

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JULY 8, 2009**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marc Pitman, Jeff Larsen, Gordon Cross, Jim Heim, Frank DeKort, Marie Hickey-AuClaire, George Culpepper, Mike Mower, and Randy Toavs. George Smith and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were 12 people in the audience.

**APPROVAL OF
MINUTES**

Heim moved and Hickey-AuClaire seconded to approve the 6/10/09 minutes.

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

Dave Skinner, 1125 Trumbull Creek, said the Whitefish Lakeshore regulations had changed so much in the last weeks that he had lost track of them. He disagreed with the overreaching of the proposed new regulations. He gave several examples of what he disagreed with. He felt Mrs. Morrison's minority report had been unfairly minimized. He wanted the regulations sent back for a complete rewrite at the Lakeshore Committee level.

Russ Crowder, American Dream Montana, read part of a letter to the editor from Rick Breckenridge from the Daily Interlake. He said on the 23rd, Dan Cox was coming to speak at 7pm at one of the parks, he thought Lawrence Park, concerning neighborhood plans. He gave a brief history of Dan Cox's work.

Lyle Phillips, 2840 Rest Haven Dr Whitefish, is a lakeshore resident and owner of property on Whitefish Lake. He referenced a public comment letter he sent earlier to the board. His concern was that non conforming structures remain in place. He went over a brief history of how the regulations had changed concerning non conforming structures. He wanted the board to keep in mind the rights of the property owners when they went over the regulations.

Cross wanted to remind everyone in attendance out of concern of the Lakeshore regulations that while the board was just getting an update on the status, this board would have a public hearing and he hoped that they would come back and voice their concerns again at that time.

Sharon Morrison, on the Lakeshore Protection Committee, wanted to introduce a couple of aspects of the lakeshore plan. She gave the board a hand out. She was appointed by the county to the Lakeshore Protection Committee. She was concerned about a serious defect in the regulations which also existed in the county regulations. She thought the county regulations were superior to the Whitefish Regulations in the fact they were more like a law in being broader and more policy oriented and didn't deal with minutia. She gave a history of the drafts of the plans. A regulation could not be inconsistent with a statute. Her hand out was the statutes from the Environmental Protection Act. She explained the statutes. You needed a permit on any Montana lake if you were going to alter the course or current of the lake or cross sectional area of the lakeshore and in no other case, which was the law in the state of Montana. The regulations that were drafted to implement that were instead rephrasing the law so that both the Whitefish and the county regulations say that you need a permit for any work done in the lake or lakeshore area. She thought it was the permit for any work done at all which had created endless problems for Whitefish. The fix for the problem was to substitute the statutory language for the language which was at variance. Then the regulations would be actually implementing the statutes.

**COMMITTEE
REPORTS**

None.

OLD BUSINESS

Cross said Harris requested a switch between the first two items on the agenda since Mr. Stack, the chairman of the Whitefish Lake/lakeshore Protection Plan Committee, had another commitment at the same time the discussion on that agenda item was originally scheduled.

Culpepper asked why the Whitefish Lake/lakeshore Protection Act wasn't under new business since he hadn't heard about it before.

Cross said the board had heard about it on several occasions and had been getting regular updates.

Larsen asked if that was the same take Cross had on the Somers Neighborhood Plan.

Cross said they had talked about it.

Larsen said they needed to be careful about what was put under new or old business in the public eye.

Cross said the idea in his mind was old business was when they were talking about something they had discussed in the past, not necessarily taken an action on, but that it had been brought up under new business. So if there was an update on it, at that point it became old business because it had already been part of a previous discussion.

Culpepper said the board should not be discussing Somers because of the lawsuit.

Cross said they should wait until it came up in line on the agenda and find out how the rest of the board felt at that time.

**WHITEFISH
LAKE/
LAKESIDE
PROTECTION
STATUS
REPORT**

George Smith wanted to let the board know as well as the audience that the board was not passing recommendation or any ruling on the Whitefish Lake/lakeside Protection Regulations. Whitefish had accepted the new regulations as they were amended at their last meeting and the draft corrections to that final document, from the draft that was presented and then worked on by the city council, was being prepared now for publication in Whitefish. What he was there to do was explain what planning staff had been doing in the part of the process he had been involved in, in the Whitefish Lake process, and what occurred because of that and how it might affect Flathead County in its future plans to reorganize and rewrite its lakeshore regulations.

