**BIGFORK LAND USE ADVISORY COMMITTEE**

**Draft Minutes Thursday March 31, 2022**

**4:00 PM Bethany Lutheran Church – Downstairs Meeting Room**

Chairwoman Susan Johnson called the meeting to order at 4:06 p.m.

**Present:** Committee member attendees: Richard Michaud, Jerry Sorensen, Lou McGuire, Chany Ockert, Susan Johnson, Shelley Gonzales. Public: 3 members; Flathead Planning and Zoning: Landon Stevens.

The agenda was approved (m/s, Sorensen/Michaud), unanimous.

Minutes of the December 30, 2021, meeting were approved (m/s, Gonzales/McGuire), unanimous.

**Administrator’s Report and Announcements:**

Sign-in sheet passed around. Approved minutes and documents are posted on the County website: flathead.mt.gov/planning\_zoning. Click on meeting information.

The applications of December 30, 2021, were approved by the County Commissioners. The three candidates that filed for the three open committee positions were elected by acclamation. Incumbents Sorenson and Johnson will serve 3-year terms and De Fries will fill the open 2-year position. Johnson discussed the Board Training meeting and the materials that are available to all committee members.

**Public Comment:**

None

**Application:**

**FCU-22-04** A request from Rodney & Tia Macfarlane, for a conditional use permit to build two four-plex apartment buildings on property located at 119 Jewel Basin Court, Bigfork, MT within the Bigfork Zoning District. The property is zoned *B-3 (Community Business)*

**Staff Report:**

Landon Stevens presented the report. He passed out comments by Montana Department of Transportation, Flathead County Solid Waste District and Bigfork Water and Sewer. These comments will be included in the Staff Report package provided to the Board of Adjustment for their meeting on April 5, 2022, and are on file with the Planning and Zoning Department.

Q. Johnson: Who notifies the Environmental Health to review a project like this? A. Stevens: Planning and Zoning, and when we close out a file, we verify all the requirements.

Q. Johnson: What are the interior road requirements for the access to the apartments? I see that the site map indicates 16 feet. A. Stevens: The requirement is 24 feet, and the applicant has addressed the error and will comply with the 24-foot requirement.

Q. Ockert: What will be the configuration of the apartments? A. Stevens: Not sure, they could be studio, one- or two-bedroom apartments. Ockert commented that studio and one-bedroom apartments are greatly needed for lower income renters.

Q. Sorensen: Site work has begun on this property, is that normal before approval?

(Michaud showed Stevens a picture of the work being done on the property) A. Stevens: It might be a concern for Environmental Health. Planning and Zoning might be concerned if structural work was being done above ground.

Q. Michaud: Workers at the site are saying that all the permits have been issued.

A. Stevens: The electrical or plumbing permits may have been issued. No approval has been issued by Planning and Zoning.

Q. McGuire: Regarding Bulk and Dimension for commercial and residential properties, which applies here? A. Stevens: This is a CUP for multi-family dwellings in B-3 zoning. Planning and Zoning just looks at the bulk and dimension for the zoning.

Q. McGuire: What is the total traffic percentage increase for all the approved projects in the area (Hwy 83/35/82)? A. Stevens: There are no traffic counts for Jewel Basin Court as it is a private road. We only look at the traffic impact of the individual application to determine the traffic increase percentages.

Gonzales stated that the number of apartment units and the proposed apartment units on Jewel Basin Court total 74. Applying the 6.65 trips per day from the staff report, there would be 492 average trips per day in and out of Jewel Basin Court. This does not include average trips per day potentially generated by the existing 31 commercial units on the street. Per the staff report (page 9), a 2020 MDT traffic count in the area on Highway 83, the average trips per day were 5,327. Therefore, just the residential traffic from Jewel Basin Court contributes about 10% to the traffic count in that area.

**Applicant Report:**

None, the applicant was not present

**Public Agency Comments:**

None

**Public Comments:**

None

**Staff Reply:**

None

**Applicant Reply:**

None

**Committee Discussion:**

Sorensen stated that the traffic at the intersection will only get worse. Michaud reiterated the growing traffic problems in the Highway 82/35/83 area and that more development is compounding the worsening problem and nothing is being done by the county or MDT. Also with the widening of Highway 35 to four lanes will compound the traffic problem

Ockert stated that she is disappointed that the applicant is not in attendance to answer BLUAC’s questions.

