

**BIGFORK LAND USE ADVISORY COMMITTEE**  
**Minutes February 27, 2014**  
**4:00 PM Bethany Lutheran Church – ARK Building**

Chairwoman Gonzales called the meeting to order at 4:10 p.m.

Board members present were Shelley Gonzales, John Bourquin, Al Johnson, Susan Johnson, Joyce Mitchell, Jim Bonser and Secretary Gwen Sutherland. There were 10 members of the public in attendance. Also in attendance were Eric Mack, Abbey Wellemeyer and BJ Grieve from Flathead County Planning and Zoning.

The agenda was adopted (m/s, Bourquin/Mitchell, unanimous)

The minutes of the January 30, 2014 were approved. (m/s, S.Johnson/Gonzales, unanimous)

**Administrator's Report and Announcements:**

Sign-in sheet with e-mail address for copy of draft minutes and draft minutes are posted on the County website: [flathead.mt.gov/planning\\_zoning/documents](http://flathead.mt.gov/planning_zoning/documents).

**Public Comment:**

Lee Wight had a question concerning the Conditional Use Permit for the Montana Club on Highway 35, north of Bigfork.

Grieve: not prepared to give a report

Gonzales: understand applicant has one year to complete the terms of the permit.

With no other public comment, Chairwoman Gonzales closed public comment.

**Applications:**

Chairwoman Gonzales announced that **Application FCU-14-02** Kent and Monette Lembke will be postponed to the March 27 meeting of BLUAC. Grieve announced that all public notices will be sent out regarding this application.

**Application FZC-13-14 David and Deanna Gray.** Zone change request in Bigfork Zoning District.

Staff Report: Mack- Stated that the subject property is located ½ mile north of 209 on Fern Lane and is currently zoned SAG 10. The request is to change to SAG 5 for the purpose of distributing parcels to children of the applicant. Mack stated that the zoning types are similar, compatible with agriculture designation, and comply with the Neighborhood Plan. Driveway widths and fire safety concerns of the Ferndale Fire Department will be met.

Q: Gonzales- Inquired about a deed change in relation to a lien.

C: Mitchell- Lender would have to give permission.

A: Gray (applicant)- Clarified lien change from whole piece to 5-acre parcels

Q: Gonzales- Difference between zoning map amendment and proposed zone change.

A: Mack- They are interchangeable terms.

Q: Mitchell- How will the property be split? How many driveways?

A: Gray- Driveway from Fern Drive will service 2 lots. New drive will service other 2 lots.

Q: A. Johnson- Asked for clarification on size of parcel.

A: Gray- Each child got 20 acres from parents who bought the land in the 1930s. Would like to distribute parcels to each of 3 sons.

Q: Bonser- What if one son wants to sell.

A: Gray-They won't own the land until they build a house on it.

Chairwoman Gonzales asked the committee and public agencies for questions. There were none. She then opened to the public. There was no public comment. She then said that any further comment must come in writing to the committee.

Gonzales asked for a motion to adopt findings of fact (m/s, S.Johnson/Bonser). Application **FZC-13-14** David and Deanna Gray was approved unanimously.

Chairperson Gonzales called for a short recess at 4:31 p.m.

The meeting reconvened at 4:36 p.m.

**Application FLV-14-02 Blackwood.** A request by Dr. Mark Lorang, Professor Flathead Biological Station, representing the Blackwoods for a variance to the fill standards of Flathead County Lake and Lakeshore Protection Regulations.

Staff Report: Wellemeyer- Stated that the property is located at 240 Holt Drive. The applicant is requesting 1465 cubic yards of fill and 25 cubic yards is the maximum that our Lake and Lakeshore Protection Regulations would permit. The Environmental Impact Statement (EIS) found support for the proposal. After considering adverse impacts and based on the EIS, there is greater evidence supporting the environmental benefits over adverse impacts.

Q: Bonser-Wondered about the standards of the agency (FCLR). Should they be changed?

A: Wellemeyer-Gravel is a softer structure than concrete bulkheads and gravel beaches are used to help restore wetlands. The research is documented even though current regulations may be lacking.

Q: A. Johnson-Question regarding site plan and end of the Blackwood's property.

A: Grieve-400 lineal feet-just Blackwood's property.

Q: Bourquin-How far will it extend toward the lake?

A: Grieve-Fill will extend to the end of the dock, 20-25 feet. Clarified diagram of property lines.

Q: Bourquin-Has that much property eroded?

A: Lorang-Blackwoods have lost 1000' of property and are still paying taxes on it.

