

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**ZONING TEXT AMENDMENT REPORT #FZTA-10-05**  
**JANUARY 25, 2011**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Lodgepole, Inc. for an amendment to the text of the Flathead County Zoning Regulations. The proposed amendment would add “professional offices” to the list of conditional uses in an RC-1 zone.

The Flathead County Planning Board will conduct a public hearing on the proposed text amendment on February 09, 2011 in the 2<sup>nd</sup> Floor Conference Room, 1035 1<sup>st</sup> Ave. West, Kalispell. A recommendation from the Planning Board will be forwarded to the Flathead County Commissioners for their consideration. In accordance with Montana law, the Commissioners will also hold a public hearing on the proposed amendment at a date and time yet to be determined. Documents pertaining to the text amendment are available for public inspection in the Flathead County Planning and Zoning Office, Earl Bennett Building, 1035 First Avenue West, in Kalispell. Prior to the Commissioner’s public hearing, documents pertaining to the text amendment will also be available for public inspection in the Flathead County Clerk and Recorders Office, 800 South Main Street, in Kalispell.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The RC-1 zoning is an implementation of the Bigfork Neighborhood Plan and therefore the proposed amendment impacts the advisory jurisdiction of the Bigfork Land Use Advisory Committee (BLUAC). On January 27, 2011 the BLUAC will hold a public meeting to review the proposed amendment and make a recommendation to the Flathead County Planning Board. This space is reserved for a summary of the Committee’s discussion and recommendation.

**B. Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed amendment on February 9, 2011 and make a recommendation to the Flathead County Commissioners. This space is reserved for a summary of the Flathead County Planning Board’s discussion and recommendation.

**C. Commission**

The Flathead County Commissioners will hold a public hearing on the proposed amendment on a date to be determined. This space is reserved for a summary of the Commission’s discussion and decision.

## **II. GENERAL INFORMATION**

### **A. Application Personnel**

#### **i. Applicant**

Lodgepole, Inc.  
1001 South Main Street  
Kalispell, MT 59901  
406-755-6099

#### **ii. Technical Assistance**

Thomas Hoover  
P.O. Box 997  
Kalispell, MT 59903  
406-755-6099

### **B. Section(s) Proposed for Amendment**

Section 3.14.030, Flathead County Zoning Regulations (FCZR).

### **C. General Character of and Reason for Amendment**

The applicant is seeking to add “professional offices” to the 21 conditional uses currently listed in the RC-1 zone. The application states that a “natural migration of professionals to this area meets the needs of the residents in the area and the community at large.” “Real estate office” is currently listed as a conditional use, and the applicant states that accommodating other professional offices, such as “attorneys, architects, mortgage brokers, psychologists, physical therapists, etc.” in the RC-1 zoning classification is an appropriate implementation of the Bigfork Neighborhood Plan (BNP). For reference, the definition of “professional offices” that currently appears in Chapter 7 (Definitions) of the FCZR follows:

- 7.16.090 Professional Offices – Offices maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as physicians and dentists but wherein no overnight care for patients is given, and by engineers, attorneys, architects, accountants and by other persons providing services utilizing training in and the knowledge of mental disciplines as distinguished from training in occupations requiring mechanical skill or manual dexterity or the handling of commodities.

**D. Proposed Amendment(s):**

The proposed amendment, as it would appear codified in the FCZR appears below. Additions are shown in *bold italics* and deletions are shown in ~~bold-strikeout~~.

SECTION 3.14 RC-1 RESIDENTIAL CLUSTER

3.14.030 Conditional Uses (RC-1)

1. Cellular towers. \*
2. Churches and other places of worship.
3. Community center buildings operated by a non-profit agency.
4. Community residential facilities. \*\*
5. Dwellings, cluster (attached or detached when greater than 4 du/building).
6. Dwellings, family hardship. \*
7. Electrical distribution stations.
8. Food or convenience stores when less than 3,000 sq. ft.
9. Golf courses.
10. Golf driving ranges.
11. Health clubs.
12. Manufactured home parks.
13. Motor coach subdivisions.
14. *Professional Offices.*
- ~~14.15.~~ Real estate office.
- ~~15.16.~~ Restaurants within established resort facilities.
- ~~16.17.~~ Schools, primary and secondary.
- ~~17.18.~~ Temporary buildings or structures. \*
- ~~18.19.~~ Tourist accommodation units.
- ~~19.20.~~ Tourist retail facilities as accessory uses of motel, clubhouse, health club, or marina operations.
- ~~20.21.~~ Water and sewage treatment plants.
- ~~21.22.~~ Water storage facilities.

