

Planning & Development Board Minutes

July 21, 2011

Park County, Montana

Attendance: Planning Board Members Peter Fox, Traci Isaly, Dale Reinhart, Frank Schroeder (via telephone) and Lewis Wilks. Community Development Staff Philip Fletcher, Mike Inman and Jeri Stevens; Shannan Piccolo, civil deputy county attorney; Commissioners Mary Malone and Randy Taylor; and John Mueller, minutes clerk.

I. Call to Order: @1:36:05 p.m., Chairman Dale Reinhart called a meeting to order in the Community Room of the City/County Complex.

II. Public Comment on Agenda Items Not Scheduled for a Public Hearing: None

III. Approval of Minutes: The board reviewed minutes for the June 17, 2011, Planning Board meeting. Lewis Wilks requested a revision to Page 3 of 3, noting Peter Fox made the following statement: "(Fox) said Roosevelt County spent \$250,000 to digitize lease deeds for oil and gas extraction." Frank Schroeder noted a typo on Page 2 of 3. *Lewis Wilks moved to approve the minutes with corrections. Peter Fox seconded the motion. Motion passed.*

IV. Conflict of Interest: None reported

V. Old Business

Floodplain Regulations Update: Floodplain Administrator Mike Inman said board review of the county's floodplain regulations has been put off until August, as the department failed to legally publicize the July 21 public hearing. Inman said the delay may be an advantage in that it may generate more involvement and foster public comment. He said only one comment has been received at this point, but that was from an attorney and not a typical member of the public. Inman said the Upper Yellowstone Watershed Association requested he and/or Floodplain Manager Barbara Woodbury present the new regulations and revision efforts at its August 4 meeting.

Peter Fox said he thinks certain issues arise when the county should overtly make effort to put information in front of the public, such as through commentary by the department director, county commissioners or staff specialists. Fox said the floodplain regulations revisions are such an item in which the county could say "This is what is coming up and why it is important to you..." He said an interview or newspaper story is another media source that could better educate the public on the issue. Fox said he thinks it is incumbent on the county government to generate an executive summary that defines past and present floodplain regulations in layman's terms to show the public changes to regulations. He said such an effort can build confidence in local government and create a better end product. Frank Schroeder said he agrees, and the county needs to not only do

its job, but be seen doing its job. Inman said the department can put together an executive summary if asked.

Planning Technician Jeri Stevens reported on the department's efforts to legally publicize floodplain regulation public comment meetings held in various locales in the county. Stevens said legal notices for the meetings were put in the Cooke City and Gardiner newsletters, Clyde Park Planner and given to the Park County Board of Realtors. She said physical copies of draft regulations were available for public review in Cooke City, Gardiner, Emigrant, Clyde Park, Livingston/Park County Library, and at the department front desk. She said such distribution is typical protocol to advertise for such a major revision effort.

There was discussion about changes to the floodplain regulations, how Park County residents may be affected, how regulation changes and the process affected participation in public meetings as compared to the last round of revisions, and possible reasons for the lack of public comment on the current revisions. There was discussion and consensus among the board that Park County met its legal requirements in advertising for the revision effort, and that "one can be led to water but cannot be forced to drink."

VI. New Business

Presentation on Updating Park County Growth Policy

Community Development Director Philip Fletcher provided the board with a PowerPoint presentation outlining the county's efforts relative to updating the county's growth policy. Fletcher's presentation included, in part, the department's efforts with grants; economic development; capital improvement planning; parks and recreation; historical preservation; natural resources; open space and habitat protection; fish and wildlife; code enforcement; database development; agriculture; housing and transportation. Fletcher provided comparative growth policy elements through review of a *Santa Fe Sustainable Growth Management* document.

Fletcher said he wants to generate discussion on how to involve the board with the department to best update the county growth policy. Wilks said he thinks the Santa Fe model is well organized and stays on task in presenting data, serves as a good road map, and having a similar template would be positive for Park County in its efforts in updating its growth policy. Dale Reinhart said the growth policy is a vision document to include ideas of what the citizenry wants the county to look like in the future and thinks land use should be a major chapter in the template equal to economic development and other priority issues. Fox said the Santa Fe document has action statements, clarity and understandability, which is contrary to the current Park County growth policy, which is awkward to comprehend. Schroeder said he likes the idea of having a template from which to work.

