

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT #FCU-16-16**  
**NOVEMBER 22, 2016**

A report to the Flathead County Board of Adjustment regarding a request by Kalvig Law Firm for Montana Waste Systems, Inc. dba North Valley Refuse dba North Valley Portables on property owned by Constance G. Cohen for a conditional use permit to allow for the expansion of an existing, legally non-conforming use in the Blanchard Lake zoning district.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on December 6, 2016 beginning at 6:00 pm in the 2<sup>nd</sup> floor conference room of the South Campus Building at 40 11<sup>th</sup> Street West, Kalispell.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The proposed land use is not within the advisory jurisdiction of a local land use advisory committee.

**B. Board of Adjustment**

The Flathead County Board of Adjustment will hold a public hearing on the proposed land use on December 6, 2016 beginning at 6:00 pm in the 2<sup>nd</sup> floor conference room of the South Campus Building at 40 11<sup>th</sup> Street West, Kalispell. This space is reserved for a summary of the Flathead County Board of Adjustment's discussion and decision at that hearing.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicant**

Montana Waste Systems, Inc dba North Valley Refuse dba North Valley Portables  
P.O. Box 2582  
Great Falls, MT 59403

**ii. Landowner**

Constance G. Cohen  
P.O. Box 1657  
Whitefish, MT 59937

**iii. Technical Assistance**

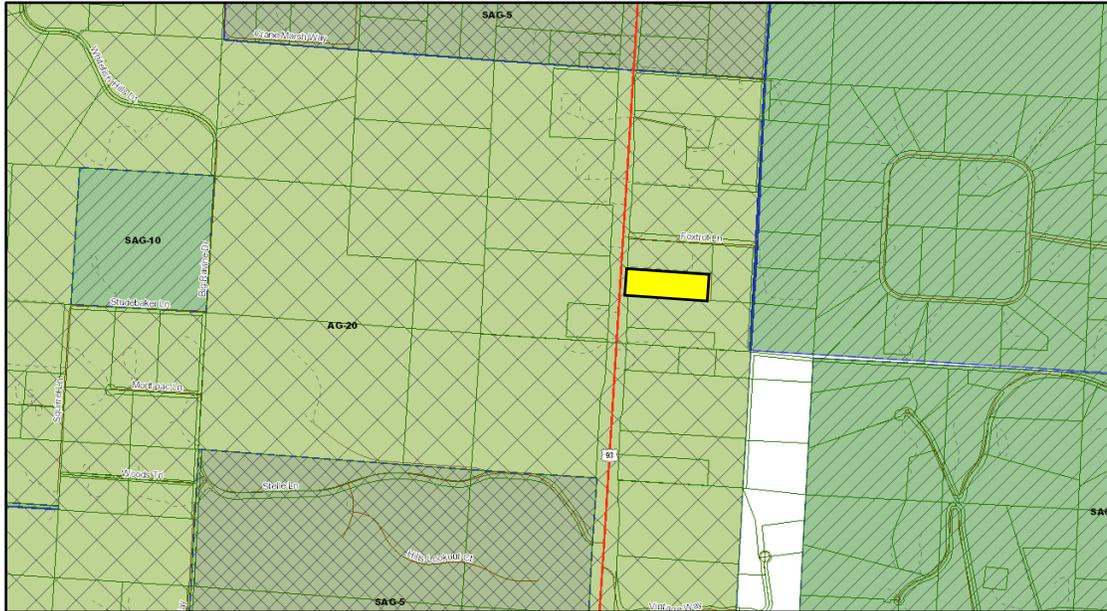
Kalvig Law Firm, P.C.  
100 Cooperative Way, Suite 220  
Kalispell, MT 59901

**B. Property Location and Size**

The subject property is located at 5445 Highway 93 South approximately 1.5 miles south of Whitefish, MT and is approximately five acres in size (see Figure



