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**COMMISSIONERS' PROCEEDINGS**

October 31, 2024

Commissioners Scott Miller, Scott Blain, Bill Bullock, Clerk Katrina Kruger and Administrative Officer Angela Newell were present.

8:30 Pledge of Allegiance.

8:35 Public Comment. Miller and Newell discussed the Joliet Ambulance/EMS meeting from October 30, 2024. Miller and Bullock met with the new Carbon County Emergency Medical Services Board and Miller facilitated the meeting for the election of officers and then handed over the meeting to the Board. Seeing no further comments, Presiding Officer Scott Miller recessed the meeting until the next agenda item.

9:00 Employee Time Status Review. Presiding Officer Scott Miller called the meeting to order for the review. Newell noted the volume of sanitation permit requests have continued to increase and continues to contribute to the Department's overtime. Sanitation currently has 165 outstanding septic system permit reviews resulting in increased overtime. Presiding Officer Scott Miller recessed the meeting until the next agenda item.

9:30 City of Red Lodge. Mayor Dave Westwood was unavailable for today's meeting.

10:00 County Attorney. County Attorney Alex Nixon joined the meeting.

HB 819 Discussion. Brad Caton and Angela Getchell with Red Lodge Area Community Foundation, Myrna Lastusky with Beartooth RC&D and Tory Kolkhorst with Senator Daines' office joined the meeting to discuss HB 819 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE MONTANA COMMUNITY REINVESTMENT PLAN; PROVIDING FOR DONATIONS TO THE MONTANA COMMUNITY REINVESTMENT PLAN THAT PROVIDES FUNDING FOR ATTAINABLE WORKFORCE HOUSING; PROVIDING FOR A TAX CREDIT FOR DONATIONS TO THE PROGRAM; PROVIDING FOR DISTRIBUTION OF THE FUNDS TO COMMUNITY REINVESTMENT ORGANIZATIONS; PROVIDING FOR COMMUNITY REINVESTMENT ORGANIZATION REQUIREMENTS; REQUIRING COMMUNITY REINVESTMENT ORGANIZATIONS TO PROCURE MATCHING FUNDS; PROVIDING FOR A MONTANA COMMUNITY REINVESTMENT COMMISSION; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 15-30-2303 AND 17-7-502, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

Bullock advised he had discussed the House Bill with Representative Brad Barker. Barker had reported the State is working on finalizing the application. John Dunlop

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from HAB Development, remoted in to report on the process of allocating funding and development. Bullock asked if the program will require reprieve or incentives from the governing body. Dunlop stressed that although the HAB Development would be the CRO of any project, the community would direct the goals and objectives of the project. Discussion was held about who would lead the discussions and community outreach. Dunlop advised that by opting into the HAB program, the matching funds will not be required from the community, but will be obtained from private investment groups. Dunlop left the meeting.

Discussion was held regarding what the funds could be used for; such as closing costs or hook-up payments and down payment assistance; how the fund would re-populate and the sources of the matching funds. Caton noted that the Red Lodge Area Community Foundation's mission is to provide affordable housing, but is limited to those earning less than 80% of the area median income. The HAB Development program would benefit those earning 80% to 140% of the median income population to secure affordable housing. Brad Caton and Angela Getchell with Red Lodge Area Community Foundation, Myrna Lastusky with Beartooth RC&D, and John Dunlop from HAB Development left the meeting.

