

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JANUARY 10, 2007**

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 Barry Conger, Michael Mower, Kathy Robertson, Kim Fleming, Don Hines, Randy Toavs, and Gene Dziza. Gordon Cross and Frank DeKort had an excused absence. Rebecca Shaw, Traci Tull and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were approximately 8 people in the audience.

**APPROVAL OF
MINUTES**

Fleming made a motion seconded by Robertson to approve the December 6, 2006 meeting minutes.

The motion was carried by quorum.

Robertson made a motion seconded by Fleming to approve the December 11, 2006 meeting minutes.

The motion was carried by quorum.

Robertson pointed out a correction to be made to page 4 of the December 13, 2006 meeting minutes.

Fleming made a motion seconded by Robertson to approve the December 13, 2006 meeting minutes as corrected.

The motion was carried by quorum.

**ELECTION OF
BOARD
MEMBERS**

Fleming nominated Gene Dziza for President of the Board.

Fleming nominated Gordon Cross for Vice-President of the Board.

Hines nominated Kathy Robertson for Vice-President of the Board.

Hines made a motion seconded by Toavs to elect Dziza as President of the Board.

The motion was carried by quorum.

Hines made a motion seconded by Fleming to elect Cross as Vice-President of the Board.

**INTRODUCTION
OF NEW BOARD
MEMBERS
PUBLIC REVIEW**

Dziza welcomed Mower and Conger to the Board.

Dziza reviewed the public hearing process.

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

Charles Lapp, 3230 Columbia Falls Stage Rd, said the Flathead Building Association has started a new program where they are going to have a liaison to go to the meetings that have to do with impact fees and subdivision regulations. He said he has been appointed to that position.

**PRELIMINARY
PLAT/
COTTAGE LANE
(FPP 06-59)**

A request by Tungsten Holdings, Inc. for Preliminary Plat approval of Cottage Lane Estates, a five (5) lot single-family residential subdivision on 10.82 acres. Lots in the subdivision are proposed to have individual water and septic systems. The property is located off Highway 2 West in Kila, and can legally be describe as Tract 9BDA in Section 5, Township 27 North, Range 22 West, P.M.M., Flathead County, Montana.

STAFF REPORT

Rebecca Shaw reviewed Staff Report FPP 06-59 for the Board.

**BOARD
QUESTIONS**

Fleming asked about having a garbage hauler in that district.

Shaw said there is a garbage hauler in that district.

APPLICANT

Khris Caister, Flathead Geomatics, said he wanted to take out the condition about the contract hauler. He said the condition suggests that the subdivider will contract with a hauler and it seems the owners should have to contract with a hauler. He said there were a couple of options they could pursue for wildlife litigation.

Toavs asked if there were two wells on the property.

Kaister said yes.

Toavs asked if the wells were dry.

Kaister said there are 3 wells on the property and one is dry.

The applicant said the wells are 343-360 feet deep and the dry well is the old historic well.

Toavs asked where the dry well is.

The applicant said it was right out by the road, and it was 40 or 50 feet deep.

Toavs asked if the wells are close to the cul-de-sac.

The applicant said yes, and they produced 10-15 gallons per minute, both pumped at the same time.

Tim Rooney, Tungsten Holdings, asked what it meant to have the driveways paved and if they could state the buyer would pave the driveway.

Shaw said they could state on the final plat that the buyer would pave the driveway.

AGENCIES

None present.

**PUBLIC
COMMENT**

Cindy Ercoline, PO Box 348 in Kila, thanked the Planning Board for sending out letters addressing the subdivision. She owns the property right across from Cottage Lane and she has lived in Kila since 1979. She said the heron rookery has definitely been established since 2004. Ercoline said the herons have been coming for years and years and the previous owner had owned the property since 1964. She would appreciate, and request, the Planning Board get an agreement with Tungsten Holdings to put in a community water system. She is concerned about the old wells and the amount of water they could produce.

