

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-11-07)
DOUGLAS WHITE
NOVEMBER 22, 2011**

This is a report to the Flathead County Board of Adjustment regarding a request by Douglas White for a conditional use permit to allow for a casino/tavern and multiple principal uses. The subject property is located within the Bigfork zoning district and is zoned 'B-3 Community Business'.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on December 6, 2011 beginning at 6:00 P.M. in the 2nd 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 on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is within the advisory jurisdiction of the Bigfork Land Use Advisory Council (BLUAC). This space will contain an update regarding the December 1, 2011 BLUAC review of the proposal.

B. Board of Adjustment

This space will contain an update regarding the December 6, 2011 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant & Landowner

Douglas White
7505 Mt. Highway 35
Bigfork, MT 59911
whitemovers@gmail.com

ii. Representative

Alison Wallen
7505 Mt. Highway 35
Bigfork, MT 59911
ytm@centurytel.net

B. Property Location and Size

Approximately two miles north of the town of Bigfork, the subject property is located at the intersection of Highway 35 and Highway 83. The 0.78 acre property can be legally described as Tract 1 of COS 5767 (aka assessor's tracts 5BCD, 5BDC, and 5BEB) in Section 24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana (see Figure 1 below).

Figure 1: Location of subject property (highlighted in blue, not horizontally accurate).



C. Existing Land Use(s) and Zoning

The property is currently developed with the ‘Your Turn C-Stop’ ‘automobile service station’ with a manager’s apartment located on the upper level of the structure. The property is located within the Bigfork zoning district and is zoned ‘B-3 Community Business’, a classification intended per Section 3.18.010 of the Flathead County Zoning Regulations (FCZR) to “provide areas for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area. This district should be a business center and not a strip development.”.

D. Adjacent Land Use(s) and Zoning

Situated at the intersection of two state maintained highways, adjacent properties and the area surrounding the subject property are developed with a mix of agricultural, religious/church, and commercial uses including restaurants, taverns, and other services (see Figure 2 below). Directly adjacent properties are zoned ‘B-3 Community Business’, the same classification as the subject property (see Figure 3 below). Property located across Highway 35 to the west is zoned ‘SAG-10 Suburban Agricultural’, an agricultural classification with larger minimum lot size per parcel and having more limited permitted and conditional uses available in comparison with the ‘B-3 Community Business’ classification. Property located across Highway 83 to the north is zoned ‘R-1 Suburban Residential’, a residential classification with 1-acre minimum lot size per parcel and generally having residentially oriented permitted and conditional uses available in comparison with the business/services oriented permitted and conditional uses available in a ‘B-3 Community Business’ zone.

Figure 2: Adjacent land uses (subject property highlighted yellow).

