

PUBLIC HEARING SUBDIVISION REGULATIONS AMENDMENTS – Monday, December 9, 2019, 7:00 pm.

Plevna Town Office

Mayor Benner called the meeting to order at 7:00 p.m.

Councilmen present were Jordan Hoffman, Alba Higgins, Kyle Vennes, and Gary Thielen.

Also present: Corrine Sander, Wastewater Operator Krista Nemitz, Clerk/Treasurer
Mark Thielen, Container Site Operator Rick Schell, Water Operator
Shanny Spang Gion, SMART Mary Grube, Planning Board
Rich Menger, Fallon County Environmental Health


Members of the public present: Shawn Sander, Cliff & Jennifer Tudor

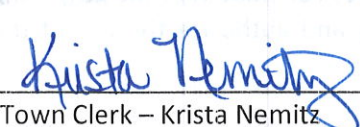
Mary Grube presented an overview of the Planning Board's recommendations in regards to the changes brought forth by House Bill 124. A copy of the Fallon County Planning Board Recommendations is available in the Plevna Town Office.

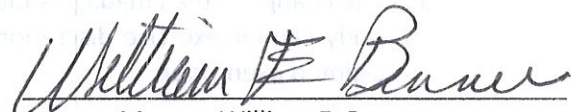
Mayor Benner called for any public comment. There was no comment.

The council will review the changes and consider adopting the changes by resolution at the next regular council meeting.

Having no further business Mayor Benner adjourned the meeting at 7:13 p.m.




Town Clerk – Krista Nemitz


Mayor – William E. Benner



COMMISSIONERS Deb Ranum, District 1 Roy Rost, District 2 Steve Baldwin, District 3 PO Box 846, Baker MT Phone 778-7107	CLERK & RECORDER/ SUPT OF SCHOOLS Brenda J. Wood PO Box 846 Baker, MT Phone 778-7106	JUSTICE OF THE PEACE Anna K. Straub PO Box 846 Baker, MT Phone 778-7128	COUNTY ATTORNEY Darcy Wassmann PO Box 1136 Baker, MT Phone 778-2422	CLERK OF COURT Jeraldine Newell PO Box 1521 Baker, MT Phone 778-7114	TREASURER/ASSESSOR Barbara E. Ketterling PO Box 787 Baker, MT Phone 778-7109	SHERIFF/CORO Trent Harbaug PO Box 899 Baker, MT Phone 778-287
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PLANNING BOARD RECOMMENDATION - REGS-19-01 2019 SUBDIVISION REGULATIONS AMENDMENTS OCTOBER 8, 2019

The Fallon County, City of Baker and Town of Plevna Planning Board failed to achieve a quorum at their regular meeting on Monday, October 7, 2019 to review and conduct a public hearing on the proposed 2019 Fallon County City of Baker and Town of Plevna Subdivision Regulations. As such, the Staff Report to the Planning Board becomes, by default, the Planning Board Recommendation to the Governing Bodies.

The proposed amendments are designed to implement the changes made to Montana Subdivision Law and advice from the Montana Association of Counties pertaining to local subdivision review.

HB 124 Effective October 1, 2019

This legislation provides that a parcel of land created using the Agricultural Exemption (76-3-207(1)(c)) can be changed to limited other "public uses" and establishes a procedure to revoke the required Agricultural Covenant necessary to claim the exemption.

The proposed changes to implement the changes to State Subdivision Law are incorporated into the Agricultural Exemption section.

General Changes Effective upon adoption by the County Commissioners, City and Town Council.

1. Legal Counsel has advised that Montana District Courts have taken exception to the use of the term "Rebuttable Presumption(s)" as the standard of examination for claimed exemptions to the Montana Subdivision and Platting act. The suggested change is to replace 'Rebuttable Presumption' with "Review Criteria" as the standard of examination.
 - a. The change in the language should not be interpreted as to conclude that the governing body cannot exercise discretion in each individual case and authorize the use of the claimed exemption.
2. At the July Planning Board Meeting, we reviewed the Huft Major Subdivision. As part of that Subdivision, a Variance to the adopted maximum road length standards found in Table 1 was requested. Most of the comment and discussion about this development centered on the length of the dead-end roads and the limit of 600 feet and why the standard existed. Further, there was concern that approval of a variance would create a new standard without following formal adoption processes.