

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**ZONING TEXT AMENDMENT REPORT (#FZTA-14-01)**  
**JULY 30, 2014**

A report to the Flathead County Planning Board and Board of County Commissioners for a text amendment to the Flathead County Zoning Regulations. The purpose of the request is to revise the performance standards regarding home occupations in Section 5.06 of the Flathead County Zoning Regulations.

The Flathead County Planning Board will conduct a public hearing on the proposed zoning text amendment on August 13, 2014 in the 2<sup>nd</sup> Floor Conference Room of the Earl Bennett Building located at 1035 First Avenue West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will hold a public hearing on the proposed zoning text amendment.

Documents pertaining to the zoning text amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the Earl Bennett Building at 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning text amendments will also be available for public inspection in the Flathead County Clerk and Recorders Office at 800 South Main Street in Kalispell.

**I. APPLICATION REVIEW UPDATES**

**A. Planning Board**

This space will contain an update regarding the review of the proposal on August 13, 2014 by the Flathead County Planning Board.

**B. Commission**

This space will contain an update regarding the review of the proposal by the Flathead County Board of Commissioners.

**II. GENERAL INFORMATION**

**A. Applicant/Petitioner**

Flathead County Planning Board

**B. Background to Requested Amendments**

The Flathead County Planning Board has held several publicly noticed workshops intended to evaluate existing language and/or provisions contained in the Flathead County Zoning Regulations (FCZR). The publicly initiated text amendment regarding 'home occupations' performance standards is the result of workshops which occurred between March 2013 and March 2014. The Planning and Zoning Department has been approved by the Planning Board and the Board of County Commissioners to evaluate the regulations and to generate and process requests for amendments to the regulations as outlined below.

- A joint Planning Board and Commissioner workshop was held on March 13, 2013 to discuss projects for fiscal year 2013. During this workshop Commissioner Krueger stated an overhaul of the zoning regulations was needed. It was determined to proceed with an update to the regulations which is more than a few minor text amendments but not a complete overhaul.

- At the regularly scheduled Planning Board meeting on April 10, 2013, under old business, staff presented a top down approach to amending the zoning regulations. Starting with questions like determining what kind of zoning does the county want. If the county wants to use a different form of zoning, what type? Or does the county want to keep the same type of zoning? Planning Board decided they would rather just update the current zoning regulations.
- Planning Board and staff discussed possible public meetings and outreach to identify issues with the regulations at a June 12, 2013 Planning Board Workshop. The goals of the update were also identified by the Planning Board and they are; make the regulations business friendly, user friendly, and use more common sense. Also at this workshop the Planning Board discussed concerns over a possible B-2HG ruling, and if the county lost, how would it impact the ability to make text amendments in the future. The Planning Board directed staff to set-up meeting dates for the listen and learn town hall meetings, and draft a presentation for those meetings. The Planning Board also wanted a list of possible civic organization to meet with, and a draft survey to mail out for the next workshop.
- After the June workshop staff created a list of dates and times for town hall meetings around the county based on the previous workshop. Additionally staff drafted a survey to be mailed or handed out and staff started to prepare a draft PowerPoint presentation, schedule venues for the town hall meetings and draft a list of civic organizations to meet with during the process. Then Judge Ortley issued a ruling on the B-2HG lawsuit.
- At the regularly scheduled Planning Board meeting July 10, 2013, under old business, there was a discussion about the recent B-2HG ruling and how it would impact the zoning update. The Planning Board was concerned that if all the town hall meetings were held as previously discussed it is possible that not all public input would be addressed in the update. The Planning Board decided they wanted to scale back the project and not hold town hall meetings and to put the project on hold until a decision on the appeal was made and to cancel the previously scheduled July 31st workshop.
- At the monthly meeting with the County Commissioners, the Planning Director gave the commissioners an update on the zoning regulations project. The commissioners stated that the Planning Board should move ahead with the project. A new agenda was created for the July 31st workshop to discuss the scope.
- During the Planning Board workshop on July 31, 2013 the scope of the project was again discussed. Planning Board decided to have staff prepare a list of zoning issues to be discussed at the next workshop.
- On August 14, 2013 at the regularly scheduled Planning Board meeting, staff handed out a copy of the list of zoning issues that have been brought during previous Planning Board meetings, staff's daily interaction with the public, administrative fixes, previous complaints, and previous attempts to update the zoning regulations.
- On October 23, 2013 staff handed out research to the Planning Board regarding home occupations and accessory dwelling units.

