

**PUBLIC MEETING**  
**December 9, 2003**

Chair Anita Varone called the meeting to order at 9:00 a.m. Commissioner Murray is present. Commissioner Tinsley is absent attending another meeting. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Michael McHugh, Frank Rives, Mike Henderson, Joan Bowsher, Phil Maynard, Rick Richetti, Sharon Richetti, Wes and Lori Johnson, Greg Chadwick, Jerry Shepherd, John Brodston and Diana Brodston, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Oath of Office. The Commissioners administered the oath of office to Phil Maynard as Director of the Rimini Water and Sewer District.

Merit Mechanical Contract. Ron Alles reported Merit Mechanical will install a new roof on the Lincoln Senior Center building not to exceed \$11,500. Merit will also repair the roof on the Multi-Purpose Building at the Fairgrounds. Compensation is based on a time and material basis from the Fairgrounds budget with an estimated cost of \$1,500-\$2,000. Staff recommends approval of the contract. Commissioner Varone recommended a cap of \$5,000 be placed on the project. Commissioner Murray moved to approve the contract as amended to include a maximum cap of \$5,000 and authorize the chair to sign. Commissioner Varone seconded the motion and it carried 2-0.

Health Department Contract with Chris Gehring. Mike Henderson reported Chris Gehring is a peer outreach worker to provide HIV/AIDS prevention education. The contract is not to exceed \$675 through December 31, 2003. Staff recommends approval. Commissioner Murray moved to approve the contract and authorize the Chair to sign. Chair Varone seconded the motion and it carried 2-0.

New Health Department Contract with DPHHS. Joan Bowsher reported DPHHS will perform an environmental assessment of Lewis and Clark County. The contract is not to exceed \$12,000 through September 30, 2004. Commissioner Murray moved to approve the contract and authorize the chair to sign. Commissioner Varone seconded the motion and it carried 2-0.

Request to Waive Fee for Marysville Cemetery Subdivision Application. Michael McHugh reported the applicant, Marysville Pioneer Club, has requested the commission to waive the \$250 application fee to create a one-acre parcel where the Marysville Cemetery is located from an existing 11 plus acre parcel. The Marysville Pioneer Club will maintain that and upgrade it. The Club is seeking historic designation on the property. There are no water or sewer facilities on the cemetery, but the remainder parcel would be required to go through DEQ and Health Department review. Commissioner Murray moved to waive the fee as requested and authorize the chair to sign. Chair Varone seconded the motion and it carried 2-0.

Final Plat Approval for the French Minor Subdivision. Michael McHugh reported property is located north of York Road. The applicant, Thomas H. French met all 11 conditions of approval and all taxes have been paid Staff recommends final plat approval. By consensus, the Commission agreed to sign the final plat at the conclusion of this meeting.

Proposed Minor Subdivision, Preliminary Plat to be Known as the Wes Johnson Tract 8 Minor. (Applicant, Rick & Sharon Richetti) The applicants propose to create three lots, each for a single-family dwelling. The proposed subdivision is generally located west of and adjacent to Ferry Drive and south of and adjacent to the Helena Valley irrigation canal. The applicants are present and indicated their willingness to proceed.

Michael McHugh presented the staff report. The subject property is not located within a special zoning district. It is located within an area designated as the potential northeast valley zoning district. The Helena Valley Irrigation canal is located along the northern boundary of the property and is fenced with woven wire. There is an underground lateral ditch easement located along the western portion of the property. The applicants are proposing to transfer irrigation water rights to the two new lots. The subject property is located within the DNRC temporary ground control area and all new wells will be required to demonstrate adequate water availability before issuance of any water right. The applicants propose to develop a 60 foot wide driveway approach along the boundary between the two southern lots. If approved, the applicant would be required to obtain an approach permit for the development of the Ferry Drive approach because it does not meet county standards. The West Valley Fire Department has requested the applicant either install a tank and a wet hydrant with the capacity to deliver 500 gallons per minute for 30 minutes or reimburse the department \$500 per new lot. Because a neighboring major subdivision has revealed elevated indoor radon testing in homes staff recommends any homes in this area be constructed with radon abatement technologies incorporated in the construction. A five-year weed management plan is required. The Spokane Hills Fault and Helena Valley Fault have been identified near the property. The subject property is located in an area that is being proposed for an infrastructure study. Staff recommends approval of this subdivision subject to 12 conditions as outlined in the staff report.