10:30 Fox Ridge Subdivision Preliminary Plat. Travis West of Engineering West, Contract Planner Forest Mandeville, Sanitarian Barb Krizek, and Clerk and Recorder Macque Bohleen joined the meeting to discuss the application for a 2 Lot Minor Subdivision Plat for Single Family Use. Mandeville noted the property is segregated by West Bench Road and an irrigation ditch. Mandeville reviewed his staff report noting adverse impact to traffic, water, fire and emergency services, and road maintenance would be minimal. Mandeville discussed proposed conditions for the approval of the Fox Ridge Subdivision, including the lifting of the Agricultural Covenant. Draft covenants submitted restrict water consumption to 5-acre feet per lot. The Planning Board recommended approval subject to conditions. Blain moved to approve Fox Ridge Subdivision with the findings and conditions included in the project memorandum; Bullock seconded. Miller called for discussion. Bullock expressed concerns about the location and layout of two homes on the small strip of land and dust control as the homes will need to be so close to the road. Discussion was held regarding adding a condition for the creation of a Rural Special Improvement District (RSID) for road maintenance, including the application of dust control, on the adjacent road. Miller voiced concerns regarding development impacts to the County taxpayers. Blain commented on the consolidated ditch easement and the likelihood of encroachments upon the ditch easement. Mandeville made suggestions regarding amending some conditions

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including requiring a "building envelope" on the plat showing the exact required location of the improvements on the lots.

Blain moved to amend his motion to replace Condition 3 as follows: Subdivider shall petition to create RSID for dust control and road maintenance; to add the condition that final plat shall show a "Building Envelope" to ensure development occurs only in approved locations within each lot, and to require the Subdivider to enter into a Special Improvement Agreement (SIA) with the County which shall ensure, at a minimum, building within the building envelope and the creation of the RSID. Motion carried.

11:00 Bullinger Group 1 Permit Variance Request from Setback Requirements. Mandeville reviewed the staff report planning board recommendation to approve a variance request for 4 Foster Circle to deviate from the required 30 foot setback to 13 feet. A granite rock vein was identified during construction which necessitated altering the placement of the home on the lot layout. Planning received a land use complaint from a neighbor in July and investigated. The property owner was advised they would be required to request a variance from the governing body. The Planning Board held a public meeting. Mandeville reported on comments obtained during that meeting and Planning Board discussions. Planning Board recommended conditions:

1. The variance approval shall be interpreted as the minimum needed – i.e. to allow 13-foot front setback as shown on the site plan. Any other encroachment into the setback will be in violation of the Development Regulations.
2. Any deviation from the site plan must be made known to the Planning Office to determine whether or not the deviation is in compliance with the approved development permit or if a new permit is needed
3. All other necessary permits must be obtained. (Section V-A.4.d.vii)

Having reviewed and considered the variance request, staff report, public comment, Planning Board recommendation, and all the information presented, Bullock moved to approve the variance request from Todd and Tiffany Bullinger for a relaxation of setback requirements. Blain seconded the motion. Miller asked if the variance was requested simply due to neighbors' complaints. Mandeville confirmed the request was instituted after the investigation of the complaint. Commissioners expressed frustrations with non-compliance with standard permitting and variance processes. Miller suggested there should be some type of fine for non-compliance. Mandeville advised code enforcement usually allows property owners 30 days after the violation for compliance prior to charging a fine. Blain moved to approve a fine of \$500 to be a condition of the variance. Bullock seconded. Motion carried.

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Following the vote on applying a fine, Miller asked for any discussion of the original motion. Miller called for the vote on the variance approval. Motion carried.

11:30 Consent Agenda. Bullock moved to approve the Consent Agenda consisting of a request for reimbursement of out of state travel fees in the amount of \$92.25; Hiring Authorization from the Sheriff's Office for Public Safety Communication Dispatcher; CDBG request for funds in the amount of \$224,481.75; Reimbursement Request to DNRC-CAARDD for Engineering Design and Professional Service performed by Great West Engineering in the amount of \$11,224.05 and minutes of Commissioners' Proceedings from October 17, 2024. Blain seconded the motion. Motion carried. Miller advised there will not be a meeting on Election Day, Tuesday, November 5, 2024 and the next scheduled meeting will be Thursday, November 7, 2024 at 8:30 am.

12:00 Presiding Officer Scott Miller adjourned the meeting.

ATTEST:

  
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Clerk & Recorder

  
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Commission Presiding Officer

Respectfully submitted: Clerk, Katrina Kruger

