

Mary Ann Harwood - Commission Chair  
Terry Tomsheck - Commissioner  
Terry Kimmet - Commissioner  
Merle Raph - County Attorney  
Dan B. Whitted - Coroner  
Tyler Padilla - Sheriff



Debra Munson - Clerk of Court  
Trevia Nelson - Clerk & Recorder/  
Election Administrator  
Donna Whitt - Justice of the Peace  
Boyd Jackson - Treasurer/Assessor/  
Superintendent of Schools  
Phyllis Robertson - Public Administrator

226 1<sup>ST</sup> Street South  
Toole County Courthouse, Shelby, MT 59474  
406-424-8300 www.toolecountymt.gov

## COMMISSIONERS' AGENDA

December 18, 2023  
10:00 A.M.

PRESENT: Commissioner's Mary Ann Harwood (via phone), Terry Tomsheck (via phone), Terry Kimmet. Planning Board Terry Alme and Dennis Gottfried. Toni Moore, Clerk & Recorder, deputy.

**Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.**

PLEDGE OF ALLEGIANCE

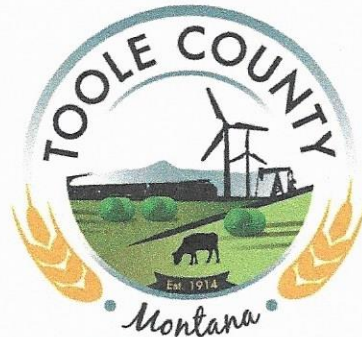
**Approval of December 11, 2023, Minutes Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**

### **PUBLIC HEARING**

The purpose of the hearing is to obtain any public comments regarding proposed subdivision regulations that are being revised to include legislative updates through the 2023 legislative session, along with the new additional fees.

1. Consider approving Resolution #21-2023, a resolution for the proposed subdivision regulations that are being revised to include legislative updates of the 2023 session, which includes Exhibit "A" for the additional consulting fees. **Discussion. Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**
2. Consider reappointing Karen Jensen to the Board of Health with a term ending 12/31/2026. **Terry Kimmet motioned to approve. Terry Tomsheck seconded the motion, motion carried.**

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### **RESOLUTION #21-2023**

#### **A RESOLUTION OF THE TOOLE COUNTY COMMISSION REVISING SUBDIVISION AND SURVEY REVIEW SCHEDULE OF FEES**

**WHEREAS:** THE Toole County Commission adopted Resolution #21-2023 on December 18, 2023 which adopted Toole County Subdivision Regulations and a subdivision review fee schedule on December 18, 2023, pursuant to Title 76 Chapter 3 MCA; and

**WHEREAS:** Section 76-3-602 MCA, allows a governing body to establish reasonable fees to be paid by the sub-divider to defray the expense of reviewing subdivision applications; and

**WHEREAS:** Sections 76-3-201 and 76-3-207, MCA allow a governing body to establish reasonable fees not to exceed \$200, for the review of certain exemptions from subdivision review; and

**WHEREAS:** third party review fees are incurred by Toole County and reimbursed by the applicants including, but not limited to, examining land survey review and Administrative Rules of Montana compliance review;

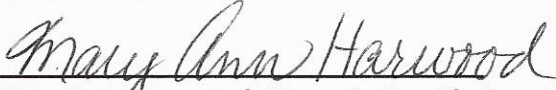
**WHEREAS:** the Toole County Commission has reviewed the fee schedule established on December 18, 2023 and concluded the fees are not representative of the costs associated with reviewing current subdivision applications, exemptions and third-party reviews; and

**WHEREAS:** the Toole County Commission established a schedule of fees, attached as Exhibit A, to be paid by the sub-divider, to defray the County's cost of reviewing subdivision applications, exemptions and third-party reviews.

**NOW THEREFORE BE IT RESOLVED** that the Toole County Commission hereby adopts the schedule of review fees for subdivision applications under the Subdivision Regulations of Toole County, set forth in Exhibit A attached hereto, for the purpose of reviewing a subdivision

application in Toole County, pursuant to the provisions of Sections 76-3-101, MCA, effective January 1, 2024.

**ADOPTED** by the Toole County Board of County Commissioners this 18<sup>th</sup> day of December, 2023.

  
\_\_\_\_\_  
Mary Ann Harwood, Commission Chair

  
\_\_\_\_\_  
Terry Tomscheck, Commissioner

ATTEST:

  
\_\_\_\_\_  
Terry Kimmet, Commissioner

  
\_\_\_\_\_  
Treva Nelson, Clerk & Recorder



**Toole County Review Fee Schedule**

**(Exhibit A) Effective: January 1, 2024**

**\*\*ADDITIONAL SUBDIVISION ADMINISTRATOR CONSULTING FEES MAY APPLY**

Pursuant to 76-3-201 and 602 MCA, the applicant shall pay the following non-refundable fees:

<b>1. Subdivision Review:</b> Applicable to all new subdivisions and amended plats going through the subdivision process. Fees are based on Subdivision type and number of lots.			
	<b>First Minor Subdivision Expedited Review (1-2 lots)</b>	<b>First Minor Subdivision</b>	<b>Subsequent Minor Subdivision Major Subdivision Planned Unit Developments</b>
Pre-application	\$400	\$400	\$400
Preliminary Plat or Plan	\$2850	\$2000 + \$100 for each lot over 3	\$4000 + \$100 for each lot over 6
Final Plat or Plan	\$1000	\$1000	\$1000
<b>Amended Conditions of Preliminary Plat Approval Review:</b> <i>Applicable to requests made after the governing body has conditionally approved a preliminary plat.</i>	Subdivision Administrator Time & Expense	Subdivision Administrator Time & Expense	Subdivision Administrator Time & Expense

2. **Exemption Criteria Review fee: \$400**
3. **Examining Land Surveyor (all survey documents): \$400 + Shipping & Handling if wet signatures are required by the County.**
4. **Recording Fees: Set by Clerk and Recorder's Office: \$25.00 + .50 per track.**
5. **Noxious Weed Management Plan: 5 lots or less \$100 + state mileage rates. 6 lots or more \$150 + state mileage rates**
6. **General Consulting: Subdivision Administrator's Time & Expense\*\***

**\*\*From time to time, application reviews may exceed fee structure costs. For example, if the application is incomplete and in need of County consultation on what information is missing, or if a survey document has a complex and lengthy legal description with missing information or disclosure that takes extra time and iterations to fix. In these cases, the County's sub-consultant may exceed the fees listed above, in which case the applicant will be notified.**