

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE  
MESSENGER/SAVELLE ZONE CHANGE REQUEST  
ZONING MAP AMENDMENT REPORT (#FZC-12-01)  
JULY 25, 2012**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Louise Messenger and Don and Rebekah Savelle for a zoning map amendment in the Bigfork Zoning District. The proposed amendment would change the zoning of the subject property from SAG-5 Suburban Agricultural' to 'R-1 Suburban Residential'.

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on August 8, 2012 in the 2<sup>nd</sup> Floor Conference Room of the Earl Bennett Building located at 1035 1<sup>st</sup> 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 amendments 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**

This space will contain an update regarding the July 26, 2012 Bigfork Land Use Advisory Council (BLUAC) review of the proposal.

**B. Planning Board**

This space will contain an update regarding the August 8, 2012 Flathead County Planning Board review of the proposal.

**C. Commission**

This space will contain an update regarding the Flathead County Commission review of the proposal.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicants**

Louise Messenger  
1430 Bigfork Stage  
Bigfork, MT 59911

Don and Rebekah Savelle  
1434 Bigfork Stage  
Bigfork, MT 59911

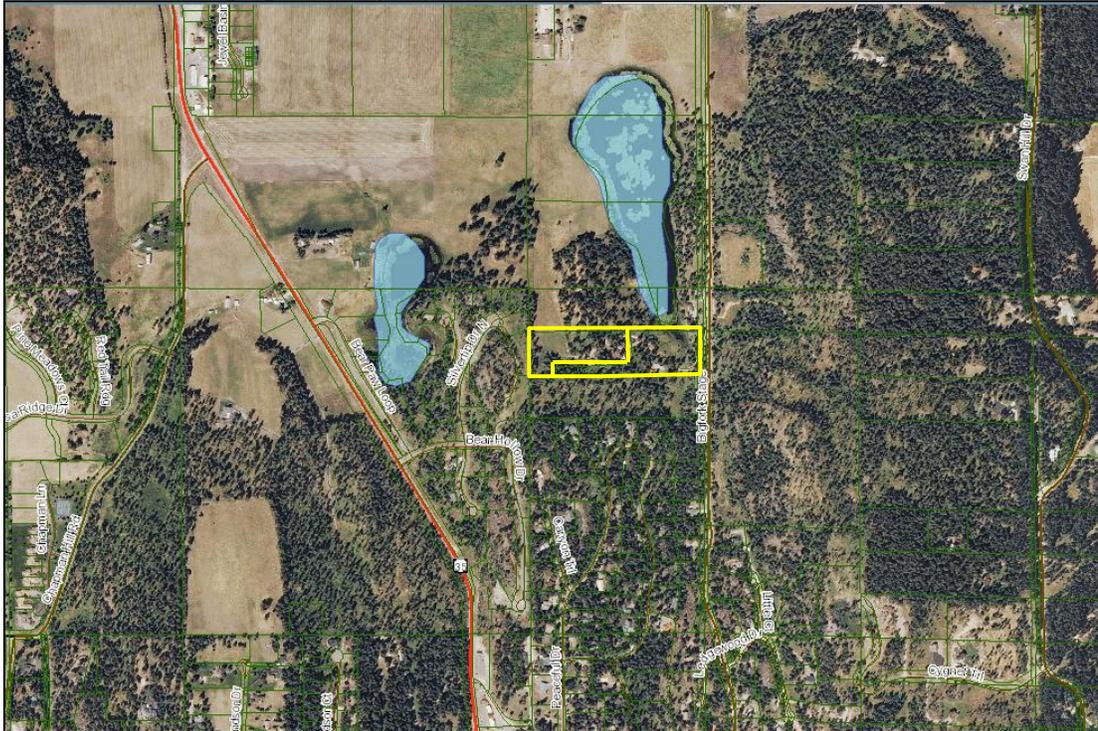
**ii. Technical Assistance**

Rick Breckenridge  
P.O. Box 181  
Dayton, Mt. 59914

## B. Subject Property Location and Legal Description

The subject property consists of two separately owned adjacent tracts of record located west of Bigfork Stage Road approximately 1.5 miles north of the village of Bigfork. The properties can be legally described as Parcel 1 and Parcel 2 of Certificate of Survey # 18954 (aka Assessor's Tracts 7A and 7AD) in Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject properties highlighted in yellow.

