

## NOTICE OF PUBLIC HEARING

The Board of County Commissioners of Flathead County, Montana, hereby gives notice pursuant to Section 76-2-206(3)(a), M.C.A., that it will hold a public hearing to consider the establishment of an interim zoning district. Interim zoning regulations are allowable under Montana law for up to one year, with up to one extension of one year. The boundaries of the proposed 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 exigent circumstance compelling the establishment of the proposed interim zoning district is the City of Whitefish's position that it no longer has jurisdiction over an extraterritorial area (ETA) after a July 15, 2014, Montana Supreme Court decision. The City is now declining to exercise any authority in the ETA, including processing land use permits and applications. In order to serve the needs of the citizenry in the ETA, the County has no option but to begin administering immediate control over the ETA and to do so the establishment of the proposed interim zoning is needed. It is imperative for an orderly progression of events for interim zoning to be established until the County holds public meetings and conducts studies to establish permanent zoning in the area.

The general character of the proposed interim zoning district is that it will replace the current City of Whitefish zoning classifications with similar classifications that are found in the Flathead County Zoning Regulations and create two new zoning classifications to replace current City of Whitefish zoning classification that have no similar classification in the Flathead County Zoning Regulations. The Flathead County zoning classifications would be 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 being adopted as part of the interim zoning district (see Attachments 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 Attachments 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 to be 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 proposed interim zoning district which comprise the outer boundary of the proposed 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 to be used are available for public inspection at the Office of the Clerk and Recorder, Courthouse, 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 Erik Mack, Planner II 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 2<sup>nd</sup> day of September, 2014 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 interim zoning boundaries, individual classifications and/or regulations.

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 21<sup>st</sup> day of August, 2014.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

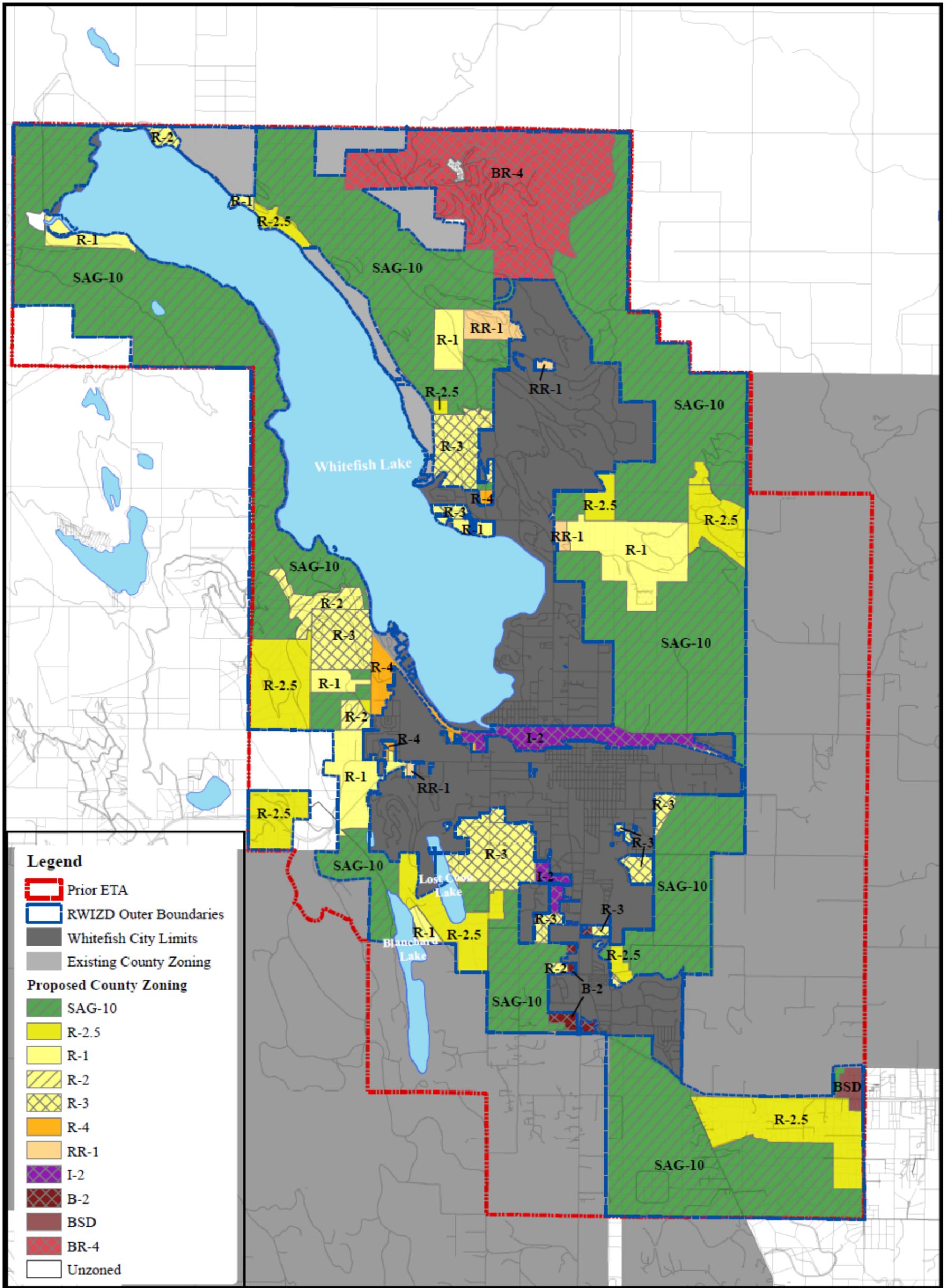
By \_\_\_\_\_  
Pamela J. Holmquist, Chairman

