

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-14-08)
ALANA AND WILLIAM MYERS
JULY 22, 2014

This is a report to the Flathead County Board of Adjustment regarding a request from Alana and William Myers for a Conditional Use Permit to allow for a “Recreational facility, high impact” and ‘Caretaker’s Facility’ on the subject property and intended to enable the legal use of the property for a commercial wedding facility. The subject property is located within the Bigfork Zoning District and is zoned ‘SAG-5 Suburban Agricultural.’

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on August 5, 2014 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

This space is reserved for an update regarding the July 31, 2014 Bigfork Land Use Advisory Committee review of the proposal.

B. Board of Adjustment

This space is reserved for an update regarding the August 5, 2014 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Richard De Jana, Esq.
PO Box 1757
Kalispell, MT 59903

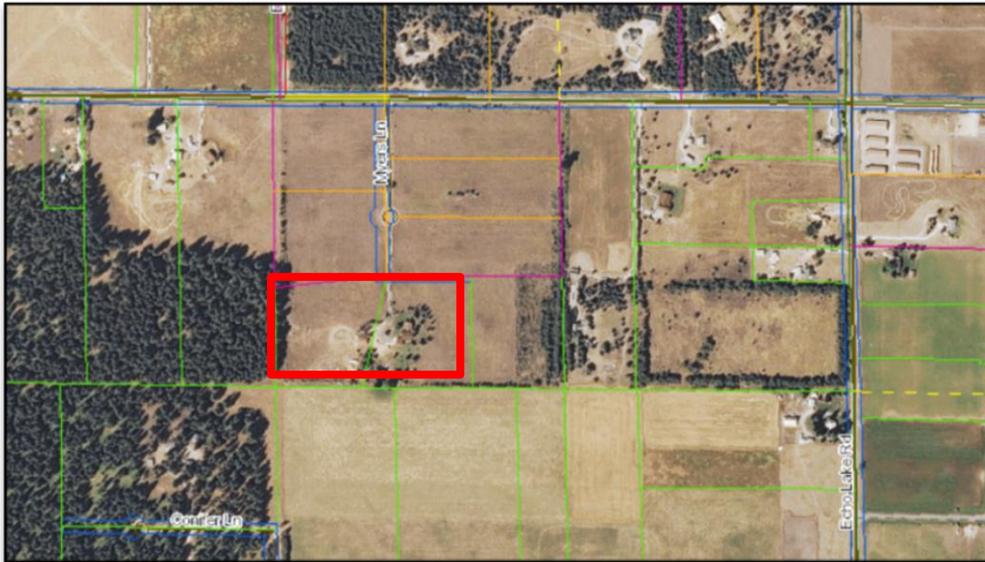
ii. Landowner

Alana and William Myers
1010 Myers Lane
Bigfork, MT 59911

B. Property Location and Size

The subject property is located at 1010 Myers Lane approximately 800 feet south of McCaffery Road. The applicant owns 40 acres and 8 lots; however the proposed ‘Caretaker’s Facility’ and ‘Recreational facility, high impact’ will be located on two tracts approximately 10.3 acres in size. The 5 northern tracts that are within the Ten Arrows Ranch Subdivision (FSR-03-37) are not a part of this request and neither is the southeastern tract (Tract 4D). The property can be legally described as Tract 4 and 4E in Section 17, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property (outlined in red)



C. Existing Land Use(s) and Zoning

The property is located within the Bigfork Zoning District and is zoned ‘SAG – 5 Suburban Agricultural,’ a designation intended to, *“Provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development”* [Section 3.08.010 Flathead County Zoning Regulations (FCZR)]. The property is currently developed with a single family residence and various outbuildings. In addition to a single family residence, the applicant has held commercial wedding ceremonies and receptions on the subject property, which has resulted in zoning complaints, submit to the Flathead County Planning and Zoning Office. The use of the property as commercial event venue constitutes a violation of the Flathead County Zoning Regulations.

Figure 2: Zoning surrounding the subject property (outlined in red)



D. Adjacent Land Use(s) and Zoning

The properties to the south and west are SAG-10, and the properties to the north and east are zoned SAG-5. The properties directly to the north and east are owned by the applicant and are currently vacant, open space. The properties to the south contain single family homes and agricultural uses. Directly west of the subject property is land that is forested, with single family homes.

E. Summary of Request

The applicant is seeking to establish legal use of the property as a wedding facility by requesting a Conditional Use Permit to allow for a 'Caretaker's Facility' and a 'Recreational facility, high impact' (wedding facility) on the subject property pursuant to Section 4.04 and 4.15 of the Flathead County Zoning Regulations. The applicant owns 8 lots totaling 40 acres; however the proposed 'Caretaker's Facility' and wedding facility will be located on the southern two tracts approximately 10.32 acres. The two tracts (Tracts 4 & 4E) where the proposed use would take place is tract land and not a part of a platted subdivision and do not require subdivision review under the Montana Subdivision and Platting Act (review under the Sanitation and Subdivision Act will be addressed) as a part of this request. One tract will be for parking and the reception and the second will be for the ceremony and caretaker's facility (see Figure 3 below).

On July 12, 2013 a zoning violation (FZT-13-11) was submitted to the Flathead County Planning and Zoning Office complaining of loud noise, large crowds and increased traffic during four recent wedding events. On July 12, 2013 staff performed a site visit to the subject property and preparations appeared to be underway for a wedding event. On July 17, 2013 the applicant was informed by the Planning and Zoning Office that the commercial wedding business is not a permitted use in a SAG-5 district and a violation of Section 3.08.020 FCZR and was given 30 days to comply. On August 20, 2013 a second letter was sent to the applicant by the Planning and Zoning Office stating that the continued holding of wedding events constitutes ongoing violations of Section 3.08.020 FCZR and was given 10 days to comply.

The applicant originally requested a conditional use permit on September 19, 2013 to allow for a 'Recreational facility, high impact.' Several issues came up during the review of the conditional use permit and staff met with the applicant to address these issues on November 14, 2013. The issues discussed were:

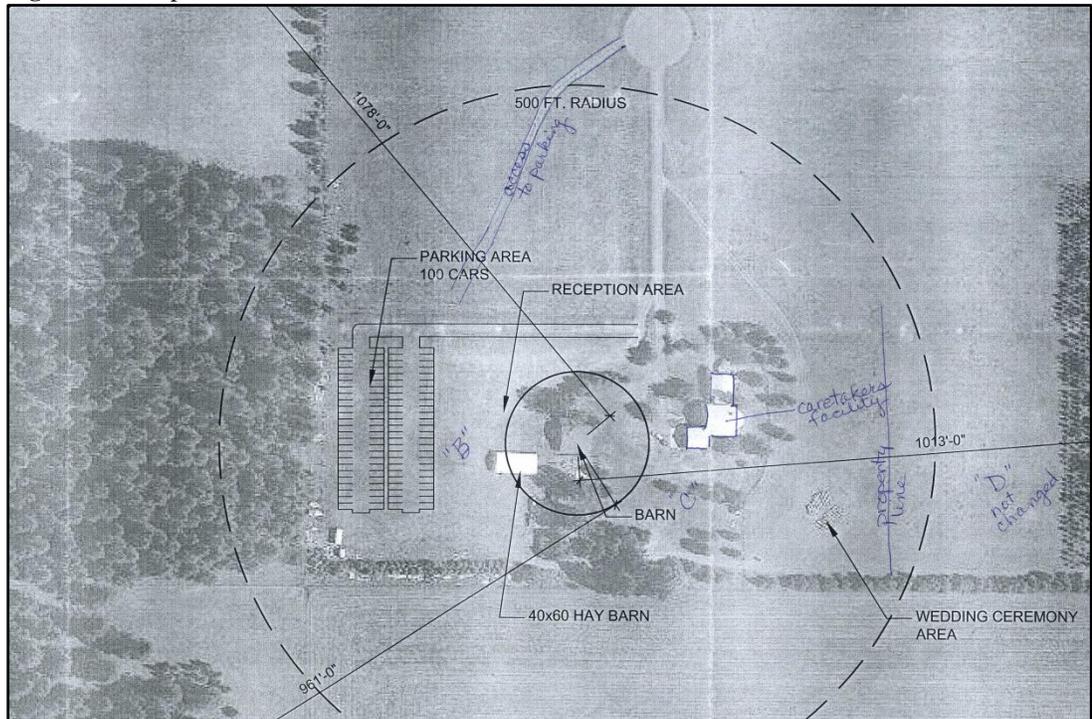
- That the Caretaker's facility was not located on a lot twice the minimum lot size of the district (Section 4.04.010(2)),
- The applicant continued to submitted information up to the date the staff report was to be sent to the Board of Adjustments that they wanted addressed in the staff report, and;
- Comments from the Bigfork Fire District, and requirements of the State Building Department need to be addressed.

