

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-14-11)
ROCKY MOUNTAIN 'HI' RV PARK
OCTOBER 21, 2014**

This is a report to the Flathead County Board of Adjustment regarding a request from Roy and Marcella VanDeren for a conditional use permit to allow for a change to an existing recreational vehicle park/campground. The subject property is located within the Evergreen Zoning District and is zoned 'R-5 Two Family Residential.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on November 5, 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

The proposed land use is not located within the advisory jurisdiction of a Land Use Advisory Committee.

B. Board of Adjustment

This space is reserved for an update regarding the November 5, 2014 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Landowner

Roy and Marcella VanDeren
825 Helena Flats Road
Kalispell, MT 59901

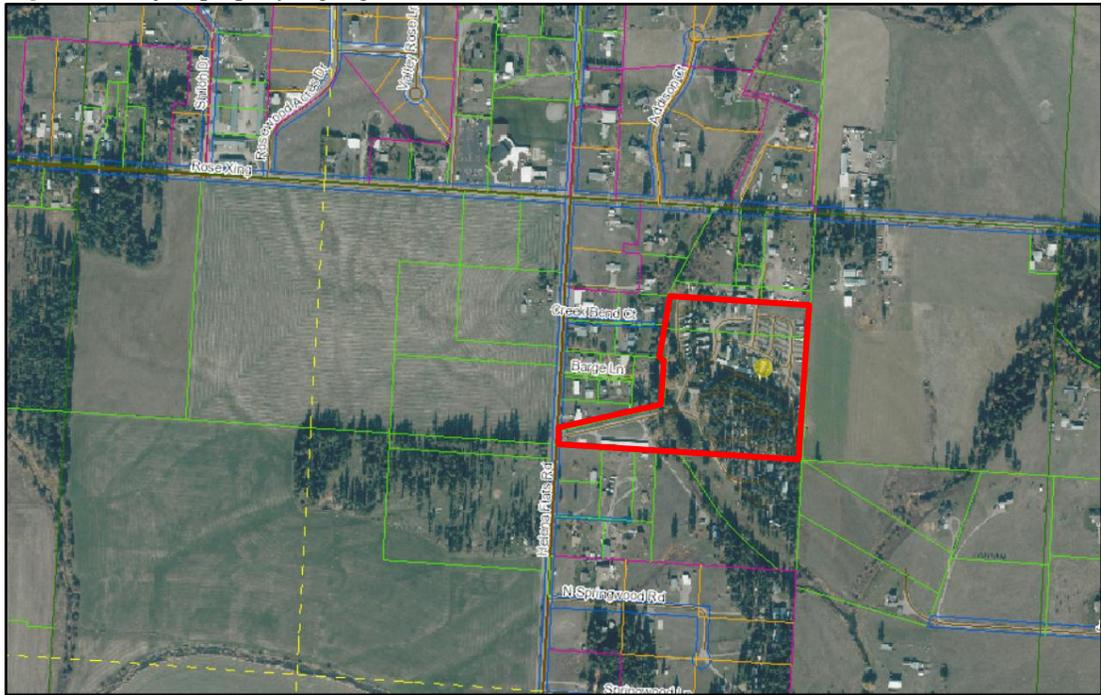
ii. Applicant

Bob Stauffer
APEC Engineering
111 Legend Trail
Kalispell, MT 59901

B. Property Location and Size

The subject property is located 825 Helena Flats Road in Evergreen, MT (see Figure 1 below) and is approximately 13.4 acres in size. The property can be legally described as Tract 1CA located in Section 27, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property highlighted in red



