

1. Private property rights
1. Rural character
2. Level of public services (existing)
3. Preserve agricultural areas
1. Wildlife protection – road closures etc
2. Agricultural – protect
3. Small town atmosphere
1. Keep private property rights as paramount over the transient whims of the collective!
2. Less government interference
1. Allowing MT registered vehicles into state parks no charge
1. Leave wetlands for birds, animals etc for future generations to enjoy
2. Small towns – public schools
3. Protect & respect our wildlife
1. Open space along highways
2. wetland designations (no bldg)
3. Maintain existing rural zoning design
1. Small community atmosphere
2. Beauty of landscape
3. Access to public lands
1. Continue open forums – meetings for input
2. Do not decrease public land in county
3. Do not decrease public accesses to water bodies & land
1. Views (and access to them) of Flathead Lake and the valley and mountains
2. Proximity of wildlife & wilderness
3. Friendliness and intimacy of community throughout the valley
1. Don't change our rural area
2. Keep easy access to rivers & lakes for everyone
1. Clean lake water
2. Amount of wetlands
3. Beautiful scenery
1. Rural aspect of roads
2. Wetland around Flathead Lake
1. Rural character
2. Open space
3. Protection of property rights
1. Keep logging
2. Recreational focus stays strong
3. Personal property rights
1. Widening of MT 35
2. Number of traffic lights
3. Number of trees
1. No development on the north side of Flathead Lake
2. No widening of MT 35
3. No high-rises in Bigfork
1. Friendly atmosphere
2. Small town feeling
3. Adequate shops & stores
1. Un-incorporation Bigfork
1. Stop the constant zone changes – leave them alone
2. Recreational access hunting, fishing, camping, etc
1. Discouraging development away from services
2. Maintaining scenic vistas
3. Increasing cities' size
1. The Glacier County Airport
2. Height of buildings – keep high rises net.
3. The beautiful views
1. Access to parks & rivers & Flathead Lake
2. Aircraft access to city airport

2. Destruction of wetlands & wild areas for development
3. Box stores- none more bike paths
1. Find productive work for young staff
2. Provide water rights portability
3. Discourage the "Isolationist" goal of anti-growth
1. Keep more jobs in the valley
1. Less advertising
2. Build less houses
3. No public lands
1. Less subdivisions
2. More land available for parks etc
3. Allow more people to help decide our future
1. Keep density issues near pop. Areas
2. Bldg. heights in business areas
3. Road side billboards to a min.
1. Unregulated growth
2. Zoning for all of the county
3. Developers pay their costs of infrastructure!
1. Stop developments until the Growth Policy is in place
2. Limit wells and septic systems on subdivisions
3. Better relationship between cities and county as far as planning needs
1. The fractured development which forgets about the health and beauty of the environment
2. Make protection of water (lakes, river) mandatory
3. Generate creative ways – developed – to bring population and businesses that will keep Flathead a model for the nation
1. Keep industry out of the rural area
1. Size of subdivisions
2. More space between subdivisions
3. Better roads
1. Business on 93 N to Kalispell
2. Limit type of growth in Bigfork
3. Truck traffic on 35 from Polson
1. Unrestricted growth – lack of planning
2. Zoning that doesn't fit with rural character
3. Prohibit county from trumping goals of Bigfork i.e. development
1. Focus on cluster development
2. (OFFENSIVE COMMENT REMOVED)
3. Make adequate affordable housing mandatory in all communities
1. More attractive (public) lake access
2. Special zone for real estate offices
3. Put utility lines underground
1. No gravel pit on Coverdell Rd.
2. No Glacier Mall
3. More public access to Flathead Lake
1. Rapid development
2. Location of gravel & sand pits
3. Lack of public safety (new programs to stretch current resources)
1. County commissioners' ability to regulate & power that they wield
2. Compliance & inspections for construction – the lack of oversight is appalling
3. The landfill should have a state of art reclamation & incineration plant – it doesn't because land is "cheap"
1. Promote development close to infrastructure
2. Attitudes toward environment
3. Dependence on auto
1. The way parking lots, strip stores are permitted, I'd require beautification plan
2. I would have a plan for signage – not allow huge signs that obstruct the view
3. Have a plan for affordable housing
1. Very limited signage & size restrictions
2. Minor & major subdivision restrictions- 6 units +6 units or lots (increase restrictions)
3. Developers must pay for all infrastructure costs
1. Provide better police protection for property owners

2. Plan ahead for services – what where how to expand
3. Plan for funding of services Property owners to agree on how to achieve in each neighborhood

12-13-05-Comments from Flathead County Scoping Meeting concerning Bigfork.

Three things you would not change

1. Small town/rural nature of county
2. Lots of open undeveloped land
 1. The wide open spaces
 2. The quality of water – lakes, rivers, drinking
 3. The good air quality
1. Biodiversity – maintaining clean air/water, nature wildlife species and their habitat
2. Maintain or improve water quality
3. Maintain rural qualities, farmlands & open spaces
 1. Water quality (keep it good)
 2. Protection of riparian areas
 3. Public land ownership
1. Small town feel – don't always have to lock your door
2. Water quality
3. Keep understanding of our rural background even as we change to urban/rural
 1. Set backs from lakes & rivers not more restrictive
 2. Sign size allowed in zoned areas
 3. Bigfork stays county, not city

Three things you would change

1. Attraction of companies that pay a “living wage”
2. More control over land use. Emphasize “small village” concept vs. 1 large urban area.
3. Require public facilities improvement plan with each new subdivision compatible with a county plan
 1. I would fund growth related needs of infrastructure with impact fees
 2. Like to see more cluster subdivisions with open space and parkland
 3. More public transportation
1. Increased data gathering in all areas so fact based decisions can be made.
2. Land use planning that has teeth and is not constantly amended.
3. There should be countywide development standards especially for signage, floodplains, fire hazard areas, sensitive habitats
 1. Implement strong zoning rules that deal with land use
 2. Find a way for cooperative city/county government interaction
 3. On-site wastewater regulations
1. More focus on public services and facility issues as we grow
2. More emphasis on keeping our youth in the general area past high school
3. More pride in being a part of Flathead County and not just home town
 1. More marinas/boat slips
 2. Linkage between nearby dead-end roads i.e. for fire emergency areas
 3. Restrict new signs in key visual zones on highways without zoning

10-5-06

Darrel Coverdell: There needs to be criteria for the use of shall/should. He suggests we look at what we consider critical, safety would be an example for “shall”. We need to go back to the Survey for guidance in this criteria. **Considered throughout Draft**

Kathy Robertson: The Flathead County Planning Board has tried to use “shall” for impact, but in all but a few occasions it was rebutted. We have used encourage or discourage a lot. **Considered throughout Draft**

Bill Myers: Sometimes “gentle encouragement” will work better than rigid standards. You may get more cooperation from developers by “encourage” rather than shall/should. **Considered throughout Draft**

Shelley Gonzales: The Draft of the County Plan had some inconsistencies and I could find argument both ways on some subjects. **Considered**

Kathy Robertson: We have been working on more specifics in Goals and Policies and providing cross-references throughout the document. **Cross references considered**

B J Grieve: The County Draft was a product of many people developing the document, which accounted for some of the inconsistencies. Much of the public comment pointed out those inconsistencies and we were able to make revisions to correct that. Public comment has been very valuable in this process. **Considered**

Edd Blackler: Bill Myers’ approach is philosophical. The County Growth Plan would defer to Neighborhood Plans. We must delineate plainly incentives to developers that would blend with the Goals and Policies of our Neighborhood Plan. **Considered throughout Draft**

Clarice Ryan: I think the criteria should delineate between safety issues and personal preference. **Considered throughout Draft**

Bill Myers: Health and safety, preserving the quality of our water is critical. There should be a balance between what property owners want to do with their property and health, safety and clean water. **Considered throughout Draft**

Kathy Robertson: I use the guidelines from the Montana Code in my judgments on this issue. Those are public health, safety, morals, convenience, order and general welfare. **Considered throughout Draft**

Darrel Coverdell: There are a lot of words we can use to encourage flexibility. The Draft definitely needs some “tweaking”. **Considered throughout Draft**

Tom Lewis: Asked a point of information regarding a document at the Bigfork Library recommending additional zoning designations. **Answer: The document is not part of the present Draft.**

Bill Myers: Has reviewed a copy of the Draft. There is a lot of good in the document. It seems there are areas where there are plans to take away personal property rights. He sees new zoning standards such as view sheds, open space requirements, signage, architectural design standards, and steepness of slope. He has serious concerns he will be regulated out of property rights. **Considered. Most of Myers concerns are part of Flathead County Zoning Regulations and mirrored in the Bigfork Draft.**

Sally Janover: Asked what is time frame for accepting comments on the Draft. **Answer: BLUAC will determine the deadline. All comments will be attached to the Draft.**

Tom Lewis: Is concerned about requirements regarding steepness of slopes and will submit his comments in writing. **Steepness of slopes is regulated through Flathead County Zoning Regulations**

Denise Lang: Is reminded of the 1993 Growth Plan significantly in the area regarding signage. How is it enforced? **Answer: It is not enforced by BLUAC. The section was intended as a guideline.**

Clarice Ryan: Are you still planning open public meetings? **Answer: BLUAC will decide the schedule for public meetings.**

Bill Myers: Said the sign ordinance was enforced on me. I had to move my sign. **Flathead County regulates sign regulations**

11-2-06

Bill Myers: Commended the committee on taking comments both before and after workshop sessions. Change happens, we don't have a crystal ball. We don't know what Bigfork will look like in 100 years, 20, 10 or even 5 years. Our worst nightmare in downtown Bigfork would be a big fire. We have survived fires at Mountain Lake Tavern and one I think at Sam's Place. Fire would radically change the town character, appearance and type of construction. Regarding signage (Page 37, P.11.9) being earth tone colors there are a lot of signs that have bright colors such as Art Fusion and the Bigfork Playhouse. As to preserves area character, Wink's condos most everyone likes the appearance. Regarding should/shall would encourage language such as encourage, suggest. **Draft language changed to “and in a color and style compatible with the area”**

Elna Darrow: While Myers is correct about the signs, the recommendations of the present Bigfork Land Use Plan were not policed for compliance. Signs should be encouraged to be earth toned and smallish buildings should be encouraged to be consistent with the tone of the village. We have been lucky that downtown buildings have been in good taste. We can't count on this, so we need rules. As to shall/should, all we can require is good taste. She also noted that Kathy Robertson has said that “shall” has no place in the County growth policy. It is a policy, not a statute. She noted the Mountain Lake Tavern fire damaged her building but the insurance paid for the damage. We were lucky there was no wind the night of the fire. **Draft language changed to “and in a color and style compatible with the area”**

Bill Myers: I'm disappointed that you think there will be few changes. The survey should not be relied on as “gospel”. It is “biased” as admitted by the plan itself of pages 13 and 14. It does not address legal rights and property rights as spelled out in current zoning and law. I hope you anticipate that this document, as is, may be objected to. The question is are you here to pass on as is (i.e. what Paul said) or be willing to change to resolve problems before it goes up. **See comments by Leslie**

Budewitz 11-21-06

11-8-06 Workshop

Mike Richeson: Stated since he covers a lot of territory, he runs into many people every day. He believes this group in running into P.R. problems. He hears BLUAC isn't interested in public comment, that public comment is not analyzed but passed on to the County without consideration. He thinks the survey is short sighted. There was a good return, but it doesn't speak to all of the population, especially younger residents. He suggests 1) January round table discussions. 2) UPS has only sold a handful of printed plans. 3) If nobody shows up, then at least you have made the effort. **Public meetings scheduled for January 2007**

John Bourquin: We do take public comment. This committee will consider all public comment. Now is the time for the public to make comments. After the workshop meetings have considered the Draft, we will have at least two public meetings. All comments will be attached to the Draft when it is submitted to the County. **Public comment taken before and after all workshop sessions.**

Shelley Gonzales: When we worked on getting the survey in the mail, I was at the Post Office and was so disheartened that so many people would toss the survey in the garbage. You can't bend people's arms. We did our best to advertise and bring the survey to the public's attention. It was very discouraging. **Board expresses same feelings**

11-21-06

Bill Myers: Read a written statement expressing his personal feelings about certain members of BLUAC, the process, and California attorneys. He also repeated his contention that the Draft document violates personal property rights based on previous comments. *Myers did not leave written comments. Duly noted.*

Leslie Budewitz:

To: Bigfork Land Use Advisory Committee, Flathead County Planning Board, and Flathead County Commissioners
Re: Draft Bigfork Neighborhood Plan

I would like to comment on a comment being made at BLUAC workshops and hearings on the proposed neighborhood plan. One member of our community repeatedly asserts that the actions of this committee constitute a regulatory taking. As a matter of law, he is wrong. I don't expect to convince him, but because arguments sometimes gain credence simply through repetition, I want you and other members of the public who hear his comments to understand that he is wrong. According to an analysis of regulatory takings law by Professor John Horwich of the University of Montana Law School, no state or federal appellate court in the country has ever held that zoning regulations or changes in zoning constitute a prohibited regulatory taking of property under the Fifth Amendment to the U.S. Constitution or comparable state constitutional provisions such as Art. II, Sec. 29 of the Montana Constitution. Other types of land use decisions have been held prohibited takings, but not zoning, which courts consistently hold to be a proper exercise of the government's obligation to balance the competing interests of the citizens.

