

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
RURAL WHITEFISH ZONING DISTRICT REPORT FZD-15-01
AUGUST 26, 2015

A report to the Flathead County Planning Board and Board of Commissioners regarding a new zoning district to be called the Rural Whitefish Zoning District. The proposed district would be generally located around the City of Whitefish and formerly within the Extraterritorial Area (ETA) of the Interlocal Agreement between Flathead County and the City of Whitefish. The proposed zoning district would zone the area B-2A Secondary Business, BMRR Big Mountain Resort Residential, BMV Big Mountain Village, BSD Business Service District, I-2 Heavy Industrial, R-2.5 Rural Residential, R-1 Suburban Residential, R-2 One Family Limited Residential, R-3 One Family Residential, R-4 Two-Family Residential, RR-1 Low Density Resort Residential, SAG-10 Suburban Agricultural and SAG-5 Suburban Agricultural.

The Flathead County Planning Board will conduct a public hearing on the proposed zoning district on September 9, 2015 in the 2nd Floor Conference Room, 1035 1st Ave West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will also hold a public hearing on the proposed zoning district at a date and time yet to be determined.

Documents pertaining to the zoning district are available for public inspection in the Flathead County Planning and Zoning Office, Earl Bennett Building, 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning district will also be available for public inspection in the Flathead County Clerk and Records Office, 800 South Main Street, in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is not located within the jurisdiction of a Land Use Advisory Committee.

B. Planning Board

Update September 25, 2015

On September 9, 2015 the Flathead County Planning Board held a public meeting on the proposal and the Board voted 9-0 to postpone board discussion and their recommendation until September 23, 2015 to adequately consider public comment, after the public comment period was closed.

On September 23, 2015 the Flathead County Planning Board continued the meeting on the proposal and the Board voted 9-0 adopt the staff report as Findings of Fact. The Planning Board voted 9-0 to forward a recommendation for approval to the Board of County Commissioners after modifying the proposed zoning district map. Details of the Board's actions and the recommended Findings of Fact are included on the attached Planning Board Addendum to this report.

C. Commission

This space will contain an update regarding the Flathead County Commissioners review of the proposal.

