



By: Shannon McWilliams



Beaverhead County Planning Board Meeting
Commissioners' Room, County Courthouse
September 12, 2024 at 1:00 pm

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

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

Planning Board Members Absent: Justin Yoder, Kelly Rowe, Larry Yuhas.

Others Present: Moore Engineering and Land Surveying Matt Moore and Jonathan Bargmann, County Deputy Attorney Zach Toups, County Attorney Sky Jones, Extension Agent Jack Bazemore, Dillon Tribune Casey Elliott, County Planner Rob Macioroski, County Secretary Rochelle Hoerning, County GIS Coordinator Tracy Sawyer, Cornerstone Surveying Travis Wilson, Michelle Stephen- Hassard, Lee Diedrich, Lambros Real Estate Zach Medina, County-City Planning Board Liaison Maria Emmer-Aanes.

Opening: Chairman Kristen Bailey called the meeting to order at 1:04pm.

Action on Previous Minutes:

MOTION: *Ken Scalzone moved, and Justin Stanchfield seconded that the minutes of August 8, 2024 be approved. A verbal vote was taken and the motion carried unanimously.*

Planning Board Member Reports:

Justin Stanchfield reported that there have been some fires in his area. One fire to the South about 5 miles, and another about 7 miles to the North. They haven't received rain, its still really dry.

Ken Scalzone didn't have anything to report.

Larry Volkening reported that they are working on the road in his area. The bicycle camp is doing well. They had about 300 visitors this year so far. They have been sending bicyclist down the Centennial Valley Route.

Rich Lawson reported that the Steel Creek Subdivision has some development. The Jackson Hot springs has purchased some property. They took Rosie's down. The smoke is bad in his area. The Wisdom Cemetery Survey was filed with the Clerk and Records Office. The property lines got changed. They are working with the State lands to get it straightened out.



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Vana Taylor read her report to the group. A copy of this report can be found in the Planning Department, County Courthouse. She stated that things are slowing down a bit. You will see about 30 to 40 price reductions every day. She thinks people are waiting until the elections are over. There are several people looking for investment property in this area.

Kristen Bailey reported that there is some smoke in her area. The Lima dam will be shut down for a few days around the 20th for some repairs on the tunnels. Things are dry. School is back in session, not a big enrollment increase.

Planners Report:

Rob mentioned the Jilek Family Transfer and its location. He talked about the easement on the original plat stating that there would be future access to the South. Then another Survey was done on the property and the easement got changed to Emergency access only. He hopes that this issue can get resolved and that there can be an access utilized by all the Subdivisions in that area. Rob is concerned about Public Safety in that area. If a train gets stuck or a truck takes out the bridge, then there is no other way in and out. Rob will continue to work with Jilek family in attempts to get this figured out.

Rob assured the Planning Board that Justin Yoder plans to remain on the Board even though the Grasshopper Inn sold. He is still living in the Polaris area.

The Subdivision in Glen has been held up with DEQ approval for almost a year. There has been some trouble with DNRC and DEQ. A lawsuit with wells that have held up the reviews. Matt explained that the Upper Missouri Waterkeeper and some local landowners have a lawsuit against Broadwater County in regards to an approved Subdivision and ground water. The DNRC put a stop to predetermination letters for Subdivisions. The DEQ did approve a rule that allows them to advance their Subdivision review without the DNRC rule. Though, larger Subdivisions are still held up.

Public Comments & Questions:

No public Comments or questions.

Discussion & Action- Axes Canyon Minor Subdivision

Rob and Kristen informed the group that some of the Planning Board members took a field trip to the property this morning.

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

Rob informed Matt that he will need to work with Jack in the Extension Office on Condition #10- Grazing Plan.

Michelle asked Rob to re-read the part about water rights. Rob stated that there are no existing water rights. Michelle asked if there is currently a water right. Per Rob and Vana, it's for the well that exists on lot 5. Larry V. stated that the well that currently exists is in the crossroads of where the cul-de-sac might go in. Per Rob, he doesn't think it is, he thinks it's far enough away. Matt stated that they will keep the design in mind and consider that.

Vana asked how the weeds looked this morning during the field visit. Per Rob, they weren't that bad. The grass was just tall. There is a Weed Plan in review with the Weed Department. Jack stated that he can also help with that in the Grazing Plan.

Vana asked if there is a speed limit on Smith Road. Per Michelle, yes, 35 mph. Vana asked about the road condition. Kristen stated that the road is pretty good right now.

Larry V. asked if the Easement on the back at the far South end will be clarified. Per Rob, yes, the Survey Review Committee will look closely at that once they review it.

Vana mentioned that the Covenants state that there cannot be any large animals on the 2.5 acres. She wanted to know if that can be changed to seasonal due to the FFA, 4-H programs (on page 73, #29 of the Covenants). Zach stated that he wrote the Covenants. They did discuss making it seasonal for the 4-H program since there are a lot of Subdivisions in the area that due have Swine. They suggested it to the landowners, but they decided to go this route. He will discuss it with them again to see if they will re-consider it.

