

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JULY 14, 2010**

**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 Marie Hickey-AuClaire, Gordon Cross, Charles Lapp, Frank DeKort, Marc Pitman, Mike Mower, Jim Heim, Jeff Larsen and Bob Keenan. Allison Mouch and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were 24 people in the audience.

**APPROVAL OF
MINUTES**

Keenan made a motion, seconded by Hickey Au-Claire to approve the June 9, 2010 meeting minutes.

The motion passed by quorum.

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

None.

**JEFFERS
TRUST TEXT
AMENDMENT
(FZTA 10-01)**

A request by Theadore Jeffers Trust for a text amendment to the Flathead County Zoning Regulations. The proposed amendment would add 'Community Residential Facility' as a Conditional Use under the West Valley Zoning District.

STAFF REPORT

Allison Mouch reviewed Staff Report FZTA 10-01 for the Board.

**BOARD
QUESTIONS**

None.

**APPLICANT
PRESENTATION**

None.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENT**

Clara LaChappelle, 3580 Farm to Market, wanted to clarify West Valley was a residential district.

Cross said yes.

**APPLICANT
REBUTTAL**

None.

**STAFF
REBUTTAL**

None.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZTA 10-01)**

DeKort made a motion seconded by Hickey Au-Claire to adopt staff report FZTA 10-01 as findings-of-fact.

**BOARD
DISCUSSION**

The board and staff discussed if the application would include a pre-release center.

**ROLL CALL TO
ADOPT F.O.F.
(FZTA 10-01)**

On a roll call vote the motion passed unanimously.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZTA 10-01)**

DeKort made a motion seconded by Hickey Au-Claire to adopt Staff Report FZTA 10-01 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
RECOMMEND
APPROVAL OF
(FZTA 10-01)**

On a roll call vote the motion passed unanimously.

**L-T-R ZONING
DISTRICT TEXT
AMENDMENT
(FZTA 09-03)**

A request by the Planning and Zoning Office for text amendments to the Flathead County Zoning Regulations. The primary text amendment would create a new use district classification to the zoning regulations. Specifically, a new zoning district classification, named Large-Tract-Rural (L-T-R), would be incorporated into the zoning regulations as Section 3.44. The new use district is intended to protect continued traditional natural resource based uses in rural areas, while preserving open space and development flexibility for landowners. No new physical zoning districts will be created as result of this text amendment. L-T-R will be cross referenced to other Sections of the Flathead County Zoning Regulations are part of this text

amendment and are required if the new L-T-R use district is approved.

STAFF REPORT

Allison Mouch reviewed FZTA 09-03 for the board.

**BOARD
QUESTIONS**

Larsen asked for clarification on density per unit.

Mouch explained the reasons for the density per unit.

Lapp asked if extractive industries meshed with the new amendment for the gravel extraction definition.

The board and Mouch discussed if the two definitions meshed.

Lapp asked if all the comments handed out during the staff report actually came in the last 48 hours.

Mouch said yes.

**AGENCY
COMMENTS**

Gael Bissell from Fish Wildlife and Parks appreciated the involvement of her department in the deliberation of LTR. She summarized her letter submitted under agency comment. She had several issues with the plan which were the application of LTR automatically to the valley floor, removal of public access as a traditional use, the complete privatization of access to wildlife and wildlife habitat management and the density bonuses.

**PUBLIC
COMMENT**

Terry Shutt, 305 Bald Rock Rd, was opposed to the application.

Jim Baily, 525 Sanctuary Farm, was opposed to the application.

David Greer, Plum Creek, was in favor of the application.

Russ Crowder, American Dream MT, 2868 Lost Trail, was opposed to the application.

Clara LaChappelle, 3580 Farm to Market, was opposed to the application.

Mayre Flowers, Citizens for a Better Flathead, gave the board handouts and was opposed to the application.

Paul McKenzie, 600 Hoffman Rd, Stoltz Lumber, was in favor of the application. He handed out comment letters.

Ginny Coyle, 120 Marvin's Way, was opposed to the application.

Dave Schooner, was opposed to the application

**STAFF
REBUTTAL**

Mouch addressed the concerns to wildlife and habitat and the need for additional analysis and review as to where this text amendment would be appropriate in the county.

**BOARD
DISCUSSION**

Cross called a short recess for the board to read public comment submitted at the meeting.

The board reconvened at 7:50.

**MAIN MOTION
TO ADOPT
F.O.F.
(FZTA 09-03)**

Hickey Au-Claire made a motion seconded by Heim to adopt staff report FZTA 09-03 as findings-of-fact.

**BOARD
DISCUSSION**

The board discussed the difficulty in dealing with text amendments.

**ROLL CALL TO
ADOPT F.O.F.
(FZTA 09-03)**

On a roll call vote, the motion passed unanimously.

**MOTION TO
RECOMMEND
APPROVAL
(FZTA 09-03)**

Hickey Au-Claire made a motion seconded by Keenan to adopt Staff Report FZTA 09-03 and recommend approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

The board and staff discussed the benefits of having LTR adopted to the small land owner, the inclusion of cell towers, airfields and airports, bulk dimensions, conservation easements and Transfer and Development Rights. They also discussed how LTR would work for big owners and if it would be burdensome for small land owners as well as the checks and balances built into the process.

**ROLL CALL
TO
RECOMMEND
APPROVAL OF
(FZTA 09-03)**

On a roll call vote the motion passed 7-2 with Larsen and Lapp dissenting.

**COMMITTEE
REPORTS**

Hickey Au-Claire said Committee A has not met.

Cross discussed BOA's (Board of Adjustment) authority to revoke CUPs (Conditional Use Permits) and suggested the board discuss the issue with the commissioners at the luncheon meeting.

The board and Grieve discussed the issue of BOA's authority to revoke a CUP, how many CUPs might be in violation in the valley and the process which was followed if a complaint with a CUP was filed with the Planning Office.

OLD BUSINESS

Cross spoke about a request for a board recommendation to the commissioners which concerned the Transportation Plan compiled by Peccia and Associates. They discussed at length possible wording for a recommendation to the commissioners concerning the Transportation Plan and the reasons.

Grieve brought up the need for a public hearing for the Lakeside Neighborhood Plan. The date of September 15th was requested and accepted.

**MAIN MOTION
TO
RECOMMEND
THE
COMMISSIONERS
ACCEPT THE
TRANS PLAN
FROM PECCIA
AND
ASSOCIATES**

Pitman motioned and Larsen seconded to recommend the commissioners accept the Transportation Plan from Peccia and Associates but did not think the report should be adopted as a planning document.

**ROLL CALL
VOTE**

The motion passed unanimously.

NEW BUSINESS

The board discussed possible topics and concerns for a luncheon meeting with the commissioners. The date of July 26, 2010 was settled on.

ADJOURNMENT The meeting was adjourned at approximately 8:40 pm. on a motion by DeKort. The next meeting will be held at 6:00 p.m. on July 21, 2010.

Gordon Cross, President

Donna Valade, Recording Secretary

*APPROVED AS **SUBMITTED**/CORRECTED: 8/11/10*