

PUBLIC MEETING
April 15, 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, Michael McHugh, Jerry Grebenc, Frank Rives, Paul Spengler, Dan McGowan, Barry Damschen, John Rundquist, Jason Mohr, John Baertsch, John Schwartz, Ron Adams, Mary Brewer, Lucille Romberg, Donna Hansen (Sturm), Kent McDermott, Earl Leitzke, Joel D. Redding, Dan McGowan, Douglas Williams, Doug Sparrow, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Minutes. The minutes of January 24, February 5, 19, 21, March 28, April 23, 25, 30, June 20, July 18, August 5, 8, October 15, November 14, December 31, 2002 and January 2, February 4, and March 4, 2003 were approved.

Cave Gulch Mitigation Project. Paul Spengler reported the Cave Gulch Mitigation Project is a partnership with federal, state and local agencies to provide flood mitigation for the recurring flashflood problems in the Cave Gulch area because of the destroyed watershed on Hedges Mountain. He asks the Commission to sign the Assurances Relating to Real Property Acquisition concerning the easement agreements the residents have signed. Deputy County Attorney K. Paul Stahl reviewed and approved the form.

Dan McGowan reported the residents have signed all of the appropriate easements. Portage Engineering's final design project estimate is \$317,900, \$60,000-\$70,000 above the original projection. NRCS has agreed to contribute an additional \$125,000 to fund the project. The residents' agreement has now increased from \$50,000 to \$100,000 and NRCS will be sending an amended project agreement showing the new amount.

Barry Damschen suggested scheduling the bid opening for construction for May 13 at 9:00 a.m.

Commissioner Tinsley moved to approve the Acquisition form and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Commissioner Murray moved to authorize advertising the bid opening for May 13. Commissioner Tinsley seconded the motion and it carried unanimously.

Easement by Lewis and Clark County to the City of Helena. The commission will consider granting a 30-foot wide easement along the south side of Ryan Ball Fields to support the paving and reconstruction of Brady Street. John Rundquist reported the State is looking at a bid letting in June. This project was started about three years ago when the city obtained a \$322,000 air quality grant. The city formed a special

improvements district to pay the matching costs associated with the grant. In addition, the city is paying some of the costs directly out of the gas tax fund for the railroad crossing and a few other items. MDT has requested a 30-foot easement along the south boundary of Ryan Ball Field adjacent to Brady Street. The roadway itself will not be in the easement.

Commissioner Murray moved to authorize the chair to sign the easement document with the City of Helena contingent upon approval of the State Lands Board or the proper agency affiliated with the State Lands Board. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Major Subdivision, Preliminary Plat to be Known as the 7R Guest Ranch Major Subdivision. The applicant proposes to create 15 RV spaces and add one single-family dwelling to an existing motel operation. The proposed subdivision is generally located approximately 1¼ miles west of Highway 434 on Wolf Creek Road and north and adjacent to Little Wolf Creek Road. The applicant Ronald Adams was present and indicated his willingness to proceed. Frank Rives presented the staff report. The applicant has been investigated by the Environmental Health Department for operating an RV park without a permit and was warned not to use the five existing RV spaces until the RV Park is approved. The applicant expressed a preference to dedicate parkland to fill the parkland requirement, however, the Park Board recommends cash in lieu of parkland. The applicant would also be required to provide information on the current market value of the property or submit an appraisal to assist the county in determining the amount of cash payment to be made in lieu of the parkland dedication. The applicant proposes to install a 1,100 foot pressurized drain field to accommodate the expansion of the motel unit and the RV spaces. The Wolf Creek/Craig Fire Service Area recommends a condition requiring a fire protection plan to include a dry hydrant within one mile of the property, a provision for an onsite water supply, a vegetation management plan, and compliance with the fire protection guidelines for wild land residential interface development. Groundwater quantity in the vicinity appears to be adequate for the additional demand based on well log information. There is some potential for groundwater contamination, which exists due to the poor filtration capacities of the soils on the property. There is a risk of erosion if close growing plant cover is not maintained. All exterior lighting shall be directed downward. A storm water drainage plan would be required to insure that runoff in excess of the historic volumes of storm water is retained. The applicant has requested a variance to allow a lot to be divided by the county road that provides access to the proposed subdivision. The floodplain has not been mapped by FEMA. Staff recommends approval of the proposed subdivision subject to 11 conditions as outlined in the staff report. The planning board recommended approval of the variance and the subdivision proposal subject to conditions as recommended by staff.

Ronald Adams stated the existing guest ranch is the original homestead. The citation was for 5 unpermitted spaces, not for operation of the restaurant. The mobile home is not hooked up and is unoccupied. He has never had a flood problem in this area. Mr. Adams requested the commission approve applicant's proposal.

Hearing no other comments on the subdivision proposal or the variance, the public hearing is closed.

Commissioner Murray moved that the Commission render a final decision on April 17 at 10:00 a.m. in room 309. Commissioner Tinsley seconded the motion and it carried unanimously.

[Note: The Commissioners will visit the proposed site tomorrow morning at 9:00 a.m. Independent Record Reporter Jason Mohr was invited to attend the visual inspection and to verify there is no ex parte communication between the Commissioners.]

The Commission recessed and reconvened at 10:00 a.m.