**E. Criteria Used for Evaluation of Proposed Amendment:**

Amendments to the text of the Flathead County Zoning Regulations are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

**F. Compliance With Public Notice Requirements:**

In conformance with Section 2.08.020(5) FCZR a legal notice containing a description of the proposed text amendment, the date, time and location of the BLUAC meeting and the date, time and location of the Planning Board public hearing appeared in the January 23, 2011 Daily Interlake.

After receiving a recommendation from the Flathead County Planning Board, a public hearing on the proposed amendment will be held by the Flathead County Commissioners. A legal notice of that hearing containing the boundaries of the

district, the general character of the proposed amendment, the date, time and location of the hearing, and notice that the amendment is available for public inspection at the office of the clerk and recorder will be published once a week for two weeks in the Daily Interlake prior to the hearing. The same notice will be posted in no less than 5 locations within the district no less than 45 days prior to the Commissioner's public hearing.

#### **G. Agency Referrals**

The proposed text amendment applies to a limited area of Flathead County (RC-1 zoning classification in Bigfork) and therefore potential impacts to specific facility and service providers could be identified. Therefore, referrals for comment on the proposed text amendment were sent to the following agencies on December 23, 2010:

- Flathead County Road & Bridge Department
  - Reason sent: Most RC-1 zoning in the Bigfork area accesses county roads (Holt Drive, Chapman Hill Road, etc.).
- Bigfork Water & Sewer District
  - Reason sent: Professional Offices are likely to be built in areas served by public sewer and water.
- Bigfork Volunteer Fire Department
  - Reason sent: The existing RC-1 zoning is served by the Bigfork Volunteer Fire Department.
- Flathead County Solid Waste District
  - Reason sent: Professional Offices in a mixed-use residential area will generate different solid waste loads.
- Flathead County Sheriff's Office
  - Reason sent: The area of Flathead County zoned RC-1 is served by the Flathead County Sheriff's Office and limited commercial uses in mixed-use residential areas may impact patrolling and/or response calls.
- Montana Department of Transportation
  - Reason sent: The area of Flathead County zoned RC-1 accesses MT Highway 83 and MT Highway 35.
- Bigfork School District
  - Reason sent: Changes in land use options in mixed-use residential areas may impact schools.
- Bigfork Post Office
  - Reason sent: Mail delivery routes in mixed-use residential areas may be impacted by limited commercial land uses.
- Flathead County Parks, Recreation, Building Maintenance and Weeds Department.
  - Reason sent: Limited commercial land use in a mixed-use residential area may impact planning for park facilities and recreation services.

### **III. COMMENTS RECEIVED**

#### **A. Public Comments**

No public comments have been received as of the date of completion of the staff report regarding the proposed text amendment. It is anticipated any individual wishing to provide public comment on the proposal will do so during the BLUAC meeting on February 27, 2011 and/or the Planning Board public hearing scheduled for February 9, 2011. Any written comments received following the completion of this report will be provided to the Planning Board and Board of Commissioners and summarized during the public hearing(s).

#### **B. Agency Comments**

As of the completion of the staff report, the Flathead County Planning and Zoning Office had received comments from the following agencies:

- Dave Prunty, Flathead County Road & Bridge Department
  - Comment: Wrote to say they have no comments on the proposal.
- Jim Chilton, Flathead County Solid Waste District
  - Comment: Recommend that professional offices utilize contractor haul for solid waste, so as to not place additional demands on the green box sites. Otherwise no additional comments.
- Wayne Loeffler, Chief, Bigfork Volunteer Fire Department
  - Comment: No objections to adding Professional Offices to the RC-1 zone.

