



PUBLIC MEETING

July 16, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, July 16, 2015, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Michele Peterson-Cook, K. Paul Stahl, Greg McNally, Lindsay Morgan, Audra Zacherl, Kevin Hamilton, George Therbarger, Tony Prothero, PJ McHugh, Jeremy Fadness, Mike McHugh, Debbie Micu, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes: June 23, 25, 30, July 2 and 7, 2015. (Nichole Nisbet)

Commissioner Hunthausen reported on the consent action item 2 a and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Bid Award - 2015 Chip Seal Surfacing. (Audra Zacherl)

Audra Zacherl, Senior Finance Coordinator, presented the 2015 Chip Seal Surfacing bid award. On July 9th two bids were received and opened for the 2015 Chip Seal Surfacing Project. The project generally consists of chip seal surfacing approximately 20 miles and paint striping of various county roads and RID's. As an additive alternate, the project may also include chip seal surfacing 4.5 miles of the Little Blackfoot Road and 0.361 miles of East Main Street, Elliston, Montana for Powell County. After reviewing both bids by the selection committee, staff recommends awarding the contract for both the base bid and the additive alternate to the low bidder, Helena Sand & Gravel, Inc. of Helena for the bid amount of \$595,595.00.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Proposed Cattle Baron Estates Subdivision (tabled 6/25/15) (Applicant: Varyn Land & Livestock, LLC) (Planner: Greg McNally)

Greg McNally, Planner II, presented the proposed five lot subdivision to be known as Cattle Baron Estate, a four single-family residential lots and one non-residential lot located north of and adjacent to Sierra Road. The applicant proposes to subdivide Tract A-1 of Certificate of Survey No. 3214762, a 128.65-acre parcel, into five lots: four single-family residential lots and one non-residential lot, the non-residential lot is the future site for an office, shop and equipment yard for the Hard Rock Excavating and Utilities Company. There is a center pivot irrigation system on Lot A1C that is used to irrigate alfalfa hay, mostly on proposed Lots A1B and A1C. This agricultural use will continue after subdivision of the property. The proposed lots will range in size from 2.5 to 84.07 acres. Direct access to the proposed lots will be from an extension of McHugh Lane, Lydia Road and Sierra Road. Because this is a first minor subdivision, there is no requirement to dedicate parkland. The property is mostly irrigated hayfield with a pivot wheel irrigation system. There is a large non-residential building in the southwest of the property. Approximately 3.5 acres in the southeast corner of the property is used to store construction material and equipment, and rock and fill dirt piles. No zoning has been adopted on-site or on adjacent properties. No public comment has been received on this subdivision. There are some potential impacts on traffic. The applicant shall pay the proportionate share of the costs for improving affected roads in the subdivision's traffic impact corridor. A first minor subdivision's traffic impact corridor includes one ingress-egress route (including intersections) to the nearest state highway. In the case of Cattle Baron Estates Subdivision, the one ingress-egress route is Sierra Road to Green Meadow Drive. Based on the applicant's Traffic Impact Study (TIS), the percentage of impact for Sierra Road west to Green Meadow Drive will be 1.96 percent. The three soil mapping units identified on the property have severe limitations for on-site wastewater treatment systems due to poor filtering capacities. The applicant proposes sand-lined, pressure-dosed onsite wastewater treatment systems for the subdivision because of the coarse soil conditions of the three soil mapping units present on the property. The shallow groundwater levels, combined with the elevated nitrate in the groundwater, indicated that the local aquifer is susceptible to contamination from near surface sources. Groundwater monitoring was conducted June through August of 2013, and the test well remained dry throughout the testing period. Tony Prothero, the applicant's representative for Cattle Baron Estates, has submitted a revised preliminary plat to be considered with the subdivision application. The revisions to the preliminary plat can be summarized as follows: alteration of the length and width of proposed Lot A1E while retaining a proposed acreage of 2.50; removal of the proposed County Road Easement on the northern boundary of proposed A1E that would have extended the existing Lydia Road to the west; removal of the proposed County Road Easement on the western boundary of proposed Lot A1E; and shifting, 68 feet to the west, the proposed County Road Easement for a hammerhead t-intersection that will provide legal and physical access to proposed Lots A1C, A1D, and A1E. These revisions will simplify the road interconnectivity of the subdivision from what was previously proposed without a net increase or decrease in opportunities for access in the event proposed Lot A1C is developed in the future. Furthermore, the identification and discussion of "road interconnectivity" as a project issue in the Staff report dated May 19, 2015 is now unnecessary. In addition, revision Nos. 2 and 3 eliminate the creation of double frontage on proposed Lot A1E. As a result of revision Nos. 2, 3, and 4, some amendments to the draft findings of fact and draft conditions of approval as described in the Staff Report are needed. 3. The property is located within the jurisdiction of the West Helena Valley Fire Department. The applicant is proposing to utilize the Forestvale Road Fill Site, an existing fire protection water source located approximately 0.6 of a mile southeast of the proposed subdivision. West Helena Valley Fire Chief Shepherd provided an email that stated that the fire department's trustees gave the Applicant permission to utilize the Forestvale Road Fill Site to satisfy the fire protection requirements of the County Subdivision Regulations. Lot A1A is proposed to be developed with a shop for the Hard Rock Excavating and Utilities Company. The applicant; however, provided a list of possible uses for the non-residential lot that are compatible to the proposed use. The applicant has requested three variances from the County Subdivision Regulations. The first variance is from Chapter XI.F.9. of the County Subdivision Regulations to allow Lots A1C and A1E to be double fronted lots. The second variance is from Chapter XIH.3.C. of the County Subdivision Regulations not to require the applicant do a Preliminary Engineering Report and instead to allow the applicant to calculate the percentage of impact of off-site roads by using an Engineer's estimate of the required improvements. The third variance is from Chapter X1.H. 20. of the County Subdivision Regulations to allow the subdivision

