

Beaverhead County Planning Board Regular Meeting  
Commissioners' Room, County Courthouse  
June 8, 2023 at 1:00 pm



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

**Planning Board Members Present:** Kristen Bailey, Justin Yoder, Ken Scalzone, Larry Volkening, Rich Lawson, Vana Taylor, Larry Yuhas, Justin Stanchfield.

**Planning Board Members Absent:** Kelly Rowe

**Others Present:** Surveyor Raymond Gross, Surveyor Travis Wilson, Dillon Tribune Casey Elliott, Secretary Rochelle Hoerning, County Planner Rob Macioroski, GIS Coordinator Tracy Sawyer, County Sanitarian Tom Wagenknecht

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

**Action on Previous Minutes:**

MOTION: Ken moved and Justin Y. seconded that the minutes of May 11, 2023 be approved. A verbal vote was taken and the motion carried unanimously.

**Planning Board Member Reports:**

Rich reported that there is some snow in the hills, lots of moisture, but things are green. Some construction in the area.

Ken reported that there was a house that sold in his neighborhood. The pot holes are getting bigger. Ken heard that there might be some development possibly near Antelope and Meadowlark area, but it's just speculation.

Kristen reported that the Dell Merc is developing a bigger parking lot. They are making a staging area for the windmills/ wind turbines.

Justin Y. reported that there is a lot of rain, grass is green. Some development projects finishing up from last year.

Larry Y. reported that there is a huge shop being built near Cornell. The alfalfa crops are looking good.

Vana reported that there is not much for sell in Polaris, people are looking though. Vana read her report to the group. A copy of this report can be found in the Planning Department, County Courthouse. Vana stated that there still isn't a lot of inventory in Beaverhead County. The people that are buying in



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Beaverhead County are from out of State. They think that the prices are cheap, especially compared to where they came from. The average price for dry land is approximately \$10,000 an acre right now.

Larry V. gave a report from the last City Planning Board. He stated that there is a hold up on the Tully Subdivision, the city attorney is still reviewing it. Larry noted that it is odd to have a City Attorney reviewing subdivisions instead of a Planner. There is a City meeting tonight to discuss the Loves Truck stop. The proposed tuck stop will be in the old Ron Johnsons building off the highway. The group asked if the building/location is in the floodplain. Per Rob, it is not in the floodplain.

Larry V. stated that the City Planning Board is interested in working with the County Planning Board. They are still discussing how that will look. Larry V. is supporting the process, but there are some questions on how to do that. The new building at the bicycle camp is almost complete.

Justin S. reported that the Wise River Club sold. The river hasn't really peaked high, the springs aren't coming in yet. There is some snow up high, around 8,000 feet and above.

**Planners Report:**

Rob mentioned to the group that we went on a field trip to the Burch Creek Subdivision, he noted the access is off Montana Department of Transportation right of way. They will need to get an access permit from the Montana Department of Transportation.

Rob talked with Jerry Grebenc this morning, MACo attorneys are working on the book to get it updated based off what legislature has done. Rob plans to send Jerry the Subdivision regulation draft that the subcommittee has done.

The Sweetwater View Minor Subdivision was approved by the Commissioners. There was some discussion about what was written in the Covenants. The road access said "not public", but it didn't say private. The County attorney gave his interpretation of what that means and the Commissioners did approve it. Montana Quality builders will need to bring Trista Lane up to County Standards to the end of the property. Rob stated that Commissioner McGinley would like all the roads to be public roads/public access.

Ray stated that if the County is going to require that all roads are public, then the County will need to define who has jurisdiction. Antelope Drive was being used by over weight vehicles. The homeowners tried to stop it from happening, but the County Commissioners told them it's a public road and they can't stop them from using it. Ray reiterated the importance of defining Public roads vs. Private roads and who has jurisdiction to post weight limits. Rob stated that the Home Owners Association (HOA) is

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who is responsible for the road. Antelope road is a little bit of a different situation though. Ray stated that the HOA can not post speed limits or weight limits, so the County needs to define Public vs. Private.

