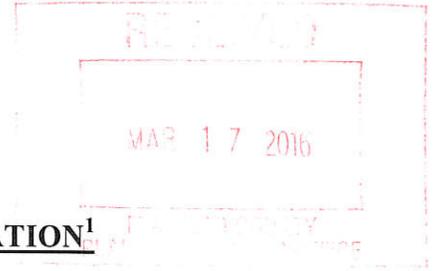


**Flathead County**  
**Planning & Zoning**  
 1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
 Telephone 406.751.8200 Fax 406.751.8210



**CONDITIONAL USE PERMIT APPLICATION<sup>1</sup>**

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ \_\_\_\_\_

**PROPOSED USE (as described in the Flathead County Zoning Regulations):**

Recreational Use - High Impact for wedding venue

**OWNER(S) OF RECORD:**

Name: Myers Ten Arrows Trust Phone: 837-2133  
 Mailing Address: 1010 Myers Lane  
 City, State, Zip Code: Bigfork, MT 59911  
 Email: alanamyers10@gmail.com

**PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:**

Name: none other than Phone: \_\_\_\_\_  
 Mailing Address: William H. & Alana Myers, of  
 City, State, Zip Code: Myers Ten Arrows Trust  
 Email: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):**

Street \_\_\_\_\_  
 Address: \_\_\_\_\_ S \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_  
 Subdivision \_\_\_\_\_ Tract \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_  
 Name: \_\_\_\_\_ No(s). \_\_\_\_\_ No(s). \_\_\_\_\_ No. \_\_\_\_\_

1. **Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):**

Bigfork Zoning, SAG-5

2. **Explain how the proposed use meets all of the required criteria below. ALL CRITERIA MUST BE DISCUSSED. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:**

**A. Site Suitability.**

The site is suitable for the use. This includes:

- (1) adequate usable space

*see attached*

- (2) adequate access

*see attached*

- (3) absence of environmental constraints

*see attached*

**B. Appropriateness of Design.**

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

- (1) parking scheme

*see attached*

- (2) traffic circulation

*see attached*

- (3) open space

*see attached*

- (4) fencing, screening

*see attached*

(5) landscaping

*see attached*

(6) signage

*see attached*

(7) lighting

*see attached*

**C. Availability of Public Services and Facilities**

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

(1) sewer

*see attached*

(2) water

*see attached*

(3) storm water drainage

*see attached*

(4) fire protection

*see attached*

(5) police protection

*see attached*

(6) streets

*see attached*

**D. Immediate Neighborhood Impact**

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

(1) excessive traffic generation

*see attached*

(2) noise or vibration

*see attached*

(3) dust, glare or heat

*see attached*

(4) smoke, fumes, gas, or odors

*see attached*

(5) inappropriate hours of operation

*see attached*

3. The following proposed uses shall meet additional requirements, known as "Conditional Use Standards" as outlined in Chapter 4 the Flathead County Zoning Regulations and require consultation with a staff planner PRIOR to application submittal:

- 4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics
- 4.02 Bed and Breakfast Establishments/Boarding Houses
- 4.03 Camp or Retreat Center
- 4.04 Caretaker's Facility in AG, SAG, and R-1 Districts
- 4.05 Cluster Housing Development in Residential Districts

- 4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses

Consultation with Planner:

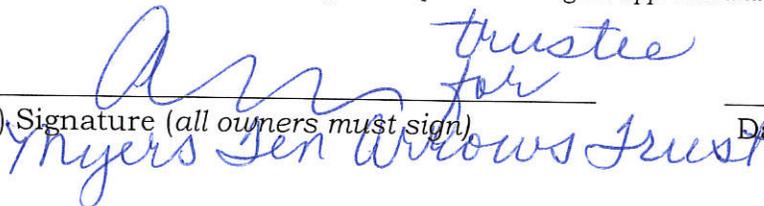
Date \_\_\_\_\_ Planner's Signature \_\_\_\_\_

**INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:**

1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. An 'Adjoining Property Owners List' request form must be submitted with the application, with a separate fee (*see forms below*). The list will be sent directly to the Planning & Zoning office. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
  - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

\*\*\*\*\*

*I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.*


  
 Owner(s) Signature (all owners must sign) \_\_\_\_\_ Date 3-17-16

Applicant Signature (if different than above) \_\_\_\_\_ Date \_\_\_\_\_

**Application for Conditional Use Permit for Recreational Use – High Impact  
Flathead County, Montana  
for Myers Ten Arrows Trust, 1010 Myers Lane, Bigfork, MT 59911**

**Subdivision: Ten Arrows Ranch, consisting of 8 – 5 acre tracts, Zoned SAG-5  
(Application only involves 2 tracts: Parcel A and B of COS 14524)**

