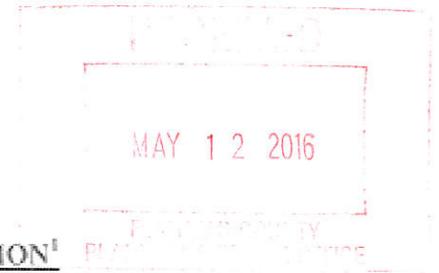


# Flathead County

## Planning & Zoning

1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406 751 8310



### CONDITIONAL USE PERMIT APPLICATION<sup>1</sup>

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ \_\_\_\_\_

PROPOSED USE (as described in the Flathead County Zoning Regulations):

Light commercial use \* see attached EXHIBIT A

#### OWNER(S) OF RECORD:

Name: Collin + Treena Mitts Phone: 253-2407  
Mailing Address: 760 Labrant Rd  
City, State, Zip Code: Kalispell, MT 59901  
Email: treenamitts@gmail.com

#### PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: Treena Mitts Phone: 253-2407  
Mailing Address: 760 Labrant Rd  
City, State, Zip Code: Kalispell, MT 59901  
Email: treenamitts@gmail.com

#### LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records).

Street Address: 760 Labrant Road S 36 T 28N R 20W  
Subdivision Tract Lot Block  
Name: \_\_\_\_\_ No(s) No(s) No.

1. Zoning District and Zoning Classification in which use is proposed (EXAMPLE: Bigfork Zoning District, SAG-5 zoning classification):  
Labrant Lindsey Lane

2. Explain how the proposed use meets all of the required criteria below. ALL CRITERIA MUST BE DISCUSSED. If criteria are not applicable, please explain why. Attach drawings, additional text, site plans, and any other documents that will assist staff in reviewing the proposed use. The more information you can provide, the easier it is for staff to review the application. Please discuss:

\* see attached EXHIBIT A

**A. Site Suitability.**

The site is suitable for the use. This includes:

- (1) adequate usable space

*We have plenty space.*

*see attached exhibit A*

- (2) adequate access

*We have adequate access off of Labrant Rd. Our driveway and parking area is huge.*

- (3) absence of environmental constraints

*NONE*

**B. Appropriateness of Design.**

The site plan for the proposed use will provide the most convenient and functional use of lot. Consideration of design should include:

- (1) parking scheme

*see attached exhibit A*

- (2) traffic circulation

- (3) open space

- (4) fencing, screening

(5) landscaping

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) signage

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(7) lighting

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Availability of Public Services and Facilities

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed.

(1) sewer

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) water

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*see attached  
exhibit A*

(3) storm water drainage

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) fire protection

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(5) police protection

\_\_\_\_\_  
\_\_\_\_\_

(6) streets

D. Immediate Neighborhood Impact

The proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

(1) excessive traffic generation

(2) noise or vibration

*see attached exhibit A*

(3) dust, glare or heat

(4) smoke, fumes, gas, or odors

(5) inappropriate hours of operation

*N/A*

3. The following proposed uses shall meet additional requirements, known as "Conditional Use Standards" as outlined in Chapter 4 the Flathead County Zoning Regulations and require consultation with a staff planner PRIOR to application submittal:

- 4.01 Animal Hospitals, Kennels, Animal Shelters, Veterinary Clinics
- 4.02 Bed and Breakfast Establishments/Boarding Houses
- 4.03 Camp or Retreat Center
- 4.04 Caretaker's Facility in AG, SAG, and R-1 Districts
- 4.05 Cluster Housing Development in Residential Districts

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- 4.06 Commercial Caretaker's Facility in B-2, B-3, I-1, I-1H, and I-2 Districts
- 4.07 Contractors Storage Yard in AG and SAG Districts
- 4.08 Day Care Centers- 13 or More Individuals
- 4.09 Electrical Distribution Stations
- 4.10 Extractive Industries
- 4.11 Family Hardship Dwellings
- 4.12 Manufactured Home Parks
- 4.13 Mini-Storage, Recreational Vehicle Storage
- 4.14 Motor Coach Subdivisions
- 4.15 Recreational Facilities (see also 7.17.040)
- 4.16 Temporary Uses

Consultation with Planner:

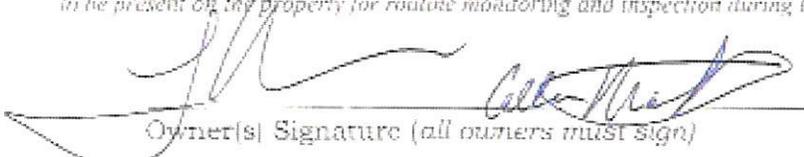
Date \_\_\_\_\_ Planner's Signature \_\_\_\_\_

**INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION:**

1. Answer all questions. Answers should be clear and contain all the necessary information.
2. In answering question 1, refer to the classification system in the Zoning Regulations.
3. In answering questions 2 and 3, be specific and complete. Please use a separate sheet of paper to discuss the appropriate topics
4. Copy of plot plan/site plan must be submitted with each application, with all existing or proposed structures shown, and distances from each other and from the property line. *If you are submitting a plan larger than 11x17 in size, please include 7 copies.*
5. An 'Adjoining Property Owners List' request form must be submitted with the application, with a separate fee *(see forms below)*. The list will be sent directly to the Planning & Zoning office. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
  - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*

\*\*\*\*\*

*I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.*

  
 Owner(s) Signature (all owners must sign)

5-13-16  
 Date

\_\_\_\_\_  
 Applicant Signature (if different than above)

\_\_\_\_\_  
 Date

Question 2

- a. -Surrounding land uses: residential / agricultural (the house in front of us is a rental property), the property in back of us in the boy scout camp.
- Dimensions and shape of lot: see attached
- Topographic features of lot: see attached
- Size(s) and location(s) of existing buildings: see attached
- Size(s) and location(s) of proposed buildings: we are not looking to add anything extra (N/A)
- Existing use(s) of structures and open areas: personal uses
- Proposed use(s) of structures and open areas: we would like to use 1/3 of our shop to store insulation material (inside). Nothing will show from outside the structures. We also would like to have box trucks and delivery trucks to deliver insulation products 12-15 times per year. We would also like to be able to park a box truck on property on and off when not in use, sometimes this is what my husband drives home. We would park it in treed area, out of sight.
- Existing and proposed landscaping and fencing: We are not planning on changing anything, but would be willing to put up fencing if neighbors so wanted us to. Our home and shop is ours personally, and I do believe within the area we live our house/shop/landscaping is the best in the neighborhood. Our property is very beautiful and we always plan on keeping it our personal property, and use it as needed in future for the business storage, when we don't want to run supplies back to our current storage in Bigfork. We have already planted large trees to help make our property private.
- B. - Traffic flow and control: we have great drive thru access on our lot. Our plan is not to increase the traffic any more than the less than 12-15 deliveries per year. Our local suppliers also hold our inventory products, and that will not change. We NEVER have customers or clients at our property. We do not have employees that park on our property. The road next to us Grizzly Base Road is heavily trafficked in the summer months with buses and cars/trucks because it is the boy scout camp in the back of our property. So we believe our neighborhood already expect more traffic in summer.
- Access to and circulation within the property: see attached
- Off-street parking and loading: our proposed loading would be at the front or back of the shop and no where else. See attached
- Refuse and service area: we don't have services or sales from our property.
- Utilities: nothing changes, all personal uses.

-Screening and buffering: we installed several 14 ft trees to make our property more private, we felt trees were a good options instead of a fence that would stick out

-Signs, yards and other open spaces: used as personal space, would like to be able to put business sign out front with our personal address information. But it is something we can do without if it causes neighbors distress.

-Height, bulk and location of structures: structures are what is pre-existing and they are personal structures. Just want to use 1/2 of garage for business storage (inside structure)

-Location of proposed open spaces uses: all will stay personal, except we would like to be able to park a box truck on an occasional basis, that husband uses to come home in on occassion.

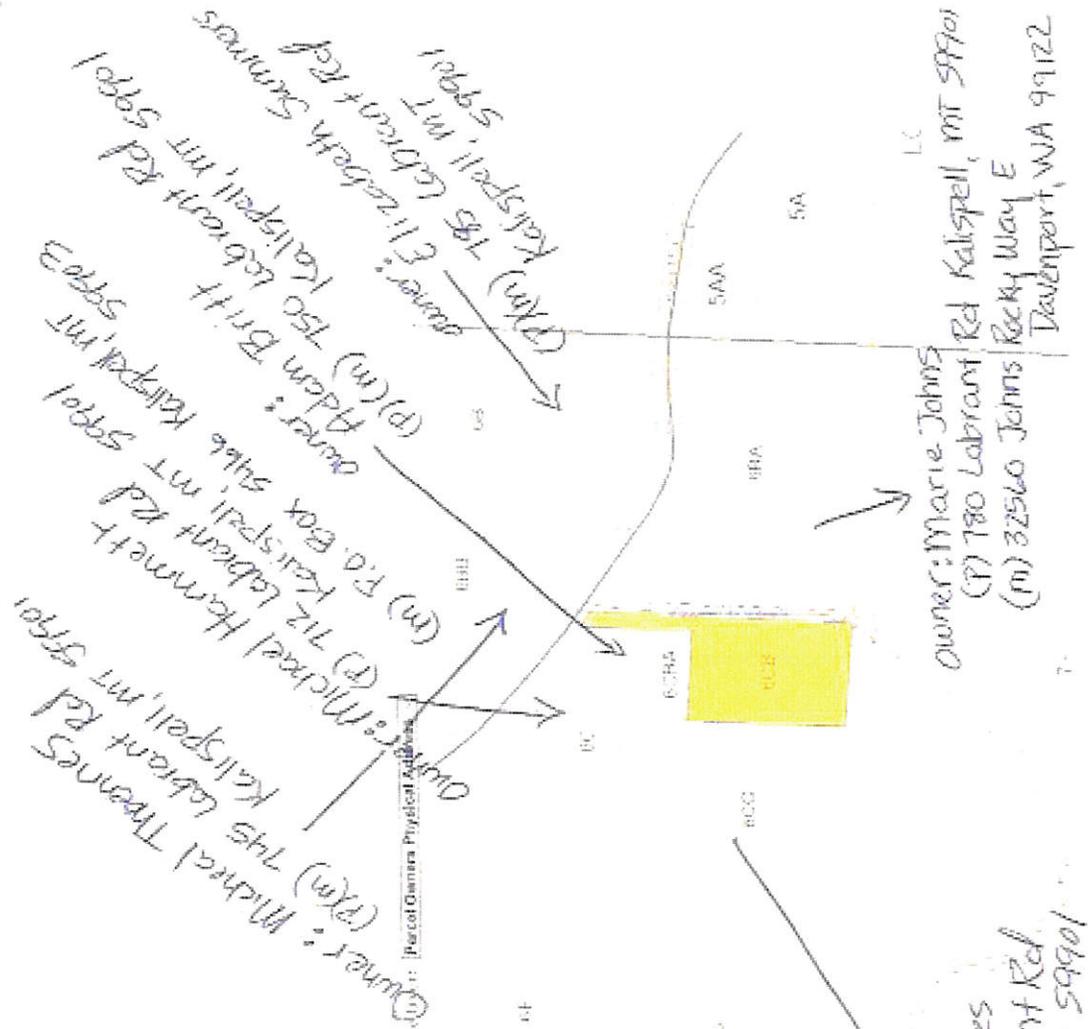
-Hours and manner of operation: we don't have hours, we come and go from work just like any other working household. Every once in a while my brother in law, which is our business partner comes and gets the box truck.

