

COMMISSIONERS APPROVAL

FOSS 

KANENWISHER

CHILCOTT 

IMAN 

STOLTZ 

Members Present.....Commissioner Suzy Foss, Commissioner Matt Kanenwisher, Commissioner Greg Chilcott, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....May 3, 2012

► Minutes: Glenda Wiles

► The Board held a public hearing for a Request for Commission Action on the Victor Mercantile Subdivision at 9:05 a.m.. Present at this meeting was Planning Administrator Terry Nelson, Planner Kevin Waller, Real Estate Agent Chris Miller and the Developers Agent/Surveyor Steve Powell.

The hearing was called to order by Chair Foss with a Pledge of Allegiance and introductions.

Kevin presented a power point presentation. (The Request for Commission Action is attached which includes portions of the Power Point Presentation).

**Public Comment:**

None

**Developers Agent Presentation:**

Steve Powell stated given the lack of habitat on this lot he felt it would make sense to remove the 'Living with Wildlife' paragraph on page 3. In regard to a Fire District contribution he noted this business has been there since 1998 and considerable contributions have been made by the business which should be considered in this approval. He also noted all of the utilities are connected.

**Board Deliberation:**

Commissioner Iman addressed Page 9 for easements, physical and legal access noting there is a drive through coffee shop that utilizes both lots and asked the developers agent if the two separate business owners had (or have) a common use of the parking lot by agreement in order to avoid future problems. Steve stated the easements are on the north and west side and agreed that is a valid consideration. Chris concurred.

**The Board then addressed the Compliance with Prerequisites to Approval/Findings of Fact as follows:**

A. Provide easements for the location and installation of any planned utilities (page 9). Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel (page 9). Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section 3-4-2 of these regulations (page 9/10). Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred. Terry noted they have requested to not obtain the utility certifications. He is unsure if they are able to do this and it could be they might need a waiver or variance procedure as the regulations require it.

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted (page 10). Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred.

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted (page 10). Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable (page 11) Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred

**The Board then addressed Compliance with Applicable Regulations/Findings of Fact (page 11- 12) as follows:**

A. Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred.

B. Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred.

C. Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred.

D. Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred.

E. Commissioner Kanenwisher stated the findings of fact are correct and in compliance. The Board concurred.

**Commissioner Kanenwisher made a motion to accept the conclusions of law under the Prerequisites to Approval and Findings of Fact A - F as presented today. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

**Commissioner Kanenwisher made a motion to accept the conclusion of law under the Compliance with Applicable Regulations and Findings of Fact A- D as presented today. Commissioner Iman seconded the motion and all voted "aye". (5-0)**

**Under Criterion 1 - Effects on Agriculture (page 12)**

Findings of Fact 1-6: Commissioner Kanenwisher stated the findings are correct and the Board concurred on acceptance.

**Under Criterion 2 - Effects on Agriculture (page 13)**

Findings of Fact 1-2: Commissioner Kanenwisher stated the findings are correct and the Board concurred on acceptance.

**Under Criterion 3 - Effects on Local Services (Fire District):**

Commissioner Kanenwisher noted there is no new impact as the businesses are existing. Commissioner Chilcott asked if there was an offer from the developer. Terry stated \$900.00 is what the fire department requested on new subdivision lots. Commissioner Chilcott suggested they accept numbers 1-6 (under Fire District (page 13). The Board concurred.

**Under Criterion 3 - Effects on Local Services (School District):** Commissioner Kanenwisher stated the findings of fact are correct 7-9. The Board concurred.

**Under Criterion 3 - Effects on Local Services - (Public Safety Services):** Commissioner Kanenwisher stated the findings of fact are correct 10-12. The Board concurred.

**Under Criterion 3 - Effects on Local Services ( Emergency Services - Roads, Water - Solid Waste & Postal):** Commissioner Kanenwisher stated the findings of fact are correct 13-21. The Board concurred.

**Under Criterion 3 - Effects on Local Services (Utilities):** Commissioner Kanenwisher stated the findings of fact are correct #22-25. The Board concurred.

