

Planning & Development Board

April 19, 2012
Park County, Montana

Attendance: Planning Board Members Bill Berg, David Haug, Traci Isaly, Dale Reinhart, Frank Schroeder (via telephone) and Lewis Wilks. Also present were Mike Inman and Jeri Stevens, planning staff; Shannan Piccolo, legal counsel; Jim Durgan, commissioner; Rob Gilmore, RMRC&D EDD; Raea Morris, administrative assistant.

Call to Order: @1:30 p.m., Chairman Bill Berg called a meeting to order in the Community Room of the City/County Complex.

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

Approval of Minutes: The board considered approval of minutes for the March 2 and 15, 2012, meetings. *Lewis Wilks moved to approve both sets of minutes. Dale Reinhart seconded the motion. Motion passed.*

Conflict of Interest: None reported

Economic Development

CEDS Update from new NRMEDD Executive Director Robert Gilmore: Rob Gilmore said gathering of economic development data for the Comprehensive Economic Development Strategy (CEDS) will take place in April via public meetings with chambers of commerce, local business leaders and citizens at large focusing around economy, quality of life, infrastructure, education and health in order to collect community comment and discuss existing plans, which includes Capital Improvements Plan (CIP) in Park County. Gilmore said meetings will take place in Clyde Park, Emigrant/Pray, Wilsall, Cooke City and Gardiner from which a project list will be generated to gain project funding through the Economic Development Administration (EDA).

Lewis Wilks asked who is serving as the point person on the county's Economic Development District (EDD) effort. The board said it was told Gilmore would work directly with the Commission. Bill Berg asked if Park County's in-kind contribution toward the effort is in good standing. Gilmore said there are issues, but pieces are coming together with permissions to use outside entity efforts toward Park County's in-kind promise. Gilmore said success would equate to getting the CEDS document drafted and approved and looking at needs in each individual county community and where EDA funding can quickly benefit those communities. Gilmore said he is paid through the Park/Gallatin County joint EDD.

Wilks said Park County has concerns it will get lost in relation to the Gallatin County issues and offered the board's assistance in remaining active in Gilmore's efforts. Gilmore said he is committed to working on behalf of Park County regarding the CEDS.

Planning

Public Hearing to Review and Consider the Stenberg Subsequent Minor Subdivision

1. Brief Introduction by Chair: Berg said the subdivision was reviewed and approved by the board a few years ago, but it is now being resubmitted for review.
2. Presentation of Subdivision Administration Report by Subdivision Administrator: Subdivision Administrator Mike Inman said the subdivision, located in North Glastonbury off of Jupiter Way and Lavender Lane, was recommended for approval in 2007 when it was put on hold by the applicant to address a right-of-way and easement discrepancy. He said the current application is essentially the same as the previous application with one existing house on one of the three lots on the property. He said the subdivision is off of Jupiter Way and Capricorn Drive as shown on an aerial overhead view of the application. Inman said the application consists of three lots with one lot having a cul-de-sac and two lots having their own driveways. He said the applicant is proposing to install an underground water tank as the fire fill site for the lot with the existing house and sprinklers in any structures built on the other two lots.
3. Presentation by Applicant(s): Sheridan Stenburg, applicant, provided a history of the subdivision applications and how past easement and right-of-way issues were addressed.
4. Public Comments: None made
5. Discussion, Findings, Determination and Recommendation by the Board to the Park County Commission: Addressing public health and safety, the board reviewed a comment by Fire Warden Greg Coleman and included appropriate language in findings and conditions.

Lewis Wilks moved to approve the application for the Stenberg Subsequent Minor Subdivision Findings 1 -13 and all associated conditions as amended. David Haug seconded the motion. Motion passed.

Cowboy Hall of Fame Presentation and Status Update

Tracy Mosley, MSU Extension, provided a timeline of how Park County became involved with attempting to host the relocating the Montana Cowboy Hall of Fame and Western Heritage Center. She said a private piece of property in Livingston is being offered for the museum site, as well as a county-owned piece of property.