-Noise, light, dust, odors, fumes and vibration: noise would be a matter of loading and unloading materials. Very minimal. Really no more than coming and going as a normal person with regular job. If we get an ok for deliveries there would be a bit of noise from the truck drivers.

WE KEEP OUR PROPERTY VERY WELL MAINTAINED. WE BELIEVE WE HAVE ONE OF THE BEST HOMES AND PROPERTIES, AS FAR AS CLEANLINESS, GOES. WE DO NOT FEEL THAT IT WOULD DESTRUCT ANY OF OUR NEIGHBORS. WE DO HAVE OTHER FACILITIES THAT HOLD ALL OUR BUSINESS INVENTORY, BUT JUST WANT TO APPLY FOR THIS SO WE DON'T HAVE TO WORRY ABOUT INFORMATION IF SOMEONE CHOSE TO COMPLAIN. AND WE ARE AWARE THAT EVERYONE HAS THEIR OWN COMPLAINTS WHEN YOU LEAST EXPECT IT.

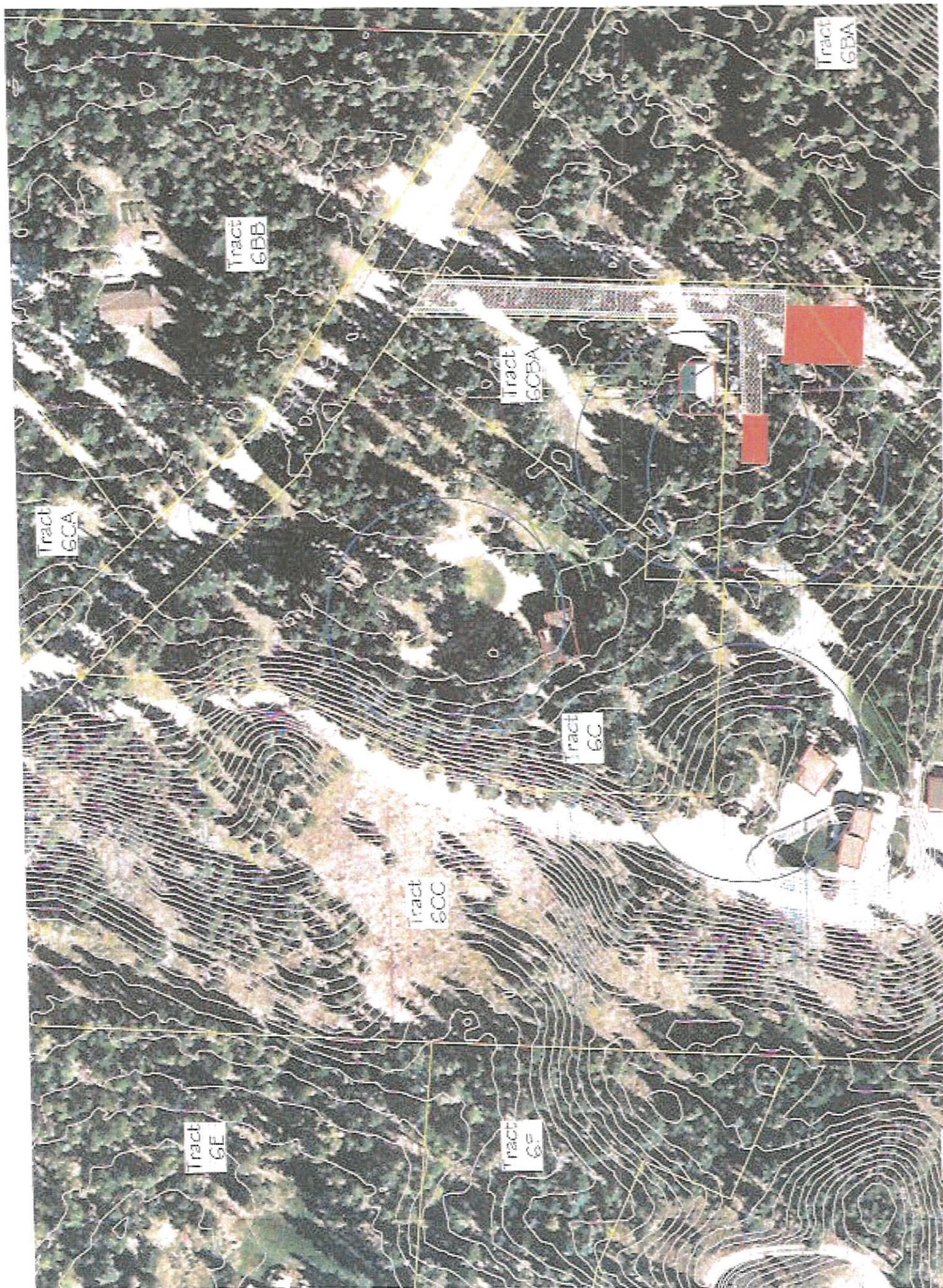
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Within 150 ft  
Neighbors



