

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-15-03)
CHAMBER OF COMMERCE DRAGON BOAT RACES
MARCH 24, 2015**

This is a report to the Flathead County Board of Adjustment regarding a request by Rob Brisendine, on behalf of Kalispell Chamber of Commerce for a conditional use permit for a 'Temporary use' to allow for a Dragon Boat Festival. The subject properties are located within the Lakeside Zoning Districts and are zoned 'LS Lakeside.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on April 7, 2015 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 located within the advisory jurisdiction of the Lakeside Community Council (LCC). However, the LCC By-laws state, "Review applications to FCPZ affecting development or growth in the Lakeside planning area and make recommendations, via FCPZ, to the Flathead County Planning Board and Board of Commissioners." The LCC does not make recommendations on Conditional Use Permit applications to the Board of Adjustments.

B. Board of Adjustment

This space will contain an update regarding the April 7, 2015 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Owner

Flathead County
800 South Main Street
Kalispell, MT 59901

School District 30
255 Adams Street C
Lakeside, MT 59922

Alexander and Socorro Lund
PO Box 183
Lakeside, MT 59922

State of Montana
85 Fifth Ave E North
Kalispell, MT 59904

ii. Applicant

Rob Brisendine
15 Depot Park

Kalispell, MT 59901

B. Property Location and Size

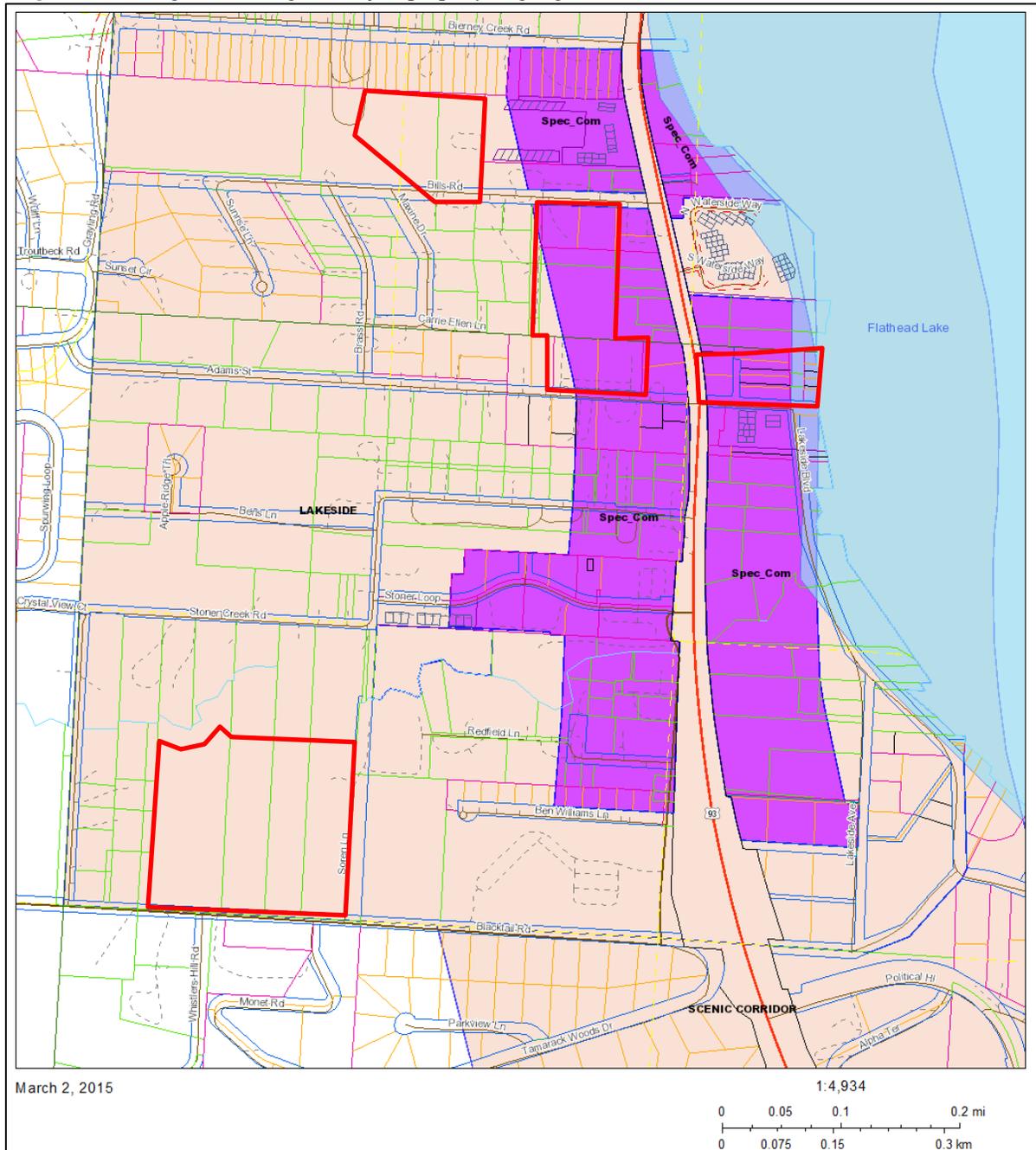
The properties are located at 7215 and 7225 Highway 93 South (Property A), 225 Adams Street (Property B), 201 Bills Road (Property C) and the northwest corner of Blacktail Road and Soren Lane (Property D), in Lakeside, MT (see Figure 1 below). The parking area for the festival is located on three of the properties that are approximately 26.5 acres and the property for the festival area is approximately 2.76 acres. The properties can be legally described as Tracts 10A, 11C, 1PA, and 1QA of Section 18, Township 26 North, Range 20 West; Tracts 1C, 2ABMA, 2ABS and 2P of Section 07, Township 26 North, Range 20 West; Lots 3 and 4 of Pandas Corner Subdivision in Section 07, Township 26 North, Range 20 West; and Block 1, 2, 4 and 5 of Lacon Subdivision in Section 18, Township 26 North, Range 20 West; P.M.M., Flathead County, Montana.

