

**NORTH FORK LAND USE ADVISORY COMMITTEE MEETING
OCTOBER 3, 2009
SONDERSON HALL**

Present: John Frederick, Randy Kenyon, Richard Hildner, Betsy Holycross, Val Cox, Lee Secrest, Molly Shepherd, Margaret Heaphy, Jan Caldwell and Steve Berg. Approximately thirty (30) non-members of the committee were present in the audience.

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The meeting was called to order at 7:15. It was determined that the election of officers was necessary. The following committee members were nominated for the following positions, and unanimously elected to them:

<u>Member</u>	<u>Office</u>
John Frederick	Chairman
Jan Caldwell	Vice-Chairman
Steve Berg	Secretary

Old Business:

Randy Kenyon reported on a meeting he had with Jeff Harris of the County Planning Officer. He summarized this meeting in a memo attached to these minutes as Exhibit "A". The subject of the meeting concerned a possible procedure for addressing the presence of temporary buildings in the setbacks from the North Fork Road and the river. This meeting was discussed along with suggested definitions of the words "building," "structure," and "temporary structure" relating to the same subject. These suggested definitions were solicited by John Frederick prior to the meeting, and summarized in Exhibit "B" attached to these minutes.

The committee, with the aid of Exhibits "A" and "B," then discussed the general subject of what the committee desires to exclude from the setback area. The opposite approach – what the committee wished to allow within the setback area – was also discussed. The County's definition of "temporary" (7.19.010 of the County Zoning Regulations) was discussed. The suggestions of Jan, Val and Molly described in Exhibit "B" were discussed. Eventually Molly's 2-step approach was favored with differences of opinion on how many days temporary structures should be allowed in Molly's first step. Rich Hildner proposed 120 days. John Frederick favored leaving this question to the County Planning Office. From the audience, Larry Wilson suggested that the owner obtain a variance for a period of time since the original intent was to prohibit all buildings, permanent or temporary, within setbacks.

It was agreed no action was appropriate at this time, and that Randy Kenyon would obtain the following information from the County:

1. The cost of applying for a conditional use permit;
2. Whether there is a fee required for applying for a variance;
3. A review of Molly's 2-step approach;
4. Whether the phrase "No temporary structures" would be an alternative to Molly's allowing temporary structures for a predetermined number of days.

New Business:

John Frederick reported that Jeff Harris advised John our committee would need to enact by-laws.

Next Meeting:

It was agreed the next meeting would be at 7:00 P.M., June 5, 2010.

The meeting adjourned at 8:05 P.M.



Steve Berg, Secretary

NFLUAC

An interesting approach was discussed at a meeting with myself and County Planner Jeff Harris (Andrew Hagemeyer is out of town) Wednesday afternoon. He suggests following up a suggestion to approach our skidded shed issue from a "temporary building" angle. In the Conditional Use Section (3.40.030) we would add a #14 defining in some way temporary buildings using the county definition for assistance (7.19.010), then adding an asterisk to it stating, in some way, "not in the NF roadway setback". In our definitions under Development Standards (3.40.040) we would add the word "permanent" to 2. Setbacks of (permanent) buildings from public roadways and waterways. This would provide additional clarification. By utilizing a conditional use for addressing our issue we would be shifting the decision making from the planning board and commissioners to the county Board of Adjustment (2.03) with public hearings and testimony. This avenue is more "legal" than "political" if and when something should anything come up. We would have to pursue the normal process in amending our Plan to accommodate the two changes. Something to kick around.

Randy

EXHIBIT "A"

**NFLUAC -- SUGGESTED DEFINITIONS OF
"BUILDING," "STRUCTURE" AND "TEMPORARY STRUCTURE"**

The Problem: Flathead County defines a "building" as a "structure . . . constructed and erected permanently on the ground or attached to something having a permanent location on the ground." The North Fork Zoning Regulations don't define "building" so we default to the county's definition. That means that structures that aren't permanent, like sheds on skids, may be placed within the setbacks from public roadways and waterways, with impunity. We want to fix the problem.

The following definitions of "building," "structure" and "temporary structure" have been suggested for purposes of a text amendment.

John - Redefine "building:" A building is a structure constructed and erected on the ground or attached to something having a location on the ground.

Jan - Use the term "structure" instead of "building" and define it as "anything used for human or animal habitation and/or storage, including a house, barn, shed, garage, cargo container, yurt, tent, tepee, motor-home, travel trailer and mobile home."

Val - Use and define the term "temporary structure:" "No temporary structures, trailers, campers, tents, shacks or similar structures shall be used at any time on premises for temporary or interim habitation purposes except for construction and then only with prior approval and for a period not to exceed 7 months." [Derived from Big Sky Homeowners' Ass'n and Valley Grove Owners' Ass'n, Bozeman]

Molly - 2 steps:

1. Add a new item 14 to the Conditional Use section (§ 3.40.030):
"Temporary structure located on the ground within the prescribed setbacks for new buildings for a period not to exceed ___ days."
2. Add a new item 6 to the Definition section (§3.40.050): "TEMPORARY STRUCTURE: An enclosure with a roof or other protective cover that does not have or require a permanent attachment to the ground and that is used or intended to be used for the housing, shelter or storage of any person, animal, vehicle, machinery, equipment, products, goods or materials." [Derived in part from Flathead County Zoning Regulations § 7.19.010, in part from zoning regulations for the City of Missoula, § 19.04.040, and in part from other research and suggestions.]

EXHIBIT "B"
