



Planning and Development Board Agenda

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

CALL TO ORDER AND INTRODUCTIONS

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETING

September Planning Board Meeting Minutes
[9-19-2019 PB Minutes-draft.docx](#)

PUBLIC COMMENT

CONFLICT OF INTEREST

PARK COUNTY LAND USE TOOLS REPORT AND PRESENTATION

Park County Land Use Tools Report and Presentation
[Park County Land Use Tools - Existing and Potential 12-14-2017 Board Meeting.pdf](#)

**PLANNING AND DEVELOPMENT BOARD/ COUNTY COMMISSION JOINT MEETING
UPDATE**

PROJECT UPDATES

OLD BUSINESS

NEW BUSINESS

DISCUSSION OF NEXT AGENDA

PUBLIC COMMENT

ADJOURNMENT

Planning and Development Board Agenda Item Report

Meeting Date: October 24, 2019

Submitted by: Lawson Moorman

Submitting Department: PLANNING

Item Type: Minutes

Agenda Section:

Subject:

September Planning Board Meeting Minutes

Suggested Action:

Attachments:

[9-19-2019 PB Minutes-draft.docx](#)



County Planning and Development Board Minutes

September 19, 2019

Call to Order and Introductions

Review and Approval of Minutes from Previous Meeting

August 15, 2019 Meeting Minutes

[8.15.19 PB Minutes.docx](#)

Review of Gardiner Cabins First Minor Subdivision Preliminary Plat Application

Subdivision Administrator Report for Gardiner Cabins First Minor Subdivision

[Subdivision Administrator Report for 9-18-2019 Board Meeting.pdf](#)

Mike Inman presented the Staff Report for the Gardiner Cabins First Minor Subdivision, a first minor subdivision located in Gardiner, MT at the intersection of Arch View Drive and Granite Street. Following Mike's presentation the applicants presented the proposal and took questions from the Board. The owner, Tom Repp spoke to the history of the parcel and identified parking spaces after receiving questions from the Board. Public comment on water and sanitation was called for with no members of the public present. The Board discussed the variance proposal and Dave Houg asked if the variances were appropriate— Mike Inman read the response from the Public Works Department and Local Fire Protection Authority, both of which recommended approval of the variance with conditions placed on the proposal to regulate parking and to ensure the residential nature of each unit. The Board further discussed the variance and approved unanimously. The Board then unanimously approved all findings and conditions as recommended in the Staff Report, and made the final determination to recommend approval of the Gardiner Cabins First Minor Subdivision to the Park County Commission with the findings and conditions outlined in the Staff Report. Approved unanimously.

Project Updates

Mike indicated he had no specific project updates and asked the Board if they had any questions. John asked about the Old Yellowstone Trail project and Mike indicated it was in the final draft review stages. John also asked about the City/County Subcommittee progress, Mike said he wasn't sure if the City had included the Neighborhood Planning projects as part of the overall Growth Policy update but would continue to check with the City Manager and City Planner.

Old Business

Report on Growth Policy Goal 16 - Status Update

[Growth Policy Goal 16 Status Update 9-10-2019.pdf](#)

Mike Inman described the Growth Policy Status update document and indicated it was developed at the request of Jean Keffler. Inman encouraged the board members to follow-up with any questions they may have after reading through the report.

New Business

Mike Inman brought up the idea of having a Board training at the next regular meeting with MSU Local Government Director, Dan Clark. Mike indicated the meeting would take place on October 24, 2019 at 1:00pm and would last until 3:30pm. And following would be the regular monthly meeting at 4:00pm. Mike indicated the regular meeting would primarily include a presentation (repeat) of a Land Use Tools report that was originally presented to the Board in 2017. The Board discussed both options and agreed to move forward with both. Frank Schroeder indicated he would not be able to attend, and Mike indicated the training would be videotaped and available for anyone to watch at a later date.

Mike also brought up the discussion around the last meeting and sought clarification as to what the Board wanted him to do relative to addressing land use conflicts throughout the County. He indicated he met with Jean and Frank to discuss this topic, as well as John Heidke and was planning on postponing a draft zoning district and regulations to the November meeting. He indicated he would include a statement of purpose, background process information, resources impacts associated with the proposal and process options for the Board to consider moving forward. Member of the board expressed strong support for this strategy.

