This is a report to the Flathead County Board of Adjustment regarding a request from the Bamberbliss Revocable Trust for a conditional use permit to establish a ‘camp and retreat center’ on the subject property. The subject property is located within the Bigfork Zoning District and is zoned ‘AG-20 Agricultural.’

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on January 3, 2017 beginning at 6:00 P.M. in the 2nd floor conference room of the South Campus Building located at 40 11th Street West in Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located in Suite 220 on the second floor of the South Campus Building.

I. APPLICATION REVIEW UPDATES
   A. Land Use Advisory Committee/Council
      The proposed land use is located within the Bigfork Land Use Advisory Committee. This space is reserved for an update of the December 29, 2016 Bigfork Land Use Advisory Committee Meeting.

   B. Board of Adjustment
      This space is reserved for an update regarding the January 3, 2017 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION
   A. Application Personnel
      i. Landowner/Applicant
         Bammersbliss Revocable Trust
         P.O. Box 1408
         Bigfork, MT 59911

   B. Property Location and Size
      The subject property is located at 500 Wild Swan Trail near Bigfork, Montana (see Figure 1 below). The property is approximately 19.8 acres in size and can be legally described as Tract 2AA in the N ½ of SE ¼ of NW ¼ of Section 36, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.
C. Existing Land Use(s) and Zoning
The property is located within the Bigfork Zoning District and is zoned ‘AG-20 Agricultural.’ AG-20 is defined as, “A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.” The property is currently developed as residential and small scale agricultural with a single-family dwelling, an accessory dwelling unit, a guest house, and various farm buildings. The majority of the development on the lot is located towards the eastern half of the property and the entire lot is heavily forested with some maintained lawn space and a pond. The property was originally developed as a yoga retreat center accommodating overnight stays.

D. Adjacent Land Use(s) and Zoning
Land to the north, south, and west of the subject property is similarly zoned AG-20 Agricultural while the land to the east of the subject property is zoned AG-80 Agricultural (owned by the United States Forest Service). There is some Suburban Agriculture zoned property located west of the property along Highway 83. The general character of the surrounding area is agriculture and suburban agriculture with single family dwellings on large, estate type lots. Most of the properties in the immediate vicinity are forested.
E. Summary of Request

This request is a response to a violation regarding nightly rentals. Multiple adjacent neighbors submitted formal complaints that the Planning and Zoning Office investigated. The applicants complied with requests from the Planning and Zoning Office to stop offering nightly rentals of the guest house and accessory dwelling unit on the Vacation Rental by Owner (VRBO) website and instead offer monthly rentals. A meeting between the property owners and the Planning Office discussed the definition of guest house. Flathead County Zoning Regulations define guest house as “a detached structure which is accessory to a one family dwelling with not more than two bedrooms, which shall be used and /or designed for use primarily by guests and/or servants. One guest house is allowed per tract of record.” The Planning office agreed as long as the guest house was primarily used by guests (and not charged), then it could be rented monthly. The violation file has been closed. The issuance of this Conditional Use Permit would allow the property owners to rent both the accessory dwelling unit and the guest house out on a bi-nightly basis (two night minimum).

The applicant is requesting a conditional use permit to allow for a camp and retreat center to be placed on the subject property pursuant to Section 7.04.010 and Section 4.03 of the Flathead County Zoning Regulations (FCZR). A camp and retreat center is defined under Section 7.04.010 FCZR as “A land use to provide camping or retreat center activities characterized by a rural setting in a rustic environment. Uses are primarily seasonal, but they shall not be limited to such. The uses permitted may be affiliated with the organization running the camp or retreat center, however, the general public is not restricted from such use.” The placement of a camp and retreat center in an AG-20 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.
Permit and conditional use standards for a camp and retreat center found in Section 4.03 FCZR.

