



**PUBLIC MEETING**  
September 29, 2015  
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, September 29, 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, Keith Hatch, Charles Gilmore, Lindsay Morgan, Cheryl Green, Debra Crider, Kathy Macefield, Frank Rives, Sandy Oitzinger, John Oitzinger, and Nichole Nisbet, Recording Secretary.

**Pledge of Allegiance**

Everyone recited the pledge.

**Proclamation Recognizing Forestvale Cemetery's 125th Birthday Celebration.**

Kathy Macefield, Forestvale Cemetery Board Member, read the proclamation recognizing Forestvale Cemetery's 125<sup>th</sup> Birthday Celebration.

**Consent Action Items**

- a. Public Meeting Minutes: September 3, 8, 15, 22 and 24, 2015. (Nichole Nisbet)
- b. Resolution 2015-140 Declaring County Property Surplus Property. (Amy Reeves)
- c. Resolution 2015-141 Declaring County Property Surplus Property. (Amy Reeves)

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

**Resolution 2015-139 Ordering the Cancellation of Delinquent Property Taxes on Mobile Home or House trailer. (Eric Bryson)**

Eric Bryson, presented resolution 2015-139 ordering the cancellation of delinquent property taxes on mobile home or house trailer. The Commission can order the cancellation of delinquent property taxes on a mobile home if the mobile home is to be moved for purposes of destruction or recycling. The request is in the amount of \$428.26.

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.

**Contract Between Lewis and Clark County Fairgrounds and Christman Roofing. (Keith Hatch)**

Keith Hatch, Fairgrounds Manager, presented the contract between Lewis and Clark County Fairgrounds and Christman Roofing for miscellaneous roof repairs in the amount of \$28,490. The work is to be completed by November 26, 2015.

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 Between Lewis and Clark County Fairgrounds and R&R Pump. (Keith Hatch)**

Keith Hatch, Fairgrounds Manager, presented the contract between Lewis and Clark County Fairgrounds and R&R Pump for the replacement of an irrigation pump that serves as the water source for dust control and irrigation for Ryan Fields. The contract is in the amount of \$21,500 and work is to be completed by November 30, 2015.

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.

**Grant Award To Lewis and Clark County Search & Rescue For The 2013 Homeland Security Grant. (Charles Gilmore)**

Charlie Gilmore, Radio Systems Administrator, presented the grant award to Lewis and Clark County Search & Rescue in the amount of \$30,052.58 for the purchase of eleven radios.

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.

**Request to Extend the Preliminary Subdivision Approval for the Silver Spur Ranch Subdivision. (Applicant: Scott Lee) (Planner: Lindsay Morgan)**

Lindsay Morgan, Planner II, presented the request to extend the preliminary subdivision approval for the Silver Spur Ranch Subdivision. The applicant, Scott Lee, has requested a three-year extension of the preliminary subdivision approval of the Silver Spur Ranch Subdivision, extending the preliminary subdivision approval until September 18, 2018. On September 18, 2012, the Commission granted preliminary subdivision approval and one variance for the Silver Spur Ranch Subdivision which is a 24-lot major subdivision, each lot for one single-family dwelling. The preliminary subdivision approval is subject to 19 conditions of approval. The proposed subdivision is located east of Applegate Drive and approximately one mile north of Prairie Road. On September 7, 2015, the applicant submitted an extension request application. The applicant, in his application, states that he has fulfilled Condition No. 8, which requires the applicant to provide two ingress-egress routes for the subdivision. The applicant said in 2014 he obtained a second ingress-egress route, using Alternative Route B of Condition No. 8. Since preliminary plat approval in 2012, the applicant has not applied for any permits or applications such as a weed management plan, approach permits, assignment of addresses or road names, or address and street identification signs applications. Staff did conduct a site visit and saw no development activity on the subject property. The applicant estimates that completing the remaining conditions will take at least one year, and the applicant is requesting a three year extension of preliminary subdivision approval. In the Extension Request Application, the applicant explained that the completion of Condition No. 8 took approximately two years. Condition No. 8 is the hardest condition to complete and without meeting Condition No. 8, the project could not go forward. Because of the lengthy litigation process the applicant went through to obtain the required second ingress-egress route for the Silver Spur Ranch Subdivision, the applicant has delayed completion of the other 18 conditions. Planning staff concludes that an

extension of preliminary subdivision approval for the standard three years will be adequate to complete the project.