Property A is located at 7215 and 7225 Highway 93 South and is currently a County Park and beach with a parking lot, docks, picnic shelters and public restrooms. Property B is located at 2258 Adams Street and is the Lakeside School. Property C is located at and the Lakeside QRU is located on the property. Property D is located at the corner of Blacktail Road and Soren Lane is currently an MDT maintenance site.

D. Adjacent Land Use(s) and Zoning

Adjacent properties to Property A are zoned ‘LS Lakeside.’ To the west of Property A is businesses, and to the east is Flathead Lake. Property A is surrounded on the north and south by residential and commercial uses. Adjacent properties to Property B are generally developed with a residential and commercial uses and zoned ‘LS Lakeside.’ Adjacent properties to Property C and Property D are developed with a residential and commercial uses or are vacant land and all are zoned ‘LS Lakeside’ (see Figure 2 below).

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



E. Summary of Request

Under the provisions for *‘Temporary buildings or structures’* and accompanying conditional use standards for *‘Temporary Use,’* the applicant is requesting a conditional use permit to allow for special event parking and Dragon Boat Festival September 12th and 13th, 2015, with festival set-up and tear down occurring on September 9th, 10th, 11, and 14th, 2015.

The Zoning Administrator has interpreted that *‘Temporary buildings or structures’* is subject to the conditional use standards for *‘Temporary Use,’* and this interpretation

has been upheld by the Board of Adjustments. Pursuant to Section 3.04.030(20) of the Flathead County Zoning Regulations (FCZR), Temporary buildings or structures are listed as an conditional use in the LS zoning district, and Section 4.16 FCZR outlines associated applicable conditional use standards for Temporary Uses. According to the definitions of terms in Chapter 7 FCZR , ‘Temporary’ is defined as “Not having or requiring permanent attachment to the ground or involving structures which have no required permanent attachment to the ground”, and ‘Use’ is defined as “The specific purpose for which a building or lot is arranged, intended, designed, occupied, and maintained.”

Temporary buildings or structures’ and accompanying conditional use standards for ‘*Temporary Uses*’ on the subject property requires the issuance of an administrative conditional use permit to review anticipated impacts, the review of which is subject to specific guidelines set forth under Section 2.06.045 FCZR.

The festival will be located at Volunteer Park (Property A) and utilize Lakeside Boulevard in Lakeside and the festival parking for the festival will be at 225 Adams Street (Property B), 201 Bills Road (Property C) and the northwest corner of Blacktail Road and Soren Lane (Property D).

