



## **PUBLIC MEETING**

November 5, 2015

### **MINUTES**

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, November 5, 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 was present. Commissioner Mike Murray was excused on County business. Others attending all or a portion of the meeting included Michele Peterson-Cook, K. Paul Stahl, Marni Bentley, Tammy Potter, Lindsay Morgan, Jason Crawford, Linnea Olsen, and Nichole Nisbet, Recording Secretary.

#### **Pledge of Allegiance**

Everyone recited the pledge.

#### **Consent Action Items**

- a. Vendor Claims Report for week ending November 6, 2015. (Marni Bentley)
- b. Public Meeting Minutes: October 6 and 20, 2015. (Nichole Nisbet)
- c. Resolution 2015-154 Ordering a Refund of Taxes/Fees/Assessments Paid by Donald & Glenda Van Daele in the Amount of \$11,316.57. (Cheryl Green)

Eric Bryson reported on the consent action items 2a-c 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 2-0 vote.

#### **Contract Between Lewis and Clark County Sheriff's Office and Bureau of Reclamation. (Tammy Potter)**

Tammy Potter, LCSO Finance Officer, presented the contract between Lewis and Clark County Sheriff's Office and the Bureau of Reclamation in the amount of \$191,558.40. The contract will provide law enforcement services to Canyon Ferry.

#### **PUBLIC COMMENT-**

Linnea Olsen, resident, asked for clarification on the contract and what it will provide.

Tammy Potter stated that the BoR contracts with the Sheriff's Office for law enforcement in the area. The contract covers salaries, use of the vehicles and costs associated.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

**Amended Plat of Lots 30, 32, 36, 41, and 60 - Broadwater Estates Subdivision. (tabled 10/27/15)**  
**(Applicant: Frank Gruber) (Planner: Lindsay A. Morgan)**

Lindsay Morgan, Planner II, presented the Amended Plat of Lots 30, 32, 36, 41 and 60 of Broadwater Estates Subdivision.

A motion was made by Commissioner Geise to grant conditional approval of the proposed amendment to the filed plat Lot 30 of the Broadwater Estates Subdivision subject to the conditions of approval as recommended by Staff and seconded by Commissioner Hunthausen.

Lindsay Morgan presented the findings of fact for the variance request to the amendment to plat to remove a portion of drainage easement on Lot 30.

Commissioner Geise stated there was extensive discussion in regards to the home being built into the easement and noted that builders should come look at the plat filed in the Clerk and Recorder's office prior to any building.

Commissioner Hunthausen noted the differences in drainage setbacks dependent of the year of subdivision regulations.

A motion was made by Commissioner Geise to approve the findings of fact as related to the variance request. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Commissioner Geise stated the Commission has reviewed the findings of fact on the variance request in regards to waterbody setbacks from large, ephemeral drainages, and stated that the granting of the variance will 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 not result if these regulations were enforced, the granting of the variance will not cause a substantial increase in public costs, the approval of the variance will not place the subdivision in non-conformance with any adopted zoning regulations or applicable, adopted plan.

Commissioner Geise requested that the criteria in Lot 30 be deemed read in further variances.

A motion was made by Commissioner Geise to adopt these findings of fact and after considering public comment and to adopt a conclusion that the requested variance complies with the four criteria for granting variances from the standards and requirements of the Subdivision Regulations and to approve the granting of the variance as outlined. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to add into the findings of fact that during major storm events, water from the cul-de-sac on Smallwood Court drains onto the southwest corner of Lot 30 where it abuts the road and although stormwater from the cul-de-sac on Smallwood Court drains onto Lot 30 during major storm events, the Broadwater Estates Subdivision receive DEQ approval of their stormwater drainage plan in 2006 and the proposed amendments to Lot 30 will not affect that aspect of the stormwater approval. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to approve the findings of fact as amended. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

The Chair restated the main motion to approve the amended plat of Lot 30 as amended including the variance request approval. The motion Passed on a 2-0 vote.

Lindsay Morgan presented the findings of fact for the amendment to the plat to remove and relocate a drainage easement on Lot 32 and expand on-site building envelope.

Commissioner Hunthausen noted the importance of DEQ reviewing and approving the plans.

A motion was made by Commissioner Geise to grant conditional approval of the proposed amendment to the filed plat Lot 32 of the Broadwater Estates Subdivision subject to the conditions of approval. The motion was seconded by Commissioner Hunthausen.

Commissioner Geise noted that the comments received by Mr. Adamek have been reviewed and considered by the Commission in regards to his accounts of never seeing water flowing on Lot 41 and his concerns about water flowing into Lot 30.

A motion was made by Commissioner Geise to that after reviewing the draft findings of fact on the natural environment and on public health and safety and after considering testimony at the public hearing, to approve the findings as submitted. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

Break/reconvene.

