

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-12-03)
DOUGLAS AND DONNA MILLER & FRANCISCO MANZO
MAY 29, 2012**

This is a report to the Flathead County Board of Adjustment regarding a request by Douglas and Donna Miller and Francisco Manzo for a conditional use permit to allow multiple principal uses (a restaurant and a fruit-stand/market) on the subject property. The subject property is located within the Evergreen 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 June 12, 2012 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 not within the advisory jurisdiction of a Land Use Advisory Council.

B. Board of Adjustment

This space will contain an update regarding the June 12, 2012 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant & Landowner

Douglas and Donna miller
558 Somers Stage Road
Kalispell, MT 59901

Francisco Manzo
575 Church Drive
Kalispell, MT 59901

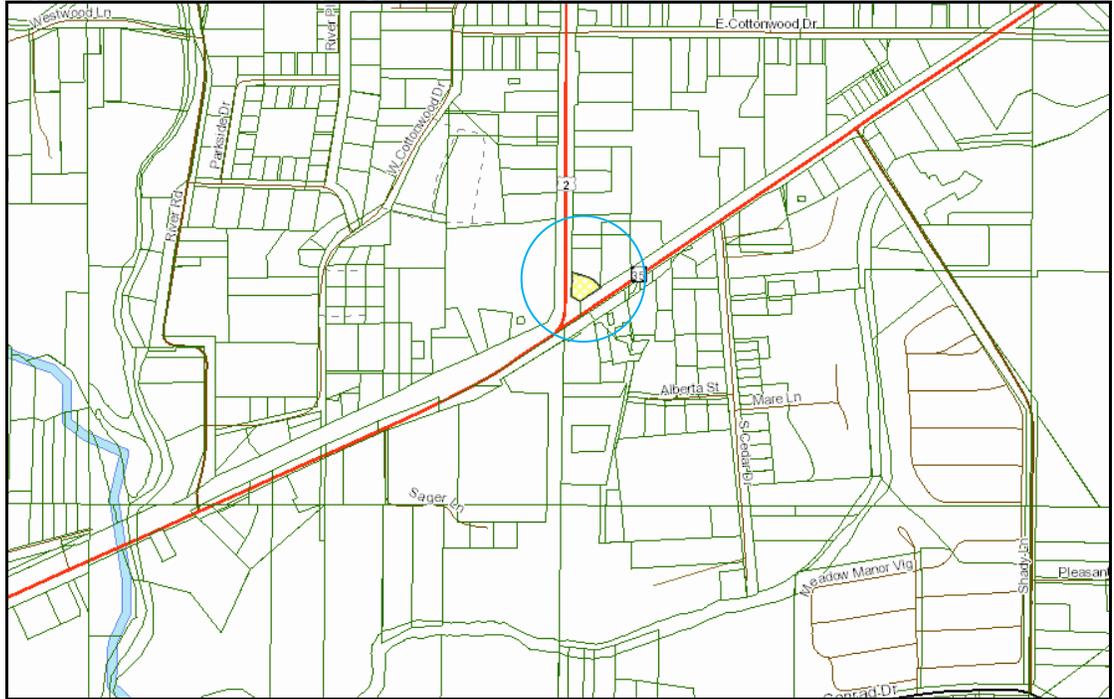
ii. Representative

Francisco Manzo
575 Church Drive
Kalispell, MT 59901

B. Property Location and Size

Situated at the intersection of Montana Highway 35 and US Highway 2 East, approximately 1.5 miles east of Kalispell, the 0.37 acre subject property is located at 1405 US Highway 2 East and can be legally described as Tract A of COS 17784 (aka assessor's tract 4UBA) in Section 4, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana (see Figure 1 below).

Figure 1: Location of the subject properties (highlighted in yellow).



C. Existing Zoning and Land Use(s)

The property is located within the Evergreen zoning district and is zoned ‘B-3 Community Business’ (see Figure 3 below), a classification described per Section 3.18 of the Flathead County Zoning Regulations (FCZR) as “A *business district 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.*” The subject property has been used for a variety of uses through its history, and has most recently been used as a fruit-stand which constitutes a food store in the B-3 zone.

