



## **PUBLIC MEETING**

June 25, 2015  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, June 25, 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, Art Pembroke, Dave Hughes, Christal Ness, Fred Rice, Lindsay Morgan, Audra Zacherl, Matt Witkos, Al Knauber, Kim Smith, Mike York, and Nichole Nisbet, Recording Secretary.

### **Pledge of Allegiance**

Everyone recited the pledge.

### **Announcement**

- a. Employee Recognition. (Art Pembroke)

Art Pembroke, Director of IT&S, presented the retirement of Dave Hughes from the IT Department. Dave has been with the IT&S Department for over 22 years.

### **Consent Action Items**

- a. Resolution 2015-87 Increasing Each of the Salaries in Addition to the Base Salary for the Lewis & Clark County Clerk of the District Court and the Justice of the Peace. (Fred Rice)
- b. Resolution 2015-88 Setting the Salaries For Certain Elected Officials. (Fred Rice)
- c. Resolution 2015-89 Setting the Salary for the Lewis & Clark County Justice of the Peace and Establishing Office Hours. (Fred Rice)

Eric Bryson reported on the consent action items 3 a-c and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise. The motion Passed on a 2-1 vote with Commissioner Geise voting against.

### **Bid Award - Sun Canyon Road Bridge Replacement. (Audra Zacherl)**

Audra Zacherl, Interim Assistant Public Works Director, presented the Bid Award for the Sun Canyon Road Bridge Replacement Project. On Thursday, June 18th bids were opened for the Sun Canyon Road Bridge Replacement Treasure State Endowment Program project. This project consists of the construction of a new bridge located approximately six miles northwest of Augusta. The new bridge will replace the existing single-span timber bridge on Sun Canyon Road over Willow Creek. The proposed

58-foot single-span bridge will be constructed of precast prestressed concrete trideck beams on a driven pile foundation. Four bids were received with a difference of less than \$41,000 between the high and low. After review of all bids, it was determined the low bid met all specifications, requirements, was found to be responsible and within budget for the project. Staff recommends awarding the bid to the low bidder, Tamietti Construction of Great Falls, MT for the total bid amount of \$218,436.

No public comment was received.

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

**A Labor Agreement Between Lewis & Clark County and Montana Public Employees Association Representing the Road/Bridge/Shop Employees of the Lewis & Clark County Public Works Department. (Fred Rice)**

Eric Bryson asked for the item to be tabled as the Association voted down the contract last night.

A motion to table the item to a future date was made by Commissioner Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

**Resolution 2015-86 Intention to Create the North Star Rural Improvement District. (Christal Ness)**

Christal Ness, Project Coordinator, presented the resolution establishing the intention to create rural improvement district for the vicinity of the North Star Planned Unit Development. Planning Department Staff has processed a request to create a Rural Improvement District from landowners currently residing within the vicinity of the North Star Planned Unit Development. The general maintenance includes but is not limited to: snow plowing, culvert cleaning, street sweeping, crack seal, contributions toward a future chip seal and miscellaneous work. The estimated cost for funding is \$45,108.56 per year or a \$159.39 per parcel per year. All maintenance funds collected for the district will be spent solely on road maintenance within the proposed district. After the resolution of intention is approved, a 30-day public protest period will start on June 28, 2015. All landowners within the proposed district boundaries will be notified and a public meeting on the creation of the district will be scheduled. The proposed district will currently be for maintenance of paved roadways within the boundaries. Staff anticipates that resolutions to amend the district to include a chipseal improvement, and to levy and assess the improvement under a debt service assessment, will be brought to the Commission next year, before September 2016.

No public comment was received.