On November 18, 2013 the applicant withdrew the application.

In 2003 the subject property was approved for a zone change from SAG-10 to SAG-5 (FZC-03-16). At the time the applicant stated as one of the reasons for the zone

change, was to allow for some of their 10 children to build next to them on less than 10 acres. After the zone change was approved the applicants went through the process of dividing the northern 25 acres through subdivision review creating five lots. The southern three lots are tract land and the applicant is proposing to utilize two of those lots for the wedding facility and ‘Caretaker’s Facility.’ Tract 4E contains the applicant’s current house which the applicant is proposing to use as the ‘Caretaker’s Facility’ and ceremony area and Tract 4 contains the applicant’s accessory buildings which the applicant is proposing to use for wedding receptions as well as parking area.

Figure 3: Site plan



The applicant would like to continue to use the subject property for wedding ceremonies and receptions in accordance with the Flathead County Zoning Regulations. The applicant is requesting a Conditional Use Permit for wedding facility because the anticipated traffic generated and the land intensity for the wedding facility is above the threshold for a low impact recreational facility. The threshold for traffic is a use that generates greater than or equal to 20 trips per hour at peak hour and 75 trips per day. The applicant has stated the wedding facility could potential generate up to 140 vehicle trips per day. The threshold for land intensity is a facility that requires more than twice the minimum lot size determined by the district classification. The property is zoned SAG-5 and the minimum lot size is 5 acres. The applicant is proposing to use 10.32 acres for the wedding facility. ‘Recreational facility, high impact’ is listed as a conditional use and requires a Conditional Use Permit within the SAG-5 zoning [Section 3.08.030(20)].

Recreational facility is defined as, “A structure or use of property not otherwise listed in these regulations to accommodate the enjoyment, healthful activities, and leisure of

the facility's users. Such a use may be enclosed by walls and roof (indoor) or an open-air (outdoor) arrangement. Recreational facilities are defined as being either 'high impact' or 'low impact' [Section 7.17.040 FCZR]. The proposed wedding facility would meet the definition of 'Recreational facility, high impact' because the use is not otherwise listed in the regulations, wedding facility would accommodate the enjoyment, healthful activities, and leisure of the facility's users and the examples given would have similar or higher impacts to the proposed wedding facility provided in the definition. Some of the uses listed for high impact are fair grounds, ski area, and zoos.

The applicant is proposing to utilize the existing dwelling as the 'Caretaker's Facility.' Currently the tract shown on the site plan where the ceremonies will take place is the same tract on which the single family dwelling is located. Having both the single family dwelling and high impact recreational facility on the same tract would create multiple principle uses on a single tract because both the single family dwelling and high impact recreation facility are principle uses. Per Section 3.03.020(3) of the Flathead County Zoning Regulations (FCZR), *'only one principle uses shall be allowed per tract of record in the following zones; AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1 through R-5, RA-1 and B-1.'* Multiple principle uses are not allowed in the SAG-5 zone. Therefore the applicant is also applying for a conditional use permit for a 'Caretaker's Facility'.

If approved the single family dwelling would become a 'Caretaker's Facility'. A 'Caretaker's Facility' is defined as, *'A dwelling which is constructed and designed to provide living quarters for the caretakers and/or property managers and is clearly subordinate to the principle use with regard to size and location,'* per Section 7.04.025 FCZR. If the 'Caretaker's Facility' is subordinate to the principle use (high impact recreation facility), there would not be multiple principle uses on the tract on which the dwelling is located.

The placement of a wedding facility in a SAG-5 zone requires the issuance of a Conditional Use Permit and a 'Caretaker's Facility' in SAG-5 requires the issuance of an administrative Conditional Use Permit, the review of both are subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a Conditional Use Permit. This staff report is a review of the applicants request for a Conditional Use Permit to allow for a 'Caretaker's Facility' and wedding facility on the subject property.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on July 18, 2014, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the July 20, 2014 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on June 30, 2014:

- Flathead County Road and Bridge Department
 - Reason: The property is located on a county road, and has the potential to impact county facilities.

- Flathead County Solid Waste (FCSW)
 - Reason: The property is located within the department’s jurisdiction, and has the potential to impact county facilities.
- Bigfork Fire Department
 - Reason: The property is located within the department’s jurisdiction, and has the potential to impact Bigfork Fire Department response.
- Flathead City-County Environmental Health Department
 - Reason: The property is located within the department’s jurisdiction.
- Flathead County Weeds and Parks Department
 - Reason: The property is located within the department’ jurisdiction and new construction could lead to the development of weeds on the subject property.
- State Building Department
 - Reason: The applicant is proposing to use an existing barn for receptions, and modification may be required to meet state building codes for a commercial structure.
- Bonneville Power Administration
 - Reason: The BPA has requested a copy of all agency referrals.

III. COMMENTS RECEIVED

A. Public Comments

This office received no written comments to date. It is anticipated any individual wishing to provide public comment on the proposal will do so during the Bigfork Land Use Advisory Committee public hearing scheduled for July 31, 2014 or the Board of Adjustments public hearing scheduled for August 5, 2014. Any written comments received following the completion of this report will be provided to the Board of Adjustment and the Bigfork Land Use Advisory Committee and summarized during the public hearings.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bigfork Fire Department
 - Comment: “I approve the request from Alana and William Myers for a conditional use permit to establish a ‘Recreational facility, high impact’ and ‘Caretaker’s Facility’ on a zoned lot for SAG-5 Suburban Agriculture. I have met with the Myers family and they have addressed my concerns in their request.” Email dated July 10, 2014
- Bonneville Power Administration
 - Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time.” Letter dated July 3, 2014
- Flathead City-County Environmental Health Department
 - Comment: “The above-referenced property has an existing Certificate of Subdivision Approval (EQ# 04-2051) for both Tract 4 and 4E approving each for one single family dwelling. The proposed property use requires subdivision review of the parcels for compliance with the

Sanitation in Subdivision Act before the proposed use can be approved by this office. During this review, onsite water, wastewater, solid waste, and storm water drainage will be addressed. The parcel cannot be approved for an event venue until such review has been completed and approved. With the proposed usage, Environmental Health recommends a dust abatement plan for the unpaved driving lanes and parking areas of the proposed event center. The proposed dust abatement plan of watering weekly may not be adequately to control dust during times of heavier traffic. A dust palliative may be necessary or increased watering to control fugitive dust.” Letter dated July 9, 2014.

- Flathead County Road and Bridge Departments
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated July 2, 2014

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Section 2.06.090 of the Flathead County Zoning Regulations, “*The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the Board of Adjustment. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of Adjustment and a refusal is not a denial of a right, conditional or otherwise.*” Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows is an evaluation based on the criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate Usable Space

In the ‘SAG-5’ zone, the minimum lot size is 5 acres. The subject property consists of two tracts greater than or equal to 5 acres in size. Tract 4 contains the barn, a corral, two chicken coops, parking area for the high impact recreational facility, a shed and the temporary tent. The tent will be replaced by the proposed hay barn and the applicant will construct a bathroom for guests. Tract 4E contains the house which the applicant is proposing as the ‘Caretaker’s Facility.’ The total area of the subject property is approximately 10.32 acres in size.

