



Montana Association of Counties

Serving Montana Counties Since 1909

2715 SKYWAY DRIVE, SUITE A, HELENA, MT 59602

(406) 449-4360 Fax (406) 442-5238

www.mtcounties.org

MEETING MINUTES

MACo LAND USE, PLANNING & DEVELOPMENT COMMITTEE

Virtual Meeting Via Zoom | September 29, 2020

Members

Jeff Burrows, Chair, Ravalli

Jason Strouf, Vice Chair, Custer

Bill Berg, Park

Tommy Billing, Garfield

Randy Brodehl, Flathead

Carol Brooker, Sanders

Greg Chilcott, Ravalli

Doug Crachy, Powell

Mike Delger, Broadwater

Darrell Folkvord, Broadwater

Shane Gorder, Richland

Al Knight, Wibaux

Josh Letcher, Lincoln

Diane McLean, Hill

Phil Mitchell, Flathead

Ron Nye, Madison

Gordon Oelkers, Roosevelt

Joe Skinner, Gallatin

Josh Slotnick, Missoula

Pam Converse, MWCA Rep.

1. Roll Call & Introductions

Chair Burrows called the meeting to order, and Jason Rittal, MACo Deputy Director, conducted roll call.

Guests: Dan Ellison, Jefferson County Lobbyist; Gus Byrom, Cody Ferguson, Rebecca Shaw, MT Department of Commerce; Chris Lounsbury, Missoula County Chief Administrative Officer

2. Approval of Minutes: February 10, 2020

Commissioner Chilcott made the motion to approve the minutes, and Commissioner Gorder seconded the motion. Motion passed unanimously.

3. Review Assigned Resolutions

NOTE: Resolutions become legislation and policy statements guide staff regarding MACo's action on other legislation. The Committee was tasked with reviewing their assigned resolution and making a recommendation to drop (do not pass), amend, carry forward as is (do pass), or incorporate into policy statements (do not pass; incorporate into policy).

The committee discussed their three assigned resolutions and made recommendations to the membership:

- Leasing of County Property, sponsored by Missoula County (District 11)
Purpose: To allow for leasing for greater than 10 years—the committee amended the resolution to be up to 40 years.
Committee Recommendation: Do Pass as Amended
Note: This resolution was also assigned to the Community, Economic Development & Labor Committee. They recommended a “Do Pass.”
- Local Government Authority over Conservation Easements, sponsored by Valley County (District 1)
Purpose: Authorize local governments in Montana to restrict conservation easements within their jurisdiction.
Committee Recommendation: No Recommendation – the sponsor withdrew the resolution.

- Public Notice & Part. Criteria for Requests for Ext. of Sub. Preliminary Plat Approvals, sponsored by the Committee

Purpose: To amend the Montana Subdivision and Platting Act to include public notice and public participation criteria for requests for extension of subdivision preliminary plat approvals.

Committee Recommendation: Do Pass

4. Review/Approve Committee Policy Statements

The committee amended two of their policy statements:

~~#18 – MACo believes that the State Department of Commerce should be the agency to coordinate planning among state, federal, regional, and local levels.~~

#23 – MACo supports water policy that continues to allow the *de minimis* use of exempt well water for agriculture, homes, and small businesses without the burden of the water right permitting process; and opposes changes to water policy that would unnecessarily increase the cost associated with accessing water; changes to water policy that limit the county’s ability to properly plan, zone for growth, or review and condition subdivision applications; changes to water policy that would negatively affect the county’s ability to meet Wildland Urban Interface requirements; and changes to water policy that may create added weed infestation in Montana.

5. Update on Part 1 Zoning Litigation in Stillwater County: Tara DePuy, MACo Land Use Attorney

Ms. DePuy provided an update on the part 1 zoning—citizen-initiated zoning—litigation in Stillwater County. The debate is over what “affected real property owners” means. Stillwater county was arguing that it must include the subsurface mineral interest holders. The district court decided that “affected real property owners” means only the surface owners. You don’t have to include subsurface mineral interest holders in the petition process.

6. Other Business

The committee had no further business.

7. Adjourn

The committee had no further business.