

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
JOHN VENTEICHER ZONE CHANGE REQUEST
ZONING MAP AMENDMENT REPORT (#FZC-11-01)
MARCH 30, 2011**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by John Venteicher for a zoning map amendment in the Bigfork Zoning District. The proposed amendment would change the zoning on the subject property from “SAG-10 Suburban Agricultural” to “SAG-5 Suburban Agricultural”.

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on April 13, 2011 in the 2nd Floor Conference Room of the Earl Bennett Building located at 1035 1st Ave West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will also hold a public hearing on the proposed zoning map amendment at a date and time yet to be determined. Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the Earl Bennett Building at 1035 First Avenue West, in Kalispell. Prior to the Commissioner’s public hearing, documents pertaining to the zoning map amendment(s) will also be available for public inspection in the Flathead County Clerk and Records Office at 800 South Main Street in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed amendment is within the advisory jurisdiction of the Bigfork Land Use Advisory Committee. On Thursday, March 31st, 2011 the Bigfork Land Use Advisory Committee will hold a public meeting, beginning at 4:00 PM in the basement of Bethany Lutheran Church, 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 zoning map amendment on Wednesday, April 13th, 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

John Venteicher
50 Evenson Lane
Bigfork, MT 59911
(406) 250-3361

ii. Technical Assistance (not applicable)

B. Subject Property Location and Legal Description

The subject property is located on the west side of Swan River Road, at the end of Evenson Lane (see Figure 1 below). Generally speaking, the property is northeast of the town of Bigfork and approximately one mile south of the intersection of Swan River Road and Highway 83 (see Figure 2 below). The property can be legally described as Lot 2 of Evenson Subdivision in the SE ¼ of Section 20, Township 27 North, Range 19 West, P.M.M, Flathead County, Montana.

Figure 1: Subject property highlighted in red.

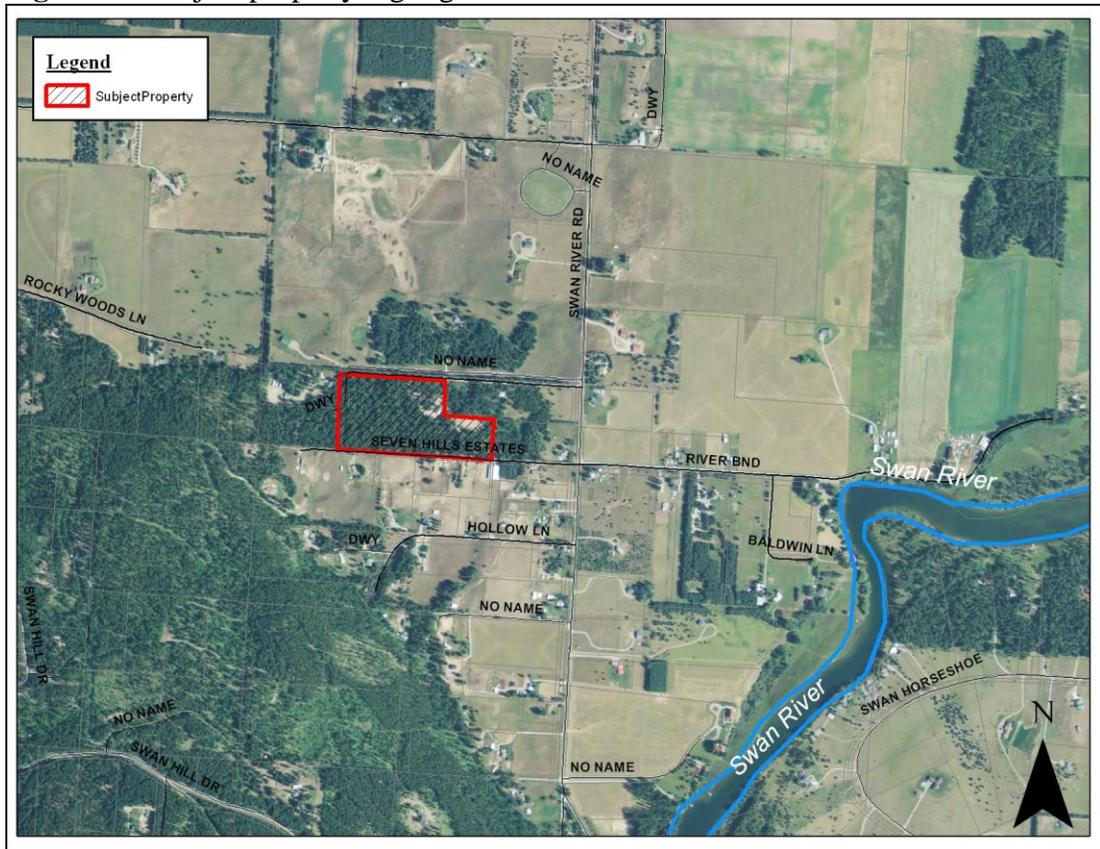
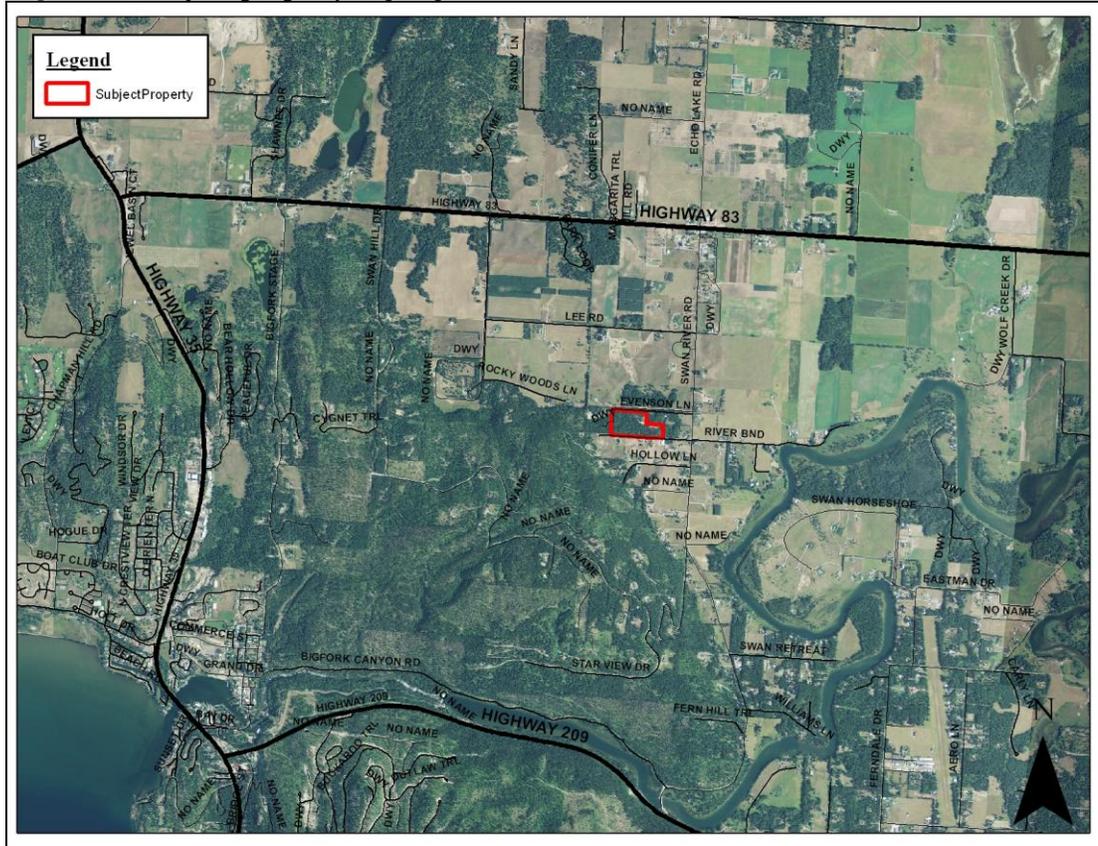