D. Adjacent Land Use(s) and Zoning

Situated along two major arterial highways, adjacent properties and the area surrounding the subject property are generally commercially developed with a mix of business uses (see Figure 2 below). Adjacent properties located to the north, east, and west are zoned ‘B-3 Community Business’, the same classification as the subject property. Adjacent properties located to the south of the subject property are zoned ‘B-2 General Business’ (see Figure 3 below).

Figure 2: Adjacent land uses (subject property circled blue and highlighted blue).

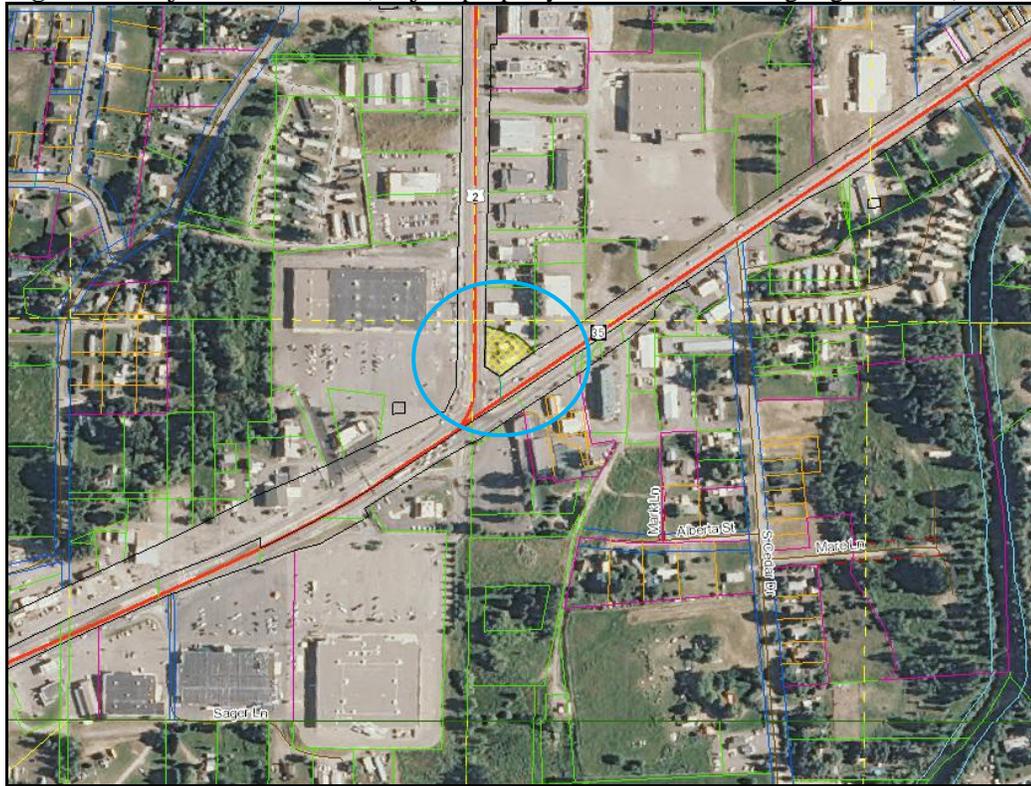
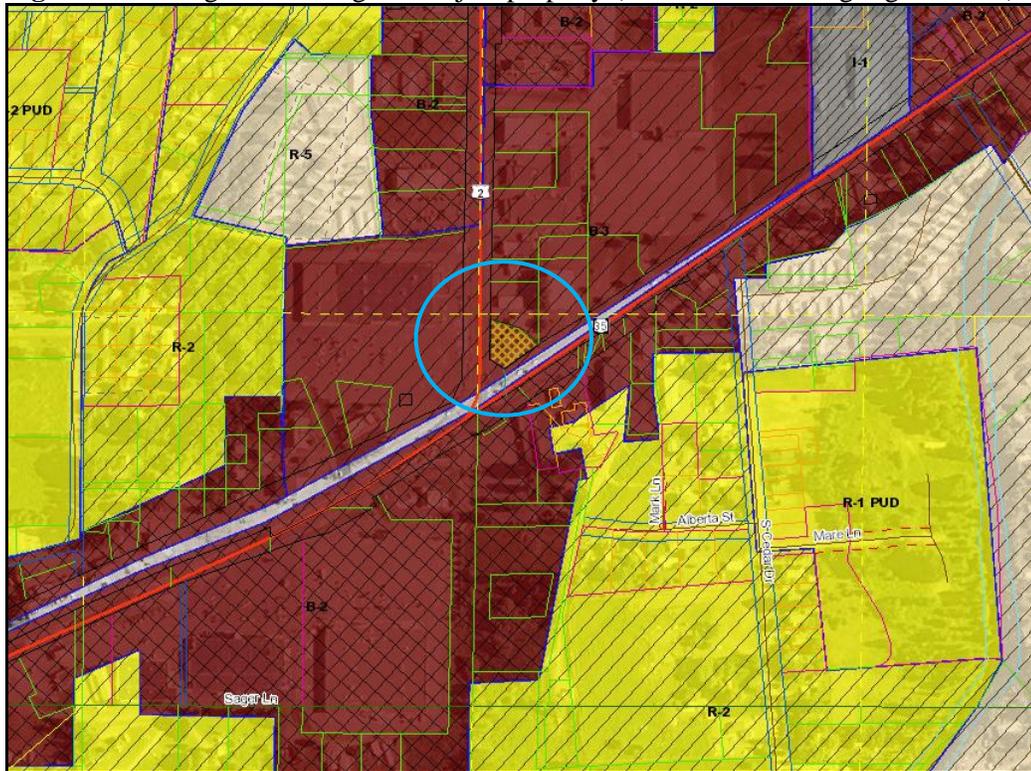


