

## **Planning & Community Development Board**

November 17, 2011

Park County, Montana

**Attendance:** Planning Board Members Bill Berg, Peter Fox (via telephone), Traci Isaly, Dale Reinhart, and Lewis Wilks. Also present were Mike Inman, planning staff; Shannan Piccolo, legal counsel; Philip Fletcher, community development; Jim Durgan, Marty Malone and Randy Taylor, commissioners.

**Call to Order:** @1:30 p.m., Chairman Dale Reinhart 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

**Conflict of Interest:** None reported

**Approval of Minutes:** The board considered approval of minutes for the October 20, 2011, meeting. *Bill Berg made a motion to approve the minutes of the October meeting. Lewis Wilks seconded that motion. Motion passed.*

### **New Business**

**A. Growth Policy Discussion:** Commissioner Taylor said the Commission feels the growth policy was put together by the entire county public as a visionary document and the county has two years remaining before it must be updated by law. Taylor asked if the board wants to update any part of the growth policy, because he feels a small group updating a document put together by county citizens is short sighted and would require much public involvement.

Lewis Wilks said the board understands the document has a five-year life and feels it should commence with collecting public input at this point to open discussion on economic development and broadband issues given the length of time it took to update the previous document. Wilks said the board needs to advise the Commissioners that it intends to start that process and will brief all parties on the direction and how it is to be managed.

Traci Isaly said the board never had conversation about changing the growth policy without public input. Isaly said she thinks an updated growth policy should contain language that does not restrict oil and natural gas extraction in Park County, but protects the county's natural resources.

Reinhart said the board cannot start nearly soon enough if it wants to meet a five-year update deadline, especially given economic development and donut zoning area issues.

Peter Fox said he sees a growth policy that needs to be examined more frequently and should be part of the Planning and Community Development Department's work plans on

an annual basis. Fox said he feels strongly there should be a process in updating the growth policy, and the big question remaining in apportioning work assignments between the two departments is how the growth policy will be handled. He said there should be a primary custodian and contact person for the growth policy, because if everyone is in charge no one is in charge. Fox asked in which department the portfolio for the growth policy lives.

Philip Fletcher, community development, said the idea in July was to hold open, public workshops to discuss updating the growth policy by prioritizing chapters. He said that would enable the board to have a complete document to present after workshops are completed.

Mike Inman, planning, said statute requires updating of a growth policy to include updating inventory of existing characteristics, which can potentially lead to new goals and objectives. He said the current plan's implementation timetable will have to be revised, as well.

Commissioner Malone said he would first direct staff to determine whether anything within the growth policy needs to be updated per statute and changed legislation.

Fletcher said a Comprehensive Economic Development Strategy plan grant will result in an entire chapter of the growth policy and will be developed with extensive public participation. Fletcher said a people and wildlife, capital improvement and Wildland Urban Interface studies will be completed from different grants and will add to the growth policy.

Taylor said he applauds the board because the update deadline will approach sooner than later. Reinhart said perhaps the Commission should put in writing official separation of duties and individual responsibilities for the Community Development and Planning Departments. Taylor said the Commission can provide that document, but it has not yet decided on what individual will serve as the lead entity in updating the growth policy.

## B. Staff Updates

1. Cochran First Minor Subdivision: Inman said the Commission approved the Cochran First Minor Subdivision. He provided particulars of Commission findings regarding fire fill sites and identification of access roads.

2. Earth Homes: Inman said the Commission approved the Earth Homes Subsequent Minor Subdivision and said the developer did not have to increase an existing easement to 60 feet in width.

3. Wildland Urban Interface: Inman said he is working with the interim fire warden and county IT staff to have a wildfire hazard calculator online by the end of the month.

4. Floodplain Regulations: Inman said the updated county floodplain regulations went into effect on November 15.

5. Cooke City Zoning Regulations: Inman said the department is in the process of updating the Cooke City Zoning Regulations and official maps and will interview applicants for the Cooke City Zoning Advisory Committee at the end of November.

