

## **Planning & Development Board**

August 15, 2013  
Park County, Montana

**Attendance:** Planning Board Members Rich Baerg, Bill Berg, Peter Fox, Dave Haug, Traci Isaly, Frank Schroeder and Lewis Wilks. Also present were Mike Inman and Jeri Stevens, planning staff; numerous public

**Call to Order:** @1:40 p.m., Bill Berg called a meeting to order in the District Court Room of the City-County Complex.

**Public Comment on Agenda Items not Scheduled for a Public Hearing:** None

**Approval of Minutes:** The board reviewed minutes for the June 20, 2013, meeting. *Frank Schroeder moved to approve the minutes. The motion was seconded. Motion passed.*

**Conflict of Interest:** None reported by the board. Citizen William Smith said Chair Bill Berg said “game on” after a July 11, 2013, meeting, which tells him Berg sees the survey issue as a competition where he has an advantage and is prejudiced toward the outcome of increased county land use regulations. Smith said such is a conflict of interest that diminishes Berg’s objectivity and disqualifies him from presiding over the public meeting today and casting a vote on any motion from the board that pertains to discussion of recommendations of county land use regulations.

### **Park County Land Use Survey and Education Outreach Update**

**Introduction by Chair:** Berg provided a timeline of the land use survey and education outreach effort being conducted by the Planning Board through the Montana State University Political Science Department, which commenced in the fall of 2012, and focuses on Park County citizen perceptions and concerns regarding land use now and into the future. Berg said board discussions started from citizen questions about recently proposed land uses in the county, including a wind farm, a proposed business in a historically residential area and the dissolution of the donut zoning district.

The effort consists of three stages, the first two of which are now completed: 1) 11 one-on-one interviews with a diverse group of stakeholders in the county; 2) a household public opinion survey; 3) an education and outreach effort consisting of facilitated public forums held in various locations throughout Park County.

Berg read into the record highlights of MSU’s response to concerns expressed by citizens, the board and commissioners as to the validity of the public opinion survey at a July 11, 2013, meeting. A confidence interval of .9 with an error rate of plus or minus 5 percent was the target for the survey, which would require 261 survey responses based on 6,700 households in Park County. 490 total surveys were filled out equating to a

response rate of 7.3 percent. Demographic breakdown of survey responders: Bozeman Pass: 15 responses (3.3 percent of total responses; approximately 3 percent of Park County addresses are located in this area); Shields Valley: 40 responses (8.8 percent of total responses; 9 percent of Park County addresses are located in this area); Livingston area: 203 responses (44.7 percent of total responses; 52 percent of Park County residents live in this area ) Paradise Valley: 138 responses (30.4 percent of total responses; approximately 18 percent of Park County addresses are located in this area); Gardiner 55 responses (12 percent of total responses; approximately 9.6 percent of Park County addresses are located in this area); Cooke City/Silver Gate: 3 responses (.7 percent of total responses; 4 percent of Park County addresses are located in this area).

Background Information and Update: Mike Inman, Planning Director, introduced Lawson Moorman, graduate student in the MSU Masters of Public Administration Program.

Presentation of Survey Results: Moorman presented the preliminary results of the land use opinion survey. Survey questions were broken into four groupings, 1) Expectations of Park County's Future; 2) Opinions on Land Use Management Approaches; 3) Priorities of Land Uses and Values; 4) Demographics

Questions from the Board: Frank Schroeder asked if anything was out of line statistically with the results and whether the survey was accurate. Moorman said the population distribution closely aligned, but education, income and landownership skew high for Park County as a whole. Peter Fox said nothing in the survey results were a surprise to him, and results will help the board determine the pulse of the larger community and diversity of thought within the county.

Public Comment: Dale Reinhart said the survey was fine with no real surprises. He said public comment shows the community does not necessarily know what goes on within the county government, and consequently the public feels shut out. He said he is unsure why people are excited about the survey, as that's all it is. He said in 27 years on the Planning Board, the current board is the best he has seen.

Jim Brown asked for the number of votes to be put on survey result bar graphs.

