

SECTION 3.42 WV WEST VALLEY

3.42.010 Definition:

A district to promote orderly growth and development in the West Valley area consistent with the community vision statements as expressed by the text and map exhibits of the West Valley Neighborhood Plan, County Resolution #1226-A.

3.42.020 Permitted Uses

1. Agricultural/horticultural uses, practices, and related accessory uses.
2. Cemetery.
3. Church.
4. Class A or B manufactured home (See definitions).
5. Community meeting centers, publicly owned and operated.
6. Dairy products processing, bottling, and distribution.
7. Day care.
8. Dwelling, single-family.
9. Dwelling, family hardship.
10. Farm/ranch/caretaker/employee housing.
11. Feed and seed processing and cleaning.
12. Feed lot: cattle, swine, poultry.
13. Grange.
14. Guest house
15. Home-based business (See related performance standards).
16. Livestock (See performance standards applicable on lots 10 acres or less in size).
17. Nursery, landscaping materials.
18. Park.
19. Post office.
20. Produce stand.
21. Public transportation shelter station.
22. Recreational facility publicly owned and operated.
23. School.
24. Silvicultural and related forest management practices.
25. Temporary building, structure, or use.
26. Public utility installation, minor (limited to neighborhood service area).

3.42.030 Conditional Uses

1. Animal hospital/veterinary clinic.
2. RV park with no tent camping.
3. Camp/Retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
4. Cellular communications tower.
5. Class 3 Landfill.
6. Communication tower, mast non-commercial.
7. Golf course and related facility (dwelling lots must be approved through the cluster provisions of these regulations).
8. Gravel extraction.
9. Gun club, shooting range.
10. Commercial hunting ranch for small game.

11. Kennel.
12. Neighborhood convenience store (See related performance standards).
13. Commercial stable/riding academy.
14. Public utility installation, major (service area beyond neighborhood).
15. Community residential facility. *
16. Short term rental housing. (See Chapter V – Performance Standards)*

* Administrative Conditional use Permit, eight or fewer

3.42.040

Bulk and Dimensional Requirements

1. Minimum lot size: 1 acre.
2. Maximum density: See density performance standards.
3. Minimum yard requirements:
 - A. A 20-foot setback is required from any property line, road easement, or intermittent stream.
 - B. A 50-foot setback is required from any perennial water body.
4. Maximum height: 35 feet (agricultural buildings exempt).

3.42.050

Density Performance Standards

1. 20-acre density: All property within the District is eligible for a residential density of one dwelling per 20 acres.
2. 15-acre density: Maximum residential density shall be one dwelling per 15 acres if the following criterion is met:
 - A. No more than 10% of the lot area shall have soils with Capability Classes I, II, III, or IV as identified by the 1960 Soil Survey for the Upper Flathead Valley Area.
3. 10-acre density: Maximum residential density shall be one dwelling per 10 acres if the following criteria are met:
 - A. The average slope of any proposed lot shall be less than 25%.
 - B. No more than 35% of the lot area shall have soils with Capability Classes I, II, III, or IV as identified by the 1960 Soil Survey for the Upper Flathead Valley Area.
 - C. All lots shall be located within a rural fire district.
4. 5-acre density: Maximum residential density shall be one dwelling per 5 acres if the following criteria are met:
 - A. The average slope of any proposed lot shall be less than 15%.

- B. All lots shall be located within a rural fire district.
- C. No more than 20% of the lot area shall have soils with Capability Classes I, II, III, or IV as identified by the 1960 Soil Survey for the Upper Flathead Valley Area.
- D. No more than 25% of the area of any lot shall be within the 100-year floodplain, wetlands, river, lake, or any combination thereof.

5. Clustering

A bonus density of up to 1 dwelling unit per 5 acres on average is permitted by clustering (see Residential Clustering Standards).

6. Expansion of existing platted subdivisions

Lands located within the perimeter of existing platted subdivisions where lots average 2 acres or less are eligible for additional subdivision. All new or amended lots must have access and use of the water and road systems of the existing subdivision and be subject to the covenant restrictions of the existing platted subdivision.