Mike brought up the idea of holding a joint Planning and development Board/County Commission meeting in early November to discuss ongoing efforts related to Goal 16 of the Growth Policy and to do a “buddy” check with the Commissioners on future endeavors of the board. Board members expressed support for such a meeting, and Mike indicated he would check with the Commission and notify the Board members once a meeting day/time was selected. He also said it would most likely fall on one of their regular Tuesday/Thursday meetings at 9am.

Discussion of Next Agenda

Mike Inman reiterated the upcoming training for October 24, 2019 at 1:00pm followed by the regular meeting at 4:00pm—he indicated he would contact Dan Clark and notify the Board members once everything was confirmed.

Public Comment

Jerry Ladwig provided comments to the Board. Jerry indicated support for the ongoing efforts of the Board related to land use and urged the Board to continue moving forward. Jerry asked if the Decay Ordinance was still moving forward, and Mike indicated the Commission approved moving forward with the formally creating a county-wide Decay Ordinance. He also said he would ask the commission if they wanted to include the control of county Litter as part of the overall ordinance before starting the formal process. Jerry also asked if she could get a copy of the Growth Policy Goal 16 Status Report, Mike said she could email him and he would provide her with a copy.

Adjournment

Planning and Development Board Agenda Item Report

Meeting Date: October 24, 2019

Submitted by: Lawson Moorman

Submitting Department: PLANNING

Item Type: Discussion

Agenda Section:

Subject:

Park County Land Use Tools Report and Presentation

Suggested Action:

Attachments:

[Park County Land Use Tools - Existing and Potential 12-14-2017 Board Meeting.pdf](#)



To: Park County Planning and Development Board Members

Date: December 14, 2017

From: Wm. Michael Inman, Park County Planning Director

Re: Growth Policy – Goal 16 – Existing and Potential Land Use Tools in Park County

This report serves to provide the Park County Planning and Development Board with information pertaining to land use throughout Park County, and those mechanisms and tools used to address certain issues, concerns and goals. The information in this report is designed to provide awareness of the many land use tools available to Park County in addressing the goals identified in the current Growth Policy. This report should also serve to generate discussion amongst the Board members and help refine the options as we move towards implementation of the Growth Policy goals and objectives. The report will be broken into two separate segments; (1) Existing land use tools already being implemented by Park County, and; (2) Potential land use tools not currently being utilized in Park County.

continued on next page

Existing Land Use Tools in Park County

Growth Policy

Growth Policy: (as stated in the current growth policy) *A Growth Policy is a non-regulatory, long-range plan that identifies and seeks to address key social, physical, environmental, economic and land use issues. At its roots, a growth policy attempts to answer the following three questions:*

1. *Where are we today?*
2. *Where do we want to be tomorrow?*
3. *How do we get there?*

The answers to the last two questions reflect the aspirations of Park County residents and are the heart of the current growth policy.

At its core, a growth policy includes big-picture goals, measurable objectives, and sets policies that will assist the County Commissioners in making decisions about how to manage county resources. It is designed to be results-oriented and includes an implementation section describing actions, a timeline, and partners who will help carry out the actions.

Growth Policies are non-regulatory and have no direct influence over immediate development proposals in the County.

Subdivision and Platting Act [Subdivision Regulations]

Subdivision Regulations only provide for the review of new parcels created under the Subdivision and Platting Act, and only apply to new parcels under 160-acres in size, and that do not otherwise qualify as an exemption under Section 76-3-201 and 207, MCA.

2010 Park County Subdivision Regulations: *“The purposes of these regulations are to promote the public health, safety, and general welfare by regulating the Subdivision of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements; to require development in harmony with the natural environment; to promote preservation of open space; to promote cluster development approaches that minimize costs to local citizens and that promote effective and efficient provision of public services; to protect the rights of property owners; and to require uniform monumentation of land Subdivisions and transferring interests in real property by reference to a plat or Certificate of Survey [Section 76-3-102, MCA]*

These regulations are intended to comply with Part 5 of the MSPA, and are intended to promote:

1. *The orderly development of the jurisdictional area.*
2. *The coordination of roads within subdivided land with other roads, both existing and planned.*

