



## **PUBLIC MEETING**

June 21, 2018  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, June 21, 2018, at 9:00 AM in Commission Chambers Room 330.

### **Roll Call**

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

Commissioner Jim McCormick and Commissioner Susan Good Geise were present. Others attending all or a portion of the meeting included Roger Baltz, Brent Colbert, Nancy Everson, Karie Frydenlund, Peter Italiano, Charles Lane, Reese Martin, Pat McKelvey, Greg McNally, Dustin Noel, Ray Prill, Bryan Vandesloos, Audra Zacherl, and Nadine McCarty, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Announcement**

#### **a. Emergency Declaration Regarding Flooding.**

Reese Martin, Disaster and Emergency Services Coordinator stated the Governor declared a state of emergency for certain counties in the state that included Lewis and Clark County.

Mr. Martin stated he spoke to the weather service and between the hours of 10:00 a.m. and noon there is a threat of severe weather with additional rain. Mr. Martin read the emergency declaration regarding the current flooding and recommended that a local state of emergency be declared.

Commissioner McCormick asked for an update on the Augusta area and Mr. Martin noted when he first went to Augusta, Main Street had about 3 feet of water with sand bagging operations in process. The majority of the roads were closed, including state highways, due to flooding. The latest update is State Highway 287 between 200 and Augusta has reopened with a safe amount of water across the road. Several county road bridges need to be inspected, some culverts have been completely washed out, private bridges. There is a lot of damage with many roads still closed. A Christian camp for youth and college students located way up the Dearborn had about 100 junior high students at the camp along with several contractors working on cabins. The students were due to be picked on Friday and the contractors were only there for the day. The flooding put them in the position with no supplies and a washed out bridge. The Sheriff's Department coordinated with the Air Force National Guard for everyone to be transported out of

the area with two helicopters. Deputies will inform others in the area that they can also take the helicopters out.

Eric Griffin, Public Works Director gave an update on the roads: Lincoln seems to be okay with the exception of being two months behind on pot holes, etc. Wolf Creek is okay with the exception of the Middle Fork of the Dearborn, it is passable. Have been unable to get to the south side of the High Bridge and will try to look at it today. In the Helena area: Sierra Road by Rossiter School, the intersection of Mill Road and McHugh still has some water on the road. Mr. Griffin encouraged the public to stay out of the areas and if it's necessary to enter lower the speed.

Dearborn Canyon Road is closed, washed out past the Bean Ranch, the condition of the Green Bridge and the Falls Creek Bridge is unknown; the High Bridge road is closed, with large rocks blocking the road leading to the High Bridge on both sides with moderate erosion to multiple sections of the river banks and to the concrete piles; Elk Creek Road is closed, washed out past the Swanson ranch with the first bridge okay, but the condition of number 4 through 7 is unknown; Smith Creek Road is closed with the concrete bridge experiencing heavy erosion to the stream bank; all the roads between Highways 435 and 287 are all under water and staff cannot check them out. Highway 435 has two bridges that will be further inspected.

Mr. Martin gave an update on the dams: Gibson Reservoir Dam is still releasing large amounts of water; Willow Creek Dam has water going over the top spilling into lower areas around the dam with no affect on the Sun River. There is contemplation if a flood gate will be opened that will affect the levels of the Sun River. Nylon Dam still anticipates releasing about 25 cfs, about 1,000 inches of water and will stop at that point.

The shelter in Choteau was opened due to the news that families in Augusta were in need, but no one showed up. The shelter is still on standby status.

Brent Colbert, Patrol Captain of Sheriff's Office stated the big operation today is up the Dearborn Canyon Road due to the students and staff at the camp. The Diamond Bar X Subdivision had contractors unable to get out as well. Two Chinook helicopters will go into the area and flown to Great Falls. Search and Rescue staff will contact those in the area to see who wants to leave. For those that decide to stay there are emergency plans in case of a necessary need. The Health Department will be handing out information to Augusta residents and the Salvation Army will bring bottled water for those with affected wells.

Captain Colbert stated there is extra patrol in flooded areas of the Helena Valley.

Karie Frydenlund, Property Tax Supervisor stated under MCA 15.16.611, reduction of property taxes for property destroyed by a natural disaster. Tax payers are not aware that these programs are available. Once things dry out, if there is damage to property the owners need to file a form with the Department of Revenue and the department will conduct site visits and reduce the property market value that occurred by the natural disaster.