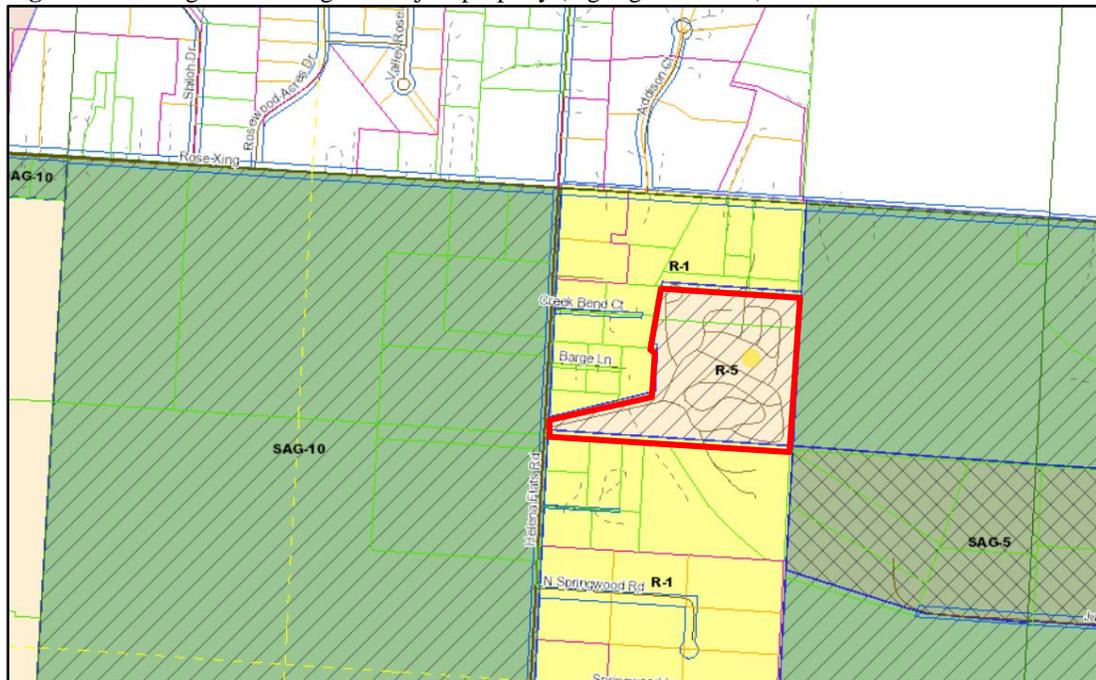
C. Existing Land Use(s) and Zoning

The property is currently developed within an existing recreational vehicle park and campground, is located within the Evergreen Zoning District and is zoned ‘R-5 Two-Family Residential.’ R-5 is defined as, “A residential district with minimum lot areas. Development within the district will require all public utilities, and all community facilities. A duplex is allowed in this district.” [Section 3.17.010 FCZR]. The property currently contains approximately 111 spaces for RVs, manufactured homes and cabins, two mini-storage buildings, an office/residence, and bath houses for the campers.

D. Adjacent Land Use(s) and Zoning

The subject property is surrounded by R-1 to the north and south and SAG-10 to the east and west. Also in the vicinity of the subject property is land that is un-zoned and SAG-5 zoning. East of the subject property is an agricultural field and to the west of the subject property appears to be single family residential and an agricultural field. North and south of the subject property appears to be large estate type residential.

Figure 2: Zoning surrounding the subject property (highlighted in red)



E. Summary of Request

The applicant is proposing to convert three RV spaces of a RV park and campground, which was previously approved for an expansion (FCU-99-38). Section 2.06.010 FCZR states, “No structure, building or land shall be used, constructed, altered, or expanded where a Conditional Use Permit is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been authorized by the Board of Adjustment and issued by the Zoning Administrator.” Per Section 2.06.020 FCZR, “Structures or buildings devoted to any use which is permitted under the terms of these regulations, subject to the securing of a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.”

The applicant is required to obtain a new conditional use permit to change the existing RV spaces into cabins. The cabins have already been constructed and the applicant is requesting an after the fact permit to come into compliance with the Flathead County Zoning Regulations.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on October 17, 2014, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the October 19, 2014 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on September 23, 2014:

- Flathead County Road and Bridge Department
 - Reason: The property is located on a county road and 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.
- Evergreen Fire Department
 - Reason: The property is located within the department’s jurisdiction and has the potential to impact Evergreen Fire Department response times.
- 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 November 5, 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: “BPA does not have any objections to the approval of this request at this time.” Email dated 9.30.14.
- Flathead City-County Health Department
 - Comment: “This office has reviewed the information provided and submits the following comment: 1. The proposed development within Rocky Mountain Hi Campground is currently under review for conformance with the Sanitation in Subdivisions Act. The proposal is to replace three (3) full- service RV sites with one rustic cabin site, and two full service nightly rental cabins. All cabins are one bedroom with a maximum capacity of two (2) people. The sites are served by a public water system and wastewater treatment is provided by an on-site septic system. The current wastewater flows for the RV sites should not exceed the proposed change (100 gpd/space or cabin). During this review, the wastewater capacity and treatment, water capacity, storm water drainage, and solid waste disposal will be addressed. 2. Once approval is received from the Montana Department of Environmental Quality, the owner must contact Environmental Health Services to change the license numbers (cabins) to reflect the change on their Campground License issue by the Food and Consumer Safety Section of the Department of Public Health and

Human Services.” Letter dated October 10, 2014.

