

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JULY 10, 2013**

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 Greg Stevens, Noah Bodman, Gene Shellerud, Jim Heim, Jeff Larsen, Ron Schlegel and Robert Faulkner. Marie Hickey-AuClaire had an excused absence. BJ Grieve, Bailey Minnich and Alex Hogle represented the Flathead County Planning & Zoning Office.

There were 6 people in the audience.

APPROVAL OF MINUTES

Heim made a motion, seconded by Faulkner to approve the June 12, 2013 Planning Board workshop minutes.

The motion passed by quorum.

PUBLIC COMMENT
(not related to agenda items)

None.

NORTH FORTY RESORT CORP.
(FZC 11-05)

A Zone Change request in the Southeast Rural Whitefish and Scenic Corridor Zoning Districts by North Forty Resort Corp. The proposal would change the zoning for 20 acres on a 39.67 acre parcel from SAG-10 (Suburban Agricultural) on the north half of the property to BR-2 (Resort Business) leaving the southern half zoned Scenic Corridor. The property is located at 3765 MT Highway 40 West.

STAFF REPORT

Minnich reviewed Staff Report FZC 11-05 for the Board.

BOARD QUESTIONS

The board, Minnich and Eric Mulcahy, applicant representative, discussed comment from the Columbia Falls Planning Office and zoning which was near the property.

APPLICANT PRESENTATION

Eric Mulcahy, Sands Surveying, represented the applicant. He gave a history of the zoning and property which included the operation of a cabin resort. He reviewed the plans and layout for the property by the applicants which included open space and strategic placement of the cabins. He hoped the board supported the zone change.

**BOARD
QUESTIONS**

None.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

Ron Buentemeier, 2225 Dillon Road, was against the application.

**STAFF
REBUTTAL**

Minnich clarified scenic corridor zoning was on the front of the property and what that zoning entailed. She mentioned the comment from MDT which suggested the applicant have their access reviewed again.

**APPLICANT
REBUTTAL**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZC 11-05)**

Stevens made a motion seconded by Heim to adopt staff report FZC 11-05 as findings-of-fact.

**BOARD
DISCUSSION**

Heim said he felt this application was another example of someone being zoned on property which they already had plans for and had built a business. The application fixed an error which had already been made.

Faulkner agreed with Heim.

Bodman mentioned typos in the staff report.

The board and staff discussed the process for remedying the typos.

**SECONDARY
MOTION TO
(Amend F.O.F. #5)**

Bodman made a motion seconded by Faulkner to amend Finding of Fact #5 to read:

'The proposed zoning map amendment from 'SAG-10 Suburban Agricultural' to ~~'R 2.5 Rural Residential'~~ 'BR-2 Business Resort' would not have a negative impact on public health, safety and general welfare because the property is served by the ~~Whitefish Columbia Falls Rural Fire Department, Flathead County Sheriff,~~ the applicant will utilize on-site septic systems and wells which will undergo review in the future and future development would conserve the natural landscaping and wildlife habitat.'

**BOARD
DISCUSSION**

The board and staff discussed where the finding occurred in the staff report and wording.

**ROLL CALL TO
(Amend F.O.F #5)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Stevens said the applicants had been good stewards of the property and the expansion was logical for use. He understood the public comment, but didn't want to penalize someone who was a good steward under the fear that someone else on another parcel would not do as good a job. He didn't like split zoning on the property and recounted what had happened in the past with split zoning.

Grieve and Stevens briefly discussed how wide scenic corridor zoning was.

Stevens said although he thought it would be better to have the entire parcel the same zone, he did not have a problem with what the applicant proposed. He would support the application.

Heim, Bodman and staff discussed the distance of the property from the city of Whitefish, if the property was outside of the 'donut' area and the zoning of the property around the property.

**ROLL CALL TO
ADOPT F.O.F.
(FZC 11-05)**

On a roll call vote the motion passed unanimously.

**MAIN MOTION
TO
RECOMMEND
APPROVAL OF
CONDITIONS
(FZC 11-05)**

Heim made a motion seconded by Bodman to adopt Staff Report FZC 11-05 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FZC 11-05)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Larsen informed the audience of the process the application would follow from this point on.

