

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE  
CONDITIONAL USE PERMIT REPORT (#FCU-09-10)  
SUSIE THOMPSON – THE LITTLE ITTY BITTY RANCH  
APRIL 20, 2010**

A report to the Flathead County Board of Adjustment regarding a request by Susie Thompson for a conditional use permit to allow for an educational camp and retreat center in the Evergreen Zoning District.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on May 4, 2010 beginning at 6:00 Pm in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located in the Earl Bennett Building at 1035 First Avenue West in Kalispell.

**I. APPLICATION REVIEW UPDATES**

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

The proposed land use is not with the advisory jurisdiction of a specific local land use advisory committee.

**B. Board of Adjustment**

The Flathead County Board of Adjustment will hold a public hearing on the proposed land use on May 4, 2010. This space is reserved for a summary of the Flathead County Board of Adjustment's discussion and decision at that hearing.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicant**

Susan M. Thompson  
95 West Reserve Drive  
Kalispell, MT 59901  
(406) 885-6441  
[littlebittyranch@montanasky.com](mailto:littlebittyranch@montanasky.com)

**ii. Landowner(s)**

Subject Property:  
Edward A. Wolfe  
292 Williams Lane  
Bigfork, MT 59911  
(406) 250-5595

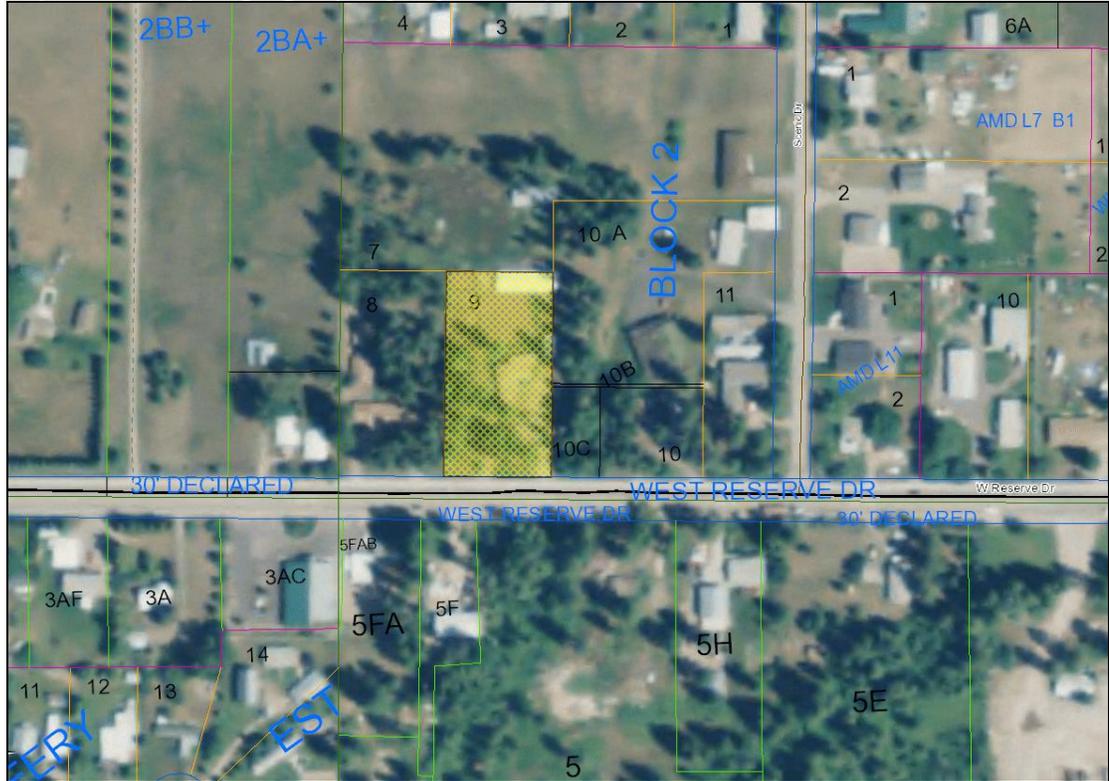
Adjacent Land (used/rented for pasture):  
Oren L. & Muriel Reed  
612 Scenic Drive  
Kalispell, MT 59901

