FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-16-05)
CAROLYN DEWEY
APRIL 15, 2016

This is a report to the Flathead County Board of Adjustment regarding a request from Carolyn Dewey for a conditional use permit to establish a 'camp and retreat center' on the subject property. The subject property is located within the Blanchard Lake Zoning District and is zoned 'AG-20 Agricultural.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on May 3, 2016 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

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

B. Board of Adjustment

This space is reserved for an update regarding the May 3, 2016 Flathead County Board of Adjustment review of the proposal.

UPDATE May 3, 2016: The Flathead County Board of Adjustment held a public hearing regarding the proposed land use on May 3, 2016 at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building. The Board reviewed the staff report and herd comments from the applicant and adjacent land owners. The Board decided to continue the hearing to the next BOA meeting to give ample time to review comments received at the meeting. Please reference the Addendum for hearing details.

II. GENERAL INFORMATION

A. Application Personnel

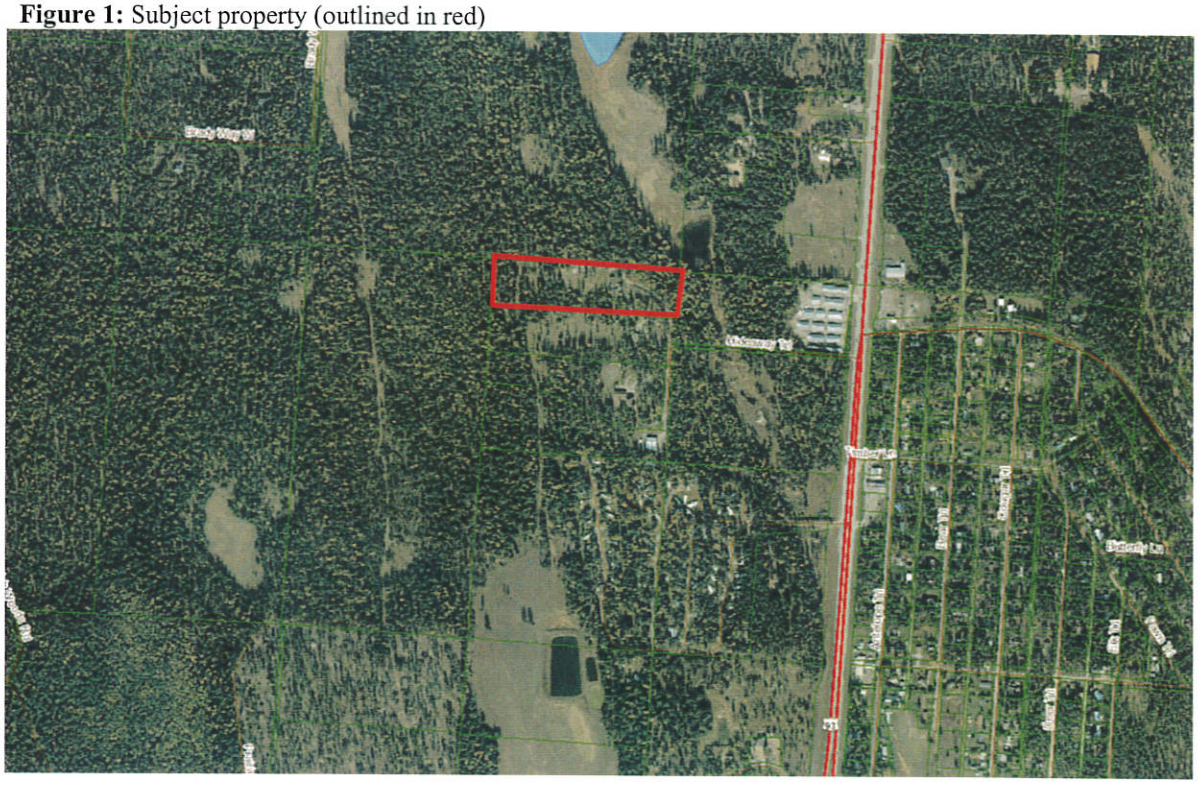
i. Landowner/Applicant

Carolyn Dewey
127 Hideaway Trail
Whitefish, MT 59937

B. Property Location and Size

The subject property is located at 127 Hideaway Trail in Whitefish, MT (see Figure 1 below). The property is approximately 10 acres in size and can be legally described as Tract 4B in Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property (outlined in red)