**A. Site Suitability**

**(1) adequate usable space**

There is now a house (4800 sq. feet), barn (40'x45'), small dressing cabin (16'x24') and storage shed (about 12'x20') on entire 40 acres (8 – 5 acre lots) owned by Myers Ten Arrows Trust. The small dressing cabin is a part of the Wedding Venue for the purpose of bridal party getting dressed prior to wedding, and may be used by our immediate family, free of charge, when there are no weddings scheduled. "Dressing Cabin" will never be a "Vacation Rental", which we recently were informed is not allowed in our regulations for SAG-5 zoning. All buildings are (and will be) on lots A and B of COS 14524.

Previous report by Flathead County Planning and Zoning Office indicated there is more than adequate usable space for a wedding venue and associated parking on Parcel A.

A proposed 12'x24' building will have 2 bathrooms (one for men, one for women) with 3 toilets and 2 sinks, to be finished before first use of property as Recreational Use – High Impact. There is also a bathroom/toilet inside the wedding dressing cabin for use by guests, making 4 total toilets, 3 of which are handicap accessible. The 40'x60' building will replicate a "hay barn", to stay in character of surrounding area, and may not be finished within 12 month time frame for Conditional Use Permit. Building plans will be approved by Montana Department of Labor and Industry, Business Standards Division.

Lots 1 through 5 are part of a subdivision named "Ten Arrows Ranch". Three parcels (A, B and C), are shown on Certificate of Survey 14524. COS 20120 was recently recorded for the purpose of waterline and well easement to the small dressing cabin.

The present home on the premises would become, with Conditional Use Permit, the Caretaker's Facility, on an aggregated lot created from parcels A and B providing a 10+ acre lot. The aggregation of Parcels A and B will be by Boundary Line Adjustment or other means acceptable to the County making the A/B Parcel more than twice the size of the surrounding SAG-5 lots, as per FCPZ regulations. This application also includes a future Accessory Home of no more than 2 bedrooms on the west side of lot A, and a Guest Home (never to be rented), no more than 40% the size of Primary Home, (which becomes the Caretaker's Home with this application).

About 35 of the 40 acres are level agricultural/residential fields. The entire east side of the 40 acres has a shelter belt of tall and thick pine trees 225' wide on the southern half of east side, and about 100' wide on northern half of east side, which completely obstructs

any view of neighbor to East (Thurston), who is our closest neighbor at over 1,000' away.

Neighbor to southwest (Morgan) is also surrounded by very heavily forested pine trees, obstructing his view completely of our property, unless he walks out at least a hundred feet or more to his property line and fence. Neighbor to Northwest (DeMars) has about 1,000' of heavily forested trees south of his multiple homes and buildings, mostly obstructing his view of barn and proposed reception area. Because we cannot see our neighbors through the thick forests, neither can our neighbors see our barn *from their homes or yards*. We do, however, have plans to add at least 15-20 pine trees at least 12' tall in the NW corner of our property in March 2016 to further diminish any view Mr. DeMars may have of traffic and/or receptions (if he leaves his yard and walks about 1,000' south on his property in the heavy woods).

We obtained our Change of Use Permit (BLDG-000518) from the State of Montana Building Codes Bureau in 2014, and have complied with Montana State requirements for a gathering place, thus assuring adequate space for weddings. We are currently in process of updating said Permit with the State of Montana, Building Codes Bureau, and will provide that as a Conditional Use.

We will also comply with requirements from the Bigfork Fire District to hold gatherings on our property with approved parking, exit signs, handicap ramps, and dry vegetation mitigation. We have met several times with the Bigfork Fire chief, and will be in full compliance with the Fire Department requirements. Our vegetation has not changed since those meetings, except that additional irrigation and sprinkling systems have been put into place, making the parking area even safer.

### **(2) adequate access**

North side of 40 acre property fronts McCaffery Road, a designated County Classified Collector Road.

A second County Classified Collector Road, Echo Lake Road, connects to McCaffery Road, only ¼ mile east of property.

A perpendicular county standard, 20' wide private paved 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. Bigfork Fire Hall has been given permission to use this cul-de-sac for staging for any emergencies in the area, as well as for Life Flight helicopter staging area.

### **(3) absence of environmental constraints**

Parking is on a semi-grassed mat west of the barn. There is no stream, river, or lake that could potentially be polluted. Trees surrounding the 40 acres greatly diminish any noise/music. However, the main thing that will dampen noise/music is the long distance

between barn and homes of closest neighbors. See “google earth” map showing the distances from barn to our closest neighbors, with closest neighbors all more than 1,000’ away.

