

## Planning & Development Board

December 18, 2013

Park County, Montana

**Attendance:** Planning Board Members Rich Baerg, Bill Berg, Peter Fox, Traci Isaly, Lewis Wilks. Also present were Mike Inman, Planning staff; Clint Tinsley, Commissioner; Dr. Eric Austin, Lawson Moorman, Montana State University; William Smith, Octagon Engineering; Joel Guthals, attorney; numerous members of the public

**Call to Order:** @4:00 p.m., Bill Berg called a meeting to order in Gardiner High School Multipurpose Room.

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

**Approval of Minutes:** The Board reviewed minutes for the October 23, 2013, meeting. *Peter Fox moved to approve the minutes. Lewis Wilks seconded the motion. Motion passed.*

**Conflict of Interest:** None reported

### **Review and Consideration of Seven Point Minor Subdivision Amended Plat Application**

**1. Brief Introduction by Chair/Subdivision Administrator Presentation:** Mike Inman, subdivision administrator, said the five-lot minor subdivision was originally filed in 1996. The applicant currently wishes to amend final plat for a boundary line adjustment and sanitation layout modification. Park County, in the past, erred in accepting an amended subdivision as a certificate of survey. Other amendments, such as a boundary line relocation, sanitary sewer layout modification and creation of a public water supply and shared sanitation systems between adjoining lots received Montana Department of Environmental Quality (DEQ) approval without going through Park County subdivision regulation review. The present public hearing to accept public comment on water and sanitation is required to ratify previous revisions that failed to go through Park County subdivision review processes. The application will then go to Montana DEQ for its review prior to final plat approval.

Inman said he will recommend the planning board recommends approval of the application based on final approval and review by DEQ, including all comments on water and sanitation received through the present process. Inman said he notified Montana DEQ that its approval was premature in relation to the county's process and likely will rescind its most recent approval, review comments received, and reassess an approval. Inman said the board can only consider what is being proposed, thus can only consider comments relative to what is proposed.

Public Comment: Attorney Joel Guthals said he represents Bank of the Rockies, owner of one of three remaining lots in the subdivision. The (former) Golden Ratio manufacturing building is located on that lot. The bank acquired the property through foreclosure and opposes the proposed application. Guthals said the original subdivision plat is extremely flawed, access easements should be required, and thus an amendment should not be granted. Guthals read and submitted into the record an excerpt of a report written by William Smith, Octagon Engineering. Guthals says that report shows covenants and declaration documents on file regarding the subdivision are meaningless.

Inman said state law and the county subdivision regulations allow the planning board to only consider the application on the table, and not historic circumstances such as access/easement issues. He said the county cannot deny an application for amended sanitation layout, which includes boundary line adjustment, that already has approval from DEQ. Per restrictions employed by the county director of environmental health, no sanitation modifications already approved by DEQ may be implemented by the applicants until noted issues with the subdivision are sorted out.

2. Presentation by Applicant(s): William Smith, Octagon Engineering, presented for the applicant. Smith said he did the original five-lot minor subdivision for John Fanuzzi (original subdivider) in 1994, and access issues and issues with the water and sanitary systems are now an issue because the subdivision, originally a one-owner property, is now owned by three entities.

3. Board Discussion, Findings, Determination and Recommendation to the Park County Commission: The board made the following findings of fact: the original review process was in disarray; granting certification to a public water system was inappropriate; appropriate pre-approvals were not in place prior to implementation of the Montana DEQ 622; Park County must now provide “remedial recertification” of things that were approved once to prepare for DEQ to reapprove an application for a 622 for a public water system and drain field capability.

*Lewis Wilks moved to recommend moving move forward with the amended application with notification it cannot be approved until the DEQ 622 process is completed. Peter Fox seconded the motion. Motion passed unanimously.*

**Public Land Use Outreach & Education Process Update and Discussion of Upcoming Meeting Day/Time/Locations:** Inman said the second of seven public forums designed to capture countywide public sentiment of land uses issues in Park County will take place immediately following the meeting. Remaining forums will be held in Paradise Valley, Livingston, Springdale, Clyde Park and Wilsall. The board discussed possible dates for forums.