Nor is there any legal basis for arguing that a neighborhood plan is a regulatory taking. A neighborhood plan or growth policy is simply that – a plan or a policy, which guides decisions on drafting regulations and enforcing them. The plan or policy does not of itself mandate or prohibit any specific land use action.

I will spare you the technical details of regulatory takings law, but want to point out briefly that in general, a taking requires proof of either a physical invasion or the denial of all economically beneficial use of the affected land. The lost opportunity to use land in a way that one might envision using it does not constitute a taking unless the land no longer has any economically beneficial or productive use as a direct result of the regulation; as you can imagine, this is rare. In some types of takings analysis, there must be a roughly proportionate relationship between the governmental ends or goals and the means chosen to accomplish them. Another type of takings analysis requires a balancing of 1) the economic impact of the regulations on the complaining property owner; 2) the character of the government's action, including its purpose and whether a physical occupation results; and 3) the nature and extent to which the action taken interferes with rights in the property.

The bottom line remains that, according to Professor Horwich, zoning regulations – and by obvious extension, the growth policies or plans behind them – are not constitutionally prohibited takings.

I am also bothered by the suggestion that the survey, which forms the basis for much of the draft plan, is biased because of the age of the respondents. It is my understanding that the age of the respondents, and the age of respondents' household members, is consistent with published census data for the community. If that is true, then the survey results reflect the age of the community and are not age-biased.

My thanks to all of you for your work on this important project.

Leslie Ann Budewitz

Bigfork Steering Committee member, and advisor to the Executive Committee
Attorney, licensed to practice in Washington (1984) and Montana (1993)
J.D., University of Notre Dame Law School, 1984

Committee appreciative of input

II Population and Economics

11-29-05-Comments from Flathead County Scoping Meeting concerning Bigfork.

Define successful economy

1. Have an immediate moratorium on growth until policy in place. Share more for parttime housing. Development impacts strict and required. Develop foreign markets. Become a place for ecotourism. Preserve farmland by encouraging new kind of crops and markets plus old crops (what will we eat if we cover over premium land?) Bring in soft businesses that require educated professionals and that have training programs coordinated with schools to keep youth, and raise salaries for all. Institute slow growth policy. Set aside funds to open space. View the arts products. Changes in resources, farmland, impact fees, growth limit, young employment, welfare, wages.
2. Success is low unemployment levels (just like now)
3. More high paying jobs Health insurance for all
4. Increase of utilization of natural resources. Reactive timber industry. Reduce energy costs by using biomass. Reduce fuel building by economic use of biomass. Reduce bureaucracy (sp?). Return of management of lands & resources to the public & land control by county government. Reduce educational costs by requiring results measurement & efficiency. No increased funding without equal amount of cost reduction. This would reduce burden on taxpayers.
5. Everyone comfortable & able to support education & services. It doesn't need to be Palm Springs. Let the rich adjust to Montana level.
6. Services & health, professional, fire – better balanced now, health & fire dominate the economy because of the land boom. That is not sustainable.

7. Economic growth that encourages young people to stay in the valley and raise their children here. An economy that does not destroy/pollute.
8. Well rounded, not primarily single sector. Businesses that are sensitive to public needs.
9. Ideally-everyone should be able to make a decent living. Developers should be required to pay “impact fees” that recover the actual cost to the county.
10. Times change – need to encourage corporations to locate in the Flathead with clean high tech jobs.
11. A healthy, balanced economy with well-paying jobs for an educated and skilled population.
12. Agriculture & commodity extraction, such as timber, has been tempered to be environmentally sustainable and provide for a strong recreation economy – yet remains competitive enough to maintain lands as open space rather than residential subdivisions.
13. Diversified- not reliant on tourism, timber or agriculture. Support home businesses and avoid the “Bigfork is for sale” attitude of the all the real estate offices taking over Bigfork Village.
14. One where “big box” is not allowed to come in and put small business out of business. Big box also makes us look like any other city in the U.S. Why should tourists travel here when we have nothing to offer???
15. Many jobs available providing goods and services
16. Shift from an extraction economy to clean industry – focus on small clean industry to attract high pay jobs. Work toward keeping more youth from leaving state to find good jobs.
17. Not cyclical. More manufacturing & less service related. Ideally it would be tied to the world economy & not just the valley.
18. Diverse employment opportunities. Take advantage of natural resources, mining & timber. No special emphasis on high tech service industry large enough to take care of an older population base.
19. A successful economy would be innovative, looking at new paradigms of sustainable models to ensure that people in the valley are comfortable and have the full range of opportunity the American dream promises while simultaneously protecting and restoring the natural world that is so important to the valley. Incentives & innovations will also help Flathead family farmers prosper in their farming and remain in farming as well as helping new farmers get off to a good start.
20. Sustainable
21. Unemployment will be 2% or less. Out of state landowners should be taxed higher than full time residents. Senior property owners should not be paying property taxes based on their neighbors’ big expensive home.
22. Montana no longer being in the bottom 10 worst paying economies in America.
23. Unemployment not to exceed 5% maximum of ?? percent of the population below the poverty line.
24. Maintain scenic beauty to attract tourists – don’t destroy by rampant development. Tax rich more to help maintain farmland & open space.
25. A thriving commerce so that those that want to work can and at a reasonable wage.
26. Growth not limited to just a few sub sectors. Too many jobs here are below “living wage” Balance & diverse economy. Maintain economy in traditional subsectors.
27. Recognize that this area is a haven for retirement & second homes. People move here because of the natural assets and therefore want them preserved. The surrounding national forest is a great asset and needs proper management.
28. We would have done what was needed to bring a variety of investors and businesses to the valley. We would provide jobs for our young people to stay here where they grew up.
29. Farmers continue farming by lowering taxes & new incentives to discourage subdivisions. Developers complaining loudly that they must provide all infrastructure costs an support for their developments in subdivisions. If they are complaining then zoning laws are successful.

12-13-05-Comments from Flathead County Scoping Meeting concerning Bigfork.

Define successful economy

1. Being able to successfully increase the minimum and median wages in the county, to keep up with the growth in higher income brackets. This economy must be able to help the rural aspect of the community maintain its place in the overall picture. Improving transportation into the county is an important improvement area.
2. Diverse economic drivers that respect the environment & public values. 90% of workers earn a “living wage”. Flathead County is an example of a entrepreneur driven economy.
3. Unemployment at 4%. Living wage above min. wage i.e. today at \$8.00 hr. Better manufacturing base (wood & mining is down on your graph). Manufacturing of wood products, i.e. furniture that could be exported.
4. Highest % of workers that make a living wage from a single 40 hour job. Highest % of young people over 18 that remain in Flathead County. Lowest % of families in state below the poverty line. Define successful natural resources
 1. Where the resources are utilized to achieve the following: 1. Provide industry to the valley and jobs to our residents. 2. Provide recreational activities to those who want to utilize the outdoors. 3. Preserve our natural beauty for all in the future.
 2. See “Flathead on Move” on energy, parks & rec.

3. Achieving and maintaining quality goals in water & air environment. If we maintain air & water quality at high levels we will have achieved most other goals set out in a planning process – the water will be the first indicator of our failures.
4. Natural resource success would involve protecting/restoring as much native vegetation (especially native prairie) as is feasible. Protection of enough habitats to maintain viable populations of the native species of this region. Forests would be managed to more accurately represent historic conditions before European settlement. This would involve environmentally sensitive logging, prescribed fire, and protection of sensitive areas including wetlands and riparian zones. Natural resources should be converted to value added products that create jobs.
5. Cleanest lakes in the nation & streams.

Define successful population

1. Don't try to restrict. It's going to happen. We've been found, but do focus growth in appropriate areas with sewers.

11-8-06

Bill Myers: Hand written comments: November 8, 2006

I object to following paragraph or page of the proposed plan, based on the infringement of private property rights.

Page 8: G.2: manageable growth, development, protect character *Changed managed to support*

Page 8: P 2.1: encourage open space conservation to maintain rural character *Considered*

11-18-06:

Chuck Gough: I received the revisions from Sue on Part II, Population and believe that two paragraphs following the section heading "Population" need some revision. You know I'm an old CPA and always want the numbers to be accurate. Revised paragraphs are as follows based upon the research and numbers used in the Housing section.

"The estimated population in 2005 reached 2,250 full-time residents, based on new housing starts of 588 units since 2000, less normal vacancy of 9.3% and seasonal/part-time resident vacancy of 22.8%, and using the census's average household size of 2.08 people. (See Page 10)

There are approximately 355 part-time/seasonal residents in the BPA in 2005." *Section changed to reflect corrected figures.*

III Housing

11-29-05-Comments from Flathead County Scoping Meeting concerning Bigfork.

Define successful housing

1. People are encouraged toward home ownership. Homeless are discouraged by no available housing.
2. Point: wage doesn't equal income. Think about "nonearned" income becoming a bigger part of our economy. Including transfer payments as well as income earned earlier in one's life; these people count too
3. More modest, affordable homes. Fewer "trophy homes"
4. Successful housing is a great mix – from affordable or low income to elaborate or expensive.
5. Affordable housing supported by developer's assessments/housing sale assessments to assure a balance.
6. Housing available for most income brackets. Housing that does not take away natural resources. No rural sprawl.
7. Housing that is affordable to all.
8. Dense, situated in urban areas where infrastructure is, aesthetic, community oriented. Leave natural & agricultural lands alone. Cluster housing in urban areas where infrastructure exists rather than spreading out across natural and agricultural areas. Make development more community oriented, i.e. development of communities rather than each person in a house on 5-10 acres. Around the community developed in natural open space for recreation, bike trails, wildlife habitat, community gardens. Development is dense in communities with the idea that people are going to interact & enjoy each other's company while natural areas are left natural.
9. All levels of affordability in all areas. If land becomes too expensive, then allow condos & townhouses in marginal areas to aid in affordability.
10. Mixed sizes & values within 10 sq. miles. Quality better than quantity – size. Design to fit Montana character. Built to last. Track homes minimized.
11. Adequate affordable housing. Discourage exclusive housing. Balanced zoning.
12. More affordable houses near the city to make transportation easier for those with low incomes. No project housing nor high-rise apartment buildings.
13. Affordability, accessibility to infrastructure, accessibility to public transportation, increase densities, development that pays for itself.
14. Let the market place determine the value.
15. I'm no expert at this but success seems to be when the lowest income brackets do not spend more than 30% (?) on housing.
16. Large lots – space green areas
17. Balance affordable housing with medium housing. Control high end homes. Introduce green belt areas to maintain lower density.
18. Providing multiple levels of housing types. In Bigfork we need to address senior housing and assisted living as community continues to age. Provide more group living opportunities for singles and low wage earners.
19. Affordable housing starts with low cost dirt (illegible) and higher density.

