

Tena L. Miller

RAVALLI COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION NUMBER 2568

**RESOLUTION TO AMEND RESOLUTION NO. 2256 AND THE RAVALLI
COUNTY OPEN LANDS BOARD GUIDELINES DOCUMENTATION**

WHEREAS, pursuant to Section 7-1-201, MCA, the Ravalli County Open Lands Board (OLB) was established by Resolution No. 2037, Amendment to Resolution No. 2020 in accordance with 7-21-3401, MCA, and

WHEREAS, the Commissioners adopted Resolution No. 2256 on December 5, 2007, which established the goals and objectives of the OLB, provided guidelines for the issuance of bonds, defined how the open lands bond and OLB are to be administered, and authorized the publication of a guidelines document ("Guidelines") that further explain the administration of the program, among other things, and

WHEREAS, the Guidelines describe the procedures the County uses to process, evaluate and render recommendations on proposed OLB applications, and

WHEREAS, the Guidelines prescribe that the County Planning Department shall review each proposed OLB application to make sure the application provides all the necessary materials as required in the Guidelines, and upon determining the application contains all the required materials, the Guidelines dictate that the County Planning Department determine the application complete and ready for review by the OLB, and

WHEREAS, the Guidelines do not provide procedures for processing amended applications, which are applications that are materially changed after the Planning Department determines the application to be complete but before the County Commissioners make a final decision on the application, and

WHEREAS, Resolution No. 2256 does not contain a definition for "amended applications" nor a procedure to process amended applications, and

WHEREAS, the County Planning Department and the OLB provided a suggested definition for the term "amended application" and provided a procedure to process amended applications, as shown in Exhibit A, and

WHEREAS, the Guidelines currently require a mineral rights statement during Phase 5 of the review process, and

WHEREAS, the OLB recommends that the requirement to submit a mineral rights statement be provided during Phase 1 of the review process to understand whether a property proposed for conservation easement may be subject to active mineral claims that may endanger the conservation values of the property.

NOW, THEREFORE, BE IT RESOLVED that Section 2 of Resolution No. 2256 is hereby amended to include a new definition for "amended application", as defined on Exhibit A.

Res: Commissioners

BE IT FURTHER RESOLVED THAT Resolution No. 2256 shall be amended to include a new Section 6.02.d. that includes the process as specified in Exhibit A.

BE IT FURTHER RESOLVED THAT the Guidelines shall be amended to include a new section that describes the amended application procedure, and that the requirement to provide a mineral rights statement shall occur during Phase 1.

PASSED AND ADOPTED this 20TH day of October, 2010.

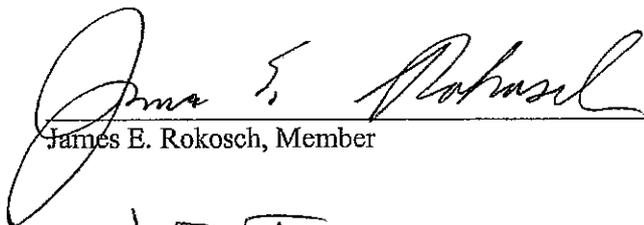
RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS



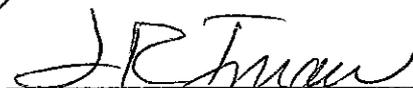
Greg Chilcott, Chairman



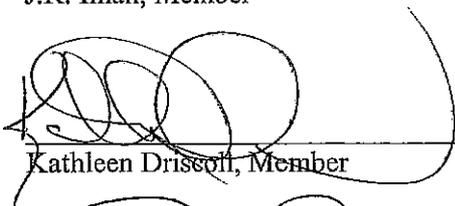
Carlotta Grandstaff, Member



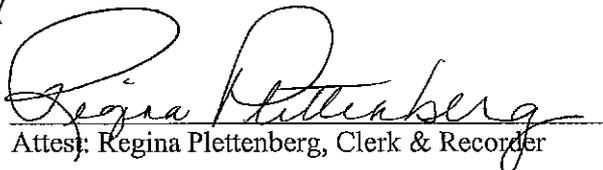
James E. Rokosch, Member



J.R. Iman, Member



Kathleen Driscoll, Member



Attest: Regina Plettenberg, Clerk & Recorder



EXHIBIT A

The following definition to be added as an integral part of Section 2 of Resolution No. 2256:

“Amended Application” shall mean a material change to an Application that occurs after the Application has been deemed complete by the Department, but before the Board gives approval to the Final Documentation Materials”.

The following provisions are to be added as an integral part of Resolution No. 2256, Section 6.02.:

d. Amended Applications.

- i. If the Applicant proposes changes to its Application after the Application has been deemed complete by the Department but before the Board has given Phase 5 approval, the Applicant shall submit any Amended Application materials to the Department for review.
 1. The Department, in consultation with the Open Lands Board chair, shall determine whether the changes to the Application are material, as described in subsection ii below.
 2. If the Department determines the changes are not material, the Department will notify the Applicant and the Board in writing of its determination. The proposed amendments will be incorporated into the original Application, and the Amended Application will proceed through review according to the same schedule as the original Application.
 3. If the Department determines the changes are material, the Applicant shall submit a new Application, subject to full review beginning with Phase 1. Standard fees for the application shall apply.
 4. The Department shall notify the Open Lands Board in writing of the determination.
- ii. The following, although not an exhaustive list, will generally constitute material changes:

1. Change in amount of requested OLBP funding;
 2. Change in acreage subject to easement;
 3. Adding or changing any reserved rights;
 4. Inaccurate or incomplete Phase 5 Application information.
- iii. An Applicant whose Application has been deemed materially changed by the Department may appeal the Department's decision to the Board by written notice within ten (10) working-days of the date of the Department's decision. The Applicant may request a meeting before the Board, to support its claim that its submitted changes to its Application are not material.
1. If the Board concludes that the evidence and information demonstrate that the changes to the Application are material, the Applicant shall submit a new Application, subject to full review beginning with Phase 1. Standard fees for the application shall apply.
 2. If the Board concludes that the evidence and information demonstrate that the changes to the Application are not material, the proposed amendments will be incorporated into the original Application, and the Amended Application will proceed through review according to the same schedule as the original application.