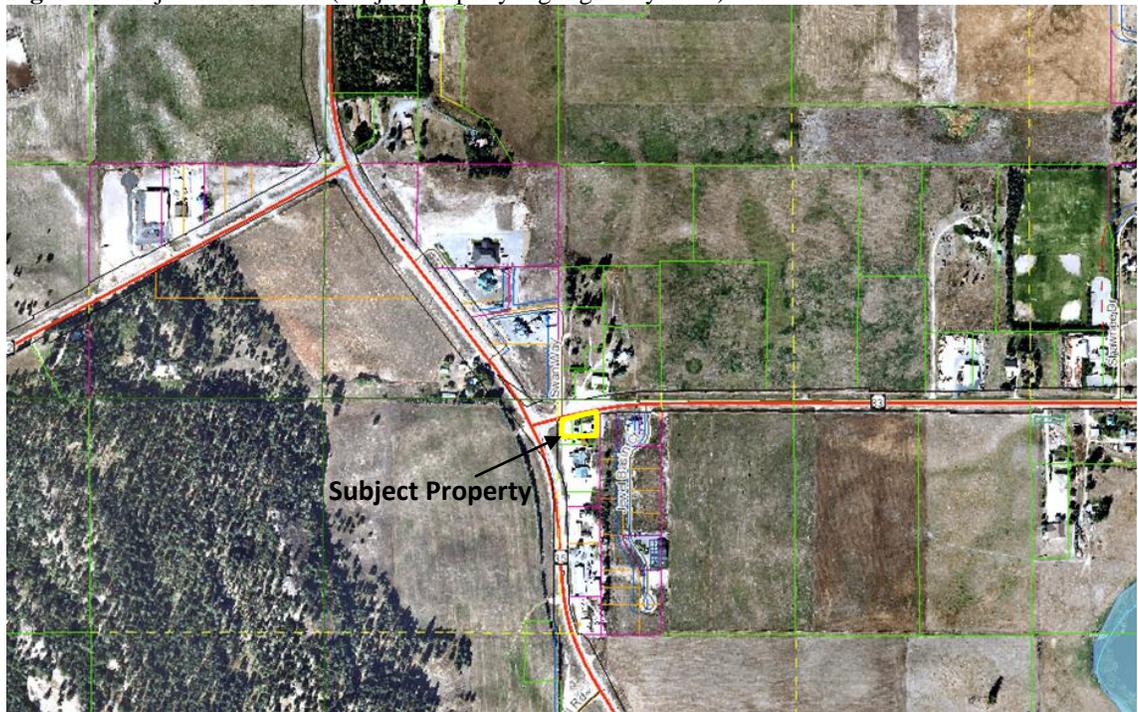
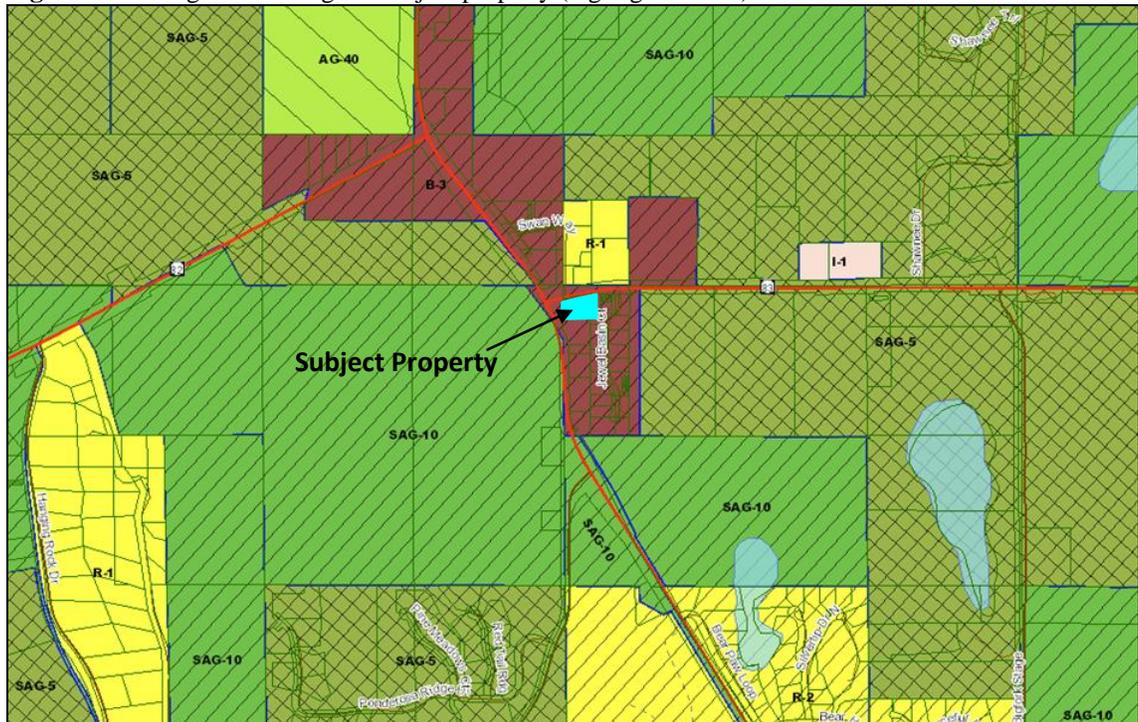


Figure 3: Zoning surrounding the subject property (highlighted blue).



E. Summary of Request

The property is currently developed with the ‘Your Turn C-Stop’ gas station/convenience store which is considered to be a ‘automobile service station’ as referenced in FCZR. The request is for a conditional use permit for 1) a casino/tavern pursuant to Section 3.18.030(14) FCZR and 2) multiple principal uses pursuant to Section 3.03.020(3) FCZR, as the ‘automobile service station’ will continue operation. The request for *multiple principal uses* is due to the fact that ‘automobile service station’ and ‘tavern’ uses are not accessory to one another and constitute independent principal uses as defined in Section 7.16.080 FCZR.

