



PUBLIC MEETING

October 4, 2016

MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, October 4, 2016, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Vice-Chair Susan Good Geise called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen was present; Commission Murray was out of town on business. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Tammy Potter, Audrey Dufrechou, Uriah Wood, Greg McNally, Vern Evans, Michael Ries, Sharon Burt, Misty Edwards and Jennifer McCullough, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Resolution 2016-89 Appointing Post-Election Audit Committee. (Audrey Dufrechou)

Audrey Dufrechou, Elections Supervisor, presented resolution 2016-89 appointing six county employees to the post-election audit committee for the November 8, 2016 General Election. Ms. Dufrechou stated the ballots are digitally scanned and tallied with an electronic tabulator and that the post election audit committee hand counts randomly selected districts and compares the tally to the digitally tabulated counts. Staff recommends approval of the resolution.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Contract Between Lewis and Clark County and K9 Working Dogs International Contract (Uriah Wood)

Sergeant Uriah Wood, Lewis and Clark County Sheriff's Deputy, presented the contract between K9 Working Dogs International, LLC and the Lewis and Clark County Sheriff's Office. K9 Working Dogs International will provide a canine to the Sheriff's Office along with handling and training services for Sergeant Wood. The contract is in the amount of \$13,751.11 The primary purpose of the canine will be narcotics detection but he will also be used to locate suspects and in search and rescue efforts. Generally, a dog is 16 to 18 months old by the time the handler receives it. This allows the kennel time to begin training the dog and the dog knows its job when the handler receives it. Additionally, the dog and handler are recertified on an annual basis.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 2-0 vote.

Request for Preliminary Approval for the Proposed Kamp A-1 Minor Subdivision and Variance Request (tabled from 9/29/16) (Applicant: Kamp Land Limited Partnership) (Planner: Greg McNally)

Greg McNally, Planner II, presented the request for preliminary approval for the proposed Kamp A-1 Minor Subdivision and the accompanying variance request. The applicant for this subdivision is Kamp Land Limited Partnership. The subdivision was presented on September 29, 2016. This is a 13.25 acre tract being divided into 5 lots ranging in size from 2.51 acres to 2.76, each with one single family dwelling. The applicant has requested a variance from the requirement that all fire protections systems be placed in an RID for maintenance of that system. The applicant is proposing to install one new hydrant to connect to an existing fire protection system located in Wheat Ridge Estates and place all new infrastructure in an RID.

A motion was made by Commissioner Hunthausen after reviewing the staff report, the presentation by staff and the applicant, and the draft findings of fact and after considering public comment to conditionally approve the subdivision request with conditions of approval needed to mitigate the adverse impacts or bring the project into compliance with regulations. The motion was seconded by Commissioner Geise.

Commissioner Geise stated that the Commission has a motion on the floor for action on the subdivision application. She asked to first consider the findings of fact.

Commissioner Hunthausen stated that there is variance request from the subdivision regulations requiring an RID be established for the maintenance of a fire protection system. The findings of fact in relation to that request are that the applicant has found a privately owned off site fire protection system located in Wheat Ridge Estates and has proposed to install one new fire hydrant that will connect via a 6 inch main to that source. This plan has been approved by the Tri-Lakes Fire Service Area. In addition, the applicant proposes to convey all proposed fire protection improvements to the Tri-Lakes Fire Service Area upon completion. The applicant will establish an RID for the newly installed components.

A motion was made by Commissioner Hunthausen to approve the findings of fact as submitted. The motion was seconded by Commissioner Geise. The motion passed on a 2-0 vote.

Commissioner Geise noted that the verbal agreement for the use of the existing fire protection system needs to be in writing. Mr. McNally stated that there is a draft condition of approval that the agreement will be executed in writing.

