

Beaverhead County Planning Board Regular Meeting
Commissioners' Room, County Courthouse
February 10, 2022 at 1:00 pm



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

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

Planning Board Members Absent: Ken Scalzone

Others Present: Commissioner Mike McGinley, Rob Macioroski, Tom Wagenknecht, Casey Elliott, Tracy Sawyer, Jerry Grebenc, Travis Wilson, Rochelle Hoerning, Vicki Brastrup, Rebecca Jones, Gary Gerth, Rich Long

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

Action on Previous Minutes:

MOTION: Justin Y moved to approve the minutes from the January 13, 2022 Planning Board Meeting as submitted. Kristen seconded the motion. A verbal vote was taken and the motion carried unanimously.

Planning Board Member Reports: Larry V. stated that we are going to skip the reports and go straight into the presentation that Kelly put together.

Planner's Report:

Public Comments & Questions:

Presentation by Kelly Rowe:

Kelly Rowe presented to the board the importance of regulations and how that fits into the Growth Policy. A comprehensive plan that we can present. Kelly asked the Planning Board members to provide feedback about what they would like to see addressed in this plan. Some of the things that Kelly would like to see addressed are the following: HOA, Covenants, Economic Development, Recreation, Education, Water Rights, Roads, conservation easements, fire, lot sizes, etc.

Vana asked who will review the covenants and HOAs? Rob stated that he reviews them as a condition of approval. Kelly recommended that we let the Planning Board members review HOA's prior to approval. Kelly suggested creating a checklist to ensure people are following the proper steps. Kelly stated that sometimes there is a lack of education and information, so people do not know what to do. Kelly shared an example of how the airport boundaries for the fly zone changed. He was not notified of the change, until researching online. Vicki stated that

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some covenants are not followed properly, and that presents an issue. Kelly asked Rob if HOA and Covenants can change once they are approved and how long are they good for? Per Rob, they can be updated/amended, they are good for as long as the HOA is in tack. Kelly expressed the importance of trails and recreation. Justin S. asked if there is a regulation saying that future landowners are required to review covenants before purchasing the properties. Per Vana, they are given the covenants at the title company, it's the homeowners responsibility to read those documents. Vana asked the group who writes the covenants? Travis stated that he helps the developer write them sometimes. However, the property owner will usually have their attorney write them.

The group discussed the importance of HOA's and covenants and how they should fit into regulations and the growth plan. Larry V. stated that the covenants created by one subdivision should feed into the neighboring subdivision, this might eliminate issues between the two neighboring subdivisions. Kelly asked Jerry G. if the Growth Plan can be changed or revisited once its adopted. Per Jerry, yes, it can be revisited and amended anytime with proper public notice.

Discussion on Zoning, Building Permits-Jerry Grebenc, Great West Engineering:

Jerry stated that HOA's and covenants are hard to enforce. Often enough, people get attorneys involved. Jerry informed the group to be careful about putting too much pressure or reliance on HOAs and covenants. His suggestion is to have the HOA's and covenants recorded with the Clerk and Records office. He also suggested having things noted on the face of the plat. Jerry stated that right now the only things Beaverhead County has put into place are land use and sanitation. In order to incorporate more permits, you have to adopt zoning. Larry V. asked if a map could be created to show an easement for something, like future recreational use. Jerry stated that the growth policy is our wish list, and the regulations, infrastructure are our tools. The Growth policy document identifies the issues within our community/identifying the needs. It doesn't have to go into great depth, it just needs to briefly state what we would like to see happen.

Larry V. asked Jerry what to do if we come across a flaw in the growth plan once we have it all put together. Per Jerry, it will never be perfect, just identify the issues/mistakes and then give a public notice for a hearing to amend the plan. The only time you would really have to amend the document is if you see a pattern of something that just isn't working. For example, a variance. People keep asking for the same variance over and over again, that would indicate that a change needs to be made in the Growth plan.



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Most regulations are preventative, to make sure people are doing the right thing. Kelly stated that he is ok with adding regulations down the road but would like to see some education first. Jerry recommended having education as a number one priority in the growth policy. Jerry asked about infrastructure, what would we like to see addressed, be realistic. The Growth Policy needs to be achievable. Jerry suggests revisiting the Growth Policy yearly, do a resolution to amend the problems as they arise. Kelly stated that he is hesitant when it comes to zoning and regulations; due to what he has encountered with the City. He doesn't like the idea of decisions being made by just a few select people.

Jerry stated that education and subdivision regulations should definitely be a top priority. Kelly is at ease knowing that the growth policy can be amended. Jerry stated that a regulation has "teeth" but it all comes down to enforcement. Vicki stated that zoning is more for protecting people, not going against them. Larry V. stated that he sees the Growth Policy as "what to expect in the future". Larry V. asked Jerry if there is a way to change things that have already been done in regards to development and infrastructure. Per Jerry, it's tough, once there are houses already built, roads built etc. Larry V. asked Jerry if we will just have to work around all the current existing problems in our community regarding growth. Jerry suggested creating a map that will show areas that are good for future growth/development. Identify where there will be future development, then make it a condition before approval that roads need to connect etc.

Commissioner McGinley stated that in the Growth Policy working draft (Pg.38, Roads and Bridges) we should add something that addresses subdivision roads. Kelly suggested adding things into the Growth Policy like annexing. If there is a development within a certain amount of feet then they should be required to annex into the City, this will help with infrastructure and growth. The group decided that a future land use map is really important. Justin S. asked how much thought we need to put into federal regulations, like wet lands. Per Jerry, we don't need to get that much into detail. The goal is to have the plan only about 60 pages total in order to keep it simple since data changes, etc. Jerry reiterated the importance of having the Planning Board put together a "wish list". Kelly suggested to the group that we create some deadlines.

