



PUBLIC MEETING

April 2, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on April 2, 2015, at 9:00 AM in Commission Chambers Room 330.

Roll Call

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

Commissioner Susan Good Geise and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, K. Paul Stahl, Lindsay Morgan, Christal Ness, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2015-54 Ordering a Refund of Taxes/Fees/Assessments Paid by Roland Pratt in the Amount of \$138.19. (Cheryl Green)

Eric Bryson 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 Murray, and the motion result was Passed with a vote of 3-0

Proposed Subdivision to be known as DeCunzo Subdivision. (tabled 3/26/15) (Applicant: East Helena Valley Volunteer Fire District) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented that today is decision day regarding the proposed two lot subdivision to be known as DeCunzo Subdivision. One of the parcels will be two acres in size and is for the existing East Valley Volunteer Fire Department and the other parcel is 4 acres and is for the Search and Research Facility. The Commission will also be considering a request for a variance from Chapter XI.S, Appendix K 18-4.6 of the County Subdivision Regulations

regarding the offsite water system they are proposing. The request is to not require a Rural Improvement District to be established for maintenance of the offsite water system.

A motion was made by Commissioner Geise to grant conditional approval of the DeCunzo Subdivision seconded by Commissioner Murray.

A motion to move was made by Commissioner Geise to approve the variance from Lewis and Clark County Subdivision Regulation XI.S. Appendix K 18-4.6 and seconded by Commissioner Hunthausen.

Commissioner Geise outlined the findings of fact in regards to the variance being the subject property is located within the East Helena Valley Volunteer Fire District. It is close to the East Helena Valley Volunteer Fire District so the response time should be good, there is an existing fire hydrant east of the proposed Subdivision and the fire hydrant is located within the East Helena Valley Fire District, The existing fire hydrant is maintained by the La Casa Grande Water and Sewer District, the La Casa Grande Water and Sewer District has granted permission to the Search and Rescue facility and the East Helena Valley Volunteer Fire District to utilize their fire hydrant for the purposes of fire suppression for the two facilities.

Documentation from the engineers and the Fire Department show that the hydrant is capable of delivering 800 gallons per minute and the property is not located within a Rural Improvement District.

A motion was made by Commissioner Geise to accept the findings of fact as outlined and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion as made by Commissioner Geise that based on these findings of fact that the requested variance does comply with the four criteria for granting variances from the standards and requirements. The granting of the variance will not be detrimental to public health or safety; because of the particular surroundings an undue hardship would result if the strict letter of the standards were to be enforced; the variance will not cause a substantial increase in public costs and the approval of the variance will not place the subdivision in non-conformance with adopted regulations.

A motion was made by Commissioner Geise that the variance complies with the conclusion and criteria and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Geise to approve the variance as amended and seconded by Commissioner Murray, and the motion result was Passed with a vote of 3-0.

Commissioner Hunthausen stated that they will discuss the findings of fact in regards to impacts of agriculture.

Commissioner Murray stated that he has reviewed the draft findings of fact for the impacts of the proposed subdivision on Agricultural Lands and Agricultural Operations. Those draft findings touch on the following information: the soil mapping of the site, the value of the soils for agriculture, the site is already used for public safety purposes, there are no agricultural easements, staff has identified potential adverse impacts on agriculture that can be mitigated. Commissioner Murray stated he has also reviewed the public testimony at the public meeting on March 24, 2015 and observe that there was no public testimony on Agricultural Lands and Agricultural Operations impacts.

A motion was made by Commissioner Murray, after reviewing the draft findings of fact on Impacts on Agricultural Lands and Agricultural Operations and considering the public testimony, to approve of the findings as submitted. The motion was seconded by Commissioner Geise, the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Murray, after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the proposed subdivision will have adverse impacts on Agricultural Lands and Agricultural Operations. The motion was seconded by Commissioner Geise, the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Murray, after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the adverse impacts of the proposed subdivision on Agricultural Lands and Agricultural Operations can be mitigated through conditions of approval. The motion was seconded by Commissioner Geise, the motion result was Passed with a vote of 3-0.