Warren Latvala said he did not participate in the survey because no growth policy working group asked for Commission-initiated zoning. Latvala asked why the current effort is being conducted. He said he expects to participate in a landowner-only effort if an information gathering effort on land use is conducted. He said he is sure many people participated in the survey who have never seen the inside of the Park County Courthouse.

Peter McKenzie said he concurred with Latvala. He said some interesting comments stating the survey was flawed were made by smart-sounding mathematician professors at the previous meeting on the topic. He said he personally did not know about the survey until it was emailed to him. McKenzie asked Bill Berg why he leaned into him after the previous meeting and said the fight is on. Berg said he did not recall saying such, but his

intention would have been to state the board's objective was to start conversation on the topic. McKenzie said he thinks the exact same thing of trying to sneak agendas down citizens' backs that occurred in Christmas of '03 of '04 is happening again and everyone ought to understand what is going on. McKenzie said he does not understand the urgency of the issue with nothing selling in the valley. McKenzie said Berg should be exempt from the entire process because he believes he has an agenda.

Howard Harper said he was made aware McKenzie would be present so he better speak. Harper said McKenzie was aware things have not been done for four years, but he has been fighting him on Myers Lane for six years.

Kerry Fee said he submitted a letter to the editor to the Livingston Enterprise and Billings Gazette, because many people read the Gazette. He said his letter did not encourage people living outside of the area to complete the survey. He said the Park County Environmental Council (PCEC) focuses only on Park County environmental issues and does not get funding from any national organizations.

Anne Hallowell said the land use survey was a slanted, divisive, offensive socio-economic survey. She said an honest attempt to gather public sentiment should be conducted by grouping demographic segments of the populations, accordingly to topography and physical locales. She said the county should be open about banning supposed bad businesses.

Sue Nelson asked how many people knew about the survey and when Phase III of the process would commence.

Joe Sparano said he didn't even know anything was going on or was looking to do anything and he was present only because the neighbors said something was going on and he better get down there. He said it feels like people want to try regulations out on people in Gardiner with wildlife issues associated with Yellowstone National Park. He said laws should be passed by decree.

William Smith said he is concerned with how ambiguous the survey is, leaving things up to people's interpretation. He said some young people he was talking to said they don't want a Walmart in Paradise Valley and such is what the survey is addressing. He said respondent answers to the opinion survey are their opinion. He does not think people's opinion is a basis from which to make guiding decisions with regard to county land use. Without substantial information, an opinion is nothing more than an opinion. Smith said native Montanans don't need help managing the environment.

Barbara Woodbury said she was speaking as a county resident and the Park County Sanitarian. She said she sees a lot of people in her office concerned about what their neighbors are doing and how it will impact their land. She said she thinks residents should band together and reinstitute some of the zoning in the former donut zoning district so she does not have a bar move in next to her. She said community-initiated zoning is a tool residents have to keep neighborhoods as they want them to be. She said

the survey seemed to be very general and ambiguous in effort to gather ideas about what people in Park County think nothing more or less.

Dan Dinsdale asked how many board members read the growth policy. He asked how much the survey cost the county. He asked what happens if the sky falls.

Alan Redfield said private property rights were at the forefront when he campaigned for the Montana legislature. He said Park County needs economic development so county youth will choose to remain in Park County. He said good paying jobs are a priority.

Allan Harper said the survey was pretty good, ambivalent and over the top and possibly skewed toward the higher educated, as many who chose to respond were college educated. He said uneducated people will tend not to take a survey. He didn't know about it. He asked if county landowners outside Livingston proper would be represented in the survey. He said he thinks community groups will be a good thing in the process. He said the survey may be skewed by Livingston residents, because there are a lot of wildlife and tourism questions on the survey.

Bill Spannring said these type of surveys are worthwhile because they give elected officials information and are relatively inexpensive thanks to volunteer assistance from universities. He said surrounding states have job opportunities because they are right to work states. But with more jobs come more people and more people problems, so there are more choices to be made and he thinks one should consider all avenues before those choices are made.

