



PUBLIC MEETING

October 25, 2018
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, October 25, 2018, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Peter Italiano, Charles Lane, Greg McNally, Dean Retz, Mark Floerchinger, Amanda Wallace, Leander VanHecke, Lindsay Morgan, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2018-93 Declaring County Property Surplus Property. (Amy Reeves)

Roger Baltz reported on the consent action item 2 a and recommended approval.

No public comment was received.

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

Resolution 2018-94 - Creation of Boundaries for Saddle Rock Rural Improvement District. (Petitioner: Mark Floerchinger) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III presented the resolution to create a Rural Improvement District (RID) for the purpose of maintaining road and stormwater improvements within the preliminarily approved Saddle Rock Subdivision. The petition was signed by the sole owner of property within the District alleviating the requirement of a resolution of intention process. If the District is created, a public hearing to formalize implementation of the assessments upon benefited properties within the District would be held prior to September of 2019. The RID is located on properties located east of Collins Drive, south of and adjacent to Tea Road.

The creation of the RID will satisfy Condition No. 10 of the preliminary approval for the Subdivision and also provide for annual maintenance of Saddle Rock Court, an internal access road, and the on-site detention ponds. Staff recommends approval of the resolution.

No public comment was received.

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

Final Plat with Subdivision Improvements Agreement. Saddle Rock Subdivision. (Applicant: Mark Floerchinger) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner III presented the final plat of the Saddle Rock Subdivision and the associated Subdivision Improvements Agreement. The property is located east of Collins Drive, south of and adjacent to Tea Road. Preliminary plat approval was granted on October 1, 2013 subject to sixteen conditions of approval. The preliminary plat approval conditions addressed the creation of four, single-family residential lots. The parent parcel is approximately twenty acres and each new lot is approximately five acres. All sixteen conditions have been satisfactorily met. The applicant entered into a Subdivision Improvements Agreement (SIA) with Lewis and Clark County for the remaining improvements: four stormwater retention ponds, fire fill site approach culvert and approach reflectors, and fire fill site gravel surfacing. As part of the SIA, the Applicant provided a financial guarantee in the form of a performance bond. Staff recommends approval of the final plat and associated SIA.

No public comment was received.

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

Subdivision Improvements Agreement Extension Request for Lot A-1A Amended of the H.W. Smith Minor Subdivision, otherwise known as the Heron Creek Subdivision, Phases 1-3. (Applicant: Sussex Development, Inc.) (Planner: Greg McNally)

Greg McNally, Planner III presented the request to extend the Subdivision Improvements Agreement (SIA) for Lot A-1A amended of the H.W. Smith Minor Subdivision, known as the Heron Creek Major Subdivision. Phases 1 through 3 of the subdivision were approved and recorded with the Clerk and Recorder on February 2, 2018. The approval included a Subdivision Improvements Agreement (SIA) with a completion date of October 1, 2018 guaranteeing the installation of the on-site fire protection system and expansion of the public wastewater treatment system. Due to development timing issues, all improvements have not yet been completed and an updated SIA is being presented.

The property is located east of and adjacent to Eames Lane and south of and adjacent to Keir Lane. Phases 1 through 3 included 65 lots: 61 lots for one single-family dwelling; 1 lot dedicated to parkland; 1 lot for a public wastewater treatment system; 1 lot for open space, stormwater management, and drain field for the public wastewater treatment system; and 1 lot which has preliminary approval for three additional phases 4, 5, and 6. Final plat approval included an SIA guaranteeing the installation of the on-site fire protection system and expansion of the public wastewater treatment system for approximately eight months.

