

Planning & Development Board

September 18, 2013

Park County, Montana

Attendance: Planning Board Members Rich Baerg, Bill Berg, Peter Fox, Dave Haug, Traci Isaly, and Lewis Wilks. Also present were Mike Inman and Jeri Stevens, planning staff; Dr. Eric Austin, Lawson Moorman, Montana State University; Commissioners Durgan and Tinsley; numerous public

Call to Order: @6:30 p.m., Bill Berg called a meeting to order in the Park High School Multi-Purpose Room.

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

Approval of Minutes: The board reviewed minutes for the August 15, 2013, meeting. Peter Fox noted a statement from Barbara Woodbury should accurately state she thinks residents should band together. Lew Wilks asked for the public comment in the minutes to be reviewed again. *Peter Fox moved to table approving the minutes. Lewis Wilks seconded the motion. Motion passed.*

Conflict of Interest: None reported

Introduction of New MSU Community & Economic Development Agent: Katie Weaver introduced herself as the new MSU Extension Community and Economic Development Agent for Park County.

Park County Land Use Survey and Education Outreach Update

Background Information and Process Overview: Chair Bill Berg said public comment received in and since the last board meeting on the land use topic has been addressed and will be reviewed at the present meeting. Berg read into the record the Planning and Development Board's statement of purpose in conducting the land use data-gathering campaign.

Planning Director Mike Inman provided background history of the process, which commenced in May 2012 with unanimous individual support from each county commissioner for an outreach and education process exhibited in a June 2012 planning board meeting.

Public Comment/Concerns Discussion: Berg said planning staff, the board and Dr. Eric Austin and graduate student Lawson Moorman of Montana State University have put together responses to recurring comments as presented by the public throughout the process. Berg and Lew Wilks read responses to recurring questions and statements into the record as follows:

Questions/Statements

What is the purpose of the process? The purpose of the effort is to expand the board's knowledge of prevalent opinions and attitudes held by county residents regarding land use issues, decisions and policies that fall under Park County Government jurisdiction through a statistically valid survey and direct input methods.

What is the end result? It is expected a summary report will be developed by MSU and the board based on survey research findings, public forums and submitted public comment. In keeping with intended purpose, the summary report will be informational only and will reflect the comments obtained from the most diligent and widest possible outreach to all Park County residents.

Is this process the beginning of countywide zoning? No. The Planning and Development Board, MSU and the planning department do not have the authority to start the process of zoning any portion of the county. The Park County Commission is the only authority that can initiate countywide or county-initiated zoning under 76-3-201 of Montana Code Annotated (MCA). Citizens have the authority to initiate zoning under 76-3-101 of MCA, which is called citizen-initiated zoning.

Is the process part of the growth policy? The purpose of the land use outreach and education process does not involve updating the Park County Growth Policy. The Park County Commission can determine what information is included in the growth policy and whether it wants the board to participate in updating the growth policy.

Does the Park County Commission support this process? The Park County Commission attended a Planning and Development Board meeting in June 2012 at the request of the board and indicated unanimous support for an outreach education process regarding land use.

This is a few individuals trying to dictate what others do on their property. This process is designed to obtain opinions and attitudes toward land use issues, decisions and policies. The goal is to gather as much input from citizens throughout the county. This process does not provide individual citizens or specific groups an opportunity to tell others what to do on their property.

Why was an online and not a paper survey used? MSU recommended use of an online survey as part of a three-pronged approach for gathering information. The online survey component of the process was recommended for a variety of reasons. The online survey is more cost effective than a paper survey or phone survey, it allows the user to cross-tabulate responses in an efficient manner, research indicates it is a more effective means of gathering a statistically-valid sample of the population, it allows the user to control IP address and manage for outliers and non-valid responses.

What are the costs associated with the survey process? The online survey did not cost the county any funding. MSU volunteered to help develop, implement and analyze the

survey. The SurveyMonkey license was paid for by MSU. The entire process is being developed and implemented using volunteer time and resources. The Park County Planning Department is providing in-kind services and printing materials.

What about people that didn't or couldn't take the survey...how will they provide comments? The purpose of the survey was never intended to be a be-all and end-all of the overall process. The survey was designed to obtain a sample of the overall population, which in turn would give the Planning and Development Board a reliable indicator of general public attitudes toward land use in the county. The public forum section of the process will provide residents additional opportunities to participate and provide public comments. Residents can also provide written comments at any time during the process.

