Description	County Planning Board March 25, 2009		
Date	03/24/2009	**Location**	County Planning Board

Time	Speaker	Note
6:02:08 PM	President Kerry White	**Call to order. Members present:** Kerry White, Marianne Jackson Amsden, C.B. Dormire, Don Seifert, Mike McKenna, Gail Richardson, Byron Anderson, Susan Kozub, and Julien Morice. **Members absent:** Pat Davis and George Alberda. **Staff present:** Interim Planning Director/County Administrator Earl Mathers, Planners Randy Johnson, Sean O'Callaghan, and Warren Vaughan, Deputy County Attorney Jecyn Bremer, and Recording Secretary Glenda Howze.
6:02:16 PM	President Kerry White	**Public comment.**
6:02:26 PM	Commissioner Bill Murdock	Informed the Planning Board that in an effort to work more closely together, we will have a workshop in April to decide what we can all agree on as priorities. As you are all aware, we have been working on the Growth Policy Implementation Plan. We have all met with a number of large agricultural landowners, and it has become apparent that they own at least 30% or more of the qualified agricultural acreage that could legally protest out a zoning district. They have us worried, they are not bluffing, they want to protest this. This is not the time to polarize the community given the economic climate. Someday we will need to go back to this planning, but the economy has us very concerned and I don't like to pick fights when there isn't one to be fought right now. What are we doing with Growth Policy? We are trying to stop sprawl and trying to keep it where services cost less. Right now we can take a breath and maybe revisit some things we are doing. We are not changing our complete course and abandoning GPIP. We are not. We are just taking some time and revisiting our work before making any final decisions. In the meantime, the economy is stopping sprawl. I did get a concession from some of the large land owners that they do want to abide by the Growth Policy and work on neighborhood plans. Commissioner Skinner is of the same mind frame. We are tentatively looking at April 30th to meet with you all in a retreat to look at the budget, GPIP, priorities, etc. I'd like nothing better than to work in tandem with the Planning Board. When we work together we can do great things.
6:07:52 PM	President	**Approval of March 10, 2009 Minutes.**

	Kerry White	
6:08:05 PM		The minutes stand approve as written.
6:08:11 PM		**Planning Department Update.**
6:08:16 PM	Planner Sean O'Callaghan	Provided an update on the Growth Policy update process. The Commission asked the question "Does the Growth Policy need to be updated?" The subcommittee will present a report at the next Planning Board meeting. The substance of that report will be to forward a recommendation to the Commission on whether or not to update the Growth Policy. If the Commission does want to update the Growth Policy they will kick that off with a Resolution of Intention, following passage of that resolution of intention it can go back to the subcommittee for substantive amendments to the policy. The resolution of intention is the first formal process before we can have a meeting here before the board to talk about substantive amendments. That will be on the agenda next time.
6:09:34 PM	Commissioner Bill Murdock	As far as the RFP for infrastructure study that you've talked about, I ask that you hang on that until we have the retreat workshop to see if it fits in the context of the budget and priorities with GPIP. It would be premature to move forward with that at this time. We need to be on the same page before proceeding with things like that.
6:10:27 PM	President Kerry White	**Regular Agenda**
6:10:32 PM		a. Discussion with Deputy County Jecyn Bremer Regarding Board Procedures Including Making of Motions and Findings.
6:10:39 PM	Deputy County Attorney Jecyn Bremer	Presentation. [Written document to be included as an addendum to these minutes.]
6:21:45 PM	Don Seifert	Inquired if Board members can make contradictory findings of fact.
6:22:02 PM	Deputy County Attorney Jecyn Bremer	Stated that it is okay to make contradictory findings as long as they are clearly articulated as to why you agree or don't agree. Board members are free to express their individual opinions as long as they are supported.
6:22:25 PM	President Kerry White	Each one of us has an opportunity to interject into the record our findings of fact why we ultimately came to the decision that we did.
6:22:38 PM	Deputy County Attorney	Absolutely and I would encourage everyone to do so as that supports your particular vote on the motion.

