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BEAVERHEAD COUNTY Filed 1/18/2024 At 2:40 PM
Stacey Reynolds, Clerk and Recorder

By: Stacey L. Reynolds

Beaverhead County Planning Board Regular Meeting
Commissioners' Room, County Courthouse
December 7, 2023 at 1:00 pm

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

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

Planning Board Members Absent: Kelly Rowe, Larry Yuhas

Others Present: Cornerstone Surveying Travis Wilson, Dillon Tribune Casey Elliott, County Planner Rob Macioroski, Secretary Rochelle Hoerning, County Sanitarian Tom Wagenknecht, Dillon Fire Chief BJ Klose, County GIS Coordinator Tracy Sawyer

Opening: Chairman Larry Volkening called the meeting to order at 1:04pm.

Action on Previous Minutes:

MOTION: *Justin Y. moved, and Ken seconded that the minutes of October 19, 2023 be approved. A verbal vote was taken and the motion carried unanimously.*

Planning Board Member Reports:

Justin Y. reported that its snowing in his area, there are a couple of places for sell. The byway is closed.

Ken reported that there are a couple of places for sell in his area. The roads are pretty good right now.

Rich reported that the hunting season was a bust. The Hook and Horn was sold, they are expanding the bakery part of it.

Kristen reported that they got a little bit of snow in her area.

Justin S. stated that the Dewey bar and Wise River Club sold.

Vana stated that she didn't have anything to report, other than that she has been busy.

Larry V. reported that the wind is blowing in his area. He has a neighbor that has attempted to fix the road.

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Planners Report:

Rob reported that the Sweetwater View II Minor Subdivision, and the Birch Creek Flats Minor Subdivision received DEQ approval. We will probably see both of those going to final plat soon. He stated that Schnitzler Minor Subdivision has put in a culvert and has submitted an approach permit. If its approved by the Commissioners next week then the Road Department will give them a permit in order to move forward.

Vana asked about the City water wells in that location. Tom stated that there is an isolation zone/no build zone for the water wells. It will be marked on the plat.

Rob talked about the Beacon on the Hill property. They are trying to establish an easement. Vana asked if they are going to split the land into 20-acre parcels. Rob stated that he isn't sure, he hasn't received anything official from them yet.

Rob stated that the extension request for the CDBG Planning Grant was approved. We are hoping to have everything finalized by the end of February 2024. Kristen asked how long the extension is for. Per Rob, we have the grant until March 2024.

Rob talked about an email he received from FWP. The Montana Statewide Outdoor Recreation Plan (SCORP), he will forward the email to all the Planning Board members.

Rob reminded everyone who's terms are expiring to re-up, by providing a signed letter of interest.

Public Comments & Questions :

No public comments or questions.

Discussion on New Subdivision Regulations & Adoption Process:

Tracy put the Subdivision Regulation draft onto the big computer screen in the Commissioners' Room in order to make live edits. The group discussed the following edits:

Page 12: Housing Dedication can be removed entirely.

Page 66: Vana suggested to delete the last part of the sentence, the group agreed. The sentence now reads "The Planning Board and or the governing body may require a covenant obligating the developer or landowner to either actively use the land for agriculture".

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Page 66: Vana and Ken suggested to change the language to read "The Planner, Planning Board and the governing body."

Page 67: Great West Engineering suggested in the comments to add a section addressing sage grouse habitat. The group agreed that Rob will look more into this section.

Page 67: Maintenance Fees. Rob will ask Karen Alley the MACo Attorney about this.

Page 67 : Lots. The group talked about removing the words "satisfactory building site" and having it read "building site that conforms".

Page 68: HOA. The group discussed adding "The Homeowners Association" and fixed right-of-way spelling error. They talked about adding more to this section, if the HOA is not functional/active, can it be on the current landowner? They agreed to see what Great West Engineering thinks about this.

Page 70: Half Roadways. The group discussed adding the language "and approved by variance".

Page 71: Second Access. The group discussed changing the language to read "residential lots".

Page 75 : Section xii. The group agreed to remove the word "substandard" and add "County maintained road that may need improvements". Kristen stated that she doesn't think we can require a developer to pay the County to improve County roads. There was some discussion about this, and the group agreed to have the MACo Attorney look at this section.

Page 76: Section viii. The group discussed adding language to address roads in order to have connectivity between subdivisions. Rob suggested adding something to the road section that will address this. He will work on it, and then email the edits to the board next week for review.

Page 80 : B. Overhead Utility. The group agreed to change the language to read "if necessary".

Page 80. E. Utility Easements. Add the language "shown on the face of the plat".

Page 83. D. No changes, the group agreed to keep it as is.

Page 84. IFC. The group agreed to remove the sentence about International Fire Code.

Page 87. Xii. Subsequent Subdivisions. The group agreed that the water on wheels program needs to be defined.

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Page 103. Sign Standards. The group agreed to leave this section as is.

Page 109. The group discussed Zoning. Justin S. suggested adding the words "any zoning". The group agreed.

Public Comments & Questions:

Kristen asked the group how much notice needs to be given for public meetings. Rob explained to the group that there will need to be at least two (2) public hearings, with 15 days' notice.

Jerry Grebenc with Great West Engineering joined the meeting via zoom. He stated that the Agriculture issue on Page 58, requiring the landowner or developer to keep actively using the property for Ag is unconstitutional under the Subdivision and Planning Act. Especially since our County doesn't have any zoning. Jerry encouraged the group to talk with our County Attorney and the MACo Attorney for clarification.

Jerry talked about Sage Grouse, and how DEQ won't approve subdivisions' if the Sage Grouse issues aren't addressed. He also mentioned maintenance fees for roads, and encourages us to talk to the MACo Attorney for clarification. He believes that in some cases it can be an impact fee, or perhaps a one-time fee if there was a rural improvement district. But, this is something that we will definitely need to discuss with the MACo attorney or the County Attorney.

He talked about the importance of connectivity. He stated that there is language of connectivity in the draft, on page 61. There can be clear language added requiring the developer to extend road easements to the adjacent property if its known that it will also be developed in the future.

Jerry stated that there's a lot of Subdivisions in Big Sky where they have used open spaces as their park land dedication. Now that property values are so high, you are seeing property owners and developers wanting to change that open space in order to make more money. If someone proposes open space to meet the park land dedication, then it should be a difficult process to change that. Because otherwise they are trying to reduce their park land dedication. But, this is entirely up to the board, and something to think about. Tom stated that there have been people inquiring about the open spaces, and if they can be developed. He referred them to the HOA, DEQ, and Planning Board.

Rob asked Jerry about the requirements for public hearings, and when to post them in the newspaper. Jerry stated that there has to be no less than 15 days, and no more than 30 days' notice prior to the

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Commissioners' hearing. He suggested posting the meeting Ad in the newspaper 15 days prior to the Planning Board meeting, and then again 15 days prior to the Commissioners' meeting.

Rob asked Jerry about the grant extension. Jerry stated that he doesn't see any issues with it.

Rob informed Jerry that he will get the updates/revisions to him by next week.

Public Comments & Questions of Non-Agenda Items:

Rob stated that we will have a meeting next month on January 11, 2024. He stated that Kelly plans to run a mock subdivision review process with the board.

ADJOURN:

With no further business to discuss, the following motion was made:

MOTION: *Ken moved, and Justin Y. seconded to adjourn the meeting. A verbal vote was taken and the motion carried unanimously. The meeting adjourned at 2:32pm.*

Submitted:


Secretary, Rochelle Hoerning

Approved By:


Co-Chairman, Kristen Bailey