

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT (#FCU-20-05)**  
**STARLINE FLIGHTS, LLC**  
**JULY 21, 2020**

**I. GENERAL INFORMATION**

**A. Project Description**

This is a report to the Flathead County Board of Adjustment regarding a request by Brian Joos on behalf of Starline Flights, LLC, for a Conditional Use Permit for “Mini-storage.” The property is located within the Blanchard Lake Zoning District and is zoned ‘*BS/HO Business Service District with Highway Overlay.*’

**B. Application Personnel**

**1. Owner**

Starline Flight, LLC  
5850 Highway 93 S  
Whitefish, MT 59937

**2. Applicant**

Brian M Joos  
Whitefish, MT 59937

**C. Process Overview**

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

The proposed land use is not located within the jurisdiction of a Land Use Advisory Committee (LUAC).

**2. Board of Adjustment**

The applicant requested an appeal to the Planning Directors interpretation that internal vehicle storage was not permitted within mini-storage, pursuant to Section 2.04 FCZR. The appeal was submitted on June 22, 2020 and will be heard by the Flathead County Board of Adjustment on August 4, 2020. If the appeal is granted the application for mini-storage will be considered by the Board of Adjustment.

The Flathead County Board of Adjustments will conduct a public hearing on the proposed zoning map amendment on August 4, 2020 at 6:00 P.M. in the 2<sup>nd</sup> Floor Conference Room of South Campus Building located at 40 11<sup>th</sup> Street West in Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, located on the second floor of the South Campus Building.

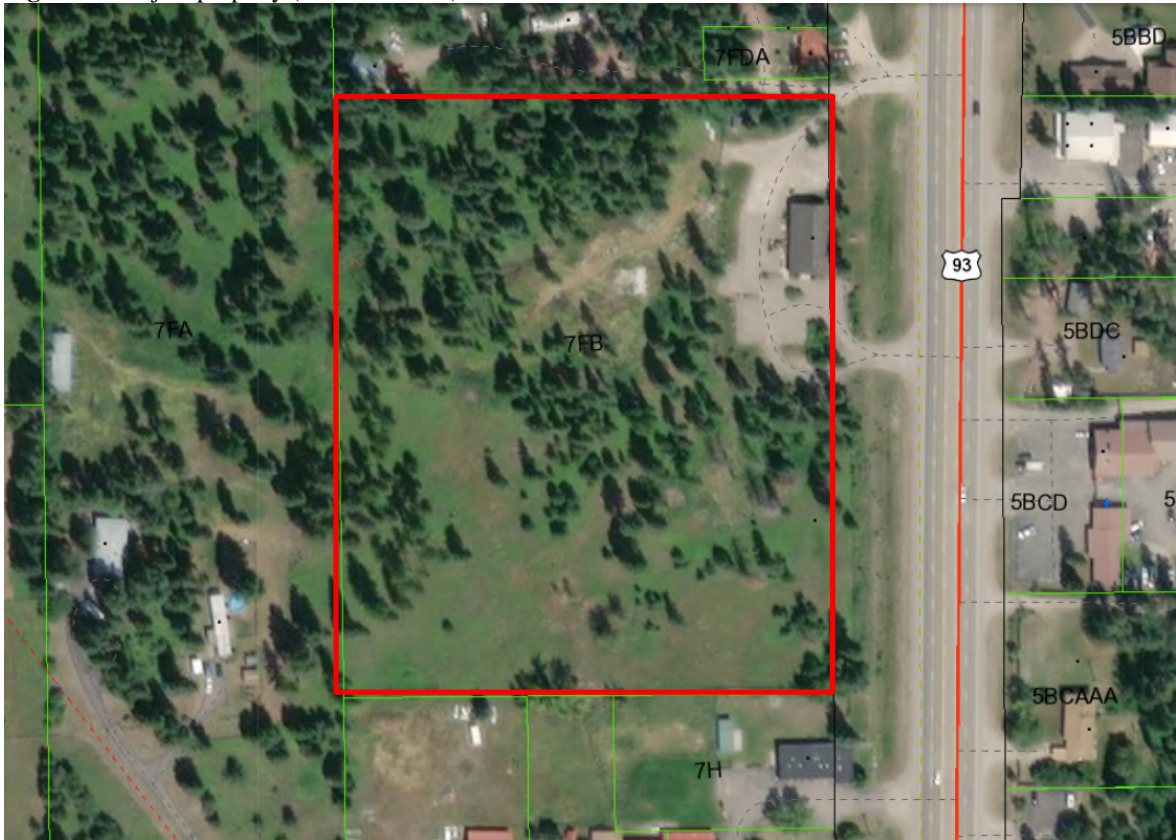
**II. PROPERTY CHARACTERISTICS**

**A. Property Location and Size**

The subject property is located at 3850 Highway 93 S near Whitefish, MT (see Figure 1 below). The property is 9.1 acres and can legally be described as Tract 1 of COS 17131, located in the SE ¼ of Section 12, Township 30 North, Range 22 West P.M.M., Flathead County, Montana.