7. Lot area and average slope determination

Compliance with lot area and average slope requirements shall be certified by a registered land surveyor on any certificate of survey or subdivision plat. To determine the area of lakes or rivers, use the average high water line as the perimeter of the water body. To determine the area of wetlands, the Zoning Administrator may require wetland delineation by a professional hydrologist.

8. Average slope calculation

The average slope (S%) of a parcel shall be calculated as follows: $S\% = .0023 \times I \times L / A$. To use this formula, a contour map of the parcel is necessary, and the contour interval (vertical distance between adjacent contour lines on the map) must be no more than 10 feet for a subdivision and 40 feet for a certificate of survey. I is the contour interval in feet. L is the total length in feet of all contour lines within the parcel. A is the area in acres of the parcel.

3.42.060

Land Use Advisory Committee

A citizen land use advisory committee of 7 individuals shall be established by the Board of County Commissioners to advise the Flathead County Planning Board, Kalispell City-County Planning Board, Flathead County Board of Adjustment, and Board of County Commissioners, as appropriate, on all subdivision and conditional use applications. Said Committee should include representation from both the timber and agricultural industries. All members must be landowners within the District. In the instance where a landowner holds title to real property through a corporate or business name, the duly appointed representative of the business or corporation will be eligible to be a member of the District.

3.42.070

Home-Based Business Performance Standards

1. General
 - A. Home-based businesses are permitted throughout the District.
 - B. Within the West Valley district, a home-based business is defined as any occupation, profession, activity or use which is clearly a customary, incidental and secondary use of a residential lot and which does not affect the residential or agricultural character of the property or area.
2. Specific Standards
 - A. Home-based businesses are permitted in accessory buildings as well as residential buildings.
 - B. A home-based business must be operated by the individual(s) who own and live on the property.
 - C. Home-based business shall be architecturally compatible with the buildings in the immediate vicinity.
 - D. All parking shall be maintained on site.
 - E. A Conditional Use Permit must be obtained for a home-based business generating more than 10 daily vehicle trips.
 - F. Any outdoor storage of materials shall be shielded from public view.
 - G. Signs for business identification are permitted, not to exceed a total sign area of ten square feet and a height of eight feet. Signs shall not be lighted and shall not rotate, move, flash, change or blink.
 - H. A Conditional Use Permit must be obtained for a home-based business having more than 5 employees.

3.42.080

Residential Clustering Standards

1. General
 - A. The minimum size of the tract of land subject to the cluster development shall be 20 acres.
 - B. Clustering is not mandatory but may be used as an option to subdivide property.
 - C. All subdivided lots or multiple dwellings on a single tract of land shall be clustered so as to prevent a scattered development pattern.
 - D. A cluster development must obtain approval as a subdivision under the Flathead County Subdivision Regulations or as a conditional use if multiple dwellings are being placed on property without subdivision into lots.

- E. The required open space shall be exterior to the created lots and, if applicable, not be segregated from a larger remaining tract of land. The open space must remain as a single contiguous tract or a portion of a larger parent tract of land. Road and utility easements shall not be counted as open space.
 - F. The property owner shall either grant in perpetuity an irrevocable conservation easement or file with the Flathead County Clerk and Recorder a deed restriction running with the land, which shall dedicate the land as permanent open space and require that it shall not be further divided.
 - G. The preferred use of the required open space is agriculture or silviculture. Any open space 20 acres or larger in size is eligible for a single residential building site of no larger than 2 acres in size, but residential development is not permitted on smaller open space tracts. The open space and associated building site can be sold as a single tract of land but is not eligible for further subdivision.
- 2. 10-acre cluster provision: Maximum residential density in a cluster development shall be one dwelling per 10 acres, if the following criterion is met:
 - a. A minimum of 50% of the eligible property shall be dedicated as permanent open space on the subdivision plat.
 - 3. 5-acre cluster provision: Maximum residential density in a cluster development shall be one dwelling per 5 acres, if the following criteria are met:
 - A. Individual lot sizes shall not exceed 1 net acre.
 - B. A minimum of 76% of the eligible property shall be dedicated as permanent open space on the subdivision plat.