According the applicant, “The Montana Dragon Boat Festival is one of several events that the Kalispell Convention & Visitors Bureau has brought to the Flathead Valley to boost tourism in the region’s quieter shoulder seasons. The events are geared to create visitations and generate business for our local hotels, restaurants and retailers during that historically are quieter; September, February, May and June. The 2014 Montana Dragon Boat Festival drew 73 teams with 47% of those teams from out of markets. [...]. With origins dating back 2,300 years, dragon boat racing is a fun, unique event featuring adrenaline pumping action. Teams dress in outrageous costumes and paddle in 46-foot Chinese –style dragon boats with 20 paddlers, a drummer and a steersman. Dragon boating is for all ages and athletic abilities. The sport offers all the health benefits of any rowing synchronization rather than individual brute strength.”

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 300 feet of the subject properties on March 18, 2015, 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 March 22, 2015 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on February 25, 2015:

- Montana Department of Transportation
 - Reason: The proposal has the potential to impact MDT facilities.
- Bonneville Power Administration
 - Reason: The BPA has requested a copy of all agency referrals.
- Somers Fire Department
 - Reason: The property is located within the department’s jurisdiction and has the potential to impact Somers Fire Department response times.

- Flathead County Solid Waste (FCSW)
 - Reason: The property is located within the department’s jurisdiction and has the potential to impact county facilities.
- Flathead County Road and Bridge Department
 - Reason: The proposal has the potential to impact County roads and bridges.
- 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.

III. COMMENTS RECEIVED

A. Public Comments

The festival organizers held an informational meeting in Lakeside on February 24, 2015 to discuss the Dragon Boat Festival with residents of Lakeside. At this meeting the festival organizers received written and verbal comments about the concerns citizens have. The organizers provided copies of the written concerns to the Flathead County Planning and Zoning Office.

This office received nineteen written comments regarding the proposed use, seventeen submitted by the applicant after the February 24, 2015 informational meeting and two submitted by citizens directly to the Planning and Zoning Office. The comments are generally in favor of the request but many of the comments did express concerns. These comments include several concerns such as; traffic generated by the festival, road closures and adjacent property notification. The concerns which are applicable to the criteria for review shall be addressed in pertinent sections of the staff report. The concerns not applicable to review are followed by staff’s comments below:

- Comment: There is concern that the adjacent property notification was inadequate and that it only requires notification of residents within 150 feet of the proposed temporary use.
 - Response: Section 3.42.050(7) FCZR within the Lakeside Zoning District requires, “that the area of notification of adjacent property owners shall be increased to 300 feet of the project site.” This means every resident within 300 feet of each of the project sites will be notified prior to the public hearing.
- Comment: Several commenters express concern with the limited space for spectators on the day of the festival at Volunteer Park.
 - Response: The festival organizers plan to utilize the Lakeside Boulevard closure to allow for additional spectator space.
- Comment: Concerned with impacts on private property owners on Lakeside Boulevard during the event.
 - Response: The festival organizers have stated that they would hand out resident badges to residents of Lakeside Boulevard and Political Hill Road to prevent non-residential traffic on both roads. The applicant has also stated that they will block off any property that the owner does not want to allow festival goers to use.

Any individual wishing to provide public comment on the proposal may do so during the April 7, 2015 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:

- Flathead County Road and Bridge Department
 - Comment: “After our review we have a concern with the closure of Lakeside Blvd as shown in their application. A Road Closure Permit will need to be applied for by their group and approved by the Commissioners. Emergency vehicle access is most likely need(sic) for both the event participants/spectators and the residents who live on this stretch of road. It would behoove the applicant to initiate discussions with all residents who are in the requested closure area and supply any approvals gained with their Road Closure Permit. It appears the traffic control will be provided by the Sherriff’s Office and the Posse. From the volume of attendees as this event in prior years traffic has been a concern but it looks like they are well on their way to managing it as needed.” Letter dated 3.4.15
- Montana Department of Transportation
 - Comment: “One of the lots is owned by MDT and the applicant has already been working with our office to secure permission for the temporary special uses which are planned to occur on the property.” Email received 3.11.15
- Flathead County Environmental Health
 - Comment: “This office has reviewed the information provided and submits the following comments:
 - We have no comment to provide as the proposal utilizes tents for a weekend event.
 - Public restrooms appear to be limited. This proposal does not address restroom number. Calculators are available online to help determine number of portable restrooms which would be required.” Letter dated 3.5.15
- Bonneville Power Administration
 - Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time.” Email dated 3.3.15

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

Property A is approximately 2.76 acres and will be used for the festival area. No permanent buildings will be erected and temporary tents and port-a-potties will be set-up for the festival. There appears to be adequate usable space on Property A because the Lakeside zoning designation does not have a permitted lot coverage and the tents and port-a-potties on the site will be temporary.