Once the final plat is approved the property will be legally described as Lot 2 of Starline Flight Subdivision located in the SE ¼ of Section 12, Township 30 North, Range 22 West P.M.M., Flathead County, Montana and will be 6.98 acres.

**Figure 1:** Subject property (outlined in red)



**B. Existing Land Use(s) and Zoning**

According to the application, the property currently contains a medical clinic. but the property went through subdivision review for a preliminary plat and has submitted an application for final plat to split the property into two lots (FFP-20-11 Starline Flight). The lot within Starline Flight Subdivision to be used for mini-storage is currently vacant but is lightly forested.

The property is zoned ‘*BS Business Service District*’ and ‘*HO Highway Overlay.*’ BS is defined as, “*A district to provide for nonretail, limited commercial services and light industrial uses. Typical use would be light manufacturing and component assembly, office/warehouse showrooms, contractors, wholesale trades, and other nonretail commercial services of a destination nature. The grouping of uses shall be incorporated in order to develop as an island rather than as a strip.*”

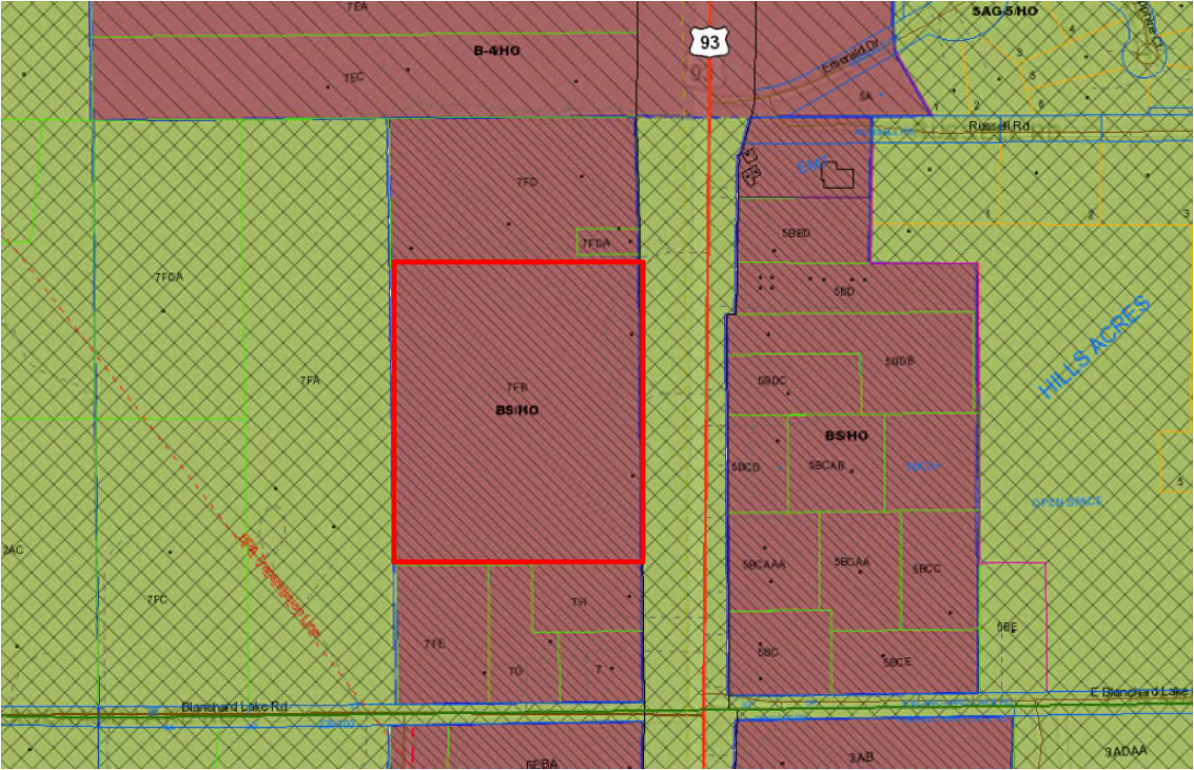
HO is defined as, “*A zoning overlay district to protect and enhance the visual quality of state and federal highway throughout the County while maintaining all of the permitted and conditional uses of the underlying zone. This overlay zone is specifically created to protect scenic corridors adjacent to major transportation corridors and to mitigate impacts of new nonresidential development, expansion existing non-residential development and any changes of non-residential uses by requiring additional landscaping, buffering, signage, building, lighting, and parking design standards.*”

**C. Adjacent Land Use(s) and Zoning**

Land to the north, east, and south of the subject properties are similarly zoned BS/HO while the land to the west of the subject properties is zoned SAG-5. The general character of the

surrounding area is highway commercial with some residential nearby. All of the properties in the area are forested.