I. GENERAL INFORMATION

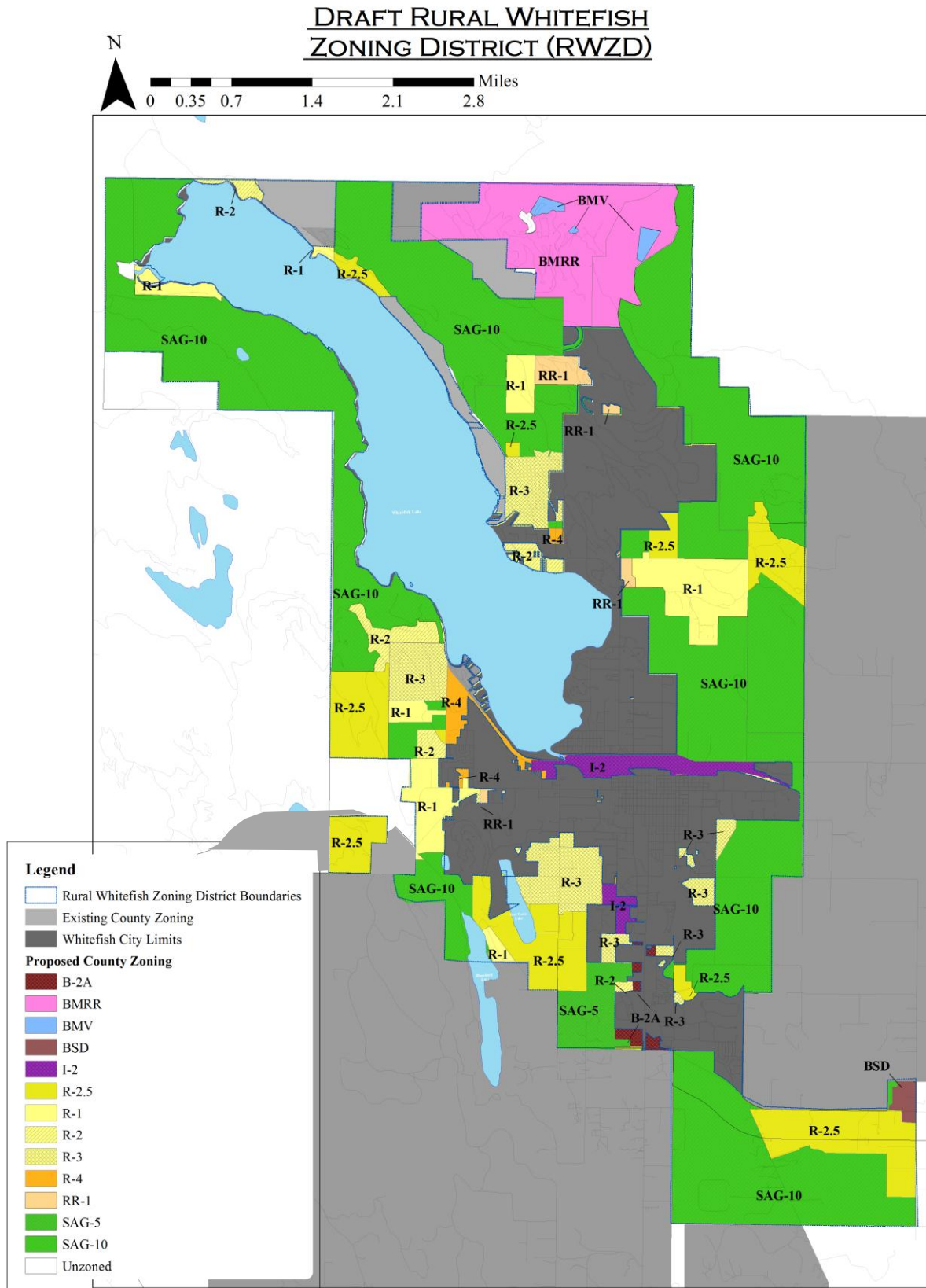
A. Applicant/Petitioner

Flathead County Planning Board

B. Proposed Zoning District

The publicly initiated application is a proposal from the Flathead County Planning Board for the creation of a new zoning district called Rural Whitefish. The area is currently zoned under the Rural Whitefish Interim Zoning District. The proposed district would permanently zone approximately 12,740 acres with County zoning and would encompass the area outside of Whitefish, formerly within the Interlocal Agreement Extraterritorial Area.

Figure 1: Location and proposed zoning for the Rural Whitefish Zoning District



C. District Boundaries and General Character of Proposed Zoning

The boundaries of the proposed district could be described as Section 1, Section 2 (excepting portions within the Big Mountain West Zoning District and Lot 18 Block 1 of the Sun Rise Ridge Subdivision Lot 44 of the Sun Rise Ridge Phase III Subdivision, The Big Mountain View Subdivision, Tract 1B and 1E and Chamonix Subdivision), Section 3 (excepting portions within the City of Whitefish and the Big Mountain West Zoning District), Section 4, 5, 9, 12, 13, 15, 22, 23, 24, 25, 27, 35 and 36 (excepting portions within the City of Whitefish), the North ½ of Section 8 and the North ½ of the Southeast ¼ of Section 8, Sections 10, 11 and 14 (excepting portions within the City of Whitefish and the East Whitefish Lake Zoning District), Section 26 (excepting portions within the City of Whitefish and the Lake Park Addition Zoning District), the Southwest ¼ of Section 34 (excepting the East ½ of the Southeast ¼ of the Southwest ¼), The East ½ of the Southeast ¼ Section 34 (excepting portions within the City of Whitefish) and the Northeast ¼ of Section 34 (excepting portions within the City of Whitefish and Tract 2C) of Township 31 North, Range 22 West, Sections 6, 19, 20, 29 and 30, the West ½ of the Southwest ¼ of Section 8 and the Southeast ¼ of the Southwest ¼ of Section 8 and Sections 7, 17, 18, 31 and 32 (excepting portions within the City of Whitefish) of Township 31 North, Range 21 West, Section 1 (excepting portions within the City of Whitefish), Section 2 (excepting portions within the City of Whitefish and the Blanchard Lake Zoning District), the North ½ of the Northeast ¼ of Section 3 (excepting portions within the Blanchard Lake Zoning District) and the North ½ of Section 12 (excepting portions within the City of Whitefish) of Township 30 North, Range 22 West, and the West ½ of the East ½ of Section 5 and the West ½ of Section 5 (excepting portions within the City of Whitefish), Section 6 and 7 (excepting portions within the City of Whitefish), Section 8 (excepting portions within the City of Whitefish and the Southeast Rural Whitefish Zoning District) and Sections 16, 17, 18 of Township 30 North, Range 21 West, P.M.M. in Flathead County, Montana (See Figure 1 above).

This proposal is to zone the areas within the County that were previously zoned by the City of Whitefish, to comparable County zoning allowing the county to administer the codes (it is important to note because the County does not administer City of Whitefish codes and interim zoning is not permanent, this is not a re-zoning, but a creation of a new County zoning district). The proposed zoning use classifications are described as follows:

- *“B-2A Secondary Business – The B-2A district is intended to be, as nearly as possible, compatible with the zoning ordinance of the City of Whitefish and to provide for those retail sales and services the operations of which are typically characterized by the need for large display or parking areas, large storage areas and by outdoor commercial amusement or recreational activities. This district depends on proximity to the City of Whitefish, highways or arterial streets and may be located in business corridors or islands.”*
- *“BMRR Big Mountain Resort Residential – The BMRR district is intended to provide for lower urban densities with little or no commercial activity. Uses*

within the resort residential will include nightly rentals, timesharing, interval ownerships, vacation clubs, or other multiple ownership residential uses.”

