

BIGFORK LAND USE ADVISORY COMMITTEE
Draft Minutes Thursday May 30, 2024
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: Jerry Sorensen, Susan Johnson, Shelley Gonzales, Chany Ockert and Richard Michaud; absent was Angela DeFries; Public: 13 members; Flathead Planning and Zoning: Erin Appert and Larissa Van Reit.

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

Minutes of the April 25, 2024 meeting were approved (m/s, Sorensen/Gonzales), 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.

Status of April 25th application:

FCU-24-5 Bigfork Hotel Group: Application was tabled by the Board of Adjustment to allow applicant time to contract a Traffic Impact Study for the development area. The application can be on hold indefinitely.

FCU-24-6 Morton: Approved

FCU-24-8 Henderson: Withdrawn by applicant and business terminated.

FZC-24-3 TMS Ventures: Approved

The Bigfork Chamber and CFBB is having a limited scope Traffic Impact Study done for the downtown area. The report should be completed by May 31, 2024.

There is an opening on the BLUAC committee for a member and a recording secretary. Interested parties should contact a BLUAC member.

Minutes and Agendas are now sent from Bigfork BLUAC via Mail Chimp.

BLUAC is working on administrative procedures for the update of the Bigfork Neighborhood Plan.

Public Comment:

None

Application:

FCU-24-09. A request from Paul Henion for a Conditional Use Permit to allow for a ‘Recreational Facility’ on property located at 261 Highway 83 in Bigfork, MT. The property is located within the Bigfork Zoning District and is zoned ‘SAG-5 Suburban Agricultural’.

Staff Report:

Erin Appert presented the report stating the purpose is for a sports training facility with access from Highway 83. County agencies have no concerns. County Health will require applicable permits which will be a condition of approval, if the application is approved. There is also a condition of approval to widen the access road to 20 feet.

Ockert: If this property is sold, must the CUP be used in the same manner, or will there be a new review by BLUAC? A. Appert: A new owner would have to comply with what was approved.

Ockert: If a new owner wanted to use it as an athletic club, what would happen? A. Appert: The Planning Director would review any modification and determine if an amendment to the CUP was required.

Sorensen: What is the nature of the easement to this property, any use limits on it? A. Appert: I did not look into it.

Applicant Report:

Paul Henion proposes an athletic training facility for football, basketball, volleyball, soccer, and baseball to be used on a reservation basis.

Q. Sorensen: What do you know about the access easement as many easements have a restricted use? A. Henion: I will talk to the Planning Department about that.

Q. Gonzales: The hours of operation in the staff report differ from those in Conditions of Approval, will the facility be open until dark in the summer? A. Henion: No, it will not be open that late.

Q. Johnson: How many people will be in the facility at any time? A. Henion: Ten to 20.

Q. Johnson: Your facility plan shows only two restrooms, is that adequate for such large groups. A. Henion: That will be determined by the Health Department.

Q. Sorensen: Will you hire people to provide the sports training? A. Henion: Local sports coaches will reserve the facility to train their teams. I will be there to help coach. I will not be hiring trainers.

Q. Michaud: Will the facility be open for the public to sit and watch? A. Henion: Space will be limited for that. There will be no weight training.

Public Agency Comments:

Julie Spencer of Bigfork Water and Sewer stated that this property is not in their jurisdiction. Their closest water and sewer lines are at The Fort subdivision on Highway 83.

Public Comments:

Laura Perry-200 Shawnee Dr. Bigfork: My concern is the quiet enjoyment of our property. There is significant noise and traffic from Carlyle Park and this facility will add to the noise and traffic. Highway 83 has no left turn lanes or shoulders for safety. We need a traffic study to address the problems. My concerns are the noise, traffic, and parking at this facility.

Kristen Kline-685 Parker Lakes Rd. Bigfork: I think this is a good idea. There are 300 kids playing soccer and there is no place for them to play in the winter.

Kerin Henion-33795 Blue Heron Ln. Bigfork: I am on the CFBB board and we worked to reduce the speed on Highway 83 from 70 to 55 mph. We are working with the county for a Traffic Impact Study, but it will take 18 months to be done. We need to do this project for the Bigfork children.

Applicant Reply:

I am aware that there is noise from surrounding development. There will be no outdoor activities as everything will be indoors and activities will not be at odd hours. There will be ample parking.

Staff Reply:

Conditions of Approval limit the hours of operation, 27 parking spaces are required and an MDT approach permit is required.

Committee Discussion:

The committee members agreed that there is a need for sports facilities for Bigfork kids and this area was identified for that use back in 2018 by the Bigfork

community. However, the traffic along Highway 83 is a major concern. We have identified this issue in every application that we have reviewed along Highway 83, and now we are living with the traffic problems from these developments. We need a traffic study and hope that the applicant will work with the hotel group for a Traffic Impact Study because we need turn lanes and mechanisms to improve traffic safety. We first need to know how an area will be used before we can build infrastructure. The County is getting more serious about traffic studies.

Findings of Fact:

Gonzales moved and Ockert seconded the motion to adopt the Findings of Fact (FOF).

Sorensen asked to amend FOF #10 as follows:

Traffic generated by the proposed recreational facility would (~~delete “not”~~) have a significant impact on the surrounding roads because the potential 67.9 ADT (~~add “or more”~~) generated by the proposed use would increase traffic by (~~add “at least”~~) 1% on Highway 83, and the applicant would be required to obtain an updated approach permit from the Montana Department of Transportation for the existing approach onto Highway 83, as applicable. (Condition 8)

Gonzales moved and Sorensen seconded the motion to approve the amendment of FOF #10, motion approved unanimously.

Gonzales moved and Michaud seconded the motion to approve the Findings of Fact, with amendment to #10. Motion passed unanimously.

Conditions of Approval:

The committee members discussed past requests for traffic studies which have not resulted in any comments from or changes by MDT. A legitimate engineer’s report would give requirements to improve safety that the State and County would need to address. Not sure that both agencies would work together to resolve the problems.

Sorensen asked to amend Condition #8 as follows:

The applicant shall (~~add “submit a Traffic Impact Study for the intersection of the subject easement and Highway 83 to MDT prior to obtaining”~~) an updated approach permit from the Montana Department of Transportation for a change in use of the existing approach onto Highway 83, as applicable. A copy of the approved permits shall be submitted to Flathead County Planning & Zoning prior to the expiration date of this permit.

Sorensen moved and Gonzales seconded the motion to approve the amendment to Condition of Approval #8. Sorensen, Gonzales, Johnson, and Ockert in favor, Michaud opposed. Motion passed.

Committee Discussion and Vote:

There was no additional committee discussion. Ockert moved to forward a favorable recommendation on FCU-24-09 to the Board of Adjustment. Sorensen seconded the motion subject to the approved amendment to FOF #10 and Condition #8. Sorensen, Gonzales, Johnson, and Ockert in favor, Michaud opposed. Motion passed.

The Board of Adjustment will consider FCU-24-09 on June 4, 2024, at 6 p.m. in the second-floor conference room at the South Campus Building, 40 11th Street West, Kalispell.

Application:

FCU-24-11. A request from Maddy Snipes and Mitch Jones for a Conditional Use Permit to allow for a ‘Camp/Retreat Center’ on property located at 283 and 285 Ramsfield Road near Bigfork, MT. The property is located within the Bigfork Zoning District and is zoned ‘SAG-5 Suburban Agricultural’.

Staff Report:

Larissa Van Reit presented the application. The purpose is to hold quilting retreats with a maximum of 32 attendees staying on site for up to 5 days. There will be a 6,000 square foot community building for quilting, lodging, and dining. The property has adequate space for 32 vehicles. The driveway must be widened from 14 feet to 20 feet to accommodate 2-way traffic. The County Health Department objected to the application as the residential septic system is inadequate for the proposed project. A new septic system will be required. There were no other county agency concerns.

Q. Sorensen: The CUP will be tied to this specific use; this could not become a wedding venue? A. Van Reit: Correct.

Q. Johnson: This would not be considered a short-term rental. A. Van Reit: Correct.

Q. Gonzales: They will be providing food; will they need a license from the State? There is no requirement for a license in the Conditions of Approval. A. Van Reit: I am sure there will be some license requirements.

Q. Johnson: Will RV parking or camping be allowed? A. Van Reit: No, just single vehicle parking.

Applicant Report:

Maddy Snipes stated that this will be a quilting retreat center. There are two retreat centers like this in the area and they are very popular. Quilters will stay on site, and we will provide meals. The Quilt Gallery hosts 12 retreats annually. Johnson stated that there are 10-12 million quilters, and the quilting market is projected to be \$5 billion by 2027.

Q. Gonzales: The application states you are required to widen the road and put in a new septic system, is that doable for you? A. Snipes: Yes.

Public Agency Comments:

Julie Spencer of Bigfork Water and Sewer (BWS) stated the property is outside their boundaries, however, the property is close to the district's public water supply for Bigfork and any new septic system must be built to drain far away from the district's wells.

Public Comments:

None

Applicant Reply:

Snipes indicated that the proposed septic system is down slope and far from the BWS wells so it should not be a problem.

Staff Reply:

Van Reit added that the new septic systems will be reviewed by Environmental Health and BWS.

Committee Discussion:

The committee members agreed that this is a good project to serve the quilting community.

Findings of Fact:

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

Conditions of Approval:

Ockert asked to amend Condition #13 as follows:

The proposed water, wastewater treatment, and storm water drainage systems for the camp/retreat center shall be reviewed and approved, as applicable, by the Flathead City-County 15 Health Department and the Montana Department of Environmental Quality (add “and addresses the concerns of Bigfork Water and Sewer District.”) Documentation confirming the completion of this requirement shall be made available to the Flathead County Planning and Zoning office prior to the expiration of the permit.

Gonzales asked to add Condition #16 as follows:

Applicant will obtain Montana food service licenses, as applicable per the County Environmental Health regulations and requirements.

Ockert moved and Michaud seconded the motion to approve the amendment to Condition #13 and add Condition #16, motion passed unanimously.

Committee Discussion and Vote:

There was no further committee discussion. Sorensen moved and Ockert seconded the motion to forward a favorable recommendation on FCU-24-11 to the Board of Adjustment, subject to the approved amendment to FOF #13 and the addition of Condition of Approval #16. Motion passed unanimously.

The Board of Adjustment will consider FCU-24-11 on June 4, 2024, at 6 p.m. in the second-floor conference room at the South Campus Building, 40 11th Street West, Kalispell.

Application:

FZV-24-01 A request from Jennifer Nason for a variance to the front yard setback requirements for a principal structure in the R-4 zone, outlined in Section 3.13.040(3)(A) of the Flathead County Zoning Regulations (FCZR). The subject property is currently zoned ‘R-4 Two-Family Residential’ and within the Bigfork Zoning District.

Staff Report:

Erin Appert presented the application. This is a corner property zoned R-4, and the applicant requests a variance to reduce the front yard set back on Blenn Street from 20 feet to 10 feet to accommodate a manufactured home. A sewer line on the property limits the placement of the manufactured home. The agency comments received had no concerns.

Q. Gonzales: The lot is only 5,700 square feet and R-4 zoning requires a minimum of 6,000 square feet. A. Appert: It is possible this is a non-conforming lot. A boundary line adjustment was made in 1984, prior to zoning.

Q. Gonzales: In an R-4 zone, is there a requirement for a garage? A. Appert: No. The applicant did remove the request for a garage from the staff report.

Q. Gonzales: Has Planning and Zoning received the May 6th determination letter on the gas and electrical lines? A. Appert: I have not received any additional correspondence from the applicant.

Applicant Report:

Bruce Peck represented his daughter, the applicant. We would like Blenn Street to be the front of the property and the proposed home with a 10-foot setback. This will align the front of the proposed home with my existing, adjacent home. We will put in a new sewer line for the proposed home. Mr. Peck confirmed that his home was built in 2002 and did not comply with the zoning requirement for a 20-foot setback.

Public Agency Comments:

Julie Spencer of Bigfork Water and Sewer (BWS) stated that the existing sewer system was installed in the early 1960's on Electric Avenue and not on Blenn Street, which is why the sewer line goes through this lot. The applicant agreed to move the line to accommodate the new house. This will resolve BWS's issue and BWS is satisfied with the new sewer line location.

On behalf of Jeremy Patton, Bigfork Fire Chief, Spencer stated that Patton was concerned that if the proposed house was too close to the hydrant on Electric Avenue, they might not be able to use it to fight a fire. Gonzales read an email from Chief Patton stating that if there was a 10-foot setback allowed on the Electric Avenue side of the lot, firefighters might not be able to use the hydrant to fight a fire. The email was forwarded to Appert for their files.

Public Comments:

None

Applicant Reply:

Gonzales pointed out to Mr. Peck that the lot map in the application, showing the placement of the home, indicates a 10-foot setback on the Electric Avenue side of the lot. Mr. Peck stated that they do not want a reduction in the required 20-foot Electric Avenue setback, only for the Blenn Street portion of the lot. Building a smaller home would be a hardship.

Staff Reply:

None

Committee Discussion:

None

Findings of Fact:

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

Conditions of Approval:

Gonzales moved and Johnson seconded the motion to approve the Conditions of Approval. Motion passed unanimously.

Committee Discussion and Vote:

There was no additional committee discussion.

Ockert moved and Sorensen seconded the motion to forward a favorable recommendation on FZV-24-01 to the Board of Adjustment. Motion passed unanimously.

The Board of Adjustment will consider FZV-24-01 on June 4, 2024, at 6 p.m. in the second-floor conference room at the South Campus Building, 40 11th Street West, Kalispell.

Unfinished Business:

New Business:

Ockert moved and Sorensen seconded the motion to re-elect Johnson Chair of BLUAC. The term will expire on May 31, 2025

Michaud moved and Johnson seconded the motion to re-elect Sorensen Vice Chair of BLUAC. The term will expire on May 31, 2025.

Gonzales moved and Sorensen seconded the motion to re-appoint Michaud Member-at-Large. The term will expire on May 31, 2025.

Adjourn:

Sorensen moved and Ockert seconded the motion to adjourn at 6:16 p.m. Motion passed unanimously.

Respectfully submitted,
Shelley Gonzales, member, and acting recording secretary.

