

**FLATHEAD COUNTY PLANNING BOARD WORKSHOP  
MINUTES OF THE MEETING  
MAY 3, 2006**

**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 Charles Lapp, Don Hines, Jeff Larsen, Gene Dziza, Kathy Robertson, Frank DeKort, Randy Toavs, and Kim Fleming. Gordon Cross had an excused absence. Jeff Harris represented the Flathead County Planning & Zoning Office.

There were approximately 50 people in the audience.

**PUBLIC  
REVIEW**

Gene Dziza reviewed the hearing process for the public. He reiterated that the public comment period had been closed and unless a Board member had a question for the applicant or a staff member, there would be no public comment.

**MASTER PLAN  
AMENDMENT/  
RIVERDALE**

A request to amend the 1987 Flathead County Master Plan to include the Riverdale Neighborhood Plan. The properties are located north of Kalispell, west of US Highway 93 North and contain approximately 3800 acres.

**STAFF REPORT**

None.

**APPLICANT**

None.

**AGENCIES**

None.

**PUBLIC  
COMMENT**

None.

**STAFF  
REBUTTAL**

None.

**APPLICANT  
REBUTTAL**

None.

**MOTION**

Fleming made a motion seconded by Hines to un-table Staff Report FPMA 05-07.

**ROLL CALL**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

Lapp felt he was in a much better position to make a decision right after the public hearing. He said that's the danger of tabling a project, especially when so much time has passed since that hearing. He stated his research has not changed his thoughts that much, with the exception of the accesses on Highway 93. He wasn't sure if that needs to be dealt with at this stage, being a conceptual idea, or if that would happen at the subdivision stage. He spoke about the potential overpass on Church Drive and said this is a logical place for growth. He wondered if the Board really needed to get into the infrastructure at this stage, and also spoke about sewer and water whether it would be a municipal system or an onsite public system. He feels that would be taken care of during the development process. He agreed there are some things in the plan the Board is concerned with, but said they could "tweak" it; overall he has no heartburn with the plan.

Toavs agreed with the infrastructure part of this proposal. The meeting with the Kalispell City Planning Board helped him understand the process better and he said this would be a logical place for Kalispell to "stop". He said the commercial part of the plan is fine; it's basically commercial out there already. He said when it comes time to develop these parcels he would like a frontage road to access them instead of having a bunch of accesses onto the Highway. He sees this area as the "end of the line" for the Kalispell sewer line. He said a plan like this, with a lot of different landowners, is better because the neighbors are in agreement. He has a problem with a plan having one landowner who dictates what happens in the plan area. He would like to see all the land involved in the neighborhood plan have the support of the people that own property within it. He is not crazy about drawing a line and having a majority vote, meanwhile some of the neighbors don't want to be involved in it. He received a letter from a property owner, off of Fox Farm Road, that was in favor of the plan in the beginning, but now doesn't want to be involved. He wanted to ask the applicants if everyone in the plan is in favor. He'd like to see everybody want to be in it and support it.

Hines had heartburn with this plan in almost every category. He spoke about the Two Rivers Master Plan Amendment, and said this plan has done very little in comparison to Two Rivers. He questioned the roads and infrastructure. He said there was very little or no thought to future roadways in this plan; if it's not addressed at this point, we will end up with roads going every which way and not meeting up with each other. He said there's no traffic flow at all. He doesn't feel 5-acres set aside for a school is enough. He feels they want everything but are not willing to give and doesn't feel they have had enough public input for this proposal. He said until the applicants give a little, there is no way he can work with it. He said this plan is not for the community, it is all for them. He also feels some of the applicants are pushing this proposal more than others.

**BOARD  
DISCUSSION  
CONTINUED...**

Dziza feels the challenge with planning is always “looking out”. The Board’s job is to look out 5-10 years and decide what’s appropriate and where. He stated this is a big piece of property and the development won’t build-out that quickly, though the infrastructure has to precede it. He hadn’t heard much criticism of the plan; the biggest concern he has heard has been the commercial areas. He commented on the sewer and felt it would go to this area with or without approval from the Board. He said it’s not that big of a stretch when you have that much open/undeveloped property. He said this isn’t a bad plan and they did a real good job compared to other plans he has seen in the past. Personally, he feels it is a good plan and is in a good location. He stated the infrastructure will end up there, even without this.

