

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT (#FCU-15-11)**  
**WORD OF LIFE**  
**JANUARY 19, 2015**

This is a report to the Flathead County Board of Adjustment regarding a request from Word of Life for a conditional use permit to establish a 'church' on the subject property. The property is located within the Westside Zoning District and is zoned 'R-1 Suburban Residential.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on February 2, 2016 beginning at 6:00 P.M. in the 2<sup>nd</sup> 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 will contain an update regarding the February 2, 2016 Flathead County Board of Adjustment review of the proposal.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Landowner**

Ben Parsons  
1004 2<sup>nd</sup> Avenue East  
Kalispell, MT 59901

**ii. Applicant**

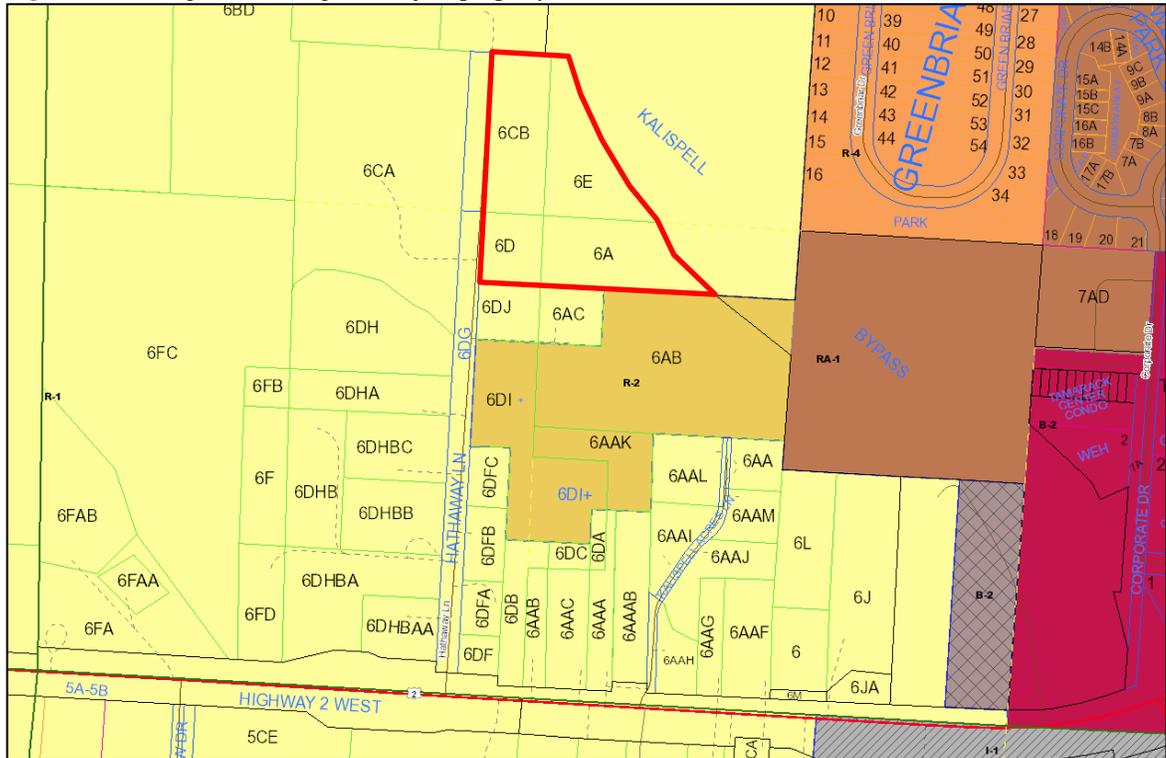
David Van Buren  
Word of Life  
PO Box 9125  
Kalispell, MT 59901

**B. Property Location and Size**

The subject property is located at the north end of Hathaway Lane near Kalispell, MT (see Figure 1 below). The property is approximately 5.6 acres and can be legally described as Tracts 6A, 6CB, 6D and 6E in Section 12, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.



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



**E. Summary of Request**

The applicant is requesting a conditional use permit to construct a church on the subject property with a proposed future family life center. The placement of a church within the R-1 zone requires the issuance of a conditional use permit. The review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a conditional use permit.

**F. Compliance With Public Notice Requirements**

Notification was mailed to property owners within 150 feet of the subject property on January 15, 2016, 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 January 17, 2016 edition of the Daily Interlake.

