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BEAVERHEAD COUNTY Filed 6/12/2025 At 2:38 PM
Stacey Reynolds, Clerk and Recorder

By: _____

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Beaverhead County Planning Board Meeting
Commissioners' Room, County Courthouse
March 13, 2025 at 1:00 pm

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

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

Planning Board Members Absent: Justin Yoder.

Others Present: Beaverhead County Planner Rob Macioroski, Beaverhead County Secretary Rochelle Hoerning, Beaverhead County GIS Coordinator Tracy Sawyer, Beaverhead County Commissioner Mike McGinley, Beaverhead County Clerk & Recorder Stacey Reynolds, Beaverhead County Chief Deputy Clerk & Recorder Tina Caron, City of Dillon Police Chief BJ Klose, Cornerstone Surveying Travis Wilson, Trails Coalition Representative Jamie Cottom, County-City Planning Board Liaison Maria Emmer-Aanes, Tom Mitchell, Laramie Smith.

Opening: Chairman Kristen Bailey called the meeting to order at 1:07 p.m.

Action on Previous Minutes:

MOTION: *Justin Stanchfield moved, and Larry Yuhas seconded that the minutes of the January 9, 2025 meeting be approved. A verbal vote was taken and the motion carried unanimously.*

Planning Board Member Reports:

Larry Yuhas and Ken Scalzone didn't have anything to report.

Larry Volkening reported that there have been approximately 1,400 hits on the bicycle camp webpage. People have been dropping off bikes, he repaired 3 this week. There was an old road abandoned that might be turned into a bicycling trail from Alder to Whitehall.

Kelly Rowe reported that they had a successful snow plow season. The hospital building has metal in the air, should be closed in by end of April. Prices seem high still on homes for sell.

Rich Lawson reported that there is some snow left in the Big Hole. Skijoring went well. No construction happening yet in his area.

Justin Stanchfield reported that calving is happening. Logging and snowmobiling are winding down. No new construction.

Kristen Bailey reported that the Lima dam is about 45% full and the Centennial range from 68-100%.



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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 read the percentages of States in which people are moving here, the biggest purchasers in Dillon. Loan wise, most have been conventional.

Planners Report:

Rob reported that the BBER seminar in Butte went really well. The Plutt Family Minor Subdivision will be filed with the Clerk & Records Office in the next week or so. He received an email recently stating that the Floodplain Ordinance will need some updating. The Airport Effected Appeals Meeting was last month. Kelly asked if they expanded the zoning. Per Rob, he isn't sure. The Axes Canyon Minor Subdivision is scheduled for final plat. Rob stated that there might be a Subdivision for review at next month's meeting.

Public Comments & Questions:

Maria Emmer-Aanes reported that they are working on a City survey. They are in phase 2 of 6. They worked with the 406 kids and got some good feedback. They had 800 people reply to the survey. The City plans to report the findings soon.

Silas & Laramie Smith Conservation Easement (Horse Prairie):

Kristen explained to the group where the Easements are located and Tracy provided a large map.

Kristen asked Laramie if she would explain why they have decided to do a Conservation Easement. Laramie stated that the easement is just on pasture and graze land, their house is left out. She stated that the reason they decided to do this was because they have 200 cows and 300 acres and so the easement will help them with the balance sheet. They have to lease ground during the summer. They hope to expand and buy some summer grass, so the easement will help offset some of those costs.

Kelly advised that if they want a gravel pit to talk with the County.

MOTION: *Kelly Rowe moved, and Vana Taylor seconded that the Silas and Laramie Smith Conservation Easement be approved. A verbal vote was taken and the motion carried unanimously.*

T.C. Mitchell LLC Conservation Easement (Big Hole River Valley):



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Tom Mitchell explained that they will have approximately 739 acres in the conservation easement. They have never had an easement before, therefore they started with a small one to see how it goes. He has studied them and he doesn't think it will affect production. He is the fourth generation on this particular piece, and much like Laramie's situation, things are expensive. The Easement will help allow them to bring his son on board and expand a bit.

Kelly R. stated that he is still trying to decipher if Easements are good or bad. Tom M. stated that you hear a lot of different things about them. But, he would hate to see his land subdivided or split, he has 4 kids and isn't sure what they would do. They do have a house across the road that is left out of the Easement.

