

**MADISON COUNTY PLANNING BOARD  
MEETING MINUTES  
January 27, 2020**

**1. Call to Order: 6:07 p.m.**

**2. Roll Call**

**Members present:** Pat Bradley, Tamara Millican-Wood, Rita Owens, Lincoln Roberts, Jacqueline Lev, Laurie Schmidt and Darlene Tussing.

**Members not present:** Del Bieroth, Jacqueline Lev

**Staff Present:** Alex Hogle and Michelle Schriock

**Others present:** Keely Larson (Madisonian Newspaper) and April Gerth

**3. Minutes – September 30, 2019**

**Planning Board comments/questions:**

Bradley – Noted in the September minutes Bieroth asked about SIA (Subdivision Improvement Agreement) and inquired how fees and SIA applications are processed. Hogle explained the SIA process, fee calculations, and the various timelines that need to be met. He mentioned eventually the need for the Planning Board to discuss and possibly make an amendment to the Subdivision Regulations regarding timelines. The staff has recently implemented a consistent tracking system and calendar beginning January 2020 for documents received by the Planning Department.

**MOTION: To approve the minutes from the September 30, 2019 meeting with corrections. Moved by Schmidt, seconded by Millican-Wood. Motion carried.**

- Bradley – Requested her prior comment “expressing high concern for perceived negative and unusual conservation allowances on the wilderness area in the Conservation Easement” acknowledge it was referring to the Moonlight Basin/Montana Land Reliance Conservation Easement.
- Questions about the Commissioners decision regarding the topic of lifting an Agricultural Restriction presented to the Planning Board on November 25, 2019. Discussion regarded recent adopted legislation [MCA 76-3-207(a) & 76-3-211(1)] and how it has amended the provision for Agricultural Exemptions and created an option whereby lifting of ‘Agricultural Restrictions’ may be done through the typical review or be done through restoration of the original lot lines.

**4. President’s Comments:** Recognized staff’s diligent work in the office.

**5. Opportunity for Public Comment for Items Not on the Agenda:** None

**6. Statement of Conflicts of Interest/Ex Parte Communications:** Tussing declared her position at Big Sky is a volunteer position. She is not being compensated and asked it be placed on record.

**7. Lee’s Pool Subdivision and PUD:** The Public Hearing for Lee’s Pool was canceled per the applicant’s request. Tussing asked if the timeframe deadlines start again once new information has been submitted. Hogle: Per Madison County’s Subdivision Regulations (76-3-615), there could be a subsequent hearing, but without further review, there’s not a definite answer. Different scenarios were discussed and depending on the applicant’s new information provided, will stipulate what step happens next.

**9. Monthly Report:** Discussed Commissioners review of Kirby Minor Subdivision and approval of the variance based on the Planning Board’s recommendations. Recurring office work included Exemption Review Board, subdivision review, building envelopes, flood plain permitting, road naming, and conservation easements. The Planning Department and GIS have been making progress reducing the backlog of uncompleted Pre-Construction Safety Reviews dating back to pre-2013.

**10. Old Business:** None

**11. Nomination and Election of Officers:** After the election committee consulted with all members of the Planning Board, by majority, Tussing will continue as Planning Board President and Bradley will serve as the new Planning Board Vice President.

**Motion: to nominate and elect Tussing to remain Planning Board President. Moved by Roberts and seconded by Bradley. Motion carried.**

**Motion: to nominate and elect Bradley as Planning Board Vice President. Moved by Roberts and seconded by Millican-Wood. Motion carried.**

## **12. Board Functioning: 'Variance' – Process and Criteria**

Review of MCA 76-3-506. Provision for granting variances.

Discussion and explanation on First Minor Subdivisions, Subsequent Minor Subdivisions, and Expedited Review of certain Minor Subdivisions.

- **Expedited Review criteria** – The property must be located in an area covered by a current Community Plan, no more than five lots, spaces, or units. Discussion included how the expedited review of “First Minor Subdivision” process works. Notable is the provisions for Minor Subdivisions, the key is the Findings of Fact be addressed before any motions are made.
- **Provisions for Minor Subdivisions** - The key to Minor Subdivisions, is Findings of Fact be addressed before any motions are being made. Schmidt referred to the packet she provided.(Page #77, paragraphs 2 and 3) #5 Variance Requests regarding variance approval and hardship definitions from the 2009 Montana Planning Board Members Handbook. The Board and staff further discussed scenarios for considerations in a variance. Hogle referred to Schmidt's packet received and provided to Board Members. (Chapter V-3 #5 Variance Requests after Preliminary Plat Approval) and noted Variances cannot be granted without a public hearing. Continued conversation included considering updating the Madison County Subdivision Regulations and the Planning Board functions in public hearings.

Schmidt asked for future meetings packets all documents received are provided to the Planning Board prior to the meeting for sufficient time to review content. The Planning Board Functioning topic for February will be

Planning Board Standard Operating Procedures (SOP). One topic, in particular, is the SOP to revisit meeting decorum. Bradley requested that the Policy on Public Hearings and 'Conduct at Public Meetings' be on the backside of the agendas as a tool for the attendees to familiarize themselves with what is expected while in attendance at a Public Hearing. Tussing requested that the current SOPS manual be in the packets for February's meeting.

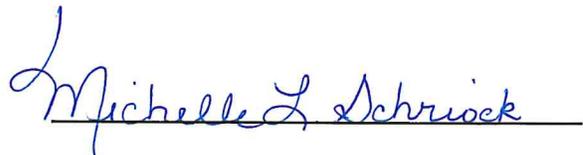
**13. New Business:**

- **2020 Meeting Calendar** – No conflicts. It is in MCA 76-1-301 the Board shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July, and October. Discussion came about when quorum is not met and Planning Board Action is needed. After reviewing the statute of the language in Montana's 2019 Land Use and Planning Statutes (76-1-304), it was decided to research further and receive input from the County Attorney to demystify the language.
- **Planning Board Member Reports:** Tussing handed out the Planning Board members contact sheet for board members to update or make changes. Tussing requested alternate methods of contact for the Planning Department. Enabling Board members to contact Planning Department when they are enroute to the meeting (running late, bad roads, etc). Hogle will give Board members the needed information.

**12. Meeting Adjourned: 8:00 p.m.**



Darlene Tussing – President



Michelle Schriock, Secretary