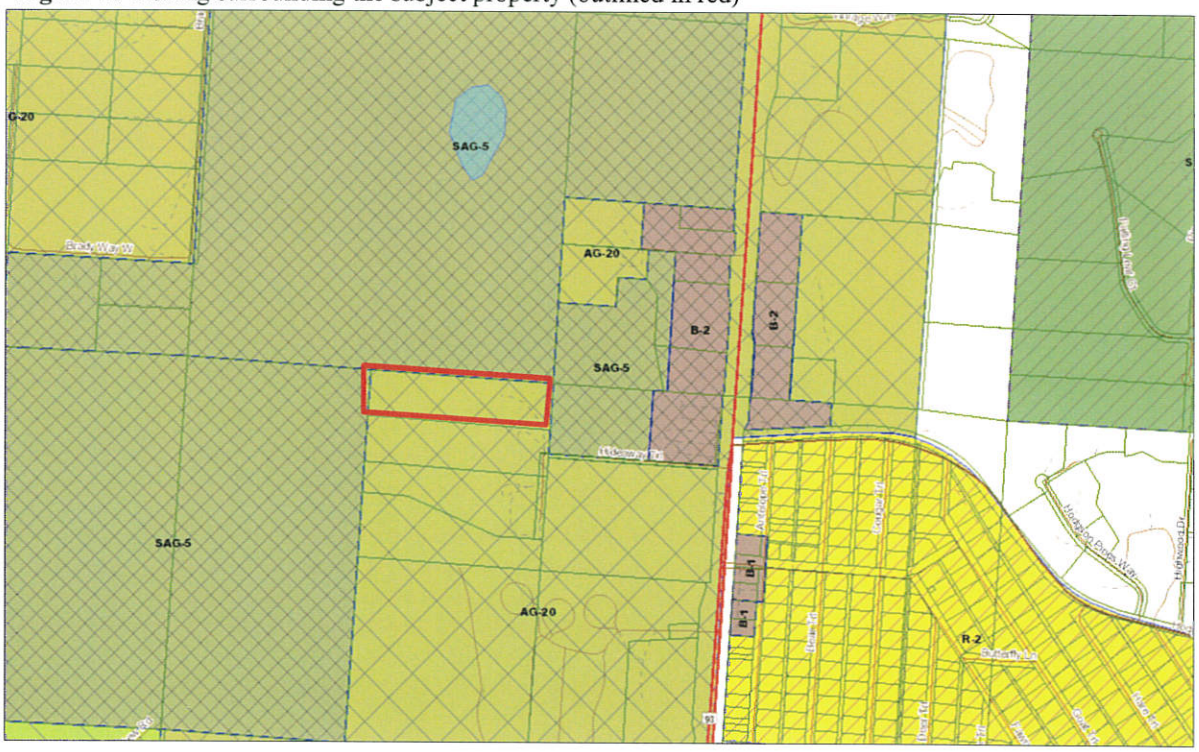
C. Existing Land Use(s) and Zoning

The property is located within the Blanchard Lake Zoning District and is zoned 'AG-20 Agricultural.' AG-20 is defined as, "*A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.*" The property is currently developed as residential and small scale agricultural with a single-family dwelling, a garage, small cabin, sauna and farm building. The applicant is also constructing a bunkhouse near the southern boundary of the lot. The majority of the development on the lot, including the agricultural plots, is located towards the eastern half of the property while the western side of the lot is significantly forested.

D. Adjacent Land Use(s) and Zoning

Land to the south of the subject property is similarly zoned AG-20 Agricultural while land to the north and west of the subject property is zoned SAG-5 Suburban Agricultural. There is some B-2 zoned property located east of the lot along Highway 93. The general character of the surrounding area is primarily residential with single family dwellings and agricultural use. Most of the properties in the immediate vicinity appear to be somewhat forested.

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



E. Summary of Request

The applicant intends to establish an "educational silviculture and healing retreat center" which will incorporate medicinal herb farming, farm education, and healing arts classes. The retreat center will be staffed by interns and/or two paid employees. The property owner currently operates the SpiritWorks healing arts and herb farm.

The applicant is requesting a conditional use permit to allow for a camp and retreat center to be placed on the subject property pursuant to Section 7.04.010 and Section 4.03 of the Flathead County Zoning Regulations (FCZR). A camp and retreat center is defined under Section 7.04.010 FCZR as *"A land use to provide camping or retreat center activities characterized by a rural setting in a rustic environment. Uses are primarily seasonal, but they shall not be limited to such. The uses permitted may be affiliated with the organization running the camp or retreat center, however, the general public is not restricted from such use."* The placement of a camp and retreat center in an AG-20 zone requires the issuance of a Conditional Use Permit, the review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a Conditional Use Permit and conditional use standards for a camp and retreat center found in Section 4.03 FCZR.

<u>UPDATE:</u>

The applicant proposes to utilize the property as an "educational silviculture and healing retreat center" with 4-8 student interns/WWOOFers and up to 12 "farm stay guests". Occasional educational classes open to the public will be hosted onsite as well. Per Section 4.03, a camp and retreat center is *"a land use to provide camping or retreat center activities characterized by rural settings 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 use*

use." Additionally, Section 4.03.020 includes 24 uses anticipated in a camp and retreat center. These include:

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

According to information provided by the applicant in the updated site plan and the information provided on the applicant's website and confirmed by staff visit on 6/17/2016, the following uses will be utilized for the camp and retreat center:

- Two small cabins
- A tiny house
- A Fortress (cabin)
- Single family dwelling (for employee/host housing)
- Seven (nine per site plan) campsites
- Outhouse
- Outdoor shower with heated water
- Wringer washing machine and clothes lines
- Sauna
- Cold plunge tub
- Wood-fired hot tub
- Campfire
- Communal farm kitchen
- Farm building

The first four uses would be considered dormitories and cabins for guests and employees (use #9), seven to nine campsites would be a campground (use #19) and would not exceed the 20% area maximum, the outhouse is a restroom facility (use #20), the wringer washing machine and clothes line are laundry facilities (use #14), the sauna, cold plunge tub, wood fire hot tub, and campfire are all low impact recreational facilities (use #17), the communal farm kitchen is a kitchen and dining facility (use #13) and the farm building would be appropriate for camp equipment storage facilities (use #23). Classes taking place within the site may convene in a "community center building" (use #6) which could be within the main dwelling, or communal farm kitchen, for example.

Per the applicant's conversation with the State of Montana Building Codes Bureau, the buildings for guests must be utilized for stays of 30 days or longer. As such, the applicant indicated to staff during meetings on May 5th and again June 16th that the retreat guests would stay for 30 days or longer and as such the center will run more like a "farm stay" than a short term camping event.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 foot of the subject property on April 15, 2016, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the April 17, 2016 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on March 24, 2016:

- Whitefish Rural Fire Department
- David Prunty, Flathead County Road Department
- Jim Chilton, Flathead County Solid Waste
- Wendee Jacobs, Flathead City-County Health Department
- Joe Russell, Flathead City-County Health Department
- Jed Fisher, Flathead County Weeds & Parks Department
- Peggy Weyant, Bonneville Power Administration
- Flathead County Sheriff's Office

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the conditional use permit request. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for May 3, 2016. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

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: "In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time." Email dated March 29, 2016.
- Flathead County Road and Bridge Department

- Comment: "At this point the County Road Department does not have any comments on this request." Letter dated April 1, 2016.