A motion was made Commissioner McCormick to approve the declaration as presented and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

### **Consent Action Items**

There were no consent action items.

### **Bid Award. Six (6) New V-Box Spreaders. (Audra Zacherl)**

Audra Zacherl, Assistant Director of Public Works presented the bid award for the six new V-Box Sand Spreaders needed by the County Road Division to build four dedicated snow plows with two

replacement spreaders for existing snow plows. On June 7, 2018 a bid opening was held and five bids were received. Base bid amounts ranged from \$13,750 to \$17,730 each and the review committee was tasked with considering the bids based on purchase price, delivery date and analysis and comparison with similar or related equipment.

Bid specifications were written with the intent of finding the most durable, longest lasting sand spreaders obtainable. The spreaders must stand up to hot sand, a corrosive mixture of sand and salt used on icy roads. Of the five bids, the four lowest bids noted exceptions to the listed bid specifications, three of those had what is considered major exceptions. Exceptions that, if accepted, would sacrifice longevity and cause increased maintenance to the spreaders. The fourth lowest bid had what is considered more minor exceptions that would not sacrifice longevity or create maintenance problems. This bid also had the fewest delivery days, 60 versus over 100 for the next lowest bid. Public Works is attempting to put together the dedicated snow plows in order to be ready for the upcoming winter season and the additional delivery days would affect meeting the goal.

After review of the bids by the selection committee and taking into consideration the base bid price, the minor bid exceptions and the 60 days for delivery, staff recommends awarding the bid to the lowest bid that met the specifications, the Henderson FSHIISS V-Box Sand Spreader offered by 3-V Distributing of Conrad, Montana for \$17,405 each and a total cost of \$104,430. Budget authority for the four dedicated snow plows and two replacement sand spreaders is in the FY18 and FY19 road capital fund.

No public comment was received.

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

**Resolution 2018-32 to Decrease the Solid Waste Disposal Fee Established by the Scratch Gravel Solid Waste District, Effective July 1, 2018. (Audra Zacherl)**

Audra Zacherl, Assistant Director of Public Works presented the resolution to decrease the Scratch Gravel Solid Waste Assessment. On June 7, 2018 Resolution 2018-30 Intention to Decrease the Scratch Gravel Solid Waste Assessment was passed to decrease the assessment paid by District residents. Legal ads appeared in the Helena Independent Record on June 10 and June 17, 2018 and public protest and comment were due to the Treasurer, Clerk and Recorder's office on Wednesday, June 20, 2018 by 3:00 pm.

The Scratch Gravel Solid Waste District Board met and approved a proposed reduction in the Scratch Gravel Solid Waste Assessment from \$96.00 to \$88.00 per year on April 19, 2018. A reduction in the assessment for District residents is due to the fact that costs for the District have been less than the revenues collected from the current assessment for the past couple years and operational efficiencies have lowered the Landfill and City of Helena Transfer Station tipping fees. Projections show that the Capital Improvement Plan, the recommended ending cash balance and the Post Closure Liability account will all be fully funded through fiscal year 2019 and into future years at the lower rate. Staff recommends approval of the resolution.

Commissioner McCormick asked for an overview of the components of the efficiency study that led to the reduced costs. Ms. Zacherl stated the biggest component is the partnership with the City of Helena: the City manager also manages the landfill; the City manages the permitting for the Scratch Gravel District; equipment and a mechanic are shared as well. There have been several staffing, equipment and operational changes, including closing on Sundays. The waste processing has changed by increasing the number of days for alternative cover. The transfer station instituted minimum fees and redirected Class IV waste from the transfer station to the

landfill. In addition accepting outside waste. A lot of unanticipated revenue has been received at the landfill from accepting special and large loads.

No public comment was received.

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

**Contract Between Lewis and Clark County and Gold Rush Electric, Inc. (Audra Zacherl)**

Audra Zacherl, Assistant Director of Public Works presented the contract with Gold Rush Electric, Inc. in the amount of \$34,832. Lewis and Clark County received \$40,000 in federal funding through a State Homeland Security Grant to provide emergency power to the Murray Building located at 1930 9th Avenue in the event of a major power outage. An emergency generator is a critical component in the effort to improve the community's ability to prepare for and respond to a public health emergency. The Murray building is home to significant non-staff emergency preparedness resources such as Point of Distribution resources and tens of thousands of dollars' worth of refrigerated immunization supplies and vaccines.