**iii. Technical Assistance**  
None provided.

**B. Property Location and Size**

The subject property is located at 95 West Reserve Drive in Kalispell, and can be legally described as Lot 9 in Block 2 of Scenic Tracts Subdivision, found in Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana (see Figures 1 and 2 below). The property is approximately 1.1 acres in size.

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



**Figure 2:** General location; subject property highlighted in yellow.



**C. Existing Land Use(s) and Zoning**

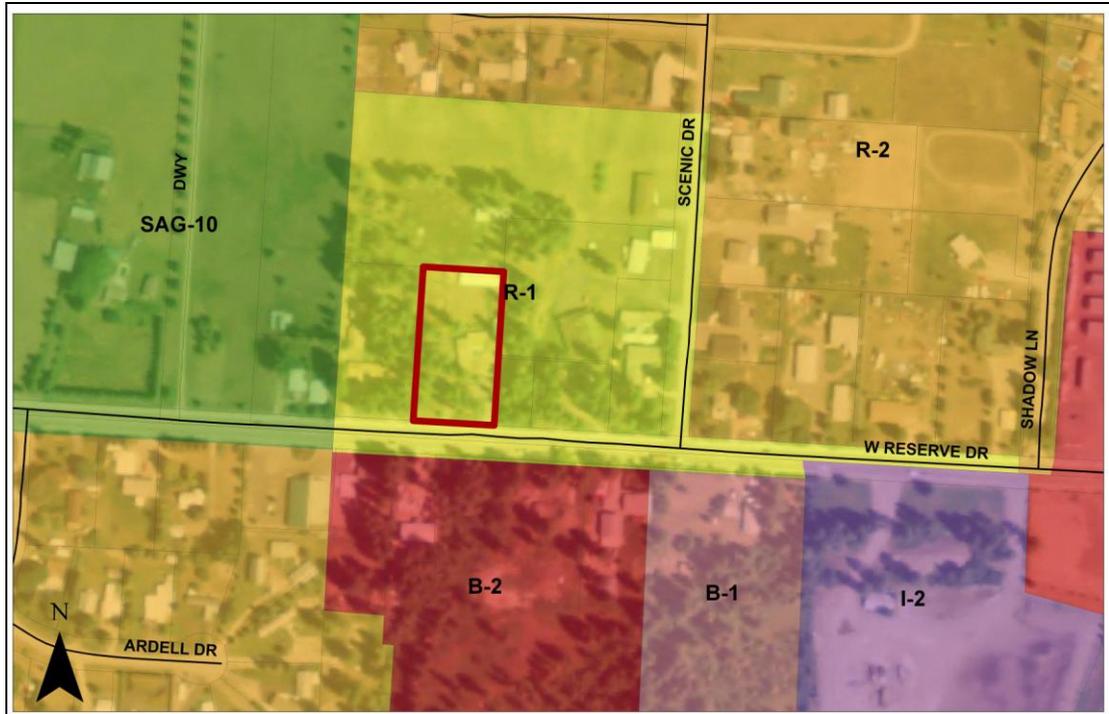
The subject property is located within the Evergreen Zoning District and is currently zoned R-1 Suburban Residential, a designation meant to “provide estate-type development” in areas not typically served by public water and sewer utilities and where low density development is considered desirable [FCZR Section 3.09.010]. Camp and retreat centers are listed as conditionals uses under R-1 zoning [per FCZR Section 3.09.030 (4)]. The property is currently utilized as a private stable and residence, with a single family home and accessory structures typical of small-scale livestock activities.

