Flathead County

Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210

CONDITIONAL USE PERMIT APPLICATION[1]

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

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FEE ATTACHED $_____

PROPOSED USE ***(as described in the Flathead County Zoning Regulations)*****:**

Retail Sales Including USED MOTOR VEHICLE.

OWNER(S) OF RECORD:

Name: Flathead Valley Holding LLC Mike Norland member Phone: 701-770-1657

Mailing Address: PO Box 1373

City, State, Zip Code: Williston ND 58801

Email: _____

who pays taxes

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: AXS, LLC Joel D. Vessin Phone: 406 250 3084

Mailing Address: PO Box 5717

City, State, Zip Code: Kalispell MT 59903

Email: joev59901@yahoo.com

LEGAL DESCRIPTION OF PROPERTY *(Refer to Property Records)*:

Street Address: 1212 Hwy 2 East S_____ T_____ R_____

Subdivision Name: _____ Tract No(s). _____ Lot No(s). _____ Block No._____

1. **Zoning District and Zoning Classification in which use is proposed (EXAMPLE:** ***Bigfork Zoning District, SAG-5 zoning classification*****):**

2. **Explain how the proposed use meets all of the required criteria below. ALL CRITERIA MUST BE DISCUSSED. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:**

This property was historically and used for the permit requested for many years. Primarily by Jim Dowen who designed and built this location for this use. I am somewhat perplexed to why I must even go through these time and expenses to simply use this property for which it has been used for historically. Joel D. Vessin Please see the application and #.

A. Site Suitability.

The site is suitable for the use. This includes:

(1) adequate usable space

The requested usage is consistent with historic and past usage. This space has been used for requested use in the past. Primarily for this use historically.

(2) adequate access

Access including traffic is consistent for the use requested and has been used for such historically.

(3) absence of environmental constraints

There are no environmental constraints I am aware of. The would proposed use require such.

B. Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

OCT 13 2015

(1) parking scheme

The parking layout was originally designed for requested use.

(2) traffic circulation

No additional traffic from that which has historically occurred.

(3) open space

open space includes all paved areas + parking as used historically for this use.

(4) fencing, screening

There is no fencing or screening on the property.

(5) landscaping

There is no landscaping with proposed use.

(6) signage

Signage would be consistent with regulations for existing Flathead Cty. zoning requirements. (County)

(7) lighting

all lighting would be the same as always no further lighting would be needed. Lighting used was installed in past for this use.

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C. Availability of Public Services and Facilities

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

(1) sewer

Water
Evergreen Sewer District.
Evergreen Water District
130 Nicholson Drive
Kalispell MT 59901 406 257-5861

(2) water

Evergreen water District.
130 Nicholson Drive
Kalispell, MT 59901
406 257-5861

(3) storm water drainage

Already installed none further needed.
Evergreen Water & Sewer
Evergreen Water District
130 Nicholson Drive 406-257-5861
Kalispell MT 59901

(4) fire protection

Evergreen Fire Dept.
2338 Hwy 2 East Po Box 5008
Kalispell MT 59903-5008
406 752-4636

(5) police protection

Flathead Cty. Sheriffs Dept.

(6) streets

Hwy 2 East. No additional neighborhood or traffic impacts from that which has historically occurred at location.

D. Immediate Neighborhood Impact

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

(1) excessive traffic generation

No additional impacts from that which has historically occurred at this location.

(2) noise or vibration

No additional impacts from that which has historically occurred in the past at this location

(3) dust, glare or heat

No additional impacts.

(4) smoke, fumes, gas, or odors

No additional impacts.