20. Every person, family etc has the opportunity to purchase or rent the type of housing that will satisfy their needs for that moment in their life. Everyone doesn't necessarily have to be able to purchase a home.
21. Successful housing is when homes are built so people can afford to buy & care for the property.
22. An abundant supply of modest sized building sites which meets or exceeds demand. Acceptance & availability of IBC (UBC) dwellings, whether constructed on-site or off-site. Thereby avoiding the current "Only Millionaires Can Enter" mentality.
23. Provides a spectrum of costs and integrates housing for people working in services industry with places that service sector lives being located close to where they work.
24. Reduce sizes of houses. Provide affordable housing. Provide some cluster housing while maintaining open space. Educate people about weeds & wildlife in rural area.
25. X% of new housing starts (and X% of all housing) should be affordable to working families of low income. Don't have any idea of what specific measures to recommend.
26. Density can be provided for if carefully planned with cluster housing etc. Too much wealth or the entire nation has fallen into the hands of the elite few. Virtually no middle class left & those people are basically supporting the poor & unemployed. We need regain control of our government
27. This would provide attractive & safe housing for all economic levels. Even low income homes would have green spaces with bike & walking paths. There would be common areas for leisure activities. Along with retirees coming in this plan would accommodate the various workers to provide services.
28. When those that want to own a home are able to do so at a monthly cost of only slightly more than their rent. For this to work here, wages have to go up and/or cost of housing has to go down.
29. Affordable for low and moderate incomes throughout the valley. Infrastructure paid for by developers. Mixed – multi-family & single Elder independent housing near health services – not on Buffalo Hill!

12-13-05-Comments from Flathead County Scoping Meeting concerning Bigfork.

Define successful housing

1. In any community it should be where all economic levels of the community can afford a "reasonable house of their dreams" without demanding a higher than normal percentage of their household income to make the payments. People generally want to work over a period of time to improve to new housing without having to drastically increasing the percentage of their household income to do so.
2. A diversity of housing options. "Affordability" exceeding the national average.
3. Housing would have been built using development standards and performance overlays. Developers should be required to build a certain percentage of affordable housing into major subdivisions to avoid large "slum" areas. Housing should be built according to projected actual needs (these are formulas for this). The whims of the market do not often match the needs of the valley residents at present. Success would be when they do. Conservation subdivision design should be a priority.
4. Highest % of families in the state that can afford housing on a single household income. Same as above but for multiple workers in the family.

Bill Myers: Hand written comments: November 8, 2006

I object to following paragraph or page of the proposed plan, based on the infringement of private property rights.

Page 13-14: "data presented Fig. 1-3, 103, 104, caution must be used using these data as sole guideposts . . . age (64% over age 55). Survey participants may well reflect a bias in this area Specifically, these survey results are rejecting survey results in plan to achieve the recommendations sought by the Steering Committee & BLUAC. "Maintain the character of Bigfork" Page 15: P 7.1: "maintain character", P 7.2, "promotes open space & scenic views", P 7.4, "minimize grading on steep slopes"

Page 16: "consistent architectural style, architectural requirements for signage, landscaping, construction"

Page 18: "support commercial development in appropriate areas (subjective).

Page 19: P 8.3 visual enjoyment, P 9.1 create a subcommittee to 1. Develop design standards for village & Hwy 35 corridor, include lighting, signage, landscaping, & public art to ensure compatibility" P 9.3 subcommittee forward to BLUAC P 9.4 All new development, exterior remodeling, new construction should comply w/develop standards, unless waived by Flathead County Commissioners based on specific findings. ***Changed standards to guidelines. Refer to comments by Leslie Budewitz (General Comments) regarding property right. Considered remainder of comments.***

IV Downtown and the Highway 35 Corridor

No comments submitted

V Land Use and Natural Resources

11-29-05-Comments from Flathead County Scoping Meeting concerning Bigfork.

Define successful natural resources

1. Having them! Having them in as close to their natural state as possible. Clean pristine water, forest – healthy ones, parks to enjoy.

2. No mining. Good clean water – regulate development by streams & bodies of water. Create a land trust to help farmers. Landowners maintain open space. Have strong regulations to control air pollution. Strong regulations to restrict septic systems and wells.
3. No net loss of open space. Full recovery of all threatened and endangered species. No decline in water quality.
4. Thoughtful preservation and restoration if needed
5. More strict regulations on water quality – our lakes & rivers are the reason many of us are here, so we need to protect them and the wildlife that depend on them. Old and outdated septic systems in the county should have to hook up to municipal services, if available, or update their system to today’s standards.
6. This is the easiest one. Success is no significant change in water quality parameters on Flathead Lake. Flathead Lake is the ultimate end-user of our county.
7. Resources are used so that sustained yield is practiced. (wood industry) More restrictions and oversight on gravel pits.
8. Continual use, harvest and development. Nothing in excess. Moderation but continue to develop. Too valuable to waste.
9. Speed of development slows down to not overwhelm the reasons we are here (us – 30 yrs.). Preservation of natural wetlands. Not other location to mitigate development limited to areas so that have enough natural resources (water esp.) to support it.
10. Natural resources are the strength of the valley. Healthy forests, meadows, wetlands, rivers and lakes, wildlife habitats are what bring people to this valley. They are why this valley/county is so well loved. Preserving and restoring these resources is essential. All growth must be stringently managed to prevent damage to or deterioration of these most important resources. The human presence must learn to be harmonious with the natural world, and must stop being a destructive force. Otherwise we do destroy what is most important to us!
11. Protection of water supplies, protection of habitat for all species. Prevent introduction of non-native species and plants.
12. When accessible and usable. It does no good to preserve them and fish & game harass everyone away. Not surrounded by track homes. Not growing highway signs. Left as the word says natural.
13. Maintain and preserve timbered forests and roadless areas. Monitor water use for public service so we don’t exhaust water supply from aquifer.
14. Flathead Lake pollution levels not to exceed present (2005) levels. No net loss of public parks. Adequate funding for maintenance of at least 2/3 of parks (currently 32 out of 86).
15. Limited development of mountains. Clean water. Fauna’s ability to survive, especially predators. Accessibility to peace & quiet. Limit development of floodplains and wetlands. Limit development around lakes.
16. Protection of water quality for both people, wildlife. Enough water to serve all uses. Protection & development of wild areas. Protection & use of renewable natural resources. Don’t sell our land based resources out of county.
17. Strict regulations must be adhered to in order to keep Montana beautiful.
18. Maintain adequate water usage for both recreation and farming needs. Maintain water resources for Montana before letting be taken for other area i.e. California, Nevada, Arizona.
19. Good air quality & water quality in lakes and aquifers by restriction of development of lakes. Maintain natural vegetation and habitat by prohibiting overdevelopment. Selective thinning of forest to reduce fire hazard but not at expenses of wildlife habitat.
20. Maintain current natural resources at current or better levels. Any degradation unacceptable.
21. Manage & develop to best potential – provide a tax base to offset public tax burden. Example – timber tax for schools.
22. We must avoid overreaction. Management does not need to mean curtailment. Care in the use of water, proper county procedures, and carefully planned rules & regulations – by knowledgeable trained people with local input should be utilized to draw them up based on true science – not emotion.
23. Stricter policing of lake property. Keep the water purer by enforcing regulations.
24. They must be self sustaining since we could have great natural resources that we generated a lot of benefits from only to have them spent in 20-30 years.
25. The water quality (lake, ground & river) remain essentially at 2005 levels.
26. Only allow logging of small diameter areas, convert mills to accommodate changes. Protect all wetlands so they can help protect water quality, control floods & provide wildlife habitat. Maintain open spaces for farming. Provide more incentives so house building is not so lucrative. Less roads mean less weeds.
27. Large areas existing natural/semi natural condition with minimal human intrusion. Reduced sprawl.
28. Water quality: look at aerial photos to see algae buildup from the Swan River dumping into Flathead Lake – old septic systems need to be updated and not just grandfathered – Bigfork sewer cleans water? And dumps into lake.
29. Maintain water quality of Flathead Lake. Land use & logging practices affect water quality.
30. We must realize that gravel pits are essential to growth & construction of homes & highways. We must not allow neighbors to control private property use at the expense of community benefit.
31. Our rivers would be free to flow with park areas provided for citizens to enjoy. Our wetlands and wildlife would be preserved.
32. No land development or structure in the 100 year flood areas – none!

Define successful land use

1. Some percentage of acres for agriculture Increase waste facilities More public transportation for elderly Keep beauty in Flathead Valley by good planning Do not crowd too many houses into subdivisions
2. Quality of life is clean air & water and open lands for all. Need an immediate moratorium on growth until a policy is in place. Keep housing density close to cities. Leave rural areas open, unpolluted and slower. No building on wetlands. Affordable housing a % of every development – integrated into all housing. Sensible zoning for well integrated communities. Respect property rights unless they infringe on the common health. Good agriculture is precious, life depends on having farmers & good soil. Set aside land for creative use of agriculture. Assist small farms. Keep roadless lands roadless. Fed/state/tribal/corp timber. Rural vs. urban. Density, quality of life, property rights, adaptable growth policy, agriculture, developments. Funds set aside to buy private land for public use.
3. Protecting property rights while allowing growth that protect property rights already defined.
4. Growth that is accomplished by constant public input and information – growth that adheres to growth plan
5. Housing with adequate lot size as not to infringe with neighbors and to fit with area “look” (i.e. track housing)
6. Almost all issues other than land use are covered by government, voters, or prevailing laws. Land use has to be determined by government. But to date has not either by fear of owners or lack of will to accept that growth is occurring and some form of regulation must occur. Not to hunt land owners but accommodate that which is happening in an orderly way.
7. Success is when we have no further loss of average land base (acreage) of single family homes.
8. Slower, more thoughtful subdivision of certain lands. Attention given to misuses of minor subdivision category. More attention paid to availability of water & other services, whether individual or community.
9. Farm & rural properties maintained at current acreage requirements. Maintain population centers near current cities to lessen impact on environment. Once policy is developed, stick to the guidelines and allow variances sparingly.
10. A policy that defends property rights without infringing on the property rights of others.
11. Channel growth where infrastructure is. Have developers pay impact fees to include off site improvements. In non-incorporated areas like Bigfork have planning & zoning issues go from local land usecommittee directly to county commissioners (eliminate the CountyP&Z)
12. Agricultural uses have been sustainable, retaining open space, discouraging subdivision, and maintaining environmental quality.
13. Mixed use Keep multifamily & single family intermixed Cluster development to keep denser housing Easier to get services to and yet keep open space
14. Growth characteristic of the area Uses that don't cause blight Architecture that fits – below horizons Ground lights Uses encourage civility Create village
15. Human impacts on the land are concentrated in areas where infrastructure exists, so human needs are efficiently & adequately addressed. Natural lands/wetlands/plant & animal habitats are left intact, not fragmented & undermined by “prairie mansions” placed on every 5 or 10 acres or housing developments in rural areas.
16. Land is used for its maximum potential – i.e. – agricultural land is kept in production; developments are put in less productive areas. Public lands are kept open for all to enjoy.
17. Federal government has too much land and is too restrictive concerning access and use. They are currently on a land grab wanting even more roadless and wilderness. This needs to be stopped. Wildlife and humans can cohabitate if controlled.
18. One where property is zoned – and zoning is not changed on a daily basis.
19. Preservation of agricultural land as in 2005, that is, no more land converted to residential. Houses on 1 acre or more, no cluster subdivisions. More areas reserved for parks or forests.
20. Preservation of large agricultural tracts (don't know how to determine a measurable amount). Preservation of open space within each subdivision. Natural views should be preserved as much as possible. (Very difficult to specify goals in measurable terms)
21. Balanced growth, protection of wetlands, protection of our lakes and streams.
22. Compatibility of adjacent uses Reasonable use of land
23. To keep the pristine quality of Montana while providing for population and economic growth
24. Property owners would realize that what they do on their property will have an impact on the whole county. Ask – what can I do to enhance my land – instead what can I do to make money?
25. Managing growth by not leapfrogging outside of residential areas into agricultural areas. As growth occurs work with large landowners to compensate for their land. Plan for open spaces.
26. Introduce zoning restrictions to protect land investment – i.e. no “chicken coupes” next to mid to high end investment. Introduction of green belt areas which can not be built on.
27. Mandate density in the existing urban areas Abundant open space in rural areas, unincorporated as well Private property rights prevail
28. If someone wants to do “anything they want” with their land they should buy an island. Responsible land ownership is making how you use it fit in with where it is.
29. Preservation of natural resources sustainability Subdivisions, cluster development, maintain agriculture, protect federal lands