The applicant has proposed parking on properties B, C and D. The total area for the proposed parking site is 26.5 acres. No permanent or temporary structures are proposed on properties B, C and D. The entirety of each of the three properties cannot be used as parking for the festival because areas are fenced off and there are buildings and trees located on them. Property B currently contains approximately 60 parking spaces around the school and staff is unable to determine if other areas of the property can be used.

Property C and Property D have approximately 766,440 square feet available for parking. Section 6.01.010 [FCZR] indicates a parking space for standard vehicles measures 9 feet by 20 feet and driving lanes for two-way traffic should be a minimum of 24 wide. A 24 foot wide driving lane with a parking space on each side is approximately 576 square feet. When 576 is divided by the total space available of 766,400 square feet and multiplied by 2 the total number of parking spaces can be determined. The proposed parking areas on Property C and Property D has the potential to allow for approximately 2,661 parking spaces. After taking into account the portion of the property covered in trees, buildings and fenced off, there appears to be adequate usable space for the proposed special events parking on Property B, Property C and Property D.

ii. Adequate access

Property A and B are both located on Adams Street and each have two paved approaches onto Adams Street. Both approaches at both properties will likely be used for the temporary use. Adams Street is a paved two lane local county road within a 40 foot easement. There is adequate sight distances from the existing approaches to enter and exit both the properties safely.

Property C is located on Bills Road and has two approaches onto Bills Road. The eastern approach is gravel and leads behind the building while the western approach is paved and serves the Lakeside QRU. The western approach will likely not be used for the temporary use because it is used for emergency vehicles. Bills Road is a paved local county road located within a 60 foot easement. There appears to be adequate sight distances from the existing approach to enter and exit Property C safely.

Property D is located at the corner of Blacktail Road and Soren Lane. Blacktail Road is a paved two lane county collector within a 60 foot easement and Soren Lane is a paved private two lane road within a 56.4 foot easement. Access to the property is of Soren Lane. The property contains one gravel ingress/egress vie Soren Lane. There appears to be adequate sight distances from the existing

approach to enter and exit Property D safely given the low speeds on Soren Lane.

Finding #1 - It appears that all four of the properties have adequate usable space and adequate access as there are no permanent buildings being constructed at either site, in the Lakeside zoning lot coverage is not applicable and all the properties have existing approaches with adequate site distances.

iii. Absence of environmental constraints

According to FEMA FIRM Panel 30029C2300G, Property A and Property C are located in a Zone A and an un-shaded Zone X and Property B and Property D are located in an un-shaded Zone X. Zone X is classified as an 'area determined to be outside the 0.2% annual chance floodplain,' outside the 500-year floodplain. Zone A is classified as an area 'subject to inundation by the 1% annual chance flood,' located within the 100 year floodplain. Because the proposed use is temporary and the tents and port-a-potties are temporary the floodplain will likely not be impacted by the proposed use.

Stoner Creek traverses the northwest corner of Property D and there are no streams, rivers, wetlands or riparian areas on Properties A, B or C. Because Property D will be used temporarily for parking and the creek is located outside of the area shown as parking on the site map submitted by the applicant, the creek will likely not be impacted by the proposed use.

Concerns from the public indicated they would like to see clean-up done on the property after the event. Additional information submitted by the applicant states that site clean-up will be down following the event. It is likely that during clean-up the applicant will do a post event walk through at all sites to identify remediation.

Finding #2 - The subject properties appear to absent of environmental constraints because the use is temporary, any environmental issues present on the subject properties after the event will be remediated by the applicant, which staff will inspect as mitigation, and no new structures will be built on-site.

B. Appropriateness of design

i. Parking scheme

The applicant has proposed parking on properties B, C and D. The total area for the proposed parking site is 26.5 acres. No permanent or temporary structures are proposed on properties B, C and D. The entirety of each of the three properties cannot be used as parking for the festival because areas are fenced off and there are buildings and trees located on them. Property B currently contains approximately 60 parking spaces around the school and staff is unable to determine if other areas of the property can be used.

Property C and Property D have approximately 766,440 square feet available for parking. Section 6.01.010 [FCZR] indicates a parking space for standard vehicles measures 9 feet by 20 feet and driving lanes for two-way traffic should be a minimum of 24 wide. A 24 foot wide driving lane with a parking space on each side is approximately 576 square feet. When 576 is divided by the total

space available of 766,400 square feet and multiplied by 2 the total number of parking spaces can be determined. The proposed parking areas on Property C and Property D has the potential to allow for approximately 2,661 parking spaces. After taking into account the portion of the property covered in trees, buildings and fenced off, there appears to be adequate usable space for the proposed special events parking on Property B, Property C and Property D.

