



PUBLIC MEETING

December 8, 2020
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, December 8, 2020, at 9:00 AM in Zoom <https://zoom.us/j/5669454978>.

Roll Call

Chair Susan Good Giese called the meeting to order at 9 a.m.

Commissioner Jim McCormick and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Nicho Hash, Connie Dedrick, Greg McNally, Nancy Everson, Tony Prothero, Jeni Garcin, Peter Italiano, Jessica Makus, Matt Roher, Calob Marquis, and Nadine McCarty, Recording Secretary. All attendees were present via Zoom.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Approval Letter Regarding the Rocky Mountain Development Council, Inc. Workplan. (Nancy Everson)

Roger Baltz, Chief Administrative Officer, reported on the consent action item 2a and recommended approval.

No public comment was received.

Mayville Manor Major Subdivision SUBD2020-008. (Tabled 12-3-20) (Applicant: Richard & Dianne Klinski) (Planner: Connie Dedrick)

Connie Dedrick, Planner I, presented the major subdivision Mayville Manor that was tabled from December 3, 2020. It is a proposed 14-lot subdivision located north and adjacent to John G. Mine Road.

Commissioner McCormick made a global motion to approve the Mayville Manor subdivision and seconded by Commissioner Hunthausen.

Commissioner McCormick made a motion to approve findings of facts and conclusions and seconded by Commissioner Hunthausen. The motion passed on a 3-0 vote.

Commissioner McCormick made a motion for the recommendations of the Planning Board to be approved and to be entered into this meeting's record and was seconded by Commissioner Good Giese. The motion passed on a 3-0 vote.

Commissioner McCormick gave an overview of findings of fact and conclusions noting the following: the proposed subdivision will not have adverse effects on agriculture; will not have adverse effects on agriculture water use; will not have adverse effects on local services including water, wastewater, solid waste, utilities, roads, traffic, schools, emergency services and parkland; will not have adverse effects on road capacity; will not have adverse effects on natural environment; will not have adverse effects on public health and safety; will not have adverse effects on wildlife and wildlife habitat; the applicant can comply with subdivision regulations if the conditions are satisfactorily completed; if the recommended conditions are satisfactorily completed.

Commissioner Good Giese pointed out that freedom to farm is written into the statutes and are findings of fact. People need to realize that the farmers have a right to make a living and do their work so that should be taken into consideration when building.

Each lot will be served by an individual well and onsite wastewater system will be approved by Public Health, Department of Environmental Quality (DEQ), and Department of Natural Resources and Conservation (DNRC). The property owner is responsible for disposal of solid waste, the applicant will install mailboxes at a turnout, electric utilities are available, emergency services are available, a Rural Improvement District (RID) will be created,

Commissioner McCormick made a motion to adopt the recommended conditions of approval and seconded by Commissioner Hunthausen. The motion passed on a 3-0 vote.

Commissioner McCormick reviewed the recommended conditions that includes: the applicant submit plans for wastewater treatment and water supply systems to the DEQ and Public Health Environmental Services for review and approval; shall submit a 5-year weed management plan and revegetation plan; complete all improvement and requirements meeting subdivision regulations on fire protection; shall submit 3 copies of plans for roads and utilities to the Community Development and Planning for review and approval and will build all roads in accordance to regulations; preliminary engineering report or contribution to the cost of improving John G. Mine and D Bar K Roads is unnecessary if a licensed engineer certifies and provides documentation that those roads meet or exceed County standards; have a final plat prepared in accordance with state survey requirements, restrictive covenants shall be indicated on the face of the plat; make improvements to storm water drainage plan; provide documentation that the applicant is the lawful owner of the property and that taxes and special assessments are paid and current; the proposal is approved for 3 years and can be extended with approval from the Commission at that time; obtain a Montana Pollution Discharge Elimination System (MPDES) permit if one or more acres of ground disturbance is planned; shall create an RID; apply for address assignments; submit proposed road names; submit a signing plan for traffic control and street identification; submit a storm water drainage plan that meets regulation requirements; request approach permit for access points; provide an appraisal by land appraiser acceptable to the Board of County Commissioners; and shall provide a neighborhood box unit for mail.

Ms. Dedrick pointed out that an addition to the recommendations should be reviewed to see if the Commission wants it included or not. The condition is about the difference of recommended water appropriation for each individual lot. Commissioner Good Giese and Commissioner McCormick are not in favor of including this condition. Commissioner Hunthausen stated it is just a notice and points out that it is regulation by the DNRC. It is not necessary to include, though he does appreciate the intent to let owners know the allocation of use of water, leaving it out does not change anything. A global motion to approve the Mayville Manor major subdivision is on the table. The motion passed on a 3-0 vote.

Skyview Phase V Major Subdivision SUBD2020-013. (Tabled 12-3-20) (Applicant: John Maxness) (Planner: Connie Dedrick)

Connie Dedrick, Planner I, presented the major subdivision Skyview Phase V that was tabled from December 3, 2020. It is a 20-lot major subdivision located east and adjacent to Rancho Deluxe Road, west of Montana Avenue, and south of Prairie Road.

Tony Prothero, J Bar T Engineers is prepared to move forward and has reviewed the conditions of approval and findings of fact.

Commissioner Hunthausen moved to have the record from all previous Commission meetings and Planning Board be moved to the current record and seconded by Commissioner McCormick. The motion passed on a 3-0 vote.

Commissioner Hunthausen made a global motion to approve the proposed subdivision as recommended by the Planning Board and seconded by Commissioner McCormick.

Commissioner Hunthausen made a motion to accept the findings of fact and seconded by Commissioner McCormick. The motion passed on a 3-0 vote.

Commissioner Hunthausen stated that the public and community partners had a chance to weigh in on the impacts of the proposed subdivision. He then went over findings of fact that included: the proposed subdivision will not have adverse effects on local services; will not have adverse effects on public health and safety; can provide legal and physical access to each parcel if all conditions are satisfactorily completed; public water and wastewater will be utilized and will be approved by Department of Environmental Quality (DEQ); fire protection will be connected to public water system; roads will be built and improved to county standards.

Commissioner Hunthausen made a motion to adopt the conclusion that the adverse impacts can be mitigated through conditions of approval as recommended by the Planning Board and seconded by Commissioner McCormick. The motion passed on a 3-0 vote.

Conditions of approval include that water and wastewater plans must be submitted to DEQ; fire protection will meet requirements with 2 large wells and a water tank; the applicant will work with a licensed engineer to submit plans for construction and installation of streets, roads, and utilities; must build or improve all roads providing access with 2 ingress/egress routes and approaches, will be responsible for proportionate share of off-site road impacts, and will be built to county and state standards; landowners will be notified of restrictive covenants; shall create a Rural Improvement District (RID).

Commissioner Good Geise asked for a vote on the global motion to approve the proposed subdivision. 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 10:36 a.m.

Meeting minutes approved on October 20, 2022

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair

Tom Rolfe, Vice Chair


Andy Hupthausen, Member

ATTEST:


Amy Reeves, Clerk of the Board