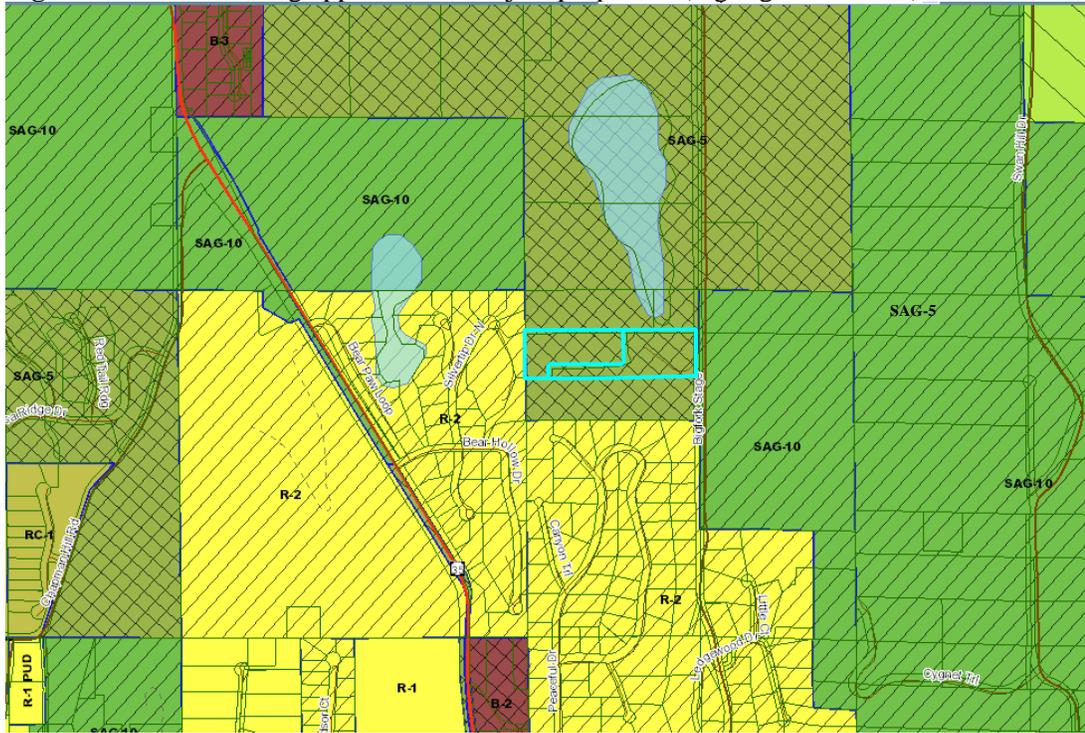


## C. Proposed Zoning Map Amendment

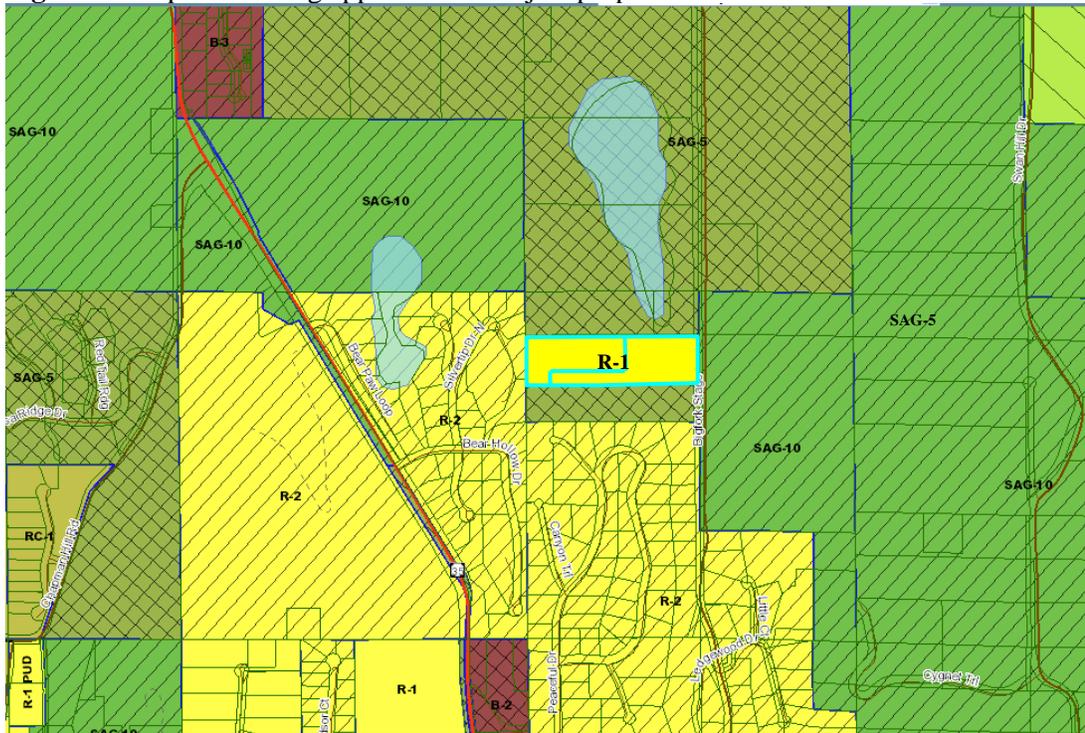
The subject property is located within the Bigfork Zoning District and is currently zoned 'SAG-5 Suburban Agricultural' (see Figure 2 below). The 'SAG-5 Suburban Agricultural' district is defined in Section 3.08 of the Flathead County Zoning Regulations (FCZR) as a *“district to provide and preserve 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.”*