- Flathead County Environmental Health Department
  - Comment: "This parcel has a previous approval (Powell COS Family Transfer) which approves the use of the parcel for one single family dwelling. The proposed additional development requires review under the Sanitation in Subdivisions Act which addresses potable water supply, wastewater treatment and disposal, stormwater drainage and solid waste." Letter dated April 13, 2016.

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

UPDATE:

- Marc Pitman was contact regarding water rights on the property which was an issue brought up at the May 3 Board of Adjustment meeting.

  Comment: "I have attached the water right for the property. This water allows for domestic use for one household (1AF/year) and up to 9 AF/year for lawn and garden on about 3.6 acres, but only if these amounts were used at the time it was filed on back on May 11, 2004.

  The owner can file on up to at least 10 AF/year under the water right permit exceptions of MCA 85-2-306 3 (iii). This means that they could file for say one additional use for a camp at about 0.1 to 0.25 AF/year for the 12 individuals. There would be at least 8 AF/year left over for some form of irrigation. Irrigation demand is probably between 1.8 to 2.5 AF/acre/year. This would mean they could file on between 4.44 to 3.2 acres of garden.

IV. CRITERIA REQUIRED FOR CONSIDERATION

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

A. Site Suitability

i. Adequate usable space

The subject property is 10.034 acres in size and is currently developed as residential with a single-family dwelling, a garage, small cabin, sauna and farm building. The applicant is also constructing a bunkhouse which will be utilized by the guests of the proposed camp and retreat guests. The existing single-family dwelling covers approximately 1500 square foot, the existing garage covers approximately 1225 square foot, the cabin covers 100 square foot, and farm building covers 300 square foot. The bunk house that is under construction currently is approximately 1400 square foot and has a tower which is 33 foot in height. The permitted lot coverage in

the AG-20 zone is 20%. The total proposed lot coverage of the subject property is approximately 4,800 square foot or 1.1 percent.

The existing gravel parking area is located north of the house and consist of 13,050 square foot with a driveway to an additional overflow parking area 3,325 square foot in size. According to the site plan, there are 24 designated parking spaces in the primary parking lot.

The minimum yard requirements within the AG-20 zoning are 20 foot for front, side, rear and side corner yards for the principal structure. The setbacks for accessory structures are 20 foot from front and side corner yards and 5 foot for side and rear yards. An additional 20 foot setback is required from streams, rivers and unprotected lakes. The property is not located near any identified streams, rivers or unprotected lakes. Based upon staff's site visit and the submitted site plan, it appears the subject property has adequate useable space to accommodate the camp and retreat center in compliance with the setback and lot coverage requirements of the AG-20 zone.

UPDATE:

While some additional area has been listed for the camping spots, the total lot coverage for the camp and retreat center activities will not exceed the 20% coverage maximum in an AG-20 zoning district. Additionally, the camp and retreat center requirements note that no more than 20% of the camp center area may be used for campground, however the designated camping area on the updated site plan shows an area approximately 4,000 square foot which is less than 1 percent of the 10 acres property.

Finding #1 – There appears to be adequate usable space for the proposed use because the use will only cover 4,800 square foot of the 10.034 acre lot and does meet the applicable setback and lot coverage requirements.

UPDATED Finding #1- there appears to be adequate usable space for the proposed use because the total area covered by permanent structures will not meet or exceed the 20% maximum lot coverage required in the AG-20 zoning and the camping site illustrated on the updated site plan indicates that 'recreational vehicle parks and campgrounds' use will not exceed 20% of the camp center area.

ii. Adequate access

The property has access via Hideaway Trail, a gravel, one-lane private road within a 30 foot easement from Highway 93 west and within a 60 foot easement along the eastern property line of the subject property. The lot is accessed via a driveway that splits off Hideaway Trail and crosses the lot to the south via a 60 foot road and utility easement. According to the applicant, driveways are maintained by the homeowner and maintenance of Hideaway Trail is shared unofficially among the neighbors.

The proposed camp and retreat center will utilize the same access as the existing single family dwelling and accessory uses. The roadway is approximately 16 foot wide along all of Hideaway Trail and the driveway to the subject property. The existing driveway proposed as the access for the camp and retreat center currently crosses the neighboring residential property directly south of the subject property, via a 60 foot wide road and utility easement, so the proposed camp and retreat center would share the access with the property owner immediately south of the subject property.

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

UPDATE:

While the staff report indicated that a 30 foot and 60 foot easement existed to legally provide access to the site, it was brought up at the May 3 meeting that the legal right to use the easements to the property might not exist as the use is a "revolutionary" and not "evolutionary" modification of the property. For this reason, a condition has been included to require a recorded easement allowing the proposed use access from Highway 93. This will be conditioned and verified after one year.

Figure 3: Hideaway Trail off Highway 93

Finding #2 – The access to the property is not currently suitable for the proposed use because the access off of Hideaway Trail for the camp and retreat center, which is currently being utilized via a road and utility easement as the access for the property owner adjacent immediately south of the subject property, is only 16 foot in width and

a minimum of 20 foot in width is required to accommodate two-way traffic for a business.

UPDATED Finding #2- The access to the property is not currently suitable for the proposed use because the access off of Hideaway Trail for the camp and retreat center, which is currently being utilized via a road and utility easement as the access for the property owner adjacent immediately south of the subject property, is only 16 foot in width and a minimum of 20 foot in width is required to accommodate two-way traffic for a business and a 60 foot easement allowing the proposed use should be recorded.

iii. Absence of environmental constraints

The subject property consists of rolling terrain with the majority of the development located on the relatively flat portion of land on the eastern side of the lot. The property is also significantly forested with the western depression somewhat cleared. According to FEMA FIRM panels 30029C1405J the subject property is situated in an un-shaded Zone X, which is classified as an area outside the 500-year floodplain. Additionally, there appears to be no wetlands, streams, or creeks located on the subject property. There are no apparent environmental constrains that would affect the proposed use.

