

**PUBLIC MEETING  
MAY 7, 2013  
MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, May 7, 2013, at 9 a.m. in Commission Chambers Room 330 of the City-County Building, 316 North Park Avenue, Helena, Montana.

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Andy Hunthausen was present. Others attending all or a portion of the meeting included Nancy Everson, Pam Attardo, Michael McHugh, Dean Retz, Tony Prothero, Bob and Carole Utick and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (~~Eric Bryson~~) (Nancy Everson)

a. Resolution 2013-41 Declaring County Property Surplus Property (Amy Reeves)

Nancy Everson reported on the Consent Action Item 2.a. and recommended approval.

No public comment was received.

Commissioner Hunthausen moved approval of Consent Action Item 2.a.; as presented. Commissioner Murray seconded the motion. The motion carried 2-0.

Internship Agreement Between Lewis & Clark County Heritage Tourism Council and Carroll College. (Pam Attardo) The Commissioners will consider the agreement to provide practical work experience for a student intern while assisting the Heritage Tourism Council with website design and maintenance, social media, creating brochures and publicity items, documents, databases, historical inventory, digitizing historic documents, and other duties, events or projects as needed. Term: 5/28/13 – 6/30/13. Est. Budget: \$1,680 to be reimbursed by Carroll College.

Commissioner Hunthausen reported on the Internship Agreement with Carroll College for an intern to assist in the Heritage Preservation office and recommended approval.

No public comment was received.

Commissioner Hunthausen moved approval of the Internship Agreement Between Lewis and Clark County Heritage Tourism Council and Carroll College, as requested. Commissioner Murray seconded the motion. The motion carried 2-0.

Preliminary Plat Approval for Jamvar Minor Subdivision. (Applicant: Robert S. Utick) (Planner: Michael McHugh) The Applicant proposes to create four, five-plus-acre parcels for single-family residential development on an existing 20.13-acre parcel. The subject property is located approx. two miles north of the intersection of Lincoln Road with Collins Drive and ¼ mile east of Collins Drive, north of and adjacent to Fantasy Road. Proposed Lots C and D are to be served by individual wells. Proposed Lots A and B would be served by a shared well. All lots would be served by individual on-site wastewater treatment systems. Access is proposed via an internal road intersecting with Fantasy Road. Road improvements would be required to provide standard legal and physical access.

Michael McHugh, Planner, presented the Staff Report on the Proposed First Minor Subdivision to be known as the Jamvar Subdivision. The applicant proposed creation of four 5-acre lots from the existing 20.13-acre parcel. The site plan was viewed. An internal access road was proposed accessing directly onto Fantasy Road. Covenants were placed on the property in 1991; the applicant desired to place additional covenants related to livestock management.

Fantasy Road currently had about 20 vehicle trips per day; the proposed development would result in an additional 38 trips per day. An increase of 65.5 percent was projected on Fantasy from the internal access road to Collins Road. On Collins from Fantasy to Wooten Road, there would be a 21 percent increase. On Collins Drive from Wooten to Lincoln Road, the increase would be about 21 percent. Photos of the property were viewed. The applicant has requested a variance from County Subdivision Regulations Chapter XI: H.3. Adjacent and off-site road improvements. 3. Determining costs directly attributable to the subdivision. In place of the required Preliminary Engineering Report, the applicant requested submitting an Engineering Estimate for the improvements to the various road segments, and was willing to contribute his proportional share to any road improvement costs.

Regarding fire protection, the subject property was located in the Lewis & Clark County Fire Service Area. The applicant proposed utilizing the fire protection water supply system located in the West Valley Fire Department about 1.2 miles south of the subject property, adjacent to Collins Road in the Wooten Subdivision. Staff's requests for written comments from both the Lewis & Clark Co. Fire Service Area and the West Valley Fire Dept. had not been answered. The proposed Conditions of Approval addressed fire protection requirements. Staff recommended approval of the 4-lot subdivision with 11 Conditions of Approval.

Dean Retz, 155 All Sports Court, Helena, referenced the 1991 Covenants put in place by Bob Utick's father, limiting lots to a minimum of five acres. He corrected the record regarding fire protection stating it was Foothills Estates not Wooten Subdivision; the Foothills Estates well recently tested at 500 gpm. County maintenance of Collins Road from Lincoln Road west to the irrigation ditch on Collins Road was noted; however, Mr. Retz said it was not maintained to County Standard. Mr. Retz did not think a variance was necessary; thought the two Fire Chiefs could come to some agreement.

Commissioner Hunthausen clarified that because a road received county maintenance it did not indicate the road was at county standard.

Dean Retz asked for clarification that Mr. Ogle, Foothills Estates, bonded the portion of Collins Road to the end of his subdivision. Michael McHugh responded that there was a Subdivision Improvements Agreement for improvements about to Glass Drive and Collins Drive; the SIA has expired and the County was seeking legal recourse.