Valerie Kurtzhalts, PO Box 688 in Kila, represented the Kila-Smith Lake Community Development Coalition. She feels very ironic coming to talk about this subdivision because they feel that this is exactly where development should happen, but unfortunately this specific parcel has herons on it. She said the herons need to have a secure upland habitat and the large trees on this parcel provide that for the birds. She said there are no similar size forests around this area and Kila families have watched these birds for years and have grown used to having the blue herons in Kila. She said maintaining the rookery would benefit Montana Fish Wildlife & Parks, the Montana Natural Heritage Program, and the Flathead Chapter of the American Bird Conservancy. She said as Kila comes up with a neighborhood plan, these issues will be addressed and mitigation and buffering will be involved in the process. She asked the developer to hire a bird biologist to study the site and to also have the Fish, Wildlife, & Parks study the site to see what the best option would be. She said they don't know enough about the rookery to make a decision yet. In the environmental assessment, the rookery wasn't even mentioned and she wants the Planning Board to hold off on a decision until they can learn more about the rookery.

Rooney said they would be willing to meet with Fish, Wildlife, & Parks as part of the mitigation and said creating some park land would be a possibility.

**STAFF
REBUTTAL**

Shaw suggested condition 19 be changed to read the Covenants, Conditions, and Regulations shall require a contract with a solid waste hauler [Section 3.16(A)]. The waste containers shall be completely bear and wildlife proof, as defined by the Montana Department of Fish, Wildlife, and Parks.

Harris said one of the reasons why the solid waste district was coming

on so strong on contract haul is because they are talking about moving the green box sites and they are looking for an alternative to hauling garbage.

**APPLICANT
REBUTTAL**

None

**BOARD
DISCUSSION**

None.

MAIN MOTION

Fleming made a motion seconded by Hines to adopt Staff Report FPP 06-59 as findings of fact and recommended approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

Fleming said when the Board was working on the Growth Policy, she met with Dave Prunty and he was very adamant about having the conditions stating there will be contract haulers. Fleming said since they just received information on the rookery that night she didn't think they were prepared to make a decision about the wording on the buffers and setbacks.

Dziza said the applicant should follow the recommendation of Fish Wildlife, & Parks.

Robertson said they should work with Fish Wildlife & Parks to determine where the rookery is as well as providing a plan for protection of the rookery.

Harris said they would accept a letter from Fish Wildlife & Parks saying they have met an agreement with the developer to satisfy that condition.

The applicant asked if Fish Wildlife & Park would be able to define the rookery.

**MOTION ADD
CONDITION #25**

Robertson made a motion, seconded by Hines to add Condition #25 to read: The applicant shall work with Fish, Wildlife and Parks to identify location of the heron rookery and provide a protection plant. A letter shall be submitted stating that the requirements have been met prior to final plat.

**BOARD
DISCUSSION**

Toavs how much land would have to be designated for a park.

Kaister said 1/2- acre.

Toavs discussed the setbacks and where they would be on the map.

Dziza said at this point the Fish, Wildlife, & Parks will have to do their observation to determine where the rookery is located.

Robertson doesn't think there needs to be a park, but wherever the

rookery is located needs to be defined as such, and it could be sections on each lot.

Toavs asked if the whole subdivision would get denied if the whole thing was a rookery.

Shaw didn't think so.

Robertson restated her motion.

Mower said he is familiar with the herons and even if they set up a 1/2-acre for them, that the birds would probably not stick around. He said that they are shy birds and very hard to get close to.

Dziza said this rookery is a very rare occasion, but they don't have all the information tonight.

**ROLL CALL TO
ADD CONDITION
#25**

On a roll call vote the motion passed unanimously.

**MOTION TO ADD
CONDITION #26**

Robertson made a motion seconded by Fleming to add condition #26 to read: A statement shall be placed on the face of the final plat to say that the lots shall not be further subdivided no further subdividing.

**ROLL CALL TO
ADD CONDITION
#26**

On a roll call vote the motion passed unanimously.

**MOTION TO ADD
CONDITION #27**

Hines made a motion, seconded by Robertson to add condition # 27 to read: A community water system shall be installed utilizing the two existing wells.

**BOARD
DISCUSSION**

Fleming asked if the public water system could be two wells because they just put two wells on the property. In her opinion a community well is one well not connected.

Hines said he doesn't want to see more holes dug in the ground and said there are water issues in Kila that have been going on for years.

Fleming asked if he could amend his condition stating there shall be no more than two wells.

Hines asked if they could tie the two wells together instead of punching in any more wells.