Cross asked for clarification.

Smith said there will be a rewrite in the future of the Flathead Lake and Lakeshore Protection Regulations. The planning board will be a part of that process. The planning office will be part of the management of that process. This was not the case for Whitefish. However, some of the experiences the office had seen as a result of watching what happened in Whitefish and the results coming out of it may give Flathead County direction to look at in the process of rewriting the regulations for the rest of the county.

Mower said what that meant was, the planning board had nothing to do with the Whitefish Regulations, they will not see them or anything else, and the regulations were Whitefish's

baby. He said what he thought Smith was saying was that the county could learn from what Whitefish was doing.

Cross asked if that would change if the donut situation changed or were the Whitefish lakeshore regulations totally divorced from any discussions of the donut.

Smith said as it stood right now, as a result of the court ruling, the city of Whitefish had total regulatory control over all of Whitefish Lake, Lost Coon Lake and Blanchard Lake until such time as there was a ruling on the whole donut area and then staff would know what was affected and what was not affected by the ruling.

Cross said potentially it could be affected by the court ruling.

Smith said yes it could. Right now, the whole of Whitefish Lake was controlled by Whitefish.

Culpepper asked since the county was not part of Whitefish Lake, then why was a county planner sent to discussions with the Whitefish Lakeshore Committee on Whitefish Lake.

Smith said because the Whitefish Lakeshore Committee asked him to consult and the commissioners and Harris discussed it with Jim Stack and determined it would be a valuable thing for the county and the city of Whitefish for co-participation. He was not a voting member of the body, he was a participant in the discussion and open dialog and answered questions when asked about how the county handled specifics that were being brought up and dealt with in the Whitefish regulations. As a result of his participation, the regulations concerning non conforming structures were relaxed to the point they were currently where they more paralleled the county regulations.

Culpepper asked if the county wanted to take the regulations Whitefish was working on and then apply those regulations into one document, or one county wide document that would basically mirror the regulations to apply to the lakes in the county.

Smith said that was not a correct statement.

Cross asked if Smith was going to address that issue in his presentation.

Smith said yes.

Cross said they should save their questions until after Smith gave his full presentation.

Smith said the county did participate in the later phases of the process of rewriting the Whitefish Lakeshore Regulations at the request of the Whitefish Planning Department and the Whitefish Lake Committee. The request was made directly to the commissioners. As a result, Harris assigned him time to go up there for a total of four meetings. That was the last wrap up of two years of work that committee had put in. Most of the time had been put into reorganizing the structure of the document, not so much rewriting the language of the document. The current draft of the Whitefish Lakeshore Regulations was much more user friendly. He went over examples of how it was more user friendly. When there had been talk of the county 'mirroring' the Whitefish Lakeshore document, it had been used in reference to 'mirroring' the more user friendly structure of the document, not necessarily the content. It had been discussed by the commissioners to come up with one document which was pertinent to all the lakes in Flathead County, including Whitefish Lake and then a certain section with information pertinent to Whitefish Lake. He explained the difficulties of when two entities regulated Whitefish Lake which was what happened before the donut area issue. There had been a lot of conflict over the document. Currently, they had not had conflict over county lakes, at least none that had surfaced during this process in Whitefish. Staff had not currently had any issues of permitting variances or related issues in the county. So far this year, they had issued 86 permits, no variances, and a half dozen or so floating violations which had been resolved with the cooperation of the violators. A couple of violations were still pending from last year which had not been resolved as of yet. Staff was working on those with the land owners and had not needed to involve the county attorney except for two cases. One of those was resolved through direct negotiations with the county attorney and the attorney of the property owner and the other was resolved before the county commissioners. There were some areas the county needed to tighten up when it came their turn to rewrite their lakeshore regulations. One of these included definitions. He felt the regulations were long overdue for a rewrite and he looked forward to having the board join that process. He asked if there were any questions.

