

# **GRANITE COUNTY PLANNING BOARD**

## **Public Monthly Meeting**

### **Courthouse Courtroom**

**220 N. Sansome Street, Philipsburg**

**September 6, 2018 6:00 p.m.**

#### **Present:**

Granite County Planning Board Members: President, Susan Hale, A.J. Michnevich, Tom Rue, Tom Sanders and John Spaeth

Planning Board Staff: Linda Bouck, Granite County Planning Director

Guests: Larry DeMott, Elena Gagliano, Wayne Hale, David King, Rae McKay, Lawrence Michalsky, Nancy Michalsky, Bob Moore, Nanci Moore, Dick Motta, Louis Polinsky, Pat St. Tourangeau and Warren Tourangereau.

#### **I: Call to Order**

President Susan Hale called the meeting to order at 6:00 p.m. The Board and Staff introduced themselves.

#### **II: Pledge of Allegiance**

#### **III. Maxville Road Closure**

Planning Director Linda Bouck said the Granite County Board of Commissioners asked that the Planning Board re-examine this issue on the Maxville Road Closure request. Since the Planning Board looked at this issue back in June of this year, the Commission has held several work sessions on this issue. The property owner has requested not to incur the costs of a survey and was open to a restrictive covenant on the property. A covenant was drafted stating the property owner could have 1 single-family residence on the property with one well and septic. Upon review of the covenant by the property owner, he objected to the single-family residential designation. He also wanted to be able to do 2 septic systems and wells. The Commission requested the road closure go back to the Planning Board for re-review in light of the property owner's requests.

Bouck stated that she had contacted the property owner that afternoon to verify he would be at the meeting. He was sent a notice in the mail 10 days prior to the meeting. He stated that he

received the notice but would be unable to attend the meeting. Bouck again reviewed the property owner's requests to remove the single-family designation and allow for 2 septic systems and wells.

Susan Hale stated it was not going to be easy to get access in to these lots. She stated as the person who attended the road viewing with Hans Bohrensen she had serious concerns about multiple family residential given how many trips per day that would create. Tom Sanders questioned if the road is closed, how the county would control development on these lots, and ensure an easement intended for private use was not overused. John Spaeth pointed out even four residential units would create about 35 trips per day based on the national standards for calculating traffic impact.

David King asked if the Planning Board was not standing by their original recommendation. The Planning Board members all reaffirmed they still believe in order to close the roads, narrow the easement and place the easement into a private easement the original requirements, as submitted by the Planning Board to the Board of Commissioners, were necessary.

Larry DeMott stated the property owner, Paul Alt, had stated he would move the easement from the north side of his property to the south. As long as a 30 easement is available for use the location of the easement on the ground is at the discretion of the two property owners, Rae McKay/Larry DeMott and Paul Alt. Rae McKay also pointed out in the covenant and the resolution that the land description should say Lots 1-6 of Block 20. This correction was noted and will be forwarded to the Board of Commissioners.

Linda Bouck once more pointed out the property owners wishes on changes they would like to see from the Planning Board . Susan Hale stated she believes the board should reaffirm the original recommendation to the Board of Commissioners. The Planning Board was in unanimous agreement with this position.

Elena Gagliano asked if the Planning Board was just an advisory board as she felt they had more authority. Bouck stated they are an advisory board only according to Montana State law. Gagliano stated it bothered her that the Board of Commissioners could override the recommendation of the Planning Board.

**John Spaeth made a motion to send a letter from the Planning Board to the Board of Commissioners stating the Planning Board met and are making the following recommendation to the Board of Commissioners: The Maxville Roads as described in the petition be abandoned with the following conditions:**

**1. An aggregation certificate of survey be recorded and filed with the Granite County Clerk and Recorder's office aggregating the remaining lots of block 15 and lots 1-6 of Block 20 be aggregated into one single-family residential lot with one septic and one well.2. The proposed resolution should be altered to note it is all lots in Block 15 and lots 1-6 in Block 20. This should be corrected in section 2.02 of the covenant and on page 2 of 4 in the**

**resolution.**

**3. The report be amended to note the access easement to the lots to the west is a 30' private easement.**

**4. The Board of Commissioners clearly state in the resolution which portions of the street are being added to which properties.**

**5. The property owner of lots with blocks 15 and 20 pay for the costs associated with surveying the property, and filing and recording the survey.**

**A.J. Michnevich seconded the motion.**

The board gave the following as their findings for this recommendation.

- A survey be completed and filed aggregating all lots into one tract to be used for one single family residence. This certificate of survey should be filed and recorded with the clerk and recorder. – This requirement is being requested to ensure that with limited access to the property, limited development take place. The Board believes a 30' access easement is sufficient for a driveway for a single family residence. If multi-family usage of the property is the intention a 60' easement should be retained as would be the case on any multi-family or multi-lot division.
- The access road, as described in the said Surveyor's Report, shall be amended to a thirty (30) foot private, permeant easement, for purposes of ingress and egress and for all reasonable underground utility lines, which is to be privately maintained, but said private easement shall provide adequate legal access newly aggregated lots. This private easement must be shown on the aggregation plat. The easement must be shown on the certificate of survey to extend to each of the new aggregated lots. – This requirement is being added to ensure a clear record of the 30' easement is placed into the record. Where the 30' easement is placed on the respective properties is up to the property owners giving and receiving the easement.
- The property owner of lots within Block 15 and lots 1-6 in Block 20 shall be required to pay for all costs associated with the survey, including surveyor costs, review costs and filings costs. As the owner of these lots is the party seeking the road abandonment and the primary part benefitting from the road abandonment, the costs associated with the abandonment should be their responsibility. – The cost of the survey should be the responsibility of the party requesting the abandonment and receiving the benefit from the abandonment. The cost of surveying should not be placed upon Granite County thus becoming the burden of the overall county tax payers.
- The Board of County Commissioners, in the resolution abandoning the lots, should very clearly explain what existing property abandoned in this process is to be added to each of the existing properties. – This is to ensure that it is very clear who is picking up what property. Several road abandonments in Maxville have ended up in court. Court expenses and time could be saved by making sure the resolution is extremely clear on what property is acquiring land and how much they are acquiring.
- Regarding the said Surveyor's Report, it should be corrected that Larry DeMott does not own parcels on COS 973. These parcels are owned by Rae McKay. – This is for clarification purposes and keeping correct records.