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



**D. Summary of Request**

The applicant is requesting a conditional use permit to allow for of Mini-storage located on the subject property, pursuant to Section 3.24.030(11) of the Flathead County Zoning Regulations (FCZR). Within the BS/HO zone the placement of Mini-storage requires 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.

The application is proposing to build 75 storage units, all units will be 25 feet by 50 feet. Building height will be limited to two stories and there will be four structures. The applicant is proposing a Declaration of Unit Ownership and making the units available for sale and allow for the storage of vehicles. The Planning Director determined on June 15, 2020 that the planning office was unable to process the request for mini-storage as the request did not comply with the mini-storage conditional use permit standards found in Section 4.13 of the Flathead County Zoning Regulations. Section 4.13.070 FCZR states, “All storage shall be kept within an enclosed building, except propane or gasoline engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored in screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.”

The applicant requested an appeal to the Planning Directors interpretation that internal vehicle storage was not permitted within mini-storage, pursuant to Section 2.04 FCZR. The appeal was submitted on June 22, 2020 and will be heard by the Flathead County Board of Adjustment on August 4, 2020. If the appeal is granted the application for mini-storage will be considered by the Board of Adjustment.

### III. COMMENTS

#### A. Agency Comments

1. Agency referrals were sent to the following agencies on July 7, 2020:
  - *Whitefish Rural Fire Department*
  - *Montana Department of Transportation*
  - *Flathead County Solid Waste*
  - *Flathead City-County Environmental Health Department*
  - *Flathead County Weeds & Parks Department*
  - *Bonneville Power Administration*
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
  - BPA
    - Comment: “At this time, BPA does not object to this request, as the property is located 71.49 yards away from the nearest BPA transmission lines or structures.” Email dated July 8, 2020.
  - Flathead County Environmental Health
    - Comment: “This office has reviewed the information provided and submits the following comments:
      1. The proposed development is subject to review under the Sanitation in Subdivisions Act (MCA Title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal.
      2. This area is known to have elevated groundwater levels during the spring of the year. Groundwater monitoring is required during the monitoring season as a part of the DEQ approval process.” Letter dated July 15, 2020.

#### B. Public Comments

1. Notification was mailed to property owners within 150 feet of the subject property on July 17, 2020, 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 July 19, 2020 edition of the Daily Interlake.
2. Public Comments Received

As of the date of the completion of this staff report, no written public comments have been received 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 August 4, 2020. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

