



Planning and Development Board Agenda

**Thursday - September 19, 2019 4:00 PM
City/County Complex Community Room**

CALL TO ORDER AND INTRODUCTIONS

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETING

August 15, 2019 Meeting Minutes
[8.15.19 PB Minutes.docx](#)

REVIEW OF GARDINER CABINS FIRST MINOR SUBDIVISION PRELIMINARY PLAT APPLICATION

Subdivision Administrator Report for Gardiner Cabins First Minor Subdivision
[Subdivision Administrator Report for 9-18-2019 Board Meeting.pdf](#)

PROJECT UPDATES

OLD BUSINESS

Report on Growth Policy Goal 16 - Status Update
[Growth Policy Goal 16 Status Update 9-10-2019.pdf](#)

NEW BUSINESS

DISCUSSION OF NEXT AGENDA

PUBLIC COMMENT

ADJOURNMENT

REVIEW OF GARDINER CABINS FIRST MINOR PRELIMINARY PLAT APPLICATION

Planning and Development Board Agenda Item Report

Meeting Date: September 19, 2019

Submitted by: Mike Inman

Submitting Department: PLANNING

Item Type: Minutes

Agenda Section:

Subject:

August 15, 2019 Meeting Minutes

Suggested Action:

Attachments:

[8.15.19 PB Minutes.docx](#)

Planning & Development Board
City/County Complex Community Room
Livingston, MT
4:00pm, August 15, 2019

Attendance: Planning Board Members John Heidke, Rich Baerg, Frank O'Connor, Frank Schroeder (telephone), Jean Keffeler; Staff Mike Inman, Lawson Moorman

Call to Order and Introductions: 4:00pm, Heidke called the meeting to order.

Public Comment: None.

Conflict of Interest: None.

Review and Approval of Minutes from Previous Meeting: *Baerg made a motion to approve the July minutes as submitted, O'Connor seconded.*

Keffeler noted for the record that she was concerned that the minutes from the previous meeting did not fully encompass the nuance of the conversation at the meeting. Keffeler also requested that the roles of the Board and the Staff be expanded upon through discussion and stated that this might be a good topic for the New Business section of the agenda.

Heidke noted that the minutes were given a week before the meeting and asked if the meeting minutes could be given to the Board earlier to bring concerns to Staff before the meeting. Inman stated that modifications to the minutes needed to happen in the public meeting. Moorman stated that packets went out a week before the meetings in order to allow time for changes, subdivisions, new agenda items and minutes were part of that packet.

Minutes passed unanimously.

Discussion on Public Meeting Protocol: Inman explained that the MACO Attorney had passed along this protocol used by Cascade County which directs protocol for public meetings. Heidke clarified this would best be used for Public Hearings. The Board discussed current protocol and the benefit of the provided protocol. Keffeler suggested Inman review the current protocol and see if any components of this document would be helpful to incorporate.

Discussion of Incompatible/Conflicting Land Uses and Associated Impacts in Park County: Inman recapped the Board's discussion of Goal 16.5 of the Park County Growth Policy at the last meeting. Inman walked the Board through an exercise based off of prior Board discussion in which the Board identified potential impacts for previously recognized incompatible uses. He further explained the purpose of the exercise was to identify similarities in impacts in order to

then determine the appropriate land management tools at the County's disposal to address those impacts.

The Board and Staff discussed the value of the exercise and its relevance to their understanding of Goal 16. The Board went through the exercise of identifying impacts for incompatible uses; for example, identifying that a gravel pit might cause noise and dust pollution, excess road wear and uncertain economic environment for neighboring property values. The Board and Staff distilled common themes of the identified impacts such as environmental impacts, quality of life, county service strain. Through discussion, the Board suggested that zoning seemed to be the best land use tool to address the identified impacts. Upon the Board's request Inman outlined the major types of zoning utilized by Counties. Moorman elaborated on the conditional use process and suggested sending literature to the Board to further educate them on what zoning entailed. Keffeler asked Inman to clarify if he thought county wide zoning was the best tool to address the identified incompatible or conflicting land uses throughout the County, stating that such a course should have a robust public process moving forward. Inman stated that he was not suggesting that the Board should move forward with county wide zoning necessarily, rather that the discussion from the Board suggested county wide zoning and he was merely elaborating on what that would entail. Inman noted that the process of creating a zoning district was a lengthy process that needed to be well thought out and have a valid, clear reason for its purpose if the Board chose to begin exploring that possibility.

The Board discussed what they had already done under Goal 16 of the Growth Policy. Heidke stated that some aspects of the Growth Policy had not been implemented yet and raised the question of what was needed to move forward on those aspects and what was the Board's responsibility. Inman reminded the Board that had already been done. O'Connor suggested that the Board was actually at the point to at least delve into what a county wide zoning district might entail and look like. Keffeler asked Inman how long it would take to develop a draft countywide or neighborhood zoning district plan for the Board to review and discuss. Inman stated that it would not be until October at the earliest given staffing and resources. The Board agreed that this was the best course of action moving forward and reiterated that they would like Staff to create a draft county wide zoning district for their review and discussion. Keffeler asked that the minutes clarify that the Board asked Staff to create a working draft county wide zoning district to bring forward at the October meeting. Moorman stated he would add that to the record.

Project Updates: Inman notified the Board that the Decay Ordinance was going in front of the Commission next week. Inman also stated that the County Attorney office wished to begin a more aggressive approach to dealing with violations. Inman updated the Board that Staff was hosting the Montana Association of Planners Conference at Chico Hot Springs in September. Inman noted that Staff was working on updating the Subdivision Regulations and there was a subdivision coming before the Board soon. O'Connor asked about the O Street connector trail, Inman stated he was not sure as that was a city project. Heidke asked if the City had chosen a firm for their Growth Policy, Moorman stated they were still vetting proposals.

Old Business: Heidke requested that Inman send out notice to the Board when the Decay Ordinance goes on the Commission Agenda.

New Business: None.

Discussion of Next Agenda: Staff stated that the Board may have a special meeting if a Subdivision comes through and that Inman would generate a written report identifying the different points of Goal 16 in Board discussion and who is responsible for what upon Keffeler's request and would include a brief presentation and attached materials on the different types of zoning for the Boards understanding. Heidke stated he was concerned about the lack of resources the Department has to execute all of their required tasks and long range planning.

