

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE  
CONDITIONAL USE PERMIT REPORT (#FCU-20-08)  
MONTANA YOGA ADVENTURE, LLC  
JULY 22, 2020**

**I. GENERAL INFORMATION**

**A. Project Description**

This is a report to the Flathead County Board of Adjustment regarding a request from Amanda Brooke Allison, Montana Yoga Adventure, LLC, for a conditional use permit for a 'Camp and Retreat Center' on the subject property. The property is located within the North Fork Zoning District and is zoned '*NF North Fork*' and '*SC Scenic Corridor*'.

**B. Application Personnel**

**1. Owner/Applicant**

Montana Yoga Adventure, LLC  
Amanda Brooke Allison  
1070 Numa Peak Lane  
Polebridge, MT 59912

**C. Process Overview**

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

The proposed land use is located within the advisory area of the North Fork Land Use Advisory Committee (NFLUAC). The NFLUAC will conduct a public hearing on the proposed conditional use permit on Thursday, July 9, 2020 at 7:00 P.M. at the Sondreson Community Hall in Polebridge, MT. A recommendation from the NFLUAC will be forwarded to the Flathead County Board of Adjustment for their consideration.

**Update July 10, 2020**

On June 9, 2020, the North Fork Land Use Advisory Committee (NFLUAC) conducted a public hearing on the proposed conditional use permit. Staff members were not in attendance. After applicant presentation and public comment, the Committee voted 6-0 to table a recommendation until additional information is received.

**2. Board of Adjustment**

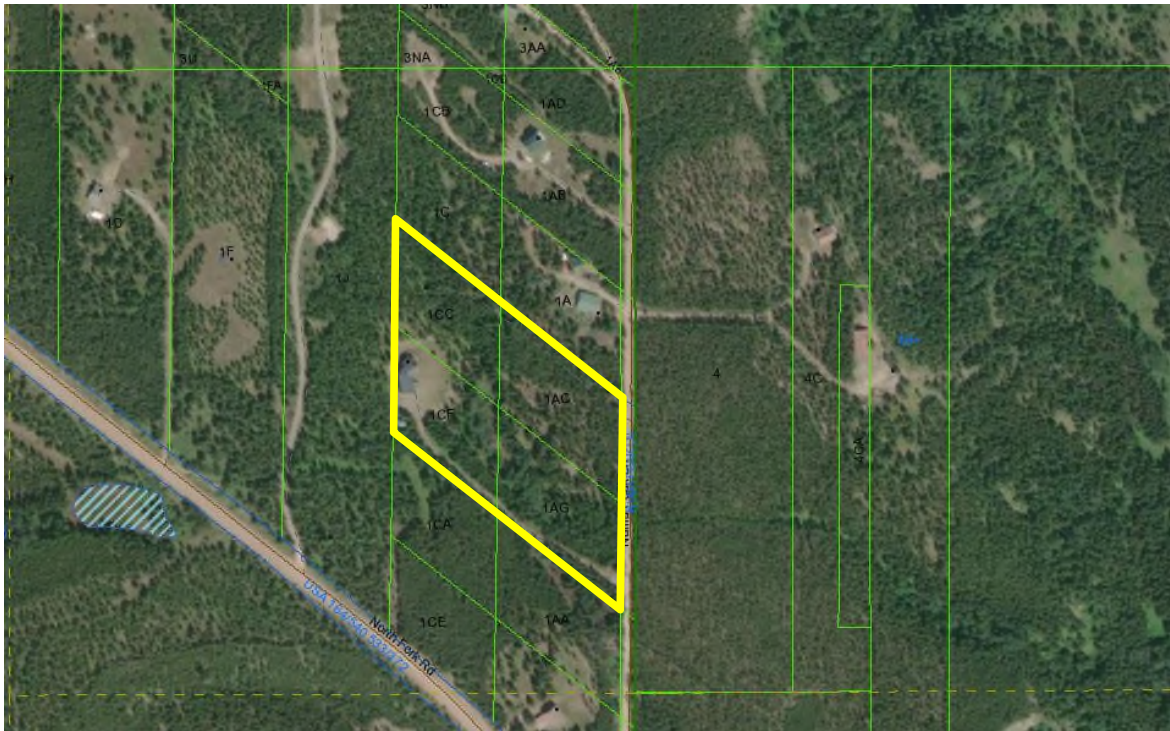
The Flathead County Board of Adjustments will conduct a public hearing on the proposed conditional use permit on August 4, 2020 at 6:00 P.M. in the Expo Building at the Flathead County Fairgrounds, located at 265 North Meridian Road in Kalispell, Montana. Documents pertaining to this file are available 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 1070 Numa Peak Lane, Polebridge, MT (see Figure 1 below). The properties total 5.3 acres and can be legally described as Tracts 1AC, 1AG, 1CC, and 1CF located in the Southeast Quarter of Section 21, Township 35 North, Range 21 West, P.M.M., Flathead County, Montana.