3. *The dedication of land for roadways and for Public Utility easements.*
4. *The improvement of roads.*
5. *The provision of proper Physical and Legal Access, including obtaining necessary easements.*
6. *The provision of adequate open spaces for travel, light, air, and recreation.*
7. *The provision of adequate transportation, water, drainage, and sanitary facilities.*
8. *The avoidance or minimizing of congestion.*
9. *The avoidance of Subdivisions which would involve unnecessary environmental degradation.*
10. *The avoidance of danger or injury by reason of natural hazard, [including fire and wildland fire (effective October 1, 2009)] or the lack of water, drainage, access, transportation, or other public improvements.*
11. *The avoidance of excessive expenditure of public funds for the supply of Public Improvements and services.*
12. *The manner and form of making and filing of any plat for subdivided lands.*
13. *The administration of these regulations by defining the powers and duties of approving authorities, including procedures for the review and approval of all Plats of Subdivisions covered by these provisions.”*

Buildings for Lease or Rent (BLR)

Park County Buildings for Lease or Rent Regulations (2013): “*The following regulations are intended to provide an administrative process for the acceptance and review of applications for the creation of a building for rent or lease in Park County, Montana. The rent or lease of a building on a tract of record may directly impact the property and its surroundings with regard to vehicular access, public health, safety, and general welfare, the provision of public services and utilities, and the physical environment. These regulations are adopted for the purpose of considering and mitigating potential impacts resulting from a building proposed for rent or lease on a single tract of record, ensuring protection of the public’s health, safety and general welfare.*”

Subdivision and Sanitation Act [Water and Sanitation Regulations]

Section 76-4-101, MCA. Public policy. *“It is the public policy of this state to extend present laws controlling water supply, sewage disposal, and solid waste disposal to include individual wells affected by adjoining sewage disposal and individual sewage systems to protect the quality and potability of water for public water supplies and domestic uses and to protect the quality of water for other beneficial uses, including uses relating to agriculture, industry, recreation, and wildlife.”*

Park County Septic Regulations (2012): *“A major factor influencing the health of individuals where public sewers are not available is the proper disposal of human excreta. Many diseases such as dysentery, infectious hepatitis, typhoid, paratyphoid, and various types of diarrhea are transmitted from one Person to another through the fecal contamination of food and water, largely due to the improper disposal of human waste. For this reason, every effort must be made to prevent such hazards and to dispose of all human waste so that no opportunity will exist for contamination of water and food. Important to this is the proper treatment of Sewage and not just the disposal of Sewage.*

Safe disposal of all human and domestic wastes is necessary to protect the health of the individual family and community and to prevent the occurrence of nuisances. To accomplish satisfactory results, such wastes must be disposed of so that:

- 1. They will not contaminate any drinking water supply.*
- 2. They will not give rise to a health hazard by being accessible to insects, rodents or other carriers which may come into contact with water or food.*
- 3. They will not create a hazard by being accessible to children.*
- 4. They will not pollute or present the potential to contaminate any surface or ground water.*
- 5. They will not violate any provisions of the Montana Water Quality Act.*
- 6. They will not give rise to a nuisance due to odor or unsightly appearance.*

It is upon this basis that the Park County Board of Health has adopted the following 4 regulations. When those criteria are met, and where soil and site conditions are favorable, individual Sewage disposal systems can be expected to give safe and satisfactory service.”

Circular DEQ 4: Department of Environmental Quality standards, based on demonstrated technology, set forth for the design and preparation of plans and specifications for subsurface wastewater treatment systems.

<http://www.parkcounty.org/pdfs/EvH/DEQ4-2013-Final.pdf>

Exempt Wells – widely and historically used by landowners and developers to provide necessary groundwater resources to sustain development. Up until a recent Attorney General’s opinion, any landowner could drill as many water wells and file an exempt well application as long as the well did not produce more than thirty-five gallons per minute or more than ten-acre feet per year. Each well was registered as an exempt well with the Department of Natural Resources and Conservation (DNRC), resulting in tens of thousands of exempt wells drilled in Montana over the past several decades.