roads to be constructed to the County gravel road standard, rather than the paved standard, because one of the residential lots is not more than 2.5 acres and one of the lots is non-residential lot. 4.

Tony Prothero, the applicant's representative, stated that the variance request regarding paving the internal roads is due to the residential lots having fewer than 400 trips a day and they would like to leave the road a gravel surface and they feel that would meet the intention of what the subdivision regulations are as there is only one proposed commercial lot. The commercial lot would be served by a hard surface road and the residential lots are greater than the 2.5 acres and should be served by a gravel surface road. The purpose of the subdivision is to divide the land into manageable lots for taxation purposes.

Commissioner Geise asked Mr. Prothero about the request being tabled several times.

Tony Prothero stated they had received the staff report prior to the initial hearing and the applicant's wanted to make changes before moving forward. The surveyor on the property had unexpected delays as well.

Commissioner Hunthausen asked Mr. Prothero about the potential for future development in regards to McHugh Lane as there is potential that the larger lot could be subdivided in the future and had concern about the northern extension of McHugh.

Tony Prothero stated that the internal road could be extended north to potentially align with McHugh Lane.

George Theborge, Director of Community Development and Planning, stated that the plan does accommodate the interconnection for the subdivision however does not provide for a major corridor for the extension of McHugh Lane.

Commissioner Geise asked the legal counsel if the intent is sufficient in Mr. Prothero's statement of the subdivision regulations being satisfied with having gravel surface roads.

Michele Peterson-Cook, Deputy County Attorney, stated she is not prepared to answer the question but understands Commissioner Geise's question of whether or not the request meets the variance criteria or whether or not a variance is needed at that point. Ms. Peterson-Cook will provide an answer at decision time.

Commissioner Hunthausen asked Mr. Prothero if he has received all the documents and staff reports.

Tony Prothero stated that he has received all the documents.

No public comment was received.

A motion to table the item until the next regular scheduled meeting on July 21, 2015 was made by Commissioner Murray and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Amended Plat of Lot G1A - McHugh Subdivision No. 2 (tabled 7/7/15) (Applicant: McHugh Land and Livestock Co.)
(Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the proposed two lot, subsequent minor subdivision located west of and adjacent to McHugh Lane, north of and adjacent to Road Runner Street, and northeast of and adjacent to Cooney Drive. The applicant proposes to divide the existing tract of land into two non-residential lots, one will be used for a church facility and the other will remain vacant. The applicant has request a variance from the proposed Lot GA1-2 as Chapter XI:F:l states that each lot shall contain a satisfactory building. Staff has prepared a memo for today's meeting recommending the addition of 3 findings of fact in regards to compliance with zoning and other regulations. In addition to the memo comments received from City Public Works were included. The review period for this subdivision will end on July 23, 2015.