Commissioner Murray stated that they will discuss the findings of fact in regards to impacts on local services. He has reviewed the draft findings of fact for the impacts of the proposed subdivision on local services. Those draft findings touch on the following information: the soil mapping of the site, the proposed means of wastewater disposal, the average well depths in the land sections, both lots currently have wells, wells will draw from the Helena Valley Aquifer, the subdivision has been reviewed and approved by DEQ, water and wastewater have been reviewed and approved by DEQ, the project will have solid waste services, utilities are available on site, all new utilities must be underground, the utility company had no comments on the application, the lots are accessed off Valley Drive in East Helena, Valley Drive is a minor collector, Valley Drive is a 24 feet wide at the site, Public Works had no comments on the application, the City of East Helena was notified of the approach installation, the anticipated traffic generation of the Search & Rescue facility, trip generation of the Fire Station, less than a 1% traffic change on Valley Drive, the current traffic volume on Valley Drive south of Canyon Ferry Drive, the determination of a traffic impact corridor, no percentage of traffic impact payment is required, no students are involved for the schools—, St. Pete's hospital provides good emergency service, the Sherriff's department has moderate response time, the property is in the East Helena Valley Fire District, the Fire Station is on the adjacent property, a hydrant at La Casa Grande will serve the site, that hydrant is in the East Helena Valley Fire District, the applicant has requested a variance from the RID requirement for hydrant maintenance, the hydrant is maintained by the La Casa Grande Water & Sewer District, the Water & Sewer District has okayed using the hydrant, the hydrant has been tested and meets standards, the property isn't in an RID, first minor subdivisions are exempt from parkland requirements, Address requirements have been met, staff has identified adverse impacts that can be mitigated through approval conditions. Commissioner Murray stated he has also reviewed the public testimony at the public meeting on March 24, 2015 and observed that there was no public testimony on impacts on Local Services.

A motion was made by Commissioner Murray that, after reviewing the draft findings of fact on Impacts on Local Services and considering the public testimony, to approval of the findings as submitted. The motion was seconded by Commissioner Geise, the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the proposed subdivision will have adverse impacts on Local Services. The motion was seconded by Commissioner Geise, the motion result was Passed with a vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the adverse impacts of the proposed subdivision on Local Services can be mitigated through conditions of approval. The motion was seconded by Commissioner Geise, the motion result was passed with a vote of 3-0. Commissioner Hunthausen stated that they will discuss the findings of fact in regards to impacts of the natural environment.

Commissioner Murray stated that he has reviewed the draft findings of fact for the impacts of the proposed subdivision on the Natural Environment. Those draft findings touch on the following information: groundwater in the area appears adequate, groundwater has a low to medium high sensitivity rating for wastewater disposal, the site is in the Air Quality District, the site is relatively level, DEQ approved the drainage plan, a weed management plan will be required, there are no significant visual impacts, staff has identified adverse impacts that can be mitigated with approval conditions. Commissioner Murray stated he has also reviewed the

public testimony at the public meeting on March 24, 2015 and observed that there was no public testimony on impacts to the Natural Environment.

A motion was made by Commissioner Murray that after reviewing the draft findings of fact on Impacts on the Natural Environment and considering the public testimony, to approval of the findings as submitted. The motion was seconded by Commissioner Geise, the motion result was passed with a vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the proposed subdivision will have adverse impacts on the Natural Environment. The motion was seconded by Commissioner Geise, the motion result was passed with a vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the adverse impacts of the proposed subdivision on the Natural Environment can be mitigated through conditions of approval. The motion was seconded by Commissioner Geise, the motion result was Passed with a vote of 3-0.

Commissioner Hunthausen stated that they will discuss the findings of fact in regards to impacts of the wildlife and wildlife habitat.

Commissioner Murray stated that he has reviewed the draft findings of fact for the impacts the proposed subdivision may have on the Wildlife and Wildlife Habitat. Those draft findings touch on the following information: A variety of species can be seen on the property, there is no significant wildlife habitat and staff has identified minimal adverse impacts on wildlife or wildlife habitat that can be mitigated. Commissioner Murray stated he has also reviewed the public testimony at the public meeting on March 24, 2015 and observed that there was no public testimony on impacts to Wildlife and Wildlife Habitat.

