

Beaverhead County Planning Board Regular Meeting
Commissioners' Room, County Courthouse
September 16, 2021 at 1:00 pm



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

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

Planning Board Members Absent: Kelly Rowe, Kristin Bailey, Justin Stanchfield, Vicki Brastrup

Others Present: Rob Macioroski, Rochelle Hoerning, Casey Elliott, Gary Gerth, Travis Wilson, Rich Long, Tom Wagenknecht

Opening: Chairman Larry Volkening opened the meeting at 1:05pm

Action on Previous Minutes:

MOTION: Ken moved to approve the minutes from the August 12, 2021 Planning Board Meeting as submitted. Justin Y. seconded the motion. A verbal vote was taken and the motion carried unanimously.

Planning Board Member Reports:

Larry Y. reported that a rental unit building is being developed in his area.

Vana reported that it's been a busy summer, some inventory. Some Interests in commercial property. There was an offer on the old theatre building, they will be doing some updates to it. The old IGA building downtown is being fixed up as well.

Ken didn't have anything to report.

Justin Y. reported that there is some building happening, High Country is for sale.

Rich reported that its still really smokey in his area, fires are still active. Some properties in the area have sold, Wisdom market is for sale. Highway is closed today, should have it open by tonight.

Larry V. reported that a lot of bicyclists have completed their journey across the Country, things are going well at the bike camp.

Planner's Report:

Rob reported that the final appeal for floodplain maps were due on September 9, 2021. There weren't any appeals out of Lima, Big Hole, and only one on the Beaverhead. The City of Dillon didn't receive any appeals either. We are now waiting for the approval through FEMA. We

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Should have the new floodplain maps adopted soon, sometime next year. The Cell tower out by Dell was recently approved, it was a little controversial. The FAA said the tower didn't need to be lit. The airport board wanted the tower to be lit, after some discussion it was decided that the tower would not be lit based off FAA. The Nissen Lane subdivision was approved last week. We are revamping the COS process, it will be on the commissioner's agenda for this Monday at 10:00am. We will also appoint a new Examining Land Surveyor, possibly someone out of Butte.

Public Comments & Questions:

Discussion & Action on the RTKC Ranch Major Subdivision Preliminary Plat:

Rob explained the review process for a major subdivision. The County Planning Department notified the public by putting an ad in the newspaper and sent letters to the adjacent homeowners. Rob read the findings of fact report out loud to the group. A copy of this report can be provided from the Planning Department, County Courthouse. While reading the report Rob noticed that a correction will need to be made under (f) Effect on Public Health and Safety: Montana DEQ will need to be changed to Local Department as the DEQ does not pertain to this subdivision due to the 20+ acre lots.

Ken asked the group what the subdivision regulations say about variance requests (length x width). Per Rob, this is something that we should address in the new subdivision regulations in order to keep the lots from being long and narrow. Tom stated that when the lots are long and narrow it becomes a sanitation issue for wells and septic. Per Larry V. it's also an issue for emergency vehicle access. Ken stated that he observed the antelope while at the RTKC field trip earlier in the day. Ken asked to add to the findings of facts, under staff recommendation, Condition #19: recommended wildlife-friendly fencing within subdivision boundaries.

Rob read out loud to the group an email of questions/recommendations that he received from Kelly Rowe. He was not able to attend the meeting but wanted to express his concerns and comments to the group. Question #1. Since they are splitting up the allotted water, the 35 gallons of water/minute, between the lots to only use 5 gallons of water per minute, I recommend that it is on the front of the plat so buyers will know what they are buying. Per Rob, this question does not pertain to this subdivision due to the lot size of 20+ acres. Question #2. All easements setbacks, septic system locations, wells should be clearly marked on site by licensed surveyor/engineer. Per Rob, due to the lot size, it will be reviewed by the local sanitarian and he will make the recommendations for layout. Question #3. Down cast lighting should be used. Rob, stated that someone from the board could make a motion to add the lighting as a condition to findings of facts. Question #4. No livestock should be allowed on this



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property, even in dry lot situation, due to no irrigation. Per Rob, Mr. Long will provide covenants that will address this. Question #5. They should have to adopt the covenants from the other two sub-divisions that they will have access through. Question #6. If they think these suggestions are to strict then the board shouldn't approve the variance request and they can bring a different plan to the board. Question #7. There is one more hazard on the property which is the big draw before the windmill. This has been known to back water up during the spring snow/rain events, and will require a culvert to prevent this. No comments from the group to questions #5 and #6. The group stated that they would need further explanation for question #7, therefore, no comments were made.

Vana expressed her concerns to the group about large animals on the lots due to the vegetation and how dry the land is. Larry V. stated that the safe stocking rate is to prevent animal cruelty and whether or not the land can withhold animals. Per Rich, the dry land grazing does not fit the safe stocking rate and the safe stocking rate may need to be changed. Larry Y. stated that animals should be kept in pins and dry lot instead of being able to graze. Per Rich, he doesn't think it shouldn't say "no grazing" but it should be modified. Tom stated that this year it's been extremely dry, AUM's should be variable and modified to every lot. It shouldn't be the same across the board for the entire county. Rob stated that the grazing plan that Jessica created does take the land into consideration and that she modified the grazing plan to meet where this subdivision is located. Vana asked about the soils, Per Ken the soils are very delicate in that area. Ken stated that the safe stocking rate should address the pen size. Vana stated that she would like to have a committee established to look at soils, grazing for future subdivisions. Larry Y. asked to add to the findings of facts, under staff recommendation, Condition #20: Covenants should state to follow safe-stocking rate and to pen animals when grazing for the safe-stocking rate is met.