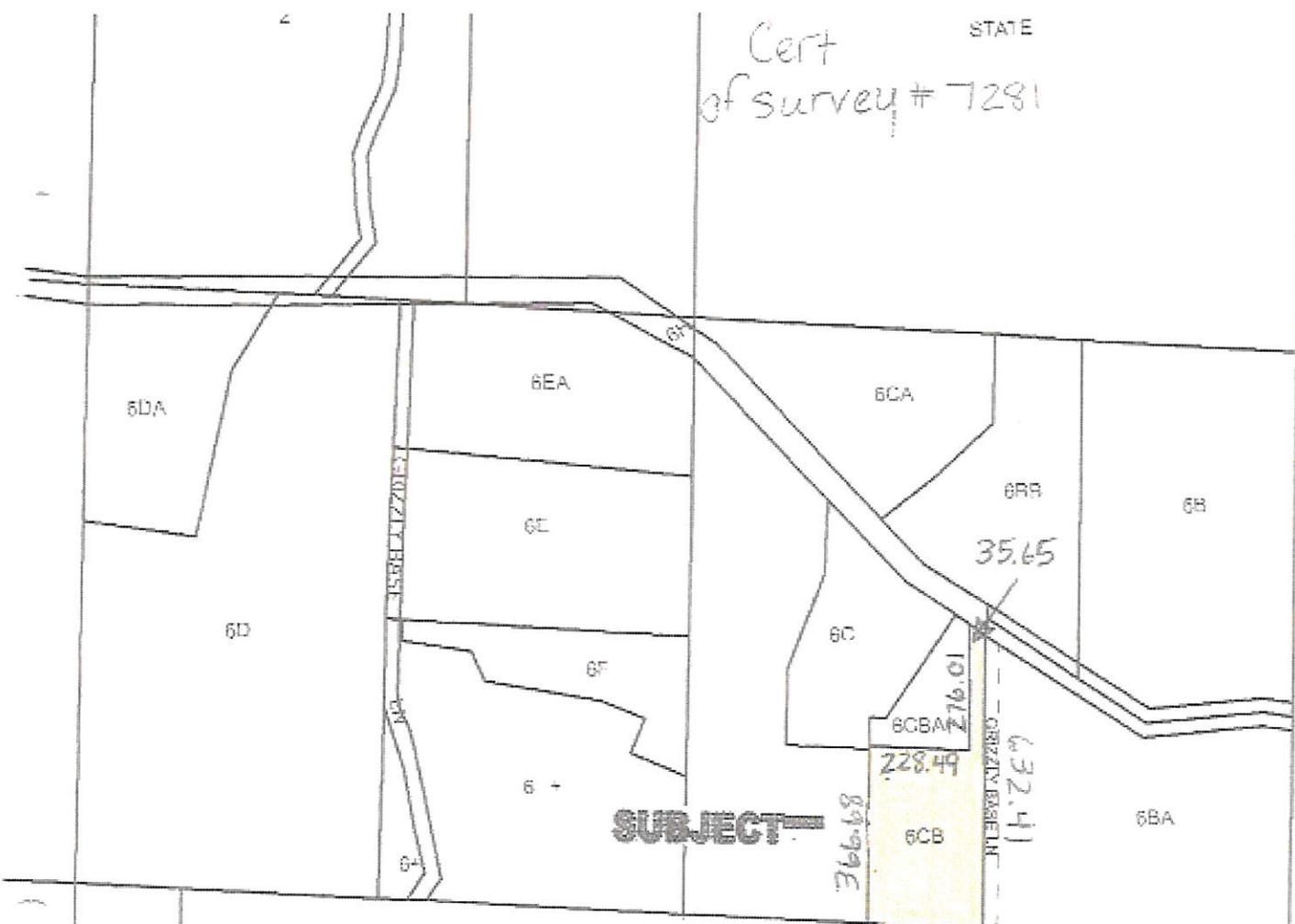
Owner: Montana Council of Boy Scouts of America  
(P) 200 Grizzly Base Ln. Kalispell, MT 59901  
(M) 820 17th Ave S. Great Falls, MT 59405





