



PUBLIC MEETING
September 29, 2016
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, September 29, 2016, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, K. Paul Stahl, Kevin Hamilton, Greg McNally, Jennifer McBroom, Nancy Everson, Kathy Moore, Jason Crawford, Brandon Lightner, Michael Ries, Sharon Burt, Nancy Petrie, Stephen Walks and Misty Edwards, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes: September 1, 6, 8, 13, 20 and September 22, 2016. (Nichole Nisbet)
- b. Resolution 2016-87 Declaring County Property Surplus Property. (Amy Reeves)
- c. Resolution 2016-88 Amending Resolution 2016-17 Approving the Tax Benefits Application of Green Meadow Solar, LLC. (Nancy Everson)
- d. Quit Claim Deed between Lewis and Clark County and Carroll College. (Eric Bryson)

Eric Bryson reported on the consent action items 2 a-d and recommended approval.

No public comment was received.

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

Grant Application to the Department of Environmental Quality (Jennifer McBroom)

Jennifer McBroom, Water Quality Protection District Specialist, presented the grant application with Montana Department of Environmental Quality. The grant is a nonpoint source application in the amount of \$187,200 and is through June 30, 2020. Approximately 4,000 linear feet of stream restoration along Prickly Pear Creek would be completed if the funding application is approved. Staff recommends approval of the grant application.

Commissioner Geise asked how this project might positively effect flooding in the future. Ms. McBroom stated that the project will pull the stream banks back and revegetate them which will allow flood waters to come up over the bank naturally and increase the flood plain capacity.

Commissioner Murray inquired about livestock water. There will be livestock watering gaps and additional fencing will be provided to allow certain areas for livestock water sources.

No public comment was received.

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

Request for Preliminary Approval for the Proposed Kamp A-1 Minor Subdivision and Variance Request (Applicant: Kamp Land Limited Partnership) (Planner: Greg McNally)

Greg McNally, Planner II, presented the 5-lot subdivision located north of Matt Staff Road and east of and adjacent to Spokane Creek Road. The proposed subdivision is 13.25 acres and will be divided into 5 lots, each for one single family dwelling. Lots will range in size from 2.51 to 2.76 acres and will be served by individual wells and wastewater treatment systems. The parcel is 280 acres in size but the subdivision will only encompass 13.25 acres. The remainder of the 266 acres will be exempt from subdivision review as it will be a tract of land larger than 160 acres. The access to the lots will be off of an internal road connecting to Spokane Creek Road and Matt Staff Road.

Greg stated there are 3 project issues that are related to the review: the impact on East Helena Schools, fire protection and the proposed road network.

Ron Whitmoyer, East Helena School Superintendent has commented that he is concerned about the financial impacts to the East Helena School District from the potential addition of 4 or more students from this subdivision. However, according to Montana statute, the Commission cannot deny a subdivision based solely on the impact to school facilities.

The applicant is proposing to use an off-site source for fire protection. The source is located in Wheat Ridge Estates Subdivision, which is adjacent to this subdivision. The owner of the fire protection system in Wheat Ridge Estates has verbally agreed to let the applicant connect to the existing fire protection system for a fee of \$25,000 plus the cost of the fire hydrant hook up. The applicant is proposing to bore under Spokane Creek Road and include a hydrant within this subdivision. This would be in compliance within current regulations.

Commissioner Geise asked if the verbal agreement for use of the fire protection system would be put in writing. Greg responded that it would be included in the proposed conditions of approval.

Commissioner Geise asked if the fire protection system storage tank would provide adequate water for the current subdivision as well as the two proposed subdivisions. Greg responded that it has been determined that it will provide adequate water.

The applicant has requested a variance from the requirement to maintain the fire protection system in an RID. The applicant is instead proposing to include the newly installed infrastructure in an RID while the existing storage tank and wells in Wheat Ridge Estates will remain privately owned and maintained.

Commissioner Hunthausen inquired how this subdivision and the proposed Kamp B-1 subdivision are impacted by the Supreme Court decision on water allocation and exempt wells. Greg stated that they will be impacted by that decision as they will be subjected to the rules as they have been established. DNRC has indicated that since the proposed subdivisions will be under the 10 acre feet combined appropriation they will be under the exempt status. DNRC did indicate that there would be a limit of .4 acres of lawn and garden irrigation available to each lot. As such, future property owners will be notified of this limitation.

