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Commissioners and planning board listen to public comments on setbacks

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Nearly 250 people turned out Monday night to share their thoughts with Madison County Commissioners and the Madison County Planning Board about the most recent streamside setback proposal.

The meeting lasted more than three hours and featured public comment both in support of streamside setbacks and against them. Many comments were focused on the specifics of the proposal and recent changes made by the planning board.

Madison County began the current process of looking into streamside setbacks for land along the Madison and Jefferson Rivers back in 2008. The setbacks will determine how closely homes and related structures can be built to the high water mark of the rivers and streams.

Currently, setbacks along the Madison River are 500 feet for land going through the subdivision process, but there are no setbacks for land that doesn't fall under the subdivision regulations.

In 2008, the planning board and commissioners formed the streamside setback steering committee, which was a group of nine interested citizens. The committee held more than 20 public meetings, wrestling over the issue and finally issuing a recommendation to the planning board in October.

They recommended a 75-foot setback on the Madison and Jefferson Rivers with a 50-foot setback on all their tributaries.

The committee also recommended the setbacks be done by citizens initiated zoning, which is a process where citizens get together and form zoning districts.

However, the planning board changed the proposal to make the setbacks along the Madison River 500 feet, 75 feet along the Jefferson River and 50 feet on tributaries. The planning board is also planning to recommend the county commissioners do the commissioner initiated zoning to implement the ordinance, which will only apply to streams east of the Tobacco Root and Gravelly Mountains.

Much of the comment at Monday's meeting was focused on the difference between the two proposals.

"I have some real strong feelings about this proposal," said John Crumley, president of the Madison Valley Ranchlands Group. "I'm really not in favor of it deep down."

However, he knows that protecting the Madison River is crucial. If the county doesn't implement setbacks the resource won't last forever.

"You destroy what you moved here to see or to have," Crumley said.

He'd like to see a flexible variance process written into the ordinance.

Kelly Galloup, who sat on the steering committee, is frustrated with the process and the fact the planning board has recommended such dramatic changes to the committee's proposal.

The committee was asked to find a science-based setback, but the science about setbacks isn't concrete, Galloup said. So the committee pressed forward and did the best they could by trying to

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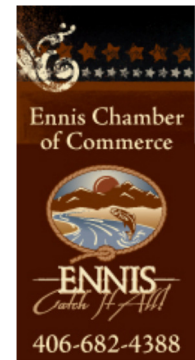
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weigh varying interests and opinions along with scientific evidence.

"What we were commissioned to do is come up with a science-based setback and it was thrown out completely," he said.

The science of setbacks varies depending on what you're objectives are, said Janet Ellis, from Montana Audubon.

If you're looking to protect water quality, 100 feet can be sufficient. But if you're looking to protect riparian habitats, then 300 feet would be more appropriate, Ellis said.

But many people wanted to know how property rights figured into the equation. Several people spoke about their mistrust of the actual goal of the setbacks. They believed the county was trying to protect "viewsheds" rather than riparian habitat and water quality.

Jeff Laszlo, who also was on the streamside setback steering committee, questioned the need for a 500-foot setback on the Madison River.

A setback that big is only necessary to protect viewsheds, it's not needed to protect the resource, he said.

"I don't think it's a fair trade off to say a viewshed is more important than private property rights," Laszlo said.

Doris Fischer, who used to be the planning director for Madison County, had an idea for a compromise.

The process of protecting the Madison and Jefferson Rivers is important, because social and economic health depends greatly on the health of our rivers, Fischer said.

"It's really important that we get this right," she said.

Getting it right will mean setting out clear objectives that aren't drawn too narrowly, but include an array of concerns.

However, even though the science of setbacks can be fuzzy, it does provide pointers, Fischer said.

She suggested a 300-foot setback on the Madison River and 100 feet on its tributaries, that will provide protection for most of the riparian habitat, she said.

Fischer also suggested that the county drop the Jefferson River from the proposal and do a separate proposal with people in that area.

Communities that proactively protect their rivers never regret it, said Scott Bosse, with American Rivers out of Bozeman.

"To a 'T' I can tell you every place I've gone where they haven't done something proactively to protect their river, they've regretted it."

But Bosse agreed with people who felt the language in the ordinance wasn't strong enough about rights people still had to rebuild their homes in the case of fire, or for expanding their home. That language should be clear and strong, he said.

Ultimately, the decision concerning setbacks will be the county commissioners'. All three were in attendance Monday and all three said they would need more information before they were ready to make a decision.

"There are still a lot of things that need to be clarified," said commissioner Jim Hart.

However, all three commissioners felt there was some consensus around the steering committee's proposal.

"We just have to listen to what the people say," said commissioner Marilyn Ross.

It's very important for the commissioners to continue to protect the Madison River, Hart said.

Commissioner Dave Schulz agreed.

"It's an incredible resource and there's a lot of concern about it," he said.

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