Section 4.04.010(2) FCZR states, “*In SAG-5, R-2.5 and R-1 districts the parcel on which the caretaker’s facility is located shall be double the lot size of the underlying district minimum lot size.*” The subject property is located within the SAG-5 district and the minimum lot size in a SAG-5 district is 5 acres. The tract in which the ‘Caretaker’s Facility’ is located would need to be 10 acres in size. Tract 4E is currently 5.32 acres and would not currently meet this standard. Because the applicant is proposing to use two tracts of land that total 10.32 acres a lot aggregation would need to be completed prior to the operation of the high impact recreational facility and the ‘Caretaker’s Facility’. The applicant has stated that a lot aggregation will be completed if the conditional use permit is approved. Approval of this conditional use permit would be conditioned accordingly.

The bulk and dimensional requirements of the SAG-5 zone list maximum building height, setbacks and permitted lot coverage. The permitted maximum lot coverage is listed as ‘25% (*Residential Uses*)’ and no lot coverage is specified for non-residential uses in the SAG-5 zone. When bulk and dimensional requirements are not specified within a zone it has been interpreted to mean that no bulk and dimensional standards apply to that zoning designation. It has been determined that the 25% lot coverage applies to residential uses only in the SAG-5 zone. In this case the proposed ‘Caretaker’s Facility’ and other accessory structures would be considered residential and lot coverage would be applicable. The wedding facility is not considered residential and lot coverage would not apply to that use.

Tract 4E, proposed for the ‘Caretaker’s Facility’ and wedding ceremonies is approximately 5.32 acres in size. As the application does not provide information about the size of the ‘Caretaker’s Facility’ staff used best available data from the Montana Cadastral site to determine the square footage of the ‘Caretaker’s Facility.’ The ‘Caretaker’s Facility’ is approximately 2,857 square feet and covers approximately 1.2% of Tract 4E, and therefore there appears to be adequate usable space on the tract for outdoor weddings as the proposed lot coverage of 1.2 % is under the permitted lot coverage of 25% for residential uses in a SAG- 5 zone.

Figure 4: Barn on the subject property



Proposed for wedding reception and parking, Tract 4 is approximately 5.0 acres in size and the applicant is proposing to install a new septic field, restrooms and hay barn on Tract 4. According to the applicant the barn which will be used for the wedding receptions is approximately 44 feet by 38 feet or 1,672 square feet. The applicant has stated that the tent will be replaced by a new hay barn. The proposed hay barn would be 40 feet by 60 feet or 2,400 square feet and the proposed bathroom facility would be 16 feet by 16 feet, approximately 256 square feet. According to the applicant, “Bathroom facility will be 25' directly northwest at 90 degree point from northwest corner of existing barn.” The

applicant does not provide the dimensions for any of the other existing structure on the subject property and the specific location of the proposed bathroom and septic system unclear. While staff is unable to calculate the accurate total lot coverage of Tract 4 it appears the proposal would not exceed maximum permitted lot coverage.

According to the site plan originally submitted with the application, the applicant was proposing to use a parking area 133 feet wide by 226 feet long, approximately 30,058 square feet. The applicant submitted a subsequent email regarding the parking for the proposed uses which states, "Parking area could alternatively be in more "square" shaped area of 180' x 250', instead of two long rows of cars (rectangular shape) that would measure 500' x 100', as previously given for the parking area." Section 6.01.010 [FCZR] indicates a parking space for standard vehicles measures 9 X 20 feet and driving lanes for two-way traffic should be a minimum of 24 wide. The proposed parking area would only use 128 feet by 243 feet to accommodate the parking dimensions required for two-way traffic. Therefore staff calculated the total parking area to be 31,109 square feet. The revised parking area takes up approximately 0.71 acres of Tract 4 leaving 4.29 acre of land for the reception area and the existing buildings.

The setbacks for a principal structure within the SAG-5 zoning are 20 feet from all property boundaries and the setbacks for accessory structures within the SAG-5 zoning are 20 feet for front and side corner and 5 feet for side and rear property boundaries. The structures appear to meet the setback requirements. While the submitted application lacks accurate technical detail regarding building dimensions, it appears there is adequate usable space to accommodate the proposed uses on the properties.

Finding #1 – At present, Tract 4E does not have adequate usable space for the proposed 'Caretaker's Facility' because in SAG-5 districts the parcel on which the caretaker's facility is located shall be double the lot size of the underlying district minimum lot size, the minimum lot size in a SAG-5 district is 5 acres and the tract would need to be at least 10 acres.

Finding #2 – While the application does not provide the dimensions for all of the existing structures on the subject property and it is unclear about the location of the proposed bathroom and septic system, there appears to be adequate usable space on visual observation and consideration of lot dimensions and applicable setback requirements of the SAG-5 district.

ii. Adequate Access

The subject property is located on Myers Lane which is a 20 foot wide, paved two lane private road within a 60 foot private road and utility easement. The subject property will be accessed from a private driveway via Myers Lane. Myers Lane is accessed from McCaffery Road a 24 foot wide, paved two lane county collector. The application states, "North side of 40 acre property fronts a designated County Classified Collector Road. [...]. A perpendicular county standard, 20' wide private road and easement leads in a straight line north and

south, between Caretaker’s Facility and barn. A standard county cul-de-sac sits in approximately the middle of the 40 acres for use of emergency vehicles.”

The paved portion of Myers Lane ends approximately 225 feet north of the subject property. The 60 foot private road and utility easement (Myers Lane) extends to the north property line of the subject property. There appears to be adequate access and site distances to accommodate both proposed uses on the property.

Figure 5: Myers Lane in front of subject property



Finding #3 – There is adequate access for the proposed uses because, even though the paved segment of the private road and utility easement ends 225 feet north of the subject property, the easement extends to the north property line of the subject property and there is adequate sight distance for vehicles to safely enter and exit the property.

iii. Absence of Environmental Constraints

The subject property is relatively flat with no significant elevation changes. The subject property is primarily open space with trees on two sides and is covered in grass. The subject property is located on FEMA FIRM panel 30029C 2310G and the lot is located in an un-shaded Zone X which is classified as an area outside the 500-year floodplain. Additionally, there are no wetlands, streams, or creeks located on the parcel, and there appears to be no other environmental constraints.

Finding #4 – The property appears to have no environmental constraints because the property is flat, not located in a 100 year floodplain, and no wetlands, streams or creeks are located on the subject property.

B. Appropriateness of Design

i. Parking Scheme

According to the site plan submitted with the application, the applicant is proposing to use a parking area 133 feet wide by 226 feet long, approximately 30,058 square feet. The proposed parking area would allow for approximately 100 vehicles. The application states, "Although we have never had 100 cars for a wedding, we have shown parking for 100 on the site plan submitted to show more adequate parking." The applicant submitted a subsequent email regarding the parking for the proposed uses which states, "Parking area could alternatively be in more "square" shaped area of 180' x 250', instead of two long rows of cars (rectangular shape) that would measure 500' x 100', as previously given for the parking area."

Section 6.01.010 [FCZR] indicates a parking space for standard vehicles measures 9 X 20 feet and driving lanes for two-way traffic should be a minimum of 24 wide. The subsequent proposed parking area would actually only use 128 feet by 243 feet to accommodate the parking required with a two-way traffic aisle. A 24 foot wide driving lane with a parking space on each side is approximately 576 square feet. When 576 is divided by the total space available of 31,109 square feet, the total number of parking spaces can be determined. The parking area as proposed by the applicant's email would allow for approximately 108 spaces. It is unclear which parking arrangement the applicant will utilize.

Seeking guidance on the required number of parking spaces, the closest uses listed in the parking regulations to a wedding facility would be for 'Convention and meeting facilities, sole use' found in Section 6.03.050 FCZR and 'Auditoriums, theaters, churches or other places of assembly' [Section 6.06.07]. Both of these uses require 1 space per 5 seats or 40 square feet of gross floor area used for assembly purposes, whichever is greater. As the barn is approximately 1,800 square feet and the proposed hay barn is approximately 2,400 square feet, a total of 105 parking spaces would reasonably be required considering the potential intensity of the proposed use and the cited standards.