	Jecyn Bremer	
6:22:51 PM	Mike McKenna	Requested that Ms. Bremer make her notes available to the Board for future reference.
6:23:45 PM	President Kerry White	Requested clarification on whether the findings are confined to state law or regulation or compliance with the Growth Policy or the subdivision and platting act or facts and opinion?
6:24:42 PM	Deputy County Attorney Jecyn Bremer	With regard to public testimony, it is important to address the public testimony because that is giving meaning to the public's opportunity to participate in a hearing. Whether that has any bearing on the decision you'll make depends upon whether or not it applies to any of the determinations that you have to make. Sometimes there are competing experts and that happens when you have differences of opinion. You just need to articulate why you find one expert's opinion more compelling than another's. The most important thing is to limit your findings to just the criteria and just the determinations that you need to make in a particular situation. Looking at the staff's suggested actions points you in the direction that you need to take on a particular application.
6:26:35 PM	President Kerry White	For clarification, it would be after presentation, public comment, and then board discussion, with a motion and second on the floor before we go to discussion so that we know what we are discussing; it is at this time that everyone enters their findings of fact in their argument to the other board members giving clarification of why they plan to vote a certain way. The findings don't come after the vote?
6:27:31 PM	Deputy County Attorney Jecyn Bremer	It is important to make your findings before the final vote because that is articulating the reasoning that you went through in making your decision. Have this discussion and enter into the record the reason you are making the decision that you are.
6:27:43 PM		Discussion regarding the process and order of making a motion and findings in support of individual Board members votes.
6:31:39 PM	President Kerry White	The tentative plan for the workshop/retreat with the County Commission on April 30 at 3:00PM with a Board retreat to follow.
6:32:29 PM		b. Public Hearing and Decision on a Resolution Recommending to the County Commission that County Commission Amend the Boundaries of the Four Corners Community Plan adopted as Part of the County Growth Policy to Exclude Certain Properties in the Southeast Corner of the Plan and to Include Certain Properties Located Along Highway 191.
6:32:58 PM	Planner Warren	Presentation.

	Vaughan	
6:42:40 PM		Question regarding notice requirements for the amendment to the boundaries. There is no notice requirement.
6:43:26 PM	Public Comment	Public comment. Ronald Page and Debra Walberg spoke in support of this resolution.
6:46:00 PM		Board discussion.
6:46:05 PM		Discussion regarding the logistics for approval of this item.
6:48:33 PM	Don Seifert	I move that we amend the boundaries to the Four Corners Community Plan as a revision to the Gallatin County Growth Policy.
6:48:56 PM	Mike McKenna	Second.
6:49:38 PM		The motion and second were withdrawn.
6:49:57 PM	Don Seifert	I move that we recommend the resolution of the Gallatin County Planning Board revision of the boundary of the Four Corners Community Plan as a revision to the Gallatin County Growth Policy.
6:50:17 PM	Mike McKenna	Second
6:50:30 PM	Marianne Jackson Amsden	Added a finding that relates to the public testimony; [it] was compelling as brought forward by Ron Page and Deb Walberg and as was also in the packet the Planning Department prepared for us. It doesn't make sense that a property would be split between two planning boundaries. It makes sense to make it one or the other and the property owner has indicated that they are in agreement with the inclusion into the Four Corners plan. Also, Deb Walberg testified that there are no objections from anyone involved in the community planning effort that the other properties be removed, I'll be voting in favor of the motion.
6:51:36 PM	President Kerry White	I would also like to find that I think this is a great thing for that neighborhood plan to be saying "come on board" and those that want out have full right to have control over their destiny and property. With that, these amendments fully comply with the goals and policies of the Gallatin County Growth Policy through the GPIP document today. One of the big parts of GPIP that we will be working on is neighborhood planning. It also substantially complies with Section 9.2 of the Gallatin County Growth Policy regarding amendments and revisions; and it meets the procedural requirements of section 76-1-602 through 76-1-604 MCA regarding adoption and revision of Growth Policies; and I think that Marianne stated quite well that public comment and input has