**BOARD
DISCUSSION**

Larsen had heard different stories of what Smith told the people at Whitefish. He had heard that Smith told them the planning board supported the regulations the way they were written. He asked what Smith actually told them.

Smith said what he actually told them had been transmitted to the commissioners and Larsen was welcome to get the information from them. He would not get into a 'he said, she said', 'I meant that word, and I meant this word' discussion. He didn't know how many of those conversations he had and not one of them had ended up being satisfying. His responsibility was to, and the body he answered to, was the commissioners. He had sat down with them and discussed the whole conversation issue and what he said and they had a record of that.

Larsen said that Smith knew what he said.

Smith agreed he did know what he said.

Larsen asked what he said.

Smith said he would not go through it again. He had spoken extemporaneously. Had he been speaking from a script, there might have been a few words he would have said differently. Obviously, whatever he said was misinterpreted by a certain number of people. He was not going to try to reconstruct a conversation he had weeks ago that was an extemporaneous speaking conversation on a face to face to face to face situation with a number of people. He explained himself to the commissioners, and they had responded to his explanation to them and if Larsen had further concern about it, he suggested Larsen go to the commissioners.

Larsen said he had support from the public to know what Smith said.

Smith said the public was there, they could interpret it however they wanted to and if they didn't feel that he was doing his job right or that he was out stepping himself then they could go to the commissioners and make a complaint. He did not answer to Larsen as an individual, and he did not answer to this planning board. He answered to the county commissioners.

Larsen thought if he asked Smith a question then he should get a direct answer.

Smith said he gave Larsen the answer he was going to give him.

Larsen said he hadn't gotten an answer yet.

Smith said he had the answer he was going to get. He said Larsen could go to the commissioners and get the answer he had given to them.

Larsen said he would.

Smith said he would not try to reconstruct a six week old conversation.

Larsen said he did not see what was so hard about telling someone what they said. That was ridiculous. If someone asked him what he said, he should tell them.

Smith said that was Larsen's opinion and he was entitled to it.

Culpepper said obviously, Mr. Smith didn't think he answered to this board so he didn't understand why he was in front of this board. If he made the statement he did just a few minutes ago that he did not answer to the board, that he owed the board nothing, then why was he before the board.

Smith said Culpepper was putting words in his mouth. He did not say he did not owe them anything, he said he did not answer to them. He reported to them.

Culpepper said reporting and answering were pretty much the same thing.

Harris said this was getting out of control.

Cross said let's hear Culpepper out.

Culpepper said it was no different than when an application came before them and they asked the planners their opinions. He was just saying this was important, if this body was going to be represented before a deciding, elected commission or council and the public thought obviously by Mr. Phillip's public comment letter given to this planning board earlier that evening, he

assumed that he had to come before this board to give his comments because he felt the County Planning Department reported to or talked to this board. And he thought if a board member asked a question then it should be answered, but if they were going to go down that route, then he had concerns that if Mr. Smith didn't want to speak to this board then he shouldn't, he didn't need to. On a different subject, one that he had wanted to reserve for Mr. Stack, he wanted to say he respected Mrs. Morrison and gave a brief history of her and her family's work in the state. He did not think it was in the prevue of a planner to actively seek to remove a person who was appointed by the commissioners from the Lakeshore Regulation Committee because she opposed the regulations as they were written because she believed they were in violation of the statute. He read several emails from Jim Stack and George Smith. He personally apologized to Mrs. Morrison for their emails.

Mower asked if there was any timing on rewriting the county regulations.

Smith said no, there wasn't. It had been discussed in general terms with the commissioners. Everyone agreed that it needed to be done. Nobody was going to think about scheduling it until the Whitefish document was actually adopted. It would be going for its second reading then after that it would be adopted.