**MCCLURE LLC-
WEST GLACIER
KOA
CAMPGROUND
(FCMU 13-01)**

A request by McClure, LLC West Glacier KOA for a Major Land Use Review for a 56-space expansion of an existing RV Park within the Middle Canyon Region of the Canyon Area Land Use Regulatory System (C.A.L.U.R.S). The property is located at 355 Halfmoon Road.

STAFF REPORT

Hogle reviewed Staff Report FCMU 13-01 for the Board.

**BOARD
QUESTIONS**

None.

**APPLICANT
PRESENTATION**

Eric Mulcahy, Sands Surveying, represented the applicant. He commended Hogle on the thoroughness of the staff report. He explained the need for RV parks in the Glacier Park area and the applicant's current process for the disposal of trash.

**BOARD
QUESTIONS**

None.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

Larsen reviewed a comment letter from Sharon Buechel a former KOA campground operator in support of the project.

Toby Gilchrist, 270 Battle Ridge Drive, was for the application.

Faulkner said that it appeared no one was against the application and it looked like good project.

Larsen reminded the board they were still in the public comment period.

**STAFF
REBUTTAL**

Hogle said he would be speaking more about the specific details which pertained to the subdivision review criteria impacts during the discussion of the following file FPP 13-01.

Grieve and Hogle explained briefly how the conditions were arrived at for the application in the staff report.

**APPLICANT
REBUTTAL**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FCMU 13-01)**

Schlegel made a motion seconded by Faulkner to adopt staff report FCMU 13-01 as findings-of-fact.

**BOARD
DISCUSSION**

Shellerud and Hogle discussed the existing signage, the purpose of the condition concerning sinage and when the issue of dust abatement would be addressed.

**ROLL CALL TO
ADOPT F.O.F.
(FCMU 13-01)**

On a roll call vote the motion passed unanimously.

**MAIN MOTION
TO
RECOMMEND
APPROVAL OF
CONDITIONS
(FCMU 13-01)**

Faulkner made a motion seconded by Shellerud to adopt Staff Report FCMU 13-01 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

Schlegel and Grieve briefly discussed a past application in the area which concerned infringement of the skyline and structures.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FCMU 13-01)**

On a roll call vote the motion passed unanimously.

**MCCLURE LLC-
WEST GLACIER
KOA
CAMPGROUND
(FPP 13-01)**

A request by McClure, LLC West Glacier KOA for Preliminary Plat approval of 'West Glacier KOA Campground Expansion', a phased 56-space RV park 'Subdivision for Lease or Rent' on approximately 16.24 acres. The expanded RV Park would connect to and use the existing KOA public water supply and the applicant is proposing a new public sewer system to serve the expanded facility. The applicant is also requesting a Variance to Section 4.7.17(a) regarding paving of the internal roadway. The property is located at 355 Halfmoon Road.

STAFF REPORT

Hogle reviewed Staff Report FPP 13-01 for the Board.

**BOARD
QUESTIONS**

Faulkner and staff discussed the comment from DNRC and the applicant's need to obtain water rights to the property and if Fish Wildlife and Parks had any objections to the application.

Larsen and Hogle discussed the variance for paving, specifically the issue of hardship which was the length of the operating season and the recommendations of C.A.L.U.R.S. concerning paving.

The board and Hogle discussed the cons of paving, the construction of the parking pads and the review used for the application.

Stevens commented there was not a lot going on, but he had seen several applications which concerned recreational uses before the board lately. There could be some problems down the line if the board was too quirky with the variance in the application.

Bodman and Hogle discussed the Canyon Plan which affected the condition concerning paving.

The board and staff discussed if the applicant would be able to sell each one of the parking pads individually in the future, if the applicant owned more land around the property in the application and access to the property.

**APPLICANT
PRESENTATION**

Eric Mulcahy, Sands Surveying, represented the applicant. He gave the reason for requesting the variance which was the shortness of the tourist season which was approximately four months of the year. When the snow started to fly, the campground closed. The asphalt would deteriorate from lack of use when covered with snow. He said in Condition #21 with wildlife attractants, the applicant wanted to install permanent grills with a fire ring similar to the grills found in Glacier Park. He said the parking pads were compacted gravel. They supported staff's findings and hoped the board would support the application.