The site plans shows a driving lane between the parking spaces 24 feet wide for two-way traffic and the parking spaces are shown as 9 feet by 20 feet, all of which meets the requirements set forth in Appendix A [FCZR]. The site plan shows demarcated parking spaces and Section 6.01.030 [FCZR] requires all established parking spaces to be clearly designated and demarcated for uses. All parking surfaces must be designated properly by painted lines or other methods of demarcation, per Section 6.14.010 FCZR.

The application states, "Dust abatement will be with at least weekly watering of any area where there is no vegetation holding the dirt." Per Section 6.13.010(3) FCZR businesses located within a B, BR, CVR, CCC, I and P zoning designation require that all parking areas and access driveways shall have at a minimum, "A smoothly graded stabilized dust free surface that has been treated with dust retardants or paved." Requiring paving for the parking lot and driving lanes seems unreasonable considering it is not required for uses in business

zones, however requiring the use of dust retardants seems acceptable, especially considering written comment from Flathead City-County Environmental Health Department.

Two parking spaces per dwelling unit are required per Section 6.02 FCZR. Because the 'Caretaker's Facility' is defined as a dwelling, per Section 7.04.010 FCZR, two parking spaces are required for the 'Caretaker's Facility'. The 'Caretaker's Facility' has a two-car garage which provides the required parking. Based on the applicant's submitted site plan and staff's site visit to the subject property, there appears to be adequate space for the required parking.

Finding #5 – The parking scheme subsequently proposed by the applicant's email appears acceptable because the parking area allows for approximately 108 parking spaces for the wedding facility and 105 spaces would be required, the 'Caretaker's Facility' contains a two car garage, the parking spots shall be demarcated and the parking and traffic surfaces can be required to be treated with dust abatement measures prior to each event.

ii. Traffic Circulation

The site is accessed from Myers Lane via McCaffery Road. Myers Lane is a paved 20 foot wide two lane private road, within a 60 foot road and utility easement. The paved portion of Myers Lane ends approximately 225 feet north of the subject property. The 60 foot private road and utility easement extends to the north property line of the subject property.

The application states, "The open flat land makes it very disperse parking and turn around circulation, as seen on the site plan submitted and prepared by Dwayne Shults, Architect with Nick Fullerton. There will be directional signs to direct traffic."

The 'Caretaker's Facility' is accessed via a 12 foot wide paved driveway with a loop at the end which provides an area for vehicles to turn around. The proposed driveway off of Myers Lane, for the wedding facility, is shown as 24 feet on the site plan and would be adequate for two-way traffic. The site plans shows a driving lane between the parking spaces 24 feet wide for two-way traffic with 90 degree parking, which meets the requirements set forth in Appendix A [FCZR]. However, the email sent by the applicant does not provide dimension for the width of the driving aisles. The applicant will be required to provide traffic aisles in conformance with Appendix A [FCZR].

Finding #6 – The traffic circulation appears to be adequate for the proposed use because the approaches and traffic aisles can be required to meet standards set forth in Appendix A [FCZR] regarding parking spaces and traffic aisle dimensions and demarcation.

iii. Open Space

The bulk and dimensional requirements of the SAG-5 zone list maximum building height, setbacks and permitted lot coverage. The permitted maximum lot coverage is listed as '25% (*Residential Uses*)' and no lot coverage is specified for non-residential uses in the SAG-5 zone. When bulk and

dimensional requirements are not specified within a zone it has been interpreted to mean that no bulk and dimensional standards apply to that zoning designation. It has been determined that the 25% lot coverage applies to residential uses only in the SAG-5 zone. In this case the proposed 'Caretaker's Facility' and other accessory structures would be considered residential and lot coverage would be applicable. The wedding facility is not considered residential and lot coverage would not apply to that use.

Tract 4E is approximately 5.32 acres in size. The applicant does not provide information about the size of the 'Caretaker's Facility'; therefore staff used best available data from the Montana Cadastral site to determine the square footage of the 'Caretaker's Facility'. The 'Caretaker's Facility' is approximately 2,857 square feet and covers approximately 1.2% of Tract 4E. The applicant is also proposing to have wedding ceremonies on Tract 4E. There appears to be appropriate open space on the tract because the 'Caretaker's Facility' only covers approximately 1.2% of the tract. The proposed lot coverage of 1.2 % is under the permitted lot coverage of 25% for residential uses in a SAG- 5 zone.

Proposed for wedding reception and parking, Tract 4 is approximately 5.0 acres in size and the applicant is proposing to install a new septic field, restrooms and hay barn on Tract 4. According to the applicant the barn which will be used for the wedding receptions is approximately 44 feet by 38 feet or 1,672 square feet. The applicant has stated that a previously used tent will be replaced by a new hay barn. The proposed hay barn would be 40 feet by 60 feet or 2,400 square feet and the proposed bathroom facility would be 16 feet by 16 feet, totaling approximately 256 square feet. According to the applicant, "Bathroom facility will be 25' directly northwest at 90 degree point from northwest corner of existing barn." The applicant does not provide the dimensions for any of the other existing structure on the subject property and the specific location of the proposed bathroom and septic system unclear. Staff is unable to calculate the accurate total lot coverage of Tract 4 as the applicant failed to provide building dimensions for all the buildings on the property.

Finding #7 – While the applicant does not provide the dimensions for all of the existing structure on the subject property and is unclear about the location of the proposed bathroom and septic system, there appears to be sufficient open space based on consideration of lot dimensions, estimated structure dimension and applicable lot coverage requirements.

iv. Fencing/Screening

The application states, "Our property is completely fenced in on all 4 sides with barb wire fencing." Based on the staff site visit it appears that the applicant is referring to all the land owned by the applicant and not the tracts for which they are applying for a conditional use permit. Tracts 4 and 4E currently has barb wire fencing on three sides of the property, the north south and west. Tract 4E contains a wood fence along the east side of the house that separates the ceremony area and the reception area.

The applicant states, “Screening on our property includes: 60-100’ wide border on the entire east side in the form of an old, overgrown Christmas Tree Farm, which is very thick and very dense. [...]. Along our northern property line that fronts McCaffery Road, there is a single row of pines trees about 10-15 feet apart, as well as a few scattered pine trees.” Staff identified the trees on the north and east side of the applicant’s property is not on either of the two tracts being proposed for the high impact recreational facility or the ‘Caretaker’s Facility’.

Figure 6: Location of Christmas trees not located on subject property



The applicant further states, “Along the south side of our, property, part of the area (eastern and western thirds) has about 15’ wide of several rows of old Christmas Tree farm growth, which is also very dense. In the center of the approximate third of the south border of our property, there are multiple large pine trees about every 10-15 feet. On the western side of our property, we have an entire row of Russian Olive trees for a wind and vision belt, as well as scattered pine trees from property line out about 20’, also creating a visual barrier.” Staff confirmed on the site visit that the trees described by the applicant do create a visual barrier between the subject property and neighboring properties but there are gaps in parts of the tree line and the neighbors’ properties can be seen. The applicant is not proposing any additional fencing or screening at this time.

Additional landscaping to serve as screening appears appropriate, considering the intent of the greenbelt provisions outlined in Section 5.05. Although the property is SAG-5, approval of the conditional use permit would allow a commercial use adjacent to residential uses, and it would appear beneficial to require screening with view obscuring conifers trees and shrubs between the subject property and adjacent residential uses. Any additional fencing constructed on the property would be required to comply with Section 5.04 [FCZR].

v. Landscaping

There are currently trees located along the west and south edges of the subject property and around the ‘Caretaker’s Facility’; most of the property is open

space. The applicant states, “Landscaping is very limited, and only surrounds the Caretaker’s Facility. Professional landscaping includes several perennial shrubs and a few “tubs” of annual flowers. There are a few birch trees in yard of Caretaker’s Facility.” Neither the ‘Recreational facility, high impact’ nor the ‘Caretaker’s Facility’ has specific landscaping requirements. The applicant is not proposing any additional landscaping on the property.