PUBLIC COMMENT -

Jason Crawford, KLJ Engineering, speaking on behalf of the applicant, stated that with regards to the maintenance of the fire protection system, the current owner of that system pays all of the utility bills and maintains the system without any charge to the property owners. The Fire Department does do routine inspections on the system.

Sharon Burt, 5992 Matt Staff Road, expressed concern about water supply and potential septic contamination to the water aquifer. As a neighboring landowner she has noticed a decrease in water

supply from other subdivisions and worries that an additional subdivision will decrease that supply even more. She also has concerns regarding noxious weed problems.

Stephen Walks, 6055 Spokane Creek Road, commented that his well went dry this August so he has concerns about water supply. He feels there isn't enough water to supply water for an additional 5 to 10 lots.

Nancy Petrie, 6055 Spokane Creek Road, asked who pays for the water if their well goes dry.

Mr. Crawford stated that the applicant has worked with DNRC with regards to water requirements. They will limit the amount of water that will be pulled out of the wells to a combined 10 acre feet. He added that since the area is not an area of high groundwater, there should not be an issue of septic contamination.

Mr. Crawford stated that the reason for the proposed two minor subdivisions instead of one large subdivision is because there are two different parcels with two different owners.

Upon no further comment, Chairman Murray stated that the public hearing is now closed.

A motion was made by Commissioner Hunthausen to render a decision at the regularly scheduled meeting on Tuesday, October 4th and seconded by Commissioner Geise. The motion passed on a 3-0 vote.

Request for Preliminary Approval for the Proposed Kamp B-1 Minor Subdivision and Variance Request. (Applicant: John Kamp Revocable Trust) (Planner: Greg McNally)

Greg McNally, Planner II, presented the request for preliminary approval for the proposed Kamp B-1 Subdivision. Greg stated that this subdivision is very similar to the previous subdivision. The proposed subdivision is a 14.19 acre tract and will be divided into 5 lots, each with one single family dwelling. Lots will range in size from 2.79 acres to 2.88 acres and will be served by individual wells and individual wastewater treatment systems. Access to the lots will be off of a proposed road network connecting to Spokane Creek Road and Matt Staff Road.

The issues are the same as the Kamp A-1 subdivision. The applicant is proposing to use the same fire protection system as Kamp A-1 located in Wheat Ridge Estates. The hydrant for this subdivision would be located in Kamp A-1. The system will meet the requirements for both subdivisions.

The applicant is proposing to construct a road network connection Matt Staff Road to Spokane Creek Road through the proposed subdivision and the proposed Kamp A-1 Minor Subdivision.

This application also includes a variance request for the maintenance of the fire protection system and the RID. They are proposing to include the new infrastructure in an RID but because the system is privately owned, an RID cannot be formed for the maintenance of the existing system.

A motion was made by Commissioner Hunthausen to incorporate public comment from the proposed Kamp A-1 subdivision public hearing into the record for Kamp B-1 and seconded by Commissioner Geise. The motion passed on a 3-0 vote.

Upon no further comment, Chairman Murray stated that the public comment is now closed.

A motion was made by Commissioner Geise to render a decision at the regularly schedule October 4, 2016 public meeting and seconded by Commissioner Hunthausen. The motion passed on a 3-0 vote.

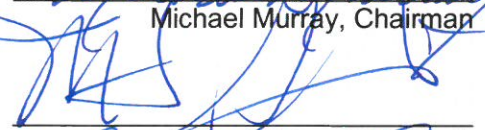
Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

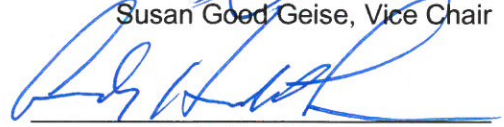
Adjourn

There is no further business, the meeting adjourned at 9:59 a.m.

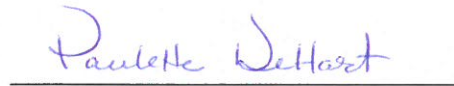
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael Murray, Chairman


Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST:


Paulette DeHart, Clerk of the Board