



PUBLIC MEETING

April 18, 2017
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, April 18, 2017, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Susan Good Geise 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, Charles Lane, Marni Bentley, Jason Fladland, Karie Frydenlund, Jim Henry, Carol Hughes, CJ Hughes, William Hughes, Greg McNally, Randi Rogalie, Kim Smith, Kris Smith, Mikel Stevenson, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

There were no consent action items.

Indigent Burial Request. (Marni Bentley)

Marni Bentley, Budget Coordinator, presented the recommendation to accept the application for payment in the approximate amount of \$75.00 for the burial of an indigent resident of Lewis and Clark County at the county cemetery. All other costs are being taken care of by the funeral home. The indigent is an infant with no contact from family coming forward. Staff recommends approval.

No public comment was received.

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

Proposed Buildings for Lease or Rent – “Meadowlark Rentals” BLR (Applicant: Kristopher Smith) (Planner: Jim Henry)

Jim Henry, Planner I, presented the proposal to develop a vacant 20.67 acre tract of land into fourteen single-family rental residences to be known as Meadowlark Rentals. The property is located approximately 4,000 feet north of the intersection of Lincoln Road and Applegate Drive and 2,500 feet west of the intersection of Brookings Road and Applegate. The decision of whether residences will be site-built homes, manufactured homes, mobile homes, or a combination of both has not been reached. The project will include the construction and drilling of

two multiple-family water systems and the construction of two onsite wastewater treatment systems, each serving seven residences. Access to the property is via Brookings Road, Applegate Drive, and Lincoln Road. The interior of the proposed development will be served by a looped driveway with two driveway approached onto Brookings Road. Brookings Road is not maintained by the county; however there is an access easement that satisfies the Buildings for Lease or Rent (BLR) requirements. The adjacent land to the north is single-family residential, east is single-family residential, south is vacant land, and west is vacant land.

Mr. Henry explained there is no requirement as to the type of the residence; they look at the addition of the density to the area. He further addressed if there are two or more mobile homes or trailers the involvement of DEQ regarding the license of the mobile home or trailer park. It would depend on how permanent the applicant makes them.

Commissioner Hunthausen expressed concern about more traffic on Brookings Road, a road not maintained by the county and there is no ability to require an RID as with a subdivision. Mr. Henry stated with a BLR there is only one owner and one vote for an RID. Also noted the road is platted as an access easement but does not designate public or private. The road width does meet the county requirements.

Mr. Henry stated if in the future to have Brookings Road maintained they would have to go through the process of forming their own RID, or possibly amend the Big Valley RID to include Brookings Road. He also gave a brief overview of how approach permits work and noted they will have to apply for the two approaches onto Brookings Road.

Commissioner Good Geise stated buildings for lease or rent is a bill that made it through the legislature. They determined this kind of development would be appropriate for certain situations. And it is the responsibility of the county to follow the law as it is written.

PUBLIC COMMENT -

Kim Smith, 7510 Applegate Drive, represents the applicant Chris Smith, stated they will not be building a trailer court. There will not be spaces for lease or rent. Manufactured homes and modular homes are built to two different codes; with modular built the same as a stick home and manufactured homes are to a slightly lesser code with a steel undercarriage. This will be a nice development with landscape and an average rental.

Mr. Smith stated there are multiple properties that currently use Brookings Road and he does not think the access is an issue. All property owners on this road have the legal right to do what the applicant is in the process of doing. Neighbors have paid them to conduct road maintenance and they plan to do their fair share of maintenance. It is interesting to him if Brookings is not a county road why they are required to buy approach permits, but he is happy to do so.

Mr. Smith stated the plans show the parking areas with the entire property under a sprinkler system.

Commissioner Hunthausen expressed his concern with the access. He stated a lot of these lots and possibly this one were created through exception prior to 1973 or the Subdivision and Platting Act. Most of the access was not developed through subdivision or by the county. Under the legal definition it does this have public access to all of the residents; it's being used and there is an access easement. Then on Brookings Road if all of the units are occupied the increase on the road could be 140 trips a day with degradation to the road probably not built to any standard or drainage.