**Park County Atlas Project Update:** Modeled after a Beaverhead County atlas, Inman said the document includes economic, demographic, wildlife, infrastructure, roads, public facility and other data. Total project cost was \$26,000 funded via grants, agency and individuals contributions and county commission match. Photographs were solicited

from professionals, amateurs and high school students. 500 atlases will be printed for free distribution to public institutions (libraries, chambers of commerce) and purchase for \$25. An interactive online mapping system with spatial data will be an ongoing resource of the atlas.

**Paradise Valley Corridor Study Update:** Inman said the Montana Department of Transportation (MDT) study is looking at safety concerns and ways to improve the Highway 89 South corridor from Merrill Lane in Livingston to Yellowstone National Park. The process is about 50 percent completed. An online website with all relevant data is available. Select members of the planning board have participated in the study through a local advisory committee.

**Economic Development Update:** Peter Fox said Bill Berg was awarded Prospera Business Network's 2013 Business Excellence Award in recognition of Berg's involvement in Gardiner in cooperation with Yellowstone National Park. Fox said Park County and the Livingston City Commission partnered in 2011 with governmental entities in Gallatin County, as well as numerous private sector entities, to recreate a two-county economic development district (Northern Rocky Mountain Economic Development District (NRMEDD)) serving Gallatin and Park Counties. The goal is to build upon shared interests between the counties and strengthen local businesses. Berg, Fox, Wilks, Commissioner Malone and Don Gimbel (Livingston business owner) comprise a Park County working group. Improved broadband access/capabilities in the area is a major effort of the district. MSU Extension has a new agent (Katie Weaver) focusing solely on economic development efforts in Park County. That agent is now working in unison with NRMEDD. Fox said he recommended (to Commissioner Malone) that Weaver and Gilmore (NRMEDD) provide the planning board's economic development subcommittee with work plans and activities reports for informational purposes.

**Gardiner Gateway Project Update:** The project is in the design phase with a possible public meeting to present designs in the spring. The project is a \$25-million project jointly entered into by Park County and the National Park Service. Construction will commence fall 2014 or spring 2015. Bill Berg said the project has already resulted in improved relationships and efficiencies among partnering agencies (Park County, MDT, National Park Service).

**Fleshman Creek Restoration Project:** Inman said the \$3-million flood mitigation project will provide new culvert and road crossing infrastructure within the city of Livingston, upgrades to sanitary sewer infrastructure for the schools and a brand new sanitary sewer system at the fairgrounds.

**County Trail Projects:** Inman said the county submitted a Montana Transportation Alternatives Program (MTAP) grant in July to extend a bicycle/walking trail parallel to Highway 89 South through the canyon to tie into Old Yellowstone Trail North. The trail currently terminates at East River Road. Other trail development throughout the county is possible, such as trails on out-of-service railroad rights-of-way.

**Discussion of Board Meeting Days/Times:** The board said it would be willing to hold half of its monthly meetings in towns throughout the county.

**Discussion of January Meeting Agenda:** Agenda items forthcoming

**Public Comment:** The Commission accepted the board's recommendation for Lew Wilks, Tracy Isaly and Peter Fox to serve another term on the board. Peter Fox will serve as a county citizen representative on the city of Livingston Planning Board.

Commissioner Tinsley said Park County is moving in many different directions. \$23.4-million in grant projects have commenced since January, including road, bridge, Gardiner Gateway and the Fleshman Creek Restoration projects. Tinsley thanked all Park County staff responsible for spearheading and assisting in the ongoing efforts, as well as the Planning Board members, who serve in a volunteer capacity.

**Adjournment:** 5:30 p.m.

Bill Berg  
Chairman