Section 4.03.020 of FCZR says: The following uses are anticipated in a camp or retreat center designation:

1. Auditoriums
2. Boat Marinas
3. Docks for swimming
4. Changing Facilities
5. Churches and other places of worship
6. Community Center Buildings (e.g., crafts, games)
7. Concessions (e.g., snack shack vending machines, souvenirs)
8. Convention hall facilities
9. Dormitories or cabins (for both guests and employees)
10. Education facilities
11. Infant day care
12. Infirmaries
13. Kitchens and dining facilities
14. Laundry facilities
15. Maintenance and repair facilities
16. Offices for camp employees
17. Outdoor recreation, low impact and high impact facilities
18. Outdoor cooking facilities
19. Recreational vehicle parks and campgrounds (maximum 20% of the camp’s area)
20. Restroom facilities
21. Sewage treatment facilities
22. Silviculture use
23. Camp equipment storage facilities (e.g., canoes, paddles, rafts, inner tubes, life vests)
24. Water extraction facilities

The applicant intends to “provide a peaceful and inspirational place for people to unplug from their urban lives so that they might reconnect with their higher selves, their loved ones, and their source of inspiration.” The retreat center will “encourage visitors to use the natural sanctuary at Wild Swan Retreat for reflection and introspection and to reset intentions for answering their soul’s callings, particularly in pursuing creative projects, agricultural and farmstead interests, and a desire to connect with the natural world.” The applicant intends to “accommodate eight to ten people, with a limit of twenty people at any one time. Retreat activities would be low key and low volume (no outside amplified music or microphones), so as not to disrupt the natural environment, wild animals, farm animals, or neighbors living on adjoining properties.”

The application states that “retreat and overnight offerings would be available year round, however it is our expectation that most would occur between the months of May and September. Overnight stays would be for a minimum of 2 days and a maximum of 6 months (e.g. for Artists in Residency).” The application also indicates daytime retreats would occur at the Retreat Center and on the lawns surrounding the pond, incorporating the farmstead and agricultural operations with a maximum of 15 guests on the property at any time. There is also a reference to the World Wide Opportunities on Organic Farms.
(WOOFER) program and volunteers, which is a permitted use on the property (agriculture) and not part of this request.

F. Compliance With Public Notice Requirements
Notification was mailed to property owners within 150 feet of the subject property on December 16, 2016, 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 December 18, 2016 edition of the Daily Interlake.

G. Agency Referrals
Referrals were sent to the following agencies on November 23, 2016:

- Ferndale Fire Department
- David Prunty, Flathead County Road Department
- Jim Chilton, Flathead County Solid Waste
- Wendee Jacobs, Flathead City-County Health Department
- Joe Russell, Flathead City-County Health Department
- Jed Fisher, Flathead County Weeds & Parks Department
- Julie Weber, Bonneville Power Administration
- State Building Department
- Flathead County Sheriff’s Office

III. COMMENTS RECEIVED
A. Public Comments
Sixteen written public comments have been received by the completion of this staff report regarding the conditional use permit request and are summarized below. Fifteen comments have been received against and one comment in favor of the Conditional Use Permit application. Public comment is also anticipated at the January 3, 2016 Board of Adjustment meeting. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

Comments against the Conditional Use Permit application:

- Clifton and Cheryl Palmer, 378 Wild Swan Lane
  - Eight written comments and multiple oral comments between November and the completion of the staff report highlighting inadequate road width, impact to the neighborhood, degradation of wetlands, parking, hours of operation, increased traffic, and decreased property values. The Palmers also submitted a large ‘packet’ of documents including complaint forms, past letters from the 2008 conditional use permit application, and Fred Hodgeboom’s resume.

- Sam Porrovecchio, 148 Drew Lane
  - One written comment highlighting concerns regarding noise, traffic generation, and impact to the neighborhood

- Johnna Hiatt, 348 Julian Lane
  - One written comment regarding inadequate road width, safety concerns, noise level, garbage concerns, neighborhood impact, and concerns regarding the truthfulness of the applicants.
• Lance Morgan, 160 Conifer Lane
  o One written comment highlighting the disruptive nature of commercial activities in quiet rural neighborhoods, reduced property values, noise, and potential violation of the Bigfork Neighborhood Plan.