Rob stated that he received an email from the MACo attorneys about the Family Transfers. After each paragraph, it basically says to consult with your local County Attorney. Rob sent the email to Jed for review. Larry V. asked Rob if he expects to see more family transfers in Beaverhead County. Per Rob, he doesn't know. He thinks it's really going to depend on the DEQ with well and septic placement and approval.

Tom stated that he is concerned that people are going to hear that they can do a family transfer, but not realize that they still need sanitation approval. Tom would like to discuss this more in depth with Jerry Grebenc.

Ray stated that all Family transfers that are less than 20 acres have to go through DEQ, so he doesn't understand where the miss conception is coming from. Ray stated that he thinks Family Transfers are really a great exemption, family transfers aren't a bad thing. Ray stated that he thinks Family Transfers have been demonized.

Tom stated that there really is a miss conception about Family transfers. Ray disagreed, and stated that its being demonized. Rob stated that he thinks the biggest concern is in relation to other well and septic placements in the area. Ray reiterated that they have to go through DEQ. Rob stated that the concern is that they don't get approved because of the lack of room/crowding.

Tom stated that his concern is that it opens up the door for more people to start projects and then ask for sanitation after the fact. Ray agreed with Tom that people should not do that. They should get sanitation approval first, then start the project.

Larry V. disagreed with Ray and stated that the Planning Board is not demonizing family transfers. We are simply just trying to get issues addressed. Ray stated that the issues have already been addressed with legislature and the Montana Planning Act.

Rob stated that he hopes to get the new floodplain maps and ordinances adopted in August or September. It will be interesting to see the differences in the updates. The floodplain ordinances were pretty outdated, so there will be some changes.

**Public Comments & Questions:** None

**Birch Creek Flats Minor Subdivision:**

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Rob read the findings of fact report to the group. A copy of this report can be found in the Planning Department, County Courthouse.

Rob stated that the access permit from the Montana Department of Transportation only needs to provide access to the driveways. According to our County Standards a driveway will only need to be 30 feet wide.

Vana asked if the covenants allow the lots to be split. Rob stated that he has not received the final covenants yet, but the owners did say that they won't be allowing further division of lots. Ray informed Vana that the lots are part of a COS, not a subdivision. Rob reiterated that the owners do plan to submit covenants for the Birch Creek Flats Minor Subdivision. He will get the covenants sent to the Planning Board before final plat.

Kristen noted that the Burch Creek Flats Minor Subdivision packet stated in the introduction that the lots won't be further divided.

Ray stated that the water test area is included in the EA. He has not submitted it to DEQ yet, because when they did the test pit, they hit water at 7 feet. They plan to monitor it throughout July before submitting it to DEQ. Rob reminded the group that since these lots are under 20 acres they will be required to go through DEQ.

Kristen asked about the mixing zone. Ray stated that DEQ requires an easement. Per Tom, if there is an easement recognized then it's not an issue. Rich asked tom to explain mixing zone easement. Tom defined what a mixing zone is. He went on to say that some of the mixing zones can go onto another lot, therefore if that happens then there needs to be an easement. Legislation is reactive to this issue. Ray expressed his discontent about being required to have easements for things like mixing zones and well isolation zones.

With no further discussion, Larry V. asked for a motion.

**MOTION:** *Ken moved to approve the preliminary Birch Creek Flats Minor Subdivision with the conditions of approval from the findings of fact report. Kristen seconded. A verbal vote was taken and the motion carried unanimously.*

**Public Comments & Questions:** None



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**Subdivision Regulation Subcommittee Report:** None

**Public Comments & Questions of Non-Agenda Items:** None

**ADJOURN:**

With no further business to discuss, Kristen moved, and Justin Y. seconded the motion to adjourn the meeting. The meeting adjourned at 2:05pm.

**Submitted:**

  
Secretary, Rochelle Hoerning

**Approved By:**

  
Chairman, Larry Volkening