Public Comment: None.

Adjournment: Heidke adjourned the meeting at 5:45pm

Planning and Development Board Agenda Item Report

Meeting Date: September 19, 2019

Submitted by: Mike Inman

Submitting Department: PLANNING

Item Type: Staff Report

Agenda Section:

Subject:

Subdivision Administrator Report for Gardiner Cabins First Minor Subdivision

Suggested Action:

Attachments:

[Subdivision Administrator Report for 9-18-2019 Board Meeting.pdf](#)

Park County Planning and Development Board Agenda Item

Park County, Montana

Agenda Title:	<u>Gardiner Cabins First Minor Subdivision</u>
Meeting Date:	Public Meeting on Thursday, September 19, 2019 in the Community Room of the City/County Complex.
	Site Visit: Conducted individually, time permitting
Department:	Park County Planning
Presented By:	Wm. Michael Inman, Park County Subdivision Administrator

Subdivision Administrator Report – Completed on September 9, 2019 for review and consideration by the Planning and Development Board on September 18, 2019.

I. Proposal:

Tom Repp submitted a preliminary plat application to the Park County Planning Department, known as the Gardiner Cabins First Minor Subdivision, which includes the creation of five residential lots in the Community of Gardiner, Montana, located off Granite Street and Arch View Drive, NW1/4 Section 23, Township 9 South, Range 8 East.

The Park County Subdivision Regulations require all subdivisions be reviewed by the Park County Planning and Development Board and Park County Commission. This proposal is being reviewed under the 2010 *Park County Subdivision Regulations* as a first minor subdivision. It is the responsibility of the Subdivision Administrator to forward a recommendation to the Park County Planning and Development Board. The Planning and Development Board is responsible for reviewing

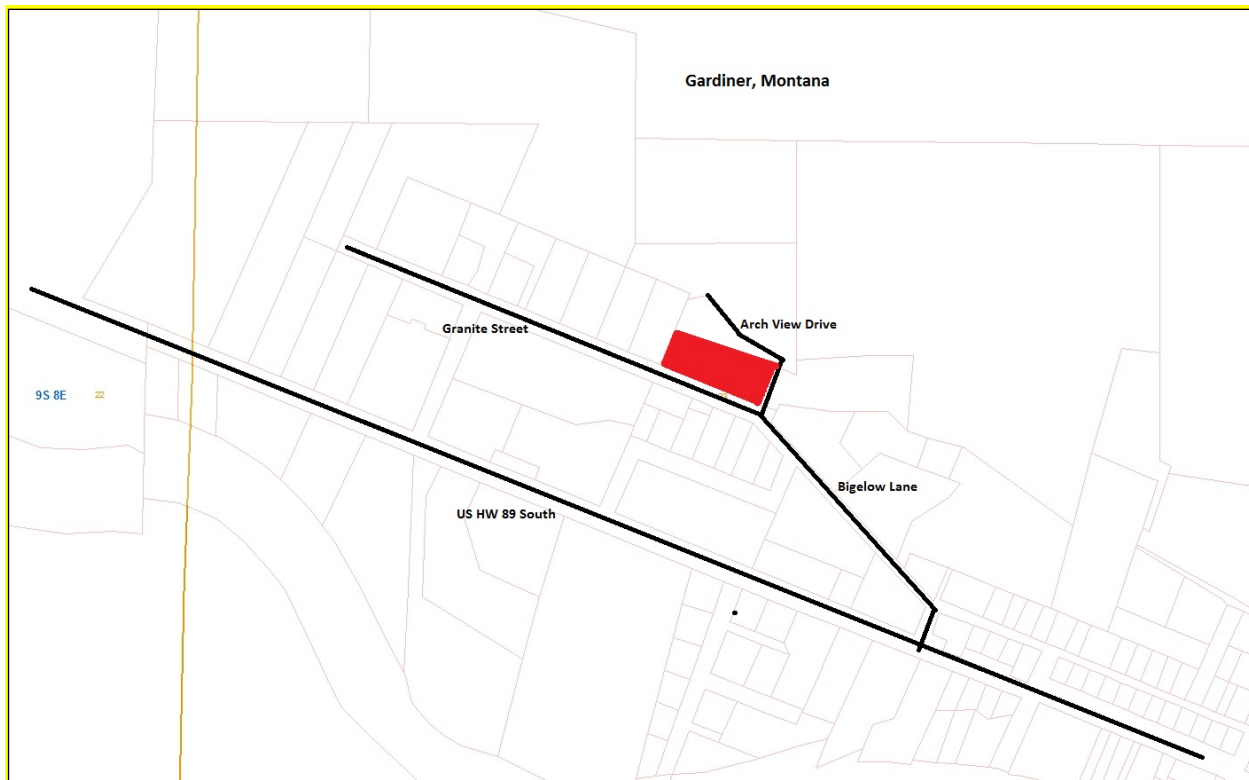
the proposal and all relevant information, and forwarding a recommendation to the Park County Commission. The Park County Commission is the final authority concerning all proposed subdivisions in Park County.

Subdivision Administrator Recommendation:

The Subdivision Administrator recommends conditional approval of the Gardiner Cabins First Minor Subdivision, with the findings and conditions proposed in this Subdivision Administrator Report, to the Park County Planning and Development Board.