• Carlos and Brenda Luna, adjacent property owners
  o One written comment highlighting concerns regarding traffic volumes, road width, and dust

• Sue Hollingsworth, no address given
  o One written comment highlighting concerns regarding noise.

• Mitch Heuer, 641 Wild Swan Trail
  o One written comment highlighting that his sentiments parallel the concerns of the Palmers, Lance Morgan, Johnna Hiatt, and others.

• Fred Hodgeboom, 1125 Whispering Pines
  o One written comment/report regarding wetlands on adjacent properties and the natural history of the area. Concerned with high ground water.

Comments in favor of the Conditional Use Permit application:
• Kelli and Dale Whalen, Bigfork Outdoor Rental
  o One written comment highlighting the importance of collaboration between business owners to support the local economy.

B. Agency Comments
The following is a summarized list of agency comments received as of the date of the completion of this staff report:

• Julie Weber, Bonneville Power Administration
  o 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.”

• Dave Prunty, Flathead County Road and Bridge Department
  o Comment: “The applicant discusses the use of dust palliative on the gravel road network accessing the property. To help reduce the dust generated on roads within Flathead County we believe this would be a great idea to implement”

• Wendee Jacobs, Flathead County Environmental Health Department
  o Comment: “This office has reviewed the information provided and submits the following comments:

  1. Tracts 2AA is greater than 20 acres and thus not subject to review under the Sanitation in Subdivisions Act (MCA 76-4-1). Two (2) wastewater systems permits were located in our files serving the existing development was reviewed and approved through Environmental Health Services. The proposed additional use will require additional wastewater treatment and disposal as the existing
systems were not designed to adequately treat and disposed of the additional proposed volume.

2. Should the existing and proposed development exceed service to more than 25 people for at least 60 days in a calendar year, the water and wastewater systems are classified as “public” and require design review and operation in accordance with MT DEQ.

3. Operation of a vacation rental (tourist home) is required to be licensed through the State of Montana as a Public Accommodation (MCA 50-50-201).”

- Note: Although the property is technically not over 20 acres, the plat that divided the property to be 20 acres and therefore exempt from Sanitation in Subdivision Act (MCA 76-4-1). Further conversation with Wendee Jacobs indicated that although they are exempt from that particular review, the existing wastewater treatment and disposal systems are not adequate for the proposed use and an upgrade would be necessary.

- Flathead County Solid Waste District
  - Comment: “The District views no negative impact with solid waste issues at this time. If the conditional use permit is granted any and all solid waste generated at the proposed location will need to be hauled by a private hauler to the landfill. Allied Waste is the licensed Public Service Commission licensed hauler in this area.”

- Carrie Baker, State Building Department
  - Comment: “If the Conditional Use Permit applicant chooses to alter, remodel, add additions, or build new structures on the property, then the department would have jurisdiction over building requirements for new or altered construction. Further, if the project will include any work requiring installation of electrical, mechanical or plumbing installations, that work will also have to be properly permitted.

- Ken Sharr, Ferndale Fire Chief
  - Comment: “After reviewing the conditional use permit request submitted by Ms. Harris and Ms. Gilbert, concerning their property located at 500 Wild Swan Trail we have two concerns, one being the ability to maneuver fire apparatus, and secondly available water supply. Therefore the conditions listed deal with these concerns.

Conditions for the proposed Camp and Retreat Center:

1. A graveled area sufficient for placement of Fire Apparatus during an emergency. Area needed is at minimum, a 40’ radius.

2. A dedicated access to the pond located on the property. This is for the drafting of available water to better protect structures and woodland area.”
IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate usable space

The subject property is 19.8 acres in size and is currently developed as residential and small scale agricultural with a single-family dwelling, an accessory dwelling unit, a guest house, and various farm buildings. The majority of the development on the lot is located towards the eastern half of the property and the entire lot is heavily forested with some maintained lawn space and a pond. The property was originally developed as a yoga retreat center accommodating overnight stays. The single-family dwelling covers approximately 3500 square feet, the guest house covers 2400 square feet, and farm buildings cover approximately 2000 square feet, the accessory dwelling unit is approximately 900 square feet. The permitted lot coverage in the AG-20 zone is 20%. The total proposed lot coverage of the subject property is approximately 8800 square feet or 1 percent.

