

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-14-02)
KENT AND MONETTE LEMBKE
FEBRUARY 11, 2014

This is a report to the Flathead County Board of Adjustment regarding a request from Kent & Monette Lembke for a conditional use permit to establish 'Camp and retreat center' on the subject property. The subject property is located within the Bigfork Zoning District and is zoned 'AG-40 Agricultural.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on March 4, 2014 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

This space is reserved for an update regarding the February 27, 2014 Bigfork Land Use Advisory Committee review of the proposal.

B. Board of Adjustment

This space is reserved for an update regarding the March 4, 2014 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

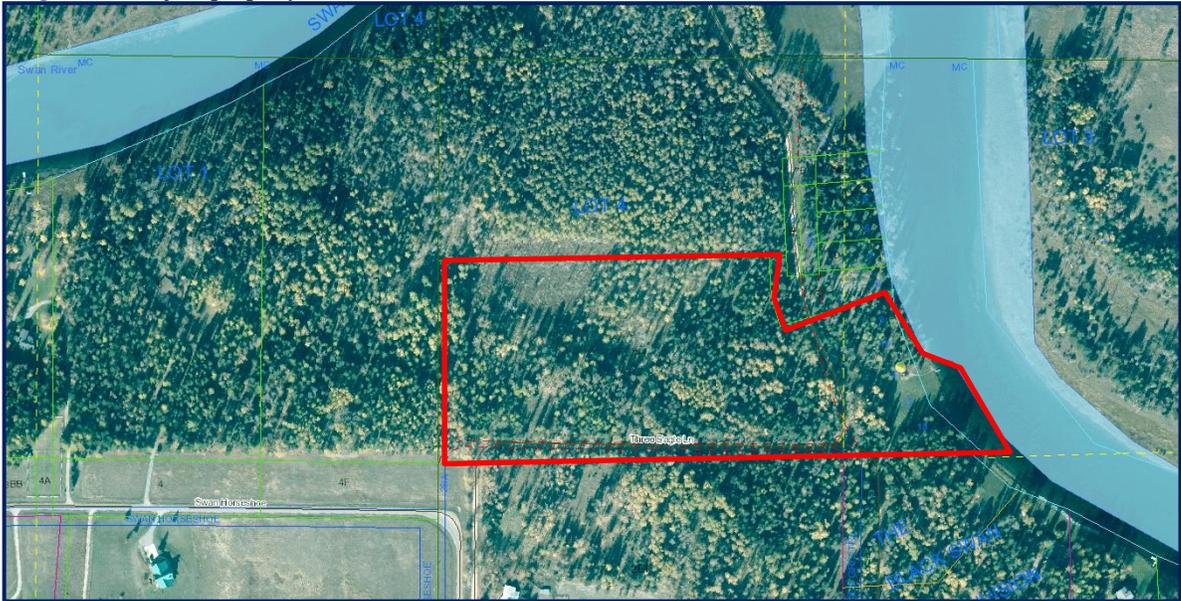
i. Landowner/Applicant

Kent & Monette Lembke
190 Liahona Court
Kalispell, MT 59901

B. Property Location and Size

The subject property is located at 775 Three Eagle Lane in Bigfork, MT (see Figure 1 below). The property is approximately 22.3 acres in size and can be legally described as 7H in Section 27, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property (outlined in red)