Figure 3: Zoning surrounding the subject property (circled blue and highlighted blue).



E. Summary of Request

The request is for a conditional use permit to allow multiple principal uses (a restaurant and a fruit-stand/market) on the subject property pursuant to Section 3.03.020(3) FCZR.

The property is currently developed with a structure most recently used as a fruit-stand, operated by co-applicant Francisco Manzo. The proposal is to add a restaurant to the use of the existing building on the property. The fruit-stand would operate outdoors under the eaves during the summer season, and the restaurant would operate primarily within the building, seating 40-50 guests inside and potentially seating 12 guests in a contemplated outdoor patio setting. The proposal includes 25 onsite paved parking spaces to accommodate the restaurant and fruit-stand patrons and existing approaches onto Highway 35 and Highway 2 would each provide ingress and egress to and from the site (see attached site plan). The restaurant would use public water and sewer services of the Evergreen Water and Sewer District.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on May 23, 2012, 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 May 27, 2012 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on April 26, 2012:

- Flathead City-County Health Department
- Montana Department of Transportation
- Jim Chilton, Flathead County Solid Waste District
- Evergreen Fire District
- Evergreen Water and Sewer district

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the conditional use permit request. Any individual wishing to provide public comment on the proposal may do so during the June 12, 2012 Flathead County Board of Adjustment public hearing on the proposal. 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:

- James Freyholtz, Kalispell area Traffic Engineer, MDT
 - The application proposes to close the two existing accesses which are closest to the corner and continue to use the other two accesses- one on Hwy 35 and one on Hwy 2- MDT agrees with this proposal as the two accesses closest to the corner should be closed for safety issues.
 - Over the years there have been times when the Highway right-of-way

at the corner has been encroached upon from the property. The proposal indicates parking being delineated which should help correct the issue. MDT strongly supports the use of pin-down curbing to prevent parking vehicles from encroaching onto the right-of-way.

- Glen Gray, Flathead County Sanitarian, Environmental Health Department
 - This facility will be required to connect to the water and sewer services provided by the Evergreen Water and Sewer District. In addition a grease trap specified by the Evergreen Water and Sewer District will be needed. However, prior to any construction, a plan review of the facility and operation must be completed and approved by this office.