- Flathead County Solid Waste District
 - Comment: “It appears that the conditional use application does not address the disposal of solid waste. The District requests that any solid waste generated at the proposed location be hauled by a private hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated October 7, 2014.
- Flathead County Road and Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated October 1, 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**

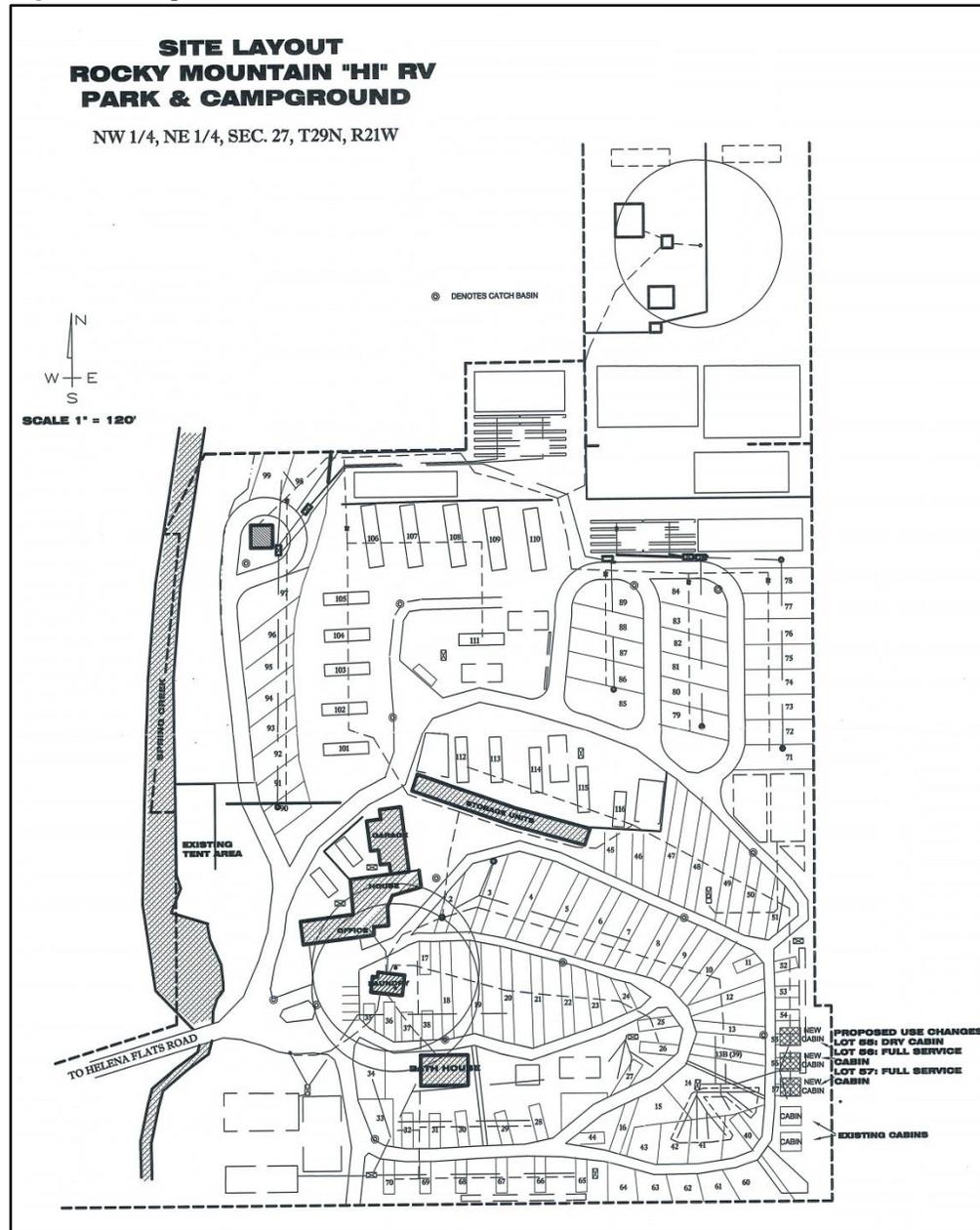
i. **Adequate Usable Space**

The property consists of one tract that is approximately 13.4 acres and the minimum lot size in the R-5 designation is 5,400 square feet. The property currently contains several buildings including an office/residence, mini storage, shop, laundry, bathhouse, cabins, and manufactured homes. The square footage of all the buildings on the subject property is approximately 36,100 square feet and covers 6.2% of the property. The total allowable lot coverage for the subject property is 233,481 square feet or 40%. The square footage of the buildings is under the permitted lot coverage for the R-5 designation.

