



Planning and Development Board Agenda

**Thursday - January 24, 2019 4:00 PM
City/County Complex Community Room**

CALL TO ORDER AND INTRODUCTIONS

ELECTION OF OFFICERS

PUBLIC COMMENT

CONFLICT OF INTEREST

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETING

Review and Approval of December Meeting Minutes
[PB Meeting Minutes_12.20.18.docx](#)

DISCUSSION SURROUNDING DAY/TIME/LOCATION OF MEETINGS

2018 Planning Board Schedule
[Planning Board Meeting Schedule 2018.pdf](#)

DISCUSSION OF DRAFT DECAY ORDINANCE

Draft Park County Decay Ordinance
[Park County Community Decay Regulations_Draft.docx](#)

REVIEW/ REVISE BOARD'S SCOPE OF WORK SURROUNDING GOAL 16 OF THE PARK

COUNTY GROWTH POLICY - *Copies of the Growth Policy will not be provided to board members or the public. Please familiarize yourself with Goal 16 prior to the meeting or bring your own copy.*

PROJECT UPDATES

OLD BUSINESS

NEW BUSINESS

DISCUSSION OF NEXT AGENDA

PUBLIC COMMENT



ADJOURNMENT

Planning and Development Board Agenda Item Report

Meeting Date: January 24, 2019

Submitted by: Lawson Moorman

Submitting Department: PLANNING

Item Type: Minutes

Agenda Section:

Subject:

Review and Approval of December Meeting Minutes

Suggested Action:

Attachments:

[PB Meeting Minutes_12.20.18.docx](#)

Planning & Development Board
Community Room City/County Complex
Livingston, MT
4:00pm, December 20, 2018

Attendance: Planning Board Members Peter Fox, John Heidke, Mike Dailey, Frank Schroeder, Dave Haug, Frank O'Connor; Planning Staff Mike Inman, Lawson Moorman; Public Mike Adams, Ken Cochrane, Joseph Bullington, Leroy Matthews.

Call to Order and Introductions: 4:00pm, Peter Fox called the meeting to order.

Public Comment: None.

Conflict of Interest: None.

Review and Approval of Minutes from Previous Meeting: *Dailey made a motion to approve the minutes as submitted, Haug seconded, motion passed unanimously.*

Discussion of Decay Ordinance: Inman gave a brief history on how the Decay Ordinance Draft came about. The Board had requested that Staff create a draft to discuss as part of their desire to delve into Goal 16 of the Growth Policy. Inman stated that after looking at multiple drafts and having the code enforcement officer from Gallatin County come speak about administration of their draft, the Board had requested Staff to create a draft similar to Gallatin County's. Inman also informed the Board that the draft included language which exempted agriculture, most business and gun ranges in accordance with state law and Gallatin County's Decay Ordinance. Inman and Fox discussed for the benefit of the public present that the Planning Board had no power to enact the draft and was only looking into the potential of recommending that the Commission look into creating a Decay Ordinance. Inman went on to note that this stage was for research and discussion and no formal process would begin to look into adopting a draft unless directed by the County Commission. Inman went over what that process would look like if the Commission did wish to move forward in formalizing a process. The Board discussed various aspects of the Community Decay Draft and the process leading up to the Draft as well as next steps for the Board.

Schroeder made a motion to approve the Draft Decay Ordinance for the purposes of the Planning Board, Heidke seconded, motion passed unanimously.

Public Comment: Cochrane commented on the scope of the enforcement provisions of the draft as well as the ability of the public to receive various iterations of the Draft. Fox and Inman clarified that the draft was not formalized until it was accepted by the County Commission which may or may not happen in the future and any changes made through the Board looking at the draft would simply be changed without tracking iterations due to its current informal nature.

Adams commented that he would like to make some suggestions to the draft for the next meeting based on his experience with similar regulations from the state for his salvage yard.

Project Updates: Inman updated the Board that the Commission had approved a Resolution of intent for the Old Yellowstone Trail/East River Road/ Highway 89 S Zoning District. Inman also updated the Board on the status of the Old Yellowstone Trail Planning Grant. Upon O'Connor's request Inman updated the Board on the O Street Connector Project.

Old Business: None.

New Business: Fox explained that he had given the members of the Board information packets on the wind farm that would partially be located in Park County. The Board and Staff briefly discussed the fact that there were no specific requirements or regulations in place for wind farms. Inman stated that election of officers and any new Board appointments would take place at the next meeting.