30. Preserves open space and maintains agricultural industries
31. Mere mortal working & tax paying property “owners” should still have reason to believe that they actually still have some meaningful “ownership rights” on their land, not just tax paying “tenants” allowed serve the actual land owning collective social experimenters
32. Farmers should be encouraged to maintain farmland. People building 2nd homes in area should be heavily taxed & these taxes could be used to maintain farmland and open space. No building in wetland areas. No building over shallow aquifer area unless special septic tanks. Concentrate commercial areas. Have commercial areas adhere to the aesthetic value in their property.
33. Transferable development rights may be a good tool to achieve better land use. Farm land would be preserved. Development would happen in the most suitable locations.
34. Since we only have 6% of the land to screw up-an appropriate percentage should be kept open land to complement the valley bottom landscape. We need an open space bond issue to purchase land in the river corridor to protect the water quality.
35. There should be impact fees instituted to pay for costs associated with development of land. People who live here now shouldn’t have to shoulder these costs even temporarily until people occupy developed land to pay taxes. Do this now to fund county infrastructure.
36. We would have a development plan – certain areas for shopping, others for homes. Preserver our green space. Have townhouse and apartments mixed in with areas of single family homes so elderly are not isolated.
37. Encourage low density land use by enforcing extreme cost payments to be made by developers for changes needed in infrastructure if subdivisions are approved by zoning board including police & fire departments.

12-13-05-Comments from Flathead County Scoping Meeting concerning Bigfork.

Define successful land use

1. Must be a high degree of cooperation between public and private use of our lands. Private ownership and free enterprise must be able to flourish while understanding that lands must always be made available to all citizens for recreational and educational use. Parklands are a part of our history as well as capitalism.
2. Diversity of uses with strong urban boundaries transitioning to rural areas. Maintenance of private & public open space through financial incentives.
3. Land use would be carefully regulated to protect or enhance quality of life issues (i.e. water, biodiversity, air, traffic, etc.) and would encourage growth in areas that have infrastructure and discourage it in wetlands, native grasslands and other sensitive areas including aquifer recharge areas. Taxes will be kept to a minimum and the qualities we enjoy will be protected. This should benefit our economy and keep us from becoming “Anywhere USA”. Countywide development standards, performance zoning.
4. S/B growth where sewers are located. If you take away a use or possible use you must pay landowners for lost use! I.e. to protect a view or restrict full use of property.
5. Open space – highest % of open space per subdivision of any county or community of comparable size/area in the USA.

10-8-06

Al Johnson: Presented BLUAC members with written comments by Brett Thuma and himself. He noted the comments on Goals and Policies in the Land Use section were highlighted so BLUAC members may compare the comments to the original document, side-by-side. In regard to the uses of shall/should, Johnson defined shall “to be construed as creating a mandatory provision”, and should “to be construed as creating a rebuttable presumption in favor of the stated Goal or Policy.” Added to those comments is a section on proposed additional zoning designations. ***Comments considered throughout Draft***

Al Johnson: I feel that the addition of Performance Zoning, Density Bonuses and Overlay Zoning, plus the addition of RR2 and RR1 zoning designations, will give developers more flexibility with general guidelines that are not dictatorial and encourage developers to conform to the Goals and Policies. The written comments you have were drawn from information from the Bigfork Survey. ***Comments considered***

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Highlighted text represents additions to and / or deviations from the text submitted by the executive board of the Bigfork Steering Committee.

The inclusion of definitions of the terms should and shall, and the consistent use of these terms throughout the document, offers several advantages:

- 1) It provides BLUAC with a clear and consistent set of policies with which to evaluate proposed developments.
- 2) The application of clearly defined and consistently applied policies makes BLUAC’s decisions less vulnerable to modification by the planning board and / or the commissioners.
- 3) It provides applicants with a clear roadmap of BLUAC’s requirements for development.
- 4) It provides BLUAC with a policy which is precise and directive, allowing the committee to affectively manage growth in the Bigfork Zoning District.

The proposed additional zoning designations are submitted for BLUAC’s consideration as examples of land use planning devises not included in the draft submitted by the executive board of the Bigfork Steering Committee.

Definitions

As used in the Land Use Section of the Bigfork Neighborhood Plan, use of the word *shall* is to be construed as creating a mandatory provision.

As used in the Land Use Section of the Bigfork Neighborhood Plan, use of the word *should* is to be construed as creating a rebuttable presumption in favor of the stated goal or policy. A rebuttable presumption, as applicable in this section, may be overcome by the presentation of sufficient evidence contrary to the stated goal or policy, as determined by the Bigfork Land Use Advisory Committee.

Commercial and Industrial Development (Exclusive of Bigfork Village and Hwy 35 Corridor)

Goal

G.IO Preserve and improve the unique diversity of natural and man-made cultural and recreational amenities that provide the BP A with its unique character, and forms the foundation of the local economy. (See Map 8, Parks and Recreation Sites in Bigfork Zoning District)

Policy

P.IO.1 Developers required to deed **to** the county parkland **should / shall** be required to **submit a** plan for the funding, development and maintenance of the parkland.

P.IO.2 Dedicated parkland may take the form of open space for parks, trails, foot, bike, and cart paths. I

P.IO.3 Parks, recreation space, open space, trails, and other public areas **should / shall** be located adjacent to or as a continuation of existing or planned parks.

Goal

G.11 Maintain the intimacy and human scale of the village atmosphere in the existing Bigfork commercial area, while providing residents with needed services and goods.

Policy

P.11.1 Commercial development, including light and heavy industrial uses as defined in the Flathead County Zoning Regulations, **should / shall** continue to concentrate in existing commercial nodes and at major intersections of arterial routes.

P.11.2 Developers **should / shall** be required to **remit to Flathead County** the costs of **upgrading, repairing and / or expanding any** infrastructure (roads, water, and sewer) impacted by a new, expanded **or modified** development. Consistent with Section 7-6-1601, et seq., MCA (2005), this assessment should include costs associated with Impacts on the areas immediately adjacent to the development, as well as measurable costs associated with impact on the infrastructure of **any other** area **within Flathead County's jurisdiction**.

(Goal)

P.11.3 Prevent strip development and commercial clutter along arterial highways.

P.11.4 **Development affecting the viewshed** of transportation corridors **should / shall not significantly degrade that viewshed by the elimination or degradation of** well-tended agricultural lands and **areas of** natural beauty. **Development should / shall not impede traffic flow.**

P.11.5 Commercial retail and service activities **should / shall** be sited to provide convenient, accessible services while minimizing their adverse impact on residential neighborhoods, and should be appropriate to the **character of the** neighborhood.

P.11.6 Commercial development **should / shall** provide safe pedestrian and cart access, including sidewalks, appropriate traffic control, and adequate parking for customers and employees. Businesses within the Village **should / shall** consider employee parking outside the Village or in areas that will not interfere with customer parking and foot traffic.

P.11.7 All new commercial development or remodeling which expands the commercial space available **should / shall** include on-site and off-street parking and adhere to Flathead County zoning regulations.

(Goal)

P.11.8 Promote a cooperative effort of property owners, business operators and community members to provide needed parking in the Village area.

P.11.9 Signage **should / shall** meet the following **individual** requirements:

1. advertising signs **should / shall be** limited to ground or building-mounted signs.
2. ground-mounted signs **should / shall be** limited to 14 feet in height and 32 square feet in surface area per side.
3. building-mounted signs **should / shall** be no higher than the eave line and **should / shall** not be attached to the roof.
4. signs **should / shall** be constructed of natural materials and in earth tone colors and in a style compatible with the area.
5. pole signs, signs attached to trees, and billboards **should / shall** not **be** permitted.
6. advertising balloons **should / shall** not be flown.
7. portable signs, vehicles, and trailers **should / shall** not be used for permanent, immobile display.
8. sandwich boards outside a business **should / shall be** permitted during hours the business is open.

9. illuminated signs **should / shall not be allowed**. Where they exist, they **should / shall** follow state DOT and county standards.

10. off-premises signs **should / shall** not **be** permitted, except for directional signs subject to the limits **of section P.11.8**, subject to the limits set out above.

P.11.10 Businesses in the BPA **should / shall** tightly contain garbage collection containers and screen containers from public view with landscaping or other appropriate barriers.

P.11.11 **Flathead** County, acting through the Planning Department and BLUAC, **should / shall** have the discretion to vary road width requirements and require off-road shoulders of suitable load-bearing capacity where appropriate to preserve the "village" character.

P.11.12 Entrance sets the tone for our community. Therefore, commercial development at or near the entrances to our communities warrants a particularly close **scrutiny regarding** adherence to these goals and policies.

Goal

P.12 Provide suitable areas to accommodate well-designed service facilities, office space and non-polluting industries that will add revenues to the tax base and economic base, without encouraging sprawl.

Policy

P.12.1 Provide suitable sites for dispersed small-scale resort facilities, such as bed & breakfast establishments, country inns and restaurants in appropriate rural areas where they will be desirable amenities.

P.12.2

If construction is not completed within two years of construction start, variances or other permits **should / shall** be revoked.

Goal

G.13 Encourage sustainable enterprises based upon renewable resources and protect these resources for the long-term future.

Policy

P.13.1 Development within natural hazard areas, such as fire, earthquake and steep slopes, **should / shall** mitigate the risk of injury, first to human life and second to property. (See Map 5, *Steep Slopes in Bigfork Zoning District* for topographical detail and location of fault line at base of Swan Range)

P.13.2 **Development within areas described in section P.13.1 should / shall not divert water for industrial use in a manner which is** consumptive or otherwise inconsistent with the goal described in section G 13.

P.13.3 **Development that causes or other precipitates** extensive filling, excavating or altering the landscape, **should / shall submit a plan specifying: 1) The intended use of the developed property 2), a date by which the project will be completed, and 3) specific proposals for the restoration of the affected area(s). A reclamation bond should / shall be posted as a pre-requisite for approval.**

Goal

G.14 Encourage landscaping and architectural styling suited to the particular site and area.

Policy

P.14.1 Commercial buildings **should / shall** have exteriors compatible with their surroundings. **Commercial structures should / shall not include** false fronts and facades, **particularly where the structure is visible from the side. The design of commercial structures should / shall** conform to community standards.