**G. Agency Referrals**

Referrals were sent to the following agencies on December 24, 2015:

- Montana Department of Natural Resources and Conservation
- Montana Fish, Wildlife and Parks
- Flathead County Solid Waste
- Smith Valley Fire Department
- Flathead City-County Environmental Health Department
- Flathead County Weeds and Parks Department
- Bonneville Power Administration
- City of Kalispell Planning Department
- Flathead County Road and Bridge Department

### III. COMMENTS RECEIVED

#### A. Public Comments

No written public comments have been received to date regarding the requested conditional use permit. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for February 2, 2016. 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: “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 received December 30, 2015.
- Flathead County Weed and Parks
  - Comment: “Noxious weeds were found on the property, so a soil disturbance management plan will need to be returned to the Weed Department. We have sent this document along with a letter requesting a management plan be returned, to the landowner.” Email received January 8, 2016
- Flathead County Solid Waste District
  - Comment: “The District views no negative impact with solid waste at this time. If the conditional use permit is granted any and all solid waste generated at the proposed location will need to be hauled by a private licensed hauler.” Letter sent January 8, 2016
- Flathead County Environmental Health
  - Comment: “This office has received an application for an onsite evaluation to begin the septic permitting process. The site will require ground water monitoring through the spring of the year to determine ground water depths which may influence septic design and permitting.  
The proposed development is not subject to review under the Sanitation in Subdivisions Act. However, the proposed development includes public water and wastewater facilities which require review by Montana Department of Environmental Quality. Once the designs are approved by MTDEQ, a septic permit is required by Flathead County Health Department, Environmental Health for installation.  
In accordance with Flathead County Air Pollution Control Regulations, this property is within the boundaries of the Kalispell Air Pollution Control District. Chapter VIII, Sub-Chapter 5, Rule 504 Pavement of Parking Lots Required,(1)&(2), construction of any new parking area greater than 5000 square feet or parking capacity greater than 15 vehicles or a traffic volume greater than 50 vehicles per day is required to be paved.” Letter dated January 7, 2016.
- Flathead County Road and Bridge Department
  - Comment: “At this point the County Road and Bridge Department does not have any comments on this request.” Letter dated December 29, 2015.

