

By: _____

Came

Beaverhead County Planning Board Regular Meeting
Commissioners' Room, County Courthouse
March 9, 2023 at 1:00 pm



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

Planning Board Members Present: Larry Volkening, Justin Yoder, Ken Scalzone, Kristen Bailey, Larry Yuhas

Planning Board Members Absent: Kelly Rowe, Vana Taylor, Justin Stanchfield, Rich Lawson

Others Present: County Planner Rob Macioroski, Dillon Tribune Casey Elliot, GIS Coordinator Tracy Sawyer, Great West Engineering Jerry Grebenc, Great West Engineering Cody Marxer, County Sanitarian Tom Wagenknecht

Opening: Chairman Larry Volkening called the meeting to order at 1:00pm.

Action on Previous Minutes:

MOTION: *Ken moved and Kristen Bailey seconded that the minutes of February 16th be approved. A verbal vote was taken and the motion carried unanimously.*

Planning Board Member Reports:

Ken stated he didn't have much to report. Roads are icy. Ken said they received a few inches of snow the past couple days.

Kristen stated she had nothing new to report.

Larry Y. stated he did not have much to report. They closed Monida Pass a few times since the last meeting.

Justin Y. stated there are three pieces of property in the Tory subdivision and one house for sale up there. He discussed prices seem to still be up.

Larry V. stated there is a lot of snow his way. Larry updated the group on the city planning/zoning board. He discussed they have been working on the Tully Springs Subdivision located behind the University. Parts of the proposal on the subdivision were given on January 12th, he was not there at that time. The streets/alleys, zoning, and planning board all met together and talked about the proposal. There were some variances asked for at that time. He is seeing that the proposal is being built and not a complete proposal yet. Ed Mooney came up with a Plat to be added to the packet, there was not a vote to add it at that time, so Larry is unsure if it will be added to the proposal. At the meeting with the planning board, there was a Variance on street width which went against the previous variance at the meeting at the January 12th meeting. The City Planning/Zoning board are starting discussion on a new growth plan for the city. They are looking for someone to teach them on how to build their growth plan.

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Planner's Report:

Rob stated awhile back that there were a few neighbors in Dewey arguing over a piece of property. They weren't sure who owned the land so after some research they found out that Beaverhead County had acquired the land on a tax deed. Rob presented 3 different proposals that the neighbors couldn't agree on. Rob chose one of the proposals and went with that one.

Rob discussed that they had a subcommittee meeting on subdivision regulations last week. He stated it went well.

Rob had his audit on his flood plain permits yesterday. He discussed that it went well. He stated that the new flood plain regulations need to be adopted sometime in July before the flood plains get adopted in August.

He received a phone call about the Beacon on the Hill Property, they seem to be moving forward on things.

Rob stated the flood plain permit on the Freedom Ranch was approved. They are digging a pond. The Freedom Ranch is applying for a permit for stocking through the FWP.

Larry asked if they had any land out there not in the flood plain. Rob answered, a little, but not enough.

Public Comments & Questions:

No public comments or questions.

Big Hole Grazing Association Conservation Easement:

Rob stated that there is a new Conservation Easement of 4,801 acres in the Big Hole. Ken asked how that works with a grazing association and if there has ever been one with a grazing association. Tracy answered there was one about 15 or 20 years ago. Rob also mentioned that US Fish and Wildlife Service were planning on expanding their easement program again. They are looking at the Big Hole and Lima area.

MOTION: *Ken moved and Larry seconded that the Big Hole Grazing Association Conservation Easement be approved. 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.

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Jerry discussed that there are going to be a lot of changes with legislature. There could be changes to statute with growth policies. He believes there will be a list of changes that will be made. He believes there will be a dozen changes that will affect city and counties.

Kristen discussed how they went through the old subdivisions regulations and added to them.

The fire chief was pushing (IFC) International Fire Code standards for the roads. Discussion on how the IFC regulations is stated and how they should be worded. Rob discussed how there is IFC standards in the new regulations. They compared the IFC standards off of the website to their regulations and they are the same.

Tom W. asked if it says specifically "IFC Standards," Rob said the drawings are the same but it does not say "IFC" in the regulation.

Jerry stated the IFC are very high standards so they should be sure that's what they want if they are added to the regulations. He stated that you should have very clear standards for people to follow.

Discussion on what authority the Fire warden has over these regulations took place. Jerry stated we would have to look at statute.

Jerry stated that standards need to apply for the whole county, unless a certain area within the county is specified. He gave an example of Helena and the standards in the different parts of the area were all different, which made it confusing.

Jerry stated all regulations were reviewed by engineers from MACo.

Ken stated that the old road regulations are very different than the new ones. Discussion about how the new regulations would fit more with the Fire Chiefs standards took place.

Rob asked if he could send the edits to Jerry. Jerry said he could send the word document to Rob and they can mark the changes. Rob said that would work well.

Kristen stated that the Sub-Committee made it to the utilities section of the subdivision regulations.

Larry V. stated that he had discussed with Jerry on easements and two ways in, one way out. He asked Jerry if he agrees with where they were going with that. Jerry stated that this document states this requires two ways in two ways out is the standards for roads for subdivisions. Larry V. discussed that they had talked about an easement in the case that another subdivision comes in on the backside of a subdivision. Jerry states that there is language in there that gives them the ability to do that.