Robertson agreed with a lot of what Dziza stated and had a few comments of her own. She stated the total number of acreage is just under 3800, but there was no mention of open space or parkland. The other issue she had was the 150 acres designated as residential with a maximum density of four (4) units per acre. If you look in the Master Plan definitions, the urban residential section is two (2) to eight (8) units, and she feels very strongly this is not an urban area. She objects to the designation stating this area is urban. She said the Master Plan is outdated and she can’t look at this huge proposal with the current plan, not knowing within 6 months if it will be consistent with the new Growth Policy. She feels the Board should wait until the new Growth Policy is adopted. She spoke about the criteria for a neighborhood plan as written in the current Master Plan, and reiterated the fact that the Board needs to be considering this plan based on that current criteria. She read some comments from the March 8 & 15 2006 minutes and stated this plan hasn’t complied with the criteria set forth for Master Plan Amendments. She feels that is a good guideline and should at least be addressed.

Fleming feels this plan is an attempt to have zoning without public hearings. She stated a great amount of this property is zoned, and any one of those property owners can come in and ask to be rezoned. At that time, notice would be sent to neighbors and a notice would appear in the newspaper, alerting people what was happening in their area. The Board would evaluate the criteria to see if it was a proper thing to rezone. If the Board were to adopt this, our hands would be tied and there isn’t going to be as much debate about it. She expects the landowners to act quickly and come in with zone changes, especially commercial. If the Board approves this plan and then sees applications come in for commercial, this Board cannot tell them at that time they are not allowed to have the zone request, when a plan like this implies they can. She referenced the Two Rivers Master Plan Amendment and the zone change requests for that area. She is not ready to embrace commercial up and down that whole area. She stated even the uses are pretty large, not a small business. She commented about how the MDOT is slow and the roads will not be in

**BOARD  
DISCUSSION  
CONTINUED...**

place for a long time. She feels the Board can not put all those things in place, especially commercial development, with no way to monitor the traffic; that is irresponsible planning. She would like the infrastructure to be in place before she can support this proposal. This was a problem for her the first time around. She discussed the emergency services and what a problem it would be for the fire and police to take care of all these people and how it isn't fair to make the city pay for the services without having the area annexed into the city. Without a plan for infrastructure on the ground, it is not fair to say the Board will take care of the issues as they come in one by one. She would like a road grid shown on a map so everyone knows where they will be before submitting an application. She also feels this plan does not conform to the current Master Plan; as long as this is the plan we have to conform to it. She stated there is no statement in the plan showing they will provide a frontage road with only one access to Church Road. She doesn't like the idea of having a bunch of roads coming out onto Highway 93. She said commercial developments would be here quickly, and the Board may never see anything come of residential developments. If there are homeowners out there that would like to divide their properties they can come in right now, as they are zoned, and ask to be re-zoned and evaluated on the criteria; we don't have to allow 320 commercial acres along the highway.

Lapp wanted to address the criteria they have to adhere to. He understood all the Master Plan Amendments, submitted prior to the County Commissioners placing the criteria that Robertson had mentioned, would be evaluated under the process in place at that time. He stated the reason the County Commissioners came up with the criteria was due to the fact that they didn't want to put a moratorium on Master Plan Amendments. He understood the amendments already submitted, this being one, were to be evaluated and handled according to how they were handled in the past. That's how they would be handled all the way through. He doesn't think it's fair to tell the applicants we're going to change the rules on them.

Robertson stated the criteria was a very good guide and recommended the Board review it.

Lapp feels it is a good checklist, but the application was submitted under one set of guidelines and the Board needs to follow through based on that. Concerning the road issues, he feels the applicants have somewhat of a roadmap in the plan. It's kind of basic, and could use some adjustments, but they need to adhere to the plan. He stated the sewer and water is already on the way out there and feels there is already a plan, by the city, to annex this area.

