

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
Madison County Administration Building Conference Room
February 24, 2020**

1. **Call to Order:** 6:10 p.m. by President Pat Bradley

2. **Roll Call:**

Members present: Pat Bradley, Del Bieroth, April Gerth, Jacqueline Lev, Tamara Millican-Wood, Rita Owens, Lincoln Roberts, and Laurie Schmidt. Bradley served as acting President.

Members not present: Darlene Tussing

Staff present: Alex Hogle, Cody Marxer and Michelle Schriock

Others present: Chad Ball (Brown and Associates, Inc.) Keely Larson (Madisonian Newspaper)

3. **Minutes:** January 27, 2019

MOTION: To approve minutes from the January 27, 2020 meeting with corrections as discussed. Moved by Schmidt, seconded by Millican-Wood. Motion carried.

4. **President's Comments:** None

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

6. **Statement of Conflict of Interest/Ex Parte Communications:** None

7. **Pre-Application:**

Freddy's Place Minor Subdivision

Public Hearing opened: 6:15 p.m.

Bradley – Nothing stated tonight by the Planning Board or the Planner during the pre-application discussion shall bind the governing body and its ultimate decision on this proposal.

Hogle presented the pre-application for Freddy's Place Minor Subdivision. Hogle referred to the binder provided and recommended to start with the Appendix 5 Pre-Application Checklist. He outlined the proposed minor subdivision: A two-lot first minor subdivision, just over 100 acres in size, located on W side of Hwy 359 (between Cardwell/Harrison Area), the property has been used extensively for agricultural purposes with a few water features on the property. Some water features are used as natural creeks, some connected to the irrigation which are not part of the established irrigation district and may extend to properties beyond and downstream of these creeks.

Public/Agency Comments:

One comment received via email received by Kerri Strasheim of DNRC, noting water rights on the property. Several irrigation rights and a stock water right exist on this property. Recommendations are to plan appropriately how these irrigation water rights are split with the lands. The pond is not clearly

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
Madison County Administration Building Conference Room
February 24, 2020**

represented as a water right and more information will be needed to see that it complies with Montana water laws when the preliminary plat application is received. Ball acknowledged the board and added that Hogle explained the application in detail. He pointed out there aren't any specific building sites at this moment. Soil will need to be analyzed for the septic system. Access and water rights is the main subject that need to be addressed.

Planning Board Comments/Questions:

Bieroth: Are the water rights on the surface? What has been grown on property? What has historically been farmed and irrigated on the property? **Ball:** not completely sure, but positive it was previously farmed. A significant spot on the NE corner looks like it would have been farmed.

Bieroth, Bradley: Why was pond put in corner? **Ball:** It's plausible the pond was anticipated to be used for fire protection for both parcels.

Schmidt – Is the pond year-round? **Ball:** yes

Schmidt – Is the pond coming in from a creek? **Ball:** yes

Bradley – How big are the waterways? **Ball:** The irrigation ditches are 1 CFS and maximum of 59 acres. Hogle: Noted there are established and adopted stream setbacks. **Ball:** when they start the Preliminary Plat processing and building, they will be mindful of setbacks and water rights.

Roberts – Why not build additional lots? **Ball:** Applicants want to keep this as a First Minor. No family conveyance can be done because it's currently under an AG restriction.

Bradley: Can additional lots be added? **Ball:** Doubtful but he cannot positively say yes or no on behalf of his client.

Hogle: Regarding Appendix 8 – Geological Checklist, Geological assessment yes or no? **Marxer:** Typically, a vote is needed to waive a Geological Tech report.

Motion by Owens to accept the Pre-Application moving forward with Preliminary Plat Application with geological survey waived conditioned on a no-build zone being designated. Bieroth seconded. Motion carried.

Ball thanked the Planning Board and Planning Department for their time

8. Planning Board Monthly Report:

Hogle discussed the monthly report for the month of January. Lee's Pool Subdivision – It will be on the agenda for the March 30, 2020 meeting. Of note, Hogle has been corresponding with DNRC regarding floodplain updates and new maps for Madison County is anticipated to come into the office soon. A road-renaming project for Beaverhead Condos became necessary as there were multiple units named on the same road with the same address/unit number. This project is essential in meeting the E-911 requirements. Day to day operations were discussed regarding PCSR applications, multiple queries for address verifications, variance requests, building envelopes, setbacks, 2 floodplain development permits, SIA release, exemption review board meetings attended and continued work with G.I.S.