3.42.090

Neighborhood Convenience Store Performance Standards

- 1. General
 - A. A neighborhood convenience store in the West Valley District is permitted in accordance with strict architectural, size, use, and locational criteria.
 - B. It is not the intent of these regulations to promote, encourage, or permit general retail commercial uses within the District.
 - C. Within the West Valley District, neighborhood convenience store is defined as a retail establishment having a trade area that does not extend beyond the neighborhood and offering for sale a variety of convenience items, typically including prepackaged food and beverages, household items, and motor fuel.

- D. Building architecture shall be compatible to a rural residential setting by emphasizing log or wood exterior with a pitched roofline and asphalt composition, tile, or wood shingles in natural colors, and limited commercial signage.
- E. Compliance with the requirements set forth herein shall be determined by the Zoning Administrator. A site plan, elevation drawing, and other applicable materials demonstrating compliance with these performance standards shall be submitted to the Zoning Administrator, and approval shall be obtained prior to commencement of construction. Appeal of any decision by the Zoning Administrator shall follow the process set forth in the Flathead County Zoning Regulations as applicable to Conditional Uses.

2. Specific Standards

- A. The footprint of the commercial structure shall not exceed 2000 square feet.
- B. Minimum lot size shall be 3 acres.
- C. A maximum of 4 fueling pumps shall be permitted.
- D. The store dumpster site shall be provided to the rear of the building and be screened from public view. Any mechanical/refrigeration equipment or propane tanks located exterior to the building shall be appropriately screened from public view.
- E. All structures shall be set back a minimum of 100 feet from any lot line adjoining a public road and 35 feet from all other lot lines. Parking and other paved surfaces shall not extend into the required landscape areas.
- F. Fencing and weed control shall be provided on all commercial lot lines having frontage with a public road.
- G. Signage shall be limited to a single-faced wall identification sign not to exceed 36 square feet, except that gas price signage having maximum letter height of 8 inches may be placed below the roofline of the gas island canopy. Outside security lighting is mandatory during hours of darkness. Lighting shall be directed downward and shielded to prevent light from shining onto adjacent roads or properties. Lighting shall not blink, flash, or rotate.
- H. Parking shall be provided at a ratio of 1 space (9'x20') per 150 square feet of gross floor area.
- I. All parking, circulation, and approaches shall be either asphaltic or Portland cement concrete and appropriately striped to designate traffic flow direction and parking spaces.
- J. Landscaping consisting of grass, shrubs, and tree species shall be provided along any lot line adjoining a public road. Said landscaping

shall extend the entire length of the developed frontage, except for the driveway entrances, and have a depth of at least 35 feet as measured inward from the public road right-of-way. Said landscaping shall be irrigated with an underground sprinkling system and be maintained throughout the growing season.

- K. No liquor shall be sold from the premises nor shall gaming (gambling) machines be permitted. A single upstairs apartment unit shall be permitted if architecturally incorporated into the overall building design.
- L. Exterior wall finishes shall emphasize natural wood features such as log or beveled cedar siding, stained to natural wood tones. Windows shall not have mirrored glazing. The roof shall have a minimum 6:12 pitch, utilizing Class ‘A’ roofing material. The fueling island canopy shall have a visual expression of log or timber framing (or as otherwise modified for reasons of fire safety) with a sloped roof of a 4:12 minimum pitch in a gable shape.
- M. Fire protection measures shall be incorporated as recommended by the West Valley Volunteer Fire Department.
- N. The store shall not be open for business between the hours of 10:00 PM and 6:00 AM.
- O. Outside PA (public address) systems are prohibited.
- P. Prior to the development of a store, the landowner shall submit and implement a traffic mitigation study prepared by a professional transportation engineer.