P.14.2 New commercial buildings adjacent to highways **should / shall provide** a landscaped buffer zone between the buildings and the highway with parking in the rear, where feasible. Parking **should / shall be** in the rear.

P.14.3 Landscaping and approved sidewalks **should / shall be a component of** new commercial buildings.

P.14.4 Landscaping **should / shall** be appropriate and characteristic of the area

P.14.5 Commercial buildings **should / shall** have permanent foundations.

P.14.6 Franchise establishments **should / shall** be designed and constructed to conform to the "village" character.

Goal

G.15 Encourage use of frontage roads to combine highway access and minimize traffic problems.

Policy

P 15.1 Commercial development creating (x) square feet of commercial space or entailing (x) or more buildings should / shall include frontage road(s) providing access to commercial activities while minimizing the impact on public roadways

Residential Development

Goal

G.16 Accommodate increased growth through development that harmonizes with and enhances the natural environment, and protects the wildlife habitat.

Policy

P.16.1 Development **should / shall** be located to maximize the advantage taken of existing infrastructure and minimize the demand for additional infrastructure, such as roads or road improvements, and expansion of utilities.

P.16.2 Developers **should / shall** be required to **remit to Flathead County** the costs of **upgrading, repairing and / or expanding any** infrastructure (roads, water, and sewer) impacted by a new, expanded **or modified** development. Consistent

with Section 7-6-1601, et seq. MCA (2005), this assessment **should / shall** include costs associated with impact on the areas immediately adjacent to the development, as well measurable costs associated with impact on the infrastructure of **any other** area **within Flathead County's jurisdiction.**

P.16.3 All development **should / shall** include a system of managing storm water run-off.

P.16.4 Development **should / shall** include sidewalks or bike, foot, and cart paths **when** feasible and appropriate.

P.16.5 Where necessary infrastructure is not yet available, development **should / shall** be phased, with pace tied to the availability of infrastructure.

P.16.6 All new multi-family residential development **should / shall** include on-site and off street parking

P.16.7 Subdivisions with lot sizes of less than five acres **should / shall** provide public water and sewer facilities or private treatments plants.

P.16.8 All developments **should / shall** provide alternative fire exit routes.

P.16.9 If construction is not completed within two years, variances or other permits **should / shall** be revoked.

Goal

G.17 Encourage development **that** maintains **and** promotes public access to public areas and resources that have traditionally been open to the community. (See Map 8, Parks and Recreation Sites in Bigfork Zonin2 District.)

Policy

P.17.1 Development required to deed **to** the county parkland **should / shall** be required to **submit a** plan for the funding, development and maintenance of the parkland. Dedicated parkland may take the form of open space for trails or foot, bike, and cart paths.

P.17.2

Where feasible, parks, recreation space, open space, trails and other public areas **should / shall** be located adjacent to or as continuation of existing or planned parks, recreation areas and the like.

Goal

G.18 Encourage development to follow an overall design that is consistent with the nature, quality, and density of surrounding development.

Policy

G.18.1 In residential areas **with** lots **of** one acre **or less**, or **in areas zoned** R-1 or RC-1, large trucks, RVs or heavy equipment should not be parked on a regular basis. This does not apply to approved recreational vehicle parks. In single family residence subdivisions, garages for RVs **should / shall be provided**

P.18.2 The County, acting through the Planning Department and BLUAC, **should / shall** have the discretion to vary road width requirements and require off-road shoulders of suitable load-bearing capacity where appropriate to preserve the "village" character.

Goal

G.19 Promote cluster development, to provide attractive residential communities that leave significant, commonly accessible open space, paying particular attention to natural features and constraints.

Policy

P.19.1 Development in areas near or including wildlife habitat and other sensitive areas **should / shall** cluster density and maintain open space. (See Map 7, *Environmental Constraints in Bigfork Zoning Area.*)

Goal

G.20 Promote development that provides a compatible mix of housing types and price ranges.

Policy

P.20.1 Mixed use development, combining commercial and residential uses, is encouraged in appropriate locations.

P.20.2 **The placement of** Mobile homes (as defined in the Flathead County Zoning Regulations) **should / shall not be permitted** where permanent homes and/or commercial are predominant.

Environmental Concerns

Goal

G.21

Insure a social and economic balance of health, safety and welfare while preserving the natural environment of the BPA.

Policy

P.21.1 Establish identifiable "village areas" separated by natural elements of open space and low-density land use.

P.21.2 Consistent with Flathead County Zoning Regulations, outdoor lighting **should / shall limit light pollution** **thus** preserving the beauty of the night sky, **while still** maintaining safety.

P.21.3 Development **should / shall** include plans for dust control on unpaved roads.

P.21.4 When development requires an extension of telephone or electrical service, lines **should / shall** be installed under ground.

P.21.5 County garbage collection areas **should / shall** be screened or bermed from view.

P.21.6 BPA regulations **should / shall** establish **standards to** minimize visual and noise pollution. The use of compression brakes **should / shall be prohibited in designated areas.**

P.21.7 Reinforce a community culture that is respectful of private property rights and fosters land stewardship that

results in property that is maintained in an orderly and visually pleasing manner.

Goal

G.22 Preserve view sheds as well as stream and wildlife habitats while encouraging the use of appropriate timber management practices that respect timber harvesting opportunities, reduce fuel loading, and foster healthy forests.

Policy

P.22.1 Development **should / shall** preserve the horizon where ever possible.

P.22.2 Timber cutting in highly visible areas and along public roadways **should / shall** leave a 100 foot buffer zone of healthy timber.

Goal

G.23 Encourage development to use appropriate practices to preserve water quality, especially where affected by street runoff and septic systems, prevent erosion, control weeds, and promote fire safety in timbered areas. (See Map 2, *Ground Water Depth in Bigfork Zoning District*, and Map 3, *100 Year Flood Plain in Bigfork Zoning! Vicinity*.)

Policy

P.23.1 Identify and protect all wetlands in the BP A.

P.23.2 Construction in flood plains, wetlands and natural drainage areas **should / shall not be permitted.**

P.23.3 **Development should / shall provide** appropriate setbacks, buffers, and other mitigation measures to protect lakes, rivers, streams, wetlands, flood plains and other waterways from adverse effects of development.

P.23.4 Development **should / shall** contain measures to control **and** minimize pollution (air, water, and ground), erosion, soil maintenance, sediments, fire, flooding, and hillside damage when appropriate. Development **should / shall** preserve prime soil wherever possible.

P.23.5 Development **should / shall** protect the surface and sub-surface waters from pollution and depletion through appropriate wastewater management systems and non-source pollution controls.

P.23.6 Development of areas containing critical habitat **should / shall** include a plan for mitigating the adverse effects of the development on the habitat, including restoration of habitat damaged in construction. Critical habitat includes **but is not limited to** breeding and calving grounds, winter range, and habitat for rare species of animals or plants.

P.23.7 Development **should / shall** limit the introduction of noxious weeds during construction and restore any land or vegetation damaged during construction to pre-construction condition or better.

Goal

G.24 Protect environmentally sensitive open spaces, scenic views; and natural habitat in the BP A through use of easements, buffer zones, setbacks, and creative planning techniques.

Policy

G.24.1 Development **should / shall** adhere to Flathead County setback requirements.

G.24.2 BLUAC will make these development characteristics essential considerations during the approval process.

Goal

G.25 Promote and encourage the development of public access to waterways and state and federal lands.

Policy

G.25.1 **Development should / shall not limit public access to public waterways, state or federal land.**

Proposed additional zoning designations:

Performance Zoning

Requires meeting certain performance criteria as opposed to prescriptive standards. The developer is apprised as to restrictions on the effects a development can have on conditions in a specified area. The developer is encouraged to determine the method by which he will mitigate these effects.

Density Bonuses:

Developers are allowed a density bonus (an increase in the number of residential sites in excess of that which would otherwise be allowed) if housing is clustered and a given percentage (usually a minimum of sixty (60) percent) of the developed property is reserved as open space. The level of the bonus is tied to the percent of the property left as open space.

Overlay Zoning:

Supplementary zoning superimposed over standard zoning, identifying environmentally sensitive areas or areas otherwise inappropriate for development.

RR-2 zoning designation:

This is an example of *incentive zoning*, providing a density bonus from 1 to 2 units per acre if the landowner “proffers” or voluntarily incorporates one or more of 14 specified features that are in the area’s interest. These include additional open space, recreational facilities, land dedication to town park or greenway, visual buffers, affordable housing, among others.

For example, the following density bonuses (to a maximum of 60%) could be offered.

Energy efficient housing	up to a 40% bonus
Solar hot water	up to 5%

Common Open Space	up to 15%
Recreational Facilities	up to 10%
Low-cost housing	up to 10%
Good design features	up to 10%

RR-1 zoning designation

The purpose of the Rural Residential Zoning (RR-1) district is to provide for residential development at a scale intended to conserve the rural character of Bigfork and its surrounding environs. Development within the Rural Residential district is intended to promote the following goals and objectives. Development proposals shall be evaluated for their adherence to these goals.

- (a) Conservation of agricultural and forested lands, including farm fields and pastures.
- (b) Conservation of natural resources including wetlands, flood plains, natural drainage ways, aquifer recharge areas, existing tree cover, steep slopes, ridge lines, hilltops, wildlife habitats, deer wintering areas, stream valleys, lakes, lakeshores, locations comprising scenic views, or scenic view corridors, and other outstanding natural topography.
- (c) Conservation of a unified open space area which is preserved with a permanent conservation easement.
- (d) Creation of residential developments on a rural scale, with small villages surrounded by agricultural, forested, or open space.
- (e) Flexibility/Creativity in design of residential subdivisions, less suburban-style sprawl, less consumption of open land.

These measures will prevent soil erosion by permitting development according to the nature of the terrain, provide larger open areas with greater utility for rest and recreation, and encourage the development of more attractive and economic site design. They will create a convenient, attractive, and harmonious community, and facilitate the provision of parks, forests, playgrounds, and other recreational facilities. These goals are intended to preserve existing agricultural, forested, waterfront and other lands of significance for the protection of the natural environment.

Development Standards:

Each residential lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land. Residential lots shall be designed in such a way as to promote the purposes of this chapter. The following minimum standards shall apply.

- (a) Density: Maximum density shall be one dwelling unit per acre, excluding acreage within the 100 year floodplain.
- (b) Minimum Lot Requirements: No minimum lot size, 20 feet minimum frontage on a publicly owned and maintained street.
- (c) Minimum Setback Requirements: Front yard: 8-13 feet on minor streets; 35-60 feet of collector road; Rear; 20ft; Side: 10 ft.
- (d) Minimum Building Separation: front-front; 80-90 feet; side-side 20-30 feet; back-back 40-60 feet;
- (e) Maximum Floor Area Ratio: Maximum floor area ratio shall be 0.30, except townhouse 0.50.
- (f) Maximum Height of Structures, except church spires, chimneys, flues, flagpoles, television antennae: 35 feet.
- (g) Maximum Dwelling Unit Occupancy: a family plus two persons unrelated; or no more than three unrelated persons.
- (h) All utility lines, electric, telephone, cable television lines, etc. shall be placed underground.

Minimum Open Space:

A minimum of 50 percent of the total area shall be designated as permanent open space, not to be further subdivided, and protected through a conservation or open space easement... All undivided open space shall be restricted from further subdivision through a permanent conservation or open space easement.

Gwen Sutherland: She presented written comments on the growth plan. Gwen will provide a word.doc file for the Public Comment data file. She also noted that other groups who are in the process of developing their own zoning districts look to Bigfork for guidance and example. We are far ahead of most groups and what we do here is being watched very closely.

