

NOTICE OF PUBLIC MEETING
May 27, 2003

Chair Varone called the meeting to order at 9:00 a.m. Commissioners Murray and Tinsley are in attendance. Others attending all or a portion of the meeting are Mandy Ross, Sharon Haugen, Ron Alles, Frank Rives, Jerry Grebenc, C.E. Magill, John Sanders, Bill Summers, Dennis Lay, Rita and Phil Crist, Kay Miller, Roberta Katerla, John Duncan, Sandra Eckhart, Marni Bentley, Laura Mullen, Jerry Kitigon, Carol Hanel, John McDunn, Dy Murphy, Jerry Shepherd, Margaret Miller and Randall Green.

Pledge of Allegiance. Everyone recited the pledge.

Auction Tax Deed Land. (Sharon Haugen) The Commissioners will auction a piece of land located in the NE ¼ NW ¼ of Section 19, T11N, R2W, P.M. Montana, Lewis and Clark County. The tract contains 0.55 acres.

Chair Varone stated the fair market value of this property as determined by the Department of Revenue is \$1,380. The Lewis and Clark County Commission has set the minimum sales price bid at \$1,000. In accordance to MCA 7-8-2301, payment must be made within 10 days of the sale and must either be cash or certified check.

Sharon Haugen reported the property is located between Lake Helena and Lake Helena Drive. The property is .5 acres. The Department of Environmental Health has determined that there is not enough acreage for an individual well and septic. Generally a building where you haul the water in in a holding tank may be permitted although there has not been a site evaluation done on the building and you must be able to be 50 feet away from the high water mark. The property is not in the flood plain. There is currently no permitted approach onto Lake Helena Drive. In order to access the property, the successful bidder, legally would have to obtain an approach permit from the County Road Department and Permit Coordinator and have to abide by all of the conditions of the permit. Ms. Haugen doesn't know what the general taxes are because Lewis and Clark County as an entity does not get real property taxes assessed against the property. They do know that when it was under personal property it looks like it was \$500 general property tax.

Chair Varone stated the bidding would start at \$1000.00.

C.E. Magill PMB 174, 201 East Lyndale, 59601-2914 purchased the property for \$3200.00.

Chair Varone asked Ms. Magill to make an appointment with Sharon to complete the transaction.

Resolution Levying and Assessing a Tax Upon All Benefited Property Within the Rural Improvement District (RID) No. 91-4, Lanning Road. (cont. from 5/13/03)

Sharon Haugen reported the public hearing was held on May 13, 2003. At the public hearing there were a couple of issues. For the Commissions education, she will go over those now. The road association is filed with the Secretary of States Office, so it is a formally recognized road association for this road. The increase was requested by that road association to make sure the adequate funds for the chip seal project this summer. The president of the board is Gordon Cordingly. Marni Bentley from County Planning is there to answer any questions as well as Carol Hanel and Ron Alles.

Roberta Katerba stated that Mr. Cordingly is in jury duty this morning and unable to attend. One of the board of directors is there with her. If there are any questions, they will be answer them.

Chair Varone stated they are in receipt of eight signatures of folks in the Lanning RID who oppose this.

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Roberta Katerba stated she was not aware of that. She presented a spreadsheet to the Commissioners. Ms. Katerba reported that the spreadsheet shows by each year what is projected to be collected for their RID. The proposed rate shows the collection fee. At the bottom it tells that the chip seal job in 1997 cost \$17,646.00. The estimated cost this year is \$24,618. Currently they are taking in over a five year period, \$14,533. Their projected rates will take in \$20,575. It shows they're still falling behind. That is why the board of directors got together and requested this increase in the fees.

Carol Hanel stated they have gotten an engineers estimate for a chip seal project for this year. It's a little over \$17,000. There are a couple spots on both roads that need blade patching, so they're not to exceed \$4000. The total project this year is going to be around \$23,000 or \$24,000. They currently have \$32,000 in their fund.

Chair Varone asked how many people are opposed to this? Does that come up to an amount that would preclude the Commission from approving this RID?

Marni Bentley stated the rate hearings don't have a protest built into them. The rates can be adjusted at the discretion of the board.

Chair Varone asked how many folks are in that area that are benefiting parties that will be charged the increase?

Marni Bentley stated the people on exhibit A.