**D. Adjacent Land Use(s) and Zoning**

The area surrounding the subject property is a mix of suburban agricultural, residential, commercial and industrial land uses. In many ways a transitional area between denser commercial development along the Highway 2 corridor (to the east) and larger acreage agricultural and residential properties along the Whitefish River (to the west), lots fronting West Reserve Drive have a variety of uses, from single-family residential to home-based businesses or commercial outfits, to a church and even heavy industrial activities. Property directly east, west and north of the subject property are similarly zoned R-1 Suburban Residential. Property to the south and across West Reserve Drive is zoned B-2 General Business. Other zoning in the area includes SAG-10 Suburban Agricultural, R-2 One-Family Limited Residential, B-1 Neighborhood/Professional Business and I-2 Heavy Industrial (see Figure 3 below).

This mix of zoning reflects the similarly mixed pattern of land use occurring in the general area.

**Figure 3:** Existing zoning; subject property outlined in red.



**E. Summary of Request**

The applicant is requesting a conditional use permit to allow the operation of a camp and retreat center on the subject property. Camp and retreat centers are listed as conditionals uses under the existing R-1 zoning [per FCZR Section 3.09.030 (4)]. The purpose of the camp and retreat center (“Little Bitty Ranch”), as stated by the applicant, is to provide an educational outlet for children to learn about and interact with animals, particularly those you would find on a farm. As proposed, the facility would operate as a non-profit and it would include a picnic area and concession stand providing food and souvenirs for guests to purchase, restroom facilities for its visitors, and a meeting room/conference area for indoor educational activities.

**F. Compliance With Public Notice Requirements**

Adjacent property notification regarding the proposed camp and retreat center was mailed to property owners within 150 feet of the subject property on April 12, 2010. Legal notice of the public hearing on this application will be published in the April 18, 2010 edition of the Daily Interlake.

**G. Agency Referrals**

Referrals were sent to the following agencies on February 24, 2010:

- Flathead City-County Health Department; Environmental Health Services

- Reason: The applicant has proposed using port-a-potties to accommodate guests, and would also like to have a food vendor onsite for concessions.
- Flathead County Solid Waste Department
  - The proposed use will create waste in excess of what is typical of a residential area, and will include additional farm waste and manure.
- Flathead County Weeds and Parks Department
  - The proposed use may increase the likelihood of invasive plant species on the property through hay and other animal feeds.
- Flathead County Public Works/Flathead County Road Department
  - Reason: The property has direct access onto West Reserve Drive, a public County right-of-way.
- Montana Department of Transportation
  - The property has direct access onto West Reserve Drive, a state secondary highway.
- Evergreen Fire District
  - Reason: The property is located within the department's jurisdiction.
- Evergreen Water and Sewer District
  - Reason: The property is located within the public water and sewer district.
- Department of Energy, Bonneville Power Administration
  - Reason: BPA has requested to be informed of all land use applications in the County.
- City of Kalispell Planning Department
  - The property is located in relative close proximity to the city of Kalispell.

### **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 proposed camp and retreat center.

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

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

- Craig Williams & Ben Covington, Evergreen Fire Rescue
  - Upon review of the application, Evergreen Fire Rescue has determined that all fire requirements have been met at this time and will provide fire services.
- Joe Russell, Flathead City-County Health Department (FCCHD)
  - The concession would be subject to licensure as a food purveyor.
- Glen Gray, Environmental Health Services (FCCHD)
  - This lot has not been modified since it's creation in the mid 1950's; there is no pre-approved use, therefore this office has no objection to the request as long as services are provided by the Evergreen Water & Sewer District.