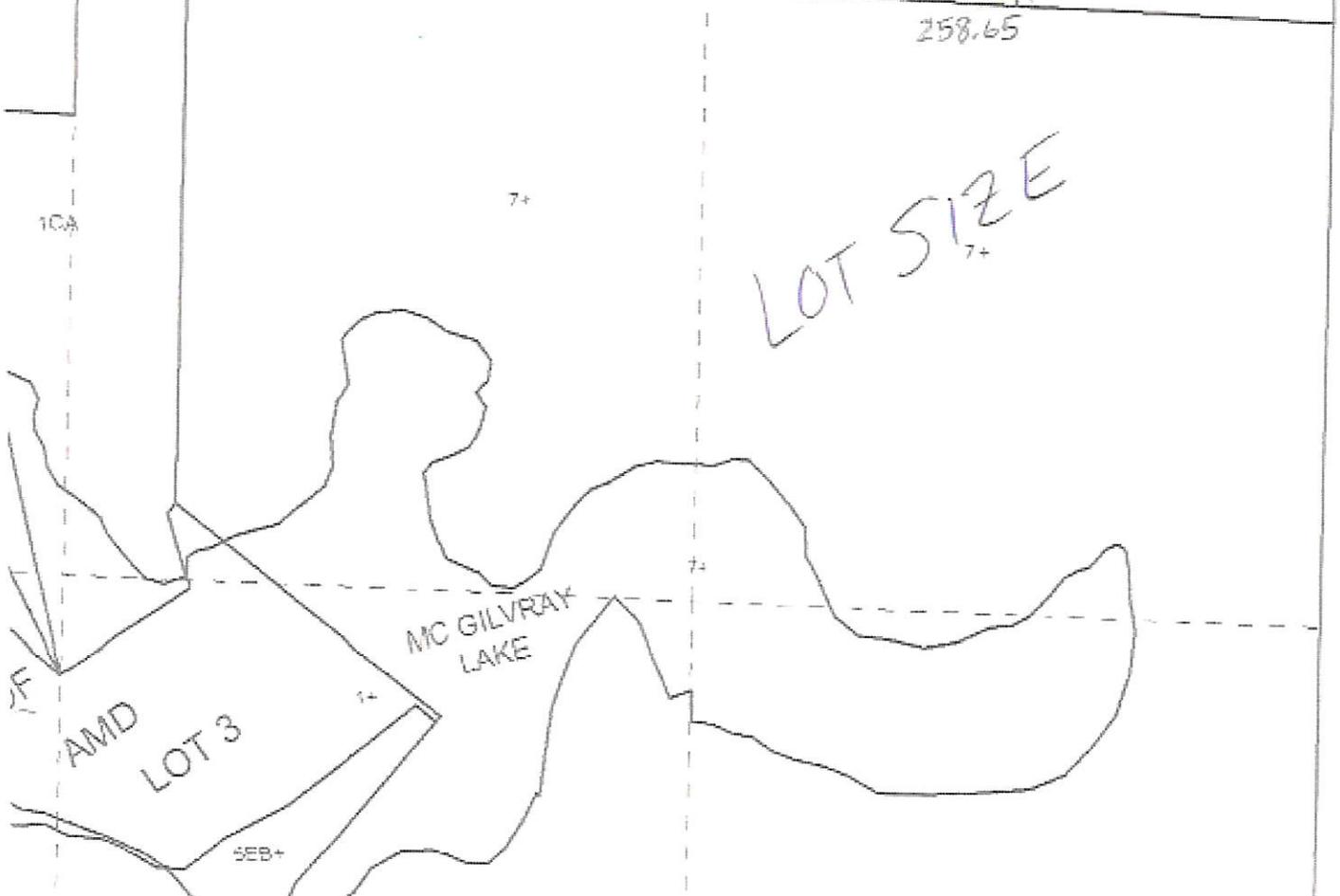
Cert  
of survey # 7281

STATE



**SUBJECT**

LOT SIZE



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**SECTION 3.39 LL LABRANT/LINDSEY LANE****3.39.010 Definition:**

This development code is designed to implement the LaBrant/Lindsey Lane Neighborhood Plan by protecting the water quality, rural character and openness of the neighborhood and by providing guidance for future development.