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



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

The subject property is located within the North Fork Zoning District and is zoned ‘NF North Fork’ and ‘SC Scenic Corridor’. The NF zoning classification is defined as, “*The North Fork Flathead River Valley Land Use Plan adopted in 1987 and updated in 1992 begins by stating, ‘Those who live or own land in the North Fork of the Flathead River face the prospect of making difficult decisions about the future of this beautiful area.’ The final statement of the Plan concludes “it is necessary to put into place a system which will protect the rights of all landowners, resident and non-resident, and also preserve those unique values so important to the North Fork: clean air, pure water, open space, freedom from noise and light pollution.’ The following standards are intended to bridge those difficult decisions and give guidance to the area we call ‘the North Fork’.*”

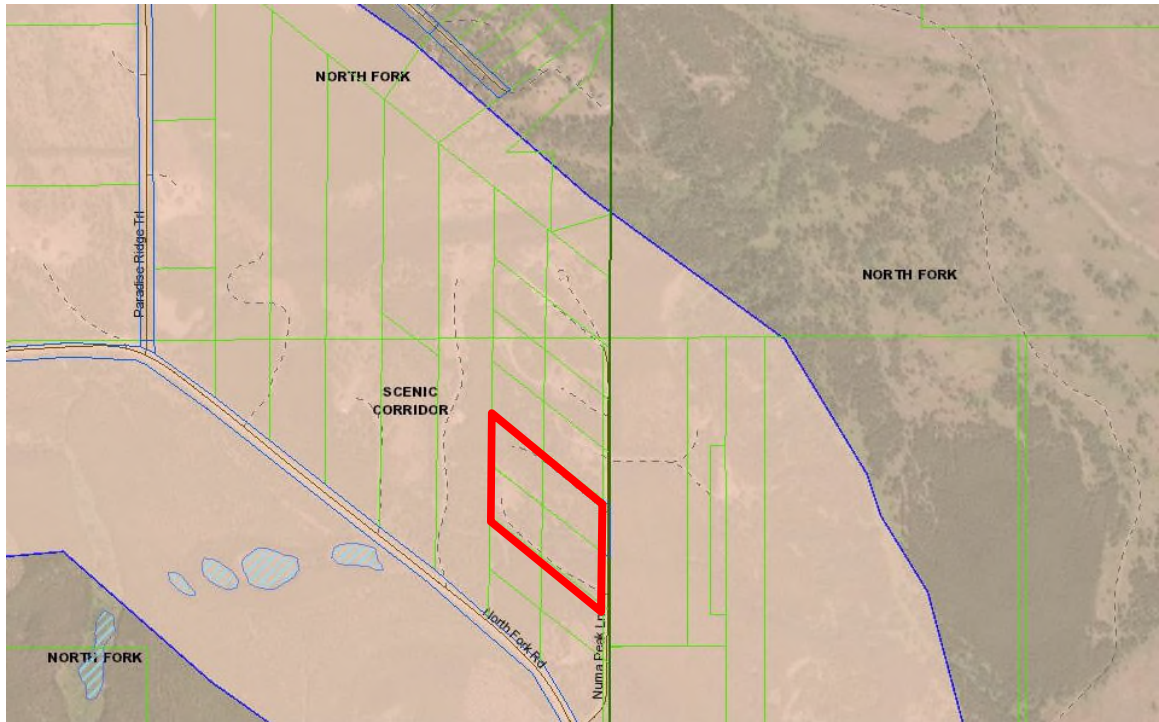
The SC zoning classification is defined as, “*An overlay or standing district intended to protect the scenic vistas and provide greater traffic safety along the highway corridors by restricting the number, size and location of outdoor advertising signs and billboards. This district can function as a standing district or can be applied to zoned areas. If zoned, this district will only regulate off-premise advertising signs. No other land use restrictions apply in this district other than those relating to signs.*”

The property currently has a single-family dwelling, cabin, storage shed, four canvas tents on wooden platforms, a restroom facility, and a sauna. The applicant is proposing an additional restroom facility for the camp and retreat center.