- The concession stand must meet all current criteria for this type of food service, and must acquire a food service license prior to operation. A plan review for a concession stand must be completed and approved by this office prior to construction.
- Jamie Murray, Bonneville Power Administration
  - The proposal would have no impact on our transmission corridor in this area, and BPA does not have any objections to the approval of this request at this time.
- James Chilton, Flathead County Solid Waste District
  - The Solid Waste District views not negative impact with solid waste issues at this time.
  - The District requests all solid waste be hauled by a private hauler; Evergreen Disposal is the licensed Public Service Commission (PSC) Licensed hauler in this area.
- Sean Conrad, City of Kalispell Planning Department
  - No comment regarding the conditional use permit request.

#### **IV. CRITERIA REQUIRED FOR CONSIDERATION**

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

##### **A. Site Suitability**

###### **i. Adequate usable space**

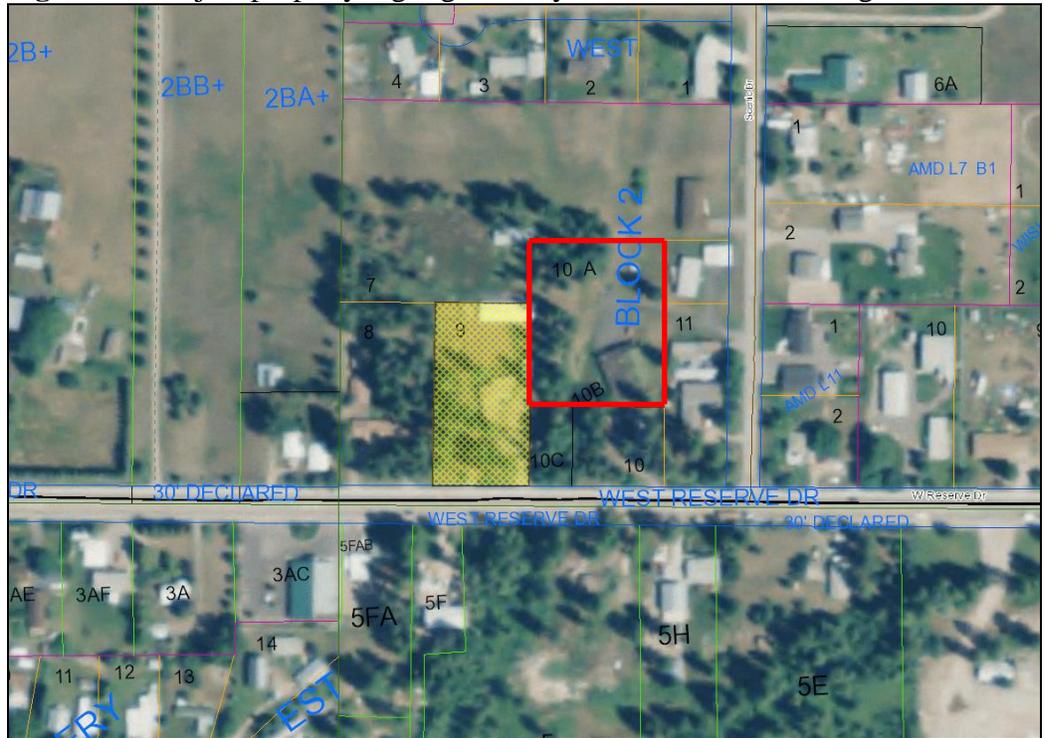
The subject property is just over one (1) acre in size, and is currently home to a single family residence and private stable. An 800 sq. ft. manufactured home with an 1100 sq. ft. addition is located on the property along with four outbuildings – a horse barn/stable, shed, and two lean-to's. All existing structures pre-date the Evergreen zoning district, created on July 17, 1990, and are grandfathered non-conforming uses with respect to bulk and dimensional requirements of the R-1 zoning. No additional structures are proposed with this conditional use permit request, and the layout of the proposed camp and retreat center would not change dramatically from the existing layout of the private stable (refer to site plan submitted with application materials).