**3.39.020 Permitted Uses**

1. Agriculture/silviculture.
2. Dwelling, single-family.
3. Guest house, caretakers facility, or family hardship dwelling (only one per lot/tract in addition to the primary dwelling).
4. Home occupation.
5. Manufactured home (Class A, B, or C).
6. Public service utility installations.
7. Temporary building or structure.
8. Temporary recreational vehicle or camping (private use).

**3.39.030 Conditional Uses**

1. Bed and Breakfast (Maximum 4 bedrooms for rent).
2. Cellular tower.\*
3. Extractive industry (including gravel).
4. Home-based business.
5. Contractor's storage yard.

\* Administrative Conditional Use Permit (See Section 2.06.045)

**3.39.040 Lot Size and Dimensional Requirements**

1. All legal lots existing at the time of adoption of these regulations are grandfathered regardless of size or configuration.
2. Any new lot created must comply with one of the following:
  - a. One lot per 20 acres
    - 1) The smallest lot created can be one acre.
    - 2) The average of all lots created must be one per 20 acres.
  - b. One lot per 10 acres
    - 1) The smallest lot created can be one acre.
    - 2) The average of all lots created must be one per 10 acres.
    - 3) The applicant must have at least 20 acres of land to start with.
    - 4) 75% of the development site must be left in contiguous open space (7.5 acres per every 10 acres developed).
    - 5) 25% of the development site can be developed into building lots (2.5 acres for every 10 acres owned).

- 6) An original home site is allowed on the open space tract as part of the overall density.
3. Minimum setbacks for structures:
    - a. 20 feet from any public or private road right-of-way.
    - b. Lake/perennial stream: 50-foot setback for primary structures, measured landward of the average high-water line.

Note: These regulations set a standard of one lot per every 20 acres owned in order to maintain the rural character. They do not require minimum 20-acre lots, instead they allow flexibility in lot size. For example, 60 acres may be divided into a maximum of 3 lots (at a 1 per 20 acre ratio). The three lots could vary in size based on terrain, suitable building site, and amount of land desired as long as each is over 1 acre in size.

One option is offered if owners wish to develop at a greater density of one lot per 10 acres and still maintain the rural privacy, lifestyle and wildlife characteristics of the area. In this case, the greater density (more lots) is intended to be offset by the owner setting aside 75% of the total development into open space as described in Section 3.39.050 below. Using the same example, if an owner had 60 acres of land, he could create up to 6 lots (one lot per every 10 acres owned). The 6 lots would have to be clustered on a maximum of 25% of the site (in this example, 15 acres) and the remaining 75% of the site (45 acres in this example) would remain in open space. This option would also allow an original home site to be maintained on the open space tract in which case the remaining 5 lots allowed would be clustered elsewhere on the site.

## 3.39.050

## Exceptions to Minimum Density and Setbacks

1. A lot or tract of land existing at the time of adoption of these regulations which contains inadequate land area to allow the creation of one additional lot or tract may be subdivided to allow the creation of one additional lot or tract if the land area of the proposed lot/tract is within 75% of the required density. (Intended to handle hardships where property owners don't have enough land to create a second tract. Example – in the 10-acre density classification, someone with 17.5 acres could create two tracts even though they don't have a full 20 acres).
2. When a structure which 1) existed at the time of adoption of these regulations and 2) exceeded one or more setbacks, is replaced, the new structure shall be constructed no closer than the existing structure to the lake, perennial stream or other property lines.
3. When a structure that existed at the time of adoption of these regulations is expanded or modified, no variance is needed if the expansion does not reduce the setback further than exists.

## 3.39.060

## Special Open Space Development Standards.

1. When new lots are created and the owner proposes to utilize option b (10 acre density) as provided for in Section 3.39.040(2) above, the resulting land to be maintained in common open space shall be maintained within the overall bounds of the single contiguous ownership proposed to be developed. The open space must exhibit a beneficial relationship to the lots to be created and further the overall concepts of good design. When an owner proposes to develop

property in a phased program, the overall open space plan shall be submitted with the first application.

2. The overall open space may either be held in common ownership by a homeowners association as is typical in the case of a subdivision or it may be maintained or sold by the original owner. In either case, the designated open space tract shall carry with it a deed restriction limiting its future use to open space activities/uses as listed below.
3. The open space areas may be utilized for agriculture, timber management, homeowner recreation, natural areas, etc. The areas may contain accessory buildings necessary to carry these things out such as agricultural buildings, homeowner association community buildings, parking areas, gazebo, tennis courts, well houses, etc. In addition, one residence is allowed for each open space tract within the overall density limitations of the ownership.

3.39.070

#### LaBrant/Lindsey Lane Land Use Advisory Committee

There is hereby created the LaBrant/Lindsey Lane Land Use Advisory Committee, a citizen's advisory committee formed to serve as the neighborhood voice for all issues affected by the LaBrant/Lindsey Lane Neighborhood Plan or these Land Development Regulations. The Committee shall contain five (5) individuals representing the varied interests of the Neighborhood including timber interests, large and small tract owners, lake interests and DNRC public lands as follows: two large lot owners who own over 20 acres of land, two small lot owners who own 20 acres or less and a fifth member at large. The Committee shall be appointed by the County Commissioners. By-laws shall be prepared by the Committee and adopted by the Commissioners to govern the Committee. The Committee shall be advisory to the Flathead County Planning Board, Flathead County Board of Adjustment and the County Commissioners. The Committee shall review all applications for variances, conditional uses permits, and amendments to these regulations as well as major and minor subdivision applications.

3.39.080

#### Conditional Use Review Process

A conditional use is a use which may be allowed in an area but which because of size, technological processes or equipment used, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permitted uses in the area. A Conditional Use Permit application (available at the Flathead County Planning & Zoning Office) and filing fee shall be submitted to the Flathead County Planning & Zoning Office as provided for in Section 2.06 of the Flathead County Zoning Ordinance. The Flathead County Planning & Zoning Office shall forward the application to all members of the LaBrant/Lindsey Lake Land Use Advisory Committee and to all adjoining property owners within 150 feet of the site. The Committee shall hold a public meeting and shall recommend to approve with conditions or deny an application based on the criteria enumerated in Section 2.06.080 of the Flathead County Zoning Ordinance. Criteria include site suitability, appropriateness of design, availability of public services and immediate neighborhood impacts. The application is then forwarded to the Flathead County Board of Adjustment who will hear the issue and make a final decision concerning the request.

## 3.39.100 Variance Review Process

Where these regulations create an undue hardship, a variance to these regulations may be applied for as provided in Section 2.05, Flathead County Zoning Ordinance. Prior to action on the variance request by the Flathead County Board of Adjustment, the Flathead County Planning & Zoning Office shall forward the request to all members of the LaBrant-Lindsey Lane Land Use Advisory Committee and to all adjoining property owners within 150 feet of the site. The Committee shall hold a public meeting and make a recommendation based on findings as provided for in Section 2.05.030 of the County Zoning Ordinance. Said findings include, among other things, that reasonable use of the property is limited without the variance, the hardship is caused by lot size, shape or topography which the owner has no control over, the hardship is not self created, is not merely economic, it will not adversely affect neighboring properties and it will not confer a special privilege to the owner if granted.

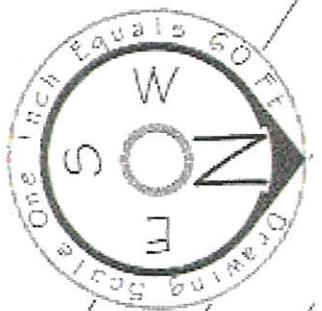
## 3.39.110 Relationship of These Regulations to Other County Regulations

1. The LaBrant-Lindsey Lane Development Standards are intended to be adopted as a zoning district, either by reference, or by direct insert, into the Flathead County Zoning Regulations. As such, the existing administrative structure, the Flathead County Planning Board, Flathead County Board of Adjustment and Board of County Commissioners shall have established responsibilities for ensuring the proper administration of these regulations.
2. The LaBrant-Lindsey Lane Development Code is based on the LaBrant-Lindsey Lane Neighborhood Plan, which has been adopted as an addendum to the Flathead County Growth Policy. The Neighborhood Plan and Development Code provide the more specific detail and guidance for the Neighborhood in land use issues.

## 3.39.120 Definitions

1. **GUEST HOUSE:** A detached structure being accessory to a single-family dwelling and limited to a maximum of two bedrooms.
2. **HOME-BASED BUSINESS:** A home occupation that proposes any of the following: a) employs more than one non-resident employee; b) that uses outbuildings (detached garage, shed, barn, shop, etc.) for principal business activity; c) or in the case of a home-based service business, where the business sells products that are directly related to the service provided (for example, a small engine repair business that sells spark plugs, filters, oil or other parts associated with a repair). (See Home Occupation definition below.)
3. **HOME OCCUPATION:** Any business conducted entirely within a dwelling and carried on by the members of the family and up to one non-resident employee, which is clearly incidental and secondary to the dwelling for dwelling purposes, does not utilize unscreened outdoor storage and does not change the character of the dwelling or neighborhood.
4. **MANUFACTURED HOME:** Housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities. Also referred to as "mobile home" or "modular home".