Dziza asked Johna Morrison, of Schwarz Engineering, about the declared right-of-ways and the future right-of-way corridor.

**BOARD  
DISCUSSION  
CONTINUED...**

Morrison stated the declared right-of-way is not built. They are actual right-of-ways, which exist right now, but the roads are not built. Future right-of-way corridors are where they plan to connect the existing roads. She pointed out the areas on the map.

Toavs referenced Cooper Farms and feels one landowner is developing that neighborhood plan and creating a neighborhood. He said with so many landowners in the Riverdale Neighborhood Plan, they might want to do one thing today and someday change their mind. We need to give them some lead-way so they can develop their land how they want.

Robertson asked how many landowners are involved.

Morrison stated 38.

Robertson said they need a concept of how it will blend together. She wants a conceptual plan.

Fleming stated in Whitefish, they had a road grid all around the city and beyond so all the roads would line up as people developed their land. If we had a plan, so people knew ahead of time where the roads would be, they would be able to plan ahead. There has to be a grid to get cars moving; we have to think ahead.

Lapp commented about the roads and questioned other neighborhood plans. He stated the plans that have been approved in the past really didn't have all the roads planned out.

The Board discussed the roads and what is expected of the applicant when submitting their application.

Dziza asked how Lapp feels about the commercial development.

Lapp said he doesn't know what people want. He feels it is in an appropriate place for this plan. He referenced some of the commercial areas along the highway and how nice they look; he feels it's a good place for it.

Dziza feels people don't want to see commercial development anywhere. He is hearing people just don't want commercial in that area.

Dziza asked Harris about the concerns regarding rezoning of the area and what sort of timeline we would be looking at.

Harris stated if the plan is approved, and an applicant would come forward with a request, consistent with the plan, and we would process that request. That doesn't mean we will support that request, because not only is it a land use designation implementation to zoning issue,

**BOARD  
DISCUSSION  
CONTINUED...**

it's a timing function. If there are no public facilities out there to support an intensive zone change, we can not, in good faith, support the proposal at that time. When public facilities extended to a particular parcel, or are anticipated to be out there in a very short time frame, that would be a more appropriate time to entertain a zone change. A simpler way to say it is, if a land use category is an intensive land use requiring sewer, but there is no plan to get sewer out there for 10 years, then it's premature to zone it to that use. If the sewer is available, or if it's within a service area where it's expected to be within the next several years, then we would take another look at it and probably support it. It's a timing issue.

Toavs asked if the Board were to pass this, wouldn't anything approved right now have to comply with the new Growth Policy? This would be reviewed by staff to make sure it is consistent and compliant with the new Growth Policy. He said this would have to be changed to comply with that.

Harris agreed.

They discussed issues the Board may be concerned, which would have to be reviewed to be sure it is compliant and consistent with the new Growth Policy.

Robertson stated if the plan does not comply, the County Commissioners would have to send it back to the Planning Board.

Hines asked about the Board's options.

Harris stated they could act on it as follows: approve, deny, approve with recommended changes, continue it to a time certain, or table it forever or until the Growth Policy is in place. There are a number of options.

Hines asked what process the Board would have to take so the public could have more input; they don't want to kill it completely.

Harris doesn't suggest pulling it and there doesn't seem to be a desire to pull it though he wouldn't speak for the applicant. He feels the Planning Board will see this plan again regardless of what they do with it. They can either put it on hold and wait for the Growth Policy to catch up to it or pass it on to the County Commissioners. He thinks there will most likely need to be changes, at which time staff will have reviewed, spent time and resources to review the document to make sure it's consistent. Staff would then suggest changes to make it consistent and compliant and bring it back to the Planning Board to repeat the entire process again. He would not suggest one way over the other.

**BOARD  
DISCUSSION  
CONTINUED...**

Hines had no doubt it would end up in court either way and said it is a double-edged sword.

Fleming reiterated it does not comply with the current plan and it really needs to. She will follow the old plan until there's a new Growth Policy.

