



By: _____

CSM

Beaverhead County Planning Board Regular Meeting
Commissioners' Room, County Courthouse
January 12, 2023 at 1:00 pm

At 1:00 p.m. the Regular Planning Board Meeting commenced.

Planning Board Members Present: Kristen Bailey, Ken Scalzone, Kelly Rowe, Larry Yuhas, Justin Stanchfield, Justin Yoder, Rich Lawson, Larry Volkening

Planning Board Members Absent: Vana Taylor

Others Present: City of Operations Todd Hazelbaker, County Commissioner Mike McGinley, Dillon Tribune Casey Elliot, GIS Coordinator Tracy Sawyer, Great West Engineering Jerry Grebenc, Great West Engineering Cody Marxer, County Planner Rob Macioroski, Secretary Rochelle Hoerning

Opening: Chairman Larry Volkening opened the meeting at 1:00pm

Action on Previous Minutes:

MOTION: Justin S. moved to approve the minutes from the November 17, 2022 Planning Board meeting as submitted. Kristen seconded the motion. A verbal vote was taken and the motion carried unanimously.

MOTION: Justin Y. moved to approve the minutes from the September 15, 2022 Planning Board meeting as submitted. Justin S. seconded the motion. A verbal vote was taken and the motion carried unanimously.

Planning Board Member Reports:

Justin S., Larry V. and Larry Y. didn't have anything to report.

Kelly reported that there is still a lot of building happening. The frost is thick for digging right now, approximately 2 feet.

Rich reported that there is some remodeling going on, a bit of snow, nothing over a foot.

Justin Y. reported that Maverick ski hill is open, there is some building in the area, not a lot of snow.

Kristen reported that there is a house being worked on near Clark Canyon. The weather and road conditions have been pretty bad From Kidd to Monida. They received about 4 to 5 inches of snow yesterday between Dell and Lima.

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Ken reported that there is one garage being built off Laknar Lane. The side roads are very icy, messy, and muddy.

Planner's Report:

Rob summarized the 2022 year-end report to the group. A copy of this report can be found at the Planning Department, County Courthouse. Rob talked about the BBER conference, it will be held in Butte on February 2, 2023. Rob asked the Planning Board to let him know if they are interested in attending so he can get them registered. Rob said that he will be driving the County vehicle, if people need a ride, let him know. Rob stated that we are still waiting for FEMA to adopt the new floodplain maps. Some people have surveyed their property to show that they are out of the floodplain. They are being re-reviewed, and most have been accepted. But, there are about a dozen of them that have been rejected. Kelly asked why they are re-doing the maps, what started it? Per Rob, it may be because the last maps were done in the 1970's. Rob stated that the new maps can be reviewed online, if anyone wants the link, let him know.

Public Comments & Questions:

Todd stated that when he and Rob review floodplain maps they have to go back to the 1978 maps. Those maps are really outdated. Todd stated that it will be great to have an accurate, up-to-date map. Commissioner McGinley stated that FEMA, at a national level, is wanting to get these maps done due to major disasters. FEMA is wanting to get them updated to allow people to pay their fair share, and to make sure people are paying their flood insurance.

Election of Board Chairman, Co-Chairman:

Rob thanked the board members for volunteering their time to serve on the Planning Board. Larry V. asked the Planning Board if there are any nominees for chairman and co-chairman. The following motions were made:

MOTION: Kelly moved to elect Larry Volkening as Chairman and Justin S. seconded the motion. A verbal vote was taken and the motion carried unanimously.

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MOTION: Kelly moved to elect Kristen Bailey as Co-Chairman and Justin S. seconded the motion. A verbal vote was taken and the motion carried unanimously.

Discussion on Updating County Subdivision Regulations:

The group welcomed Jerry Grebenc and Cody Marxer, with Great West Engineering to discuss County Subdivision Regulations. Jerry stated that they do not have a formal presentation, but are happy to answer any questions. Jerry stated that the template that was provided by MACo is the template that they are recommending clients use. There are a couple of caveats to this, one being that we are in the middle of legislative changes. So, we will not have a comprehensive approach until possibly late summer. Jerry stated that we don't have a lot of flexibility as far as some of the State regulations, due to state law. But when it comes to subsequent minor subdivisions, family transfers, roads, public easements, fire protection and water supply; that's where we have some latitude. Rob mentioned the 18-month hold period for Family Transfers. There is currently a bill that may change the hold period, and we should look more into that.

Jerry stated that the surveys that are exempt from subdivision review can't be required to do things like road construction and easements. However, Rob and the Planning Board can make suggestions. Larry V. asked Jerry what to do when there is a subdivision being developed adjacent to another subdivision. How do you plan for things like that when it comes to easements? Jerry stated to extend public access easements to make building near the City of Dillon more appealing. Jerry stated that the easements should meet the subdivision regulations. Larry V. asked how many access points are needed for major subdivisions. Jerry stated that the Standard for most major subdivisions is two ways out, including the emergency. But, that is entirely up to the jurisdiction on whether or not they want both ways in and out to be up to County standards. If the County is confident that the land is going to continue to get developed, then there is more to consider in those areas. For public health and safety, it is imperative to have roads up to standard for emergency vehicles and to maintain maintenance for future infrastructure.

