

**April 26, 2012 Minutes of
Bigfork Land Use Advisory Committee
Bethany Lutheran Church
DRAFT**

Committee members present: Paul Guerrant, Shelley Gonzales, Sterling Kerr, Joyce Mitchell, Susan Johnson, John Bourquin, Sue Hanson and 5 members of the public.

Chairman Gonzales called the meeting to order at 4:00 p.m.

The Agenda was adopted. (m/sc Mitchell/Kerr) – unanimous.

Minutes of the March 29, 2012 meeting were approved as corrected (m/sc Bourquin/Kerr)-unanimous.

ADMINISTRATOR’S REPORT:

- A. Sign-in Sheet:** Reminder to the public of the availability of BLUAC minutes through email and BSC website bigforksteering.org/. Agendas are posted on the Flathead County Planning Office website flathead.mt.gov/ John Righetti’s absence at tonight’s meeting makes 3 consecutive absences which makes him ineligible for membership. Sue Hanson presented her resignation effective May 15, 2012.
- B. Status of pending applications:** BCM Intl.-DBA Big Sky Bible Camp – On April 3, the Flathead County Board of Adjustment approved the Findings of Fact as written in the staff report and approved the request subject to the Conditions listed in the staff report.

PUBLIC COMMENT:

None

APPLICATIONS:

- A. FPPUD-12-01 and FPP-12-01 Eagle Rock II Subdivision and PUD** – Requests by Michael Brooks with technical assistance from Sands Surveying, Inc. to abandon Existing Eagle Rock R-2 Planned Unit Development (PUD) and for Preliminary Plat approval of Eagle Rock 2, a residential Major Subdivision that would amend the original Eagle Rock Subdivision. The 17.81 acres encompassed by the existing PUD overlay would revert back to the underlying R-2 One-Family Limited Residential and RC-1 Residential Cluster zoning use districts. Proposed Eagle Rock 2 would amend the configuration and access of eight existing lots of Eagle Rock Subdivision (amended Lots 9-17). All lots would continue to be served by the public water and sewer systems of the Bigfork Water and Sewer District, and the location of internal Fox Run Court providing primary access to the reconfigured lots, would be re-positioned to approach onto Holt Drive approximately 650 feet north of McDowell Drive. The property is located on Holt Drive within the Bigfork Zoning District.

Mitchell: Michael Brooks is known to me and has consulted with me regarding this project, so I would like to recuse myself from the discussion. (Mitchell moved to audience)

Staff:

Alex Hogle: With this application we have two separate processes, each handled uniquely. First is FPPUD 12-01 to abandon Existing Eagle Rock R-2 Planned Unit Development (PUD). Second, FPP-12-01 is a request for Preliminary Plat approval of Eagle Rock 2, a residential Major Subdivision that would amend the original Eagle Rock Subdivision. I would suggest you address each individually.

Flathead County does not have provisions in Zoning Regulations for abandoning, voluntarily, a PUD. We have determined the process is effectively a reversal of the process of PUD.

FPPUD-12-01: The PUD covers a certain area of land that underwent changes in zoning. This resulted in some parcels being split between R-2 and RC-1. Originally the property was zoned RC-1. In 2005 parcels were rezoned to R-2 One Family Limited Residential and RC-1 Residential Cluster. While the PUD was originally adopted in order to allow for flexibility in the design of the proposed 17-lot subdivision, the 17-lot Eagle Rock Subdivision did not actually implement any design deviations from the underlying zoning. The PUD did allow the internal roads to be established with 50-foot easements instead of 60-foot easements. The applicant is requesting the removal of the PUD because the PUD does not depart of the underlying zoning classification, the existing subdivision and the proposed amended subdivision (Eagle Rock 2) comply with the applicable standards of the underlying zoning. Pursuant to Section 3.31.020(6) of the Flathead County Zoning Regulations “Upon the abandonment of a development authorized under this section, the project area shall revert back to the underlying use district that was in place prior to the approval of the Planned Unit Development.”

FPP-12-01: The proposed Eagle Rock 2 would amend the configuration and access of eight existing lots of Eagle Rock Subdivision (amended Lots 9-17). With abandonment, Eagle Rock Drive will still exist but will serve as a private drive for Michael Brooks. With the subdivision Eagle Rock 2, the proposal would amend the access to Fox Run Road and configuration of eight existing lots within Eagle Rock subdivision. The location of internal road Fox Run Court, providing primary access to the reconfigured lots would be repositioned to approach onto Holt Drive in a different location that is presently established. All lots would continue to be served by the public water and sewer systems of the Bigfork Water and Sewer District.