We will provide a number of trash cans around the barn and police the public roads after weddings. In the past, we’ve picked up trash on McCaffery Road from McDonald’s, Buzz and Bagels, and Starbuck’s, which could not have been from our weddings as those businesses had never catered here.

Traffic is not an issue to wildlife or road degradation, as the County Classified Collector Road was built and is maintained for 7,000 trips/day, according to the Flathead County Road Department. Recent counts by Flathead County Road Department show current traffic at only 1/7 and 1/4 of the maintained trips per day for the two County Classified Collector Roads fronting and adjacent to the property. Thus, the roads can easily accommodate the anticipated traffic.

## **B. Appropriateness of Design**

### **(1) parking scheme**

Parking is West of barn, on grass mat. Entry to the parking will be off the paved cul-de-sac. The Bigfork Fire Chief has inspected our property on three occasions, and has verified in writing that there is absolutely no issue with potential fire from cars driving on grass. We will continue to mow and maintain grass.

Supervisor of Flathead County Road Department confirmed that with the short amount of time per week that cars are parked on the property for a wedding, there is no reason for concern about possible oil or gas pollution.

Dust abatement will be by at least weekly watering, as needed, before any event, of any area where there is no vegetation holding the dirt.

Although we have never had 100 cars or more for a wedding, we have shown parking for 108 on the site plan submitted to show more than adequate parking. The most cars we’ve had is 72, including our own 4-6 vehicles, and there was an average of about 35-40 cars for most weddings, as most weddings have under 100 guests. Neighbors’ own photographs verify and confirm there have never been more than 100 cars here for weddings, although their photos were intended to claim otherwise.

### **(2) traffic circulation**

The open, flat land makes it very easy to 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, sized to county specifications, placed to direct traffic once on the property.

### **(3) open space**

All 40 acres are flat and open, with the exception of a very wide buffer along east side of large and thick trees (225' wide on southern half, and 100' wide on northern half), as can be clearly seen on a google earth map. Other neighbors have thick forests on their properties, obstructing views of our barn and proposed reception area. Most of the area resembles sparse hay fields/parks which are considered open space.

### **(4) fencing and screening**

Fencing surrounds the perimeter of our land and with limited cross fencing. The large trees on east side of the 40 acres completely shield view of our barn from east neighbors. Dan DeMars, our neighbor to the northwest, has heavily forested land south of his cluster of at least 8 buildings including several homes, and can only see our barn and cars if he walks about 1000 feet behind his houses and stands directly on or within about 10 feet of the property line. Previous photographs he submitted of parked cars could only have been taken with a telephoto lens 1,000 feet behind his multiple buildings and houses, standing at or very near our shared property line. Similarly, the neighbor to our southwest, Lance Morgan, has very heavily forested area surrounding his home, obscuring his view entirely of our barn, unless he walks a distance from his home to the property line to get a view of our barn. In short, no neighbor can clearly see our barn unless a concerted effort and walking through the woods is first accomplished. However, we will be adding 15- 20 tall (at least 12') mature pine trees in March 2016 to the NW corner of our property to further screen any view Mr. DeMars may have of our property, for his benefit.

### **(5) landscaping**

Landscaping is very limited, only surrounding what will be Caretaker's Facility and a few trees and grass west of barn. The other 35+ acres (not treed) are intended to remain natural, but watered around the barn and in parking area to mitigate dust. Upon approval of Conditional Use Permit, and as suggested/recommended in previous report from County Planning and Zoning Office, about 15-20 additional mature trees (12' tall or taller) will be repositioned along the border of Northwest Corner of the 40 acres, further obscuring DeMars' view of our property, for his benefit.

### **(6) signage**

We have (and will continue to have) no signs other than the one hanging over our entrance for the past 20 years that simply says "Ten Arrows Ranch" which is the legal name of our subdivision/property. There may be a small temporary sign on wedding days indicating the name of the bride and groom, if they put it up on their own. We will have small parking/directional signs once guests drive well onto the property. Specific wedding signs placed at road intersections, if any, will not be up for more than 24 hours. We will not allow, by signed contract, any signs along any public roads that are larger than allowable sizes as acceptable to County standards.

### **(7) lighting**

There is lighting inside the barn and a few strings of small bulb Christmas lights in the corral, adjacent to the barn. For safety, we will install a porch light outside proposed

12'x24' bathrooms. All exterior building lights will be hooded as per County standards.

## **C. Availability of Public Services**

### **(1) sewer**

Working with the Environmental Health Department of Flathead County and according to their requirements and inspections, we will be installing a dedicated septic system to service outdoor toilets, sinks, small dressing cabin, and more than 12 months later, for Accessory Home and Guest Cabin as a condition of our Permit, on Parcel A. A licensed Engineer will secure all permits and inspections will be done by FC Environmental Health.