II. Background:

- A. Site:** The proposed Gardiner Cabins First Minor Subdivision is located in the North west ¼ of Section 23, Township, 9 South, Range 8 East (See **Figure 1**). The property is .83-acres and includes four residential structures. The proposal consists of five lots (See **Figure 2**).



continued on next page

Figure 2: **Aerial Photo with approximate Tract boundaries **



B. Timing and Authority:

- A pre-application meeting occurred on December 11, 2018 with Subdivision Administrator, Wm. Michael Inman.
- The preliminary plat application was submitted to the Park County Planning Office on May 7, 2019
- The application was deemed to be missing certain required elements on May 14, 2019.
- Additional information was submitted to the Park County Planning Department on June 26, 2019.
- The application was deemed to contain all required elements on July 3, 2019.
- The application was deemed insufficient for review on July 19, 2019. Additional information was submitted to the Park County Planning Department on July 29, 2019.
- The application was deemed sufficient on August 20, 2019 and the remaining 14 copies of the application were submitted to the Planning Department on September 3, 2019.
 - Given the 35 working day review period for first minor subdivisions, the Gardiner Cabins First Minor Subdivision shall be reviewed by Park County no later than October 23, 2019.
- A public meeting before the Planning and Development Board is scheduled for September 19, 2019 at 4:00pm in the Community Room of the City/County Complex.
- A public meeting before the Park County Commission is scheduled for October 3, 2019 at 9:30am in the Commission Chambers of the City/County Complex

First Minor Subdivision applications must be evaluated by the criteria outlined in section III of the 2010 *Park County Subdivision Regulations*, as applicable. The Park County Commission may approve, conditionally approve, or deny the proposed subdivision based upon the evidence of record. The Park County Commission is the final authority regarding all subdivisions in Park County.

III. Criteria:

1	<i>Affects on Agriculture</i>
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- The proposed Gardiner Cabins First Minor Subdivision should have little to no effect on Agriculture in the area as the proposal is within the Gardiner Community and very little agricultural production is located within the immediate vicinity.

2	<i>Affects on Agriculture Water User Facilities</i>
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- The Proposed Gardiner Cabins First Minor Subdivision should have little to no affect on Agricultural Water User Facilities as none exist on the property or adjoining properties.

3	<i>Affects on Local Services</i>
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- The proposed Gardiner Cabins First Minor Subdivision will affect local services with the addition of five residential units in the community of Gardiner. The proposal will be serviced by the Gardiner Fire District.
- The proposed Gardiner Cabins First Minor Subdivision will be serviced by the Park County Sheriffs Department
- The proposed subdivision will not increase the amount of roads currently being maintained by the County.
- The proposed subdivision may affect the local school district with the potential for new school children.

4	<i>Affects on the Natural Environment</i>
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- The proposed Gardiner Cabins First Minor Subdivision should have little impact to the natural environment given the previous ground disturbance and prior construction in the area.
- Storm water run-off and erosion may adversely affect Granite Street and lower elevations if not properly mitigated.
- Soil disturbance during the construction of this proposed subdivision will increase the potential for the spread of noxious weeds on the property and the surrounding area. Section 7-22-2116, MCA states; "it is unlawful for any person to permit any noxious weeds to propagate on their property."

5	<i>Affects on Wildlife</i>
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- Landscaping may attract wildlife in the area given the close proximity to Yellowstone National Park.
- Solid waste stored in non-bear proof resistant containers may increase bear activity in the area and may result in human/wildlife conflicts.
- Conflicts between wildlife and humans is common in Gardiner due to the close proximity to Yellowstone National Park.

6	<i>Affects on Wildlife Habitat</i>
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- The spread of noxious weeds may adversely affect wildlife habitat in the area.

7	<i>Affects on Public Health and Safety</i>
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- The proposed Gardiner Cabins First Minor Subdivision may adversely impact public health and safety with regards to fire protection and emergency services. The proposal is located within the Gardiner Fire District, with the nearest (two) fire hydrant less than 100 feet away.
- Wildfire should not adversely affect the proposed condominiums given the amount of development within the area and the lack of native vegetation.
- The proposed subdivision is located off Granite Street and Arch View Drive, both County owned and maintained roads.
- Unmaintained road approaches and internal subdivision roads may affect emergency response capabilities.

8	<i>Compliance with the survey requirements in part four of the Montana Subdivision and Platting Act</i>
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- The final plat shall conform to the *Uniform Standards for Final Subdivision Plats* and shall be accompanied by the required certificates.

9	<i>Compliance with the provisions of Physical and Legal Access to each parcel within the subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel</i>
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- Physical and legal access to the proposed Gardiner Cabins First Minor Subdivision is provided off of Granite Street and Arch View Drive, both County-owned and -maintained roads.
- Granite Street and Arch View Drive are not in accordance with current design and improvement standards.
- The applicant(s) for Gardiner Cabins First Minor Subdivision have proposed one internal shared road/driveway approach.
- The applicants are requesting a variance from the design and improvement standards for streets and roads (see Variance Request)
- The applicant(s) have obtained the required road approach permit from the Park County Road Supervisor in accordance with the Park County Subdivision Regulations.

10	<i>Compliance with the provisions of easements for the location and installation of any planned utilities</i>
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- Easements for the provisions of public utilities are located in the Granite Street and Arch View Drive right-of-ways.

11	<i>Compliance with the review procedures contained in the Park County Subdivision Regulations and the Montana Subdivision and Platting Act</i>
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- The Gardiner Cabins First Minor Subdivision is being reviewed under section III of the 2010 *Park County Subdivision Regulations* and in accordance with the Montana Subdivision and Platting Act.

12	<i>Consideration of an officially adopted Growth Policy for the area involved</i>
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- The proposed Gardiner Cabins First Minor Subdivision is consistent with the Park County Growth Policy, as it is being built in close proximity to existing infrastructure and will minimize impacts to local services, wildlife, wildlife habitat, and the natural environment.
- The proposal will utilize the Gardiner Water and Sewer services which will minimize impacts to ground water and quality.

13	<i>Compliance with the Park County Subdivision Regulations</i>
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- Subdivisions that do not comply with the *2010 Park County Subdivision Regulations*, section VI—*Design and Improvement Standards* may adversely affect the primary criteria under Section 76-3-608, MCA.
- Amendments made to any covenants imposed by the County or which mitigate potential adverse effects may nullify the intent of the covenant.
- The *2010 Park County Subdivision Regulations* require that a platting certificate showing the names of the owners of record of the subdivision and the names of any lien-holders or claimants of record against the land be submitted to the County Attorney.
- The *2010 Park County Subdivision Regulations*, section III-A.6.(F)(1) requires a subdivider(s) to complete all conditions of preliminary plat approval and apply for final plat approval thirty days prior to the expiration of the two year approval period, unless an extension is requested by the subdivider(s). Any changes made to the original application or preliminary plat, other than changes made to meet the required conditions of final plat approval, may substantially alter the information used to evaluate the proposed subdivision under the primary review criteria (Section 76-3-608, MCA) and requirements of this subdivision.
- Subdividers are required to comply with all other standards and procedures of the *2010 Park County Subdivision Regulations*, which are applicable to all subdivisions prior to receiving final plat approval. Any unmet regulations, procedures, or provisions that are not specifically listed as conditions of approval, do not create a waiver, variance, or other relaxation of the lawful requirements of the *2010 Park County Subdivision Regulations* or state law.

