

**FLATHEAD COUNTY PLANNING BOARD
WORKSHOP MINUTES
JUNE 12, 2013**

**CALL TO
ORDER**

A workshop of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Noah Bodman, Jim Heim, Bob Faulkner and Jeff Larsen. Greg Stevens, Ron Schlegel and Gene Shellerud were absent. BJ Grieve and Erik Mack represented the Flathead County Planning & Zoning Office.

There were 7 people in the audience.

**WELCOME AND
INTRODUCTION**

Hickey-AuClaire welcomed everyone to the workshop and explained the agenda. She said there was public comment at the beginning of the workshop so the board could receive input and direction for the discussion.

Grieve summarized the joint Planning Board and Commissioners workshop held on March 13, 2013. The results of the workshop included tasking the Planning Office to update the Zoning Regulations.

**PUBLIC
COMMENT
(not related to
agenda items)**

Russ Crowder, American Dream Montana, 2868 Lower Lost Prairie Road, gave his personal history of working on the Zoning Regulations when he served on the Planning Board. The problem in his opinion was the Zoning Regulations were not established to serve the public but to serve the planners who created the regulations. He went over a map of the zoning in Evergreen he had passed out the board. He asked the board to look at the Zoning Regulations and make them more user friendly for everyday people. He urged the board to simplify the Zoning Regulations more for the public. He brought up the fact Evergreen was a place where many different uses coexisted together. He summarized the benefits of living in Evergreen. He explained Evergreen had years ago asked for an Enterprise Zone, which included no requirement of listing the approved uses, only the unapproved uses. His point was to simplify the Zoning Regulations. He mentioned an unresolved lawsuit against Flathead County on a minor zone change and said if Citizens for a Better Flathead won that law suit, all bets were off. Nothing the board did concerning the Zoning Regulations would work.

Olaf Ervin, 1658 North Fork Road, wanted the board to take on a more mixed use idea concerning zoning, to recognize there were different yet compatible uses which could happen in a zoning designation.

Erica Wirtila, Northwest Montana Association of Realtors, said there was a potential for making a smaller, thinner book for the Zoning Regulations. She went over several of the zoning designations and said the valley had outgrown the AG-80 zoning designation. She didn't think the other zones had much universal applicability. She wanted more universality to the zoning. She also wanted to address the number of primary uses for agricultural zones. She explained concerns she had with the regulations for home occupations which included traffic count descriptions being vague.

TJ Wendt, 2129 Highway 2 E, State Farm Insurance, felt the regulations should stimulate growth in the valley, not stymie it. He thought the county should adopt a philosophy more like the city of Kalispell and encourage growth especially in Evergreen. He felt the county was not 'hitting the ball' concerning encouraging growth. It was a shame there were not greater efforts made concerning growth in the Evergreen area. Water and sewer were available as well as places for businesses. He went over some issues in the area such as the home owners association being linked to the business owners association and the fact the interests were not compatible. He thought the business community was interested in growth. The process should be simplified so new businesses would be attracted to the area.

Mayre Flowers, Citizens for a Better Flathead, hoped the board would continue to take input which concerned the process of updating the Zoning Regulations. There were things which needed to be worked on such as Evergreen, enforcement of zoning, pedestrian issues, business friendly zoning which included tourism friendliness and having a quality center. She wanted to reserve additional comments until she had heard what the board discussed during the meeting.

**BOARD
DISCUSSION**

Mack reviewed the history of the process for the update. He summarized the priorities for the update which included if the board wanted the update to be a result of public involvement, to identify the community needs, determine if the needs were consistent with the growth policy, determine if the provisions and

requirements conformed to State and Federal Regulations and had greater flexibility with the zone regulations. The potential purposes for the zoning update were to make the regulations business friendly, user friendly, have more modern language, add modern land uses and revise the layout. He asked for input from the board concerning the direction they wanted to update the Zoning Regulations.

Larsen talked about the issues of cluster subdivision setbacks and where they were located, home based businesses and traffic counts, additional uses in industrial uses and conditional uses. He also spoke about making the Zoning Regulations more people friendly, business friendly and user friendly. He also brought up primary and accessory uses language for the regulations.

Faulkner asked for clarification on the status of the lawsuit mentioned by Crowder and how the outcome could affect the way the board worked.

Grieve reviewed the history of the B2-HG zoning lawsuit for the board. The plaintiffs, Citizens for a Better Flathead and Sharon Demeester, sought to have the B2-HG zoning determination removed from the Zoning Regulations and removed from the properties which were zoned B2-HG.

Faulkner and Grieve discussed at length if the outcome of the lawsuit would alter everything the board worked on concerning updating the Zoning Regulations.

Grieve said the assumption of the Planning Office was that staff was tasked with looking at the text of the regulations, not the mapping. The purpose of the workshop was to find out how the board wanted staff to proceed with the project. He explained Phase one which was a draft of how to update the regulations. The purpose was to identify issues. The office would go to different groups who wished to add input and ask their opinions. Then staff would report back to the board what the findings were. Phase two would be drafting changes and getting feedback on those proposed changes. Phase three would be getting the changes adopted. This was based on the assumption only text was being updated. Updating other issues such as zoning districts or maps was different than what staff had prepared to discuss. It was up to the board as to what they wanted to update. Staff's role was to facilitate what the board wanted to do.

Larsen said if they could get the issues that bothered people chronically through the years taken care of that would limit the scope and time needed for the update. He did not want to go through the whole document page by page like they had with the Growth Policy update.

Faulkner agreed with Larsen. He didn't choose to tackle the entire thing and rewrite it if it wasn't necessary. He suggested taking the things that were problems and solve them and leave the rest be until they became problems.

