

JULY 20, 2005

The Board of County Commissioners met for a regular session in Eureka with all members present: Chairman Marianne B. Roose, Members John Konzen, and Rita R. Windom, and Clerk of the Board Coral M. Cummings.

11:00 A.M. DOUG GREENSHIELDS: BRIDGE IN SUBDIVISION: Present were County Planner Ken Peterson, Doug Greenshields, Holly McKenzie and Gary Mason. Greenshields questioned why the county requires double lane bridges on a short span. Peterson said the county uses the Montana State Subdivision model on bridges. The county is getting more private bridges with subdivision development and with frequency of this development; the county needs to address this issue. Greenshields said he has a 65' span with turnouts and he can't see why a two lane bridge is required. Again, Peterson reiterated that was the State model. Greenshields was confused as to why the width is considered but the county requires no structure regulations, only bridge width. Peterson said that the State model referenced a 20' bridge but no structural standards. Greenshields asked if he put in a sub standard bridge and if it caves in would he be responsible, and can an engineer sign off on a railcar bridge? Peterson said that would be up to the engineer and that this is a new question. The county is looking at making changes. Currently a 3 lot minor subdivision would need 24' and we are looking at amending this. It makes sense to do so. Greenshields said he prefers to subdivide in larger pieces. Peterson said he would be reviewing this later this afternoon during the public hearing. Commissioner Konzen asked what happens if the large lot across the creek subdivides. Greenshields said he would put that on the plat that it would not be subdivided. Greenshields said he doesn't see why Lincoln County requires a double lane bridge when other counties don't. Chairman Roose explained that every county does things differently and that Lincoln County does pave its roads where most counties do not. Commissioner Roose said she has seen numerous changes since she became a commissioner and there will be more, as there is more subdividing. Greenshields said he does not want to see the property further subdivided. Commissioner Konzen asked Greenshields when he feels a two land bridge would be required. Greenshields said that 5 or 6 residences could use a single lane bridge and up to 10 to 20 would probably trigger a two-lane bridge. Mason felt the length of the bridge should determine this and visibility and access would also be important, but a single lane bridge could handle multi-users. Commissioner Konzen said the single lane bridge in Troy is historic, but if ever replaced a double lane bridge would be required. Commissioner Konzen said he understands the cost is astronomical for developers, but the county needs to develop subdivision regulations at this time. Greenshields said his plan is to do nothing at this time and restrict further development of the property. Greenshields said he would just like the Board to consider his input.

1:30 P.M. PUBLIC HEARING ON SUBDIVISION REGULATION AMENDMENTS: Present were County Planner Ken Peterson, Doug Greenshields, Gary Mason, Holly McKenzie, Constance See, Ginny Emerson, Ruth Kraus, Chuck Newman, Gayle Newman, John Carlson, Betty Holder, Ed Clinton, Don Truman, Connie Schreier, Tim R. White, Scott Rumble, Lloyd Bridges, Jamie Stark, Gilbert Cate Jr., Mike Workman, Mary McDowell, Johanna Brown, and Jerry Croshey. County Planner Ken Peterson opened the meeting by explaining each subdivision road change to the group. Workman asked about expansion of a current split (tract of record) into a major subdivision. Peterson explained that six lots out of a tract would mandate a major subdivision. Workman asked if the county is equipped to do major subdivisions and if Peterson has the time to do these. Peterson said it will take more time but he can do them. Workman asked if the process would be slower for a major subdivision. Peterson said this usually takes the allowed 60 days. Rumble asked if the developer would know when development triggers a major subdivision. Peterson said it is in the best interest of the developer to check with his office. Schreier stated that there is nothing that designates residential or commercial property. Peterson said the laws apply to land that is for sale. Workman had questions pertaining to the Bulletin No. 3 (Change primary and secondary road standards to "Subdivision Road Standards") and Peterson passed out more defined rules on this. Peterson explained requirements from the State. Rumble asked if multiple entrances could lower bridge requirements. Schreier asked if her roads cross other people's roads to a major subdivision, would the road be upgraded. Peterson said yes, it would be upgraded. Peterson said he feels this will be easier to tie into Forest Service requirements. Truman asked how does the county determine how many users are on the road. Peterson said he thinks that would be determined by the number of residences. Newman from Gateway Association asked if existing development would apply to them. Peterson said no, that he is looking at this going into effect in October, same as the State. The public questioned the bridge at Cook's Run Subdivision and Chairman Roose explained that the Board granted a variance on the bridge at Cook's Run. Peterson said the road standards are the same. Mason asked if the county is not giving a variance on 20 acres. Peterson said no, this has changed. If landowners were not going to build then there would be an exemption. If a structure is built there would be a health review. Mason asked if this would eliminate recreational facilities for people who want to build hunting or fishing cabins. Peterson said if you specify which lots will not be used for residential use, that he would have no problem. Workman asked is this would eliminate the 20-acre law. Peterson said if someone buys 20 acres and wants to subdivide, it will trigger these regulations, but covenants on 20-acre lots would stop subdivision. Dispute continued on cost of roads being a deterrent to subdividing. Peterson feels that higher use requirements should require a better road. Commissioner Konzen said easements are the biggest problem. Mason said he hates to see the 20-acre recreation property move into these requirements. Commissioner Konzen said that he has seen 5,000 acres in process going into 20-acre parcels and there should be some requirements to make that developer build the road. Croshey said that if a 20' road serves several 20-acre lots, and one person subdivides, at what point does the subdivision trigger development of the road. Workman said there are places where a 60' easement is not available, it would have to be purchased and this is not going to happen. Truman said he is closing the gate on 40' easements. Rumble asked if the road could keep a 40' easement with a 24' surface. Peterson thought that it would be possible. Peterson said the county has had some problems with court ordered plats that feels is an evasion and he is introducing limited uses of a court orders to circumvent this issue. It is not working the way it should and he wants to make sure it does work. Emerson asked what the procedure is now. Schreier asked if the public will be able to see the final plan and that she is interested in defining commercial vs. residential. Commissioner Konzen suggested the developers should have the engineer sign off on this. The Public Hearing was officially closed at 2:15.