Given the temporary use it is not anticipated parking lot ‘demarcation’ would conform to the FCZR standards for demarcation of permanent parking spaces in a paved parking lot. Demarcation could be accomplished through means appropriate for the nature of the use and the unimproved setting, using things such as flagging, cones, ribbons, chalk or painted lines, and signs to adequately demarcate parking area perimeters and traffic circulation aisles on both sites.

The proposed parking appears adequate to accommodate spectators and participants of the proposed temporary use assuming the operators establish adequate demarcation of parking surfaces and driving lanes as required, per Section 6.14.010 [FCZR].

ii. Traffic circulation

The application and site map showing the Dragon Boat Festival area indicate that the Sherriff’s Posse will be located north and south of the festival area to direct traffic and parking. The posse will be located at the intersection of Bills Road and Highway 93 and the intersection of Blacktail Road and Highway 93 directing traffic. The applicant also submitted a Regional Traffic Flow Map showing traffic signage to be placed at the intersection of Highway 93 and Montana Highway 82 north of Somers, the intersection of Highway 93 and Montana Highway 35 in Polson and the intersection of Montana Highway 82 and Montana Highway 35 in Bigfork alerting drivers of the event and congestion.

Internal traffic circulation would involve vehicles accessing Property B, Property C and Property D through the established approaches to the proposed parking area. It appears there is room for internal driving lanes to enable one-way and two-way traffic circulation for ingress and egress using existing approaches on all of the properties. As the proposed use is intended to be temporary the proposed access and circulation onsite would be adequate. Per Section 6.14.010 FCZR, the internal access route should be required to be adequately demarcated with things such as flagging, cones, ribbons, chalk or painted lines, and signs prior to operation involving use by the general public.

Finding #3 – The parking and traffic circulation appear to be appropriate for the proposed use because the properties are intended to be utilized for a temporary event, staff confirmed during the site visit and with the site map that there appears to be adequate space for the required parking and traffic circulation and the applicant will be required to appropriately demarcate the parking area for the temporary use.

iii. Open space

The proposed temporary use on Property A (Volunteer Park) will not result in the placement or construction of any permanent buildings on the property. However, festival tents will be placed at the festival area in the park. Volunteer Park currently has a dock, restrooms and picnic shelters. Because no permanent buildings are to be constructed the open space would be continue to be appropriate on Property A.

The proposed temporary use on Property B, C and D (parking areas) will not result in the placement or construction of any buildings on the property. Property B currently contains a school, Property C contains the Lakeside QRU and Community Hall and Property D contains a Quonset hut on the MDT site. The parking area would cover all three properties, after the events the parking area will remain open and undeveloped.

iv. Fencing/screening

The application states fencing will be, “As needed by private property owners within the footprint of the event.” The applicable zoning regulations do not require fencing or screening for temporary uses. It is unlikely standard fencing would serve to minimize impacts of sound on distant residences therefore no fencing or screening would be specifically required as a condition of approval.

v. Landscaping

No landscaping is required for a temporary use and the applicant is not proposing to do any landscaping.

vi. Signage

The applicant is only proposing signage for way finding. The application states that, “traffic, directional, temporary signage.” Per Section 5.11.010(6), all on premise signs directing and guiding traffic and parking on private property, but bearing no advertising material, shall not exceed 16 square feet in size. All signage shall comply with applicable signage regulations found in Section 5.11 FCZR.

vii. Lighting

The application states, “Event day light hours only.” Because the event is scheduled to take place during the day no lights will be used.

Finding #4 – The open space fencing, screening, landscaping, signage, and lighting appear appropriate because the use will be a temporary event, the event will have no permanent signage and use no exterior lighting, no additional fencing/screening or landscaping beyond the natural conditions present onsite would be required and no permanent structures or buildings will be erected on any of the properties.

C. Availability of Public Services and Facilities

i. Sewer

Property A currently contains public restrooms for the park, and the other properties will be used for parking and no water would be required. Some of the concerns from the citizens were about the amount of public restrooms on-

site and Flathead County Environmental Health Services has stated, “Public restrooms appear to be limited. This proposal does not address restroom number. Calculators are available online to help determine number of portable restrooms which would be required.”