According to submitted application materials (revised 11/4/11), the proposal would add the tavern/casino to the interior of the rear portion of the existing ‘automobile service station’ building. The casino would include eight gaming machines, tavern/casino seating for 19 persons, and retail sales of liquor for off premise consumption (refer to submitted Exhibit A). Parking to accommodate the tavern/casino patrons is proposed to include 6 new standard spaces, to be established in the an existing paved area on the eastern portion of the property, in conjunction with 7 existing parking spaces currently established for the ‘automobile service station’. Primary access to the facility and parking area would be from existing approaches onto Highway 83, with additional access available from Highway 35 via an established easement on adjoining property (refer to submitted Exhibit B).

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on November 10, 2011, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the November 20, 2011 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on November 1, 2011:

- Flathead City-County Health Department
 - Reason: The Department has been in correspondence with the applicant regarding compliance with licensing requirements for the proposed tavern.
- Flathead County Road and Bridge Department
 - Reason: The proposed use may directly impact County infrastructure.
- Jim Chilton, Flathead County Solid Waste District
 - Reason: A tavern has waste disposal needs that may impact County infrastructure if not managed appropriately
- Bigfork Fire District
 - Reason: The subject property is located within the Department’s service area/jurisdiction.
- Montana Department of Transportation
 - Reason: The subject property is adjacent to and accessed from State maintained highways.

- Marcia Sheffels, Superintendent of Schools
 - Reason: The subject property is located within the Department's service area/jurisdiction.
- Bigfork Water and Sewer District
 - Reason: The subject property is served by the District's water and sewer services.
- Shawna Christianson, Montana Department of Revenue
 - Reason: The tavern is subject to Liquor licensing requirements for on-premises sales and consumption of alcohol.
- Susan Gardipee, Montana Department of Revenue
 - Reason: The tavern is subject to liquor licensing requirements for sales and off-premises consumption of alcohol.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the conditional use permit request. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for December 6, 2011. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

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

- Glen Gray, Flathead County Sanitarian, Environmental Health Department
 - The tavern operation is subject to licensure by the Food & Consumer Safety Section of the Department of Public Health and Human Services. This requires that a plan review of the proposed addition be submitted to this office for review and approval prior to construction.
 - All parking areas must be paved as required by the Flathead County Air Pollution Control regulations.
- Dave Prunty, Flathead County Road & Bridge Department
 - At this point the County Road Department does not have any comments on the request.
- James Chilton, Flathead County Solid Waste District
 - The applicant has addressed their disposal method; the District views no negative impact with solid waste issues at this time.
 - The District requests all solid waste generated at the proposed location be hauled by a private contractor. Allied Waste is the licensed (PSC) Public Service Commission Licensed hauler in this area.
- Wayne Loeffler, Chief, Bigfork Fire Department
 - Bigfork Fire Department approved the FCU-11-07 Douglas White 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 approximately 0.78 acres and the tavern would be situated within the existing structure of the ‘automobile service station’, which is a compliant use within the B-3 Community Business zoning district. As indicated on the revised site plan submitted on November 7, 2011, the operable service area of the tavern would include an approximate 443 ft² portion of the interior of the saloon with a total of 19 seats distributed among 2 tables, a service bar, and 8 gaming machines. The proposal for the casino/tavern includes a new Americans With Disabilities Act (ADA) compliant restroom which would be located within the casino/tavern service area as a separate restroom for casino/tavern customers. The service area is proposed to be partitioned off from other functional internal areas of the gas station/convenience store. The service area is proposed to be accessed from within the gas station/convenience store, using the main entrance of the gas station/convenience store, which fronts on Montana Highway 35.

Based on the site plan submitted, the location of the structure meets the required setbacks of the district and indicates there is adequate space to accommodate parking anticipated for the employees and customers of both the ‘automobile service station’ and the casino/tavern. Parking and circulation will be discussed in greater detail in the following sections of this report.

Finding #1 – The subject property is suitable for the proposed use because there is adequate useable space to accommodate the functional needs of both the existing ‘automobile service station’ and the proposed casino/tavern, and the proposal complies with the applicable bulk and dimensional requirements of the zoning in place.

ii. Adequate access

As indicated on Exhibit B (attached), the subject property is accessed directly from Montana Highway 83, with two existing paved approaches measuring 55-feet (western) and 40-feet (eastern) in width. Additionally, the property has indirect access from Montana Highway 35 via a dirt ‘access road’ travelling from the south across adjacent properties; this access is established upon a 30-foot wide easement described in the warranty deed for the property recorded as Document #1999140/1660 with the Flathead County Clerk and Recorder’s Office (refer to submitted Exhibit D).