- Roberta Struck, Flathead County Water and Sewer District #1 - Evergreen
 - The property is not currently connected to the District's sewer system, however they could connect.
 - In the event they are required to connect to our sewer system a grease trap will be required.
 - The water curbstop for the subject property is located on the Highway 35 side of the property.

- James Chilton, Flathead County Solid Waste District
 - 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. Evergreen Disposal is the licensed (PSC) Public Service Commission Licensed hauler in this area.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations (FCZR), 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

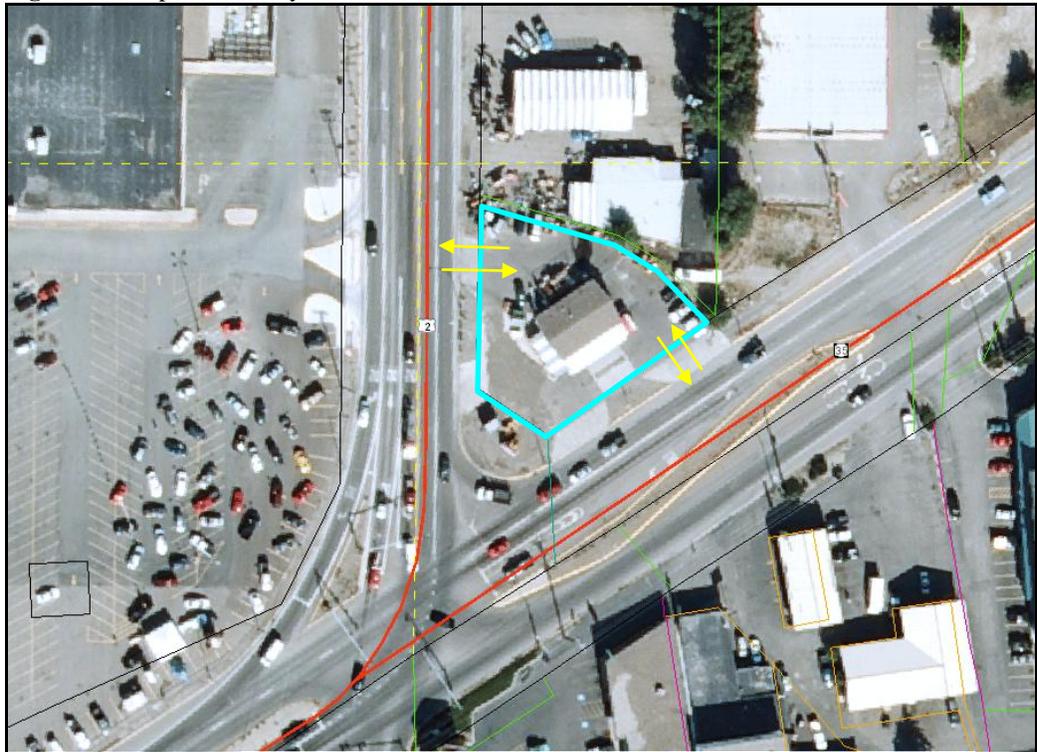
The proposed use would be situated on a relatively flat triangular shaped 0.37 acre tract of land bordered by MT Highway 35 and US Highway 2 (see Figure 1 above). As shown on the submitted site plan the existing building to be used for the proposed restaurant and fruit-stand is situated in the center of the property and the areas surrounding the building would be used for vehicular access and parking. As the existing building complies with applicable setback requirements and there is sufficient area to accommodate access and parking, the proposal appears to comply with applicable bulk and dimensional requirements of the B-3 district.