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



**E. Summary of Request**

North Valley Refuse is considered a legally, non-conforming use because it existed and operated prior to the creation of the Blanchard Lake Zoning District in 1993. Sometime between the adoption of zoning and the present, North Valley Refuse began storing portable toilets on the subject property. In 2015, the portable toilet section of the business expanded. According to Section 2.07.040 of FCPZ, *A non-conforming use may be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located at the time of the adoption or amendment of these regulations.* Because the storage of portable toilets on the property is similar but not the same as the storage of dumpsters and the expanded use will use more area of the subject property, the proposal meets the criteria regarding expansion of non-conforming uses. This application is a response to a submitted complaint regarding the subject property from an adjacent property owner. This Conditional Use Permit would bring the subject property into compliance with the Flathead County Planning and Zoning Office.

**F. Compliance With Public Notice Requirements**

Notification was mailed to property owners within 150 feet of the subject property on November 18, 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 November 20, 2016 edition of the Daily Interlake.

**G. Agency Referrals**

Referrals were sent to the following agencies on October 21, 2016:

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

- Whitefish Rural Fire Department
  - Reason: The property is located within the department's jurisdiction and has the potential to impact Whitefish Rural Fire Department response times.
- Flathead City-County Environmental Health Department
  - Reason: The property is located within the department's jurisdiction.
- Montana Department of Transportation
  - Reason: The existing access to the subject property is from Highway 93, and has the potential to impact State infrastructure.
- Flathead County Road and Bridge Department
  - Reason: The property is located within the department's jurisdiction and could impact County infrastructure.
- Flathead County Weeds and Parks Department
  - Reason: The property is located within the department's jurisdiction and new activity could lead to the development of weeds on the subject property.
- Bonneville Power Administration
  - Reason: The BPA has requested a copy of all agency referral
- Montana Department of Natural Resources and Conservation (DNRC)
  - Reason: The non-conforming use is industrial in nature and includes activities that could impact water resources.
- Whitefish Planning Department
  - Reason: The subject property is located approximately 1.5 miles from Whitefish city limits.

### **III. COMMENTS RECEIVED**

#### **A. Public Comments**

No written public comments have been received to date regarding the proposal. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing, and any individual wishing to provide public comment may also do so during the public hearing scheduled for December 6, 2016.

#### **B. Agency Comments**

Comments were received from the following agencies:

- James Chilton, Flathead County Solid Waste (FCSW)
  - Comment: "all solid waste generated at the proposed location will need to be hauled by a private hauler to the landfill." The private hauler needs a private hauler.
- Wendee Jacobs, Flathead City-County Environmental Health Department
  - Comment: "This office has reviewed the information provided and has no comment regarding the expanded use of the property for North Valley Refuse dba North Valley Portables."
- James Freyholtz, Montana Department of Transportation

- Comment: “The proposal has direct access to Highway 93 via two existing approaches. We do not have any comments regarding this proposal.”
- Dave Prunty, Flathead County Road and Bridge Department
  - Comment: “At this point, the County Road Department does not have any comments on this request.”
- Julie Weber, 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.”

#### IV. **CRITERIA REQUIRED FOR CONSIDERATION**

Sections 2.06.080 and 2.06.100 of FCZR outline the criteria required for consideration of a Conditional Use Permit. The suggested findings of fact are based on review of each criterion. A Conditional Use Permit may be granted only if the proposal conforms to the following criteria set forth in Section 2.06 of FCZR.

##### A. **Site Suitability**

###### i. **Adequate usable space**

The subject property is approximately 5 acres in size. The submitted site plan shows the location of the existing buildings and no additional buildings are proposed. Currently, North Valley Refuse has 11 garbage trucks, eight portable toilet service trucks, approximately 650 dumpsters of varying sizes, and approximately 360 portable toilets associated with the waste management business. The trucks are parked on the west side of the property in the parking lot and the portable toilets and dumpsters are stored on the eastern portion of the property. The size of the subject property provides adequate space for the expanded proposed use.