Commissioner Murray asked Marni if the fund has a balance of \$32,000 and the total work this year is going to cost \$24,000, why is a rate increase necessary?

Marni stated someone from the board would have to answer that question.

Cliff Smith stated he is a member of the board of directors for the Grand View Homeowners' Association. They have gone seven years since the last chip seal and their goal was to go every five years on the chip seal. Due to the increase that has come about with asphalt and chip sealing, they had to go seven years in order to get enough money. If they intend to do it every five years, there will not be enough money in five years to do that. If anything happens to do the road, there will not be enough money in the fund to do it. By increasing \$20 per year per homeowner, they should have enough to stay up with the cost of chip sealing. Mr. Smith believes there are 57 homeowners and only 8 protestors.

Commissioner Tinsley stated that one of the names on the protest list is not on exhibit A.

Chair Varone opens the public hearing.

Chair Varone closes the public hearing.

Commissioner Murray moved a resolution levying and assessing a tax upon all benefiting property within the RID 91-4 Lanning Road in the amount of \$73.92 per year and authorized the chair to sign. Commissioner Tinsley seconded the motion and it carried 3 – 0.

Proposed Minor Subdivision, Summary Review to be Known as Canyon Meadows Minor Subdivision.

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(Applicant, Harold Poulsen and Dennis Lay) (Frank Rives) The Commissioners will consider creating a 5 lot residential subdivision, each for one single-family dwelling. The proposed subdivision is located in the NW, NE, SW, and SE ¼'s of Section 1, T10N, R1W. The proposed subdivision is located west and adjacent to Canyon Ferry Drive and Magpie Gulch Road.

Mr. Lay indicated that he had had an opportunity to look at the staff report. They are ready to proceed.

Chair Varone stated the review period ends on May 30.

Frank Rives stated the proposed subdivision is located primarily on Canyon Ferry Road although a portion is on Magpie Gulch. When they initially proposed the subdivision, they proposed a five lot subdivision with lots that were approximately two to two and a half acres with an internal access road. The County received a comment from a neighboring property owner who said that he believed the subdivision did not meet the covenant requirements that were placed on the land. The existing covenants did not prohibit further subdivision, however they did require that all re-subdivided parcels meet a minimum lot size of five acres. That was covenant number eight. This was discussed with the applicant and they decided to keep their proposal. They enlarged the size of the tract and the lot sizes to meet the requirements. In order to advertise the changes to the proposal, a new notice was sent out, a new sign was posted and it was re-advertised. That required that the review period be extended at the applicants' request. The existing 27 acre parcel would be divided into lots of 5.16 – 6.03 acres and would be served by individual wells, individual wastewater treatment systems and utilities. There are three existing residences on the southern 16 acres of the tract. They have landscaping, dwellings, mature trees, wells and septic systems. The 10.75 acre parcel to the north of that is undeveloped rural land with some Ponderosa Pine, Juniper, native grasses and noxious weeds. A portion of the properties was severely burned during the Cave Gulch Fire of 2000. There is also placer mining activity in the northern 10 acres of the property. The applicant has cleared much of that 10.75 acres and has put in a ruffed out access road. Due to passed land disturbances, there is a considerable amount of disturbed material located in the northwest portion of the property. The soil mapping unit is not a soil of prime statewide or local importance. The subdivision would have negligible effects on agriculture because the property is surrounded primarily by large acre rural residential tracts. Two of the proposed lots would be required to put onsite wastewater treatment systems. The soil mapping unit of the property has only slight constraints for the placement of onsite wastewater treatment systems. The wells would be drawing from bedrock aquifer. Wells in the vicinity are approximately 58 – 530 feet deep with average yield of 27 gallons per minute. Four of the lots will access Canyon Ferry Road, three of those have existing accesses. One lot would access Magpie Gulch. Proposed lot four is located in close proximity to a curve in Canyon Ferry Road. The applicant would need to contact MDOT for the proper sighting of the driveway access and would need to obtain and MDOT approach permit for that parcel. Magpie Gulch is 18 – 20 feet in width along the northeast edge of the property and is not constructed to county standards. Improvement of the road is recommended as a condition of approval. The property is located in the Canyon Ferry Fire Service Area and the nearest station is approximately a half mile away. Canyon Ferry Fire Service responded that they support the Lewis and Clark County Rural Fire Council proposed fire regulation. They expected those guidelines to be followed. In discussion with the fire chief, staff was told the fire service area would be requiring an onsite provision of 6,000 gallons of water for assisting with a fire. Essential utilities are in place adjacent to the property. Police and ambulance is available, but the response times are poor. There is a moderately low runoff potential. The greater risk is to wind erosion. A five year weed management plan would be required. Steep slopes are located in the western portion of the property. There are some potentials for groundwater contamination due to the slight constraints of onsite wastewater treatment systems. The vicinity has a medium fire risk rating. Lewis and Clark County has a high potential for the exposure of radon. A storm water drainage plan is required to insure that runoff in excess of historic volumes of storm water is retained onsite. Magpie Gulch and the surrounded gulches were the sites of placer and drift mining activity in the late 19 and 20 centuries. The property has several tailing piles that indicate past mining activity. Montana Historical Society responded with comments and stated that a cultural resource inventory is recommended. The subdivision does comply with the submittal and design requirements for

