



## **PUBLIC MEETING**

December 6, 2016

### **MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, December 6, 2016, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioner Andy Hunthausen was present and Commissioner Susan Good Geise was excused for personal reasons. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Kevin Hamilton, Charles Lane, Lindsay Morgan, Jim Henry, Staci Stolp, Joyce Evans, Dean Retz, Dorothea Sperline, Mark Floerchinger, Tony Prothero, Janell Van Diest, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Consent Action Items**

#### **Off-site Road Improvements Request for Saddle Rock Subdivision (Applicant: Mark Floerchinger) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, presented the off-site road improvements request for the Saddle Rock Subdivision. Mr. Floerchinger, the applicant, is requesting that the Commission allow him to improve Tea Road from Collins Drive east approximately 1255 lineal feet to meet his off-site road exaction requirement. According to the conditions of approval, the applicant is required to pay a proportional share of the improvements to bring all roads within the subdivision up to county standards. Roads included in that are Tea Road and two sections of Collins Drive. The County Public Works Department has reviewed and approved the engineer's estimate for the total amount of the exaction in that impact corridor. The Public Works Department has also reviewed and approved the road plan for the specified section of Tea Road with 2 additions. The first being that the existing culvert under Tea Road be extended to accommodate the width of Tea Road; and the second that prior to beginning work, bonds shall be furnished to the County Public Works Department in accordance with specifications for the related insurance as listed in the current Public Works Manual. Insurance certificates shall also be provided to the County

Public Works Department.

Commissioner Hunthausen asked for an explanation as to why only one section of Tea Road will be improved. Ms. Morgan responded that the applicant must provide one way in and out of that subdivision and pay a percentage of the impact to traffic corridors, in this case Tea Road. In this case, the applicant will pay a specific amount of money that only equates to bringing a section of Tea Road up to county standards, not all of Tea Road. Improving all of Tea Road would cost more than the required exaction.

Tony Prothero, Shedhorn Engineering and applicant's engineer, stated he was unaware of the culvert that Public Works would like to have extended. Ms. Morgan responded that the location of the culvert has been confirmed by Public Works staff and a resident of the area.

Mr. Prothero asked what the bond was. Ms. Morgan responded that since the roads are public roads and that work will be done within the County right-of-way, the County can ask for a bond to insure that work is performed to county standards. Mr. Prothero was concerned about the cost of the bond. He stated he believes a little more time is needed to decide on the bond.

#### PUBLIC COMMENT-

Joyce Evans, 2276 Tea Road, stated she measured the culvert and it is a two foot culvert in good shape, but wanted to make sure the culvert is extended if the road is widened.

Staci Stolp, 2224 Tea Road, also wanted to make sure the culvert is addressed.

A motion was made by Commissioner Hunthausen to keep the public comment open and render a decision at the Thursday, December 8th public meeting. The motion was seconded by Commissioner Murray. The motion passed 2-0.

#### **Proposed First Minor Subdivision to be known as Lorac Subdivision (Applicant: Robert S. Utick) (Planner: Jim Henry)**

Jim Henry, Planner I, presented the proposed first minor subdivision to be known as Lorac Subdivision. The applicant is proposing to subdivide a 20.10 acre tract into 4 lots, ranging in size from 5.02 acres to 5.03 acres. All lots will be served by individual wells and on-site wastewater treatment systems and utilities. The subdivision is located east of and adjacent to Collins Drive, and north of and adjacent to Fantasy Road, approximately 1.5 miles north of the intersection of Lincoln Road and Collins Drive. The applicant is also requesting a variance from Chapter XI.F.9 of the Lewis and Clark County Subdivision Regulations to allow for two, double frontage lots. The property was zoned on November 3, 2016 and is within the Valley View Heights Zoning District. However, the application was submitted on October 6, 2016 therefore the proposed subdivision does not need to comply with the zoning regulations.