Additional landscaping to serve as screening appears appropriate, considering the intent of the greenbelt provisions outlined in Section 5.05. Although the property is SAG-5, approval of the conditional use permit would allow a commercial use adjacent to residential uses, and it would appear beneficial to require screening with view obscuring conifers trees and shrubs between the subject property and adjacent residential uses. Additional landscaping to serve as screening appears appropriate.

Finding #8 – The current fencing/screening and landscaping on the subject property does not appear adequate to shield the commercial use from adjacent residential uses because there are gaps along the property boundaries and no additional landscaping, fencing or screening is proposed.

vi. Signage

Currently the property has a sign over Myers Lane marking the entrance to the Ten Arrows Ranch Subdivision. The existing sign according to the applicant is 16.5 feet off the ground suspended from an entry structure. The sign appears to be about 1.5 feet wide by 5 feet long. The total surface area of the sign is 7.5 square feet. According to Section 5.11.010(10) FCZR, “*Signs identifying the entrances to subdivisions bearing only the name of the subdivision and the distance and direction to the subdivision. [...]. Where on-premise, such signs shall not exceed 60 feet per sign face and no part of the sign structure may exceed 16 feet in height unless affixed to or suspended from a gate or other entry structure.*” The current sign appears to comply with the zoning regulations for subdivision signs.

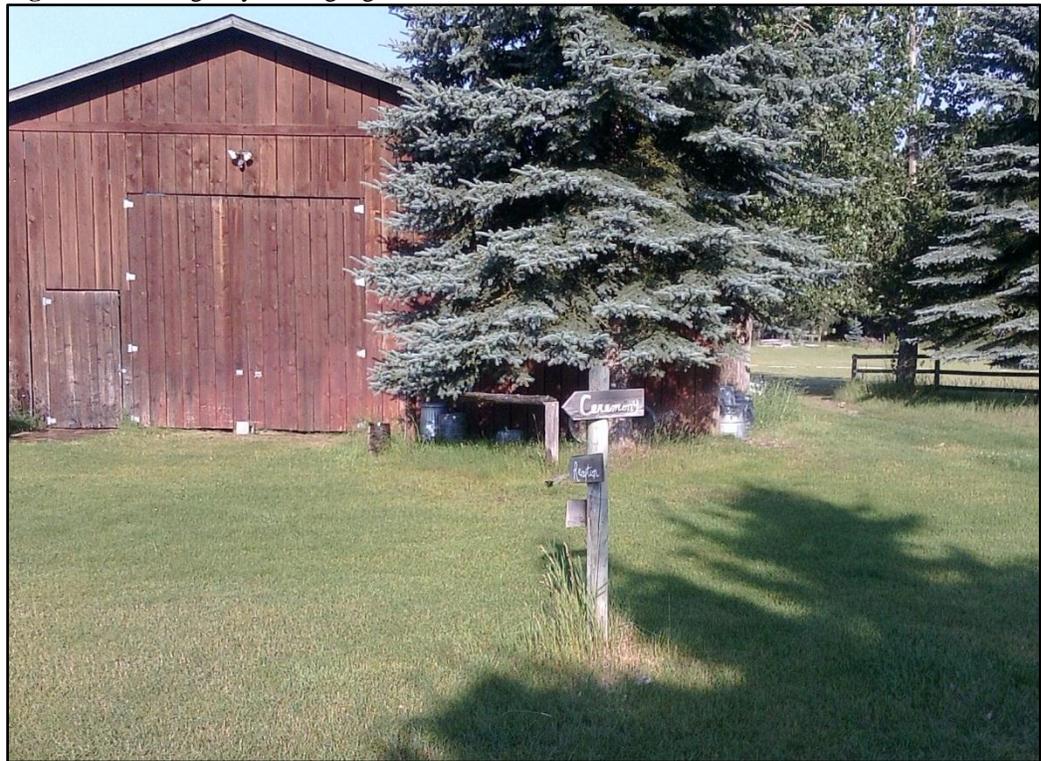
Directional signs are permitted within a SAG-5 district per Section 5.11.040(1)(c), but are limited in size and number. Eight directional signs are permitted on signposts and cannot exceed 12 feet in height. The definition of rural directional signage found in Section 7.18.060(16) FCZR states, “*Rural directional signage means, in agricultural and suburban agricultural zoning districts, slat type directional signs which do not exceed eight inches in height and 36 inches in length.*”

The application states, “If brides put up a temporary sign, it is on a small 1”x1” post 4’ high, and the sign itself at top of 1x1 post measures 5” tall be 20” long. Once last summer a bride used a door for a sign that was approximately 3’ wide by 7’ high and placed at the corner of McCaffery Road and Echo Lake Road. It was up for less than 24 hours. Also once last summer, there was a sign on Highway 83 and Echo Lake Road that was approximately 3’ x 4’ and sat on the ground. It was up for less than 24 hours.” It is unclear if the applicant is proposing to use all three temporary signs mentioned in the supplemental

information submitted via email. The small 1 inch by 1 inch post sign mentioned by the applicant appears to comply with permitted rural directional signage found in Section 5.11.040(1)(c) and the definition found in Section 7.18.060(16) as it is 5 feet tall and 20 inches in length. The other signs described by the applicant would not meet the criteria for rural directional signs.

Staff also witnessed during the site visit way-finding signs that the applicant mentions in the response to traffic circulation. The way finding signs are small and mounted to a post (see Figure 7 below). Per Section 5.11.010(6) FCZR, *“On-premise signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall not exceed 16 square feet.”* The on-premise way finding signs appear to comply with the applicable signage requirements.

Figure 7: Existing way finding signs on site



Finding #9 – While the current signage appears appropriate additional signs mentioned in the supplemental and described by the applicant would not meet the criteria for signs found in Section 5.11.040(1)(c) and 7.18.060(16) because they exceed the maximum size allowed for rural directional signage.

vii. Lighting

The property currently contains exterior flood lights on and around the barn and Caretaker’s Facility. According to the applicant, “There is hooded light already in place on each end of the barn, outside. There is lighting inside the barn and canopy area in the form of hanging fixtures. There are 2 strings of Christmas lights in the corral area. No additional lighting is planned, except that inside the outdoor bathrooms.”

Staff performed a site visit on the subject property and determined that the existing lights do not appear to be shielded or directed toward the ground in compliance with the Flathead County Zoning Regulations. The lighting is located 200 feet from the southern property line and it is possible that the existing lights are deleterious to the neighbors. The lighting will need to be shielded or hooded to comply with performance standards set forth in [FCZR] Section 5.12.

Finding #10 – There may be visual impacts resulting from lighting because the existing exterior lighting is not hooded or screened in compliance with Section 5.12 [FCZR].

C. Availability of Public Services and Facilities

i. Sewer

The application states, “Working with the Environmental Health Department of Flathead and according to their requirements and inspections, we will be installing a dedicated septic system to service outdoor toilets and sinks, as a condition of our Permit, on Parcel B/C.” The applicant is proposing to install a new septic field and bathroom on the same lot as the barn and where the wedding receptions will take place. According to the applicant, “Bathroom facility will be 25' directly northwest at 90 degree point from northwest corner of existing barn.” Staff was unclear on the exact location of the bathroom as it is not shown on the site plan and therefore had requested clarification from the applicant.

Comments from the Flathead City-County Health Department states, “The above-referenced property has an existing Certificate of Subdivision Approval (EQ# 04-2051) for both Tract 4 and 4E approving each for one single family dwelling. The proposed property use requires subdivision review of the parcels for compliance with the Sanitation in Subdivision Act before the proposed use can be approved by this office. During this review, onsite water, wastewater, solid waste, and storm water drainage will be addressed. The parcel cannot be approved for an event venue until such review has been completed and approved.”

The proposed change in use would require re-review of the existing Certificate of Subdivision Approval by the Flathead City-County Environmental Health Department. And the applicants will be required to construct a restroom facility for the high impact recreational facility prior to operation of the high impact recreational facility.

