

OCTOBER 2, 2006

**PUBLIC HEARING ON SUBDIVISION REGULATIONS**

Present were County Planner Mary Klinkam, Jerry Croskrey, Bill Connelly, Tim Rooney, Rick Vredenburg, Joe Purdy, Aubyn Curtiss, Ralph Heinert, Jon Presnell, Sam Shupe, Scott Rumble, Gilbert Cate, Barb Renkema, Heidi Renkema, Dawn Marquardt, Debbie Shoemaker, Jay Squire, John Peterson, Byron Sanderson, Johua Morrison, Mark Pitman, Bob Stavffer, Marc Uechil, Desual Stewart, Jim Hirst, Don Truman, Rick Eldred, Gwen Backs, Tom Grabinski, Lynn Yamak, Carl J. Leggins, Hank LaSalle, and Joe Kelly.

The Public Hearing was opened by Chairman Roose. County Planner Mary Klinkam conducted the hearing with a history of the Planning Board's formation, training and work being done by the Planning Board. The Planning Board has come up with model regulations for Lincoln County. Klinkam turned the meeting over to Carl Leggins on behalf of the Planning Board.

Klinkam opened the floor to public comments and explained some of the changes, stating some are mandated by state law. Some management policies included the review requirements and period and procedures. The document does not have major changes but rather clarifies the county regulations and procedures for review. Klinkam said the County Commissioners are charged by law to make sure procedures are carried out. Klinkam asked the group for any questions.

Connelley asked if the bolded type within the proposed regulation booklet is new changes. Klinkam said yes, the majority is state, but there are some references that need to be corrected. Connelly asked how the public is to decipher this. Klinkam said it will be difficult for the general public. Klinkam said there is more emphasis on the requirements. Connelley wanted to know how many people are on the Planning Board. Klinkam said there are nine people on this Board, 2 from Libby, 2 from Troy, 2 from Eureka, 2 at large and 1 person from the Soil Conservation which is required by law.

Purdy asked if there were any public meetings. Klinkam said meetings were posted and the Planning Meetings are public in themselves. Peterson questioned the word "remainder" and said the state definition is different. The state shows a remainder as "Lot# plus remainder Lot #". Klinkam said it simply identifies the remainder.

Tom Grabinski, representing the Forest Service said the F.S. is not a public agency in terms of roads and recommends deleting out of it.

Public Concerns:

Page 13: It does not say the changes are in bold.

Page 18: Preliminary plat approval before encroachment permits can be attained from DOT.

Page 26: Five working days of receiving the amended application or preliminary plat.

Page 16 II B-1: Other counties allow filing out of sequential order.

Page 29 IV-A-1: Subdivision Application & Preliminary Plat Submittal

Page 30 IV-A-3: Public Hearing and Notices needs to be clarified.

Page 32 IV-A-5: Commissioner Konzen was confused on wording.

Page 52: Montana State Road Standards

Page 54: Proposed road plans and attaining approval.

Page 56: Road Design Standards for Subdivisions – Questioned 26' road width.

Page 64 VI-R: High Fire Risk needs to be clearly defined.

Page 75: Fees are too high.

Dawn Marquardt said she sent a letter requesting a copy of the Proposed Subdivision Regulations and has questions pertaining to the appendix. Klinkam said only one appendix will be the ARMS (9 pages), labeled Appendix "A". Anything else will not be a part of the regulations.

Marquardt said another public hearing is needed. No where in State Law is a remainder required to be surveyed. This is spelled out. Marquardt said she is concerned there are no time limits on the subdivision review, land survey or to certify a preliminary plat. There is no reason for this and her insurance company would question this. Marquardt said she is disappointed there is no more public input on the proposed regulations.

Lasalle asked if comments are all verbal or written. Chairman Roose feels with all this concern on these issues, it would be best to have written comments.

Hirst feels the proposed regulations may be discriminating against old times and would hate to see the 60' easement requirement. Roads have to be safe, but feel the 60' & 26' are a lot of ground. Hirst wanted to know why naming a road is such a big deal. Grabinski questioned utility easements on Federal land being granted to the utility company.

Curtiss asked if there is any intention of implementing any of the supplements. Klinkam said "no", supplements were part of the old subdivision regulations.

Truman felt there was adequate access with a 40' road. Truman said roads have been built to county standards, and feels these width's could be adjusted according to the terrain. People like

to name roads after an individual, honoring their past. This proposed regulation denies folks the right to do this.

There is nothing new with water rights. The regulations state clearly what is required.

Leggins asked for another meeting to be scheduled in Eureka. Rumble agreed and says there are at least 20 people who would like to have been there.

Truman said all that needs to be done is build safe roads, the size does not matter.

Commissioner Konzen said the Planning Board should review what has been said here and he has not talked to anyone who is going to 20' roads/easements. Schwartz said when utilities are being put in, more space is needed. Commissioner Konzen explained subsequent divisions.

The group discussed "grandfathering". Some roads need more than 60', some less. Klinkam said that is why variances are allowed. Marquardt said she doubts she would get a variance, it would not be granted.

Parnell said Lincoln County may have a good planner, but there could be a new one who will read these regulations differently. Curtiss said some places refer to other agencies, this should be defined, and water rights identified.

### **OCTOBER 2, 2006 PUBLIC HEARING CONTINUED**

Schwartz Engineering – We would like you to take time to resolve all these issues and review it again.

Chairman Roose said the fees are being assessed, and asked Leggins to share thoughts on this process. Leggins felt this would not be a problem for larger developers. Chairman Roose said she attended a planning meeting and the average time was 60 hours. The fees are \$300, or \$5 per hour. It was questioned what happens to the money generated from these fees.

Leggins said the hearing will be continued on October 10, in the Lincoln County High School Auditorium at 5:30 p.m.

Hearing adjourned

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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**the Board**

**ATTEST:** \_\_\_\_\_

**Coral M. Cummings, Clerk & Recorder**

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**Marianne B. Roose, Chairman of**