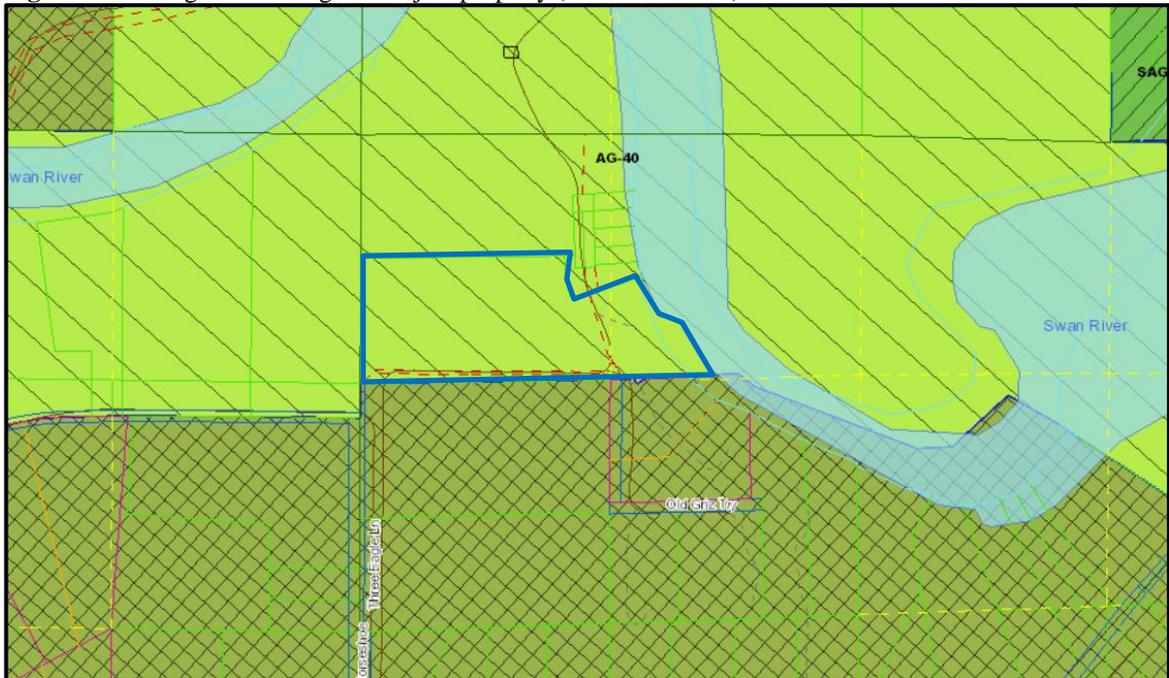
C. Existing Land Use(s) and Zoning

The property is located within the Bigfork Zoning District and is zoned ‘AG-40 Agricultural.’ AG-40 is defined as, “A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.” The property is currently developed as residential and contains a cabin, shed and bath house. The majority of the property is heavily forested with some open space along the Swan River and in the northwest corner of the property.

D. Adjacent Land Use(s) and Zoning

The property is located on the edge of the Swan River. Lands surrounding the subject property to the north, east and west are similarly zoned AG-40 and south of the property is SAG-5 Suburban Agricultural. The general character of the surrounding area is residential, with single family homes and cabins. Most of the properties in the immediate vicinity appear to be heavily forested and to the southwest the properties appear to be large residential lots with open space.

Figure 2: Zoning surrounding the subject property (outlined in blue)



E. Summary of Request

The applicant is not proposing to construct any new structures as a result of this proposal but instead intends to utilize the existing structures on the subject property. The applicant is requesting a conditional use permit to allow for a camp and retreat center to be placed on the subject property pursuant to Section 7.04.010 and Section 4.03 of the Flathead County Zoning Regulations (FCZR). A camp and retreat center is defined under Section 7.04.010 FCZR as “A land use to provide camping or retreat center activities characterized by a rural setting in a rustic environment. Uses are primarily seasonal, but they shall not be limited to such. The uses permitted may be affiliated with the organization running the camp or retreat center, however, the general public is not restricted from such use.” The placement of a camp and retreat center in a AG-40 zone requires the issuance of a Conditional Use Permit, the review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a Conditional Use Permit and conditional use standards for a camp and retreat center found in Section 4.03 FCZR.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on February 11, 2014, 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 February 16, 2014 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on January 27, 2014:

- Flathead County Road and Bridge Department
 - Reason: The first 600 feet of Three Eagle Lane is located on a county road, and therefore this request has the potential to impact county facilities.
- Flathead County Solid Waste (FCSW)
 - Reason: The property is located within the department’s jurisdiction and has the potential to impact county facilities.

- Ferndale Fire Department
 - Reason: The property is located within the department’s jurisdiction and has the potential to impact Ferndale Fire Department response.
- Flathead City-County Environmental Health Department
 - Reason: The property is located within the department’s jurisdiction.
- Flathead County Weeds and Parks Department
 - Reason: The property is located within the department’s jurisdiction and new construction could lead to the development of weeds on the subject property.
- Bonneville Power Administration
 - Reason: The BPA has requested a copy of all agency referrals.

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 March 4, 2014. 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:

- Bonneville Power Administration
 - Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time.” Email dated January 31, 2014.
- Ferndale Volunteer Fire Department
 - Comment: “After viewing the property and inspecting the site as access permitted due to winter conditions the following conditions will apply. 1. A minimum of a 12 foot wide driveway to future structures for emergency vehicle to make access. 2. A minimum of 2 inch numbers be visible from the road, in both directions to the responding emergency vehicles and personnel. 3. Property owners incorporate DNRCs and Flathead County Fire Safe Program and make and keep property Fire defensible. 4. Any future public structure or meeting places the fire department is to be notified of their construction. If the above conditions are met, the project will have NO negative impact on the Ferndale Fire Department.” Letter dated February 7, 2014.
- Flathead City-County Health Department
 - Comment: “This office has reviewed the information provided for the proposed conditional use permit to establish a “camp and retreat center” and submits the following comments: 1. An existing permit (#08-5047N) for a four (4) bedroom house was issued to the owners October 6, 2008. This permit is issued for a single family dwelling and cannot be expanded. 2. This parcel lies extensively in the 100 year flood plain. A small portion of property lying north of Three Eagle Lane is the only portion of the property not designated as lying within the 100 year floodplain. Owner identifies this in Question 2(A)(3) of the application. The map provided in the application

proposes development (cabin, bath house) within the 100 year flood plain. A five (5) foot setback is required from the 100 year floodplain to any sealed component of a septic system (septic tank, any plumbing carrying sewage from the structure to the tank, etc.). 3. This property has been extensively ground water monitored. Our records indicate monitoring 1995 – 2008. It appears the monitoring for 2006-2008 was not registered with this office as spot checks by Environmental Health were not completed. 4. The ground water monitoring results (registered) show high groundwater on this parcel. Pictures of pooling and ponding water are on record in this office for multiple years. Siting of additional drainfields on this parcel may be problematic due to high groundwater as supported in the extensive monitoring results.” Letter dated February 6, 2014.