**Finding #1** – The subject property is suitable for the proposed expanded use because there is adequate usable space on the subject property to accommodate parking and storage areas while still maintaining perimeters which comply with the applicable setback requirements of the AG-20, *Agriculture* zoning district.

###### ii. **Adequate access**

The subject property is accessed from U.S. Highway 93, a controlled access highway which has double-lane vehicular travel in each direction separated by a median turn lane directly in front of the approach to the subject property. There are two approaches from U.S. Highway 93 onto the subject property, a northern and southern approach. The southern approach leads directly to the parking lot while the northern approach leads onto a partially paved 16 foot wide private road within a 30 foot easement.

**Finding #2** – The subject property is suitable for the proposed expanded use because there is adequate access from U.S. Highway 93 from both the south and the north via two approaches, which appear able to accommodate the vehicle traffic created as a result of the proposed expansion.

**iii. Absence of environmental constraints**

The subject property is generally open and gently slopes down to the east. There is a vegetative buffer between U.S. Highway 93 on the western boundary of the property. There are no wetlands, streams, steep slopes, floodplain or any other environmental hazard located on the subject property that would inhibit the proposed use.

**Finding #3** – The subject property is suitable for the proposed expanded use because there is an absence of environmental constraints including wetlands, streams, steep slopes, floodplain or any other environmental hazard on the property.

**B. Appropriateness of design**

**i. Parking scheme**

The Flathead County Zoning Regulations provide guidance on parking requirements for warehouse and storage facilities (FCZR 6.10.020), and a minimum of 1 parking space is required per 2 employees. Based on 16 employees at maximum shift for warehouse and storage facilities, North Valley Refuse would be required to provide 8 parking spaces for employees and one for every garbage truck/portable toilet service truck. The application indicates that only 4-5 employees would be on the property during maximum shift; this does not include employees who are working off property. Even though the employees are offsite, driving garbage or portable toilet service trucks, there is still a time period where all vehicles, including personal vehicles are on the property and require adequate parking. Section 6.01.010 of FCZR (2)(A) indicates that a standard parking space is 9 feet by 20 feet. FCZR does not provide guidance for the size of parking space typically required for a garbage truck/portable toilet service truck. The City of Kalispell Public Works department indicated that an average garbage truck is approximately 10 feet wide and 35 feet long and would require a parking space that is 12 feet by 40 feet. According to this logic, North Valley Refuse would require 19 parking spaces measuring 12 feet by 40 feet and 8 parking spaces measuring 9 feet by 20 feet.

The site plan submitted with the application shows one large parking lot with multiple parking areas. The site plan indicates that the parking area on the southwest corner of the property is 140 feet by 25 feet. A portion of this area is inaccessible from three sides and does not constitute appropriate parking. The amount of appropriate parking on the southwest corner is likely closer to 90 feet by 25 feet would accommodate 10 vehicles requiring standard parking spaces but is not large enough to accommodate any

garbage trucks. The parking area on the northwest corner of the property is 77 feet by 25 feet and would accommodate eight vehicles standard parking spaces but is not appropriate for any garbage truck parking. The parking area directly west of the warehouse building would accommodate approximately 14 garbage trucks/portable toilet service trucks. There is also a garage on the property that could accommodate two garbage trucks/portable toilet service trucks. Although there is not adequate parking in the front of the warehouse, plenty of space exists on the property for appropriate parking. The applicant will be required to provide and demarcate adequate parking for 8 standard vehicles and 19 garbage truck/portable toilet service trucks.

**Finding #4** – The subject property does not appear to have appropriate design in regards to parking because although there is not adequate parking for employees and service vehicles in the existing parking but can be mediated through a condition requiring adequate parking for 8 standard vehicles and 19 garbage truck/portable toilet service trucks.