IV. Variance Request.

The applicant(s) for the Gardiner Cabins First Minor Subdivision have requested two variances from the design and improvement standards for streets and roads (see section 37 of the Preliminary Plat Application).

The Planning and Development Board shall comply with the provisions delineated in section XI-B of the 2010 *Park County Subdivision Regulations* when considering any variance request from the design and improvements standards contained in section VI of the regulations:

XI-B. Variances

XI-B-1. Variances Authorized

The Board of Commissioners, after a public hearing on the variance request, may grant variances from chapter VI, [Design and Improvement Standards], of these regulations when, due to the characteristics of land proposed for Subdivision, strict compliance with these standards would result in undue hardship and would not be essential to the public welfare. A variance will not be granted if it would have the effect of nullifying the intent and purpose of these regulations.

The Board of Commissioners shall not approve a variance unless it finds that:

- A. *The granting of the variance will not be detrimental to the Public Health, Safety, or general welfare or injurious to other adjoining properties;*
- B. *Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self imposed;*
- C. *The variance will not cause a substantial increase in public costs; and*
- A. *The variance will not place the Subdivision in nonconformance with any adopted zoning regulations.*

Variance Proposals:

Variance 1: Request for Granite Street to remain a fifty-foot right-of-way with the existing 18'-23' wide road surface as opposed to the required sixty-foot right-of-way requirements and twenty-four-foot road surface.

Variance 2: Request for variance from the provisions that internal subdivision roads or shared driveways have a sixty-foot right-of-way, and twenty-four-foot road surface.

Agency Comments:

Public Works Department: Parks Frady reviewed the preliminary plat application for Gardiner Cabins. The information provided in sections 18, 19, 28 and 37 is sufficient for estimated traffic impacts associated with variance request based on the proposed single family residential uses proposed in section 1.4 Development Type. The proposed 30' width and 27' driving surface will limit the level of service for the access and utilities with regards to traffic. I would suggest consideration of a requirements to prevent obstructions with in the easement such as parked cars, trailers, equipment, etc. and a requirement that maintains the equivalent of single-family residential use.

Local Fire Protection Authority: Local Fire Chief, Bob Kopland reviewed the Fire Protection Plan and Variance Requests and indicated concerns with the internal access road and any encroachments, including parked vehicles, boats, campers, etc., which may impede emergency response capabilities. He recommends ensuring the internal access road is clear of all encroachments.

Subdivision Administrator Recommended Findings of Fact and Determination: The Subdivision Administrator recommends approval of the proposed variance with the following findings of fact and conditions:

- A. *The granting of the variance will not be detrimental to the Public Health, Safety, or general welfare or injurious to other adjoining properties;*
 - a. **Findings of Fact:** *Vehicles and other items parked or stored in the proposed thirty-foot right-of-way may impede emergency vehicle access and response capabilities.*
 - b. **Findings of Fact:**
- B. *Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed;*
 - a. **Findings of Fact:** *The Community of Gardiner is an urban setting with mostly county-owned substandard streets and roads.*
 - b. **Finds of Fact:** *The proposed subdivision is limited in space given the existing structures and property boundaries.*
 - c. **Findings of Fact:** *No other access easement is possible given current property ownership*
- C. *The variance will not cause a substantial increase in public costs; and*
 - a. **Findings of Fact:** *Both variance requests will not increase public costs—the proposed internal access road will be owned and maintained by the owners within the subdivision.*

- B. *The variance will not place the Subdivision in nonconformance with any adopted zoning regulations.*
- a. **Findings of Fact:** *The proposal is not located in a zoned area within the county.*

Recommended Conditions:

1. **Condition:** A covenant shall be filed with the Gardiner Cabins First Minor Subdivision Final Plat stating: *“The Gardiner Cabins First Minor Subdivision property owners shall maintain the internal access road and road approach, and shall keep the entire thirty-foot right-of-way clear of all vehicles, campers, boats, trailers, materials or any other item in order to aid emergency vehicle response capabilities.”*
2. **Condition:** Prior to Final Plat approval the subdivider shall install no parking signs along the internal access road which notify all landowners of the requirement to keep the road right-of-way clear of all encroachments.
3. **Condition:** A covenant shall be filed with the Gardiner Cabins First Minor Subdivision Final Plat stating: *“The Gardiner Cabins First Minor Subdivision shall comprise of single-family dwellings—no commercial business or multifamily housing of any kind is permitted on any lot in the subdivision.”*

V. Recommended Findings and Conditions:

The proposed Gardiner Cabins First Minor Subdivision and submitted supplements have been reviewed to determine compliance with the *Montana Subdivision and Platting Act* and the 2010 *Park County Subdivision Regulations*.

I. Affects on Agriculture	
Recommended Findings	Recommended Conditions
A The proposed Gardiner Cabins First Minor Subdivision should have little to no effect on Agriculture in the area as the proposal is within the Gardiner Community and very little agricultural production is located within the immediate vicinity.	
II. Affects on Agriculture Water User Facilities	
Recommended Findings	Recommended Conditions
A The Proposed Gardiner Cabins First Minor Subdivision should have little to no effect on Agricultural Water User Facilities as none exist on the property or adjoining properties.	
III. Affects on Local Services	
Recommended Findings	Recommended Conditions
A The proposed subdivision will affect the Sheriff's Office and other county service providers because is it within the community of Gardiner and includes five additional residential lots.	

B	The proposed subdivision may result in an increase in school age children, thus affecting the Gardiner School District		
C	The cumulative effects of this and other subdivisions in the area may require future, county-imposed improvements. The improvements may include, but are not limited to; road, sewer, water and fire services. The improvements may be funded by rural or special improvement districts.	1	A waiver of protest to create a Rural Improvement District or Special Improvement District consistent with state statute shall be delineated on the final plat as a condition of final plat approval.