The applicant said they have already been approved by the DEQ for five well sites.

Hines said it has been standard practice ,for over a year, for the Board

to require community well systems.

Dziza said if there are 2 wells flowing at 15 gallons per minute that would provide sufficient water for five homes.

Harris thought the requirements were eight gallons per lot. He also wanted to respond to the DEQ approval comment and said even though they have DEQ approval they are not asking for water system approval; they are asking for a subdivision approval. Putting a community water system on the plat would be ok, and they might have to go back to DEQ to get approval. Harris said just because the applicants have DEQ approval it should not sway the Board's judgment at all.

Dziza said the motion is to require a community system, which may include the two existing wells on the property.

Hines would like to add that the two wells be included in the community system to his motion.

**ROLL CALL TO
ADD CONDITION
#27**

On a roll call vote the motion passed unanimously.

**MOTION TO ADD
CONDITION #28**

Toavs made a motion, seconded by Fleming to reword condition # 8 to read to read: The Covenants, Conditions and Regulations shall require that all structures shall be 20 feet from front and rear and 10 feet from side right-of-ways or property lines, whichever is closest, and the building line.

ROLL CALL

On a roll call vote the motion passed unanimously.

**MOTION TO
AMEND
CONDITION #19**

Hines made a motion, seconded by Toavs to modify Condition #19 to read: The Covenants, Conditions and Regulations shall require a contract with a solid waste hauler. [Section 3.16(A)]. The waste containers shall be completely bear and wildlife proofed, as defined by the Montana Department of Fish, Wildlife, and Parks.

**ROLL CALL TO
AMEND
CONDITION #19**

On a roll call vote the motion passed unanimously.

**MAIN MOTION
ROLL CALL**

On a roll call vote the motion passed unanimously.

OLD BUSINESS

Hines said they have Board appointments for the Planning Board

member on the Long Range Planning Task Force which he has been on. He asked if anyone would like to step up into that position or if they wanted to keep him in that position.

Fleming asked how much time that position takes.

Hines wasn't sure because he hasn't gone to a meeting since August because of personal matters. He said there are a lot of issues with the city that they need to keep tabs on.

The Board discussed at length the tasks of the person appointed to the Long Range Planning Task Force.

Harris said they should officially appoint someone to the task force.

Hines said he was voted in when Lapp stepped down.

Robertson made a motion seconded by Toavs to elect Hines as the Long Range Task Force member.

The motion was carried by quorum.

Dziza said Robertson and Conger had both volunteered to be an alternate on the task force.

Robertson said she was fine with Conger doing it.

Fleming made a motion, seconded by Robertson to elect Conger as the alternate to the long range task force.

The motion was carried by quorum.

Fleming said they Board should keep tabs on the properties so the rookery issues don't come up again by surprise.

Robertson was concerned that the Conservation District hadn't commented about River Vista so she called them and she got a statement emailed to her. She emailed it to Tull so she would have it in her report.

Toavs said he hasn't been receiving emails.

Fleming said she would prefer if everybody made their own motion.

NEW BUSINESS

Conger said it was an honor to be at the board.

Harris had two things he wanted to discuss. He handed out a list of what the Planning Board did for the calendar year. He explained they were down since 2005 and discussed the growth of the valley. He then handed out some legislative bills and discussed, at length, how that

would affect the Planning Board. He asked the Planning Board if they would like to be updated regularly on the issues, and the Board said yes.

Dziza asked what was going on with the retreat.

Harris said it was set up for January 24, 2006 from 4-8 pm with dinner at 6 pm He said it was at Vista Linda and that the Board of Adjustment had been invited.

Dziza asked if the Planning Office could request the applicant to supply a one page letter with directions to the site.

Harris has asked the applicants and it is in the new subdivision regulations. He told the Board about some big items that were going to be on their agenda soon.

Dziza asked what Board members are on the impact fee committee.

Fleming and Robertson said they both are.

Fleming gave a report on the last impact fee committee meeting.

ADJOURNMENT

The meeting was adjourned at 7:25 p.m. on a motion by Robertson seconded by Hines. The next meeting will be held at 6:00 p.m. on February 14, 2006.

Gene Dziza, President

Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 2/14/07