		been adequately addressed through this. I've seen no public comment opposed to this and Ms. Walberg testified that all those involved in the neighborhood plan are in favor of this, so I'm going to support this.
6:53:11 PM	Marianne Jackson Amsden	In support of your findings of the staff suggested actions one, two and three these determinations, I'd like to adopt the findings of staff in the staff report. I feel that the compliance with the Growth Policy was very well articulated by this document.
6:53:41 PM	Gail Richardson	I would like to go on record as supporting this as well for the reasons articulated by Kerry and Marianne. This is determination of your own destiny and in this case this does meet the Growth Policy goals and objectives. I was also persuaded by the public testimony and lack of any opposition; so I'll be voting for it.
6:54:27 PM	C.B. Dormire	Noted that Warren handed out something labeled addendum, a letter from the Culvers requesting that their property be included in the boundary. The map that is attached to that addendum identifies their property and it is not contiguous to the otherwise boundaries that we're considering. The letter doesn't seem to establish any ground for trying to extend the boundary to include their property, and even if it were legal to do so, it wouldn't be a good planning practice to leap the intervening properties to make a non-contiguous part of the boundary. I think that the record shows that it would not be appropriate to try and include their property.
6:56:15 PM	Byron Anderson	I read their letter to say that they are asking that we move the boundaries eastward to adjoin the present donut boundary to avoid an unzoned gap. It appears they are sitting the middle of nowhere between the donut and Four Corners Zoning. They would like the boundary for Four Corners Zoning Community Plan moved over to the donut boundary so that there isn't that unzoned area anymore.
6:57:03 PM	Gail Richardson	It doesn't seem to me that the Culver's letter and request is part of the resolution that is on our docket tonight. The motion doesn't have anything to do with this particular letter.
6:57:48 PM	President Kerry White	That goes to the motion that will be addressed on number five which has not been addressed in this motion. One is to exclude and one is to include properties. The properties that are requesting to be excluded are to the west of the Culver's so in that motion you would be going against the wishes of one property owner to grant the wishes of another property owner. By looking at the map, one is a very large land owner and one is a small land owner.
6:58:40 PM	Mike	I'm not exactly sure, but I do believe that this resolution would

	McKenna	include the lands to be included and excluded. The resolution addresses what will be included and excluded but not Mr. Culver's letter.
6:59:19 PM	Planner Warren Vaughan	The Resolution does not include Mr. Culver's letter. When you make the motion to approve the resolution recommending approving the boundary, you are then addressing all of those six determinations, but not Mr. Culver's letter which is an entirely separate matter.
6:59:57 PM	Marianne Jackson Amsden	It doesn't seem appropriate for us at this time to extend the boundary out when we haven't heard from any of the landowners between the two and although a gap is not desirable, there are other methods that the Culver's can pursue to ensure that their neighborhood on Blackwood doesn't evolve in a way that they don't like. I empathize with them as my property will be impacted by the Transportation Commission decisions, but there are ways if you stay involved in your local politics that you can help that situation.
7:01:06 PM	President Kerry White	We also have a letter dated November 18, 2008 from several individuals requesting to be out, and much of this property is between the Culver's and the existing boundary we're discussing today.
7:01:43 PM	Gail Richardson	Another item to consider is why the Four Corners Community Plan didn't go that far, there must have been a reason, and it would seem the people between the two had exercised their right in the planning process to not be included. That may be why the boundary is the way that it is.
7:02:54 PM	Byron Anderson	It would be my understanding that this is not even germane to the original motion, and unless it is added in as a consideration and someone amends the motion, it is not germane.
7:03:21 PM		Vote: Unanimous.
7:04:12 PM		c. Public Hearing and Decision on a Resolution Recommending to the County Commission that the County Commission Amend the Boundaries of the Gallatin County/Bozeman Area Master Plan and Map Adopted as part of the County Growth Policy to Remove Certain Properties within Portions of the Gallatin County/Bozeman Planning Area also Covered by the Four Corners Community Planning Area.
7:06:14 PM	Planner Warren Vaughan	Presentation, including the entering of the staff report into the record.
7:13:49 PM	Marianne	Does our motion have to include anything about the legal

	Jackson Amsden	description?
7:13:59 PM	Planner Warren Vaughan	It is the same motion to approve the resolution that the boundary be adopted and then you make your determinations from there.
7:14:13 PM	President Kerry White	I would ask you, should we trust you? In the last resolution there were property description issues, are these correct?
7:14:29 PM	Planner Warren Vaughan	Yes.
7:14:46 PM	President Kerry White	I know that this is complicated and difficult and there are a lot of jurisdictions involved. The definitions, 76-1-101 (Planning Board authorized), 76-1-102 (purpose), 76-1-103 (definitions) (6) neighborhood plan - I will say that we do not have jurisdiction over the Four Corners Neighborhood Plan that is within the boundaries of Belgrade. I would really like to see this simplified so that either Belgrade releases that area to the Four Corners Plan or I'd like to have the Four Corners people move back their boundary to allow Belgrade to plan for their jurisdictional area outside of Belgrade. We are dealing with the Four Corners Plan and it is moving forward. We are looking at a plan and part of that plan is not in our jurisdiction.
7:17:15 PM	Planner Warren Vaughan	I would agree that this Board doesn't have jurisdiction over the area that is in Belgrade. That is why when initially adopted, the Planning Board commented only on the part within its jurisdiction, and it went in front of Belgrade Planning Board and they commented on it and then it went before the County Commission which it is entirely in their jurisdiction and the County adopted the whole thing. When the regulations come forward you are only going to consider that part of the regulations that are within your jurisdiction.
7:17:51 PM		Continued discussion regarding the Four Corners Neighborhood and jurisdictional issues.
7:19:32 PM	Public comment.	Public comment. Scott Benowitz, Dan Triemstra, Debra Walberg, Peg Easton - in support of the resolution.
7:21:32 PM	Byron Anderson	I would like to go on record to say that those landowners need to be involved in this decision and not to get in conflict with the Belgrade Planning Board jurisdiction, but to have landowners petition to be removed from Belgrade and become an official part of the Four Corners section and then move forward in that direction. Then you don't have two jurisdictions fighting over the area, you have landowners making the request.