Numerous exempt well bills were presented during the last legislative session, non of which were passed. The Water Policy Interim Committee recently delayed a proposed administrative rule and asked the federal

government for help fighting aquatic invasive species. The proposed rule from the Department of Natural Resources and Conservation would have reinstated a 1987 rule to conform with a recent Montana Supreme Court ruling. That ruling limits the use of exempt groundwater wells. Exempt wells have long facilitated subdivision development in Montana but can negatively affect some existing water users. (The legal exemption from water rights permitting allows someone to develop a groundwater well or developed spring as long as it does not pump more than 35 gallons a minute and does not use more than 10 acre-feet of water a year.) Under the court ruling, instead of assuming one exempt groundwater well per lot, new subdivisions must now share one exemption between all lots. As a result, developers may need to obtain a water rights permit or create fewer, bigger lots.

In its letter to the DNRC, the committee objected to the rule “in order to address the proposed rule at the WPIC’s next committee meeting.” Presiding officer of the committee Sen. Pat Connell (R-Hamilton) requested that committee staff review the rule’s effects on controlled groundwater areas and stream depletion zones. These two designations place varying limits on groundwater development.

The Department of Public Health and Human Services (DPHHS), Department of Environmental Quality and the Park County Environmental Health Department are also a partner in the review of public accommodations licenses, restaurants and reviews for Recreation Camping Vehicle (RVs) parks and Mobile (manufactured) home parks.

Capital Improvements Plan (CIP)

A CIP helps local governments create a long-term financial plan to meet public facility needs, thus ensuring financial stability. A CIP mitigates challenges of annual operational budgeting process, promotes savings to accomplish larger projects, communicates needs beyond local government to private interests and state and federal partners, helps to formulate long-term financial strategies and helps to define future land use patterns.

Park County Capital Improvements Plan 2016-2020: *“The Capital Improvements Plan (CIP) is a budgeting and financial tool which will assist Park County in establishing long-term goals for maintaining, improving or financing new capital improvement projects and/or capital equipment over the course of the next five years. This document represents the first-ever, fully-funded five-year CIP for Park County which will be utilized to assist county leaders with project planning, financing and determining the overall needs of their population.*

The intention of this CIP is to provide a “blueprint” of Park County’s capital spending for the next five years. The Plan includes a five-year historical financial analysis as well as a five-year financial forecast for all funds which have capital expenditure implications. Historical financial analyses and financial projections enabled the capital needs of the County to be reconciled with the County’s financial capabilities. While this CIP also includes requests for new buildings – some of which require voter approval if bonded – a concerted effort was made to delineate operational needs (equipment and projects) from new facility needs.”

Floodplain Management

National Flood Insurance Program [http://www.naic.org/cipr_topics/topic_nfip.htm]: *The NFIP was created as a result of the passage of the National Flood Insurance Act of 1968. Congress enacted the NFIP primarily in response to the lack of availability of private insurance and continued increases in federal disaster assistance*

due to floods. At the time, flood was viewed as an uninsurable risk and coverage was virtually unavailable from private insurance markets following frequent widespread flooding along the Mississippi River in the early 1960s. The NFIP is a Federal program, managed by the Federal Emergency Management Administration (FEMA), and has three components: to provide flood insurance, to improve floodplain management and to develop maps of flood hazard zones.

The NFIP allows property owners in participating communities to buy insurance to protect against flood losses. Participating communities are required to establish management regulations in order to reduce future flood damages. This insurance is intended to furnish as an insurance alternative to disaster assistance and reduces the rising costs of repairing damage to buildings and their contents caused by flood. A homeowner is able to purchase excess flood insurance, but they must be covered by NFIP flood insurance first. Information detailing how to obtain flood insurance can be found at www.floodsmart.org, the official site of the NFIP.

2017 Park County Flood Hazard Management Regulations: “The purpose of these Regulations is to promote public health, safety and general welfare of the residents and minimize public and provide losses due to flood conditions in Regulated Flood Hazard Areas. These Regulations are intended to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly Flood control projects;
3. Minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business and public service interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
6. Help maintain a stable tax base by providing for the sound use and development of Flood-prone areas in such a manner as to minimize future Flood disruptions; and
7. Ensure compliance with the minimum standards for the continued participation in the National Flood Insurance Program (NFIP) for the benefit of Park County residents.”

Citizen Initiated Zoning [Part 1 Zoning, Section 76-2-101, MCA]

Citizen Initiated Zoning Authorized Section 76-2-101, MCA: (1) Subject to the provisions of subsection (5), whenever the public interest or convenience may require and upon petition of 60% of the affected real property owners in the proposed district, the board of county commissioners may create a planning and zoning district and appoint a planning and zoning commission consisting of seven members.