- During the regularly scheduled Planning Board meeting on February 12, 2014 the Planning Board and staff discussed what topics to tackle next concerning the update to the regulations which included home occupations, wedding facilities, home occupations and vacation rentals by owner (VRBO).
- On February 24, 2014 during the Planning Board workshop the board and staff discussed specific number of employees allowed for a home occupation, how to handle traffic issues (doubling the allowed traffic), utilities (specifically sewer), and the difference between a home occupation and a second principle use.
- During the regularly scheduled Planning Board hearing on March 12, 2014 the Planning Board discussed the draft text amendment based on wording from the previous meeting and to move forward with a text amendment to home occupations.

### **C. Sections Proposed for Amendment**

The amendment is addressed as follows:

- i. A summary of the general character of and reason for the proposed amendment;
- ii. Listing of the specific section being amended and the actual language of the proposed amendment. Under “Proposed amendment” the language is shown as it appears in the current regulations, with proposed additions *italicized* and shaded gray and proposed deletions ~~stricken~~ and shaded gray.

### **D. Criteria Used for Evaluation of Proposed Amendment:**

Amendments to the text of the Flathead County Zoning Regulations are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

### **E. Compliance With Public Notice Requirements:**

Legal notice of the Planning Board public hearing on this application was published in the July 27, 2014 edition of the Daily Interlake. Public notice of the Board of County Commissioners public hearing regarding the zoning text amendment will be physically posted within the County according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the date, time and location of the public hearing before the Flathead County Commissioners on the requested zoning text amendment.

### **F. Agency Referrals**

No agency referrals were sent regarding these text amendments, as they apply to a broad geographic area and not a specific property requiring evaluation by a local or state agency.

## **III. COMMENTS RECEIVED**

### **A. Public Comments**

Staff has met with two organizations regarding the proposed zoning text amendment. Both organizations are generally in support of the proposed amendments. The comments received to date state: “*Increase in number of employees permitted.*” “*What about*

lighting.” “Should be clearer on what is ‘traffic’ round trip is 1 or 2.” “Like adding a broader anything.”

It is anticipated any member of the public wishing to provide comment on the proposed zoning text amendment may do so at the Planning Board public hearing scheduled for August 13, 2014 and/or the Commissioner’s Public Hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

## **B. Agency Comments**

No agency referrals were sent regarding these text amendments, as they apply to a broad geographic area and not a specific property requiring evaluation by a local or state agency.

## **IV. EVALUATION OF PROPOSED AMENDMENTS**

### **i. General Character of and Reason for Amendment**

The purpose of the request is to revise the performance standards regarding home occupations in Section 5.06 of the Flathead County Zoning Regulations. This proposed amendment, to amend the performance standards for home occupation, would remove the requirement of only one vehicle trip at a time and allow for a conditional use permit for a home occupation to exceed eight vehicle trips per day but not more than sixteen vehicle trips in a day. This amendment is being proposed because the Planning Board has indicated that removing the limitation of one vehicle at a given time would not adversely impact a neighborhood, limiting a home occupation to eight vehicle trips per day limits the ability to grow a business and that reasonable limits are needed so as to not change the character of the neighborhood.

### **ii. Proposed Amendment**

The proposed amendment to amend Section 5.06 FCZR pertaining to the Home Occupation would amend vehicle traffic criteria as follows:

5.06.020(1)(E) The home occupation shall not generate pedestrian or vehicle traffic in excess of that which is characteristic of the neighborhood in which it is located. Vehicle traffic would not be increased by ~~more than one (1) at a given time or~~ by more than eight (8) vehicle trips all day.

5.06.020(2)(C) *Vehicle traffic that exceeds eight (8) vehicle trips but less than sixteen (16) vehicle trips all day.*

### **iii. Review of Proposed Amendment (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)**

#### **1. Whether the proposed text amendment is made in accordance with the Growth Policy and Neighborhood Plan.**

The Growth Policy does not provide specific guidance related to home occupations. **Goal 2** states, “*Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.*” The proposed amendment is made in accordance with the applicable

goal of the Growth Policy as it would preserve the rights of landowners to put their properties to use.

Staff researched the various neighborhood plans regarding the compliance of the proposed amendment and found that the neighborhood plans listed below specifically reference the topic of the proposed text amendment. The proposed amendment is made in accordance with the applicable neighborhood plans:

❖ Kalispell City-County Master Plan

- **6(g):** *Maintain the character of the single-family neighborhoods.*
  - Response: The performance standards for a home occupation would still apply which serve to preserve the character of a neighborhood.