The survey results should not be considered. The survey results represent a statistically valid sample of the household populations of Park County, and therefore will be considered by the board. All opinions and public comments will be considered throughout the process.

Are the survey results valid? According to MSU professor Dr. Eric Austin the survey responses appear to be valid and represent the general distribution of households throughout Park County.

Can someone from outside the county high jack the survey? MSU analyzed the survey results and indicated that it does not appear that anyone outside the county high jacked the survey.

Did the order of questions and type of questions create biased results, specifically referring to Question 8? The survey results do not show any indication that the order or type of questions used resulted in any type of bias.

Doctor Eric Austin, MSU, said he concurred with all the statements the Planning & Development Board had developed. He said the survey is valid and indicative of a wide range of opinions, concerns and attitudes of land use in Park County presently and into the future. Austin said no evidence was found that there was a dramatic difference in the overall results because of the "Livingston area" responses. Referencing Question 8, Austin said no evidence exists that response order impacts respondents' answers. He said 5 percent or less of respondents answered the question that land use on private property was in some way or entirely was a public matter. Austin said SurveyMonkey blocks repeat IP addresses from a computer; therefore the survey is a household survey. He said perhaps one percent of survey responses were generated from IP addresses outside of Park County, which could not skew overall results if left in or left out. 490 total responses were received.

Certain board members have a conflict of interest. Members of the board do not have a conflict of interest when participating in a public outreach and informational process.

The Planning and Development Board is not a regulatory body. The County Commission is the governing body.

Is this process part of the United Nations Agenda 21? No. The Board, Planning Department and MSU have no affiliation with or contact with members of the United Nations, nor is the goal of the process to create a one world order government, eliminate private ownership of property, control family size, cut the amount of goods and services one can buy and use, force people to move from rural areas to urban cities, increase government control over businesses or promote equal rights for all living and non living objects.

Is this process designed to give government control over private property? This process is not designed to give local government control over any private property.

Public meetings on the issues should be held in the evenings. The current meeting is the first effort to address this request. Public forums will be scheduled to accommodate evening meetings and be accessible to people after work.

What will public forums look like and when will they take place? Forum process will be discussed tonight.

People in the city should not tell people in the county what to do with their land. This is an outreach and educational process. It does not give residents from within the city of Livingston an opportunity to tell people in the county what to do with their land.

Livingston residents should not be allowed to participate. The goal of this process is to allow everyone within Park County a chance to participate and provide public comment to this board.

Some people in the city own land in the county or have city addresses and therefore should not be allowed to participate. The goal of this process is to allow everyone within Park County a chance to participate and provide public comment to the board.

The board does not have the authority to conduct this type of survey/process and is working outside its jurisdictional boundaries. The Park County Planning and Development Board serves as an advisory board to the Park County Commission and has the authority to conduct outreach and education and gather public opinions and attitudes of anyone wanting to participate. The County Attorney's Office ruled the board is acting within its authority under the direction of the Commission.

Discussion of Community Public Forums: Inman said two forums may be conducted a month, or a minimum of five regularly-scheduled board meetings held throughout the county may be an option. MSU will continue assisting with facilitation of the process through the public forum phase.

Board members provided thoughts on possible public forum facilitation. The first forum may be held mid October, and the last forum may not be completed until February.

Lewis Wilks moved to ask the Planning Department to formalize the agenda for a public forum on land use discussions at a site and location to be determined targeting October 18, and draft a calendar of proposed meeting schedules for the remainder of the program. Peter Fox seconded the motion. Motion passed.

Park County Atlas Project Update: Inman said text should be written within two weeks, after which time a comprehensive editing session will commence. Target finish date is November 1.

Paradise Valley Corridor Study Update: Inman said the MDT study is looking at safety concerns and ways to improve the Highway 89 south corridor.

Economic Development Update: Peter Fox provided an update of activities in the Northern Rocky Mountain Economic Development District.

Gardiner Gateway Project Update: The three-year project will commence once memorandum of understanding specifics are finalized.

Discussion of October Meeting Agenda: An atlas draft may be ready for review.

