

**BIGFORK LAND USE ADVISORY COMMITTEE**  
**Draft Minutes Thursday April 25, 2024**  
**4:00 PM Bethany Lutheran Church – Downstairs Meeting Room**

Chairwoman Susan Johnson called the meeting to order at 4:03p.m.

**Present:** Committee member attendees: Susan Johnson, Jerry Sorensen, Richard Michaud, and Shelley Gonzales; absent was Chany Ockert and Angela DeFries; Public: 35 members; Flathead Planning and Zoning: Erin Appert and Larissa Van Riet.

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

Minutes of the March 28, 2024, meeting were approved (m/s, Gonzales/Michaud), 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](http://flathead.mt.gov). Click on Planning and Zoning/Meetings and Boards/Bigfork Land Use Advisory Committee.

Gonzales announced that the resolution to adopt FZC-23-18 zone change by Kuzma on Conifer Lane was approved by the County Commissioners today. Also announced was the passing of committee member Lou McGuire. BLUAC can appoint a qualified candidate for a one-year term to fill that position. Anyone interested can contact a BLUAC member for further information.

Johnson gave a brief update on the status of the Sportsman’s Bridge replacement.

**Public Comment:**

Rebeckah King, Director of the Bigfork Chamber of Commerce, spoke on behalf of the Chamber and the Community Foundation for a Better Bigfork in offering their assistance to BLUAC on the update of the Bigfork Neighborhood Plan.

DeeDee Myers-1856 McCaffrey Lookout Road. She stated that there is an influx of 5G and LED towers in the area and they pose health dangers to humans and wildlife. She asked that those who approve these towers include community input before decisions are made. She would like the county to address the health problems these towers create.

**Application:**

**FCU-24-05:** A request from Evensen Engineering & Consulting, Inc., on behalf of Bigfork Hotel Group, for a conditional use permit for a 'Hotel' on property located at 1247 Cala Way in Bigfork, MT. The applicants are proposing to allow for a three-story hotel with a total of sixty-five (65) guest rooms, to be served by the Bigfork Water & Sewer District. The property is located within the Bigfork Zoning District and is zoned 'B-3 Community Business'.

**Staff Report:**

Erin Appert presented the report. Agency comments generally stated no concerns except for comments by Bigfork Water and Sewer (BWS). There was one public comment received and one after the fact was given to the committee.

Q. Johnson: Is the applicant here? A. Appert: The applicant's representative, Andrew Evensen of Evensen Engineering and Consulting, is here.

Q. Sorensen: Traffic is the issue on this application, has MDT been notified of this application, have they commented any concerns based on the increase in traffic?

A. Appert: They received an Agency Referral letter, but we have not received any comments from them.

Q. Gonzales: When BLUAC considered the Preliminary Plat in June 2020 on this property, we recommend that a left-hand turn lane be required on Hwy 83 into the subdivision due to the traffic problems. When this went to final plat, did MDT recommend a left-turn lane? A. Appert: The subdivision has received final plat, but I do not believe a left-turn lane was required by MDT.

Q. Sorensen: How many vacant lots are in the subdivision? A. Appert: The Fort has 14 lots; one has a building under construction.

Q. Sorensen: The staff report refers to the Department of Health, what is its role in this subdivision? A. Appert: They work with the DEQ, but I am not sure what their role would be.

Q. Johnson: The hotel is three stories, is it within the 35-foot maximum height?

A. Appert: Yes.

Q. Johnson: There will be parking all around the building. Will there be handicap parking which takes more room than the proposed size of parking? What accommodation is there for large trucks/trailers/buses?

A. Appert: There are 5 handicap spaces on the site plan. 9 feet by 20 feet is the standard size for a parking space. It is not a requirement to have spaces for trucks/trailers/buses. Larger vehicles would take up multiple spaces.

**Applicant Report:**

Andy Evensen of Evensen Engineering and Consulting represented the applicant.

The owners agree with the Planning Department's Findings of Facts and Conditions of Approval. The Bigfork Hotel Group consists of two local and two non-local developers.

**Public Agency Comments:**

Julie Spencer of Bigfork Water and Sewer (BWS) commented that the commercial subdivision, known as The Fort, has not been accepted by BWS and, therefore, the project cannot be served at this time. The BWS only approved 1-inch waterlines to the subdivision and a 4-inch line would be required for a 65-room hotel. Spencer further stated that BWS has adequate water capacity for the project but may not have adequate sewer capacity for the project. BWS will be doing a final evaluation of the subdivision next week and it could be another month before the final approval for the exiting water and sewer installation.

