

# CITY/COUNTY PLANNING BOARD

## BOARD MEETING MINUTES

Tuesday, December 6, 2011

President Cal Oraw called the meeting to order at 7:00 p.m.

Cal asked for the **Roll Call**: *Present*: Lee Pourroy, Stacey Netz, Cal Oraw, Jerry Wznick, Bill Linder, Richard Albin, Ray Trumppower, Angie Metzberg, and LeeRoy Reidle. *Absent*: Beth Redlin, Renae Harding, Jim Duffey, and Tony Barone. *Staff present*: City/County Planner, Marcy Hamburg and Note-taker, Becky Hayes.

Cal asked for *Verification of the Quorum*: Marcy noted all three quorums were met.

**Approval of minutes preceding meeting**: Cal entertained a motion to approve the *November 3<sup>rd</sup> Planning Board minutes*; *Bill made the motion to approve minutes as submitted; motion was seconded by Lee; motion carried.* Cal entertained a motion to approve the *November 10<sup>th</sup> Planning Board minutes*; *Bill made the motion to approve minutes as submitted; motion was seconded by Stacey; motion carried.* Cal entertained a motion to approve the *November 14<sup>th</sup> Fairview Jurisdictional Area meeting/hearing minutes*; *Ray made the motion to approve minutes as submitted; motion was seconded by Angie; motion carried.*

**Petitions and communications from audience**: *Introductions and comments*: It was noted there were no audience members present.

**Public hearings**: It was noted there was no public hearing scheduled.

### Regular business:

- **Fairview Future Land Use Map**: Marcy reported the Fairview Committee created the Future Land Use Map, held another meeting to finalize it, then asked the Town Council to look at it, and that the final draft was completed by Jerry Grebenc at MT DOC CTAP. The Fairview Committee held their public hearing on Nov. 14, she provided a brief report and reminded everyone present the map was not a zoning map. She stated the November 14<sup>th</sup> minutes contain the public comments from the hearing; and the next step is for the Fairview Committee to provide a recommendation to the Fairview Town Council and County. Marcy reported the Council was anxious to get this done. *Bill made the motion to recommend amending the Growth Policy to include the land use map; motion was seconded by Angie; motion carried.*

### Reports from Planning Board Committees:

- *Executive Committee*: Cal stated there was nothing to report.
- *Sidney Jurisdictional Area*: Lee reported he attended the Sidney Council meeting with Marcy and the Council conditionally approved the Sunrise Village Subdivision application based on the conditions recommended by the Planning Board and Planner.
- *Fairview Jurisdictional Area*: Ray stated there was nothing to report

**Written communications**: It was noted there were no written communications.

**Staff reports:** Marcy reported after reading some blogs on the Sidney Herald, she wanted to let the Board know that the Planning Board minutes are put on the website minutes after the Board approves them. She stated after she received Renae's email which included the proposed amendment to the subdivision regulations (was originally provided by MACo Attorney) she went through the subdivision regulations to see what changes needed to be done; she noted most of them were already in the subdivision regulations. Marcy stated she was able to put together a list of recommendations for amending the subdivision regulations including the ones that were not in the subdivision regulations as recommended by MACo. She stated she also included the previous recommendations from the Planning Board, Commissioners and Staff; a handout with the recommendations was provided to the board. Marcy reminded the board no action can be taken tonight; she wanted to provide the handout to the board, early, so they have a chance to go over the recommendations before the next board meeting. Marcy stated a recommendation from the Planning Board will be required and that the governing bodies will hold the public hearings; prior to approving the amendments.

Marcy reported she presented the Amended Fee Schedule to the Sidney Council, hearing was on Nov. 21 where they approved it the amendment; Fairview Council's hearing is scheduled for Jan. 9, and County's is for Dec 19<sup>th</sup>. She stated Commissioners indicated they wanted to wait until after Fairview made their decision before making theirs.

Marcy stated she received positive comments on the pamphlets and Certificate of Survey handout; they have become very useful tools.

Marcy also reported the Future Land Use Map for Fairview will be an amendment to the Growth Policy, if the governing bodies choose to include it. She stated it requires a hearing by both, Fairview Council and County. Marcy stated from what she could tell the Sidney Future Land Use map is "dead in the water right" now; that it is up to the governing bodies (Sidney and County) if they want to include it in the growth policy. She asked the board for direction on this.

Bill stated he thought it was done. Marcy stated the governing bodies wanted to wait until after subdivisions were done. She asked the board if they wanted her to go before the council to talk to them about moving it forward. Bill asked what did the council need to do. Marcy stated they had the public hearing, so it just needs to be amendment to the Growth Policy. Bill stated he recommends they keep moving forward; this could become an issue if it is not taken care of; the Board will need to get with the council to have them make a decision.