Jim Stack, Chairman of the Lake and Lakeshore Protection Plan, wanted to share some brief historical background with the board which would help them understand where they were and where the process was going. He gave a brief history of how the lakeshore regulations came into effect. There were some differences and he went over some examples of those differences between the Whitefish Lake and Lakeshore regulations and the Flathead County Regulations. He said if a person were to compare the Whitefish Regulations and the County Regulations, they would find that they were 90% still identical. The other 10% pertained to some of the minute differences, primarily pertaining to Flathead Lake. An example was if a floating dock was placed on Flathead Lake, it would be destroyed. There was a necessity for creating a different regulation there. The way these regulations had been amended over the years, most of the amendments had come from the Whitefish Lake and Lakeshore Protection Committee because there was no active committee on the county level. How the regulations had evolved generally over the years was first the recommendation came from the Lakeshore

Committee many of which were advocating property owner rights, not just tightening regulations. In fact if the two documents were compared today, you would find the Whitefish Lake and Lakeshore Regulations were more lenient in more areas than the Flathead County Regulations. That was a huge public misconception out there otherwise. The way the process had gone, they were under the Flathead Regional Development Office, then the Tri-City Planning Office then the county adopted their own office. At that point, regulation changes would go through the Tri-City Planning Office, the city council, they would go through the Flathead County Planning office into the County Commissioners but they still only applied to Whitefish Lake. Whitefish Lake had always had their own set of regulations. They had always been identical for the city and outside the city. Even when the two identities split within the interlocal agreement, then they were basically under the city council as far as administration. Any changes since then basically had been ignored in this update which was done. The reason for the update was reorganization and clarification. The objective was not tightening. In most cases it actually loosened the regulations. Before this document ever comes before the Planning Board, they would have a detailed summary of the regulation changes as they pertain to Whitefish Lake. Even when the county had control over half of Whitefish Lake which was since inception, the permits went through the county but they still went back to Whitefish. Even when the county had control, changes to the regulations still went through the Whitefish City-County Planning Board. This Planning Board had never had approval authority over the Whitefish Lake/Lakeshore Regulations. That may change with the interlocal agreement. If it was overturned, then the commissioners had a choice. They could either keep the lakeshore regulations under the Whitefish City County Planning Board or have them come to this planning board. If the regulations came to this board, they would come in a full detailed document, which would show all the changes pertaining to the way these regulations existed in 2004 the last time the county had control over the regulations and what was being proposed. It was a very confusing document. He gave an example of how confusing it was. The complexity of the regulations was why whenever a new planner, whether city or county level, came on the committee, it took an average of six months to come up to speed before they stopped making mistakes. It took members of their Lakeshore Committee six months to come up to speed and understand those regulations. It was a terribly complex document. That was what this effort

was about. It was an effort to clarify and reorganize. He went over the history of how the regulations came to be under the Lakeshore Regulation Committee. One half of the members on their committee were appointed by the county, they live in the donut area. That was why 18 months ago, they broke that process and started to bring the county on board. He met with the county commissioners in June of last year and informed them they wanted to take the Lakeshore Regulations through a dual approval process, both through the normal Whitefish City Planning Board and City Council approval and then also take it through whatever the commissioners felt they needed to go through at the county level. In November, they started to bring the Planning Office on board and that meant having George Smith come up to Whitefish so they could understand more about the county regulations, not because they were going to take their document and say here, apply this to the other 37 lakes. It was because the committee wanted the county commissioners to understand that this was basically a very open effort, they wanted everyone on board and everyone informed. In February he met with the commissioners again and the chairman urged them not to slow down the process but to go ahead and proceed forward with it. From the County Planning level, Harris was there on another matter. He informed the commissioners that, to the best of his recollection, the County Planning Office believed that the changes that had been adopted or being proposed were good changes to this document and this should be a starting document for the county going back and looking at the Flathead County Lake and Lakeshore Regulations. At no point neither the commissioners nor in any of the public hearings in Whitefish, was it conveyed by anyone in the Planning Office that the Whitefish document was going to be the document slapped onto the county. He did not know the exact context or the exact wording of what was said. He did know that had been very carefully conveyed to him, to the commissioners or anyone else and he knew that was Smith's intent. If the wording wasn't right, then he apologized. Where they were at the time of the meeting tonight was put through more public hearings than any other regulation document in the history of this county just to avoid any blow ups or misunderstandings. The regulations were ready to go to the council last November, but they brought it back into the Lakeshore Committee in February, and then held two more public hearings in March with packed rooms full of residents who were concerned, primarily about non conforming structures. They tried to address every single one of those concerns they felt they could address. Some of the concerns they

