

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
OCTOBER 8, 2014**

**CALL TO
ORDER**
6:02 pm

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Noah Bodman, Ron Schlegel, Gene Shellerud, Jim Heim, Jeff Larsen and Greg Stevens. Marie Hickey-AuClaire had an excused absence. Tim Calaway was absent. BJ Grieve and Alex Hogle represented the Flathead County Planning & Zoning Office.

There were no people in the audience.

**APPROVAL OF
MINUTES**
6:02 pm

Shellerud made a motion, seconded by Stevens to approve the September 10, 2014 meeting minutes.

The motion passed by quorum.

**PUBLIC
COMMENT**
*(not related to
agenda items)*
6:03 pm

None.

**FLATHEAD
COUNTY
PLANNING
BOARD –
VARIOUS TEXT
AMENDMENTS
(FSTA-14-01)**
6:04 pm

A request by Flathead County Planning and Zoning Office for amendments to the text of the Flathead County Subdivision Regulations. The Planning Board will hold a public hearing on the proposed amendments prior to forwarding a recommendation to the Flathead County Commissioners. The Commissioners will also hold a public hearing on the proposed amendments, per 76-3-503 M.C.A. The amendments are intended to make appropriate revisions pursuant to 2013 legislative updates made after the current Subdivision Regulations were last revised in May 2012 and also address internal road paving requirements applicable to recreational vehicle parks.

STAFF REPORT

Grieve reviewed the history of the application.

Hogle reviewed Staff Report FSTA-14-01 for the Board.

**BOARD
QUESTIONS**

The board and Hogle discussed their decision of denial on an application for a variance for a campground concerning paving which led to the proposed amendment and what the commissioners' decision was concerning the application. They also discussed another earlier campground with which a

variance concerning paving had been requested and approved. They continued to discuss the history of the section related to the amendment of pavement in RV parks and where an economic hardship could not justify a variance.

Grieve read from the subdivision regulations what criteria needed to be met to grant a variance.

The board and Hogle continued to discuss other issues with the application which precipitated the amendment, what criteria needed to be met to receive approval for a variance, the language of the amendment for internal subdivision roads and the reason subdivision regulation 4.7.17 was addressed.

Grieve replied to Stevens' earlier question concerning where the criteria came from which was MCA and he read the appropriate section. He briefly explained the history of the current wording. Economic hardship was not mentioned in MCA.

Stevens said the board had brought this on themselves and may want in the future to take into consideration removing the criteria for economic hardship.

The board discussed the pros and cons of having the variance not being granted because of economic hardship, the questions opened by the financial capabilities of an applicant and the difficulties of regulations.

The board and Hogle discussed the four requirements for meeting a variance.

Grieve said there was history behind the criteria which staff could research and relay to the board at a later date. A fair bit of research needed to be done before the criteria should be looked at for amendment.

The board decided to discuss the subject of the criteria for a variance at a later date. They had no more questions regarding the amendment concerning paving.

The board and staff discussed at length the statute for public systems, what staff uses in the consideration of applications and the definition of public utility.

Larsen explained how he had worked with the definition on projects he had worked on.

The board decided they did not need to hear the specific language of the amendment.

Hogle clarified what the board had discussed concerning the amendments and said the public and agencies have had an opportunity to comment on the amendments.

Bodman requested Hogle read the proposed amendment number one which was copied from current statute.

Hogle said this amendment maintained continuity and consistency with other definitions and read the related definitions concerning RV parks, campgrounds and subdivision created for rent or lease.

The board and staff discussed in depth the related definitions.

Hogle read the definition of subdivision. Staff had tried to peel back what did not relate to that definition. He read the amendment to recreational parks and campgrounds and offered a suggested strike of the word 'campground' in the heading.

Schlegel and Hogle discussed if seasonal campgrounds were discussed in the amendments and why they were not mentioned.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

Larsen confirmed there were no written comments received.

There was no public present to comment.

**STAFF
REBUTTAL**

Hogle said they had publicly noticed the amendments and draft changes were available for viewing on the department's website.

Larsen and Grieve discussed process.

**MAIN MOTION
TO**

Schlegel made a motion seconded by Heim to recommend approval of FSTA-14-01 the Board of County Commissioners.

**RECOMMEND
APPROVAL
(FSTA-14-01)**

**BOARD
DISCUSSION**

None.

**SECONDARY
MOTION TO
(Amend 4.5.7 on
page 29 of the
regulations)**

Heim made a motion seconded by Stevens to amend the heading of Section 4.5.7 on page 29 of the regulations to state:

4.5.7 Recreational Vehicle Park and Campground Standards

**BOARD
DISCUSSION**

Bodman asked if there were any public notice issues with the amendment.

Larsen said no, they were amending their proposal.

**ROLL CALL TO
(Amend 4.5.7 on
page 29 of the
regulations)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FSTA-14-01)**

On a roll call vote the motion passed unanimously.

OLD BUSINESS

Grieve handed out the options analysis for the Whitefish zoning to the board for their consideration at the upcoming October 15, 2014 workshop. He will post the analysis to the website tomorrow. He urged the board not to engage in discussion and explained the document.

NEW BUSINESS

None.

ADJOURNMENT

The meeting was adjourned at approximately 7:00 pm. on a motion by Stevens. The next meeting will be held at 6:00 p.m. on November 12, 2014.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 11 / 12 / 14*