**FLATHEAD COUNTY PLANNING BOARD**
**MINUTES OF THE MEETING**
**DECEMBER 14, 2016**

**CALL TO ORDER 6:00 pm**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at the South Campus Building, 40 11th Street W, Ste. 200, Kalispell, Montana. Board members present were, Marie Hickey-AuClaire, Dean Sirucek, Ron Schlegel, Jim Heim, Kevin Lake, Jeff Larsen, Mike Horn and Greg Stevens. Mark Mussman, Rachel Ezell, and Erik Mack represented the Flathead County Planning & Zoning Office.

There were approximately 11 people in the audience.

**APPROVAL OF MEETING MINUTES 6:00 pm**

Larsen made a motion, seconded by Stevens to approve the November 9, 2016 meeting minutes.

**BOARD DISCUSSION 6:01 pm**

None

**ASK THE QUESTION 6:01 PM**

Stevens asked the question

**ROLL CALL TO APPROVE MEETING MINUTES 6:01 pm**

On a roll call vote the motion passed unanimously.

**PUBLIC COMMENT *(not related to agenda items)* 6:01 pm**

Erica Wirtala-Northwest Association of Realtors talked about a text amendment submitted by the Realtors to allow short term rentals in a wide variety of zones throughout the Flathead County area. She stated she would like to have a workshop on it before the hearing; however, she wanted the hearing to be on February 8, 2016. She requested the Board hold a workshop in January, if not after the public hearings on January 11, 2016, then on the third Wednesday on January 18, 2016. She requested that the Board discuss this under New Business.

BJ Grieve-1826 Bluestone Drive, Kalispell-thanked Marie Hickey-Auclaire for her years of service to the Board.

**THORNTON MOTORSPORTS LLC (FZC-16-12) 6:07 pm**

A zone change request in the Highway 93 North Zoning District by APEC Engineering Inc., on behalf of Thornton Motorsports, LLC. The proposal would change the zoning on a parcel containing approximately 40.6 acres from AG-40 (*Agricultural*) to R-1*(Suburban Residential)*. The subject property is located at 3790 Highway 93 North near Kalispell.

Hickey-AuClaire recused herself from this agenda item.

**STAFF REPORT 6:08 pm**

Mack reviewed updated Staff Report FZC-16-12 for the Board.

**BOARD QUESTIONS 6:08 pm**

Larsen asked about Finding 2 that states "The proposed zoning map amendment appears to not comply with the map and text of Riverdale Neighborhood Plan because although the applicant is requesting R-1 zoning and proposing a PUD, the proposal would not allow for a variety of housing types and there is no commercial component to the PUD and therefor would not comply with the 'Mixed Use' designation."

Mack stated that the Riverdale plan calls for "Mixed Use" which includes commercial and residential and the proposal is for residential only.

Larsen also asked about the level of service in Finding 5.

Mack stated the level of service is not covered in the zone change request.

Larsen asked if it was covered under the subdivision regulations.

Mack stated it would be covered in the PUD application.

Larsen asked about the comment from the road and bridge department stating a geotechnical survey may be beneficial.

Mack stated it could be a finding in the subdivision application.

Stevens asked if the raceway would disappear.

Mack stated that it would.

**APPLICANT PRESENTATION 6:14 pm**

Marc Liechti-APEC Engineering stated he represented the applicant. He stated a traffic study was completed as part of the subdivision application. The other concern was with the second access, he stated the owner does have a second access at the northeast corner. He talked about the reason they had not considered the "mixed use" for this subdivision.

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| **BOARD QUESTIONS 6:14 pm** | Larsen asked about the geotechnical survey for McDermott Lane.<br>Liechti stated the applicant had looked at it and the road was built high enough that it was out of the floodplain.<br>Sirucek asked about the maximum build out.<br>Liechti stated the applicant was proposing 57 lots. |
| **AGENCY COMMENTS 6:18 pm** | None |
| **PUBLIC COMMENT 6:18 pm** | None |
| **APPLICANT REBUTTAL 6:18 pm** | None |
| **BOARD QUESTIONS 6:18 pm** | None |
| **STAFF REBUTTAL 6:18 pm** | None |
| **BOARD DISCUSSION 6:18 pm** | None |
| **MAIN MOTION TO ADOPT F.O.F. (FZC-16-12) 6:19 pm** | Heim made a motion seconded by Schlegel to adopt Staff Report FZC-16-12 as Findings-of-Fact. |
| **BOARD DISCUSSTION 6:19 pm** | Larsen asked if the Riverdale Committee had commented on Finding 2 regarding the "mixed use".<br>Mack stated no. |
| **ROLL CALL TO ADOPT F.O.F.** | On a roll call vote the motion passed unanimously. |