Commissioner Hunthausen moved to adopt a conclusion of law that based on the findings of fact: the granting of the variance would not be detrimental to public health, safety or general welfare to adjoining properties; the granting of the variance would not cause a substantial increase in public costs; and, the approval of the variance would not place the subdivision in non-conformance with adopted regulations. Commissioner Hunthausen moved to adopt a conclusion of law that the applicant has demonstrated that the requested variance meets all four of the standards named in Section II.B.1 of the Lewis and Clark County Subdivision Regulations. The motion was seconded by Commissioner Geise.

Commissioner Hunthausen further moved to adopt a conclusion of law that compliance with the variance criteria requires that the following condition of approval be applied as provided in Section II.B.3: the Applicant shall create a Rural Improvement District for the maintenance, preservation, and repair of the fire protection system components installed for the proposed subdivision excluding the existing components previously installed in Wheat Ridge Estates. The motion was seconded by Commissioner Geise. The motion passed 2-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact, conclusions of law and conditions of approval the requested variance be approved. The motion was seconded by Commissioner Geise. The motion passed 2-0.

Commissioner Geise stated that there is now a motion of the floor for action on the subdivision application. We will first consider the findings of fact for the impact criteria and subdivision regulation requirements.

A motion was made by Commissioner Hunthausen that after reviewing the draft findings of fact on the impact criteria and the subdivision regulation requirements and after considering public comment the findings of fact be approved as submitted. The motion was seconded by Commissioner Geise. The motion passed 2-0.

Commissioner Hunthausen pointed out the finding that the applicant has proposed to meet the requirement for fire protection. In addition to that, the applicant has provided a letter from DNRC indicating the proposed domestic lawn and garden water use for the subdivision will remain below the 10 acre feet. Commissioner Hunthausen also pointed out that the 5 proposed wastewater treatment drainfield mixing zones will be located off property but they extend onto property owned by the applicant.

A motion was made by Commissioner Hunthausen that after reviewing the adopted findings of fact and after considering public comment, a conclusion of law be adopted that the proposed subdivision will have adverse impacts on the review criteria and will not be in compliance with subdivision regulations. Commissioner Hunthausen further moved to adopt a conclusion of law that adoption of the conditions of approval will mitigate the impacts and bring the subdivision into compliance. Commissioner Geise seconded the motion. The motion passed 2-0.

A motion was made by Commissioner Hunthausen that after reviewing the draft findings of fact on the impact criteria and subdivision regulation requirements and after considering public comment, the conditions of approval be approved as submitted. The motion was seconded by Commissioner Geise. The motion passed 2-0.

Commissioner Hunthausen modified the global motion of approval to include the findings of fact, the conclusions of law and the conditions of approval as approved. The global motion passed 2-0. No public comment was received.

Request for Preliminary Approval for the Proposed Kamp B-1 Minor Subdivision and Variance Request. (tabled from 9/29/16) (Applicant: John Kamp Revocable Trust) (Planner: Greg McNally)

Greg McNally, Planner II, presented the request for preliminary approval for the proposed Kamp B-1 Minor Subdivision and the accompanying variance request. The applicant for this subdivision is John Kamp Revocable Trust. The subdivision was presented on September 29, 2016. This is a 14.19 acre tract being divided into 5 lots ranging in size from 2.79 acres to 2.88, each with one single family dwelling. The applicant has requested a variance from the requirement that all fire protection systems be placed in an RID for maintenance of that system. The applicant is proposing to install one new hydrant to connect to an existing fire protection system that is located in Wheat Ridge Estates and place all new infrastructure an RID. The hydrant for this subdivision will be located in the neighboring Kamp A-1 Minor Subdivision.

A motion was made by Commissioner Hunthausen after reviewing the staff report, the presentation by staff and the applicant, and the draft findings of fact and after considering public comment to conditionally approve the subdivision request with conditions of approval needed to mitigate the adverse impacts or bring the project into compliance with regulations. The motion was seconded by Commissioner Geise.