The ‘Caretaker’s Facility’ is not addressed in the application but it already exists as the current dwelling of the applicant so it seems likely that there will be no impact on the existing septic system.

ii. Water

If the permit is granted, the applicant is proposing to install restrooms on the same lot as Tract 4 the barn and where the wedding receptions will take place. The application states, “We have very good well on our property, putting out more than 60 gallons a minute.” The applicant has also stated that, “proof of

adequate Water Rights will be supplied to the Environmental Health Department of Flathead County, if required as a condition of our permit.” According to the applicant, “Bathroom facility will be 25' directly northwest at 90 degree point from northwest corner of existing barn.” Staff was unclear on the exact location of the bathroom as it is not shown on the site plan and therefore requested clarification from the applicant.

Comments from the Flathead City-County Health Department states, “The above-referenced property has an existing Certificate of Subdivision Approval (EQ# 04-2051) for both Tract 4 and 4E approving each for one single family dwelling. The proposed property use requires subdivision review of the parcels for compliance with the Sanitation in Subdivision Act before the proposed use can be approved by this office. During this review, onsite water, wastewater, solid waste, and storm water drainage will be addressed. The parcel cannot be approved for an event venue until such review has been completed and approved.”

The applicant will be required to undergo further review for the well with FCCHD as applicable because of the change in use. While the ‘Caretaker’s Facility’ is only minimally in the application it already exists as the current dwelling of the, and therefore it seems likely that there will be no adverse impact on the existing water system or availability of water.

iii. Storm Water Drainage

Storm water drainage is proposed to be managed onsite. The application states, “No retention area is planned or needed, as our soil is very sandy and absorbs water easily. Subject property is also quite level, allowing for even dispersal of storm water. Mr. Ed Benson indicated it would not be necessary to have a retention area because of the type of soil on the property and the terrain.” According to the applicant, Mr. Ed Benson has experience installing septic tanks in the valley but does not provide any background about his experience with storm water.

FCCHD stated, “The above-referenced property has an existing Certificate of Subdivision Approval (EQ# 04-2051) for both Tract 4 and 4E approving each for one single family dwelling. The proposed property use requires subdivision review of the parcels for compliance with the Sanitation in Subdivision Act before the proposed use can be approved by this office. During this review, onsite water, wastewater, solid waste, and storm water drainage will be addressed. The parcel cannot be approved for an event venue until such review has been completed and approved.” Based on this comment he applicant will be required to undergo further review to address storm drainage on the property as applicable per the required review under the Sanitation and Subdivision Act.

Finding #11 – Existing sewer, water and storm drainage services appears to be inadequate because the Flathead City-County Environmental Health Department indicated the facility is required to be reviewed and approved under the Sanitation and Subdivision Act before the subject property can be utilized for the proposed use.

iv. Fire Protection

The subject property is currently served by the Bigfork Fire Department. The nearest fire station is located at the corner of Swan View Trail and Echo Lake Road, approximately 1.25 miles northeast of the subject property. Due to the location of the property off McCaffery Road, it is anticipated response times in the event of an emergency would not be unreasonably long.

Comments from the Bigfork Fire Department state, “I approve the request from Alana and William Myers for a conditional use permit to establish a ‘Recreational facility, high impact’ and ‘Caretaker’s Facility’ on a zoned lot for SAG-5 Suburban Agriculture. I have met with the Myers family and they have addressed my concerns in their request.” The Bigfork Fire Department provided a letter (dated 5.21.2014) to the applicant regarding concerns that were addressed during a meeting with the applicant and a state building inspector. The items discussed per the letter are:

- “- Barn area for reception
 - A. Structural integrity is good
 - B. Classified as an A# occupancy (up to 300 people)
 - C. Required to have signs posted above each door that they must remain open at all times.
 - D. Handicap access ramps need to be added at both doors.
 - E. Approved a change of permit for building only. This must be sent to Helena. Paperwork was left with homeowner.
- -Additional structure to be built
 - A. Must submit drawings to the stat for approval
 - B. Must meet county planning, zoning and health department requirements.
- -Tent code requirements for tents
 - A. Can look up on building permit website link
- -Parking area
 - A. Must be kept mowed
- -Access to different areas
 - A. Must keep open for emergency vehicle access
- -Area off the entrance of McCaffery Road can be used for Alert landing zone.”

The applicant has stated the existing barn was inspected by the Montana State Building Inspector, who indicated a couple of minor items need to be done to use the barn for receptions. In order to ensure adequate fire protection the applicant shall be required to meet the requirements of the Fire Department and the state building inspector as set forth in the letter dated May 21, 2014.

Finding #12 – The proposed uses appear to have minimal acceptable impacts on public services and facilities because the barn has been inspected by a state building inspector who indicated the occupancy rate of the barn is 300 and the applicant would need to limit the number of guests, and the Bigfork Fire Department has met with the applicant and they have reached an agreement to address the department’s concerns.

v. Police Protection

The subject property is within the jurisdiction of and currently served by the Flathead County Sheriff's Department. Delayed response times may be anticipated in the event of an emergency due to the property's location in a rural area of the County.

vi. Streets

The subject property is located on Myers Lane a 20 foot wide, paved two lane private road within a 60 foot private road and utility easement. Myers Lane has no other traffic beside the traffic generated from the proposed 'Caretaker's Facility.' The paved portion of Myers Lane ends approximately 225 feet north of the subject property but the private road and utility easement extends to the north property line of the subject property.

Myers Lane is accessed from McCaffery Road. In 2007 prior to final plat approval, of Ten Arrows Ranch Subdivision, the applicant obtained an approach permit for Myers Lane from McCaffery Road. McCaffery Road is a 24 foot wide paved two lane county collector and is maintained by the Flathead County Road and Bridge Department. County collectors have a higher carrying capacity than local and private roads. Additionally the County Road and Bridge Department has previously stated that both McCaffery Road and Echo Lake Road have low traffic volumes which are not currently near capacity.

Finding #13 – The proposed uses appear to have acceptable impacts on public services and facilities because the Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is legally accessed by a private road via McCaffery Road, a paved county collector.

D. Immediate Neighborhood Impact

i. Excessive Traffic Generation

The subject property is accessed from Myers Lane via McCaffery Road and Echo Lake Road. The subject property is located on Myers Lane a 20 foot wide, paved two lane private road within a 60 foot private road and utility easement. The applicant owns all of the lots that are accessed from Myers Lane and only one residence is currently located on the road. McCaffery Road and Echo Lake Road are both 24 foot wide, paved two lane county collector. Comment received from the Flathead County Road and Bridge Department states, "At this point the County Road Department does not have any comments on this request."

According to a study conducted by the Flathead County Road and Bridge Department between August 19, 2012 and September 2, 2012, McCaffery Road has 1,140 average daily vehicle trips and Echo Lake Road has 2,760 average daily vehicle trips. Only one residence is currently located on Myers Lane, the proposed 'Caretaker's Facility'. The traffic generated by the proposed 'Caretaker's Facility' would be approximately 10 vehicle trips per day based on standard trip generation calculations for single family residences. Therefore it

is assumed that the average daily trips on Myers Lane is currently 10, typical of residential conditions.

Staff utilizes Institute of Transportation Engineers (ITE) Trip Generation Manual 5th Edition to calculate approximate average daily traffic generated by a proposed use. Staff was unable to find a similar use to the 'Recreational facility, high impact' in the manual to use as a basis for a calculation of average daily trips.

The application states, "Average number of cars coming to weddings has been about 30. Highest number of cars counted was under 70." This would translate to a maximum of 140 vehicle trips per event generated by the wedding facility. The applicant stated in a subsequent email, "[...] our largest number of cars last summer was only 61 (plus our own 3-6 cars, vehicles, campers).

