

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-14-14)
DEETTA BOYCE AND DJ LOPEZ
NOVEMBER 18, 2014

This is a report to the Flathead County Board of Adjustment regarding a request from DeEtta Boyce and DJ Lopez for a conditional use permit to allow for a manufactured home park. The subject property is located within the Evergreen Zoning District and is zoned 'R-3 One Family Residential.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on December 2, 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 December 2, 2014 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Landowner/Applicant

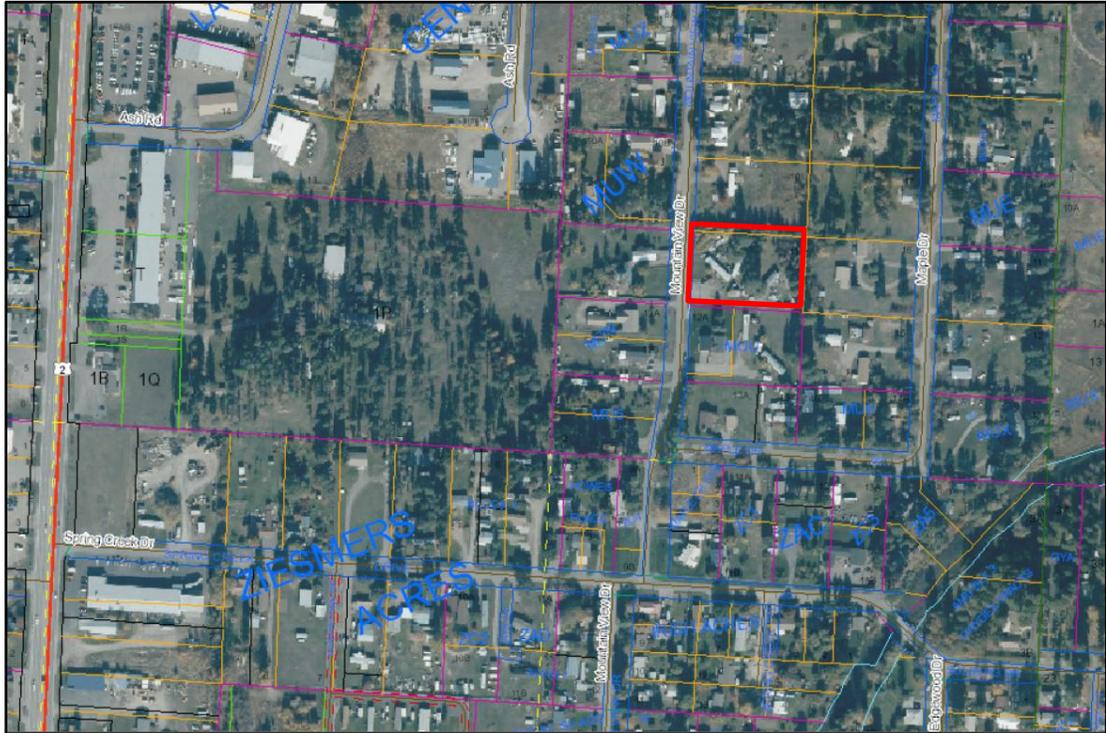
DeEtta Boyce
433 Mountain View Drive
Kalispell, MT 59901

DJ Lopez
433 Mountain View Drive
Kalispell, MT 59901

B. Property Location and Size

The subject property is located 433 Mountain View Drive in Evergreen, MT (see Figure 1 below) and is approximately 1.4 acres in size. The property can be legally described as Lot 11 of Block 2 in Mountain View Subdivision located Section 33, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property highlighted in red