By: \_\_\_\_\_  
Deputy

Publish on August 24 and August 31, 2014

# EXHIBIT A:

## PROPOSED RURAL WHITEFISH INTERIM ZONING DISTRICT (RWIZD)



**EXHIBIT B:  
RR-1 LOW DENSITY RESORT RESIDENTIAL\*\***

**Definition:**

A district to provide a low density setting for secondary residential resorts.

**Permitted Uses (RR-1):**

1. Bed and breakfast establishment.
2. Class A manufactured home.
3. Day care home.
4. Duplex.
5. Dwelling, multi-family (4 or fewer units).
6. Dwelling, single family.
7. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
8. Park and publicly owned recreational facility.
9. Public utility service installation (a minimum of five feet of landscaped area shall surround each building or structure).
10. Tourist accommodation units (4 or fewer units).

**Conditional Uses (RR-1):**

1. Accessory apartments.
2. Boarding house.
3. Boat launching ramp and dock (commercial).
4. Caretaker's facility.\*
5. Churches and other place of worship.
6. Community residential facilities, Class I.
7. Convention hall facility.
8. Day care center.
9. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
10. Dwelling, multi-family (5 or more units).
11. Golf course.
12. Guest house.
13. Health club.
14. Manufactured home park (5 acre minimum size).
15. Marina (commercial).
16. Professional offices.
17. School, primary and secondary.
18. Tourist accommodation units (5 or more units).

\*Administrative Conditional Use Permit (See Section 2.06.045)

**Bulk and Dimensional Requirements (RR-1):**

1. Minimum District Area: 1 acre.
2. Minimum Lot Area: Not Applicable.

3. Minimum Lot Width: Not Applicable.
4. Maximum Density: 10 dwelling units per acre.
5. Setbacks:
  - A. Minimum Yard Requirements for Principle Structures:
 

Front:	15 feet.
Side:	10 feet each.
Side Corner:	15 feet.
Rear:	20 feet.
  - B. Detached Accessory Structures:
 

Front:	15 feet.
Side:	6 feet.
Side Corner:	6 feet each.
Rear:	6 feet.
  - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
  - D. Increase yard requirements as follows when property fronts:
 

County Road:*	25 feet.
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\* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
6. Maximum Height:
 

Principle Structures:	35 feet.
Accessory Structures:	24 feet.
7. Permitted Lot Coverage: 35%.
8. Maximum Fence Height:
 

Front:	4 feet.
Side:	6 feet.
Rear:	6 feet.
9. Off-Street Parking: See Chapter VI – Parking and Loading.