Finding #1 – The subject property is suitable for the proposed use in terms of size and dimension because there is adequate useable space to accommodate the functional needs of the proposed use.

ii. Adequate access

As shown on the submitted site plan, the proposed use would be accessed via two existing approaches, one onto MT Highway 35 and the other onto US Highway 2. Both approaches are constructed with concrete aprons exceeding 40 feet in width, and each would provide both ingress and egress to and from the property (see Figure 4). The Montana Department of Transportation (MDT) provided comment indicating their support of the current proposal, noting two other existing approaches situated closer to the intersection of MT Highway 35 and US Highway 2 are considered less safe and would be effectively closed with the current proposal.

Figure 4: Proposed facility access.



Finding #2 – The site is suitable for the proposed use because the property has legal and physical access onto public MT Highway 35 and US Highway 2 via existing approaches which are 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 located on a level area situated in an urbanized area. The subject property is currently designated as Zone X within the 500 year floodplain on FEMA FIRM Panels 1810G and there are no surface waters or wetlands present on the site. There are no apparent environmental factors which

would constrain the proposal, nor are there anticipated impacts to the natural environment which cannot be adequately mitigated through appropriate design.

Finding #3 – The site appears suitable for the proposed use because the location has no apparent environmental factors which would be adversely impacted or which would limit the suitability of the property for the proposed use.

B. Appropriateness of design

i. Parking scheme

The submitted site plan indicates the proposed parking would be comprised of 28 onsite parking spaces distributed among the perimeter of the subject property upon an asphalt and concrete surface for use by restaurant and fruit-stand patrons and employees. All parking spaces are proposed to be demarcated with painted lines and accessed from the one-way counter-clockwise internal traffic aisle.

Chapter VI of the Flathead County Zoning Regulations (FCZR) contains specific parking and loading specifications applicable to a ‘restaurant’ (Section 6.07.020) and ‘retail stores’ (Section 6.09.010). The proposed parking, including one parking space for disabled persons,, is based on 62 anticipated restaurant seats (up to 50 indoor seats and 12 outdoor seats), 4 employees on maximum shift, and the 1700 square feet of retail fruit-stand area.

Section 6.01.030 FCZR, Minimum Parking Lot Requirements are outlined in Appendix A which includes required spatial specifications and dimensions for parking spaces and traffic aisles. The site plan indicates the proposed parking spaces are configured to meet required dimensional specifications which vary depending on the angle of approach to a parking space from the traffic aisle. Comment provided by MDT indicates the Department’s concern that no parking occur within the right-of-way for either Highway 35 or Highway 2, and the proposal would address this concern through the use of concrete pinned curb-stops for each parking space. Based on the submitted plan, the site is able to have adequate parking compliant with applicable standards outlined in Section 6.01.030, with the imposition of a condition requiring striped demarcation and pinned down curb-stops for all parking spaces in compliance with Appendix A of the Flathead County Zoning Regulations (pages 214 and 216).

Finding #4 – The proposed parking plan would provide 28 standard parking spaces compliant with applicable dimensional standards to serve restaurant and fruit-stand patrons and employees. The proposal for parking appears appropriate because the proposed parking exceeds the number of spaces which would be required per FCZR (26 total required spaces - 1 parking space per 4 seats plus 1 parking space per employee on maximum shift (20 spaces) and one space per 300 ft² of gross retail floor area (6 spaces) for the retail fruit-stand area).

ii. Traffic circulation

The proposed expanded facility site would be accessed from MT Highway 35 and US Highway 2 via two existing approaches constructed as concrete aprons

abutting the public roads. The submitted site plan indicates the proposed one-way internal traffic aisle and associated parking spaces arranged in a looped configuration around the existing building. The traffic aisle varies in width, ranging between 12-feet and 20-feet between the building line and the parking spaces, and the varying widths appear to comply with the required width of a single lane traffic aisle with adjacent parking spaces with 90, 60, and 45 degree parking angles. Based on the submitted plan, the site is able to accommodate traffic circulation compliant with applicable standards outlined in Section 6.01.030, with the imposition of a condition requiring the internal traffic aisle be adequately signed and striped as one-way traffic only in compliance with Appendix A of the Flathead County Zoning Regulations (pages 214 and 216).