Q. Gonzales: Do you know the cost to retrofit the water/sewer line to that lot to meet the hotel's needs? A. Spencer: No.

Q. Sorensen: Who reviewed the engineering plans for the subdivision? A. Spencer: No one contacted us regarding the requirements for the subdivision.

Q. Sorensen: Does the DEQ look at this lot when the owner applies for the accommodation license? A. Spencer: DEQ reviewed the original subdivision but was not certain what additional reviews DEQ might have to make for additional water needs of the subject hotel.

Q. Gonzales: Is there adequate water to serve the hydrants for fire suppression? A. Spencer: Yes, but so far there are no fire suppression water lines to any of the lots. When a building is developed, the contractor must determine the size of line needed based on the size of the building, dig up the street, and tap the water line.

Q. Sorensen to Evensen the engineer: How are you evaluating the issue of insufficient water delivery to the hotel and the review process? A. Evensen: We have not contacted BWS District regarding capacity as we have not determined the hotel's water, electrical, mechanical and, fire suppression demands. When we know that we will contact BWS. DEQ would become involved if the water, stormwater, wastewater, solid waste proposal for the hotel is different from the certificate of subdivision approval.

Q. Gonzales to Appert: Given the uncertainty of service by BWS to this project, why are we looking at this project now? There is a significant lack of infrastructure and lack of knowledge needed to identify the needs of this project.

A. Appert: We are required to process this application, but you can recommend denial based upon lack of information.

**Public Comments:**

Rob Tracy-189 McCaffrey Rd, Bigfork. We need to moderate growth. Concerned about the sewer capacity, if it is lacking, we have a problem. Traffic is a problem with the bridge problem, Ice Box Canyon, and the Sportsman's Bridge construction. It is difficult to maneuver around town. Concerned about lighting and the loss of dark sky.

Ryan Nelson-253 MT Hwy 83, Bigfork. Opposed to the architectural design. Request MDT for a traffic study of the subject area and a plan for a reconstruction of the intersection including the impact from the hotel. Should there be impact fees to the developer to pave the highway and revise entrance to the subdivision. Approvals are getting ahead of infrastructure and what we want to be built.

DeeDee Wender-1072 Shawnee Trail, Bigfork. Opposed to the design of the hotel. Concerned about water and sewer capacity in the area. Slow down the growth.

Roxanne Rayhill-310 Monroe St, Bigfork. Cited lack of infrastructure. Opposed to the design of the building. Can the developer provide design options, so it looks more like Bigfork Village.

Aaron Whitten-8540 MT Hwy 35, Bigfork. Also concerned about water/sewer service ability and future cost impacts on the community by BWS to serve the community. Experienced in hospitality and questions if there is demand for more lodging. Questions whether this project would succeed. No affordable housing for commercial growth.

Rayna Weiss-365 MT Hwy 83, Bigfork. Home is northeast of the project. Questioned availability of workforce for a hotel. Access and traffic are a problem and creates noise. Trucks running in the parking lot will create noise. Opposed due to noise, lights, and traffic.

Denise Byard-13430 Crescent Moon Dr, Bigfork. Opposed to hotel design. Concerned about infrastructure, water/sewer and who will pay. We do not need this.

Chiaveli Locsin-8540 MT Hwy 35, Bigfork. Opposed as growth exceeds infrastructure. We do not have a traffic study or the resources for this project. Infrastructure should be planned.

Bonnie Hoffman-588 Aero Ln, Bigfork. More people equal more problems. We need more law enforcement due to growth. Also cited demand on infrastructure and traffic.

Ryan Nelson was permitted to ask a question of BWS regarding the size and load ability of the system and for what term. Spencer replied with the specifics and the system is designed to serve until 2032. He asked if BLUAC could write to the State agencies and commissioners informing them of the emergency facing BWS. Gonzales stated that correspondence should come from BWS.

**Applicant Reply:**

Evensen commented that this is the first step of the permitting process. MDT will not work with the applicant, i.e. approach permits, water/sewer, and improvements until there is approval of the CUP application.

**Staff Reply:**

None

**Committee Discussion:**

Michaud stated that he understands the process but there are so many issues that are being ignored due to time constraints.

Sorensen asked staff if there are architectural standards; she replied no.