Robertson read from the current Master Plan regarding commercial development along major highways. She said this plan is not in compliance.

Lapp said the reason you get an amendment to the plan is to change the use, which changes the Master Plan. If everything always is compliant, there would never be a reason to change it. He feels the current Master Plan is very outdated and needs to be changed; that's how he's looking at this plan.

Robertson stated the Master Plan is a verbal guide, not a zoning issue.

The Board and Staff discussed zoning vs. an amendment.

Dziza asked the Board to consider that any one of the landowners could sell these parcels and the Board could see all kinds of subdivision requests on any of these properties. He feels they put together a pretty good plan for the future. He commented about sprawl in other cities and feels a couple of miles is not too far for the city to annex.

Lapp commented on the direction the Board should go. He feels the criteria the Board is supposed to follow is a wonderful checklist, but he also feels amendments that were in the works before that was adopted, should be evaluated under the old process. He doesn't want to keep putting things off forever. On some of these issues the Board needs to make a decision and move on for the public and the applicants. He feels the Board needs to move forward, give some direction, and move on.

Dziza asked Harris to address the commercial area in the plan.

Harris made a recommendation in the staff report suggesting that a 40 acre tract of commercial development be moved to Church Dr., behind Church Dr. and Highway 93. The report also added more details, which are good if they don't change the zoning in the area because this area is already zoned. He read staff's recommendations from the staff report, and stated that staff is asking for a little bit more detail in the commercial area. He also made recommendations regarding the roads and how they will connect. There is a little bit more work to be done in dealing with the commercial area. He stated staff did not do any impact studies in this area and commented there might be some room

**BOARD  
DISCUSSION  
CONTINUED...**

in terms of the commercial, if the Board thinks it's too much they can restrict it. He also spoke about utilities provided by the city and how the city's land use plan did not include commercial along the highway. He feels the Board should weigh the difference between the intensity of residential development throughout the proposed land use plan vs. commercial. One alternative might be some pretty intensive residential developments throughout that whole area.

The Board and Staff discussed, at length, the commercial development along Highway 93.

Harris stated the plan should not be looked at as a forever document, but in terms of five year increments. Chances are a lot of commercial would be built out in five year increments. It might be an appropriate technique to build into that commercial, anticipating there is going to be some regional commercial. That is right in the heart of the valley and there is not a better place in this valley for regional-type commercial activities. But, maybe it's a timing function, and if not now, maybe in the future. Another thing to think about is sequencing the commercial through this land use process.

Toavs asked Harris if the Board passes this plan, as is, and the new Growth Policy comes out and doesn't designate commercial in this area, will it have to go?

Harris replied yes.

Toavs asked if the Board takes the commercial property away and passes the rest of it, when new Growth Policy comes out and has commercial property along that strip, then the people who own that property can come in and ask for it anyway.

Harris stated for consistency purposes it works both ways.

Toavs stated he would like to pass this on to the County Commissioners, take the chance that it won't come back to the Planning Board, and take a chance that it will fit with the new Growth Policy. He doesn't have a problem with commercial out on the Highway. He said either way it's going to happen whether the Board approves it or not, if it's compliant with the new Growth Policy. He asked the applicants' representative if all the landowners want to be in this neighborhood plan.

Kalvig stated when the original application was submitted, in June 2005, there were 11 landowners that wanted to have their property included in the neighborhood plan area, but it turned out it wasn't a nice rectangular shaped planning area. When Mr. Harris became Planning Director, it was his suggestion rather than process the application as they submitted it, they extend the boundaries to what

**BOARD  
DISCUSSION  
CONTINUED...**

the Board is seeing now. That now includes about 38 landowners. He stated they attempted to contact all those landowners, and held a couple of meetings where all the landowners were invited to come learn and share their thoughts about it, but he doesn't believe all of the landowners have said yes they do support it. He said an overwhelming majority said they do support it or had no comment.

Dziza asked Kalvig how much land was involved when the original plan was submitted.

Kalvig stated about 2800 acres.