Finding #5– As proposed on the submitted the submitted site plan, the internal traffic circulation appears to comply with Section 6.01.030 FCZR in regard to dimensions because the proposed one-way traffic aisle has adequate width to provide sufficient access to all parking spaces with 90, 60, and 45 degree parking angles.

iii. Open space

The B-3 zoning district has no minimum lot size and no maximum permitted lot coverage. The existing building which would serve the proposed use occupies a small area on the interior of the property and complies with applicable front, side, and rear setback requirements. Greenbelt requirements of Section 5.05 are not applicable to the subject property because the property does not abut an area which is residentially zoned.

iv. Fencing/screening

Although there are no applicable fencing or screening requirements specific to the proposed use, the application and site plan indicates the location of an anticipated section of proposed 6-ft fencing to provide screening between the restaurant facility and the northeast neighboring property.

v. Landscaping

The entire property is covered with a paved asphalt or concrete surface. There are no applicable fencing or screening requirements specific to the proposed use, and the application indicates no plan for landscaping.

Finding #6 – Open space, fencing, screening and landscaping on the subject property appears adequate as proposed because there are no minimum requirements for fencing, screening or landscaping elements applicable to the proposed use or the property.

vi. Signage

The fruit-stand has been in operation seasonally on the subject property and the site has previously used a combination of changing freestanding, ground, and wall signs to advertise various types of fruits available for purchase. The

application indicates the proposal to continue using changing signage to advertise the produce which is for sale at any given time, and also to advertise the restaurant. An existing off-site sign would be removed before the restaurant opens. The applicants are well-informed of applicable setback, height, distribution, and dimensional standards for signage within the B-3 zoning district, and potential signage is able to comply with the applicable standards for signs in the B-3 zoning district as outlined in Section 5.11.040(4) FCZR.

Finding #7 – Proposed signage for the retail fruit-stand and restaurant would be acceptable because a combination of freestanding, ground, and wall signage is allowable in the B-3 zoning district pursuant to Section 5.11.040(4) FCZR.

vii. Lighting

The application indicates all exterior lighting would be downward pointed under the eaves of the building and would not spill out of the property or in an upward direction. Exterior lighting shall comply with performance standards set forth in FCZR Section 5.12, being so arranged as to reflect light away from any abutting or adjacent residential land-use.

Finding #8 – Exterior lighting is proposed to be limited to areas under the eaves of the building. In order to minimize potential visual impacts from lighting reflecting onto abutting or adjacent residential land uses, all exterior 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 located within the service area of the Evergreen Water and Sewer District, and it is unclear how wastewater generated by facilities in the existing building is currently managed. While the application states “our sewer is a public utility provided by the city of Evergreen”, comment provided by the Evergreen Water and Sewer District states “this property is not currently connected to the district’s sewer services, however they could connect.” Considering health and safety standards required to be met by restaurants and other food and beverage establishments, Sanitarian Glen Gray of the Flathead County Environmental Health Department provided comment indicating “This facility will be required to connect to the water and sewer services provided by the Evergreen Water and Sewer District. In addition a grease trap specified by the Evergreen Water and Sewer District will be needed. However, prior to any construction, a plan review of the facility and operation must be completed and approved by this office.” The applicant should be required to satisfy the requests of the Evergreen Water and Sewer District and obtain all applicable permits from the Flathead County Environmental Health Department.

ii. Water

The subject property is currently annexed into and served by the Evergreen Water and Sewer District. The District commented that a backflow device will be required for the existing water service, and noted the location of the ‘curbstop’ adjacent to Highway 35, and that the water service line for the northerly adjacent property traverses the subject property. The applicant should be required to satisfy the requests of the Evergreen Water and Sewer District and obtain all applicable permits from the Flathead County Environmental Health Department.

Finding #9 – The proposed use would necessitate compliant connection to the public water and sewer services of the Evergreen Water and Sewer District due to the nature of the proposed use, and the applicant is subject to compliance with applicable permitting requirements of the Flathead County Environmental Health Department and the Evergreen Water and Sewer District prior to construction and/or modification of the water and sewer systems and services.

iii. Storm Water Drainage

Stormwater drainage will continue to be managed onsite through drainage into two storm drains shown on the submitted site plan. As no new construction of impermeable surfaces is proposed, increased stormwater runoff as a result of this proposal is not anticipated.