- Flathead County Solid Waste District
 - Comment: The district views no negative impact with solid waste issues at this time. The District requests that all solid waste generated by the proposed location be hauled by a private hauler. Allied Waste is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated February 7, 2014
- Flathead County Road and Bridge Department
 - Comment: “At this time the County Road Department does not have any comments on this request.” Letter dated January 30, 2014.

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

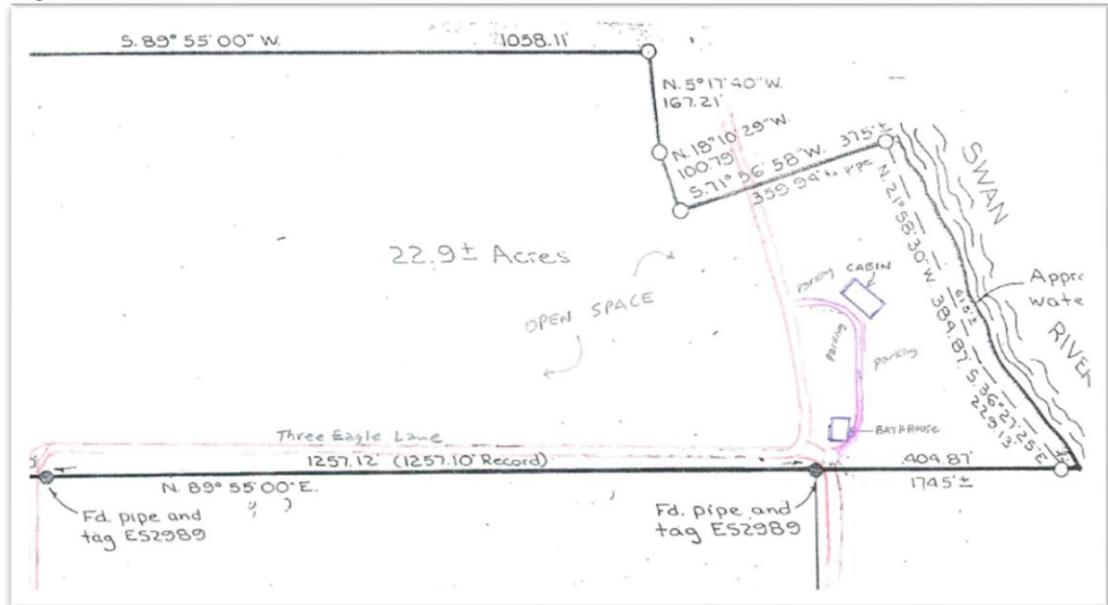
i. Adequate usable space

The subject property is approximately 22.3 acres in size and currently developed as residential with a cabin, shed and bath house. The applicant is not proposing to build any additional structures as part of this proposal but instead will utilize the existing structures. The existing cabin covers approximately 828.5 square feet, the shed is approximately 96 square feet and the bath house is approximately 272.3 square feet. The permitted lot coverage in the AG-40 zone is 20%. The total lot covered of the subject property is approximately 1,196.8 square feet or one tenth of a percent.

The proposed parking area will be approximately 27 feet by 20 feet and cover 540 square feet, so the total area required for the parking lot and buildings is 1,736.8 square feet.

The minimum yard requirements within the AG-40 zoning are 20 feet for front, side, rear and side corner yards for the principal structure. The setbacks for accessory structures are 20 feet from front and side corner yards and 5 feet for side and rear yards. An additional 20 foot setback is required from streams, rivers and unprotected lakes. The property is located on the Swan River so the structures are required to be setback 20 feet from the river. Based upon staff’s site visit and the submitted site plan, it appears the subject property has adequate useable space to accommodate the camp and retreat center in compliance with the setback and lot coverage requirements of the AG-40 zone.

Figure 3: Site Plan



Finding #1 – There appears to be adequate usable space for the proposed use because the use will only cover 1,736.8 square feet of the 22.3 acre lot and does meet the applicable setback and lot coverage requirements.

ii. Adequate access

The property has access via Three Eagle Lane and Old Griz Trail, the driveway loops from Old Griz Trail and out to Three Eagle Lane. Three Eagle Lane and Old Griz Trail are both unclassified gravel roads within a 60 foot easement and designated as private. The applicant states that both roads are 24 feet wide, staff was unable to confirm the exact width during the site visit given the snow accumulation on the roads. Three Eagle Lane and Old Griz Trail both appear to be maintained and because of the low speeds on both roads there appears to be adequate site distances for traffic entering and exiting the property.