- The proposed resolution should be altered to note it is all lots in Block 15 and lots 1-6 in Block 20. This should be corrected in section 2.02 of the covenant and on page 2 of 4 in the resolution. – This also is for clarification purposes and keeping correct records.

**The motion on the table made by Spaeth and seconded by Michnevich as detailed above carried unanimously.**

The Board took a five minute break to allow members of the public to exit.

#### **IV. Court Ordered Split – Armstrong Trust**

Linda Bouck gave an overview of the request from the court. This is a tract of land that has been held by a trust. The trust would like to dissolve. One of the property owners within the trust has a home on the property the trust has asked the court to split a 5 acre parcel off of the larger lot which is currently 30 acres in size. Ranch Creek serves as the northern border for this property. The County is usually asked to submit comments to the court as part of a court split.

A.J. Michnevich stated as a resident of this area and the Planning Board representative from Rock Creek he is very familiar with this area and this property. He stated the current house was built up on the hill above ranch creek. He also noted there was an active irrigation ditch on the property. It was noted the 2016 floodplain updates did map the Ranch Creek area along this property. It was noted this was a zone A only with no elevations. The Board discussed general items and notices they would like to see on the plat.

**Tom Sanders made a motion send a recommendation to the Board of Commissioners advising them to submit a letter to Judge Dayton regarding the Armstrong Trust with the following recommendations.**

**Granite County sees no issues in approving the split but would like to request the following:**

- 1. The 2016 Floodplain as adopted by Granite County should be shown on the plat and marked as unbuildable.**
- 2. All access roads and utility corridors should be shown on the plat.**
- 3. There is an active irrigation ditch on this property. This ditch should be shown on the plat and a 20' easement from centerline on each side be shown for use in maintenance of the ditch.**
- 4. A note be added to the plat stating “Permitting by the Montana Department of Environmental Quality or Tri-County Sanitarian may be required for lots created.**
- 5. Any additional lots created will require review by Granite County under the Subdivision and Platting Act.**

**John Spaeth seconded the motion. Motion passed unanimously.**

## **V. Minutes – August 2, 2018**

The Board reviewed the minutes from August 2, 2018. No changes were noted.

**John Spaeth made a motion to approve the minutes from the Board's August 2, 2018, meeting. Tom Rue seconded the motion. The Board voted unanimously to approve the minutes.**

## **VI. Site Visit to Georgetown Lake (Time Permitting)**

The Board did not believe time was permitting for this item and decided to drop it from the agenda.

Bouck passed out an email from Granite County Planning to Anaconda-Deer Lodge County's Attorney on the Georgetown Lake lease issue. It was noted again the reason the Planning Board was reviewing the county owned property at Georgetown Lake and a policy on how to handle use issues. She noted the goal is not to stop people with lake front access to not have docks or use of the water. It is to note that these uses should be allowed. It is also to set a policy on when a more formal process is necessary and what that type of process is needed. There are times a notification and allowance of a one-time alteration should be sufficient and there are times a formal lease is needed, i.e. in the placement of a permanent structure.

Wayne Hale asked how this lease as required by the proposed resolution was brought to the Board of Commissioners' attention. A brief history of the leases currently in place for some of the Jericho Bay subdivision lots and the marina areas was given.

Dick Motta stated he believes the FERC requirements for the dam should be closely reviewed. He questioned what would happen to county property once a lease expires, if the property would have to be returned to the state it was in prior to the lease. He also noted the Forest Service road upgrade is tentative at best and questioned if it was encroaching on personal property.

Susan Hale told the Board she is not in support of the resolution as currently written. The Board held a general discussion on the resolution.

**Tom Rue made a motion to send a letter to the Granite County Board of Commissioners asking for the current Georgetown Lake Lease Resolution to be retracted with the understanding the Planning Board will be working on this issue and present a new document in 2019 for them to review on this issue. John Spaeth seconded the motion. Motion carried unanimously.**

## **VII. Public Comment**

No public comment.

## **VI. Miscellaneous**

The next Planning Board meeting will be held on October 4, 2018 to work on the road classification, specifically those roads around Philipsburg.

Tom Rue asked if the Bailey subdivision had paid yet for the power installation. Bouck stated they had not.

## **VII. Adjourn**

**John Spaeth made a motion to adjourn the meeting. Tom Sanders seconded the motion. The Board voted unanimously to adjourn the meeting.**

The meeting was adjourned at 7:45 p.m.

**Minutes approved on October 4, 2018**

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**Susan Hale, President**