

CASCADE COUNTY COMMISSION SPECIAL MEETING

Courthouse Annex- Room 111
(406) 454-6810 Phone, (406) 454-6945 Fax

Tuesday – July 31, 2012 – 9:30 AM

Attendees;

Madam Chair Weber, Commissioners Briggs & Salina, Tristan Riddell, Bonnie Fogerty, Brian Clifton, Rina Fontana Moore & Brian Hopkins.

Attendees in Audience:

Paul Fischer, Rickey Linafelter, Sheila Rice, Jeff Jordan, Frank Tuss, Monte Marzetta, Lee J. Slemberger, Pat Marzetta, Joanie Carl, Ken Tiefema, Bernard Baune, Nora Tietema, Karl Puckett, Tom Martin, Lin Martin, John Watts, Walter Luby & Debbie Thomas.

AGENDA:

1. Motion to Approve/Disapprove

Preliminary Plat of the Copper Basin Major Subdivision.

Madam Chair Weber asked Tristan Riddell to give a quick summation about the project.

Tristan Riddell, of the Cascade County Planning Department, mentioned that there had been 23 recommended conditions of approval. Conditions 4 & 5, having to do with the park had been amended along with condition 23 which concerned the additional land that would go to the fire district. Condition 20 was struck from the records. He noted that he had done some research on the wetland 404 permitting and that this project falls under circa and the permitting is not required. Tristan stated that 15 individuals had spoken at the last meeting, 2 for the project and 13 against. He said that their main concerns were centered around drainage, wildlife, roads, curbs & gutters.

Commissioner Salina also mentioned that the comments had centered around the drainage, wildlife, roads, curbs & gutters. He additionally inquired about the MS4 permit and if it had been taken care of.

Tristan Riddell said that the MS4 permit is not necessary in areas that have over 10,000 citizens. The MS4 includes the development and implementation of Best Management Practices (BMPs) and measurable goals for the following six "minimum control measures":

1. Public education and outreach on storm water impacts;
2. Public involvement/participation;
3. Illicit discharge detection and elimination;
4. Construction site storm water runoff control;
5. Post-construction storm water management in new development and redevelopment; and,
6. Pollution prevention and good housekeeping for municipal operations.

Tristan said that they would need a general discharge permit which is required by the state.

Madam Chair Weber asked if perhaps it wasn't volume, but rather rate.

Commissioner Briggs stated that the first step is to get control of the volumes and then the discharge.

Madam Chair Weber asked if the storm water was regulated by the MS4?

Tristan Riddell said that yes, it included in DEQ8. There will be no on-site treatment.

Madam Chair Weber also inquired about the species of concern, the ferruginous hawk and the spotted skunk.

Tristan Riddell said that he had been in contact with FW&P and Montana Heritage. He could not find the western spotted skunk as a species on concern during his on-line research, but it did lead to a conversation with Graham Taylor of FW&P. Graham Taylor said that it is highly unlikely that there is a western spotted skunk in this area and he also doubted that the ferruginous hawk had a habitat in this area either. Tristan Riddell noted that FW&P does have jurisdictional control in this area and would have provided dialogue if there were any concerns.

Madam Chair Weber also mentioned the off-site culvert, the one adjacent to Colorado Avenue. She noted that the Ruckmans had been kind enough to take her to look at the area, but also made it clear that the culvert was off-site.

Tristan Riddell explained that the developers look at the on-site situation first, then off-site as is impacted by the development. The DEQ review requires that water flow at the same rate as prior to a project and must be approved by the DEQ. There must be no negative impact by a project. The DEQ will rule after the subdivision receives preliminary approval from the commission.

Madam Chair Weber asked if the taxes garnered from this project could be diverted to the fire department.

Brian Hopkins, Cascade County's Legal Counsel, said that taxes cannot be deferred to the fire department because they are allocated statutorily. It is a fee area, and the new properties will be assessed the fee.

Commissioner Salina asked about the curb & gutter and whether the placement of such was a policy in Cascade County.

Tristan Riddell stated that there was no requirement in policy.

Commissioner Salina commented on the off-site roads consideration of \$10,000. He said that he had spoken with the public works department and was told that an overlay costs about \$100,000 per mile. Neighborworks offered \$10,000 to assist in an overlay. The traffic study showed that there would be a 10% increase in the traffic, yet the developer was willing to pay 20% of the reconstruction costs.

Madam Chair Weber inquired about Item #23 and whether the final plat would include a 20' easement for the fire department.

Tom Martin of the Fire Department said that the board had had a meeting and voted to reject the 20' that they were being offered. He said that a culvert went through their parking lot and the fire department did not want the responsibility. Tom Martin wanted to strike Item #23 if the motion moved forward.

Madam Chair Weber indicated that this was a difficult decision for all of commissioners and that they wanted to be aware of all of the concerns of the participants. There is efficiency in design, growth and zoning. They wanted to fully disclose all of the issues and all of the information available.

Commissioner Salina made a motion to approve subject to the conditions as outlined by planning.

Madam Chair Weber noted that the Black Eagle Fire Department declined the donation of the 20' of land and also declined the opportunity to purchase Lot 1. She also mentioned that the developer had agreed to pave the roads within the subdivision, but that there would be no curb or gutter and it was not mandatory anyway. The developer had also removed the park land and was offering cash in lieu of that would be applied to the Art Higgins Memorial Park. She also stated that all preliminary plat conditions must be met before final approval and that the development must also be approved by the DEQ.

Commissioner Briggs also thanked everyone for the supplemental information. He said that comments such as were garnered would help them look at the county policies and the subdivision regulations with a greater insight and this is how they evolve. He told the audience that the regulations are a work in progress. He said that he believes that Neighborworks has tried to make accommodations and although he still has some concerns, he has faith in Neighborworks. He noted that the subdivision met all of the legal requirements and that the developer had made a good faith effort with both their contribution to the road in the amount of

\$10,000 and the \$7,500 for the park. He also stated that they must consider the 'box'. Each application must be reviewed separately. These folks will make good neighbors and this subdivision must be approved because it meets the law.

Commissioner Salina said that they as commissioners have to follow the rules and regulations. He said that he had received comments as much as to say 'why here?', 'why not somewhere else?' He stated that this property is in the county but has the ability to hook up to public services. This project is what people can afford at this stage of their lives. He said that they had met the rules, regulations and the laws. He also said that Neighborworks had been extraordinary in their willingness to be neighbors.

Madam Chair Weber clarified that the motion on the table was to approve conditionally with the amendments to strike Items 4, 5, 20 & 23.

Motion to Approve Carries 3-0