❖ Rogers Lake Neighborhood Plan and Development Code

- *Providing for home-based business.*
- *Prohibit the commercial establishments on or in the neighborhood of the lake, development of facilities (such as marinas, recreational equipment rental, recreational vehicle parks or campgrounds, and public concessions) that would promote high-impact use of the lake, the lakeshore and or the surrounding area.*
- *Allow for home-based businesses such as bed and breakfast, guest ranches, and home offices.*
  - Response: Home occupations, bed and breakfasts, guest ranches and home offices would still be permitted within the Roger Lake Neighborhood Plan area. The performance standards for a home occupation would still apply which serve to preserve the character of a neighborhood and limit non-compatible commercial uses in the Rogers Lake zone.

❖ South Woodland/Greenacres Neighborhood Plan

- **Goal 4:** *Maintain the rural character of the residential areas by limiting duplexes, apartment and businesses to established areas.*
  - Response: The performance standards for a home occupation would still apply which serve to preserve the character of a neighborhood.

❖ Whitefish City-County Master Plan

- **5.2:** *Conserve the character and stability of neighborhoods.*
- **5.10:** *In order to protect residential neighborhood integrity, home occupations which occur in residential areas should be done in such a manner as to show no visible exterior aspects or impacts of the business or services. This would include limited exterior signage, no outside storage, unobtrusive parking, and minimal noise, smoke or fumes.*
  - Response: The performance standards for a home occupation would still apply which serve to preserve the character of a neighborhood.

❖ West Valley Neighborhood Plan

- *Permit home occupations;*
  - Response: Home occupations would still be permitted within the West Valley Neighborhood Plan area. The West Valley Neighborhood Plan covers areas zoned West Valley as well as zones with the West Valley Overlay. The West Valley zone has separate definitions for home occupations and home based businesses and this text amendment would not apply to the West Valley zone but would apply to areas zoned West Valley Overlay.

The Ashley Lake Neighborhood Plan and the North Fork Neighborhood Plan reference home occupations or a related topic but zoning district have been implemented in those plan areas that have a separate definition for home occupations and home-based businesses therefore this text amendment would not apply to those definitions.

**Finding #1:** The proposed amendment appears to generally comply with the Flathead County Growth Policy, the Kalispell City-County Master Plan, Rogers Lake Neighborhood Plan and Development Code, West Valley Neighborhood Plan Whitefish City-County Master Plan and South Woodland/Greenacres Neighborhood Plan because the proposed amendment preserve the rights of land owners, the performance standards for a home occupation would still apply which serve to preserve the character of a neighborhood, and while home occupations would still be permitted within the West Valley Neighborhood Plan area, home occupations, bed and breakfasts, guest ranches and home offices would still be permitted within the Roger Lake Neighborhood Plan area, the zoning would limit non-compatible commercial uses in the Rogers Lake zone.

**2. Whether the proposed text amendment is designed to:**

**a. Secure safety from fire and other dangers;**

Removing the restriction of one vehicle trip at a given time and allowing for up to sixteen vehicle trips in a day with a conditional use permit appears to not have a negative impact on safety from fire and other dangers because home occupations would still be required to meet the other performance standards, and the bulk and dimensional requirements for the underlying district. Additionally home occupations that exceed eight vehicle trips per day would be required to undergo a subsequent review process. The bulk and dimensional requirements within the zoning designations have been established to secure safety from fire and other dangers.

**b. Promote public health, public safety, and general welfare;**

Public health, safety, and general welfare will not be impacted by the proposed amendment because a home occupation is already a permitted use in most zoning use districts. All six of the other performance standards for a home occupation would still be required to be met and the definition would continue to apply, and a subsequent review would be required if the home occupation exceeds eight vehicle trips per day. The performance standards for a home occupation would still require that:

- *“No home shall be conducted in such a manner which will be detrimental to the residential use of said residence or cause a nuisance to surrounding residences, because of vibrations, noise, dust, smoke, odor, interference with radio and television reception, or other factors.”*
- *“No home occupation shall generate as a by-product for disposal or cause to be dumped any hazardous waste including chemical and cleaners, other than the volume and types that would be normally generated by a typical single-family home.”*

The performance standards were established to ensure the public health, public safety and general welfare of residence in the vicinity of a home occupation. If an applicant fails to demonstrate these standards can be met, then a home occupation cannot be permitted.