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

**Contract and Encroachment Agreement between Lewis & Clark County and Cheryl and Michael York. (Christal Ness)**

Christal Ness, Project Coordinator, presented the contract and encroachment agreement between Lewis & Clark County and Cheryl and Michael York for a locked gate on a Public Access Easement known as West Loren Road. In order for owners to more fully enjoy their property as described above, owners have requested an encroachment permit from the County to allow owners to maintain on the aforementioned County right of way. Reasons noted on the application for the agreement include to trespassing, dust, speed and poaching on the applicant's property. Comments received included a rejection to the proposal from the Road Supervisor at the County Public Works Department stating it is a designated public access and utility easement, the gate needs to remain open for emergency response and fire protection. Comments from the Fire Chief from West Valley Fire Department rejecting the proposal as it is a public access gate and noted the need for access in the event of a fire, access to the gravel pit and a home in the area. A comment was also received from a property owner that states their objection to the proposal.

Mike York, the applicant, stated issues with the road past the gate including poaching and driving to fast. The applicant stated there is a chain with a lock on the gate but is not prohibiting the gate to be opened it is for the lock of the gate being locked and was used to deter people from entering. The applicant would like to keep the gate closed, not locked with additional signage posted asking the gate to be closed behind those who enter.

Commissioner Geise asked the applicant if he has expressed his concerns with the Sheriff's Department.

Mike York stated he has not spoken with the Sheriff's Office.

Commissioner Hunthausen stated that the road is a public road and is shown on the survey as a dedicated public access road.

Commissioner Murray stated the Commission has allowed the owner to put in cattle guards rather than a gate.

#### PUBLIC COMMENT-

Calvin James, resident on Green Meadow Drive, asked the Commission how the road became a public easement and asked the difference between an easement and a right of way. Mr. James stated his support in the applicant's request.

Kim Smith, 7510 Applegate Drive, stated that a requirement in the sale of the properties in the area was access. When the applicant bought the land the public easement was required. Mr. Smith stated his support in the applicant's request.

No further public comment was received.

A motion to table the item until the regularly scheduled meeting on July 2, 2015 was made by Commissioner Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

#### **Proposed Cattle Baron Estates Subdivision. (tabled 6/4/15) (Applicant: Varyn Land & Livestock, LLC) (Planner: Greg McNally)**

Lindsay Morgan, Planner II, presented the proposed Cattle Baron Estates Subdivision. A request was received by the applicant's representative to table the presentation until July 9, 2015 and to extend the review period until July 16, 2015 to allow for additional time for the applicant to complete a minor revision to the preliminary plat in order to reduce the required amount of road construction.

Tony Prothero, the applicant's representative to table the presentation until July 16, 2015 and requested to extend the review period until July 21, 2015.

A motion was made by Commissioner Murray to table the item until the regularly scheduled meeting on July 16, 2015 and seconded by Commissioner Geise. The motion Passed on a 3-0 vote.

#### **Amended Plat of Lot A-5 - Clark Subdivision. (tabled 6/23/15) (Applicant: Kevin J. McDuffie) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, presented the amended plat of Lot A-5 Clark Subdivision. A memo was drafted for today's meeting as staff is recommending a new Condition No. 10 to add fencing requirement specifications along each irrigation ditch. Staff is also recommending the addition of a new Condition No 13.s. to add fencing requirement specifications along each irrigation ditch to the future covenants that will be placed on the property. The applicant has also reviewed this memo.

Commissioner asked the applicant's representative if they have received the recommended changes, do you have any issues.

Tony Prothero, the applicant's representative, stated there are no issues.

Commissioner Hunthausen stated that the Commission has reviewed the staff report, variance request, the presentations by staff and the applicant, and the draft findings of fact and approval conditions and asked if anyone prepared to make a motion to approve, conditionally approve, or deny the request for subdivision approval.

A motion was made by Commissioner Geise that after reviewing the staff report, variance request, the presentations by staff and the applicant, and the draft findings of fact approval conditions, and after considering public comment, to approve the subdivision request with conditions of approval needed to mitigate adverse impacts or bring the project into compliance with regulations.

Commissioner Hunthausen stated the Commission now has a motion on the floor for action on the subdivision application. We will first consider whether or not to approve the requested variance based on the findings of fact and conclusions of law.