**Commissioner Kanenwisher made a motion to accept the Overall Conclusions of Law based on the findings of fact and conclusion of law, and subject to the conditions and requirements of final plat approval, potential significant adverse impacts of the subdivision**

**on local services will be sufficiently mitigated. (Page 15 - 13 (1)) Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

**Commissioner Kanenwisher made a motion to accept the Conclusions of Law under Criterion #1 (page 12) stating there are no impacts to agriculture, therefore no mitigation is necessary. Commissioner Iman seconded the motion and all voted "aye". (5-0).**

**Commissioner Kanenwisher made a motion to accept the Conclusion of Law under Criterion #2 (page 13 #3) stating with the conditions of approval and requirements for filing the final plat, potentially significant adverse impacts of the subdivision on agricultural water user facilities will be sufficiently mitigated. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

**Commissioner Kanenwisher noted he finds no additional impacts, as these are existing businesses (page 15) for review of impacts on local services. Therefore Commissioner Kanenwisher made a motion to strike condition #5 on page 5 that would require the \$900.00 contribution. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

**Commissioner Kanenwisher also made a motion to accept the Conclusions of Law that the subdivision proposal has been reviewed for its impacts on local services as noted above (page 15). Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

**Commissioner Kanenwisher made a motion to accept # 4, 5, 6, Conclusions of Law and that any adverse significant impact to school district will be sufficiently mitigated (page 15). Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

**Commissioner Kanenwisher made a motion to accept #7, 8, 9, 10, 11, 12 and that any adverse impact will be sufficiently mitigated (pages 15 & 16). Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

**Commissioner Chilcott made a motion to accept the Overall Local Services Conclusions(#13 on page 16). Commissioner Kanenwisher seconded the motion and all voted "aye". (5-0)**

**Under Criterion #4 Effects on Natural Environment (pages 16 - 17):**

**Commissioner Kanenwisher made a motion to accept the findings of fact 1-12. Commissioner Chilcott seconded the motion and all voted "aye" (5-0)**

**Commissioner Kanenwisher made a motion to accept the Overall Natural Environment Conclusion based on the findings of fact and conclusion of law, and subject to the conditions and requirements of final plat approval, potentially significant adverse impacts of the subdivision on the natural environment will be sufficiently mitigated #5 page 17. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

**Under Criterion 5 - Effects on Wildlife (pages 17 & 18):**

Discussion included findings of fact #1, It was noted this is an urban setting and the "living With Wildlife" (page 3) is not applicable. **Commissioner Kanenwisher proposed they add the findings of fact to Criterion #5 (page 17) that this lot is an urban setting next to a four lane highway and none of those species have been identified, and to remove the wildlife covenants. The Board concurred.**

**Commissioner Kanenwisher made a motion to strike the "Living with Wildlife" on page 3. Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

Commissioner Kanenwisher stated he finds the Findings of Facts 1-5 under Criterion #5 to be correct. The Board concurred.

**Commissioner Kanenwisher made a motion to strike #2 under Conclusions of Law (page 17) under Criterion #5. Commissioner Iman seconded the motion and all voted "aye". (5-0)**

**Commissioner Chilcott made a motion under the Overall Wildlife Conclusion that based on the findings within the Sensitive Species Report Waiver and the recommended mitigating conditions of approval, potentially significant adverse impacts of the subdivision on wildlife will be sufficiently mitigated (page 18). Commissioner Iman seconded the motion and all voted "aye". (5-0)**

**Under Criterion #6 - Effects on Wildlife Habitat (page 18):**

Commissioner Kanenwisher stated he accepts the Findings of Fact 1-4 (page 18). The Board concurred.

**Commissioner Kanenwisher made a motion that the Overall Wildlife Habitat Conclusion based on the findings within the Sensitive Species report Waiver and the recommended mitigating conditions of approval, potentially significant adverse impacts of the subdivision on wildlife habitat will be sufficiently mitigated (page 18). Commissioner Iman seconded the motion and all voted "aye". (5-0)**

**Under Criterion #7 - Effects on Public Health and Safety (page 18 & 19):**

Commissioner Kanenwisher stated he accepts the Findings of Fact 1-6. The Board concurred.

**Commissioner Kanenwisher made a motion to accept the Overall Public Health and Safety Conclusion (#7 - Page 19). Commissioner Chilcott seconded the motion and all voted "aye". (5-0)**

**Commissioner Chilcott made a motion that the Victor Mercantile Minor Subdivision be approved based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. Commissioner Kanenwisher seconded the motion. Discussion: Commissioner Kanenwisher stated this subdivision has no impact as the development has been there for quite some time and the criterion issues have already been addressed. Commissioner Chilcott seconded and all voted "aye". (5-0)**

► In other business the Board met at 11:30 a.m. for a discussion and possible decision concerning a support letter for Fish Wildlife & Park's proposed lion hunting season changes.