Bodman referred to the lawsuit and said part of the lawsuit took issue with the B2-HG text amendment and the ramifications were if Citizens for a Better Flathead won the lawsuit then that verdict called into question the ability of the county and the Planning Board to make text amendments in any kind of realistic way. If they won then they set an unreachable standard for making a text amendment and he didn't see much point in trying to make a text amendment in the future because anyone who didn't like them would be able to shoot them down based on that precedent. So, he hoped they didn't win their claim, but that was an issue out there which was relevant to what they were discussing.

Grieve and the board discussed the ramifications of the lawsuit.

Grieve said the first phase staff had recommended was a 'listen and learn' phase. This phase was planned to last until the end of the calendar year. There were a lot of people who loved their zoning and a lot of people who hate zoning and everywhere in between. Every action had a reaction, especially in zoning. The goal was to find out what the most commonly occurring problems were. That could be done while the outcome of the lawsuit was determined.

Mack summarized the 'listen and learn phase' for the board. The phase included meeting with the public, business groups and local organizations. What were planned for outreach were surveys, social media, updates on the process on the Planning and Zoning website, email lists, press releases, media coverage, town hall meetings, listening sessions, meetings with other planners, developers, builders, design professionals and realtors. They would also hold meetings on the local level with the rotary club, chamber of commerce, neighborhoods, communities at

large, and Citizens for a Better Flathead.

The board and staff discussed if there would be recordings and records kept about what people were concerned about, the level of information which would be gathered from people's comments, the difficulty of sifting through the information and focus required to keep within the scope of the project. They also discussed at length ways to keep the scope in focus, the project on a timeline, how to prioritize the issues, and how to select the issues to work on.

Wendt said there seemed to be a win-win situation. Staff had a list of what needed to be updated in the regulations and the public had a list of things they wanted to update. It was a good public relations opportunity for the Planning Board to have outreach concerning zoning. He felt there were overlapping concerns which would arise.

Grieve said zoning was much more engaging than the Growth Policy update and there most likely would be more public participation. He liked the idea of outreach to the public concerning the good and bad of zoning.

The board agreed the best way to move forward with the update was with the outreach phase.

Grieve said soon the county was going to adopt a food policy so he could use public money within county policy to provide refreshments for the meetings.

The board and Grieve discussed the benefit of having refreshments at the outreach meetings.

Grieve said the listening opportunity was valuable. The regulations affected a lot of people.

Bodman said Grieve needed to manage expectations of the outcome of the public meetings and went on to explain why.

Faulkner said he perceived a series of small changes not monumental change. It was fixing problems, things that were broken and things which were not broken should be left alone.

Grieve's concern was one man's broken was another's perfectly fine. There were people who felt strongly on both sides of the

issues.

Grieve and the board discussed how to proceed which was to administer the listening sessions, compile the information, create a framework to implement Phase one and wrap it up by the end of the calendar year. They would tackle as many of the ways to reach out to the public as possible. Staff would come back for another workshop to present to the board surveys, etc. planned for outreach to make sure the board was comfortable with the ways outreach was being done.

The board and Grieve discussed what they hoped to obtain from the meetings and how to proceed from this point which included possible open ended questions for surveys and how the information gathered would be made usable for the board.

Grieve explained possible ways to obtain immediate feedback from questions at the meetings. He said staff would make the information accumulated easy for the board to understand and would take what was learned and put it back on the website to keep the public updated.

The board and Grieve discussed the need for transparency of the changes made to the document, how to get the information accessible to the public, how to let the public know of meetings and how to compile the information.

The board and Grieve discussed if Grieve had seen a set of regulations he thought were appropriate for the Flathead Valley and the diversity of the valley.

The board, Grieve and Wendt debated in depth the challenges of changing zoning along the corridor in Evergreen to repurpose structures, how to stop the same 16 people from hijacking the meetings and their views overriding others in the meeting and ways to engage people.

A workshop was set for July 31, 2013 to go over information for engagement of the public.

Grieve summarized what the board had agreed were ways of engaging the public such as town hall meetings and meetings with special interest and civic groups. Staff would have ready other ways of outreach such as a survey for the board to review at the July workshop.

**PUBLIC
COMMENT**

Olaf Ervin, asked there to be outreach to the zoned and unzoned areas equally.

Mayre Flowers encouraged the board to think of the outreach as an opportunity to educate the public. She went on to explain why. If all that was asked was what people thought was wrong or right with zoning that would bring out the type of people who were vocal about what was wrong or right. An attempt should be made to educate the public that zoning was a beneficial tool to make the kind of communities and quality of life that was important to the economic future of the valley. She thought the tone and framing was an issue so the project didn't turn into a complaint session. With education, zoning would be a positive opportunity.

**BOARD
DISCUSSION**

Grieve said what Flowers said was a good point and a lot of thought should be put into that issue. He went on to explain the difficulties of how to present the information of what planning and zoning was and did.

The board and Grieve discussed at length if specific problems or generalization of zoning was the feedback they wanted to receive from the public, the pros and cons of each, how to frame the questions for the public and what the board wanted to obtain for the end result of the update.

Grieve reviewed an outline of what he gathered from the board discussion. The outline consisted of saying what planning and zoning was, the documents the county had, the categories of zoning which was text and maps, the fact that the Planning Office was present to talk about text, based on personal experiences how could the regulations be made more people friendly, business friendly and have more common sense to them.

The board agreed the way to approach the meetings would be to neither set a negative tone nor a positive tone.

The board, Grieve and Wendt discussed the benefits of different ways to approaching the meeting and ways to improve the outline. They discussed differences between type one (citizen initiated) and type two (county initiated) zoning.

ADJOURNMENT The workshop was adjourned at approximately 8:15 pm.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 7 / 10 / 13*