(5) inappropriate hours of operation

Regular day business hours which already occur at this location or historically

3. The following proposed uses shall meet additional requirements, known as "Conditional Use Standards" as outlined in Chapter 4 the Flathead County Zoning Regulations and require consultation with a staff planner PRIOR to application submittal:

4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics
4.02 Bed and Breakfast Establishments/Boarding Houses
4.03 Camp or Retreat Center
4.04 Caretaker's Facility in AG, SAG, and R-1 Districts
4.05 Cluster Housing Development in Residential Districts

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4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
4.07 Contractors Storage Yard in AG and SAG Districts
4.08 Day Care Centers- 13 or More Individuals
4.09 Electrical Distribution Stations
4.10 Extractive Industries
4.11 Family Hardship Dwellings
4.12 Manufactured Home Parks
4.13 Mini-Storage, Recreational Vehicle Storage
4.14 Motor Coach Subdivisions
4.15 Recreational Facilities (see also 7.17.040)
4.16 Temporary Uses

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Consultation with Planner:

Date _____ **Planner's Signature** _____

INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:

1. Answer all questions. Answers should be clear and contain all the necessary information.

2. In answering question 1, refer to the classification system in the Zoning Regulations.

3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics.

4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*

5. A **Certified** Adjoining Property Owners List must be submitted with the application *(see forms below)*. The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.

    - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

****

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Michael Norland — 9-21-15
Owner(s) Signature *(all owners must sign)* — Date 9-21-15

Dwight Myers
Applicant Signature *(if different than above)* — 10-9-15.
Date

Tr1AB + 1AD = 0788745

9/23/13 2 of 2 pgs

CERTIFICATE OF SURVEY

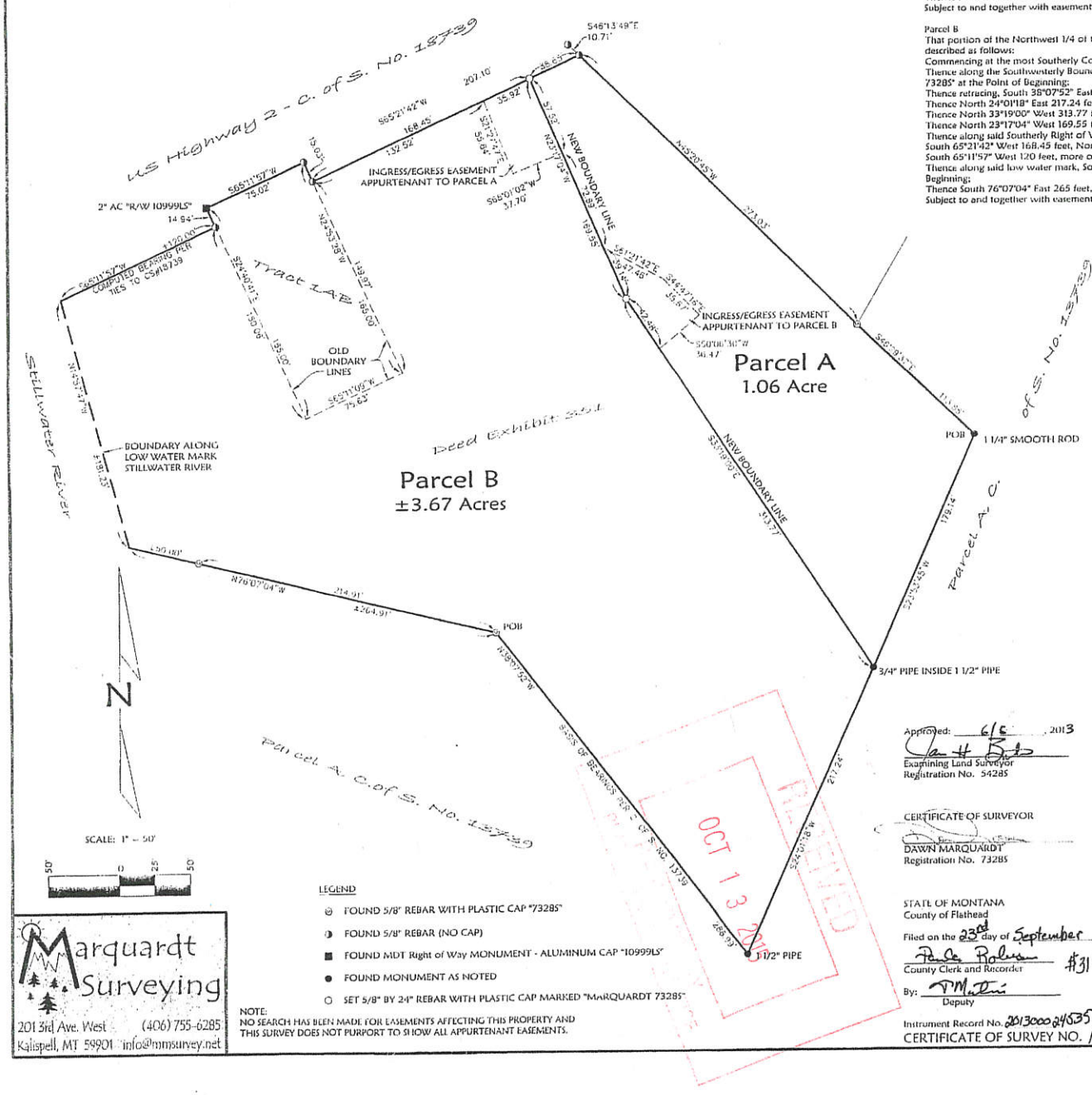
NW 1/4 of the NW 1/4 of Section 9, T28N R21W, P.M., M.

