

Beaverhead County Planning Board Regular Meeting
County Courthouse- Commissioners' Room
April 8, 2021 at 1:00 pm

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

Planning Board Members Present: Kristen Bailey, Rich Lawson, Larry Volkening, Ken Scalzone, Barry Emge, Larry Yuhas, Justin Stanchfield, Vana Taylor, Vicki Brastrup

Planning Board Members Absent: Kelly Rowe

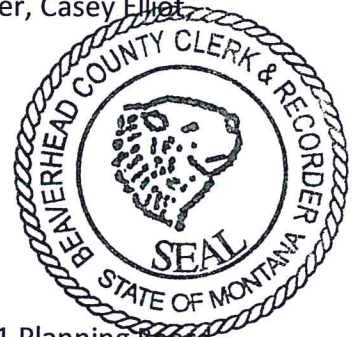
Others Present: County Planner Rob Macioroski, GIS Coordinator Tracy Sawyer, Casey Elliot, Joan Emge, Rochelle Hoerning

Present on Zoom: Jerry Grebenc, Jessica Murray

Opening: Chairman Larry Volkening opened the meeting at 1:02pm

Action on Previous Minutes:

MOTION: Ken moved to approve the minutes from the March 11, 2021 Planning Board meeting as submitted, Larry Yuhas seconded the motion. A verbal vote was taken and the motion carried unanimously.



Planning Board Member Reports:

Barry reported that Maverick ski hill closed on March 28th and will reopen next year. The Ski hill had a successful winter and there is still a lot of snow on the North side of the slope. Barry stated that he put his house on the market and is preparing to move out of State. He has been a part of the Beaverhead community for 34 years, on the County Planning Board for 21 years. Barry introduced his wife Joan; the group reminisced and expressed their gratitude to Barry and Joan for all the years they dedicated to serving the community.

Rich reported that a few places sold in Wisdom area. The snow was melting off, but Carol Hill got some new snow recently. Lost Trail Ski Hill is closed for the winter. There is some road construction happening, a couple of bridges being repaired. MT Highway 43 will be closed for some time during repairs.

Justin reported that there are some properties for sell in his area. The snow was about average this year and It's starting to melt off.

Vicki reported that most of what needed to be said was in the newspaper the other day. Its very important to communicate with people.



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Stacey Reynolds, Clerk and Recorder
By: Colman

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Larry V reported that some properties are selling around his area, other than that not much is happening.

Kristen, Larry Y and Ken did not have anything to report.

Vana reported that there are 12 active residential listings in the entire county, 20 under contract, 20 sold in 90 days, average price \$329,000. 11 commercial properties active, 3 under contract, average price \$349,000, 7 farm and ranch on the market, 4 under contract. 37 active land, 9 under contract, 24 sold within the last 90 days, average price \$60,000. It doesn't seem like things are going to slow down. Vana stated that she has never seen anything like this in Montana. People that want to sell their property won't be able to find a new house unless they are moving out of the area. There is not any affordable housing available. The average rent is approximately \$800 for a two bedroom in Beaverhead County.

Planner's Report:

Rob stated that he continues to work with people on Floodplain permits, submitted a new project to the newspaper last week.

Public Comments & Questions:

Ken asked the group about the new development that is allegedly happening near Laknar Lane and MT HWY 91. Rob stated that the development area is in the floodplain; the project is most likely on hold until the new floodplain maps are adopted. Vicki asked if there needs to be permits to build. Rob stated that the only permit needed as of right now is for a septic permit. Larry V stated that we hope to discuss implementing a permit to build into the new growth plan.

Vicki stated that during the City Planning Board Meeting there was some discussion about Bridges located in Beaverhead County. Vicki asked the group if the Bridges are County owned and if the County is responsible for the repairs. Larry V and Rob stated that they do not know the answer to that question. Vicki stated that the City plans to rank the bridges that need repaired and will present it to the County.

Jerry via ZOOM:

Jerry stated that he encourages the Planning Board to focus on identifying opportunities and issues that exist in the County. Those issues/problems should be addressed in the new growth policy; whether it be the real-estate market, new floodplain maps. There are always



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opportunities to upgrade infrastructure, local services, public buildings or programs for County residence. Identify those opportunities and issues and then create goals and objectives, then ultimately real-world actions or achievable projects that will address those opportunities and issues. Implementing some of the things that have been discussed such as building permits, pursuing grant opportunities to build trails or other infrastructures. People are going to look at your goals, objectives, and action plan. There is a check list that the Planning Board will have to follow in order to meet the statute under State law. However, the State law is pretty clear that the County has the ability to decide to what level they want to write that checklist. Jerry recommends that the Planning Board focuses on things like economics, demographics, social issues, community services, infrastructure and then implementing those goals and objectives.

Larry V asked Jerry to explain why we need this rationale before we produce a requirement or regulation. Jerry stated that under State law every jurisdiction is required to have subdivision regulations in every City, Town and County. Those subdivision regulations are supposed to be made in accordance with the growth policy. If there are specific issues that need to be addressed in the subdivision regulations then the new growth policy should address those issues. If there are things that need to be addressed in regard to road construction, public easements, fire protection water supply, managing vegetation in subdivisions to reduce wild fire risks. If those are things that you are thinking you want to put into your subdivision regulations then you should create a logical connection between the growth policy and the subdivision regulations.

