**BIGFORK LAND USE ADVISORY COMMITTEE**

**Approved Minutes Thursday May 26, 2022**

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

Chairwoman Susan Johnson called the meeting to order at 4:00p.m.

**Present:** Committee member attendees: Lou McGuire, Susan Johnson, Shelley Gonzales, Jerry Sorensen, and Richard Michaud; absent was Chany Ockert. Public: There were 12 members; Flathead Planning and Zoning: Eric Mack and Zachery Moon.

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

Minutes of the April 28, 2022 meeting were approved (m/s, Gonzales/Michaud), 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.

FCU-22-08, McFarlane was approved by the Board of Adjustment without comment.

The Bethany Lutheran Church downstairs meeting room will not be available to BLUAC if there is a June meeting. The library has been offered as an alternative and it can accommodate approximately 19 people.

**Public Comment:**

Brett and Jen Johnsen, 1190 Bigfork Stage Road, Bigfork. They own 115 acres adjacent to Peaceful Drive and the traffic on Bigfork Stage Road is a problem with safety, dust, and ice in the winter an issue. The County Road Department said it would cost $3 million per mile to pave Bigfork Stage Road.

**Application:**

**FCU-22-09** A request from Andy’s Crafthouse LLC, for a Conditional Use Permit to operate a tavern on property located at 8030 Highway 35, Bigfork, MT. The property is located within the Bigfork Zoning District and is zoned B-2 (General Business). The total acreage involved in the request is approximately 1.84 acres.

**Staff Report:**

Zachery Moon presented the staff report.

Q. Sorensen: Is this the old car museum? A. Moon: Yes.

Q. Johnson: We have an updated site plan, is there adequate parking? A. Moon: All required parking will be provided on the property for the public and employees.

Q. Gonzales: Is there a requirement by the state for the applicant to get a permit to move its distillery operation from the existing location to the proposed location? A. Mack: Yes, they are required to go through the permitting process.

Q. Gonzales: Would a new permit be a condition of approval? A. Mack: The new permit is already in process.

Q. Gonzales: Staff report states that there is a report from the county health department, do they support the operation of a distillery. A. Moon: Yes.

Q. Gonzales: Finding of Fact #11, you state the impacts are acceptable with conditions. Do you mean the conditions of approval? A. Moon: Yes.

Q. Gonzales: Finding of Fact #15, do you know if are there any odors discharged with the distillery process, have there been any complaints at the current location? A: Moon: I am not sure; the representative of the applicant might know.

Q. McGuire: The staff report states that the property is not in the Bigfork Zoning District, however it is. A. Mack: We will correct that statement before going to the Board of Adjustment.

Q. Johnson: Page 9 of the staff report references an area for events, where is that on the site map? A: Moon: It will be in the center of the property between the two buildings.

Michaud asked for clarification of who was the applicant, or their representative. Rebekah King, Director of the Bigfork Chamber of Commerce was in attendance to answer questions as the applicant was out of state.

Q. Gonzales: Per the staff report (page 3) a casino can be called a tavern. Will there be a casino in this this business you define as a tavern? A. Mack: No. The applicant submitted a written statement that there will be no casino. If in the future if they want a casino, they will have to apply for that.

**Applicant Report:**

The applicant nor a representative were in attendance.

Q. Johnson: The site map shows employee parking behind the outdoor dining area. How is that accessed. A. King: The planters in the front of the outdoor dining area will be moved for employee parking access.

Q. Johnson: The applicant states they will have entertainment events. Will there be adequate parking for additional customers? A. King: There could be overflow parking at adjacent businesses, such as Sliter’s after hours. Johnson: At the brewery on Highway 35 and Holt Drive cars are parked on the roadway causing traffic problems. King: Events would be small due to size of space.

Q. Michaud: How much seating will be indoors? A. King: The site map shows 12 bar stools and 6 tables.

Moon added that the tables are not to scale and that there is more room for dining than the sight plan suggests.

**Public Agency Comments:**

Julie Spencer of Bigfork Water and Sewer stated she has met with the property owners, and they are requesting a change from non-food service to food service, and they will need to install a grease trap and adequate water infrastructure for the distilling process and for discharge.

**Public Comments:**

Angela DeFries stated that on social media there will be a spa at this location, but the site map only shows a private yoga room. Where will the spa be located?

**Staff Reply:**

None.

Q. Sorensen: Does there need to be an updated approach permit? A. Moon: The present widths seem to comply.

**Applicant Reply:**

King stated that in fall there might be a separate spa type business in the separate second building on the property.

Q. Sorensen: Is that a permitted use in the B-2 zoning. A. Mack: Yes.

**Committee Discussion:**

None

**Findings of Fact:**

Sorensen moved; Michaud seconded the motion to adopt the Findings of Fact. Motion passed unanimously.