**Finding #2:** The proposed amendment to the Flathead County Zoning Regulations was found to comply with and have no adverse impact on safety from fire, other dangers, public health, public safety and general welfare because home occupations that exceed eight vehicle trips per day would be required to undergo a subsequent review process, the bulk and dimensional requirements within the zoning designations have been established to secure safety from fire and other dangers and all of the other performance standards for a home occupation would still be required to be met.

**c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.**

The purpose of the request is to revise the performance standards for home occupations regarding traffic and could potentially impact transportation. The proposed amendment for allowing increased traffic is not likely to impact water, sewer, schools, parks, and other public requirements. The proposed amendment would eliminate the requirement of one vehicle trip at a time on the subject property and add the ability for property owners to apply for a conditional use permit if they are going to exceed the traffic threshold of eight vehicle trips in a day but not exceed sixteen vehicle trips in a day.

The proposed amendment would allow for an increase in traffic and could impact transportation, however, a subsequent review would be required for a home occupation to exceed eight vehicle trips per day in order to determine if the maximum sixteen vehicle trips per day would be appropriate for the given property. The conditional use review would determine if an adequate provision of transportation exists for the proposal and could be conditioned to ensure adequate provision of transportation.

**Finding #3:** The proposed amendment was found to have no impact on water, sewerage, schools, parks and other public requirements because it would only allow for increased traffic in association with a home occupation.

**Finding #4:** Amending the Flathead County Zoning Regulations by removing the restriction on home occupations of no more than one vehicle trip at a given time and allowing for a conditional use permit to exceed eight vehicle trips

per day but not to exceed sixteen vehicle trips per day was found to have no impact on transportation because a subsequent conditional use review would determine if adequate provision of transportation exists for the proposal and could be conditioned to ensure adequate provision of transportation.

**3. In evaluating the proposed text amendment(s), consideration shall be given to:**

**a. The reasonable provision of adequate light and air;**

A home occupation is currently a permitted use in many of the zoning designations, and not being added to any established zoning designations. The proposed amendment would only modify the traffic criteria for a home occupation, and bulk and dimensional requirements for the underlying zoning would still apply. Bulk and dimensional requirements within the zoning designations have been established to ensure a reasonable provision of light and air.

**Finding #5:** The proposed amendment was found to have no adverse impact on light and air because bulk and dimensional requirements for the underlying zoning would still be applicable and those requirements have been established to ensure a reasonable provision of light and air.

**b. The effect on motorized and non-motorized transportation systems;**

The purpose of the request is to revise the performance standards for home occupations regarding traffic and could impact motorized and non-motorized transportation. The proposed amendment would eliminate the requirement of one vehicle trip attributed to the home occupation at a time on the subject property and the amendment would add the ability for property owners to apply for a conditional use permit if their home occupation would exceed the traffic threshold of eight vehicle trips in a day but not to exceed a maximum of sixteen vehicle trips in a day.

The proposed amendment would allow for an increase in traffic and could impact motorized and non-motorized transportation however a subsequent review would be required for a home occupation to exceed eight vehicle trips per day in order to determine if the maximum sixteen vehicle trips per day would be appropriate for the given property. The conditional use review would determine if the home occupation has an acceptable effect on motorized and non-motorized transportation exists for the future proposals and could be conditioned to minimize adverse effects on motorized and non-motorized transportation.

**Finding #6:** Amending the Flathead County Zoning Regulations by removing the restriction on home occupations of no more than one vehicle trip at a given time and allowing for a conditional use permit for home occupations with eight to sixteen vehicle trips per day was found to have no negative effect on motorized and non-motorized transportation because future conditional use reviews would determine if home occupations have an effect on motorized and non-motorized transportation and the conditional use permit could be

conditioned to eliminate or minimize negative effects on motorized and non-motorized transportation.

**c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);**

Staff looked at each of the Flathead County's three incorporated cities' growth policies for guidance on compatibility with urban growth on the proposed amendment. The City of Columbia Falls Growth Policy states as a policy, *"Allow low-impact home occupations which do not show any visible exterior indication and do not undermine a neighborhood's residential character."* The City of Kalispell Growth Policy states as a policy, *"Allow low-impact home occupations that do not undermine a neighborhood's residential character."* The City of Whitefish Growth Policy only discusses home based businesses in relation to day cares.