9. Old Business: None

10. New Business: Board Functioning: Standard Operating Procedures (SOP)

Review Standard Operating Procedures (revisions to the SOP's adopted by the Planning Board in January and Accepted by the Board of Commissioners in January 2017)

MADISON COUNTY PLANNING BOARD

MEETING MINUTES

Madison County Administration Building Conference Room

February 24, 2020

➤ **Appointments and how the Board is represented**

Planning Board Appointments: Schmidt – expressed how the board is supposed to be represented and pointed out how we are lacking in membership. Bradley- interjected, per Madison County Planning Board SOP's adopted by the Board of County Commissioners, 11 members are required. 2 from each Commissioner District (District #1, District #2, District #3), 1 conservation district (currently open) this open position is one who serves on the governing board of a conservation district or state cooperative grazing district and one at large member, typically representing Big Sky. Lev – Noted from the Northern and Southern sides of the county, issues that need addressing, representation in the whole county should be acknowledged, as well as the three towns Ennis, Sheridan and Twin Bridges. Gerth - mentioned how Commissioner Hart is knowledgeable of the lack of board members and actively pursuing membership for the board. Continued discussion of the differences between Madison County SOP and MCA 76-1-211.

➤ **Motions Quorum research from SOP and MCA**

MCA (73-1-304) a majority of members constitutes a quorum. An action of the planning board is not official unless a quorum is present and unless the action is authorized by a majority of the quorum at a regular or properly called special meeting.

SOP - 6 members must be present to take action or vote. Discussed confusion about quorum definition. Of an 11-member board, 6 need to be present per our SOP's. A County board per MCA 76-1-304, is no less than 5 members. Bradley – 9 member board, 5 would be a quorum per county SOP's. Discussion by all about Board vacancies and the need for full representation.

➤ **Avoidance of ex parte Communications (Conflict of Interest)**

Schmidt has researched and found nothing in Montana that addresses this and nothing defined in SOP's. She did find applicable information in other states. No other board members or staff knew of anything of significance on this subject except Bradley. She found in 2-2-101 Code of Ethics: the purpose of this part prohibiting 2-2-102, 3A – a gift of substantial value (\$50 or more) violation of code of ethics? Schmidt – defining conflict of interest should be part of SOP's. Bradley-In reviewing past government center extension service, 3 yrs. ago –people who serve on boards in counties: require all speakers to address their remarks to the chair by coming forth announcing their name and make their comments to the Chair. Made it be known that the Planning Board is recommending board only. Schmidt will put together a draft of changes to SOP's for review and approval by the Board.

- Schmidt – For all of her time previously on the Board, voting followed the Montana Planners Association's Handbook that the Chair not vote unless it was to break a tie. Reasoning is the Chair's function is having the meeting run properly, everyone is heard, everyone is represented and not be in a leadership role of influence. The chair can participate in discussion but not vote and cannot motion or second, ex parte communications and/or conflict of interest per page 4 of the Montana Planners Handbook. Bieroth – can the chair be a part of the discussion to interject in the discussion? Schmidt – the Chair, planner and developer can all participate in the discussion.

**MADISON COUNTY PLANNING BOARD
MEETING MINUTES
Madison County Administration Building Conference Room
February 24, 2020**

- Schmidt will put together a draft of changes to SOP's for review and approval by the Board at the next meeting.

11. New Business

Discussion: Pre-Application Process – Potential MCSR Text Amendment Topic

Hogle- Outlined the Pre-Application and voiced that possibly amending the pre-application and review of the application with the Planning Board. He referred to the Appendix 5-1 'PRE-APPLICATION CHECKLIST' showing the current form and where revisions could be helpful. Statute specifically states how the pre-application is completed. (MCA 76-3-504 Q). Hogle informed the planning board the planning department has started a revised Pre-Application form and once it's finished in a draft form, the draft will be presented to the board.

Lev – noted how expensive the things the developer needs in order to come to the first submittal. A Pre-Application meeting with the Planning Director would substantiate that the developer has everything needed verses going to the meeting unprepared. The Board agreed and expressed that it does sound like a duplication of efforts.

The Board discussed how the Subdivision Regulations changes be revisited. Suggestions of gradually making changes starting with the Pre-Application and Table of Contents. Hogle noted the Table of Contents is a good starting point. An example is to break the titles into subtitles naming specific topics. The approach has been is to refer to the appendices on a regular basis and it can become confusing for the applicant where to refer to in beginning the application.

Planning Board Member Reports –

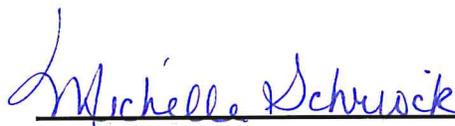
Owens – Recently attended an Agricultural symposium including Montana and other states in attendance. She noted it was very interesting to learn how other counties in Montana vary from one end of the state to the other, explaining their processes and the issues they deal with. She thanked everyone on the Planning Board for the excellent work they are doing and how they are representing Madison County in such a positive manner.

Other: Guidelines to Public Hearings will be the topic of discussion in the March,30, 2020 meeting.

12. Adjournment: Meeting adjourned at 9:15 p.m.



Darlene Tussing, President



Michelle Schriock, Secretary