**Conditions:**

Sorensen moved; Michaud seconded the motion to approve the conditions. Motion passed unanimously.

**Committee Discussion and Vote:**

McGuire moved to forward a recommendation to the Board of Adjustment to approve FCU-22-09, Sorensen seconded the motion.

Gonzales stated this is a good use for the vacant property and the commercial corridor. Sorensen stated this will be a much better location than where they are currently located, and it will add to the local economy.

The motion passed unanimously.

This application will be considered by the Board of Adjustment on Tuesday, June 7, 2022, at 6 p.m. at the Flathead County Fair and Event Center, 4-H building, 265 North Meridian Road, Kalispell.

**Application:**

**FZC-22-07** A zone change request from Sands Surveying, Inc. on behalf of Tomas Garcia for property within the Bigfork Zoning District. The proposal would change the zoning on a parcel of land located at 1414 Bigfork Stage, near Bigfork, MT from *SAG-5 (Suburban Agricultural)* to *R-1 (Suburban Residential).* The total acreage involved in the request is 10.037 acres.

**Staff Report:**

Eric Mack presented the staff report. He stated that the subject 10.037 acres, zoned SAG-5, is currently divided into two parcels. A zone change to R-1 would create 8 additional lots.

Q. Michaud: The application states the property owner wants to create 4 lots for a family transfer to his children, but the application is for a zone change to R-1. He can divide and transfer the property without the zone change. A. Mack: Yes, that is possible.

Q. Sorensen: Where is Bigfork Water and Sewer from this property? A. Julie Spencer of Bigfork Water and Sewer stated that it is about ¼ mile from the subject property.

Q. McGuire: How many feet are in a rod? A. Mack: 16.5 feet.

Q. Johnson: One acre of this land is wetland leaving only 9 acres buildable.

Q. Sorensen: If this property is subdivided into 10 lots, would BLUAC review it as a subdivision? A. Mack: Yes

**Applicant Report:**

Donna Valade of Sands Engineering represented the applicant and property owner. The applicant wishes to family transfer 3 lots to his children and keep one lot.

Q. Johnson: If this becomes 10 lots would there be 10 water and septic systems, or would it hook up to Bigfork Water and Sewer? A. Valade: It depends on any agreement with Bigfork Water and Sewer, but the plan is for individual wells and septic systems. If this was a family transfer there would be other issues that would need to be addressed, such as major or minor subdivision.

Q. Sorensen: It is a steep grade down from the road into the property. How much is buildable? A. Valade: Due to the slope and wetland there are building challenges on the property.

**Public Agency Comments:**

Julie Spencer of Bigfork Water and Sewer stated the property is not annexed into the district, however, due to issues with septic and wells in the area it would be beneficial to have infrastructure in the area and then annex into the district.

**Public Comments:**

Brett Johnsen-1190 Bigfork Stage Road, Bigfork. I am not opposed the property owner benefiting financially from subdividing his property, however, changing the zoning to R-1 would add more cars to an overused, dangerous road. The road needs to be made safer with a lower speed limit not adding to the traffic with a subdivision of this property. Jen Johnsen added that the road is dangerous with ice in the winter and vehicles slide off the road. High vehicle speed makes it dangerous for pedestrians on the road.

Debi Bork: We are concerned about the density of this project and how more wells and septic systems would affect us. I would like to see this annexed into Bigfork Water and Sewer. The road access to the property is difficult. Bigfork Stage Road is very busy and icy in the winter.

**Staff Reply:**

None

**Applicant Reply:**

Donna Valade stated that in subdivision review or family transfer the property lots must prove to county Environmental Health that the septic and wells are safe, and they must be approved by the required agencies and the permits granted.

**Committee Discussion:**

Sorensen asked staff if there was any other zone between SAG-5 and R-1. Mack replied, R-2.5. Sorensen stated the property has limitations and we should consider R-2.5. McGuire stated that we would have to deny the application, then recommend the alternative R-2.5 zoning. Mack stated that the Planning Board has done just that with other applications to recommend lower density zoning. Sorensen stated if they do a family transfer BLUAC has no input but with a zone change there is BLUAC oversight. Valade stated R-1 zoning was selected as the property constraints would make R-2.5 too tight. Gonzales stated that with R-2.5 on the 10 acres, assuming a division of two front lots and two rear lots, the front lots would be minimally constrained by the wetland and with the 40% maximum lot coverage there would be adequate buildable space for a 1,700 square foot one story home or a 3,400 square foot two story home. Sorensen would like to see a topo map. He also agreed with the neighbors that Bigfork Stage Road is not good in its current situation. Gonzales stated that Finding of Fact #7 said the subdivision could increase traffic on the road by 42%. Sorensen stated that the Bigfork Neighborhood Plan did not consider what would happen to that road with more subdivisions. Perhaps a road improvement district could be formed to improve the road. Gonzales stated it is not likely they would agree to pay $3 million a mile to improve it. Sorensen believes it can be improved at a lesser amount.