Figure 4: Three Eagle Lane



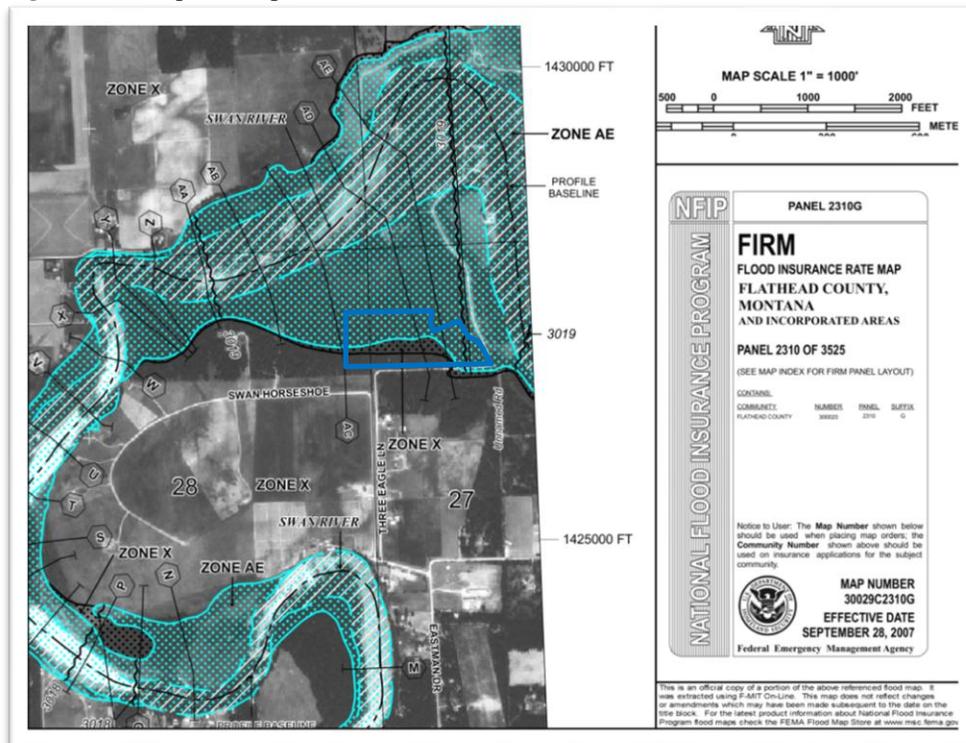
According to the applicant the driveway is currently 10 feet wide. The Ferndale Fire Department states, “A minimum of a 12 foot wide driveway to future structures for emergency vehicle to make access.” The applicant will be required to widen the driveway to 12 feet to allow for access for emergency vehicles. A floodplain development permit will be required in order to widen the existing driveway if fill is brought in or any excavation is done.

Finding #2 – The access to the property will be suitable for the proposed use because the subject property is located on Three Eagle Lane and Old Griz Trail which are both 24 foot wide gravel roads designated as private, the driveway will be conditioned to be widened to 12 feet to allow for emergency vehicle access and any development of access facilities will undergo review for a floodplain development permit.

iii. Absence of environmental constraints

The subject property is relatively flat and located adjacent to the Swan River. The setbacks for the AG-40 designation requires a 20 foot setback from rivers. Additionally, according to FEMA FIRM Panel 30029C2310G the majority of the subject property is located within an area designated as Zone AE, a strip on the southwest side of the property is located in a Zone X and the southwest corner of the property is located in an unshaded Zone X (see figure 5 below).

Figure 5: Floodplain Map



Zone AE is defined as, “Special flood hazard areas subject to inundation by 1% annual chance flood or 100 year floodplain. The shaded Zone X is determined to be inside the 0.2% annual chance flood or 500 year floodplain and the unshaded Zone X is determined to be outside the 0.2% annual chance flood. The applicant is not proposing to construct any new buildings within the floodplain and the existing cabin was constructed in 1980 prior to the adoption of the Floodplain and Floodway Management Regulations.

Comments received from the Flathead City-County Environmental Health Department state, “[...]. This parcel lies extensively in the 100 year flood plain. A small portion of property lying north of Three Eagle Lane is the only portion of the property not designated as lying within the 100 year floodplain. Owner identifies this in Question 2(A)(3) of the application. The map provided in the application proposes development (cabin, bath house) within the 100 year flood plain. A five (5) foot setback is required from the 100 year floodplain to any sealed component of a septic system (septic tank, any plumbing carrying sewage from the structure to the tank, etc.).”