**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.

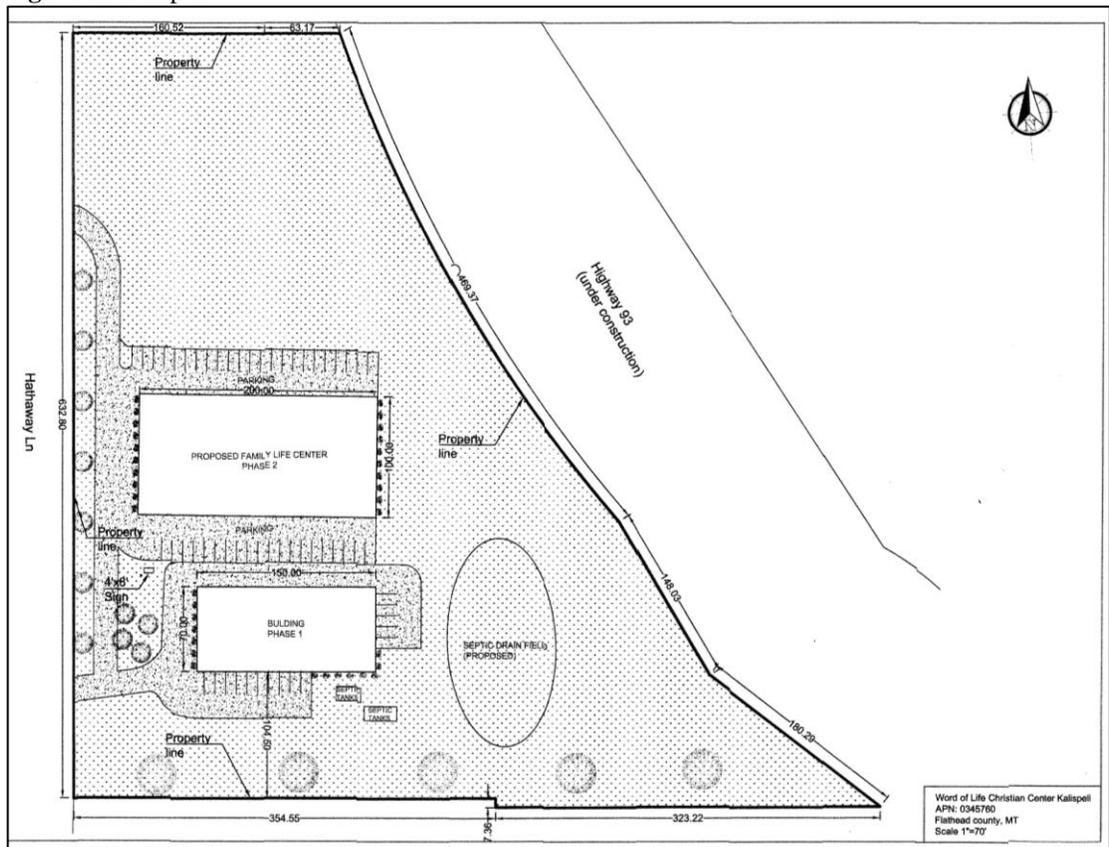
**A. Site Suitability**

**i. Adequate Usable Space**

There are no structures currently located on the subject property and the applicant is proposing to construct a church with a future family life center. The site plan shows the location of the buildings and a parking lot that surrounds the building. The church building will be approximately 70 feet by 150 feet and the family life center will be approximately 100 feet by 200 feet. The total square footage of the proposed buildings is 30,500 square feet. The permitted lot coverage within the R-1 zone is 40%. The subject property is approximately 5.6 acres or 243,936 square feet and the proposed buildings would cover 12.5% of the lot.

The setbacks for the R-1 zone on the subject property are 20 feet from the front and 5 feet from the rear and side. The site plan shows the buildings being located more than 50 feet back from the front property line and over 100 feet from the side and rear property lines. Based upon staff’s site visit and the submitted site plan, it appears the subject property has adequate useable space to accommodate the church and the proposed buildings on the subject property.

**Figure 3:** Site plan



**Finding #1** – There appears to be adequate usable space on the subject property for the proposed use because the church and accessory buildings would cover 30,500 square

feet of the 5.6 acre lot and meet applicable bulk and dimensional requirements of the R-1 zone.

**ii. Adequate Access**

The property is located at the end of Hathaway Lane approximately a quarter mile north of U.S. Highway 2. Hathaway Lane is a two lane local road with a 60 foot easement and a 25 foot wide paved surface. Comment received from the Flathead County Road and Bridge Department indicates no concern with the proposed church.

The site plan shows two approaches via Hathaway Lane located at the southern edge of the property and the middle of the property. The approaches appear to be 22 feet wide. All access shall be approved by the County Road and Bridge Department as applicable, with the issuance of an approach permit, per Section 6.16.020(4) [FCZR].

**Figure 4:** Hathaway Lane from the subject property



**Finding #2** – The access appears adequate for the proposed use because the property has legal and physical access onto local county road and the two proposed approaches appear capable of accommodating the vehicle traffic created as a result of the proposed use.

**iii. Absence of Environmental Constraints**

According to the applicant the property is relatively flat and there are no wetlands, streams, or creeks located on the parcel. The property is located on FEMA FIRM panel 30029C 1805J and designated as un-shaded Zone X. The un-shaded Zone X is classified as an area outside the 500-year floodplain.

Comments from the Flathead County Weed Department state, “Noxious weeds were found on the property, so a soil disturbance management plan will need to be returned to the Weed Department. We have sent this document along with a letter requesting a management plan be returned, to the landowner.”

**Finding #3** – The site appears suitable for the proposed use because the property has no apparent creeks, streams or wetlands, is relatively flat, is located in an unshaded Zone X and the applicant will be required to submit a soil disturbance management plan to the Flathead County Weed Department to abate any weeds on the subject property.

## **B. Appropriateness of Design**

### **i. Parking Scheme**

The parking requirements for a church is 1 space per 5 seats or 40 square feet of gross floor area used for assembly purposes, whichever is greater, per Section 6.04.020 FCZR. The proposed church is shown as being 10,500 square feet on the submitted site plan. However, according to the applicant 5,000 square feet will be utilized for services therefore 125 parking spaces would be required. The applicant also states that the family center would be utilized as a gymnasium and a space for youth, which does not have parking requirements. Section 6.01.010(3) FCZR states, “*Handicapped Parking – All non-residential uses shall comply with the parking requirements set forth in the Americans With Disabilities Act (ADA) with regard to the number and location of spaces.*” The applicant will be required to comply with ADA requirements and provide 5 handicap accessible spaces, one of which would be van accessible. The site plan shows 59 parking spaces which would be 66 parking spaces than the required spaces.