**6:20 pm**

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| **MAIN MOTION TO RECOMMEND APPROVAL (FZC-16-12) 6:20 pm** | Schlegel made a motion seconded by Heim to adopt Staff Report FZC-16-12 and recommend approval to the Board of County Commissioners. |
| **BOARD DISCUSSION 6:21 pm** | None |
| **ASK THE QUESTION 6:21 pm** | The question was asked. |
| **ROLL CALL TO RECOMMEND APPROVAL (FZC-16-12) 6:21 pm** | On a roll call vote the motion passed 6-1 with Sirucek dissenting. |
| **DAVID & ANNA MARIE BAILEY (FZC-16-13) 6:21 pm** | A zone change request in the Rural Whitefish Zoning District by David and Anna Marie Bailey. The proposal would change the zoning on two parcels containing approximately 9 acres from SAG-10 (*Suburban Agricultural*) to SAG-5 (*Suburban Agricultural*). The parcels are located at 121 and 135 Whitefish Lookout Road, near Whitefish, MT. The proposal would change the zoning on only the portion of the two parcels that lies south of Whitefish Lookout Road.<br><br>Larsen recused himself from this agenda item. |
| **STAFF REPORT 6:22 pm** | Mack reviewed Staff Report FZC-16-13 for the Board. |
| **BOARD QUESTIONS 6:25 pm** | None |
| **APPLICANT PRESENTATION 6:25 pm** | Dave Bailey-846 Bitterroot Dr., Marion stated he owns the property. He gave some history of the surrounding area. |

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| **BOARD QUESTIONS 6:28pm** | None |
| **AGENCY COMMENTS 6:28 pm** | None |
| **PUBLIC COMMENT 6:28 pm** | Kevin Murphy-3000 Big Mountain Road, Whitefish stated he was the manager of Ptarmigan Village. He stated that Whitefish Lookout Road is not a paved two-lane county road and the county does not maintain or plow it as stated in the staff report. He also wanted the record to reflect that Ptarmigan Village operates a wastewater treatment plant. |
| **APPLICANT REBUTTAL 6:31 pm** | None |
| **BOARD QUESTIONS 6:31 pm** | Heim asked if there were signed indicating that a wastewater treatment plant was operating.<br><br>Murphy said yes. |
| **STAFF REBUTTAL 6:31 pm** | None |
| **BOARD QUESTIONS 6:31pm** | None |
| **MAIN MOTION TO ADOPT F.O.F. (FZC-16-13) 6:32 pm** | Stevens made a motion seconded by Horn to adopt Staff Report FZC-16-13 as Finding of Fact. |
| **BOARD DISCUSSION 6:32 pm** | The Board discussed the road stating the paving considerations would come with development of the land. |
| **ASK THE QUESTION 6:33 pm** | Sirucek asked the question. |

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| **ROLL CALL TO ADOPT F.O.F. (FZC-16-13) 7:22pm** | On a roll call vote the motion passed unanimously. |
| **MAIN MOTION TO RECOMMEND APPROVAL (FZC-16-13) 6:34pm** | Stevens made a motion seconded by Sirucek to adopt Staff Report FZC-16-13 and recommend approval to the Board of County Commissioners. |
| **BOARD DISCUSSION 6:35 pm** | Stevens stated he had never seen a request to split a parcel done with a zone change. He addressed the comment from Whitefish stating that due to the road splitting this property he felt it was a special circumstance. |
| **ASK THE QUESTION 6:36 pm** | Heim asked the question. |
| **ROLL CALL TO RECOMMEND APPROVAL 6:36 pm** | On a roll call vote the motion passed unanimously. |
| **CURTIS LUND (FZC-16-14 6:37 pm** | A zone change request in the Evergreen Zoning District by Jackola Engineering and Architecture, on behalf of Curtis Lund. The proposal would change the zoning on the portion of the property containing approximately 2.4 acres of R-5 *(Two Family Residential)* to RA-1 *(Residential Apartment)*. The property is located at 2149 Highway 2 East in Evergreen. |
| **STAFF REPORT 6:38 pm** | Ezell reviewed the Staff Report FZC-16-14 for the Board. |
| **BOARD QUESTIONS 6:40 pm** | Larsen asked about traffic studies for the zone change.<br><br>Ezell stated if they developed the land with apartments it would be addressed at that time. |

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| **APPLICANT PRESENTATION 6:43 pm** | Rory Young-2250 Highway 93 S., Kalispell-Jackola Engineering and Architecture stated he represents the applicant and was available to answer any questions. |
| **BOARD QUESTIONS 6:43 pm** | None |
| **AGENCY COMMENTS 6:45 pm** | None |
| **PUBLIC COMMENT 6:45 pm** | None |
| **BOARD QUESTIONS 6:45 pm** | None |
| **APPLICANT REBUTTAL 6:45 pm** | None |
| **STAFF REBUTTAL 6:45 pm** | None |
| **BOARD DISCUSSION 6:46 pm** | None |
| **MAIN MOTION TO ADOPT F.O.F. (FZC-16-14) 6:46 pm** | Stevens made a motion seconded by Larsen to adopt Staff Report FZC-16-14 as Findings of Fact. |
| **BOARD DISCUSSION 6:46 pm** | Sirucek brought up the fact that Interstate Lane takes a turn and the entrance from Highway 2 is not clearly marked or the lane properly striped. There is also an entrance to the Franz Bakery but the roadway is not within a road easement but is a utility easement for the benefit of the bakery. A document with a proposed finding and mitigation was provided but the finding |

was rescinded after discussion.