Specific standards regarding the keeping of livestock in R-1 zones can be found in Section 5.07.010 of the Zoning Regulations. One animal unit (A.U.) is permitted for each acre of land owned; types of animal units are given specific A.U. conversion factors based on size, allowing an A.U. to be comprised of a mix of animals if necessary. For example, one (1) A.U. could include two horses (0.5 A.U./horse), or perhaps one horse (0.5 A.U.) along with two llamas (0.2 A.U./llama) and two chickens (0.04 A.U./chicken).

Currently, the subject property is permitted one (1) A.U. for the acre of land available. The applicant would like to have a variety of animals available for the educational activities planned as part of the Itty Bitty Ranch. In order to

comply with the existing R-1 zoning, the applicant has entered into a lease agreement with owner of Lot 10A in Block 2 of Scenic Tracts Subdivision, located directly adjacent and to the east of the subject parcel (see Figure 3 below). A lease agreement for an additional two (2) acres of pasture was provided with the application materials, to allow the applicant to increase the number of animal units allowed on the property to 3 A.U.'s.

**Figure 3:** Subject property highlighted in yellow; additional acreage in red.



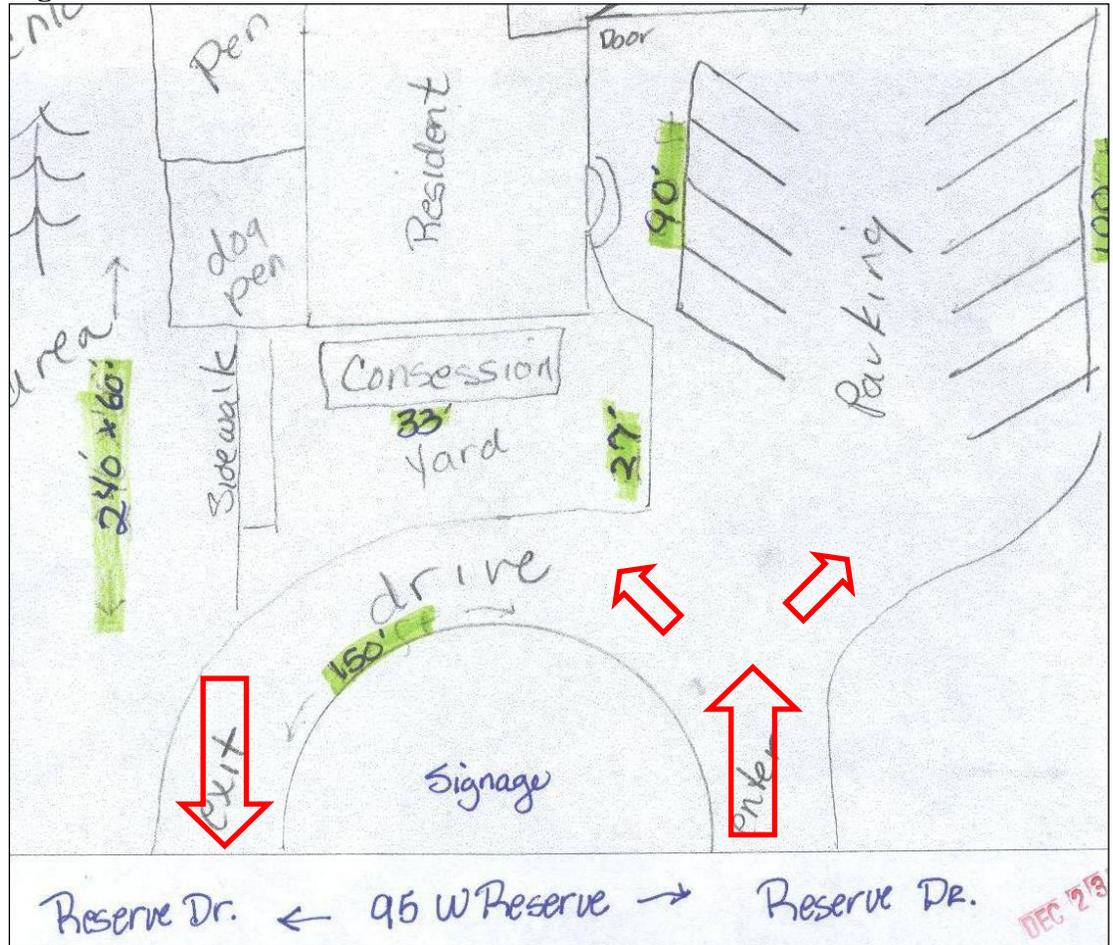
At present, the applicant is proposing to keep three (3) horses totaling 1.5 A.U.'s, three (3) miniature horses totaling 0.6 A.U.'s, one (1) miniature donkey totaling 0.2 A.U.'s, two (2) goats totaling 0.4 A.U.'s, one (1) sheep totaling 0.2 A.U.'s, and one (1) turkey totaling 0.04 A.U.'s on the subject property. This combination of animals amounts to a total of 2.94 A.U.'s on the subject property, within the limits of the 3 A.U.'s permitted under the regulations. Although the type and number of a specific animal may change over time (for example: fewer horses, more goats), the applicant has stated no more than 3 A.U.'s will be kept on the property at any given time, in compliance with applicable zoning.