The applicant stated in a meeting, on March 11, 2015, with staff that approximately 40 port-a-potties will be provided on Property A for Festival goers. The applicant has also stated they will discuss with Environmental Health to determine the total number of port-a-potties required.

ii. Water

Property A currently contains public restrooms for the park, and the other properties will be used for parking and no water would be required. Flathead County Environmental Health Services has stated, “Public restrooms appear to be limited. This proposal does not address restroom number. Calculators are available online to help determine number of portable restrooms which would be required.”

The applicant has stated temporary portable units will be used as needed. And the applicant has also stated they talk with Environmental Health to determine the total number of port-a-potties required. The applicant will also be required to have potable water on-site for hand washing.

Finding #5 – Sewer and water for the proposed use appears adequate and available to serve the proposed temporary use because the proposed use will have potable water and will utilize portable outhouses for participants and spectators in addition to the existing restrooms.

iii. Storm Water Drainage

The applicant is not proposing any storm water facilities on either of the properties. The temporary uses will not increase the impervious surface area because the applicant is not proposing to construct any permanent buildings for the event. Festival tents will be erected during the days of the events but storm water will likely be handled through on-site absorption during the event.

iv. Fire Protection

The subject property is located within the Somers Fire District, with the nearest Fire Station located at the corner of Bills Road and Highway 93. The fire station is located approximately 0.25 miles north of Property A, across the street from Property B, 0.13 miles east of Property C and 1.05 miles north of Property D. The application indicates an ambulance and medical personnel will be stationed on-site during the event. Given the proximity to the fire station, the temporary nature of the use and the fact the emergency personal will be on-site; the impact on fire protection is anticipated to be minimal.

v. Police Protection

The subject property is served by the Flathead County Sheriff’s Department. On the day of the events the Flathead Posse will be contracted to be on-site. The Flathead Posse are volunteers with Flathead County Sherriff’s Department, and provide security for similar events around the county.

vi. Streets

Property A and B are both located on Adams Street and each have two paved approaches onto Adams Street. Adams Street is a paved two lane local county road within a 40 foot easement. Property C is located on Bills Road and has two approaches onto Bills Road. Bills Road is a paved local county road located within a 60 foot easement. Property D is located at the corner of Blacktail Road and Soren Lane. Blacktail Road is a paved two lane county collector within a 60 foot easement and Soren Lane is a paved private two lane road within a 56.4 foot easement. As the event is temporary and all the roads except Soren Lane are paved, no permanent adverse impacts to the streets and there functionality is anticipated. However, traffic is likely but is unavoidable for events of this nature.

The applicant is also proposing to close Lakeside Boulevard between Property A and the intersection of Lakeside Avenue and Lakeside Boulevard. According to the Flathead County Road and Bridge Department, "After our review we have a concern with the closure of Lakeside Blvd as shown in their application. A Road Closure Permit will need to be applied for by their group and approved by the Commissioners. Emergency vehicle access is most likely need(sic) for both the event participants/spectators and the residents who live on this stretch of road. It would behoove the applicant to initiate discussions with all residents who are in the requested closure area and supply any approvals gained with their Road Closure Permit. It appears the traffic control will be provided by the Sherriff's Office and the Posse. From the volume of attendees as this event in prior years traffic has been a concern but it looks like they are well on their way to managing it as needed." The applicant has indicated that they are in the process of meeting with property owners along Lakeside Boulevard as requested by the Road and Bridge Department.

Finding #6 - Public services and facilities appear adequate and available to serve the proposed temporary use because the proposed use is not establishing permanent impervious surfaces, the availability of police and fire protection would be adequate given that Flathead Posse and EMTs will be onsite during the event and because the properties are accessed via an MDT maintained highway and paved county roads.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The applicant anticipates 1,500 vehicles over the two day event. Additionally, the event will be shuttling participant and spectators to and from the Dragon Boat Festival from the parking area, adding to the possible traffic congestion. The public is concerned with traffic congestion along Highway 93 and would like to see traffic slowed down in the festival area. The applicant will take appropriate measures to minimize congestion through traffic control measures and parking enforcement at all locations and on major traffic corridors.

The application and site map showing the Festival area shows that the Sherriff's Posse will be located at the intersection of Bills Road and Highway 93 and the intersection of Blacktail Road and Highway 93 directing traffic. The applicant

also submitted a Regional Traffic Flow Map showing traffic signage to be placed at the intersection of Highway 93 and Montana Highway 82 north of Somers, the intersection of Highway 93 and Montana Highway 35 in Polson and the intersection of Montana Highway 82 and Montana Highway 35 in Bigfork alerting drivers of the event and congestion.