The accesses providing ingress and egress from Highway 83 appear to adequately serve the existing ‘automobile service station’ use of the property. Although solicited, Montana Department of Transportation (MDT) has provided no comment on the current proposal, suggesting MDT has no outstanding concerns with potential impacts to traffic or roads which would be introduced by the additional traffic generated by the proposed use.

Finding #2 – The site is suitable for the proposed casino/tavern use in addition to the existing ‘automobile service station’ use because the property has direct access onto Montana Highway 83 via two existing approaches which appear well constructed and able to accommodate the vehicle traffic created as a result of the proposed use.

iii. Absence of environmental constraints

The proposal site is generally level and is located in an area with no apparent environmental constraints, as the location has no surface waters or wetlands present, and is not located in a designated floodplain area.

Finding #3 – The site appears suitable for the proposed casino/tavern use because the location has no surface waters, wetlands, or floodplain to be impacted, no new structures are proposed with the request, and there are no apparent environmental constraints which would limit the suitability of the property for the proposed use.

B. Appropriateness of design

i. Parking scheme

The existing and proposed parking areas are currently paved, consistent with requirements of the applicable Flathead County Air Pollution Control Regulations, as stated by comment provided by Glen Gray of the Environmental Health Department.

Chapters 4, 5, and 6 of the Flathead County Zoning Regulations contain no specific conditional use standards, performance standards, or parking and loading specifications applicable to either a ‘automobile service station’ or a casino/tavern. Exhibit B of the application indicates the site is currently established with 7 standard parking spaces to serve the ‘automobile service station’, and the applicant is proposing an additional 6 standard parking spaces to serve the casino/tavern, for a total of 13 parking spaces (12-standard vehicle, 1- Handicapped). The proposed parking scheme would provide a combination of parking spaces available for use by customers of both the ‘automobile service station’ and the casino/tavern.

The proposed parking area appears large enough to accommodate the number of proposed spaces while affording adequate and compliant internal traffic circulation. The proposed additional 6 spaces associated with the casino/tavern would provide 1 parking space per 2 machines, plus 1 space per employee per

shift, plus 1 space for ADA compliance. Although no applicable standard for number of parking spaces is established by the Flathead County Zoning Regulations, the proposed ratio of parking spaces per anticipated customers and employees is consistent with casino/tavern-related conditional use proposals which have previously been reviewed and approved.

Finding #4 – In addition to existing paved area adequate in size for seven parking spaces to serve the ‘automobile service station’, the proposed parking plan would provide six new standard parking spaces (1 parking space per 2 machines, 1 space per anticipated employee per shift, and 1 space for persons with physical disabilities) to serve users of the casino/tavern. While the zoning regulations contain no specific number of parking spaces required for a casino/tavern or an ‘automobile service station’, the proposal appears adequate because the number of proposed parking spaces is consistent with other casino/taverns in the county which have received conditional use permits previously issued by the Board of Adjustment.

ii. Traffic circulation

The site is directly accessed from Montana Highway 83 via two existing approaches and from Montana Highway 35 via a dirt access road over a legal easement across adjacent properties. Access to and from the casino/tavern would be the same as used by the existing gas station/convenience store. Ingress and egress are possible for traffic traveling in either direction upon the adjacent highways. Regarding internal traffic circulation, Exhibit B (attached) indicates the site is able to accommodate traffic circulation which is compliant with applicable standards outlined in Section 6.01.030, with the imposition of conditions requiring striping sufficient to demarcate traffic aisles and parking spaces in compliance with Appendix A of the Flathead County Zoning Regulations (pages 215-217).

Finding #5 – As proposed on submitted Exhibit B, the parking areas appear to comply with Section 6.01.030 FCZR in regard to dimensions because two-way traffic aisles at least 24 feet in width provide access to all parking spaces with either 90 degree or 0 degree parking angles.