Finding #10 – The proposed method of stormwater management appears adequate because no increased stormwater runoff is anticipated as a result of the restaurant and fruit-stand being situated inside the existing building, and the subject property has existing stormdrains which adequately direct stormwater drainage into the stormdrain system which appear to have been established for the properties and roads in the immediate vicinity of the subject property.

iv. Fire Protection

The subject property is located within the Evergreen Fire District and would be served by the district’s station located one mile north at the intersection of Meadowlark Drive and US Highway 2.

v. Police Protection

The subject property is within the jurisdiction of and currently served by the Flathead County Sheriff’s Department. Response times are anticipated to be relatively fast in the event of an emergency due to the property’s location in an urbanized area of the County.

vi. Streets

The proposed use would be accessed via two existing approaches, one onto MT Highway 35 and the other onto US Highway 2, and both approaches would provide ingress and egress to and from the property. The Montana Department of Transportation (MDT) provided comment indicating their support of the current proposal and expressed no concerns regarding the proposal and its

potential impacts to the road system resulting from increased traffic to and from the subject property.

Finding #11 – Adequate public services are available to serve the proposed use as the subject property is located within the jurisdiction of the Evergreen Fire District and could be served by the Department’s main station in the event of an emergency; the property is currently served by the Flathead County Sheriff’s Department; and the property has direct access onto two highways that are in good condition and can adequately accommodate the limited traffic that may be anticipated as a result of the proposed restaurant and fruit-stand uses.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The proposal site is adjacent to the intersection of Montana Highway 35 and US Highway 2, and both highways and their intersection receive very high rates of regular daily traffic which far exceed the traffic anticipated to be generated by the proposed restaurant and fruit-stand. The proposed use is consistent with the urban setting and the business zoning established in the vicinity of the proposal site. The Montana Department of Transportation (MDT) provided comment indicating their support of the current proposal and expressed removing or closing of the existing approaches closest to the intersection of Highway 35 and Highway 2 would improve safety of the road system.

Finding #12 – 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 US Highway 2 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

Activity related to the proposed use will be conducted indoors and outdoors and should not result in excessive noise generation. Normal restaurant and fruit-stand operation will produce minimal audible noise and it is not anticipated this noise will have any impact on the surrounding neighborhood, given the nature of the use and noise generated by adjacent high traffic highways.

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 and normal operation of a restaurant and fruit-stand will not produce glare or heat.

iv. Smoke, fumes, gas, or odors

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

Finding #13 – The proposed use is anticipated to have a minimal impact on the neighboring properties because the restaurant and fruit-stand will not create excessive noise, vibration, dust, glare, heat, smoke, fumes, gas or other odors that will negatively affect area traffic or adjoining landowners.

v. Inappropriate hours of operation

As indicated in submitted application materials, business hours for the restaurant and fruit-stand are proposed to be from 9:00 am. to 5:00 pm. daily and seasonally and from 10:00 am. to 10:00 pm. daily for the restaurant. As the application indicates the hours of operation may vary depending on customer flow.

Finding #14– The proposed hours of operation would be acceptable and have minimal impact on the surrounding neighborhood because normal operation of the restaurant and fruit-stand 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 in terms of size and dimension because there is adequate useable space to accommodate the functional needs of the proposed use.
2. The site is suitable for the proposed use because the property has legal and physical access onto public MT Highway 35 and US Highway 2 via existing approaches which are 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 use because the location has no apparent environmental factors which would be adversely impacted or which would limit the suitability of the property for the proposed use.
4. The proposed parking plan would provide 28 standard parking spaces compliant with applicable dimensional standards to serve restaurant and fruit-stand patrons and employees. The proposal for parking appears appropriate because the proposed parking exceeds the number of spaces which would be required per FCZR (26 total required spaces - 1 parking space per 4 seats plus 1 parking space per employee on maximum shift (20 spaces) and one space per 300 ft² of gross retail floor area (6 spaces) for the retail fruit-stand area).
5. As proposed on the submitted the submitted site plan, the internal traffic circulation appears to comply with Section 6.01.030 FCZR in regard to dimensions because the proposed one-way traffic aisle has adequate width to provide sufficient access to all parking spaces with 90, 60, and 45 degree parking angles.
6. Open space, fencing, screening and landscaping on the subject property appears adequate as proposed because there are no minimum requirements for fencing, screening or landscaping elements applicable to the proposed use or the property.