### **IV. EVALUATION OF PROPOSED AMENDMENT**

#### **A. Analysis of Potential Impact**

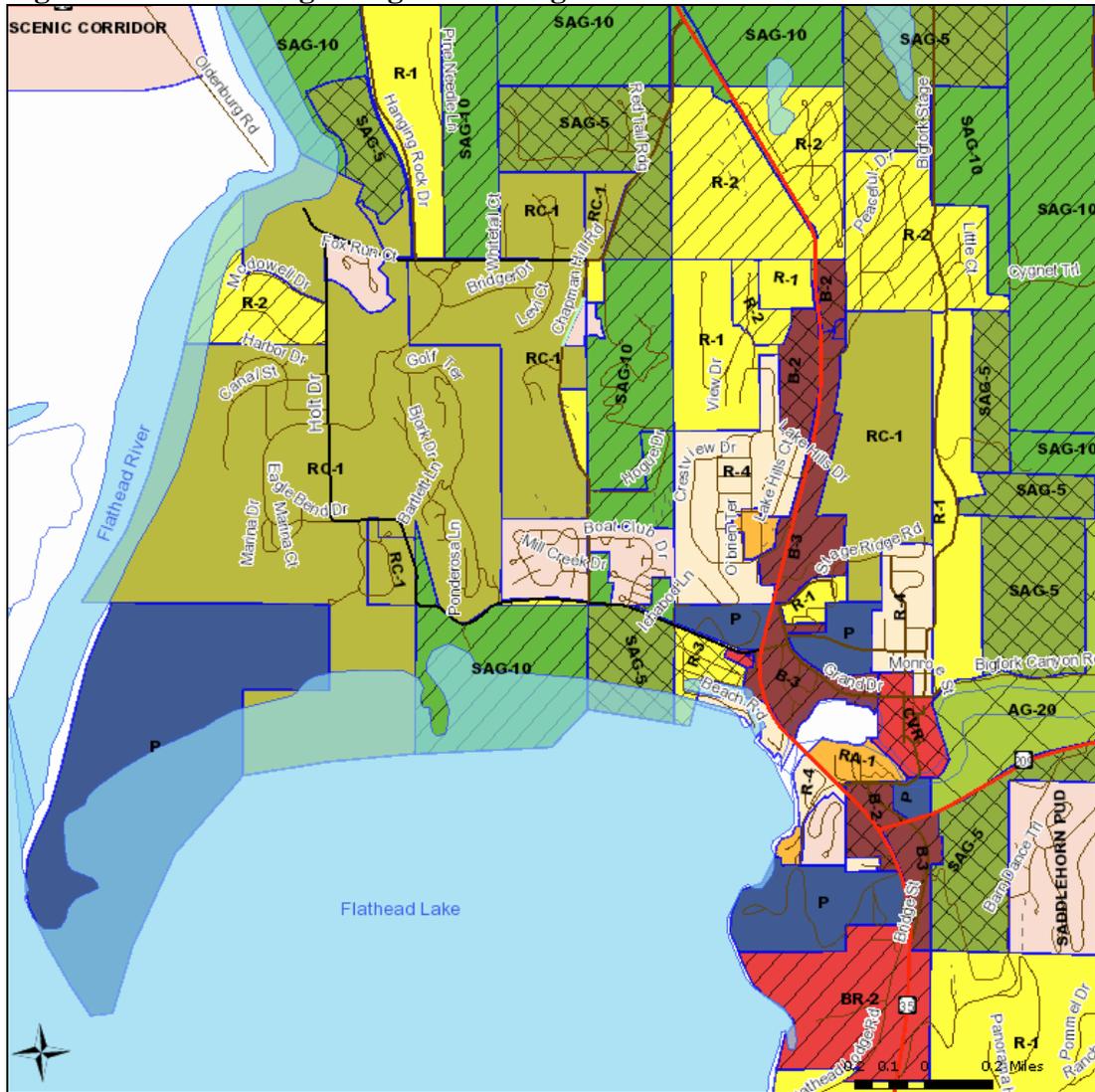
The RC-1 zoning classification is currently used solely within the Bigfork Zoning District. According to the Flathead County GIS Department, approximately 630 acres within the district are zoned RC-1 (see Figure 1 below). The definition of “professional offices” found in the FCZR limits the intensity of the potential land use. Professional offices are service providers that typically do not produce objectionable by-products. Professional offices are unlikely to require substantial signage, after hours lighting, or other elements impacting the character of a recreation residential development.

The proposal to add professional offices to the list of a conditional uses ensures that professional office developments will be reviewed for potential impacts per the conditional use criteria and process found in Section 2.06 FCZR. If impacts can be adequately mitigated a permit will be granted, conditioned upon on that mitigation. If impacts cannot be mitigated, the development may not be approved.

Furthermore, much of the acreage currently zoned RC-1 is built-out with recreation residential development and subject to CC&Rs which would preclude professional offices. Only those properties with development or re-development potential are

candidates for professional offices. Of those select properties, only those with high visibility and accessibility as well as space for parking would be financially prudent options for developing professional offices. As a result of these factors, it is reasonable to speculate that the impacts of the proposed text amendment are geographically limited to the Holt Drive corridor, limited areas on Chapman Hill Road and Bigfork Stage (see Figure 1 below) and internal features of future mixed-use developments.