The front setback is 20 feet and the side setback is 5 feet for both accessory and principal structures. The rear setback is 20 feet for principal structures and 5 feet for all accessory structures. Setbacks for a side corner lot are not applicable for the subject property. The applicant is in the process of completing a Boundary Line Adjustment (BLA) with the neighboring property to the east, which will ensure that the rear setbacks are met for the cabins. Based on the submitted site plan and staff’s site visit there appears to be adequate usable space to accommodate the proposed use on the property of the R-5 zone and with the completion of the BLA would ensure that setbacks are met.

Finding #1 – The subject property appears to contain adequate usable space because the total lot coverage of the buildings is approximately 6.1%, which is under the 40% maximum lot coverage requirement of the R-5 designation and the applicant is in the process a boundary line adjustment to ensure that the rear setbacks are met.

Figure 3: Site plan



ii. Adequate Access

The subject property is accessed via Helena Flats Road and is located on the east side of the road. Helena Flats Road is a paved two lane county collector within a 40 to 60 foot easement. The site plan illustrates one approach via Helena Flats Road to the subject property. Helena Flats Road is relatively straight at the subject property and it appears there is adequate sight distances from the existing accesses to enter and exit the property safely.

The Flathead County Road and Bridge Department provided comment stating, "At this point the County Road Department does not have any comments on this request." All access onto county maintained roads shall have been approved by

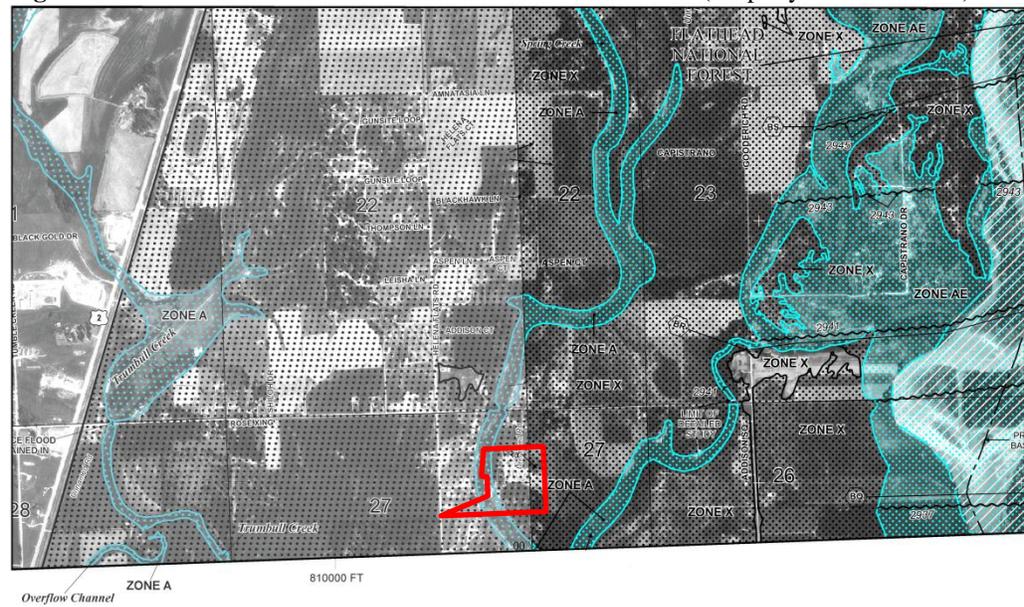
the Flathead County Road and Bridge Department with the issuance of an approach permit.

Finding #2 – There is adequate access for the proposed use because there is an existing approach via Helena Flats Road and the Flathead County Road and Bridge Department had no comment on the proposal.

iii. Absence of Environmental Constraints

The subject property is located on FEMA FIRM panels 30029C 1420H and 30029C 1440G. The majority of the property is designated as Zone X, which is classified as an area of 0.02% annual chance flood. The west side of the property contains area designated as Zone A, which is classified as a special flood hazard area (SFHAs) subject to inundation by the 1% annual chance flood.

