

PUBLIC MEETING MINUTES

August 5, 2003

Room 330, 9:00 a.m.

Chair Varone called the meeting to order at 9:00 a.m. Commissioner Tinsley and Commissioner Murray were in attendance. Others attending all or a portion of the meeting were Carole Byrnes, Sharon Haugen, Ron Alles, Janet Pallister, Marni Bentley, Will Selser, Frank Rives, Dan Senecal, Tami Rasmussen, Quin Rasmussen, Ellen Allen, Bonnie Gebhardt, Delvin Gebhardt, Kelvin Gebhardt, Jeff Claassen, Terri Claassen, Liz Smith and H. W. Smith.

Pledge of Allegiance. Everyone recited the pledge.

Public Hearing to Increase the Marysville Solid Waste Subservice Area Assessment Rate. (cont. from 7/8/03) (Janet Pallister). The Commissioners will consider the resolution to increase the rate from \$42 to \$47.

Janet Pallister reported that this resolution would increase the Marysville solid waste sub service area annual assessment fee to \$47 per residential unit per year. This is being recommended by the Scratch Gravel Board and the Public Works Staff because the rate increase is needed to fund future capital improvements. The legal adds have been published for this public hearing in the Independent Record and the Clerk and Recorder received no protest to the rate increase. Ms. Pallister recommends that the Board of County Commissioners approve the resolution and increase the Marysville Solid Waste Assessment rate to \$47 per unit per year.

Commissioner Murray asked if there was an offsetting decrease in the overall Scratch Gravel fees?

Ms. Pallister stated that on July 8 the Commission passed a resolution decreasing the Scratch Gravel Annual Assessment rate by \$5.

Chair Varone opened the public hearing.

Chair Varone closed the public hearing.

Commissioner Tinsley moved to approve the resolution to increase the Marysville solid waste sub service area assessment rate from \$42 to \$47 and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried 3 - 0.

Resolution Establishing the Effective Date of the Lakeside Fire Service Area Annexation.

Marni Bently reported this is the final step in the annexation process for the Lakeside Fire Service Area. On June 3 the Board of County Commissioners passed a resolution annexing the land into the fire service area. According to statute you must wait 60 days for a protest period to pass. No protests were received. Staff recommends approval of the attached resolution establishing the effective date of the annexation into the Lakeside Fire Service Area.

Commissioner Murray moved approval of a resolution establishing the effective date of the Lakeside Fire Service Area Annexation in Lewis and Clark County and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried 3 - 0.

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Proposed Subdivision, Summary Review to be known as HW Smith Minor. (Applicant, Bill Smith) (Planner Frank Rives) The Commissioners will consider creating additional single-family lot from an existing 160.23 acre tract. The proposed subdivision is located in the NW1/4 of Section 12, T10N, R2W; generally located east of Eames Lane, approximately one mile north of Canyon Ferry Road.

Mr. Smith indicated he has had an opportunity to review the information that has been provided by staff. Mr. Smith has no questions or comments before the public hearing starts.

Frank Rives reported the proposed subdivision is generally located East of Eames Lane and is approximately one mile north of Canyon Ferry Road. The applicant proposes to create an additional single-family lot from an existing 160 acre tract. Proposed lot A1A would be approximately 128 acres in size and would be served by an individual well, an individual wastewater treatment system and utilities. The proposed lot A1B would be approximately 32 acres in size and is currently developed with a single-family dwelling which is served by an individual well and individual wastewater treatment system and utilities. Access for lot A1A would be either from Eames or Hart Lane. Access for proposed lot A1B would be from an existing driveway connecting to Eames Lane. There is a proposed parkland requirement for this subdivision because it is a minor subdivision. The applicant was granted preliminary plat approval and two variances for a similar subdivision, which was called Eames Lane Minor, which was on the subject property. This was approved in June of 2000. The subdivision was never completed to final plat stage. The original submittal was for two lots. The new proposal is essentially the same as the previous proposal with the exception of the different lot sizes and one of the variances. The recommended conditions of approval are nearly identical. The property has a single family dwelling with an attached garage and a barn in the portion of the lot, which is south of the driveway. North of the driveway the property is primarily irrigated farmland with wheel irrigation. There are shelterbelts of medium sized trees located along Eames Road to the west and McHugh Lane to the north. The property is slightly rolling land with wheel irrigation. There are two soil-mapping units identified on the property. Several of the nearby properties are used for ag production and pasture of livestock. Residential development adjacent to the agricultural land can impact agricultural operations in a variety of ways. The property is located in the Helena Valley Irrigation District. The property has been allocated an undetermined irrigation right. Proposed lot A1A is developed with a center pivot irrigation system. If the properties were subdivided the irrigation rights would be proportionately divided between the two properties. Staff recommended that the size of the building envelopes be limited to no more than two acres. The number of possible building envelopes should be limited to no more than two and be limited to no more than two acres. The applicant has requested three building envelopes, one for residential purposes, one for agricultural buildings and one for the construction of a hay barn. After consideration staff has no objection to the three building envelopes, however staff still recommends that the building envelopes be limited to the northwest, northeast and southwest corners of the lot and that the size be limited to no more than two acres. Prior to construction of the single family dwelling on lot A1A, the applicant would need to apply for a septic permit for an onsite wastewater treatment system. Water availability is adequate for domestic uses. Wells are 60 - 160 feet in depth and yield 20 - 30 gallons per minute. Utilities are adjacent and available. There are no surface waters identified on the subject property, however Spokane Creek is located east of the property. Noxious weeds were identified on the subject property and implementation of a five year weed management plan is required. Wildlife would be limited to birds, small animals, invertebrates and deer. Wildlife habitat on the subject property is limited by the agricultural nature of the property.

As far as the effects on public health and safety there are the usual concerns of the potential of exposure to elevated levels of radon gas. The subject property is in close proximity to several geologic faults. There is a

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fault line which parallels the Spokane Creek which is immediately adjacent to the property. The Spokane Hills Fault is located to the northeast. The Regulating Reservoir fault is located approximately a mile and a quarter southwest of the property.

No cultural resources were identified on the property and the potential is low due to previous disturbance for agricultural and residential purposes.

Significant agricultural, wildlife and open space values have been identified on the property and surrounding properties. The properties have also been identified as having value as irrigated agricultural land as based on the predominant soil-mapping unit.

The staff recommends approval of the preliminary plat for the H. W. Smith Minor Subdivision subject to the findings and 12 conditions, which are contained in the staff report.

Chair Varone stated that at the time of the staff report there had been no comment on condition of approval five, a fire protection plan. Chair Varone asked Mr. Rives to prepare and change that condition of approval based on the recommendation regarding the \$200 per lot.

Mr. Smith stated he had no comments before the public hearing.

Chair Varone opened the public hearing.

Chair Varone closed the public hearing.

Commissioner Murray moved to render a final decision on August 14 at 9:00 a.m. in Room 309 of the City-County Building. Commissioner Tinsley seconded the motion and it carried 3 - 0.

Public comments on matters within the Commission's jurisdiction.

There was no public comment.

Adjourn.

Chair Varone adjourned the meeting at 9:40 a.m.

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