Discussion of Next Agenda: Upon a reminder from the Board, Inman mentioned that the Board would review the schedule as well as the Growth Policy at the next meeting.

Adjournment: Fox adjourned the meeting at 5:10pm

Planning and Development Board Agenda Item Report

Meeting Date: January 24, 2019

Submitted by: Lawson Moorman

Submitting Department: PLANNING

Item Type: Discussion / Decision

Agenda Section:

Subject:

2018 Planning Board Schedule

Suggested Action:

Attachments:

[Planning Board Meeting Schedule 2018.pdf](#)

**Park County Planning and Development Board Regular Meeting Schedule
and Locations for 2018**

**All Meetings will be held at 4:00pm on the third Thursday of each Month
unless otherwise specified by the Board or for special meetings***

Planning and Development Board Meeting Schedule and Location		
Month/Day/Year	City/Town	Location
January 18, 2018	Livingston	City/County Complex Community Room
February 15, 2018	Livingston	City/County Complex Community Room
March 15, 2018	Clyde Park	Fire Hall - Conference Room
April 19, 2018	Wilsall	Senior Citizens Center
May 17, 2018	Livingston	City/County Complex Community Room
June 21, 2018	Gardiner	Community Center
July 19, 2018	Livingston	City/County Complex Community Room
August 16, 2018	Cooke City	Community Center
September 20, 2018	Livingston	City/County Complex Community Room
October 18, 2018	Emigrant	Emigrant Hall
November 15, 2018	Livingston	City/County Complex Community Room
December 20, 2017	Livingston	City/County Complex Community Room

***This schedule is subject to change as necessary to accommodate specific projects or unique situations.**

Planning and Development Board Agenda Item Report

Meeting Date: January 24, 2019

Submitted by: Lawson Moorman

Submitting Department: PLANNING

Item Type: Discussion

Agenda Section:

Subject:

Draft Park County Decay Ordinance

Suggested Action:

Attachments:

[Park County Community Decay Regulations_Draft.docx](#)

Park County Community Decay Regulations

Section 1. Title

These regulations are known and may be cited as the Park County Community Decay Ordinance.

Section 2. Statutory Authority

The authority of Park County to regulate Community Decay is granted under Montana Code Annotated (MCA) 7-5-2111.

Section 3. Purpose

The purpose of these Regulations is to promote public health, safety, property value and general welfare of the residents of Park County.

Section 4. Jurisdictional Area

This ordinance applies to the whole of Park County with the exception of incorporated municipalities or controlled by incorporated municipalities.

Section 5. Severability

If any provision of this ordinance is declared invalid by any court or tribunal, the remaining provisions of this ordinance shall not be affected thereby.

Section 6. Definitions

Abate- to eliminate or remove, or the elimination or removal of, all of the conditions that constitute a violation of these regulations.

Adjacent to- means directly abutting or sharing a border with.

Accumulate- to store, gather, collect, heap, or pile up.

Commission- Park County Board of County Commissioners.

Farming, Ranching, or Other Agricultural Operation- the use of land for agriculture or farming purposes, including but not limited to pasturage agricultural, dairying, grazing land, animal and poultry husbandry, horticulture, floriculture, viticulture, and forestry, and all uses customarily incidental to the normal operations thereof.

Community Decay- a Public Nuisance created by allowing rubble, debris, junk or refuse to Accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property. Community Decay as use in these regulation may not be construed or defined to apply to:

- i. Normal Farming, Ranching, or Other Agricultural Operations, or to a farm, ranch, or other agricultural facility, and any appurtenances thereof, during the course of its normal operations; or
- ii. Normal activities at a shooting range; or
- iii. Persons servicing, manufacturing, or processing materials, goods, or products on lots in public view, so long as the materials, goods, or products are used in the normal operation of the business and are neatly stacked or piles.

Department- the Park County Planning Department or other office designated by the Commission to respond to and enforce complaints of Community Decay.

Person- an individual, firm, partnership, company, association, corporation, or other entity, whether organized for profit or not.

Public Nuisance- is one that affects, at the same time, an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Public Roadway- any public road right-of-way in Park County, Montana however created.

Public View- Any point up to six feet above the surface of the center of any public road.

Responsible Person- a Person who violates the Park County Community Decay Regulations.

Shielding- a barrier comprised of natural and/or artificial materials and used to conceal conditions contributing to Community Decay from Public View.