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preliminary plat for a minor subdivision. The recommendations of approval are intended to bring the proposed subdivision into compliance for final plat. Staff is recommending approval of the Canyon Meadows Minor Subdivision subject to the findings and fourteen conditions, which are contained in the staff report.

Commissioner Murray asked Frank about the 6,000 gallon tank the Fire Department is requiring and asked why they can't use Magpie Creek and the lake.

Frank Rives stated that the fire department has stated that Magpie Gulch and the lake are too hard on the equipment.

Chair Varone stated that she believes that is extremely unreasonable of the fire department. There is a lake right there. There is a stream right there. They are verbally requiring a 6,000 tank. Before she will consider anything, it must be in writing.

Chair Varone asked Frank why if there are already homes on this property wasn't it subdivided before.

Frank Rives reported that Mr. Paulsen owns all the land in the area. Those are properties that are owned by him and have been part of the ranch. Originally they weren't intended to be in the proposal, but in order to keep the subdivision proposal viable they had to increase the size and they could only increase the size by going south.

Chair Varone asked Frank to get something in writing from the fire department.

Dennis Lay, 2230 5th Avenue stated that he is working in congestion with Mr. Harold Paulsen on this subdivision. Mr. Lay apologized for the initial submittal. He would like to speak to the questions and comments about the fire protection issues. The Canyon Ferry Crossing Subdivision Phases I and II had 105 lots. The fire department requested that fire protection cisterns be put into the Canyon Ferry Crossing Subdivision. They did four systems. Mr. Lay was working on Lake Country Estates Subdivision, which has 13 lots. He had to put in a 6,000 gallon cistern on that property. It cost him approximately \$13,000. That equates to about \$1,000 a lot. Canyon Ferry Crossing cost about \$495 per lot. With this subdivision, if prices haven't gone up, he is looking at \$2600 per lot donation to the fire department. He believes this to be excessive and unreasonable. Mr. Lay thinks the fire districts believe they have found a gold mine and they want to tap it for all it's worth. He believes that that is unreasonable and goes beyond where it should go

Commissioner Tinsley stated that he believes Mr. Lay has found the gold mine. The fire chiefs do not need to be second guessed. It is the Commissions responsibility to provide for the safety and welfare of the citizens. Commissioner Tinsley stated that Mr. Lay should apologize to the fire chiefs in this county.

Mr. Lay stated that if what he said was insulting to the fire chiefs, he would apologize. Another item Mr. Lay would like to address is road improvement. He has no problem improving Magpie Gulch Road from the intersection with Canyon Ferry Road to the northeast corner of the property. Mr. Lay explains several things relevant to a map being shown in the room. The entire area has been re-seeded. He asked the Commissioners to take a look at the cultural inventory and the petroglyphs. Two-fifths of the property have been leveled and graded. Most of it has been reclaimed. He requests that a cultural inventory not have to be done. Mr. Lay would be glad to answer any questions. The homes on the property were primarily used for caretakers. Mr. Paulsen is a resident of Great Falls and he keeps some people there to work the property.

Chair Varone opens the public hearing.

Chair Varone closes the public hearing.

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Commissioner Murray moved to render a final decision at 9:00 a.m. on May 29 in Room 309 of this building.

