**BIGFORK LAND USE ADVISORY COMMITTEE**

**Draft Minutes Thursday April 28, 2022**

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

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

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

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

Minutes of the March 31, 2022, meeting were approved (m/s, McGuire/Gonzales), 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.

**Public Comment:**

None

**Application:**

**FCU-22-08** A request from Rodney & Tia Macfarlane, for a conditional use permit to build two four-plex apartment buildings on property located at 173 Jewel Basin Court, Bigfork, MT within the Bigfork Zoning District. The property is zoned *B-3 (Community Business)*

**Staff Report:**

Landon Stevens presented the staff report.

Q. Johnson: What happens if an applicant is not in compliance with the zoning regulations.  Is there a penalty?  A. Stevens: Planning and Zoning follows up with the applicant and requests they come into compliance with the zoning regulations and the site plan. If the applicant does not come into compliance, Planning and Zoning will refer the issue to the County Attorney’s office.   If the applicant does not come into compliance, it could result in legal action by the County.

Q. Ockert: Is the applicant or a representative of the applicant present? A. Stevens: No.

Q. McGuire: Has Environmental Health commented on the mix of B-3 zoning development regarding the building of apartments at the exclusion of commercial development in Jewel Basin Plaza? A. Stevens: I do not know if that factors into the review process. We look at what the zoning allows or does not allow.

Q. McGuire: I think that is an issue. Stevens: I did make an addendum in the traffic analysis from past developments.

**Applicant Report:**

Johnson asked one of the public attendees if he was the applicant.He stated that he is the property owner for this application and there is a buy/sell agreement for the lot with the sale dependent upon approval of the Conditional Use Permit.

The applicant was not in attendance.

**Public Agency Comments:**

None

**Public Comments:**

Walter Rowntree – 22 5th Ave. East, Kalispell. I am the owner of the subject property in this application. The community needs more housing. I have a rental in Hungry Horse which was at $700/month. The market for the same rental is now $1,000/month. We need more housing units to drive down the rental cost.

Ockert stated that current rents for a 2-bedroom apartment is $1,475/month plus utilities. Units in Jewel Basin Plaza are month-to-month rentals and can be used for short-term vacation rentals.

Angela DeFries – 1115 Boat Club Drive, Bigfork. People are being forced out of rental properties for vacation rental use.

**Staff Reply:**

None

**Applicant Reply:**

None

**Committee Discussion:**

Ockert stated her concern over the lack of attendance by the applicant because there were questions about their similar application in our last review. We cannot ask our questions with their absence at the meetings. Gonzales asked if Planning and Zoning could require the applicants to attend the meetings.

**Findings of Fact:**

McGuire moved to approve the Finding of Facts, motion seconded by Gonzales, motion carried unanimously.

McGuire asked to amend Condition #2 to change the word “affect” to the correct word “effect”. McGuire moved to approve the Conditions as amended, seconded by Gonzales, motion carried unanimously.

**Committee Discussion and Vote:**

McGuire moved to forward a recommendation to approve FCU-22-8 to the Board of Adjustment, Johnson seconded the motion.

Ockert stated that she would vote no on the recommendation because the applicant has not attended the meetings for their applications.

Roll Call: In favor of the motion: McGuire and Johnson; opposed: Michaud, Gonzales and Ockert. The motion to recommend approval failed.

The Board of Adjustment will hear this application on May 3, 2022, at 6 p.m. in the second-floor conference room of the South Campus Building at 40 11th Street West, Kalispell.

**Old Business:**

None

**New Business:**

McGuire asked Landon Stevens of Planning and Zoning to clarify cluster housing regulations per Chapter IV, Section 4.05 and Chapter V, Section 5.09 of the zoning regulations. Has there been any recent changes in the interpretation of “cluster housing” per the above sections because we see development with no open space allocations? Former director Mark Mussman’s interpretation was that open space in other areas of the county would apply to a cluster development’s requirement for open space in Bigfork. Stevens stated that was not his interpretation of the cluster development requirements.

**Adjourn:**

Ockert moved, McGuire seconded to adjourn the meeting, unanimous at 4:36 p.m.

Respectively submitted by:

Shelley Gonzales, member, and acting recording secretary