Section 7. Prohibition

A Person violates these regulations by allowing or maintain conditions that contribute to Community Decay on, or on property Adjacent to, a Public Roadway within Park County, Montana.

Conditions that may contribute to Community Decay include, but are not limited to, any discarded substance, item, or material, such as cardboard, paper, pallets, tires, iron, or metal; demolition waste; construction or building material, such as bricks, concrete, or wood; junk vehicles or trailers; vehicles or machine parts; dead animals or animal parts; appliances; furniture; branches, logs, or yard trimmings; and any other similar materials, items, waste, parts, or substances.

Section 8. Shielding

A Person does not violate these regulations by allowing or maintain conditions that contribute to Community Decay on, or on property Adjacent to, a Public Roadway if the conditions are concealed from Public View in accordance with the following standards:

- i. All plans for shielding must be approved by the Department prior to commencing constriction of the shielding.
- ii. Shielding must conform to the requirements of any zoning, planning, building, or restrictive covenant provisions applicable to the property.
- iii. Shielding must be of sufficient height so that no conditions contributing to Community Decay are within Public View.
- iv. Shielding must be maintained by the Responsible Person in a neat and orderly manner and must be replaced or repaired when deemed necessary by the Department.
- v. Artificial Shielding Standards: Shielding materials must be consistent on any one (1) side of a shielding fence. The boards of a fence may be reasonably spaced or slanted to reduce wind load. Chain link fences with standard fiberglass or similar inserts are acceptable.
- vi. Natural Shielding Standards: Trees or Shrubs used as Shielding must provide concealment from Public View at all times of the year. A berm may be used, provided the slopes of the berm are covered and graded smooth with not less than three inches of top soil and are seeded with a weed-free seed mix or an approved landscaping demonstrated in the Plan of Abatement.

Section 9. Enforcement and Abatement

Upon receiving a signed, written complaint, the Department shall commence an investigation to determine if a violation exists. The Department may inspect the subject premises by any lawful means. If a violation of these regulations exists, the Department shall take appropriate action as provided herein to resolve the violation.

The Department shall notify the Responsible Person of the violation in writing. The notice of violation should state the following:

- i. The nature and location of the violation;
- ii. The actions needed to Abate the violation
- iii. The date Abatement must be completed in the absence of an approved Plan of Abatement;
- iv. That failure to comply with the notice within the specified, unless extended by an approved Plan of Abatement, enables the County to enter the property to Abate the violation; and
- v. That the County is authorized to assess the Responsible Person for the actual costs of the Abatement, and nonpayment of the assessment becomes a lien upon the property enforceable in the same manner as the nonpayment of property taxes.

Within thirty (30) calendar days from the receipt of the notice of violation, the Responsible Person may submit a written Plan of Abatement to the Department. The proposed Plan of Abatement must include, at a minimum:

- i. A complete description of the Abatement proposed;
- ii. The date for commencement of the Abatement;
- iii. Any reason why the Abatement cannot be completed within thirty (30) days from the receipt of the notice of violation; and
- iv. The date for completion of the Abatement.

The Department may accept or reject the Plan of Abatement, accept the Plan with modifications, or request additional information before making a final decision. The Department shall notify the Responsible Person in writing of its final decision.

The Responsible Person shall have thirty (30) calendar days from the receipt of the notice of violation to Abate the violation or to have a Plan of Abatement, approved by the Department, in place.

If the Responsible Person fails to Abate the conditions contributing to Community Decay within thirty (30) calendar days from receipt of the notice of violation or the time period specified in the approved Plan of Abatement, the Department shall notify the Responsible Person in writing of the failure to Abate the violation.

If the Responsible Person fails to completely Abate the violation within fifteen (15) calendar days of the notice described in subsection (F), the Department or its agents may enter upon the subject property to assess the extent of the violation. In addition, the Commission or its agents may Abate the violation and may assess the Responsible Person for the actual cost of the Abatement. Nonpayment of such as assessment becomes a lien upon the property and is enforceable in the same manner as a nonpayment of taxes.

Notwithstanding any enforcement action taken pursuant to this section, The Commission may bring any legal or equitable action in the name of Park County to enforce this Ordinance.

Section 10. Appeals

An alleged violator may appeal a final decision of the Department in writing to the Commission within fifteen (15) calendar days of the final decision.

The Commission shall hold a hearing regarding the appeal and shall, in writing, affirm, modify, or withdraw the Department's decision within thirty (30) calendar days after the hearing.