Johnson stated that it is bothersome that there are so many issues that could not be addressed or answered.

Sorensen stated that we have no control over architecture. He was opposed to the original application in 2020 because the developer considered a hotel for the subdivision, and he was opposed to the traffic it would generate. Now the staff report states that there will be over 532 ADTs from the hotel. The remaining 13 lots in the subdivision will contribute an additional 300+ ADTs. We are dealing with faulty information. The intersections of Hwys 35/83/82 are Malfunction Junction. I cannot support any development in this area without an MDT traffic study which would give us a vision of how these intersections would look in reducing congestion and danger. Also the water and sewer problems and the design which has changed and the DEQ should be required to re-review this project. I cannot support this project.

Michaud concurred with the comments made and does not believe a 3-story building will fit in this project.

Gonzales added that the full build out of this project plus the ADTs from the apartment complex across Hwy 83 will create 1550 ADTs at that location. It is not safe, and without MDT taking a proactive approach to this area, more development makes no sense.

**Findings of Fact:**

Gonzales moved and Johnson seconded the motion to adopt the Findings of Facts as presented.

Sorensen recommended an amendment to FOF #2 to state the subject property does not appear adequate as the traffic numbers far exceed the numbers originally presented in the Preliminary Plat application, and to add a requirement for an MDT traffic study for the area. (Additions/changes are highlighted in yellow)

FOF #2 shall now read: The access **does not appear** adequate for the proposed use because the property has legal and physical access from Cala Way via Highway 83, and updated approach permits from the Montana Department of Transportation would be required for the existing approaches onto Highway 83, as applicable. **A current traffic study and design recommendation by MDT is required for this area prior to this level of development.**

Sorensen moved and Michaud seconded the motion to approve the amendment of FOF #2, vote was unanimous.

Sorensen recommended an amendment to FOF #7 to add the following sentence at the end of FOF #7: **Request the Montana DEQ to evaluate the proposed water and sewer capacity of this project compared to the original 2020 approved water and sewer capacity of The Fort subdivision project.**

Michaud moved and Sorensen seconded the motion to approve the amendment of FOF #7, vote was unanimous.

Gonzales recommended an amendment to FOF #11 to add the following:  
The traffic generated by the proposed use could have an impact on the surrounding road network because a 64-room hotel could generate 523 ADT and increase traffic along Highway 83 by approximately 8%, and a **current** Traffic Impact Study **is needed** for the proposed use.

Sorensen commented that this application shows that there is nearly two times the number ADTs compared to the estimated number of ADTs when The Fort subdivision was originally approved.

Gonzales moved and Michaud seconded the motion to approve the amendment of FOF #11, vote was unanimous.

Michaud moved and Gonzales seconded the motion to approve the Findings of Facts with amendments to numbers 2, 7, and 11, vote was unanimous.

### **Committee Discussion and Vote:**

Gonzales moved and Michaud seconded the motion to forward a recommendation to the Board of Adjustment to deny FCU-24-05. Sorensen amended the motion to include the amendment of Findings of Facts number 2, 7, and 11. Gonzales

seconded the motion. The motion to amend passed unanimously. The motion to forward a recommendation to the Board of Adjustment to deny the FCU-24-05, with amendments to Findings of Facts 2, 7, and 11, passed unanimously.

The Board of Adjustment will consider FCU-24-05 on Tuesday May 7, 2024, at 6 pm in the second-floor conference room of the South Campus Building, 40 11 Street West, Kalispell.

**Application:**

**FCU-24-06:** A request from Thomas Morton for an after-the-fact Conditional Use Permit to allow for a duplex on property located at 415 Grand Drive in Bigfork, Mt. The property is located within the Bigfork Zoning District and is zoned B-3.

**Staff Report:**

Erin Appert presented the report. This is a duplex with a detached garage. There have been no agency concerns except Bigfork Water and Sewer (BWS) regarding the water service line.

Q. Michaud: Is parking adequate without the public parking lot? A. Appert: Yes.

Q. Gonzales: Does the owner of the public parking lot know that they are encroaching on the applicant's property? A. Appert: I called the Road Department and there are no encroachment permits and they have no objection to the encroachment. I have not talked to the owner of the public parking lot.

Q. Johnson: Does the parking area need to be paved and is parking in the road right of way? A. Appert: No.

Q. Johnson: Is this a duplex now? A. Appert: Yes, it is not clear if it has always been a duplex or if originally it was a single-family residence.