7:22:22 PM	Planner Warren Vaughan	I don't think that we need to get off on this particular thing. The concerns have been heard, I am actively working with the Belgrade Planning Board, and we are getting it worked out now.
7:26:17 PM		Board discussion.
7:26:22 PM		Clarification on the boundaries included in the resolution on the table for consideration.
7:27:00 PM	Marianne Jackson Amsden	I move that the Planning Board adopt a resolution recommending adoption of the proposed amendment Gallatin County/Bozeman Area Planning Jurisdiction as a revision of the Gallatin County Growth Policy to the Gallatin County Commission.
7:27:23 PM	Gail Richardson	Second.
7:27:30 PM	Susan Kozub	I would like to add a finding that the ongoing overlap with the Bozeman 2020 Community Plan is acceptable based on the future land use designation and the description provided in the staff report as well as the lack of comment and protest by the City of Bozeman.
7:28:01 PM	Don Seifert	We need to make a finding that the amendment to the boundary of the Gallatin County/Bozeman Area Planning Jurisdiction substantially complies with the goals and policies of the Gallatin County Growth Policy; the proposed amendment to the boundary of the Gallatin County/Bozeman Area Planning Jurisdiction complies with Section 9.2 of the Gallatin County Growth Policy regarding amendments and revisions; the proposed amendment to the boundary of the Gallatin County/Bozeman Area Planning Jurisdiction meets the procedural requirements of 76-1-602 through 76-1-604 MCA regarding adoption and revision of Growth Policies; and that public comment to the Board as part of this hearing was adequately addressed by the staff report and/or the Community Plan itself.
7:29:13 PM	Gail Richardson	I would like to add that we did adequately consider public comment and on point number five, determination as to whether or not to amend the Gallatin County/Bozeman Area Planning Jurisdiction as per the attached resolution and exhibits.
7:29:44 PM	Don Seifert	These are only lines on a map.
7:29:53 PM	Marianne Jackson Amsden	I would like to suggest that we not only recite the determinations but that we take the facts of this particular application and apply them to those. In an effort to do that I'd like to adopt the findings as brought forth in the staff report, I feel that especially the elements in the Growth Policy relating to neighborhood planning have been met here because the property owners have testified

		that they have been involved in the community plan and that they prefer to be in that plan rather than under the jurisdiction of the donut which no longer meets their needs; and that it doesn't make sense for properties to be split through the middle with two different jurisdictions.
7:30:55 PM	President Kerry White	Offered a little bit of history that the original Bozeman Area donut was under jurisdiction of the City. That was a contentious in that those people couldn't vote for any of those folks [City Commissioners] that were representing them and actually controlling their lives. It was sort of taxation without representation. Those regulations that were applied to that area, they didn't have a say in them. The County finally took those back over but the regulations pretty much stayed in place. Those properties that are within that area that are split in half with a line, they are quite unique and I'm sure that it is quite frustrating to some of those owners out there. Through the neighborhood planning and taking care of some of those issues out there, that is what we are to do and what our goal as Planning Board members should be, to take into consideration the wants, needs, health, safety, and welfare of the citizens and I think by doing this it substantially complies with what the Growth Policy has laid out for us to do and I'm going to vote in favor of this with the caveat that I'd really appreciate that area that we aren't addressing tonight be addressed in the future.
7:32:43 PM		Vote: Unanimous.
7:33:06 PM		This item will go before the County Commission on April 14, 2009.
7:33:26 PM	Marianne Jackson Amsden	Thanked the public for attending and providing input and for all of their efforts on the plan.
7:33:41 PM		d. Distribution, Presentation and Board Discussion on Proposed Four Corners Zoning Regulation (no decisions or public comment).
7:34:20 PM	Planner Warren Vaughan	Presentation and distribution of draft document.
7:48:05 PM		Questions and discussion between Board and staff regarding the draft document.
7:56:28 PM	Debra Walberg, Kathy Fisher, and Heidi	Comments on the draft and the work that the neighborhood planning group put into it.