A limited solicitation was sent out to six local electrical contractors and two submitted proposals. Gold Rush Electric, Inc. submitted the lowest cost proposal, meeting all specifications and requirements. Combined with the cost of engineering, this contract will exceed the federal funding by \$1,333. Lewis and Clark Public Health has stated they can make up the difference from their FY19 budget. Staff recommends approval of the contract with Gold Rush Electric, Inc. with work to be completed by August 31, 2018.

No public comment was received.

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

**Resolution 2018-41 Ordering the Cancellation of Real Property Taxes That Have Been Delinquent for Five Years or More. (Karie Frydenlund)**

Karie Frydenlund, Property Tax Supervisor presented the resolution ordering the cancellation of real estate taxes that have been delinquent for five years or more. The resolution would write-off real estate taxes that are not collectable from 2008 through 2012. Staff recommends approval of the resolution.

Ms. Frydenlund stated the properties are either small pieces of property adjacent to other property, a road, or a no title building that cannot be collected upon. They will be presenting to the legislature to move no title buildings to personal property.

No public comment was received.

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

**Resolution 2018-42 Ordering the Cancellation of Personal Property Taxes That Have Been Delinquent for Five Years. (Karie Frydenlund)**

Karie Frydenlund, Property Tax Supervisor presented the resolution ordering personal property taxes that have been delinquent for five or more years. Staff recommends approval of the resolution.

Ms. Frydenlund stated personal property is a mobile home or a business that has assets within it and is tangible and can be moved around.

No public comment was received.

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

**Grant Award to Lewis and Clark County from the Bureau of Land Management. (Nancy Everson)**

Nancy Everson, Chief Financial Officer presented the grant award from the Bureau of Land Management for a pass through award to the Tri-County FireSafe Working Group in the amount of \$60,000. The County accepts the grant on their behalf and they administer the grant. The hope is in the future the grant will go directly to the Tri-County FireSafe Working Group.

Ray Prill, Executive Director of Tri-County FireSafe Working Group gave an overview on the four grants that the Tri-County FireSafe Working Group administers of which two go through the County. Between this grant and the other grants they have participated in about \$300,000 worth of mitigation work of over 300 acres. The funds not used from this grant at the end of the year will be transferred directly to the Tri-County FireSafe Working Group in 2019. They also administer the three county Regional Community Wildfire Protection Plan and have issued a new addendum.

Mr. Prill stated the Fire Chief from Santa Rosa, California will be at the Myrna Loy on June 26th and the middle school on June 27th to talk about the fire that they experienced and how it pertains to Helena.

Commissioner McCormick asked how much fire fuel work has been done in the rim around Helena in the past two years and Mr. Prill stated the 300 acres is what Tri-County has done. The City of Helena has done a considerable amount of work around Helena on public land and the Forest Service has as well.

Pat McKelvey stated the fuel mitigation is probably close to 7,500 acres and does not include what the City of Helena has done. The completed work has been a joint effort. Mr. McKelvey gave a brief overview of The Natural Resources Conservation Services' Environmental Quality Incentive Program (EQIP) that runs through a process with the Forest Service in the south hills. Fire fighter safety is highly stressed and to share the responsibility with property owners and fire fighters. The acreage is an estimate. Mr. McKelvey gave an overview on the upcoming projects.

No public comment was received.

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

**Resolution 2018-43 Effectively Declaring the Territory Enclosed within the Proposed Boundaries Duly Organized as a County Water and/or Sewer District under the Name Ranchview County Water and/or Sewer District. (Greg McNally)**

Greg McNally, Planner II presented the resolution declaring the territory enclosed within the proposed boundaries duly organized as a County Water and/or Sewer District under the name of Ranchview County Water and/or Sewer District.

Resolution 2018-9 called for a mail ballot election to be held on the questions of creation of a County Water and/or Sewer District for Ranchview and to elect the Board of Directors if the District is created through the election. On May 8, 2018 the mail ballot election was held and on May 16, 2018 the election canvass was held with official results provided. The creation of the district was successful, of the qualified electors 117 voted in favor of the proposition with 25 opposed. At that time, a Board of Directors was elected as follows: Bob Bennett, Vicki R. Chapman, Mark Fitzwater, Jim Oppedahl and Thomas W. Schulke, Jr. This resolution is an acknowledgement of the election process and an order upon the Commission minutes that the County Water and/or Sewer District exists as proposed and is approved per the original petition and resolution. Paulette DeHart submitted a certificate stating that the proposition was adopted to the Secretary of State and the office of the Clerk and Recorder. Staff recommends approval.