A motion was made by Commissioner Murray that after reviewing the draft findings of fact on Impacts on the Wildlife and Wildlife Habitat and considering the public testimony, to approval of the findings as submitted. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the proposed subdivision will have adverse impacts on Wildlife and Wildlife Habitat. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the adverse impacts of the proposed subdivision on Wildlife and Wildlife Habitat can be mitigated through conditions of approval. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

Commissioner Murray stated that he has reviewed the draft findings of fact for the impacts of the proposed subdivision on the Public Health and Safety. Those draft findings touch on the following information: the property is not in a floodplain area, wastewater disposal will meet environmental standards, the area has high radon levels, the area has moderate earthquake liquefaction hazards, a State building permit was required, DEQ has approved the stormwater plan, a vegetation management plan is needed to address fire hazards, staff has identified adverse impacts that can be mitigated with approval conditions. Commissioner Murray stated he has also reviewed the public testimony at the public meeting on March 24, 2015 and observed that there was no public testimony on impacts to Public Health and Safety.

A motion was made by Commissioner Murray that after reviewing the draft findings of fact on Impacts on the Public Health and Safety and considering the public testimony, to approve of the findings as submitted. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the proposed subdivision will

have adverse impacts on Public Health and Safety. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the adverse impacts of the proposed subdivision on Public Health and Safety can be mitigated through conditions of approval. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

Commissioner Hunthausen stated that they will discuss the findings of fact in regards to impacts on cultural resources.

Commissioner Murray stated that he has reviewed the draft findings of fact for the impacts of the proposed subdivision on the Cultural Resources. Those draft findings touch on the following information: no historical or cultural resources have been identified, the potential for them is limited and staff has identified no adverse impacts. Commissioner Murray stated he has also reviewed the public testimony at the public meeting on March 24, 2015 and observed that there was no public testimony on impacts to Cultural Resources.

A motion was made by Commissioner Murray that after reviewing the draft findings of fact on Impacts on the Cultural Resources and considering the public testimony, to approve of the findings as submitted. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the proposed subdivision will not have adverse impacts on Cultural Resources. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the adverse impacts of the proposed subdivision on cultural resources can be mitigated through conditions of approval. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

Commissioner Murray stated that he has reviewed the draft findings of fact for Compliance with subdivision regulations and survey requirements. Those draft findings touch on the following information: the project does not fully comply with all Subdivision Regulations and Survey Requirements and the project can be brought into compliance with approval conditions. Commissioner Murray stated he has also reviewed the public testimony at the public meeting on March 24, 2015 and observed that there was no public testimony on Compliance with Subdivision Regulations and Survey Requirements.

A motion was made by Commissioner Murray that after reviewing the draft findings of fact on Compliance with Subdivision Regulations and Survey Requirements and considering public testimony, to approve of the findings as submitted. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the proposed subdivision will not be in Compliance with Subdivision Regulations and Survey Requirements. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that Compliance with Subdivision Regulations and Survey Requirements can be mitigated through conditions of approval. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

Commissioner Murray stated that he has reviewed the draft findings of fact for Adequate Provision of Utilities. Those draft findings touch on the following information: the proposal does not provide for all required utility easements, the project does have all essential utilities, Northwest Energy has no comments or concerns for the project and staff has indicated that

required easements can be addressed with approval conditions. Commissioner Murray stated he has also reviewed the public testimony at the public meeting on March 24, 2015 and observed that there was no public testimony on Adequate Provision of Utilities.

A motion was made by Commissioner Murray that after reviewing the draft findings of fact on Adequate Provision of Utilities and considering public testimony, to approve of the findings as submitted. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that, after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the proposed subdivision will not have adequate Provision of Utilities. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the Adequate Provision of Utilities can be addressed through conditions of approval. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

Commissioner Murray stated he has reviewed the draft findings of fact for Adequate Provision of Access. Those draft findings touch on the following information: the project has legal access off Valley Drive, and staff has identified no issues with legal and physical access.

Commissioner Murray stated he has also reviewed the public testimony at the public meeting on March 24, 2015 and observed that there was no public testimony on Adequate Provision of Access.

A motion was made by Commissioner Murray that after reviewing the draft findings of fact on Adequate Provision of Access and considering public testimony, to approval of the findings as submitted. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the proposed subdivision will have adequate Provision of Access. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

Commissioner Murray stated that he has reviewed the draft findings of fact for Compliance with Zoning and Other Regulations. Those draft findings touch on the following information: the property is not in zoning district, the property has deed restrictions on its use, there is an interlocal agreement requiring future connection to public utilities and staff has identified one points of notice that requires a condition of approval. Commissioner Murray stated he has also reviewed the public testimony at the public meeting on March 24, 2015 and observed that there was no public testimony on Compliance with Zoning and Other Regulations.