MOTION: *Vana Taylor moved, and Rich Lawson seconded that the T.C. Mitchell LLC Conservation Easement be approved. A verbal vote was taken and the motion carried unanimously.*

Discussion on Conservation Easements, Jim Berkey- The Nature Conservancy:

Jim stated that he doesn't have a presentation, but can answer any questions. He shared a video from YouTube: (link: <https://youtu.be/txLDZVbG5l8>)

Rich L. asked if a solar farm could be constructed on a conservation easements. Jim stated that all easements are customizable. Some might say yes, other might say no. These days the most he works on are easements that allow agriculture production along with preserving wildlife habitat. So, in that case it might prohibit something like a solar farm because it isn't necessarily consistent with the goals on the easement.

Jim stated that the weakness of easements is not knowing what will happen in the future with the land, so its best to not have an overly restrictive easement.

Jim stated that the Nature Conservancy started looking at areas like the Big Hole, due to the agricultural land. Kelly asked if the goal is to connect all the Conservation Easements together. Per Jim, the reason they started working in the Big Hole and Centennial is because of lack of development and strong agriculture. There isn't a master plan to connect them, they are just working opportunist.

Kelly stated that most conservation easements are perpetual. Why aren't they writing into these agreements that there could be a revision in like 50 years. Per Jim, Conservation laws are really rooted within State and IRS. They are working on a legal foundation that says that you cannot amend them.



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Kelly asked how much say the Planning Board has on these Easements. Per Jim, legally a 90-day comment period. He would like to hear the boards concerns and input. Powell County started very forcefully saying that they wouldn't give a letter of support until they can see things like where gravel pits are going, etc. Although it isn't legal standing, its still good for them to voice their concerns and have input.

Kelly asked if we could provide a map to the Nature Conservancy to show areas where we wouldn't want Conservation Easements. For example, easements that are very close to City limits, and future growth. Per Jim, he thinks that would be a useful tool and something they could use.

Justin asked if you can keep petroleum and mineral rights out of the easements. Per Jim, yes, but it's a little complicated. Ways to address that is to just cut those areas out of the easements, but other answers to that question are much more complex. Tom M. stated that his easement stated that they can drill and extract underground, but not disturb the surface level of the ground. Jim reiterated that each conservation easement can be tailored to the landowners needs, not all easements are alike.

Vana asked if he is seeing more easements in other areas of the State. Jim stated that he thinks the interests around Beaverhead County has been steady. But, they are starting to see more interests in Eastern Montana. Vana asked if structures are limited on the properties with easements. Per Jim, there are buildings and then there are structures. Usually there are very limited rules on structures like corrals, etc. If it's a building though they do ask that they talk with them about it.

Commissioner Mike McGinley stated that the Resource use plan has always said that they don't want anymore federal land in Beaverhead County. He doesn't want to see people being kicked off land when its being used for grazing and logging. There was some discussion about lawsuits involving grazing.

Justin S. asked what happens if the conservation easement goes bankrupt. Per Jim, it can be sold to another conservation easement organization after they talk with the landowner. Since the easements are perpetual, there is a "handoff" agreement written in the easement.

Rob mentioned the recreational use on Conservation Easements. The landowner is the one that would grant access to individuals from the public for recreational use on the land.

Ken asked about roads on conservation easements. Per Jim, it comes down to the right of way. As far as width of road, that can be done and they will work with the County.



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Jim likes that the County Planning Board is becoming more active with these easements and future ones. Commissioner Mike McGinley stated that he likes the idea of putting together a map with boundaries of where we do not want to see them going in, especially near town.

Public Comments & Questions of Non-Agenda Items:

The next Planning Board meeting is tentatively scheduled for April 10, 2025 at 1:00pm.

ADJOURN:

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

MOTION: *Justin Stanchfield moved, and Larry Volkening seconded to adjourn the meeting. A verbal vote was taken and the motion carried unanimously. The meeting adjourned at 2:29 pm.*

Submitted:


Secretary, Rochelle Hoerning

Approved By:


Chairman, Kristen Bailey