Vana stated that she would like to see the surveyor pins and lots staked to indicate where the lots are located, where the well should be located, where the septic should be located prior to construction. Travis stated that he will pin the lots once the subdivision is approved. Tom stated that since this subdivision does not go through DEQ this subdivision does not have a lot lay out for septic and well at this point. Tom encourages the property owners to come into the County Sanitarian office in order to get a septic permit so he can help with the lot layouts. Vana asked to add to the findings of facts, under staff recommendation, Condition #21: Developer should have signs showing the lots and their location. Prior to construction, homeowner/builder will have the well and septic permitted and staked. Larry V. asked to add to the findings of facts, under staff recommendation, Condition #22: Prior to final plat approval, the final covenants



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shall include that all exterior lighting shall be indirect and have full cut-off deflectors. No full-time yard lights. Vana asked about the fire protection. Rob explained to the group that it is addressed in the findings of facts, (C) Effect on local Services.

Public Comments & Questions:

Gary Gerth is a resident at Sweetwater subdivision and asked Rob to re-read findings of facts (site specific conditions #11 & #17). Gary asked why the road on Sweetwater drive will need to be up to County standards. Rob explained that these conditions are for the road on the other side of the canal where the new proposed subdivision road would continue. Rich Long stated that the gate at the canal through Sweetwater subdivision would be locked. Per Long, he would be the only person to access that road and the emergency departments. The property owners for this proposed subdivision would use Blue Bird road. The road name would need to be changed to Crestone Peak Drive, not Sweetwater road and that would need to be changed on the face of the preliminary plat.

Gary Gerth stated that as long as that gate stays locked then it won't affect the Sweetwater subdivision, because they won't have access. Per Rob, that gate can not be locked because there needs to be two ways to access the subdivision for emergency access (ingress and egress). Vana asked if Bureau of Recreation and emergency vehicles need to approve the bridge in order for the bridge to be up to standards. Per Tom, the new bridge will need to be built up to regulations, in order to accommodate the weight for the emergency vehicles. Rich Long stated that the existing bridge is not as substantial as the new bridge that will be built on the Blue Bird side. Rich Long explained that a potential solution to the bridge situation on the Sweetwater side would be to possibly buy the bridge, however Mr. Long has no desire to do so.

Gary Gerth asked that the board re-considers gating the access at Sweetwater Estates bridge, by leaving the gate open it allows the proposed subdivision to use their road. Larry V explained to the group that there needs to be an ingress and egress and that the gate would need to be unlocked unless a new egress and ingress is created. Rich Long explained that there is access near the canal and that the canal road could be accessed by some of the landowners as an egress and ingress. Per Larry V, that road cannot be used as egress and ingress because it's not a public road.

Rich Long stated that the County has a definition of egress and ingress but where is that definition? Rob stated that its definition is "in and out" for emergency access. Rich Long asked if that means he will have to build two bridges? Per Larry V. unfortunately yes, unless the commissioners say otherwise. Larry Y. asked if the bridge currently meets standards. Per Rich



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Long, Yes, the existing bridge is rated at approximately 60,000 as it is now. Rich Long stated that he has covenants for this subdivision and will have them modified after this meeting. He will provide the covenants to the planning board for review.

Travis stated that the preliminary plat will be presented to the commissioners on Monday, September 27, 2021. Larry V. encouraged the group to come to the Commissioners meeting in order to help answer questions the Commissioners might have.

MOTION: Rich Lawson moved to approve the findings of facts, staff recommendation, Conditions #1-#18 as written. Ken seconded the motion. A verbal vote was taken and the motion carried unanimously.

MOTION: Ken moved to approve the findings of facts, staff recommendation, Conditions #19-22 as written. Justin Y. seconded the motion. A verbal vote was taken and the motion carried unanimously.

MOTION: Justin Y. moved to approve the preliminary plat as submitted with the added conditions #19-22. Larry Y. seconded the motion. A verbal vote was taken and the motion carried unanimously.

Discussion on County Growth Policy:

Larry V. stated that the Code of the West was removed from the County growth policy working draft. The Code of the West will remain as a separate document. Jerry Grebenc has provided the Planning Board with a preliminary growth policy that the group will need to review. Rob stated that we will need to have a sub-committee meeting soon in order to iron some things out due to time restraints.

Public Comments & Questions of Non-Agenda Items:

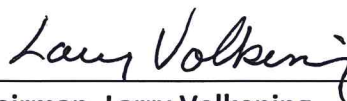
ADJOURN:

With no further business to discuss, Ken moved, and Justin Y. seconded the motion to adjourn the meeting. The meeting adjourned at 3:22pm

Submitted:


Secretary, Rochelle Hoerning

Approved By:


Chairman, Larry Volkening



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