As depicted in Figure 3 below, the applicant has requested the zoning map amendment to allow the property to be zoned 'R-1 Suburban Residential', a district defined in Section 3.09 FCZR as a *“district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development (e.g., extreme topography, areas adjacent to floodplains, airport runway alignment extensions).”*

**Figure 2:** Current zoning applicable to subject properties (highlighted in blue).



**Figure 3:** Proposed zoning applicable to subject properties.



**D. General Character of and Reason for Amendment**

The total acreage involved in the request is approximately 10 acres, and as such neither of the subject properties may be further divided under the current SAG-5 zoning. The purpose of the requested zone change is to accommodate estate planning in a manner that additional family members may develop residences on the premises to live in close proximity to one another.

**Figure 4:** Aerial view of subject properties (highlighted in yellow).



**E. Adjacent Zoning and Character of the Overall Zoning District**

The subject property is located within the Bigfork Zoning District and surrounded by suburban agricultural and residential zoning use designations (see Figure 2). Specifically, the property is bordered to the north and south by ‘SAG-5 Suburban Agricultural’ zoning, to the east by ‘SAG-10 Suburban Agricultural’ zoning, and to the west by ‘R-2 One Family Limited Residential’ zoning. Beyond the immediate vicinity of the proposal, residential and suburban agricultural zoning are prevalent among the established zoning use districts.

The predominant character of the area surrounding the subject property is suburban residential to the west and south and suburban agricultural to the north and east, with residential lot sizes generally ranging from 0.5 to 2 acres and agricultural lots generally ranging from 10 to 120 acres. The subject property and adjacent parcels tend to be wooded and hilly and there are a few small ponds occurring within natural depression areas.

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 currently existing ‘SAG-5 Suburban Agricultural’ zoning is to provide for and preserve (smaller) agricultural functions and to provide a buffer between urban and unlimited agricultural uses. The proposed ‘R-1 Suburban Residential’ zoning is intended to provide low density estate-type development in rural areas. The permitted and conditional uses applicable to these zoning classifications are very similar, and the zone change requested would not allow types of uses on the subject properties which differ greatly from uses currently allowed under the existing ‘SAG-5 Suburban Agricultural’ zoning. The most substantial difference between the existing and proposed zoning regards the applicable bulk and dimensional requirements, with minimum lot size in the proposed R-1 zoning being 1 acre in comparison with the 5 acre minimum lot size of the current zoning. The subject property is adjacent to properties currently zoned R-2, and allowing the zoning of the subject property to change to R-1 would not allow uses on the property that differ significantly from the prevailing uses allowed under the existing R-2 zoning on adjacent properties.

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

The zoning map amendment would apply to two tracts of land totaling 10 acres in size under separate ownership. Thus, the zoning would apply to a small area and benefit a small number of separate landowners.