\*\* Land uses permitted by the RR-1 zoning classification will be subject to the Flathead County Zoning Regulations for purposes including, but not limited to, administration, interpretation, enforcement and placement. For purposes of interpreting requirements of the Flathead County Zoning Regulations that reference specific land uses, (such as parking and loading requirements, definitions of land uses, etc.) the individual land uses that are proposed on the subject property shall be used.

**EXHIBIT C:  
BSD BUSINESS SERVICE DISTRICT\*\***

**Definition:**

The business service district is intended to create defined areas that are appropriate for nonretail limited commercial services and light industrial uses. Typical uses would be light manufacturing and component assembly, office/warehouse showrooms, contractors, wholesale trades, and other nonretail commercial services of a destination nature. The grouping of uses shall be incorporated in order to develop as an island rather than as a strip. Landscaping will be extensive with good quality and effective screening and buffering.

**Acceptance of an application for BSD zoning will be contingent upon a site plan, vicinity map and building concepts for the area requested being submitted for review. The site plan, vicinity map and building concepts will address each of the following:**

1. The site plan shall include all buildings, structures, parking, driveways, sidewalks, utilities, drainage, landscaping and signage.
2. The site plan shall demonstrate conformance with the zoning regulations and other applicable county regulations. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved.
3. The vicinity map shall include surrounding parcels, buildings, structures, circulation systems and major physical features.
4. Shared driveway access or frontage roads (whether public or private) are required where possible to provide a cohesive internal circulation pattern and to limit access onto arterials and collectors when development contains multiple commercial uses.

**Implementation of Site Plan and Vicinity Map:**

1. Once the site plan and vicinity map have been adopted, they shall be considered zoning and shall serve as the guidelines for the development.
2. Prior to any site development, a detailed site plan shall be submitted to the zoning administrator to demonstrate compliance with the approved site plan and vicinity map. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan.
3. Minor deviations to the site plan shall be allowed which do not involve more than ten percent (10%) of the building site for a single building. This would include, but is not limited to, the location and/or expansion of the building, parking lot location, signage, number of parking spaces and landscaping. Minor deviations to the site plan shall be reviewed and approved by the zoning administrator.
4. Substantial modifications to the site plan will be required to be reviewed and approved by the County Commissioners. Substantial changes would include, but not be limited to, an increase in the number of buildings, major changes in access

or circulation, an increase in building size by more than ten percent (10%), major changes to signage and major changes to landscaping design and location.

**Permitted Uses (BSD):**

1. Agricultural/horticultural/silvicultural use.
2. Ancillary retail or showrooms, less than fifty (50%) percent of the gross floor area of each individual lease space or tenant
3. Animal hospital, veterinary clinic.
4. Contractors' storage yard and building supply outlet.
5. Dance, drama, and music school.
6. Dwelling, single family.
7. Farm equipment sales.
8. Feed, seed and farm supply, including grain elevators.
9. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
10. Homeowners park.
11. Light assembly and manufacturing, fabrication, including light food manufacturing and processing, repairing, packing or storage facilities in enclosed buildings, provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic.
12. Livestock.
13. Nursery, landscaping materials.
14. Parcel delivery service.
15. Park and publicly owned recreational facility.
16. Personal services with incidental retail sales.
17. Print and copy shop.
18. Produce stand.
19. Professional offices.
20. Public utility service installation (A minimum of five feet of landscaped area shall surround such building or structure).
21. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, furniture, and small engines, (no outdoor storage permitted).
22. Riding academy, rodeo arena.
23. Small equipment sales, rental and repair conducted indoors, (no outdoor storage permitted).
24. Stable, public and private.
25. Wholesale trade and warehousing, including offices and showrooms.