**ASK THE QUESTION 7:02 pm**

Larsen asked the question.

**ROLL CALL TO ADOPT F.O.F. 7:02 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION TO RECOMMEND APPROVAL (FZC-16-14) 7:03 pm**

Stevens made a motion seconded by Larsen to adopt Staff Report FZC-16-14 and recommend approval to the Board of County Commissioners.

**BOARD DISCUSSION 7:03 pm**

John Christian-502 Mountain View Dr, Kalispell stated he has been associated with the church for the past 25 years and Interstate Lane has never been striped.

Michael Hance-20 Mountain Timbers Ct, Columbia Falls stated he is the pastor of the Church. The church is in a purchase agreement with Lund, if the application goes through the church would be relocated.

**ASK THE QUESTION 7:08 pm**

Stevens asked the question.

**ROLL CALL TO RECOMMEND APPROVAL (FZC-16-14) 7:09 pm**

On a roll call vote the motion passed unanimously.

**COMMENTS FOR THE RECORD 7:09 pm**

Stevens commented on the emails received, specifically that the sender's had used Department of Agriculture email to send a personal opinion on this zone change. He wanted this reflected in the record.

**CURTIS LUND (FZTA-16-02) 7:11 pm**

A request by Jackola Engineering and Architecture, on behalf of Curtis Lund for a zoning text amendment to the RA-1 zoning district. The applicant is requesting the proposed amendment to

increase the maximum height of the principal structure from 35 feet to 45 feet as they are currently applying for a zone change to RA-1 on property located at 2149 Highway 2 East in Evergreen, Montana, for the purpose of constructing a three story apartment building with a pitched roof which would require an additional height allowance.

**STAFF REPORT 7:11 pm**

Ezell reviewed the Staff Report FZTA-16-02 for the Board.

**BOARD QUESTIONS 7:15 pm**

Larsen stated that the reason Columbia Falls is opposed to the increase to 45 feet height was that they did not have a ladder truck that could service a building that tall.

Larsen asked if there was RA-1 in Columbia Falls.

Ezell stated no.

The Board discussed this issue at length.

**APPLICANT PRESENTATION 7:23 pm**

Rory Young-2250 Highway 93 S., Kalispell-Jackola Engineering and Architecture stated he would answer any questions.

**BOARD QUESTIONS 7:23 pm**

None

**AGENCY COMMENTS 7:23 pm**

None

**PUBLIC COMMENT 7:24 pm**

None

**APPLICANT REBUTTAL 7:24 pm**

None

**STAFF REBUTTAL 7:24 pm**

None

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| **MAIN MOTION TO ADOPT F.O.F. (FZTA-16-02) 7:24 pm** | Sirucek made a motion seconded by Schlegel to adopt Staff Report FZTA-16-02 as Findings of Fact. |
| **BOARD DISCUSSION 7:24 pm** | None |
| **ASK THE QUESTION 7:24 pm** | Sirucek asked the question. |
| **ROLL CALL TO ADOPT F.O.F. (FZTA-16-02) 7:25 pm** | On a roll call vote the motion passed unanimously. |
| **MAIN MOTION TO RECOMMEND APPROVAL (FZTA-16-02) 7:25 pm** | Schlegel made a motion seconded by Larsen to adopt Staff Report FZTA-16-02 and recommend approval to the Board of County Commissioners. |
| **BOARD DISCUSSION 7:25 pm** | Stevens talked about the need for affordable housing in the area. |
| **ASK THE QUESTION 7:26 pm** | Sirucek asked the question. |
| **ROLL CALL TO RECOMMEND APPROVAL (FZTA-16-02) 7:27 pm** | On a roll call vote the motion passed unanimously. |
| **OLD BUSINESS 7:33 pm** | Mussman went over the Supreme Court of the State of Montana decision regarding B-2HG zoning in Flathead County. |

**NEW BUSINESS**
**7:36 pm**

Mussman talked about the South Whitefish Corridor Text Amendment and zone change on the January agenda.

The Board discussed the short term rental text amendment brought up by Wirtala. It was decided that the text amendment would go to the Board without a workshop.

**ADJOURNMENT**
**8:00 pm**

The meeting was adjourned at approximately 8:00 pm on a motion by Schlegel. The next meeting will be held on January 11, 2017 at 6:00 pm.

Jeff Ahman For

Marie Hickey-AuClaire, Chairman

D. Thornton

Danene Thornton, Recording Secretary

*APPROVED AS SUBMITTED/ CORRECTED: ___/____/ 16*