Figure 2: Subject property highlighted in red.



C. Proposed Zoning Map Amendment

The subject property is located within the Bigfork Zoning District and is currently split between “SAG-10” and “SAG-5 Suburban Agricultural” zoning designations (see Figure 3 below). Both “SAG-10” and “SAG-5” classifications are similarly defined as districts “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.” The applicant has requested the zoning map amendment to allow the property to be entirely zoned “SAG-5 Suburban Agricultural”, to rectify the split designation currently in place (see Figure 4 below).

Figure 3: Current zoning applicable to subject property.

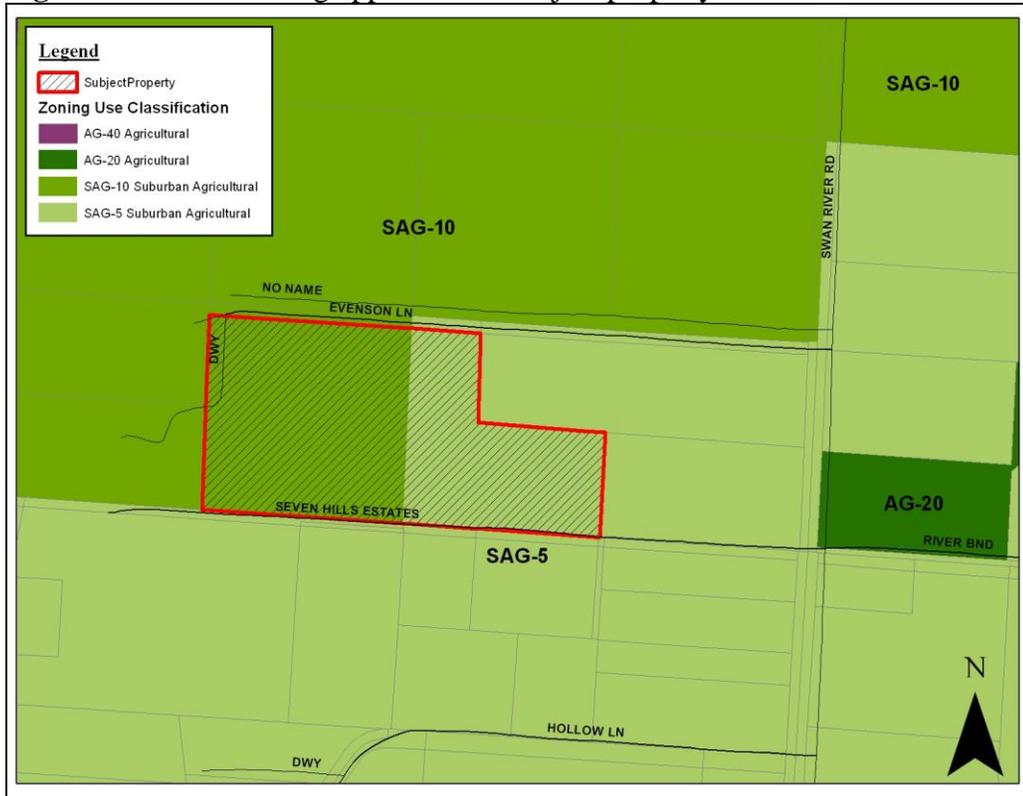
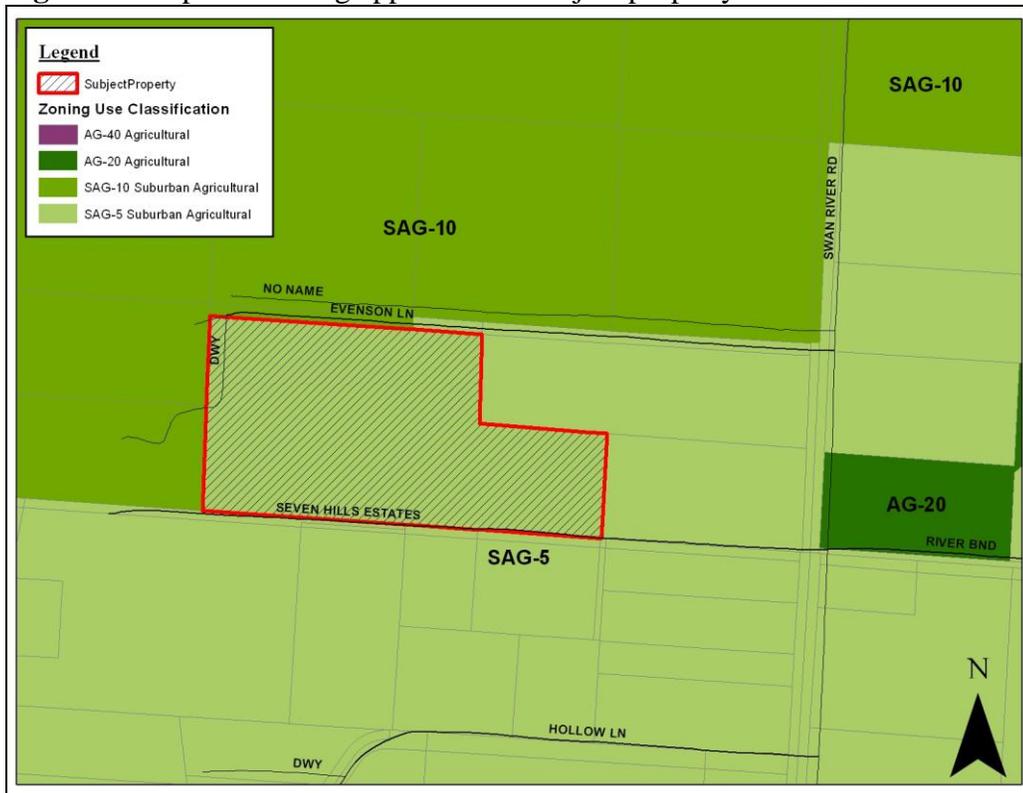