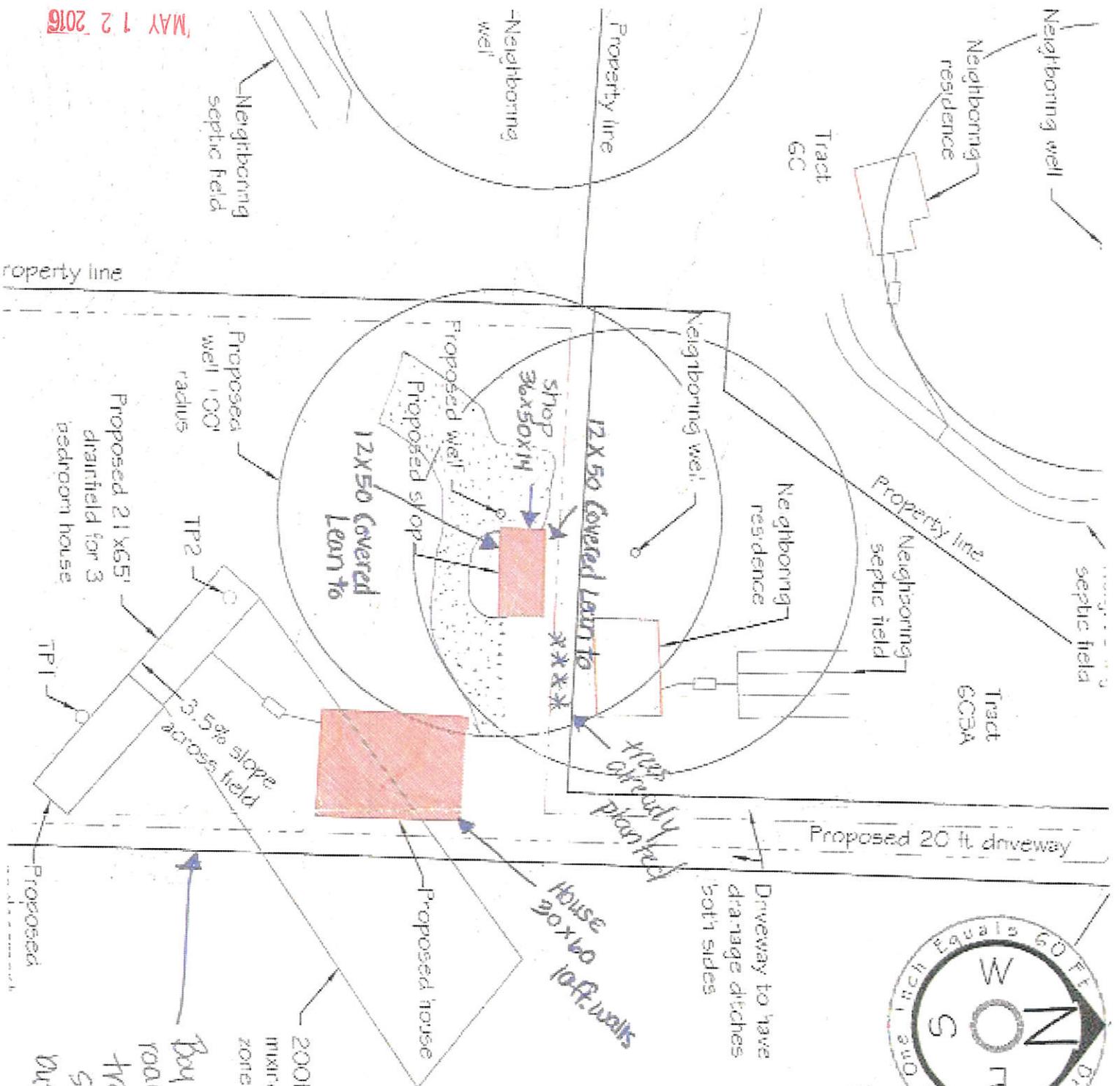
5. **OPEN SPACE:** A portion of a development set aside to remain open in character while building density is shifted to another part of the development site, typically through a residential cluster or planned unit development process. Permitted primary uses, which are considered to be open in character, are limited to agricultural/horticultural/silvicultural uses, recreational space, a single-family dwelling on open space area, with density limitations and utilities. Accessory uses to these primary uses are also permitted. Examples of permitted structures or uses include barns, corrals, stables, mint stills, granaries, hay sheds, farm or logging machinery storage buildings, golf courses, playgrounds, swimming pools, and courtyards. Open space calculation shall exclude road easements and road rights-of-way.
  
6. **TEMPORARY RECREATIONAL VEHICLE AND CAMPING (PRIVATE USE):** The occasional placement of a single recreational vehicle on a parcel of land which may or may not contain an existing residence, for the private use of the owner, guest or visitor for infrequent use and not as a permanent residence.



Tract GCB in SE 1/4 NE 1/4  
T28N, R20W, 2.39 acres  
address 760 La Brant Rd  
59911.

**Notes:**

- Existing infrastructure assumed of available from state records, and locations shown, approx mate and do not surveyed data. Field locations and dimensions.
- Drainfield size is base bedroom house usage rate is 0.6 gpd/sft; drainfield to be (3) 3 with 4' between them (3) 65' long, 1.5' dia. Drawing shows 6.5x2 proposed septic tank replacement area. Tank size to be 1500 consisting of 1000' tank and 500 gallon chamber.
- 



**REVISION**

Boy Scout Camp  
road heavily  
traffic during  
summer with  
vans and cars/trucks

MAY 12 2016