The applicant is also proposing to close Lakeside Boulevard between Property A and the intersection of Lakeside Avenue and Lakeside Boulevard. According to the Flathead County Road and Bridge Department, “After our review we have a concern with the closure of Lakeside Blvd as shown in their application. A Road Closure Permit will need to be applied for by their group and approved by the Commissioners. Emergency vehicle access is most likely need(sic) for both the event participants/spectators and the residents who live on this stretch of road. It would behoove the applicant to initiate discussions with all residents who are in the requested closure area and supply any approvals gained with their Road Closure Permit. It appears the traffic control will be provided by the Sherriff’s Office and the Posse. From the volume of attendees as this event in prior years traffic has been a concern but it looks like they are well on their way to managing it as needed.” The applicant has indicated that they are in the process of meeting with property owners along Lakeside Boulevard as requested by the Road and Bridge Department.

Property A and B are located on Adams Street and each have two paved approaches onto Adams Street. Adams Street is a paved two lane local county road within a 40 foot easement. Property C is located on Bills Road and has two approaches onto Bills Road. Bills Road is a paved local county road located within a 60 foot easement. Property D is located at the corner of Blacktail Road and Soren Lane. Blacktail Road is a paved two lane county collector within a 60 foot easement and Soren Lane is a private two lane road within a 56.4 foot easement. As the event is temporary and all the roads are paved, no permanent adverse impacts to the streets and its functionality are anticipated. However, traffic is likely but is unavoidable for events of this nature.

Finding #7 – The proposed use is not anticipated to have a lasting negative impact on traffic generation because the greatest traffic generated will be limited to the duration of the temporary event, the site map indicates that the Sherriff’s Posse will be located north and south of the festival area to direct traffic and parking, the applicant is meeting with property owners about the proposed closure of Lakeside Boulevard and all the roads are paved.

ii. Noise or vibration

Flathead County does not have an adopted noise ordinance, nor are there any adopted standards regarding maximum allowable decibel levels in the Flathead County Zoning Regulations. The Dragon Boat Festival will generate noise from the emcee making announcement during festival day and music at the festival area, which may be bothersome to residents in the vicinity. The event is planned to operate between the hours of 8:00 AM to 4:00 PM on a Saturday and Sunday. Because of the temporary nature of the proposed uses no lasting and long-term

impacts due to noise or vibration are anticipated to impact the immediate neighborhood.

iii. Dust, glare or heat

The proposed parking is anticipated to generate glare from the vehicles on Properties B, C and D, however given the temporary nature it is not anticipated there will be any adverse effects. The applicant has proposed to mitigate dust via watering. Any areas that are unpaved including; internal traffic circulation areas and parking areas shall be watered throughout the weekend, if conditions warrant.

iv. Smoke, fumes, gas, or odors

The application states, “Food vendors at Volunteer Park.” Direct impacts to area residents from smoke, fumes, gas, or odors are not anticipated as the festival is temporary and the only smoke and odor would derive from outdoor cooking. The short duration of the temporary use should minimize any negative impacts to surrounding neighborhoods.

v. Inappropriate hours of operation

As stated in application materials, proposed hours of operation for the Dragon Boat Festival are Saturday, September 12th and Sunday, September 13th, 2015 from 8:00 AM to 4:00 PM with set-up Friday September 11th, 2015 from 9:00 am to 5:00 PM. Additional material submitted indicate that team practices will occur on Wednesday, September 9th and Thursday, September 10th, 2015 from 4:00 PM to 8:00 PM. Festival set-up will also occur on Thursday, September 10th, 2015 from 4:00 PM to 8:00 PM on Property A. Tear down and clean up would occur and Sunday, September 13th, 2015 after the festival until 8:00 PM and Monday, September 14th, 2015 from 8:00 AM to 2:00 PM

It is anticipated there will be activity throughout the weekend due to the temporary concentration of participants and spectators which will be gathered together on-site for the event and setting up for the actual event.

The use of the subject properties for the temporary use is not anticipated to generate lasting objectionable impacts to the immediate neighborhood if activities are constrained by the operators before 8:00 AM and after 8:00 PM throughout the weekend.

Finding #8 – The proposed use is not anticipated to have a lasting negative impact on the surrounding neighborhood with regards to smoke, fumes, gas, odors, dust, glare, heat, noise, vibrations and hours of operation because impacts resulting from dust may be reasonably mitigated by regular watering throughout the weekend of the event, the use is not anticipated to create any permanent glare, heat, smoke, fumes, gas, vibration, or odors, any noise from music and announcements will be limited in duration to the hours of 8:00 AM - 4:00 PM on the days of the event and the use is temporary in nature and will operate only during a limited timeframe.