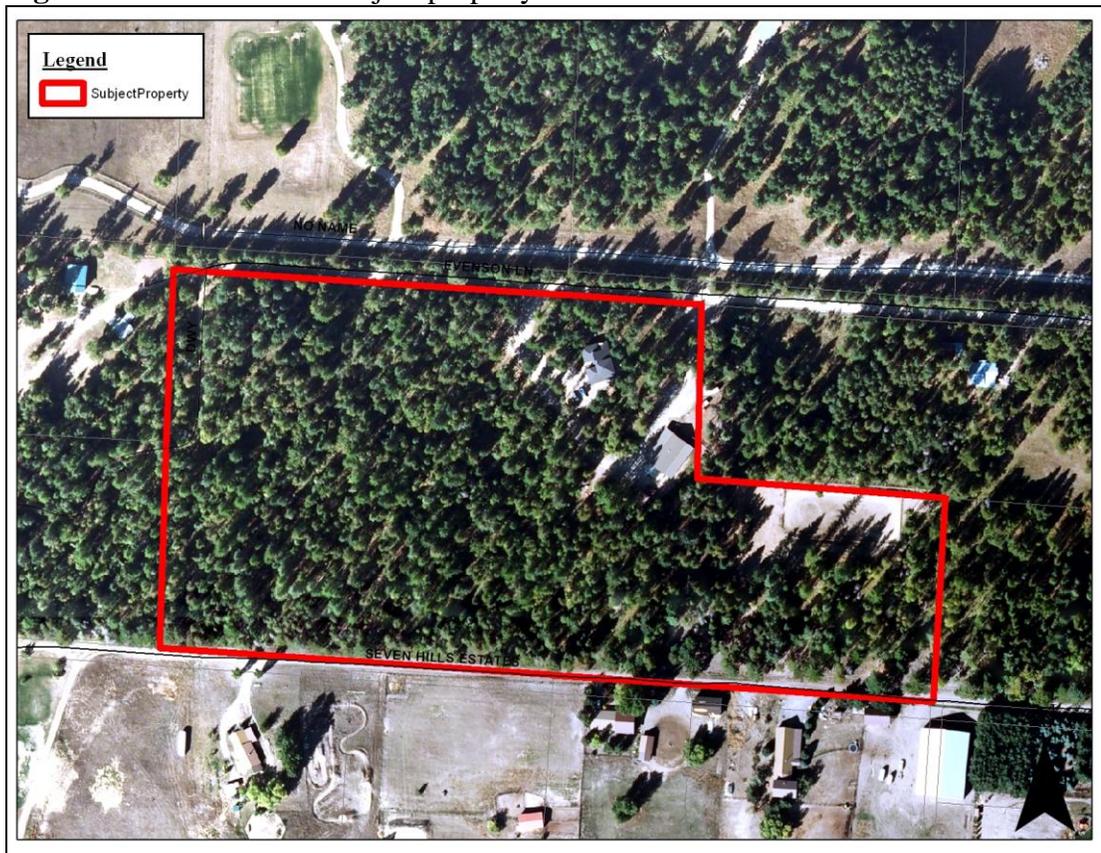
Figure 4: Proposed zoning applicable to subject property.



D. General Character of and Reason for Amendment

The applicant is requesting a zoning map amendment to change a portion of the subject property currently zoned “SAG-10 Suburban Agricultural” to “SAG-5 Suburban Agricultural”, to rectify the property’s being split between two zoning designations. The subject property is located within Evenson Subdivision, a residential development approved in 1998, and there is an existing single family residence with a few accessory structures located on the eastern portion of the 16.87 acre lot (see Figure 5 below). The applicant is requesting the change in zoning to address the split designation that currently applies to the subdivided lot. The application indicates that a change in zoning to allow a smaller (5 acre) lot size would also allow for limited future subdivision on the property.

Figure 5: Aerial view of subject property.