**BOARD
QUESTIONS**

The board, Mulcahy and Hogle briefly discussed possible wording for Condition #21.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

Larsen reminded the board of the letter received which he had reviewed during the public comment period of the last application.

**STAFF
REBUTTAL**

Hogle and Grieve offered alternative wording for Condition #21.

**APPLICANT
REBUTTAL**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FPP 13-01)**

Faulkner made a motion seconded by Heim to adopt staff report FPP 13-01 as findings-of-fact.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
ADOPT F.O.F.
(FPP 13-01)**

On a roll call vote the motion passed unanimously.

**MAIN MOTION
TO
RECOMMEND
APPROVAL OF
CONDITIONS
(FPP 13-01)**

Heim made a motion seconded by Schlegel to adopt Staff Report FPP 13-01 including a variance for a non-paved road and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

Staff and the board discussed proper wording for motions.

**SECONDARY
MOTION TO
(Amend
CONDITION #21)**

Bodman made a motion seconded by Stevens to amend Condition #21 to read:

21. Wildlife attractants such as food, private grills and camp-stoves, and other materials should be able to be stored and secured within wildlife (bear) proof containers or other secure areas available to guests of all campsites and RV spaces.

**BOARD
DISCUSSION**

The board debated the definition of private grills.

**ROLL CALL TO
(Amend
CONDITION #21)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Larsen wanted to state he did look at the nitrate sensitivity analysis and commented on the proposal.

Mulcahy and Larsen discussed the error and the steps which had been taken to remedy it.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FPP 13-01)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Larsen reviewed the process which the application would follow from this point on for the audience.

OLD BUSINESS

Grieve gave the history of the strategic plan for Fiscal Year 2014, why the strategic plan was formed and what was included in the plan.

Larsen and Grieve discussed the confusion with subdivision for rent or lease.

Grieve went on to update the board on what was included in the strategic plan for Fiscal Year 2014.

Grieve and the board discussed if there was any resources for community plans and possible changes to the strategic plan such as the Whitefish Donut. They discussed at length how the recent ruling on the B2-HG zone would affect the zoning regulations update and how the board wanted to handle the update for the regulations considering the ruling. They continued to talk about what statute said concerning the role of the Planning Board and the amount of public input appropriate for the update of the zoning regulations. They also discussed in detail the history of and what steps could be taken to take over jurisdiction of the Whitefish 'donut'.

They talked about possible recommendations to the commissioners on how the board wanted to proceed with the zoning update, what could happened with the recent decision with the Whitefish 'donut', the work which had been done before the injunction concerning reacquisition of the Whitefish area, what steps needed to be taken for interim zoning and why.

**MAIN MOTION
TO APPROVE
FISCAL YEAR
2014**

Shellerud motioned and Faulkner seconded to approve the Fiscal Year 2014 Strategic Plan.

**STRATEGIC
PLAN**

**BOARD
DISCUSSION**

None.

**VOTE TO
APPROVE
FISCAL YEAR
2014**

The motion passed unanimously.

**STRATEGIC
PLAN
CONTINUATION
OF OLD
BUSINESS**

Grieve updated the board on the model for the Building for Rent or Lease Regulations.

Faulkner and Grieve discussed the legislative intent for the regulations, what Flathead County required compared to other counties as far as Building for Rent or Lease, what had been amended in the model regulations, the steps the amended BLR regulations were going through and the process from this point forward.

NEW BUSINESS

None.

**BOARD
DISCUSSION**

The board and Grieve conversed about the recent decision concerning B2-HG zoning including the Planning Board's and Planning Office's recommendations, spot zoning and the steps which needed to be taken concerning public comment in the district.

ADJOURNMENT

The meeting was adjourned at approximately 8:37 pm. on a motion by Schlegel. The next meeting will be held at 6:00 p.m. on August 14, 2013.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

APPROVED AS **SUBMITTED**/CORRECTED: 8 / 14 / 13