Considered and many points incorporated in draft. Recommend comments be forwarded to the Flathead County Planning & Zoning Office for consideration with the County Growth Plan Comments added to BNP, Part X

Brett Thuma: Informed the committee of a document outlining Sample Subdivision Models, which are in accordance of current Montana State Statues. The Model has been endorsed by Montanans for Smart Growth and Montana Realtors

Document forwarded to BSC and BLUAC

11-14-06

Brett Thuma/Gwen Sutherland

Clear goals and policies are essential to direct planning and development that benefit both the community as a whole and the individual elements of that community. Bigfork is situated in a prestigious and precarious position. It is a site that commands attention for development, use and enjoyment from the surrounding communities, and yet demands responsible stewardship from its residents. The 2006 Bigfork Neighborhood Plan provides a valuable resource and shows a significant amount of

work by the Bigfork Steering Committee. However, as a document to direct development and land use planning, it lacks intensity and specificity in some areas. The following recommendations address specific goals and policies and represent an example of possible revisions that might be considered to strengthen essential parts of the Plan.

A number of specific policies and goals have been cited in italics with a recommendation in the form of an addition, revision or replacement policy criteria. Recommendations have been garnered using model policies from elsewhere in either Flathead County or other counties in Montana. References are available on request.

We hope you will accept these revisions in the spirit in which they were offered. As Bigfork residents, we have a unique and vital mission to protect the Flathead Lake and its surrounding area. Thank you for your hard work.

The Below Comments are based on the MACo Model Subdivision Regulations pp. 76-77 And could be added to page 35+ after the above comments.

X-A. Cluster Development, Option I

a. As authorized by 76-3-509, MCA, the following apply to subdivisions proposed under this section:

- i. An area of open space must be preserved that is at least as large as the area that will be developed.
- ii. Open space must be preserved through an irrevocable conservation easement, granted in perpetuity as provided in Title 76, Chapter 6, prohibiting further subdivision of the parcel.
- iii. Unless the subdivision will be provided with community sewer or water, each lot in the cluster must be a minimum of one acre.
- iv. Multiple adjacent tracts of record may be aggregated to create a single parcel for the purpose of creating a cluster development.

v. The maximum number of parcels permissible in a cluster development is the maximum number of parcels that are authorized by the administrative rules adopted by the DEQ under Title 76, Chapter 4, MCA.

vi. The maximum size of parcels allowed within a cluster development is () acres.

b. Park dedication requirements for clustered subdivisions created under this section are waived.

X-B. Cluster Development, Option II

a. The following apply to cluster developments created under this option:

- i. The development must preserve an area of open space that is at least as large as the area that will be developed.
- ii. The proposal must provide a mechanism for the maintenance of the open space in perpetuity. The open space may be dedicated to a homeowners' association for the purpose of maintenance, and may be used for agricultural or other purposes that enhance the preserved area.
- iii. Unless the subdivision will be served by a community sewer or water system, each lot in the cluster must be a minimum of one acre in size.
- iv. Multiple adjacent tracts of record may be aggregated to create a single parcel for the purpose of creating a cluster development.

b. Park dedication requirements are waived for clustered subdivisions created under this section.

Conditional Uses

Purpose:

Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration include, among others, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole. All uses permitted conditionally possess unique and special characteristics making impractical their inclusion as outright uses in many of the various districts herein defined.

Location and operation of designated conditional uses shall be subject to review and authorized only by issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas, and for the further purpose of establishing such conditions as may be reasonable so that the basic purposes of this chapter shall be served.

Conditional Uses

The following types of buildings and uses may be allowed, subject to the granting of a conditional use permit in accordance with the general provisions of this chapter regarding such permits, and subject to the general provisions and exceptions set forth in this chapter.

1. Overnight trailer and camper facilities
2. Truck fueling or service stations, auto repair garages (provided all repair be conducted entirely within an enclosed building)
3. Marina boat launching and moorage facility, boat charter or rental service.
4. Kennel which is not accessory to a motel or hotel
5. Offices incidental to professional services such as real estate, engineering, contracting, accounting, and similar services.
6. Churches, community centers.
7. Bars, nightclubs, taverns, not accessory to restaurants.
8. Animal hospitals or clinics.
9. Rental facilities for storing boats and recreational vehicles.

10. Transportation facilities .
11. Gravel pits/extraction, asphalt production. Etc.
12. Landfills
13. Communications towers
14. Golf courses and related facilities (dwelling lots must be approved through the cluster provisions of these regulations).
15. Gun clubs, shooting ranges.
16. Commercial hunting ranches.
17. Convenience stores
18. Commercial stables/riding academies.
19. Temporary buildings or structures, occupied one year or longer.
20. Public Utility installation, major (service area beyond neighborhood)
21. Chain stores, fast food restaurants.
22. Race tracks, including but not limited to motocross, horses, greyhounds, etc.
23. Factories or other manufacturing facilities particularly those that would produce toxins or other pollution.
24. Car/Truck/RV/Heavy equipment dealerships.

Based on West Valley, West Glacier(CALUS), Neighborhood Plans.

Housing Goals and Policies

Policy 7.5 (p.15): *Develop incentives for clustered housing and related open space in and around existing population centers.*

Add: Density bonuses of 15% for clustering existing large lots so that at least 60% of the total acreage consisting of prime agricultural land and/or critical wildlife habitat is protected in perpetuity.

Add: Sliding smart growth development fees and utility hook up fees

Add: Reduced impact fees

Add: Reduced fire protection fees for cluster developments clustered away from high or more severe fire hazard areas.

Commercial and Industrial Development (Exclusive of Bigfork Village and Highway 35)

Policy 11.3 (p.36) *Prevent strip development and commercial clutter along arterial highways.*

Replace with: Commercial strip development will not be permitted except as a conditional use or until the area around the development has become urban in nature and in either case the development must then meet urban growth area commercial standards.

Policy 11.5 (p.36) *Commercial retail and service activities should be sited to provide convenient, accessible services while minimizing their adverse impact on residential neighborhoods, and should be appropriate to the neighborhood.*

Add: 1) Commercial development will be permitted at or within one block of arterial intersections. Parking will be located either on the side or behind the buildings. 2) Buildings will be located adjacent to sidewalks with 5 feet or less setback from the front lot line and will have entrances or facades facing the street. 3) Landscaping will comprise a minimum of 20% of the parking area 4) Buildings will be designed with a western motif.

Policy 14.4 (p.38) *Landscaping should be appropriate and characteristic of the area.*

Add: Landscaping shall include a minimum of 50% plants native to Flathead County.

Add Policy: Commercial developments, including parking lots shall have stormwater runoff plans, with an emphasis on bio-retention and filtration processes.

Goal 15 (p.38) *Encourage use of frontage roads to combine highway access and minimize traffic problems.*

Comment: Over reliance on frontage roads parallel to major highways or arterials creates just another form of strip development buffered only by a frontage road.

Add Policy: Require internal, interconnected roads for commercial developments with limited reliance on frontage roads that parallel major highways or arterials and function as a minor setback for strip commercial development.

Residential Development

Policy 16.3 (p.39): *All development should include a system of managing storm water runoff.*

Add: Using a concept of bio retention or filtration.

Policy 16.8 (p.39:) *All developments should provide alternative fire exit routes*

Add: Developments shall not be permitted in high fire hazard areas, or on 25% slopes, or at the apex of “fire chimneys.”¹

Goal 19 (p.40): *Promote cluster development to provide attractive residential communities that leave significant, commonly accessible open space paying particular attention to natural features and constraints.*

Add Policy: Development with 50 or more units must meet the following standards: 1) Centered around a neighborhood center or park; 2) Commercial, retail units, and neighborhood center or park shall be within walking distance of a majority of the residential units; 3) Development shall meet all county standards and subdivision regulations.

Policy 19.1 (p.40): *Development in areas near or including wildlife habitat and other sensitive areas should cluster density and maintain open space.*

¹ Based on Ravalli County regulations

Add: Critical wildlife habitat and corridors will be protected from adverse impacts by requiring a 150 foot open space buffer established between the development and any critical wildlife habitat and corridors. Open space will either use conservation easement or be protected through restrictive covenants in perpetuity.

Add Policy: Restore areas adjacent to existing open space areas with native plant and animal communities. Restoration should be accomplished with native plants from local sources. (City of Livermore, General Plan)

Add Policy: New developments shall incorporate vegetation native to Flathead County into their landscape plans, and prohibit the use of invasive non-native plant species. Propagules (seeds or plants) of native plants shall be from native sources. (City of Livermore General Plan)

Policy 21.5 (p.40): *County garbage collection areas should be screened or bermed from view.*

Add Policy: Establish potential growth plan at the current site or alternative sites for cost-effective provision of future services.

Policy 22.1 (p.41): *Development should preserve the horizon wherever possible.*

Add: Recognize and support the scenic corridor overlay already in place in Flathead County.

Policy 23.2 (p.41): *Prevent construction in flood plains, wetlands/ natural drainage areas and areas of groundwater less than 10 ft. below surface.*

Revise: No building shall be located within the 100 year floodplain and the development shall meet water body setbacks and buffer area standards established in the county subdivision regulations.

Transportation Goals and Policies

Policy 36.4: (p.72): *Roads in developments should be designed to complement the "village" character and existing physical terrain, while providing public safety.*

Add: Whenever feasible, all internal streets shall terminate at other streets within the development and become part of an interconnected street network, outside of the development.

Add: Support the restriction/elimination of access points as opportunities arise to maintain capacity of existing arterials.

Add: Development should pay the cost of improvements to the existing roadway system necessitated to address the impacts of developments.

Add: Work with neighboring jurisdictions to create and connect trails and corridors.

(Add) Goal 37: Identify and protect future road corridors to serve future developments and public lands.²

Add Policy 37.1: Identify, protect, maintain, and (when appropriate) purchase rights of way providing access to key public and recreational lands including potential parking.

Add Policy 37.2: Require traffic impact studies to determine the need for additional or improved roads, or for traffic signals at major intersections.

Add Policy 37.3: As resources allow, identify and provide access for non-auto travel between communities or neighborhoods that may or may not parallel auto access.

Add Policy - Commercial and Residential development should not impede traffic flow on major highways and arterials. (Stoplights impede traffic flow, and developments should be designed to connect to other secondary roads as much as possible)

Add Policy- Develop plan for public transportation in the BNP area emphasizing the use of alternative energy technologies, such as electric, biofuels, hydrogen, etc.

Land Use and Natural Resources Goals and Policies p. 35 + (bottom of pg.)

Montana Subdivision and Platting Act- For major subdivisions. This act requires "a description of every body or stream or surface water that may be affected by the proposed subdivision, together with available groundwater information, and a description of the topography, vegetation, and wildlife use within the area of the proposed subdivision." In addition applicants must also provide a "summary of the probable impacts of the proposed subdivision based on the ...effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety." (Section 76-3-603 "Contents of Environmental Assessment" and Section 76-3-608 "Criteria for Local Government Review" in Part 6 – Local Review Procedure)

Add Goal 10A: Ensure that most growth and development does not occur in critical or important habitats for threatened, endangered or species of special concern, or that these activities do not interfere with recovery or delisting of these species.
Add Goal 10B: Maintain biodiversity within the BNP area with special emphasis on species that are sensitive, rare, declining, and unique or represent valuable biological resources.³

Add Policy: Require developers to reference, consider, and incorporate existing species/habitat management or recovery plans into their proposed development.

Add Policy: Encourage the use/design of Conservation Subdivisions in non-urban areas. (These subdivisions are designed based on the principals of conservation in the following order (1)conservation areas and features are identified; (2) home sites are located; (3) streets and trails are aligned; and (4) lot lines are drawn in.

Add Policy: Encourage cooperation, partnerships, and inter local agreements between the Bigfork planning area and developments and other partners to protect, enhance, or manage lands for wildlife, especially threatened/endangered species and species of special concern.

