

**SUBDIVISION MEETING
December 23, 2004**

Commissioner Murray called the meeting to order at 9:04 a.m.

Commissioner Tinsley and Commissioner Varone are present. Others attending all or a portion of the meeting include Cheryl Green, Jerry Grebnec, Bob Holar, Julie Dolan, Dean Retz, Pam Bailey, Dave Mason, Jerry Shepherd, Mike Hughes, Elaine Marcinek, Jim More, Jason Mohr, M.S. Kakuk, Laura Erikson, Mary Clark, Chris Arlord, and Carrie Severson.

Pledge of Allegiance. Everyone recited the pledge.

Resolution Ordering a Refund of Taxes Paid.

Cheryl Green presented the resolution, stating that Linda Haskins, of Lincoln, was granted a refund in 2003 on her landfill fee, however was delinquent on her taxes and not eligible for a refund at that time. She is now current with her tax payments and requesting a refund at this time in the amount of \$135. The Lincoln Solid Waste District has approved the refund contingent upon the taxes being current. Commissioner Tinsley moved to approve the refund. Commissioner Varone seconded and it passed unanimously.

Independent Contractor Contract.

This agenda item has been pulled for further revision.

Highway Easement Deed, York Road Highway 280, MT PFH 29-1(1).

Ron Alles presented the easement deed as a transfer of property by York to Lewis and Clark County then to homeowners. This exchange of deeds has been a four-year and staff is seeking a conclusion in February when the property will be transferred to the homeowners. Staff recommends approval. Commissioner Varone moved approve, Commissioner Tinsley Seconded and the motion passed unanimously.

Proposed County Subdivision Regulations.

Commissioner Tinsley moved to approve the proposed County Subdivision Regulations. Commissioner Murray seconded.

Commissioner Tinsley clarified changes, modifications and the proposed regulations in general.

Commissioner Murray stated that the Commission feels that the regulations are in the best interest of the county.

Commissioner Murray thanked the public for taking time to participate, and that this process started in 1999. The Commission has defined affordable housing as 1/3 of a family's income. Commissioner Murray strongly encourages people meeting with their neighbors, but does not feel that it should be a regulation. He also stated that 'no where in the document does the Commission require Department of Environmental Quality certification.' The document does require substantial evidence of compliance, not certification of water and septic Department of Environmental Quality rules.

Commissioner Murray suggested a review of this document for legislative changes in May and June 2005, and that every two years, the subdivision regulations be opened and changed where necessary.

Commissioner Tinsley stated that the variance language is not open-ended, and that any Commission must show findings of fact or conclusions of law in order to deny a subdivision. The Board will not deny subdivisions based on opinion.

Commissioner Varone stated her gratitude for community involvement. She also stated that the change would only be made through the commission and by the composure of the commission.

A window for correction of technical aspects of the document will be finished on February 1, 2005.

The motion passed 2-1, Commissioner Varone did not vote in favor to the motion.

Commissioner Tinsley made a motion to direct staff to implement a cost of community services study as budgeted in fiscal year 2004, and the study will include a cost of community service analysis including analysis of impact costs on fire service. Commissioner Varone seconded and the motion passed

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unanimously.

Commissioner Tinsley motioned that the new subdivision regulations become effective on February 1, 2005 and authorize chair to sign. Commissioner Murray seconded and it passed 2-1. Commissioner Varone voted in opposition to the motion, and stated that she will abide by the new regulations in a legal matter upon the effective date.

Public comments on items not mentioned above. None.

There was no other business and the meeting adjourned at 9:40 a.m.

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