

RESOLUTION NO. 2378

WHEREAS, on June 20, 2013 the Board of Commissioners of Flathead County, Montana did pass Resolution #1663G that adopted the most recent version of the *Flathead County Planning and Zoning Office Administrative Fees and Fee Policies*, and that that document establishes the current administrative fees and fee policies for the Flathead County Planning and Zoning Office, including those for “publicly initiated” zoning applications; and

WHEREAS, on October 17, 2013 the Flathead County Planning and Zoning Office did receive from the Evergreen Chamber of Commerce a request for a “publicly initiated” interim zoning district to temporarily overlay all existing B-2 General Business or B-3 Community Business zoning in the Willow Glen and Evergreen Zoning Districts along the Evergreen commercial corridor (see Exhibit A) with permitted use #25 from the existing I-1 Light Industrial zoning found in Section 3.27 of the Flathead County Zoning Regulations (see Exhibit B); and

WHEREAS, in conformance with the *Flathead County Planning and Zoning Office Administrative Fees and Fee Policies*, the request by the Evergreen Chamber of Commerce was forwarded to the Flathead County Planning Board for consideration, and on October 23, 2013 at a noticed public meeting, the Planning Board did unanimously vote to request that the Flathead County Commissioners direct the Flathead County Planning and Zoning Office to process the request from the Evergreen Chamber of Commerce; and

WHEREAS, on October 30, 2013, the Board of Commissioners of Flathead County, Montana did consider the request of the Flathead County Planning Board and did, upon a 2-0 vote, direct the Flathead County Planning and Zoning Office to process the request from the Evergreen Chamber of Commerce for an interim zoning district; and

WHEREAS, to that end, in conformance with 7-1-2121 M.C.A. and 76-2-206(3)(a) M.C.A., the Flathead County Planning and Zoning Office did prepare a Notice of Public Hearing stating the boundaries of the proposed district, the specific emergency compelling the establishment of the proposed interim zoning district and regulations, the general character of the proposed interim zoning district and regulations, and stating that the proposed interim zoning district and regulations are on file for public inspection at the office of the Flathead County Clerk and Recorder and for review on the Flathead County Planning and Zoning Office website; and

WHEREAS, on November 18, 2013 the Board of Commissioners of Flathead County, Montana did authorize the publication of the Notice of Public Hearing, and, in conformance with 7-1-2121 M.C.A., the notice did appear in the December 01, 2013 and December 08, 2013 editions of the Daily Interlake; and

WHEREAS, the Board of Commissioners of Flathead County, Montana did hold the legally noticed public hearing on December 17, 2013 at which the Commission gave the public an opportunity to be heard regarding the proposed establishment of the interim zoning district and regulations and three members of the public spoke in favor of the proposal, with no members of the public speaking in opposition to the proposal; and

WHEREAS, after closing the public hearing, the Commission did take two days to deliberate on and consider public comments on the proposed interim zoning district and regulation; and

WHEREAS, the Flathead County Planning and Zoning Office has initiated an investigation to identify the facts and circumstances of the emergency involving the general welfare of the Evergreen community upon which the proposed interim zoning is based, specifically the shift of retail and shopping land uses away from the Evergreen area and into the City of Kalispell and the need to quickly allow for a greater diversity of land uses that can utilize existing infrastructure to expand the economic base of the Evergreen area; and

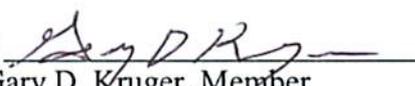
WHEREAS the Flathead County Planning and Zoning Office has initiated an investigation by completing an inventory of land uses in the affected area, and this inventory will, in part, be used to assist in determining the overall impact to the Evergreen community of the proposed interim zoning at the end of one year.

NOW THEREFORE, BE IT RESOLVED, that to address the emergency that exists to the general welfare of the Evergreen area, to quickly expand the economic base of the Evergreen area from a focus primarily on retail and shopping in many areas to a greater diversity of land uses that can utilize existing public infrastructure as well as existing private commercial infrastructure along the Evergreen commercial corridor that is accessible, visible, and relatively affordable, the Flathead County Commissioners do hereby adopt the interim zoning district and regulation as set forth in Exhibits A and B attached hereto for a period of one year from the effective date of January 01, 2014.