² Lewis and Clark County Growth Policy 2.15.04

³ Lewis and Clark Growth Policy 02.15.04

Add Policy: Require developers to inventory proposed development lands by wildlife professionals to ensure the project avoids critical or important habitats for threatened or endangered species as much as possible. Show evidence of coordination with FWP, and other appropriate agencies.

Add Policy: Require developers of proposed projects that might impact important or critical habitat for threatened or endangered species to reduce or mitigate potential impacts or offset impacts or replace similar habitats elsewhere.

Add Policy: Provide a tool such as Transfer of Development Rights or Open Space Funding to conserve or protect critical or important habitats for listed threatened or endangered species and species of special concern.

Add Policy: Require developers to set aside 150-foot open space buffer around key habitats for species of special concern within developments.

Add Goal 10C: Provide ungulates (Mule and whitetail deer, elk, moose, woodland caribou, bighorn sheep) access to and from winter ranges and reduce or minimize human disturbances.

Add Policy: Avoid development in core winter ranges with 100-300 deer per square mile.

Add Policy: Provide open space and migratory routes and thermal cover within subdivisions proposed on forested lands less than 4500 feet in elevation where ungulate densities may be 30 to 100 per square mile.

Add Policy: Consider ungulate thermal cover as an important component of winter range when looking at fuel reductions within a development.

Add Policy: Require stipulations limiting ungulate attractants in all rural, agricultural or riparian/wetland developments located at or below 4500 feet.

Add Policy: Ensure hunting is allowable in all low-density developments; best to provide open areas where hunting can be undertaken in a safe manner. (Cluster Development)

Recommendations to avoid or reduce impacts to important bird habitats

Add Policy: Require developers to have a wildlife professional inventory proposed development prior to submitting proposals to determine if these lands include important bird habitats or viewing areas. (e.g. wetlands, riparian areas, native grasslands, or Old growth forests, among others.)

Add Policy: Develop list and map of important bird viewing areas as well as important bird conservation areas as data become available.

Add Policy: Restrict development within defined buffer zones adjacent to wetlands, as proposed in the draft wetlands plan. These should vary in width based on known resource values, from a minimum of 50 ft. up to ¼ mile.

Add Policy: Set aside open areas or buffers around key wetland and riparian areas, particularly in native upland habitats and agricultural lands, for species of special concern within and between developments, such that a network of functional habitat exists throughout the BNP area. The objective should be to have wide riparian corridors with healthy shrub and tree components, connecting existing wetland complexes within undeveloped blocks of native vegetation.

Add Policy: Educate landowners on specific species habitat needs of birds and incorporate them into development standards or plans.

Add Policy: Use transfer of development rights, open space requirements, mitigation banking, and other tools to protect the most important wetland, riparian, native grassland and adjoining agricultural lands.

Recommendations to avoid or reduce human/wildlife conflicts

Add Goal: Adopt wildlife performance standards for development by various habitat or locations within the BNP area. For example - strict bear guidelines should be included as a condition of plat for all subdivisions in forested habitats.

Add Policy: Require developers and buyers to acknowledge in writing the potential for human/wildlife conflicts within their developments, and to acknowledge the associated covenants or conditions of plat that would apply.

Add Policy: Developments or homeowners associations should be expected to develop a nuisance wildlife plan and/or take on or fund the monitoring and managing nuisance wildlife within their developments in cooperation with FWP.

Add Policy: Identify and maintain benefits of private and public forest lands, (USFS, DNRC, Plum Creek, Stoltze, etc.) including harvesting of trees and/or minerals, water quality protection and wildlife habitat and ensure that conversion of these lands maintains these benefits as much as possible. (Flthd. Cty. Grwth Policy)

Add Policy: Adopt regulatory techniques that mitigate the threat to public health and safety created by inappropriate development intensities near the Wildland Urban Interface (WUI). These could include Conservation Subdivisions, Low density -no >1house per 20 acres, development in “fire chimneys.” (Flthd. Cty. Grwth Policy)

Mineral Extraction

Add Goal: Preserve and utilize mineral resources in the BNP Area while ensuring minimal adverse impacts on environmental resources and surrounding uses. ⁴

Add Policy: When considering land use proposals, potentially available mineral resources on the property and in the vicinity shall be taken into account.⁵

Add Policy: Prior to approval of any new or expanded mining operation, ensure that the operation will not create significant nuisances, hazards, or adverse environmental effects. Require environmentally sound quarry operations by ensuring compliance with all applicable policies and standards.⁶

Add Policy: New or substantially expanded mining operations in the Planning Area must adhere to the following standards:

- A) Demonstrate no significant adverse impacts from the mining operation on adjoining areas and uses, including but not limited to, noise, dust, and vibration;
- B) Demonstrate no substantial increase in hazards to neighboring uses, water quality, air quality, agricultural resources, and biological resources.
- C) Demonstrate that the proposed plan complies with existing applicable County and State waste management plans and standards;
- D) Implement a landscaped buffer zone between quarrying operations and noise sensitive adjacent uses to ensure consistency with standards established in the BNP.
- E) Use berms, barriers, sound walls, and other similar measures to assure that noise from quarrying does not exceed the ambient noise level standards relevant to noise-sensitive adjacent uses.

Add Policy: Allow continued operation and minor expansion of existing mining operations within the BNP area only where impacts to environmental resources and surrounding residential uses can be mitigated to less-than-significant levels. ¹

Add Policy: Ensure the reclamation of mining areas for reuse consistent with the land use designation for the area in accordance with the Federal, State, and County policies.

Parks and Nature Areas.

Add Policy: Implement a standard of a minimum of 5 acres of publicly owned parkland per 1,000 population and require new development to provide new park acreage or in-lieu-of fees at this ratio.

11-14-06 Workshop

Elna Darrow: In Section V, I find, to my disgrace, the omission of proper emphasis on the Swan River Nature Trail. This needs to be addressed in the Growth Plan. I hope you will be willing to add a paragraph to the draft that includes the importance of the nature trail to locals and visitors alike. (Elna will write a proposed section on the nature trail for Section V)

Darrel Coverdell: Asked the proposal include goals and policies.

Shelley Gonzales: Noted the newer maps from GIS do include the nature trail. *New map to be completed with Swan River Nature Trail*

Edd Blackler: Encouraged BLUAC to include a section on the Swan River Nature Trail. It’s a vital part of our community. *Considered*

Brett Thuma: Delivered copies of written comments with references. *Recommend comments be forwarded to the Flathead County Planning & Zoning Office for consideration with the County Growth Plan. Comments added to BNP, Part X*

⁴⁻⁶Based on City of Livermore General Plan

Bill Myers: Renew objections regarding property rights. The same things come up section after section. Will send written comments. **Considered**

Tom Lewis: Concerned by high minded phrases that require land owners to mitigate through court i.e. property rights. Planning & Zoning has done a pretty good job. Not all of us agree with what is desirable. Concerned about subjective language. **Considered**

Al Johnson: My comments address specifically subjective language. I paid close attention to the survey and I did not see in the survey unfettered development, only a desire for rational development. **Considered**

Kathy Robertson: Subdivision regulations are still in the process of re-writing. The Subdivision Regulations address County regulations as to density, flood plains, steep slopes, etc.

Pat Wagner: Reference Page 23 Environmental Constraints:

Throughout the BPA, numerous tracts of land are under state and federal ownership or management or are in conservation easements. (See Map 5, **Administrative Constraints**) These areas are not available for development, and adjacent development to these areas should be discouraged. "Requests for development to areas adjacent to open spaces/ conservation easements need to be carefully scrutinized with regard to the underlying rationale for the open space/conservation easement designation for those areas." **Considered**

Al Johnson: On Page 3, last bullet point, suggest a revision. Will follow with written comments. **Considered.**

11-21-06 Workshop

Gina Kelmpel: Did not find a copy of the Draft at the UPS Store. P 13.2, questioned what body of water is included. P13.3 Asked if there is authority for a reclamation bond. P24.1 recommends "shall" be used in the text. P 25.1 recommends "shall" be used. Written comments to follow. **Comments considered. Secretary asked to assure copies of Draft were available at UPS Store and Bigfork Library**

Pat Wagner:

Section 5, Page 37

Policy 11.9

8 Strike the word "only"

Many retail stores use sandwich boards to advertise sales, and restaurants use them to list the hours/days they are serving, open and their daily specials. **Considered**

Page 37, Goal 12

Strike the words "tax base" some may make the assumption of a resort tax! **Strike "tax base and"**

Page 37, Policy 12.1

after the word appropriately add the word "zoned"

i.e. "bed and breakfasts, country inns, and restaurants, in appropriately **zoned** areas. **Added zoned**

Al Johnson: Map Disclaimer as follows: "The graphical representation of this map may or may not reflect the legal description or other designation of any parcel depicted hereon." **Adopted**

Bill Myers: Read a written statement expressing his personal feelings about certain members of BLUAC, the process, and California attorneys. He also repeated his contention that the Draft document violates personal property rights based on previous comments. Myers did not leave written comments. **Considered oral comments**

11-27-06

Elna Darrow: I am a member of the steering committee who has had a role in preparing this document. I find to my disgrace that I have not realized until recently that we have omitted proper emphasis on an important element of the land use plan.

The Wild Mile Corridor is just barely mentioned in the document. A public use important to a great many people in the area as well as visitors, must be preserved for the future. The area is mentioned in Goal 17, Policy 17.2 (page 39) and in Goal 24 and 25 (page 41), but does not appear on maps 8 and 10 (parks and trails). In no place does it appear that this 480 acres is owned by Pacificorp, which has

granted a lease to Montana Wildlife and Parks, and Sliter Park, leased by Flathead County Park Department and managed with the BDC. These lands are supported by private lands owned by the Whitney family at the entrance to the Nature Trail (with a 99 year lease) to the BDC. These arrangements were made in the early 1990s with the support of most of the Bigfork community. Bigfork has in place a fundraising mechanism for purchasing the lands (at fair market value)

when they are available--we have first right of refusal. The fact that we have not put it in this policy document makes it appear that the area is not important to us. We must correct that. The area must be added to both maps, I have furnished documents that have been in the hands of the public for several years and hope that you will amend the policy document to reflect as much as possible of this

information. If you wish, I will write a couple of paragraphs to accomplish this.

Suggested text, from existing materials:

In the early 1970s some pioneering kayakers first braved the Wild Mile of the Swan River (the stretch of water from the dam to the powerhouse). Now hundreds of people participate in or are spectators of the races held at the peak of high water on the Swan, which is the kickoff for the busy summer visitor season.

Sliter Park was dedicated in 1983 as a County Park and developed by the Bigfork community. The Riverbend Stage, playground and picnic area in the middle of town are used year round.

This property could be sold for private or commercial development that would permanently destroy an irreplaceable landscape and habitat. The Corridor has allowed wildlife and flora to thrive while giving outdoor enthusiasts an opportunity to connect deeply with a unique sense of place. Such resources are rare and rapidly disappearing. Sliter Park is treasured as green space.

The goals of the community are:

preserve public access; preserve the scenic quality; preserve an expected quality of life; preserve recreation areas; preserve and sustain the natural contribution to the economy; maintain ecological integrity; maintain water quality.

You may wish to include parts of my original comments at BLUAC. ***Subject matter included in Growth Plan***

Gina Klempel:

My comments were as follows on Page 13.2 If anyone needs to divert water for any reason they must apply for a 310 permit under the law. What exactly was the intention of this policy. Does it mean lakes, streams, creeks? All require a permit.

Considered and adopted "ground and surface water".

On P.13#3 How does anyone have the authority to require a reclamation bond? Isn't that what liability insurance on behalf of the contractor requires? If it is made a requirement under BLUAC then it should be stated as a recommendation. Who sets the bond what agency and under who's authority? Who is the enforcer? This is an asset driven issue, in my opinion.