were able to address, some they were still working on such as the regulations concerning non conforming structures. He wanted the Planning Board to know this committee had gone above and beyond through the public hearing process, in listening to the public, and in balancing the property owner's rights against protecting the lake. He addressed Mr. Culpepper's comment from earlier concerning Mrs. Morrison. In one of the interviews, as the regulation process was going through, one of the reporters read one of the Lakeshore Committee minutes. In the minutes, it had been requested that Mrs. Morrison's minority report, should be forwarded to the city attorney, and the county attorney by the committee. They were the ones who had to make the legal decision. They both had weighed in on the regulations already. In the minutes of the lakeshore meeting, it was requested of her to disclose a possible conflict of interest because another attorney in her office was handling two of the most contentious lakeshore violations on Whitefish Lake. That was not done in the minority report. The reporter called him and said, 'your minutes say this,' but he didn't see anything in the report. Stack said it didn't make it in there. The reporter asked him how this person was appointed to the committee if they had this conflict of interest. He said he didn't know. The reporter would have to ask the commissioners. It was his understanding it wasn't disclosed when she interviewed with the commissioners. That statement was what made it into the press. When Sharon Morrison called him, she was upset. She said she did not interview with the commissioners. That was the purpose of the email Culpepper referred to earlier. If he (Stack) needed to issue a clarification, he needed to get an answer to that question. So he asked because he needed to know how the application went. He understood it wasn't disclosed and she did not interview. He clarified that with the Whitefish Pilot. It was not disclosed, there was a letter of application it was not disclosed in. He corrected that in the pilot. It was not with the intention of removing Mrs. Morrison from the committee. That brought them up to where they were at that time. It had been a lengthy process, at times there had been a lot of contentiousness, but when the bottom line arguments were gotten down to, they would not hear 'there was a new regulation which prohibited this', because they did not exist. He gave an example of a regulation which originally had been made with property rights in mind, but had been misconstrued to mean something else, so he recommended it be taken out. The board had his assurance that before these regulations came to them in any form, they would have a full detailed summary of changes from the regulations as they

existed in 2004. He also wanted to assure the board that before the regulations could be applied to the county regulations; there were some serious questions which needed to be asked because right now under county regulations, they should be operating under two separate dock regulations. One for Flathead Lake and another for the other lakes. If a floating dock was attempted to be put in on Flathead Lake, it would be destroyed. If a crib dock was put into any of the other lakes, it may not reach the water because the lake levels were not regulated. That issue was administered or advised basically by George Smith. Flathead Lake was more like an inland sea than a lake such as the others in Flathead County. He had reciprocated his help to the Planning Office and said he could go through the Whitefish regulations and give them the most important sections that they might want to focus on in order to reduce confusion and simplify the document into a more user friendly document.

Mower asked if Stack were to come before the planning board, it would be as a courtesy. There would be no reason for him to be there unless the commission asked him to appear before them as a favor.

Stack agreed.

Mower asked where they were exactly in the approval process and the timeline on that approval.

Stack said it had passed out of city council by a 5 to 1 vote on Monday night which was the first reading. It will go back to a second reading on the consent agenda.

Mower asked what the timing was.

Stack said in another two weeks, it should be passed and become finalized for Whitefish Lake.

Culpepper wanted to say anything Stack sent to a government body became public record. This was more of a word of caution, to jeopardize a planner like that (sending emails concerning Mrs. Morrison) could ruin the credibility of the Planning Office and that was something he wanted to try to avoid. In his opinion, it was not a planner's job to try to do the research on whether a person had a conflict of interest or not.

Stack said he understood that. While this issue concerning Mrs. Morrison was going on, if he put anything inappropriate in any emails, he apologized right then. It had been very difficult to take a two and a half year process and have a newly appointed committee member come in and basically, on the first full meeting they were at, drop a 150 document on the table before the committee that concluded at the end that the regulations should be changed to guidelines. That was the original conclusion of Mrs. Morrison's minority report. He could not say that in his emails he did not ask about whether or not she should have been on the committee.

