

**FLATHEAD COUNTY PLANNING AND ZONING  
GRAVEL EXTRACTION, WEST VALLEY ZONING DISTRICT  
TEXT AMENDMENT TO THE FLATHEAD COUNTY ZONING REGULATIONS  
STAFF REPORT #FZTA 05-04  
MAY 31, 2006**

A report to the Flathead County Planning Board and the Board of County Commissioners evaluating a request for a text amendment to the Section 3.34.030(8) of the Flathead County Zoning Regulations. A public hearing has been scheduled before the Flathead County Planning Board on May 17, 2006. A recommendation from the Planning Board will be forwarded to the County Commissioners for final action.

The West Valley Land Use Advisory Committee met April 25, 2006 to discuss the text amendment. After a lengthy discussion with significant community input, committee members voted 3-2 to approve the request with revisions. Two members of the committee (Schwager and Donohue) were absent. The following report incorporates the revisions as agreed upon by the committee and supported by community members present.

The planning board heard public comment regarding this issue at the May 17<sup>th</sup> meeting. Twenty people spoke in favor of the amendment in some form; 8 people opposed the amendment. The planning board voted 5-3 to deny the amendment.

**BACKGROUND INFORMATION**

**A. Petitioner:**

Flathead Citizens for Quality Growth  
PO Box 9872  
Kalispell, MT 59904  
406.277.8008

**B. Zoning District(s):**

WV, West Valley, Section 3.34.030, Conditional Use #8

**C. Background to Requested Amendment:**

The West Valley Zoning District authorizes "gravel extraction" as a conditional use. This is the only district in the Flathead County Zoning Regulations that authorizes "gravel extraction," as opposed to "extractive industries."

"Extractive Industries" are defined in Section 7.06.040 of the Flathead County Zoning Regulations as: Commercial or industrial operations involving the removal and processing of natural accumulations of sand, rock, soil, gravel, or any mineral.

There is currently no definition for "gravel extraction" in the Flathead County Zoning Regulations or the West Valley Neighborhood Plan, adopted April 9, 1997.

Disagreement exists among founding members of the West Valley Land Use Advisory Committee as to what was intended by the term "gravel extraction" and if it was meant to limit gravel operations to small "mom and pop" removal of gravel for personal or limited retail use, or if it is intended to be synonymous with "extractive industries," including crushing, batch plant operations, and other associated industrial activities. Review of historical documents related to the creation of the West

Valley Zoning District offers no clarification.

The West Valley Neighborhood Plan refers to “gravel operations” under the Commercial/Industrial land use discussion and specifically states “Allow opportunities for gravel extraction” (page 18, WVNP). Section 1.04.020 of the Flathead County Zoning Regulations states “In cases where a neighborhood plan, addendum to the Master Plan, or other adopted document contains aspects related to zoning and is under the jurisdiction of these regulations, the provisions that are more restrictive shall control.”

The West Valley community has experienced an increase in gravel operations in the zoning district in the last year. Residents are sharply divided over what is intended by the term “gravel extraction.”

The application proposes to clearly define “gravel extraction” in the West Valley Zoning District.

#### **D. Proposed Amendment:**

The proposed amendment would create a definition and performance standards for gravel extraction.

##### **Section 3.34.100      Gravel Extraction Definition**

The removal of gravel from the ground by a landowner or landowner’s agent. Gravel may be crushed and transported but gravel extraction shall not include processing gravel into asphalt, cement, or any other end product in which gravel is a component. This definition does not include other mineral extraction activities.

##### **Section 3.34.110      Gravel Extraction Performance Standards**

1. Landowners with less than 320 acres:
  - A. Only one (1) active permit per landowner or agent is authorized at any time.
  - B. The mining site shall not exceed ten (10) acres in size.
2. Landowners with 320 acres or more:
  - A. Only one (1) active permit per landowner or agent is authorized at any time.
  - B. The mining site shall not exceed twenty (20) acres in size.

#### **EVALUATION BASED ON STATUTORY CRITERIA**

The statutory basis for reviewing a change in zoning is set forth by 76-2-205, M.C.A. Findings of Fact for the zoning text amendment request are discussed relative to the itemized criteria described by 76-2-203, M.C.A. and Section 2.08.040 of the Flathead County Zoning Regulations.

1. Does the requested zoning comply with the Master Plan?

The Flathead County Master Plan, adopted in 1987 and the West Valley Neighborhood Plan, adopted in 1997, designate West Valley as an agricultural, silvicultural, and residential community. Defining gravel extraction will provide the community with greater understanding of what is authorized under this Conditional Use.

The West Valley Neighborhood Plan states: “The original intent of the West Valley Planning and Zoning District was to minimize conflict with agricultural and timber practices in the area.” The

plan goes on to state, "...over the past 20 years, liberal use of the "occasional sale" and "family transfer" exemptions and the granting of variances has transformed many areas of West Valley into rural residential neighborhoods."<sup>1</sup>

The Plan also states "Existing Industrial uses include a saw mill, gravel operations, and various agricultural-dependent uses, such as mint stills."<sup>2</sup>

The Plan lists the following "issue statements" regarding commercial/industrial activities:

- Prevent commercial strip development
- Permit home occupations
- Continue to prohibit commercial uses but allow consideration of a neighborhood convenience store (mini-mart)
- Allow opportunities for gravel extraction
- Industrial uses should not be permitted except those accessory to normal farm operations.

The proposed text amendment complies with the Flathead County Master Plan and West Valley Neighborhood Plan by managing impacts from gravel extraction in a recognized agricultural, residential, and silvicultural community.

2. Is the requested zoning designed to lessen congestion in the streets?

The requested text amendment will lessen congestion in the streets by limiting the scale of gravel operations in the district. Currently, three major operations are permitted, ranging from 15 to 80 acres of mining area. None of these are fully operational. One was permitted in 1997 and has been dormant. Two have not yet begun operations. All are within a two-mile radius of one another and two are directly across from each other at the intersection of Farm to Market Road and Church Drive. As the need for gravel increases, more applications for Conditional Use Permits are expected.

3. Does the requested zone give reasonable consideration to the character of the district?

The character of the district, as evidenced by the West Valley Neighborhood Plan in 1997<sup>3</sup>, is a mixture of agricultural and residential use, with silvicultural activity primarily located in the westernmost region of the district.

In the past decade, the area has become increasingly residential and conflicts with agriculture have become more commonplace. A hog farm, dairy, and feed lot are some of the dominant agricultural uses in the area. As farming profits continue to decrease, some large landowners have turned to gravel extraction as a viable alternative. Conflicts between large landowners and more recent arrivals have been elevated as gravel activities proliferate.

The requested amendment will provide a definition for gravel extraction. As the West Valley zone covers a very large area, it is unlikely that this proposal will be acceptable to all residents of the district, however considerable effort has been made by all parties, as demonstrated through the collaborative process of the West Valley Land Use Advisory Committee meeting.

The requested amendment gives reasonable consideration to the increasingly residential character of a central portion of the zoning district.

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<sup>1</sup> West Valley Neighborhood Plan, page 1

<sup>2</sup> WVNP, page 18

<sup>3</sup> Ibid

4. Will the requested zone secure safety from fire, panic and other dangers?

Defining gravel extraction as narrowly as proposed will provide additional protection from dust, noise, fumes, and traffic generated by the extraction sites and associated heavy truck traffic. Additionally, it will reduce truck traffic in the area on West Reserve, Farm to Market, Church Drive, Stillwater Road, and West Valley Drive.

5. Will the requested change promote public health and general welfare?

Limiting the scale of gravel operations will promote public health and general welfare by reducing emissions from heavy truck travel, dust generated by the extraction and crushing process, and preventing the establishment of large industrial-type operations associated with concrete and asphalt batch plant operations.

6. Will the requested zone provide for adequate light and air?

Allowing the requested text amendment will not alter the Bulk and Dimensional Requirements in the West Valley zone. Minimum lot sizes and width, setback requirements, and height restrictions will remain applicable.

The requested amendment will not adversely affect light and air in the affected districts.

7. Will the requested zoning prevent the overcrowding of land?

Limiting gravel extraction sites to five acres in size will prevent large-scale operations from establishing themselves in the community. As the area is already low-density due to existing residential density standards of five to twenty acres, the change will not encourage the overcrowding of land.

8. Will the requested zoning avoid undue concentration of people?

This text amendment affects the scale of gravel extraction operations. This amendment will not contribute to an undue concentration of people.

9. Will the requested zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?

The requested text amendment will not result in substantial changes to the provision of transportation, water, sewerage, schools, parks and other public requirements.

10. Does the requested zoning give consideration to the particular suitability of the property for particular uses?

The West Valley Zoning District consists of large tracts of agricultural land with low-density residential development. Residential development is clustered primarily along roads and draws.<sup>4</sup> Two of the large existing gravel operations are located directly adjacent to these areas and use the same road system. The requested amendment gives consideration to the increased residential nature of the area, while still allowing for agriculture and residential uses to coexist.

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<sup>4</sup> WNP, page 16

11. Will the proposed zoning conserve the value of buildings?

Limiting the scale of gravel operations will protect the value of surrounding properties, although whether or not gravel operations negatively impact adjoining properties is undetermined.

12. Will the requested zoning encourage the most appropriate use of land throughout the jurisdiction?

Defining "gravel extraction" will limit the scale of operations, while still allowing limited gravel operations as intended by the West Valley Neighborhood Plan. It will encourage responsible coexistence between agricultural and residential uses.