**BIGFORK LAND USE ADVISORY COMMITTEE**

**Draft Minutes Thursday February 27, 2025**

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

Chairwoman Susan Johnson called the meeting to order at 4:02 p.m.

**Present:** Committee member attendees: Richard Michaud, Jerry Sorensen, Shelley Anderson, Susan Johnson, Chany Ockert and Laura Perry; no absentees; Public: 13 members; Flathead Planning and Zoning: Seth Jogan and Larissa Van Riet.

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

Minutes of the January 30, 2025, meeting were approved (m/s, Perry/Sorensen), 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.

Anderson reported that FCU 24-19 was recommended by the Board of Adjustment. The County Commissioners will hear the application on Tuesday, March 4, 2025, at 10:30 a.m., third floor of the County Court House.

There is an open position on the committee for a one-year term to be appointed by BLUAC. Interested parties can contact committee members for information.

**Public Comment:**

None

**Application:**

**FCU-24-27** A request from Carolina Cotman on behalf of Samaa Retreat, with technical assistance from Jay McMillan, for a conditional use permit for a ‘Camp/Retreat Center’ on the subject property located at 311 Aero Lane near Bigfork, MT. The property is located within the Bigfork Zoning District and is zoned ‘SAG-10 Suburban Agricultural’. The property totals approximately 10.000 acres and can be legally described as Tract 1 of Certificate of Survey 13796 located in the SE ¼ of Section 34, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

**Staff Report:**

Seth Jogan presented the report and noted that a letter from the County Environmental Health Department objected to the application as the advertised occupancy of the Bed and Breakfast violates the existing septic permit which limits occupancy to 10 people. The applicant needs to work with Environmental Health on this issue. There were no other agency or public comments. Planner Larissa Van Riet was in attendance to provide support.

Q. Ockert: Building should not start before a proper septic permit is obtained; is there an order of operation we should be aware of for the Conditions? A. Van Riet: A condition can be added that prior to construction water and wastewater requirements must be approved.

Q. Anderson: The applicant is in violation of the first CUP (FCU-99-5) with 6-bedrooms advertised and the CUP limits rental rooms to four. Is the applicant required to be compliant prior to any construction? Are there any legal issues in issuing a second CUP when the first CUP is in violation? A: We have not discussed these issues with Director Mack, but if the CUP for a Camp/Retreat Center is approved, it might then supersede the first CUP. If this CUP is denied, then a code violation investigation could be opened, or the applicant could amend the first CUP to become compliant.

Q. Sorensen: Was the original CUP administrative? The original CUP limits the number of rented bedrooms to four and there are six, so this is a violation of the CUP and not just an Environmental Health violation. A: Van Riet: Probably not an administrative CUP (granted in 1999). Yes, there is a violation of the CUP based on the number of rentable rooms.

Q. Michaud: It seems like you are trying to merge the two CUPs, but the first is in violation. A. Van Riet: Maybe under Conditions, we can absorb the Bed and Breakfast into the Camp/Retreat Center but in either case, the applicant must correct the septic violation.

**Applicant Report:**

Jay McMillan, representative for the applicant, presented the report. In the process of preparing the CUP request, that is when it was discovered that the first CUP was in violation based on the number of bedrooms for rental. However, two of the rooms do not have closets, so technically they are not bedrooms and there is no violation. The Bed and Breakfast website will be amended to eliminate the two extra bedrooms for rental. The proposed new building will not have bathrooms or plumbing. If bathrooms are added, the proper permits will be obtained. The idea is to combine both business uses.

Comment Ockert: I suggest you contact Environmental Health again for the classification of bedrooms for the septic permit.

Q. Michaud: From the Bed and Breakfast website the total occupancy is 16 people. A. McMillan: I was not aware of their website. We will amend the website.

Q. Ockert: Has there been any work on the well for water pressure? No answer.

Q. Perry: Will there be an owner/occupant on the property in one of the bedrooms? A. Applicant: No.

Q. Johnson: Will the public, non-guests at the retreat, be allowed to use the yoga facility? A. Applicant Cotman: That is not the intent. This will be for our retreat guests. We want to be in compliance with the 5-bedroom Bed and Breakfast CUP and the septic system.

Van Riet commented that the public can use the proposed facility

**Public Agency Comments:**

None

**Public Comments:**

Clark Brooks-285 Aero Lane, Bigfork: Concerned that water usage in the area is dropping the water table. How much water will the applicant be using and what is the capacity of their well? How will that affect me?

Katie Bramante-297 Aero Lane, Bigfork: Concerned what is a camp, does it need a larger septic system, could this become a campground or RV camp? Concerned about increased traffic and noise.

Frank Bramante-297 Aero Lane, Bigfork: Concerned about the growth of businesses in their residential neighborhood and impact of traffic on the neighborhood and wildlife.

Karyl Gopp-635 Aero Lane, Bigfork: Are there any atheistic requirements for this project? Will this affect the residents around the project due to traffic, water use and septic?

Martha Brooks-285 Aero Lane, Bigfork: Concerned about the future development of the property if it is sold. She is opposed to more congestion, noise and traffic.

Bonnie Hoffman-588 Aero Lane, Bigfork: Public use in our residential area is invasive.

**Applicant Reply:**

Daniel Cotman applicant. Our concept is to maintain serenity and not to change the character of the property. We want to preserve water for all in the neighborhood. We want to be less intrusive.