Culpepper said he had another question which may be a question to Smith or Harris. According to the county's Lake and Lakeshore Regulations, the last change done on them was 1/24/02. However, Whitefish City Council decided to amend Blanchard Lake into their lakeshore regulations. Now, we, as a county, had a huge conflict because if a member of the public looked at the Lakeshore Regulations for the county, they were going to see in the current Lakeshore Regulations by the county that Blanchard Lake was listed in there. He felt either the planning board or the commissioners needed to change that to reflect the fact that Blanchard Lake was no longer under the County Lake and Lakeshore Regulations.

Stack said it was a valid argument. The majority of residents of Blanchard Lake came to the city council and requested that they be under the Whitefish Lake and Lakeshore Regulations because they felt that those regulations pertained more to that small lake than the Flathead County Regulations did. The city accepted that and the commissioners had no objection at that time, which was when the interlocal agreement was in effect. When the first ruling was issued last year, Blanchard Lake suddenly went out of the lake regulations. Now, with the temporary reversal, Blanchard Lake was now under the city again. This board or the commissioners may ask for another poll of the residents to determine which body they would like to be under.

Harris said no one really knew how the Whitefish area would turn out. For a while the developers couldn't go to the city or the county. As of that night, Blanchard Lake was in the donut. The ruling was Whitefish had all land use jurisdiction in the donut which included lakeshore protection and floodplain management. If Blanchard Lake was not included in the Whitefish regulations, then there would be no regulations because the county

regulations would not apply inside that jurisdictional area. Likewise, the county regulations which say that Blanchard Lake falls under the county regulations, we would not go into Whitefish jurisdictional area with their regulations. He said Culpepper's point was well taken. Depending on the outcome of how the Whitefish donut area sorted out, if the donut came back under the county jurisdiction and Blanchard Lake was under Whitefish jurisdiction, they could not apply it to Blanchard Lake and the county would apply their regulations in a similar fashion.

Culpepper said this body needed to take action, because Whitefish Lake and Coon Lake were not mentioned in the county regulations, Blanchard Lake was. If Whitefish was taking jurisdiction over that then he did not think the board wanted the county residents to be confused about who had jurisdictional control over that lake. All it would take was a resolution by the county commissioners to take out Blanchard Lake from the regulations and he thought that should be done.

Cross said if they did that and the donut was decided where it was back in the county, then the commissioners would need to make another resolution to add Blanchard Lake back into the regulations.

Culpepper said that could very well be and then they would be back to reviewing the Whitefish Lakeshore Regulations. Regardless, he didn't want the county residents to be confused about who had jurisdictional authority.

Harris said the reason the update was brought before the board was primarily as an informational item. The planning board was required under statute to hold a public hearing and pass a recommendation to the commission regarding lakeshore regulations. The county knew their lakeshore regulations needed to be looked at. It made sense that the board had that information available to them when they start that process. Planning staff had been on record with the commission, as well as the city council stating they did not want to administer two sets of regulations. It doubled the complications. The county will be forced to begin the process to review the lakeshore regulations at some point. The Whitefish regulations should be available to the board to look at as a guide when the time came for the review of the current regulations. He felt that was the whole purpose for tonight's agenda item.

Stack said he was not asked by anyone to attend tonight's meeting. He did not know about this meeting until he heard Culpepper speak at the city council meeting and mention this issue would be on the planning board's agenda tonight. He was there because the misconceptions which had been widely circulated about this update greatly outweighed the basic facts. He thought it was important for this board to understand the basic facts from the onset.

Cross wanted to make sure for Mr. Phillips (who wrote the public comment letter) the agreement which had been reinstated in Whitefish and the donut area gave Whitefish jurisdiction over Mr. Phillips' land even though he technically lived in the county because his property was on Whitefish Lake as was anyone who lived on Blanchard Lake. When the disagreement was finally settled, he would be under the regulations of whoever had jurisdiction over the area.

Harris said if the judges ruled tomorrow in favor of the county, the county had adopted an earlier version of the Whitefish Lakeshore Regulations and process. The county would default back to that set of regulations and that process.