Dick Juhnke said he does not know how to turn on a computer. He said hard copies of the survey should be available if the county wants to do a survey.

Bill Moser said the county does not have statistically valid results. Moser asked who paid for the survey. Inman said there were no actual costs to the county for the survey. The board selected an objective third party in Montana State University to develop the survey methodology. All MSU representatives volunteered their time. Moser asked who on the board could certify whether only residents of Park County, Montana could take the survey. Moser said PCEC gets its funding from Seattle, which he will testify as fact in a court of law if necessary. Moser said Berg should be off of the board because of his arrogance and resorts to the Book of Jude verse 9, "Yahweh rebuke thee."

Allan Carter said some people read the Range Magazine. He read into the record part of the Ten Planks of the Communist Manifesto and said the board needs to take to heart what it says. Carter said he thinks one planning board member has a serious conflict of interest in wanting to impose rules and regulations on Park County ranchers while his ranch is for sale and he wants to leave.

James Bennett said it seems the accomplished goal of gathering information does not affect Livingston or Livingston residents and most survey questions are geared toward land use in Park County. He wonders how much real life experience Livingston

respondents have in land use in rural areas, agriculture and ranches. He said meeting attendees probably do a good job with their ranches and know what can and cannot be done on their ranches. He said he sees wonderful, well-managed ranches when he drives around Park County and ranchers already know what does and does not work. He said he thinks the county is on a two-edged sword and a slippery slope with the issue, as government in general is not compassionate or nice and uses force to make landowners do something they are egregious to. He said the country was founded on strong property rights, founded by people from Europe who could not own private property. He said the Park County government is going to force people by law to do things on their property they do not want to do. He said he is disappointed neighbors cannot work things out nowadays because when he grew up neighbors would. It seems the county wants to serve as a mediator and force people into a box so they cannot work things out. He said an un-neighborly incident happened to him when his neighbor called the police on him when his dog was in his neighbor's yard. He asked why the police force had to come into his home to tell him his dog would be put down and why neighbors as people cannot be more neighborly. Bennett said he is ashamed as a resident of Livingston that Livingston residents are trying to tell county ranchers what to do with their land. He said the Planning Board will not use Biblical compassion or joy to tell people what to do, but sheer force, which is what he does in the city as part of the Livingston City Commission.

Vicky Armstrong said she is one of many Paradise Valley residents with a Livingston address. She said she does not think government regulation is the only thing that impacts growth as William Smith stated, as a subdivision adjacent to her just went bankrupt.

Bob Boyd said he has been a Park County business man for 40 years fighting the PCEC and Greater Yellowstone Coalition. He said he appreciates Bennett's comments about what a lot of people are trying to do, and he thinks the Planning Board should be proactive in getting input from people in areas where a specific issue is going on. He said the donut zoning district was the biggest joke he had ever seen regarding economics in the county, referencing the first commercial subdivision east of town started in 1995. Boyd said Park County needs economics in order to survive and cannot do it on tourism alone. People need to come into Park County for gainful jobs.

Norman Millman said the most alarming thing to him in the meeting was 44 percent of survey respondents viewed management of private property as equally a private and public matter. He said it would serve everyone to go back to the Constitution and Declaration of Independence. He said society has an obligation to educate segments of the population who have lost vision of the country's founding principles.

Bert Vennon said planning and zoning is a yellow-brick road for the government into citizens' wallets because of permitting and permission processes that cost money.

Latvala said it would be interesting to know how many people who took the time to attend the meeting are in favor of and opposed to Commissioner zoning.

Marty Fanning asked for a show of hands from audience members for the four areas listed in the survey represented in the audience. Berg asked for a show of hands.

Laura Ferarro said hardly anyone was present from the east of Livingston, and no one she knew knew the survey was being conducted.

Bill Moser asked how many individuals are currently aware of the ramifications of Agenda 21 of the United Nations.

Anne Hollowell read into the record a portion of Montana Code Annotated (MCA). She said MCA thinks the term land use is zoning.