### **ii. Traffic Circulation**

As previously stated, the property is located at the end of Hathaway Lane about a quarter mile north of U.S. Highway 2. Hathaway Lane is a two lane local road within a 60 foot easement, with a 25 foot wide paved surface. The site plan shows the driving lanes to be approximately 22 feet wide. The applicant is proposing the primary and secondary approach to be approximately 22 feet wide and the driving aisles shown on the site plan appear to be a minimum of 22 feet wide but appear to be for two way traffic. Appendix A of the Flathead County Zoning Regulations requires driving aisles for two way traffic, with 90 degree parking, to be a minimum of 24 feet wide. The driving aisles would not meet applicable regulations.

**Finding #4** – The parking and traffic circulation will be adequate for the proposed use with conditions because the property is large enough to accommodate the increase width for the 24 feet driving aisles and the required 125 parking spaces and the parking lot will be required to comply with ADA requirements and provide 5 handicap accessible spaces, one of which would be van accessible.

### **iii. Open Space**

There are no structures currently located on the subject property and the applicant is proposing to construct a church with a future family life center. The site plan shows the location of the buildings and a parking lot that surrounds the building. The church building will be approximately 70 feet by 150 feet and the family life center will be approximately 100 feet by 200 feet. The total square footage of the buildings will be 30,500 square feet. The subject property is approximately 5.6 acres or 243,936 square feet. The permitted lot coverage within the R-1 zone is 40%. The proposed buildings would cover 12.5% of the lot, leaving 87.5% of the lot as open space.

**iv. Fencing/Screening**

There is currently no fence located on the subject property and the application states no fencing will be install for the proposed uses. The Flathead County Zoning Regulations do not require fencing for the proposed church.

**v. Landscaping**

The property is devoid of trees and is relatively flat. The site plan submitted by the applicant shows trees located along the southern boundary of the property and shrubs located in front of the building between the road and the proposed parking lot. No landscaping is required for the R-1 zone or for the proposed use.

**vi. Signage**

The applicant is proposing one free standing sign which will have a face of 32 square feet. Per Section 5.11.040(1)(B) FCZR, one freestanding sign plus one wall sign for each place of business; the sign area shall not exceed 40 square feet and will be placed outside the road easement is permitted. The proposed signage appears to comply with the zoning regulations.

**vii. Lighting**

It is anticipated that the church will utilize outdoor lighting in the parking lot and on the proposed buildings. According to the application, the lighting will be in compliance with the zoning regulations. All exterior lighting shall comply with the lighting performance standards set forth in Section 5.12 FZCR.

**Finding #5** – The proposed uses appears to be adequately designed because the applicant is not proposing any fencing or screening, there is no landscaping requirements for the church, 87.5% of the lot will remain open space and the proposed lighting and signage would meet the applicable zoning regulations.

**C. Availability of Public Services and Facilities**

**i. Sewer**

The application states the church will use a septic system. The site plan shows the proposed drainfield location to be on the east side of the property, behind the proposed church building. Comments from Environmental Health state, “This office has received an application for an onsite evaluation to begin the septic permitting process. The site will require ground water monitoring through the spring of the year to determine ground water depths which may influence septic design and permitting. The proposed development is not subject to review under the Sanitation in Subdivisions Act. However, the proposed development includes public water and wastewater facilities which require review by Montana Department of Environmental Quality. Once the designs are approved by MTDEQ, a septic permit is required by Flathead County Health Department, Environmental Health for installation.” The septic system must be approved by the Montana Department of Environmental Quality and the Flathead City-County Environmental Health.

**ii. Water**

The application states the church will use a well. Comments from Environmental Health state, “The proposed development is not subject to review under the Sanitation in Subdivisions Act. However, the proposed development includes public water and wastewater facilities which require review by Montana Department of Environmental Quality.” The water system must be approved by the Montana Department of Environmental Quality and the Flathead City-County Environmental Health.