### 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

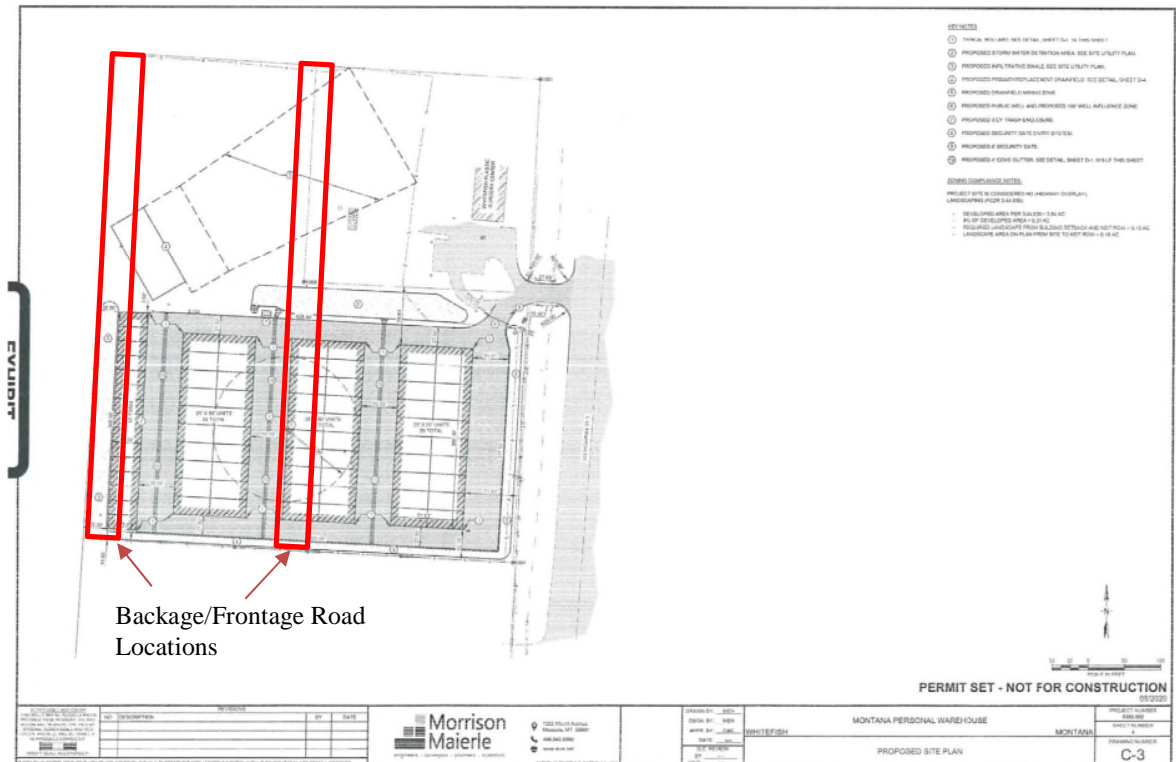
##### 1. Adequate Usable Space

The lot coverage for the BS zone is limited to 40%. The subject property is approximately 9.1 acres in size and after the final plat is recorded the property will be 6.98 acres. According to the site plan three of the buildings will be 250 feet long by 100 feet wide and one building

will be 15 feet wide by 300 feet long. The total proposed square footage for the entire proposal is 29,500 square feet. The proposed buildings will cover 9.7% of the entire property.

The HO zone requires new commercial development to create a frontage or backage road. The site plan submitted shows mini-storage units and the drain field in the two possible locations for a road. The west side of the property contains the smallest building and the drain field near the property line and would not allow for the construction of a backage road. The site plan also shows a building adjacent to the west property line of Lot 1 of Starline Flights where it was discussed during subdivision review the frontage road should be located.

**Figure 3:** Site Plan Showing Backage/Frontage Road Locations



There does not appear to be adequate space for the proposed number of mini-storage units and the development of the backage/frontage road.

**Finding #1** – The proposed use as designed does not appear to have adequate usable space because the site plan does not allow for a backage or frontage road as is required with the drainfield and mini-storage buildings located in the path of a potential road.

## 2. Adequate Access

The existing access to the mini-storage is an existing approach on Highway 93. The site plan shows a shared driveway between the existing development and this use, which would comply with the shared access requirement of the BS zone.

The Highway Overlay designation requires, “New commercial development shall construct and utilize a network of backage roads where feasible to access new development. Where backage roads are not feasible, frontage roads shall be developed. To the extent possible, backage or frontage roads shall be located at 300 feet from Highway 93 to prevent excess queuing”

The applicant will be required to provide a frontage or backage road on the property. The intent of the frontage/backage road is to provide better traffic circulation of this property and adjoining properties. At full build-out of the HO, the backage/frontage road would allow for traffic to access Highway 93 from Blanchard Lake Road and at the signalized intersection of Highway 40 and 93 and reduce the conflict points onto Highway 93 and increase safety along the highway corridor.

**Finding #2** – The proposal does not appear to comply with all applicable regulations for adequate access because the site plan does not allow for a frontage/backage road which has the intent of providing better traffic circulation of this property and adjoining properties and reducing the conflict points onto Highway 93 and increase safety along the highway corridor.

#### **Absence of Environmental Constraints**

The subject property is located on relatively flat land and according to FEMA FIRM panel 30029C1405J is situated in an un-shaded Zone X, which is classified as an area outside the 500-year floodplain. Additionally, there are no wetlands, streams, or creeks located on the subject property. There are no apparent environmental constraints that would affect the proposed use.

**Finding #3** – The site appears absent of environmental constraints because the property does not contain any wetlands, surface waters, or floodplain.

### **B. Appropriateness of Design**

#### **1. Parking Scheme**

The conditional use standards for mini-storage require that temporary parking be located on parking/driving lanes adjacent to storage units. These parking/driving lanes must be 26 feet wide when storage units open to one side of the lane and 30 feet wide when storage units open to both side of the driving lane, pursuant to Section 4.13.060 FCZR. The driving lanes are shown on the site plan at 50 feet. Additionally, per Section 4.13.050 FCZR the proposed new mini-storage units are required to have one parking space for the on-site manager with two additional spaces for the leasing office. Because the mini-storage units will be condos, there does not appear to be a leasing office located on the property.

The HO requires at least 40% of the required parking shall be located to the side and/or the rear of the building(s) fronting Highway 93. The site plan show only 25% of the parking area located in the front of the buildings.

**Finding #4** – The site plan submitted appears to comply with all applicable regulations for parking because the parking/driving lanes are a 50 feet wide, only 25% of the parking area located in the front of the buildings and additional parking is not required as the property does not have a leasing office.

#### **2. Traffic Circulation**

The proposed use will utilize the existing approach which will provide both ingress and egress to the subject property. The internal driving lanes are shown on the site plan as looping around the entire property and in between each storage building eliminating the need for a turnaround. The driving lanes between storage units are required to be a minimum of 30 feet wide to provide for two-way traffic and temporary parking in front of each storage unit, and as previously stated the driving/parking lanes will be 50 feet.