McGuire asked if it is within our purview to not recommend applications if the add to the traffic problem. Gonzales stated that the Finding of Facts could be worded to indicate the traffic problem is unacceptable and we vote on applications based on that issue. McGuire stated that our concerns are not being taken seriously as applications that add to the traffic problem are approved by the county.

Gonzales stated the staff reports do not include a cumulative traffic analysis in this congested area. BLUAC needs to address this problem in every application so the community knows we are serious about the traffic problem.

**Findings of Fact:**

Ockert moved and Sorensen seconded to adopt the 12 Findings of Fact. Sorensen asked to

amend Finding of Fact # 10, it was proposed and will read as follows, new language highlighted in yellow:

#10 Additional vehicle traffic associated with the proposed uses may generate excessive traffic which would adversely impact the immediate neighborhood even though the proposed use is an approximate 1% increase from the average daily trips onto Highway 83, it does compound existing traffic congestion from previous development in the area.

It was moved and seconded by Michaud and McGuire to approve Finding of Fact #10, as amended. Motion passed unanimously.

It was moved and seconded by Ockert and Sorensen to approve the Findings of Fact as amended. Motion passed unanimously.

Ockert moved and McGuire seconded to approve the 14 Conditions, motion passed unanimously.

**Committee Discussion and Vote:**

There was no additional committee discussion. McGuire moved to forward a recommendation to deny FCU-22-05. The motion died for a lack of a second.

Sorensen moved, Gonzales seconded a motion to forward a recommendation to approve FCU-22-05. In favor of the motion: Gonzales, Johnson, Ockert, Sorensen and Michaud. McGuire abstained. Motion passed.

This application will be heard by the Board of Adjustment on Tuesday April 5, 2022, 6 p.m. in the second-floor conference room of the south campus building, 40 11th Street West, Kalispell.

**Application:**

**FCU-22-05** A request from Rodney & Tia Macfarlane, for a conditional use permit to build two four-plex apartment buildings on property located at 120 Jewel Basin Court, Bigfork, MT within the Bigfork Zoning District. The property is zoned *B-3 (Community Business)*

**As this application is substantively the same as FCU-22-04, the committee agreed to apply all comments, amendments, adoptions, and votes from that application to this application, except where noted.**

**Staff Report:**

Landon Stevens presented the staff report and stated it is the same as FCU-22-04.

**New:** Gonzales stated that the site map appeared incorrect, so she walked the property and found the width of the lot was approximately 81 feet wide not 124. 7 feet wide as stated in the plan. Further, it does appear that the buildings, setback, parking stall and driveway width requirements can be accommodated on the lot, however, the open space of 38% as stated in the staff report and Finding of Fact #5 is substantially overstated. A. Stevens: I will look at this and amend the staff report as necessary.

**Applicant Report:**

None, the applicant did not attend

**Public Agency Comments:**

None

**Public Comments:**

None

**Staff Reply:**

None

**Applicant Reply:**

None

**Committee Discussion:**

See FCU-22-04

**Findings of Fact:**

See FCU-22-04 for amendment to #10. Ockert moved, Michaud seconded to approve the 12 Findings of Facts, as amended. In favor of the motion: Michaud, Sorensen, Ockert, Johnson, Gonzales; McGuire abstained. Motion passed.

Ockert moved, Sorensen seconded to approve the 14 Conditions, motion passed unanimously.

**Committee Discussion and Vote:**

There was no additional discussion. Ockert moved, Gonzales seconded to forward a recommendation to the Board of Adjustment to approve FCU-22-05. In favor of the motion: Michaud, Sorensen, Ockert, Johnson, Gonzales; McGuire abstained. Motion passed.

This application will be heard by the Board of Adjustment on Tuesday April 5, 2022, 6 p.m. in the second-floor conference room of the south campus building, 40 11th Street West, Kalispell.

**Old Business:**

None

**New Business:**

None

**Adjourn:**

Motion to adjourn by Gonzales, seconded by Sorensen, passed unanimously.

Meeting closed at 5:13 p.m.