Cal asked what does the Council need to do. Marcy stated the public hearing was held by both Sidney and County governing bodies, they need to decide if they want to adopt the Future Land Use Map as is or make changes then adopt it as an amendment to the Growth Policy. Angie asked if the Board needed to make a recommendation to remind them. Cal asked what the consequences were if we do nothing. Marcy stated the map would just be there, that it could not be used. She stated this is tool to help evaluate applications; for instance, if someone wanted to build a refinery near a new residential area, the City and/or County could deny an application based on the land use identified in the Future Land Use map, without it does not leave them with any options.

Cal asked what were the reactions received from the Mayor and Public Works. Marcy stated she is waiting for their decision. She stated she could talk to them again. Angie asked if the Board needed to be on the agenda for the next meeting. Cal asked have if the council has discussed it? Marcy, yes, the Council decided to wait until the revisions were done and left it up to Public Works and Mayor; the revisions were to include the new subdivisions, Sunrise Village and North View.

Stacey stated there is no point in changing the map for every development that keeps coming in. She thinks the changes should be made for the already approved subdivisions, and then take the map back to the Council for approval. She noted the Board knows what the revisions should be; Sidney will need to get the best picture they can and then adopt the map. Bill asked if the Board will need to look at future uses past the area of the subdivisions. Lee agreed the Board should take another look at the map. Bill didn't think the Board went out far enough on the FLUM map in those areas to address the two new subdivisions, he agreed the Board needed to take a look at the areas past the new developments. Lee stated the Board should also look at the area on County Road 351 toward the railroad tracks. Bill stated the board should define an area to keep for rail and industrial. Stacey agreed there has been enough change that it's worth another look.

Marcy reported the County is in the process of entering into contracts with two consulting planners which will give them pool of planners to choose from, if one is busy. She stated the County has a preference who to use first. Cal asked who they were. Marcy stated Anne Cossitt, Cossitt Consulting and Dave DeGrandpre, Land Solutions. Cal asked what they will be doing. Marcy stated reviewing applications. Lee noted if Marcy runs up against the deadlines for handling multiple applications, they will be able to take some of them off her plate, to meet the State deadlines. Marcy stated during the Sunrise Application, she came close not being able to meet the State review deadlines. Cal asked if Cossitt was the same person who they used to create the Growth Policy. Marcy stated yes. She stated the plan is to take advantage of internet technology, such as Skype, and if the county buildings need the equipment setup, the County has agreed to install it.

Marcy stated she would also like to let the Board know she will be out of the office from Dec. 20-30<sup>th</sup> (10 days). The next board meeting is a mandated meeting on Jan. 3, this the meeting elections for board officers take place.

Cal asked what happened at the meeting with the County Commission. Ray stated the Commissioners were very receptive. Stacey stated the county has done more work than what the Board was aware of in terms of working with Kelly Logan, DEQ and DPHHS, in terms of compliance and getting ahead of unapproved developments. She stated County minutes are not published in a timely fashion, so it's hard for people to know what they're doing; but it seems they are working closely with State agencies to get everyone in compliance by early spring or hand them over to the State to be dealt with. Ray stated the county has turnover getting a compliance officer to the County Attorney's office, and that Marcy has given him a list of consultants to see if any of them would work. Marcy stated Mike would like to hire someone, but is having trouble finding someone with knowledge of land use and sanitation; and hopes to have someone in place by spring. Lee thought it looked like the Board is on same page as the Commissioners.

Jerry thought the Board should provide some type of education to the public about the application process. He stated people will ignore the Board until DEQ comes down on them, but there are those who don't realize it, and others assume it's too hard of a process to go through. Jerry thought the Board has an obligation to educate the public. He noted there is a problem, and it's not going to get better, only bigger.

Marcy reported Richland County, City of Sidney, and Town of Fairview have an opportunity to attend a brainstorming session with the Dept of Commerce and CTAP program to determine what assistance they can provide in terms of staff support, technical assistance, grant writing etc. She stated that DOC will go to 5-6 locations in Eastern Montana to see if they can help head off the issues western North Dakota is facing.

Bill stated there is a truck park on 350 with 70 20amp truck hookups and shower facilities, and RV hookups. Marcy stated they are not suppose to have RVs without going through review process first; the truck parking is not an issue, truck parking lots will not be reviewed as a living facility; but the RVs are to be reviewed as a subdivision. Bill stated there are ones that are in violation of the rules that don't want to through the process. He stated he believes the County is letting a precedent be set, and the City with Fisher's park; it sets a bad example. Bill stated the RV-park across the railroad tracks has garbage issues.