The applicant has been unable to complete the required fire and wastewater improvements in a timely manner and has requested the extension. The applicant has indicated fire protection system components have been ordered and other aspects of the system are being installed, with completion expected prior to the end of the year. The wastewater treatment system is approved

and installed to serve 24 single-family homes, however due to the limited level of on-site development is currently operating under capacity. Additional components are expected to be installed, as needed until the full system is completed to accommodate full build-out. There is currently not a specific date of completion, however, the system is expected to be completed prior to connecting the 24th home. If approved, the SIA would be extended approximately nine months to June 13, 2019. Included with the extension request are updated cost estimates prepared and certified by Ryan Casne, P.E. and a letter of credit in the amount of 125 percent of the estimated costs in the amount of \$376,011.73 which expires on July 13, 2019.

No public comment was received.

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

Request for Extension of Preliminary Plat Approval for Lot A-1A Amended of the H.W. Smith Minor Subdivision, otherwise known as the Heron Creek Major Subdivision, Phases 4-6. (Applicant: Sussex Development, Inc.) (Planner: Greg McNally)

Greg McNally, Planner III presented the request to extend preliminary plat approval of the Heron Creek Major Subdivision, Phases 4-6. Preliminary plat approval was granted on September 18, 2007. Phases 1-3 of Heron Creek were approved and recorded with the Clerk and Recorder on February 2, 2018. The property is located east of and adjacent to Eames Lane and south of and adjacent to Keir Lane.

The Subdivision is for 70 lots with 65 single-family residential lots; 1 lot for 44 condominium units, later modified to 44 single-family residential lots; 2 lots for a park area; and 2 lots for a community wastewater treatment system from the Heron Creek project as a whole, later modified to be platted in 6 phases. The preliminary approval period was not to exceed three calendar years, and would have expired on September 18, 2010. The applicant requested and was granted four previous extensions of the preliminary approval: one-year extension in 2010, one-year extension in 2011, three-year extension in 2012, and three-year extension in 2015. In addition, the original preliminary approval conditions have been modified by the County Commission at the request of the applicant on November 6, 2008; February 28, 2012; September 10, 2015; and, April 21, 2016.

The applicant has been unable to complete the required conditions of approval for the remaining phases in a timely manner and has requested the extension. The Applicant has indicated that several conditions of approval are complete or partially complete. Many of the required plans for improvements have been approved for all phases, however, much of the actual improvements remain to be installed or proposed to be financially guaranteed prior to requesting final approval of the last 3 phases. Also, agency approvals such as those issued by the Department of Environmental Quality (DEQ) or the Weed District may expire and will need to be monitored for ongoing compliance. Staff will perform a full analysis of completion of conditions of approval when final plat applications are submitted for each phase or phases.

County Subdivision Regulations do not include criteria for determining the lengths of extension of preliminary approvals and prior extensions have varied from 6 months to 5 years. Staff has suggested to the Commission that preliminary approval extensions provide no more than a three-year extension. This reflects the current statutory framework of providing initial preliminary approval periods for three years. This is one year shorter than the Applicant's request to extend until September, 2022. In speaking with the applicant by telephone, he indicated this was in error and that he intended to request the extension until September, 2021. Staff has prepared a three-year extension agreement for the remaining phases of the Subdivision. A three-year extension would equate to a total preliminary approval period of 14 years.

Commissioner McCormick referenced the Growth Policy and MCA and asked if the developer falls under all of those under time of application or the most recent, updated regulations. Mr. McNally stated when an application is submitted and reviewed for approval, it is subject to the regulations that are in place at the time of sufficient application. Items that are non-regulatory such as the Growth Policy are used as guidance for such things as extensions.

No public comment was received.


A motion was made by Commissioner Good Geise to approve the preliminary approval extension request for Phases 4-6 with the extension period of three years to September 18, 2021. The motion was seconded by Commissioner McCormick. 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.

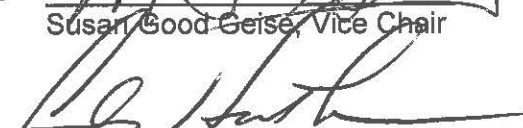
Adjourn

There being no further business, the meeting adjourned at 9:33 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair


Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board