The application does propose to use an off-site fire protection system located in lot 20-1 of the Saddle Rock Subdivision, approximately .5 miles away. The property is within the North Hills Rural Improvement District. Improvements in this RID include snow plowing, road grading, sweeping, sanding, weed control, drainage control and traffic control.

The applicant will create two double fronted lots; lot 32-C and lot 32-D. The impacts of that can

be mitigated by a condition to require that primary access be obtained via Lorac Court.

Commissioner Hunthausen asked if Lorac Court is the primary access will there be a condition of approval that there is no other access to the lots. Mr. Henry responded that the Planning Department did not feel that requirement was necessary due to the rural nature of the lots and because the lots are large and the traffic impacts will be minimal.

Dean Retz, 155 Allsports Court, and project manager for the applicant, addressed the access to each lot. Mr. Retz stated that primary access will be on Lorac Court and that they will have to receive approach permits before construction begins. He added that the application was submitted June 30, 2016 and that the applicant has taken his time to make sure everything is covered.

Commissioner Hunthausen asked for clarification on how the mixing zones will be addressed. Lindsay Morgan, Planner II, responded that the proposal is to have the mixing zones leave the lots but they will not actually leave the property. If they were to leave the property the applicant would need an easement on an adjacent property but in this case that is not necessary.

#### PUBLIC COMMENT -

Janell Van Diest, 2223 Tea Road, stated she is confused how this subdivision was presented prior to any existing residents being notified. She believes that water supply will be an issue if you add additional lots. Originally it was established that the property be held at 10 acre lots, so she doesn't believe the proposed 5 acre lots should be allowed. She also stated that Tea Road and Collins Road are unsafe and rough roads and are not up to county standards.

Staci Stolp, 2224 Tea Road, did submit a letter on November 8. She stated in September 2013 the neighborhood initiated a petition to zone the area to keep the lot sizes to 20 acres. It took three years to get final approval for that zoning. She also stated she is concerned about water supply. Ms. Stolp is also concerned that creating more lots will increase the enrollment at Jim Darcy school.

Dorothea Sperline, 2323 Snowdrift Road, stated she supported the special zoning district and is concerned that Mr. Utick is being allowed to deviate from that zoning. She believes he should comply with the zoning of 10 acre parcels. The application was initiated long after the zoning process was started.

Joyce Evans, 2276 Tea Road, stated the majority of the neighboring landowners support the zoning and believe that the subdivision should be required to abide by the new regulations and instead of four 5 acre lots he should only be allowed to construct two 10 acre lots. Ms. Evans is concerned that a well was drilled before septic permits were submitted.

Commissioner Hunthausen asked Mr. Henry to clarify notification of neighboring landowners. Mr. Henry stated that an ad for the proposed subdivision was posted in the Helena Independent Record according to statute and a sign was posted on the property. Notices were also sent to adjacent property owners. Adjacent property owners are only those that abut the property, not necessarily those in the neighborhood.

Commissioner Hunthausen asked about the well that was drilled without a permit being issued.



Deputy Planning Director Kevin Hamilton stated the planning staff was made aware of the drilling of the well last week but those are regulated by the Environmental Health Department.

Commissioner Hunthausen stated that the Commission cannot approve or deny a subdivision based on the impacts to local schools.

A motion was made by Commissioner Hunthausen to keep public comment period open and table the item until the Thursday, December 8th public meeting. The motion was seconded by Commissioner Murray. Motion passed 2-0.

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

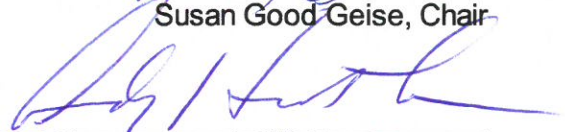
**Adjourn**

There being no further business, the meeting adjourned at 10:03 am.

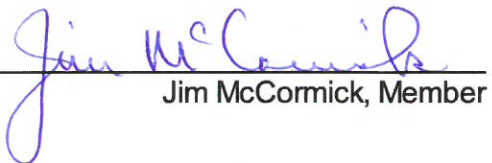
LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



Susan Good Geise, Chair



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board