Presentation of Beaverhead County Atlas: Dennis Glick of Future West provided a presentation of a Beaverhead County Atlas tool his firm created, which is a countywide

planning tool. Inman said Commissioners Durgan and Taylor stated they like the atlas as a tool.

Lewis Wilks moved to notify the Commission the Planning Board feels the atlas is relevant to every aspect the board focuses on regarding planning and community development and recommends funding be found to secure Future West to assist Park County with an atlas effort. Dale Reinhart seconded the motion. Motion passed.

Planning Department Updates

Status of Donut Zoning District: Inman said the Commission held a public hearing on March 28 in which it voted to schedule another meeting on the issue in 30 days, before which it will conduct more survey work, send a mailer to each landowner in the former donut district and create a history lesson on the former district regulations. Inman said there is no meeting scheduled at this time for after that 30-day timeframe to his knowledge, but he has an email into Commission Chairman Taylor asking how the county will proceed on the matter at this point.

Civil Deputy County Attorney Shannan Piccolo said the County Attorney's Office submitted a public opinion stating the Commission nullified any emergency status by voting to take more time to gather public input before making a decision whether to enact the emergency district zoning. She said taking more time infers the situation is not an emergency. Piccolo said statute permits interim zoning as a one-year stopgap measure to maintain the status quo in order to update some form of existing zoning regulations in attempt to enact them on a permanent basis.

Inman said his opinion at this point is the county has two options in the matter: 1) do nothing or 2) move forward with 201 county-initiated zoning. Dale Reinhart asked Commissioner Durgan why the Commission asked for more time when it was merely trying to implement interim emergency zoning in order to go through the public process of addressing the zoning district. Reinhart said he is hearing the Commission already told staff to go forward with updating the interim zoning donut regulations. Durgan said he was all in favor of implementing the interim zoning, as he did not like the idea of essentially starting over. He said he liked the idea of ensuring zoning was in place, but the other two commissioners did not agree with that. Durgan said both a tactical error and public comment received at the March 28 meeting influenced the vote that was made. He said citizens at the meeting had fire in their eyes, an agenda and came in at the last minute, but he tried to emphasize the county needed the former regulations in place to work off of, but that got turned around by the end of the meeting.

Isaly asked the likelihood of the commissioners starting the process of a county-initiated zoning district within the zoning district. Durgan said he thinks Commissioner Malone has essentially started that process through his comments and the motion he made at the March 28 meeting. Reinhart said he does not think the course that has been taken on the matter at this point is in the best interest of Park County. Durgan said he totally agreed with Reinhart.

Wilks asked if the county has any liability from a landowner who may sue because former donut area zoning protections are no longer in place. Wilks said he finds it highly unlikely that public meetings will be held on such a contentious issue in an election year, so it will take longer than one year to implement any zoning if the Commission decided to do so. Wilks said the Commission decision on March 28 negated the ability to implement interim emergency zoning.

Inman said he will schedule a meeting with the Commission for the board to discuss the matter.

Update on Cooke City Zoning Regulation Amendments: Inman said he has a follow-up meeting scheduled with the Cooke City Zoning Advisory Committee on May 15, in which he will provide a draft, and desired district zoning changes may be discussed at that time. He said a public hearing will be scheduled after that point.

Update on Planning for People and Wildlife Brochures: Inman said he will try to meet with the county GIS Department and the graphic designer in the next week. He said the effort is getting close to a first layout design, which will expedite completion of the next two brochures.

Public Comment: Monofill Update: Civil Deputy County Attorney Shannan Piccolo said the county health official is completing review of public comment regarding the proposed monofill.

Fleshman Creek Update: There was discussion about a possible presentation of the Fleshman Creek Restoration Project for board edification.

Adjournment: @4:17 p.m., the meeting adjourned.

Bill Berg
Chairman