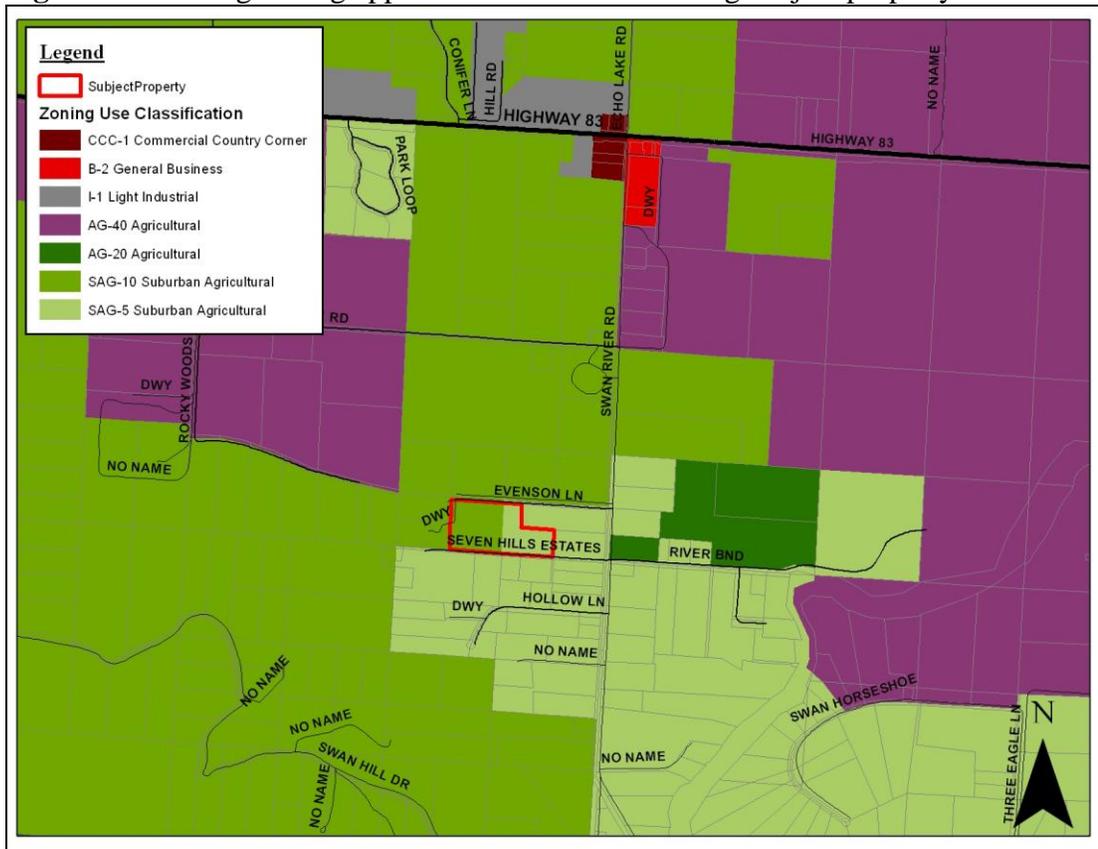
E. Adjacent Zoning and Character of the Overall Zoning District

The predominant character of the area surrounding the subject property is estate-type residential, with lot sizes ranging from two or three acres to ten or more along Swan River Road. Parcels tend to be moderately wooded and hilly along the west side of Swan River Road, with more open fields and pasture along the east side of the road as the land slopes toward the Swan River. In addition to single family estate-type residential uses, there are a number of properties that appear to be utilized for small-acreage agricultural uses, the raising of livestock and home-based businesses. This

mix of forested, agricultural and residential land uses is reflected in the equally mixed zoning present in the general area.

The subject property is located within the Bigfork Zoning District and surrounded by suburban agricultural zoning use designations (please reference Figures 3 and 4 above). The property is bordered to the north and west by “SAG-10 Suburban Agricultural” zoning and to the east and south by “SAG-5 Suburban Agricultural” zoning (the requested designation). Looking at the larger picture one can see there is agricultural zoning in the surrounding area that includes “AG-20 Agricultural” zoning to the east across Swan River Road, and “AG-40 Agricultural” zoning to the east and northwest of the subject property. Additionally, there is “CCC-1 Commercial Country Corner”, “I-1 Light Industrial” and “B-2 General Business” zoning located at the intersection of Swan River Road and Highway 83, forming a small commercial node approximately one mile north of the subject property.

Figure 6: Existing zoning applicable to area surrounding subject property.



When an application appears to have the potential for spot zoning, the “three part test” established by legal precedent in the case of *Little v. Board of County Commissioners* is reviewed specific to the requested map amendment. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different

from the uses allowed on surrounding properties in the area. Below is a brief review of the three-part test in relation to this application.

1. *The zoning allows a use that differs significantly from the prevailing use in the area.*

The intent of the both the existing “SAG-10” zoning and the proposed “SAG-5” zoning is to “to provide for and preserve (smaller) agricultural functions” and to provide “a buffer between urban and unlimited agricultural uses”. The permitted and conditional uses applicable to these zoning classifications are very similar, as are the bulk and dimensional requirements (with the exception of lot size). The zone change requested would not allow types of uses on the subject property not expressly contemplated by the existing “SAG-10” zoning in place.

2. *The zoning applies to a small area or benefits a small number of separate landowners.*

The zoning map amendment would apply to the west portion of the 16.87 acre lot under single ownership.

3. *The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.*

While the zoning map amendment would apply to a portion of one property for the benefit of a single owner, this zoning map amendment would not appear to be at the expense of the surrounding landowners because of the similarity in zoning designations. The applicant is not requesting a wholesale change in use (from suburban agricultural to commercial or industrial, for example); the requested map amendment would primarily alter the minimum lot size permissible on a portion of the subject property, to reflect lot sizes currently allowed on neighboring properties in the area.

In summary, the proposed zoning map amendment would not appear to be at risk of spot zoning because it meets only one of three criteria. All three criteria must be met for the application to potentially be considered spot zoning.

F. Public Services and Facilities

Sewer:	Individual septic system(s)
Water:	Individual well(s)
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Bigfork School District (K-12)
Fire:	Bigfork Fire District
Police:	Flathead County Sheriff’s Office

G. Criteria Used for Evaluation of Proposed Amendment

Map amendments to zoning districts 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.

