



PUBLIC MEETING

August 13, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 13, 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, Marni Bentley, Matt Heimel, Lindsay Morgan, George Theborge, Kevin Hamilton, Al Knauber, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Consent Action Items

- a. Vendor Claims Report for week ending August 14, 2015. (Marni Bentley)

Eric Bryson reported on the consent action item 2a 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 3-0 vote.

Resolution 2015-115 Intention to Create the Walter Drive Rural Improvement District No. 2015-8. (Matt Heimel)

Matt Heimel, Special Districts Planner, presented the request to create a Rural Improvement District by the subdivision applicant for the proposed Valleyview Farms Subdivision in order to satisfy condition of approval number 12. Creation of the Walter Drive RID under this resolution will partially satisfy condition of approval number 12. A separate rural improvement district for maintenance of the internal access road is anticipated to be created on the day of subdivision final plat. General maintenance includes snow plowing, grading, soil stabilization and miscellaneous road work as needed. The estimated cost for maintenance is \$3,039.96 per year or \$126.67 per year per parcel. If the resolution of intention is approved, a 30-day public protest period will be initiated. All landowners within the proposed district boundaries will be notified and a public meeting on the creation of the district will be scheduled.

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.

Resolution 2015-114 Levying and Assessing a Tax Upon Benefited Property Within The Emerald Ridge Rural Improvement District No. 2015-5. (tabled 8/11/15) (Matt Heimel)

Matt Heimel, Special Districts Planner, presented the resolution to levy and assess a tax upon benefited property within the Emerald Ridge Rural Improvement District. Under the current resolution there is no modification to the boundary however boundary modifications can be done once per year through the resolution to levy and assess the tax to benefited property within the Rural Improvement District.

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.

Special Zoning District No. 33 R-2A Regulations Variance Request. (Lindsay Morgan)

Lindsay Morgan, Planner II, presented the variance request from the R-2A regulations of Special Zoning District No. 33 to allow an existing garage and deck, located at 1004 Pintail Court, to encroach into the setbacks from the south and east property boundaries. The request was heard by the Planning and Zoning Commission yesterday and the request was approved on a 7-0 vote. According to the regulations for this zone, every lot shall have a front yard of at least 20 feet in depth, two side yards of at least 8 feet in width each, and a rear-yard of at least 20 feet in depth. The applicant is requesting two variances from the regulations of the R-2A zone. Specifically, the requests are to allow for: the existing deck to continue encroaching half of a foot into the 8-foot wide side-yard setback from the east property boundary; and the existing detached garage to continue encroaching 5 feet into the 20-foot wide front-yard setback from the south property boundary. The property is approximately 0.24 acres in size and is currently developed with a single-family residence, an attached deck, and a detached, two-car garage. The residence is 1,040 square feet in size, the deck is approximately 165 square feet in size, and the garage is 484 square feet in size. According to the records on file with the State, both the house and garage were constructed in 2005, and according to a Warranty Deed on record at the Clerk and Recorder's Office, Nicholas and Anna Hill purchased the property on August 6, 2007. It is unknown when the deck was constructed; however, the application states that the deck was constructed prior to the purchase of the property by the Hills. If the variance from the setback requirements is not granted for the deck, half of a foot of the deck will have to be removed on the east side of the property. If the variance from the setback requirements is not granted for the garage, five feet of the garage will have to be removed on the south side of the property. One letter was received from a neighbor property and stated they have no comments for the proposed variances. No comment letters have been received from CenturyLink, Charter, or the Montana Department of Environmental Quality (DEQ). In response to a letter from Planning Staff requesting comments on the impacts of granting the requested variances, the County Public Works Department has stated that utility upgrades and relocation could pose future problems. The Fire Chief for the West Helena Valley Fire District has stated that he has no objection to the requested variances because the structures already exist. If the variances are granted, the deck and detached garage will remain in their current locations, which are the same locations they have been in since their construction. The Planning & Zoning Commission determined it will result in an unnecessary hardship to the applicant and there is not contrary to public interest.

A motion was made to incorporate the record from the Planning & Zoning Commission Meeting held on August 12, 2015 into the record was made by Commissioner Murray and seconded by Commissioner Geise. The motion Passed on a 3-0 vote.

Commissioner Geise asked about the role of the title company in this situation.

Paul Stahl, Deputy County Attorney, stated that the purpose of title insurance is to have the owner who is buying a piece of property you know what they are getting. However it was noted that title insurance companies do not look at government regulations or insure for roads or separation of minerals for example. If the owners do not ask about encroachments or zoning specifically they are not looked at during the title insurance process.

No public comment was received.

A motion to approve the variance request no. 1 as outlined by Staff and as adopted by the Planning and Zoning Commission and to include the findings of fact was made by Commissioner Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

A motion to approve the variance request no. 2 as outlined by Staff and as adopted by the Planning and Zoning Commission and to include the findings of fact was made by Commissioner Geise and seconded by Commissioner Murray. 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.

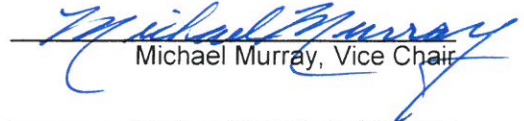
Adjourn

There being no further business, the meeting adjourned at 9:42 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



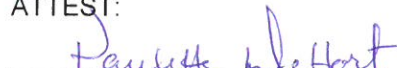
Andy Hunthausen, Chairman



Michael Murray, Vice Chair

Susan Good Geise, Member

ATTEST:


Paulette DeHart, Clerk of the Board