5 minute recess

**TRANSPOR-
TATION PLAN
STATUS
REPORT**

Peccia and Associates, represented by April Burke and Scott Randall, presented a power point presentation which concerned the work they had done so far on a transportation plan for the Flathead Valley. They reviewed existing conditions and economical conditions which they used to make their models of traffic patterns. The conditions they were using were from 2007. That was the last complete set of data available from the census bureau and bureau of labor. They showed three growth scenarios, high growth (2.32%), medium growth (1.63%), which was what they based their recommendations on, and low growth (1.31%). They looked forward to 2030. There were 4 intersections which had recommendations for improvement.

Cross asked if they looked at the quality of the road or whether the level of service was adequate.

Burke said they looked at a lot of different items. They drove each of the roads, did a visual investigation of each and every road, studied the crash analysis and severity of the crashes, the

ADTS of each road, the intersections, alignment, shoulders or lack of shoulders, and whether the roads were paved or gravel. They were looking for substandard conditions, sight distance, and correlated that information with crashes on the roads. They also looked at maintenance issues.

The board, Burke and Randall discussed how current the information was and certain roads which had some issues.

Randall gave some examples of different models of traffic pattern and some examples of road improvements in different budget levels. He also updated the board for when they expected to have a finished report.

**BOARD
DISCUSSION**

Cross wondered about a negative growth scenario.

Randall said that none of the projects would need to be done then. He also said having a negative growth scenario over 23 years would be highly unlikely. As far as how negative growth would affect modeling of traffic on the roads, what would be observed would be a drop in volume on the roads which would ease some of the problems now experienced.

The board, Randall, Burke and Harris discussed the possible rates of growth, spots of growth and possible growth in the area, the bypass and funding for the bypass and different scenarios for the models, the possible uses of the report once finished and presented as well as the overlap and impacts between the Kalispell, Whitefish and Flathead County Traffic Plans. They also discussed how the figures were arrived at for road capacities or volumes, when the plan would be revisited for updates and how paved versus unpaved road were viewed in the plan and if they had looked at a multi modal version of the traffic plan which would include public transportation and various other modes of transportation such as bicycles.

**SOMERS
NEIGHBOR-
HOOD PLAN
DISCUSSION**

Cross asked Harris what it was he wanted to talk about since he was the one who had put this item on the agenda, then the board could decide if they wanted to talk about it at this meeting.

Harris said he had received over the last several weeks, emails from Culpepper and Larsen who requested information about the Somers planning process and he thought it would be better to respond, if others had the same types of questions, to the board as a whole. He was prepared to do that if the board liked, but

until the planning board and commission came up with a criterion which was discussed in their joint meeting and the clarification and guidelines, the planning office was unable to move forward with the plan. He thought it would be foolish from staff's perspective and wasteful from the community's perspective to move forward until that was done.

Culpepper wanted to add the emails he had sent Harris occurred before the lawsuit was filed.

Larsen wanted to make a statement. He thought Harris was right on this issue. The emails were sent when they had questions on how to proceed and before they met with the commissioners. The process was probably going to wait until they came up with a procedure.

Harris said it didn't make sense to not have the process on hold and suggested that efforts were put together towards getting some guidance which made sense that everyone could work with. That way everyone had the same understanding, which was important.

Toavs clarified that everything was on hold right now, they would not be receiving a Somers Plan to review, until they came up with a criteria on how things should be handled in the future.

Harris said where they were in the planning process wasn't even at the point as to whether they could do a plan or not. They were at that trying information stage. This was a perfect time to back off on the plan because there was nothing there.

Cross said that they did commit to the commissioners that they would work on defining and refining a process they would work out. He told the commissioners he would get back to them with an agenda of when they thought they would do that. He thought they should determine that at this meeting.

The board discussed possible times for workshop meetings.

Larsen thought that they should have a time when every person on the board would be able to attend.

The general consensus was that option may not be a possibility.

Hickey-AuClaire felt information could be forwarded to those who could not make it to a meeting since the proposed times for meetings were approaching three plus weeks out.

Culpepper disagreed. He felt the entire board needed to be at the workshops.