The minimum yard requirements within the AG-20 zoning are 20 feet for front, side, rear and side corner yards for the principal structure. The setbacks for accessory structures are 20 feet from front and side corner yards and 5 feet for side and rear yards. An additional 20 feet setback is required from streams, rivers and unprotected lakes. There are no streams, rivers or unprotected lakes on the subject property and no structures are located near the pond on the property. Based upon staff’s site visit and the submitted site plan, it appears the subject property has adequate usable space to accommodate the camp and retreat center in compliance with the setback and lot coverage requirements of the AG-20 zone.

Finding #1 – There appears to be adequate usable space for the proposed use because the use will only cover 8800 square feet of the 19.8 acre lot and does meet the applicable setback and lot coverage requirements.

ii. Adequate access

The property has access via Julian Lane, Drew Lane, and finally Wild Swan Trail. All three roads are gravel, private roads within 30 feet easements off of Highway 83. According to the applicant, the roads are privately maintained by the homeowners.

The proposed camp and retreat center will utilize the same access as the existing single family dwelling and accessory uses. The roadway is approximately 16 feet wide along Drew Lane and Wild Swan Trail and 20 feet wide along Julian Lane. The private roads that would serve as the proposed access for the camp and retreat center cross four residential properties to the west of the subject property, via a 30 feet wide road. Approximately nine residential properties use a combination of the three private roads, so the proposed camp and retreat center would share the access with those properties.

According to FCZR Section 6.16.010, “access to business, service stations, roadside stands, public parking lots and all other business requiring motor vehicle access shall meet the requirements as hereinafter provided or as applicable of the Montana Department of Transportation or Flathead County Road and Bridge Department (whichever requirements are more stringent).” Consequently, FCZR Section
6.16.020(3) states, “Each roadway shall be not more than 36 feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way. No roadway shall be less than 10 feet wide for one-way traffic or 20 feet wide for two-way traffic.’ Consequently, the applicant would be required to widen the existing 16 feet wide driveway to 20 feet to allow for two-way traffic as the access appears to be the only means for ingress and egress to the camp and retreat center.

Finding #2 – The access to the property is not currently suitable for the proposed use because Drew Lane and Wild Swan Trail, used for accessing the camp and retreat center, are only 16 feet in width and a minimum of 20 feet in width is required to accommodate two-way traffic for a business.

iii. Absence of environmental constraints
The subject property is relatively flat with most of the development on the eastern portion of the lot. The property is mostly forested with the eastern portion of the property somewhat cleared. According to FEMA FIRM panels 30029C2340G the subject property is situated in an un-shaded Zone X, which is classified as an area outside the 500-year floodplain. There does not seem to be any streams or creeks located on the subject property. There does appear to be wetlands on the subject property but they appear to be predominately on the properties to the north and south with small portions on the subject property on the southeast corner and the northwest corner (see figure 3). The site plan indicates there are no structures on these portions of the subject property.

Figure 3: Wetlands near subject property (subject property outlined in red)

Finding #3 – The subject property appears suitable for the camp and retreat center because although wetlands do exist on the subject property, the extent is minor and no structures exist on the wetlands that could adversely impact or limit the suitability of the property for the proposed use.
B. Appropriateness of design
   i. Parking scheme
   FCZR Section 6.03.030 states that for hotels, motels, and cabins there is a requirement of, “1 space per guest room plus 1 space for every 2 employees per maximum shift.” The site indicates the ‘treehouse’ and guesthouse will be rented out to guests with a total of 4 adult sleeping areas, and can host a total of 15 people. There is no indication of employees in the application. No rooms will be rented out to the public within the single family dwelling. The application materials indicate that the organizational retreats, workshops, and camps held on the property would have a parking limit of 15 vehicles and a limit of 15 people on the property at any one time. Since the property will also be utilized for family reunions, retreats, workshops and camps limited to 15 cars, an additional 15 parking spaces will be required. Because the camp and retreat center would limit the amount of guest on the property at any one time to 15, a total of 15 parking units are required for the camp and retreat center in addition to the 2 spots for the single family dwelling. Based on staff’s site visit and the submitted site plan, the parking scheme appears to be appropriate and would accommodate the 17 required parking spaces. The applicant will be required to provide parking for at least 17 vehicles.