Commissioner Varone questioned if a ten acre parcel could handle livestock. The applicant stated with proper ground care, ten acre lots should be reasonable to graze two to three horses on one acre.

The applicant requested an extension of the statutory deadline to December 31 to allow the Commission an opportunity to review the fire fees, animal grazing units, and the participation of Commissioner Tinsley. Commissioner Murray moved to approve the applicant's request to extend the deadline to December 31. Commissioner Varone seconded the motion and it carried 2-0.

Commissioner Murray moved that the Commission render a final decision December 30 at 9:00 a.m. Commissioner Varone seconded the motion and it carried 2-0.

Proposed Subdivision, Summary Review to be Known as Helena School Tracts Block 29 Minor. (Applicant, Diana Brodston). The applicant proposes to create three additional spaces for rent, each for a single-family dwelling. The proposed subdivision is generally located north of and adjacent to East Custer Avenue and east of and adjacent to Toole Drive. The applicant is present and indicated her willingness to proceed. Commissioner Varone stated she worked with Mr. Brodston at the State, but in different departments, and it would not affect her decision making process.

Frank Rives presented the staff report. The address coordinator recommends the applicant initiate the process to have Toole Drive be renamed and addresses be assigned to ensure adequate response time for emergency vehicles. Road improvements would be required to provide physical access. The applicant has a registered water right for 1.5 acres and ½ acre feet of domestic water and DEQ would require an easement be established to ensure access for the shared well for both mobile homes. The East Valley Volunteer Fire Department is requesting a \$250 per additional structure for improvement of water supplies in fire district for a total of \$500 for the two new proposed dwellings. The applicant would also be required to obtain a road approach permit from the County Permit Coordinator for the approach onto East Helena Drive. The current approach has not been approved for residential purposes. A five-year weed management plan is required. No flood plain has been identified on the subject property. An unidentified fault is located adjacent to or under the subject property and the Bald Butte Fault is located approximately within 1½ miles southwest of the property. Staff recommends approval of the proposed subdivision 14 conditions which are outlined in the staff report.

Sharon Haugen stated because Toole Road was previously abandoned the county may need to designate it as a public access easement in order for it to meet legal physical access. Staff can contact Deputy County Attorney Stahl for the process and procedure.

Diane Brodston stated she is not asking for another road access; there is a driveway which already accesses East Custer on the property next to where the modular homes are built. The fence has been torn down to allow for emergency access. Livestock is restricted to a maximum of two horses. It will be a hardship to the neighbors regarding the address change because they have resided there for many years.

Commissioner Varone stated the name change would be where the applicant's driveway is accessed. The address for the two new units would be East Custer if that is the access.

Greg Chadwick, owner of Chadwick Nursery, 2010 Custer Avenue, stated the access from Smith Drive is not considered a road. Toole Drive has become the access for all the development in that area. He further stated the applicants have violated the cease and desist order to not construct any further building until this proposal is approved and the proposed development is inconsistent with the pattern of development in the Helena School Tract Subdivision.

Hearing no other comments, the public hearing is closed.

Commissioner Murray moved to approve the proposed subdivision subject to 14 conditions as recommended by staff. Commissioner Varone seconded the motion.

Amendments to Conditions of Approval.

Commissioner Murray moved add a condition requiring an access easement on what is now known as Toole Drive be obtained or developed by the applicants. Commissioner Varone seconded the motion and it carried 2-0.

The motion to approve the proposal carried 2-0.

Public comments on matters within the Commission's jurisdiction. None.

There was no other business and the meeting adjourned at 10:35 a.m.