 2221 Gold Rush, believes the road is satisfactory with less than 6 people using it. He has concerns regarding construction and erosion because it is a very steep decline from the lots above his house to his home. A guardrail would help mitigate some problems. Other concerns include emergency vehicle access and turnaround via the cul-de-sac.

Rich Fabiano, 2401 Gold Rush, stated there are many property owners that would use this road and does not believe it will accommodate the added traffic. Additional traffic will generate dust, and require more road maintenance. He would like to see it paved or oiled on a regular basis.

Andy Onuscho, 2207 Gold Rush. This area is not an optimal place for building houses

due to the terrain. His family's concern is fire danger, steepness and safety of the road, and dust. He would also like to see the road paved.

Lois Reinemer, 2801 Colonial Drive, is concerned that the road around her property would alter the value of her land. She believes open space is necessary.

Diana Hammer, 2207 Gold Rush, stated her concern is fire safety, and lower property values.

Hearing no other comments, the public hearing is closed.

Commissioner Murray encouraged everyone in the neighborhood who owns property to work with Pat McKelvey to mitigate fire danger. The county has a federal grant to eliminate ladder fuels to protect timber in neighborhoods.

Shawn Bryant stated the conditions of approval requires the applicant to develop a fuel modification plan with the fire department and to meet all those requirements prior to filing final plat. A gravel road is easier to maintain in the winter than a paved road. There will be a road maintenance agreement for the new lots. Homeowner, Bernie Fischer, has agreed to participate in the road maintenance, he supports this proposal, and is providing an easement to the developer to get up there.

Michael Dowling stated in this particular case low density is the right solution and currently no lots have any provisions for road improvement. An appropriate fire mitigation plan is a provision of the covenants. He does not believe a separate zoning variance is required from the city. Any retention or storm water mitigation issues are best done as slight modifications of a drainage easement otherwise it will cause major disturbances elsewhere on the property. Mowing any area not an irrigated lawn or grazing of animals to keep the weeds down seems inconsistent with a rural area.

Jerry Grebenc stated for clarification, condition 11.c will not apply until the subdivision is final platted and the covenants are filed. In response to Mrs. Reinemer's concern regarding loss of open space, he stated there are typically only two mechanisms for protecting open space, the outright purchase of the land, and a conservation easement.

Lindsay Morgan restated the road will have to be brought up to county standards and a minimum of 4 feet wide and in areas the guardrails would have to be installed at 26 feet wide. The emergency vehicle turnaround will also meet county standards. Construction fencing is required to protect adjacent properties.

Commissioner Murray moved to render a final decision Thursday, February 24 at 9:00 a.m. Commissioner Varone seconded the motion and it carried unanimously.

Commission recessed for 5 minutes.

Proposed Minor Subdivision, Preliminary Plat to be known as Valley View Lot 47

Subdivision. (Applicant, John James). The applicant proposes to create 4 lots, each for one single-family dwelling. The proposed subdivision is generally located on Fantasy Drive, east of Ferry Road. The applicant is present and indicated his willingness to proceed.

Lindsay Morgan presented the staff report. A cul-de-sac is proposed at the end of the dead end road. There are no water rights or irrigation facilities located on site. The storm water plan must conform to DEQ requirements. The property is located within the North Hills Temporary Ground Water Study Area and no wells can be drilled without obtaining a license from DNRC. Legal and physical access is proposed via an internal access road through Fantasy Road. The applicant has requested a variance from the county road standards to bring Ferry and Fantasy Roads up to county standards. The applicant will be required to waive the right to protest RID. The City-County Address Coordinator must review and approve the name for the internal access road. The Lewis and Clark Fire Service Area recommends the applicant either install on-site water or pay a fee of \$1,000 per newly created lot. A 5-year weed management plan is required. Thirty-foot easements are required on both sides of the centerlines of each drainage. There is a prohibition of any development, alteration, or encroachment within these drainage easements with the exception of the internal access road. Staff recommends approval of this subdivision subject to 16 conditions as outlined in the staff report.

John James stated he and his wife are proposing this subdivision to create additional lots for her parents and his parents to retire. The main issue is the variance for the road improvements. The impact to the road would be very minimal because they have a home business and would not be traveling the road everyday and they only have one car. They have improved the property by removing debris and a trailer.

Doriana James stated their intent is to build a quality home on this property which will add to the value of the neighborhood that did not previously exist. They prefer to live in the north valley area because the housing is more affordable.

Mr. James stated a similar road variance was granted for the Fields Minor Subdivision. The impact in traffic would be even less with this plan.

Chris Ries, 6850 Green Meadow Drive stated the fire protection requirement is not included in the conditions of approval.

Ms. Morgan noted the applicant has agreed to work with the fire department for an on-site wastewater facility or a \$1,000 cash donation. The county will review the drainage plan for the newly created additional runoff as well as taking care of the current flows through the property.

Wayne Jones, 2447 Fantasy Road, stated his main concern is the road. Fantasy Road is a private road built with private funds. The residents built and maintain Fantasy Road and also a portion of Ferry Drive. This area is one of the few places left in the valley with 20-acre lots. Other concerns are included in his letter. The additional traffic is not

meant for a 2-lane road.

Terry Roland, 2624 Fantasy Road. His concerns include road maintenance, additional traffic, winter snow drifts on the road, and he is not in favor of 5-acre parcels.

Scott Carpenter, 2776 Fantasy Road. His concerns include decreasing water levels. He is not in favor of 5-acre parcels. The current residents pay a fee for maintaining the private road and would like to know what the applicants' intentions are regarding road maintenance and support.

Connie Jones, 2724 Fantasy stated she is present to protest construction of 3 additional houses. This is the only 20-acre lot remaining on Fantasy Road and they prefer the privacy and quality of life and seeing the wildlife.

Hearing no other comments, the public hearing is closed.

Commissioner Murray stated this is a public easement and a public road rather than a private road. The county maintains some public roads and the does not maintain all county roads.

Chris Ries stated his clients purchased this property in accordance with the covenants which permit 5-acre parcels. With the development of more of these properties they waive the right to protest and it will be more possible for this area to incorporate into an RID to take care of the maintenance. The applicant will have a licensed engineer to make sure adequate culverts and retention basins are installed on the property.

Mr. James stated the owner of the trailer had been trying to get the trailer removed for several months and he is delighted that it has been removed.

Commissioner Murray noted the statutory deadline is today.

The applicant requested an extension of the review period to Friday, February 25.

Commissioner Murray moved, at the request of the applicant, to extend the review period to Friday, February 25 and render a final decision Thursday, February 24 at 9:00 a.m. Commissioner Varone seconded the motion and it carried unanimously.

Jerry Grebenc mentioned for the benefit of the people in the audience, that the County Planning Board is looking at a draft plan for the northeast valley which includes the applicants' property. If anyone would like more information they can contact the County Planning office. The planning board is looking at drafting a land use plan for the northeast valley, the area that is bound by Lincoln Road, the interstate and Hauser. Commissioner Varone said it is called zoning.

Public comments on matters not mentioned above. None

There is no other business, the meeting adjourned at 11:26 a.m.