No public comment was received.

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

**Resolution 2018-44 Effectively Declaring the Territory Enclosed within the Proposed Boundaries Duly Organized as a County Water and Sewer District Under the Name Northstar County Water and/or Sewer District. (Greg McNally)**

Greg McNally, Planner II presented the resolution declaring the territory enclosed within the proposed boundaries duly organized as a County Water and/or Sewer District under the name of Northstar County Water and/or Sewer District.

Resolution 2018-10 called for a mail ballot election to be held on the questions of creation of a County Water and/or Sewer District for Northstar and to elect the Board of Directors if the District is created through the election. On May 8, 2018 the mail ballot election was held and on May 16, 2018 the election canvass was held with official results provided. The creation of the district was successful, of the qualified electors 242 voted in favor of the proposition with 18 opposed. At that time a Board of Directors was elected as follows: John R. Hall, Patrick Lougee, Gina Newby, William Norberg, and Jeremy Richard Williams. This resolution is an acknowledgement of the election process and an order upon the Commission minutes that the County Water and/or Sewer District exists as proposed and is approved per the original petition and resolution. Paulette DeHart submitted a certificate stating that the proposition was adopted to the Secretary of State and the office of the Clerk and Recorder. Staff recommends approval of the resolution.

No public comment was received.

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

**Proposed Kampville Major Subdivision and Variance Applications. (Tabled 6-12-18) (Applicant: Kamp Land Limited Partnership) (Planner: Greg McNally)**

Greg McNally, Planner II presented the proposed 10-lot subdivision, located east of and adjacent to Spokane Creek Road (Highway 284) and north of and adjacent to Kamp Road and Matt Staff Road. On June 12, 2018 the proposed Kampville Major Subdivision was considered by the Commission as well as four variances. On May 15, 2018 the City-County Planning Board met and recommended approval of the proposed Subdivision as well as the proposed variances with all the findings of fact and conclusions of law provided in the staff report. Considerable public comment was received with concerns related to stormwater management, as well as water and water availability as a result of the proposed subdivision and the impact on adjacent wells.

Commissioner Good Geise asked if all of the staff's comments will be reflected in the findings of fact so all of Mr. McNally's comments would be rolled into those findings and Charles Lane, Deputy County Attorney agreed with the request.

Commissioner Hunthausen asked about the conditions related to the subdivision and subsequent plans for stormwater retention/detention are conditions that are laid out in the Subdivision Regulations as well as the Department of Environmental Quality Regulations.

Mr. McNally noted there is a condition regarding stormwater and requires that the developer complies with the stormwater drainage requirements in the Subdivision Regulations. The plan would have to be developed by an engineer of the applicant, construct the facilities to manage the stormwater and certify with the engineer that the improvements have been constructed per the plans.

Mr. McNally reported that there are 22 conditions of approval.

A motion was made by Commissioner Good Geise to approve the proposed Kampville Major Subdivision and variance applications and to include the record of the City-County Consolidated Planning Board be rolled into this meeting and decision. The motion was seconded by Commissioner McCormick.

Commissioner Hunthausen stated the first variance request to consider is related to Chapter XI.F.9 double fronted lots.

A motion was made by Commissioner Good Geise that after reviewing the recommended findings of fact on the variance request and after considering public comment at our meeting to approve the findings as submitted. The motion was seconded by Commissioner McCormick.

Commissioner Good Geise reviewed the findings of fact and noted: several of the lots will front onto proposed Kampville Drive and there is a 60 foot on the adjoining properties along the east side; one lot will be involved in an extension of Martha Drive; all of the lots are 26 acres; in order to help mitigate the impacts created from double-fronted lots, a no access restriction is proposed.

Commissioner Hunthausen stated there is a motion on the table to approve the findings of fact. The motion Passed on a 3-0 vote.

After reviewing the adopted findings of fact and after considering public comment at our meeting, Commissioner Good Geise moved to adopt a conclusion of law that based on the findings of fact: that the granting of the variance would not be detrimental to public health and safety; because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the regulations were enforced; the granting of the variance would not cause a substantial increase in public costs; the approval of the variance would not place the subdivision in non-conformance with adopted regulations.