Proposed Major Subdivision, Preliminary Plat to be Known as the Hayfield Estates Major Subdivision. The applicant proposes to create 25 lots, each for one single-family dwelling. The proposal is generally located approximately ¼ mile south of York Road and east of and adjacent to Valley Drive. The applicant Douglas Sparrow was present and indicated his willingness to proceed. Jerry Grebenc presented the staff report. The Helena Irrigation District has a lateral canal along the western border of the property on Valley Drive and another canal running east to west. The irrigation district holds a 100-foot easement along the lateral canal. The internal road network would be 24 feet wide built to a gravel standard. Two proposed approaches cross the lateral canal and the applicant would probably need to install concrete culverts meeting the specifications of the irrigation district and the County Road Department. No comment has been received from the East Valley Fire District. A five-year weed management plan is required. A 100-year floodplain is located in the eastern quarter of the property and a no-development easement is required to protect the habitat in the floodplain area. An earthquake fault is located two miles northwest of the proposal. Staff recommends fencing along the irrigation canal. Due to the varying slopes, the applicant would need to submit a storm water drainage plan to DEQ and the county for review and approval, and provide an on-site retention plan. The applicant has expressed cash in lieu of parkland for 1.5 acres which has been accepted by the Joint Park Board. Staff recommends approval of the proposal subject to 18 conditions as outlined in the staff report. The Consolidated Planning Board amended conditions 13.b, 15, and 19.

Commissioner Varone asked that the fire district provide a written response to this proposal and asked staff to inquire whether other counties have a fencing requirement along canals. Jerry Grebenc stated Missoula County periodically requires fencing of irrigation canals depending on the size of the canal.

Doug Sparrow, 3630 York Road. Mr. Sparrow is concerned about the liability issue of fencing the canal. He believes a 30,000 gallon containment with a dry hydrant is more than adequate according to conversations with the fire district chief. His neighbors have issues with the placement of the drainfield and nitrates. He will install the drainfield on the far eastern edge of the property.

Joe Redding, 3465 York Road. Mr. Redding opposes this proposal. He would like the applicant to move the drainfield to the southeast corner of the proposed subdivision. He favors paving Valley Drive to York Road with an asphalt base. He is concerned about the liability issue of canal fencing and believes a blinking light at the intersection of Valley Drive and York Road is necessary.

Donna Hansen 3445 York Road. Ms. Hansen has concerns include the impact of the development on her property due to changing the rural lifestyle, increased traffic on Valley Drive will create more dust and noise, overcrowding in Warren School, decrease in property values, water quality from concentrated sewer systems; problem with the easement on the irrigation ditch. She suggested creating fewer lots with more open land for conservation and preservation of rural area.

John Baertsch, 3605 York Road. Mr. Baertsch irrigates out of the ditch, which runs through the Redding and Hansen property, and he supports fencing along the canal.

John Schwartz, 100 Financial Drive, Kalispell. Mr. Schwartz is the engineer representing the applicant. He stated the problem with septic systems is the lack of maintenance, which can increase the nutrient loading into the groundwater.

Mr. Sparrow stated stick built homes or modular homes on foundations will be incorporated into the covenants.

Hearing no other comments, the public hearing is closed.

Commissioner Murray moved to render a final decision Thursday, May 1, at 9:00 a.m. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Subdivision, Summary Review to be known as Boyce Addition, Block 19, Tract 2 Minor, Amended (Western Wireless). The applicant proposes to create an additional space for lease for a commercial cell tower site. The development on the site would include the installation of a 70-foot high monopole cellular communications tower on a 13 x 13 foot concrete pad. The subject property is generally located north of and adjacent to the I-15 entrance ramp and west of and adjacent to Stanley Street. The applicant was represented by Kent McDermott, 10905 Peninsula Place, Lolo, Montana, and indicated his willingness to proceed.

Michael McHugh presented the staff report. Most of the land uses in the area are commercial. Currently, there are no covenants or zoning that affect the subject property. One letter in opposition was received expressing concern for health risks, visual impacts, and property devaluation. Access to the site would be from a 20-foot easement onto the private property from Stanley Street. No fee will be paid to the local fire district. The main impact of this proposal would be visual. FAA would require a constant red light during poor weather and darkness. Two earthquake faults are located within two miles of the property. County subdivision regulations do not address cell towers and there are no design standards in place. The Montana Aeronautical Division

has not provided any comment, but the developers of the cell tower would be subject to Federal Aviation Administration rules. Staff recommends approval of the proposal subject to 5 conditions as outlined in the staff report.

Kent McDermott stated Western Wireless is proposing this cell tower site to increase their customer base and capacity for customers in the Helena area. Two new sites have been built in the City of Helena and this site would cover the airport area. The FAA has approved this site. The sites are very low RF emissions compared to radio stations.

Commissioner Murray encouraged Mr. McDermott to consider camouflaging towers as a good neighbor policy and entered into record pictures of camouflaged towers. Mr. McDermott stated they have done some camouflaging, however in industrial areas he believes it would stand out more if they tried to camouflage it rather than leaving it as is.

Doug Williams, 2401 Missoula and 801 Stanley. Mr. Williams' concern is where the towers are located and suggested moving the site to the northwest area of block 18. This site has created a negative visual impact for his property.

Hearing no other comments, the public hearing is closed. Commissioner Murray moved to approve the proposal subject to 5 conditions as proposed by staff. Commissioner Tinsley seconded the motion.

Amendments to Conditions of Approval.

Commissioner Murray moved to add a condition stating the red light atop the tower be shielded to not shine on the property but to meet FAA standards for airplane awareness without approval of the FAA this condition may be dropped. Commissioner Tinsley seconded the motion and it carried unanimously.

The motion to approve the proposal carried unanimously.

Resolution Declaring County Property Surplus Property. (nunc pro tunc action
Commissioner Tinsley moved to approve the resolution to surplus various items for the county garage sale and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

There was no other business and the meeting adjourned at 11:30 a.m.