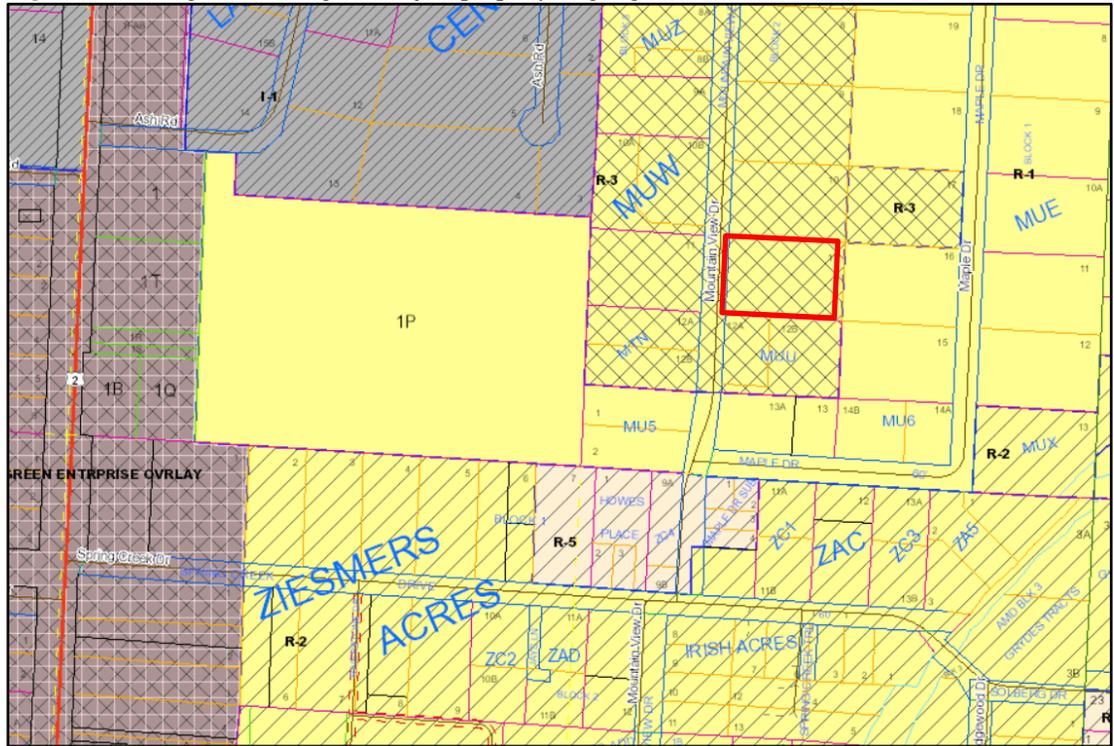
C. Existing Land Use(s) and Zoning

The property is currently developed with four existing manufactured homes, one stick built house and a shed. The applicant has stated that one of the four manufactured homes, which is not being used as a residence will be removed from the property. The property is located within the Evergreen Zoning District and is zoned ‘R-3 One Family Residential.’ The R-3 is defined as, “A district to provide adequate lot size for urban residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas. This district will normally require all public utilities.” [Section 3.11.010 FCZR].

D. Adjacent Land Use(s) and Zoning

To the north, south, and west of the subject property is R-3 zoning and to the east is R-1 zoning. Also in the vicinity of the subject property is R-2, R-5 and I-1 zoning. The properties around the subject property appear to be single family, and some of the lots to the south appear to have multiple dwelling. The property to the south appears to have two manufactured homes on the subject property.

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



E. Summary of Request

The applicant is requesting a conditional use permit for a manufactured home park, which is a result of a zoning violation (FZT-14-01). The property is zoned ‘R-3 One Family Residential’ and a manufactured home park is listed as a conditional use within the R-3 zoning and subject to a conditional use permit, per Section 3.11.030(12) FCZR.

Section 7.13.020 FCZR defines a manufacture home park as (in part), “A *parcel of land which has been planned and improved for the placement of two or more manufactured homes for residential use.*” According to the violation file the applicants purchased the property in 2001 with a stick built home and two manufactured homes on the property. After purchasing the property the applicant moved an additional manufactured home onto the property for living quarters and one that was used as storage. There are now three manufactured homes on the subject property used for living purposes; the applicant has stated they will remove the unoccupied manufactured home. Two of the manufactured homes are being lived in by the current owners of the property and the third occupied structure is renting the space on which it is situated.

The manufactured homes on the subject property appear to be Class B and C manufactured homes. According to Section 4.12.010 FCZR, “*All Class A, B, and C manufactured homes shall be allowed in parks (permanent foundation not required).*”

It has been determined by staff that subdivision review would not be required for the use. A manufactured home park is defined by the Flathead County Subdivision Regulations as, “*A tract of land that provides or will provide spaces for two or more*

manufactured homes.” Two of the manufactured homes are occupied by the landowners and therefore no space is being rented. So only one space is being provided for rent, therefore subdivision review would not be required as the property is currently situated.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on November 19, 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 November 23, 2014 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on October 21, 2014:

- Bonneville Power Administration
 - Reason: The BPA has requested a copy of all agency referrals.
- Evergreen Fire Department
 - Reason: The property is located within the department’s jurisdiction and has the potential to impact Evergreen Fire Department response times.
- Evergreen Water and Sewer District
 - Reason: The property is located within the district’s jurisdiction and the proposal has the potential to impact services.
- Evergreen School District
 - Reason: The property is located within the school district’s jurisdiction and the proposal has the potential to impact school services.
- Flathead High School District
 - Reason: The property is located within the high school district’s jurisdiction and the proposal has the potential to impact school services.
- 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.
- 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.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the conditional use permit request. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for December 2, 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 10.28.14.
- Flathead City-County Health Department
 - Comment: “In accordance with MCA 76.4.102(16), this type of proposed development is considered a subdivision and must be reviewed under the Sanitation in Subdivisions. Review will include water supply, wastewater treatment and disposal, storm water drainage, and solid waste disposal.” Letter dated November 6, 2014.
- Flathead County Weeds, Park and Recreation
 - Comment: “It is the landowners’ responsibility to control noxious weeds on their land – MCA Section 7-22-2116. A noxious weed is legally defined as ‘any exotic plant species that may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses, or that may harm native plant communities.’ Most noxious weeds thrive when soil is disturbed. Some can grow from root parts, as well as seeds that become exposed. [...]. Vehicles entering and exiting the site during construction should be monitored for any weeds ‘hitchhiking’ on tires or attached to a vehicle.” Letter dated October 31, 2014.
- Flathead County Solid Waste District
 - Comment: “The district views no negative impact with solid waste issues at this time. If the conditional use permit is granted any solid waste generated at the proposed location will need to be hauled by a private licensed hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated October 23, 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 23, 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 1.4 acres. The minimum lot size in the R-3 designation is 10,000 square feet. Section 4.12.010 FCZR, requires that a manufactured home park not exceed the residential density for the district, therefore the maximum density on the property would be 6 dwelling units. The property currently contains four manufactured homes, one of which

will be removed and a stick built home under the maximum density of the R-3 district.

The permitted lot coverage for the R-3 zoning is 30%, or approximately 18,295.2 square feet of the subject property. The square footage of the buildings on the subject property is approximately 4,455 square feet and covers 7.3% of the property. The square footage of the buildings is under the permitted lot coverage for the R-3 designation.

The front and rear setback is 20 feet and the side setback is 10 feet for the principal structures. The front setback is 20 feet for accessory structures and 5 feet for the side and rear setbacks for accessory structures. Setbacks for a side corner lot are not applicable for the subject property. Based on staff's site visit there appears to be adequate usable space to accommodate the proposed use on the property of the R-3 zone and to meet the setbacks.

Finding #1 – The subject property appears to contain adequate usable space because the total lot coverage of the buildings is approximately 7.3%, which is under the 30% maximum lot coverage requirement of the R-3 designation and the buildings appear to meet all applicable setbacks.

Figure 3: Subject Property



ii. Adequate Access

The subject property is accessed via Mountain View Drive. Mountain View Drive is a paved two lane public local road within a 60 foot easement. Access to the manufactured home park is via a 56 foot wide gravel driveway. Section 6.11.020 FCZR states, “No driveway in the front yard setback shall be wider than 22 feet.” The Evergreen Zoning District was adopted in July 1991 and aerial imagery from 1990 and 1991 shows the driveway approximately 20 feet

wide, and the aerial imagery from 2003 shows the driveway closer to the current configuration. It is likely that the driveway was widened after the adoption of the zoning district and would therefore need to be reduced in size to 22 feet within the front setback. The property is accessed via Mountain View Drive and it appears there is adequate sight distances from the existing access to enter and exit the property safely.

Finding #2 – There appears to be adequate access for the proposed use because there is an existing approach via Mountain View Drive; however the driveway would need to be reduced to 22 feet in width within the front setback in order to comply with the Flathead County Zoning Regulations.

iii. Absence of Environmental Constraints

The subject property is located on FEMA FIRM Panel 30029C1810H and is designated as Zone X, which is classified as an area of 0.02% annual chance flood or 500-year floodplain. There are no wetlands, streams, or creeks located on the property, and there appears to be no other environmental constraints.

Finding #3 – There appears to be no environmental constraints on the subject property because it is located within the 500-year floodplain and there are no wetlands, streams or creeks.