Chair Varone stated she will be gone the rest of the week and would really like to be a participant in this. She also would like an opportunity to go view the property beforehand. If Mr. Lay would consider extending the review period until the end of next week, June 6, that would give her an opportunity to look at the property.

Mr. Lay stated June 6 would be fine. They would like to have Chair Varone there.

Commissioner Murray moved, at the request of the applicant, to extend the review period through June 6. Commissioner Tinsley seconded the motion and it carried 3 – 0.

Commissioner Murray moved to render a final decision on this property on June 5 at the regularly scheduled Public Hearing. Commissioner Tinsley seconded the motion and it carried 3 – 0.

Proposed Minor Subdivision, Preliminary Plat to be Known as the Timber Acres Minor. (Applicant, Kent Crist) (Jerry Grebenc) The commissioners will consider creating 5 lots, each for one single-family dwelling. The proposed subdivision is located in the SW ¼ of Section 24, T11, R4W. The proposed subdivision is located approximately ½ mile north of John G. Mine Road, west of and adjacent to Green Meadow Drive.

Phil Crist, Kent Crist's father, indicated that he and Kent have had the opportunity to read the documents and he is ready to go forward this morning.

Jerry Grebenc stated the subject property is located adjacent on Green Meadow Drive on the west side. It is about ¼ mile north of John G. Mine Road. The proposal is for five lots for single-family residences. Lots will range in size from 3.8 acres to 1.2 acres. Currently the property is developed with an unfinished foundation for a single-family home. The property has slopes that go to the east at grades of four to eight percent. Vegetation on the property consists of shrubs, grasses and Prickly Pear. Soils on the subject property have severe constraints for cultivated ag. The property has been used for horse pasture in the past. Adjacent properties have been used for horse pasture. There are no irrigation waters or facilities on the property. Individual onsite wastewater treatments systems are proposed. The soils have slight constraints and there does appear to be adequate vertical and lateral separation for onsite systems. The typical DEQ and County Health approvals would be necessary. There will be onsite wells. Wells will be completed in a bedrock aquifer. Depth range from 22 – 101 feet with yields of 3 – 300 gallons per minute. The property is located within the North Hills Controlled Groundwater Study. DEQ and DNRC would require a 24 hour pump test prior to permitting wells. Legal and physical access would be from the internal access road with an approach onto Green Meadow Drive. All roads would need to meet County Standards. That would be a 24 foot wide road that would terminate in a cul-de-sac adjacent to lot 5. The Montana Department of Transportation does control access onto Green Meadow Drive, so the applicants would need to get an approach permit from DOT. DOT does plan sometime in the future to reconstruct Green Meadow and might need addition right-of-way. Staff has recommended a 30 foot setback for any permanent structures, drain fields or wells within that 30 foot setback. The applicants are proposing to split the public access easement between the two lots. To do that, they would ask that the easement be shown on both lots. Both lots would be on the final plat and all property owners would need to sign the plat to insure that it was valid. The fire department recommended that the applicants contribute \$200 per newly created lot for the cost associated with the installation and maintenance of water supply points. Also, the fire department requested that the developer develop and maintain a fuel modification plan which should be reviewed and approved by the fire department. There is a substantial infestation of Leafy Spurge and a five year weed management plan would need to be submitted to the Weed Board for review and approval. Soils on the property do have low erosion potential. Mule Deer, small mammals and bird

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species probably inhabit the surrounding area and utilize the property. The property does provide wildlife habitat, but has not been identified as critical. The Burlington Northern and Santa Fe Rail line does abut the property to the west. There is a potential for elevated levels of radon gas. There is an earthquake fault located approximately two miles to the northwest of the subject property. There are several small ephemeral drainages on the property. Staff would recommend that small, non-disturbance easements be established for those drainages. Due to the slope and the need for road construction, a drainage plan would need to be submitted to the County for review and approval. The applicants did install a culvert for the access road. Staff does recommend approval of the Timber Acres Minor subject to 16 conditions.

Chair Varone pointed out the nitrate level was extreme, from .04 to more than 20. It is her hope that because there is such a huge nitrate level, that within the study area, is there any way that they can request that at least one of those wells is monitored?

Jerry Grebenc stated they could make that request to the County Health Department and see if they can pass it on to DEQ. The board could formally request that the Water Quality Protection District monitor wells in certain areas.