Finding #3 – The subject property appears suitable for the camp and retreat center because the site is absent of typical environmental constraints which could adversely impact or limit the suitability of the property for the proposed use.

B. Appropriateness of design

i. Parking scheme

FCZR Section 6.03.030 states that for hotels, motels, and cabins there is a requirement of, "1 space per guest room plus 1 space for every 2 employees per maximum shift." The site plan shows a small cabin in addition to the bunk house which will be rented out to guests. The applicant has indicated that the cabin contains one bedroom while the bunk house can host up to 6 people. No rooms will be rented out to the public within the single family dwelling. The application materials also indicate that up to two paid employees may be employed. The 7 guest rooms and 2 employees means that a total of 8 parking units are required for the camp and retreat center in addition to the 2 spots for the single family dwelling; however, the applicant has provided over 16,000 square foot of gravel parking area with at least 22 parking spaces. Since the property is also utilized for occasional educational classes utilizing a 20 foot x 30 foot meeting space which requires 1 parking space for 100 square foot per FCZR Section 6.03.040, or 5 total spaces. Based on staff's site visit and the submitted site plan the parking schemes appears to be appropriate and would accommodate the 15 required parking spaces.

<u>UPDATE:</u>

According to the application materials and information provided from the website, approximately 4-8 student interns/WWOOFers can be accommodated and up to 12 beds are available for 'farm stay' guests (per documented conversation 6/16/2016). This would mean that 20 parking spaces plus 2 parking spaces for the single family dwelling, the "employees" of the camp and retreat center, would require 22 units for overnight stays. Since the property is also utilized for occasional educational classes utilizing a 20 foot x 30 foot meeting space which requires 1 parking space for 100

square foot per FCZR Section 6.03.040, 5 more spaces will be required. The 2 spaces for the single family dwelling are accommodated via the 2-car garage while the primary parking lot illustrates the 22 required parking spaces with a 400x100 overflow parking area which appears to accommodate the remaining 3 parking spaces.

Finding #4 – The proposed parking scheme appears to be appropriately designed because the applicant is proposing 2 separate parking areas able to accommodate the 15 required parking spaces as required by the FCZR.

UPDATED Finding #4- The proposed parking scheme appears to be appropriately designed because the applicant is proposing 2 separate parking areas and a 2-car garage which is more than able to accommodate the 27 parking spaces as required by the FCZR.

ii. Traffic circulation

Ingress and egress to the camp and retreat center proposed on the subject property will be via a private driveway off of Hideaway Trail, which currently serves as the access for the neighboring property directly south of the subject property, via a 60 foot wide road and utility easement. The existing driveway accessing Hideaway Trail is approximately 16 foot wide and gravel. FCZR Section 6.16.020(3) requires a minimum road width of 20 foot for two-way traffic accessing a business. The applicant will be required to widen the existing driveway to 20 foot to meet county standards for two-way traffic accessing a business. The site plan shows the driveway proposed as access for the camp and retreat center extends to the primary parking lot which is over 60 foot in width and can easily accommodate two-way traffic.

Figure 4: Driveway to the subject property

Finding #5 – The proposed traffic circulation does not appear to be appropriately designed because Hideaway Trail and the driveway to the subject property would not support two-way traffic which is not adequate given that the road and driveway would be the sole means of ingress and egress for the proposed camp and retreat center.

iii. Open space

The subject property is approximately 10.034 acres in size and is currently developed as residential with a single-family dwelling, a garage, small cabin, sauna and farm building. The applicant is currently constructing a bunkhouse. The existing single-family dwelling covers approximately 1500 square foot, the existing garage covers approximately 1225 square foot, the cabin covers 100 square foot, and farm building covers 300 square foot. The bunk house that is under construction currently is approximately 1400 square foot and has a tower which is 33 foot in height. The permitted lot coverage in the AG-20 zone is 20%. The total proposed lot coverage of the subject property is approximately 4,800 square foot or 1.1 percent.

UPDATE:

While some additional area has been listed for use including the camping spots, the total lot coverage for the camp and retreat center activities will not exceed the 20% coverage maximum in an AG-20 zoning district. Additionally, the camp and retreat center requirements note that no more than 20% of the camp center area may be used for campground, however the designated main camping area on the updated site plan shows an area approximately 4,000 square foot which is less than 1 percent of the 10 acres property.

iv. Fencing/screening

The subject property currently contains areas, primarily around the farmed areas, with 6-8 foot big game fence. Areas within the lot around the single family dwelling also contain chain link fencing. In addition to the existing fence the lot is significantly forested and some limited buffer exists between the lots as a result of vegetation. The applicant has indicated that they may install a privacy fence if desired by the neighbors. Because most of the development, including the bunkhouse, cabin, and agricultural infrastructure, are located towards the southern boundary of the lot, a privacy fence along the southern boundary may be beneficial for screening the uses from the neighboring property owners.

UPDATE:

Since the May 3rd Board of Adjustment meeting, the applicant has installed a screened fence and a large wooden fence of variable height along the southern property boundary from the edge of the roadway past the edge of the Fortress. The wooden fence is generally over 10 foot tall and completely obstructs view to the neighboring property although the Fortress towers can be seen over the top of the fence. The screen also obstructs the view from the agricultural fields to the neighbor's property.

UPDATED Figure 4a: Wooden fence along southern boundary line

UPDATED Figure 4b: Screen along southern boundary line beside agricultural field

v. **Landscaping**

The majority of the development, including the bunkhouse, cabin, and agricultural infrastructure, are located towards the eastern and southern boundary of the lot and some trees and shrubs have been preserved along these boundaries. The subject property as a whole is significantly forested, however the location of the camp and retreat center to the southern boundary line has resulted in thinned landscaping. The applicant is not proposing any additional landscaping with this proposal besides ongoing maintenance of existing plants.