B. Appropriateness of Design

i. Parking Scheme

Section 6.03.030 of the zoning regulations requires 2 parking spaces per dwelling unit for single family dwellings. The subject property has 3 manufactured homes and 1 house. Each dwelling is required to have 2 parking spaces; therefore 8 total parking spaces are required. The applicant has stated that two spaces will be provided for each unit. Based on the staff's site visit to the subject property, there appears to be adequate space for the required parking.

ii. Traffic Circulation

The subject property is accessed via Mountain View Drive and is located on the east side of the road. Mountain View Drive is a paved two lane public local road within a 60 foot easement. Access to the manufactured home park is via a 56 foot wide gravel driveway. Section 6.11.020 FCZR states, "*No driveway in the front yard setback shall be wider than 22 feet.*" The Evergreen Zoning District was adopted in July 1991 and aerial imagery from 1990 and 1991 shows the driveway about 20 feet wide, and the aerial imagery from 2003 shows the driveway closer to the current configuration. It is likely that the driveway was widened after the adoption of the zoning district and would need to be reduced in size to 22 feet in width within the front setback. The driveway in the front of the property outside the setback is also approximately 56 feet wide which is wide enough to accommodate a vehicle turning around and parking. The driveway extends to the east of the property along the southern boundary past the stick built house to the rear manufactured home. The driveway at that point is approximately 12 feet wide.

Finding #4 – The parking and traffic circulation appear appropriate because the applicant has stated that parking will be met on site and staff confirmed during the site visit that there appears to be adequate space for the required parking and traffic circulation.

iii. Open Space

The property consists of one tract that is approximately 1.4 acres. The permitted lot coverage for the R-3 zoning is 30%, or approximately 18,295.2 square feet of the subject property. The square footage of all the buildings on the subject property is approximately 4,455 square feet and covers 7.3% of the property. The square footage of the buildings is under the permitted lot coverage for the R-3 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 post and rail fencing in the front of the property and the applicant has stated that no additional fencing is planned. The property currently contains a line of trees along the north and east boundary lines. These trees appear to screen the use from the adjoining properties. There is no screening on the south or west sides of the property and no fencing or screening is required for a manufactured home park.

v. Landscaping

Currently there are large trees and tall grass throughout the property, and a line of trees on the north and east sides. The applicant is not proposing any landscaping as part of this proposal and no landscaping is required for a manufactured home park or for the R-3 zoning.

vi. Signage

There is currently no signage on the subject property and the applicant is not proposing any new signage as part of this request.

vii. Lighting

There is currently lighting on the existing manufactured homes that are located under the eaves next to the front doors. There does not appear to be any other lighting on the manufactured homes and the stick built house does not appear to have any lighting. The application states, "Each unit has motion detected lighting." The applicant is not proposing any additional lighting and the existing lighting appears to be in compliance with Section 5.12 FCZR.

Finding #5 – The open space, fencing, screening, landscaping, signage and lighting on the subject property appear adequate because the lot coverage is under the permitted lot coverage, no signage, screening, fencing, landscaping, or lighting is being proposed nor is it required for the R-3 zone or for a manufactured home park.

C. Availability of Public Services and Facilities

i. Sewer

According to the applicant the subject property is served by the Evergreen Water and Sewer District. No comments were received from the water and

sewer district and comments received from Environmental Health state, “In accordance with MCA 76.4.102(16), this type of proposed development is considered a subdivision and must be reviewed under the Sanitation in Subdivisions. Review will include water supply, wastewater treatment and disposal, storm water drainage, and solid waste disposal.”

The proposed use will require review and approval under the Sanitation in Subdivision Act by the Montana Department of Environmental Quality and the Flathead City-County Health Department. This will be conditioned and verified after one year.

ii. Water

The subject property is currently served by an on-site well. Comment received from Environmental Health state, “In accordance with MCA 76.4.102(16), this type of proposed development is considered a subdivision and must be reviewed under the Sanitation in Subdivisions. Review will include water supply, wastewater treatment and disposal, storm water drainage, and solid waste disposal.” The well system will require review and approval through the Sanitation in Subdivision Act 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 not be increased as a result of this request because the structures are already located on the property and no new structure are proposed. The property consists of one tract that is approximately 1.4 acres. The permitted lot coverage for the R-3 zoning is 30%, which is approximately 18,295.2 square feet of the subject property. The square footage of all the buildings on the subject property is approximately 4,455 square feet and covers 7.3% of the property which would continue to allow for storm water drainage to be handled through on-site absorption in the future.