   Finding #4 – The proposed parking scheme appears to be appropriately designed because the applicant has indicated they have the required number of parking spaces as required by the FCZR and it will be a conditioned and verified after one year.

   ii. Traffic circulation
   Ingress and egress to the camp and retreat center proposed on the subject property will be via Julian Lane, Drew Lane, and Wild Swan Trail off of Highway 83, which also serves as the access for the neighboring properties via a 30 feet private road and utility easement. Two of the private roads, Drew Lane and Wild Swan Trail, accessing the subject property are approximately 16 feet wide and gravel. FCZR Section 6.16.020(3) requires a minimum road width of 20 feet for two-way traffic accessing a business. The applicant will be required to widen all roads to 20 feet to meet county standards for two-way traffic accessing a business.
Finding #5 – The proposed traffic circulation does not appear to be appropriately designed because Drew Lane and Wild Swan Trail do not support two-way traffic which is not adequate given that the roads would be the sole means of ingress and egress for the proposed camp and retreat center.

iii. Open space
The subject property is approximately 20 (19.8) acres in size and is currently developed as residential with a single-family dwelling, a guest house, an accessory dwelling unit and multiple farm buildings. The existing single-family dwelling covers 3500 square feet, the existing guest house covers 2400 square feet, the accessory dwelling unit covers 900 square feet, and farm buildings cover a total of 2000 square feet. The permitted lot coverage in the AG-20 zone is 20%. The total proposed lot coverage of the subject property is approximately 8,800 square feet or 1 percent.

iv. Fencing/screening
The lot is mostly forested, especially on the western portion of the property and some limited buffer exists between the neighboring properties as a result of vegetation. There is light fencing that separates the adjoining property to the south. There is electric fencing on the north central portion of the lot that is used to keep livestock. The application notes that the property owners are planning to put in more trees and/or bushes as a noise and sight barrier between their property and the property to the south.

v. Landscaping
The majority of the development is located towards the eastern boundary of the property. There is a 24,000 square foot landscaped lawn space with rockscaped benches that surround a waterfall pond area (Figure 5). The applicants have indicated they will preserve any mature vegetation and place additional landscaping between the subject property and the property to the south.
vi. **Signage**

The subject property currently has no signage on the property. The applicants have indicated that they may put small directional signs on the property. All signage will be required to meet the standards outlined in FCZR Section 5.11.

vii. **Lighting**

Lighting on site is limited to porch lights located on the single family dwelling, guest house, accessory dwelling unit, as well as some lighting in the yard. The applicant is proposing to place solar powered landscape lighting along the driveway. The applicant shall be required to conform to the lighting standards set forth in Section 5.12 FCZR and will be conditioned accordingly and inspected after one year.

**Finding #6** – The camp and retreat center appears to be adequately designed because the lot is 20 acres in size and approximately 99% of the property will be left as open space, permitted lot coverage is 20 percent and any new lighting will be required to comply with FCZR Section 5.12.

**Finding #7** – The proposed camp and retreat center may require additional fencing/landscaping/vegetative buffer because the screening/fencing along the southern boundary is thin and result in negative impacts on neighboring property owners.