**Figure 1: RC-1 Zoning in Bigfork Zoning District**



**B. Review of Proposed Amendment (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)**

**i. Whether the proposed text amendment is made in accordance with the Growth Policy/Neighborhood Plan.**

Evidence exists within the public record to indicate that the RC-1 zoning classification was originally adopted in September of 1993 as an implementation of the Bigfork Area Land Use Plan adopted earlier that same year<sup>1</sup>. The RC-1 zoning classification is defined as:

“A district to provide a residential theme in a rural environment. The district is primarily intended to encourage a master planned community with a central recreational focus. A full range of public services, such as public water supplies and sewage treatment are generally required to serve the district. The gross density for units to be clustered is one (1) unit per acre (i.e., a one acre lot can only have one unit).”

The 1993 Bigfork Area Land Use Plan was updated in 2009 and maintained the RC-1 zoning classification as an implementation of the “Suburban Residential” land use designation<sup>2</sup>. The “Suburban Residential” land use designation is applied to areas of the community that generally have or will soon have sewer and water infrastructure but are or will be lower-density residential as a result of cluster developments, PUDs, golf courses, etc. The “Suburban Residential” land use designation specifically accommodates “mixed uses” in “some commercial zones.” Interpretation of appropriate commercial land uses when implementing the “Suburban Residential” land use requires further analysis of the goals and policies outlined in the plan.

Part IV (specifically pages 20 through 22) of the BNP discusses the growth in the Bigfork area from 1993 to 2006. Specifically, commercial growth in both the Downtown Village and Highway 35 corridor is addressed. A need for future accommodation of commercial services is recognized, but those services are generally guided towards infill development and prevention of “sprawl.” Statements are made supporting infill commercial growth outside the Village, but inside the rural fringe that mixes residential land uses with commercial elements. This support of mixed use residential/commercial to accommodate commercial growth outside the Village but prevent sprawl is further outlined in many goals and policies of the plan<sup>3</sup>. The plan also provides many goals and policies which indicate a strong desire to have site-specific impacts of commercial developments mitigated through a public review process<sup>4</sup>.

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<sup>1</sup> Resolution #956A & Commissioner’s minutes, 09/27/1993

<sup>2</sup> Resolution #2208 & Bigfork Neighborhood Plan, Part V

<sup>3</sup> BNP, Part V, Goals 12, 13, 19 & 21 and accompanying policies.

<sup>4</sup> BNP, Part V, Goals 12, 14, 15, 16, 17, 22, 24 & 25 and accompanying policies.

The proposed zoning text amendment to add professional offices to the list of commercial land uses already accommodated in the RC-1 zoning classification appears to be an appropriate implementation of the BNP. As defined in the FCZR and reviewed as a conditional use, professional offices are generally a low-impact commercial land use that can create or enhance a live-work community for many professionals. The areas where the RC-1 zone is currently used to implement the Suburban Residential land use designation (and therefore may see professional offices in the future as a result of the proposed text amendment) are within the core of the BNP area and would therefore likely prevent commercial sprawl at the rural fringes. The encouraging of master-planned communities, or PUDs in the RC-1 zoning classification further adds to the likelihood that professional offices would be developed in harmony with residential land uses. Furthermore, the site-specific review of professional office development provided by the conditional use permit process is in accordance with the BNP.

**Finding #01-** The proposed zoning text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification is in accordance with the Bigfork Neighborhood Plan because the amendment would create additional mixed use development options in core areas of Bigfork that enhance live-work opportunities for professionals and assist in preventing commercial sprawl at the rural fringes.

**Finding #02-** The proposed zoning text amendment to add Professional Offices to the list of conditional uses in the RC-1 zoning classification is in accordance with the Bigfork Neighborhood Plan because the conditional use permit process currently outlined in the Flathead County Zoning Regulations implements many of the site-specific, impact-mitigating development goals and policies of the plan.

**ii. Whether the proposed text amendment is designed to:**

**1. Secure safety from fire and other dangers;**

The proposed text amendment to add professional offices as a conditional use in the RC-1 zoning classification will secure safety from fire and other dangers in a variety of ways. First and foremost, commercial structures such as professional offices are subject to state building codes for commercial structures. These codes ensure commercial structures are built with modern materials and techniques to inhibit fires. The conditional use permit review process will further secure safety by ensuring appropriate and safe access and vehicle circulation, setbacks and building height restrictions. Furthermore, the public review process will allow for public and agency input on any proposed office development. Agency comments from the Bigfork Volunteer Fire Department, Bigfork Water and Sewer District and the Flathead County Road Department will help to ensure public safety.