Figure 3: FEMA FIRMette 30029C 1420H and 30029C 1440G (Property outlined in red)



There is a creek and wetlands located on the west of the subject property (see figure 4 below). The subject property is relatively flat with no significant elevation changes. The property is relatively flat with no significant elevation changes. The location of the cabins on the east side of the property appears to be outside of the floodplain, wetlands and about 650 feet east of the stream.

Figure 4: Stream located on the property



Finding #3 – There appears to be no environmental constraints for the proposed change because the cabins are located in an area that is relatively flat, not located in a designated floodplain or wetlands, and the stream is located approximately 650 feet west of the location of the cabins.

B. Appropriateness of Design

i. Parking Scheme

Section 6.03.030 of the zoning regulations requires 1 parking space per guest room or suite for hotels, motels and cabins. The applicant has replaced 3 RV spaces with 3 cabins on the subject property. Each additional cabin would be required to have 1 parking space. Therefore 3 additional parking spaces would be required for the new cabins. The applicant has stated that one space will be provided for each cabin. Section 6.01.030 [FCZR] requires all parking spaces to be clearly designated and demarcated, therefore, the applicant will be required to clearly designate and demarcate parking spaces. Based on the applicant’s submitted site plan and staff’s site visit to the subject property, there appears to be adequate space for the required parking.

ii. Traffic Circulation

Access to the subject property is via Helena Flats Road. Helena Flats Road is a paved two lane county collector within a 40 to 60 foot easement. Access to the campground is via a paved 20 foot wide internal roadway.

The site plan shows a main looped road with smaller loops within and outside of the main loop. The cabins are located on the main loop on a one-way road that is approximately 12 feet in width and paved. According to the applicant the

internal road is generally one-way and 12 feet in width, with the exception of the entrance and the access road to the newer RV lots to the north, which are 20 feet and can accommodate two-way traffic.

The parking spaces for the RVs and cabins are located off the internal loop roads and do not appear to interfere with traffic circulation. The existing internal roads afford adequate internal traffic circulation in compliance with Appendix A of the Flathead County Zoning Regulations.

Finding #4 – The parking and traffic circulation appear appropriate because the applicant is providing 3 parking spaces for the new cabins and the driving lanes appear to meet the standards set forth in Appendix A [FCZR].

iii. Open Space

The property consists of one tract that is approximately 13.4 acre and the minimum lot size in the R-5 designation is 5,400 square feet. The property currently contains several buildings including an office/residence, mini storage, shop, laundry, bathhouse cabins, and 16 mobile homes. The square footage of all the buildings on the subject property is approximately 36,100 square feet and cover 6.2% of the property. The total allowable lot coverage for the subject property is 40% of 13.4 acres or 233,481 square feet. The square footage of the buildings is under the permitted lot coverage for the R-5 designation. Based on the submitted site plan and staff's site visit there appears to be adequate open space on the property.

iv. Fencing/Screening

The property is currently fenced with wood slat fencing around most of the property including along the entrance road, and the east side of the property behind the cabins. A portion of the wood fence has been removed with the construction of the cabins and it is not clear if the fence will be rebuilt. A portion of east property line is fenced with a barbed wire fence which would be permitted in the adjacent SAG-10 zoning. The applicant is not proposing any additional fencing and no fencing or screening is required for a RV park and campground.

v. Landscaping

Currently the property has large pine trees scattered throughout the RV park and campground and is covered in grass with shrubs and bushes near the campsites. The applicant is proposing to match the existing landscaping on the property with landscaping around the cabins. No landscaping is required for a RV park and campground or for the R-5 zoning.

vi. Signage

There is currently a ground mounted sign located adjacent to the Helena Flats Road and directional signage on the property near the office. The applicant is not proposing any new signage as part of this proposal. Any new signage to be installed would need to comply with Section 5.11 FCZR.

vii. Lighting

There is currently lighting on the existing buildings. The applicant stated, “Carriage lights over the doors of each cabin will be utilized for local lighting.” The cabins have a covered porch which appears to shield the exterior lighting in compliance with Section 5.12 FCZR.