Dated this 19th day of December, 2013.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

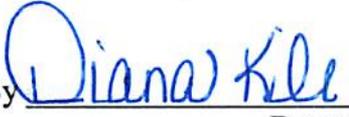
By 
Pamela J. Holmquist, Chairman

By 
Gary D. Kruger, Member

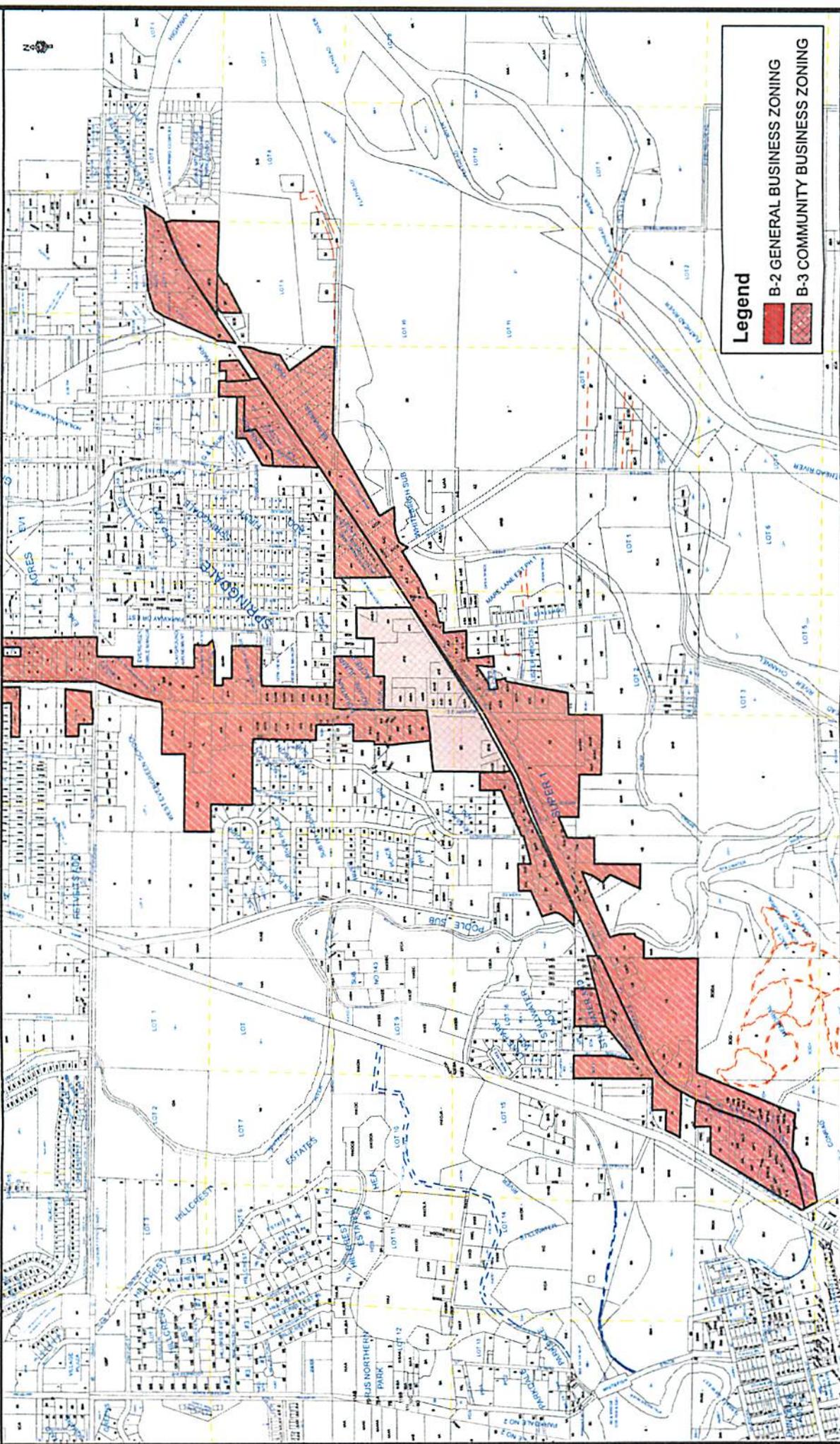
By 
Calvin L. Scott, Member



ATTEST:
Paula Robinson, Clerk

By 
Deputy

**EXHIBIT A, SHEET 1 OF 2
BOUNDARIES OF PROPOSED INTERIM ZONING DISTRICT OVERLAY**



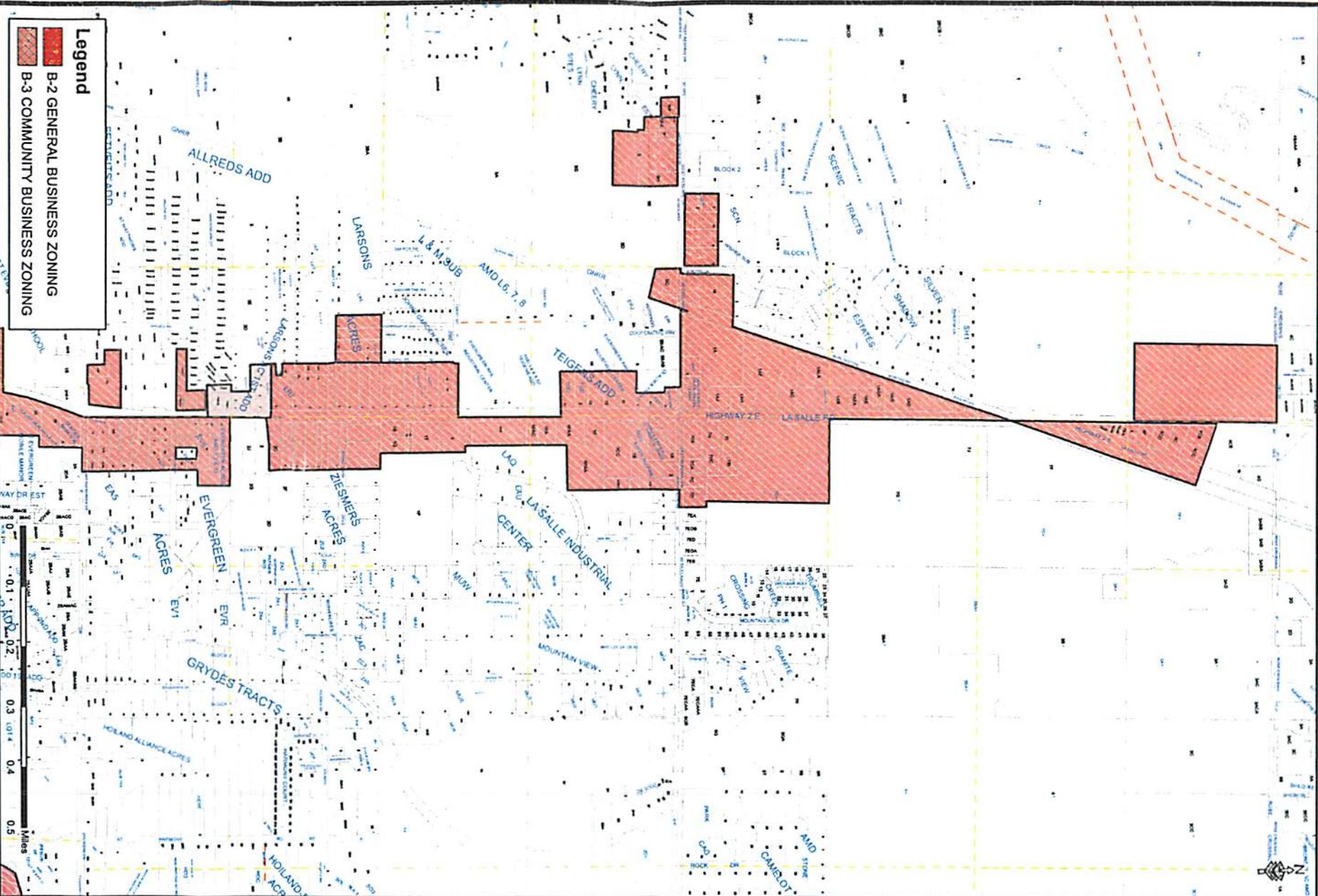
Legend

- B-2 GENERAL BUSINESS ZONING
- B-3 COMMUNITY BUSINESS ZONING



FLATHEAD COUNTY GIS
 The areas depicted on this map are for illustrative purposes only and do not necessarily represent proposed zoning. For more information, please contact the Planning Department at (406) 838-2200.
 File Path: X:\Physical\Flathead County\GIS\mapserver\workspace\Proposed Interim Zoning District Overlay Exhibit A_1022.dwg

EXHIBIT A, SHEET 2 OF 2
BOUNDARIES OF PROPOSED INTERIM ZONING DISTRICT OVERLAY



Legend

- B-2 GENERAL BUSINESS ZONING
- B-3 COMMUNITY BUSINESS ZONING

FLATHEAD COUNTY GIS

The areas depicted on this map are for illustrative purposes only and do not necessarily meet mapping, surveying, or engineering standards. Deriving conclusions from this map is done at the user's risk.

Date: 11/7/2013 File Path: X:\Projects\Flathead County\Zoning\Evergreen Buffer\Boundaries of Proposed Interim Zoning District Overlay Exhibit A 2of2.pdf

EXHIBIT B
Evergreen Enterprise Zoning Overlay

Definition:

An interim zoning district to temporarily overlay all existing B-2 General Business or B-3 Community Business zoning along the Evergreen commercial corridor with one additional permitted use.

Permitted Use*:

1. Light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic. Examples of such uses would include but are not limited to the following:
 - A. Automobile, bus, truck, boat and equipment washing, detailing, repairing, service and storage.
 - B. Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment; and boat building.
 - C. Processing and manufacturing of food such as baked goods, dairy products, alcoholic beverages and beverage manufacturing and bottling.
 - D. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture.
 - E. Storage and warehousing such as mini-storage, boat and vehicle storage.

Bulk and Dimensional Requirements:

1. All bulk and dimensional requirements of the underlying B-2 or B-3 zone on the subject property, per Sections 3.17 or 3.18 (respectively) of the Flathead County Zoning Regulations.

*Land uses permitted by the overlay 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 zones, (such as signage requirements, permitted accessory uses, etc.) the underlying B-2 or B-3 zone on the subject property shall be used. 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. At the end of the effective period of the overlay, land uses commenced in compliance with the overlay will be considered non-conforming uses and may continue per Section 2.07 of the Flathead County Zoning Regulations.