(2) A planning and zoning district may not be created in an area that has been zoned by an incorporated city pursuant to 76-2-310 and 76-2-311.

(3) For the purpose of this part, the word “district” means any area that consist of not less than 40 acres.

(4) Except as provided in subsection (5), an action challenging the creation of a planning and zoning district must begin within 6 months after the date of the order by the board of commissioners creating the district.

(5) If real property owners representing 50% of the titled property ownership in the district protest the establishment of the district within 30 days of its creation, the board of county commissioners may not create the district. An area included in a district protested under this subsection may not be included in a zoning district petition under this section for a period of 1 year.

Rural Improvement District (RID)

Section 7-12-2102, MCA. Authorization to create rural improvement districts -- property owners may petition for creation. *(1) Whenever the public interest or convenience may require, the board of county commissioners may order and create special improvement districts outside of the limits of incorporated towns and cities for the purpose of building, constructing, or acquiring by purchase one or more of the improvements of the kind described in 7-12-4102, in or for the benefit of the special improvement district.*

(2) (a) Except as provided in subsection (2)(b), the board of county commissioners may order and create a special improvement district upon the receipt of a petition to create a special improvement district that contains the consent of all of the owners of property to be included in the district.

(b) The board of county commissioners may order and create a special improvement district solely for the purpose of road maintenance upon the receipt of a petition to create the district that contains the consent of the owners of more than 85% of the area of the property proposed in the petition to be included in the district. The property proposed to be included in the district must be located in a residential subdivision, except that the owner of property located outside of a residential subdivision may consent to the inclusion of the property in the proposed district.

(3) The board of county commissioners may order and create special improvement districts covering projects abutting the city limits and include properties inside the city where the rural improvement district abuts and benefits that property. Properties within the proposed district boundaries inside the city may not be included in the rural special improvement district if, under the assessment methodology provided in the resolution of intention, the owners of lots, tracts, or parcels in the city representing not less than 40% of the total projected assessments against properties in the city protest the creation of the rural special improvement district. The property inside the city must be treated in a similar manner as to improvements, notices, and assessments as the property outside the city limits. A joint resolution of the city and county must be passed agreeing to the terms of the rural special improvement district prior to passing the resolution of intention or resolution creating the rural special improvement district. A copy of the resolution of intention and the resolution creating the rural special improvement district must be provided to the city clerk upon the passage of the respective resolutions.

Park County Rural Improvement District Policy (2013): “The purpose of a RID is to allow residents of the County, in areas outside incorporated cities and towns, to finance and construct needed public improvements. A maintenance fund will be established to ensure the ongoing sustainability of these improvements. By statute, the Board of County Commissioners of Park County (the “Board”) is vested with the authority to order and create RIDs. A RID may include a part of or all of the County or may include areas in more than one county.”

Potential Land Use Tools – Not Currently Utilized in Park County

Impact Fees

Impact Fees, as authorized under Section 7-6-1601-1604, MCA, are one-time payments to help finance new or expanded public infrastructure and fund the additional service capacity required by the development from which it is collected. Impact fees must reflect the proportional impact of new development and cannot be used to maintain or repair already deficient infrastructure.

7-6-1602. Calculation of impact fees -- documentation required -- ordinance or resolution -- requirements for impact fees. (1) For each public facility for which an impact fee is imposed, the governmental entity shall prepare and approve a service area report.

(2) The service area report is a written analysis that must:

- (a) describe existing conditions of the facility;*
 - (b) establish level-of-service standards;*
 - (c) forecast future additional needs for service for a defined period of time;*
 - (d) identify capital improvements necessary to meet future needs for service;*
 - (e) identify those capital improvements needed for continued operation and maintenance of the facility;*
 - (f) make a determination as to whether one service area or more than one service area is necessary to establish a correlation between impact fees and benefits;*
 - (g) make a determination as to whether one service area or more than one service area for transportation facilities is needed to establish a correlation between impact fees and benefits;*
 - (h) establish the methodology and time period over which the governmental entity will assign the proportionate share of capital costs for expansion of the facility to provide service to new development within each service area;*
 - (i) establish the methodology that the governmental entity will use to exclude operations and maintenance costs and correction of existing deficiencies from the impact fee;*
 - (j) establish the amount of the impact fee that will be imposed for each unit of increased service demand; and*
 - (k) have a component of the budget of the governmental entity that:
 - (i) schedules construction of public facility capital improvements to serve projected growth;*
 - (ii) projects costs of the capital improvements;*
 - (iii) allocates collected impact fees for construction of the capital improvements; and*
 - (iv) covers at least a 5-year period and is reviewed and updated at least every 5 years.**
- (3) The service area report is a written analysis that must contain documentation of sources and methodology used for purposes of subsection (2) and must document how each impact fee meets the requirements of subsection (7).*

(4) The service area report that supports adoption and calculation of an impact fee must be available to the public upon request.

(5) The amount of each impact fee imposed must be based upon the actual cost of public facility expansion or improvements or reasonable estimates of the cost to be incurred by the governmental entity as a result of new development. The calculation of each impact fee must be in accordance with generally accepted accounting principles.

(6) The ordinance or resolution adopting the impact fee must include a time schedule for periodically updating the documentation required under subsection (2).

(7) An impact fee must meet the following requirements:

(a) The amount of the impact fee must be reasonably related to and reasonably attributable to the development's share of the cost of infrastructure improvements made necessary by the new development.

(b) The impact fees imposed may not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the development. The following factors must be considered in determining a proportionate share of public facilities capital improvements costs:

(i) the need for public facilities capital improvements required to serve new development; and

(ii) consideration of payments for system improvements reasonably anticipated to be made by or as a result of the development in the form of user fees, debt service payments, taxes, and other available sources of funding the system improvements.

(c) Costs for correction of existing deficiencies in a public facility may not be included in the impact fee.

(d) New development may not be held to a higher level of service than existing users unless there is a mechanism in place for the existing users to make improvements to the existing system to match the higher level of service.

(e) Impact fees may not include expenses for operations and maintenance of the facility.

Building Codes

The purpose of building codes are to provide minimum standards for safety, health, and general welfare including structural integrity, mechanical integrity (including sanitation, water supply, light, and ventilation), means of egress, fire prevention and control, and energy conservation. Building codes generally include:

- Standards for structure, placement, size, usage, wall assemblies, locations, egress rules, size/location of rooms, foundations, floor assemblies, roof structures/assemblies, energy efficiency, stairs and halls, mechanical, electrical, plumbing, site drainage & storage, appliance, lighting, fixtures standards, occupancy rules, and swimming pool regulations.
- Traffic and parking
- Fire codes to address fire safety
- Requirements for disaster prone areas; hurricanes, seismic activity, flooding, heavy snow and rain, tornadoes, etc.
- Requirements for specific building uses (for example, storage of flammable substances, or housing a large number of people)
- Energy provisions and consumption

- Grandfathering provisions: Unless the building is being renovated, the building code usually does not apply to existing buildings.
- Specifications on components
- Allowable installation methodologies
- Minimum and maximum room and exit sizes and location
- Qualification of individuals or corporations doing the work
- For high structures, anti-collision markers for the benefit of aircraft

Building codes are generally separate from zoning ordinances, but exterior restrictions (such as setbacks) may fall into either category.

Designers/architects use building code standards out of substantial reference books during design. Building departments review plans submitted to them before construction, issue permits [or not] and inspectors verify compliance to these standards at the site during construction.

Many jurisdictions take advantage of national building codes rather than develop area (jurisdictional) specific codes, which can be costly and time consuming. Below is a link to the Richland County Building Codes:

<http://www.richland.org/Index.aspx?NID=222>

Ordinance

For the purpose of this section, all conduct that may be managed by a county through an ordinance are set forth under Section 7-5 Part 21 [Conduct of County Government], Montana Code Annotated:

Part 21. Conduct of County Government

- *7-5-2101 General authority of county commissioners*
- *7-5-2102 Promulgation and enforcement of rules*
- *7-5-2103 Division of county into districts*
- *7-5-2104 Direction of lawsuits*
- *7-5-2105 Authority to contract for printing and supplies*
- *7-5-2106 Control of conflict of interest*
- *7-5-2107 Employment of personnel by county commissioners*
- *7-5-2108 County work week*
- *7-5-2109 County control of litter*
- *7-5-2110 Community decay defined*
- *7-5-2111 Control of community decay*
- *7-5-2112 Littering with lighted matches, cigarettes, and other burning material and dumping ashtray prohibited -- penalty -- posting*
- *7-5-2113 through 7-5-2120 reserved*
- *7-5-2121 Administration of oaths*
- *7-5-2122 Meetings of board of county commissioners*
- *7-5-2123 Publication of board proceedings and annual financial statement*
- *7-5-2124 Repealed*
- *7-5-2125 Open meetings*
- *7-5-2126 Attendance at board meetings by sheriff*
- *7-5-2127 Subpoena power of county commissioners*
- *7-5-2128 Fees of officers and witnesses*

- 7-5-2129 Minute book to be kept by board
- 7-5-2130 Records to be signed
- 7-5-2131 Records to be available to public
- 7-5-2132 Destruction of county records
- 7-5-2133 Convenience fee for electronic county government services
- 7-5-2134 through 7-5-2140 reserved
- 7-5-2141 Membership in associations of counties
- 7-5-2142 Membership in associations of clerk and recorders
- 7-5-2143 Membership in associations of clerks of district courts
- 7-5-2144 Membership in associations of county treasurers
- 7-5-2145 Attendance at meetings and conventions by county officers and employees
- 7-5-2146 Membership in associations of county school superintendents -- payment of expenses
- 7-5-2147 through 7-5-2149 reserved
- 7-5-2150 Compensated absence liability fund

Section 76-5-2111 [Control Of Community Decay], MCA:

7-5-2111. Control of community decay. (1) *The governing body of a county may regulate, control, and prohibit conditions that contribute to community decay on or adjacent to any public roadway within the county by adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107.*

(2) *An ordinance adopted under subsection (1) may include time limits for removal or shielding of such conditions as considered appropriate by the governing body.*

(3) *Nothing in this section restricts the governing body from enacting community decay controls affecting only portions of the county.*

(4) *Nothing in this section or 7-5-2110 may be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution that is more restrictive than the provisions of this section or 7-5-2110.*

(5) *For the purposes of enforcing an ordinance adopted under subsection (1), the county governing body may provide that, after giving due notice, in writing, of violation and upon the failure of the property owner to comply with the ordinance, officers and employees of the county may enter upon the property for the specific purpose of abating the violation of the ordinance and may assess the property owner for the actual costs for the abatement. Nonpayment of such an assessment becomes a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes is enforced.*

Zoning [County Initiated focus]

Zoning is the process of dividing land into zones in which certain land uses are permitted, conditionally permitted, or prohibited. The zones determine what circumstances, and under what process, certain land uses are permitted. The type of zone determines the process and provisions for which permission may be granted, and zoning may specify a variety of outright conditional uses of land. Zoning may also determine the size and dimensions of land area as well as the form and scale of buildings.

Four basic types of zoning in the United States:

1. Euclidean Zoning – the segregation of land uses into specific geographic areas (districts) with

specific standards on development activity within each type of zone. For example, a Euclidean zoning district may have an area for residential development, another area for commercial development, another area for manufacturing development, and so on... Euclidean Zoning is the most widely used form of zoning in the United States.

2. Performance Zoning – uses goal-oriented criteria to establish review parameters for proposed development projects. This type of zoning is designed to offer flexibility to promote development activity while providing for safeguards against environmental impacts.
3. Incentive Zoning – creates incentives or rewards for development that meets established development goals. This type of zoning is typically utilized in urban jurisdictions and essentially encourages a developer to go above and beyond the minimum requirements by offering relaxations in standards for development more consistent with the overall goals of the district. This type of zoning is rather flexible but can be very complex to administer. Planned Unit Developments (PUD) are a similar type of incentive based regulation historically used in subdivision design and review.
4. Form-based Zoning
5. – Less focused on land use and more focused on the form that land use may take. For example, if your city is concerned with affordable housing and pedestrian accessibility, form-based zoning may require low setbacks, high density and a high level of pedestrian accessibility as a way to accommodate/respond to the community needs and goals of making an area more walkable. Active Transportation Planning and codes are form-based in that the built environment is designed to produce the desired “community” outcomes, such as increased pedestrian safety, walkability, accessibility, use friendly, etc.