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 two properties for the benefit of only two owners, this zoning map amendment would not appear to be at the expense of the surrounding landowners because of the similarity in zoning designations on adjacent properties. The requested map amendment to R-1 would primarily alter the minimum lot size permissible on the subject property. In the event the subject properties were subsequently developed to the greatest build-out possible (i.e. 10 1-acre lots), the 1 acre minimum lot size would result in a lower density development than currently established in the area and on adjacent properties zoned R-2.

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 systems
Water:	Individual wells
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 July 13, 2012. Legal notice of the Planning Board public hearing on this application will be published in the July 22, 2012 edition of the Daily Interlake.

Following the Planning Board hearing on August 8, 2012, public notice of the subsequent Board of County Commissioners public hearing regarding 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 June 7, 2012:

- Flathead County Public Works/Flathead County Road Department
  - Reason: The location of the zone change request is adjacent to and accessed by Bigfork Stage Road, and 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: Increased development as a result of the zoning map amendment may necessitate review by the Department.
- Flathead County Sheriff
  - 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.
- Bigfork Water and Sewer District
  - Reason: The subject property is located directly adjacent to the annexed jurisdiction of the district and increased development as a result of the zoning map amendment may necessitate annexation into and use of district infrastructure.

### 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 August 8, 2012. 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: Although the application is only for a zone change at this time, the department is concerned with dust generation from Bigfork Stage Road with traffic associated with new residents in the event the properties are subsequently divided to the potential allowed with a 1 acre minimum lot size. The department *assumes* improvements to the road would be required if there is a future *subdivision* of the subject properties.
- Wayne Loeffler, Chief; Bigfork Fire Department
  - Comment: The Bigfork Fire Department does not have any problems with this request.
- Julie Spencer; Bigfork Water and Sewer District
  - Verbal Comment from a 7/19/12 telephone conversation: Connection to the District's services seems unlikely and potentially infeasible as any extension of the adjacent water and sewer infrastructure within the Bear Hollow Subdivision would necessitate prohibitive 'late-comers' fees for a period of 14 more years, the Bear Hollow water and sewer infrastructure was not sized to accommodate additional capacity, and an extension of the Bear Hollow water and sewer infrastructure would necessitate the creation of utility easements across adjacent privately owned properties.

## 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 zoned ‘SAG-5 Suburban Agricultural’, defined in Section 3.08.010 FCZR as a “*district 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 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 an ‘SAG-5’ 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. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).

6. Caretakers 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. Contractors 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.

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.

Under the existing scenario the properties could not be divided due to size. The properties are each currently developed with single family residences, and there are minimal options for additional uses of the property under the current applicable zoning.

#### Proposed Zoning

The proposed zoning map amendment would change the zoning on the subject property from ‘SAG-5 Suburban Agricultural’ to ‘R-1 Suburban Residential’ The following is a list of permitted uses in a ‘R-1 Suburban Residential’ zone:

1. Agricultural/horticultural/silvicultural uses.
2. Class A manufactured homes.
3. Day care homes.
4. Dwellings, single-family.
5. Guest houses.

6. Home occupations (See Chapter V- Performance Standards and Chapter VII – Definitions).
7. Homeowners parks and beaches.
8. Livestock (See Chapter V – Performance Standards).
9. Nurseries, landscaping materials.
10. Parks and publicly owned recreational facilities.
11. Produce stands.
12. Public transportation shelter stations.
13. Public utility service installations. (A minimum of five feet of landscaped area shall surround such building or structure.)
14. Stables, private.

The following uses are listed as conditional uses in a ‘R-1 Suburban Residential’; 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 and airport/landing field.\*
3. Bed and breakfast establishments.
4. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
5. Caretakers facility.\*
6. Cellular antennas & monopoles.
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. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
12. Dwellings, family hardship.\*
13. Electrical distribution stations.
14. Golf courses.
15. Golf driving ranges.
16. Manufactured home parks.
17. Radio and television broadcast stations.
18. Schools, primary and secondary.
19. Stables, public. Flathead County Zoning Regulations – Page 37
20. Temporary buildings or structures.\*
21. Water and sewage treatment plants.
22. Water storage facilities.

Similar to ‘SAG-5’ district, the bulk and dimensional standards under ‘R-1’ 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, except an accessory structure may only be 18 feet in height when the principal structure cannot meet the applicable setback requirements. Permitted lot coverage is 40%.