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

i. **Sewer**

The subject property currently contains two septic systems for the single family dwelling, guest house, and accessory dwelling unit. Flathead County Environmental Health commented on the proposal and indicated the proposed additional use will require additional wastewater treatment and disposal as the existing systems were not designed to adequately treat and disposed of the additional proposed volume. The county Environmental Health office indicated that there are 2 permitted septic
systems on the property while the applicants insist there are three. The applicants will need to sort this out with the Flathead County Environmental Health Office before opening the camp and retreat center to the public. The proposed use will be required to be re-reviewed and approved by the Flathead City-County Department of Environmental Health and the applicant is aware that modifications to the existing septic system or an additional septic system may be required. This will be conditioned and verified after one year.

ii. Water
The property currently utilizes an on-site well and the applicant plans to continue using the existing well for their residence and other buildings. Comment received from the Flathead City-County Environmental Health Department states, “Should the existing and proposed development exceed service to more than 25 people for at least 60 days in a calendar year, the water and wastewater systems are classified as “public” and require design review and operation in accordance with MT DEQ. Operation of a vacation rental (tourist home) is required to be licensed through the State of Montana as a Public Accommodation (MCA 50-50-201).” If the proposed use serves more than 25 people at least 60 days in a calendar year, the Flathead County Environmental Health Office requires review and approval by their office in accordance with MT DEQ.

Finding #8 – The requirements for waste water treatment and water for the camp and retreat center may not be acceptable because Flathead County Environmental Health has indicated concerns but can be mitigated through conditions requiring Environmental Health and MT DEQ approval.

iii. Storm Water Drainage
Currently storm water run-off is handled through on-site absorption and will continue to be handled through on-site absorption in the future.

Finding #9 – The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption.

iv. Fire Protection
The subject property is located in the Wildlife Urban Interface and County Wide Priority Area. The request is to allow for a camp and retreat center on the subject property and would not be adding permanent residents to the WUI. The subject property is currently served by the Ferndale Fire Department, and is located approximately 3.2 miles east of the existing fire station. Because of the volunteer nature of the fire department longer response times may be anticipated. Comment from Ferndale Fire Chief, Ken Shar: “We have two concerns, one being the ability to maneuver fire apparatus, and secondly available water supply. Therefore the conditions listed deal with these two concerns:

1. A graveled area sufficient for placement of Fire Apparatus during an emergency. Area needed is at minimum, a 40’ Radius.
2. A dedicated access to the pond located on the property. This is for the drafting of available water to better protect structures and woodland areas.

This will be conditioned and verified after one year.

v. Police Protection
The property would be served by the Flathead County Sheriff’s Department. Because of the rural location of the subject property, long wait times may be anticipated.

**Finding #10** – The proposed use appears to have acceptable impacts on public services and facilities because the camp and retreat center will be served by the Ferndale Fire Department and Flathead County Sheriff, will be required to provide conditions suggested by the Ferndale Fire Department

**vi. Streets**
The property has one access via Julian Lane, Drew Lane, and Wild Swan Trail for the existing residence which would serve as the same access for the camp and retreat center. Drew Lane and Wild Swan Trail are both gravel, one-lane private roads within a 30 and 40 foot easements. Drew Lane and Wild Swan Trail are approximately 16 feet wide and appears to be maintained unofficially by the neighboring property owners.

**Finding #11** – The proposed use may not have acceptable impacts on streets because the camp and retreat center will be accessed off of an inadequate roadway in terms of width for the proposed use.

**D. Immediate Neighborhood Impact**

**i. Excessive traffic generation**
The proposed camp and retreat center is anticipated to increase traffic along Julian Lane, Drew Lane, and Wild Swan Trail above the level expected of a single family residential use. According to the application materials, the maximum number of guest cars allowed on the property will be 15, exceeding 30 vehicle trips per day with addition of bi-nightly rentals. These vehicle trips should be considered in addition to the 10 ADT for a standard single family use.

Although traffic counts have not been recorded for Julian Lane, Drew Lane or Wild Swan Trail, the road is utilized by 9 other residential lots meaning that the roadway likely has 100 vehicle trips per day currently. With 30 additional vehicle trips per day, traffic generation on Wild Swan Trail would increase by 30 percent. Because these road are private, gravel roads and the camp and retreat center will add a significant number of vehicle trips, a detailed road maintenance agreement should be drafted and implemented for subject property to bear the additional maintenance responsibility for as long as the property is utilized for a camp and retreat center/business. The Flathead County Road and Bridge Department has indicated no issue with the proposal.