If the County were to consider adopting a development permit process, the only way to do that is by County zoning statutes. The County Zoning statutes are very clear, that if some type of regulation is adopted there needs to be a clear connection between the growth policy and why we have those regulations. In the growth policy there should be a brief discussion about the issues we are having and the fact that the proposed regulations will help address those issues, therefore, the County may consider adopting those regulations. If litigation happens then we will have an argument that we went through the planning process in order to put those regulations into place. Ultimately the new proposed growth policy, and all proposed documents that we are wanting to update should be reviewed by legal counsel; either Jed the County Attorney or Tara with Montana Association of Counties.

Rob stated that he talked with Jerry about time, how much time does the Planning board have in order to get the new growth policy adopted and use the grant. Per Jerry, if more time is needed we would be able to submit for an extension. Usually, the allotted time to complete the new growth policy is approximately a year. Jerry recommended updating the subdivision



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regulations in conjunction with the growth policy update. The current document that Beaverhead County has is relatively old and there have been numerous statutory changes. Updating the document is highly recommended so that it complies with statute. Rob mentioned to the group that the subdivision regulations have not been updated since 2010. Rob suggested to the group that we also look into regulations for trailer parks, there currently aren't any regulations.

The group talked about the importance of having regulations and a permit to build. Rob stated that the only way we can currently track what's being built is by Septic permit applications. Justin asked the group if we should address and discuss the off-grid living and building; people are buying land and not taking the proper steps in order to develop on the land. Jerry stated that this is an issue throughout the Western part of the State especially in the areas that have hard rock mining. There are mining claims that are existing tracks of record throughout Southwest Montana in Beaverhead County and surrounding Counties. If the people that are building on the land have tracks of record then they can be built upon. Theoretically, they should be complying with sanitation laws but those off grid properties are pretty tough to track. Vana stated that there should be a realtor transfer certificate that could be tracked for sells. Jerry stated that unless that document was reported to Rob or someone else it would be very difficult to track; and would not be a good way to track these types of properties.

Larry Yuhas stated that Bozeman is requiring a percentage of new buildings become affordable housing. Jerry stated that in order to do something like that there has to be a pretty comprehensive zoning code put into place. Beaverhead County might not be equipped to enforce something like that. Larger cities that have sophisticated and complex zoning and building codes with extensive staff can administer things like that. There is no denying that affordably housing is definitely a desperate issue in most of our communities. Unless our County has the staff, time, money and political will to adopt complex codes and regulations then it might not be an option for Beaverhead County right now.

Growth Policy & Subdivision Regulations Discussion:

Larry V provided the group with copies of the proposed 2021 Growth Plan document with a preliminary template. Located in the first few pages are, the introduction, vision statement, and other general topics that the group has discussed in recent board meetings. Larry referenced page 7 in the preliminary packet and mentioned the following sections: Permit to build, purchasing land located in a subdivision, Covenants and HOA's. Barry mentioned that some subdivisions wanted covenants and some did not, people were split on the idea. Vana stated



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that there are already rules and regulations that are put into place that people do not follow. When we see things happening like Wells or Septic's being installed incorrectly because the property owner did not take the proper steps, we currently do not have authority to stop it or regulate it from happening. Larry V stated that the goal is to have things like that addressed into the new growth policy; having clear goals, objectives and strategies that can be enforced.

Larry V suggested to the group that the current growth policy is too long and that the new proposed document should be about half the size. In the introduction of the new growth policy he would like to see something like the "Code of the New West" inserted. He encourages people in the community to pick up a copy of the "Code of the New West: A Citizens' Guide to Rural Responsibility" booklet from the County Courthouse in order to get a better understanding of how things should be done in the County.

Larry V referenced the General Resources section of the preliminary template and indicated that there needs to be resources/studies for the following: maps, housing study, socio/economic study, land resources and resource use plan, impact fees study, Montana code title 76 'Land resources and Use', Dillon growth area plan and Growth policy and Impact fees study. Larry V stated that we don't need to re-do the studies ourselves, we can use studies that have already been done and incorporate them into the document. Larry V referenced the Goals and Objectives section of the preliminary template, such as the following: Local and Social services, Economy, land use, housing, comprehensive recreation plan. Larry V stated that we can look more into the covenant laws and address them in the new growth policy to help educate people of what's expected. Beyond litigation there really isn't any enforcement that can be done with HOA/Covenants. Vana stated that there should be some discussion included about health, safety, and welfare.

Larry V stated that there needs to be some Economic Studies for the whole County, not just focused in Dillon. Larry V suggested that we reference maps to show hazardous places to build; a series of overlays in order to compare the safety, wellness and welfare. We will need to have something about a Weed plan being required under the subdivision regulations. Barry stated that he wants to address the land lock in Dillon. He suggested that if a subdivision in the County is going to be built near the City then they should be annexed. Vana stated that since Beaverhead County is an Agriculture County, there are many issues that we would face in regard to annexing into the City; people want to subdivide their property to allow for more development and growth.



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Larry V stated that growth is going to continue to happen in Beaverhead County. it's imperative that we start addressing all these issues that have been discussed and formulate a plan, continue to build a framework for the new growth policy. Larry V encouraged the group to continue to add ideas to the framework packet. Ken stated that he has a list of ideas/corrections that he will email to Rob in order to share with the group for our next board meeting. Larry V asked the group to find an area in the framework and create a rationale, he asked that they bring the assignment to the next meeting for discussion.

The next meeting will be held on Thursday, May 13, 2021 at 1:00pm.

Public Comments & Questions:

ADJOURN:

With no further business to discuss, Barry moved, and Ken seconded the motion to adjourn the meeting. The meeting adjourned at 2:54pm

Submitted:


Secretary, Rochelle Hoerning

Approved By:

 5/13/2021
Chairman, Larry Volkening



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