Finding #6 – The proposal is appropriate in regard to parking and traffic circulation because the property has legal and functional ingress/egress onto adjacent highways, and internal traffic circulation and parking are able to comply with applicable zoning regulations.

iii. Open space

In the B-3 Community Business zoning district there are no minimum lot size or maximum permitted lot coverage requirements. The proposed casino/tavern would occupy a portion of the interior of the existing building which complies with applicable bulk and dimensional requirements regarding setbacks, and the

proposal does not entail the construction of new structures or the expansion of the existing building.

iv. Fencing/screening

No additional fencing or screening has been proposed by the applicant as part of this conditional use permit. There are no applicable fencing or screening requirements specific to the proposed use contained in the Flathead County Zoning Regulations. As the subject property does not share a common boundary with a residentially zoned property, the zoning regulations do not require any fencing or screening to separate parcels (or uses) from one another [pursuant to Section 5.04 and 5.05 FCZR].

v. Landscaping

No additional landscaping has been proposed by the applicant as part of this conditional use permit. There are no applicable landscaping requirements specific to the proposed use contained in the Flathead County Zoning Regulations. As the subject property does not share a common boundary with a residentially zoned property, the zoning regulations do not require any screening or buffering to separate parcels (or uses) from one another [pursuant to Section 5.04 and 5.05 FCZR].

Finding #7 – Open space, fencing, screening and landscaping on the subject property appears adequate as it currently exists because areas of the property remain open and there are no minimum requirements for fencing, screening or landscaping elements applicable to the proposed use or the property.

vi. Signage

The submitted application indicates the applicant's desire for a 15 ft.² wall sign to be located on the north side of the building, which appears to comply with the applicable standards for wall signs outlined in Section 5.11.020(2) FCZR.

Finding #8 – Proposed signage for the casino/tavern would be acceptable because there is adequate building frontage for the size of the proposed sign pursuant to Section 5.11.020(2)(A) FCZR.

vii. Lighting

The applicant proposes two parking lot lights and a light to illuminate the proposed wall sign. Exterior lighting shall comply with performance standards set forth in FCZR Section 5.12.

Finding #9 – There will be limited visual impacts resulting from lighting of the proposed casino/tavern because relatively minimal lighting is proposed and the lighting would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations.

C. Availability of Public Services and Facilities

i. Sewer

The subject property is currently annexed into and served by the Bigfork Water and Sewer District. Exhibit F of the application indicates the approximate location of the existing sewer service line extending from the District's sewer main. Although solicited, the District has provided no comment. The applicant should be required to satisfy the requests and obtain all applicable permits from the District.

ii. Water

The subject property is currently annexed into and served by the Bigfork Water and Sewer District. Exhibit F of the application indicates the approximate location of the existing ¾-inch water service line extending from the District's water main. Although solicited, the District has provided no comment. The applicant should be required to satisfy the requests and obtain all applicable permits from the District.

Finding #10 – The proposed use would have no impact on public water and sewer utilities because the subject property currently utilizes water and sewer services of the Bigfork Water and Sewer District, and any changes to the water and sewer systems would be required to be permitted as applicable by the Bigfork Water and Sewer District and the Flathead City-County Health Department.

iii. Storm Water Drainage

Stormwater drainage will continue to be managed onsite through absorption into pervious surface areas and via a swale located along the eastern boundary of the property. As no new construction of impermeable surfaces is proposed, increased stormwater runoff as a result of this proposal is not anticipated.

Finding #11 – The proposed method of stormwater management appears adequate because no increased stormwater runoff is anticipated as a result of the casino/tavern being situated inside the existing building, and the subject property has pervious area and swales able to absorb, direct, and contain runoff onsite.

iv. Fire Protection

The subject property is located within the Bigfork Fire District and would be served by the Bigfork Fire Department's main station located two miles south in Bigfork. A fire hydrant is located near the northeast corner of the property, and the site offers 360 degree vehicular access to the building in the event of fire or other emergency. Comment received from the fire chief indicates the District's support and ability to serve the proposed use.

v. Police Protection

The subject property is within the jurisdiction of and currently served by the Flathead County Sheriff's Department. Delayed response times may be anticipated in the event of an emergency due to the property's location in a rural area of the County.

vi. Streets

As previously discussed, the subject property has two existing approaches onto Montana Highway 83 and is also able to be accessed from Montana Highway 35. Although solicited, MDT has not provided comment on the proposal, and it is assumed the Department has no concerns regarding the functionality of the existing approaches or potential impacts to the road system resulting from increased traffic to and from the subject property.