	McClain	
7:58:22 PM		Continued questions and discussion between Board, staff and neighborhood planning members.
8:13:33 PM	Gail Richardson	Commended all of those that worked on this so diligently, for so long.
8:14:10 PM	Don Seifert	Requested a timeline for the adoption of the regulation.
8:14:18 PM	Planner Warren Vaughan	The action by the Planning Board tonight was the first big step in clearing up some of the administrative hurdles. That goes in front of the County Commission on April 14th as a resolution of intent, then there is a one-month wait and then final adoption in mid-May. Right now we are working with the subcommittee to help inform the whole board. Thirdly [he is] working with the County Attorney's Office on some suggested changes that they have to the document and lastly, working with the Belgrade people. All of these things are kind of progressing at the same time. Legally, technically, we can't move forward with anything formal until the County Commission passes the final resolution to deal with the Bozeman donut boundary issue. That is going to be mid-May. My intent is to keep working with the subcommittee, the Belgrade subcommittee, the Attorney's Office and move all that forward at the same time so that by the time the resolution is approved in mid-May we can roll pretty quickly into a formal adoption process, in front of this board in mid-June. Then it will be the same process - in front of the Planning Board for recommendation, to the County Commission for resolution of intention, the 30 day waiting period and then final adoption, hopefully at the back end of July.
8:16:54 PM		Continued questions and discussion between Board and staff.
8:27:55 PM	Planner Warren Vaughan	This is the third group that I have worked with. The level of discourse that these guys have shown in working with through stuff is incredible. This is a group of hard working, smart individuals.
8:28:36 PM	Marianne Jackson Amsden	I'd like to add to that, it is obvious in your statements tonight what Warren noticed. I encourage you when you're done with that to put in some applications for the County Planning Board.
8:29:15 PM		**Other business.**
8:29:22 PM	Marianne Jackson Amsden	Noted the Interconnect inter-net based survey and asked Board members to assist in getting the word out on the survey by posting the flyer around town or distribute cards to friends and co-workers with the survey information.
8:30:21 PM	President	Discussed the workshop/retreat as mentioned by Commissioner

	Kerry White	Murdock. The plan is to hold this meeting on April 30th at 3:30. This will be an opportunity for the Planning Board to put forward its thoughts to the Commission and vice versa. The Planning Board could have a retreat following the work session with the Commission. Pat Davis offered to hold it at her house, possibly as a potluck gathering. We could also consider having Jecyn attend a portion to further our discussion with her. Also asked if the Belgrade overlap should be an agenda item for a future meeting.
8:33:49 PM		Board and staff discussion regarding the Belgrade overlap issue.
8:36:50 PM	Planner Sean O'Callaghan	The County Commissioners can adopt regulations in that area if they so choose. The Planning Board is not being asked to comment on the application of those regulations within Belgrade's district, only the portion within the Planning Board jurisdiction.
8:40:11 PM	Byron Anderson	Asked for clarification that [the Planning Department] will not bring a resolution to us that includes any of that boundary area; that will be dealt with in a complete different fashion.
8:40:26 PM	Planner Sean O'Callaghan	That is a reasonable request.
8:40:40 PM	C.B. Dormire	Suggested that the Board should take this matter up at up at the next meeting and points made by the board members are well taken.
8:41:20 PM	Marianne Jackson Amsden	Asked for approval to pay for a portion of Planner Ada Montague's travel expenses that have been incurred while working on the Interconnect Committee survey. The cost for these travels should be split between the three groups that make up that subcommittee; the Planning Board, Open Lands Board and Board of Park Commission. I would like to move that we allocate these monies to the Planning Department to reimburse her for those travel expenses. This claim is for two trips: one to Big Sky and one to West Yellowstone in the amount of $156.78.
8:43:04 PM	Gail Richardson	Second.
8:43:11 PM	Byron Anderson	Inquired about what area of the budget this will be taken from.
8:43:35 PM		Vote: Byron Opposed.
8:43:56 PM		Meeting adjourned.