**ii. Traffic circulation**

Vehicle traffic enters the parking area via the southern approach onto U.S. Highway 93. Truck traffic delivering portable toilets enter the property and storage area via the northern approach using the 16 foot wide private road within a 30 foot easement. Section 6.16.020(3) indicates that no roadway shall be less than 10 feet wide for one-way traffic and 20 feet wide for two-way traffic. The road is shared by North Valley Refuse and the landscaping company to the north with a 15 foot easement on both sides of the property line. Because this road is shared by two businesses and is used to access the portable toilets and dumpsters, it needs to meet FCZR standards for two-way traffic. The applicant will be required to widen the existing driveway to 20 foot to meet county standards for two-way traffic. Montana Department of Transportation indicated that North Valley Refuse has two approaches onto U.S. Highway 93 and the proposed expansion does not negatively impact those approaches.

**Figure 3:** Private road on the northern property line accessing the neighboring property and storage area for containers and portable toilets



**Finding #5** – The proposal for traffic circulation does not appear to be appropriate in design because the private road shared with the property owners to the north is only 16 feet wide and doesn't meet FCZR requirements for two-way traffic but can be mediated by conditioning the permit to require widening of the private road to FCZR 6.16.020(3) standards.

**iii. Open space**

The subject property is approximately 5 acres, well below the minimum lot size of 20 acres within an AG-20, *Agriculture* zoning designation. According to the applicant and site plan, the permanent buildings take up approximately 13% of the 5 acres. The permitted lot coverage in an AG-20 is 20%. The application indicates that North Valley Refuse stores equipment (dumpsters and portable toilets) on the eastern portion of the property where it is relatively flat and the coverage varies depending on the season as well as the business.

**Finding #6** – The proposal appears acceptable in its design because there is adequate open space on the property to accommodate the expanded proposed use.

**iv. Fencing/screening**

The portable toilets and other waste containers are visible from the three adjacent properties. There was a complaint in March of 2016 from the neighbors to the south submitted to the Flathead County Planning and Zoning Office regarding the visibility of the portable toilets. At the time of the complaint, the portable toilets were stored behind the shop/office

building on the western portion of the property. On July 29<sup>th</sup>, 2016 North Valley Refuse entered into a mutual neighbor agreement with the neighbors to the south, the Silliker Revocable Family Trust, to not restrict the view of Big Mountain from the Silliker property. Currently the portable toilets are stored on the eastern portion of the property per the agreement between North Valley Refuse and Silliker Revocable Trust.

**v. Landscaping**

Large trees exist on the eastern and western edges of the property. There are no landscaping requirements listed for a warehouse or equipment storage and servicing.

**Finding #7** – The fencing/screening and landscaping on the subject property appears to be adequate because there are no standards for screening and the mutual neighbor agreement with the neighbors to the south, the Silliker Revocable Family Trust, addresses previous issues regarding screening.

**vi. Signage**

Historically on the property, a 10 by 10 foot legally non-conforming sign exists. The application indicates the sign is currently undergoing normal maintenance and no further signage is proposed. Section 5.11.070 *Non-Conforming Signs* states

*2. All legal non-conforming signs shall be removed or brought into compliance with these regulations upon the earlier of the following events:*

*B. The structure or size of the sign is altered in any way except toward compliance with these regulations. This does not refer to change of copy or normal maintenance.*

This indicates North Valley Refuse is allowed the normal maintenance of their non-conforming sign without coming into compliance with the sign requirements listed under Section 5.11.040 of FCZR.

**vii. Lighting**

The existing exterior lighting on the property includes two sets of flood lights on the western side of the warehouse building and the northern side of the garage. No new lighting is proposed. Section 5.12.020 of FCZR states *All porch and yard lighting shall be hooded, screened or directed in a manner such that the light source or the diffuser emitting the light shall not be deleterious to the adjoining property owners or occupants.* The application indicates there is very minimal outdoor lighting on the property. A site visit by staff revealed the lighting on the property is minimal and is directed in a manner such that the light is not deleterious to the adjoining property owners.