Finding #12 – Adequate public services are available to serve the proposed use as the subject property is located within the jurisdiction of the Bigfork Fire District and could be served by the Department's main station in the event of an emergency; and because the property is currently served by the Flathead County Sheriff's Department and has direct and indirect access onto two state highways that are in good condition and can adequately accommodate the limited traffic that may be anticipated as a result of the proposed casino/tavern.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The proposal site is adjacent to the intersection of Montana Highways 35 and 83, and both highways and their intersection receive high rates of regular daily traffic which far exceed the traffic generated by the existing 'automobile service station' and that which is anticipated to be generated by the proposed casino/tavern. The 'automobile service station' on the subject property currently encounters high levels of frequent daily traffic which apparently functions adequately. The applicant indicates the site is already accustomed to "busy" traffic and does not anticipate a lot of "new" traffic that would be noticeable as a result of the proposed casino/tavern.

Finding #13 – Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood or adjacent highways because traffic generated by the business would utilize Montana Highways 35 and 83 which have been designed to accommodate high traffic volumes, and additional vehicle trips resulting from the proposed use would represent a minute increase relative to current vehicle trips accommodated by the highways.

ii. Noise or vibration

All activity related to the casino/tavern will be conducted indoors and should not result in excessive noise generation. Gaming machines will produce minimal audible noise within the building when in use and it is not anticipated

this noise will have any impact on the surrounding neighborhood, given the nature of the use.

iii. Dust, glare or heat

The parking and access areas are currently paved, and therefore will not generate substantial dust. It is not anticipated that the proposed use would create inappropriate glare or heat because lighting will be downward pointed and compliant with applicable regulations, exterior signage is proposed to not include neon lighting, and use of the casino/tavern is confined to the interior of the building.

iv. Smoke, fumes, gas, or odors

The proposed casino/tavern use will not generate smoke, fumes, gas, or odors.

Finding #14 – The proposed use is anticipated to have a minimal impact on the neighboring properties because the casino/tavern business will not create excessive noise, vibration, dust, glare, heat, smoke, fumes, gas or other odors that will negatively affect the adjoining landowners.

v. Inappropriate hours of operation

As indicated in submitted application materials, business hours for the casino/tavern are proposed to be from 8:00 am. to 10:00 pm. seven days per week to coincide with the hours of operation of the ‘automobile service station’ which is not currently a 24 hour/day operation. The proposed hours of operation are compliant with Montana state law for taverns as outlined in M.C.A. 16-3-304, which would permit a tavern to operate as late as 2:00 AM.

Finding #15 – The proposed hours of operation would be acceptable and have minimal impact on the surrounding neighborhood because normal operation of the casino/tavern would not introduce loud noise or activity levels disturbing to adjacent uses.

V. SUMMARY OF FINDINGS

1. The subject property is suitable for the proposed use because there is adequate useable space to accommodate the functional needs of both the existing ‘automobile service station’ and the proposed casino/tavern, and the proposal complies with the applicable bulk and dimensional requirements of the zoning in place.
2. The site is suitable for the proposed casino/tavern use in addition to the existing ‘automobile service station’ use because the property has direct access onto Montana Highway 83 via two existing approaches which appear well constructed and able to accommodate the vehicle traffic created as a result of the proposed use.
3. The site appears suitable for the proposed casino/tavern use because the location has no surface waters, wetlands, or floodplain to be impacted, no new structures are proposed

with the request, and there are no apparent environmental constraints which would limit the suitability of the property for the proposed use.