Figure 5: Landscaping between southern boundary and bunkhouse looking south

vi. **Signage**

The subject property currently has a home occupation for the healing arts and herb farm which has one rural directional sign located near the driveway entrance to the lot. The applicants have indicated that they may seek an off-site sign along Highway 93, however all signage both onsite and off will be require to meet the standards outlined in FCZR Section 5.11.

vii. **Lighting**

Lighting on site is limited to spot lights located on the single family dwelling and garage utilizing 40 watt bulbs. Staff confirmed on the site visit that these lights are shielded. The applicant proposes to potentially install lamp posts with lights and small solar lighting along the ground along the walkways as well as exterior lighting for the bunkhouse. The applicant shall be required to conform to the lighting standards set forth in Section 5.12 FCZR and will be conditioned accordingly and inspected after one year.

Finding #6 – The camp and retreat center appears to be adequately designed because the lot is 10.034 acres in size and approximately 98.9% of the property will be left as

open space and any new lighting on site will be required to meet the standards outlined in Section 5.12 FCZR.

Finding #7 – The proposed camp and retreat center may require additional fencing or landscaping because landscaping along the southern boundary has been thinned to accommodate additional farming space and the bunkhouse which could result in visual and olfactory impacts on neighboring property owners.

UPDATED Finding #6- The camp and retreat center appears to be adequately designed because the lot is approximately 10 acres in size and less than 20% of the total lot is covered and less than 20% of the camp and retreat center will be utilized for RV and camping sites and any new lighting to accommodate the center will be required to meet the standards outlined in Section 5.12 FCZR.

UPDATED Finding #7- The proposed camp and retreat center appears to have sufficient fencing/screening along the southern boundary line to shield the use and most buildings on the subject property.

C. Availability of Public Services and Facilities

i. Sewer

The subject property currently contains a septic system for the single family dwelling but the applicant is aware that an expansion or additional septic system may be required to accommodate the additional dwelling units on the property. The applicant is also working with WMW Engineering and Environmental Consulting to analyze onsite test holes and prepare materials needed to meet all state and county sanitation requirements. Comments received from the Flathead City-County Environmental Health Department state, "This parcel has a previous approval (Powell COS Family Transfer) which approves the use of the parcel for one single family dwelling. The proposed additional development requires review under the Sanitation in Subdivisions Act which addresses potable water supply, wastewater treatment and disposal, stormwater drainage and solid waste." The proposed use will be required to be re-reviewed and approved by the Flathead City-County Department of Environmental Health and the applicant is aware that modifications to the existing septic system or an additional septic system may be required. This will be conditioned and verified after one year.

ii. Water

The property currently utilizes an on-site well and the applicant plans to continue using the existing well for their residence and other buildings. The applicants have stated that their well produces approximately 20 gallons/minute and is greater than 100 foot from the existing septic system. Comments received from the Flathead City-County Environmental Health Department state, "This parcel has a previous approval (Powell COS Family Transfer) which approves the use of the parcel for one single family dwelling. The proposed additional development requires review under the Sanitation in Subdivisions Act which addresses potable water supply, wastewater treatment and disposal, stormwater drainage and solid waste." The proposed use will be required to be re-reviewed and approved by the Flathead City-County Department of Environmental Health which will be conditioned and verified after one year.

<u>UPDATE:</u>

Marc Pitman was contact regarding water rights on the property which was an issue brought up at the May 3 Board of Adjustment meeting. According to the DNRC, the

applicants have a water right for the property to accommodate domestic and irrigation purposes but it does not appear that the expanded farm area will exceed the threshold requiring a new water right permit to be filed.

Finding #8 – The requirements for waste water treatment and water for the camp and retreat center appear to be acceptable because the existing individual waste water treatment system and well are in place but both would need to be re-reviewed under the Sanitation in Subdivision Act.

UPDATED Finding #8- The requirements for waste water treatment and water for the camp and retreat center appear to be acceptable because the existing individual waste water treatment system and well are in place but both would need to be re-reviewed under the Sanitation in Subdivision Act and the existing water right appears to be sufficient to provide for the use.

iii. Storm Water Drainage

Currently storm water run-off is handled through on-site absorption and will continue to be handled through on-site absorption in the future. Since the bunkhouse is the only additional impervious surface to be added to the site for the camp and retreat center and it will add only 1400 square foot of lot coverage, it does not appears that storm water run-off created by the development will alter the current drainage conditions on the subject property. The proposed use will be required to be reviewed and approved by the Flathead City-County Department of Environmental Health in order to obtain a storm drain permit applicable to the camp and retreat center. This will be conditioned and verified after one year.

Finding #9 – The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption and the use will need to be re-reviewed by Flathead City-County Environmental Health Department.

iv. Fire Protection

The subject property is located in the Wildlife Urban Interface and County Wide Priority Area. The request is to allow for a camp and retreat center on the subject property and would not be adding permanent residents to the WUI. The subject property is currently served by the Whitefish Rural Fire Department, and is located approximately 4.5 miles south of the existing fire station. Because of the volunteer nature of the fire department longer response times are anticipated. No comments have been received from the Whitefish Rural Fire Department at this time.

v. Police Protection

The property would be served by the Flathead County Sheriff's Department. Due to the proximity of the property being located .3 miles off of Highway 93 between the cities of Whitefish and Kalispell long response times are not anticipated.

vi. Streets

The property has one access via Hideaway Trail for the existing residence which would serve as the same access for the camp and retreat center. Hideaway Trail is a gravel, one-lane private road within a 30 and 60 foot easement. Hideaway Trail is approximately 15 foot wide and appears to be maintained unofficially by the neighboring property owners. Given the low speeds on the road and the fact that on average less than 16 vehicle trips per day are proposed with this use there appears to be adequate site distances for traffic entering and exiting the property.