Larry V. discussed that he is looking at a process that would put together a recreational pot of funds for recreational costs through grants. Right now, they have a "in lieu of" where money can be put somewhere else. He wants to add "in lieu of, money is put in the recreational pot." Right now, it talks about "in lieu of you will be putting a park" plan but there are no details about regulations on a park.

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Jerry discussed that the planning board has the ability to have an updated parks plan. Discussion on the regulations regarding parks and trails in a subdivision took place.

Jerry informed of the importance to update the parks and trail plan.

Larry V. discussed that with many subdivisions coming in next to each other, he wants to make sure that parks and trails is beneficial to the multiple subdivisions.

Casey Elliot asked if they are trying to implement a parks and recreation department in the county. Jerry answered no. Cody asked if there was a parks advisory board. Beaverhead county does not have one. In the plan, it can be added that it is advised to have a park advisory board at a certain point.

Cody stated that under the current statute you can say yes or no to a park.

Ken stated that he has seen subdivisions with a lot full of weeds that are supposed to be parks. He stated that it could be a fire hazard. Rob said you can get rid of those patches but you have to jump through a lot of hoops to get it done. Jerry agreed, it is not easy.

Cody stated that you can be specific on what you expect out of that park. You can state that there needs to be a weed plan etc.

Justin Y. reiterated if they are saying the board can decide on how a park should be developed? Jerry answered that the current statute is clear on the amount of land that can be granted for parks based on lot sizes. Larry V. added that with the bigger picture that it would be sensible to add a path or some other form of outdoor facility.

Jerry stated that you can write in that you can include that a trail needs to be added and gave a hypothetical example.

Jerry stated that he does believe that it is important to update a park and trails plan.

Jerry discussed that Jefferson County did a fire protection assessment. They did an assessment of all the fire departments in the county. They assessed their needs, equipment, water storage, costs etc. Therefore, the districts knew what they needed and cost estimates. Larry V. said there was a previous growth policy that eluded that they would be doing that, but it never got that far.

Casey stated that a "donut" around Dillon was mentioned. Are they going with a donut plan to the regulations? Meaning the city is the center and then there is an area around the city that may have different regulations? Jerry discussed that the city has its own growth policy.

Discussion on if the board has clarity on what the board wants to see took place.

Larry V. discussed that we do know there are going to be other areas that are going to be growing outside of our growth plan and if we have ways of handling the unknown. Jerry asked for an example

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and Larry V. presented a hypothetical scenario if someone comes in and buys a couple hundred acres and builds a town. Jerry stated that they would have to follow the county regulations.

Discussion on different bills within the legislative session took place.

Larry V. shifted the subject to (HOA's) Home Owners Association. He asked if when you have a HOA at what time does the HOA become the ownership of the people living there vs. the developer. Jerry stated that it all depends on the specific language of the way the HOA is written.

Jerry stated that he thinks that the board should stay away from HOA's after it becomes platted because once it becomes platted it is out of the boards control. He stated there is no mechanism for the county to enforce the HOA.

Discussion about (RID) Rural Improvement Districts or Covenants on the subdivision took place.

Discussion on HOA's took place and Jerry discussed why he thinks the parks and recreation regulations is a good idea.

Larry Y. asked how you enforce the covenants if you don't have an HOA. Jerry would argue they are not enforced anyway.

Ken stated he lives in a Subdivision with an HOA and it is not the most functional, but functional. He stated some people don't follow the covenants and they are not enforced.

Tom stated that people use the covenants when it is to their personal advantage. Tom discussed how he runs into the second home issue with the covenants.

Ken asked if the HOA's are more of just a suggestion. Jerry said you can do it that way, just don't get too hung up on HOA's. Jerry stated that he has dealt with HOA's on a Personal and professional level.

Jerry mentioned that the board needs to have a conversation on how they are limited on regulations that can help property owners create the community they want- meaning sanitation, flood plain regulations, and subdivision review. He stated that he believes that the only way to get around this is through Zoning.

Larry V. and Jerry discussed that developers should be able to do their projects as long as they are following the subdivision regulations. Jerry stated that if they change anything during a subdivision review then they need to start the whole process over. Larry V. asked if they have the authority to say that. Jerry said absolutely. If the planning board starts drawing that line, then the developers will get on board to get all their application in line.

The homeowner's phrase in the old book was talked about being added to the new one. Kristen stated that she believes that it should be reviewed first.

Jerry stated that this stuff is complex and can even get overwhelming for himself and Cody.



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Larry V. asked if the board had any more questions.

Larry, Rob, and the planning board thanked Jerry and Cody for their time.

Public Comments & Questions of Non-Agenda Items:

Discussion on the next subcommittee meeting took place. The next meetings were set for March 24th and April 7th.

ADJOURN:

With no further business to discuss, Ken moved, and Kristen seconded the motion to adjourn the meeting. The meeting adjourned at 2:20pm.

Submitted:

Taylor Longie

(Filling in for Secretary, Rochelle Hoerning)

Approved By:

Chairman, Larry Volkening