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

The adjacent properties to the north, east, west, and south are similarly zoned NF and SC (see Figure 2 below). The general character of the area is rural residential. The surrounding properties are a mixture of single-family residential and undeveloped.

**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 a camp and retreat center on the subject property pursuant to Section 3.40.030(1) of the Flathead County Zoning Regulations (FCZR). A camp and retreat center is defined under Section 8.04.010 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 use of property as a camp and retreat center in the NF 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 and Section 4.03 FCZR regarding conditional use standards for a camp and retreat center.

The existing structures on the property will be utilized for the camp and retreat center, as well as an additional restroom facility which is proposed. The submitted sustainability plan states, “The Rising Wolf Retreat is located at 1070 Numa Peak Ln on 5.3 acres, which is comprised of 2 parcels of mostly wooded, relatively flat, with a gentle eastward downgradient at the center of the property, which drains into a naturally-occurring pond area (approximately 700 SF). The retreat is a family-owned business with 3 staff – owners Brooke and Clay Allison, and Ben Asbury (Brooke’s brother). The Rising Wolf Retreat will host yoga retreats, writer’s retreats, and certifications for yoga teachers, as well as yoga classes to the local residents of Polebridge. The Retreat will also host small groups or individuals who wish to curate their own retreat. The retreat accommodates up to 12 people.”

### **III. COMMENTS**

#### **A. Agency Comments**

1. Agency referrals were sent to the following agencies on July 1, 2020:

- Bonneville Power Administration
  - Flathead City-County Environmental Health Department
  - Flathead County Fire Service Area
  - Flathead County Road and Bridge Department
  - Montana Department of Transportation
  - Flathead County Solid Waste District
  - Flathead County Weeds & Parks Department
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Bonneville Power Administration
    - Comment: “At this time, BPA does no object to this request, as the property is located 22.78 miles away from the nearest BPA transmission lines or structures.” Email received July 2, 2020
  - Flathead County Road and Bridge Department
    - Comment: “At this point the County Road Department does not have any comments on this request.” Letter received July 7, 2020
  - Flathead City-County Health Department – Environmental Health Services
    - Comment: “Here is the notice of violation sent to the Yoga Center. Let me know if you need a letter of response to the FACU notice that is addressed to your office of if this will be enough.”
    - Notice of Violation Letter: “Flathead City-County Health Department received a complaint regarding unlicensed activities operating at the location of 1070 Numa Peak Lane, Polebridge, MT. An investigation found that there are several services requiring licensure being advertised at the site. These activities include a public accommodation rental, a campground and a hot tub. Each of these activities requires approval and licensure in the Montana Code Annotated (MCA) Chapter 50.
    - In addition to the unlicensed operations, the property is a violation of the Certificate of Subdivision Approval (COSA) and the septic permit is for a one-bedroom cabin.
    - In order for the property to be used for the activities that are being advertised, these issues must first be resolved. You must cease all unlicensed activity and pull down advertisements for such activities until they are approved and licensed. If you desire to apply for approval, contact a consultant regarding a rewrite of the COSA. The consultant can help address the septic system issue as part of the rewrite of the COSA. A list of consultants that can help with this process is attached. Once the COSA and septic issues are resolved, you may apply for the required licenses camp license.” Email received July 7, 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 was 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, two (2) written public comment has been received to date regarding the requested conditional use permit. The following written comments were received:

- Karin Colby, 1182 Numa Peak Lane, Polebridge, MT 59928
  - Comment: “I live on Numa Peak Lane and am a concerned neighbor to the Montana Yoga Adventures. We have 9 landowners on very small parcels on Numa Peak Lane. Which is a subdivision I understand to be zoned as residential, single family dwellings only. There are three households here that are year round residents and the others are part time. One of my biggest concerns is that the proposed business would bring up to 1440 people a summer to our little subdivision and with the lots being so small we can hear most of what is going on in all of them from all over the neighborhood. Also with the lots all together and small I worry about trespassing and looky-loos. I am also worried that the wall tents being occupied by non-local people who may or may not have an understanding of bears will endanger our bears by having food smells and other attractants inside. I don't want anyone hurt least of all the bears who can't know any better. The owner said she was providing bear boxes, they are made out of wood. Which are not secure against a grizzly bear. Also I worry about fire, as each tent has a stove in it. We live in an area, that as you know, has a high fire danger every summer. Another big concern for the neighborhood is the septic situation there. The owner's brother told several of us landowners last fall that they had to, by agreement on the purchase of the property, have the septic system upgraded. Some work was done. He then told us, and the pile of gravel to cover a drainfield that has stayed next to the driveway all year suggests, that the system failed inspection. Which was recently confirmed to me. I am upset by the way these people from Nashville went about this process. They were told last fall by the North Fork patrol that there were zoning laws and they needed to look into them before they got started. Then this spring when I noticed that they were adding tents sites I call the county zoning office and requested and received copies of the zoning regulations and I put them in their mailbox. They received them. (I am the mail carrier). They went ahead and built up the wall tents, outhouses, and fixed up a rental cabin as well. We were told at the North Fork Land Use Advisory meeting that they had finally applied for a conditional use permit after already being in business. The website and Facebook page said they were taking reservations starting on the 18th of June. And as I drive by the property every day to go to work, I saw that there were extra cars parked there most days and not the same cars each day. I have lived in the North Fork for 26 years (and have lived in the Flathead Valley since I was born,) and was a part of the locals who put together the Land Use plan for this area. We worked hard to make it fair and to keep in mind the ideals we wanted for our home valley. I am asking that the county now do it's job and enforce those regulations please. Thank you for taking our concerns into consideration in this matter.” Email received July 16, 2020
- Kary McDonough, 17280 North Fork Road, Polebridge, MT 59928
  - I am writing to express my opinion on the "Rising Wolf" yoga retreat that has been opened in the North Fork. I am sure by now you are well versed in everything that this property owner did incorrectly, as it relates to county/state covenants, permits & regulations while opening a commercial operation in a residential area, so I won't rehash those items in this email. You will have to judge the legality of what they have done (and their true intent) in your role as the County Commissioner. What I would like to spend my time on is how you would react to what this property owner has already done/is continuing to do if she and her family had bought the house/land next door to you? How would you feel if your neighbor opened a commercial business next door to where you live? How will you judge the unfairness of what they have

done as a fellow property owner/Tax payer/resident/neighbor living in NW Montana? How would you feel about an increase in traffic and wear & tear on your shared driveway? How would you feel about the potential of tens of dozens of people that you don't know camping/ "retreating" right next door to where you, your pets, your children and your grandchildren live? How would you feel about the potential problems that large groups of people bring to any area - trespassing, trash, waste, wildlife, road safety, health issues in the time of a pandemic - happening in your backyard? Would you want this for your family in your neighborhood? I think these items should be given consideration in your deliberations on this matter as well. I think it would be very easy to allow something to happen in the name of development, progress, capitalism and growth for your county in an area where you don't live. But if you allow this business to proceed, you do so at a cost to your other constituents/Tax payers/VOTERS that are also represented by you. Is that a cost you are willing to sacrifice in the name of progress? AND I would bet money if this was happening in your neighborhood, you would be certain to take issue with this matter and how it may infringe on and be unfair to your rights as a fellow property owner. North Forkers deal with the problems that River Rafting/ATV'ing/Biking companies, that make money exploiting the Forest Service properties in the North Fork, create. We deal with the inept management of Glacier Park and their policies that drive more and more traffic up to Polebridge and beyond. I guess the icing on the cake would be to let a property owner open a commercial business in a residential area "just up the road from Polebridge" and not think twice about it. Before you know it ... we'll have a McDonald's at the intersection of the North Fork Road and Trail Creek Road because some enterprising person could and they didn't think about whether or not they should. I ask you to please take into consideration the legality of what is happening but to remember the consequences of what your decision has the potential to bring to our neighborhood and ask yourself if you would want this where you live, near your family or in your neighborhood." Email received July 21, 2020