Minimum lot size in a 'R-1' zone is 1 acre. Under the proposed zoning the subject properties could potentially be divided in a manner resulting in a total of 10 individual residential dwelling units, however infrastructure needs like roads may preclude that number of units from actually being able to be developed. Further, either of the two subject properties could potentially be independently divided, through various means including subdivision process or potentially via a 'family transfer' Certificate of Survey.

In summary, the requested zone change from 'SAG-5' to 'R-1' has the potential to increase residential density through subsequent division in the future. The map amendment would introduce uses to the subject property or general area that are typical of residential zoning districts and which are similar to uses that are allowed under the existing agricultural zoning on the property and zoning designations of the surrounding areas.

**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 identifies the subject property as 'Suburban Agricultural' based upon the zoning established at the time the map was created. A variety of goals and policies 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.

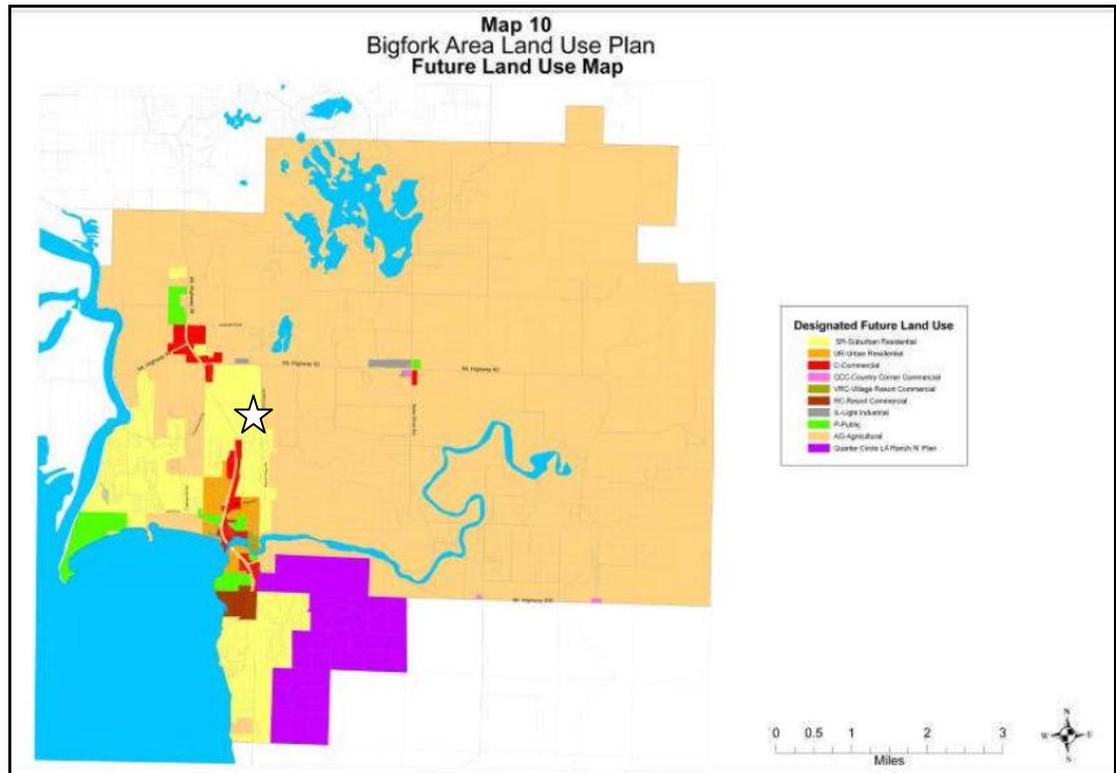
- G.4 - Preserve and protect the right to farm and harvest as well as the custom, culture, environmental benefits and character of agriculture and forestry in Flathead County while allowing existing landowners flexibility of land uses.
- P.4.3 Identify a desirable gross density for rural residential development that retains land values, preserves the agricultural character of the community and allows for efficient provision of government services (law enforcement, fire protection, transportation, etc.)
- G.23 Maintain safe and efficient traffic flow and mobility on county roadways.
- G.28 Efficient and effective waste water treatment and drinking water delivery.

- P.28.1 Encourage high density development in areas that will be served by community sewer systems that treat to municipal standards.
- G.31 Growth that does not place unreasonable burden on the ability of the school district to provide quality education.
- G.32 Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.
- G.34 Communicate growth issues with utility providers to address health, safety and welfare of the community.
- P.34.3 Promote land use patterns that permit logical, predictable and effective extension and integration of utilities.
- G.35 Protect and preserve water resources within the Flathead watershed for the benefit of current residents and future generations.