**Finding #03-** The proposed text amendment to add Professional Offices to the list of conditional uses in the RC-1 zoning classification will secure safety

from fire and other dangers because office developments will be required to meet the bulk and dimensional requirements of the RC-1 zoning classification, will be subject to the review criteria of a conditional use permit, and will be open to public and agency review and comment during the conditional use permit process.

**2. Promote public health, public safety, and general welfare;**

The proposed text amendment to add professional offices as a conditional use in the RC-1 zoning classification will promote the general welfare of the Bigfork community by accommodating mixed-use developments in a manner which is reviewed for impacts and appropriateness. Mixed use developments can serve as live-work arrangements for professionals and also offer services for many residents closer to where they live. Additionally, necessary services can be added to the community without requiring the construction of new office parks at the margins of public water and sewer, thereby contributing to sprawl. The Bigfork neighborhood plan supports this, and the proposed amendment is therefore a reflection of the plan's purpose to promote the general welfare of the Bigfork community. Public health and safety will also be promoted by the conditional use permit process and the criteria by which each application will be reviewed.

**Finding #04-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will promote public health, safety and general welfare because enhanced opportunities for mixed-use developments are called for in the Bigfork plan and the conditional use permit review process will ensure public health and safety impacts of individual developments are mitigated.

**3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.**

The RC-1 zoning classification is used to implement the Bigfork Neighborhood Plan in areas served by "a full range of public services" per the definition of the classification. Both general areas currently zoned RC-1, as well as those where the classification is likely to be used in the future, are served by a network of roads, public water and sewer and are within a convenient distance from schools, parks, and other public requirements. The RC-1 zoning classification is found outside the downtown Village, but close to the core areas of Bigfork. RC-1 is not likely to be used in rural areas without public services. Therefore the proposed amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will ensure that public services are available to office developments in the future.

**Finding #05-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and

other public requirements by locating professional offices and mixed-use developments that include professional offices in areas near central Bigfork that are served by a full range of public services.

**iii. In evaluating the proposed text amendment(s), consideration shall be given to:**

**1. The reasonable provision of adequate light and air;**

The bulk and dimensional requirements contained in the RC-1 zoning classification include requirements for minimum lot areas, minimum lot widths, setbacks, structure heights, total lot coverage, fence height restrictions and parking requirements. These requirements exist for many reasons, one of which is to ensure adequate light and air in and around structures. The conditional use permit review process will ensure that professional office developments proposed in an RC-1 zone meet these bulk and dimensional requirements, as well as the conditional use permit review criteria in Section 2.06.080 of the FCZR. The conditional use permit review process will also allow for comments from neighbors or agencies concerned with issues of adequate light and air as a result of a proposed development.

**Finding #06-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will provide for adequate light and air by requiring a conditional use permit for professional office developments which will ensure compliance with bulk and dimensional requirements, compliance with conditional use permit review criteria, and will provide a public discourse venue for neighbors and/or agencies concerned with issues of light and air as a result of the development.

**2. The effect on motorized and non-motorized transportation systems;**

One of the primary potential benefits of adding professional offices to the list of conditional uses in the RC-1 zoning classification is enhanced opportunities for mixed-use developments that are designed in harmony with a surrounding community. Mixed-use developments are traditionally desirable because they allow for live-work arrangements and convenient access to low-intensity commercial land uses near residential land uses. Some members of the community may utilize trails or sidewalks to access professional services (as well as the other limited commercial services in an RC-1 zone). Community members who do drive may experience reduced “windshield time” and shorter trips to more dispersed areas of the community while travelling through less congested parts of town. While it is true that some community members who do not live nearby will still drive to access services, the availability of commercial services throughout a more dispersed area of the Bigfork “core” can reduce congestion at peak hours when compared to all commercial services being located in one main “strip” or node area.

**Finding #07-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification is likely to have a positive effect on motorized and non-motorized transportation systems in the Bigfork community over time because increased dispersal of low-impact commercial services throughout the Bigfork “core” area in mixed-use developments can reduce daily traffic and peak-hour congestion at primary commercial strips and nodes as some residents access necessary services closer to home and those who drive may take different routes away from primary thoroughfares.

**3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);**

The northwest edge of the Bigfork zoning district is approximately 9 miles from the southernmost incorporated areas of the City of Kalispell. The City of Kalispell offers many professional office developments and functions as a regional “hub” for commercial activity. The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification is unlikely to impact similar developments in the City of Kalispell because it is unlikely that offices located in Bigfork will “compete” with those in Kalispell. It is more likely that offices located in Bigfork will be smaller operations designed primarily to serve the Bigfork community, or will be offices of professionals who choose to live in Bigfork and are seeking a live-work arrangement closer to home. For this reason, professional offices in Bigfork that predominantly serve the Bigfork community are not incompatible with professional office space available in Kalispell over 9 miles away.