- *“BMV Big Mountain Village – The BMV district is intended to provide a regulatory framework for primary resort residential land uses at mixed densities, and year round resort uses including hotels, resort condominiums and similar uses oriented towards tourism and resort businesses. Specific uses provided for include convention facilities, bars, lounges, restaurants, and limited resort oriented retail and commercial uses intended primarily for the convenience of guests of the Big Mountain Resort. The Big Mountain village is a densely compact resort core area characterized mainly by mixed and multiple use buildings and complexes. Retail, commercial services, and dining and drinking establishments will generally be located at street level, with hotel/residential uses above, and parking typically below street level.”*
- *“BSD Business Service District – The business service district is intended to be, as nearly as possible, compatible with the zoning ordinance of the City of Whitefish and to create defined areas that are appropriate for nonretail limited commercial services and light industrial uses in proximity to the City of Whitefish. 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.”*
- *“I-2 Heavy Industrial – A district to provide for industrial uses to accommodate heavy manufacturing, processing, fabrication, and assembly of parts or materials. It is also intended that the encroachment of non-industrial or unspecified commercial uses within the district be prevented”*
- *“R-2.5 Rural Residential – A district 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 use of this district is appropriate in transition areas adjacent to and between higher-density Residential (R) and lower-density Suburban Agriculture (SAG) zones. This district is not appropriate in areas primarily surrounded by lower-density SAG and AG zones and/or areas adjacent to significant ongoing agricultural/silvicultural/horticultural and/or extractive industry operations. Furthermore, public facilities should be appropriately developed to accommodate the density and land uses of this designation. This includes paved roads. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein.”*
- *“R-1 Suburban Residential – A district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density*

development (e.g., extreme topography, areas adjacent to floodplains, airport runway alignment extensions)."

- *"R-2 One Family Limited Residential – A district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines."*
- *"R-3 One Family Residential – A district to provide adequate lot size for urban residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas. This district will normally require all public utilities."*
- *"R-4 Two-Family Residential – A district to provide lot areas for urban residential development. Development within the district will require all public utilities and all community facilities. A duplex is allowed in this district."*
- *"RR-1 Low Density Resort Residential – The RR-1 district is intended to be, as nearly as possible, compatible with the zoning ordinance of the City of Whitefish and to provide a low density setting for secondary residential resorts in proximity to the City of Whitefish."*
- *"SAG-10 Suburban Agricultural – A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development."*
- *"SAG-5 Suburban Agricultural – A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development."*

D. Existing Zoning

The area is currently zoned under the Rural Whitefish Interim Zoning District. Current zoning includes "SAG-10 Suburban Agricultural," "R-2.5 Rural Residential," "R-1 Suburban Residential," "R-2 One Family Limited Residential," "R-3 One Family Residential," "R-4 Two-Family Residential," "RR-1 Low Density Resort Residential," "I-2 Heavy Industrial," "B-2 General Business," "BSD Business Service District" and "BR-4 Resort Business."

E. General Character of the Area

North: To the north, the area is comprised of United States Forest Service (USFS), State School Trust Lands, corporate timber holdings, and private lands. The area is unzoned.

South: To the south, property is almost entirely privately owned, with some school trust lands. There are three zoning districts: Blanchard Lake, South East Rural Whitefish, and Hodgson Road Zoning District. The rest of the area is unzoned.

East: To the east, the area is comprised of private lands. There are three zoning districts, Haskill Basin East, Haskill Basin Estates, and South East Rural Whitefish Zoning District.

West: To the west, property is checker boarded between state, USFS, and private holdings. The area is zoned within the Blanchard Lake Zoning District, or unzoned.

F. Plan(s) Being Implemented

The proposed zoning district would be an implementation of the Flathead County Growth Policy. For discussion on the proposal's consistency with the applicable plans, please see Section III.B.i of this report.

G. Public Services and Facilities

Sewer:	Whitefish Sewer and Water and Big Mountain Sewer
Water:	Whitefish Sewer and Water
Electricity:	Flathead Electric Cooperative
Telephone:	CenturyTel
Schools:	Whitefish
Fire:	Rural Whitefish and Big Mountain
Police:	Flathead County Sheriff's Office

H. Criteria Used for Evaluation of Proposed Zoning District

The adoption of new zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing new zoning districts are found in 76-2-201 to 76-2-205, inclusive, M.C.A.

I. Compliance With Public Notice Requirements

Legal notice of the Planning Board public hearing on this application was published in the August 23, 2015 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning district will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed change, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning district.

J. Agency Referrals

Referrals for comment on the proposed creation of the Rural Whitefish Zoning District were sent to the following agencies on July 9, 2015:

- Bonneville Power Administration
- Department of Natural Resources and Conservation
- Whitefish Rural Fire District
- Flathead City-County Health Department; Environmental Health Services
- Flathead County Road and Bridge Department
- Flathead County Sheriff
- Flathead County Solid Waste

- Flathead County Weeds and Parks Department
- Whitefish High School District
- Whitefish School District
- City of Whitefish Planning Department
- Montana Department of Transportation
- Montana Fish Wildlife and Parks

II. COMMENTS RECEIVED

A. Public Comments

As of the date of the completion of this staff report four written comments and several phone inquiries have been received regarding the zoning district. Comments previously received, prior to the creation of the FZD-15-01 file have been reviewed by the Planning Board. Comments addressing the zoning district discuss concerns with traffic at the intersection of Highway 40 and Whitefish Stage and that a precedent has been set with commercial on the property to the south of Highway 40. Additional comments discuss being stuck in limbo and how they would like to see commercial development south of Highway 40. And one comment asks about the change in zoning on Houston Drive from R-1 to R-2.