**ii. Noise or vibration**
The retreat activities would primarily be during the summer months. The application indicates there is a light buffer between the subject property and the property to the south and that more mature trees would be planted in open areas between the two properties to help buffer noise. The application indicates the intent of the retreat center is to “provide a retreat atmosphere away from urban noise and distractions.” It appears that while the noise associated with the camp and retreat center is expected to be low it does have the potential to negatively impact the surrounding properties. No vibration beyond what is typical for a residential and agricultural area is anticipated as a result of the proposed camp and retreat center.

**iii. Dust, glare or heat**
Based on the submitted application the proposed use is not anticipated to create adverse impacts on the surrounding neighborhood as a result of dust, glare, or heat.
The traffic generated from this proposal may create some dust as the existing driveway and proposed addition to the driveway will be gravel. The applicants have indicated they will treat gravel roads with dust palliative. This will be conditioned and verified after one year.

iv. **Smoke, fumes, gas, or odors**
No fumes or gas are anticipated to be generated by the camp and retreat center. While the camp and retreat may have campfires and barbeque grills which could generate smoke and odors, the smoke and other odors would be typical of a single family residence.

v. **Inappropriate hours of operation**
The applicant is proposing that retreat activities occur between 8:30AM to 9:30PM, Monday through Friday and 9AM to 10PM on weekends. Overnight guests would have quiet hours between 10:30PM and 8AM. Occasional outdoor night-time star and planet viewing/campfire gatherings would not occur past 11PM. These proposed hours of operation may be inappropriate for the surrounding character of the neighborhood but may be mitigated with decreased hours of operation.

**Finding #12** – The proposed use has the potential to impact the surrounding neighborhood negatively because of potentially inappropriate hours of operation but can be mitigated or shortened to limit the effects of the camp and retreat center to the immediate neighborhood.

**Finding #13**- The proposed camp and retreat center appears to create a level of traffic that may need mitigation because Drew Lane and Wild Swan Trail are one-lane, private gravel roadways that would require additional maintenance if the camp and retreat center is approved as an additional 30 ADT would be added to the roadway, a 30 percent increase in traffic.

V. **SUMMARY OF FINDINGS**

**Finding #1** – There appears to be adequate usable space for the proposed use because the use will only cover 8800 square feet of the 19.8 acre lot and does meet the applicable setback and lot coverage requirements.

**Finding #2** – The access to the property is not currently suitable for the proposed use because Drew Lane and Wild Swan Trail, used for accessing the camp and retreat center, are only 16 feet in width and a minimum of 20 feet in width is required to accommodate two-way traffic for a business.

**Finding #3** – The subject property appears suitable for the camp and retreat center because although wetlands do exist on the subject property, the extent is minor and no structures exist on the wetlands that could adversely impact or limit the suitability of the property for the proposed use.

**Finding #4** – The proposed parking scheme appears to be appropriately designed because the applicant has indicated they have the required number of parking spaces as required by the FCZR and it will be a conditioned and verified after one year.

**Finding #5** – The proposed traffic circulation does not appear to be appropriately designed because Drew Lane and Wild Swan Trail do not support two-way traffic which is not adequate given that the roads would be the sole means of ingress and egress for the proposed camp and retreat center.
Finding #6 – The camp and retreat center appears to be adequately designed because the lot is 20 acres in size and approximately 99% of the property will be left as open space, permitted lot coverage is 20 percent and any new lighting will be required to comply with FCZR Section 5.12.

Finding #7 – The proposed camp and retreat center may require additional fencing/landscaping/vegetative buffer because the screening/fencing along the southern boundary is thin and result in negative impacts on neighboring property owners.

Finding #8 – The requirements for waste water treatment and water for the camp and retreat center may not be acceptable because Flathead County Environmental Health has indicated concerns but can be mitigated through conditions requiring Environmental Health and MT DEQ approval.

Finding #9 – The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption.

