

COMMISSIONERS' PROCEEDINGS

April 21, 2015

Carbon County Planning Board and County Commissioners'
Joint Session: Development Permit Update
Carbon County Courthouse

Present: Commissioners Doug Tucker, John Grewell, and John Prinkki; Planning Board Members: Annette Anderson, Pits DeArmond, John Francis, Clint Giesick, Gordon Hill, Julie Jones, Gene Koch, and Diann Larson; Planning Director Brent Moore and Commissioners' Administrative Assistant Angela Newell

Absent: David Alsager and Pete Cretelli

7:00 Chairperson Julie Jones called the meeting to order.

Minutes

Annette Anderson noted that her report should state "November 2" when referencing the date of attachments. Gene Koch moved to accept March 17, 2015 meeting minutes; Annette Anderson seconded; motion passed unanimously.

There were no items for Public Hearing.

Regular Business

Brent opened the discussion with a history and overview of the current Development Permit process under Resolution 1989-04. Under the current process, Department of Revenue (DOR) tax classifications are used to classify each parcel. The development permit process is used for "change in use" that would require a change to the DOR classification. Currently the Development Permit process regulates cell towers, self-storage facilities, utilities, and large developments like the Mud Springs Wind Project. Houses, feed lots, stables, agricultural buildings, expansions of existing structures, signs along county roads, and gravel pits are not currently regulated under the process.

Over the last two months the Planning Board has reviewed Part One and Part Two Zoning statutes, the County appraisal process, and issues related to oil and gas development including the proposed regulations for the petitioned Silvertip Zoning District. For land use planning issues the Planning Board only has an advisory role, however they would like to have more involvement and would like to see that there is more widespread public notice for large developments like the Mud Springs Wind Project. If the County implemented zoning regulations the Commissioners could appoint a "Zoning Commission" to recommend amendments to the zoning regulations and classifications.

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There was a discussion regarding what kinds of regulations the Commissioners are looking for. Annette asked if they are looking for a major shift from the existing regulations to something more like County wide zoning. Commissioner Prinkki noted that when the issue was being reviewed prior to adopting the Development Permit process, County wide zoning was not supported by citizens so the Development Permit process was adopted as a compromise so that the County had some say in development and could evaluate what impacts each development could have on public infrastructure. He asked that the Planning Board help the Commissioners understand what County citizens want for regulations.

Commissioners Grewell and Tucker noted that the County has entered into a Road Maintenance Agreement with the Mud Springs Wind Farm to insure that the project impacts to County roads was not passed along to tax payers; the agreement was a condition of the development permit approval. They believe similar agreements could be made with future developers or bonds could be put in place to protect the public infrastructure. Commissioners and members of the Planning Board shared concerns about the extra layer of bureaucracy that county wide zoning could add to development. Commissioner Prinkki likes the flexibility with the current permit that allows the County to determine how the development should happen without excluding it outright.

John Francis asked if there are maps for future growth of towns so that future land use planning can be coordinated between the two entities. Brent noted that everyone would like to see the towns grow and have plans for where they anticipate future growth. Unfortunately, this information was not available to incorporate into the Growth Policy update.

From the discussion Brent believes that moving toward a "conditional use" permit would be a good framework for what the Planning Board and Commissioners are looking for. Julie likes the "conditional use" permit framework and would like the board to consider different levels of review depending on the size and scope of the proposed development. Planning Board members and Commissioners agreed that the "conditional use" permit would be a good framework moving forward.

Moving forward the Planning Board will review categories of uses that would require a permit and the standards associated with those uses. The final step will be to determine the administrative process for the permit.

Petitions & Communications from Audience

Public Attending: Ron Kapor Bridger, John Hayden Bridger, Eugene Sticka Belfry, Deb Muth Red Lodge, Carol Nash Bridger, Mechelle Harper Belfry, Julie Holzer Red Lodge, Ken Wolk Red Lodge, Ilean Koch Bridger, Maggie Zaback Billings, Willis Herden Belfry, Teri Herden Belfry, and Cheryl Brown.

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John Hayden, Bridger – Each town needs to put together master plan so County can consider it when reviewing proposed development.

Carol Nash, Bridger – Asked who would be required to get a "conditional use permit". The Board noted that those specifics would be worked out through the revision process.

Jean Sticka, Bridger – Believes that protecting public infrastructure should be the driving force behind the "conditional use permit" and she prefers that to County wide zoning.

Willis Herden, Belfry – Is "ok" with the idea of a "conditional use permit" but wants to be careful that regulations do not restrain agricultural producers.

Ron Kapor, Bridger – Is not in favor of County wide zoning as he believes it would take away personal property rights. If zoning is adopted, he would like to see the Clarks Fork Valley have its own zoning commission.

Written Communications
None

Board Member Reports
In his absence Pete Cretelli submitted a letter regarding the existing Planning Board serving as a Zoning Commission (see attached).

8:25 John Francis made a motion to adjourn; Gene Koch seconded; motion carried.

Adjourned

ATTEST:

Clerk

Commission Presiding Officer