IV. Affects on the Natural Environment

Recommended Findings		Recommended Conditions	
A	Soil disturbance during the construction of this proposed subdivision will increase the potential for the spread of noxious weeds on the property and the surrounding area. Section 7-22-2116, MCA states; "it is unlawful for any person to permit any noxious weeds to propagate on their property."	2	A covenant shall be filed with the final plat requiring control of County declared noxious weeds.
		3	A covenant shall be filed with the final plat stating: " <i>Unit owner(s) shall comply with the required Noxious Weed Management Plan, approved by the Park County Weed Supervisor.</i> "
B	VI-B of the 2010 <i>Park County Subdivision Regulations</i> states, "All vegetation disturbed during construction shall be reestablished with vegetation types that have been recommended by the NRCS or MSU Extension Office and approved by the Planning Office."	4	Any areas disturbed during construction shall be reseeded by the subdivider(s) for the purpose of establishing adequate ground cover. The choice of species to be used shall be approved by the Natural Resources Conservation Service or the County Noxious Weed Control Board which reviews the choice of species to ensure it is compatible with the climate and soil types of the subdivision.

<p>C</p> <p>D</p>	<p>The arid climate, poor soil quality compromise re-vegetation measures if seed is simply sprayed onto topsoil.</p> <p>If areas disturbed during construction are not properly re-vegetated erosion and weed problems can occur and storm water drainage can compromise water quality.</p>	<p>5</p>	<p>Prior to final plat approval, the applicant(s) at their own expense shall provide evidence of reseeded for any areas disturbed and a contract that guarantees a 70% revegetation for a period of at least one full growing season beyond the final plat approval date, if applicable. Reseeding practices shall be in accordance with recommendations provided by the Park County Extension which reviews reseeded practices to ensure they are compatible with the climate and soil types of the subdivision. The Park County Noxious Weed Control Board and Weed Supervisor shall inspect and provide written approval prior to final plat approval.</p>
<p>E</p>	<p>New construction may impact cultural/historical/paleontological resources in the area.</p>	<p>6</p>	<p>A covenant shall be filed with the final plat stating: <u><i>"If during the implementation of any project cultural resources (archaeological/historic/paleontological) are encountered, or if previously known cultural resources will be affected, all work should cease and the Park County Planning Department shall be notified immediately. The County will evaluate the cultural resources in consultation with the State Historic and Preservation Office (SHPO) to determine if the resources constitute a cultural property and if any mitigation or curation is required."</i></u></p>

F	The Gardiner Cabins First Minor Subdivision application shall be reviewed and approved by the Department of Environmental Quality and the Park County Sanitarian prior to final plat approval.	7	The Gardiner Cabins First Minor Subdivision application shall be reviewed and approved by the Department of Environmental Quality and the Park County Sanitarian prior to final plat approval to protect the quality and potability of water public water supplies for domestic uses and to protect the quality of water for other beneficial uses, including uses relating to agriculture, industry, recreation and wildlife as set forth in Section 76-4-101, MCA.
G	The Mineral Rights may have been severed from the property. Future mining or subsurface exploration may adversely affect the natural environment. The applicant(s) have indicated no mineral rights will be transferred to any tract within the Gardiner Cabins First Minor Subdivision.	8	A covenant shall be filed with the final plat stating: <i>“Owner(s) are hereby informed that no mineral rights have been transferred to any units/members of the Gardiner Cabins First Minor Subdivision.”</i>

V. Affects on Wildlife

Recommended Findings		Recommended Conditions	
A	Storm water run-off and erosion caused by the proposed condominiums may adversely affect water quality in the Yellowstone River, which may adversely affect wild fish populations.	9	The applicants have proposed a storm water drainage plan which will minimize storm run-off potential and erosion. The final <i>Storm Water Drainage Plan</i> shall be certified by a professional engineer and submitted to the Planning Department prior to final plat approval.

B	Conflicts may occur between landowners and wildlife with regards to residential landscaping.	10	A covenant shall be filed with the final plat and shall state: <i>"All landscaping is encouraged to be comprised of plant species that do not attract wildlife as recommended by the MSU Extension."</i>
C	Solid Waste stored in non-bear proof resistant containers may increase bear activity in the area and may result in human/wildlife conflicts	11	A covenant shall be filed with the final plat and shall state: <i>"All lot owners within the Gardiner Cabins First Minor Subdivision shall utilize bear-proof solid waste receptacles when storing solid waste outdoors."</i>

VI. Affects on Wildlife Habitat

Recommended Findings		Recommended Conditions	
A	The spread of noxious weeds may adversely affect wildlife habitat in the area.	--	See Condition 2 and 3 regarding noxious weeds.

VII. Affects on Public Health and Safety

Recommended Findings		Recommended Conditions	
A	Fire protection is provided by Gardiner Fire District and is located within the Wildland Urban Interface. The subdivision is required to have an inspection by the Fire District having jurisdiction for compliance with	12	The local Fire Protection Authority (FPA) shall review and approve the subdivision fire protection feature(s) prior to final plat approval. The local FPA shall submit, in writing to the Subdivision Administrator, a detailed report illustrating verification and

	required fire protection and prevention measures.		approval of the fire protection features prior to final plat approval.
B	Wildfire should not adversely affect the proposed subdivision given the amount of development within the area and the lack of native vegetation.		
C	Unmaintained roads may adversely affect the response capabilities of emergency services.	13	A covenant shall be filed with the final plat stating: <i>"The Gardiner Cabins Minor Homeowners Association shall be responsible for maintenance, repair, improvement and other work on the proposed road approach and internal subdivision road."</i>
D	Granite Street and Arch View are County-owned and maintained roads.		

VIII. Compliance with the survey requirements in part for of the Montana Subdivision and Platting Act

Recommended Findings		Recommended Conditions	
A	Plats shall conform to Section 76-3-401-406 MCA of the Montana Subdivision and Platting Act.	14	The proposed Gardiner Cabins First Minor Subdivision shall conform to the Section 76-3-401-406 MCA of the Montana Subdivision and Platting Act.