Tony Prothero, Intermountain Consulting Engineers, representing Bob Utick, addressed impacts to roads. He noted the pro rata share of road improvements was based on 38 trip ends per day utilizing the formula from the ITE Trip Generation Manual. The Traffic Impact Study prepared by Bob Abelin used the 2008 Origin and Destination Study performed by L&C County that monitored traffic volumes at Ranchview Estates along N. Montana Ave. and developed an overall weekday average of 7.1 trips per unit for residential homes in that area, or a total of 28 for the four lots. The difference would result in a fairly large impact on the pro rata share. Fantasy Road, as it currently exists, did not meet County Standards. It was low-volume at 20 trips per day; the subdivision would add 28 trips, nearly doubling the current traffic volume. The applicant had two options: improve the road, or pay the pro rata share for improvements.

Robert (Bob) Utick, East Helena, Montana, provided a history of his family's ownership of the property and the reason for creating 5-acre lots. Road improvements would consist of grading and graveling and one culvert. Regarding fire protection, he hoped the Fire Chiefs would come to an agreement that would preclude having to construct fire protection for the 4-lot subdivision.

No public comment was received.

Commissioner Hunthausen moved to render a decision on the Proposed Minor Subdivision on Thursday, May 9 at our regular scheduled meeting. Commissioner Murray seconded the motion. The motion carried 2-0.

Public Hearing. Proposed Amended Plat of Lot 44-E2 – Big Valley Subdivision. (Applicant: Rob George) (Planner: Michael McHugh) The Applicant proposes to create two parcels; one approx. 2.93 acres in size and one 2.0 acres in size. Each parcel is proposed for a single-family residential use. Each parcel is proposed to be served by individual well and on-site wastewater treatment system. Access to both parcels is proposed via individual private driveways intersecting with Applegate Drive. The subject property is located approx. 2.5 miles north of the intersection of Lincoln Road with Applegate Drive, west of and adjacent to Applegate Drive.

Michael McHugh, Planner, presented the Staff Report for the Proposed Amended Plat of Lot 44-E2 – Big Valley Subdivision. The applicant proposed creation of two single-family lots from an existing 4.93-acre property. A modular home was located on the eastern 2-acre portion; the western portion, 2.93 acres, was currently undeveloped. Covenants dealing mainly with road maintenance were placed on the property in 1981 associated with the Big Valley Subdivision. The County placed additional covenants on the property in 1996 when Lot 44 was subdivided, and dealt mainly with potential hazards.

Regarding traffic impacts, Applegate Drive to Valley View Road was classified as a minor collector; north of that Applegate was a local road. Staff calculated the percentage of impacts using the standard 9.57 trips per day. North of Prairie Road on Applegate Drive would see a 2.96 percent increase. South of Prairie the increase would be 0.98 percent. A Condition of Approval required the applicant to contribute to the pro rata share for impacts on the road.

The applicant has requested two variances from the following requirements: Ch. XI: F.7. "No lot shall have an average length greater than three times its average width;" and, Ch. XI: 5 Appendix K. Fire Protection Standards 18-4, "At a minimum, every Class I or ii subdivision shall be provided with a water supply, either on-site or off-site, for the purpose of fire fighting, meeting the requirement of 18-4." The applicant was required to either provide a 250 gpm onsite fire protection water source or obtain permission from an existing source located in the fire service area. The applicant proposed utilizing the privately-owned, community water system in Northstar Subdivision, 0.8 miles from the property, capable of producing 1,500 gpm. A variance would not be needed if permission were obtained. A Draft Condition of Approval No. 4 addressed the issue. Based on the findings, Staff recommended approval of the Subdivision with 11 Conditions of Approval attached to the Staff Report.

Dean Retz, 155 All Sports Court. Representing the applicant, Rob George, provided a brief history of Mr. George's acquisition of and plans for the property. Mr. George has built a garage and completed some landscaping that restricts access. Regarding fire protection, Mr. Retz had met with Chief Shepherd who said he would not oppose the variance; however, Condition No. 4 negated the need for the variance. Mr. Retz was in ongoing conversations with Northstar Development regarding the potential use of their water system. He referenced the PER by

Peccia and Associates and did not see any issue with the road.

Public Hearing –

No public comment was received.

Commissioner Hunthausen moved to render a decision on the subdivision on Thursday, May 9th at the regularly scheduled meeting. Commissioner Murray seconded the motion. The motion carried 2-0.

Board Appointment. (Eric Bryson)

Weed Board – Greg Eby has completed a partial term and one 4-year term that expired Dec. 31, 2012, and was not seeking reappointment. Joel Redding submitted an application to serve as the representative of rural agriculture in the East Valley.

Commissioner Hunthausen moved to appoint Joel Redding to a 3-year term on the Weed Board to expire on December 31, 2015. Commissioner Murray seconded the motion. The motion carried 2-0.

Public comment 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 10:00 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Michael A. Murray, Chairman

  
Andy Hunthausen

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(Vacant)

ATTEST:

  
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Paulette DeHart, Clerk of the Board