

MADISON COUNTY PLANNING BOARD

To: Commissioners
From: Charity Fechter, Planning Director
Date: May 2, 2012

Subject: Planning Board Summary –April 30, 2012

The regular meeting started at 5:00 p.m. with 10 members present, Laurie Schmidt presiding (Don Loyd arrived at 5:05). No members of the public were present. The Joint Meeting with Madison County Commissioners Dave Schulz, Jim Hart and Dan Happel started at 6:55 p.m.

Growth Policy Update

A draft map showing subdivision lots and properties of 40 acres or less without structures on them was discussed. The map would be included in the growth policy. The trends and timeline working groups will meet to complete their portions of the document.

Upper Missouri Rivers Channel Migration Mapping

The Planning Board voted unanimously to enthusiastically support the project, committing 80 hours of Planning Board and staff time and other assets available. A letter of support will be sent.

Operating Procedures – Public Hearings

After discussing various examples, the public hearing process will be modified to close the public testimony portion and then close the public hearing after discussion. The Growth Policy and Subdivision Regulations will need to include these changes.

Preliminary Budget

Whether reserves will be needed depends on the actual property tax and planning fee revenues. Although there are some amounts in the budget, spending will continue to be tracked against income so we can stay within budget as much as possible. The preliminary budget presented to the Commissioners was approved as presented.

Subdivision by Rent or Lease

The recent AG's opinion on subdivisions created by rent or lease was discussed, with background information on the Skalkaho v. Ravalli County and Derik v. Lewis & Clark County determinations. The Montana Association of Planners is working on possible legislation for this session. The bill presented last session would have created serious problems.

May Meeting Date

The May meeting date was moved from May 21 (Monday) to May 23 (Wednesday) so interested members could attend the talk by Dr. Running (UM) on climate change.

Planning Board Member Reports

- Don Loyd – A buy/sell agreement for his house in Big Sky will be signed shortly. He plans to remain on the Board at least through the June meeting, to be held in Big Sky.
- John Lounsbury – Dick Brooks will be staying with him for a couple of weeks, and would probably be open to additional communications training if there is interest. Leona will work on setting up a time for a tour of the Jeffers house; the Commissioners would be invited.
- Jan Banks – Big Timber will be the site of the Cowboy Hall of Fame. The Conservation District Dinner went well, and included the stewardship awards.
- Richard Meehan – Attended the MSTI Forum held at Montana Tech; the discussion was about the impact on property values.
- Clyde Carroll – Mentioned how great the Conservation District dinner was.
- Dorothy Davis – Reported the radiation treatments have apparently worked.
- Kathy Loony – Reminded John that a Park County Planning Board member had expressed interest in meeting with the Madison County Planning Board.

Joint Meeting – Madison County Planning Board/Madison County Commission

The meeting discussion focused on how to implement the streamside protection guidelines through non-regulatory means.

- The growth policy survey results show that protecting our river corridors is strongly supported.
- More housing being built than subdivisions created. Need to get information to owners before site/building decisions are made.
- Education could be expanded to address additional issues, such as roads/pads creating noxious weed habitat, ridgetop development, storing food/feeding wildlife.
- Building permit program – education at time permit is applied for.
 - Building permits do not guarantee quality construction.
 - A streamlined process might be good, but a lengthy process (2 years in California, 6 months in Denver) would not.
 - Not enough building occurring to sustain a program.
 - Tailor a system to be minimalistic.
 - *Conclusion – may consider at some other time.*
- Construction/demolition permit and/or septic permit – education at time permit is applied for
 - Contractor, not owner, typically applies.
 - Additional burden on Sanitarian/Floodplain Administrator/Solid Waste Manager
 - *Conclusion – Too late in the process to be ideal time to educate; applications by builders, not owners.*
- Channel migration mapping
 - A good education tool, but covers only rivers, not the tributaries.
 - Could be used to teach concept where mapping not available.
 - *Conclusion – Useful tool to illustrate concepts.*
- Code of the New West
 - Include guidelines in the publication.
 - *Conclusion – Information available, but how to get it to the owner so they can use it when making their building decisions. Getting it at time of land purchase may be too early.*
- Goal – to create an excellent environment, in a way that protects private property rights, using education for voluntary compliance.
- Information packet available for anyone buying property.
 - Create relationship with realtors to create the packet.
 - Transfer of deed logical point to get packet; get it from Clerk & Recorder.
 - *Conclusion – Useful when people buy, but doesn't get the information to people who already own property. Cost may be a factor*
- Homeowners Association meetings
 - Bare landowners show up at meetings.
 - Commissioners invited to meetings - have information packets available, leave with the officers.
 - *Conclusion – Landowners aware of information before final building decision made.*
- No one mechanism will work; multiple approaches needed.
- Can't regulate good behavior.
- Let people make the "right choice" good in concept' but if they don't, we'll suffer the consequences. Can't assume people will make the "right" choice, especially if they don't know what the "right" thing might be.
- Historically, regulations pop up because the community can't let people ruin what they (community) value.

- Can't follow through on good intentions in absence of knowledge.
- Part time educator.
 - Hire part-time person to talk to homebuilders/owners to educate them, possibly through Sanitarian.
 - Possible funding by several different groups.
 - Dan Happel – Supports education, but don't create regulations. Protect private property rights. Will absolutely support such a concept.
 - Would have to serve both sides of the County.
 - Dave Schulz – Position would be educator, collaborator. Would work with Sanitarian, Flood Control, Clerk & Recorder, Department of Revenue, Planning Board, Conservation Districts.
 - Outreach: Realtors, newspaper, Home Owners Associations.
 - Need to go in field and educate.
 - Dan Happel – Supports education completely. Considered writing an article for The Madisonian after the Streamside Protection decision (and was encouraged to do so).
 - Jim Hart – Encourage finding a way to include a position.
 - Dave Schulz – Important for this Planning Board to coordinate all aspects from other Departments to make it work. If SCS/NRCS is willing to fund substantial part, would find some money to help pay for it (\$20K).
 - Consider making information available through a DVD (as well as paper) to guide the landowner through the information relevant to their property.
 - Ralph retirement – Ralph is Sanitarian, Floodplain Administrator and Solid Waste Manager. Possibility that part-time position could be trained with some part of Ralph's jobs.
 - The position would start small with a narrow focus.
 - *Conclusion:*
 - *Charity will put together a position description – for a countywide position, possibly based on a similar effort in Ravalli/Bitterroot area.*
 - *The Commissioners will talk to Ralph.*
 - *Barbie Durham, Grants Coordinator will be contacted about possible funding sources.*
 - *Jan will discuss with Conservations Districts (interest in funding).*
 - *Planning board will come up with items to be covered (with property owners).*
- The consensus was to not force but give people good information and support.
- Wildlife Corridor Study
 - MDT has contracted with Craighead Institute to evaluate wildlife on the US 287 corridor from Reynolds Pass to Norris Hill.
 - A similar study should be done for the entire length of each valley. Deer crossing would take a different approach than the elk and antelope crossing typically found in US 287.
- Robb-Ledford Land Swap
 - The meeting in Alder was well-attended. The deadline for comments is April 30, though the Commissioners have been told it would be a couple of years before a decision is made.
 - Management issues and differences between FWP and DNRC were discussed.

The meeting adjourned at 7:55 p.m.