On a website previously set up for the wedding facility, the applicant had indicated the ability to accommodate 375 guests; this would seem to generate more traffic than the applicants stated maximum 70 vehicles. If the facility can accommodate 375 guests it seems likely that more vehicles would be coming and going to the property. If every vehicle contained an average of 3 guests, a minimum of 125 vehicles would be required to accommodate them. 125 vehicles coming and going to the property would generate 250 vehicle trips per day per event. Under this scenario the total trips generated by the wedding facility and 'Caretaker's Facility' would be approximately 260 vehicle trips per event day. Additional traffic would likely be generated from things such as rehearsal dinners, and service providers on non-wedding days. The applicant has not provided any limit to the number guests or a firm traffic count so it is hard to calculate the exact amount of anticipated traffic generated by the high impact wedding facility.

Traffic generated by the proposed uses using staffs calculation would result an in increase of approximately 22.8% of the current average daily traffic for McCaffery Road and 9.4% of the current average daily traffic for Echo Lake Road. Traffic generated by the proposed uses using the applicants' maximum of 140 vehicle trips per day and 10 vehicle trips per day for the 'Caretaker's Facility' would result an in increase of approximately 13.2% of the current average daily traffic for McCaffery Road and 5.4% of the current average daily traffic for Echo Lake Road.

The Flathead County Road and Bridge Department has previously stated that both McCaffery Road and Echo Lake Road are at low traffic volumes, are not currently near capacity and the traffic typically generated by the wedding facility would be during off-peak hours. The Road and Bridge Department does not have any comments regarding this request. While collectors have a higher carrying capacity than local and private roads, it is difficult to determine precisely how many vehicle trips will be generated from the proposed wedding facility based on the numbers provided by the applicant.

Finding #14 – Traffic generated by the proposed 'Caretaker's Facility' appears to not have an adverse impact on the immediate neighborhood because the 10

trips generated by the use would not be out of character with the suburban agricultural area.

Finding #15 – Traffic generated by the wedding facility appears to not have an adverse impact on the immediate neighborhood because the Flathead County Road and Bridge Department has stated that both McCaffery Road and Echo Lake Road are at currently at low traffic volumes and not currently near capacity, the traffic generated by the wedding facility would be off-peak hour, and collectors have a higher carrying capacity than local and private roads.

ii. Noise or Vibration

It is not anticipated that the ‘Caretaker’s Facility’ would generate any excess noise or vibrations out of character for a residential area because the caretaker’s facility is residential.

In the past both the ceremonies and the receptions have used speakers to amplify the sound which increases the decibel level, noise and vibrations. A constant amplified noise on a regular basis such as amplified speaking and music seems to be out of character with the suburban agricultural district. According to a complaint submitted via email (FZT-13-11), music could be heard from the intersection of Echo Lake Road and McCaffery Road. Another complaint stated, “Music started blasting at ~7:30 along with screaming, yelling, hollering. I shut all my windows but it didn’t shut out noise and bass was felt inside my home!” It seems plausible that the potential noise generated from the facility is more likely to have a negative impact on the neighbors than occasional noise such as a lawn mower or chain saw.

To address noise impacts the applicants are proposing to have ‘contracts with the bride and groom’ that all music is turned off by 10:30 PM. The applicant has stated that in the future they will require no music outside the barn during receptions. Even if the amplified music is located inside the barn the music would likely be heard outdoors because the barn doors will be required to be left open by the Bigfork Fire Department for safety reasons and the walls of the barn are thin wood slats with gaps between them. The applicant has not provided any other strategy to mitigate the noise impacts that would be generated by the wedding facility.

Finding #16 – The noise and vibrations generated by the proposed wedding facility would likely be a nuisance and adversely impact the immediate neighborhood because requiring all amplified noise to be constrained within the barn would likely not effectively mitigate noise since the doors will be required to remain open by the Bigfork Fire Department and the hours proposed would only serve to limit the duration of the noise nuisance.

Finding #17 – The noise and vibrations generated by the proposed ‘Caretaker’s Facility’ are not inappropriate because the residence is not out of character with the neighborhood.

iii. Dust, Glare or Heat

Excessive glare or heat is not anticipated with the addition of the ‘Caretaker’s Facility’ and wedding facility. The proposed ‘Caretaker’s Facility’ is accessed via a paved driveway and dust is unlikely to be generated from that use. The parking area and driveway for the proposed wedding facility is unpaved and has the potential to generate dust.

Comments received from FCCHD states, “With the proposed usage, Environmental Health recommends a dust abatement plan for the unpaved driving lanes and parking areas of the proposed event center. The proposed dust abatement plan of watering weekly may not be adequately to control dust during times of heavier traffic. A dust palliative may be necessary or increased watering to control fugitive dust.”

The application states, “Potential dust generated by traffic on the grass fields will be mitigated by watering the area before any event.” Per Section 6.13.010(3) FCZR businesses located within a B, BR, CVR, CCC, I and P zoning designation require that all parking areas and access driveways shall have at a minimum, “A smoothly graded stabilized dust free surface that has been treated with dust retardants or paved.” Requiring paving for the parking lot and driving lanes seems unreasonable as it is not necessarily required for uses in business zones. Therefore dust abatement through other means such as treating the parking and driving area with dust retardants seems appropriate.

Finding #18 – The proposed uses are anticipated to have a minimal impact on the neighborhood in regard to dust, glare and heat because dust could be adequately mitigated through imposition of conditions, no dust is anticipated to be generated by the caretaker’s facility and no heat or glare is anticipated due to the nature of the proposed use and associated structures.

iv. Smoke, Fumes, Gas, or Odors

The applicant has stated that occasionally pigs are roasted on the property for receptions. However, the smoke, fumes, and odors generated from roasting a pig would not be out of character for a residential neighborhood. The application also states, “No open fires. No fireworks of any kind will be allowed by signed contract.” Gas is not anticipated to be generated with the addition of the ‘Caretaker’s Facility’ and wedding facility. The proposed use is not anticipated to have an adverse impact on the surrounding neighborhood with regard to these types of emissions.

Finding #19 – The proposed uses are anticipated to have a minimal impact on the neighborhood in regard to smoke, fumes, gas or odors because the wedding facility and ‘Caretaker’s Facility’ would generate minimal smoke, fumes, gas and odors that would not have adverse effect on neighbors.

v. Inappropriate Hours of Operation

While hours of operation are not applicable for the proposed ‘Caretaker’s Facility’ because it is a residential use, imposed hours of operation may be appropriate for the ‘Recreational facility, high impact’ because it is adjacent to neighboring residential uses. The application states, “We will require, by

contract, any party having music only inside the barn during reception, and off by 10:30 p.m. All guests will be departed by 11:00 p.m. We will also require, by signed contract, that ceremonies start by 4 p.m. at the latest.”

The applicant does not specify how many events they plan to hold each year. It seems likely that the majority of the weddings would occur in the summer months (May through October). Neighbors may be impacted by late hours of the weddings because of the rural residential character of the area and an unlimited number of events. In order to mitigate adverse impacts on the neighborhood, limiting the number and hours of events seems appropriate.

Finding #20 – The proposed hours of operation for the wedding facility may have an immediate impact on the neighborhood because of the rural residential nature of the property and immediate vicinity and the applicant does not provide specifics on the number events planned per year.

Finding #21 – The hours of operation for the proposed ‘Caretaker’s Facility’ are not inappropriate because the residential use is not out of character with the neighborhood.

V. SUMMARY OF FINDINGS

1. At present, Tract 4E does not have adequate usable space for the proposed ‘Caretaker’s Facility’ because in SAG-5 districts the parcel on which the caretaker’s facility is located shall be double the lot size of the underlying district minimum lot size, the minimum lot size in a SAG-5 district is 5 acres and the tract would need to be at least 10 acres.
2. While the application does not provide the dimensions for all of the existing structures on the subject property and it is unclear about the location of the proposed bathroom and septic system, there appears to be adequate usable space on visual observation and consideration of lot dimensions and applicable setback requirements of the SAG-5 district.
3. There is adequate access for the proposed uses because, even though the paved segment of the private road and utility easement ends 225 feet north of the subject property, the easement extends to the north property line of the subject property and there is adequate sight distance for vehicles to safely enter and exit the property.
4. The property appears to have no environmental constraints because the property is flat, not located in a 100 year floodplain, and no wetlands, streams or creeks are located on the subject property.
5. The parking scheme subsequently proposed by the applicant’s email appears acceptable because the parking area allows for approximately 108 parking spaces for the wedding facility and 105 spaces would be required, the ‘Caretaker’s Facility’ contains a two car garage, the parking spots shall be demarcated and the parking and traffic surfaces can be required to be treated with dust abatement measures prior to each event.
6. The traffic circulation appears to be adequate for the proposed use because the approaches and traffic aisles can be required to meet standards set forth in Appendix A [FCZR] regarding parking spaces and traffic aisle dimensions and demarcation.