IX. Compliance with the provisions of Physical and Legal Access to each parcel within the subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel

Recommended Findings		Recommended Conditions	
A	Legal and physical access is required to each parcel within the subdivision and the required notation of that access must be shown on the plat and any instrument of transfer concerning the parcel.	15	All road approaches providing physical and legal access to the proposed Gardiner Cabins First Minor Subdivision shall be built and maintained to County Standards, see section VI of the 2010 <i>Park County Subdivision Regulations</i> . See also the requested variance.
B	The applicants have obtained the required road approach permit from the Park County Road Supervisor.		
C	The applicants for the Gardiner Cabins Minor Subdivision have requested a variance from the design and improvement standards for streets and roads.	--	See requested variance.
D	The 2010 <i>Park County Subdivision Regulations</i> require all roads providing physical and legal access be built to the design and improvement standards as delineated in section VI.	--	See requested variance.
E	Granite Street and Arch View Drive are County owned and maintained roads, and are not currently built to the <i>Design and Improvement Standards</i> delineated in section VI of the 2010 <i>Park County Subdivision Regulations</i> .		

X. Compliance with the provisions of easements for the location and installation of any planned utilities

Recommended Findings		Recommended Conditions	
A	Utility easements are required and must be delineated on the final plat. The preliminary plat indicates public utility easements within all relevant road right-of-ways.	16	The final plat shall indicate utility easements as required by the 2010 <i>Park County Subdivision Regulations</i> . The final plat shall state "Public Utilities."

XI. Compliance with the review procedures contained in the Park County Subdivision Regulations and the Montana Subdivision and Platting Act

Recommended Findings		Recommended Conditions	
A	The Gardiner Cabins First Minor Subdivision is required to be processed in compliance with the 2010 <i>Park County Subdivision Regulations</i> and the <i>Montana Subdivision and Platting Act</i> .	17	The Gardiner Cabins First Minor Subdivision shall be processed in compliance with the 2010 <i>Park County Subdivision Regulations</i> and the <i>Montana Subdivision and Platting Act</i> .

XII. Consideration of an officially adopted Growth Policy for the area involved

Recommended Findings		Recommended Conditions	
A	The proposed Gardiner Cabins First Minor Subdivision is consistent with Chapter 6 [Housing] in that it will provide for five additional single-family dwelling units to an area that struggles to implement additional housing opportunities.		

B	The proposed Gardiner Cabins First Minor Subdivision review is consistent with Goal 15 [Protect Private Property Rights] as it has been reviewed in compliance with the current subdivision regulations and the Montana Subdivision and Platting Act, which provides the right of landowners to subdivide property under the Act.		
C	The proposed Gardiner Cabins First Minor Subdivision review is consistent with Goal 16.7 which encourages development near existing infrastructure.		
D	The proposed Gardiner Cabins First Minor Subdivision review is consistent with Goal 2 which aims to reduce wildlife/human conflicts.		
E	The proposed Gardiner Cabins First Minor Subdivision review is consistent with Goal 12.2 which encourages growth utilizing existing water and sewer district infrastructure.		

XIII. Compliance with the Park County Subdivision Regulations

Recommended Findings		Recommended Conditions	
A	Subdivisions approved by the County Commission shall comply with the provisions of Chapter VI, <i>General Design and Improvement Standards</i> in the <i>2010 Park County Subdivision Regulations</i> .	18	Subdivisions approved by the County Commission shall comply with the provisions of Chapter VI, <i>General Design and Improvement Standards</i> in the <i>2010 Park County Subdivision Regulations</i> , unless a variance has been granted by the Governing body.

B	Any covenants which are imposed by the governing body to mitigate the adverse effects of a subdivision proposal shall not be amended except with the consent of the governing body.	19	The final covenants shall be submitted to the Park County Planning Office prior to applying for final plat approval. It shall be clearly delineated in the final covenants that those covenants required in these conditions shall only be amended with the consent of the Park County Commission. The Planning Office shall approve the covenants for the compliance with this order prior to final plat approval.
C	Any covenant required as a “condition of final plat” cannot be amended without the written consent of the Park County Commissioners.	20	The applicants shall clearly identify all County imposed covenants and it shall be noted; <i>“All county imposed covenants shall not be amended or repealed without the written consent of the Park County Commission.”</i>
D	The 2010 <i>Park County Subdivision Regulations</i> require that a platting certificate showing the names of the owners of record of the subdivision and the names of any lien holders or claimants of record against the land be submitted to the county attorney.	21	A platting certificate shall be submitted to the Park County Planning Office prior to final plat approval.
E	The applicant(s) shall have two years from the date of preliminary approval to complete the conditions and apply for final plat approval (see section III-A-6.F of the 2010 <i>Park County Subdivision Regulations</i>).	22	The applicant(s) shall have three years from the date of preliminary approval to complete these conditions and apply for final plat approval. Application for final plat shall be submitted at least thirty days prior to the expiration of the preliminary plat approval period, unless the applicant(s) request an extension, not to exceed one year. Failure to comply with the final plat provisions or the conditions of final plat thirty calendar days prior to the expiration of

			the preliminary plat approval period will render the governing body's approval null and void.
F	Any changes made to the original application or preliminary plat, other than changes made to meet the required conditions of final plat approval, may substantially alter the information used to evaluate the proposed subdivision under the primary review criteria and requirements of this subdivision.	23	Any changes made to the original application or preliminary plat, other than changes made to meet the required conditions of final plat approval, may require the subdivider(s) to resubmit the application for subdivision review pursuant to state law and section II-B-5 of the 2010 <i>Park County Subdivision Regulations</i> .
G	Parkland Dedication is not required for First Minor Subdivision in accordance with Section 76-3-621(3)(e), MCA		
H	Applicant(s) are required to comply with all other standards and procedures of the 2010 <i>Park County Subdivision Regulations</i> , which are applicable to all subdivisions prior to receiving final plat approval. Any unmet regulations, procedures, or provisions that are not specifically listed as conditions of approval, do not, in any way, create a waiver, variance, or other relaxation of the lawful requirements of the 2010 <i>Park County Subdivision Regulations</i> or State law.	24	The applicant(s) shall comply with all other standards and procedures of the 2010 <i>Park County Subdivision Regulations</i> , which are applicable to this subdivision prior to receiving final plat approval. The applicant(s) for this proposed subdivision is hereby informed that any unmet regulations, procedures, or provisions that are not specifically listed as conditions of approval, does not, in any way, create a waiver, variance, or other relaxation of the lawful requirements of the 2010 <i>Park County Subdivision Regulations</i> or State law.