Hines made a comment about the history of Flathead Valley. He stated that in 1998 he was involved with the writing of the City-County Master Plan. He commented how ironic it is they had identified the area around Reserve and Highway 93 as the next commercial area. He feels the Board should try to plan that area and not throw it wide open.

**MAIN MOTION  
(from March 15<sup>th</sup>)**

Staff read the motion made at the March 15<sup>th</sup> 2006 meeting, which was as follows: Lapp made a motion seconded by Toavs to adopt staff report FPMA-05-07 as findings of fact and recommended approval to the Board of County Commissioners.

**BOARD  
DISCUSSION**

Lapp made a comment, not specifically about this plan, about people who don't want to be included in a neighborhood plan. He doesn't like to force people to be included and bound by the plan if they don't want to be, but he doesn't know what the Board can do about it.

Toavs has an issue with the fact that some of the people do not want to be involved; they should not be forced into it. He would rather have a neighborhood plan that looks like a puzzle and have happy people rather than have a nice pretty square including a bunch of people that don't like it and didn't want to be a part of it in the first place. He said, just like people don't want to be told what they can and can't do with their property, he doesn't feel that the applicants have the right to tell their neighbors what they can and can't do.

The Board questioned whether or not they needed to add a motion to adopt Staff's requested changes to the plan. The changes were not included in the original motion.

**MOTION**

Toavs made a motion seconded by Lapp to state the people in the current boundary of this plan who do not want to be part of this neighborhood plan will be excluded from it and the boundaries will change.

**BOARD  
DISCUSSION**

Fleming said the Board can not pass this on without knowing what the boundaries are going to be. She said all the landowners would have to be notified and asked if they want to be included and the boundaries would then change. She did not like the checkerboard in the Two Rivers Plan. She can not support that without knowing what it is they will be passing.

Dziza agrees with Fleming regarding the checkerboard in the Two Rivers Amendment. He feels it really makes planning an area difficult and complicated.

**ROLL CALL**

On a roll call vote the motion failed 4-2 with Dziza, Fleming, Hines, and Robertson dissenting.

**BOARD  
DISCUSSION**

The Board also discussed who the major landholders in the plan area are.

**MOTION**

Fleming made a motion seconded by Robertson to table staff report FPMA-05-07.

**ROLL CALL**

On a roll call vote the motion failed 3-3 with Toavs, Lapp, and Dziza dissenting.

**MAIN MOTION  
ROLL CALL**

On a roll call vote the motion failed 3-3 with Robertson, Fleming and Hines dissenting.

The motion will be forwarded to the Board of County commissioners without a recommendation.

**OLD BUSINESS**

The Board discussed what was appropriate in regards to having meetings with developers. They will discuss this at a retreat in the future.

Hines made a comment about will-serve letters from water and sewer districts. There are currently applications out there with will-serve letters, and the districts will not pit the Board and developers against each other. If an application is submitted in the future and does not have a will-serve letter, the Board can not move it forward.

Fleming asked if everyone on the Board had received a letter from Lakeside Sewer District. She stated that the sewer districts do not want to over commit, and until they sort out all the applications that have gone through the process already, their intent is to not over-commit, yet they also recognize that they were formed to take care of the lakeshore sewer needs.

Larsen stated that the same thing came up in Evergreen. They will give a will-serve letter but the developer has to pay for the hook-up and fees or the district will not commit.

The Board discussed at length the capacity in Lakeside and having the applications that are already in the process go through before the sewer district will give will-serve letters to any more developments.

**NEW  
BUSINESS/  
PUBLIC  
COMMENT**

No public comment.

Harris brought up having another retreat and going through how to run a meeting and how to make motions. The Board stated that they had learned a lot at the last retreat and thought once a year or more is a great idea.

Larsen stated that the Board needs to discuss the handout prior to the retreat, maybe during old business at another meeting, once the Board members have had a chance to review the handout.

**ADJOURNMENT**

The meeting was adjourned at approximately 8:30 p.m. on a motion by Robertson seconded by Hines. The next meeting will be held at 6:00 p.m. on May 10, 2006.

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Jeff Larsen, President

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Mary Sevier, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 6/21/06