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 5 below, the Bigfork Neighborhood Plan “Future Land Use Map” designates the area in which the subject property is located as ‘Suburban Residential’. According to the text of the plan, ‘Suburban Residential’ *is a medium-density range of single family residential dwellings and cluster development. All public services should be conveniently and efficiently located close to areas designated residential. Commercial and industrial land uses are not appropriate (mixed uses are accommodated in some commercial zones). Examples of typical zoning in this designation would be R-2.5, R-1 and RC-1.* The plan document describes areas appropriate for ‘Suburban Residential’ zoning as being located “...at the fringes of public water and sewer, where extensions are either recently completed or very likely.”

**Figure 5:** Subject property generally located in the area shown with a star.



In addition to the Future Land Use Map, the following goals and policies of the Bigfork Neighborhood Plan appear applicable to requested zoning map amendment, and indicate both support and non-support of the proposal:

- G.2 – Support growth and development in the Bigfork Planning Area (BPA) in a way that protects the character of the area and its natural resources.
- G.6 – Encourage and support residential development densities which are appropriate to existing and planned public facilities and services, which are absent of environmental constraints, and which enhance the character of the community.
  - The proposed zoning map amendment is located in an area of the County that utilizes individual well and septic facilities but is within a rural fire district, is served by the public school district and the Flathead County sheriff, has access to a gravel public County road, and appears absent of environmental constraints with the exception of dust generation.
- P.6.2 - Suburban residential densities should be located in areas with paved roads, convenient access to commercial services, public services and facilities, and should have minimal environmental constraints.
  - The subject properties are accessed by a non-paved gravel road, and are not served by public water and sewer services and facilities, but are located in relative close proximity to basic commercial services.

- P.17.1- Development should be located to maximize the advantage taken of existing infrastructure and minimize the demand for additional infrastructure, such as roads or road improvements, and expansion of utilities.
  - Future development of the subject properties to the potentials made available by ‘R-1’ zoning may increase demand for additional infrastructure, road improvements, and expansion of utilities.
- P.17.7- Subdivisions with any lot one acre or less should provide public water and sewer facilities or private treatment plants.
  - The proposed ‘R-1’ zoning has a minimum lot size of 1 acre. It is presumed a future division of the subject properties may be sought to create lots sized in accordance with the applicable zoning, and the site is not served by public water and sewer facilities.

The proposal appears to be both supported and non-supported by the Bigfork Neighborhood Plan - supported by the fact the Future Land Use Map designates the location as ‘suburban residential’, and non-supported in that the proposal is located in an area accessed by an unpaved public road and it is located in an area not currently served by public water and sewer services. Adjacent subdivision properties to the immediate west are zoned ‘R-2’ and have been developed with a higher residential density; however those lots are accessed by a paved road network and are served by public water and sewer services. Adjacent tract lands located to the north, south, and east of the subject properties are accessed by unpaved Bigfork Stage Road but those tracts equal or exceed 10 acres in size and are developed and used in a manner consistent with the current applicable ‘Suburban Agricultural’ designation.

**Finding #1** – The proposed zoning map amendment complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the ‘suburban agricultural’ land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created.

**Finding #2** - The proposed zoning map amendment from SAG-5 Suburban Agricultural’ to ‘R-1 Suburban Residential’ complies with the ‘suburban residential’ land use designation identified by the Bigfork Neighborhood Plan Future Land Use Map but is not supported by a number of goals, policies and text regarding suburban residential land use because the site is accessed by a non-paved road and public water and sewer services are neither presently available to the subject properties nor anticipated to be extended to the subject properties.

**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 Bigfork Stage Road, a 24-foot wide county maintained gravel collector road within a 60-foot wide road and utility easement. Traffic

counts taken by the Road and Bridge Department for the road in the fall of 2007 and the spring of 2009 indicate a stable average of 274 vehicle trips per day south of Montana Highway 83. Comment received from the Flathead County Road and Bridge Department indicated there were concerns with the potential for increased dust which may arise from additional vehicles using Bigfork Stage Road as a result of proposed map amendment. It is presumed impacts to the road and dust generation associated with future development on the site would be addressed and mitigated as applicable during specific reviews of future land use proposals.