UPDATE:

While the subject property has physical access via an existing roadway, Hideaway Trail does not appear to meet the required width requirements for access to businesses outlined in FCZR Section 6.16.020(3). Because the roadway is less than 20 foot in width required for two-way traffic, the travel width of the roadway will need to be widened. A road user's agreement requiring the property owner to pay a pro-rata share of road maintenance should be developed.

Finding #10 – The proposed use appears to have acceptable impacts on public services and facilities because the camp and retreat center will be served by the Whitefish Rural Fire Department and Flathead County Sheriff and the property is accessed off of an adequate roadway for the proposed use.

UPDATED Finding #10- The proposed use appears to have acceptable impacts on public services and facilities with the imposition of conditions because the camp and retreat center will be served by the Whitefish Rural Fire Department and Flathead County Sheriff and the property will be served by a roadway of compliant width with appropriate long term maintenance provisions.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The proposed camp and retreat center is anticipated to increase traffic along Hideaway Trail above the level expected of a single family residential use. According to the application materials, the camp and retreat center is expected to generate approximately 16 vehicle trips per day with slow season generating approximately 8 daily trips and peak season with occasional educational classes producing a maximum of 32 daily trips. These vehicle trips should be considered in addition to the 10 ADT for a standard single family use.

Although traffic counts have not been recorded for Hideaway Trail, the road is utilized by 3 other residential lots meaning that the roadway likely has 40 vehicle trips per day currently. With 16 additional vehicle trips per day, traffic generation on Hideaway Trail would increase by 28 percent. Because Hideaway Trail is a gravel driveway and the camp and retreat center will add a significant number of vehicle trips, a detailed road maintenance agreement or amendment of the existing CC&Rs should require additional maintenance responsibility for as long as the property is utilized for a camp and retreat center/business. The Flathead County Road and Bridge department was solicited for comment and have indicated no issue with the proposal.

UPDATE: Besides the issue of legal access, the issue of traffic generation was brought up at the May 3rd Board of Adjustment meeting. The applicant indicated that 16 trips per day would be generated by the camp and retreat center with up to 32 trips for the educational classes. These trips would be considered in addition to the 10 ADT for a single family dwelling. While the neighbor has commented that this appears to be a low number, it appears that the best way to classify the uses is to break it into 1 single family dwelling (10 trips per dwelling) , 9 camp sites (.57 trips per site), and 11 "farm stay" guests staying in permanent structures (most similar in nature to a hotel/motel with 8.92 trips per dwelling), and educational classes (most similar in nature to a church/place of worship on Sunday with 9.11 per 1000 Sq.Ft.) would result in 23 average daily trips per day per ITE manual classifications. Currently, Hideaway Trail serves 3 other residential lots which add 30 (10 ADT per lot) to the

road system. The additional 13 ADT would increase the road traffic by 33%. Because Hideaway Trail is a gravel roadway, a road users agreement should be developed requiring the subject property owner to pay a pro-rata share of road maintenance, approximately 43%.

UPDATED Figure 6: ITE Average Trip Generation per land use

Land Use	Units	Average Trip Generation Rate (Trips/unit)	Unpaved Roads Min. Number of Units Meeting **26 AADT**	Unpaved Areas Min. Number of Units Meeting **50 AADT**	Source
Single Family Housing	Dwelling	9.57	3 Dwellings	6 Dwellings	ITE (210)
Apartment, Low Rise	Dwelling	6.59	4 Dwellings	8 Dwellings	ITE (221)
Apartment, High Rise	Dwelling	4.20	7 Dwellings	12 Dwellings	ITE (222)
Condominium/Townhouse, General	Dwelling	5.86	5 Dwellings	9 Dwellings	ITE (230)
Condominium/Townhouse, High Rise	Dwelling	4.18	7 Dwellings	12 Dwellings	ITE (232)
Mobile Home Park	Dwelling	4.99	6 Dwellings	10 Dwellings	ITE (240)
Senior Adult Housing – Detached	Dwelling	3.71	7 Dwellings	15 Dwellings	ITE (251)
Senior Adult Housing – Attached	Dwelling	3.48	8 Dwellings	15 Dwellings	ITE (252)
Congregate Care Facility	Dwelling	2.02	13 Dwellings	25 Dwellings	ITE (253)
Recreational/Vacation Homes	Dwelling	3.16	9 Dwellings	16 Dwellings	ITE (260)
Hotel/Motel	Dwelling	8.92	3 Dwellings	6 Dwellings	ITE (310) & (320)
Campground/Recreational Vehicle Park	Site	0.52	50 Sites	97 Sites	ITE (416)
Truck Terminal	Acre	81.90	0.3 Acres	0.6 Acres	ITE (030)
Convenience Store (Open 16-hours)	Sq Ft Floor Area	31.02	838 Sq Ft	1,612 Sq Ft	ITE (852)
General Light Industry*	Employee Sq Ft Floor Area Acre	3.02 6.97 51.80	9 Employees 3,730 Sq Ft 0.5 Acre	17 Employees 7,174 Sq Ft 1.0 Acre	ITE (110)
General Heavy Industry*	Employee Sq Ft Floor Area Acre	0.82 1.50 6.75	32 Employees 17,333 Sq Ft 3.9 Acres	61 Employees 33,333 Sq Ft 7.4 Acres	ITE (120)
Industrial Park*	Employee Sq Ft Floor Area Acre	3.34 6.96 63.11	8 Employees 3,736 Sq Ft 0.4 Acres	15 Employees 7,184 Sq Ft 0.8 Acres	ITE (130)
Manufacturing*	Employee Sq Ft Floor Area Acre	2.13 3.82 38.88	13 Employees 6,807 Sq Ft 0.7 Acres	24 Employees 13,089 Sq Ft 1.3 Acres	ITE (140)
Day-Care Center	Sq Ft Floor Area	79.26	328 Sq Ft	631 Sq Ft	ITE (565)
High School	Sq Ft Floor Area	12.89	2,018 Sq Ft	3,879 Sq Ft	ITE (530)
Church/Place of Worship	Sq Ft Floor Area	9.11	2,854 Sq Ft	5,489 Sq Ft	ITE (560)

