

**September 29, 2011 Minutes of  
Bigfork Land Use Advisory Committee  
Bethany Lutheran Church  
DRAFT**

Committee members present: Susan Johnson, Joyce Mitchell, John Righetti, John Bourquin, Paul Guerrant, Sterling Kerr, Shelley Gonzales, Sue Hanson and 24 members of the public.

Chairman Gonzales called the meeting to order at 4:03 p.m.

The Agenda was adopted as presented (m/sc Bourquin/Mitchell)-unanimous.

Minutes of the August 25, 2011 meeting were approved. (m/sc Guerrant/Bourquin)

**ADMINISTRATOR'S REPORT:**

**A. Sign-in Sheet:** Reminder to the public of the availability of BLUAC minutes through email and BSC website [bigforksteering.org/](http://bigforksteering.org/). Agendas are posted on the Flathead County Planning Office website [flathead.mt.gov/](http://flathead.mt.gov/)

**B. Status: Lodgepole, Inc.** Was approved unanimously by the Board of Adjustment on September 6, with Finding #15 and Condition #9 removed (dealing with hours of operation). **101 O'Brien, LLC:** The technical representative pulled the application before the B of A made a decision on the request. The file is closed and a new application and full review process will be required if the applicant wishes to proceed. Gonzales: There was nothing in the final approval for Lodgepole, Inc. to deal with the multiple signages. Secretary was directed to send a letter for clarification on the sign issue.

**C.** The Planning Office has informed us that there will be a Conditional Use Permit application for the November meeting and inquired when BLUAC would schedule a meeting (last Thursday is Thanksgiving holiday). Committee set the November meeting to be held on December 1, 2011 in order to give the Planning Office time to forward staff report. Secretary will forward the minutes to B of A members prior to their meeting.

**PUBLIC COMMENT: None**

**APPLICATIONS:**

**A. Roman Catholic Diocese of Helena (FZC-11-03)** A Zone Change request in the Bigfork Zoning District by the Roman Catholic Diocese of Helena. The proposal would change the zoning on 41 acres from AG-40 and AG-20 (Agricultural to AG-20 (Agricultural) on the westerly portion and SAG-5 (Suburban Agricultural) on the easterly portion. The property is located at 195 Coverdell Road.

**STAFF: Alex Hogle:** This is a 41 acre prop. On N Coverdell Road E of Hwy 35. Property is owned by the Catholic Church. Current zoning, Majority AG 40, with a sliver of AG 10 and AG 20. The Church desires to utilize property better. Envisioned residential community for aging. Current zoning does not allow for that on site, thus the request for SAG 5 zoning. There is also a housekeeping reason for the County to clarify zoning with the sliver of questionable AG 20. Change would maintain split zoning, basically splitting in half. Western portion would be AG 20 (approx 20 ac) eastern proposed for SAG 5 – 21 acres in size. Planning board will hear the application on October 19, 2011. In the staff report, critical is the map amendment with potential build out scenario. A large percentage of the property can only be used for agriculture. There could be variety of potential uses. Community development would require further review and a Conditional Use application. If prop were subdivided, parcels could be split in half. Eastern portion could be separated into 5 parcels. Of importance is the high development of water and sanitation as well as paved access on Coverdell Rd and close proximity to intersection of Hwy 25.

MT Dept. of Transportation had no comment because property is accessed from Coverdell Rd. Hwy 35 is controlled access hwy and will allow no further accesses on that section. Development would be restricted to access from Coverdell Rd. The Southwest corner of property is currently annexed into Bigfork Water & Sewer District. Capability to extend that service seems to be well established. Bigfork Water & Sewer did not comment on the proposal. As to the Flathead County Growth Policy and Bigfork Neighborhood Plan, it appears to comply with both policies. Of note, the Bigfork Neighborhood Plan specifies that public utilities should be reserved for areas zoned for higher density. There are 11 Findings of Fact.

**Bourquin:** Talking about future build-out or future PUD's, the applicant could build out from 4 lots to 8? **A: Hogle:** Perhaps. SAG 5 PUD is listed as a residential PUD and has all permitted residential uses. There is substantial interest in the need for aging facilities in your community. The combination of factors (access and utilities/sewer) are not common in Bigfork.

**Gonzales:** Will you define the density of Class 3 or Class 2? **A: Hogle:** The Classes are listed under "Definitions" 7.04.120 of Flathead County Zoning Regulations. Class 2 allows for care for up to 12 persons. Class 1, 8 or fewer, Class 3 more than 12 persons regardless of the type of care provided and would require a PUD. Definition does not provide a ceiling for total residents.

**APPLICANT:** Mike Frazer, representing Bill and Char Dale who are working with the Catholic Church. We want to stay focused on SAG 5 zoning. The Dales feel like there is a real need for aging facilities. Frazier pointed out on map where there is SAG 5 zoning in the area. It is not spot zoning and within the character of the area. We will be back with a PUD process and go through a subdivision process. Each step requires more definition of the project. Doesn't make sense to go into more future planning while we are still in the zone change process and is not part of today's discussion.