County Initiated Zoning [Section 76-2-201, MCA]: *(1) For the purpose of promoting the public health, safety, morals, and general welfare, a board of county commissioners that has adopted a growth policy pursuant to chapter 1 is authorized to adopt zoning regulations for all or parts of the jurisdictional area in accordance with the provisions of this part.*

(2) For the purpose of promoting the public health, safety, morals, and general welfare, a board of county commissioners that adopted a master plan pursuant to Title 76, chapter 1, before October 1, 1999, may, until October 1, 2006, adopt or revise zoning regulations that are consistent with the master plan.

Interim Zoning District or Regulation [76-2-206, MCA] **76-2-206. *Interim zoning district or regulation.*** *(1) Except as provided in 76-2-240 and subject to subsection (3) of this section, the board of county commissioners may establish an interim zoning district or interim regulation to address an emergency that involves the public health, safety, morals, or general welfare if:*

(a) the purpose of the interim zoning district or interim regulation is to classify those uses and related matters that must be regulated to mitigate the emergency; and

(b) within 30 working days, the county initiates a study or investigation to verify that an emergency exists and to identify the facts and circumstances that constitute the emergency, the potential options for mitigating the emergency, and the course of action that the governing body intends to take, if any, during the term of the interim zoning district or interim regulation to mitigate the emergency.

(2) A resolution for an interim zoning district or interim regulation must be limited to 1 year from the date it becomes effective. Subject to subsections (4) and (5), the board of county commissioners may extend the resolution for 1 year, but not more than one extension may be made.

(3) The board of county commissioners shall observe the following procedures in the establishment of an interim zoning district or interim regulation:

(a) Notice of a public hearing on the proposed interim zoning district boundaries or of the interim regulation must be published as provided in 7-1-2121. In addition to the requirements of 7-1-2121, the notice must state:

(i) the boundaries of the proposed district;

(ii) the specific emergency compelling the establishment of the proposed interim zoning district or interim regulation;

(iii) the general character of the proposed interim zoning district or interim regulation, including how those uses and related matters that must be regulated to mitigate the emergency will be classified and regulated; and

(iv) that the proposed interim zoning district or interim regulation is on file for public inspection at the office of the county clerk and recorder.

(b) At the public hearing, the board of county commissioners shall give the public an opportunity to be heard regarding the proposed establishment of an interim zoning district or interim regulation.

(c) After the hearing, the board of county commissioners may adopt a resolution to establish an interim zoning district or interim regulation.

(4) The board of county commissioners shall observe the following procedures in the extension of a resolution pursuant to subsection (2):

(a) A study or investigation as provided in subsection (1)(b) must be completed prior to the hearing on the proposed extension of the resolution.

(b) Notice of a public hearing on the proposed extension of the resolution must be published as provided in 7-1-2121. In addition to the requirements of 7-1-2121, the notice must state:

(i) the boundaries of the existing interim zoning district;

(ii) the specific emergency that compelled the establishment of the existing interim zoning district or interim regulation and the reason for the proposed extension of the resolution; and

(iii) that the proposed extension of the resolution is on file for public inspection at the office of the county clerk and recorder.

(c) At the public hearing, which must be held prior to the expiration of the existing interim zoning district or interim zoning regulation, the board of county commissioners shall give the public an opportunity to be heard regarding the proposed extension of the resolution.

(5) After the hearing provided for in subsection (4), the board of county commissioners may in its discretion extend the resolution for the interim zoning district or interim regulation.

Neighborhood Planning

Neighborhood planning is not a statutory or regulated process. Rather, it is a tool aimed at better understanding individual neighborhood issues and goals. The purpose of neighborhood planning is to establish and understand the needs of a specific community or neighborhood. Public participation is critical to the neighborhood planning process, and planners often implement comprehensive public outreach and engagement in order to establish goals and implementation opportunities.

The process involves collecting information and data, making sense of the information, establishing

goals based upon the information, exploring alternatives and coming up with an implementation strategy. Neighborhood plans are very similar to a growth policy, but on a more localized scale. In Montanan, neighborhood plans are typically included as part of a community growth policy.

As it relates to issues in Park County, neighborhood would have to be defined to identify what constitutes a “neighborhood” and to what extent we have them in Park County.