Chair Varone opens the public hearing.

Chair Varone closes the public hearing.

Commissioner Murray asked if the Crists are satisfied and agreeable to the proposed 16 conditions.

Mr. Crist answered that they are satisfied with the conditions of approval.

Commissioner Tinsley moved to make final judgment on this request for the proposed minor subdivision on June 5, Thursday at the regularly scheduled meeting. Commissioner Murray seconded the motion and it carried 3 – 0.

Proposed Minor Subdivision, Preliminary Plat to be Known as the Summers Minor No. 2. (Applicant, William and Myrna Summers) (Jerry Grebenc) The commissioners will consider creating 5 lots, one lot for each of the existing single-family dwellings. The proposed subdivision is located in the SW ¼ of Section 13, T10, R3W. The proposed subdivision is located north of Canyon Ferry Road, approximately ¼ mile east of Wylie Drive.

William Summers indicated he has had an opportunity to look at the document and is ready to proceed this morning.

Jerry Grebenc reported that Mr. Summers had had the property reviewed twice before. Once he had the property reviewed to create five spaces for lease or rent. Subsequent to that he did receive preliminary plat approval to divide the property. This will be an identical proposal to the one he was granted approval for four years. Unfortunately the preliminary plat approval ran out on that. Due to the statutory concerns it had to come back through review. This is an abbreviated look at what Mr. Summers had approved previously. The applicant is proposing five lots, each for a single-family residence. Three of the lots would be .44 acres, one lot would be .63 acres and the final lot would be 32.9 acres. The property is developed with five single-family residences, outbuildings, vehicle storage, an access road and overhead utility lines.

There is an irrigation ditch located on the eastern portion of Lot 5. The subject property does not have any water rights from the facility. The ditch is active and does serve properties to the north. The ditch is not a main canal and is located farther away from the residential development and does not appear to pose a hazard at this time. An easement for the irrigation ditch would need to be delineated on the final plat. There are individual onsite systems for Lots 4 and 5; those are the larger lots. There is a shared system for Lots 1 – 3. That is why the lot sizes are as small as they are. That is due to the shared system. There is an individual well for Lot 5; that is Mr. Summer's home. There is a shared well for Lots 1

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– 4. That is another reason the lot sizes are less than an acre and a ½ acre in size. The legal and physical access for the property is from an internal access road with an approach onto Canyon Ferry Road. That road would need to meet county standards and end in a cul-de-sac. The Department of Transportation does control access onto Canyon Ferry Road. The applicant would need to get an approach permit from DOT. As part of the previous submittal, there were setbacks established along Canyon Ferry Road to insure that when the MDOT develops Canyon Ferry to a higher standard they will probably need to get additional right-of-way. Therefore staff is recommending that those setbacks be established. The subject property is in the East Valley Fire Department. The nearest station is a mile and a half away. The department stated that no water supply fee is necessary due to the fact that the houses exist and were previously reviewed. The previous five year weed management plan has expired and a new plan would need to be submitted to the weed district for review and approval. The southwest portion of the property does contain a floodplain, but the existing development has been constructed in accordance with the flood plain permits. There is a potential for radon bearing materials and mitigation through construction techniques. Earthquake faults are located about two miles northeast of the property. There is a low to moderate susceptibility to liquefaction. A storm water drainage plan would be necessary to estimate the runoff from the road. The applicant's engineer did submit a drainage plan in 1997. That was reviewed and approved by the department and the applicant would primarily need to construct the improvements required by that plan. Staff does recommend approval of the Summers Minor II subject to 13 conditions.

Commissioner Murray stated there are two requested variances.

Jerry Grebenc stated one variance is for a dead end road that exceeds 1,000 feet in length. The applicant has requested a variance for that. The other one is the fact that Lot 5 will be split by an easement. The applicant has requested a variance from that standard.

Commissioner Murray asked if the conditions are similar to or the same as the ones that were on the proposed subdivision that expired?

Jerry Grebenc stated they are almost identical. Only a few are missing. The one in particular is the DEQ approval. That has already been taken care of. The Health Department that due to the previous reviews, Mr. Summers has already complied with all State and County Health Department Requirements. This will be the third time the property has been reviewed.

Commissioner Murray stated that in the condition it does not require that the mailbox cluster be moved off of Canyon Ferry Road. On page four it is suggested.