Finding #5 – The proposed open space, fencing, screening, landscaping, signage and lighting on the subject property appear adequate because 6.1% of the lot is covered by buildings which is under the permitted lot coverage, no new signage, screening, or fencing is being proposed nor is it required, no landscaping is required and the proposed new lighting would comply with applicable requirements set forth in Section 5.12 of the Flathead County Zoning Regulation.

C. Availability of Public Services and Facilities

i. Sewer

The subject property is not located within a water and sewer district and is served by on-site septic. The property will continue to be served by an on-site septic.

Comments received from Environmental Health state, “1. The proposed development within Rocky Mountain Hi Campground is currently under review for conformance with the Sanitation in Subdivisions Act. The proposal is to replace three (3) full- service RV sites with one rustic cabin site, and two full service nightly rental cabins. All cabins are one bedroom with a maximum capacity of two (2) people. The sites are served by a public water system and wastewater treatment is provided by an on-site septic system. The current wastewater flows for the RV sites should not exceed the proposed change (100 gpd/space or cabin). During this review, the wastewater capacity and treatment, water capacity, storm water drainage, and solid waste disposal will be addressed.”

The proposed use will require re-review and approval by the Montana Department of Environmental Quality and the Flathead City-County Health Department for a septic permit applicable to the change in use. This will be conditioned and verified after one year.

ii. Water

The subject property is not located within a water and sewer district and is served by on-site well. The application states, “Existing water service connections in place.” The property will continue to be served by an on-site well.

Comment received from Environmental Health states, “1. The proposed development within Rocky Mountain Hi Campground is currently under review for conformance with the Sanitation in Subdivisions Act. The proposal is to replace three (3) full- service RV sites with one rustic cabin site, and two full service nightly rental cabins. All cabins are one bedroom with a maximum capacity of two (2) people. The sites are served by a public water system and wastewater treatment is provided by an on-site septic system. The current

wastewater flows for the RV sites should not exceed the proposed change (100 gpd/space or cabin). During this review, the wastewater capacity and treatment, water capacity, storm water drainage, and solid waste disposal will be addressed.”

The well system will require re-review and approval by the Montana Department of Environmental Quality and the Flathead City-County Health Department prior to operation of the change in use. This will be conditioned and verified after one year.

iii. Storm Water Drainage

It is anticipated that storm water runoff will be increased as a result of this request because the applicant is proposing to add a three new structure to the which will increase the impervious surface on the property. The application states, “Storm water is collected on the site via surface drainage to a number of catch basins located throughout the site.” The property is 13.4 acres in size and the current and proposed structures cover 6.1% of the lot which would continue to allow for storm water drainage to be handled through on-site absorption in the future.

Comments received from Environmental Health state, “1. The proposed development within Rocky Mountain Hi Campground is currently under review for conformance with the Sanitation in Subdivisions Act. The proposal is to replace three (3) full- service RV sites with one rustic cabin site, and two full service nightly rental cabins. All cabins are one bedroom with a maximum capacity of two (2) people. The sites are served by a public water system and wastewater treatment is provided by an on-site septic system. The current wastewater flows for the RV sites should not exceed the proposed change (100 gpd/space or cabin). During this review, the wastewater capacity and treatment, water capacity, storm water drainage, and solid waste disposal will be addressed.” The storm water drainage system will be required to be re-reviewed and approved by the Montana Department of Environmental Quality and the Flathead City-County Health Department prior to operation of the change in use. This will be conditioned and verified after one year.

Finding #6 – The proposed use is expected to minimally impact water, sewer storm drainage services because the property is serviced by on-site well and septic, storm water run-off will be managed on-site, and the property will require re-review by Flathead City-County Environmental Health Department and the Montana Department of Environmental Quality.

iv. Fire Protection

The subject property is served by the Evergreen Fire Department, and is located approximately 2.6 miles northeast of an existing fire station. Due to the proximity to the fire station, it is anticipated response times in the event of an emergency would be reasonable.

v. Police Protection

The property would be served by the Flathead County Sheriff’s Department. It is anticipated response times in the event of an emergency would not be

unreasonably long given the property's proximity to an urban, developed area of the County.

vi. Streets

As discussed previously, the subject property is accessed via Helena Flats Road. Helena Flats Road is a straight, paved 2 lane county collector within a 40 to 60 foot easement. The Flathead County Road and Bridge Department had no comments on this proposal.

Finding #7 – The proposed use appears to have acceptable impacts on fire and police protection and public streets because the Evergreen Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is accessed via two lane county collector.