Mr. Smith addressed Commissioner Hunthausen's concern on the road. Unless the county maintained the road, the answer is a homeowners association. He also addressed the water

issue. A subdivision that did go through Lewis and Clark County is South Forestvale II with two wells, 19 units and it went through all the public reviews. He considers the water issue to be minor.

Commissioner Good Geise noted the limited amount of affordable housing in the area. Mr. Smith stated the rents for the units could range from \$600 to \$1,000 monthly rent.

Jason Fladland, 365 Applebrook Road, stated he is an adjacent property owner about, part of the Big Valley tract. He has serious issues concerning water quantity in this area. It was part of a ground water study area; and it may still be inconclusive as to what is going on in the area. His well is being monitored and has been a losing well. There are impacts going on in the valley due to the increased population growth. He is also expressed his concerns about the roads. Applebrook Road is also seeing increased travel and is not maintained by the county. They are happy to maintain the road, but the increased travel is an issue. Another concern is the air quality with the additional road traffic.

Carol Hughes, 7550 Sunflower Drive, stated she is also concerned about the water quality and availability. She has a deep well and only gets 3 to 5 gallons per minute resulting in no irrigation. The number of families that could be on the 20 acres is concerning. She raised a concern about the property taxes if they were to be annexed into an RID. They do see increased traffic. Another concern is the dust.

Kari Frydenlund, 350 Applebrook Road, stated she purchased the property in 2013 and that she had both the well and septic tank inspected. Since 2013 the water intake has decreased. She does not want to stop Mr. Smith from developing the property, but without a well the property is worthless. She is concerned for her water rights. Applebrook gets a lot of traffic from Sunflower and Brookings.

Mr. Smith responded to the expressed concerns. With regards to the roads he thinks the key to get people to take Brookings is to maintain it well. He noted the development is good use of the property. The development is using seven acres of which about 3.5 acres will be irrigated, much less than a regular subdivision. The available water on the 20 acres is being dedicated to this. With the new DNRC rules each property has an allotment; if it is 10 acre feet and 35 gallons a minute it is an exempt well. The allotment is being used on the northern part and the rest will remain open space for some other alternate use.

Commissioner Good Geise stated after hearing comment the Commission would like to take a couple of days to review. It might be a good idea to wait until Thursday to allow time to investigate what the law requires and to get ratification as to the County's abilities as to the neighbors concerns.

Commissioner Hunthausen referenced items to be discussed: the Commission's legal ability to address the water issues brought up by neighbors, they may find water rights and those issues are controlled by the DNRC. Also the road and its nature; access easement; and the requirement for approach permits.

Commissioner McCormick referenced the Conclusion of Law Item C Findings of Fact 1c referencing the County Road Supervisor's comment. If the county is to participate in the maintenance of these roads consider that a RID would be created. He further asked if that could be made more definitive in the findings of fact.

Charles Lane, Deputy County Attorney, stated a RID cannot be created over a private road, at this point not sure how a RID would be formed to service Brookings Road.

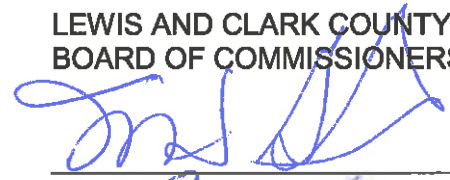
A motion was made by Commissioner Hunthausen to consider the information heard today and table this matter to April 25, 2017 at the regularly scheduled meeting. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

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

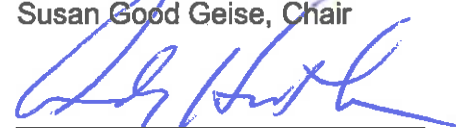
Adjourn

There being no further business, the meeting adjourned at 10:00 am.

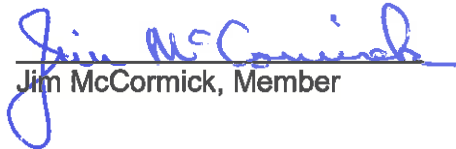
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Susan Good Geise, Chair



Andy Hunthausen, Vice Chair



Jim McCormick, Member

ATTEST:



Paulette DeHart, Clerk of the Board