Jerry Grebenc stated that could be added.

Chair Varone asked how many of the residences are currently in the 100 year floodplain?

Jerry Grebenc stated that only the western most lot is affected. All of the homes are constructed in compliance with the floodplain ordinance.

Chair Varone speaks to conditions of approval 8 and 9(h), which deal with the floodplain. She asked the Commissioners to think about this before the decision is made. The Commission has adopted the 100 year floodplain. Her concern is why they would allow any development in the 100 year floodplain since it could risk the FEMA certification for insurance. Should the language be a little more stringent on that?

Jerry Grebenc stated that development itself is permitted in the 100 year floodplain if you go through the permitting process and build your house and structure to a certain height. Professionally staff would typically never recommend approval within the 100 year floodplain.

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Chair Varone opens the public hearing.

Chair Varone closes the public hearing.

Commissioner Murray moved approval of the two variances requested by the applicant. Commissioner Tinsley seconded the motion. The motion carried 3 – 0.

Commissioner Murray moved approval of the subdivision subject to 13 conditions as proposed by staff. Commissioner Tinsley seconded the motion.

Chair Varone asked that the language be updated on condition of approval eight. She would like to change the language to say, "Plans for development of the 100 year floodplain..." because that is what the Commission has adopted.

Commissioner Murray moved to change the language and Commissioner Tinsley seconded the motion. The motion carried 3 – 0.

Chair Varone asked for a motion to change condition 9(b) to read, "...exceed equivalent provisions in the approved state building code."

Commissioner Murray moved to accept the change in language and Commissioner Tinsley seconded the motion. The motion carried 3 – 0.

Commissioner Murray moved to make an addition to condition number four. "A mailbox facility and turnout should be provided on the internal access road." Commissioner Tinsley seconded the motion and it carried 3 – 0.

The motion to approve this application as amended carried 3 – 0.

Proposed Minor Subdivision, Summary Review to be Known as Big Valley, Lot 43 Minor. (Applicant, MMJ Inc.) (Frank Rives) The Commissioners will consider creating 5 lots, 4 for one single-family dwelling on one-acre tracts, and a 16.688 remainder tract with two residences. The proposed subdivision is located in the SE ¼ of Section 1, T11N, R4W. The proposed subdivision is located north of Zephyr Lane, and west of and adjacent to Applegate Drive.

Mr. McDunn, 3380 Rottweiler Court stated he is not a surveyor. He is an engineer for the proposed project manager for this proposal. He has had an opportunity to read the documentation.

Frank Rives reported the parcel is presently developed with a house, a garage with an apartment in the rear, a kennel and several outbuildings. The applicant proposes to create four new lots from a 20 acre tract. Those would be four lots of one acre in size for single-family dwellings and then a 16.688 remainder tract which has two residences – the home and the garage with an apartment in the rear. The applicant may develop the remainder tract into a major subdivision. The remainder, which is Lot 5, is developed with two dwellings, has an individual well, an individual wastewater treatment system and utilities. The additional lots would also have individual wells, wastewater treatment systems and utilities. Most of the property is undeveloped rangeland, which is gently rolling and treeless. There are some landscaping and trees around the existing dwellings. The kennel operation is in the rear. There are several old test pits for testing for onsite wastewater treatment systems. However, in discussions with the Health Department, they didn't have any evidence of any testing. The property is georock gravely loam soils. The subject property is surrounded by developed and undeveloped large acre residential lots. Some of the lots have been used for pasturing of livestock. Any additional residential operation could increase the potential for vandalism, trespass or harassment of livestock by dogs. There are no irrigation facilities, water uses or easements which were identified on the property. The Environmental Health Department stated that no

