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# Montana Association of Counties

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## MACo LAND USE, PLANNING & DEVELOPMENT COMMITTEE MEETING MINUTES

Annual Conference, Holiday Inn Downtown, Missoula, MT: September 17, 2018

1. **Roll Call & Introductions:** Roll call was conducted, and a quorum was declared for the purposes of conducting committee business.
2. **Appoint Temporary Secretary for Duration of Meeting:** Eric Bryson, MACo Executive Director, was appointed Temporary Secretary for the purpose of taking the meeting minutes.
3. **Approval of Minutes (2018 Midwinter Conference):** Commissioner Strouf moved and Diane McLean seconded approval of the minutes from the 2018 Midwinter Conference.
4. **Review Assigned Resolutions:** The committee had two resolutions assigned for review and recommendation to the membership:
  - **Lifting of Agricultural Covenants in Limited Situations, Sponsored by MACo Land Use, Planning & Development Committee**
    - Commissioner Skinner reviewed assigned resolutions and invited Commissioner Gorder to present on the ag covenant removal resolution. He generally discussed the need based on past practices of placing ag covenants on parcels that should be removed without going through full subdivision review. He stated the proposal had strong support at MACo's Midwinter Conference. Commissioner Oelkers made a motion to "do pass," seconded by Commissioner Strouf; motion passed unanimously.
  - **Require that Parcels That Are Exempt from Subdivision Review Provide Legal Access, Sponsored by Ravalli County**
    - Ravalli County was asked to present on their resolution regarding family transfer exemption lots requiring legal access. Tara DePuy, MACo Land Use Attorney, described the issue; that parcels can be created by exemption and no legal access is currently required. Commissioner Curtiss stated that their attorney has instructed them that they already have the authority to require access and suggested that the review process for exemptions provide more authority than many commissioners think. Commissioner Strouf motioned "do pass" but asked to add the word "not" where applicable (clerical error in resolution). The motion was seconded by Commissioner Burrows.
      - Commissioner Skinner stated that an exemption should be exempt from review, and stated he would be voting "no." Roll Call vote included Commissioners Burrows, Strouf, McLean, Nye as "yea's;" Commissioners Oelkers and Skinner "nay." Motion carried.
  - **Revise Laws Related to the Relocation of County Boundaries, Ravalli County**
    - Commissioner Burrows presented the county boundary resolution. He described the population in Missoula County that accesses property only through Ravalli. He stated that with consent of all the parties, including all owners and both county commissions, a transfer between counties should be allowed without the petition process. Commissioner Curtiss stated that things like Missoula County

bonds, school district financing, and not participating in Ravalli County levies/bonds that they will then be forced to pay and makes the issue more difficult. She believed that the general public in both counties should have a say when the move impacts tax rolls and service funding.

Commissioner Skinner outlined a process in Big Sky and the Yellowstone Club where services are worked out across county boundary by agreement. Commissioner Chilcott restated that the resolution was at the request of the impacted citizens. Commissioner Strouf moved a “do not pass,” which was seconded by Commissioner McLean; motion passed unanimously.

- Richland County Deputy County Attorney also pointed out that the Constitution prohibits changes to county boundaries without the vote of the people.

**5. Committee Policy Statement Review:** There were no changes recommended by the Land Use, Planning & Development Committee.

- A general motion to approve all the policy statements was made by Commissioner Borrows, which seconded by Commissioner Strouf; motion passed unanimously.

**6. Montana Weed Control Association Update, Pam Converse, MWCA Representative**

- Pam Converse presented the MWCA’s 2019 motor vehicle fee increase proposal and distributed handouts for the committee to review. She discussed the Montana Weed Association’s intention to hire a lobbyist and stated they would seek amendments to the county weed statute allowing education expenses. Commissioner Strouf asked how much the proposed MV increase will generate, and Ms. Converse stated, “an additional \$15,000 per county.” She said she would verify that as the language in the handout was confusing. Commissioner Gorder asked if any Fish/Wildlife money goes for weeds. Ms. Converse stated that a small amount of block management funds is used for weed control, but there is no “weed” line item in Fish/Wildlife so they use trail and recreation money for weeds. Commissioner Burrows asked who told them that weed money couldn’t be used for education, and Ms. Converse responded that the Stillwater County Attorney issued that opinion. No action was needed or taken on this agenda item.

**7. Discussion on Open Section Lines: Diane McLean & Tara DePuy**

- Commissioner McLean and Tara DePuy discussed the issue of “open section lines” in Hill County. Ms. DePuy could find no such legal reverence to “open section lines” in Montana, and Commissioner McLean asked if any other county had the same historical practice. None admitted.

**8. Other Business**

- President Barron thanked everyone for attending and participating and told the group it takes a lot of effort, but the effort is important and the organization appreciates it.

**9. Adjourn:** There being no further business, the meeting adjourned at 2:00 p.m.