**BIGFORK LAND USE ADVISORY COMMITTEE**

**Draft Minutes Thursday October 26, 2023**

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

Chairwoman Susan Johnson called the meeting to order at 4:01 p.m.

**Present:** Committee member attendees: Chany Ockert, Angela DeFries, Susan Johnson, Shelley Gonzales, Jerry Sorensen, and Richard Michaud; absent was Lou McGuire; Public: 7 members; Flathead Planning and Zoning: Erin Appert.

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

Minutes of the August 31, 2023, meeting were approved (m/s, Sorensen/DeFries), vote unanimous.

**Administrator’s Report and Announcements:**

Sign-in sheet passed around. Approved minutes and documents are posted on the County website: flathead.mt.gov Click on Planning and Zoning/Meetings and Boards/Bigfork Land Use Advisory Committee.

If there is a November meeting it will be on November 30th , and not interfere with the Thanksgiving holiday.

Members of the Bigfork Distribution List using Hotmail do not receive agendas or minutes as it appears CenturyLink is not compatible with Hotmail. If anyone asks why they are not receiving BLUAC information, please have them contact Shelley.

On Tuesday October 31st, the commissioners will consider the following Bigfork items:

At 9:45 a.m., adoption of final resolution on Quarter Circle LA Ranches zone change.

Sign Bigfork Water and Sewer ARPA grant final report on water transmission main and storage.

At 10 a.m. Preliminary Plat for Northshore Woods, Phase 1.

On Thursday November 9th, at 11 a.m., the commissioners will consider Longbow Land Partners (Northshore Woods) zone change.

**Public Comment:**

None

**Application:**

**FZV-23-03** A request from Glieden Lodge Trust for a variance to several parking requirements outlined in Chapter 6 of the Flathead County Zoning Regulations. The applicant is requesting a variance to accommodate three (3) dwelling units, a restaurant, and a real estate office within an existing building, to be served by nine (9) onsite parking spaces instead of the required 17 onsite parking spaces. The property is located at 425 Grand Drive, Bigfork, MT and is zoned B-3 (Community Business). The property contains approximately 0.225 acres.

**Staff Report:**

Erin Appert presented the staff report. The building currently has 9 parking places and a requirement to provide parking for the three rental units would require an increase to 17 on-site parking spaces. Planning and Zoning reviewed the short-term rental request for an Administrative Condition Use Permit and forwarded the request to the Board of Adjustment for consideration. The Board of Adjustment recommended that it be processed as a zone variance and that it be reviewed by BLUAC. Appert stated that the application meets the criteria for a zone variance. The application will be considered by the Boad of Adjustment on Tuesday November 7th, 6 p.m. in the second-floor conference room of the South Campus Building, 40 11th Street West, Kalispell.

Q. Johnson: On Finding of Fact #6, it states there are no reasonable or viable alternatives, is that correct? A. Appert: It is not reasonable to modify that existing building.

Q. Sorensen: The staff report states that it appears that the Performing Arts Center is OK with the variance, is that true? A. Appert: The Foundation provided a letter confirming their parking lot is available for their clients.

**Applicant Report:**

Shannon Glieden stated that parking should not be a problem. The restaurant has limited service now and the employees at the real estate office are gone by 4 p.m.

In the two years since they have owned the property there has never been a parking issue for the restaurant, real estate office, or her clients.

Q. Johnson: The building was built in 1961 as a hotel, now it has short-term rentals, how many are there? A. Glieden: Upstairs are 3 one-bedroom units and downstairs are 2 commercial spaces.

Walter Kuhn, owner of the building, spoke to the history of the building. He recalled that in 1990 there were 6 hotel rooms upstairs, a rear apartment, and a restaurant below. He continued with ownership and usage of the building over the years. I support the variance request because the top floor has always been short-term rentals. I have not seen any change in the need for parking. The building should be grandfathered in.

Ockert stated for the record that Walter Kuhn is a board member of the Bigfork Center for the Performing Arts Foundation and that he is in support of the variance. Kuhn replied that he cannot say that the board is in support of the variance, but the board wrote a letter at the request of the applicant that the adjacent public parking which is owned by the Bigfork Center for the Performing Arts is available for their clients.