**Conditional Uses (BSD):**

1. Accessory apartments.
2. Ancillary retail or showrooms, more than fifty (50%) percent of the gross floor area of each individual lease space or tenant.
3. Churches and other place of worship.
4. College, business school, trade school.
5. Commercial caretaker's facility in a detached accessory building in conjunction with a business.\*
6. Convention hall facility.
7. Day care center.

8. Kennel.
9. Mini-storage.
10. Research laboratory and institution.
11. When not shown on the initial site plan required for zoning or rezoning properties, all new structures with a gross floor area of ten thousand (10,000) square feet or greater, existing structures where an addition causes the total floor area to be ten thousand (10,000) square feet or greater, and additions to structures where the total floor area already is ten thousand (10,000) square feet or greater.

\*Administrative Conditional Use Permit (See Section 2.06.045)

**Bulk and Dimensional Requirements (BSD):**

1. Minimum District Area: 5 acre.
2. Minimum Lot Area: 1 acre.
3. Minimum Lot Width: 125 feet.
4. Setbacks:
  - A. Minimum Yard Requirements for Principle Structures:
 

Front:	30 feet.
Side:	10 feet each.
Side Corner:	30 feet.
Rear:	15 feet.
  - B. When a property abuts the following features, the abutting setback shall be increased to the following:
 

Agricultural – use or zone:	30 feet.
Residential – use or zone:	30 feet.
Stream – high water mark:	20 feet.
5. Maximum Height:
 

Principle Structures:	35 feet.
Accessory Structures:	24 feet.
6. Permitted Lot Coverage: 40%.
7. Maximum Fence Height:
 

Front:	4 feet.
Side:	6 feet.
Rear:	6 feet.
8. Off-Street Parking: See Chapter VI – Parking and Loading.

**Additional Design Standards (BSD):**

1. One commercial use permitted per gross acre. Multiple commercial uses should cluster development to include both shared parking areas and internal road

access. Buildings shall be grouped into localized areas and shall not be developed in a linear fashion.

2. Clustering:

- A. Clustering of uses includes incorporation of common shared areas such as courtyards to create central nodes of business/development as opposed to linear development.
- B. Clustering should include shared access, parking, landscaping, with the overall development designed to protect surrounding properties from adverse impacts.
- C. For the purpose of clustering, the site will be developed as one lot. Property setbacks for commercial uses shall not apply except for separation from residential uses. This allows for cohesive development on multiple properties developed in conjunction with an overall development theme or business park plan.

3. Landscaping:

- A. Landscape design shall be in accordance with the concept of a business park. A combination of landscape materials should be arranged in a harmonious manner as an integral part of the project design to enhance building design, public view and interior spaces and provide buffers and transitions, as appropriate.
- B. Landscaping shall comply with Section 5.05 and parking lot landscaping shall comply with Section 6.13.010(2).
- C. Exposed utilities, storage areas, machinery, installations, service and loading areas and similar accessory areas and structures shall be set back to the primary structure requirements or screened to minimize the loss of views, privacy and the general aesthetic value of surroundings.

4. Signage:

A combination of natural materials and colors should be arranged in a harmonious manner that complements the overall design of the site and does not create visual clutter, distractions for passing motorists or the obstruction of important architectural or landscaping features.

\*\* Land uses permitted by the BSD zoning classification will be subject to the Flathead County Zoning Regulations for purposes including, but not limited to, administration, interpretation, enforcement and placement. For purposes of interpreting requirements of the Flathead County Zoning Regulations that reference specific land uses, (such as parking and loading requirements, definitions of land uses, etc.) the individual land uses that are proposed on the subject property shall be used.