4. In addition to existing paved area adequate in size for seven parking spaces to serve the 'automobile service station', the proposed parking plan would provide six new standard parking spaces (1 parking space per 2 machines, 1 space per anticipated employee per shift, and 1 space for persons with physical disabilities) to serve users of the casino/tavern. While the zoning regulations contain no specific number of parking spaces required for a casino/tavern or an 'automobile service station', the proposal appears adequate because the number of proposed parking spaces is consistent with other casino/taverns in the county which have received conditional use permits previously issued by the Board of Adjustment.
5. As proposed on submitted Exhibit B, the parking areas appear to comply with Section 6.01.030 FCZR in regard to dimensions because two-way traffic aisles at least 24 feet in width provide access to all parking spaces with either 90 degree or 0 degree parking angles.
6. The proposal is appropriate in regard to parking and traffic circulation because the property has legal and functional ingress/egress onto adjacent highways, and internal traffic circulation and parking are able to comply with applicable zoning regulations.
7. Open space, fencing, screening and landscaping on the subject property appears adequate as it currently exists because areas of the property remain open and there are no minimum requirements for fencing, screening or landscaping elements applicable to the proposed use or the property.
8. Proposed signage for the casino/tavern would be acceptable because there is adequate building frontage for the size of the proposed sign pursuant to Section 5.11.020(2)(A) FCZR.
9. There will be limited visual impacts resulting from lighting of the proposed casino/tavern because relatively minimal lighting is proposed and the lighting would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations.
10. The proposed use would have no impact on public water and sewer utilities because the subject property currently utilizes water and sewer services of the Bigfork Water and Sewer District, and any changes to the water and sewer systems would be required to be permitted as applicable by the Bigfork Water and Sewer District and the Flathead City-County Health Department.
11. The proposed method of stormwater management appears adequate because no increased stormwater runoff is anticipated as a result of the casino/tavern being situated inside the existing building, and the subject property has pervious area and swales able to absorb, direct, and contain runoff onsite.

12. Adequate public services are available to serve the proposed use as the subject property is located within the jurisdiction of the Bigfork Fire District and could be served by the Department's main station in the event of an emergency; and because the property is currently served by the Flathead County Sheriff's Department and has direct and indirect access onto two state highways that are in good condition and can adequately accommodate the limited traffic that may be anticipated as a result of the proposed casino/tavern.
13. Additional vehicle traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood or adjacent highways because traffic generated by the business would utilize Montana Highways 35 and 83 which have been designed to accommodate high traffic volumes, and additional vehicle trips resulting from the proposed use would represent a minute increase relative to current vehicle trips accommodated by the highways.
14. The proposed use is anticipated to have a minimal impact on the neighboring properties because the casino/tavern business will not create excessive noise, vibration, dust, glare, heat, smoke, fumes, gas or other odors that will negatively affect the adjoining landowners.
15. The proposed hours of operation would be acceptable and have minimal impact on the surrounding neighborhood because normal operation of the casino/tavern would not introduce loud noise or activity levels disturbing to adjacent uses.

VI. CONCLUSION

Upon review of this application, the request to allow for a casino/tavern and multiple principal uses on the subject property is generally supported by the review criteria and the 15 Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-11-07 as Findings of Fact and approve the conditional use permit, the following 13 conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts have been met:

VII. CONDITIONS

1. The operation of the casino/tavern on the subject property shall be in substantial conformance with the application and site plan submitted and approved by the Board of Adjustment.
2. Changes or modifications to the approved use(s) or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment.
3. The approved use shall conform to the applicable standards of the B-3 Community Business zoning district [FCZR Section 3.18].
4. A minimum of 13 standard vehicle parking spaces shall be clearly established and demarcated on the subject property to accommodate visitor and employee traffic generated by the casino/tavern and the 'automobile service center', in accordance with applicable zoning regulations [FCZR Sections 6.01.010, 6.01.030].

5. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.
6. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations, with exterior lighting specifically being side-shielded in a manner that the light source (bulb) is not directly visible as viewed from a horizontal plane at or above the bulb's elevation above the ground, as clarified by the August 17, 2011 Zoning Administrator Interpretation.
7. The applicant shall adhere to all applicable Montana State commercial building requirements as required by the Montana Bureau of Labor and Industry. Documentation confirming the completion of this requirement shall be available upon request.
8. The proposed tavern shall obtain required licensing from the Montana Department of Revenue, as applicable, prior to operation of the tavern. Documentation confirming the completion of this requirement shall be available upon request.
9. The proposed tavern shall obtain necessary licensing from the Food & Consumer Safety Section of the Department of Public Health and Human Services, as applicable, prior to operation of the tavern. Documentation confirming the completion of this requirement shall be available upon request.
10. The proposed water and sewer plan for the tavern shall be submitted for review and approval by the Flathead County Environmental Health Department prior to construction.
11. All parking and traffic circulation areas must be paved as required by the Flathead County Air Pollution Control regulations.
12. Hours of operation for the tavern shall be permitted from 8:00 AM to 10:00 PM seven days a week year round.
13. The operation of the tavern shall commence within one year from the date of issuance of the conditional use permit. The permit may be extended for one additional year if the permittee requests additional time prior to expiration date.

Planner: AH