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sight work had been done on the property, that there were shallow soils present and that nondegradation was a potential problem. Water availability is also an issue. This is in the North Hills Controlled Groundwater Study area. DEQ may require an onsite pump test. In discussions with the applicants' representative, he stated that the pump test had been done recently. Groundwater would be drawn from the Spokane Grayson shale bedrock. The wells in the vicinity are 40 – 310 feet in depth with yields of 7 – 22 gallons. Average yield is 16.4 gallons per minute. During the review period, a neighbor located to the north, contacted staff with concerns about the effect the proposed subdivision might have on his well. This gentleman stated he had two dry wells on his property and that his existing well is 240 deep and yields about 12 gallons per minute. The two dry wells are 175 and 520 feet in depth. Legal and physical access would be provided by the internal access road for Lots 1 – 4 and Applegate Drive for Lot 5. The proposed access road would be approximately 700 feet in length and would need to meet the road construction standards for a standard cul-de-sac, which is a 24 foot wide road constructed to typical section number three and terminating in a standard county cul-de-sac. The property is located within three miles of Jim Darcy School and the district would not be required to provide transportation to students. However, secondary and high school students would be bussed at the expense of the general taxpayers. The fire chief of West Valley Fire District responded to the proposal and requested a \$200 fee per newly created lots for the development and maintenance of fire fighting water supply. The fire district also requested a fuel modification plan be developed and approved by the West Valley Volunteer Fire Department. The soils present have slight constraints for onsite wastewater treatment systems. There is some potential for groundwater contamination due to the presents of fractured bedrock. Implementation of a five year weed management plan is required. There is a high pressure gas line which runs along the eastern boundary of the property adjacent to Applegate Drive. The power company should be notified prior to any digging. The property is also located in an area that may contain unexploded military ammunition. Elevated indoor levels of radon gas may be present and have a potential significant health risk. There are two unidentified faults located approximately ½ mile north of the property. One half mile south of the property is the Helena Valley Fault. There is also an unidentified fault located ½ mile southwest of the property. The property presently has two dwellings, which is not in accordance with the county subdivision regulations and county land use policies. Approval of the proposed subdivision would help establish a second development right for Lot 5. Conditions of approval would require review of the existing water and septic systems as well as for the proposed systems for Lots 1 – 4. The applicant's daughter lives in the garage apartment. Staff is recommending approval of the proposed subdivision subject to the findings and 15 conditions contained in the staff report.

Chair Varone asked how old the dry wells are? Was it a result of really going dry? Or did the pump go out? Or did the casing fail?

John Duncan stated he is the one that called in the complaint. His wells were working when he first moved on the property and drilled the wells. Then they went dry. The new well is working fine. His concern that there are from five to nine houses in that area. His concern is with the well water. One house west of him is down to five gallons per minute. There are a lot of houses with dry wells. The wells that went dry were drilled in 1991.

Mr. McDunn stated they originally planned to do a major subdivision, but do to financial constraints the proposal has been changed to the minor hoping to continue to the major. The pump test has already been done because the well that was originally on the property was 100 feet deep and the casing collapsed so they drilled a new well. The new well was moved north and drilled to approximately 300 feet. They report hasn't been put together. Mr. McDunn stated the well yielded approximately 17 gallons per minute. Mr. McDunn stated the apartment doesn't have any rooms. It is one big room.

Chair Varone opens the public hearing.

John Duncan stated there are from five to eight houses in the area that may have wells go dry due to the undue burden on the aquifer. Their wells are directly inline and go right into the new subdivision. If Mr.

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McDunn is planning on building even more homes a lot of wells could go dry. This is his main concern. He has spoken to Kathy Moore from the Water Quality Protection Agency and she said she had no record of any kind of well test on the new housings because the wells have not been drilled. She did not include his well test. She will continue monitoring while these other wells are being drilled.

Sandy Eckhart, 8530 Applegate stated she lives on North Hills Road, but does not have an address there. They are to the north and west of the proposed subdivision. They have also had two wells. Her husband bought the property in 1990. The well had gone dry prior to that time. Their current well is 290 feet and pumps between 10 – 12 gallons per minute. When there well was put in, the neighbor to the north, Dale Stevens' well dropped to two gallons per minute. Two years ago, Mr. Stevens had a new well drilled. It is a concern that the water is in short supply.

Mr. McDunn stated they would be willing to put in some restrictions for the lawn watering and those types of items. They are not in the proposal.

Chair Varone closed the public hearing.

Commissioner Murray moved to render a final decision on June 5 at 9:00 a.m. in Room 309 of this building. Commissioner Tinsley seconded the motion and it carried 3 – 0.

Public Comment

Chair Varone stated this is a time that has statutorily been determined that they give anyone in the audience an opportunity to speak to the Commissioners.

Chair Varone adjourned the meeting at 11:10 a.m.

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