### **(2) water**

There is a very good well, putting out more than 60 gallons a minute on Parcel B. We keep hoses attached to frost-free faucets and they are clearly visible. There are multiple faucets on the primary home/caretaker's facility and small log dressing cabin, as well as several free standing spigots up approximately 3' off the ground. Since we will not be doing any catering, water will not need to be tested. COS 20120 was recorded for the purpose of water easement between Parcels A and B, to service structures on Parcel A and B.

### **(3) storm water drainage**

Soil is very sandy. Drainage is very good.

### **(4) fire protection**

In June 2014, we had the unfortunate experience of having our garage start on fire. Three firehalls (Creston, Bigfork, and Ferndale) responded and the first one was here in under 10 minutes! Had it not been for their quick response and professionalism, our entire home would have been lost. This is clearly "first hand proof" that adequate, professional fire suppression is available and serviced by three different fire halls.

No smoking is allowed inside barn. Signs are up that say "no smoking" in the barn and metal pails are placed around outside reception area that say "cigarette butts go in here".

Owner Bill Myers is a volunteer with the Creston Firehall, and is therefore very cautious about potential fire danger.

No fireworks or candles of any kind shall be allowed on property during weddings or receptions, by signed contract.

### **(5) police protection**

Flathead County Sheriff responds to any calls.

**(6) streets**

McCaffery Road is a Classified County Collector Road, and fronts the North end of our 40 acres. Entrance to property on McCaffery Road is located only ¼ mile West of Echo Lake Road, which is also a Classified County Collector Road. Flathead County Road supervisor affirmed that the latest count of traffic on these roads is extremely low at 1140 and 2760 respectively, *although they are built and maintained to handle up to 7,000/day.*

**D. Immediate Neighborhood Impact**

**(1) excessive traffic generation**

Average number of cars coming to weddings has been about 40-45. Highest number of cars counted was 72, including our own vehicles on the property. We personally own several vehicles, which are parked with the guests' cars.

It is difficult to see the cars parked when driving on McCaffery Road, as there is a slight rise in the middle of the 40 acres, somewhat obscuring view of parked cars, as well as a great distance of over 1300 feet from the proposed parking area to McCaffery Road.

To cut down on potential traffic and noise and in consideration of our neighbors, we will voluntarily limit ourselves to no more than 20 weddings during the calendar year, utilizing a year-round, heated and insulated building that will replicate a hay barn for weddings during cold or inclement weather, designed to blend in with existing surroundings of agricultural land. Before the year-round building is complete, we will limit the number of weddings to no more than 12 during the six months of May-October. We are aware of other wedding venues in the surrounding Flathead area that typically hold 50 or more weddings in a calendar year. Parenthetically, the first two summers we held weddings, before we were made aware of the requirement of a Conditional Use Permit, we held 24 weddings during June-August, so this number of 12 maximum is a considerable "cutting down" on number of events, done in consideration of our neighbors.

**(2) noise or vibration**

This has been the main—and understandable-- complaint of neighbors. We propose, as a condition of our Permit, to require all music off at 10:15 p.m., with no amplification of music outside the barn during receptions. There will usually-but not always- be amplification during the ceremonies held outdoors, generally lasting no more than about 15-20 minutes. As a condition in the contract with the bridal party, we will require amplifiers in the field now located on Parcel B to face south toward an empty hayfield. Further, we propose as a Condition for our Permit to limit the attendees to 250 guests, even though the Bigfork Fire Department approved 300 for existing barn. With music required to be off at 10:15 p.m., the reception will quickly end; however, we will state in our contract that all guests must be departed from the property by 11 p.m. and that no honking may accompany bridal couple's departure.

**(3) dust, glare or heat**

There will not be any additional dust, glare or heat generated by the use of property for events. The paved road leading to the barn and reception area is a county approved/standard paved road. Potential dust generated by traffic on the grass fields will be mitigated by watering the area in dry weather before any event. Hooded lights will be installed on outside walls of bathroom, barn, and dressing cabin, and the eventual "hay barn" built for year-round use.

**(4) smoke, fumes, or gas**

No open fires will be allowed during any event. No fireworks of any kind will be allowed by signed contract. Owners will be onsite during entire wedding and reception to monitor any infraction regarding fireworks, smoking in barn, or music.

**(5) inappropriate hours of operation**

We will require, by contract, any party having music only inside barn during reception, and off by 10:15 p.m. However, fire department does require two open doors to barn. All guests must be departed by 11 p.m. by contract.

*page 7*

- end -