**Applicant Report:**

None. The applicant did not attend.

**Public Agency Comments:**

Julie Spencer of BWS stated that the water service to the property is 3/4" and for a duplex it needs to be a minimum 1-inch line. The water service is not adequate for this duplex.

**Public Comments:**

John Bartlett-380 Commerce St, Bigfork. Lives above the subject property and does not want the duplex to build a second story to block his view of Bigfork Bay.

**Applicant Reply:**

None

**Staff Reply:**

Appert stated that the applicant is maintaining the duplex as is so there will be no changes to the duplex's height.

Q. Sorensen: As this is a CUP request, the applicant could not change the structure of the duplex without a new application? A. Appert: Correct, they would have to modify the CUP and get approval from the Board of Adjustment.

**Committee Discussion:**

None

**Findings of Fact:**

Sorensen moved and Johnson seconded a motion to adopt the Findings of Facts as presented.

Sorensen recommended an amendment to FOF #7 to state that the water service to the duplex may not be adequate based on comments by BWS.

FOF #7 shall now read: Sewer, water, and storm water drainage services and facilities **may not** be adequate to serve the proposed use. **The** property is served by the Bigfork Water & Sewer District, and the applicant would be required to obtain all necessary review and approvals from the Bigfork Water & Sewer District, the Montana Department of Environmental Quality, and the Flathead City-County Health Department, as applicable.

Sorensen moved and Gonzales seconded the motion to approve FOF #7 as amended, vote unanimous.

Gonzales moved and Michaud seconded the motion to approve the Findings of Facts, as amended in number 7. Motion passed unanimously.

Sorensen moved and Michaud seconded the motion to accept the Conditions as presented. Motion passed unanimously.

**Committee Discussion and Vote:**

Gonzales stated that although this property is grandfathered it needs to be upgraded to the proper 1-inch water conveyance, per the requirements of BWS.

Sorensen moved and Michaud seconded a motion to forward a recommendation to the Board of Adjustment approve of FCU-24-06, based upon the approved Findings of Facts, as amended in number 7. Motion passed unanimously.



The Board of Adjustment will consider FCU-24-06 on Tuesday May 7, 2024, at 6 pm in the second-floor conference room of the South Campus Building, 40 11 Street West, Kalispell.

**Application:**

**FCU-24-08:** A request from Sherry Henderson for an after-the-fact Conditional Use Permit to allow for a ‘Home Occupation’ to allow for a pet grooming business on property located at 4764 Foothill Road near Bigfork, MT. The property is located within the Echo Lake Zoning District and is zoned ‘SAG-5 Suburban Agricultural’.

Gonzales recused herself from this application due to a conflict.

**Staff Report:**

Larissa Van Riet presented the application. A shipping container is currently encroaching in the front yard setback. There is a site-plan showing 3 different locations where the container can be moved out of the setback. Environmental Health commented that a current septic system serves a single-family home and that a port-a-potty for customers is not sufficient. A septic system for industrial waste, pet hair, and chemicals needs to be installed as well as a permanent restroom. No public comments have been received.

Q. Johnson: How long can the applicant operate the business without compliance?

A. Van Riet: As long as an applicant is working toward compliance, they can operate their business. The applicant has a year to comply with all the conditions, but after a year if they cannot comply, they would not be able to have the business and the structure would need to be removed or could not be used as a pet grooming business.

Q. Michaud: Does this need a separate septic system, or can they attach to the house? A. Van Riet: The possible new locations are not near the home so they would need a new and separate septic system.

**Applicant Report:**

None. The applicant did not attend.

**Public Agency Comments:**

None

**Public Comments:**

None

With Gonzales' recusal, the committee no longer had a quorum, therefore the committee could not vote on the application. FCU-24-08 is forwarded to the Board of Adjustment without a recommendation.

The Board of Adjustment will consider FCU-24-08 on Tuesday May 7, 2024, at 6 pm in the second-floor conference room of the South Campus Building, 40 11 Street West, Kalispell.

**Application:**

**FZC-24-03** A zone change request from TMS Ventures, LLC., with technical assistance from Breckenridge Surveying & Mapping, for property within the Bigfork Zoning District. The proposal would change the zoning on a parcel located at 540 Grand Drive, Bigfork, MT from B-3 (Community Business) to R-4 (Two-Family Residential). The total acreage involved in the request is approximately 0.873 acres.