Commissioner Geise asked legal counsel about the recent decision issued in Ravalli County that was related to subdivision approvals being longer than 3 years and asked if this decision before us today may be affected by that decision in Ravalli County.

Michele Peterson-Cook, Deputy County Attorney, stated that statute 76-3-10 allows the governing body to do an initial preliminary approval for no more than three years but not less than one year. At the end of that time period, in which this request is currently at, the governing body may extend the approval period at the request of the subdivider for a mutually agreed upon time frame.

Commissioner Hunthausen stated he has concerns about granting the extensions for three years and feels that the Commission should grant the extension with parameters around that.

Michele Peterson-Cook stated the applicant stated at least one year in his request and stated you are allowed to grant more than one year per state statute. The time frame needs to be tied to a reasonable expectation for completion.

Commissioner Geise asked how much it costs to request an extension.

Lindsay Morgan stated it costs \$200 to request an extension.

No public comment was received.

A motion to approve the extension request extending the preliminary subdivision approval to September 18, 2018 was made by Commissioner Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

**Request to Extend the Preliminary Subdivision Approval for the Valleyview Farms Subdivision (Applicant: Valley View Farms Development, LLC) (Planner: Lindsay Morgan)**

Lindsay Morgan, Planner II, presented the request to extend the preliminary subdivision approval for the Valleyview Farms Subdivision. The applicant has requested a third extension of the preliminary subdivision approval of the Valleyview Farms Subdivision, and the applicant estimates the subdivision will be completed by September 18, 2016. On September 18, 2008, the Commission granted preliminary subdivision approval for the Valleyview Farms Subdivision which is a five lot subdivision, each lot for one single-family dwelling. The preliminary subdivision approval was subject to 19 conditions of approval. The proposed subdivision is located west of and adjacent to Walter Drive and north of and adjacent to Emily Lane. On May 11, 2011, the applicant submitted an extension request application and paid the required fee. On May 26, 2011, the Commission granted an extension of the preliminary subdivision approval until September 18, 2012. On March 5, 2012, the applicant submitted a second extension request application and paid the required fee. On May 29, 2012, the Commission granted an extension of the preliminary subdivision approval for three years, until September 18, 2015. On September 11, 2012, the applicant was granted a Modification of Conditions of Approval and a new condition was added, with the applicant's consent. On September 10, 2015, the applicant submitted a third extension request for one additional year and paid the required fee. In the Extension Request Application, the applicant states all conditions of approval are completed with the exception of No. 4, which is the provision of fire protection water supply and facilities. The applicant states in the extension application that the subdivision has DEQ approval, the roads have been completed, utilities are installed, the Weed Management Plan approved, and Walter Drive has been improved. The applicant also states they have been working on creating a Rural Improvement District for the internal subdivision roads and Walter Drive. The applicant states in the extension application a need for an additional year to fulfill the fire protection condition. The applicant states the fire protection requirement for final subdivision approval will be completed either by developing an existing well on-site or through an agreement with the City of Helena to use the fire hydrants at the nearby Missouri River Treatment Plant to meet the condition. There is now a water source on Emily Lane that may be an option to meet the fire protection requirement. Staff have visited the site on several occasions in the past year and can verify that the roads are completed and the applicant's engineer has certified that the roads were constructed in compliance with the approved plans and specifications. County Public Works provided a letter that the road improvements are

in compliance with the Public Works Manual. Utilities are installed and available to all lots. The applicant has an approved Weed Management Plan. In the Extension Request Application, the developer gave an anticipated date of completion of no later than September 18, 2016. Since the applicant, in the extension request application, states that the project would be completed by September 18, 2016, Staff concludes that an extension of preliminary subdivision approval of one year will be adequate to complete the project.