Commissioner Geise asked Ms. Morgan to go over the City's intentions and how they may impact the decision before the Commission.

Lindsay Morgan stated that the subdivision is located near the city limits and the County regulations do not require them to go through a City review with the exception of a review of their water and wastewater. In this case, they are within 500 feet or less to the City and the County requires them to look into connecting to City services. There are 3 criteria that DEQ has when a proposed subdivision is close to public systems. The first criteria is will the public system be willing to allow the development to connect, the second one is whether or not the subdivision would have the capacity to connect to the public system and the third is will it cost the applicant more than 3x the amount to connect to the public system. They have met one of those criteria as it would cost the applicant 3x the amount to connect according to the County Health Department. Ms. Morgan also noted that the City is looking at having the subdivision annexed.

Commissioner Hunthausen asked Ms. Morgan about the finding of fact no. 8 included in the staff memo and if it would only take effect if the subdivision is annexed.

Lindsay Morgan stated that is correct

Commissioner Hunthausen asked if the applicant has received the memo and the comments from the City of Helena.

Lindsay Morgan stated the applicant received the memo and comments yesterday.

Commissioner Hunthausen stated that the County has a MOU with the City of Helena from 2009 that states the goals for the area to develop joint standards. Commissioner Hunthausen stated he would like to have the MOU entered into the findings of fact.

George Thebargé stated there was an annexation agreement between the City and the past owner of the property from 2013 and the resolution indicated there were three conditions that would need to be met. The first was to increase the capacity of the lift station to serve the property, the second was to construct a connector road through the property and the third was to construct sidewalks along McHugh Lane. The MOU is a set of principles that the City and the County use for land use management and to define the urban growth area.

Commissioner Geise asked about the MOU and if there is any impact on the MOU from the DEQ requirements.

George Thebargé stated that these projects have the legal right to apply under the County subdivision regulations and the County can work with the developers to help bridge the financial challenges to connect to the City. Our current regulations state that we refer to the DEQ regulations.

Commissioner Hunthausen stated that it is the County's intent to work with the City to develop joint standards in this area and quality growth would have these properties that about the City be built to City standards as they will become part of the City at some point.

Commissioner Geise asked Ms. Morgan about the disparity in costs for the applicants to connect to the City.

Lindsay Morgan stated she could look into the costs.

Commissioner Hunthausen asked about the variance request for the 20 acres that is not planned for development, would the lot be able to be developed in the future?

Lindsay Morgan stated that lot would be required to be vacant and would require a review to go through a process to request that restriction be lifted.

Jeremy Fadness, the applicant's representative, stated that the applicant's first option was to be annexed into the City. The developer would have had to upgrade the lift station in order to accommodate the future use based upon the City's zoning. The developer would have also been required to install over a mile of sewer main to connect to the existing Stone Meadows subdivision. The options are cost

prohibitive to the applicant. The intent is to have a church on the land and eventually sell the other lots. The impact of the church would be a lot less on the lift station and traffic.

Commissioner Hunthausen asked where the church would access the lot.

Jeremy Fadness stated the church access would be on McHugh Lane and there is an existing driveway on the northeast corner.

PJ McHugh, the applicant, stated the existing land would be greatly improved by the proposal. The applicants would like to sell the property as they are now paying for the RID on McHugh.

A motion to table the item until the regularly scheduled meeting on July 21, 2015 was made by Commissioner Murray and seconded by Commissioner Geise. The motion Passed on a 3-0 vote.

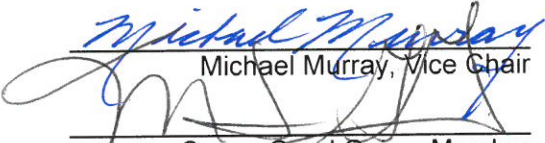
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Adjourn

There being no further business, the meeting adjourned at 9:23 am.

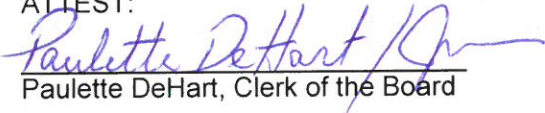
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Andy Hunthausen, Chairman


Michael Murray, Vice Chair


Susan Good Geise, Member

ATTEST:


Paulette DeHart, Clerk of the Board