VI. Conclusion:

The proposed Gardiner Cabins First Minor Subdivision, with the inclusion of the recommended findings and conditions identified in this Subdivision Administrator Report, mitigate the adverse affects of the review criteria and brings the subdivision in compliance with the requirements of Section 76-3-608(3), MCA.

VII. Park County Planning and Development Board Role and Options:

The Park County Planning and Development Board shall consider the application, preliminary plat, supplements, public testimony, and this Subdivision Administrator Report before forwarding a recommendation to the Park County Commission.

The Park County Planning and Development Board shall make one of the following recommendations regarding the Gardiner Cabins First Minor Subdivision preliminary plat application, to the Park County Commission:

1. Recommend approval of the Gardiner Cabins First Minor Subdivision with findings and conditions as identified in the Subdivision Administrator Report;
2. Recommend approval of the Gardiner Cabins First Minor Subdivision with findings and conditions as amended by the Park County Planning and Development Board;
3. Recommend denial of the Gardiner Cabins First Minor Subdivision.

Planning and Development Board Agenda Item Report

Meeting Date: September 19, 2019

Submitted by: Mike Inman

Submitting Department: PLANNING

Item Type: Staff Report

Agenda Section:

Subject:

Report on Growth Policy Goal 16 - Status Update

Suggested Action:

Attachments:

[Growth Policy Goal 16 Status Update 9-10-2019.pdf](#)

To: Park County Planning Board

Date: Report completed on September 9, 2019 for September 18, 2019 Regularly scheduled Planning and Development Board meeting.

From: Wm. Michael Inman

Re: Park County Growth Policy – Goal 16 Status Update

The following tasks are included in Goal 16 of the Park County Growth Policy:

16.1.1: *Create and maintain data and mapping on property tax revenues generated on a per acre basis in order to identify the location and types of development that provide the greatest economic benefit to the county.*

- **Status:** This project has been discussed with the GIS department but no action has been taken given other priority areas. In order to proceed, discussions with the Treasures Office and GIS staff will need to take place, with identification of needed resources and constraints.

16.1.2: *Assis areas that collect resort taxes to establish community priorities for the expenditure of those funds.*

- **Status:** The Cooke City Resort Tax community meets with the Planning Department, MSU Extension, the Park County Grants and Special Projects Administrator to discuss opportunities for community improvements—prioritization of resort tax expenses has been set by community members, with the Park County Commission making the final determination for all resort tax funds.
- **Status:** The Gardiner Resort Tax District is managed and administered by the community of Gardiner—Park County has no involvement in the distribution of funds. At times, various groups/organizations will request additional funding or assistance in determining potential community resort tax projects. Prioritization of all resort tax projects is done by the Resort Tax Board of Directors and does not involve Park County.

16.1.3: *Use grant resources to fund market analysis for communities in Park County.*

- Status: The Grants and Special Projects Administrator has been working with the Community of Gardiner and Cooke City for grant preparation and submittal for a variety of projects. A housing market analysis has been completed for the Community of Gardiner. Cooke City is undergoing a sewer upgrade market analysis and engineering cost estimate to determine the best option moving forward.

16.1.4: *Explore establishing impact fees to help offset the impacts of future development.*

- Status: The Planning Department provided information pertaining to the statutory requirements for creating impact fees in the county—the Board determined the requirements (and costs) were higher than the potential benefits for moving this specific project forward.

16.2.1: *Draft a report that evaluates the current mechanisms for addressing land use conflicts.*

- Status: The Planning Department created a report identifying all statutory and local “tools” authorized to address land use conflicts, including existing and potential tools. The Report was provided to the Planning and Development Board for their review and consideration in December of 2017

16.2.2: *Evaluate alternative approaches and how they would improve conflict resolutions over the existing approach.*

- Status: Ongoing. The Planning and Development Board has considered a variety of options and scenarios to address land use conflicts. The Planning and Development Board has successfully recommended the creation of the Zoning District to address signage impacts in the area between Livingston and Gardiner. The Planning and Development Board has successfully recommended the creation of a Decay Ordinance to mitigate impacts associated with community Decay. Both approaches are new to Park County and offer alternatives to the current system of addressing land use conflicts.

16.3.1: *Use neighborhood planning and area plans to provide specific policy direction to specific areas that have unique challenges.*

- Status: The Planning Department helped facilitate a neighborhood planning effort in the community of Gardiner. The City/County Planning Subcommittee has recommended the development of a neighborhood planning project in the area surrounding the City of Livingston, which has been included in the official Request for Qualifications to update the City of Livingston Growth Policy.

16.3.2: *Use topic specific plans such as transportation plans, capital improvement plans, or parks plans to provide policy direction on topics that have unique issues but are comprehensive to all Park County residents.*

- **Status:** Ongoing—Park County has a Capital Improvements Plan (2015) scheduled for a comprehensive update in 2020, an updated Transportation Plan (comprehensive update in 2014) schedule for comprehensive update TBD. Park County has an Active Transportation Plan from 2016, scheduled for update in 2021.

16.3.3: *Develop a future land use map for Park County and adopt it as an amendment to this growth policy*

- **Status:** This particular project has been explored with the Park County GIS staff—it remains on a “to do” list but not as a high priority. The process of identifying specific land use on a particular tract is difficult to determine using existing data sets, which typically designate land use by tax assessment or land cover type, which doesn’t necessarily capture various land-use on a property. The GIS Department determined it necessary to gain access to, and acquire parcel data from the State of Montana and compare it to other land use designations/data sets as a way to better understand how each parcel is being used.

16.4.1: *Continue to hold community listening sessions following Planning and Development Board Meetings*

- **Status:** Ongoing—the Planning and Development Board accepts public comments during regular meetings. In the past, the Board would meet after regular meetings and invite members of the public to come and provide comments to the Board without a specific agenda, or discussion topic. These types of meetings were held in 2016 with very low attendance recorded. The Board determined at the time to remove these types of meetings from the agenda. No further action has occurred.