Marcy reported there have inquires about setting up a man camp in the Sidney area; they asked out it would be reviewed. Marcy stated the County has agreed to review them as subdivision application, however the city has not; therefore some of man camps will be moving in to the city limits to avoid review. She report in this case they are to be 5<sup>th</sup> wheel campers, but they are referring to it as a man camp. Lee stated Don Stepler stated that DEQ will be here between now and spring to help them class the living units things, to determine if it is a man camp, guest house, RV park, etc. Bill stated the City Council said the current lagoon could not handle a man camp.

Marcy stated there was a developer considering annexing some property to setup a 250 bed man camp on the east side of the railroad tracks. She thinks City should say all man camps are to be reviewed as a subdivision, like the RV parks.

Lee stated the Board review applications for 127 RV spots, but there is a list that has 375 more campers in the county that are not approved. Ray stated the list was generated just by a couple people driving around; it's not an official survey.

Bill stated a trailer/RV recently burned down near the Triangle. Jerry stated there are serious health and safety issues, especially with fire with illegal setups; people don't have a real address, and it's a disaster waiting to happen. That was suggested by Judy LaPan's meeting. Jerry asked if the Board has an obligation to educate people about the importance of going through this process to prevent disasters and lawsuits. Bill stated the landowner would be liable. Jerry stated when lawsuits happen they look wherever they can get the money, they will reach out to landowners, planning board, people responsible for addresses. He stated he is concerned about the Board's legal liability. Marcy stated part of her job as staff planner, subdivision administrator, is to write articles like this; she did not have time to do it as she was reviewing 4 major, 4 minor and 3 COS applications. She stated she may have some time now as the application are at a point where the missing elements and insufficiencies need to be addressed (back to applicant/engineer firm).

Jerry thought Marcy doing a great job, but what he was saying is the Board may need to consider the role in educating the public and how to go about it. Bill asked if it should come from the County Commissioners. Marcy noted it could be done through a series of news articles; there are different situations people are not aware of why they may not be in compliance. Stacey suggested the Board start working on news articles, then work on providing educational sessions, with all the involved parties (agencies) to disseminate all of the information at once to the people who do show up. She stated starting with general knowledge in the newspaper articles is a good idea. Marcy agreed, she stated the workshops are also a good idea, but is concerned those who are all ready operating illegally may not come to the sessions. Stacey stated that's why the articles should be done first it may engage people who are on the fence, and may encourage them to attend the sessions.

Marcy stated she is concerned about the illegal ones that are in Sidney and Fairview; they fall under those governing bodies. She heard from Jeff the City is waiting for the County to hire someone to police their jurisdiction; but she did not believe that was the County's intentions. She did think it would be a good idea to have all 3 bodies come together to hire someone. Bill stated he believes the County person will have plenty of work outside Sidney and Fairview to keep them busy; that the cities should have enough resources to enforce their rules. Bill stated they have dealt with their own nuisance issues in the past, so they should do it for these issues as well.

Jerry stated he believes the help the County will get from DEQ and DPHHS is a list that will cause people to flood the Planner's Office. Cal asked if the Commissioners said why they haven't gotten with these agencies sooner. Lee/Stacey thought that DEQ talked to them and said they would be back; and noted there may be issues with State budgets and bureaucracies. Cal stated there is also concerns about "where are these people going to live?"; he believes that what holds people back. Jerry noted that is a valid point, but it doesn't excuse landowners from ignoring the rules (laws/regulations). Marcy drew the board's attention to the subdivision regulations; the governing bodies do have the authority to fine and imprison those who are not in compliance. She asked Cal if the City Council decides not to do anything, does that make them liable. Jerry stated there is serious concern with the fire risk. Bill stated the Board/County/City does not owe anyone a place to live, and there is a factor of personal responsibility and choice. Lee noted there are people out there with very unhealthy and dangerous notions about how to keep their campers warm and unthawed this winter.

Marcy stated she want to remind the members whose terms are ending at the end of this year; she sent out letters reminding the Council and Commissioners about the re-appointments. Marcy stated last year the Commissioners started to advertise the position; county board members are Bill and Jerry. She encouraged them let the commissioners know if were interested in serving another year.

It was noted the next Board meeting is scheduled for Tuesday, January 3, 2012.

**Adjourn:** Bill made the motion to adjourn; meeting adjourned.

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*Ray Trumpower, Vice-President  
Of the City/County Planning Board*

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*01/03/12  
Date*