The applicant was previously issued a floodplain development permit to allow for placing fill on the access road on April 25, 2007 (FDP-06-40). However, the bath house was constructed in 2009 and 2010 and it appears no floodplain permit was issued for that time. The bath house may be a use allowed with a permit but it would require retrofitting to make the structure flood proof and may not meet other applicable standards found in Section 5.03(J) of the Flathead County Floodplain and Floodway Management Regulations including:

- Structures are located on higher ground than the surrounding ground and as far from the channel as possible [Section 5.03(J)(3)] and;
- Structures are constructed and placed to offer a minimal obstruction to flood flows [Section 5.03(J)(5)].

The applicant is proposing to build a dock as part of the camp and retreat center and the applicant will be required to widen the driveway to 12 feet to allow for emergency vehicle access. If the applicant brings in fill or excavates to expand the driveway or for the septic system a floodplain development permit would be required. Prior to the placement of the dock the applicant would be required to obtain a floodplain development permit.

Additional comments received from Environmental Health state, “The ground water monitoring results (registered) show high groundwater on this parcel. Pictures of pooling and ponding water are on record in this office for multiple years. Siting of additional drainfields on this parcel may be problematic due to high groundwater as supported in the extensive monitoring results.” Staff was able to confirm this statement with photographs from 2005 for FDP-05-19.

Figure 6: Subject property in 2005 (from FDP-05-19 file)



Finding #3 – The site does not appear suitable for the proposed use because the property is located along the Swan River, the majority of the property is designated as Zone AE according to FEMA FIRM Panel 30029C2310G, a five foot setback is required from the 100 year floodplain to any sealed component of a septic system which appears unlikely based on comments provided from Environmental Health, the bath house would require a floodplain development permit for which it may not meet all requirements, the applicant would be required to obtain a floodplain development permit prior to the construction of the dock, placement of fill or excavating on the subject property for access and Environmental Health has stated pooling and ponding of water on the subject property has occurred in multiple years.

B. Appropriateness of design

i. Parking scheme

The applicant has stated that there will be three parking spaces on the subject property and the parking area will be designated with signage. Chapter 6 of the Flathead County Zoning Regulations does not specify the number parking spaces required for a camp and retreat center. The applicant stated that the camp and retreat would be limited to eight guests, so three parking spaces seems adequate. The proposed parking area adjacent to the existing driveway will be approximately 27 feet by 20 feet. Based on staff's site visit and the submitted site plan the parking schemes appears to be appropriate and would accommodate the parking required.

Finding #4 – The proposed parking appears to be appropriately designed because the applicant is proposing 3 parking spaces sufficient for the proposed use and the parking spaces will be required to be clearly designated.

ii. Traffic circulation

Ingress and egress to the subject property will be via a private driveway from Three Eagle Lane and Old Griz Trail. The site plan shows the driveway will loop north from Old Griz Trail to Three Eagle Lane. Three Eagle Lane and Old Griz Trail are both unclassified gravel roads within a 60 foot easement and designated as private. The applicant states that both roads are 24 feet wide, staff was unable to confirm the exact width during the site visit given the snow accumulation on the roads. Three Eagle Lane and Old Griz Trail both appear to be maintained and given the low speeds on both roads there appears to be adequate site distances for traffic entering and exiting the property.

The existing driveway is approximately 10 feet wide and gravel. The Ferndale Fire Department states, “A minimum of a 12 foot wide driveway to future structures for emergency vehicle to make access.” The applicant will be required to widen the driveway to 12 feet to allow for access for emergency vehicles. A 12 foot wide driveway would allow for one-way traffic which is adequate given that the driveway loops from Old Griz Trail to Three Eagle Lane.

Finding #5 – The proposed traffic circulation appears to be appropriately designed because the proposed driveway would support one-way traffic which is adequate given that the driveway loops from Old Griz Trail to Three Eagle Lane and the driveway will be conditioned to be widened to 12 feet subject to a floodplain development permit to allow for emergency vehicle access.

iii. Open space

The subject property is approximately 22.3 acres in size and currently developed with a cabin, shed and bath house. The applicant is not proposing to build any additional structures as part of this proposal but instead will utilize the existing structures. The existing cabin covers approximately 828.5 square feet, the shed is 96 square feet and the bath house is approximately 272.3 square feet. The AG-40 permitted lot coverage is 20%. The total lot covered of the subject property is approximately 1,196.8 square feet or less than one tenth of a percent of the property.

iv. Fencing/screening

Currently there is no fencing on the subject property and the applicant is not proposing any fencing or screening with this proposal. The zoning designation and a camp and retreat center do not require any fencing or screening.

v. Landscaping

The property is heavily forested with open space around the cabin and bath house near the river. The applicant is not proposing any additional landscaping with this proposal. No landscaping is required for the camp and retreat center based on the applicable zoning regulations.

vi. Signage

There appear to be no existing signs on the subject property and the applicant is not proposing any signage for the proposed use.

vii. Lighting

The structures currently have lighting that point downward and the applicant is proposing to add lighting on walkway from the existing cabin to the existing bath house. The lighting on the walkway will be solar and shine downward to light the

walking path. All porch and yard lighting shall be hooded, screened or directed in such a manner that the light source shall not be deleterious to the neighboring property owners. The applicant shall be required to conform to the lighting standards set forth in Section 5.12 FCZR and will be conditioned accordingly and inspected after one year.