Finding #10 – The proposed use appears to have acceptable impacts on public services and facilities because the camp and retreat center will be served by the Ferndale Fire Department and Flathead County Sheriff, will be required to provide conditions suggested by the Ferndale Fire Department.

Finding #11 – The proposed use may not have acceptable impacts on streets because the camp and retreat center will be accessed off of an inadequate roadway in terms of width for the proposed use.

Finding #12 – The proposed use has the potential to impact the surrounding neighborhood negatively because of potentially inappropriate hours of operation but can be mitigated or shortened to limit the effects of the camp and retreat center to the immediate neighborhood.

Finding #13- The proposed camp and retreat center appears to create a level of traffic that may need mitigation because Drew Lane and Wild Swan Trail are one-lane, private gravel roadways that would require additional maintenance if the camp and retreat center is approved as an additional 30 ADT would be added to the roadway, a 30 percent increase in traffic.

VI. CONCLUSION
Upon review of this application, the request to allow for a camp and retreat center on the subject property meets many but not all of the review criteria and the Findings of Fact listed above reflect this. After a public hearing and Board discussion, should the Flathead County Board of Adjustment choose to adopt staff report FCU-16-18 as Findings of Fact or amend based on additional evidence and approve the conditional use permit, the following conditions would improve compliance with the review criteria and appropriate measures to mitigate impacts:

VII. CONDITIONS OF APPROVAL
1. The camp and retreat center 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].

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3. The camp and retreat center shall be located in accordance with the minimum yard and maximum height requirements of the AG-20 zoning district, pursuant to Section 3.06.040 of the Flathead County Zoning Regulations.

4. The applicant shall limit the number of guests on the property at any one time to 15 guests to reduce impacts from traffic generated by the camp and retreat center.

5. The subject property shall have a minimum of 17 parking spaces to accommodate the vehicles generated by the proposed use in accordance with the applicable zoning regulations [FCZR Section(s) 6.01.020 and 6.02.030].

6. All vehicular access for the ‘camp and retreat center’ including internal traffic circulation areas, and parking areas shall be clearly established and demarcated through the use of materials appropriate for events in a rural setting in compliance with all applicable provisions of Chapter VI and Appendix A of the Flathead County Zoning Regulations.

7. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.

8. Any sign for the proposed camp and retreat center on the subject property shall adhere to the performance standards set for in Section 5.11 of the Flathead County Zoning Regulations.

9. A privacy fencing/screening/vegetative buffer shall be installed/planted along the southern boundary of the lot to sufficiently screen the camp and retreat center activities.

10. The existing access (Drew Lane and Wild Swan Trail) shall be widened to 20 feet in order to accommodate 2-way vehicle traffic access to the subject property and comply with Section 6.16.010 of FCZR.

11. The applicants shall provide a graveled area sufficient for placement of Fire Apparatus during an emergency with a minimum 40’ radius (per Ferndale Fire Department’s request).

12. The applicants shall provide a dedicated access to the pond located on the property for the drafting of available water to better protect structures and woodland area (per Ferndale Fire Department’s request).

13. The proposed water, wastewater treatment, and storm water drainage systems for the camp and retreat center shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. A copy of the approved permit shall be available at Flathead County Planning and Zoning.

14. The applicant shall obtain a Public Accommodations license issued by Montana Department of Health and Human Services, Food and Consumer Safety Section (MCA 50-51-201) and submit to the Flathead County Planning and Zoning Office.

15. The applicants shall incorporate the frequent use of dust palliative on all private roads and the driveway (Julian Lane, Drew Lane, and Wild Swan Lane) leading to the subject property in compliance with applicable Flathead County Air Quality Regulations as conditions warrant.

16. Quiet hours for the camp and retreat center shall start at 10:00PM and end at 8:00AM and be implemented seven days a week.

17. 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].
18. Due to the nature of the conditions imposed to mitigate impacts to safety, public health and environment all applicable conditions regarding necessary permitting and/or site improvements must be met prior to operation of the camp and retreat center.

Planner: kn