16.4.2: *Update the Park County Atlas*

- **Status:** Complete. The GIS Department finalized an on-line version of the Atlas with a complete overall and update in 2017-18.

16.4.3: *Maintain the Planning Department’s high level of transparency by making information available online, and attending information meetings of community groups.*

- **Status:** Ongoing—the Planning Department worked with Digital Information Services (DIS) over the past three years to create a searchable database of all planning files dating back to the early 1970s in accordance with statutory records retention policy standards. The Planning Department continues to encourage electronic copies of subdivision, floodplain, zoning, RID, BLR, and other applications to reduce paper and waste. The Planning Department meets with

community groups on a regular basis to provide information pertaining to a host of community and planning needs.

16.4.4: *Support the continuing education of staff.*

- Status: Planning staff are encouraged to participate in continuing education trainings/seminars/conferences in order to maintain certifications and to increase capacity within the department.

16.4.5: *Support staffing levels that allow staff and county officials to attend community meetings.*

- Status: Planning Department staffing levels have remained the same since 2009. Planning staff make every attempt to participate in community meetings throughout the county.

16.5.1: *Create a map of agricultural lands of importance by prime soil types identified by the USDA, large parcel sizes taxed as agricultural, and other considerations. Review the map with Agricultural landowners for their input.*

- Status: Ongoing—the updated Park County Atlas includes land type data set, which includes areas of agricultural production based upon land cover type. The data set is from the state library, and no attempts have been made to meet with local agricultural representatives to obtain their feedback.

16.5.2: *Update the Park County Atlas to include a map of agricultural lands of importance.*

- Status: Ongoing—the updated Atlas does include land cover data which includes agricultural production.

16.5.3: *Assist with efforts to create and expand market for locally grown and made products.*

- Status: Park County Planning has participated in Active Transportation Planning, the development of the Community Health Improvement Plan, and other local efforts aimed at highlighting and promoting the Livingston Food Resource Center, the Farm to School Program and the Hospital Sustainable Foods Program. The upcoming MAP conference includes presentations by each group and a tour of each facility and program.

16.6.1: *Acquire grant funding to complete a market analysis for Gardiner and the Cooke City area.*

- Status: Incomplete—no grant funding has been applied for, or received to conduct market analyses in the Gardiner and Cooke City area.

16.6.2: *Complete neighborhood plans for community centers.*

- Status: Ongoing—the Planning Department helped facilitate a neighborhood planning effort in the community of Gardiner. The City/County Planning Subcommittee recommended completion of a neighborhood planning project in the area surrounding the City of Livingston as part of their official Growth Policy Update.

16.6.3: *Complete infrastructure plans according to 76-1-601(4)(c), MCA.*

- Status: Ongoing—Park County has worked with the community of Cooke City to aid them in establishing a waste-water treatment facility, in conjunction with the Forest Service, the Cooke City Water and Sewer District and MSU Extension. No other specific “community” infrastructure plans have been established under this provision.

16.6.4: *Adopt and revise development standards*

- Status: Ongoing—the Park County Commission recently adopted the US HWY 89 South – East River Road – Old Yellowstone Trail Zoning District which regulates on-premise signs.
- The Planning Department has been working with Headwater Economics on a Community Planning Assistant for Wildfire (CPAW) project for the past three years with the goal of mitigating wildfire costs and risks by considering building standards for development within the wildland urban interface.

16.6.5: *Allow for expedited review of subdivisions in community centers according to 76-3-616, MCA*

- Status: Ongoing—the Planning Department is in the process of creating updated subdivision regulations—the process will allow for consideration by the Park County Commission to expedite review for subdivisions under 76-3-616, MCA.

16.7.1: *When creating development codes, provide for a range of housing choices that allow for older adults to “downsize” while remaining in their community*

- Status: Incomplete—no zoning or development codes have been created by the Park County Commission, which would regulate the type and size of housing structures.

16.7.2: *Assist the health department with identifying and implementing objectives of that departments strategic plan as appropriate.*

- Status: Unknown—our department is not aware of a Health Department Strategic Plan. However, the Planning Department has been working in conjunction with the Health Department on Active Transportation Planning; Community Health Improvement Planning; increasing enforcement effectiveness; development design as it relates to health outputs in community development.

16.7.3: *In community centers, recognize the walkability is critical to older adults being able to reach the services they need. Work with MDT on highway projects to incorporate context sensitive design that promotes walkability and non-motorized facilities.*

- **Status:** Ongoing—the Park County Planning Department helped create and administer the Active Transportation Coalition, which eventually was administered by the Park County Health Department, and is now administered by the Park County Environmental Council. Successful projects of the ATC include; demonstration project at the Farmers Market resulting in permanent changes to pedestrian and vehicular access to the Market; development and implementation of a curb-extension project at the corner of 5th and Callender, which aided in pedestrian crossing; Red Flag demonstration project on Park and Main Street which aided in pedestrian crossing of Park Street; hosting the 2017 Building Active Communities Institute which included a City/County team; Support and assistance in applying for the O Street Connection Transportation Alternatives Grant; Grant funding for the US HWY 89 South connector trail from the end of the existing trail to Old Yellowstone Trail Road. Re-chip seal of the existing trail south along US HWY 89 South. All projects were designed to enhance pedestrian access and movement in and around the City of Livingston.

16.7.4: *Work with regional partners to explore potential options to provide a public transportation service that assists older adults in accessing the services they need.*

- **Status:** Ongoing—Park County, City of Livingston and the Livingston School District helped fund a program to create a public transit system, currently known as Windrider Bus Service, which provides fixed route services throughout the Livingston area. The project was created under the direction of the Grants and Special Projects Administrator for the County.

16.7.5: *Use GIS to map the location of critical services for older adults, and develop models that demonstrate travel times to those services. Locate new series or develop mobile services to serve areas with relatively high population densities that are far from existing services.*

- **Status:** Incomplete—this project has not been completed.

16.8.1: *Monitor pending development projects, assess impacts and voice support or disapproval when warranted.*

- **Status:** Ongoing—the Planning Department reviews all applicable development proposals which fall under existing local regulations and ensures compliance with all applicable provisions and standards.