Q: Gonzales-Were the Blackwoods denied a permit by the Commissioners?

A: Wellemeyer-Yes. The Commissioners asked Planning and Zoning for further definition as to whether it is a major or minor variance.

Q: Mitchell-Concerned about impact on neighboring property (Pearson).

A: Wellemeyer-They could use this fill method to help dissipate the wave energy that causes erosion or they could do nothing.

Chairwoman Gonzales asked if there were any further questions of Staff. She then invited question for Dr. Lorang, who represented the applicant.

Lorang: This application of gravel beaches is being used to stop erosion all around Flathead Lake. It is being used all over the world. It is a viable alternative for wave erosion.

Q: Mitchell-The Keenan's property had less fill.

A: Lorang-It had the same amount.

Q: Bourquin-Why is there leakage on the Keenan property?

A: Lorang-Because of the orientation of the shoreline. Solution is to build a spit.

Q: Bourquin-Change the shoreline on Pearson's property?

A: Lorang-That can be built up with gravel beach, spits and docks.

Q: Bourquin-Erosion beyond Pearson's property?

A: Lorang-Logs will collect there.

Q: Mitchell-What other areas around Flathead would this variance be applicable?

A: Lorang-Sliter's on Westshore. It is being used in Polson.

Q: Mitchell-Any negatives?

A: Lorang-No

Q: A. Johnson-Is it restorative to the wetlands?

A: Lorang-It will extend the wetlands. The current regulations are appropriate for natural lakes, like Swan Lake. Flathead, in 1938 with the building of the damn, became a regulated lake.

Q: A. Johnson-How long will the beach last?

A: Lorang-Forever. The key with a gravel beach is that it gives the waves something to do.

Chairwoman Gonzales opened the discussion to public agencies. There was none. She then opened the meeting to Public Comment.

Bob Keenan: Owns property near the subject property. Supports this process and is a proponent for the application.

Lee Wight: Owns property in North Shore Harbor and has concerns about the following: the parties in the boat hut on the subject property; the state of the gravel berm; roadways to haul the gravel; degradation of Flathead Lake's beauty; and future dense development of the wetlands.

Lorang: Gravel berm is still there. It is designed to change shape. The land it was built to protect is intact.

Mack: Wetland cannot be built on.

Grieve: The likelihood of the flood plain being filled with high density house is unlikely.

Elsa Putzier: Question whether the boat hut is a legal rental.

Lorang: The boat hut is approximately 20x24 feet and has no facilities.

Mitchell: The boat hut is an open cabana with no facilities.

Gonzales: The boat hut seems to be for the owner's personal use. Regarding the roadways to haul the gravel—Mr. Keenan has given permission to access through his property.

Jean Southwood: Question about why fill is not permitted in sites subject to wave action.

Grieve: The regulation was written in 1982 and I can't speak to why they were written the way they were.

Gonzales: There are disconnects with older regulations and newer scientific findings.

Jerry Southwood: Do the Blackwoods live on the property? Do all beach fills work perfectly?

Lorang: They live here in the summer. Beach fills are an adaptive management approach. Start small, monitor, measure and add to, if necessary.

Chairwoman Gonzales closed public comment.

Motion to adopt **Application FLV-14-02 Blackwood/findings of fact** - (m/s, A. Johnson/Bonser, unanimous).

Chairwoman Gonzales asked the Committee if there were any further questions for the Staff or Dr. Lorang.

Q: A. Johnson-Is this variance just for this project?

A: Grieve-The Commission views this as a major variance and needed an EIS.

Q: Bourquin-Did Mr. Keenan need a major variance?

A: Grieve-Not in 2005. It was deemed a minor variance. EIS is distributed to interested parties when it is a major variance which is why the application is being processed through BLUAC.

Q: Mitchell-What is the timeline and when will the project be started?

A: Lorang-Will start by April 15 and it should last about 10 days.

Comments:

Gonzales: Credible scientific information to protect the North Shore is valuable to the Bigfork community.

Mitchell: Thanked Dr. Lorang.

Motion to approve **Application FLV-14-02 Blackwood** (m/s, J. Mitchell/S. Johnson), unanimous).

On March 12, it will go before the Planning Board, 6 p.m. Earl Bennett Building.

Chairwoman Gonzales thanked everyone for coming.

Approval of Amended Bylaws and Policies and Operating Procedure was postponed to the next meeting.

There was no New Business.

The meeting was adjourned at 6:05 p.m. (m/s, Bourquin/S. Johnson)

Respectively submitted,

Gwen Sutherland  
BLUAC Secretary