

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
JANUARY 9, 2008**

**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 Rita Hall, Randy Toavs, Marc Pitman, Mike Mower, Gordon Cross, Gene Dziza, and Frank DeKort. Andrew Hagemeyer and Jeff Harris represented the Flathead County Planning & Zoning Office.

There were approximately 5 people in the audience.

**MOTION TO  
ELECT  
CHAIRMAN**

Dziza made a motion seconded by DeKort to elect Gordon Cross as Chairman of the Flathead County Planning Board.

**ROLL CALL TO  
ELECT  
CHAIRMAN**

On a roll call vote the motion passed unanimously.

**MOTION TO  
ELECT VICE-  
CHAIRMAN**

DeKort made a motion seconded by Cross to elect Randy Toavs as Vice-Chairman of the Flathead County Planning Board.

**ROLL CALL TO  
ELECT VICE-  
CHAIRMAN**

On a roll call vote the motion passed unanimously.

**PUBLIC REVIEW**

Gordon Cross reviewed the public hearing process.

**APPROVAL OF  
MINUTES**

Dziza made a motion seconded by DeKort to approve the November 28, 2008 meeting minutes.

The motion was carried by quorum.

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

Don Hines, 2400 Hwy 93 South welcomed the new Planning Board members.

**PRELIMINARY  
PLAT/**

A request by Rock Partners, LLC, for Preliminary Plat approval of the Re-subdivision of Lots 1 and 2 of the Amended Plat of The

**THE ROCK  
(FPP 07-28)**

Rock subdivision, a four lot commercial subdivision on 10.80 acres. Lots in the subdivision are proposed to have shared wells and sewer systems. The property is located at 11 and 37 Arcadia Way.

**STAFF REPORT**

Andrew Hagemeyer reviewed Staff Report FPP 07-28 for the Board.

**BOARD  
QUESTIONS**

Toavs asked why the Board couldn't condition the hole being filled in to the height of the road.

Hagemeyer said Staff tried to address the effects on the natural grade and doesn't want to set precedence for people filling in shallow ground and building on top of it.

Mower asked about the depression getting filled up in the winter.

Hagemeyer said it not a wetland and there is no evidence proving it will fill up with water in the winter.

Pitman said there will have to be a drainage plan.

DeKort asked Staff to go into further detail about the catch basins.

Hagemeyer discussed the catch basins and handed out information to the Board on the basins. He said one has a filter and one doesn't.

Cross asked about the easement from the airport.

Hagemeyer said the airport supplied Staff with a map showing what areas they wanted easements for.

Harris said the navigation easement deals with the airspace above the footprint of the parcel. The easement allows airplanes to fly about 5000 feet about houses.

Toavs asked if condition 19 addresses curbing and guttering both sides of the roads or just the North side.

Hagemeyer said just the North side.

DeKort asked if there was a shallow aquifer in the area.

Hagemeier said he was making the assumption that shallow ground water was a result of a shallow aquifer.

**APPLICANT  
PRESENTATION**

Olaf Irvin, Montana Mapping, represented the applicant. He thanked the Staff and said it was a positive project. He agreed with everything in the Staff Report and said many of the conditions were proposed by the applicant. He said condition 19 regarding the road is already in existence and curbs and gutters wouldn't help with drainage. He said the ditch on the North side could be reworked to help with drainage. Condition 22 references condition 19 so both the conditions should be changed. He said the Board will start to see conditions from the airport more often because the airport wants to make sure there are no lawsuits for airplanes flying over the homes. He said the airport hasn't come up with a final document they wanted signed. He said the applicant will fill the depression before there is any development and will take about 2 ½ to 3 feet to fill.

Cross asked how the catch basins were supposed to keep the run off water from getting contaminated.

Irvin said since it is a commercial subdivision, an engineered storm water drainage plan is required to be submitted. All the storm water run off will go through the same process.

DeKort asked what the reasoning was for two septic and two wells.

Irvin said it was a suggestion from Staff to put the septic systems as far away from the shallow ground water as possible.

**PUBLIC  
COMMENT**

Don Hines, 2400 Hwy 93 S. said there is a FFA form that looks at any development within 50,000 feet of the airport.

Hagemeier said it is written into one of the conditions.

**APPLICANT  
REBUTTAL**

None.