As previously discussed, the new commercial development shall construct and utilize a network of backage roads where feasible to access new development. Where backage roads

are not feasible, frontage roads shall be developed. The applicant has not provided a frontage or backage road on the property. The intent of the frontage/backage road is to provide better traffic circulation of this property and adjoining properties. At full build-out of the HO, the backage/frontage road would allow for traffic to access Highway 93 from Blanchard Lake Road and at the signalized intersection of Highway 40 and 93 and reduce the conflict points onto Highway 93 and increase safety along the highway corridor.

**Finding #5** – The proposal does not appear to comply with all applicable regulations for traffic circulation because the site plan does not allow for a frontage/backage road which has the intent of providing better traffic circulation of this property and adjoining properties and reducing the conflict points onto Highway 93 and increase safety along the highway corridor.

### 3. Open Space

The lot coverage for the BS zone is limited to 40%. The subject property is approximately 9.1 acres in size and after the final plat is recorded the property will be 6.98 acres. According to the site plan three of the buildings will be 250 feet long by 100 feet wide and one building will be 15 feet wide by 300 feet long. The total proposed square footage for the entire proposal is 29,500 square feet. The proposed buildings will cover 9.7% of the entire property.

The site plan shows approximately 4.18 acres being developed. The developed area as determined by Section 3.44.030(2) FCZR of HO is *“The area encumbered by building footprints, parking lots, driveways and retail sales areas (both interior and exterior).”* Therefore 8% of the 4.18 acres is required to be landscaped and at least 50% of the required landscaping shall occur between the building setback line and the Highway 93.

With a developed area of 4.18 acres that will leave 6.98 acres of open space plus the required 8% landscaping. With conditions the property will have appropriate open space.

**Finding #6** – The subject property appears to be appropriately designed to meet open space requirements because over 9.7% of the lot will be covered by structures and approximately 2.8 acres of the property will remain undeveloped.

### 4. Fencing/Screening

The site plan show a drainage swale located along the highway in front of the developed area. It also show swales on the south and west property lines and the north of the developed area adjacent to Lot 1 of Starline Flights. The swale at the western edge of the lot would be required for a buffer a 20 foot buffer, as the adjacent property is zoned SAG-5 and would not be allowed to be used as a swale and Section 3.44.060(6)(A) FCZR states, *“Ditches, swales, storm water conveyance facilities, storm water detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements shall not encroach into a buffer except that necessary access and utility crossings such as storm water or sanitary sewer pipes may encroach into the buffer as near to perpendicular as practical.”*

The buffer between the SAG-5 and the rear of the property shall comply with the planting and screening requirements of Section 3.44.060.

The applicant intends to erect fencing around the developed area of the property.

### 5. Landscaping

The site plan shows approximately 4.18 acres being developed. The developed area as determined by Section 3.44.030(2) FCZR of HO is *“The area encumbered by building footprints, parking lots, driveways and retail sales areas (both interior and exterior).”* Therefore 8% of the 4.18 acres is required to be landscaped and at least 50% of the required

landscaping shall occur between the building setback line and the Highway 93. The two acres to remain open space, if the trees are preserved, could account for 25% of the total required landscaping. The remaining 25% of landscaping would have to occur within the developed area outside the front yard setback. The regulations also specify that landscaping standards for parking lots and buffers are in addition to the required minimum 8% landscaping of the developed area.

The site plan show a drainage swale located along the highway in front of the developed area. It also shows swales on the south and west property lines and the north of the developed area adjacent to Lot 1 of Starline Flights. The application states, “The applicant contemplates using a combination of trees, shrubs, native grasses, and ornamental gravel to achieve a business like appearance while also achieving appropriate buffering and shielding.”

The HO requires that 40% of the landscaped area be shrubs or living ground cover that is a minimum of six inches in height. The minimum width of a landscaped areas shall be three feet.

The mini-storage use has specific landscaping requirements set forth in Section 4.13.030 FCZR. For the portion of the property bordering residentially zoned areas, landscaping that creates sight-obscuring barriers is required and shall consist of trees, shrubs, and ground cover or a combination thereof. This requirement would be met if the HO landscaping requirements are met.

**Finding #7** – The proposed screening, fencing and landscaping does not appears to meet the minimum requirements set forth in Section 3.44 because the buffer between the SAG-5 and structures will be located in swale which is prohibited, and the site plan does not identify landscape areas within the parking areas as required.

## 6. Signage

The application states, “There will be only one permanent sign, which will identify the project, and that sign will be near the entrance. Pursuant to 3.24.050(4) and 3.44.110, that sign will be a free-standing sign, will not exceed 50 square feet, and will be a combination of natural materials and colors.”