Hickey-AuClaire said that statement could be said for every meeting that they have. Every meeting was important.

Culpepper said this was important and the entire board needed to be there. If they had to plan around everyone's schedule, then so be it.

Hickey-AuClaire said information could be forwarded and the workshops were recorded so whoever was unable to make it to the workshop was able to catch up. She felt they could easily be two months out without a date which worked for everyone and they shouldn't wait that long.

Larsen asked what the rush was.

Hickey-AuClaire said they told the commissioners they would work on it and they needed to follow up on that.

Larsen didn't think there needed to be any rush to it.

Culpepper said put it on the calendar and if it had to go longer, then so be it.

Larsen asked again what the big rush was.

Mower said he did not agree with that. They committed to work on it. If they had eight people, that was a quorum, if they had seven, that was a quorum, he thought they should have the workshops. He said they should have a meeting at the first, earliest possible time. If they had eight out of nine, that was perfect.

Culpepper said they should do it now then since the agenda said they would be meeting until 11:00pm. If they were that serious about it, and they had a full board, then have them discuss it.

Mower said not that night. They needed something to talk about.

DeKort said, like times before, the chair receives input from the members of the board, then sets the time and who could be there would be there.

Cross asked if there would be a quorum for the fourteenth of July and the twenty second of July. Since there would be a quorum, the dates were set. He understood from the commissioners meeting with the board, there would be some sort of two tiered bench mark which had an appeal about a starting place to begin discussions. There were a lot of ways to participate without being able to attend the workshops.

Culpepper wanted the board to be prepared on the 22nd. He would find out what was said and watch the tape and for them to be prepared he would appreciate the time for him to say what he needed to say.

Cross asked if Culpepper would put in the time between now and then to put forth what he would like to see. They did this with the growth policy, if a member knew the board was going to be discussing something they had a suggestion or feeling about and were unable to attend the meeting, then they emailed either Harris or another member of the board and that person presented their thoughts to the board at the meeting. He would rather have Culpepper's opinions going in, than have them after there has been three hours of discussion on it. If he had some opinions he wanted to be put forth, then put them in writing and Cross could present them there.

Culpepper didn't mind doing that, but obviously he would not know what the discussion was until he saw what was stated. So, just know on the 22nd, he would be commenting on what was said on the 14th.

Heim spoke about the differences between his suggestions of the tiered systems he had brought up during the meeting with the commissioners and the fact they should think about those differences and discuss which way they wanted to go.

Culpepper asked if there were neighborhood plans which request zoning in them. Neighborhood plans could lead to zoning in an area.

Harris said yes, they could.

The board and Harris discussed zoning within neighborhood plans.

Mower asked if Harris could research other counties and see how they institute neighborhood plans.

Harris said he could.

Hickey-AuClaire could not find anything in Missoula County, but she did find something on Gallatin county and on Lewis and Clark.

Mower thought it would be of interest.

Harris said he could get them the neighborhood plans.

Culpepper said from this point on, there would be a memorandum on new neighborhood plans, nothing new would be done.

Cross said yes, until there was a process. A last thing under old business was the fact they had talked to the commissioners about getting together with the other boards and that they told the commissioners they would get back to them with an agenda. His feeling would be they would schedule a meeting with the people that the county appointed to all the other boards, primarily just to tell them what the planning board had talked about and then ask them to let the planning board know what their boards were involved in and what they were doing and see if they thought it would be beneficial for the planning board to meet with their board. If so, they could schedule those meetings.

DeKort would like to hear from them what they do. He'd like to ask them what they needed from the planning board besides just what the planning board wanted to tell the other county appointed board members.

NEW BUSINESS

Harris went over a handout concerning a report he was going to give to the commissioners. The report contained three things, staff's recommendations, planning board's recommendations, and what the county actually did for subdivisions. Staff did that for subdivisions which went through all three steps in FY '09.

ADJOURNMENT The meeting was adjourned at approximately 9:00 pm. on a motion by DeKort. The next meeting will be held at 6:00 p.m. on August 12, 2009.

Gordon Cross, President

Donna Valade, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 8/12/09