Commissioner Geise stated that she has reviewed the draft findings of fact for the variance request. Those draft findings touch on the following information: the subdivision is located in the East Helena Valley Fire District, the subdivision is required to have a water source producing 250 gpm and one is available that produces 490 gpm, the proposal is to use a source located 1 mile from the project, The Fire Chief of the District supports using the water source, the water source is maintained by the East Helena Valley Fire Department, Fire service vehicles will need to travel along York Road, a major collector, the Regulations prohibit using a water source accessed by a major collector, the applicant has requested a variance from this restriction and no issues were raised by the public.

A motion was made by Commissioner Geise that after reviewing the draft findings of fact for the variance and considering public comment, to approve the findings as submitted. The motion was seconded by Commissioner Murray, the motion Passed on a 3-0 vote.

Commissioner Geise stated that she has reviewed the variance criteria that must be met by the applicant. Those variance criteria are the following: the granting of the variance would not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties.

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 strict letter of the standards 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 nonconformance with other adopted regulations.

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact and the variance criteria, and after considering public comment, to adopt a conclusion of law that the proposed Subdivision variance request meets the variance criteria. The motion was seconded by Commissioner Murray, the motion Passed on a 3-0 vote.

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact and our conclusion on the variance criteria, and after considering public comment, to approve the variance request as submitted by the applicant. The motion was seconded by Commissioner Murray, the motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that the Commission has now processed the variance request and will move on to consideration of the findings of fact, conclusions of law, approval conditions, and a decision on the application as a whole.

Commissioner Geise stated that she 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 for the property, There is an Irrigation District easement along two of the lots, There are agricultural uses to the north, northwest, and southwest of the property, There are irrigation ditches located on three sides of the property, These irrigation ditches are classified as Class IV waterbodies and require a setback and buffer, Staff has identified potential adverse impacts on Agriculture that can be mitigated and no issues were raised by the public.

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

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact and considering public comment, 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 Murray, the motion Passed on a 3-0 vote.

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

Commissioner Geise stated that she 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 proposed means of water supplies and wastewater disposal, two of the lots will have individual wells on the lots, three of the lots will have individual wells on an easement area, the soil mapping of the site, wells will draw from the Helena Valley Aquifer, well depths in the area average 67 feet, well yields in the area average 49 gpm, well logs from the area indicate an adequate water supply for the proposed lots, all water and wastewater systems must be reviewed and approved by DEQ and/or County Health, all individual wastewater treatment systems will be designed to State standards, the project will be served by the Scratch Gravel Solid Waste District, the preliminary plat shows an easement for a mailbox bank, mailbox plans must be approved by the Post Office prior to final plat, utilities are available on York Road, all utilities must be installed underground, the Regulations don't allow dead end streets unless certain parameters are met, the proposed road meets the dead end parameters, MDT has issued an approach permit for the proposed road entrance, the approach will need to be relocated to comply with MDT requirements, the original subdivision allowed one approach for this lot, the internal road will be a 24-foot paved road, York Road is a state highway with 2855 daily trips, the applicant has proposed a 50-foot setback along York Road where 20 feet is needed, the subdivision will generate an net increase of 38 daily trips, the project will not be required to pay for off-site road improvements, the project site is located about 7.5 miles from St. Peter's Hospital, the project is located about 7 miles from the Sheriff's Department, the property is in the East Helena Valley Fire District and about 3/4 of a mile from a station, the project will be served by an off-site hydrant about one mile northeast, the Fire District supports using the water source, the subdivision is required to have a water source producing 250 gpm, one is available that produces 490 gpm, the proposal is to use a source located 1 mile from the project on York Road, a state highway, the Regulations prohibit using a water source accessed by a major collector, the applicant has requested a variance from this restriction, subsequent minor subdivisions must meet park land requirements, the calculations for park land for the project, the estimated cash value of park land would be about \$6,000 per acre, the applicant is proposing a 12-foot pedestrian easement along York Road plus \$690 in cash, the Park Board supports this park land proposal, the Park Board wants the lot owners to be notified of the trail easement and setbacks, Staff has identified adverse impacts that can be mitigated with approval conditions and no issues were raised by the public.