The application states that the proposed signage will be a low profile, free standing sign. The proposed signage is required to comply with the applicable standards for signs in HO and BS zones as outlined in Sections 5.11.040(1) and 3.44.110 FCZR. The proposed sign must comply with all freestanding, and ground signage regulations found in Section 3.44.110(1) & (3)(A) FCZR. The free-standing sign cannot be more than 50 square feet and shall be setback from the right-of-way and property line a minimum of 5 feet

## 7. Lighting

The application proposes lighting to be located on the outsides of the storage buildings. All proposed lighting must comply with performance standards set forth in Section 5.12 and 3.44.130 FCZR. The application states, “Lighting on the project will be accomplished primarily by wall packs mounted to the buildings. These packs will be designed to prevent misdirected or excessive artificial light and to maximize energy efficiency, and will have adequate shielding to mitigate light pollution onto neighboring parcels, all per FCZR § 3.44.130. In addition, the project will have single, indirectly illuminated sign described above that will be compliant with FCZR § 3.44.130(3).”

**Finding #8** – Proposed signage and lighting for the mini-storage would be acceptable because the proposed on-site signage meets the signage requirements of Sections 5.11.040(1) and



3.44.110 FCZR, and low impact lighting will be conditioned to comply with applicable requirements set forth in the Flathead County Zoning Regulations.

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

#### **1. Sewer**

The subject property is not located within an area serviced by a public sewer district. The application states that the proposed use would require installation of a new septic system and drain field.

Comments from Environmental Health indicate, “The proposed development is subject to review under the Sanitation in Subdivisions Act (MCA Title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal. This area is known to have elevated groundwater levels during the spring of the year. Groundwater monitoring is required during the monitoring season as a part of the DEQ approval process.” The systems would be required to be reviewed and evaluated by the Flathead City-County Environmental Health Department prior to installation and operation.

#### **2. Water**

The subject property is not located within an area serviced by a public water district. The application states, “the project’s water supply will consist of single well, pressure tanks and likely a disinfection system.”

Comments from Environmental Health indicate, “The proposed development is subject to review under the Sanitation in Subdivisions Act (MCA Title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal. This area is known to have elevated groundwater levels during the spring of the year. Groundwater monitoring is required during the monitoring season as a part of the DEQ approval process.” The applicant would be required to obtain all applicable permits from the Flathead County Environmental Health Department.

**Finding #9** – The proposed mini-storage would have minimal impact on public water and sewer because the proposed use will create a new water supply and septic system which will require review by the Department of Environmental Quality and Flathead County Environmental Health Department.

#### **3. Storm Water Drainage**

Storm water drainage is proposed to be managed onsite through a storm water detention area. The site plan shows a drainage swale located along the highway in front of the developed area. It also shows swales on the south and west property lines and the north property line adjacent to Lot 1 of Starline Flights. The applicant is subject to compliance with applicable storm water management requirements of the Montana Department of Environmental Quality.

The applicant states, “Most stormwater runoff from impervious surfaces on the subject property will drain into the proposed stormwater retention areas to the north, south, and west of the buildings, which will then be retained onsite. Some stormwater will drain into the existing ditch /culvert on the east side of the property. This plan will ensure that, as required by the DEQ, the runoff rate will be equal to or less than the rate prior to development, and will also ensure that stormwater from the project will not impact adjacent properties.”

Comments from Environmental Health indicate, “The proposed development is subject to review under the Sanitation in Subdivisions Act (MCA Title 76-4-1). The review will address potable water supply, wastewater treatment, storm water drainage, and solid waste disposal.”

**Finding #10** – The proposed new construction would have a minimum impact on storm water facilities because storm water will be managed through on-site storm water retention areas and must comply with DEQ requirements.

#### **4. Fire Protection**

The subject property is located in the Wildlife Urban Interface and County Wide Priority Area. The property and surrounding area is wooded. The site plans show that the trees around the structures will be cleared for the developed area. The subject property is currently served by the Whitefish Rural Fire Department, and is located approximately 2.0 miles southeast of the nearest fire station. No comment concerning this application was received from the local fire department.

The applicant is proposing to utilize the mini-storage for the storage of vehicles, including gasoline engines. These vehicles and engines could potential leak gas or gas fumes that would be considered a fire hazard.

**Finding #11** – The proposed used could have an impact on fire protection as the property is located in the Wildland Urban Interface, and County Wide Priority Area and the applicant would allow for storage of vehicles in the mini-storage units.

#### **5. Police Protection**

The property would be served by the Flathead County Sheriff’s Department. It is anticipated response times in emergency would be acceptable given the property’s location between Whitefish and Kalispell.

#### **6. Streets**

The property is located at on US Highway 93 a paved five lane MDT maintained road with a 200 foot easement. The Montana Department of Transportation has not submitted a letter providing comment on this request.

**Finding #12** – The proposed mini-storage appears to have minimal impact on public services and facilities because the Flathead County Sheriff currently provides service to the subject property, and the property is accessed by US Highway 93.