The subject property is located within the Bigfork Fire District, and the nearest fire and emergency response center is located approximately two road-miles south 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 no concern with the proposed map amendment. 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;**

The subject property is accessed from Bigfork Stage Road, a county maintained gravel collector road directing traffic between Montana Highway 83 and the Bigfork town center. The property is located within a rural fire district providing fire and emergency medical services, and is currently served by individual wells and septic systems. If the property were to reach full build-out potential as a result of the proposed zoning map amendment, it is anticipated the additional lots and/or uses created would continue to be served by private facilities.

**Finding #4 –** The proposed zoning map amendment from 'SAG-5 Suburban Agricultural' to 'R-1 Suburban Residential' 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 infrastructure.

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

While minimal additional future residential development on the subject property may potentially be accomplished through division exempt from subdivision review, it is anticipated substantial future residential development would require subdivision review, at which time specific impacts to transportation, water and sewer services, and school facilities and the provision of bus services would be considered and mitigated as determined to be appropriate.

Although the subject properties are directly adjacent to the service area of the Bigfork Water and Sewer District where public water and sewer services are established, it is unlikely that future development of the subject properties would use those services as the cost to physically extend and use the existing services would be prohibitive and likely determined unfeasible. There are no apparent environmental constraints present on the subject property that would preclude additional development from using individual wells and septic systems.

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. While the zoning map amendment from ‘SAG-5 Suburban Agricultural’ to ‘R-1 Suburban Residential’ would reduce the relatively large 5-acre minimum lot size to a smaller 1-acre minimum lot size, it is noted that there are numerous parks, natural areas, and recreational opportunities accessible in the vicinity of the proposal. Extensive recreational areas and activities can be found within a close proximity to the subject property, including the Jewel Basin, Echo Lake, the Flathead River and Flathead Lake, Wayfarers State Park and the Swan River Nature Trail in Bigfork.

**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, by utilizing individual wells and septic systems, by 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;**

The subject properties are each currently developed with single family residences, and the proposal indicates the desire for Tract 7A to be divided so a new residence could be established in the meadow situated on the western side of the tract. While the proposed zoning map amendment has the potential to increase development density on the subject properties, any additional lots created would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot size requirements of the ‘R-1’ zoning

classification. With the exception of minimum lot size and coverage, the bulk and dimensional requirements for 'R-1' zoning are identical to those of the existing 'SAG-5' zoning at the location. 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 the 'R-1' zoning, which are nearly identical to the bulk and dimensional requirements of the current 'SAG-5' zoning.

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

The subject properties requesting the zoning map amendment use an existing shared driveway approaching onto Bigfork Stage Road which serves as primary access to the site. Bigfork Road is a non-paved public County road serving as a collector road between the Bigfork town center and Montana Highway 83, and future development as a result of the proposed zoning map amendment would also be accessed from the unpaved road.

In the event the requested zoning map amendment is approved, subsequent subdivision activity may result in the creation of additional lots to be developed with single family residences on the property. Traffic generated by additional residences is anticipated to contribute some impacts in the form of wear-and-tear and dust generation to the transportation system as Bigfork Stage Road is gravel and subject to rough 'wash-board' conditions. Sight distance along Bigfork Stage Road at the intersection of the existing driveway onto the subject properties appears adequate considering the relatively low travel speed on the road.

While there are no existing bike/pedestrian facilities currently located along Bigfork Stage Road, potential future development may result in development of a bike/pedestrian trail along the road adjacent to the subject property as that location is identified in the Flathead County Trails Plan as part of a proposed connector pathway which would hypothetically provide non-motorized connectivity between Bigfork, Mt. Highway 83, and other areas of the greater Flathead Valley.

**Finding #7** – The property is accessed by Bigfork Stage Road, a gravel public County road collecting traffic between the Bigfork town center and Montana Highway 83. Effects on motorized and non-motorized transportation systems will likely be moderate because gravel roads wear and tear faster and need more maintenance than paved roads; sight distances along Bigfork Stage Road and at the intersection of the driveway onto the subject properties appear adequate; the subject property does not abut existing bike/pedestrian facilities, and; future development resulting from the proposed zoning map amendment

may entail additional review(s) required to consider potential impacts to the transportation system based upon specific conditions which would be pertinent at that time in the future.