The Planning Board has indicated that allowing eight vehicle trips per day would limit the ability for a business to grow, but requiring a conditional use permit for up to sixteen vehicle trips per day could protect the character of a residential neighborhood through a conditional use review. By requiring home occupations with eight to sixteen vehicle trips per day to obtain a conditional use permit, the Board of Adjustments would be able to ensure the proposal would not be out of character with the neighborhood. The Planning Board feels that removing the limitation of one vehicle trip at a given time would not adversely impact a residential neighborhood because the use would still be required to meet applicable parking requirements. It appears that the proposed text amendment would be compatible with urban growth in the vicinity of cities and towns as it would not undermine a neighborhood's residential character.

**Finding #7:** This proposed text amendment would be compatible with the Growth Policy of Columbia Falls and Kalispell because the Planning Board has indicated a maximum of sixteen vehicle trips per day and more than one vehicle trip at a given time would not be out of character for a residential neighborhood and a subsequent conditional use permit review would be required for home occupations with eight to sixteen vehicle trips per day which could ensure that such a proposal is not out of character with a neighborhood.

**d. The character of the district(s) and its peculiar suitability for particular uses;**

This proposed amendment would appear to not alter the character of the districts and its peculiar suitability for a particular use because the six other performance standards for a home occupation and its definition would still apply, and a subsequent conditional use review would be required for home occupation exceeding eight vehicle trips per day. Removing the requirement of no more than one vehicle trip at a given time would likely not change the character of the district and its peculiar suitability for uses because home

occupations would still be required to provide for off street parking and maximum daily trips would still be regulated.

Per Section 7.09.020 a 'Home occupation' is defined as, *"Any use conducted entirely within the dwelling and carried on by the members of the family which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character thereof and in connection therewith are no commodities sold from the premises except that which is produced thereof, except as provided for in Section 5.06. [...]."* A home occupation would not be permitted if it would substantially change the character of the dwelling and therefore character of the district and its peculiar suitability for a particular use would not be adversely impacted by the proposed amendment.

**e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**

This proposed amendment would appear to not impact the value of buildings and the most appropriate use of land throughout the jurisdictional area because the six other performance standards for a home occupation would remain unchanged and the definition for home occupation would still apply. As previously stated the Section 7.09.020 defines a 'Home occupation' as, *"Any use conducted entirely within the dwelling and carried on by the members of the family which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character thereof and in connection therewith are no commodities sold from the premises except that which is produced thereof, except as provided for in Section 5.06. [...]."* A home occupation would not be permitted if it would substantially change the character of the dwelling and therefore the proposed amendment would likely conserve the value of buildings and encourage the most appropriate use of land.

Removing the requirement of no more than one vehicle trip at a given time would likely conserve the value of buildings and encourage the most appropriate use of lane throughout the jurisdictional area because home occupations would still be required to provide for off street parking and maximum daily trips would still be regulated.

**Finding #8:** Amending the Flathead County Zoning Regulations by removing the restriction on home occupations of no more than one vehicle trip at a given time and allowing for home occupations with between eight and sixteen vehicle trips per day subject to issuance of a conditional use permit was found to preserve the character of the district and its peculiar suitability for a particular use, and conserve the value of buildings and encourage the most appropriate use of land throughout the area because the six other performance standards for a home occupation would remain unchanged, the definition for home occupation would still apply, a subsequent conditional use permit review would be required if the home occupation exceeds eight vehicle trips per day and home occupations would still be required to provide for off street parking.

**4. Whether the proposed text amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.**

All three of Flathead County's incorporated cities' zoning ordinances address home occupations. The City of Whitefish has criteria for home occupations that states, "*The home occupation shall not generate pedestrian or vehicle traffic in excess of that which is characteristic of the neighborhood in which it is located. Vehicle traffic may not be increased by more than one at a given time or by more than eight (8) during any one day.*" The City of Columbia Falls' criteria for home occupations states, "*The home occupation shall not generate pedestrian or vehicle traffic in excess of that which is characteristic of the neighborhood in which it is located. Vehicle traffic may not be increased by more than one at a given time or by more than eight all day.*" And the City of Kalispell's criteria for home occupations states, "*There shall be no pedestrian or vehicular traffic in excess of that which is characteristic of a typical neighborhood of its type and shall not exceed more than one at a time or eight all day.*"

While cities' established requirements for home occupations are similar to current county standards, the proposed amendment diverges from established standards to address matters which have been considered by the Planning Board. As such the proposed amendment would not be compatible with the Whitefish, Columbia Falls or Kalispell zoning ordinances because they all require pedestrian or vehicular trips to be less than one at a time or eight all day and none of the zoning ordinances allow for a conditional use permit for a home occupation with additional vehicle trips.