Q. Perry: What is your vision for the retreat as I am concerned about the number of people on the property and the septic capacity. How many staff personnel will be on the property? A. Cotman: This is evolving. There will be staff coming in to support the retreat guests, including day guests. Additional water/septic may be needed to support day guests. One staff member will be onsite at night. We will do whatever Environmental Health requires.

Q. Ockert: Will guests be required to stay on the premises? A. Cotman: Our activities keep them on the premises, but we cannot control people.

Q. Ockert: What is the depth/capacity of your well A. Cotman: I do not know.

Q. Ockert: Would you agree to not transfer the CUP if you sell the property because there are other uses allowed other than a camp/retreat center? A: Cotman: I do not think we would have any objection to prohibiting the transfer of the CUP. We have no intention of selling the property.

**Staff Reply:**

Van Riet stated that the site plan limits the use of the CUP. Any new owner that wanted to change the use would need a new review by BLUAC. Clarification is needed of the number of guest rooms and occupancy. The question regarding the well and water is regulated by the State so that agency will need to evaluate and determine if changes are necessary.

Q. Sorensen: Is there a capacity number for this retreat center? A. Van Riet: A Bed and Breakfast does have a capacity number, but a Retreat Center does not. You could limit occupancy.

Q. Sorensen: Can we prohibit the transfer of the CUP? A. Van Riet: Yes.

Q. Sorensen: Does a Public Accommodation License consider water/well capacity. A. Van Riet: Yes.

**Committee Discussion:**

The committee members **c**ommented that the application must address the water capacity/wastewater issues, and that water/wastewater systems must be preapproved by the regulating agencies before construction can begin, limitation of the number of bedrooms in the residential unit, limitation of the number of guests, and limit the ability to transfer the CUP in the event of the sale of the property.

**Findings of Fact:**

Sorensen moved and Anderson seconded the motion to adopt the Findings of Fact (FoF).

Anderson moved to amend FoF #5 to now read as follows:

5. The existing septic system is not adequate to serve the proposed camp/retreat center. The septic system is also not adequate for the current Bed and Breakfast and the applicant may be in violation of the existing CUP-99-5 by exceeding the maximum of 5 bedrooms and 10 occupants. The applicant would be required to obtain new permits from the Flathead City-County Health Department.

Sorensen seconded the motion to amend. Motion passed unanimously.

Ockert moved to amend FoF #6 to now read as follows:

6. Stormwater drainage facilities appear to be adequate to serve the proposed camp and retreat center. Based on public comments, water facilities may not be adequate to serve the proposed camp and retreat center. The applicant would be required to obtain all necessary permits from Flathead City-County Health Department, the Montana Department of Natural Resources and Conservation, and the Montana Department of Environmental Quality prior to operation.

Perry seconded the motion to amend. Motion passed unanimously.

Anderson moved to amend FoF #7 as follows:

Delete “guest house” and replace with “camp and retreat center”.

Perry seconded the motion to amend. Motion passed unanimously.

Ockert moved and Anderson seconded the motion to approve the amended Findings of Facts, as in numbers 5, 6, and 7. Motion passed unanimously.

**Conditions:**

Ockert moved and Johnson seconded a motion to approve the Conditions.

Sorensen moved to amend Condition #3 to include additional final sentence as follows:

3. “The camp and retreat center shall not allow more than 20 people in the center at any one time.”

Michaud seconded the motion to amend. Motion passed unanimously.

Ockert moved to amend Condition #7 as follows:

Delete “operation” (third line) and replace with “construction”.

Anderson seconded the motion to amend. Motion passed unanimously.

Planning and Zoning requested removal of Condition #8 as it was redundant to Condition #9.

Ockert moved to add Condition #14 to read as follows”

14. “The proposed CUP shall not be transferred to a new owner upon sale and transfer of the underlying property.”

Sorensen seconded the motion. Motion passed unanimously.

Sorensen moved and Anderson seconded the motion to approve the amended Conditions, as in numbers 3 and 7, and adding number 14. Motion passed unanimously.

**Committee Discussion and Vote:**

Sorensen moved and Michaud seconded the motion to forward a recommendation to the Board of Adjustment to approve FCU-24-27 with amendments to Findings of Facts and Conditions. Motion passed unanimously.

The Flathead County Board of Adjustments will conduct a public hearing on the proposed zoning map amendment on March 4, 2025, at 6:00 P.M. in the 2nd Floor Conference Room of the South Campus Building located at 40 11th Street West in Kalispell.

**Unfinished Business:**

Bigfork Neighborhood Plan

Ockert stated that she has started the update on the Social Services section of the Plan and has prepared an outline of the changes.

All workshop meetings will have posted agendas and minutes.

Sorensen stated that thus far in the Land Use section update, there is a lot of capacity remining in the current areas zoned residential. However, Bigfork Water and Sewer may not have the ability to serve in the higher density zoned areas.

Julie Spencer of Bigfork Water and Sewer stated that their engineer has identified 1,100 lots are undeveloped in the Water and Sewer District.

Sorensen stated that AG-40 has only 23 available lots, SAG-5 has 964 lots available, and R-2.5, which is required to have water and sewer hookup, has a capacity of 631 lots. There is no more availability for high density apartments.

**New Business:**

Anderson stated that at this time there are two individuals interested in the open position on BLUAC. Information has been emailed to both parties and it is likely that they will attend our next meeting for our consideration.

**Adjourn:**

Sorensen moved and Anderson seconded a motion to adjourn the meeting at

6:05 p.m. Motion passed unanimously.

Respectfully submitted by,

Shelley Anderson, member and acting recording secretary