V. SUMMARY OF FINDINGS

1. It appears that all four of the properties have adequate usable space and adequate access as there are no permanent buildings being constructed at either site, in the Lakeside zoning lot coverage is not applicable and all the properties have existing approaches with adequate site distances.
2. The subject properties appear to be absent of environmental constraints because the use is temporary, any environmental issues present on the subject properties after the event will be remediated by the applicant, which staff will inspect as mitigation, and no new structures will be built on-site.
3. The parking and traffic circulation appear to be appropriate for the proposed use because the properties are intended to be utilized for a temporary event, staff confirmed during the site visit and with the site map that there appears to be adequate space for the required parking and traffic circulation and the applicant will be required to appropriately demarcate the parking area for the temporary use.
4. The open space fencing, screening, landscaping, signage, and lighting appear appropriate because the use will be a temporary event, the event will have no permanent signage and use no permanent exterior lighting, no additional fencing/screening or landscaping beyond the natural conditions present onsite would be required and no permanent structures or buildings will be erected on any of the properties.
5. Sewer and water for the proposed use appears adequate and available to serve the proposed temporary use because the proposed use will have potable water and will utilize portable outhouses for participants and spectators in addition to the existing restrooms.
6. Public services and facilities appear adequate and available to serve the proposed temporary use because the proposed use is not establishing permanent impervious surfaces, the availability of police and fire protection would be adequate given that Flathead Posse and EMTs will be onsite during the event and because the properties are accessed via an MDT maintained highway and paved county roads.
7. The proposed use is not anticipated to have a lasting negative impact on traffic generation because the greatest traffic generated will be limited to the duration of the temporary event, the site map indicates that the Sheriff's Posse will be located north and south of the festival area to direct traffic and parking, the applicant is meeting with property owners about the proposed closure of Lakeside Boulevard and all the roads are paved.
8. The proposed use is not anticipated to have a lasting negative impact on the surrounding neighborhood with regards to smoke, fumes, gas, odors, dust, glare, heat, noise, vibrations and hours of operation because impacts resulting from dust may be reasonably mitigated by regular watering throughout the weekend of the event, the use is not anticipated to create any permanent glare, heat, smoke, fumes, gas, vibration, or odors, any noise from music and announcements will be limited in duration to the hours of 8:00 AM - 4:00 PM on the days of the event and the use is temporary in nature and will operate only during a limited timeframe.

VI. CONCLUSION

Upon review of this application, the request to allow for a temporary use on the subject properties is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-15-03 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 operation of the temporary use 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. The temporary use proposed on all properties shall be utilized for the Dragon Boat Festival September 12th and 13th, 2015 and with associated staging/preparation activities occurring throughout the week.
4. Potable water shall be available on-site for participants and spectators throughout the weekend. The potable water shall be from a system/source approved for public use by the Flathead City-County Health Department and the Montana Department of Environmental Quality, as applicable.
5. The applicant will be required to provide port-a-potties on-site throughout the events for use by participants and spectators.
6. For food service at the festival, any vendor must be licensed as a mobile food service provider by the Department of Public Human Services, as applicable and subject to inspection at any time.
7. All internal vehicular access for the event, including the ingress/egress locations onto Highway 93, Blacktail Road, Bills Road and Adams Street, internal traffic circulation areas, and parking areas shall be established and demarcated through the use of materials appropriate for a temporary event in a urban setting in compliance with all applicable provisions of Chapter VI of the Flathead County Zoning Regulations.
8. All temporary event signage shall be removed after the event. Off-site signage is limited to directional signage as defined in section 7.18.060 of the Flathead County Zoning Regulations. All on-site and off-site directional and advertising signage shall comply with applicable standards and guidelines set forth under Sections 5.11.040 and 7.18.060 of the Flathead County Zoning Regulations.
9. Operation of the parking sites shall incorporate the frequent use of dust control techniques in compliance with applicable Flathead County Air Quality Regulations. Event operators shall be responsible for frequent watering of the ingress/egress

locations, internal traffic circulation areas, and parking areas throughout the weekend, if conditions warrant.

10. A pre and post walk through shall be conducted to identify and remediate any weed control measures, clear the property of all trash and repair any damage.
11. The 'Temporary Use' Conditional Use Permit for the Dragon Boat Festival shall be valid from September 9th through September 14th, 2015.

EKM