Finding #6 – The camp and retreat center appears to be adequately designed because the applicant is not proposing any signage, fencing/screening or landscaping beyond what is currently present, the proposed lighting will be directed downward as required and 99.9% of the property will be left as open space.

C. Availability of Public Services and Facilities

i. Sewer

The applicant is proposing to utilize the existing on-site septic system. Comments received from the Flathead City-County Environmental Health Department state, “This office has reviewed the information provided for the proposed conditional use permit to establish a “camp and retreat center” and submits the following comments: 1. An existing permit (#08-5047N) for a four (4) bedroom house was issued to the owners October 6, 2008. This permit is issued for a single family dwelling and cannot be expanded. 2. This parcel lies extensively in the 100 year flood plain. A small portion of property lying north of Three Eagle Lane is the only portion of the property not designated as lying within the 100 year floodplain. Owner identifies this in Question 2(A)(3) of the application. The map provided in the application proposes development (cabin, bath house) within the 100 year flood plain. A five (5) foot setback is required from the 100 year floodplain to any sealed component of a septic system (septic tank, any plumbing carrying sewage from the structure to the tank, etc.). 3. This property has been extensively ground water monitored. Our records indicate monitoring 1995 – 2008. It appears the monitoring for 2006-2008 was not registered with this office as spot checks by Environmental Health were not completed. 4. The ground water monitoring results (registered) show high groundwater on this parcel. Pictures of pooling and ponding water are on record in this office for multiple years. Siting of additional drainfields on this parcel may be problematic due to high groundwater as supported in the extensive monitoring results.”

The cabin and bath house are both existing on the property and the applicant is not proposing to construct new buildings or a new drainfield. The bath house was constructed and connected to the existing drainfield but a permit from Environmental Health was never issued. The proposed use will be required to be re-reviewed and approved by the Flathead City-County Department of Environmental Health for a septic permit applicable to the camp and retreat center because of the change in use. This will be conditioned and verified after one year.

ii. Water

The property currently utilize on-site well and the applicant plans to continue using the existing well. Comments received from the Flathead City-County Environmental Health Department state, “This office has reviewed the information provided for the proposed conditional use permit to establish a “camp and retreat center” and submits the following comments: 1. An existing permit (#08-5047N) for a four (4) bedroom house was issued to the owners October 6, 2008. This permit is issued for a single

family dwelling and cannot be expanded. 2. This parcel lies extensively in the 100 year flood plain. A small portion of property lying north of Three Eagle Lane is the only portion of the property not designated as lying within the 100 year floodplain. Owner identifies this in Question 2(A)(3) of the application. The map provided in the application proposes development (cabin, bath house) within the 100 year flood plain. A five (5) foot setback is required from the 100 year floodplain to any sealed component of a septic system (septic tank, any plumbing carrying sewage from the structure to the tank, etc.). 3. This property has been extensively ground water monitored. Our records indicate monitoring 1995 – 2008. It appears the monitoring for 2006-2008 was not registered with this office as spot checks by Environmental Health were not completed. 4. The ground water monitoring results (registered) show high groundwater on this parcel. Pictures of pooling and ponding water are on record in this office for multiple years. Siting of additional drainfields on this parcel may be problematic due to high groundwater as supported in the extensive monitoring results.”

The cabin and bath house are both existing on the property and the applicant is not proposing to construct new buildings or a new well. The proposed use will be required to be re-reviewed and approved by the Flathead City-County Department of Environmental Health for a well permit applicable to the camp and retreat center because of the change in use. This will be conditioned and verified after one year.

Finding #7 – The availability of septic and water for the camp and retreat center may not be acceptable because the majority of the property is located in the floodplain, the existing permit is for a 4 bedroom house, an existing connection has not been permitted for the bath house, the drainfields on the property may be problematic due to high groundwater and the use will need to be re-reviewed and approved by Flathead City-County Environmental Health Department which appears unlikely based on comments provided from Environmental Health.

iii. Storm Water Drainage

Currently storm water run-off is handled through on-site absorption and will continue to be handled through on-site absorption in the future. The applicant is not proposing to construct any new buildings on the property therefore impervious surface and storm water run-off will not be increased. Flathead City-County Environmental Health Department states, “The ground water monitoring results (registered) show high groundwater on this parcel. Pictures of pooling and ponding water are on record in this office for multiple years. Siting of additional drainfields on this parcel may be problematic due to high groundwater as supported in the extensive monitoring results.”