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 properties total 5.3 acres and currently contain a single-family dwelling, cabin, storage shed, four canvas tents on wooden platforms, a restroom facility, and a sauna. According to Montana Cadastral, the single-family dwelling, attached garage, cabin, and storage shed are approximately 2,883 square feet. According to the submitted site plan, the tents, restroom facility, and sauna are approximately 1,214 feet. An additional restroom facility is proposed which would be 200 square feet, for a total footprint of 4,297 square feet. The existing and proposed structures would cover less than 2% of the property. There is no permitted lot coverage requirement within the NF zone.

The setback requirements for structures within the NF zone are 150 feet from North Fork Road and all rivers, streams, or lakes (lakes greater than 20 acres), and 100 feet from other public roads. The existing and proposed structures appear to meet the setback requirements.

Based upon staff's site visit and the application materials, it appears the subject property has adequate usable space to accommodate the camp and retreat center in compliance with the development standards of the NF zone.

**Finding #1** – The subject properties appear to have adequate usable space for the proposed use because the properties total 5.3 acres, the existing and proposed structures appear to meet the setback requirements, and there is no permitted lot coverage requirement within the NF zone.

## **2. Adequate Access**

The property is accessed via an existing approach off Numa Peak Lane, which is a privately-maintained, gravel road within a 30 foot wide easement. A gravel driveway spans the property along the southern boundary line and provides access to structures and parking areas on the property. The proposed camp and retreat center will utilize the existing driveway.

**Finding #2** – The access appears adequate for the proposed use because the property has legal and physical access via Numa Peak Lane, which is a privately-maintained road within a 30 foot wide easement and the existing gravel driveway would provide ingress and egress.

## **3. Absence of Environmental Constraints**

The subject property is partially forested and relatively flat. There are no wetlands, streams, or surface waters on the property. The North Fork Flathead River is located approximately one third of a mile to the northeast. The property is located within FEMA FIRM Panel 30029C0250G and designated as Zone D, which is classified as an area with flood risk due to levy. Zone D is not a Special Flood Hazard Area (SFHA) and floodplain development permits are not required.

**Finding #3** – The site appears absent of environmental constraints for the proposed use because the properties do not contain steep slopes, wetlands, streams, or Special Flood Hazard Areas.

## **B. Appropriateness of Design**

### **1. Parking Scheme**

There are currently several parking spaces along the driveway which are designated as 'tent parking' spaces. Additional parking spaces are located at the end of the driveway adjacent to the single-family dwelling and cabin. The application states, "Most visitors will be shuttled from the airport. Four additional parking spots are shown."

Single-family dwellings require 2 parking spaces per dwelling pursuant to Section 6.02.010 FZR, and commercial accommodations such as 'hotels, motels and cabins' require 1 parking space per guest room or suite plus 1 parking space for every 2 employees per maximum shift, pursuant to Section 6.03.030 FCZR. All parking spaces are required to be clearly designated and demarcated pursuant to Section 6.01.030 FCZR. This can be accomplished with spray paint or flagging.

Based on staff's site visit and the submitted site plan, the parking scheme appears to be appropriate to accommodate guests and employees of the camp and retreat center.

### **2. Traffic Circulation**

The existing driveway off Numa Peak Lane would provide ingress and egress to the proposed camp and retreat center. The gravel driveway spans the property along the southern boundary line and provides access to structures and parking areas on the property. Several parking spaces are provided alongside the driveway and a larger parking and turnaround area is located at the end of the driveway, adjacent to the single-family dwelling and cabin. Based upon staff's site visit and the application materials, the driveway and parking areas appear to be appropriate to accommodate traffic circulation for the proposed use.

**Finding #4** – The parking and traffic circulation design appears adequate for the proposed use with standard conditions because parking spaces will be provided for guests and employees and the existing driveway includes a turnaround area.

### **3. Open Space**

The properties total 5.3 acres and currently contain a single-family dwelling, cabin, storage shed, four canvas tents on wooden platforms, a restroom facility, and a sauna. According to Montana Cadastral, the single-family dwelling, attached garage, cabin, and storage shed are approximately 2,883 square feet. According to the submitted site plan, the tents, restroom facility, and sauna are approximately 1,214 feet. An additional restroom facility is proposed which would be 200 square feet, for a total footprint of 4,297 square feet. There is no permitted lot coverage requirement within the NF zone. The existing and proposed structures would cover less than 2% of the property, thus the majority of the property would remain open space.

### **4. Fencing/Screening**

The subject property is heavily forested and structures are mostly screened from view. The property does not currently contain fencing. No fencing or screening is specifically required for the proposed use based on the applicable zoning regulations. Any additional fencing would be required to comply with Section 5.04 FCZR.

### **5. Landscaping**

The property is mostly forested with open areas in the location of structures. No landscaping is specifically required for the proposed use based on the applicable zoning regulations.

### **6. Signage**

The property currently contains address numbers and several signs designating 'tent parking' areas. The application indicates no additional signage is proposed.

The SC zone prohibits off-premise signs except rural directional signage not exceed eight (8) inches in height and thirty-six (36) inches in length. The NF zone further limits off-premise signage to directional signs not exceeding four (4) square feet which must be located on private property. There are no on-premise signage restrictions within the NF zone. All signage would be required to comply with the signage standards set forth in Chapter VII FCZR.

### **7. Lighting**

The property currently contains lighting along walkways. The application indicates no additional lighting is proposed. All exterior lighting would be required to comply with the lighting performance standards set forth in Section 5.12 FZCR so as to minimize impacts to surrounding properties.

**Finding #5** – The proposed use appears appropriately designed because the majority of the properties will remain open space, no landscaping is required, and all fencing, signage, and lighting would be required to comply with the zoning regulations.



## C. Availability of Public Services and Facilities

### 1. Sewer

Comment received from the Flathead City-County Health Department – Environmental Health states the property is currently in violation for operating several unlicensed activities. Additionally, “The property is in violation of the Certificate of Subdivision Approval (COSA) and the septic permit is for a one-bedroom cabin.” The applicant has indicated they are in the process of rewriting the COSA through the Montana Department of Environmental Quality.

Based on the information provided by Environmental Health, at this point in time, the applicant does not meet the requirements for operating the camp and retreat center. However, the permit could be conditioned to require approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality prior to operation of the camp and retreat center.

**Finding #6** – The subject property does not appear to have adequate availability of wastewater treatment facilities for the proposed use because comment from the Flathead City-County Health Department indicates the existing COSA and septic systems were not designed for the proposed use and several licenses are required, however the permit can be conditioned to require wastewater approval from Flathead City-County Health Department and the Montana Department of Environmental Quality prior to the operation of the camp and retreat center.

### 2. Water

The property is currently served by an individual well. The site plan indicates the location of the existing well and a proposed well. The property owner will be required to obtain all necessary permitting from the Flathead City-County Health Department and the Montana Department of Environmental Quality prior to operation of the camp and retreat center.

### 3. Storm Water Drainage

Storm water drainage is proposed to be managed onsite. The applicant is proposing an additional 200 square feet of impervious surfaces as part of this application, therefore increased storm water runoff as a result of this proposal is expected to be minimal. The applicant will be required to obtain all necessary permitting from the Flathead City-County Health Department and the Montana Department of Environmental Quality prior to operation of the camp and retreat center.

**Finding #7** – The subject property appears to have adequate availability of water and storm water drainage facilities for the proposed use because storm water drainage would be managed through on-site absorption, and the proposed use will require re-review through the Flathead City-County Health Department and Montana Department of Environmental Quality.

### 4. Fire Protection

The subject property is not located within a fire district and instead would be served by the Flathead County Fire Service Area. No comments were received from the Flathead County Fire Service Area regarding this proposal. The property is located within the Wildland Urban Interface (WUI) and a Fire District Priority Area, but not a high or extreme Countywide Priority Area. The property is located approximately 27.4 miles north of the Blankenship Fire Department.

The property is mostly forested with open areas in the location of structures. The submitted sustainability plan states, “The entire wooded area has been thinned and maintained in

accordance with forestry best management practices. Spider-web trees and dead trees have been cut, stockpiled, and burned during the appropriate burn season. Each wall tent, cabin and the house contain adequately-sized fire extinguishers. All structures contain fire alarms. In addition, a 5-gallon fire-fighting pump container is kept full onsite. No outdoor fire pits or tent stoves will be used during Burn Restrictions or the Fire Hazard Season.”

## **5. Police Protection**

The property would be served by the Flathead County Sheriff’s Office. 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. Because of the rural location of the subject property, longer wait times are anticipated.

**Finding #8** – The subject property appears to have adequate availability of public services for the proposed use because the property is located within the Flathead County Fire Service Area, fire prevention and suppression techniques will be utilized, and the Flathead County Sheriff’s Office would provide services to the property in the event of an emergency.

## **6. Streets**

The property is accessed via Numa Peak Lane, which is privately-maintained, gravel road within a 30 foot wide easement. Access will be via an existing gravel driveway off Numa Peak Lane. The Flathead County Road and Bridge Department indicated they do not have any comments regarding the proposal and the Montana Department of Transportation did not provide comment regarding the proposal.

**Finding #9** – There appears to be adequate availability of streets for the proposed use because the property has access off Numa Peak Lane, which is a privately-maintained road.

# **D. Immediate Neighborhood Impact**

## **1. Excessive Traffic Generation**

The subject property is accessed via Numa Peak Lane, which is a privately-maintained, gravel road within a 30 foot wide easement. Primary access to the camp and retreat center will be from an existing driveway off Numa Peak Lane. The applications states, “[There] should not be more than 6 additional vehicles/day.”

Staff utilizes the Institute of Transportation Engineers (ITE) *Trip Generation Manual* to provide traffic counts for the proposed use. Staff could not find average vehicle trips for a camp and retreat center. The closest comparable use to a camp and retreat center appears to be a ‘Motel’, which is anticipated to generate 9.11 ADT per occupied room. Using these estimates, the proposed camp and retreat center would generate approximately 36.44 ADT when the four tents are occupied.

According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, single-family dwellings typically generate approximately 10 average daily trips (ADT). Staff counted seven dwellings accessed via Numa Peak Lane, would indicate an existing traffic count of approximately 70 ADT. Using these estimates, the addition of 36.44 vehicle trips would increase traffic by approximately 52%. However, the application materials indicate traffic generated from the camp and retreat center would be less as the majority of guests would not utilize personal vehicles.

**Finding #10** – Traffic generated by the proposed use is anticipated to have an acceptable impact on the roads because primary access is via Numa Peak Lane, which is a privately-

maintained road, and although the proposed use has the potential to increase traffic on Numa Peak Lane by 52%, shuttle services could reduce traffic.

## **2. Noise or Vibration**

The application indicates the camp and retreat center will provide overnight stays for guests within the existing structures. The sustainability plan states, “The retreat clearly posts quiet hours from 10pm to 7am. These quiet hours are also communicated directly to guests. Outdoor activities include eating, socializing, and relaxing. No equipment or significant noise will be generated by retreat activities.” It is anticipated that normal use of the camp and retreat center would not generate excessive noise or vibration beyond typical residential use.

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

Based on the submitted application, the proposed use is anticipated to create no adverse impacts on the surrounding neighborhood as a result of glare or heat. Numa Peak Lane and the driveway are gravel. The sustainability plan states, “The retreat will maintain the gravel road from the North Fork Road to the driveway at 1070 Numa Peak Lane by filling potholes with appropriate gravel road material and by contracting dust control application once seasonally. Additional trips along Numa Peak Lane should be no more than 3 per day; however, most guests do not drive their own personal vehicles to the retreat.”

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

The application indicates the proposed use will not have a negative impact on smoke, fumes, gas, or other odors. 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 the uses on surrounding private property.

One of the written public comments addressed concerns regarding food odors and other bear attractants. The sustainability plan states, “Bear boxes are located adjacent to each of the 4 wall tents, and guests are instructed to keep all food and toiletries, as well as cooking utensils, in the bear boxes. Bear boxes have been constructed in accordance to guidelines presented by the City of Juneau, and are, in fact, twice as thick and robust than the recommendations presented in this article: [...] Each guest is given a full bear-safety orientation when they arrive at the Rising Wolf Retreat. No food is stored outside or left on the ground. Garbage is stored in the garage at the main house. Bears have not been an issue at the property with ongoing maintenance, presence of humans working and living, and the presence of dogs guarding the property.”