### **D. Immediate Neighborhood Impact**

#### **1. Excessive Traffic Generation**

According to the MDT traffic data, Highway 93 had 17,667 average daily trips south of Highway 40 near the project site. Staff has determined based on the Institute of Transportation Engineering Trip Generation Manual indicates the average daily trips per storage unit is 0.25. Based on the 0.25 average daily trips (ADT) generated per unit the 75 total units would generate approximately 19 ADT. The traffic generated by the mini-storage would contribute a traffic increase of 0.1% on Highway 93. It is anticipated that any additional vehicle traffic generated by the proposed use will have a minimal adverse impact on the surrounding neighborhood.

**Finding #13** – Traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood or adjacent roads because roads providing access are paved and would only increase traffic on Highway 93 by 0.1%.

## **2. Noise or Vibration**

It is not anticipated that the mini-storage would generate any excess noise or vibrations. Any noise generated would likely be minimally audible to adjacent properties due to the nature of the proposed use and the requirement for modest landscaping.

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

The applicant is proposing to pave parking and driving lanes and the approach to Highway 93 is already paved. Excessive dust, glare or heat is not anticipated as a result of the mini-storage facility.

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

The applicant is proposing to utilize the mini-storage for the storage of vehicles, including gasoline engines. These vehicles and engines could potential leak gas which causes odors and gas fumes. It is not anticipated that any smoke would be generated as a result of this proposal.

**Finding #14** – The proposed use is anticipated to have an impact on the neighborhood because the mini-storage could generate fumes, gas and odors from vehicles stored within the mini-storage units.

## **5. Inappropriate Hours of Operation**

The application state, “While unit owners will have access to their units 24 hours per day, 7 days per week, these hours of operation should not negatively impact the neighborhood because it is abutted by agricultural zone, a major highway, and existing commercial uses, not a residential neighborhood.”

There are no specific standards for hours of operation for mini-storage established in the Flathead County Zoning Regulations. However because of the agricultural and commercial character of the neighborhood inhabitants may be impacted by late hours.

**Finding #15** – The proposed hours of operation would be acceptable and would likely have minimal impact on the neighborhood because activity levels associated with normal operation of the mini-storage would primarily occur during daytime and early evening hours and the neighboring properties are agriculturally and commercially zoned.

## **V. SUMMARY OF FINDINGS**

1. The proposed use as designed does not appear to have adequate usable space because the site plan does not allow for a backage or frontage road as is required with the drainfield and mini-storage buildings located in the path of a potential road.
2. The proposal does not appear to comply with all applicable regulations for adequate access because the site plan does not allow for a frontage/backage road which has the intent of providing better traffic circulation of this property and adjoining properties and reducing the conflict points onto Highway 93 and
3. The site appears absent of environmental constraints because the property does not contain any wetlands, surface waters, or floodplain.
4. The site plan submitted appears to comply with all applicable regulations for parking because the parking/driving lanes are a 50 feet wide, only 25% of the parking area located in the front of the buildings and additional parking is not required as the property does not have a leasing office.

5. The proposal does not appear to comply with all applicable regulations for traffic circulation because the site plan does not allow for a frontage/backage road which has the intent of providing better traffic circulation of this property and adjoining properties and reducing the conflict points onto Highway 93 and increase safety along the highway corridor
6. The subject property appears to be appropriately designed to meet open space requirements because over 9.7% of the lot will be covered by structures and approximately 2.8 acres of the property will remain undeveloped.
7. The proposed screening, fencing and landscaping does not appears to meet the minimum requirements set forth in Section 3.44 because the buffer between the SAG-5 and structures will be located in swale which is prohibited, and the site plan does not identify landscape areas within the parking areas as required.
8. Proposed signage and lighting for the mini-storage would be acceptable because the proposed on-site signage meets the signage requirements of Sections 5.11.040(1) and 3.44.110 FCZR, and low impact lighting will be conditioned to comply with applicable requirements set forth in the Flathead County Zoning Regulations.
9. The proposed mini-storage would have minimal impact on public water and sewer because the proposed use will create a new water supply and septic system which will require review by the Department of Environmental Quality and Flathead County Environmental Health Department.
10. The proposed new construction would have a minimum impact on storm water facilities because storm water will be managed through on-site storm water retention areas and must comply with DEQ requirements.
11. The proposed used could have an impact on fire protection as the property is located in the Wildland Urban Interface, and County Wide Priority Area and the applicant would allow for storage of vehicles in the mini-storage units.
12. The proposed mini-storage appears to have minimal impact on public services and facilities because the Flathead County Sheriff currently provides service to the subject property, and the property is accessed by US Highway 93.
13. Traffic associated with the proposed use is not anticipated to generate excessive traffic which would adversely impact the immediate neighborhood or adjacent roads because roads providing access are paved and would only increase traffic on Highway 93 by 0.1%.
14. The proposed use is anticipated to have an impact on the neighborhood because the mini-storage could generate fumes, gas and odors from vehicles stored within the mini-storage units.
15. The proposed hours of operation would be acceptable and would likely have minimal impact on the neighborhood because activity levels associated with normal operation of the mini-storage would primarily occur during daytime and early evening hours and the neighboring properties are agriculturally and commercially zoned.