Pat Standish Morris, 81, said she is computer illiterate and does not own a computer. She said she responded to something that came to the mail a couple years ago. She said the survey should be sent through the U.S. Mail.

Board Discussion: Traci Isaly said implementing zoning has never been the intention of the Planning & Development Board with the education process being conducted. It is to gain a pulse of citizen thoughts on planning, land use issues and quality of life. The board is not starting a zoning process. Opportunities for individuals without computers to comment will be forthcoming.

Peter Fox said the survey was a good idea and was needed to provide a broad overview through an information gathering process, and information was gathered. Planning & Development Board minutes are posted on the county website for citizen viewing. Fox said every individual on the planning board is away from work to attend the current meeting, thus is in the same boat as audience members. Fox said citizen comments alluding to things being done by force is the furthest thing from the minds of Planning Board members. Fox said he did not serve 37 years in the United States Military to do forceful things to his fellow citizens, and neither did anyone else on the board.

Lewis Wilks said the board does have hard data representations for survey questions with number of respondents to each question as requested by one member of the public.

Dave Haug said he serves on the Planning & Development Board as a representative of the ag-based Park Conservation District and he will try to vote with his constituents if anything ever comes of the effort.

Rich Baerg said he hopes everyone realizes everyone on the board volunteers their time month after month, and the fact many residents attended today is very encouraging.

Inman said the final phase of the three-phased information gathering effort will be conducted as public forums throughout the county. He expects the board to begin identifying communities and location logistics at its September board meeting.

**Discussion of Next Meeting Agenda:** Updates on the Park County Atlas, Gardiner Gateway Project, Paradise Valley Planning Corridor Study

**Public Comment:** Mike Adkins asked about a corridor study. Inman said the Montana Department of Transportation is conducting a study of Highway 89 from Yellowstone National Park to Livingston in conjunction with the Federal Highway Administration. He has information available.

Peter McKenzie said a lot of testimony was heard today that the survey is quite flawed. He requests the survey be thrown out and not used whatsoever. He said he supports town meetings on the issue, as was done for 45 weeks with the growth policy effort until it was high jacked.

Warren Latvala said he does not know how the education/public input effort got started, for what reason, who started it and for what end result. Berg said the effort was started in response to many citizens contacting the county and Planning Board about proposed land uses across the county, such as a wind farm and the dissolution of the donut zoning district, in order to learn the opinion of county residents on land uses. Traci Islay said the Park County Commissioners initiated the process and charged the Planning Board and staff with the process of gathering information. The board was asked by the Commissioners to gather information after the donut dissolution occurred.

Inman said a proposed wind farm in Mission Creek, a chicken processing plant in Wilsall, and other proposed land uses in Gardiner and Paradise Valley over the years presented a one size does not fit all situation. Particularly, a public process to initiate implementation of interim zoning in the former donut zoning district (from which the Commission backed off of) resulted in many people telling the county it better slow down and get out into the community and figure out what people want. In May 2012, the Planning & Development Board requested a joint meeting with Park County Commissioners to ask for a blessing to move forward with an education and outreach process. All three Commissioners attended the meeting and each said they would like the board to go out into the community and gathering information and opinions relative to land uses. At that point the board asked him to contact MSU to inquire about assistance in facilitating that process.

Inman said the current process is not an effort to update the growth policy. It is a separate effort. The growth policy is up for revision per state statute in 2013 if the Commission deems such necessary.

Jerry O'Hair said he is beginning to wonder exactly what is going on here. He told a story about a camel in Egypt being put together by a committee. O'Hair said he talked to two County Commissioners who denied that the effort in question came from the Commissioners, so he is wondering where it really came from. O'Hair said he was going to go change irrigation water.

Anne Hollowell said the board may want to consider where citizens should go to best make their comments once Phase III commences.

Mike Adkins said it seems like a group of residents with enough money tries to squash an effort to provide jobs whenever one starts. Adkins asked how to stop such.

**Adjournment:** 3:55 p.m.

Bill Berg  
Chairman