**Finding #1-** There is adequate usable space on the subject property for the proposed use because the existing structures can accommodate the camp and retreat center activities, no additional structures would be built on the property, and two additional acres of pasture were obtained by the applicant to accommodate the number of animal units (A.U.'s) proposed as part of the camp and retreat center.

ii. Adequate access

The subject property has existing driveway access onto West Reserve Drive, a paved state secondary highway. As shown on the site plan provided with the application, the primary access driveway forms a crescent, allowing traffic to enter from the east and either park or exit to the west (see Figure 4 below).

Figure 4: Access off of West Reserve Drive.



West Reserve Drive is relatively straight with good site distances in front of the subject property. The Montana Department of Transportation recently upgraded the road, adding a center turn lane to expedite left turns onto and off of the road. Although solicited, no comment was received from MDOT regarding the existing access points and traffic generation resulting from the proposed change in use. It is anticipated that the existing access onto West Reserve will require re-review by MDOT, to ensure the existing access can safely accommodate the additional traffic generated by the Little Bitty Ranch, and that impacts to the existing infrastructure have been anticipated as a result of this conditional use permit request.

**Finding #2** – Access to the proposed facility is adequate because the site has direct driveway access onto West Reserve Drive, a state secondary road. Impacts to public health and safety as a result of the additional traffic generated would be mitigated because the existing access(s) will require review and approval from MDOT for the change in use.

**iii. Absence of environmental constraints**

The subject property is relatively flat and free of environmental constraints such as steep topography, wetlands, floodplain, high groundwater or wildlife habitat. The National Hydrography Dataset identifies a hydrographic reach extending along the eastern boundary of the property and connecting to some wetland areas and (eventually) the Whitefish River to the south. The existence of a heavily wooded riparian swale feature was confirmed upon visit to the site, but does not appear to be a significant constraint, simply a limiting factor as to the placement of parking onsite. No additional development has been proposed as part of the conditional use permit application, and this area could be conditioned to remain in its natural state, to prevent future disturbance or impacts related to parking.

**Finding #3 -**

**B. Appropriateness of design**

**i. Parking scheme**

(Insert text here)

**Finding #XX-**

**ii. Traffic circulation**

(Insert text here)

**Finding #XX-**

**iii. Open space**

(Insert text here)

**Finding #XX-**

**iv. Fencing/screening**

(Insert text here)

**Finding #XX-**

**v. Landscaping**

(Insert text here)

**Finding #XX-**

vi. Signage  
(Insert text here)

Finding #XX-

vii. Lighting  
(Insert text here)

Finding #XX-

C. Availability of Public Services and Facilities

i. Sewer

The existing residence is currently served by the Evergreen Water and Sewer District. The applicant has proposed two port-a-potty stations would be located onsite to accommodate visitor traffic. The added facilities would be located on the south side of the proposed conference center, adjacent to the onsite parking for easy access and removal (see Figure 5 below).