It is anticipated any member of the public wishing to provide comment on the proposed Rural Whitefish Zoning District will do so at the Planning Board public hearing scheduled for September 9, 2015. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Montana Fish, Wildlife and Parks
 - Comment: “We would encourage Flathead County to reference our Subdivision Recommendations for Subdivision Development in Montana at <http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/buildingWithWildlife/subdivisionRecommendations/> when proposing and implementing development plans for the New Rural Whitefish Zoning District.” Letter dated July 30, 2015.
- City of Whitefish Planning Department
 - Comment: “These comments relate to the new Whitefish Rural Zoning District and associated new zones that are proposed to be created by Flathead County. We commend the county’s efforts to mirror as closely as possible the former Whitefish zoning districts, and we support the creation of all five new zoning districts as proposed. We believe this will make for a smooth transition, and create the least amount of uncertainty for future development. It will also provide the least amount of disruption if any of the properties so zoned opts to annex into the city at some point. It is also very important for the Big Mountain/Whitefish Mountain Resort area, who’s master development plan is tied in with the former Whitefish districts you are replacing.

“As far as the specifics of the new Rural Whitefish Zoning District and where the zoning is applied, we also commend the county for applying county zones that most closely mirror the former Whitefish zoning districts over the zones they are replacing. The only concern we have is the application of 2.5 acre and 5 acre zoning to areas around Lost Coon Lake and Karrow Avenue that previously had 15 acre zoning. Density smaller than 10 acres/dwelling unit on the east side of Karrow from just south of Lund Lane to where Karrow would intersect with Highway 40 if Highway 40 were extended due west from its intersection with Highway 93 is contrary to Whitefish’s 2007 City County Growth Policy Future Land Use Map, which calls for a Rural Future Land Use with a 10 acre minimum. The City strongly objects to any changes in zoning inconsistent with our Growth Policy. That is a significant density change, and we hope that the county reconsiders that. If the Planning Board chooses to proceed, we hope you properly vet the proposed changes with the neighborhood affected. Several years back we had a very large turnout (Wendy said 50+ people) in opposition of a proposed change for an island of lots on Lost Coon Lake from 15 acre to 2.5, and it was denied by Council. Both the property owners whose zoning is being changed and neighbors within 300’ of the change areas should all be notified by mail, told specifically of what the change will be, and told the dates of the public hearings. I also recommend that you hold a work shop on the change in the Whitefish area as a courtesy to those affected prior to the public hearing, perhaps at the nearby Montana Coffee Traders Grange Hall. Email dated July 14, 2015.

- Flathead County Road & Bridge Department
 - Comment: “At this point the County Road Department does not have any comments either of this request.” Letter dated July 13, 2015.

III. EVALUATION OF PROPOSED DISTRICT

A. Build Out Analysis

Once a specific zoning designation is applied in a certain area certain land uses are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning district to the future of the community to allow for the best possible review.

The area is currently zoned under the Rural Whitefish Interim Zoning District. Most of the proposed zoning will remain the same as the current zoning within the interim zoning district. The properties currently zoned ‘SAG-10 Suburban Agricultural,’ ‘R-

2.5 Rural Residential,’ ‘R-1 Suburban Residential,’ ‘R-2 One Family Limited Residential,’ ‘R-3 One Family Residential,’ ‘R-4 Two-Family Residential,’ ‘RR-1 Low Density Resort Residential,’ ‘I-2 Heavy Industrial’ and ‘BSD Business Service District’ will remain similarly zoned under the proposed new zoning district. Some areas zoned SAG-10 will change to SAG-5 and R-2.5, some R-1 zoning will change to R-2, B-2 zoning will be changed to B-2A and BR-4 will be changed to BMRR and BMV in an effort to better replicate the previous zoning from when the area was under the City of Whitefish’s jurisdiction.

i. ‘SAG-10 Suburban Agricultural’

‘SAG-10 Suburban Agricultural’ is defined as, “*A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development*” in Section 3.07.010. The following is a list of permitted uses in a SAG-10 zone:

1. *Agricultural/horticultural/silvicultural use.*
2. *Cellular tower.*
3. *Class A and Class B manufactured home (See Chapter VII – Definitions).*
4. *Cluster housing (See Chapter V – Performance Standards).*
5. *Dairy products processing, bottling, and distribution.*
6. *Day care home.*
7. *Dwelling, single-family.*
8. *Dwelling unit, accessory (ADU).*
9. *Guest house.*
10. *Home occupation.*
11. *Homeowners park and beaches.*
12. *Livestock*
13. *Nursery, landscaping materials.*
14. *Park and publicly owned recreational facility.*
15. *Produce stand.*
16. *Public transportation shelter station.*
17. *Public utility service installation.*
18. *Ranch employee housing.*
19. *Riding academy, rodeo arena.*
20. *Stable, public and private*

The following uses are listed as conditional uses in a ‘B-2’ zone. An asterisk designates conditional uses that may be reviewed administratively:

1. *Airfield.*
2. *Aircraft hangars when in association with properties within or adjoining an airport/landing field.**
3. *Animal hospital, veterinary clinic.*
4. *Bed and breakfast establishment.*
5. *Camp and retreat center.*
6. *Caretaker’s facility.**
7. *Cemetery, mausoleum, columbarium, crematorium.*
8. *Church and other place of worship.*

9. *Community center building operated by a non-profit agency.*
10. *Community residential facility.***
11. *Contractor's storage yard.**
12. *Dwelling, family hardship.**
13. *Electrical distribution station.*
14. *Extractive industry.*
15. *Golf course.*

