MADISON COUNTY PLANNING

P.O. Box 278 • Virginia City, Montana 59755 • Phone (406) 843-5250 • Fax (406) 843-5229

Streamside Protection Steering Committee
Meeting Summary
Thursday August 21, 2008
First Madison Valley Bank, Basement Meeting Room, Ennis, MT

Attendance:
Planning Staff: Jim Jarvis (staff planner), Karen Filipovich (facilitator)
Steering Committee: Kelly Galloup, Richard Lessner, Donna Jones, Gayle Schabarker, Pat Clancy, Chris Murphy, Amy Robinson, Jeff Laszlo, Bill Mercer

Public (36):
Tom Hobson
Mike Henry
Laird Stabler
Tricia Stabler
Dennis Hourany
Susan Hourany
Karen Giorgianni
Dave Arterburn
Dodie Arterburn
Eileen Walters
Greg Morgan
Pat Goggins
Carol East
Ford Rollo
Snaque Rollo
Michael Weigand
Richard Dalson
Dale VanDyken
Joetta Strand-Nevin
Ozzie Nevin
Elizabeth Allen
Rod Collins
Shirley Bayley
Stephanie Becker
Dave Bricker
Jim Smith
Jan Smith
Ed Fisher
Shirley Fisher
Jim Parker
Janice Carmody
Arcylle Shaw
Duane Thexton
Sheri Jarvis
Bill Saunders
Rob Stewart

1. Welcome, Overview, and Introduction

The meeting was called to order at 6:30 p.m. by Karen Filipovich. Karen presented an overview of the agenda. Introductions were exchanged amongst committee members and the public.

2. Receive July 31, 2008 meeting summary and correspondence submitted since July 31, 2008 meeting

Jim Jarvis directed the committee's attention to a summary of the last meeting, copies of public comments received by the Planning Office since July 31, 2008, and a handout.

The handout summarized an estimation of the number of potential impacted lots within the proposed planning area. Copies of a petition to the county commissioners/steering committee from South Boulder River property owners, asking to be removed from the ordinance's planning area, were distributed to the steering committee (SC). A guidance letter from the commissioner's office regarding the petition was also presented to the SC. Draft copies of Frequently Asked Questions (FAQs) were distributed to the SC and the audience with a request for feedback prior to posting on the county website.

3. Overview of the Impacted Lots

Jim referenced a wall map to describe the planning area and then presented estimations of the number of impacted lots within the planning area using two scenarios. Scenario one, including all rivers and major creeks (12), totaled 697 lots. Scenario two, including all rivers, major creeks, and secondary "named" creeks (188), totaled 1909 lots. A list of the included creeks was displayed and copies will be sent to the SC. The information was based on existing GIS data for rivers and streams prepared by MT FWP and compiled by the county's GIS Specialist. The SC asked for additional information relating to the number of developed vs undeveloped lots and lots with existing setback restrictions, i.e. covenants, included in this pool of data. Jim agreed to provide this information.

4. South Boulder River Petition

A petition from the S. Boulder River (SBR) area and a letter from the commissioner's office were reviewed by the SC. Following a lengthy discussion, the SC expressed support for the request to exclude the SBR area, citing uncertainty and confused language regarding whether the SBR is truly east of the Tobacco Root Mountains, as described in the proposed planning area. Karen asked for the SC's consensus on the petition. Consensus was expressed to exclude the S. Boulder River drainage from the planning area. Donna Jones requested that the written record reflect the need to notify property owners within particular drainages of this on-going discussion. Committee consensus regarding this notification requirement was not expressed. It was agreed that the committee would discuss furthering public participation at the next meeting.
Jim agreed to prepare a formal request to the commissioner's office to change the planning area based on this geographical inconsistency, or defect, in the proposed ordinance. The SC will be given the opportunity to review the draft document prior to submission to the commissioners.

5. Performance-based Setback Approach

J. Jarvis reported on his research on performance based setback programs in Montana. The approach used in the City of Bozeman relies on a blended performance based approach using a fixed buffer setback plus an additional setback based on an evaluation of the site's environmental conditions. The City of Missoula uses a performance-based (functional) approach, but is considering amendments to its regulations to incorporate a minimum fixed buffer, similar to the Bozeman model. P. Clancy asked about the evaluation criteria used in these performance-based programs. Jim listed several,

including; vegetation type, soil stability, depth to groundwater, and topography. Jim agreed to expand his research to include examples from outside of Montana. J. Laszlo, asked whether the County has the resources to implement such a program, and whether the County should offer incentives to encourage compliance with setback restrictions. D. Jones suggested that different streams, i.e. large versus small, will need to be evaluated differently. Jim agreed to have copies of the Bozeman and Missoula regulations made available to committee members.

Public Comment

1. Ralph Hamler, county sanitarian, should be asked to speak at a SC meeting regarding the existing septic and floodplain permit program and share his thoughts on a performance-based approach for setbacks.
2. Estimate the County's workload expectations for these programs
3. A property owner along the Willow Creek (Jefferson River drainage) expressed support for streamside protection.
4. A 50 foot setback is livable. The setback should be based on what's right, not what's easy to implement.
5. How's the County going to pay for this program. Consider private funding sources.
6. This process has taken on a lot. Focus on the Madison River first. Beware of taking away private property rights.

Karen asked the committee for further guidance for the next meeting. The SC asked for;

- Updated information on the number of impacted lots
- More information on performance-based approaches
- Discussion on how to encourage more public participation from throughout the planning area

The next committee meeting is scheduled for Tuesday September 16, 2008 at 6:30 p.m. in Ennis.

6. Adjournment

Meeting adjourned: 8:50 p.m.