Addressed

On P.24.#1 Development shall adhere to Flathead County's requirement for setbacks ect. so that all are in compliance.

Considered

On P.25 #1 As far as developments I believe that access is between the parties in this case -state and federal, that are effected by the project and it should be negotiated by the parties that own the access in question if it is possible. If access is not granted then there is no development. This is totally up to the parties that are involved. Should is softer since only those parties can make the final decision. ***Considered-changes incorporated.***

Also the sign language should have some kind of protection for historical signs now in use. Compliance is important however all issues are taken on a case to case basis. ***Considered***

As I read these proposals I don't see the word encouraged used very often and it should be. ***Considered-changed some.***

12-5-06

Mahlon Randall, Bigfork

Issue: Noise Pollution

During the summer months noise from the commercial areas of Bigfork has a detrimental affect on nearby residential areas.

In one specific case, the owner of property in the Bigfork Harbor condo area has moved because of the noise level late at night during summer activities in the downtown area.

Currently Policy P.21.6 states:

"BPA regulations should establish minimize visual and noise pollution, including prohibiting the use of compression brakes."

Proposed Policy Update:

I recommend that P.21.6 be revised to state:

"BPA regulations should minimize visual and noise pollution, including maximum permissible noise levels during designated hours in residential and commercial areas. For example the use of truck compression brakes, high decible level water craft, motor cycles and other road vehicles should be prohibited." ***Considered for possible future implementation. Compression breaks addressed. No jurisdiction over lake, river regulations.***

12-11-06

Ivan & Darika Barnes

RE: Zoning Changes

We own two pieces of property in Bigfork, both of which are currently zoned R-4. Our properties are located at 220 Lake Hills Drive and 853 Electric Avenue. We suggest the zoning in these neighborhoods remain R-4 to conform with the development of the existing neighborhood. ***Added to Appendix B***

Lance & Karol Witt

Re: Zoning Status

1. Witt Family Trust, owner of 193 and 168 Bay Drive in Bigfork: Existing zoning = RA-1. We request and recommend to keep the zoning RA-1 to conform to existing neighborhood development.
2. Witt Family Trust, owner of 250 Bridge Street and 8525-8531 Highway 35 (same parcel): Existing zoning = B2. We request and recommend to keep the zoning B2 or CVR to conform to existing commercial strip. ***Added to Appendix B***

VI Local and Social Services

Kim Crowley: Library and The Arts Pg 49

Library

The Bigfork library is a branch of the Flathead County Library System. The library is open 29 hours a week and has one full-time **three-quarter time** librarian **staff person**, plus 2 additional part-time staff members. On average, approximately 800 books are checked out per month. Winter usage is less than summertime. **In FY 2006, an average of 1,773 items (children's and adult's books, videos, and audio recordings) were checked out each month.** Public computer classes are regularly

offered, as well as a weekly storytime.

With an interior space of only 1,440 sq. ft., the library is feeling the results of expanding growth in Bigfork. A new location and larger building is definitely in the future for the library in order to maintain its present quality of service and book availability. The county library board is searching for a new location to provide better access and adequate parking. A library space planning consultant has studied all of the Flathead County libraries and recommends that the Bigfork Branch be expanded from the current 1,440 square feet to 4,000 square feet by 2025. The County Library Board is actively involved in searching for a library site that has adequate space for a building that has easy access to the schools and new subdivisions. With a new facility, the Library System hopes to increase open hours and staff full time equivalent.

Implemented changes to the draft with chairman Ridderhoff's concurrence

Charlotte French: Health Care and Social Services Pg 51

Health Care

Various types of health care are available in the BPA. There are two medical doctors and two dentists in Bigfork, as well as two physiotherapists, an optometrist and three chiropractors.

Other health needs are met. Health support is also provided by an acupuncturist, homeopath and several massage therapists. Lessons in yoga, T'ai Chi and other forms of body and mind training in support of good mental and physical health are available at private clubs.

Health care providers in the BPA disagree about the adequacy of medical personnel and facilities available to be found within the BPA. While the ratio of primary care physicians is twice the national average (two MDs and a nurse practitioner for an estimated full-time population of 2250 in 2005), personal preference is limited in Bigfork proper.

Extensive medical facilities (hospital, urgent care, free clinic) are available in Kalispell. Transportation from Bigfork to Kalispell is available by ambulance or helicopter. These services can meet emergency needs with specialized, (remove comma) lifesaving equipment but with very high operational costs.

Responses to the 2005 Bigfork Survey gave strong support to the need importance of for assisted living structures and senior housing in the area. The administrator of the Lake View Care Center agreed that there was a need for such housing and that there is none at the present time.

Respondents also indicated a general awareness that an aging population will require diverse and augmented public services to ensure the health and safety of Bigfork citizens. However, the needs of this group were given only moderate priority on the survey, even though 31% of the respondents were 65 and older, and 33 % fell within the 55-64 age groups. Those who focused on health issues of the elderly addressed the need indicated the importance for more health care services and an urgent care facility.

Social Services

The Bigfork Senior Citizens' Center and the Bigfork Food Pantry (a satellite of the Flathead Food Bank) provide food and other services to those who need support. The Food Pantry serves Bigfork area families living at 150% of the federal poverty level, and on a continuous or temporary basis. (Federal poverty guidelines: a family of four is \$19,350 annually.) Currently, the Pantry is serving 19 households on a regular basis, and is need of a new larger facility as the current owners have the option of requesting the facilities return to their occupancy, and many more as their situations change. Because the operation is outgrowing its present space, and the owners of the building may require full use of it for their business in the future, the Pantry is urgently seeking another, larger facility.

The Senior Citizens' Center offers hot meals; diners pay what they can afford. Funds collected go to the county food services in Kalispell, an organization that provides 6,000 hot meals a day for senior citizen facilities and Meals-on-Wheels. The service is provided available to all county residents in need at a cost to the county Flathead County of \$4.00 per meal. Other services, such as flu shots and driving classes are also provided by can also be had through the Senior Center in Bigfork. Based on the current population, the manager does not feel that a new building is needed necessary at this time.

Survey respondents support the idea of some type of public transport. Eagle Transit provides offers such a service now on Thursdays for those who wish or need to go to Kalispell. This operation is supported by the County Agency for Aging.

A limited but growing number of programs are currently available for youngsters. Although the grade schools and middle school have no after-school programs, the Bigfork High School sponsors night classes where a paid instructor teaches math, reading and social studies, and has an active ongoing mentoring program. In addition, music groups meet before and after school.

Churches and private clubs also offer activities for students. Most of the 12 churches in Bigfork sponsor faith-related youth activities functions on a regular basis and two have youth ministers on staff. Students can participate in team activities games at the Montana Athletic Club in swimming, tennis and children's basketball for a fee.

Young Life, an international, non-denominational Christian organization, brings students together in various after-school and evening activities events.

Implemented changes to Draft with concurrence of chairman Ridderhoff

VII Transportation:

No comments received

VIII Public Facilities:

11-29-05-Comments from Flathead County Scoping Meeting concerning Bigfork.

Define successful public facilities

1. With no bulletproof glass or armed glass A cop in school is a failure in society Less is best – they're so mismanaged why add more expense until someone first figures out have to make them successful Bigfork Water & Sewer – good – town took charge
2. Everyone to have access to all applicable facilities New jail Maybe more user fees
3. Roads are drivable Police & fire arrive in timely fashion Water is drinkable Sewage doesn't degrade the water
4. Rate of per capita county staffing is lower than 05 level
5. Keep number of heavily traveled roads to necessary minimum and avoid going through view corridors. When public utilities & roads are overtaxed, stop growth in that area. Plan travel routes on major roads & within communities for smooth, safe driving – make sensible connections to shopping, work, home (and safe bike & walking alternatives). Well lit, maintained street lights, easy to read & well placed street signs. Recycling & refuse encouraged to limit landfill use. Designated sites for toxics. Sewers/water, roads, landfill, schools, parks, bike paths, hiking, public transportation, city streets, traffic.
6. A good, useful public transportation system (which includes things like buses, bike paths, sidewalks). Success is measured by no further increase of private vehicle traffic.
7. Per capita cost of facilities (especially water & sewer & roads) should be better apportioned New development would more appropriately pay its costs Impact fees? Something like that, but not in those terms
8. A plan that is active not reactive – thoughtful planning for at least 5 years
9. School districts that would better utilize facilities (consolidate schools) as not to burden taxpayers in that district
10. Privatize the forest or return to state & county management. Remove federal management. Set standards to be met to avoid abuses but place responsibility on local control. Increase quality of education by making more demands on teachers. Better qualifications merit pay increases
11. Facilities that are participated in by the majority of the population. Or that are a necessity of a minority.
12. More bike & pedestrian paths have contributed to fewer accidents. More family outings, better exercise, and improved public health.
13. Adequate but not too expensive. Condensing the development to be able to serve the new growth. Keep growth close to services.
14. Who is looking at the big picture where infrastructure is involved? A subdivision here and another there. Bigfork water & sewer, schools, traffic all say no problem but then look at all together? May want to look at users fees for parks etc.
15. Improve recycling opportunities at green boxes. Continual emphasis on bike trails.
16. Safe public parks, recreational opportunities, meeting facilities, places for cultural events.
17. Placed in convenient areas for the community where there is adequate parking
18. Provide up to date modern public parks, indoor activities i.e. skating.
19. People want to use them and don't dread using them. They are modern & well staffed.
20. Water will be excellent quality. Water treatment will handle all needs. Public buildings need to be energy efficient. Roads will be paved, safe and well maintained.
21. That which is required to provide a minimum but acceptable level of public health/safety
22. Need for enlarging solid waste facilities. More public libraries. Need for better transportation facilities especially for elderly.
23. One where the county takes care of its services – not by raising taxes, but by less wasteful spending. It should not be a developer's responsibility to pave the county roads.
24. At least one well-maintained attractive public beach facility on Flathead Lake.
25. More comprehensive planning & zoning regulations that are adhered to. Right now it seems like anyone can develop anything if they have the money. Encourage birth control!
26. There has to be a relationship between cost of services and charges for services. Homes located at a large distance from services should require higher taxation. Fees for septic systems should subsidize sewer systems.
27. Parks should not be sold off just because they can't be "developed" now. Wealthy private interests should not be allowed to sew up property and keep it out of public enjoyment.
28. Schools – group all schools in the valley with one school district. Work to improve education countywide. Parks – work to keep them accessible – have triathlon events to draw people to them. Visit Oregon for ideas.
29. Dirt roads to remain dirt and paved roads to be maintained.

12-13-05-Comments from Flathead County Scoping Meeting concerning Bigfork.

Define successful public facilities

1. As more educated families move into the county they bring children in the “17 and under” bracket. To keep them here instead of leaving until they are in their 50s, we must have public facilities that they have had at their previous residences. Schools (like FVCC), recreational facilities (like teen center), gymnasiums, health centers, etc. are main ingredients in providing residents positive activities to share with other members of their community. We all can work and play together, regardless of differing backgrounds, if we have common activities.
2. Public priorities for public works are realized. Funding and planning are accomplished with a long-term horizon.
3. Success would be where facilities like the jail are built in a cost effective manner with an eye toward future needs.
4. More access to Flathead Lake i.e. docks, marinas.
5. This is a key to growth control. All new subdivisions having more than 10 houses have a public water & sewer system conforming to a master county plan including fire protection. All new subdivisions have ingress/egress access roads to county standards and private roads within a subdivision also meet county standards. Most do this while improving the economy or we will have all rich & new people in county.

Paul J. Rana: I have reviewed the Draft Growth Plan, especially in the areas on which I had comment and information gathering. I have no further comments to add, but did appreciate the chance to be of service.

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