*Three options provided. Select one.

ii. Noise or vibration

While some noise and vibration will naturally result from farming and retreat activities, these impacts will typically be limited to daylight hours and should not negatively impact the surrounding area if the existing fencing/landscaping remains or is increased. The applicant is proposing quiet hours in the winter between 10:30PM to 7AM and 11PM to 6AM during the summer and states that the nature of the retreat would be for a healing sanctuary with no alcohol, drugs, tobacco, or firearms. This will be conditioned to ensure mitigation which would help to reduce the noise impacts on the neighborhood. No vibration beyond what is typical for a residential and agricultural area is anticipated as a result of the proposed camp and retreat center.

UPDATE:

Since the May 3rd Board of Adjustment meeting, the applicant has installed a screened fence and a large wooden fence of variable height along the southern property boundary from the edge of the roadway past the edge of the Fortress. This fencing may reduce the noise and vibration that crosses the property boundary.

iii. Dust, glare or heat

Based on the submitted application the proposed use is not anticipated to create adverse impacts on the surrounding neighborhood as a result of dust, glare, or heat. The traffic generated from this proposal may create some dust as the existing driveway and proposed addition to the driveway will be gravel. The traffic generated by the proposed use will be consistent with existing traffic levels for the neighborhood with the exception of an occasional education class open to the public. Due to the low traffic speeds mitigation (such as oiling) is not required.

UPDATE:

Because the applicant is required to expand the gravel roadway to accommodate two-way traffic, it is expected that dust may be an issue as this work is completed. Additionally, because the traffic will be greater than the 10 trips expected from a single family dwelling, dust will likely increase by the extent of the additional trips. While the roadway is subject to low speeds, widening the roadway may lead to vehicles traveling at higher speeds and generating more dust. Therefore a dust mitigation plan or road user's agreement with maintenance provisions (such as oiling) should be developed requiring the applicant to pay an amount equal to the share of trips generated by the camp and retreat center.

iv. Smoke, fumes, gas, or odors

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

v. Inappropriate hours of operation

The applicant has indicated that the camp and retreat center operates primarily in the daylight hours as the focus of the center is for farming with an occasional evening educational class. Hours of operation have been set between 6AM to 10PM with designated quiet hours in the winter between 10:30PM to 7AM and 11PM to 6AM during the summer.

Finding #11 – The proposed use is not anticipated to impact the surrounding neighborhood if the existing fencing/landscaping remains or is increased because the

use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors out of character with the semi-rural setting and the proposed hours of operation appear acceptable and will be conditioned to ensure mitigation of impacts to the neighborhood.

UPDATED Finding #11- The proposed use is not anticipated to impact the surrounding neighborhood because screening and wooden fencing is located along the southern property boundary to mitigate issues of noise, vibration, glare, heat, smoke, fumes, gas or odors, and the proposed hours of operation appear acceptable and will be conditioned to ensure mitigation of impacts to the neighborhood.

Finding #12- The proposed camp and retreat center appears to create a level of traffic that may need mitigation because Hideaway Trail is a one-lane, private gravel roadway that could require additional maintenance if the camp and retreat center is approved as an additional 16 ADT would be added to the roadway for a 28 percent increase in traffic.

UPDATED Finding #12- The proposed camp and retreat center appears to create a level of traffic that may need mitigation because Hideaway Trail is a one-lane, private gravel roadway that would require additional maintenance if the camp and retreat center is approved as an additional 13 ADT would be added to the roadway for a 33 percent increase in traffic.

V. SUMMARY OF FINDINGS

Finding #1 – There appears to be adequate usable space for the proposed use because the use will only cover 4,800 square foot of the 10.034 acre lot and does meet the applicable setback and lot coverage requirements.

Finding #2 – The access to the property is not currently suitable for the proposed use because the access off of Hideaway Trail for the camp and retreat center, which is currently being utilized via a road and utility easement as the access for the property owner adjacent immediately south of the subject property, is only 16 foot in width and a minimum of 20 foot in width is required to accommodate two-way traffic for a business.

Finding #3 – The subject property appears suitable for the camp and retreat center because the site is absent of typical environmental constraints which could adversely impact or limit the suitability of the property for the proposed use.

Finding #4 – The proposed parking scheme appears to be appropriately designed because the applicant is proposing 2 separate parking areas able to accommodate the 15 required parking spaces as required by the FCZR.

Finding #5 – The proposed traffic circulation does not appear to be appropriately designed because Hideaway Trail and the driveway to the subject property would not support two-way traffic which is not adequate given that the road and driveway would be the sole means of ingress and egress for the proposed camp and retreat center.

Finding #6 – The camp and retreat center appears to be adequately designed because the lot is 10.034 acres in size and approximately 98.9% of the property will be left as open space and any new lighting on site will be required to meet the standards outlined in Section 5.12 FCZR.

Finding #7 – The proposed camp and retreat center may require additional fencing or landscaping because landscaping along the southern boundary has been thinned to accommodate additional farming space and the bunkhouse which could result in visual and olfactory impacts on neighboring property owners.