Public Comment: Michael Daley said MSU has nothing to do with Park County and appears to be the steering committee to the (board's) entire effort. He said MSU is crawling with Agenda 21 philosophy. Daley asked for the source of \$10.2-million funding the Gardiner Gateway Project as provided through the Federal Highway Administration's Federal Lands Access (grant) Program.

Patricia Grabow said she thinks the statistical analysis is too shallow to judge what people are thinking. She asked why the survey does not include documents people came up with at the end of the growth policy effort. Grabow said lower taxes, fees for services and utility rates are the way to retain businesses in Livingston. She asked the board to reach out to the people when considering economic development and to consider the growth policy effort in its current process.

Joan (inaudible) of South 6th Street thanked the board for the process it was facilitating. She says she understands the effort is part of the democratic process of public input and is not leading to zoning.

Jenny Harbine thanked the board for its commitment to the public process and partnering with MSU to facilitate it.

A citizen said many people are fully aware of how conservation easements and nonprofit organizations are used to further Agenda 21. She asked why certain non profit entities are being focused on over private sector and free market economic development.

A citizen said he remembers growth policy meetings as very good and appreciates and applauds the planning board kick-starting a similar public process. He said people fear being educated and having worthy information from which to make a decision. He said it makes common sense for the board to conduct the land use information gathering process as well as taking advantage of MSU's expertise with the effort.

Nick Richards asked what in Park County needs fixed with zoning. He said he has seen real issues when the government has gotten involved with land use issues, referencing California. He said he is concerned with the survey questions.

Richard Mead asked for the percentage of Park County citizens who took the survey. Inman said all public comment will be documented once the entire process is completed. Inman said 490 household surveys were completed. He said he encourages the board to look at how it reaches the community, referencing old people not using computers, and how it can get more people aware and how to participate. Mead asked what laws there are concerning hydraulic fracturing in Park County.

Bill Moser asked Doctor Austin about IP address issues with people attempting to use computers to take the survey. Moser referenced the *Book of the Damned* exposing pseudo-science he said is in the Livingston Library unless stolen by progressives who do not want such information available to the general public. Moser commented on the Upper Yellowstone River Taskforce. He said a woman who lives in Paradise Valley and teaches doctors all over the world telephoned him on the biasness of the survey. Moser provided his analysis of survey results.

Dave Lewis said a skewed survey is a skewed survey, and it is not valid to call it one part of the overall process if people have concerns about its validity. He said the response the board has no power is faulty logic, as it can submit an advisory recommendation to the Commission. Lewis said he had no idea what a conflict of interest with a board member in the process could be, but he attempted to address the issue nonetheless.

Jerry O'Hair said the board's questions and answers were well-choreographed, well-canned and written for the board to read. He asked how many board members were ready to have their assets management by a committee or a county government entity. He said he would like to see the entire thing disbanded and thrown out. He is proud of his neighbors for taking care of their properties and no one is asking for help. O'Hair said he disagrees with the county appointing a new "garbage man overall overseer," which will cause debt.

Bob Wiltshire said he expressed sincere appreciation for members of the planning board for standing up and doing their civil duty whether he agrees or disagrees with what they are doing. Wiltshire said a landowner in the valley spent a lot of money and effort to start a tire dump and provide economic development in the valley only to find out in the end he would not be able to do what he wanted to do. Having good effective land use in

place would help educate landowners in advance when considering business such proposals.

Nelson King said 95 percent of counties in the United States have some element of land use regulations or zoning. He said the Planning Board's effort is not fundamentally anti-American or against Park County citizens' rights and privileges, but a process most counties go through. He said rules aim to stop continuous litany of what land uses can or cannot be conducted in the county.

Michael Daley said he has been in Park County for 10 months. America is very close to collapse on many levels. Daley thanked MSU for a \$10-million grant to Park County.

A citizen referenced a book by an expert on Agenda 21. Director for not being direct in his answers. Grabow referenced 700 people who showed up at the county fairgrounds to oppose a document created by MSU. Grabow said she wants to know what was broken for the board to refix what was already fixed.

Peter McKenzie asked how many planning board members are affiliated with environmental organizations.

Adjournment: 8:26 p.m.

Bill Berg
Chairman