**STAFF  
REBUTTAL**

Hagemeier said the Staff Report was written before the catch basin issue on the road was brought up. He said in this instance the property is a hole so fill might be appropriate but Staff doesn't want fill to be a solution to all shallow ground water issues. The septic system in the area of the high ground water was Staff's idea.

- MOTION TO ADOPT F.O.F.** DeKort made a motion, seconded by Dziza to adopt Staff Report FPP 07-28 as findings of fact.
- MOTION TO AMEND F.O.F. 8** DeKort made a motion seconded by Dziza to amend finding of fact 8 to state: Advanced catch basins may become sources of pollution if they do not receive routine maintenance.
- ROLL CALL TO AMEND F.O.F. 8** On a roll call vote the motion passed unanimously.
- MOTION TO ADD F.O.F. 13** Toavs made a motion seconded by DeKort to add finding of fact 13 to state: Staff acknowledges the property to the north is prime development property.
- ROLL CALL TO ADD F.O.F. 13** On a roll call vote the motion passed unanimously.
- ROLL CALL TO ADOPT F.O.F.** On a roll call vote the motion passed unanimously.
- MOTION TO RECOMMEND APPROVAL** Dziza made a motion seconded by Toavs to recommend approval of FPP 07-28.
- BOARD DISCUSSION**
- Toavs said he is concerned about the catch basins and the road along Hwy 2. He said the catch basins might be over looked and set aside and cause more damage then good. He said it would be nice to have a straight road instead of a cul-de-sac everywhere.
- Pitman asked if the Health Department reviewed the catch basins yet.
- Hagemeier said the Health Department isn't in the business of monitoring catch basins. The applicants and owners would do the monitoring.
- Dziza said it might be better to direct the storm water into the ground instead of putting it into the catch basins.
- Pitman asked if the applicant would have a problem if the Board gave a base elevation.
- Irvin said that would be fine.
- Pitman said there will need to be a storm water drainage plan that will address the issues.

**MOTION TO  
ADD  
CONDITION 29**

Toavs made a motion seconded by Pitman to add condition 29 to state: The remaining property shall be filled to an engineered certified post-construction elevation vertically even with Arcadia Way. Evidence of engineer's certification shall be submitted with application for final plat.

**ROLL CALL TO  
ADD  
CONDITION 29**

On a roll call vote the motion passed 6- 1 with DeKort dissenting

**MOTION TO  
DELETE  
CONDITION 19**

Dziza made a motion seconded by Mower to delete unique condition 19. ~~Arcadia Way must be upgraded to include curb and guttering to direct all stormwater to advanced catch basins along the northern side of the road. These improvements must in place prior to final plat.~~

**ROLL CALL TO  
DELETE  
CONDITION 19**

On a roll call vote the motion passed 5-2 with DeKort and Hall dissenting.

**MOTION TO  
DELETE  
CONDITION 20**

Dziza made a motion seconded by Toavs to delete condition 20. ~~The design of the stormwater management system must utilize advanced catch basins capable of removing sediments and oils to treat all stormwater. This stormwater management system must be in place prior to final plat.~~

**ROLL CALLT O  
DELETE  
CONDITION 20**

On a roll call vote the motion passed 6-1 with DeKort dissenting.

**MOTION TO  
DELETE  
CONDITION 18**

Dziza made a motion seconded by Mower to delete condition 18. ~~All new roads must be built with curb and guttering that directs all stormwater to advanced catch basins. These improvements must be in place prior to final plat.~~

**ROLL CALL TO  
DELETE  
CONDITION 18**

On a roll call vote the motion passed 5-2 with Hall and DeKort dissenting.

**MOTION TO  
AMEND  
CONDITION 21**

Toavs made a motion seconded by Dziza to amend condition 21 to state: Storm-water systems must be inspected and signed off on by a licensed engineer, this letter must be included in the final plat application.

**ROLL CALL TO  
AMEND  
CONDITION 21**

On a roll call vote the motion passed 5-2 with Hall and DeKort dissenting.

**MOTION TO  
AMEND  
CONDITION 22**

Dziza made a motion seconded by Toavs to amend condition 22 to state: All internal subdivision roads shall be certified by a licensed engineer and constructed in accordance with the Flathead County Minimum Standards for Design and Construction.

**ROLL CALL TO  
AMEND  
CONDITION 22**

On a roll call vote the motion passed unanimously.