A motion was made by Commissioner Murray that after reviewing the draft findings of fact on Compliance with Zoning and Other Regulations and considering public testimony, to approve of the findings as submitted. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that the proposed subdivision will not be in Compliance with Zoning and Other Regulations. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray that after reviewing the adopted findings of fact and considering public testimony, to adopt a conclusion of law that Compliance with Zoning and Other Regulations can be mitigated through conditions of approval. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

A motion was made by Commissioner Murray to approve the subdivision with the conditions of approval as amended.

Lindsay Morgan listed the draft conditions of approval are as follows: No. 1 requires the applicant to prepare a weed management and revegetation plan. Draft condition No. 2 requires the applicant to have a vegetation management plan for the property and requires them to get approval for an offsite fire protection source or to provide an on-site fire protection source, Draft condition No. 3 states that if an the on-site fire protection is not approved by the Lewis and Clark County Commission, the applicant shall create an RID and/or a Special District depending on which one is applicable for the maintenance, preservation, and repair of an on-site fire protection system and its improvements for the proposed subdivision. Draft condition No.4 explains what will be required to be placed on the final plat, public access, County road easements and City road right-of-way, utility easements and certifications of DEQ exemption. Draft condition No. 5 references the covenants being placed on the subdivision to include notices about relocating utility lines, exterior lighting, health risks from radon concentrations, best management practices to control erosion during construction, the storage or food, garbage and feeding of domestic pets outdoors may create an attractive nuisance for wildlife, that domestic pets should be restrained on the property at all times, that the presence of agricultural operations in the vicinity and that such operation may occur at varying times and seasons include noises and odors due to the operation of machinery, the pasturing and feeding of livestock, notice about building construction and the property owner should contact the office about zoning and that the specific tract 1A-1 is permitted for the Search and Rescue facility only and Tract 1A-2 is permitted for the Fire Station only and other uses are exempt from this restrictive covenant. Draft condition No. 6 is that prior to filing the final plat, the following improvements shall be installed or otherwise guaranteed; fire protection improvements if required on-site, any necessary improvements required by the vegetation management plan and the weed management plan. Draft condition No. 7 states that prior to filing of the final plat, the applicant shall provide proof that all real property taxes and special assessments assessed and levied on the property are paid for the current tax year and provide documentation showing that the applicant is the lawful owner of the property with the apparent authority to subdivide the same, and showing the names of the lien holders and claimants of record. Draft condition No. 8 states that preliminary approval shall be in force for three calendar years. Ms. Morgan stated that condition approval No. 3 states that whether or not the Commission will allow off-site water source has been addressed so staff recommends removing that condition of approval as the water source is already mitigated through the approval of the variance.

A motion was made by Commissioner Murray to adopt the staff recommendation and to remove condition of approval No. 3. The motion was seconded by Commissioner Geise, and the motion result was Passed with the vote of 3-0.

Commissioner Hunthausen stated that the motion on the table is to approve the subdivision with the conditions of approval, as amended and seconded by Commissioner Geise, and the motion result was Passed with a vote of 3-0.

Board Appointments. (Eric Bryson)

Eric Bryson presented the board appointments and recommended electing by acclamation John Baucus for the office of Commissioner for Division 2 and Craig Winterburn for the office of Commissioner for Division 4 to the Helena Valley Irrigation District, both 3 year terms.

No public comment was received.

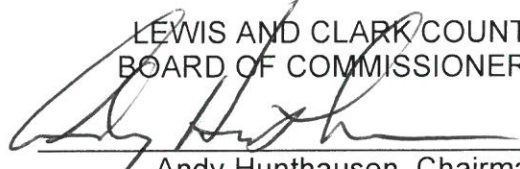
A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise, and the motion result was Passed with a vote of 3-0

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

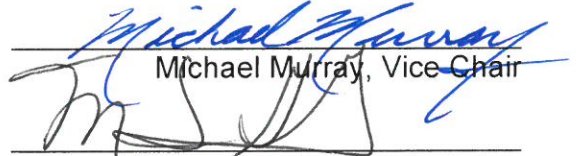
Adjourn

There being no further business, the meeting adjourned at 9:46 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman

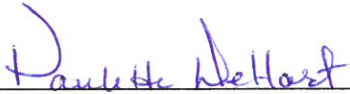


Michael Murray, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board