Commissioner Chilcott indicated he met with Tony Jones and Craig Jordanians for an update on their proposal. That discussion include information on the special draw permit during the early season, then actual permits in order to meet the quota. The reason for this is that 50% of upper valley calf herd was killed by lion, so the idea is to reduce the population of mountain lions. The proposal is to increase the kill of three females to seven. The opponents perspective to this proposal is that no cats will be left. It was noted that historically between 2004-2006 Ravalli County is below our harvest levels. Some hounds men also oppose this proposal. Tony and Craig would like a letter of support and a copy of the predator policy. **Commissioner Chilcott made a motion to write a letter of support for the special draw permits for lions and attach the predator control policy. Commissioner Kanenwisher seconded the motion.**

Public Comment: A citizen asked what the other 50% kill was due to? Commissioner Foss indicated it was bear & wolves.

**All voted "aye".(5-0)**

► The Board met at 1:30 p.m. to discuss the Speed Limits on county maintained roads. Present was Planning Administrator Terry Nelson and Planner Kevin Waller who presented a draft procedure which would be available for use by a county citizen in order to change speed limits. The Montana Statute does not address this process. (See attached draft). Commissioner Kanenwisher was not present for this meeting. The Board addressed the petition process, number of citizens who must sign the petition as well as the number who are affected by the action, whether a public meeting or hearing should be held, a physical posting of potential speed limit changes and to change the speed limit by resolution rather than by ordinance.

Public comment: Alan Gates of N. Kootenai Creek Road stated three years ago he attempted to have N. Kootenai Creek Road paved. He submitted a report to the Commissioners on the road which included a petition for speed limit signed by 70% of the residents. He is hopeful the Commissioners will move forward on this report and petition previously submitted.

Terry will change the draft to reflect the Commissioners comments, and send it to the Road Administrator for his comments. Another meeting will be held to formalize the policy.

► The Board met at 2:00 p.m. for a decision on an extension request of the North Park, Bonanza Lands No. 2 Subdivision and to make a decision on the implementation of the subdivision regulations from May 14th to June 4th.

- Request for Commission Action - Extension Request for North Park, Bonanza Lands No. 2 AP 612127 (See attached): **Commissioner Iman made a motion to grant a three-year extension to the preliminary plat approval for the North Park, Bonanza Lands No. 2 Subdivision based on the findings of fact that the Ravalli County Subdivision Regulations allows the Commissioners the authority to grant an extension and House Bill 522 gives the Commissioners the authority to grant unlimited number and duration of preliminary plat approval. Commissioner Chilcott seconded the motion and all voted "aye". (4-0).**
- Decision to implement Subdivision Regulations on June 4th rather than May 14th: Planning Administrator Terry Nelson indicated this additional time is needed for the implementation of the new regulations in regard to the additional structure changes because both Planning and Environmental Health has been working with the County Attorney's Office in order to set an administrative procedure process as well as the need for a public hearing in order to increase and establish fees. **Commissioner Chilcott made a motion to reconsider the Commissioners previous motion on April 19, 2012 in order to change the date of implementation from May 14th to June 4th. This motion died for lack of second. Commissioner Iman made a motion to extend the effective date of implementation from May 14 to June 4, 2012. Commissioner Chilcott seconded the motion and all voted "aye". (4-0).**

► The Board met at the City of Hamilton Public Works Department on New York Avenue to discuss and make a possible decision with the City of Hamilton relative to the parking plan for the fairgrounds. Present at this meeting was City of Hamilton Personnel Keith Smith, Dennis Stranger, Land Hanson and Mayor Jerry Steel. Fair Manager Deborah Rogala and Fair Commission Member RAN Pigman was also present. Discussion included the recent letters (April 3, and May 2, 2012) from the City as well as the County's response of April 26, 2012. The Board reiterated they had not submitted any plans yet because they were still in the process of developing a plan. The City indicated they wrote the April 3rd letter based on the plans they reviewed and expressed their concerns about the lack of manholes for drainage and the appropriate number of parking spaces. The County noted it was not a plan by an engineer just their conception of how it might look with the parking issues being of high concern.

The issue of trading parking space was discussed as well as the offsite parking across the street being able to qualify as off street parking. The City indicated those spaces would qualify as off street parking. The County expressed concerns of curbing along Fairgrounds Road which could be a hazard particularly during the fair. Discussion included asking for a variance which was not received well by City Personnel, as well the noting that any change in the number of parking spaces would have to go back to the Zoning Board of Adjustments. The City agreed the County could amend the conditional use requirement or ask for a longer time frame in order to develop a conceptual plan as the engineer contracted by the County will know the design standard requirements.