**MOTION TO  
AMEND  
CONDITION 11**

Cross made a motion seconded by DeKort to amend condition 11 to state: No further subdivision of all lots in the Rock Re-Subdivision of Lots 1 and 2.

**ROLL CALL TO  
AMEND  
CONDITION 11**

On a roll call vote the motion passed unanimously.

**MOTION TO  
AMEND  
CONDITION 7**

Toavs made a motion seconded by Dziza to amend condition 7 to state: The applicant shall comply with reasonable fire suppression and access requirements of the applicable fire district. If a letter from the fire chief stating that a dead end road for the frontage road is acceptable, the road shall be built to the northern property line and the cul-de-sac be eliminated. A letter from the fire chief stating that an agreement has been made shall be submitted with the application for Final Plat

**ROLL CALL TO  
AMEND  
CONDITION 7**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
ROLL CALL TO  
APPROVE**

On a roll call vote the motion passed 4-3 with DeKort, Mower and Hall dissenting.

**OLD BUSINESS  
(EAGLES  
CREST)**

Alex Hogle gave a presentation for Eagles Crest.

Trevor Schaeffer went over the slide show Staff presented. He discussed the different subdivisions and re subdivision of Eagle's Crest. The Lakeside Community Council approved the project. Starting with phase four there has been a condition that says no further subdivision of any lots. Phase 1 was 15 lots in 2002 and is currently 18 lots with a maximum of 22 lots possible. Phase 2 was approved at 27 lots and currently has 26 lots with a

maximum of 28 lots possible. Phase 3 currently has 43 lots, with a maximum of 49 lots. He said it very unlikely that the lots will be developed to the maximum. The grand total of all possible lots to be resubdivided is 12. The overall density if every single lot is subdivided is 953 lots on 2273.2 acres. That would 1 lot for every 2.39 acres.

Mower asked how many lots have been re subdivided since 2002.

Schaffer said there have been 2 lots re subdivided since 2002.

Cross asked if phases 1-3 were in the Lakeside Sewer District.

Schaffer said yes, they are. Schaffer said phase 4 and beyond have the fire suppression system in place.

Hogle asked if he had come to an agreement with the Lakeside Water and Sewer Agreement since December 12, 2007.

Schaffer said the will not serve letter was a mix up on faulty information. The mix up was fixed and there is a will serve letter now.

Hines said 3 years ago there was an open house for the Board.

Schaffer said he would love to have the Board and new members come down to look at it.

**OLD BUSINESS  
(SUB REGS)**

Harris asked how the Board wanted to precede with the subdivision regulations.

Cross discussed the process of subdivision regulations and wanted to wait until there is a full Board to schedule more meetings.

The Board discussed how they were going to move forward with the subdivision regulations after a full Board was available.

**OLB BUSINESS  
(NORTHSHORE)**

Grieve gave a presentation to the Board and discussed having a workshop with North Shore Ranch and the Board.

Toavs asked if there had to be public comment at every workshop.

Grieve said yes.

Cross asked if there have been a lot of changes to the file since it was almost presented to the Board last month.

The Board discussed having a workshop for North Shore Ranch and decided against it. The Board doesn't want to set precedence for the future.

**OLD BUSINESS  
(CONTINUED)**

Grieve said the Bigfork Steering Committee is holding a workshop of their neighborhood plan on February 7, 2008 at 7:00 at Bethany Lutheran Church.

Harris said they ordered a sound system but had to send it back. Hopefully there will be a sound system by the next meeting.

**NEW BUSINESS  
(MEETING  
SCHEDULE)**

Harris said Staff would like schedule Planning Board meetings on Wednesdays. There may be months where the Board meets every Wednesday, but they would never have to meet on any other day.

Cross said he liked having the first Wednesday of the month free.

**NEW BUSINESS  
(DATE FOR  
RETREAT)**

Harris said the Staff tries to have 2 retreats a year. He would like to have one at the beginning of the year.

The Board decided to have the retreat on February 27, 2008.

**NEW BUSINESS  
(COMMITTEE  
APPOINT)**

Harris said there need to be 2 representatives on Impact Fee Committee and the Long Range Task Force.

The Board decided to wait until there are 9 members to make any decisions about appointing committee members.

**ADJOURNMENT**

The meeting was adjourned at approximately 10:00 p.m. on a motion by DeKort seconded by Dziza. The next meeting will be held at 6:00 p.m. on January 16, 2008.

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Gordon Cross, President

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Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 2/13/08