7. While the applicant does not provide the dimensions for all of the existing structure on the subject property and is unclear about the location of the proposed bathroom and septic system, there appears to be sufficient open space based on consideration of lot dimensions, estimated structure dimension and applicable lot coverage requirements.
8. The current fencing/screening and landscaping on the subject property does not appear adequate to shield the commercial use from adjacent residential uses because there are gaps along the property boundaries and no additional landscaping, fencing or screening is proposed.
9. While the current signage appears appropriate additional signs mentioned in the supplemental and described by the applicant would not meet the criteria for signs found in Section 5.11.040(1)(c) and 7.18.060(16) because they exceed the maximum size allowed for rural directional signage.
10. There may be visual impacts resulting from lighting because the existing exterior lighting is not hooded or screened in compliance with Section 5.12 [FCZR].
11. Existing sewer, water and storm drainage services appears to be inadequate because the Flathead City-County Environmental Health Department indicated the facility is required to be reviewed and approved under the Sanitation and Subdivision Act before the subject property can be utilized for the proposed use.
12. The proposed uses appear to have minimal acceptable impacts on public services and facilities because the barn has been inspected by a state building inspector who indicated the occupancy rate of the barn is 300 and the applicant would need to limit the number of guests, and the Bigfork Fire Department has met with the applicant and they have reached an agreement to address the department's concerns.
13. The proposed uses appear to have acceptable impacts on public services and facilities because the Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is legally accessed by a private road via McCaffery Road, a paved county collector.
14. Traffic generated by the proposed 'Caretaker's Facility' appears to not have an adverse impact on the immediate neighborhood because the 10 trips generated by the use would not be out of character with the suburban agricultural area.
15. Traffic generated by the wedding facility appears to not have an adverse impact on the immediate neighborhood because the Flathead County Road and Bridge Department has stated that both McCaffery Road and Echo Lake Road are at currently at low traffic volumes and not currently near capacity, the traffic generated by the wedding facility would be off-peak hour, and collectors have a higher carrying capacity than local and private roads.
16. The noise and vibrations generated by the proposed wedding facility would likely be a nuisance and adversely impact the immediate neighborhood because requiring all amplified noise to be constrained within the barn would likely not effectively mitigate noise since the doors will be required to remain open by the Bigfork Fire Department and the hours proposed would only serve to limit the duration of the noise nuisance.

17. The noise and vibrations generated by the proposed 'Caretaker's Facility' are not inappropriate because the residence is not out of character with the neighborhood.
18. The proposed uses are anticipated to have a minimal impact on the neighborhood in regard to dust, glare and heat because dust could be adequately mitigated through imposition of conditions, no dust is anticipated to be generated by the caretaker's facility and no heat or glare is anticipated due to the nature of the proposed use and associated structures.
19. The proposed uses are anticipated to have a minimal impact on the neighborhood in regard to smoke, fumes, gas or odors because the wedding facility and 'Caretaker's Facility' would generate minimal smoke, fumes, gas and odors that would not have adverse effect on neighbors.
20. The proposed hours of operation for the wedding facility may have an immediate impact on the neighborhood because of the rural residential nature of the property and immediate vicinity and the applicant does not provide specifics on the number events planned per year.
21. The hours of operation for the proposed 'Caretaker's Facility' are not inappropriate because the residential use is not out of character with the neighborhood.

VI. CONCLUSION

Upon review of this application, the request to allow for a 'Recreational facility, high impact' (wedding facility) and 'Caretaker's Facility' on the subject property is supported by most but not all of the review criteria and the Findings of Fact listed above. According to Section 2.06.100 of the Flathead County Zoning Regulations, *"Every decision of the Board of Adjustment pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based on upon the 'Findings of Fact,' and every Finding of Fact shall be supported in the records of its proceedings."*

If the Flathead County Board of Adjustment choose to adopt staff report FCU-14-08 as Findings of Fact and approve the Conditional Use Permit, then based on public comments and board discussion the following draft conditions could ensure appropriate measures to mitigate impacts. Due to the unique nature of the proposal it may be appropriate for the Board of Adjustments to limit duration and number events and condition 18 is intended to address that.

VII. CONDITIONS

1. Construction of the wedding facility as a 'Recreational facility, high impact' and 'Caretaker's Facility' on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The approved use shall conform to the applicable standards of the SAG-5 Suburban Agricultural zoning designation [FCZR Section 3.08].

4. The applicant shall limit the number of guests for wedding events to 300 guests to reduce impacts from traffic generated by the ‘Recreational facility, high impact’ and to meet occupancy rates for the barn.
5. The subject property shall have a minimum of 108 parking spaces to accommodate the vehicles generated by the proposed use in accordance with the applicable zoning regulations [FCZR Section(s) 6.01.020 and 6.02.030].
6. All vehicular access for the ‘Recreational facility, high impact’ including internal traffic circulation areas, and parking areas shall be clearly established and demarcated through the use of materials appropriate for events in a rural setting in compliance with all applicable provisions of Chapter VI and Appendix A of the Flathead County Zoning Regulations.
7. The applicant shall widen the access used for the ‘Recreational facility, high impact’ to a minimum of 20 feet to allow for compliant two-way ingress and egress.
8. The proposed use shall be re-reviewed by the Flathead County Road and Bridge Department in order to obtain an updated approach permit applicable to ‘Caretaker’s Facility’ and ‘Recreational facility, high impact’ onto McCaffery Road. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
9. The applicant shall adhere to all applicable Montana State commercial building requirements as required by the Montana Bureau of Labor and Industry as cited in the application and discussed in the evaluation of the conditional use permit request.
10. The applicant shall adhere to all requirements at the Bigfork Fire Department in regard to fire safety and facility access as cited in the application and discussed in the evaluation of the conditional use permit request.
11. The ‘Caretaker’s Facility’ and ‘Recreational facility, high impact’ shall be reviewed by the Flathead City-County Department of Environmental Health and Montana Department of Environmental Quality in order to obtain a COSA applicable to the proposed uses. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
12. Applicant shall be required to construct bathroom facilities on the subject property for the ‘Recreational facility, high impact’ in accordance with Flathead City-County Department of Environmental Health and the State Building code.
13. Tracts 4 and 4E shall be aggregated prior to the utilization of the ‘Caretaker’s Facility’ and ‘Recreational facility, high impact’ in order to comply with Section 4.04.010(2) of the Flathead County Zoning Regulations.
14. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 and meet the definition set forth in Section 7.18.060 of the Flathead County Zoning Regulations.
15. All lighting on the subject property shall be shielded or hooded in accordance with the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.

16. The applicant shall landscape the edges of the property in accordance with the 'greenbelt' provisions in Section 5.05 FCZR in order to screen the commercial events from neighboring residential properties.
17. The parking site shall incorporate the frequent use of dust control techniques in compliance with applicable Flathead County Air Quality Regulations. Event operators shall be responsible for frequent watering of the ingress/egress locations, internal traffic circulation areas, and parking areas in conjunction with each wedding event, as conditions warrant.
18. The applicant is restricted to maximum of two wedding events each month and only during the summer (May through October), all amplified sound must be constrained within an enclosed building, no amplified sound is allowed outdoors and all amplified music shall end by 10:30 PM and no wedding related activities are permissible after 11:00 PM.
19. The Conditional Use Permit shall terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
20. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: EKM