**Bourquin:** Appreciate your honesty in what big picture would look like.

**Public Agencies:** None

#### **PUBLIC COMMENT:**

**Sally Proctor:** We live on the adjoining property and would like to know how many people you are talking about. We've been through the disaster with the gravel pit. We have a residential area and are curious how big this planned facility will be. I oppose opening a door that could lead to something that could be detrimental to the neighborhood.

**Lee Proctor:** Your position is unbiased (to Staff Alex Hogle)? It doesn't sound unbiased. It is not consistent with the area. There are mountains between the other SAG 5 zoning. This is a small area of open space and when you break the land up you can easily go to more density. There's probably another suitable place. There were several hawks today and often other wildlife in the area.

**Craig Wagner:** I'm Catholic not against the church. But oppose the zone change.

**Tom Brown:** One of the things we (realtors) deal with is growth and zoning issues. It's often a hot issue between property rights and growth issues. My parents had to move away because there was not a care facility in Bigfork. Where is a reasonable place for this? I think if it's done properly and done with the input from the county, this looks like a reasonable place to put it. The church is there. The church is already creating traffic and traffic will increase if you put facilities there. There certainly is a demand for this type of facility.

**Norm Simpson:** I've had the opportunity to work in real estate lending, and am now retired. I have also had the opportunity to work with the Dales. I'm looking at moving my family members to a care facility. I think it's sad we do not have such a facility here.

**Bill Leiningar:** I would speak in favor of the zone change. I would also like to know more about the checks and balances through this process with more light on the public participation down the road.

**Hogle:** Process is still out in front of us. The Planning Board will review this application on October 19 where they will also take public comment. The Planning Board may or may not adopt the staff report as is. They can make changes and add conditions before passing the recommendation to the Commissioners. The Commissioner's meeting is also a public comment process. There are 5 public areas, which will be posted. Public can provide comment up to the date of the Commissioner's meeting. With Notice of Intent (30 days) posted, if there is enough protest the Commission will not allow the zone change to go through. The review I've taken is available to the public. If you look at the criteria, there is really not a place for sentimental input. Based on the established criteria, it appears the proposal meets the criteria. If you have issues with that, please attend Planning Board and Commissioner meeting.

**Bourquin:** Was that acceptable to you? A: Yes

**Righetti:** Which 5 acres will be leased for the assisted living? A: The SW 5 acres, which will be completely separate from the church property. As to other 15 acres, we are not aware of any plans.

**Mitchell:** The 5 acres closest to Coverdell? A: Yes

**Bill Dale:** Adding to what Mike Frazer said, the Catholic Church is not interested in becoming a developer. The green and open space is just as important to us. We would not maximize the potential of development. We're only interested in assisted living facilities.

**Gonzales:** Going forward, is your intent for the 21 SAG 5 acres to only develop 5 acres? A: Yes, but there could be small independent living spaces.

**Gonzales:** (to public) Each of you will have the opportunity to comment in future processes.

**Char Dale:** Talking about land use, after looking in Bigfork for over a year, there isn't much area for such a project. What does Bigfork offer seniors as far as land use?

**Martha Katz:** I've spent most of my life in public health. I look at the need for such a facility in Bigfork. Right now we're missing that kind of a facility. I encourage you to approve the step 1 of this process.

**Norm Simpson:** Down the road, if a facility is approved, does not that parcel become taxable? A: Don't know. Kerr: Would not be taxed under 501 C non-profit.

**Mike Fraser:** There is a Water & Sewer-Latecomers fee arrangement from \$80,000 to \$100,00 to the sewer district plus monthly fees. They will pay taxes on building and improvements. Major value is in building and improvements. And help pay for sewer plant.

## **BLUAC**

**Mitchell:** I feel the application meets the criteria for the zone change. I understand this is something that may benefit the community.

**Kerr:** I feel like I would be in support of it.

**Righetti:** Agree

**Bourquin:** Don't have a problem with SAG 5 zoning, and we will be able to look closer at details in future.

**Gonzales:** Looking at the Staff Report/Findings of Fact, this shows to be in compliance with the growth policy and BNP.

**Guerrant:** Agree

**Johnson:** Agree

Motion: Guerrant moved to recommend approval of the zone change request: Kerr 2<sup>nd</sup>: Unanimous

The Flathead County Planning Board will review this application on October 19 2011, 6:00 p.m. at Earl Bennett Building, 1035 1<sup>st</sup> Avenue West, Kalispell, MT.

Short recess while room clears:

**OLD BUSINESS: None**

**NEW BUSINESS: None**

Meeting was adjourned at 5:15 p.m.

Sue Hanson  
BLUAC Secretary