The proposed use will be required to be reviewed and approved by the Flathead City-County Department of Environmental Health in order to obtain a storm drain permit applicable to the camp and retreat center. This will be conditioned and verified after one year.

Finding #8 – The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption and the use will need to be re-reviewed by Flathead City-County Environmental Health Department.

iv. Fire Protection

The subject property is located in the Wildlife Urban Interface and County Wide Priority Area. The request is to allow for a camp and retreat center on the subject property and would not be adding permanent residents to the WUI. The subject property is currently served by the Ferndale Fire Department, and is located approximately 2.0 miles north of the existing fire station. Because of the volunteer nature of the fire department longer response times are anticipated. The camp and retreat center would be used on a limited basis and is not likely to hinder the availability of fire protection. The Ferndale Fire Department states, “A minimum of a 12 foot wide driveway to future structures for emergency vehicle to make access. [...]. Property owners incorporate DNRCs and Flathead County Fire Safe Program and make and keep property Fire defensible.” The applicant will be required to widen the driveway to 12 feet to allow for access for emergency vehicles and the applicant will be required to incorporate DNRCs and Flathead County Fire Safe Program to keep property defensible and to meet comments from the fire department for no impact.

v. Police Protection

The property would be served by the Flathead County Sheriff’s Department. Due to the rural area of the property it is anticipated response times in the event of an emergency would be long and delays are possible. The camp and retreat center would be used on a limited basis and is not likely to hinder the availability of police protection.

vi. Streets

The property has one access via Three Eagle Lane and one access via Old Griz Trail. Three Eagle Lane and Old Griz Trail are both unclassified gravel roads within a 60 foot easement and designated as private. The applicant states that both roads are 24 feet wide, staff was unable to confirm the exact width during the site visit given the snow accumulation on the roads. Three Eagle Lane appears to be maintained and given the low speeds on Three Eagle Lane there appears to be adequate site distances for traffic entering and exiting the property.

Finding #9 – The proposed use appears to have acceptable impacts on public services and facilities because the camp and retreat center will be used on a limited basis, the Ferndale Fire Department and Flathead County Sheriff provide services to the subject property, the applicant will be conditioned to widen the driveway to allow for emergency vehicle access, the applicant will be required to meet fire safe standards for thinning of vegetation around structures and the property is accessed via Three Eagle Lane and Old Griz Trail both 24 foot wide, maintained private gravel roads.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The camp and retreat center is anticipated to generate a minimal amount of traffic because the proposed use is seasonal and the total number of guests would be limited to eight. Because Three Eagle Lane and Old Griz Trail are private roads traffic counts are not available from the Flathead County Road and Bridge Department. Existing average daily traffic would be low given the rural nature of the area and the fact that both roads dead end shortly beyond the subject property. The applicant has stated that the proposed use would have less than 5 trips to town per day. This would equal

approximately 10 average daily trips generated by the proposed use. The vehicle trips generated as a result of this proposal would be equal to that of a single family residence and therefore is not likely to impact the immediate neighborhood.

ii. Noise or vibration

While some noise and vibration will naturally result from camping activities, these impacts will be limited in duration and should not negatively impact the surrounding area. The applicant is proposing quiet hours after 10:00 PM and will only allow for small groups (up to eight people) this will be conditioned to ensure mitigation which would help to reduce the noise impacts on the neighborhood. No vibration beyond what is typical for a residential area is anticipated as a result of the proposed camp and retreat center.

iii. Dust, glare or heat

Based on the submitted application the proposed use is not anticipated to create adverse impacts on the surrounding neighborhood as a result of dust, glare, or heat. The traffic generated from this proposal may create some dust as Three Eagle Lane, Old Griz Trail and the driveway are currently gravel. The traffic generated by the proposed use will be consistent with existing traffic levels for the neighborhood and will likely be traveling at low speeds; therefore mitigation (such as oiling) is not required.

iv. Smoke, fumes, gas, or odors

No fumes or gas are anticipated to be generated by the camp and retreat center. The applicant has stated that campfires and barbeque grill could generate smoke and odors. The smoke and other odors would be typical of a single family residence.

v. Inappropriate hours of operation

The applicant is proposing to have quiet hours after 10:00 PM. Given the rural nature of the property these hours appear to be appropriate for the proposed use.

Finding #10 – The proposed use is not anticipated to impact the surrounding neighborhood because the traffic generated by the proposal is similar to traffic generated by single family residential in the area, the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors out of character with the rural setting, the use will be limited to the number of guests stated by the applicant to mitigate impacts and the proposed hours of operation appear acceptable and will be conditioned to ensure mitigation of impacts to the neighborhood.