Flathead County, Montana

OWNERS/ FOR: FLATHEAD VALLEY HOLDING, LLC

PURPOSE: BOUNDARY LINE ADJUSTMENT

DATE: APRIL 23, 2013



LEGEND

- FOUND 5/8" REBAR WITH PLASTIC CAP "73285"
- FOUND 5/8" REBAR (NO CAP)
- FOUND MDT Right of Way MONUMENT - ALUMINUM CAP "10999LS"
- FOUND MONUMENT AS NOTED
- SET 5/8" BY 24" REBAR WITH PLASTIC CAP MARKED "MARQUARDT 73285"

NOTE:
NO SEARCH HAS BEEN MADE FOR EASEMENTS AFFECTING THIS PROPERTY AND THIS SURVEY DOES NOT PURPORT TO SHOW ALL APPURTENANT EASEMENTS.

Marquardt Surveying
201 3rd Ave. West (406) 755-6285
Kalispell, MT 59901 info@mmsurvey.net

Parcel A

That portion of the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 28 North, Range 21 West, P.M.,M., Flathead County, Montana, described as follows:
Beginning at the most Easterly Corner of that parcel shown on Deed Exhibit No. 351, records of Flathead County, Montana;
Thence along the boundary of said parcel the following two (2) courses: North 46°29'37" West 113.85 feet and North 45°20'45" West 273.03 feet to the Southerly Right of Way of US Highway No. 2;
Thence along said Southerly Right of Way, South 65°21'42" West 38.65 feet;
Thence South 23°17'04" East 169.55 feet;
Thence South 33°19'00" East 313.77 feet;
Thence North 23°53'45" East 179.14 feet to the Point of Beginning, containing 1.06 acre of land, all as shown hereon.
Subject to and together with easements of record.