**iii. Storm Water Drainage**

The applicant states, “Any storm run-off will be handled through on-site absorption and engineered for storm run-off prior to application of building permits and according to county regulations.”

The applicant has stated that storm water drainage will be contained on-site. The total square footage of the buildings will be 30,500 square feet. The subject property is approximately 243,936 square feet, so the proposed buildings would cover 12.5% of the lot leaving approximately 87.5% of open space. The proposed use would increase the impervious cover on the lot and has the potential to impact the existing storm drainage on the property; however the majority of the site will remain open space allowing for on-site absorption.

**Finding #6** – There appears to be adequate availability of sewer, water and storm drainage for the proposed use because the use will be required to be reviewed and approved by Flathead City-County Environmental Health Department and the Department of Environmental Quality for the septic system and public well, and the proposed buildings would increase the impervious surface of the lot but storm water run-off could be managed on-site.

**iv. Fire Protection**

The subject property is served by the Smith Valley Fire Department, and is located approximately 3.0 road miles north of the existing fire station on Foy's Lake Road. No comments were received from the Fire Department to indicate concern with the proposal. Due to the close 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. The proposed use would likely have low demand for police protection services because of the sporadic use of the church. It is anticipated response times in emergency would not be unreasonably long given the property's proximity to an urban, developed area of the County.

**Finding #7** – The proposed use appears to have acceptable impacts on public services and facilities and would likely have low demand for police protection services because of the sporadic use of the church, and because the Smith Valley Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time.

**vi. Streets**

The property is located at the end of Hathaway Lane approximately a quarter mile north of U.S. Highway 2. Hathaway Lane is a two lane local road within a 60 foot easement with a 25 foot wide paved surface. Comment received from the Flathead County Road and Bridge Department indicates no concern with the proposed church.

**Finding #8** – There appears to be adequate availability of streets for the proposed use because the property is located on paved local county road and comments from the Flathead County Road and Bridge Department indicate no concerns with the proposed church.

## **D. Immediate Neighborhood Impact**

### **i. Excessive Traffic Generation**

As previously stated, the property is located at the end of Hathaway Lane approximately a quarter mile north of U.S. Highway 2. Hathaway Lane is a two lane local road within a 60 foot easement with a 25 foot wide paved surface. Comment received from the Flathead County Road and Bridge Department indicates no concern with the proposed church.

According to the application the estimated vehicle trips per service are approximately 20 to 30 trips per Sunday church service and 10 to 20 cars for the midweek service. Staff utilizes the 5th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual to provide traffic counts for the church. The trip generation rate for a church is approximately 36.63 per 1,000 square feet on a Sunday. The proposed church is approximately 10,500 square feet, therefore the estimated average vehicle trips per day is 385. The traffic generated by the church would be at off peak hours on weekends and evenings. Given that the applicant states there would be a maximum of 30 cars for Sunday service, this would equal 60 trips and the traffic generated would be off peaks, the traffic generated by the proposed use would likely have a minimal impact on the neighborhood.

**Finding #9** – The proposed use appears to have acceptable impacts on the immediate neighborhood because the traffic generated by the proposed uses would be off peak hours on weekends and evenings.

### **ii. Noise or Vibration**

It is anticipated that the proposed use would generate no noise or vibrations, out of character with the neighborhood and therefore would have a minimal impact on the neighborhood.

### **iii. Dust, Glare or Heat**

The proposed use is not anticipated to generate glare or heat that would adversely impact the neighborhood. According to the application the parking lot will be gravel in the first phase. Comments from Environmental Health state, “In accordance with Flathead County Air Pollution Control Regulations, this property is within the boundaries of the Kalispell Air Pollution Control District. Chapter VIII, Sub-Chapter 5, Rule 504 Pavement of Parking Lots Required,(1)&(2), construction of any new parking area greater than 5000 square feet or parking capacity greater than 15 vehicles or a traffic volume greater than 50 vehicles per day is required to be paved.”

Based on the traffic projected by the applicant’s estimates the parking lot will be required to be paved. Therefore the proposed use is anticipated to generate minimal dust during the construction period.

### **iv. Smoke, Fumes, Gas, or Odors**

It is anticipated that the proposed use would generate no smoke, fumes, gas, or odors, as it would be a church and therefore would have a minimal impact on the neighborhood.