**Finding #8** – The subject property seems appropriate in terms of signage and lighting because the expanded use does not propose any additional

signage or lighting and the existing lighting meets the regulations outlined in FCZR.

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

#### **i. Sewer**

The subject property is served by two septic systems permitted by Flathead County. For any changes to the system, the applicant is required to obtain approval from Environmental Health Services of the Flathead City-County Health Department (FCCHD) and Montana Department of Environmental Quality (MDEQ), as applicable. No waste from the portable toilets will be disposed of on the subject property. The application indicates the portable toilet waste is disposed of offsite at the Columbia Falls waste treatment plant pursuant to an agreement between the applicants and the City of Columbia Falls.

**Finding #9** - The proposed use will have minimal impact on public services and facilities because the facility would be served by an on-site septic/drain field system, any change to this system would require review and approval from the Flathead City-County Health Department and Montana Department of Environmental Quality, and the portable toilet waste is disposed of properly at an offsite location.

#### **ii. Water**

The subject property is served by an existing 60 foot well. The application indicated the water right 76LJ 30021234 permits up to 35 gallons per minute and up to ten acre-feet. A water hose on the subject property is used to wash the exterior of the portable toilets before and after they are delivered to customers.

**Finding #10** - The proposed use will have minimal impact on public services and facilities because the facility would be served by an existing on-site individual well for which a water right has been issued by the Montana Department of Natural Resources.

#### **iii. Storm Water Drainage**

The proposal has not introduced any additional impervious surface area to the subject property. Stormwater runoff from impervious surfaces is currently managed by a swale located along the western portion of the subject property located in the parking area as indicated on the site plan. Stormwater drainage on other areas of the subject property can be managed by onsite absorption.

**Finding #11** – The proposed use will have minimum impact on storm water drainage because the facility will continue to use the existing storm water drainage swale as well as onsite absorption.

**iv. Fire Protection**

The subject property is served by Rural Whitefish Fire Department. An agency referral was sent to the Whitefish Fire Department and no response was received. It is expected that the Rural Whitefish Fire Department, located approximately 3 miles north of the subject property, would be able to continue providing fire protection to the subject property for the expanded use.

**v. Police Protection**

The property would be served by the Flathead County Sheriff's Department. The application states, The Sheriff's Office is located in Kalispell and depending on the number of officers on duty and where they are at any given time will dictate the response time. The addition of portable toilets to the existing waste management business is expected to have minimal impact on the Flathead County Sheriff's Offices.

**vi. Streets**

The subject property has direct access onto U.S. Highway 93, a four-lane paved highway with a median turn lane located directly in front of the existing paved approach to the subject property. Regular operation of the expanded facility is not anticipated to adversely impact U.S. Highway 93, as the additional vehicle trips associated with the use would be minimal relative to the current vehicle trips accommodated by the highway. The eastern portion of the property is accessed by a shared private road. Comment from the Flathead Road and Bridge Department states, "At this point the County Road Department does not have any comments on this request." Montana Department of Transportation indicated

**Finding #12** – Public services and facilities are adequate to serve the proposed expanded use because the subject property is in an area of the county served by the Rural Whitefish Fire District and the Flathead County Sheriff, and has direct access onto U.S. Highway 93, a paved highway adequate to serve the traffic generated by the proposed expanded use.

**D. Immediate Neighborhood Impact**

**i. Excessive traffic generation**

The application states the proposed expanded facility will generate an additional 40 vehicle trips per day by employees and customers of the facility. The application cites a Montana Department of Transportation (MDT) traffic count for U.S. Highway 93 of approximately 14,000 – 22,000 vehicle trips per day, suggesting impacts from the addition of 40 vehicle trips per day associated with the expanded use would be negligible.