**Finding #08-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification is generally compatible with urban growth in nearby cities and town because the City of Kalispell is located over 9 miles away from the Bigfork Zoning District and professional office and mixed-use developments in Bigfork that generally serve a very local population are unlikely to compete with the office space in Kalispell that serves a more regional population.

**4. The character of the district(s) and its peculiar suitability for particular uses;**

In evaluating the proposed text amendment’s impact on the character of the Bigfork Zoning District and the RC-1 zoning classification, staff will consider the overall character of the Bigfork community, the character of those areas currently zoned RC-1, and the suitability of the RC-1 zoning classification for professional offices as a conditional use.

Character of Bigfork Community:

The Bigfork Zoning District was established in 1993 as an implementation of the Bigfork Area Land Use Plan. The district accommodates a variety of land

uses, ranging from higher intensity, mixed-use tourist retail in the downtown Village area to agricultural land uses in the rural area. The district lacks infrastructure typically required for heavy industrial land use or widespread commercial manufacturing, but otherwise presents opportunities for many types of development to serve a demographically diverse population.

Standard commercial zoning classifications of B-2 and B-3 serve the highway frontage of the MT Highway 35 corridor as well as the intersections of MT Highways 82, 35, 83 and 209. These zones contain a broad spectrum of permitted land uses to serve the general needs of the Bigfork community, but are generally segregated from residential land uses and do not accommodate live-work alternatives for professionals. Similarly, few lower density residential land use classifications accommodate limited commercial land uses. The proposal to add professional offices as a conditional use in the RC-1 zone would provide a greater diversity of mixed-use development alternatives to serve the Bigfork community. The addition of professional offices as a conditional use would ensure that impacts of individual developments containing professional offices would be reviewed by planning staff, the local land use advisory committee, and the Flathead County Board of Adjustment for conformance with impact criteria outlined in the FCZR. This review will further ensure the suitability of the individual development to the character of the Bigfork community.

#### Character of Areas Currently Zoned RC-1:

There are two primary areas of the Bigfork community currently designated RC-1 that will be impacted by the proposed text amendment. The first, generally known as “Eagle Bend” is located northwest of the downtown village and is predominantly “built-out” as a recreation-residential golf community. Very few areas of the Eagle Bend development are developable with low-impact commercial services due to restrictive CC&Rs as well as a lack of vacant land. Those areas currently developed with recreation retail, tourist retail, food services and other recreation services serve many local residents and visitors and generate local business. The area of Bigfork generally referred to as “Eagle Bend” is suitable for professional offices, after review and approval of a conditional use permit.

The second area of Bigfork zoned with the RC-1 zoning classification is located between MT Highway 35 and Bigfork Stage Road, between the Peaceful Acres subdivision on the north and Stage Ridge subdivision on the south side. This area is predominantly undeveloped and served by Bigfork Stage Road, an unpaved county road. Limited access points from the more developed Highway 35 corridor on the west side may be possible at the north and south end of the subject area. The orientation of the properties, the secluded character of the area, the close proximity to the Bigfork community, the limited developed access and current RC-1 zoning make 2 speculative

development scenarios reasonably worth considering in the context of the proposed text amendment. The first would be a limited access, low density residential development with a rural character, open-space elements and clustered housing. Public infrastructure would be minimally improved to maintain a rural character. The affordability of up-front development costs combined with the attraction of rural living so close to the Bigfork core make this scenario worth considering. Under this speculative development scenario, a commercial element would be unlikely because a conditional use permit review process would recognize an inappropriately low level of safe and healthy public infrastructure to serve commercial uses. Parking needs, signage requirements, lighting etc. may be incompatible with a rural residential development with limited accessibility and visibility. A second development scenario worth considering would be a more comprehensive, master-planned community similar to Eagle Bend and specifically encouraged by the RC-1 zoning classification. This scenario would involve substantial public review and would likely be accompanied by improvements to public infrastructure. The review process would ensure the appropriateness of any commercial elements of such a development.

The developed area of Eagle Bend could appropriately accommodate professional offices as defined in the FCZR and as reviewed by the conditional use permit process. Furthermore, although entirely speculative, the development scenarios provided above for the RC-1 zoning along the Highway 35/Bigfork Stage corridor give consideration to the character of the area and generally find professional offices (as reviewed by a conditional use permit process) to be appropriate in certain scenarios.