Commissioner Malone asked about Park County's call to duty and said he questions whether recreation is the county's responsibility, as such efforts add to growth of

government. He said it is a great idea, but asked if the county can afford it and why private industry has not undertaken the effort if such a great idea.

Malone questioned the depth of county responsibility regarding code enforcement, said Special Improvement Districts are needed for new housing developments in very rural areas and such language should be written into the county growth policy, and said he fears Payment in Lieu of Taxes funds will ultimately be cut by the federal government with the county currently putting \$260,000 and \$500,000 from PILT into the road and the law enforcement budgets, respectively. Malone said the county needs to become proactive and pay its own way and stop relying on funds from the federal government.

Commissioner Taylor said the county's growth policy was written by Park County residents, however poorly it may be written. He said the Santa Fe model appears to be well written, but he does not like the idea of adopting it. Wilks said the county would adopt the template, not the document's content.

Fox said the board has a general concurrence in using the Santa Fe plan as a model template in updating the county growth policy. Fletcher said he likes work sessions with the board requesting data from staff for each session. Reinhart said he would like to have a table of contents at the next meeting as a template from which to work and the board can then come up with a game plan of work sessions. Wilks said he thinks the revision effort should be categorized and publicized as the board's commencement in updating the county growth policy.

VII. Committee and Staff Updates

Economic Development Committee: Fletcher provided the board with a written synopsis of a meeting held on June 23 with Tom Richmond of the Montana Board of Oil and Gas.

Wilks reported on a meeting in Bozeman with Gallatin County planners regarding formation of a joint Economic Development District (EDD). Wilks said he thinks Park County did a good job of articulating the process of moving the regional agenda forward, how failures of the previous team is confounding the new effort, and specific ways in which Park County wants to see the effort go.

Fletcher said a follow-up meeting will be held to discuss board structure and to schedule a board meeting. He said the efforts are important to receive an EDA grant.

Natural Gas: Fox said the biggest activity undertaken by the Park County Natural Gas Committee last month was meeting with the Shields Valley Watershed Group to discuss setting up a framework for baseline water sampling in the Shields. Fox said the committee wants to put most of its emphasis on air and water quality sampling for baseline data in Shields.

Fox said he and Fletcher will talk to a Montana Petroleum Association representative on July 25, and it may be appropriate to hold a forum with different players to discuss where

things are with gas extraction in Park County. Fox said oil companies will not support a fracking chemical disclosure bill because they feel it would violate the Montana Trade Secrets Law and open them to liability. There was discussion that perhaps MACo or some similar entity with influence would have to push for a change to Montana law before a disclosure bill was introduced.

Award of Planning for People and Wildlife Mini-Grant: Fletcher said the county received a *Planning for People and Wildlife* mini-grant, which was applied for by Inman.

An Association of Planners conference will be held on August 16-18 with limited scholarships available for Planning Board members. Inman said the board has a site visit for the Burton Minor Subdivision on July 28 to be held onsite at 4:30 p.m.

VIII. Discuss August Meeting Agenda: The board said it will meet at 6:30 p.m. on August 18 to hold a public hearing on the county's revised floodplain regulations. Inman said the board may also review the Cochran First Minor Subdivision at the meeting.

IX. Public Comment: Malone thanked the board members for their service and said he would like to hold a Commission/Planning Board meeting without staff to discuss any issues the board may have.

Malone said he thinks it is important to maintain current Mom and Pop businesses in Montana, because they are the core of Park County. Malone said he is pushing MACo to allow counties to sell county roads they no longer need.

The board discussed whether letters to the editor should be signed by board members as members of the Planning Board.

X. Adjournment: @3:59:03 p.m., the meeting adjourned.

Dale Reinhart
Chairman