ADMINISTRATIVE ISSUES:

- **FAIR BUDGET:** Present were Mike Cole and Lynette Starling. Cole submitted a check for FY 04-05 revenue from the Rodeo Association. The Fair Board is requesting a budget increase of \$11,165 as a new roof is needed on the building, also the Fair Board is building eight more corporate box seats in the bleachers, as these have sold well.
- **JEFF WEDEL/REFUND:** Wedel purchased a mobile home with an incorrect address and requested a refund. **MOTION** by Commissioner Konzen to approve Wedel's request of refund. Second by Commissioner Windom, so ordered upon consensus of the Board.
- **APS/LINCOLN COUNTY AGREEMENT: MOTION** by Commissioner Konzen to approve and sign agreement with APS Healthcare Northwest Inc. Second by Commissioner Windom and so ordered upon consensus of the Board.

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- **CHILD DEVELOPMENT CENTER (CDC): MOTION** by Commissioner Konzen to fund CDC up to \$3000 from fund #1000 General Fund. Second by Commissioner Windom, and so ordered upon consensus of the Board.
- **LETTER FROM PORT AUTHORITY:** The Board reviewed a letter from the Port Authority requesting another \$50,000 this year. The Board will take this issue under review.
- **LEGAL ADVERTISING BID: MOTION** by Commissioner Windom to award the Legal Advertising Bid to Tobacco Valley News. Second by Commissioner Konzen and so ordered upon consensus of the Board. The Western News and Tobacco Valley News were the only bidders.
- **DISCUSSION ON THE LIBRARY ROOF:** The Board of Commissioners will review this with the Library Board at its scheduled budget meeting.
- **JUVENILE PROBATION FUND:** Clerk & Recorder Coral M. Cummings will draw up a resolution to transfer money for 2875 Juvenile Probation Fund.

BOARD APPROVED CERTIFICATES OF SURVEY & PLATS FOR RECORDING:

- 1) C. of S. in Sec. 33, T35N, R26W for Burgess.
- 2) C. of S. in Sec. 25, T36N, R27W for Gwynn.
- 3) A Plat of Cedar Cays Subdivision in Sec. 17, T29N, R33W for Potter.
- 4) A Plat of Peaceful Acres Subdivision in Sec. 9, T35N, R27W for Roose.
- 5) A Plat of Cooks Run III in Sec. 19, T35N, R27W for Persson/Keller.

Routine business completed the day and the Board adjourned at 4:00 p.m.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Marianne B. Roose, Chairman of the Board

ATTEST: _____
Coral M. Cummings, Clerk of the Board