#### Character of the RC-1 Zoning Classification:

The final consideration is to whether or not the proposed amendment is appropriate to the RC-1 zoning classification as it exists in the FCZR. Section 3.14 provides a definition of the RC-1 zoning classification (see Section (B)(i) above), as well as a list of permitted and other conditional uses. The definition clearly intends the zone to be used “to encourage a master-planned community with a central recreation focus.” To serve the needs of such a development, other conditional uses currently listed include “food or convenience stores when less than 3,000 square feet,” “health clubs,” “real estate offices,” “restaurants” and “tourist retail facilities as accessory uses of motel, clubhouse, health club or marina operations.” Professional offices, as defined in the FCZR, would not be likely to alter the character of areas zoned RC-1 when compared to the impacts and character of other currently listed conditional uses.

**Finding #09-** The character of the Bigfork zoning district is suitable for professional offices as a conditional use in the RC-1 zoning classification because mixed use developments are generally in harmony with the Bigfork

community and the existing definition of “professional offices” limits the land use to low-impact commercial services needed by a demographically diverse population.

**Finding #10-** The character of those areas of the Bigfork community currently designated with the RC-1 zoning classification would be appropriately impacted by adding professional offices as a conditional use because Eagle Bend is an existing recreation-residential development with similar commercial services in limited areas and if development of the area between MT Highway 35 and Bigfork Stage Road were proposed to include professional offices, review for the mitigation of impacts would be required.

**Finding #11-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification preserves the character of the classification as it currently exists because the existing list of conditional uses includes many that are similar in character and potential impact (such as small convenience stores or real estate offices) to professional offices.

**5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

The conditional use permit process will ensure that individual professional office developments are designed and operated in a way that will respect the character (and therefore value) of surrounding neighborhoods and buildings. The RC-1 zoning classification is generally to be applied only in those areas that meet the definition of the classification, and this will ensure the most appropriate use of land throughout the jurisdictional area. Future large-scale, mixed use developments which are completed with a Planned Unit Development (PUD) and include professional offices will ensure a harmony of buildings and traffic flow to preserve the desirability of the residential element while providing valuable low-impact commercial services.

**Finding #12-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will conserve the value of buildings and encourage the most appropriate use of land through the Bigfork zoning district because office developments will be subject to the conditional use review process which will ensure consideration of impacts to adjacent land uses and large-scale, mixed use projects in RC-1 zones will likely be developed as PUDs and take a comprehensive approach to locating mixed uses.

**Finding #13-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will conserve the value of buildings and encourage the most appropriate use of land through the Bigfork zoning district because the RC-1 zoning classification is used to implement the Bigfork Neighborhood Plan in areas of the community that

meet the definition of the classification and are predominantly appropriate locations for the listed permitted and conditional uses.

**iv. Whether the proposed text amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.**

The City of Kalispell is located approximately 9 miles away from the Bigfork Zoning District. Kalispell's R-5 zone (Chapter 27.08, Kalispell Zoning Ordinance) is a zoning classification which recognizes the compatibility of offices and residential uses in areas of the planning jurisdiction designated as "urban mixed use"<sup>5</sup>. In Kalispell's R-5 zoning classification, offices and single family or duplex dwellings are permitted uses. Multi-family dwellings are conditional uses to require a higher level of review for potentially higher impacts. Similarly, the RC-1 zoning classification in the FCZR allows 4 unit or less cluster dwellings and single family dwellings as a permitted use and larger cluster dwellings as a conditional use. The RC-1 zoning classification also requires open space be preserved with these developments to meet the overall density requirements appropriate in the "urban fringe" where RC-1 is utilized.

For similar reasons, the proposed text amendment to the RC-1 zoning classification would list professional offices a conditional use. This difference in the level of review of office developments is appropriate given the differences between an urban R-5 zone in Kalispell and a more urban fringe RC-1 zoned area in Bigfork. However, the presence of a zoning classification in the City of Kalispell that recognizes the compatibility of offices and residential land uses indicates a general compatibility of zoning ordinances in nearby municipalities.

Furthermore, the definition of "Office, Professional/Governmental" found in the Kalispell Zoning Ordinance<sup>6</sup> is substantially similar to the definition of "Professional Office" found in the FCZR.

**Finding #14-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will generally keep the Flathead County Zoning Regulations compatible with the nearest municipality's zoning ordinance because both zoning codes acknowledge the general compatibility of residential and low-impact professional offices and both codes define professional offices similarly.