After reviewing the four variance criteria, Commissioner Good Geise moved to adopt a conclusion of law that the Applicant has demonstrated that the requested variance meets all four of the standards named in Section II.B.1 of the Lewis and Clark County Subdivision Regulations. Commissioner Good Geise further moved to adopt a conclusion of law that compliance with the variance criteria requires that the following conditions of approval be applied as provided in Section II.B.3. The conditions of approval are Condition No. 8 the requirement to show "no access" restrictions on the final plat and Condition No. 9 the covenants to include notice of "no access" restriction.

Commissioner Good Geise made a motion that after reviewing the findings of fact, conclusions of law, and conditions of approval to approve the requested variance. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated the second variance request to consider is related to Chapter XI.G.2 block length.

A motion was made by Commissioner Good Geise that after reviewing the recommended findings of fact on the variance request and after considering public comment at our meeting to approve the findings as submitted. The motion was seconded by Commissioner McCormick.

Commissioner Good Geise reviewed the findings of fact regarding the block length and noted: block lengths shall not be designed to be more than 1,600 feet unless otherwise impractical, in this case it would be impractical; the Applicant proposes an internal road network with block lengths that exceeds 1,600 feet; there are ten 26-acre lots, each for a single family dwelling; the parent tract of land that encompasses the proposed subdivision is not uniform in shape and longer blocks are proposed to keep the lot sizes uniform in size.

Commissioner Hunthausen stated there is a motion on the floor to approve the findings of fact. The motion Passed on a 3-0 vote.

After reviewing the adopted findings of fact and after considering public comment at our meeting, Commissioner Good Geise moved to adopt a conclusion of law that based on the findings of fact: that the granting of the variance would not be detrimental to public health, safety and general welfare; that because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if these regulations were enforced; that the granting of the variance would not cause a substantial increase in public costs; the approval of the variance would not place the subdivision in non-conformance with adopted zoning regulations or applicable adopted plans.

A motion was made by Commissioner Good Geise that after reviewing the four variance criteria, to adopt a conclusion of law that the Applicant has demonstrated that the requested variance meets all four of the standards named in Section II.B.1 of the Lewis and Clark County Subdivision Regulations. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise that after reviewing the findings of fact, conclusions of law, and conditions of approval to approve the requested variance. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated the third variance request to consider is related to Chapter XI.H.4 road interconnectivity.

A motion was made by Commissioner Good Geise that after reviewing the findings of fact on the variance request and after considering public comment at our meeting to approve the findings as submitted. The motion was seconded by Commissioner Hunthausen.

Commissioner Good Geise reviewed the findings of fact regarding road interconnectivity and noted: whenever feasible all roads should connect with other roads within the neighborhood and connect to existing or projected through streets and provide access to adjacent parcels, as part of an interconnected road network, outside of the development; the Applicant proposes an internal road network with three points of ingress-egress; with the exception of the existing Martha Drive and Kamp Road, the Applicant proposes an internal road network that does not connect to



existing or projected through streets or provide access to adjacent parcels; to interconnect the proposed Kampville Drive with existing access easements located adjacent and along the eastern property line, the Applicant would need to construct an additional internal road of 675 feet or 1065 feet; a "no access" restriction is proposed and can be required to be graphically shown and described on the plat prohibiting direct access to the access easement shown on Certificate of Survey.

Commissioner Hunthausen stated there is a motion on the floor to approve the findings as presented. The motion Passed on a 3-0 vote.

After reviewing the adopted findings of fact and after considering public comment at our meeting, Commissioner Good Geise moved to adopt the conclusion of law that based on the findings of fact: that the granting of the variance would not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties; that because of the particular physical surrounds, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if these regulations were enforced; that the granting of the variance would not cause a substantial increase in public costs; the approval of the variance would not place the subdivision in non-conformance with adopted zoning regulations or applicable adopted plans.

A motion was made by Commissioner Good Geise that after reviewing the four variance criteria to adopt a conclusion of law that the Applicant has demonstrated that the requested variance meets all four of the standards named in Section II.B.1 of the Lewis and Clark County Subdivision Regulations. Commissioner Good Geise further moved to adopt a conclusion of law that compliance with the variance criteria requires that the following conditions of approval be applied as provided in Section II.B.3. The conditions of approval are Condition No. 8 requirement to show "no access" restrictions on the final plat and Condition No. 9 covenants to include notice of "no access" restrictions. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise that after reviewing the findings of fact, conclusions of law, and conditions of approval to approve the requested variance. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated the fourth variance request to consider is related to Chapter XI.H.8 direct access to the state highway.

A motion was made by Commissioner McCormick that after reviewing the findings of fact on the variance request and after considering public comment at our meeting to approve the findings as submitted. The motion was seconded by Commissioner Good Geise.