7. Proposed signage for the retail fruit-stand and restaurant would be acceptable because a combination of freestanding, ground, and wall signage is allowable in the B-3 zoning district pursuant to Section 5.11.040(4) FCZR.
8. Exterior lighting is proposed to be limited to areas under the eaves of the building. In order to minimize potential visual impacts from lighting reflecting onto abutting or adjacent residential land uses, all exterior lighting would be required to comply with applicable requirements set forth in the Flathead County Zoning Regulations.
9. The proposed use would necessitate compliant connection to the public water and sewer services of the Evergreen Water and Sewer District due to the nature of the proposed use, and the applicant is subject to compliance with applicable permitting requirements of the Flathead County Environmental Health Department and the Evergreen Water and Sewer District prior to construction and/or modification of the water and sewer systems and services.
10. The proposed method of stormwater management appears adequate because no increased stormwater runoff is anticipated as a result of the restaurant and fruit-stand being situated inside the existing building, and the subject property has existing stormdrains which adequately direct stormwater drainage into the stormdrain system which appear to have been established for the properties and roads in the immediate vicinity of the subject property.
11. Adequate public services are available to serve the proposed use as the subject property is located within the jurisdiction of the Evergreen Fire District and could be served by the Department's main station in the event of an emergency; the property is currently served by the Flathead County Sheriff's Department; and the property has direct access onto two highways that are in good condition and can adequately accommodate the limited traffic that may be anticipated as a result of the proposed restaurant and fruit-stand uses.
12. 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 US Highway 2 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.
13. The proposed use is anticipated to have a minimal impact on the neighboring properties because the restaurant and fruit-stand will not create excessive noise, vibration, dust, glare, heat, smoke, fumes, gas or other odors that will negatively affect area traffic or adjoining landowners.
14. The proposed hours of operation would be acceptable and have minimal impact on the surrounding neighborhood because normal operation of the restaurant and fruit-stand would not introduce loud noise or activity levels disturbing to adjacent uses.

VI. CONCLUSION

Upon review of this application, the request to allow for multiple principal uses (a restaurant and a fruit-stand/market) on the subject property is supported by the review criteria and the 14 Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-12-03 as Findings of Fact and approve the conditional use permit, the following 12 conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts have been met:

VII. CONDITIONS

1. The operation of the restaurant and fruit-stand/market 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 26 standard vehicle parking spaces shall be clearly established and demarcated on the subject property and not within adjacent highway right-of-way to accommodate visitor and employee traffic generated by the restaurant and a fruit-stand/market, in accordance with applicable zoning regulations [FCZR Sections 6.01.010, 6.01.030].
5. All parking spaces shall be demarcated with painted stripes and pinned down curb-stops in compliance with Appendix A of the Flathead County Zoning Regulations (pages 214 and 216).
6. The internal traffic aisle be adequately signed and striped as one-way traffic only in compliance with Appendix A of the Flathead County Zoning Regulations (pages 214 and 216).
7. All signage on the subject property shall comply with applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.
8. 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.
9. 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.

10. The proposed water and sewer systems for the restaurant and fruit-stand/market shall be submitted for review and approval by the Flathead County Environmental Health Department and the Evergreen Water and Sewer District, as applicable, prior to construction.
11. Hours of operation for the tavern shall be permitted from 9:00 AM to 10:00 PM seven days a week year round.
12. The operation of the restaurant and fruit-stand/market 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