H. Compliance With Public Notice Requirements

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject properties on March 16, 2011. Legal notice of the Planning Board public hearing on this application will be published in the March 27, 2011 edition of the Daily Interlake.

Following the Planning Board hearing on April 13, 2010, public notice of the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the date, time and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

I. Agency Referrals

Referrals were sent to the following agencies on February 2, 2011:

- Flathead County Public Works/Flathead County Road Department
 - Reason: The zone change request has the potential to impact County infrastructure, should development occur in the future.
- Flathead City-County Health Department; Environmental Health Services
 - Reason: The subject property currently utilizes private well and septic facilities.
- Flathead County Solid Waste Department
 - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing public services.
- Bigfork Fire District
 - Reason: The subject property is located within the jurisdiction of the local fire district and increased development as a result of the zoning map amendment could impact the level of service available.
- Bonneville Power Administration (BPA), Department of Energy
 - Reason: BPA has requested agency referrals on all land use applications made within the County.

III. COMMENTS RECEIVED

A. Public Comments

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment will do so at the Planning Board public hearing scheduled for April 13th, 2011. Any written comments received following the completion of this report will be

provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

B. Agency Comments

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

- Dave Prunty, Director; Flathead County Road & Bridge Department
 - Comment: At this point the County Road Department does not have any comments on this request.
- Glen Gray, R.S.; Flathead City-County Health Department
 - Comment: This office has no concerns regarding this proposed change in zoning for the area described. There are no adverse conditions present that should negate the issuance of a septic system permit on 5-acre parcels.
- James Chilton, Operations Manager; Flathead County Solid Waste District
 - Comment: The District would request that a contract hauler bring solid waste to the landfill if this zoning change would be granted, and any further subdividing of the above referenced property would be developed into residential lots. The District does not view solid waste as an issue at this time.
- Wayne Loeffler, Chief; Bigfork Fire Department
 - Comment: The Bigfork Fire Department supports the zone change request of John Venteicher.
- Peggy Weyant, Realty Technician; Bonneville Power Administration
 - Comment: In reviewing the proposed plan, we have found that this proposal will not impact any BPA transmission line corridors located within this area. The BPA does not have any objections to the approval of this request at this time.

IV. EVALUATION OF PROPOSED AMENDMENT

A. Build Out Analysis

Once a specific zoning designation is applied in a certain area, landowners have certain land uses that are allowed “by-right.” A build-out analysis is performed to examine the maximum potential impacts of full build-out of those “by-right” uses. It is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not “best-case” or “worst case” scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zone change to the future of the community to allow for the best possible review.

Current Zoning

As previously stated, the subject property is currently split between “SAG-10 Suburban Agricultural” and “SAG-5 Suburban Agricultural” zoning. These classifications are similarly defined as districts to *“provide and preserve 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(s) 3.07.010 and 3.08.010 FCZR). The predominant zoning on the subject property – “SAG-10” – will be reviewed in detail below, while the proposed “SAG-5” zoning classification will be addressed in the subsequent section. The following is a list of permitted uses in a “SAG-10” zone:

1. Agricultural/horticultural/silvicultural uses.
2. Cellular towers.
3. Class A and Class B manufactured homes.
4. Cluster housing.
5. Dairy products processing, bottling, and distribution.
6. Day care homes.
7. Dwellings, single-family.
8. Guest houses.
9. Home occupations.
10. Homeowners parks and beaches.
11. Nurseries, landscaping materials.
12. Parks and publicly owned recreational facilities.
13. Produce stands.
14. Public transportation shelter stations.
15. Public utility service installations.
16. Ranch employee housing.
17. Stables, riding academies, rodeo arenas.

The following uses are listed as conditional uses in a “SAG-10” zone. An asterisk designates conditional uses that may be reviewed administratively:

1. Airfields.
2. Aircraft hangars when in association with properties within or adjoining an Airport/landing field.*
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camps and retreat centers.
6. Caretaker’s facility.*
7. Cemeteries, mausoleums, columbariums, crematoriums.
8. Churches and other places of worship.
9. Community center buildings operated by a non-profit agency.
10. Community residential facilities.**
11. Contractor’s storage yards.*
12. Dwellings, family hardship.*
13. Electrical distribution stations.
14. Extractive industries.
15. Golf courses.
16. Golf driving ranges.
17. Kennels, commercial.*
18. Manufactured home parks.

19. Recreational facilities, low-impact.
20. Schools, primary and secondary.
21. Temporary buildings or structures.*
22. Water and sewage treatment plants.
23. Water storage facilities.

Minimum lot size in a “SAG-10” zone is 10 acres. The subject property is 16.87 acres in size, with approximately 9.7 acres of the western portion of the lot zoned “SAG-10”, leaving the approximate 7 acres remaining zoned “SAG-5”. Under the existing scenario it appears the property could be subdivided to create a 5+ acre lot on the east side, with a 10+ acre lot created on the west side from the remaining acreage predominantly zoned “SAG-10”. As the property is currently developed and the existing residence appears to be located on the portion of the property zoned “SAG-5”, only one additional dwelling would be possible given the current conditions and applicable zoning.

Residential clustering is an option available under the existing zoning, but future development would be subject to the clustering guidelines and performance standards found in Section 5.09 of the Zoning Regulations. Planned Unit Developments (PUD) are also possible under “SAG-10” zoning, and would be required to adhere to the design standards and guidelines for PUDs found in Section 3.31 of the zoning regulations.

Bulk and dimensional standards under “SAG-10” zoning require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures, while setbacks for accessory structures require 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from county roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures, and the permitted lot coverage is 20%.

Proposed Zoning

The proposed zoning map amendment would change the zoning on the subject properties from “SAG-5” and “SAG-10 Suburban Agricultural” to entirely “SAG-5 Suburban Agricultural”. The following is a list of permitted uses in a SAG-5 zone:

1. Agricultural/horticultural/silvicultural uses.
2. Class A and Class B manufactured homes (See Chapter VII – Definitions).
3. Cluster housing (See Chapter V – Performance Standards).
4. Day care homes.
5. Dwellings, single-family.
6. Guest houses.
7. Home occupations (See Chapter V- Performance Standards and Chapter VII – Definitions).
8. Homeowners parks and beaches.
9. Nurseries, landscaping materials.