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact, and after considering testimony at the public hearing, to adopt a conclusion of law that the proposed subdivision will have adverse impacts on the natural environment and on public health and safety and those impacts can be mitigated through the conditions of approval. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

The Chair restated the main motion to approve the amended plat of Lot 32 as presented. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to grant conditional approval of the proposed amendment to the filed plat Lot 36 of the Broadwater Estates Subdivision subject to the conditions of approval. The motion was seconded by Commissioner Hunthausen.

Lindsay Morgan presented the findings of fact for the variance request to the amendment to plat to remove a portion of drainage easement on Lot 36 and expand on-site building envelope.

Commissioner Hunthausen stated that the drainage and stormwater plans have been previously approved by DEQ.

A motion was made by Commissioner Geise to approve the findings of fact as related to the variance request. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to adopt these findings of fact and after considering public comment and to adopt a conclusion that the requested variance complies with the four criteria for granting variances from the standards and requirements of the Subdivision Regulations and to approve the granting of the variance. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to accept the findings of fact as recommended by staff of the proposed amended plat of Lot 36 of Broadwater Estates Subdivision. The motion was seconded by Commissioner Hunthausen. The motion Passed on 2-0.

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact, and after considering testimony at the public hearing, to adopt a conclusion of law that the proposed subdivision will have adverse impacts on the natural environment and on public health and safety and those impacts can be mitigated through the conditions of approval. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

The Chair restated the main motion to approve the amended plat of Lot 36 as presented. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to grant conditional approval of the proposed amendment to the filed plat Lot 41 of the Broadwater Estates Subdivision subject to the conditions of approval. The motion was seconded by Commissioner Hunthausen.

Lindsay Morgan presented the findings of fact for the variance request to the amendment to plat to remove a portion of drainage easement on Lot 41.

A motion was made by Commissioner Geise to add to the findings of fact the discussion in regards to the mylar and the easements shown on the final plat. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to add to the findings of fact the public comment in regards to the drainage on Lot 41 and that water has not been seen on the Lot. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to approve the findings of fact as amended and as related to the variance request. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to adopt the findings of fact and after considering public comment and to adopt a conclusion that the requested variance complies with the four criteria for granting variances from the standards and requirements of the Subdivision Regulations and moved to approve the granting of the variance as outlined. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to accept the findings of fact as amended on the proposed amended plat of Lot 41 of Broadwater Estates Subdivision. The motion was seconded by Commissioner Hunthausen. The motion Passed on 2-0.

The motion on the table is to adopt a conclusion of law that the proposed subdivision will have adverse impacts on the natural environment and on public health and those impacts can be mitigated through the conditions of approval as outlined by staff. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to grant conditional approval of the proposed amendment to the filed plat Lot 60 of the Broadwater Estates Subdivision subject to the conditions of approval. The motion was seconded by Commissioner Hunthausen.

Lindsay Morgan presented the findings of fact for the variance request to the amendment to plat to remove a portion of drainage easement on Lot 60.

A motion was made by Commissioner Geise to add to the findings of fact Mr. Nistler's testimony in regards to Lot 60 and 38. The motion was seconded by Commissioner Hunthausen. The motion passed on a 2-0 vote.

A motion was made by Commissioner Geise to add to the findings of fact the letter submitted by the Dhane's in regards to the concerns of the culvert size not being adequate for water flow and the finding that DEQ had approved the size of the culvert with the overall plan. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to strike finding number 10. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to approve the findings of fact as amended and related to the variance request. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to adopt these findings of fact and after considering public comment and to adopt a conclusion that the requested variance complies with the four criteria for granting variances from the standards and requirements of the Subdivision Regulations and moved to approve the granting of the variance as outlined. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

A motion was made by Commissioner Geise to accept the findings of fact as amended of the proposed amended plat of Lot 60 of Broadwater Estates Subdivision. The motion was seconded by Commissioner Hunthausen. The motion Passed on 2-0.

A motion was made by Commissioner Geise that after reviewing the adopted findings of fact, and after considering testimony at the public hearing, to adopt a conclusion of law that the proposed subdivision will have adverse impacts on the natural environment and on public health and safety and those impacts can be mitigated through the conditions of approval. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 2-0 vote.

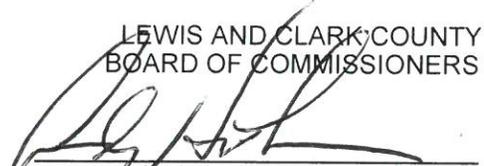
The Chair restated the main motion to approve the amended plat of Lot 60 as presented. The motion Passed on a 2-0 vote.

**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 10:20 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