Q: DeFries: When the public parking lot is full, what is your plan to mitigate the lack of parking for your clients? A. Glieden: When there is an event, we are notified by the Bigfork Chamber of Commerce, and we are given parking permits for another location. We have never had a parking problem.

**Public Agency Comments:**

Julie Spencer of Bigfork Water and Sewer stated that water usage has been consistent even when the three rental units are occupied.

**Public Comments:**

Bill Myers-Bayside Park and Marine Center, Grand Drive. He gave a history of the ownership and usage of the subject property from the 1980s. I supported their application to the Board of Adjustment, and I support this application. I think there may be more than three employees at the restaurant, which would change the parking requirements to 20 spaces, but I still support the application.

Rebekah King-Bigfork Chamber of Commerce. The Chamber board supports the variance based on the history of its use. Other commercial properties in downtown Bigfork have lodging, retail, and real estate with limited parking (Swan River Inn, Twin Birch Square).

**Staff Reply:**

Appert stated that any other written comments can be sent to Planning and Zoning.

**Applicant Reply:**

Glieden stated that the employee count for the restaurant was provided by its owner.

Johnson asked if the short-term rentals would be converted to condos and sold. Glieden replied, no.

**Committee Discussion:**

There were no additional comments or questions for the staff or the applicant.

**Findings of Fact:**

Ockert moved and Sorensen seconded a motion to adopt the 9 Findings of Fact. Motion passed unanimously.

**Conditions:**

Gonzales asked the Committee to consider a second condition to prohibit the applicant from placing reserved parking signs in the adjacent public parking lot for its customers. Walter Kuhn stated that the Bigfork Center for Preforming Arts Foundation would not allow any signs in the public parking lot. Gonzales withdrew her recommendation for a second condition.

Sorensen moved and DeFries seconded a motion to approve Condition #1. Motion passed unanimously.

**Committee Discussion and Vote:**

Ockert stated that this building is grandfathered in its use.

Ockert moved and DeFries seconded a motion to forward a recommendation to approve FZV-23-03. Motion passed unanimously.

**Old Business:**

The committee asked Appert for direction in starting the update of the Bigfork Neighborhood Plan. She suggested that we schedule a preliminary meeting with Planning and Zoning for guidance. Ockert asked Appert if the commissioners are considering opting into the new Montana Land Use Act? Appert stated that she did not know if they had discussed it, but they would have to opt into it.

Gonzales stated that there may have been a change in how the census data is gathered since the Plan was written. Because Bigfork is not a city it is called a Census Designated Place, and the gathering and analysis of census data may be different than in 1990. The recent updates to the county Growth Policy use the CDP numbers for Bigfork, therefore, we should compile our census information based on CDP, so Bigfork is consistent with the county. Johnson stated that we could contact West Valley and Mid-Canyon LUACs to see how they proceeded with their updates. Sorensen suggested that Erik Mack attend our next meeting to give us guidance on updating the Plan.

**New Business:**

None

**Adjourn:**

Gonzales moved and Ockert seconded the motion to adjourn the meeting at 4:49 p.m. Motion passed unanimously.

Julie Spencer of Bigfork Water and Sewer wanted to comment on questions she had received from Gonzales.

Michaud moved and Johnson seconded the motion to reopen the meeting. Motion passed unanimously. There was a quorum.

Spencer commented that Bigfork Water and Sewer does calculate their water capacity per fire hydrant for firefighting based on the number of residences in a subdivision. They have adequate water capacity and flow for each subdivision.

Michaud asked if they work with the Bigfork Fire Department. Julie stated that they do and in case of homes over 3,500 square feet in one subdivision, they were required to install sprinklers to offset potential excess water use from hydrants.

Julie stated that the limiting factor on the number of lots for Northshore Woods was based on sewer capacity. DeFries asked that if the highway facing lots at The Settlement are built as apartments, is there capacity for that increased density? Spencer stated that there is capacity for increased density of 80 apartments units and 80 residential units. Gonzales pointed out that the preliminary plat for The Settlement was not designed with that amount of density or use, and BLUAC has not seen an amended plat request from Planning and Zoning. Spencer will provide their current plat to BLUAC.

Ockert moved and DeFries seconded the motion to adjourn the meeting at 4:57 p.m. Motion passed unanimously.

Respectfully submitted,

Shelley Gonzales, member and recording secretary