The bulk and dimensional standards for SAG-10 zoning requires a setback for principal structures of 20 feet from the boundary line or right-of-way for the front, rear, side and side-corner. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet for the rear and side. There are also provisions for reduced setbacks for non-conforming lots when the width of the lot is less than 200 feet, 150 feet or 50 feet. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials. The proposed SAG-10 zoning requires a minimum lot area of 10 acres.

ii. 'SAG-5 Suburban Agricultural'

'SAG-5 is defined in Section 3.08.010 FCZR as, "A *district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*" The following is a list of permitted uses in an SAG-5 zone (Section 3.08.020 FCZR):

1. *Agricultural/horticultural/silvicultural use.*
2. *Class A and Class B manufactured home (See Chapter VII – Definitions).*
3. *Cluster housing (See Chapter V – Performance Standards).*
4. *Day care home.*
5. *Dwelling, single-family.*
6. *Dwelling unit, accessory (ADU).*
7. *Guest house.*
8. *Home occupation.*
9. *Homeowners park and beaches.*
10. *Livestock*
11. *Nursery, landscaping materials.*
12. *Park and publicly owned recreational facility.*
13. *Produce stand.*
14. *Public transportation shelter station.*
15. *Public utility service installation.*
16. *Stable, private.*

The following uses are listed as conditional uses in an 'SAG-5' zone (Section 3.08.030 FCZR). An asterisk designates conditional uses that may be reviewed administratively and two asterisks designate conditional uses that may be reviewed administratively for eight or fewer units:

1. *Airfield.*

2. *Aircraft hangars when in association with properties within or adjoining an airport/landing field.**
3. *Animal hospital, veterinary clinic.*
4. *Bed and breakfast establishment.*
5. *Camp and retreat center.*
6. *Caretaker's facility.**
7. *Cellular tower.**
8. *Cemetery, mausoleum, columbarium, crematorium.*
9. *Church and other place of worship.*
10. *Community center building operated by a non-profit agency.*
11. *Community residential facility.***
12. *Contractor's storage yard (See Chapter IV – Conditional Use Standards).**
13. *Dwelling, family hardship.**
14. *Electrical distribution station.*
15. *Extractive industry.*
16. *Golf course.*
17. *Golf driving range.*
18. *Kennel, commercial.*
19. *Manufactured home park.*
20. *Recreational facility, high-impact.*
21. *Recreational facility, low-impact.*
22. *Recreational vehicle park.*
23. *Riding academy and rodeo arena.*
24. *School, primary and secondary.*
25. *Stable, public.*
26. *Temporary building or structure.**
27. *Water and sewage treatment plant.*
28. *Water storage facility.*

The bulk and dimensional standards under SAG-5 zoning requires a setback for principal structures of 20 feet from the boundary line or right-of-way for the front, rear, side and side-corner. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet for the rear and side. There are also provisions for reduced setbacks for non-conforming lots when the width of the lot is less than 200 feet, 150 feet or 50 feet. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials. The SAG-5 zoning requires a minimum lot area of 5 acres.

iii. 'R-2.5 Rural Residential'

'R-2.5 Rural Residential' is defined as, *"A district 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 use of this district is appropriate in transition areas adjacent to and between higher-density Residential (R) and lower-density Suburban Agriculture (SAG) zones. This district is not appropriate in areas primarily surrounded by lower-density SAG and AG zones and/or areas adjacent to significant ongoing*

agricultural/silvicultural/horticultural and/or extractive industry operations. Furthermore, public facilities should be appropriately developed to accommodate the density and land uses of this designation. This includes paved roads. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein.” in Section 3.45.010. The following is a list of permitted uses in an R-2.5 zone (Section 3.43.020 FCZR):

1. *Agricultural/horticultural/silvicultural use.*
2. *Class A manufactured home.*
3. *Day care home.*
4. *Dwelling, single-family.*
5. *Dwelling unit, accessory (ADU).*
6. *Guest house.*
7. *Home occupation (See Chapter V- Performance Standards and Chapter VII- Definitions).*
8. *Homeowners park and/or beach.*
9. *Livestock (See Chapter V- Performance Standards).*
10. *Nursery, landscaping material.*
11. *Park and/or publicly owned recreation facility.*
12. *Produce stand.*
13. *Public transportation shelter station.*
14. *Public utility service installation (a minimum of five feet of landscaped area shall surround such building or structure).*
15. *Stable, private.*

The following uses are listed as conditional uses in an ‘R-2.5’ zone. An asterisk designates conditional uses that may be reviewed administratively:

1. *Airfield.*
2. *Aircraft hangar when in association with properties within or adjoining an airport/landing field.**
3. *Bed and breakfast establishment.*
4. *Camp and retreat center.*
5. *Caretaker’s facility.**
6. *Cellular antenna and monopole.*
7. *Cemetery, mausoleum, columbarium, crematorium.*
8. *Church.*
9. *Community center building operated by a non-profit agency.*
10. *Community residential facility .*
11. *Dwellings, cluster.*
12. *Dwelling, family hardship.**
13. *Electrical distribution station.*
14. *Golf course.*
15. *Golf driving range.*
16. *Manufactured home park.*
17. *Radio and television broadcast station.*
18. *School, primary and secondary.*
19. *Stable, public.*