Public Comments & Questions:

Lee asked about Covenant #21, page 72 in reference to cut grass being excluded. She is concerned with people cutting their grass and throwing it into her horse pasture. She would also like to see a privacy fence along the whole Subdivision. She has an electric fence and very expensive horses that get trained on her property. She doesn't want dogs chasing her horses and she doesn't want kids getting "zapped" by her electric fence. Per Zach, there is a stipulation in the Covenants about dogs being under control. Lee stated that she plans to post it so that she isn't responsible. The group agreed that she should do

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that. She is also concerned about fireworks. She would like to see fireworks prohibited. Matt stated that they can ask the property owners about adding it to the covenants. Justin S. asked what type of fence is existing now. Per Lee, a 4-strand un-barb fence with electric wire. Her fence runs along the boundary line of Lot 5. Michelle's fence is not electric but does connect with Lee's fence.

Michelle stated that it is not Axe's Canyon Road anymore, its Smith Road. She stated that it is not spelled correctly. They have it plural, it should be possessive for a person's name. She wants to make sure that everyone is aware of that.

Michelle read the first bullet point on page 49 of the Subdivision packet, under Fire Mitigation Plan. She wants to know if there will be access on the back (Blacktail Road). Per Matt, no, the access will be on Smith Road. Michelle stated that on Page 55, the Groundwater Flow Direction Map is not correct. Her lot is to the East, it is not 2.5 acres and the well is not in the front. Matt clarified that he placed that information for lot 2 on the outside to try and save space. He was not referencing anything on Michelle's property on Page 55 of the packet.

Michelle asked the group if the landowner should have contacted the surrounding neighbors about that this Subdivision. Rob stated that our Subdivision Regulations do not require the adjacent landowners to be notified, only if it is a Major Subdivision. Lee stated that she contacted the landowners a few years ago and offered to buy the property, but they never returned her call. Zach stated that it has changed ownership over the last 4-5 years. Lee and Michelle stated that the property owners could have saved money by selling to the neighbors instead of going through Subdivision. Zach explained that the property owner's intent is to create more buildable lots that are smaller due to a shortage of that in the community. Michelle stated that she is concerned with all the new wells that will be installed in that area. Vana explained that this will have to go through DEQ review.

Michelle is requesting that Magnesium Chloride does not get placed on the road. Lee stated that Ken Hunt (a neighbor) pays the County to have it placed onto the road. Michelle reiterated that it is really "icky" stuff, corrosive and bad to breathe. Matt stated that he will talk with the property owner to see if they are open to adding it to the Covenants.

Larry V. thanked Moore Engineering and Land Surveying for the Subdivision Packet. He stated that the format made it easy to go through.

Lee asked Rob to tell her the decision on the Easement once it goes through the COS Review Committee. Rob stated that the preliminary plat will go before the Commissioners' at their next meeting on Monday,

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September 23, 2024. The COS Review Committee will review the survey sometime after the Commissioners' meeting. Rob informed Lee that he will get her number and let her know what's decided.

Michelle asked for clarification about the quorum on page 70, #2 of the Covenants. Rob explained that the quorum or majority is the same thing. Ken stated that he believes the HOA can make up their own quorum because there isn't always a majority of landowners at the meetings. Sky stated that it would be a majority vote of the quorum of the people that show up to the meeting.

Lee mentioned Covenant #6, page 70, referencing dwelling units (ADU). She is requesting to remove the sentence "The ADU may be rented long-or-short term". Vana stated that people add that for the purpose of a mother in law suit. Lee is concerned about the septic systems. Matt stated that they would be permitted separately and it would have to go through DEQ review. There was some discussion about how many dwellings can be placed onto the lot since it is currently being reviewed as a single family. Rob stated that if the property owners decided to add an additional house, shop, etc. it would have to be reviewed by DEQ. Sky stated that he will look into it. Lee explained that her concern is that people will build something to rent out and then that's when it becomes "trashy" with more dogs, more kids, more problems. She doesn't mind family staying there to visit, but not for long term renting. Sky stated that him and his team will look into Covenant #6, page 70.

Matt stated that if apostrophes are allowed in Surveying titles, they will add that apostrophe that Michelle requested.

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

MOTION: *Ken Scalzone moved to approve the preliminary plat of Axes Canyon Estates Minor Subdivision with the findings of facts. Justin Stanchfield seconded the motion. A verbal vote was taken and the motion carried unanimously.*

Public Comments & Questions of Non-Agenda Items:

The next Planning Board meeting is tentatively scheduled for October 10, 2024.

ADJOURN:

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




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MOTION: *Ken Scalzone moved, and Justin Stanchfield seconded to adjourn the meeting. A verbal vote was taken and the motion carried unanimously. The meeting adjourned at 2:06pm.*

Submitted:


Secretary, Rochelle Hoerning

Approved By:


Chairman, Kristen Bailey