**Finding #9:** This proposed text amendment would not be compatible with the zoning ordinances of nearby municipalities because Whitefish, Columbia Falls and Kalispell zoning ordinances do not allow for vehicle trips in excess of one at a time or eight all day or for a conditional use permit to allow for between eight to sixteen vehicle trips for a home occupation as proposed by the amendment under review.

**V. SUMMARY OF FINDINGS**

1. The proposed amendment appears to generally comply with the Flathead County Growth Policy, the Kalispell City-County Master Plan, Rogers Lake Neighborhood Plan and Development Code, West Valley Neighborhood Plan Whitefish City-County Master Plan and South Woodland/Greenacres Neighborhood Plan because the proposed amendment preserve the rights of land owners, the performance standards for a home occupation would still apply which serve to preserve the character of a neighborhood, and while home occupations would still be permitted within the West Valley Neighborhood Plan area, home occupations, bed and breakfasts, guest ranches and home offices would still be permitted within the Roger Lake Neighborhood Plan area, the zoning would limit non-compatible commercial uses in the Rogers Lake zone.

2. The proposed amendment to the Flathead County Zoning Regulations was found to comply with and have no adverse impact on safety from fire, other dangers, public health, public safety and general welfare because home occupations that exceed eight vehicle trips per day would be required to undergo a subsequent review process, the bulk and dimensional requirements within the zoning designations have been established to secure safety from fire and other dangers and all of the other performance standards for a home occupation would still be required to be met.
3. The proposed amendment was found to have no impact on water, sewerage, schools, parks and other public requirements because it would only allow for increased traffic in association with a home occupation.
4. Amending the Flathead County Zoning Regulations by removing the restriction on home occupations of no more than one vehicle trip at a given time and allowing for a conditional use permit to exceed eight vehicle trips per day but not to exceed sixteen vehicle trips per day was found to have no impact on transportation because a subsequent conditional use review would determine if adequate provision of transportation exists for the proposal and could be conditioned to ensure adequate provision of transportation.
5. The proposed amendment was found to have no adverse impact on light and air because bulk and dimensional requirements for the underlying zoning would still be applicable and those requirements have been established to ensure a reasonable provision of light and air.
6. Amending the Flathead County Zoning Regulations by removing the restriction on home occupations of no more than one vehicle trip at a given time and allowing for a conditional use permit for home occupations with eight to sixteen vehicle trips per day was found to have no negative effect on motorized and non-motorized transportation because future conditional use reviews would determine if home occupations have an effect on motorized and non-motorized transportation and the conditional use permit could be conditioned to eliminate or minimize negative effects on motorized and non-motorized transportation.
7. This proposed text amendment would be compatible with the Growth Policy of Columbia Falls and Kalispell because the Planning Board has indicated a maximum of sixteen vehicle trips per day and more than one vehicle trip at a given time would not be out of character for a residential neighborhood and a subsequent conditional use permit review would be required for home occupations with eight to sixteen vehicle trips per day which could ensure that such a proposal is not out of character with a neighborhood.
8. Amending the Flathead County Zoning Regulations by removing the restriction on home occupations of no more than one vehicle trip at a given time and allowing for home occupations with between eight and sixteen vehicle trips per day subject to issuance of a conditional use permit was found to preserve the character of the district and its peculiar suitability for a particular use, and conserve the value of buildings and encourage the most appropriate use of land throughout the area because the six other performance standards for a home occupation would remain unchanged, the definition for home occupation would still apply, a subsequent

conditional use permit review would be required if the home occupation exceeds eight vehicle trips per day and home occupations would still be required to provide for off street parking.

9. This proposed text amendment would not be compatible with the zoning ordinances of nearby municipalities because Whitefish, Columbia Falls and Kalispell zoning ordinances do not allow for vehicle trips in excess of one at a time or eight all day or for a conditional use permit to allow for between eight to sixteen vehicle trips for a home occupation as proposed by the amendment under review.

## **VI. CONCLUSION**

Per Section 2.08.020(4) of the Flathead County Zoning Regulations, a review and evaluation by the staff of the Planning Board comparing the proposed zoning text amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with most the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM