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TO: Flathead County Planning Board  
FROM: Mark Mussman, CFM, Director   
DATE: January 8, 2020  
RE: Proposed PUD Amendments  
Proposed AG Zone Consolidation

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At the December meeting, I brought up two issues the Department has been working on that deserve Planning Board review and discussion. One of the issues involves text amendments to the Planned Unit Development (PUD) section of the zoning regulations. The other issue is the ongoing discussion of consolidating the three agricultural zones into one and strategies on how to allow agricultural property owners the ability to create a limited amount of new parcels for the benefit of keeping farm families on the farm. Attached to this memorandum is a draft of the proposed changes to the PUD section of the regulations as well as an initial draft of a proposed AG Agricultural zone text amendment for your review. Also attached is the March 13, 2019 memorandum regarding the agricultural zoning issue. Below, I will attempt to highlight the major proposed changes to the PUD section, knowing that further discussion is on the horizon. I will then briefly summarize the proposed AG zone proposal.

### **PUD Text Amendment**

The proposed changes to this section of the zoning regulations are extensive enough that there is no cross through or underlining that tracts changes. Attached to this memorandum is a copy of the current language contained in the PUD section of the regulations in order to help compare the differences.

It should be noted that a PUD is, essentially, a unique general development plan for a specific area that takes into consideration the physical features of the proposed property, and can alter the specific use regulations and the bulk and dimensional requirements of the underlying zoning district. In order to recognize the preservation, to the greatest extent possible, of open space within the proposed development, a PUD allows for increased density above what is outlined in the underlying zone as well.

With that said, the following is a brief summary of the more significant proposed changes to the PUD section of the regulations:

- The definition of a PUD is proposed to be changed slightly from the current definition; however, it still captures the fact that a PUD is a development plan that allows flexibility and creativity in designing and developing the project.
- The proposed amendment enumerates the purpose and intent of the PUD regulations and also outlines the coordination with other land use regulations such as subdivision regulations that most PUD projects are subject to.
- The minimum land area required for a PUD application is proposed to be reduced from two acres to one acre. The minimum land area for a mixed-use PUD is proposed to be reduced from 20 acres to 10 acres.
- The language regarding “phasing” a PUD has been removed. It is important to remember that PUD approval deals with future uses, lot sizes, and other bulk and dimensional requirements. A PUD is zoning for a particular project. Typically, many PUDs also involve subdivision request. It is the actual subdivision that can be developed in phases, but a PUD should not require phasing.
- The application requirements for a PUD appear to more clear and more comprehensive.
- The proposed amendment provides more detail for final PUD applications.

It is anticipated that after Planning Board review and discussion in January, any necessary changes can be made to the draft proposal, and this text amendment can be scheduled for a March or April Planning Board hearing.

### **AG Agricultural Zone**

The agricultural zoning issue certainly appears to be a complex one. As noted above, I have attached the March 13, 2019 memorandum to the Planning Board, outlining some of the more important discussion topics as well as the challenges in going forward with an attempt to consolidate the agricultural use districts. As I stated in the March, 2019 memo, there is not much guidance from other jurisdictions on how to protect large agriculturally productive properties while allowing opportunities for farm families to stay on the farm.

I think we can all agree that this is an important discussion to have and the fact that it is a terribly complex subject should not deter us from moving forward. With that in mind, I have attached an initial attempt to formulate regulations that both protects large parcels from further residential subdivision development while allowing a limited number of new parcels to be created that could provide home sites for tomorrow’s farmers and farm families. The major changes to the existing agricultural zones include:

- Consolidate the three current agricultural zones into one with a minimum lot size of 20 acres.
- This proposed agricultural zone would prohibit subdivisions with the exception of allowing the creation of up to four parcels of no larger than two acres situated in such a manner as to keep as much as the parent parcel in agricultural production and exempt from subdivision review.
- Add “Agricultural entertainment” as a permitted use and to add a definition of “Agricultural entertainment.”

I do anticipate that there will be many more conversations regarding this issue in the near future. Indeed, it very well could be a topic that is addressed in more detailed during the update of the Growth Policy. I will look forward, however, in getting started with a review and discussion of this initial proposal at the next Planning Board meeting.