#### PUBLIC COMMENT-

John Oitzinger, the applicant, stated the road infrastructure was completed a year ago and intends to complete the outstanding condition within the next year and has been working diligently to secure a water fire protection source and intend to hook power up to the East Valley Fire Department well to meet the outstanding condition.

Commissioner Geise asked Mr. Oitzinger is a year is sufficient.

John Oitzinger stated yes.

A motion to approve extension request extending the preliminary subdivision approval to September 18, 2016 was made by Commissioner Murray and seconded by Commissioner Geise. The motion Passed on a 3-0 vote.

#### **Canyon Ferry Crossing Subdivision V (Applicant: Canyon Ferry Crossing Inc. - Peter Kloepfer, President) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, presented the proposed modifications to the plat for the preliminarily approved Canyon Ferry Crossing Subdivision V. The applicant is requesting that the Commission allow him to proceed with a request to modify the plat for the preliminarily approved Canyon Ferry Crossing Subdivision V. The applicant is seeking to adjust the boundaries of proposed Lots 2, 4 and 5 to increase the acreage of Lot 2 to over 5 acres in size. Due to oversights during the submission of application materials during initial review of the proposed subdivision staff and the applicant are requesting the Commission to waive the fees for the modification process should the Commission allow the applicant to proceed. The subdivision was granted preliminary approval on November 6, 2008 and is located northwest of and adjacent to Magpie Gulch Road and east of and adjacent to Sunset Ridge Drive and is 164.36 acres in size.

Commissioner Geise asked about the oversights stated in the report and asked for an explanation.

Lindsay Morgan stated when the applicant submits the application and a certificate of title is required to be submitted, in this case the title did not contain information in regards to the covenants being placed on the property. During the review of the subdivision it was not caught by planning staff and the applicant was not aware of the requirement. The covenants placed on the property stated that lots must be 5 acres in size and the request before the Commission would bring the lots into compliance with the covenants. The County Subdivision regulations state we do not want to violate private covenants and in this case we are in violation of that.

No public comment was received.

A motion to approve the applicant to proceed with the modification request and pay the application fee was made by Commissioner Murray and seconded by Commissioner Geise.

Discussion ensued to waive the fee was brought by Commissioner Geise who stated that applicant was relying on work by title company and the County.

Commissioner Murray disagreed based on the planner made aware of the problem was not working on the review of the subdivision. He further stated the title company will not be covering the fee and does not feel the County taxpayers should be responsible.

Commissioner Hunthausen stated he recognizes the responsibility of the owner, title company and planning to double check the requirements. The responsibility still lies on the developer and not on the tax payer and will support the motion.

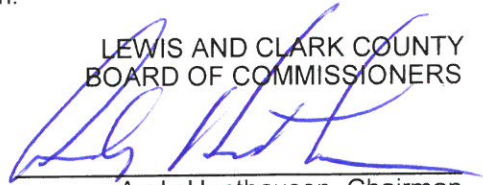
The motion was Passed on a 2-1 vote with Commissioner Geise voting against.

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

**Adjourn**

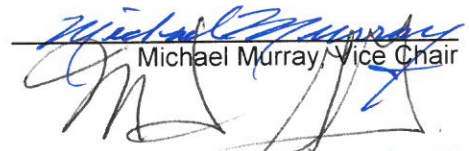
There being no further business, the meeting adjourned at 9:54 am.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



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Andy Hunthausen, Chairman



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Michael Murray, Vice Chair



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Susan Good Geise, Member

ATTEST:



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Paulette DeHart, Clerk of the Board