- 20. *Temporary building or structure.**
- 21. *Water and sewage treatment plant.*
- 22. *Water storage facility.*

The bulk and dimensional standards for R-2.5 zoning requires a setback for principal structures of 20 feet from the boundary line or right-of-way for the front, rear, side and side-corner. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet for the rear and side. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector and arterials. The R-2.5 zoning requires a minimum lot area of 2.5 acre.

iv. ‘R-1 Suburban Residential’

‘R-1 Suburban Residential’ is defined as, “A *district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development (e.g., extreme topography, areas adjacent to floodplains, airport runway alignment extensions)*” in Section 3.09.010. The following is a list of permitted uses in an R-1 zone (Section 3.09.020 FCZR):

- 1. *Agricultural/horticultural/silvicultural use.*
- 2. *Class A manufactured home.*
- 3. *Day care home.*
- 4. *Dwelling, single-family.*
- 5. *Dwelling unit, accessory (ADU).*
- 6. *Guest house.*
- 7. *Home occupation (See Chapter V- Performance Standards and Chapter VII –Definitions).*
- 8. *Homeowners park and beaches.*
- 9. *Livestock (See Chapter V – Performance Standards).*
- 10. *Nursery, landscaping material.*
- 11. *Park and publicly owned recreational facility.*
- 12. *Produce stand.*
- 13. *Public transportation shelter station.*
- 14. *Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)*
- 15. *Stable, private.*

The following uses are listed as conditional uses in an ‘R-1’ zone. An asterisk designates conditional uses that may be reviewed administratively:

- 1. *Airfield.*
- 2. *Aircraft hangars when in association with properties within or adjoining and airport/landing field.**
- 3. *Bed and breakfast establishment.*
- 4. *Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).*
- 5. *Caretaker’s facility.**

6. *Cellular antenna & monopole.*
7. *Cemetery, mausoleum, columbarium, crematorium.*
8. *Church and other place of worship.*
9. *Community center building operated by a non-profit agency.*
10. *Community residential facility.***
11. *Dwellings, cluster development (See Chapter IV – Conditional Use Standards).*
12. *Dwelling, family hardship.**
13. *Electrical distribution station.*
14. *Golf course.*
15. *Golf driving range.*
16. *Manufactured home park.*
17. *Radio and television broadcast station.*
18. *School, primary and secondary.*
19. *Stable, public.*
20. *Temporary building or structure.**
21. *Water and sewage treatment plant.*
22. *Water storage facility.*

The bulk and dimensional standards for R-1 zoning requires a setback for principal structures of 20 feet from the boundary line or right-of-way for the front, rear, side and side-corner. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet for the rear and side. There are also provisions for reduced setbacks for non-conforming lots when the width of the lot is less than 150 feet or 50 feet. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials. The R-1 zoning requires a minimum lot area of 1 acre.

v. ‘R-2 One Family Limited Residential’

‘R-2 One Family Limited Residential’ is defined as, “*A district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines.*” in Section 3.10.010. The following is a list of permitted uses in an R-2 zone (Section 3.10.020 FCZR):

1. *Class A manufactured home.*
2. *Day care home.*
3. *Dwelling, single-family.*
4. *Guest house.*
5. *Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).*
6. *Homeowners park and beaches.*
7. *Park and publicly owned recreational facility.*
8. *Public transportation shelter station.*
9. *Public utility service installation.*

The following uses are listed as conditional uses in an ‘R-2’ zone. An asterisk designates conditional uses that may be reviewed administratively:

1. *Bed and breakfast establishment.*
2. *Cellular antenna & monopole.*
3. *Cemetery, mausoleum, columbarium, crematorium.*
4. *Church and other place of worship.*
5. *Community center building operated by a non-profit agency.*
6. *Community residential facility.*
7. *Dwellings, cluster development.*
8. *Dwelling, family hardship.**
9. *Dwelling unit, accessory (ADU).**
10. *Electrical distribution station.*
11. *Golf course.*
12. *Golf driving range.*
13. *Manufactured home park.*
14. *School, primary and secondary.*
15. *Temporary building or structure.**
16. *Water and sewage treatment plant.*
17. *Water storage facility.*

The bulk and dimensional standards for R-2 zoning requires a setback for principal structures of 20 feet from the boundary line or right-of-way for the front, rear, and side-corner and 10 feet from the side. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet for the rear and side. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials. The R-2 zoning requires a minimum lot area of 20,000 square feet.

vi. ‘R-3 One Family Residential’

‘R-3 One Family Residential’ is defined as, “A district to provide adequate lot size for urban residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas. This district will normally require all public utilities.” in Section 3.11.010. The following is a list of permitted uses in an R-3 zone (Section 3.11.020 FCZR):

1. *Class A manufactured home.*
2. *Day care home.*
3. *Dwelling, single-family.*
4. *Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).*
5. *Homeowners park and beaches.*
6. *Park and publicly owned recreational facility.*
7. *Public transportation shelter station.*
8. *Public utility service installation.*

The following uses are listed as conditional uses in an ‘R-3’ zone. An asterisk designates conditional uses that may be reviewed administratively:

1. *Bed and breakfast establishment.*
2. *Cellular antenna & monopole.*
3. *Church and other place of worship.*
4. *Community center building operated by a non-profit agency.*
5. *Community residential facility.*
6. *Day care center.*
7. *Dwellings, cluster development.*
8. *Dwelling unit, accessory (ADU).**
9. *Electrical distribution station.*
10. *Family hardship dwelling.**
11. *Golf course.*
12. *Golf driving range.*
13. *Manufactured home park.*
14. *School, primary and secondary.*
15. *Temporary building or structure.**
16. *Water storage facility.*

The bulk and dimensional standards for R-3 zoning requires a setback for principal structures of 20 feet from the boundary line or right-of-way for the front, rear, and side-corner and 10 feet from the side. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet for the rear and side. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials. The R-3 zoning requires a minimum lot area of 10,000 square feet.

vii. ‘R-4 Two-Family Residential’

‘R-4 Two-Family Residential’ is defined as, “A district to provide lot areas for urban residential development. Development within the district will require all public utilities and all community facilities. A duplex is allowed in this district.” in Section 3.12.010. The following is a list of permitted uses in an R-4 zone (Section 3.12.020 FCZR):

1. *Class A and Class B manufactured homes.*
2. *Day care home.*
3. *Dwelling, single-family.*
4. *Duplex.*
5. *Home occupation.*
6. *Homeowners park and beaches.*
7. *Park and publicly owned recreational facility.*
8. *Public transportation shelter station.*
9. *Public utility service installation.*

The following uses are listed as conditional uses in an ‘R-4’ zone. An asterisk designates conditional uses that may be reviewed administratively:

1. *Beauty Salon and Barbershop.*
2. *Bed and breakfast establishment.*
3. *Cellular antenna & monopole.*
4. *Church and other place of worship.*

5. *Community center building operated by a non-profit agency.*
6. *Community residential facility.*
7. *Day care center.*
8. *Dwellings, cluster development.*
9. *Dwelling unit, accessory (ADU).**
10. *Electrical distribution station.*
11. *Golf course.*
12. *Manufactured home park.*
13. *Mini-storage, RV storage.*
14. *School, primary and secondary.*
15. *Temporary building or structure.**
16. *Water storage facility.*

The bulk and dimensional standards for R-4 zoning requires a setback for principal structures of 20 feet from the boundary line or right-of-way for the front, rear, and side-corner and 5 feet from the side. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet for the rear and side. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials. The R-4 zoning requires a minimum lot area of 7,500 square feet for duplexes and other uses and 6,000 square feet for single-family dwellings.

viii. ‘RR-1 One Family Limited Residential’

‘RR-1 Two-Family Residential’ is defined as, “*The RR-1 district is intended to be, as nearly as possible, compatible with the zoning ordinance of the City of Whitefish and to provide a low density setting for secondary residential resorts in proximity to the City of Whitefish.*” The following is a list of permitted uses in an RR-1 zone:

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.*
8. *Park and publicly owned recreational facility.*
9. *Public utility service installation.*
10. *Tourist accommodation units (4 or fewer units).*

The following uses are listed as conditional uses in an ‘RR-1’ zone. An asterisk designates conditional uses that may be reviewed administratively:

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).*

The bulk and dimensional standards for RR-1 zoning requires a setback for principal structures of 15 feet from the boundary line or right-of-way for the front, and side-corner, 20 feet from the rear and 10 feet from the side. The minimum setback requirement for accessory structures is 15 feet for the front and 6 feet for the rear, side and side-corner. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 25 foot setback is required from County collector and MDT maintained roads.

ix. ‘B-2A Secondary Business’

‘B-2A Secondary Business’ is defined as a, *‘District intended to be, as nearly as possible, compatible with the zoning ordinance of the City of Whitefish and to provide for those retail sales and services the operations of which are typically characterized by the need for large display or parking areas, large storage areas and by outdoor commercial amusement or recreational activities. This district depends on proximity to the City of Whitefish, highways or arterial streets and may be located in business corridors or islands.’* The following is a list of permitted uses in a B-2A zone:

1. *Antique, gift and card retail sales.*
2. *Automobile (new and used) and accessory sales.*
3. *Automobile repair shop.*
4. *Automobile service station.*
5. *Beauty Salon and Barbershop.*
6. *Bed and breakfast establishment.*
7. *Boat and RV sales, new and used.*
8. *Boat and RV repair shop*
9. *Bowling alley.*
10. *Bus depot.*
11. *Churches and other places of worship.*
12. *Clinic, medical and dental.*
13. *Commercial caretaker’s facility in a detached accessory building in conjunction with a business.*
14. *Convenience store.*
15. *Daycare centers (13 or more individuals).*

16. *Dwelling, single family.*
17. *Feed, seed and farm supply.*
18. *Financial institution.*
19. *Food store, supermarket, and delicatessen.*
20. *Frozen food lockers, not including slaughtering.*
21. *Funeral Home and crematorium.*
22. *Heavy equipment sales, rental and service.*
23. *Hospitals, and associated related nursing homes, retirement homes, congregate housing and personal care facilities in a campus setting.*
24. *Hotel and motel (including restaurants, lounges or bars integral to the facilities).*
25. *Household appliance and electronics store.*
26. *Laundromat or dry cleaner.*
27. *Lumber yard, building supply.*
28. *Military surplus store.*
29. *Pack-n-ship.*
30. *Professional offices.*
31. *Public building.*
32. *Recreational facility, high impact.*
33. *Recreational facility, low impact.*
34. *Restaurant.*
35. *Small animal veterinarian clinic (no outside activity).*
36. *Theater.*
37. *Vendor.*
38. *Wholesale trade and warehousing.*

The following uses are listed as conditional uses in a 'B-2A' zone.

