



PUBLIC MEETING

April 4, 2017
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, April 4, 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, Nancy Everson, Charles Lane, George Theborge, Lindsay Morgan, Parker Heller, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes for December 15, 20, 2016; January 24, and February 2, 2017

Roger Baltz reported on the consent action item 2 a and recommended 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.

Appeal. 46 Degrees North Subdivision Modification Requirement. (Tabled 3/30/17)

(Appellant: Heller Development, LLC) (Planner: Lindsay A. Morgan)

Lindsay Morgan, Planner II, presented the appeal from a decision made by the Community Development and Planning Department that requires the applicant to go through a modification process to amend condition Nos. 11 of Phase I and 8 of Phase II of the preliminarily approved 46 Degrees North Subdivision to allow for the off-site road exaction payment to be financially guaranteed. The Subdivision is located east of and adjacent to North Montana Avenue, south of and adjacent to the Treasure State Acres Subdivision, and west of and adjacent to Interstate 15.

No public comment was received.

Mr. Thebarga stated in terms of standard procedures for subdivision reviews, the requirement for an exaction, requiring that the applicant pay a proportional share of the cost of offsite road improvements to meet county standards is out of the ordinary. Under Montana Subdivision and Planning Act the conditions of approval restrict the ability of the county to impose additional requirements on the developer after preliminary approval. No modification can occur without going through a process and a public hearing. In this instance, regulations provide the developer two options to pay for the improvements: to pay fee at final plat, or a provision that allows the developer to wait until after final plat, after lots are sold, and put up a performance guarantee, such as a letter of credit. Providing a performance guarantee was not stipulated at the time of approval under the conditions of approval. This has been done on other subdivisions, but there has been inconsistency on the way the county has applied the allowance for a performance guarantee.

To avoid confusion in the future the Planning Department will make sure the condition of approval clearly stipulates the two payment options, there will be a formal standard agreement, and a new tracking mechanism will be implemented.

A motion was made by Commissioner Hunthausen to grant the appeal as presented by the Appellant with the addition of the requirement to enter into an agreement for the financial guarantee. Commissioner McCormick seconded the motion. The motion Passed on a 3-0 vote.

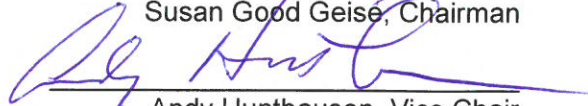
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

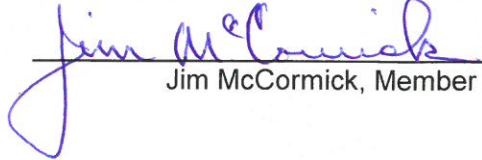
Adjourn

There being no further business, the meeting adjourned at 9:14 am.

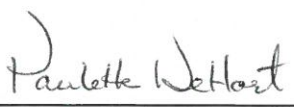
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Susan Good Geise, Chairman


Andy Hunthausen, Vice Chair


Jim McCormick, Member

ATTEST:


Paulette DeHart, Clerk of the Board