V. SUMMARY OF FINDINGS

1. There appears to be adequate usable space for the proposed use because the use will only cover 1,736.8 square feet of the 22.3 acre lot and does meet the applicable setback and lot coverage requirements.
2. The access to the property will be suitable for the proposed use because the subject property is located on Three Eagle Lane and Old Griz Trail which are both 24 foot wide gravel roads designated as private, the driveway will be conditioned to be widened to 12 feet to allow for emergency vehicle access and any development of access facilities will undergo review for a floodplain development permit.
3. The site does not appear suitable for the proposed use because the property is located along the Swan River, the majority of the property is designated as Zone AE according to FEMA FIRM Panel 30029C2310G, a five foot setback is required from the 100 year floodplain to

any sealed component of a septic system which appears unlikely based on comments provided from Environmental Health, the bath house would require a floodplain development permit for which it may not meet all requirements, the applicant would be required to obtain a floodplain development permit prior to the construction of the dock, placement of fill or excavating on the subject property for access and Environmental Health has stated pooling and ponding of water on the subject property has occurred in multiple years.

4. The proposed parking appears to be appropriately designed because the applicant is proposing 3 parking spaces sufficient for the proposed use and the parking spaces will be required to be clearly designated.
5. The proposed traffic circulation appears to be appropriately designed because the proposed driveway would support one-way traffic which is adequate given that the driveway loops from Old Griz Trail to Three Eagle Lane and the driveway will be conditioned to be widened to 12 feet subject to a floodplain development permit to allow for emergency vehicle access.
6. The camp and retreat center appears to be adequately designed because the applicant is not proposing any signage, fencing/screening or landscaping beyond what is currently present, the proposed lighting will be directed downward as required and 99.9% of the property will be left as open space.
7. The availability of septic and water for the camp and retreat center may not be acceptable because the majority of the property is located in the floodplain, the existing permit is for a 4 bedroom house, an existing connection has not been permitted for the bath house, the drainfields on the property may be problematic due to high groundwater and the use will need to be re-reviewed and approved by Flathead City-County Environmental Health Department which appears unlikely based on comments provided from Environmental Health.
8. The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption and the use will need to be re-reviewed by Flathead City-County Environmental Health Department.
9. The proposed use appears to have acceptable impacts on public services and facilities because the camp and retreat center will be used on a limited basis, the Ferndale Fire Department and Flathead County Sheriff provide services to the subject property, the applicant will be conditioned to widen the driveway to allow for emergency vehicle access, the applicant will be required to meet fire safe standards for thinning of vegetation around structures and the property is accessed via Three Eagle Lane and Old Griz Trail both 24 foot wide, maintained private gravel roads.
10. The proposed use is not anticipated to impact the surrounding neighborhood because the traffic generated by the proposal is similar to traffic generated by single family residential in the area, the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors out of character with the rural setting, the use will be limited to the number of guests stated by the applicant to mitigate impacts and the proposed hours of operation appear acceptable and will be conditioned to ensure mitigation of impacts to the neighborhood.

VI. CONCLUSION

Upon review of this application, the request to allow for a camp and retreat center on the subject property meets many but not all of the review criteria and the Findings of Fact listed above reflect this. After a public hearing and Board discussion, should the Flathead County Board of Adjustment choose to adopt staff report FCU-14-02 as Findings of Fact or amend based on additional evidence and approve the conditional use permit, the following conditions would improve compliance with the review criteria and appropriate measures to mitigate impacts:

VII. CONDITIONS OF APPROVAL

1. The camp and retreat center shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The camp and retreat center shall be located in accordance with the minimum yard and maximum height requirements of the AG-40 zoning district, pursuant to Section 3.33.050 of the Flathead County Zoning Regulations.
4. All required off-street parking and driveways associated with the use shall meet the applicable design guidelines and special conditions set forth in the Flathead County Zoning Regulations [FCZR Section 6.01].
5. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
6. The driveway shall be widened to 12 feet wide in order to allow for emergency vehicle access to the subject property.
7. A floodplain development permit is required prior to the construction of the dock, or placement of fill and excavation on the subject property.
8. The applicant shall obtain a floodplain development permit for the existing bath house as it was originally constructed without the issuance of a floodplain development permit.
9. The proposed water, wastewater treatment, and stormwater drainage systems for the camp and retreat center shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
10. The camp and retreat center, prior to operation shall meet all applicable DNRC and Flathead County fire safe standards for thinning and clearing of vegetation around structures for defensible space, per the Ferndale Fire Department's comments.
11. Quiet hours for the camp and retreat center shall start at 10:00PM and be implemented seven days a week and year round.
12. The number of guests at the camp and retreat center shall be limited to no more than eight at one time to reduce the impacts from traffic and noise on the neighborhood.

13. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
14. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].
15. Due to the nature of the conditions imposed to mitigate impacts to safety, public health and environment all applicable conditions regarding necessary permitting and/or site improvements must be met prior to operation of the camp and retreat center.

Planner: EKM