Parcel B

That portion of the Northwest 1/4 of the Northwest 1/4 of Section 9, Township 28 North, Range 21 West, P.M.,M., Flathead County, Montana, described as follows:
Commencing at the most Southerly Corner of that parcel shown on Deed Exhibit No. 351, records of Flathead County, Montana;
Thence along the Southwesterly Boundary of said parcel, North 38°07'52" West 286.99 Feet to a 5/8" rebar and plastic cap marked "Marquardt 73285" at the Point of Beginning;
Thence retracing, South 38°07'52" East 286.99 feet;
Thence North 24°01'18" East 217.24 feet;
Thence North 33°19'00" West 313.77 feet;
Thence North 23°17'04" West 169.55 feet to the Southerly Right of Way of US Highway No. 2;
Thence along said Southerly Right of Way through the following five (5) courses:
South 65°21'42" West 168.45 feet, North 24°53'28" West 15.03 feet, South 65°11'57" West 75.02 feet, South 24°40'41" East 14.94 feet, and South 65°11'57" West 120 feet, more or less, to the low water mark of the Stillwater River;
Thence along said low water mark, Southeasterly 181 feet, more or less to a point which bears North 76°07'04" West from the Point of Beginning;
Thence South 76°07'04" East 265 feet, more or less, to the Point of Beginning, containing 3.67 acres, more or less, of land, all as shown hereon.
Subject to and together with easements as shown hereon.

Owner Certification

We hereby certify that the purpose of this division of land is to relocate a common boundary line between adjoining properties outside a platted subdivision and that no additional parcels are hereby created. Therefore, this division of land is exempt from review as a subdivision pursuant to Section 76-3-207(1)(a), MCA.
We hereby certify that this division creates parcels of land (Parcels A & B) that have existing facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal that were not subject to review, and have not been reviewed, under Title 76, chapter 4, part 1, MCA, if:
no new facilities will be constructed on the parcel;
the number of developed parcels is not increased;
existing facilities complied with state and local laws and regulations, including permit requirements, which were applicable at the time of installation; and
the local health officer determines that existing facilities are adequate for the existing use.
Therefore, this division is exempt from review by the Department of Environmental Quality pursuant to ARM 17.36.605(2)(c)(i)(ii)(iii) &(iv).

FLATHEAD VALLEY HOLDING, LLC

MIKE NORLAND, Partner

DWIGHT MYERS, Partner

STATE OF [illegible]
County of [illegible] : ss.

This instrument was signed and acknowledged before me on June 14, 2013
by MIKE NORLAND, PARTNER of FLATHEAD VALLEY HOLDING, LLC.

Printed Name: [illegible]
Notary Public for the State of [illegible]
Residing at [illegible]
My Commission Expires [illegible]

[illegible] Notary Public State of North Dakota My Commission Expires April 12, 2019

STATE OF [illegible]
County of [illegible] : ss.

This instrument was signed and acknowledged before me on June 14, 2013
by DWIGHT MYERS, PARTNER of FLATHEAD VALLEY HOLDING, LLC.

Printed Name: [illegible]
Notary Public for the State of [illegible]
Residing at [illegible]
My Commission Expires [illegible]

[illegible] Notary Public State of North Dakota My Commission Expires April 12, 2019

Approved: 6/6, 2013

Examining Land Surveyor
Registration No. 54285

CERTIFICATE OF SURVEYOR

DAWN MARQUARDT
Registration No. 73285

Date

MONTANA DAWN MARQUARDT 7328 LS REGISTERED PROFESSIONAL LAND SURVEYOR

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STATE OF MONTANA
County of Flathead

Filed on the 23rd day of September, 2013, A.D., at 2:39 o'clock P m.

Paula Robinson
County Clerk and Recorder #31.00

By: TM Martin
Deputy

Instrument Record No. 201300024535

CERTIFICATE OF SURVEY NO. 19583

COS# 19583

201300024535 Fees: $31.00 by: TM
by MARQUARDT ENG/SURV
Date 9/23/2013 Time 2:39 PM
Paula Robinson, Flathead County Montana

Date: April 3, 2013	Field Crew: BP CF
Project Name: Flathead Valley H...	Revision Date: n/a
Filename: BLA	Project Number: 13-026
	Drawn By: A

FLATHEAD VALLEY HOLDING LLC

FLATHEAD COUNTY GIS
KALISPELL, MONTANA

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map scale: 1:946 map center: latitude 48° 12' 37.54 longitude -114° 17' 3.98 active tool: pan map active layer: Parcel Owners Physical Address

N

tools

1:100

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