Comment received from Environmental Health state, “In accordance with MCA 76.4.102(16), this type of proposed development is considered a subdivision and must be reviewed under the Sanitation in Subdivisions. Review will include water supply, wastewater treatment and disposal, storm water drainage, and solid waste disposal.” The storm water drainage system will be required to be re-reviewed and approved through the Sanitation in Subdivision Act 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 and storm drainage because the property is serviced by on-site well, the property is connected to the Evergreen Water and Sewer District which provides sewer services, no new structures are proposed as part of this proposal, and the property will be required to undergo review and approval through the Sanitation in Subdivision Act by the 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 0.75 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

The subject property is accessed via Mountain View Drive. Mountain View Drive is a paved two lane public road within a 60 foot easement.

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 local public road.

D. Immediate Neighborhood Impact

i. Excessive Traffic Generation

The subject property is accessed from Mountain View Drive via Spring Creek Road. Mountain View Drive is a paved two lane public local road within a 60 foot easement. According to a traffic count conducted by the Flathead County Road and Bridge Department between August 23, 2002 and August 29, 2002, Mountain View Drive has 371 average daily vehicle trips.

Staff utilizes Institute of Transportation Engineers (ITE) Trip Generation Manual 5th Edition to calculate approximate average daily traffic generated by the proposed use. According to the manual the average daily trips per dwelling unit for a mobile home park on a Saturday is 4.97. The property contains three manufactured homes or 14.91 average daily trips. The traffic generated by the stick built home is approximately 10 vehicle trips per day based on standard trip generation calculations for single family residences. It is assumed that the average daily trips generated by the manufactured home park and the stick built house is approximately 24.91. The traffic currently generated by the uses on the property equal approximately 6.7% of the current traffic on Mountain View Drive. Because the uses already exist on the property no increase in traffic will occur as a result of this proposal. The applicant is not proposing to add any additional manufactured homes to the property so the traffic generated by the manufactured home park will not increase.

ii. Noise or Vibration

The applicant states, "No more than existing." No noise or vibration beyond what currently exist is anticipated as a result of this proposal because the use is residential in nature.

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 the driveway is currently gravel. Many of the driveways in the area are gravel so it appears that the dust generated by the use will be consistent with levels for the neighborhood and the vehicles will likely be traveling at low speeds; therefore mitigation (such as oiling) is not required.

iv. Smoke, Fumes, Gas, or Odors

The proposed use is not expected to create any smoke, fumes, gas or odors beyond those typically associated with a manufactured home park and what already existed on the property. The application states, “No more than existing” under the section for Smoke, Fumes, Gas, or Odors. 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-3 district and is surrounded by residential uses and hours of operation are not applicable, because the proposed use is residential in nature.

Finding #8 – The proposed use is not anticipated to have an immediate neighborhood impact because the proposed manufactured home park will not generate additional 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 7.3%, which is under the 30% maximum lot coverage requirement of the R-3 designation and the buildings appear to meet all applicable setbacks.
2. There appears to be adequate access for the proposed use because there is an existing approach via Mountain View Drive; however the driveway would need to be reduced to 22 feet in width within the front setback in order to comply with the Flathead County Zoning Regulations.
3. There appears to be no environmental constraints on the subject property because it is located within the 500-year floodplain and there are no wetlands, streams or creeks.
4. The parking and traffic circulation appear appropriate because the applicant has stated that parking will be met on site and staff confirmed during the site visit that there appears to be adequate space for the required parking and traffic circulation.
5. The open space, fencing, screening, landscaping, signage and lighting on the subject property appear adequate because the lot coverage is under the permitted lot coverage, no signage, screening, fencing, landscaping, or lighting is being proposed nor is it required for the R-3 zone or for a manufactured home park.
6. The proposed use is expected to minimally impact water, sewer and storm drainage because the property is serviced by on-site well, the property is connected to the

Evergreen Water and Sewer District which provides sewer services, no new structures are proposed as part of this proposal, and the property will be required to undergo review and approval through the Sanitation in Subdivision Act by the 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 local public road.
8. The proposed use is not anticipated to have an immediate neighborhood impact because the proposed manufactured home park will not generate additional 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 manufactured home park 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 manufacture home and dwelling 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 driveway shall be reduced in width within the front yard setback, and shall be no wider than 22 feet [FCZR Section 6.11.020].
5. The proposed use shall be 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.
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 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].

8. 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