Finding #8 – The requirements for waste water treatment and water for the camp and retreat center appear to be acceptable because the existing individual waste water treatment system and well are in place but both would need to be re-reviewed under the Sanitation in Subdivision Act.
Finding #9 – The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption and the use will need to be re-reviewed by Flathead City-County Environmental Health Department.
Finding #10 – The proposed use appears to have acceptable impacts on public services and facilities because the camp and retreat center will be served by the Whitefish Rural Fire Department and Flathead County Sheriff and the property is accessed off of an adequate roadway for the proposed use.
Finding #11 – The proposed use is not anticipated to impact the surrounding neighborhood if the existing fencing/landscaping remains or is increased because the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors out of character with the semi-rural setting and the proposed hours of operation appear acceptable and will be conditioned to ensure mitigation of impacts to the neighborhood.
Finding #12- The proposed camp and retreat center appears to create a level of traffic that may need mitigation because Hideaway Trail is a one-lane, private gravel roadway that could require additional maintenance if the camp and retreat center is approved as an additional 16 ADT would be added to the roadway for a 28 percent increase in traffic.

SUMMARY OF UPDATED FINDINGS:

UPDATED Finding #1- there appears to be adequate usable space for the proposed use because the total area covered by permanent structures will not meet or exceed the 20% maximum lot coverage required in the AG-20 zoning and the camping site illustrated on the updated site plan indicates that 'recreational vehicle parks and campgrounds' use will not exceed 20% of the camp center area.

UPDATED Finding #2- The access to the property is not currently suitable for the proposed use because the access off of Hideaway Trail for the camp and retreat center, which is currently being utilized via a road and utility easement as the access for the property owner adjacent immediately south of the subject property, is only 16 foot in width and a minimum of 20 foot in width is required to accommodate two-way traffic for a business and a 60 foot easement allowing the proposed use should be recorded.

Finding #3 – The subject property appears suitable for the camp and retreat center because the site is absent of typical environmental constraints which could adversely impact or limit the suitability of the property for the proposed use.

UPDATED Finding #4- The proposed parking scheme appears to be appropriately designed because the applicant is proposing 2 separate parking areas and a 2-car garage which is more than able to accommodate the 27 parking spaces as required by the FCZR.

Finding #5 – The proposed traffic circulation does not appear to be appropriately designed because Hideaway Trail and the driveway to the subject property would not support two-way traffic which is not adequate given that the road and driveway would be the sole means of ingress and egress for the proposed camp and retreat center.

UPDATED Finding #6- The camp and retreat center appears to be adequately designed because the lot is approximately 10 acres in size and less than 20% of the total lot is covered and less than 20% of the camp and retreat center will be utilized for RV and camping sites and

any new lighting to accommodate the center will be required to meet the standards outlined in Section 5.12 FCZR.

UPDATED Finding #7- The proposed camp and retreat center appears to have sufficient fencing/screening along the southern boundary line to shield the use and most buildings on the subject property.

UPDATED Finding #8- The requirements for waste water treatment and water for the camp and retreat center appear to be acceptable because the existing individual waste water treatment system and well are in place but both would need to be re-reviewed under the Sanitation in Subdivision Act and the existing water right appears to be sufficient to provide for the use.

Finding #9 – The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption and the use will need to be re-reviewed by Flathead City-County Environmental Health Department.

UPDATED Finding #10- The proposed use appears to have acceptable impacts on public services and facilities with the imposition of conditions because the camp and retreat center will be served by the Whitefish Rural Fire Department and Flathead County Sheriff and the property will be served by a roadway of compliant width with appropriate long term maintenance provisions.

UPDATED Finding #11- The proposed use is not anticipated to impact the surrounding neighborhood because screening and wooden fencing is located along the southern property boundary to mitigate issues of noise, vibration, glare, heat, smoke, fumes, gas or odors, and the proposed hours of operation appear acceptable and will be conditioned to ensure mitigation of impacts to the neighborhood.

UPDATED Finding #12- The proposed camp and retreat center appears to create a level of traffic that may need mitigation because Hideaway Trail is a one-lane, private gravel roadway that would require additional maintenance if the camp and retreat center is approved as an additional 13 ADT would be added to the roadway for a 33 percent increase in traffic.

VI. CONCLUSION

Upon review of this application, the request to allow for a camp and retreat center on the subject property meets many but not all of the review criteria and the Findings of Fact listed above reflect this. After a public hearing and Board discussion, should the Flathead County Board of Adjustment choose to adopt staff report FCU-16-05 as Findings of Fact or amend based on additional evidence and approve the conditional use permit, the following conditions would improve compliance with the review criteria and appropriate measures to mitigate impacts:

VII. CONDITIONS OF APPROVAL

1. The camp and retreat center shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].
3. The camp and retreat center shall be located in accordance with the minimum yard and maximum height requirements of the AG-20 zoning district, pursuant to Section 3.06.040 of the Flathead County Zoning Regulations.

4. All required off-street parking and driveways associated with the use shall meet the applicable design guidelines and special conditions set forth in the Flathead County Zoning Regulations [FCZR Section 6.01].
5. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
6. Any sign for the proposed camp and retreat center on the subject property shall adhere to the performance standards set for in Section 5.11 of the Flathead County Zoning Regulations.
7. Hideaway Trail and the driveway on the subject property shall be widened to 20 foot wide in order to accommodate 2-way vehicle traffic access to the subject property.
8. The proposed water, wastewater treatment, and storm water drainage systems for the camp and retreat center shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
9. Quiet hours for the camp and retreat center shall start at 11:00PM and end at 6:00 AM and be implemented seven days a week.
10. A Road User's Agreement shall be recorded for the shared portion of Hideaway Trail with maintenance and dust control provisions requiring the applicant to pay a pro-rata share of maintenance costs.
11. The primary access shall be reviewed by the Montana Department of Transportation to obtain an updated approach permit, per FCZR Section 6.16.020(4). A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
12. An easement along Hideaway Trail allowing the proposed use shall be recorded with the Clerk and Recorder.
13. 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].
14. Due to the nature of the conditions imposed to mitigate impacts to safety, public health and environment all applicable conditions regarding necessary permitting and/or site improvements must be met prior to operation of the camp and retreat center.

Planner: REE