**Finding #10** – The proposed use is not anticipated to impact the surrounding neighborhood because the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors out of character with the residential setting and the Flathead County Air Pollution Control Regulations will require the parking lot to be paved.

**v. Inappropriate Hours of Operation**

The proposed hours of operation for the church are from 9:00 am to 1:00 pm on Sundays and Wednesdays from 5:30pm to 9:00pm. The proposed hours of operation appear acceptable as there will be no activity late night or early in the morning.

**Finding #11** – The proposed hours of operation do not appear to be inappropriate because the proposed hours of operation from 9:00 am to 1:00 pm on Sundays and Wednesdays from 5:30pm to 9:00pm appear acceptable.

**V. SUMMARY OF FINDINGS**

1. There appears to be adequate usable space on the subject property for the proposed use because the church and accessory buildings would cover 30,500 square feet of the 5.6 acre lot and meet applicable bulk and dimensional requirements of the R-1 zone.
2. The access appears adequate for the proposed use because the property has legal and physical access onto local county road and the two proposed approaches appear capable of accommodating the vehicle traffic created as a result of the proposed use.
3. The site appears suitable for the proposed use because the property has no apparent creeks, streams or wetlands, is relatively flat, is located in an unshaded Zone X and the applicant will be required to submit a soil disturbance management plan to the Flathead County Weed Department to abate any weeds on the subject property.
4. The parking and traffic circulation will be adequate for the proposed use with conditions because the property is large enough to accommodate the increase width for the 24 feet driving aisles and the required 125 parking spaces and the parking lot will be required to comply with ADA requirements and provide 5 handicap accessible spaces, one of which would be van accessible.
5. The proposed uses appears to be adequately designed because the applicant is not proposing any fencing or screening, there is no landscaping requirements for the church, 87.5% of the lot will remain open space and the proposed lighting and signage would meet the applicable zoning regulations.
6. There appears to be adequate availability of sewer, water and storm drainage for the proposed use because the use will be required to be reviewed and approved by Flathead City-County Environmental Health Department and the Department of Environmental Quality for the septic system and public well, and the proposed buildings would increase the impervious surface of the lot but storm water run-off could be managed on-site.
7. The proposed use appears to have acceptable impacts on public services and facilities and would likely have low demand for police protection services because of the sporadic use of the church, and because the Smith Valley Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time.
8. There appears to be adequate availability of streets for the proposed use because the property is located on paved local county road and comments from the Flathead County Road and Bridge Department indicate no concerns with the proposed church.
9. The proposed use appears to have acceptable impacts on the immediate neighborhood because the traffic generated by the proposed uses would be off peak hours on weekends and evenings.

10. The proposed use is not anticipated to impact the surrounding neighborhood because the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors out of character with the residential setting and the Flathead County Air Pollution Control Regulations will require the parking lot to be paved.
11. The proposed hours of operation do not appear to be inappropriate because the proposed hours of operation from 9:00 am to 1:00 pm on Sundays and Wednesdays from 5:30pm to 9:00pm appear acceptable.

## **VI. CONCLUSION**

Upon review of this application, the request to allow for a church on the subject property 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-15-11 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 OF APPROVAL**

1. The 'church and other place of worship' 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 approved use shall conform to the applicable standards of the 'R-1 Suburban Residential' zoning designation [FCZR Section 3.09].
4. Current and future lighting installed on the property shall be in compliance with Section 5.12 of the Flathead County Zoning Regulations.
5. The use shall be reviewed and approved by the Flathead City-County Department of Environmental Health and Montana Department of Environmental Quality. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
6. The applicant shall be required to pave the parking area in compliance with the Flathead County Air Pollution Control Regulations.
7. All required off-street parking and driveways associated with the uses shall meet the applicable design guidelines and special conditions set forth in the Flathead County Zoning Regulations [FCZR Section(s) 6.13 and 6.14].
8. All vehicular access for the use including internal traffic circulation areas, and parking areas shall be clearly established and demarcated in compliance with all applicable provisions of Chapter VI and Appendix A of the Flathead County Zoning Regulations.
9. The applicant shall be required to submit a soil disturbance management plan to the Flathead County Weed Department. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
10. The applicant shall obtain all necessary building permits from the State of Montana for the church. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.

11. The primary access shall be reviewed by the Flathead County Road and Bridge Department to obtain an updated approach permit, per Section 6.16.020(4) [FCZR]. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
12. 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].
13. 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