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

As previously stated, the camp and retreat would follow quiet hours from 10pm to 7am. Given the proposed nighttime quiet hours, the proposed use would likely have minimal impact on the immediate neighborhood.

**Finding #11** – The proposed use is anticipated to have a minimal impact on the immediate neighborhood because noise, vibration, dust, glare, heat, smoke, fumes, gas, odors and hours of operation are not anticipated to be out of character with the setting.

# **V. SUMMARY OF FINDINGS**

1. The subject properties appear to have adequate usable space for the proposed use because the properties total 5.3 acres, the existing and proposed structures appear to meet the setback requirements, and there is no permitted lot coverage requirement within the NF zone.

2. The access appears adequate for the proposed use because the property has legal and physical access via Numa Peak Lane, which is a privately-maintained road within a 30 foot wide easement and the existing gravel driveway would provide ingress and egress.
3. The site appears absent of environmental constraints for the proposed use because the properties do not contain steep slopes, wetlands, streams, or Special Flood Hazard Areas.
4. The parking and traffic circulation design appears adequate for the proposed use with standard conditions because parking spaces will be provided for guests and employees and the existing driveway includes a turnaround area.
5. The proposed use appears appropriately designed because the majority of the properties will remain open space, no landscaping is required, and all fencing, signage, and lighting would be required to comply with the zoning regulations.
6. The subject property does not appear to have adequate availability of wastewater treatment facilities for the proposed use because comment from the Flathead City-County Health Department indicates the existing COSA and septic systems were not designed for the proposed use and several licenses are required, however the permit can be conditioned to require wastewater approval from Flathead City-County Health Department and the Montana Department of Environmental Quality prior to the operation of the camp and retreat center.
7. The subject property appears to have adequate availability of water and storm water drainage facilities for the proposed use because storm water drainage would be managed through on-site absorption, and the proposed use will require re-review through the Flathead City-County Health Department and Montana Department of Environmental Quality.
8. The subject property appears to have adequate availability of public services for the proposed use because the property is located within the Flathead County Fire Service Area, fire prevention and suppression techniques will be utilized, and the Flathead County Sheriff's Office would provide services to the property in the event of an emergency.
9. There appears to be adequate availability of streets for the proposed use because the property has access off Numa Peak Lane, which is a privately-maintained road.
10. Traffic generated by the proposed use is anticipated to have an acceptable impact on the roads because primary access is via Numa Peak Lane, which is a privately-maintained road, and although the proposed use has the potential to increase traffic on Numa Peak Lane by 52%, shuttle services could reduce traffic.
11. The proposed use is anticipated to have a minimal impact on the immediate neighborhood because noise, vibration, dust, glare, heat, smoke, fumes, gas, odors and hours of operation are not anticipated to be out of character with the setting.

## **VI. CONCLUSION**

Upon review of this application, the request to allow for a camp and retreat center on the subject property is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-20-08 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 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].
3. The uses allowed within the camp and retreat center shall be restricted to those listed in the application and listed in the conditional use standards for a camp or retreat center set forth in Section 4.03.020 of the Flathead County Zoning Regulations.
4. The camp and retreat center shall be located in accordance with the development standards of the North Fork zoning district, pursuant to Section 3.40.040 of the Flathead County Zoning Regulations.
5. Off-street parking associated with the camp and retreat center shall meet the applicable requirements set forth in the Flathead County Zoning Regulations [Section(s) 6.01.010, 6.03.030 and 6.14 FCZR].
6. The proposed wastewater treatment, water supply, and storm water drainage systems for the camp and retreat center shall be reviewed and approved as applicable by the Flathead City-County Health Department and the Montana Department of Environmental Quality prior to operation of the camp and retreat center. A copy of the approved permits shall be available upon request by Flathead County Planning and Zoning.
7. Lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
8. Signage on the subject property shall adhere to the standards set forth in Chapter 7 of the Flathead County Zoning Regulations.
9. Fencing on the subject property shall adhere to the performance standards set forth in Section 5.04 of the Flathead County Zoning Regulations.
10. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of the activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
11. 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: EA