6. Montana Fish Wildlife and Parks Mini-Grant: Inman said a goal of the mini-grant is to incorporate Montana FWP Crucial Area Planning System (CAPS) data into the county's GIS database as an overlay, wildlife-component planning resource. Inman said the county will partner with the National Parks Conservation Association to develop educational, area and habitat-specific wildlife management brochures. He said field tours will be conducted as part of the educational effort, and additional funding will be applied for to continue the effort in the spring of 2012.

C. November Agenda: Inman said the November meeting will discuss bylaws, donut zoning and possibly a subdivision review. Fletcher said he has one item for the agenda.

D. Donut District Litigation Update: Civil Deputy County Attorney Shannan Piccolo said she submitted Park County's notice of appeal within the 60-day window of the donut zoning judgment, which will enable the county to file a notice of appeal. Piccolo said she does not have anticipation of what the Commission may want to do regarding its four options after the zoning district was ruled non-existent by the district court: 1) do nothing; 2) wait for possible citizen-initiated zoning; 3) enact interim zoning, which would reenact the original zoning and provide one year to devise a solution; 4) appeal the district judge's decision.

There was discussion about taking public comment on the issue of the donut zoning district court ruling. Fletcher said he thinks the county could obtain small, quick grants to produce public informational brochures on the issue.

*Lewis Wilks moved to place the issue of zoning and donut regulations on the agenda for the December meeting to discuss process and appropriate next steps and public input for the Donut Zoning District. Bill Berg seconded the motion. Motion passed.*

E. Economic Development District: Fletcher said the Northern Rocky Mountain EDD will have two upcoming meetings and the county's members will meet with the Commission on November 29 to discuss the makeup of the EDD board.

F. Discuss Community Development Agenda Items: November 29 Montana Petroleum Association Presentation: Fletcher said the official purpose of the presentation will be to serve as the first of several related workshops on the issue of fracking, with the November 29 presentation coming from the industry viewpoint. Fletcher said the workshop will serve as data collection for the county in an economic development capacity. Peter Fox said the presentation will be sponsored by the county economic development committee. Fox said he and Fletcher asked the oil and gas industry

presenters if they would present in Livingston in a public forum, and those individuals finalized a date of November 29.

Wilks said he cautions the board to not set public expectations that exceed the board's ability to have any meaningful impact relative to the oil and gas industries' performance or standards or conduct. Wilks said state statute will ultimately dictate what the oil and gas industry does from a practices standpoint.

Isaly said she is concerned about associating economic development with the topic of oil and gas extraction. She said putting the two together potentially sends a wrong message, particularly a pro oil and gas message. Isaly said she wonders why the presentation is coming in a package associated with economic development. She said the perception that will occur is fracking being dangled in front of citizens who have no power to control how it is used. Fox said he agrees with Isaly's comment regarding possible perception, but any final analysis of economic development must look at the strength and weaknesses of any endeavor. He said Wilks is correct with his comments regarding legislatures ultimately controlling activities. He said the presentation will not be an advocacy for hydraulic fracking but explanatory in providing information on the state of overall hydraulic fracking in Montana and the likelihood of active extraction in Park County in the future, as well as geological considerations particular to Park County.

Fletcher said the presentation will serve as public education.

### **Board Discussion**

Update of October 3 and 11 Commission Meetings: Reinhart said the meetings regarded separation of the former community development department and are no longer relevant for board discussion.

Long-Term Planning: No report

Term Expirations: Wilks said his personal decision is to reapply for his seat on the board, because continuity is important relative to board success. He said he urges other members to consider continuity and learning curve when considering whether to reapply. The board said seats held by Isaly, Schroeder and Wilks expire in December.

Bylaw Amendments: Reinhart said existing board bylaw wording may need to be revised to address inaccuracies after separation of the community development department. Piccolo said she can put together a list of issues that need to be addressed in the bylaws for board review, but the Commission has the final vote on bylaw amendments.

Adjournment: @3:25:30 p.m., the meeting adjourned.

Dale Reinhart  
Chairman