The group discussed dates and agreed that the wish list should be completed by February 28, 2022. The group discussed public hearings in areas like Dillon, Wisdom, Lima, Wise River, Polaris. The group agreed that the public hearings should be scheduled by mid-end of March 2022. The group agreed that the public hearings should be completed by the end of April 2022.

Discussion on Jackson Ranches Conservation Easement-Nature Conservancy:



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Rob provided a conservation easement map for the group to review. Kelly asked Rob to mention gravel pits and weed control to the Nature Conservancy. Larry Y. asked if the location of the conservation easement will hinder the growth in Jackson. Per Larry V. it could potentially affect the growth in that area. Kelly stated that he would like to see legislature make some changes regarding Conservation Easements. Justin S. asked, what happens if we create a map with projected roads etc. and then a Conservation easement is put in that exact location. Is there anything that we can do about that? The group agreed it's a good question. Rob suggested that we create a map (a radius/donut) to indicate areas where we do not want Conservation easements, due to potential growth.

Discussion & Action on PLT Minor Sub. Preliminary Plat:

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

A few members from the Planning Board went on a field trip earlier in the day to visit the proposed PLT Subdivision.

Rob stated that Paving the approaches should be added to Site Specific Conditions #6. Vana clarified with Rob that this Subdivision will have to go through DEQ. Per Rob, it is printed on the face of the plat. The ARM on the face of the Plat identifies what the needs are for water and septic. Kelly asked about the proximity to the ditch. Per Rob and Tom, the property owner will need to be aware that they are close to a ditch.

MOTION: Kelly moved to amend Site Specific Condition #6 to read all access roads intersecting a paved State road shall have a paved approach paved back to the right-of-way boundary. Vana seconded the motion. A verbal vote was taken and the motion carried unanimously.

MOTION: Rich moved to approve the PLT Minor Subdivision Preliminary Plat. Justin S. seconded the motion. A verbal vote was taken and the motion carried unanimously.

Public Comments & Questions:

Dancing Winds lots Re-Configuration:

The Dancing Winds (formerly known as RTKC Ranch) lots were re-configured. Rob provided the group with a copy of the proposed survey for review. Rob stated that instead of the lots



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going across the road, the new survey now has the lots on each side of the road and are no longer split by the road. The issue with the previous lay out was the need for cattle guards. Kelly asked about the lot configuration on lot 14, it funnels into the emergency exit. Kelly stated that the property owner on the emergency road will have to post signage showing that its for emergency use only.

Rebecca Jones with Sweetwater Estates stated that the owner of the bridge is the Bureau of Recreation, and that a gate and lock will need to be put up on that emergency exit. Justin S. and Toms concerns are gating and locking the emergency exit. Kelly recommended just gating it and not locking it. Rebecca stated that she will send Rob an email with the information provided by Bureau of Recreation. Rich Long stated that the road will be gated, he has talked with Jeff Baumberger about the bridge/gates. Kelly asked who is responsible for maintaining the bridge once all the lots are sold, since they will need to be inspected annually. Per Rob, that should be the responsibility of the Home owners. Kelly asked who is responsible for making sure the gate is closed on the emergency exit. Mr. Long stated that in the Dancing Winds Covenants it states that the HOA is responsible for the maintenance. Larry V. asked Tom what would happen if the gate was locked. Per Tom, having the key readily available in the event of a quick response or emergency is an issue. If needed, they will cut the lock in order to get to the emergency. Justin S. stated that he doesn't think the gate should be locked due to emergency situations. Rebecca stated that if its not locked then the Dancing Winds subdivision will open the gate and use their road.

Kelly suggested that we get a letter from the Bureau of Recreation stating what they want with the bridge, if it needs to be gated, locked or unlocked. Rebecca stated that in the Sweetwater covenants it states that they can't charge road maintenance fees. Rebecca asked if the covenants can be changed so that the subdivision will have to help pay road maintenance. Mr. Long stated that these lots located in Dancing Winds Subdivision are expensive lots. He doesn't think that the future home owners of this subdivision would violate the covenants. Rob stated that Mr. Towery has suggested that the Dancing Winds Subdivision should pay double the road maintenance fees. Rob does not agree with doubling the fees, it should be the same amount for all homeowners using the road.

Gary Gerth stated that he is the Secretary of the Sweetwater HOA. Gary stated that once the Bureau of Recreation has made their recommendations then we can get things ironed out. Rob informed the group that Mr. Long has up to three years for approval of this preliminary subdivision.



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MOTION: Kristen moved to approve the Dancing Winds lots re-configuration as submitted. Justin Y. seconded the motion. A verbal vote was taken and the motion carried unanimously.

Growth Policy Discussion:

Public Comments & Questions of Non-Agenda Items:

The Planning Board Sub-Committee agreed to schedule a meeting for February 24, 2022 at 1:00pm. Vana stated that she would like to share her inventory report with the group. Rochelle will email the report to the Planning Board members for review. A copy of this report can be found in the Planning Department, County Courthouse.

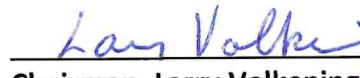
ADJOURN:

With no further business to discuss, Justin S. moved, and Rich seconded the motion to adjourn the meeting. The meeting adjourned at 3:40pm.

Submitted:

Approved By:


Secretary, Rochelle Hoerning


Chairman, Larry Volkening



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