**Finding #13** - Additional vehicle traffic associated with the expanded use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood because traffic generated by the expanded use

would utilize U.S. Highway 93 which has been designed to accommodate relatively high traffic volumes, and additional vehicle trips resulting from the expanded use have already been realized and have not created any noticeable issues.

**ii. Noise or vibration**

Certain elements of the existing and proposed expanded facility have the potential to generate noise and vibration, but excessive noise or vibration that would impact the immediate neighborhood is not anticipated because North Valley Refuse has entered into a mutual neighbor agreement addressing noise concerns before 8am.

**Finding #14** – The proposed expanded use is not anticipated to generate noise or vibration which would adversely impact the immediate neighborhood because North Valley Refuse has entered into a mutual neighbor agreement addressing noise concerns.

**iii. Dust, glare or heat**

Some dust is generated from the addition of portable toilets because the toilets are stored on the eastern portion of the property accessed by a private dirt road approximately 16 feet wide within a 30 foot easement. It is not expected to increase the amount of dust enough to negatively impact immediate neighbors of the subject property. No glare or heat is expected to result from the expanded use.

**Finding #15** - The proposed expanded use is not anticipated to generate dust, glare, or heat which would adversely impact the immediate neighborhood because existing gravel road would only see a slight increase in traffic and no glare or heat is expected to result from the expanded use.

**iv. Smoke, fumes, gas, or odors**

No smoke, fumes, gas, or odors are generated from the expanded use on the subject property except those emitted from the vehicles transporting the portable toilets on and off site. The location of the subject property adjacent to a major highway makes the small number of daily trips insignificant. All waste from the portable toilets is disposed of offsite and are cleaned before they are stored on the subject property.

**Finding #16** – Adverse neighborhood impacts are not anticipated in terms smoke, fumes, gas or odors as a result of the proposed expanded use because the addition of vehicle trips is insignificant, all waster from the portable toilets is disposed of offsite, and the toilets are cleaned before they are stored on the subject property.

v. **Inappropriate hours of operation**

North Valley Refuse operates Monday through Friday from 5:00 am to 5:00 pm. Through the mutual neighbor agreement with the Silliker Revocable Family Trust property to the south, North Valley Refuse has agreed not to dump any container in the yard before 8:00 am.

**Finding #17** – The proposed expanded use will not have a negative impact on the immediate neighborhood based on inappropriate hours of operation because they will only be active in the equipment storage area between the hours of 8:00 am and 5:00 pm, Monday through Friday.

V. **SUMMARY OF FINDINGS**

**Finding #1** – The subject property is suitable for the proposed expanded use because there is adequate usable space on the subject property to accommodate parking and storage areas while still maintaining perimeters which comply with the applicable setback requirements of the AG-20, *Agriculture* zoning district.

**Finding #2** – The subject property is suitable for the proposed expanded use because there is adequate access from U.S. Highway 93 from both the south and the north via two approaches, which appear able to accommodate the vehicle traffic created as a result of the proposed expansion.

**Finding #3** – The subject property is suitable for the proposed expanded use because there is an absence of environmental constraints including wetlands, streams, steep slopes, floodplain or any other environmental hazard on the property.

**Finding #4** – The subject property does not appear to have appropriate design in regards to parking because although there is not adequate parking for employees and service vehicles in the existing parking but can be mediated through a condition requiring parking on another area of the subject property.

**Finding #5** – The proposal for traffic circulation does not appear to be appropriate in design because the private road shared with the property owners to the north is only 16 feet wide and don't meet FCZR requirements for two-way traffic but can be mediated by conditioning the permit to require widening of the private road to FCZR 6.16.020(3) standards.

**Finding #6** – The proposal appears acceptable in its design because there is adequate open space on the property to accommodate the expanded proposed use.

**Finding #7** – The fencing/screening and landscaping on the subject property appears to be adequate because there are no standards for screening and the mutual neighbor agreement with the neighbors to the south, the Silliker Revocable Family Trust, addresses previous issues regarding screening.