## **VI. CONCLUSION**

Upon review of this application, the request to allow for a mini-storage on the subject property is generally not supported by all of the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report 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 operation of the 'mini-storage' 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 mini-storage shall comply with standards defined in Section 4.13 of the Flathead County Zoning Regulations.
4. The mini-storage shall be located in accordance with the bulk and dimensional requirements of the BS Zoning District, pursuant to Section 3.24.040 of the Flathead County Zoning Regulations.
5. All signage on the subject property shall comply with applicable standards and guidelines set forth under Sections 3.44.110 and Chapter 7 of the Flathead County Zoning Regulations.
6. All lighting on the subject property shall comply with applicable standards and guidelines set forth under Sections 3.44.130 and 5.12 of the Flathead County Zoning Regulations.
7. Buildings shall be designed with architectural features based on mountain town, historic American west, national parks, or similar architectural themes. [FCZR Section 3.44.120 (2)]
8. The exterior of buildings should include timber beam, log, brick, rock, wood, textured masonry, stucco, and similar materials. Exposed concrete block and unmodulated metal siding are prohibited. [FCZR Section 3.44.120 (3)]
9. Building plans shall be broken with recesses and projections a minimum of every 40 feet on at least the side(s) paralleling publicly travelled ways. Other features such as projecting ribs, windows, landscaping, trellises, and similar features are encouraged. [FCZR Section 3.44.120 (4)]
10. Buildings shall have varying rooflines and pitches which may include dormers, recessed upper floors, overhangs, and similar features. [FCZR Section 3.44.120 (5)]
11. Building corners shall have special massing and architectural treatments. [FCZR Section 3.44.120 (6)]
12. The buffer between the SAG-5 and the rear of the property shall comply with the planting and screening requirements of Section 3.44.060.
13. The property boundaries adjacent to the residential or suburban agricultural zoning must incorporate a buffer of 20 feet.
14. The ditched swales, storm water conveyance facilities, storm water detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements shall not encroach into a buffer except that necessary access and utility crossings such as storm water or sanitary sewer pipes may encroach into the buffer as near to perpendicular as practical.
15. 8% of the 4.18 acres of developed area shall be landscaped, 50% of the landscaping requirements shall occur in the area between Highway 93 and the building.

16. The minimum inside width of any required landscaped area, or of any form of fixed planter box used to satisfy required landscaping, shall be three (3) feet.
17. At least 40% of the landscaped area shall consist of shrubs or living ground cover that is a minimum of six inches in height.
18. Along the street frontage, a minimum five foot wide landscaped buffer shall be installed with at least one large canopy tree per 50 feet of frontage or two small ornamental trees per 50 feet of frontage.
19. The parking lot the fronts the highway requires a minimum five (5) foot wide landscape buffer (seven (7) feet wide if curb stops are not used and the car bumper hangs over the landscaped area) shall be installed that achieves a 50% visual screen within three years of planting.
20. Landscaping treatments in parking lots shall be implemented and shall include trees both on the perimeter and interior of the parking lots.
21. The applicant shall adhere to all applicable Montana State commercial building requirements as required by the Montana Bureau of Labor and Industry. Documentation confirming the completion of this requirement shall be available upon request.
22. The proposed water and sewer systems and storm water drainage plan for the facility shall be submitted for review and approval by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as applicable, prior to construction.
23. At least 40% of the required parking shall be located to the side and/or the rear of the building(s) fronting Highway 93. [FCZR Section 3.44.140 (1)(A)]
24. The approved landscape and maintenance plans shall not be changed or altered without review and approval by the Zoning Administrator. All landscaping shown on the approved plan shall be installed and maintained. [FCZR Section 3.44.070(2)]
25. If, due to seasonal, climatic, or weather conditions, installation of landscaping prior to expiration of an approved site plan is impractical, the Zoning Administrator may waive such installation for a reasonable time. If such a waiver is granted, the Zoning Administrator shall establish a time schedule for the installation of all required landscaping in accordance with the approved plan. [FCZR Section 3.44.080]
26. Subdivision review is required to condo the mini-storage units.
27. The parking and driving lanes shall be wide enough to accommodate traffic circulation and temporary parking in accordance with applicable zoning regulations [FCZR Sections 4.13.050].
28. The applicant shall construct backage road where feasible to access new development. Where backage roads are not feasible, a frontage road shall be developed. To the extent possible, backage or frontage roads shall be located at 300 feet from Highway 93 to prevent excess queuing.
29. The operation of the mini-storage shall commence within one year from the date of issuance of the conditional use permit. The permit may be extended for one additional year if the permittee requests additional time prior to expiration date.
30. At the end of twelve (12) months from the date of authorization of this permit staff will inspect to verify compliance [FZCR Section 2.06.060].

Planner: EKM