

Planning & Development Board

October 18, 2012

Park County, Montana

Attendance: Planning Board Members Peter Fox and Traci Isaly (via telephone), Frank Schroeder and Lewis Wilks. Also present were Mike Inman, planning staff; Shannan Piccolo, legal counsel; Kelly Pohl, GVLТ; Kerry Fee, PCEC; Chuck Donovan, citizen

Call to Order: @ 1:30 p.m., Vice-Chairman Lewis Wilks 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 September 20, 2012, meeting. Peter Fox requested a revision, noting he did not attend the September 20 meeting as the minutes incorrectly stated. *Frank Schroeder moved to approve the minutes. Traci Isaly seconded the motion. Motion passed.*

Conflict of Interest: None reported

Legacy Ranch Mountain Parcels Conservation Easement: No board member reported a conflict of interest with reviewing the proposed conservation easement. Kelly Pohl of Gallatin Valley Land Trust (GVLТ) said Legacy Ranch proposed donation of two conservation easements to GVLТ with properties above Emigrant totaling 3,860 acres. She said the same group donated 600 acres to GVLТ near Mallard's Rest a couple of years past. Pohl said the lower easement is 1,300 acres, and the upper easement is 2,560 acres in a checkerboard pattern with National Forest Service properties. The purposes of the easements are to protect important wildlife habitat; protect opportunity for agricultural practices, specifically cattle grazing; and maintain the scenic view shed. No development will be permitted on the lower parcel for perpetuity, but will contain one building envelope of five acres in size. Timber management will be permitted for purposes of forest health with approved management plan, and cattle grazing will be permitted. Pohl said the properties have been identified as a high priority wildlife habitat management area by GVLТ.

Peter Fox moved to support and recommend approval of the conservation easement for Legacy Ranch. Traci Isaly seconded the motion. Motion passed.

Discussion of Coal Trains: Kerry Fee, Park County Environmental Council (PCEC), said PCEC is attempting to bring information to the community on the potential or more trains through Livingston, held a community forum on the issue on August 30, and held discussion with individual city and county commissioners and the city manager. Fee said one port in Canada is operating, with five or six other ports in the permitting process. He said train traffic increases from coal will not be experienced until those other ports are constructed, and one possible rail path, the shortest paths to the west coast, traverses

through Livingston. Fee said currently 7 million tons of coal being mined from the Powder River Basin is being exported to Asia each year, and construction of the remaining ports could increase that number to 130 million tons per year.

Fee said two possible environmental impacts to the community include 1) coal dust, but it is unknown whether coal dust would remain on the cars by the time they reached Livingston, and 2) effects to air quality due to train engine exhaust. He said a group counted five coal trains a day through Livingston (of 28 to 30 total trains per day), with 116 cars, which is just under two miles in length. Isaly said the rate of trains per day was about one train through Livingston each hour. She said the maximum number of possible trains with increased coal volumes is difficult to determine, as Montana Rail Link says it wants to increase trains through Livingston to a total of 30 per day, but that many trains have already been counted. She said the planning board may want to consider an Environmental Impact Statement (EIS).

Fee said train noise may be a factor of increased trains, as well as issues with emergency services response times and increased air emissions from automobiles waiting at train crossings. Fee said at least one more underpass would be necessary, at possibly \$8 million in taxpayer dollars, as well as rail crossing upgrades, and the bill for quiet zones and air quality monitoring testing may fall to taxpayers. Fee said more train traffic may hinder individuals from moving to Livingston or encourage current residents to move away.

Fee said the US Army Corps of Engineers is proposing conducting an EIS only on the west coast at the port areas. Fee said that study should be broadened to all communities that will be affected along the way. He said the Stillwater Mine has a good neighbor policy for areas surrounding its mine operations, and perhaps MRL could be encouraged to create a similar effort for the train issue. Fee said a federal legislator has proposed a bill that would add \$10 to each ton of coal sold to Asia, the money of which would go directly to communities affected by the increased rail traffic issue.

Frank Schroeder asked how much influence a county planning board could have on the issue and what options it has. Civil Deputy County Attorney Shannan Piccolo provided some insight into that question. Wilks said the real question is whether MRL operates within its rights and responsibilities under the federal Interstate Commerce Code and whether a community has the ability to invoke restrictions against companies operating within those rights and responsibilities. He said an EIS is probably a possible first step to learn of effects of increased rail traffic, with the total number of trains coming through town being an important factor. Fee said he thinks the number of communities that weigh in on the issue is important. Schroeder said he feels it would be a good idea to invite MRL to a board meeting to learn its position on the issue. Wilks said the proposal also has economic development ramifications. He said a subsequent agenda item can be to hear from MRL and other interested parties relative to the scope, type of proposals, and other initiatives if the planning board feels adequate public interest in a significant enough issue exists.

Planning Department

County Atlas Table of Contents; Timeline Discussion: Inman said the atlas budget currently sits at \$18,500, with a \$24,600 goal. He said Josh Gage (Gage Cartographics) is putting together the base map, but size parameters need to be determined, which may be between 8 ½” x 11” and 11” x 17”, or possibly a custom size. He said data sets will be added per the proposed table of contents with the goal to group data sets per map to meet a 60-page content limit. He said Gage should be finished with that effort in a couple of weeks, and the base map, data sets and all maps for inclusion to be determined by January. He said the timeline sets a draft by spring and interactive mapping software and the system developed and launched with the atlas completed at the same time by early summer. Answering a question from Isaly, Inman said the Park County Community Foundation gave \$2,000 in donations for the atlas at the board level.

Wilks provided an update of some funding sources being sought and said costs to produce the document beyond the initial printing will be determined and passed on to the entity requesting the resource. Inman said 200 copies of the document will initially be produced.

Citizen Chuck Donovan asked how the atlas will compare to the rural addressing books put out by Park County. Inman and Wilks explained the types of data to be included in the atlas and how that may differ from the rural addressing books, which serve more as a baseline tool for emergency services.

Land Use Planning and Public Process Discussion/Development: Inman said he received a one-page outline proposal from Eric Austin at MSU, which was distributed to Wilks and Bill Berg for review. He said a meeting will be set up with all MSU players to discuss the effort. He said the timeline calls for a lot of effort in November and December, and launching of the product in January with a findings, data collection and report done by the end of spring semester.

Staff Updates: Inman said wildlife attractants and living near water will be the focus of the next two living with wildlife brochures.

November Agenda: Inman said he hopes Gage can provide the atlas base map for board review. Wilks said an introduction to the land use planning scope of work may be possible.

Public Comment: None

Adjournment: @2:22 p.m., the meeting adjourned.

Bill Berg
Chairman