**Findings of Fact:**

McGuire moved; Sorensen seconded to adopt the Findings of Fact. Gonzales asked to amend Finding of Fact # 7, it shall read as follows: “Effects on motorized transportation systems will be significant because a future subdivision could increase traffic by as much as 42%. A future subdivision would be required to address traffic increase.” (Mack confirmed the percentage amount)

Gonzales moved to amend Finding of Fact #7, Sorensen seconded. The motion to adopt the Findings of Facts, as amended, was approved unanimously.

**Committee Discussion and Vote:**

There was no additional committee discussion. McGuire moved to forward an endorsement to the Planning Board to recommend approval of FZC-22-7 to the County Commissioners. Motion was seconded by Sorensen. Roll call: yes: Michaud, Sorensen, Johnson, McGuire; no: Gonzales. Motion passed.

The Planning Board will consider FZC-22-7 on Wednesday, June 8, 2022, at 6 p.m. in the 2nd floor Conference Room of the South Campus Building at 40 11th Street West, Kalispell.

**Application:**

**FPP-22-05** A request from Mike Fraser, on behalf of Saddlehorn II, LLC, for preliminary plat approval of Saddlehorn No. 13, a proposal to create eight 8 residential lots and removing 12 existing townhome lots on approximately 42.788 acres. The subdivision lots would be served by a public water supply and sewer systems. The property is located south of MT Highway 209, Bigfork, MT

**Staff Report:**

Staff report was presented by Eric Mack. Twelve existing townhouse lots will be converted to 8 new single family lots reducing the total number of lots by four via an amendment to the final plat. Mack showed the committee a map with the location of the 8 new lots.

Q. McGuire: The lots are reduced from 12 to 8 but the average daily traffic count (page 6, c. Roads) on Highway 209 increases by 10 trips per day, how does that happen? A. Mack: A single family residence has a higher daily number of trips than a townhouse.

McGuire asked for clarification on page 6. There was a typo (third line should be “is” paved).

**Applicant Report:**

Mike Fraser of Fraser Management and Consulting represented the applicant and presented the report. The reconfiguration of the subdivision will reduce density. He questioned the need for Project-Specific Condition #17, as the bike and pedestrian path easement is already on the final plat as of 2009.

Q. Gonzales: Will there be any new easements created or existing easements abandoned due to the reconfiguration of the lots? A. Fraser: No.

Q. Sorensen: Is the bike path in place? A. Fraser: No, the easement is there but Saddlehorn is not required to build it.

**Public Agency Comments:**

Julie Spencer of Bigfork Water and Sewer stated that due to the revisions some lines/services will need to be abandoned and/or removed. That needs to happen before there is any construction on the new lots.

**Public Comments:**

None

**Staff Reply:**

None

**Applicant Reply:**

Fraser indicated there was no need for Condition #17.

**Committee Discussion:**

None

**Findings of Fact:**

Gonzales pointed out to staff that the cross-reference of the Findings of Facts to the Conditions of Approval were not all correct, perhaps typos. Gonzales asked staff and the committee if those could be corrected without having to amend the affected Findings of Facts or Conditions of Approval. Both staff and the committee agreed. Mack stated the errors would be corrected before the Planning Board meeting.

Gonzales moved; Michaud seconded the motion to adopt the Findings of Fact. Motion passed unanimously.

McGuire moved; Michaud seconded the motion to approve the Conditions of Approval. Motion passed unanimously.

**Committee Discussion and Vote:**

Sorensen moved to forward an endorsement to the Planning Board to recommend approval of FPP-22-05 to the County Commissioners. Motion was seconded by McGuire.

Gonzales stated that markets change, what was a good plan in 2009 does not work today. I am in favor of less density.

Sorensen agreed. I like that we can be flexible.

Motion passed unanimously.

The Planning Board will consider FPP-22-5 on Wednesday, June 8, 2022, at 6 p.m. in the 2nd floor Conference Room of the South Campus Building at 40 11th Street West, Kalispell.

**Old Business:**

None

**New Business:**

Gonzales moved to appoint Richard Michaud as Member-at-Large beginning June 1st, seconded by Sorensen. Motion passed unanimously.

Gonzales moved to retain Johnson as Chair and Sorensen as Vice-Chair beginning June 1st, seconded by McGuire. Motion passed unanimously.

Sorensen called for a point of order to request under New Business we discuss traffic and planning in Bigfork. Johnson stated those topics, and any others will be placed on the June agenda.

**Adjourn:**

McGuire moved; Michaud seconded the motion to adjourn. Motion passed unanimously at 5:32 p.m.

Respectfully submitted:

Shelley Gonzales, member, and acting recording secretary