**Staff Report:**

Larissa Van Riet presented the staff report. There were no agency comments except Bigfork Water and Sewer (BWS) whose lines cross the property. The soil needs to be evaluated prior to excavation to avoid compromising the sewer main. Access to the sewer main for cleaning must be considered during development. Any fences, retaining walls, and buildings must be placed to allow BWS access to sewer main. No public comments have been received.

Q. Gonzales: What is the buildable square footage of the lot, after setbacks and topography? A. Van Riet: 8,000 square feet is the buildable square footage. They plan on building and single-family residence.

Q. Gonzales: But the proposed R-4 zoning would allow duplexes. A. Van Riet: Yes.

Q. Johnson: Why does the staff report talk about multiple lots and buildings? A.

Van Riet: We need to present a full build-out analysis of residences and duplexes.

Q. Gonzales: Will the applicant be able to build out over the drop off and closer to the river? A. Van Riet: The applicant would need floodplain permits to do so.

Q. Johnson: Why would the applicant change from B-3 to R-4? A. Van Riet: R-4 is more restrictive, but it allows for single-family residential which B-3 does not.

Q. Michaud: Could the applicant put in a dock? A. Van Riet: Yes, but they would need a floodplain permit.

**Applicant Report:**

Rick Breckenridge of Breckenridge Surveying and Mapping represented the applicant. He provided the committee with an old survey of the property,

dated July 22, 1982, that had an existing home on the lot. (The document is now part of the file and can be reviewed at the Planning and Zoning office.) The applicant is requesting a zone change for a home as the property is not viable for commercial use as there is no parking. There is 8,000 buildable square feet on the lot. A dock can be installed if you meet the setback requirements. There is a 29-foot elevation drop from the building area. There would be less impact from residential development than that of commercial development on this lot. We are proposing a 3,800 square foot residence including parking.

**Public Agency Comments:**

Julie Spencer stated that the applicant cannot build out over the steep slope or water as there is a 20-foot sewer easement in that area. No dock can encroach into that gravity sewer easement area.

Q. Gonzales: A 3,800 square foot home on an 8,000 square foot lot, is that an acceptable size home that will not encroach on your water and sewer lines. A.

Spencer: It should be fine. BWS will monitor the layout of the home to protect the water and sewer infrastructure.

Q. Gonzales: Is there water and sewer capacity for this project and what size water line will be required? A. Spencer: Yes, there is capacity for the project, and we would likely require a 1-inch water line that would serve a home or duplex.

**Public Comments:**

None

**Applicant Reply:**

None

**Staff Reply:**

Sorensen asked staff about bulk and dimension requirements in Finding of Fact #11. Van Riet stated bulk and dimension requirements are a section in zoning regulations that list setbacks, height restrictions, and minimal lot sizes. B-3 does not have a minimal lot size or coverage. R-4 zoning increases the restriction of bulk and dimension.

**Committee Discussion:**

None

**Findings of Fact:**

Johnson moved and Sorensen seconded the motion to adopt the Findings of Facts as presented. Motion passed unanimously.

**Committee Discussion and Vote:**

Sorensen moved and Michaud seconded the motion to forward recommendation to the Planning Board to approve FZC-24-03, based upon the approved Findings of Facts.

Gonzales stated that now knowing the buildable amount on the lot and that BWS will be able to monitor their water and sewer lines during the layout of the residential structure, I feel comfortable recommending approval of this application.

Sorensen stated the downzoning of this property will have less impact on the area.

Johnson called for a vote on the motion, the motion passed unanimously.

The Planning Board will consider FZC-24-03 on Wednesday May 8, 2024, at 6 pm in the second-floor conference room of the South Campus Building, 40 11 Street West, Kalispell

**Unfinished Business:**

Johnson stated that the comment by Planning Board regarding the scope of work for the update of the Bigfork Neighborhood Plan were favorable. Sorensen asked if we anticipate having a work session to assign sections of the Plan for data collection and analysis. Gonzales stated that a work session is needed when all the members can attend. Johnson added how the Planning Board would like to see the drafts with additions and deletions highlighted. Michaud asked staff if the Neighborhood Plan could have building and design regulations. Staff said that Neighborhood Plans are non-regulatory and cannot have regulations.

**New Business:**

None

**Adjourn:**

Johnson moved and Gonzales second the motion to adjourn. Motion passed unanimously at 6:33 p.m.

Respectfully submitted,

Shelley Gonzales, member, and acting recording secretary