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

A motion was made by Commissioner Geise that reviewing the adopted findings of fact and considering public comment, to adopt a conclusion of law that the proposed Subdivision will have adverse impacts on Local Services. The motion was seconded by Commissioner Murray, the motion Passed on a 3-0 vote. A motion was made by Commissioner Geise that reviewing the adopted findings of fact and considering public comment, to adopt a conclusion of law that the adverse impacts of the proposed Subdivision on Local Services can be mitigated through the proposed conditions of approval. The motion was seconded by Commissioner Murray, the motion Passed on a 3-0 vote.

Commissioner Geise stated that she 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: the lots will be served by individual wells and septic systems, the soil mapping for the site which indicates severe limitations for septic systems, the projected water consumption of the subdivision, the groundwater degradation analysis for the project, the results of the nitrate sensitivity analysis, the impacts of phosphorus on the irrigation ditch, the phosphorus breakdown analysis, the project is subject to review and approval by DEQ and County Health, the nearest surface waters are irrigation ditches that would not be affected by wastewater, the results of groundwater monitoring for the site, the need for a weed management plan, the use of retention ponds to retain stormwater increases, the fact that visual impacts can be mitigated with underground utilities and lighting controls, Staff has identified adverse impacts that can be mitigated with approval conditions and no issues were raised by the public.

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

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

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

Commissioner Geise stated that she has reviewed the draft findings of fact for the impacts of the proposed Subdivision on the Wildlife and Wildlife Habitat. Those draft findings touch on the following information: the prior subdivision has covenants that mitigate wildlife impacts, the property is likely visited by a variety of wildlife, there are reported species of concern occurrences in the area, there are 2 plant species of concern in the area, there are also bird and bat species of concern in the general area, the reports of species of concern closest to the property, the fact staff has identified no adverse impacts on wildlife that require mitigation, the land is flat and covered with native grasses, the property is part of an approved residential subdivision, Staff has also identified no adverse impacts on wildlife habitat that require mitigation and no issues were raised by the public.

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

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

Commissioner Geise stated that she 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: there is some potential for groundwater contamination that can be addressed through proper

septic system management, there is an earthquake fault in the vicinity, the irrigation ditches pose a threat of drowning and should be fenced off, there are also radon risks, the area has a low fuel hazard rating for wildfires, the area has a moderate liquefaction rating, the lots will have driveway restrictions on York Road, Staff has identified potential adverse impacts on the Public Health and Safety that can be mitigated and no issues were raised by the public.

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

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact and considering public comment, to adopt a conclusion of law that the proposed Subdivision will have adverse impacts on Public Health and Safety. the motion Passed on a 3-0 vote.

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

Commissioner Geise stated that she 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 resources have been identified, the potential for cultural resources at the site is limited, Staff has identified no potential adverse impacts on Cultural Resources that require mitigation and no issues were raised by the public.

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

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

Commissioner Geise stated that she has reviewed the draft findings of fact for Compliance with Subdivision Regulations and Survey Requirements. Those draft findings touch on the following information: the proposed conditions of approval will bring the project into compliance with subdivision regulations, the proposal does not meet all survey requirements, Staff has identified survey requirements that can be met with approval conditions and no issues were raised by the public.

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

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact and considering public comment, 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 Murray, the motion Passed on a 3-0 vote.

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

Commissioner Geise stated that she has reviewed the draft findings of fact for Adequate Provision of Utilities. Those draft findings touch on the following information: the proposal doesn't include all required utility easements, utilities are available, Northwestern Energy had no comments on the project, Staff has indicated that required easements can be addressed with approval conditions and no issues were raised by the public.

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

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

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

Commissioner Geise stated that she has reviewed the draft findings of fact for Adequate Provision of Access. Those draft findings touch on the following information: the applicant has proposed an internal access road to serve all 5 lots, there will be a no access restriction for the lots that front on York Road, the access will be aligned with Cupid Drive on the opposite side of York Road, the applicant is required to obtain an approach permit for the access, Staff has indicated that legal & physical access can be addressed with approval conditions and no issues were raised by the public.