10. Parks and publicly owned recreational facilities.
11. Produce stands.
12. Public transportation shelter stations.
13. Public utility service installations.

The following uses are listed as conditional uses in a “SAG-5” zone; once again, an asterisk designates conditional uses that may be reviewed administratively:

1. Airfields.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker’s facility.
7. Cellular towers.
8. Cemeteries, mausoleums, columbariums, crematoriums.
9. Churches and other places of worship.
10. Community center buildings operated by a non-profit agency.
11. Community residential facilities.
12. Contractor’s storage yards (See Chapter IV – Conditional Use Standards).
13. Dwellings, family hardship.
14. Electrical distribution stations.
15. Extractive industries.
16. Golf courses.
17. Golf driving ranges.
18. Kennels, commercial (See Chapter IV-Conditional Use Standards).
19. Manufactured home parks.
20. Recreational facilities, high-impact.
21. Recreational facilities, low-impact.
22. Recreational vehicle parks.
23. Schools, primary and secondary.
24. Stables, riding academies, and rodeo arenas.
25. Temporary buildings or structures.
26. Water and sewage treatment plants.
27. Water storage facilities.

Minimum lot size in a “SAG-5” zone is 5 acres. Under the proposed zoning the subject property could potentially be subdivided to create three separate residential lots greater than 5 acres in size, as opposed to the two lots that would be possible under the current conditions.

Similar to what is allowed under “SAG-10”, residential clustering is possible but future development would be subject to the clustering guidelines and performance standards found in Section 5.09 of the Zoning Regulations. Planned Unit Developments (PUD) are also possible for property zoned “SAG-5”, and would be

required to adhere to the design standards and guidelines for PUDs found in Section 3.31 of the zoning regulations. Given the maximum permissible density allowable for a “SAG-5” PUD (2 dwelling units/5 acres), a total of 6 units would be possible on the subject property, including the existing residence and pursuant to open space set-aside requirements for increased density through a PUD.

Similar to “SAG-10”, the bulk and dimensional standards under “SAG-5” zoning require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures, while setbacks for accessory structures require 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from County roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures, and the permitted lot coverage is 25% for residential uses.

In summary, the requested zone change to “SAG-5” has the potential to increase residential density through subdivision development in the future. Family transfers would be permitted because the subject property is already part of a subdivision; any future land division(s) would require review for compliance with the subdivision regulations. However, the map amendment would not introduce uses to the subject property or general area that significantly differ from those uses that are allowed under the existing zoning and on the surrounding properties, and would not alter the bulk and dimensional requirements for the property. Potential impacts resulting from the maximum build-out analysis for a PUD or residential cluster development appear to be minimal given the character of the zoning classification, regulatory review and requirements.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

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

The proposed zoning map amendment falls within the jurisdiction of both the Flathead County Growth Policy, adopted on March 19, 2007 (by Resolution #2015 A), and the Bigfork Neighborhood Plan, adopted on June 2, 2009 by Resolution #2208).

The Flathead County Growth Policy Designated Land Uses Map 2006 identifies the subject property as “Suburban Agricultural” based on the zoning in place at the time the map was created. The existing “SAG-5” and “SAG-10” zoning that splits the subject property complies with this land use designation, as would the proposal to convert the property to entirely “SAG-5 Suburban Agricultural”. In addition to the Designated Land Use Map, a variety of goals and policies found within the text of the Growth Policy and pertaining to land use, transportation, public services and utilities as well as natural resources have been found to generally support the zoning map amendment requested.

The Bigfork Neighborhood Plan serves as a localized planning tool for the community of Bigfork. The Plan was adopted as an addendum to the Growth Policy to provide more specific guidance on future development and land use decisions at the local level.

As shown in Figure 7 below, the Bigfork Neighborhood Plan “Future Land Use Map” designates the area in which the subject property is located as “Agricultural”. According to the text of the plan, this generalized land use designation allows for a spectrum of agricultural zones, dependent on the availability of public facilities, infrastructure and the limitations of the natural environment present in a given area. The plan describes areas appropriate for “SAG-10” zoning designations as:

“...exhibiting the attributes of rural services and facilities, and where a transition between AG zones and residential areas is appropriate. Paved roads, adequate emergency service response times, minimal environmental constraints and the ability to fully create lots with building areas unaffected by environmental constraints are indicators of where this intensity of growth should be guided.”

The plan document then goes on to describe areas appropriate for SAG-5 zoning as:

“...adjacent to Residential designations with efficient service provision, convenient access to public facilities, paved roads and no environmental constraints... As the smallest “agricultural” designation, small hobby farms, horse pastures and rural single family residential dwellings exemplify areas where this zone is used.”

Taking these provisions under consideration, the subject property is located in an area of the County having access to paved County roads, is located within a rural fire district and has no apparent environmental constraints. Adjacent properties to the immediate south and east are similarly zoned “SAG-5”. As discussed in Section I.E above, the general character of the surrounding area is rural residential, with small farms and horse pasture dotting the landscape. The proposed zoning map amendment appears to comply with the intent of the Bigfork Designated Land Use Map and associated text regarding agricultural land use and applicable zoning.

should be located away from planned areas of sewer and water to minimize inefficient placement of sewer and water conveyance facilities.

- The proposed zoning map amendment would allow up to three 5 acre lots to be created in the future, and is located well outside the jurisdiction of the existing Bigfork Water and Sewer District.
- G.8 – Encourage housing that maintains traditional development patterns while protecting property values and natural resources.
- P.8.2 - Encourage lot size and configuration in rural areas that promote open space and scenic views, while maintaining the character of these areas and supporting agricultural operations.
 - The proposed zoning map amendment from “SAG-10” and “SAG-5” to entirely “SAG-5” would continue to promote lot sizes and configurations consistent with the surrounding suburban agricultural landscape and character of the area.