## **V. SUMMARY OF FINDINGS**

**Finding #01-** The proposed zoning text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification is in accordance with the Bigfork Neighborhood Plan because the amendment would create additional mixed use

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<sup>5</sup> Chapter 27.08, Kalispell Zoning Ordinance, Section 27.08.010

<sup>6</sup> Chapter 27.37, Kalispell Zoning Ordinance, Definition #128

development options in core areas of Bigfork that enhance live-work opportunities for professionals and assist in preventing commercial sprawl at the rural fringes.

**Finding #02-** The proposed zoning text amendment to add Professional Offices to the list of conditional uses in the RC-1 zoning classification is in accordance with the Bigfork Neighborhood Plan because the conditional use permit process currently outlined in the Flathead County Zoning Regulations implements many of the site-specific, impact-mitigating development goals and policies of the plan.

**Finding #03-** The proposed text amendment to add Professional Offices to the list of conditional uses in the RC-1 zoning classification will secure safety from fire and other dangers because office developments will be required to meet the bulk and dimensional requirements of the RC-1 zoning classification, will be subject to the review criteria of a conditional use permit, and will be open to public and agency review and comment during the conditional use permit process.

**Finding #04-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will promote public health, safety and general welfare because enhanced opportunities for mixed-use developments are called for in the Bigfork plan and the conditional use permit review process will ensure public health and safety impacts of individual developments are mitigated.

**Finding #05-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements by locating professional offices and mixed-use developments that include professional offices in areas near central Bigfork that are served by a full range of public services.

**Finding #06-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will provide for adequate light and air by requiring a conditional use permit for professional office developments which will ensure compliance with bulk and dimensional requirements, compliance with conditional use permit review criteria, and will provide a public discourse venue for neighbors and/or agencies concerned with issues of light and air as a result of the development.

**Finding #07-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification is likely to have a positive effect on motorized and non-motorized transportation systems in the Bigfork community over time because increased dispersal of low-impact commercial services throughout the Bigfork “core” area in mixed-use developments can reduce daily traffic and peak-hour congestion at primary commercial strips and nodes as some residents access necessary services closer to home and those who drive may take different routes away from primary thoroughfares.

**Finding #08-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification is generally compatible with urban

growth in nearby cities and town because the City of Kalispell is located over 9 miles away from the Bigfork Zoning District and professional office and mixed-use developments in Bigfork that generally serve a very local population are unlikely to compete with the office space in Kalispell that serves a more regional population.

**Finding #09-** The character of the Bigfork zoning district is suitable for professional offices as a conditional use in the RC-1 zoning classification because mixed use developments are generally in harmony with the Bigfork community and the existing definition of “professional offices” limits the land use to low-impact commercial services needed by a demographically diverse population.

**Finding #10-** The character of those areas of the Bigfork community currently designated with the RC-1 zoning classification would be appropriately impacted by adding professional offices as a conditional use because Eagle Bend is an existing recreation-residential development with similar commercial services in limited areas and if development of the area between MT Highway 35 and Bigfork Stage Road were proposed to include professional offices, review for the mitigation of impacts would be required.

**Finding #11-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification preserves the character of the classification as it currently exists because the existing list of conditional uses includes many that are similar in character and potential impact (such as small convenience stores or real estate offices) to professional offices.

**Finding #12-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will conserve the value of buildings and encourage the most appropriate use of land through the Bigfork zoning district because office developments will be subject to the conditional use review process which will ensure consideration of impacts to adjacent land uses and large-scale, mixed use projects in RC-1 zones will likely be developed as PUDs and take a comprehensive approach to locating mixed uses.

**Finding #13-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will conserve the value of buildings and encourage the most appropriate use of land through the Bigfork zoning district because the RC-1 zoning classification is used to implement the Bigfork Neighborhood Plan in areas of the community that meet the definition of the classification and are predominantly appropriate locations for the listed permitted and conditional uses.

**Finding #14-** The proposed text amendment to add professional offices to the list of conditional uses in the RC-1 zoning classification will generally keep the Flathead County Zoning Regulations compatible with the nearest municipality’s zoning ordinance because both zoning codes acknowledge the general compatibility of residential and low-impact professional offices and both codes define professional offices similarly.

## **VI. CONCLUSION**

Per Section 2.08.020(4) of the Flathead County Zoning Regulations, a “review and evaluation” by “the staff of the Planning Board” comparing the proposed text amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 of the Flathead County Zoning Regulations has found the proposal to generally comply with all criteria.