Commissioner Geise stated that the Commission has a motion on the floor for action on the subdivision application. She asked to first consider the findings of fact on the variance request..

Commissioner Hunthausen stated that there is a variance request from the subdivision regulations requiring an RID be established for the maintenance of a fire protection system. The findings of fact in relation to that request are that the applicant has found a privately owned off site fire protection system located in Wheat Ridge Estates and has proposed to install one new fire hydrant that will connect via a 6 inch main to that source. This plan has been approved by the Tri-Lakes Fire Service Area. The hydrant for that system will also be located off site in neighboring Kamp A-1 Minor Subdivision. In addition, the applicant proposes to convey all proposed fire protection improvements to the Tri-Lakes Fire Service Area upon completion. The applicant will establish an RID for the newly installed components.

A motion was made by Commissioner Hunthausen that after reviewing the draft findings of fact on the variance request and after considering public comment, the findings of fact be approved as submitted. Commissioner Geise seconded the motion. The motion passed 2-0.

Commissioner Hunthausen moved to adopt a conclusion of law that based on the findings of fact the variance would not be detrimental to public health, safety or general welfare; that the granting of the variance would not cause a substantial increase in public costs; and, that the approval of the variance would not place the subdivision in non-conformance with adopted regulations. Commissioner Geise seconded the motion. The motion passed 2-0.

Commissioner Hunthausen moved to adopt a conclusion of law with the variance criteria that the following condition of approval be applied as provided in Section II.B.3: the applicant shall create a Rural Improvement District for the maintenance, preservation and repair of the fire protection system components installed for the proposed subdivision excluding the existing components previously installed in Wheat Ridge Estates. Commissioner Geise seconded the motion. The motion passed 2-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact, conclusions of law and conditions of approval, the requested variance be approved. Commissioner Geise seconded the motion. The motion passed 2-0.

Commissioner Hunthausen discussed the findings of fact including the applicant must provide adequate fire protection as well as an RID to maintain installed components. The applicant will work with DEQ for approval of wells and wastewater systems. Commissioner Geise further pointed out that since this is a first minor subdivision, there is no requirement for dedicated park land and that there will need to be a vegetation plan as well as a weed plan for the subdivision.

A motion was made by Commissioner Hunthausen to approve the findings of fact as submitted. Commissioner Geise seconded the motion. The motion passed 2-0.

A motion was made by Commissioner Hunthausen that after reviewing the findings of fact and after considering public comment, a conclusion of law be adopted that the proposed subdivision will have adverse impacts on the review criteria and will not be in compliance with subdivision regulations. Commissioner Hunthausen further moved to adopt a conclusion of law that adoption of the conditions of approval will mitigate the impacts and bring the subdivision into compliance. Commissioner Geise seconded the motion. The motion passed 2-0.

A motion was made by Commissioner Hunthausen that after reviewing the draft findings of fact on the impact criteria and subdivision regulation requirements and after considering public comment, the conditions of approval be approved as submitted. The motion was seconded by Commissioner Geise. The motion passed 2-0.

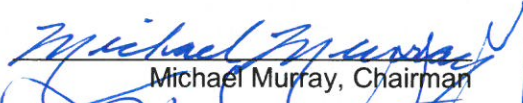
Commissioner Hunthausen modified the global motion of approval to include the findings of fact, the conclusions of law and the conditions of approval as approved. The global motion passed 2-0.

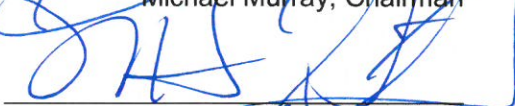
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

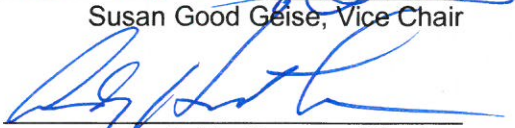
Adjourn

There being no further business, the meeting adjourned at 9:59 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael Murray, Chairman


Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board