Rich asked about a Family Transfer, if there is a 20-acre parcel split and given to family members, would we be able to require them to have an egress and ingress? Jerry explained to the group how a Family Transfer works. He proceeded to say that since Family Transfers are



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exempt from subdivision review, we can't require them to do anything besides making sure it's not an invasion of subdivision review, that it meets surveying standards, and DEQ requirements. DEQ sees family transfers as subdivisions, but under the platting act, we don't. There was some discussion amongst the group about legislative updates. Commissioner McGinley asked if Family Transfers are allowed in Subdivisions with covenants. Can we require that HOA's are formed and remain active? Jerry stated that we can require them to be formed, there just isn't a way to enforce that they stay active. Commissioner McGinley stated that the Planning Board should not be signing off on HOAs, and covenants. The County doesn't have a way to enforce it, and the County really shouldn't be involved with things like whether or not you can have a pink house.

Jerry stated that there are plat covenants, which are strictly the County's covenants and don't involve things like the color of a house. The County covenants are for things like: Waiver the right to protest rural improvement districts, wild life habitat, etc. The County plat covenants would only include things that are absolutely critical. Larry V. stated that if the HOA doesn't meet then they don't exist anymore, how do we address that? Jerry stated to have all the important things done upfront before approval. Larry V. asked when the HOAs become active? Per Jerry, that depends on the property owners. Its all up to the homeowners to keep it active, pay their dues, and stay active with the State. Cody stated that new homeowners buying the lot should be informed that there is an HOA. Education provided is a key component. Kelly asked what if the County has signed off on subdivision covenants? Jerry stated that if the County has signed off on covenants then things could be different. But, that is a question we would need to ask our County Attorney to see what liability the County has. Commissioner McGinley stated that's exactly why he doesn't want the County to sign off on Covenants anymore moving forward.

Kelly asked Jerry, how to stop your neighbor from growing marijuana? Per Jerry, you would have to have zoning, that would be the easiest way to control something like that. Kelly asked if it could be placed on the face of the plat to say "no marijuana growth". Cody stated that anything placed on the face of the plat has to be supported by the subdivision regulations. Cody and Jerry suggested talking with our County legal counsel with things like marijuana, and safe stocking rates, etc. Jerry suggested that the Planning Board creates and provides a list of private covenants to the developer as a recommendation only.



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Larry V. asked about spot zoning. Per Jerry, he would not suggest that. The group discussed providing education and training to the public/community. Larry V. asked if there are funds available for education and outreach programs. Per Jerry, yes, talk with Cody Ferguson about funding/grants. Jerry stated that he will provide Rob with the contact information. The group discussed issues regarding family transfers, minor subdivisions turning into major subdivisions, shared roads between subdivisions, and easements. Discussion amongst the group about variance requests, RID (Rural Improvement Districts), and Developer Incentives.

Commissioner McGinley asked about a donut area around the City. Is there anything that works, and how should it be addressed? Todd Hazelbaker suggested that the County appoints a City representative to attend both County and City meetings. That representative should be able to add input to the County board, and they should be allowed to vote. Todd stated that the person appointed was Vicki Brastrup, but she has resigned. Todd stated that she was allowed to vote for the City, but not the County. Todd expressed with profanity that this is an issue. He believes that the County Planning Board ignored her input since she was not allowed to vote. Larry V. stated that he and Ken were once City Representatives to the County Planning Board years ago, even 15 years ago and they were never allowed to vote. Todd stated that the City Representative should be allowed to vote on the County Planning Board.

Jerry stated that there should be planning done amongst the City and County to extend roads, sewer and water lines to provide incentive and allow growth. Kelly suggested that we have a committee draw up a map to indicate where we think development will/should occur. Kelly and Larry V both stated that they have created something like that years ago, but they do not know what happened to it. Commissioner McGinley stated that if we allowed the City Representative to vote on the Planning Board then that would make the planning board an even number of 10. He asked the board if we would need to appoint another member to make the Planning Board an odd number of 11. Todd stated that the City would appoint someone as well to make the boards odd numbers. Rob encouraged the Planning Board members to think about electing one of the current County board members to become the representative so that the number will remain the same. Cody and Jerry encouraged the City and County to work together to plan for the future when it comes to maps, plans and infrastructure where new growth may be. Larry V. stated that we need to plan not only for development of homes but also for recreation, paths, etc.

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Rob asked Jerry how to move forward to adopt new subdivision regulations and supplements. He asked if we should create a small group, like a sub-committee. Per Jerry, subcommittees are ok, but it's up to the Planning Board to decide. Kristen stated that most of it is already written, we just need to focus on the last sections. Kristen asked the group to go through Section 5, page 56 in the MACo booklet. She would like to see 3-5 people volunteer for a sub-committee to start working on Subdivision Regulations. Kristen would like to see most of it done by April 2023.

Larry V. suggested to Todd that the City share their Planning Board minutes and the County will do the same. Rochelle informed the group that the County Planning board minutes are archived on the Beaverhead County website, under the Land Use page. Todd stated that the City meets the 1st Thursday of every month at 7:00pm. Rob encouraged the Planning Board members to think about if any of them would want to be a representative, and let him know. Todd stated that the City is interested in being a part of education and training opportunities. Kristen asked if we should send a letter to the City of Lima to inform them that we are working on updating the County Subdivision regulations. The group agreed that it would be a good idea to reach out to the City of Lima.

Public Comments & Questions of Non-Agenda Items:

No public comments or questions.

ADJOURN:

With no further business to discuss, Kelly moved, and Rich seconded the motion to adjourn the meeting. The meeting adjourned at 3:20pm.

Submitted:


Secretary, Rochelle Hoerning

Approved By:


Chairman, Larry Volkening