Commissioner Good Geise reviewed the findings of fact regarding direct access to the state highway and highlighted the seventeen findings.

Commissioner Hunthausen stated there is a motion on the floor to approve the findings of fact. The motion Passed on a 3-0 vote.

After reviewing the adopted findings of fact and after considering public comment at our hearing, Commissioner Good Geise moved to adopt a conclusion of law that based on the findings of fact: that the granting of the variance would not be detrimental to public health, safety, or general welfare; that because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if these regulations were enforced; that the granting of the variance would not cause a substantial increase in public

costs; the approval of the variance would not place the subdivision in non-conformance with adopted zoning regulations and other applicable adopted plans.

A motion was made by Commissioner Good Geise that after reviewing the four variance criteria, to adopt a conclusion of law that the Applicant has demonstrated that the requested variance meets all four of the standards named in Section II.B.1 of the Lewis and Clark County Subdivision Regulations. The motion was seconded by Commissioner McCormick.

Commissioner Good Geise noted the required conditions of approval are Condition of Approval No. 8 requirement to show "no access" restrictions on final plat, Condition of Approval No. 9 covenants to include notice of "no access" restrictions, and Condition of Approval No. 17 approach permit for proposed access onto Spokane Creek Road.

Commissioner Hunthausen noted there is a motion on the table to approve the conclusions of law and the related conditions. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise that after reviewing the findings of fact, conclusions of law, and the conditions of approval to approve the requested variance. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated there is a motion on the table for the overall subdivision, including the variance requests and bringing the record forward from the planning board.

A motion was made by Commissioner Good Geise that after reviewing the recommended findings of fact on the impact criteria and subdivision regulation requirements and after considering public comment at our meeting to approve the findings as submitted. The motion was seconded by Commissioner McCormick.

Commissioner Good Geise stated there are seventy findings of fact on the impact criteria and highlighted a few such as water, wastewater and noted many were discussed in the variance issues. Commissioner McCormick highlighted the findings for utilities, particularly that telephone service is proposed to be provided by Montana Internet via satellite. Commissioner Hunthausen noted findings 39 through 41 have adequately addressed stormwater concerns.

Commissioner Hunthausen stated there is a motion on the table to approve the findings of fact. The motion Passed on a 3-0 vote.

A motion was made by Commissioner Good Geise that after reviewing the recommend findings of fact and after considering public comment at our meeting, to adopt a conclusion of law that the proposed Subdivision will have adverse impacts on the review criteria and will not be in compliance with regulations. Commissioner Good Geise further moved to adopt a conclusion of law that adoption of the following conditions of approval that are attached as Exhibit A in the staff report will mitigate those impacts and bring the project into compliance with regulations. The motion was seconded by Commissioner Hunthausen.

Commissioner Good Geise reviewed the twenty-two proposed conditions and highlighted some of the conditions: required weed plan, irrigation easements, vegetation management plan, fire protection water supply RID, road naming approval, adequate signage, requirement for the proportionate share impact to off-site roads, financial guarantee of public improvements if necessary, storm water plans, DEQ review on erosion, no impacts on cultural resources, all easements and restrictions to be shown on final plat, covenants to include notice of requirements for approach permits.

Commissioner Hunthausen stated there is a motion on the table to adopt a conclusion of law. The motion Passed on a 3-0 vote.

A motion was made by Commission Good Geise to approve the conditions of approval as submitted. The motion was seconded by Commissioner McCormick. The motion Passed on a 3-0 vote.

Commissioner Hunthausen stated the Commission has acted on the adopted findings of fact and conclusions of law and on the conditions of approval for the proposed subdivision.


Commissioner Hunthausen stated there is a motion on the table to conditionally approve the subdivision as a whole, considering the findings, conclusion of law and the conditions as well as the approval of the variances. The motion Passed on a 3-0.


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

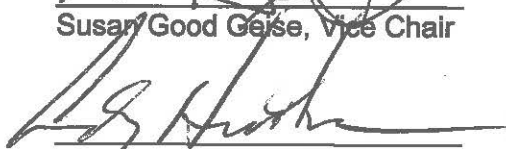
**Adjourn**

There being no further business, the meeting adjourned at 11:23 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Jim McCormick, Chair

  
Susann Good Geise, Vice Chair

  
Andy Hunthausen, Member

ATTEST

  
Paulette DeHart, Clerk of the Board

