

## NOTICE OF PUBLIC HEARING

The Board of County Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-206(4)(b), M.C.A., that it will hold a public hearing to consider an extension of the "Rural Whitefish Interim Zoning District" (RWIZD) adopted and effective September 09, 2014. Interim zoning regulations are allowable under Montana law for up to one year, with one extension of up to one year. The boundaries of the existing interim zoning district are within approximately one mile from the Whitefish city limits, excluding areas already zoned with County zoning, and are specifically shown in Exhibit "A" attached hereto.

The specific emergency that compelled the establishment of the existing interim zoning district was the City of Whitefish immediately ceasing exercising of jurisdiction over the former extraterritorial area (ETA) after a July 15, 2014, Montana Supreme Court decision. Soon after the July 15, 2014 ruling, the City of Whitefish declined to exercise any land use regulatory. In order to serve the needs of the citizenry in the ETA, Flathead County had no option but to begin administering control over the ETA and to do so the establishment of interim zoning was needed. Since the RWIZD was adopted, Flathead County has been working to identify and review options for mitigating the emergency and determine a course of action. A course of action has been selected and legally required public hearings on plan amendments have been held and legally required public hearings on zoning map and text amendments are scheduled. If the current interim zoning were to expire September 09, 2015 it is not clear what would occur with regards to zoning and basic land use regulations such as permitted and conditional uses, lot sizes, minimum lot widths, setbacks, building height restrictions, and performance standards for many land uses that are regulated specifically for public safety and the general welfare. Flathead County wishes to avoid this confusion and the problems it can cause for the citizenry. The reason for the proposed extension is to allow time for continuation of the public process currently underway to consider replacement of the RWIZD with legally defensible and permanent land use regulations.

Flathead County has completed a study verifying that an emergency exists, identifying the facts and circumstances that constitute the emergency, the potential options that have been reviewed for mitigating the emergency, and the course of action the Commissioners have taken and intend to continue taking under an extension of the existing interim zoning district. A copy of the study, completed as required prior to the public hearing on the extension of the existing interim zoning, is available for public review at the Office of the Clerk & Recorder, located at 800 South Main, Kalispell, MT, the Flathead County Planning and Zoning Office at 1035 First Avenue West, Kalispell, Montana, or online at [http://flathead.mt.gov/planning\\_zoning/index.php](http://flathead.mt.gov/planning_zoning/index.php)

The general character of the RWIZD is that it replaced the former City of Whitefish zoning classifications in the ETA with similar classifications that are found in the Flathead County Zoning Regulations and created two new zoning classifications to replace former City of Whitefish zoning classification that had no similar classification in the Flathead County Zoning Regulations. The Flathead County zoning classifications are SAG-10 (Suburban Agricultural), R-1 (Suburban Residential), R-2 (One Family Limited Residential), R-3 (One Family Residential), R-4 (Two-Family Residential), R-2.5 (Rural Residential), B-2 (General Business), BR-4 (Resort Business), and I-2 (Heavy Industrial). During the effective period of the interim zoning district, RR-1 (Resort Residential) and BSD (Business Service District) zoning classifications are adopted as part of the interim zoning district (see Exhibits B and C) to replace the City of Whitefish's WRR-1 and WBSD zoning classifications, and will be subject to all chapters of the Flathead County Zoning Regulations.

The general character of the SAG-10 (Suburban Agricultural) classification is suburban agricultural. This classification provides and preserves agricultural functions and provides a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and provides areas for estate-type residential development.

The general character of the R-2.5 (Rural Residential) classification is residential. This classification is intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and agricultural/silvicultural/horticultural operations are a decreasingly viable land use.

The general character of the R-1 (Suburban Residential) classification is residential. This classification provides estate type development normally located in rural areas away from concentrated urban development or in areas where it is desirable to permit only low density development (for example, areas with extreme topography or, areas adjacent to flood plains).

The general character of the R-2 (One Family Limited Residential) classification is residential. This classification provides for large tract development in suburban areas generally served by either sewer or water lines.

The general character of the R-3 (One Family Residential) classification is residential. This classification provides adequate lot size for urban development, is typically in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, and will normally require all public utilities.

The general character of the R-4 (Two-Family Residential) classification is residential. This classification provides lot areas for urban residential development and is required to be served by all public utilities.

The general character of the B-2 (General Business) classification is commercial. This classification provides for retail sales and service functions and operations that are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, outdoor commercial amusement and recreational activities, and operations serving the general needs of the tourist and traveler.

The general character of the BR-4 (Resort Business) classification is resort commercial. This classification is intended for resort purposes and provides for the development of medium and high density resort uses, including hotels, motels, resort condominiums and other similar uses oriented towards tourism and resort businesses. This classification allows meeting rooms, convention facilities, bars, lounges and restaurants, and retail and commercial uses intended primarily for the guests of the facilities, and requires approval of an overall development plan. The overall development plan for the BR-4 zoning classifications to be used include the Big Mountain Whitefish, Montana Neighborhood Plan/Overall Development Plan adopted on July 17, 2006 by the Whitefish City Council and the Big Mountain West Neighborhood Plan/Overall Development Plan adopted on December 2, 2003 by the Flathead County Commissioners

The general character of the I-2 (Heavy Industrial) classification is industrial. This classification provides for uses to accommodate heavy manufacturing, processing, fabrication and assembling of products or materials and prevents the encroachment of non-industrial uses or unspecified commercial uses within the district.

During the effective period of the interim zoning, the following zoning classifications, RR-1 (Low Density Resort Residential) and BSD (Business Service District) are adopted as part of the interim zoning district (see Exhibits B and C). RR-1 and BSD will be classified and regulated as separate zoning classifications and subject to all applicable chapters of the Flathead County Zoning Regulations.

Additionally, the interim BSD zoning classification requires approval of a site plan, vicinity map and building concepts. The materials used for the BSD zoning classification includes the East Entrance Corridor Whitefish, Montana site plan and vicinity map adopted on November 2, 2009 by the Whitefish City Council and updated February 2, 2014.

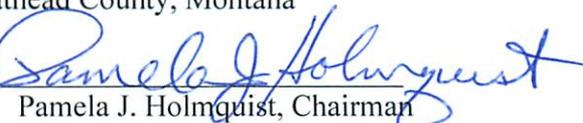
Maps of the RWIZD which comprise the outer boundary of the existing interim zoning district and the boundaries of the individual zoning classifications, and a copy of both the existing Flathead County Zoning Regulations and the RR-1 and BSD zoning classifications used as part of the RWIZD are available for public inspection at the Office of the Clerk & Recorder, located at 800 South Main, Kalispell, MT, the Flathead County Planning and Zoning Office located at 1035 First Avenue West, Kalispell, MT and at the Flathead County Planning and Zoning Office website at [http://flathead.mt.gov/planning\\_zoning/Drafts.php](http://flathead.mt.gov/planning_zoning/Drafts.php). Those with questions may contact BJ Grieve, Planner III of the Flathead County Planning and Zoning Office at (406) 751-8200. 1035 First Avenue West, Kalispell, MT.

The public hearing will be held on the 17<sup>th</sup> day of August, 2015 at 9:00 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Third Floor Courthouse, 800 South Main, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed extension of the existing interim zoning resolution.

Written comments are encouraged and will be reviewed by the Commissioners prior to the hearing if received by the Flathead County Commissioners' Office at least three business days prior to the hearing.

DATED this 20<sup>th</sup> day of July, 2015.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By   
Pamela J. Holmquist, Chairman

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