D. Immediate Neighborhood Impact

i. Excessive Traffic Generation

The proposed change is not anticipated to increase the traffic generated by the subject property because the traffic generated by the cabins would be similar to that of traffic generated by the old RV spaces.

ii. Noise or Vibration

The applicant states, "No additional noise or vibration will be caused by proposed change." No noise or vibration beyond what currently exist is anticipated as a result of this proposal.

iii. Dust, Glare or Heat

The subject property has paved and gravel internal roads therefore dust is likely. However, given the low speeds throughout the campground excessive dust is not anticipated as a result of the change in use.

Increased impervious surface area and windows do have the potential to increase the impacts of glare and heat on the subject property as well as surrounding area. However, these impacts can be mitigated by retaining open space on the subject property in conformance with the setback requirements of the zoning and ideally, landscaping these areas or maintaining them as grass.

iv. Smoke, Fumes, Gas, or Odors

The proposed change from three RV spaces to cabins is not expected to create any smoke, fumes, gas or odors beyond those typically associated with an RV park and campground and what already existed on the property. According to the applicant, "No additional smoke, fumes, gas or odors will be caused by proposed change." The proposal appears to have a minimal impact on the surrounding neighborhood.

v. Inappropriate Hours of Operation

The subject property is located in the R-5 district and is surrounded by rural residential and agricultural uses. According to the application, "Quiet hours are 10 pm to 7 am." The east side of the property where the cabins are located is adjacent to an agricultural field and it appears likely that the cabins and the existing quiet hours would be appropriate.

Finding #8 – The proposed use is not anticipated to have an immediate neighborhood impact because the proposed changes will not create traffic, noise, vibration, dust, heat, glare, smoke, fumes, gas, and other odors beyond what currently exists on the subject property or have inappropriate hours of operation.

V. SUMMARY OF FINDINGS

1. The subject property appears to contain adequate usable space because the total lot coverage of the buildings is approximately 6.1%, which is under the 40% maximum lot coverage requirement of the R-5 designation and the applicant is in the process a boundary line adjustment to ensure that the rear setbacks are met.
2. There is adequate access for the proposed use because there is an existing approach via Helena Flats Road and the Flathead County Road and Bridge Department had no comment on the proposal.
3. There appears to be no environmental constraints for the proposed change because the cabins are located in an area that is relatively flat, not located in a designated floodplain or wetlands, and the stream is located approximately 650 feet west of the location of the cabins.
4. The parking and traffic circulation appear appropriate because the applicant is providing 3 parking spaces for the new cabins and the driving lanes appear to meet the standards set forth in Appendix A [FCZR].
5. The proposed open space, fencing, screening, landscaping, signage and lighting on the subject property appear adequate because 6.1% of the lot is covered by buildings which is under the permitted lot coverage, no new signage, screening, or fencing is being proposed nor is it required, no landscaping is required and the proposed new lighting would comply with applicable requirements set forth in Section 5.12 of the Flathead County Zoning Regulation.
6. The proposed use is expected to minimally impact water, sewer storm drainage services because the property is serviced by on-site well and septic, storm water run-off will be managed on-site, and the property will require re-review by Flathead City-County Environmental Health Department and the Montana Department of Environmental Quality.
7. The proposed use appears to have acceptable impacts on fire and police protection and public streets because the Evergreen Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time and the property is accessed via two lane county collector.
8. The proposed use is not anticipated to have an immediate neighborhood impact because the proposed changes will not create traffic, noise, vibration, dust, heat, glare, smoke, fumes, gas, and other odors beyond what currently exists on the subject property or have inappropriate hours of operation.

VI. CONCLUSION

Upon review of this application, the request to allow for a change to a previously permitted conditional use permit is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose

to adopt the staff report as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

VII. CONDITIONS

1. The cabins on the subject property 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. A minimum of 1 standard vehicle parking spaces attributable to each cabin shall be clearly established and demarcated on the subject property, in accordance with applicable zoning regulations [FCZR Sections 6.01.010, 6.01.030, Appendix A].
4. The proposed use shall be re-reviewed and approved by the Flathead City-County Department of Environmental Health and the Montana Department of Environmental Quality in order to obtain a well, septic and storm drain permit applicable to the new cabins. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
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.
7. The applicant will be required to complete the boundary line adjustment to ensure the new cabins meet the setback requirements of the R-5 zone [FCZR Section 3.13.040(3)].
8. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of the 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].
9. 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].

Planner: EKM