Proposed lots 1-4 would be zoned R-2, proposed Lot 7 would be zoned RC-1, and zoning on proposed Lots 5, 6 and 8 would be divided into both R-2 and RC-1.

No change in density is being proposed. Eagle Rock 2 would have 8-lots with 9 lots in Eagle Rock. There will be a requirement to get an approach permit. Any changes to sewer infrastructure must meet the district's standards.

Open area: substantial change would be to remove the “spokes” which were originally intended to provide access to the golf course. Open Space B would provide access to the golf course for residents and provides a low area to accommodate stormwater run off.

Gonzales: Abandonment? A couple of places (Condition 23) in staff report mentions “amending” the PUD rather than abandonment. A: That was purposeful. Present owner wants to make some changes for his estate planning and the mapping out of the PUD area. If abandonment is not approved, the PUD would have to be amended.

Kerr: I understand you would have to get approval for the new approach on Holt. Will the present one change?

A: No

Applicant: Eric Mulcahy from Sands Engineering. History: Michael decided to purchase the whole subdivision from the bank. He wants to build a home in original Eagle Rock. Eagle Rock Drive will eventually be the driveway into his home. All lots meet minimum lot size and setbacks with the underlying zoning. Brooks did not want to do a PUD amendment on one section and have to later come back and amend again for another section. The new road will be consistent with what was done previously and will save the water feature. We increased the open space to provide easier maintenance.

Bourquin: When you eliminated the spokes did you have to do a boundary adjustment?

A: The new plat will split those areas between lots.

Public Comment:

None

Public Agencies:

Julie Spencer BWS: Any time there are access changes, we want to make sure we do not have issues for access.

Guerrant: I saw there was some abandonment of services. Will new services be coming in?

Spencer: We do not have concrete information on that. There will also have to be services that will have to be abandoned and removed. This may require main and service extension.

Guerrant: What was the issue with the well serving the water features?

Hogle: DNRC did indicate there are 3 water rights with this property. There are possible ways to address the matter.

Mulcahy: Likely the owner will keep two of the wells and use one for water features and irrigation.

Hogle: This topic would be revisited at final review.

Guerrant: Are wells adjacent to water features? Is there an easement for service to the subdivision?

Mulcahy: We would still have to comply with the regulations regarding preliminary and final plat. This will take more specific engineering.

Hogle: Preliminary Plat has 3 sheets and one called Gen 1, which show the infrastructure for utilities. It appears this would be a relatively simple matter using the easement for the utilities. DNRC indicates the issue of water rights deals mostly with configuration.

PUBLIC COMMENT:

Mitchell: I know Michael Brooks to be a fine person and would do a very nice job with this development.

BLUAC:

Kerr: Abandonment makes sense rather than two amendments. I like the idea of access on the west side because there is a visibility problem on the north side.

Kerr moved to recommend approval of the application FPPUD-12-01 to abandon the PUD. Guerrant second: Unanimous.

FPP 12-01: Eagle Rock 2 subdivision.

Alex Hogle: Most has been addressed when describing the abandonment process. We do not feel there are any impacts to wildlife and habitat. The only comment from local services is from the BWS District. There are 21 Conditions of approval. There would be a requirement that the new access road would have to be built to current regulations, including signage.

Mulcahy: No comments after reading the Staff Report.

Kerr: You have a 3-year timeline. Do you know if there are plans to commence immediately?

Mulcahy: I don't think Brooks is in a hurry. He would certainly move to get required items in place.

BLUAC:

None

Public Agencies:

None

PUBLIC COMMENT:

None

BLUAC:

Gonzales: Think this will be a fine subdivision and want to comment on how well it has been maintained.

Kerr moved to recommend approval of the FPP-12-01 including all Findings of Fact and Conditions as set forth in the staff report. Guerrant 2nd unanimous.

The Flathead County Planning Board will review both applications on May 9, 2012, 6:00 p.m. at the Earl Bennett Building, 1035 1st Avenue West, Kalispell, MT.

OLD BUSINESS:

A: Finalize amendments to BLUAC By-laws and review and amend Policies and Procedures.

Gonzales moved to recommend approval the amended BLUAC Bylaws and amended P & P exhibit A. Mitchell second. Unanimously.

NEW BUSINESS:

A. None

Meeting was adjourned at 5:10 p.m.

Next meeting is May 31, 2012

Sue Hanson
BLUAC Secretary