**Finding #8** – The subject property seems appropriate in terms of signage and lighting because the expanded use does not propose any additional signage or lighting and the existing lighting meets the regulations outlined in FCZR.

**Finding #9** - The proposed use will have minimal impact on public services and facilities because the facility would be served by an on-site septic/drain field system, any change to this system would require review and approval from the Flathead City-County Health Department and Montana Department of Environmental Quality, and the portable toilet waste is disposed of properly at an offsite location.

**Finding #10** - The proposed use will have minimal impact on public services and facilities because the facility would be served by an existing on-site individual well for which a water right has been issued by the Montana Department of Natural Resources.

**Finding #11** – The proposed use will have minimum impact on storm water drainage because the facility will continue to use the existing storm water drainage swale as well as onsite absorption.

**Finding #12** – Public services and facilities are adequate to serve the proposed expanded use because the subject property is in an area of the county served by the Rural Whitefish Fire District and the Flathead County Sheriff, and has direct access onto U.S. Highway 93, a paved highway adequate to serve the traffic generated by the proposed expanded use.

**Finding #13** - Additional vehicle traffic associated with the expanded use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood because traffic generated by the expanded use would utilize U.S. Highway 93 which has been designed to accommodate relatively high traffic volumes, and additional vehicle trips resulting from the expanded use have already been realized and have not created any noticeable issues.

**Finding #14** – The proposed expanded use is not anticipated to generate noise or vibration which would adversely impact the immediate neighborhood because North Valley Refuse has entered into a mutual neighbor agreement addressing noise concerns.

**Finding #15** - The proposed expanded use is not anticipated to generate dust, glare, or heat which would adversely impact the immediate neighborhood because existing gravel road would only see a slight increase in traffic and no glare or heat is expected to result from the expanded use.

**Finding #16** – Adverse neighborhood impacts are not anticipated in terms smoke, fumes, gas or odors as a result of the proposed expanded use because the addition of vehicle trips is insignificant, all waster from the portable toilets is disposed of offsite, and the toilets are cleaned before they are stored on the subject property.

**Finding #17** – The proposed expanded use will not have a negative impact on the immediate neighborhood based on inappropriate hours of operation because they will only be active in the equipment storage area between the hours of 8:00 am and 5:00 pm, Monday through Friday.

## **VI. RECOMMENDATION**

Upon review and evaluation of this application, the request for an expanded non-conforming use (addition of portable toilets) on the subject property is supported by the review criteria and 17 Findings of Fact listed above. Staff therefore recommends that the Flathead County Board of Adjustment adopt staff report FCU-16-16 as findings of fact and approve the conditional use permit, subject to the following conditions:

## **VII. CONDITIONS**

1. The operation of the expanded use on the subject property shall be in substantial conformance with the original application and site plan submitted and approved by the Board of Adjustment.
2. Changes or modifications to the approved use(s) or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment.
3. A minimum of 8 standard vehicle parking spaces measuring 9 feet by 20 feet and 19 nonstandard parking spaces measuring 12 feet by 40 feet. All parking spaces shall be clearly established on the subject property to accommodate employee and garbage truck/portable toilet service truck traffic generated by the facility.
4. The private road on the northern boundary of the subject property shall be widened to 20 feet in order to accommodate 2-way vehicle traffic access to the eastern portion of the subject property and adjacent property.
5. Current and future signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations.
6. Current and future lighting installed on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
7. The applicant shall adhere to all applicable Montana State commercial building requirements as required by the Montana Bureau of Labor and Industry.
8. The operation of the expanded non-conforming use shall commence within one year from the date of issuance of the conditional use permit per FCZR 2.06.060.
9. Hours of operation, including times of delivery shall not exceed normal business hours and shall occur between 8:00 am and 5:00 pm.

10. 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: KN