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

The town of Bigfork, which is not an incorporated municipality, is located approximately two miles south of the subject properties, and the proposed zoning map amendment appears compatible with urban growth of the Bigfork Planning Area (BPA) as described in the Bigfork Neighborhood Plan because the plan designates the location of the subject property as ‘suburban residential’ and specifically contemplates R-1 zoning as being an appropriate zoning implementation for the ‘suburban residential’ designation.

The incorporated City of Kalispell is located approximately fifteen miles northwest of the subject properties and the proposed zoning map amendment doesn’t have bearing on urban growth of the City.

**Finding #8-** The proposed zoning map amendment would be compatible with current plans regarding urban growth in the Bigfork area because the proposed ‘R-1 Suburban Residential’ zoning is described as an appropriate zoning implementation for the ‘suburban residential’ designation in the Bigfork Neighborhood Plan. The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is located 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;**

The permitted and conditional uses found under the proposed ‘R-1 Suburban Residential’ zoning are very similar to those listed under the existing ‘SAG-5’ zoning, and the Bigfork Neighborhood Plan identifies that ‘R-1 Suburban Residential’ zoning is suitable for the particular location. The proposed zoning would allow for the division the subject properties in the future with the maximum potential to create ten 1-acre lots, which would continue to be consistent with the character of the zoning use districts established on-site and in the immediate vicinity of the subject property.

**Finding #9 –** The proposed zoning map amendment would be suitable for the subject property because there would be little change in the type of uses currently allowable, and the potential intensity of suburban residential use would be generally consistent with the character of the area.

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

The properties requesting this zoning map amendment are currently each developed with a single family residence and associated accessory structures.

The proposed 'R-1 Suburban Residential' zoning designation would not affect the value of the existing homes or accessory buildings and improvements because the proposed zoning does not include permitted or conditional uses which are incompatible with residential uses and the bulk and dimensional requirements of the R-1 district would maintain the same setback standards to which the existing structures have been built.

**Finding #10** – The zoning map amendment would conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing new suburban residential uses in a location where such land uses are established and prevalent.

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

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. As the proposed zoning amendment is located approximately 15 miles from the City, 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 of the distance between the subject properties and the nearest municipal zoning ordinance.

**V. SUMMARY OF FINDINGS**

**Finding #1** – The proposed zoning map amendment complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the 'suburban agricultural' land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created.

**Finding #2** - The proposed zoning map amendment from SAG-5 Suburban Agricultural' to 'R-1 Suburban Residential' complies with the 'suburban residential' land use designation identified by the Bigfork Neighborhood Plan Future Land Use Map but is not supported by a number of goals, policies and text regarding suburban residential land use because the site is accessed by a non-paved road and public water and sewer services are neither presently available to the subject properties nor anticipated to be extended to the subject properties.

**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** – The proposed zoning map amendment from ‘SAG-5 Suburban Agricultural’ to ‘R-1 Suburban Residential’ 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 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, by utilizing individual wells and septic systems, by 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 the ‘R-1’ zoning, which are nearly identical to the bulk and dimensional requirements of the current ‘SAG-5’ zoning.

**Finding #7** – The property is accessed by Bigfork Stage Road, a gravel public County road collecting traffic between the Bigfork town center and Montana Highway 83. Effects on motorized and non-motorized transportation systems will likely be moderate because gravel roads wear and tear faster and need more maintenance than paved roads; sight distances along Bigfork Stage Road and at the intersection of the driveway onto the subject properties appear adequate; the subject property does not abut existing bike/pedestrian facilities, and; future development resulting from the proposed zoning map amendment may entail additional review(s) required to consider potential impacts to the transportation system based upon specific conditions which would be pertinent at that time in the future.

**Finding #8-** The proposed zoning map amendment would be compatible with current plans regarding urban growth in the Bigfork area because the proposed ‘R-1 Suburban Residential’ zoning is described as an appropriate zoning implementation for the ‘suburban residential’ designation in the Bigfork Neighborhood Plan. The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is located 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 little change in the type of uses currently allowable, and the potential intensity of suburban residential use would be generally consistent with the character of the area.

**Finding #10** – The zoning map amendment would conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing new suburban residential uses in a location where such land uses are established and prevalent.

**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 of the distance between the subject properties and 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.