Finding #1 – The proposed zoning map amendment would comply with the Bigfork Neighborhood Plan because it is supported by a number of goals, policies and text regarding agricultural land use and suburban residential development densities, and because the proposed “SAG-5” zoning complies with the “agricultural” land use designation identified by the Future Land Use Map.

Finding #2 - The proposed zoning map amendment complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request, the proposal complies with the “suburban agricultural” land use designation identified by the Designated Land Use Map, and because the proposed amendment complies with the Bigfork Neighborhood Plan which was adopted as an extension of the Growth Policy.

ii. Whether the proposed map amendment is designed to:

1. Secure safety from fire and other dangers;

The subject property requesting the zoning map amendment has direct driveway access onto Evenson Lane, a privately maintained gravel road sitting within a 30 ft. road and utility easement with a 20 ft. travel surface. The road was constructed as a condition of subdivision plat approval and approved in 1997 as an internal subdivision road meeting the AASHTO design standards in place at the time of review. Evenson Lane is approximately 0.3 miles long and directs all traffic onto Swan River Road, a paved public road maintained by Flathead County. Traffic counts taken by the Road and Bridge Department for Swan River Road in April 2008 average 474 trips per day north of Montana Highway 206. Comment received from the Flathead County Road and Bridge Department indicated there were no concerns with the proposed map amendment at this time.

The subject property is located within the Bigfork Fire District, and the nearest fire and emergency response center is located approximately 5 road-miles west in the Bigfork town center. The Fire Department would respond in the event of a fire or medical emergency. Comment received from the fire department was supportive of the requested zoning map amendment, indicating the existing level of service could be maintained in the event the zone change request were approved and future development resulted. In addition, the property is currently served and would continue to be served by the Flathead County Sheriff's Department.

Finding #3- The proposed map amendment would secure safety from fire and other dangers because the subject property may be accessed using adequate public and private infrastructure able to accommodate emergency vehicles safely and efficiently, and because the property is located within the Bigfork Fire District and the jurisdiction of the Flathead County Sheriff, both of whom would be able to provide an adequate level of service in the event of a fire or medical emergency.

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

As previously discussed, the subject property may be accessed from Evenson Lane, a private internal subdivision road directing all traffic onto Swan River Road, a paved County arterial roadway. The property is located within a rural fire district providing fire and emergency medical services, and is currently served by an existing well and septic system. If the property were to reach full build-out potential as a result of the proposed zoning map amendment, the additional lots created would continue to be served by the public and private facilities listed herein. Comment from the Environmental Health Department indicated the physical environment on and around the subject property could adequately handle any additional density resulting from zoning map amendment to "SAG-5".

Finding #4 – A zoning map amendment from "SAG-10" to "SAG-5" would not have a negative impact on public health, safety and general welfare because additional residential development could be adequately served by individual well and septic systems, the Bigfork Volunteer Fire Department, Flathead County Sheriff and existing public and private infrastructure.

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

The subject property is located within the Bigfork Public School District, and the potential increase in school aged children as a result of the proposed zoning map amendment is anticipated to be minimal. Any future development on the subject property would require subdivision review, at which time impacts to school facilities and the provision of bus services would be taken into consideration. Similarly, improvements to Evenson Lane would be a

requirement of future subdivision, ensuring the existing private infrastructure would be able to handle future development resulting from the proposed zoning map amendment. While there are a handful of County parks in the immediate area, the zoning map amendment from “SAG-10” to “SAG-5” maintains a relatively large minimum lot size for the benefit of personal recreational uses. Extensive recreational areas and activities can be found within 10 miles of the subject property, including the Jewel Basin, Echo Lake, Wayfarers State Park and the Swan River Nature Trail in Bigfork. As previously stated, the subject property utilizes individual well and septic utilities, as would future development. Comment received from the Environmental Health Department indicated there were no environmental constraints present on the subject property that would preclude additional well and septic facilities from being constructed in the future.

Finding #5 – The proposed zoning map amendment would facilitate the adequate provision of transportation, water, sewer, schools and parks through subdivision review of future development proposals, and by utilizing private individual well and septic facilities, being located within and served by the Bigfork Public School District and having convenient access to parks and recreation facilities in the greater Bigfork area.

iii. In evaluating the proposed map amendment, consideration shall be given to:

1. The reasonable provision of adequate light and air;

While the proposed zoning map amendment has the potential to modestly increase development density on the subject property, any additional lots created would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot size requirements of the “SAG-5” zoning classification. With the exception of minimum lot size and coverage, the bulk and dimensional requirements for “SAG-5” zoning are identical to those of the existing “SAG-10” zoning. These minimum standards would ensure there is adequate light and air available to the subject property as well to the surrounding area.

Finding #6 - The proposed zoning map amendment would provide adequate light and air to the subject properties and surrounding area because future development would be required to meet the bulk, dimensional and permitted lot coverage requirements of “SAG-5” zoning, which are nearly identical to the bulk and dimensional requirements of the existing “SAG-10” zoning in place.

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

The subject property requesting the zoning map amendment has existing driveway access onto Everson Lane, a privately maintained gravel road previously approved through subdivision review in 1997. Everson Lane extends approximately 0.3 miles to the east of the subject property, directing all traffic onto Swan River Road, a paved public County road. Future

development as a result of the proposed zoning map amendment would be required to undergo subdivision review and complete any required improvements to Everson Lane to ensure its ability to safely accommodate any additional vehicle traffic anticipated.

There are existing bike/pedestrian facilities to the north of the subject property between Highway 83 and Lee Road on the west side of Swan River Road, and a small section of bike/pedestrian trail has been constructed south of the subject property on the east of Swan River Road. The potential exists for future development projects to connect these two trail segments, but the proposed zoning map amendment would have little or no impact on these future plans because the subject property does not have Swan River Road frontage.