Figure 5: General location of public restroom facilities (in red).



Finding #XX-

ii. Water

The existing residence is currently served by the Evergreen Water and Sewer District, and there is a private well providing water to the barn area. Although

solicited, no comment has been received from Evergreen Water Sewer that would indicate the proposed camp and retreat center would be unable to be served by the District.

**Finding #XX-**

**iii. Storm Water Drainage**

(Insert text here)

**Finding #XX-**

**iv. Fire Protection**

The subject property is located within the Evergreen Fire District; the nearest fire station is located on Highway 2 East, approximately one mile south of the West Reserve intersection.

**Finding #XX-**

**v. Police Protection**

The subject property is served by the Flathead County Sherriff, and is located in an urban area of the County where emergency response times tend to be quicker.

**vi. Streets**

As previously discussed, the subject property, proposed school bus and overflow parking areas all have direct access onto West Reserve Drive, a paved public state secondary. West Reserve is considered a major collector and would be able to *physically* handle the traffic generated by the proposed camp and retreat center. However, it is up to MDOT to determine whether the existing driveway access(s) are able to safely and efficiently accommodate the traffic flow to and from the subject property.

**Finding #XX-**

**D. Immediate Neighborhood Impact**

**i. Excessive traffic generation**

(Insert text here)

**Finding #XX-**

**ii. Noise or vibration**

Excessive noise or vibration is not anticipated as a result of the proposed camp and retreat center. Noise associated with the keeping of livestock would not significantly change as there are currently animals on the property. Noise associated with children and other visitors would certainly increase as a result of the proposal, but impacts to neighboring property owners could be mitigated by

conditioning hours of operation and limiting the maximum number of children on site at any given time. It is not anticipated this additional noise would be significant or disruptive to the neighborhood, when compared to the noise generated daily from vehicle traffic along West Reserve.

**Finding #XX-**

**iii. Dust, glare or heat**

The proposed camp and retreat center would not result in excessive dust, glare or heat.

**Finding #XX-**

**iv. Smoke, fumes, gas, or odors**

(Insert text here)

**Finding #XX-**

**v. Inappropriate hours of operation**

The applicant has proposed hours of operation would be 9:00 AM through 8:00 PM Tuesday through Saturday. The facility would be closed on Sunday and Monday, providing an opportunity for manure removal and port-a-potty maintenance without guests around. These operating hours seem most appropriate during the summer months (May through September), to take advantage of the long days and abundant natural light. Shortening the operating hours during the winter months (October through April) would reflect the shorter days and limited lighting.

**Finding #XX-**

**V. SUMMARY OF FINDINGS**

**Finding #1-** There is adequate usable space on the subject property for the proposed use because the existing structures can accommodate the camp and retreat center activities, no additional structures would be built on the property, and two additional acres of pasture were obtained by the applicant to accommodate the number of animal units (A.U.'s) proposed as part of the camp and retreat center.

**Finding #2** – Access to the proposed facility is adequate because the site has direct driveway access onto West Reserve Drive, a state secondary road. Impacts to public health and safety as a result of the additional traffic generated would be mitigated because the existing access(s) will require review and approval from MDOT for the change in use.

**VI. RECOMMENDATION**

(Should be worded to summarize reasons why we're recommending approval or denial, then "staff therefore recommends that the Flathead County Board of Adjustment adopt staff report FCU-XX-XX as findings of fact approve/deny the Conditional Use Permit")

## **VII. CONDITIONS**

(List proposed conditions/stipulations that are needed to ensure site suitability, appropriateness of design, adequate availability of public services and facilities, and mitigation of immediate neighborhood impacts. These conditions need to be tied to the draft Findings of Fact for the pros/cons of the project.)