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

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

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact and considering public comment, to adopt a conclusion of law that the need for Adequate Provision of Access can be mitigated through the proposed conditions of approval. The motion was seconded by Commissioner Murray, the motion Passed on a 3-0 vote.

Commissioner Geise stated that she 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 zoned, Staff has identified points of potential non-compliance that can be mitigated with approval conditions and no issues were raised by the public.

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

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact and considering public comment, 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 Murray, the motion Passed on a 3-0 vote.

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact and considering public comment, to adopt a conclusion of law that Compliance with Zoning and Other



Regulations can be mitigated through the proposed conditions of approval. The motion was seconded by Commissioner Murray, the motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that the Commission has now adopted findings of fact and conclusions of law for the proposed Subdivision. Has the Commission had opportunity to review the draft conditions of approval, is anyone prepared to act on them?

Commissioner Geise stated that she has reviewed the draft conditions of approval that are intended to mitigate adverse impacts of the subdivision, to ensure compliance with subdivision regulations and other requirements and regulations, and to provide adequate utilities and access. Those draft approval conditions are as follows: DEQ & County Health review and approval of the wastewater and water systems, approval of a weed management plan, approval of storm water drainage plan by DEQ, approval of an approach permit from MDT, preparation and recording of a vegetation management plan and approval of the water source for fire protection, formation of an RID for an on-site fire protection water source if one is used, approval of the road plans by Public Works and certification of the road construction by an engineer, approval of address assignments for the lots by the Address Coordinator, installation of a mailbox unit for the subdivision meeting Postal Service requirements, the addition of a Condition being the applicant shall install a fence along the edge of the easement for each irrigation ditch. At a minimum, the fence shall be constructed of woven wire at least three feet in height with two strands of barbed wire at the top of the fence, and shall be of sufficient construction to effectively restrict the access of small children and pets to the irrigation ditch, preparation of a final plat meeting survey requirements and showing all easements and restrictions, approval of the road name by the Address Coordinator, approval of a signage plan by Planning, filing of restrictive covenants including required notifications to lot owners, the addition of a Condition being notice is hereby given that property owners adjacent to a ditch(es) shall be responsible for the maintenance of fencing along the easement for the ditch. At a minimum, the fence shall consist of woven wire at least three feet in height with two strands of barbed wire at the top of the fence, and shall be of sufficient construction and material to deter access to the irrigation ditch by small children and pets, proof of title and payment of taxes, preliminary approval term of 3 years that can be extended with a written agreement.

A motion was made by Commissioner Geise that after reviewing the draft conditions of approval and considering public comment, to approve the conditions of approval as submitted and amended. The motion was seconded by Commissioner Murray, the motion Passed on a 3-0 vote.

Commissioner Hunthausen stated that the Commission has now adopted findings of fact and conclusions of law for the proposed Subdivision. The Commission has also adopted conditions of approval as amended that must be met prior to final plat. Is anyone prepared to act on the subdivision application as a whole?

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact and conclusions of law, the adopted conditions of approval as amended, and considering public comment, to approve the subdivision request subject to the adopted conditions of approval. The motion was seconded by Commissioner Murray, the motion Passed on a 3-0 vote.

### **Board Appointments. (Eric Bryson)**

Eric Bryson presented the board appointments to the Open Lands Citizens Advisory Committee and recommended the reappointment of Mike Bishop as an at large member to a 3 year term that expires on 6/30/18, the reappointment of Sumner Sharpe as an at large member to a 3 year term that expires on 6/30/18, the reappointment of Alan Davis as an at large member to a 3 year term that expires on 6/30/18 and the appointment of Renee Lundberg as the Lincoln representative to a 3 year term that expires on 6/30/18.

No public comment was received.


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

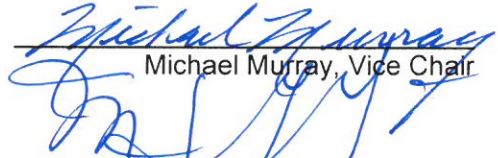
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.


Adjourn

There being no further business, the meeting adjourned at 10:35 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