Finding #7 – Effects on motorized and non-motorized transportation systems will be minimal because any future development resulting from the proposed zoning map amendment would require review of, and possible improvements to Everson Lane; Everson Lane directs all traffic onto Swan River Road, a paved public County road able to accommodate additional vehicle traffic; and because the subject property does not have frontage along Swan River Road and therefore impacts from, and related to, non-motorized transportation are anticipated to be minimal.

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

This criterion is not directly applicable to the zoning map amendment request because the proposal is located well outside the ‘urban’ area associated with the town of Bigfork, which is not a municipality. The nearest municipality is the City of Kalispell, and the proposed zoning map amendment has no relation to the urban growth area of this municipality. The proposal is in an area of the County that is considered rural, not urban, in character. Furthermore, the proposed zoning map amendment would not result in urban densities but is meant to provide moderate flexibility in a rural setting for smaller agricultural lot sizes. Although relatively modest in size for agricultural uses, lot sizes allowable under “SAG-5” zoning are considered large in the context of residential development.

Finding #8- The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is rural in nature and is located in an area appropriate for rural development, well outside the area of influence of the City of Kalispell.

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

As previously discussed, the permitted and conditional uses found under “SAG-5” zoning are very similar to those listed under “SAG-10” zoning. The

property is currently split by the two zoning classifications, and the proposed zoning map amendment would allow the property to continue being used for residential purposes, allowing for the potential to subdivide in the future and create three 5+ acre lots instead of the 2 lots that could be created under the current “SAG-10/SAG-5” split zoning. Properties in the immediate area range in size between 2 and 10 acres; therefore reducing the minimum lot size requirement from 10 acres to 5 acres would be consistent with the character of the general area.

Finding #9 – The proposed zoning map amendment would be suitable for the subject property because there would be no change in the type or intensity of suburban agricultural uses allowable, with the exception of minimum lot size, and the change would be generally consistent with the character of the surrounding area along Swan River Road.

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

The property requesting this zoning map amendment is currently developed with a single-family residence, and the proposed “SAG-5” zoning designation would not affect the value of the existing residence or accessory buildings on the subject property. This is because the defined intent of both “SAG-10” and “SAG-5” zoning is very similar, as are the permitted and conditional uses allowed within them. The proposed zone change would continue to support the estate-type residential development and small-acreage agricultural uses prevalent under “Suburban Agricultural” zoning classifications, simply on a smaller minimum lot size. The bulk and dimensional requirements of the district are nearly identical; therefore setbacks and lot coverage would remain unaffected as a result of the proposed zoning map amendment.

Finding #10 – The zoning map amendment would conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing suburban agricultural uses to continue in a location where such land uses are prominent.

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

As previously discussed, the nearest municipality is the City of Kalispell, which is a separate jurisdiction from the County and governed by a separate set of zoning regulations. There are no agricultural or suburban agricultural use designations provided for in the City’s zoning regulations, therefore the issue of compatibility between the County regulations and the City regulations is not directly applicable to this zoning map amendment request.

Finding #11 – This issue of compatibility between the County zoning regulations and the City of Kalispell zoning regulations is not directly applicable to this

zoning map amendment because there are no suburban agricultural zoning designations in the nearest municipal zoning ordinance.

V. SUMMARY OF FINDINGS

Finding #1 – The proposed zoning map amendment would comply with the Bigfork Neighborhood Plan because it is supported by a number of goals, policies and text regarding agricultural land use and suburban residential development densities, and because the proposed “SAG-5” zoning complies with the “agricultural” land use designation identified by the Future Land Use Map.

Finding #2 - The proposed zoning map amendment complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request, the proposal complies with the “suburban agricultural” land use designation identified by the Designated Land Use Map, and because the proposed amendment complies with the Bigfork Neighborhood Plan which was adopted as an extension of the Growth Policy.

Finding #3- The proposed map amendment would secure safety from fire and other dangers because the subject property may be accessed using adequate public and private infrastructure able to accommodate emergency vehicles safely and efficiently, and because the property is located within the Bigfork Fire District and the jurisdiction of the Flathead County Sheriff, both of whom would be able to provide an adequate level of service in the event of a fire or medical emergency.

Finding #4 – A zoning map amendment from “SAG-10” to “SAG-5” would not have a negative impact on public health, safety and general welfare because additional residential development could be adequately served by individual well and septic systems, the Bigfork Volunteer Fire Department, Flathead County Sheriff and existing public and private infrastructure.

Finding #5 – The proposed zoning map amendment would facilitate the adequate provision of transportation, water, sewer, schools and parks through subdivision review of future development proposals, and by utilizing private individual well and septic facilities, being located within and served by the Bigfork Public School District and having convenient access to parks and recreation facilities in the greater Bigfork area.

Finding #6 - The proposed zoning map amendment would provide adequate light and air to the subject properties and surrounding area because future development would be required to meet the bulk, dimensional and permitted lot coverage requirements of “SAG-5” zoning, which are nearly identical to the bulk and dimensional requirements of the existing “SAG-10” zoning in place.

Finding #7 – Effects on motorized and non-motorized transportation systems will be minimal because any future development resulting from the proposed zoning map amendment would require review of, and possible improvements to Everson Lane; Everson Lane directs all traffic onto Swan River Road, a paved public County road able to accommodate additional vehicle traffic; and because the subject property does not have frontage along Swan River Road and therefore impacts from, and related to, non-motorized transportation are anticipated to be minimal.

Finding #8- The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is rural in nature and is located in an area appropriate for rural development, well outside the area of influence of the City of Kalispell.

Finding #9 – The proposed zoning map amendment would be suitable for the subject property because there would be no change in the type or intensity of suburban agricultural uses allowable, with the exception of minimum lot size, and the change would be generally consistent with the character of the surrounding area along Swan River Road.

Finding #10 – The zoning map amendment would conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing suburban agricultural uses to continue in a location where such land uses are prominent.

Finding #11 – This issue of compatibility between the County zoning regulations and the City of Kalispell zoning regulations is not directly applicable to this zoning map amendment because there are no suburban agricultural zoning designations in the nearest municipal zoning ordinance.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with the review criteria, based upon the 11 Findings of Fact cited above.