

**SUBDIVISION MEETING**  
**February 21, 2002**

Chairman Mike Murray called the meeting to order at 10:00 a.m. Commissioners Loendorf and Varone were present. Others attending all or a portion of the meeting included Sharon Haugen, John Harrington, Ron Alles, K. Paul Stahl, Frank Rives, Jerry Grebenc, Dan Ryan, Tom and Treva DeBaun, Chick Rolling, Jim Batley, Rose Mary Martin, Bev Miller, Robert Johnson, Ed Martin, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Reconsideration of a Proposed Subdivision, Summary Review to be Known as Richland Towers No. 1 Minor. (cont. from 1/22/02) The applicant proposes to create one space for lease for a communication tower site (100 feet by 100 feet). The tract would be developed with one space for lease for a 250 foot tall, self-supported communication tower and telecommunication shelters, which are similar to phone and electric utility boxes. A six-foot high, chain link security fence would enclose the lease space. The parcel is currently developed with an RV park, but the proposed lease site is an open field. No services, other than electrical services would be required for this development. Access to the lot would be from Lincoln road connecting to an unnamed access road adjacent to the Lincoln Road RV Park. There is no parkland requirement for this proposal. The proposal is generally located north of Lincoln Road, west of North Montana Avenue and east of Lincoln Road RV Park.

Commissioner Murray opened the public hearing.

Chick Rolling, Box 9716, Helena. Mr. Rolling stated he has not seen or heard any comments about the location of the tower and the proximity to the school, which might threaten the health, safety, and welfare of school children.

Hearing no other comments, the public hearing is closed.

Commissioner Loendorf moved to deny the proposed tower. The motion died for the lack of a second.

Commissioner Varone moved to approve the cell tower proposal subject to 11 conditions as recommended by staff because there is no legal basis to deny it. Commissioner Murray seconded the motion. Commissioner Loendorf discussed her reasons for denying this tower proposal.

Commissioner Loendorf moved to add a condition of approval to cell tower 1 requiring bond or removal of the tower when it is no longer in use. Commissioner Varone seconded the motion and it carried unanimously.

Deputy County Attorney Stahl stated he does not know what authority the county has to require a bond. Commissioner Murray stated that a similar condition was added in the

approval of Richland Towers #2 in Wolf Creek Canyon, which required a bond or removal of the tower when it is no longer in use.

Commissioner Loendorf moved to add another condition of approval to provide carrier space on the cell tower for use by county emergency and safety service providers. Commissioner Varone seconded the motion and it carried unanimously.

Commissioner Varone moved to modify condition 3 to read: Prior to construction of the leased space, the applicant shall submit to the county planning Department copies of all required and approved State of Montana, Federal Aeronautic Administration and Federal Communication Commission permits for the proposal. Commissioner Loendorf seconded the motion and it carried unanimously.

Without objection, the Commissioners entered into the record comments from Darlene Jatkowski dated February 19, 2002.

Hearing no other comments, Commissioner Murray moved to approve cell tower #1 subject to the conditions as amended. Commissioner Varone seconded the motion and it carried 2-1. Commissioner Loendorf opposed the motion.

Reconsideration of a Proposed Subdivision, Summary Review to be Known as Richland Towers No. 4 Minor Subdivision (cont. from 01/22/02) The applicant, Richland Towers, proposes to create a space for lease for construction of a 190-foot tall self-supported cellular communication tower. Improvements within the lease space would consist of four 12-foot by 20-foot "telecom shelters and one 8-foot by 12-foot "telecom shelter." The telecom shelters would be similar in nature to utility boxes such as those for electrical and telephone and would be approximately 4-feet in height. The lease space will be enclosed by a six-foot high, chain link security fence. Access to the lease space is proposed to be from the existing access road from the Dearborn River Road. There is no parkland requirement for this proposal. The subject property is located on Lot 4, Block 2, of the Mid Canon Heights Subdivision No. 2 and is in the NW1/4 of Section 19, T16N, R2W; generally located north of Interstate 15 and south and adjacent to the Dearborn River Road and is the site of the Dearborn Fire Station.

Without objection, the Commissioners entered into the public record comments received since the last public meeting.

Dan Ryan, Eagle Rock Drive, Cascade, MT, stated he distributed reading material yesterday for the Commissioners to review and included Aesthetic Community Character and Law, information on historical and cultural significance, A Local Guide To the Telecommunications Act of 1996 sponsored by MACo implementing the new telecommunication law, Local Officials Guide To Siting Cellular Towers, and a case involving the Spokane County Commissioners regarding their moratorium, and an article from the Billings Gazette dated January 29<sup>th</sup>. Mr. Ryan believes there can be an ordinance enacted to cover the siting of cell towers or any other high tech product without going through a county wide zoning process. The Dearborn Fire Department

should give a little more consideration to their site. Mr. Ryan urged the commission to deny cell tower #4.

Ed Martin, 48 Dearborn River Road, Cascade MT. Mr. Martin has been in contact with people from the Sierra Club, Lewis and Clark Trail Foundation, and Stephanie Ambrose Tubbs, who sent the Commission letters regarding the tower. Their letters support Professor Bergantino's historic findings of Lewis and Clark's campsite, which is located near the firehouse. He urged the Commissioners to consider denying the tower.

Chick Rolling asked if the county has any authority to deal with the issue if the tower were to go un-leased for an extended period of time to make it inoperable or ineffective? Mr. Rolling continues to oppose this tower proposal.

Hearing no other comments, the public hearing is closed.

The Commission recessed and reconvened at 10:55 a.m.

In closing, Dan Ryan stated the lease agreement refers to an emergency facility location on the tower as long as it does not interfere with any of their signals.

Jim Batley, 30 Eagle Rock Circle, Cascade, MT, stated as a matter of record that all those present in the back of the room are opposed to the construction of the tower at Dearborn Gulch near the fire company, based the historical and aesthetic ramifications.

Hearing no other comments, the public hearing is closed.

Commissioner Varone noted that this Commission supports cell towers, recognizing there are no regulations in place. However, after reading about the historic value of the area by Prof. Bergantino and others, Commissioner Varone moved to delete Findings and Conclusion 6.a and replace it with the language, Based on significant information provided by nationally recognized historical scientists and others during the public hearing process cultural and historical resources were identified within plus or minus one tenth of a mile from the site. Commissioner Loendorf seconded and the motion carried and it unanimously.

Commissioner Varone moved to modify Finding and Conclusion 6.b to read, The potential for such resources is extremely high due to the distance of the sight from historic travel routes, campsite, and Missouri River. Commissioner Loendorf seconded the motion and it carried unanimously.

Commissioner Varone moved that Conclusion 6 should read, This proposal would have significant adverse effects on cultural and historic resources. Commissioner Loendorf seconded the motion and it carried unanimously.

Commissioner Varone moved to deny the proposal based on the new scientific and historical cultural information received. Commissioner Loendorf seconded the motion.

The motion to deny the tower proposal based on the findings of fact and conclusions of laws as amended carried unanimously.

The Commissioners agreed to appoint a committee to review communication tower regulations.

There was no other business and the meeting adjourned at 11:24 a.m.