1. *Accessory Apartment.*
2. *Amusement park or zoo.*
3. *Animal hospital.*
4. *Any new building greater than 15,000 square feet, existing buildings where an addition would cause the total footprint to be 15,000 square feet or greater, and additions to buildings where the footprint already is 15,000 square feet or greater.*
5. *Bar, lounge and tavern.*
6. *College, business school, trade school, music conservatory, dance school.*
7. *Community residential facility (See Chapter V- Performance Standards and Chapter VII- Definitions).*
8. *Light assembly and manufacturing.*
9. *Manufactured home park.*
10. *Microbrewery.*
11. *Mini-storage, RV storage.*
12. *Recreational vehicle park.*
13. *Truck stop.*

The bulk and dimensional standards under B-2A zoning requires a setback from the boundary line of 20 feet for the front and rear and 0 feet for the side and side

corner for any structure, except when adjacent to a residential district the setback from the side and side corner would be 20 feet. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 10 foot setback is required from County collector and MDT maintained roads. The B-2A zone has no permitted lot coverage and a maximum height of 35 feet. The B-2A zoning requires a no minimum lot area or minimum lot width.

x. 'BMRR Big Mountain Resort Residential'

'BMRR Big Mountain Resort Residential' is defined as a, '*District intended to provide for lower urban densities with little or no commercial activity. Uses within the resort residential will include nightly rentals, timesharing, interval ownerships, vacation clubs, or other multiple ownership residential uses.*' The following is a list of permitted uses in a BMRR zone:

1. *Bed and breakfast establishment.*
2. *Home occupation (See Chapter V – Performance Standards and Chapter VII -*
3. *Definitions).*
4. *Dwelling, single family.*
5. *Dwelling, duplex.*
6. *Dwelling, multi-family.*
7. *Dwelling, resort: including resort and recreational condominiums, townhouses,*
8. *time sharing and interval ownership residences or vacation units and other*
9. *multiple ownership arrangement residential uses, allowing overnight*
10. *accommodations and ancillary uses for the use of occupants and guests.*
11. *Public building.*
12. *Park and publicly owned recreational facility.*
13. *Recreational facility, high impact.*
14. *Recreational facility, low impact.*
15. *Ski area and support facilities.*

The following uses are listed as conditional uses in a 'BMRR' zone.

1. *Bar, lounge and tavern.*
2. *Churches and other places of worship.*
3. *Emergency medical clinic.*
4. *Information/reception center.*
5. *Lodge and fraternal and social organization, provided that any such establishments shall not be conducted primarily for gain.*
6. *Public utility service installation.*
7. *Resort area equipment maintenance facilities.*
8. *Restaurant.*
9. *School, primary and secondary.*

The bulk and dimensional standards under BMRR zoning requires a setback from the boundary line of 20 feet for the front and rear and 10 feet for the side-corner and side for structures. Townhouses require a setback of 6 feet from a side and

side corner and 16 feet from the rear property line. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 10 foot setback is required from County collector and MDT maintained roads.

xi. 'BMV Big Mountain Village'

'BMV Big Mountain Village' is defined as a, *'District intended to provide a regulatory framework for primary resort residential land uses at mixed densities, and year round resort uses including hotels, resort condominiums and similar uses oriented towards tourism and resort businesses. Specific uses provided for include convention facilities, bars, lounges, restaurants, and limited resort oriented retail and commercial uses intended primarily for the convenience of guests of the Big Mountain Resort. The Big Mountain village is a densely compact resort core area characterized mainly by mixed and multiple use buildings and complexes. Retail, commercial services, and dining and drinking establishments will generally be located at street level, with hotel/residential uses above, and parking typically below street level.'* The following is a list of permitted uses in a BMV zone:

1. *Bar, lounge and tavern.*
2. *Conference facilities.*
3. *Dwelling, single family.*
4. *Dwelling, duplex.*
5. *Dwelling, multi-family.*
6. *Dwelling, resort: including resort and recreational condominiums, townhouses, time sharing and interval ownership residences or vacation units and other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary uses for the use of occupants and guests.*
7. *Emergency medical clinic.*
8. *Financial institution.*
9. *Health studio and spa.*
10. *Hotel, motel.*
11. *Professional offices.*
12. *Public building.*
13. *Park and publicly owned recreational facility.*
14. *Recreational facility, high impact.*
15. *Recreational facility, low impact.*
16. *Restaurant.*
17. *Retail sales and service.*
18. *Ski area and support facilities.*
19. *Theater.*

The following uses are listed as conditional uses in a 'BMV' zone.

1. *Churches and other places of worship.*
2. *Public utility service installation.*
3. *Resort area equipment maintenance facilities.*
4. *School, primary and secondary.*

The bulk and dimensional standards under BMV zoning requires no setback from the boundary line of for the front, rear, side and side-corner for any structure except when adjacent to a residential district the setback from the side and rear would be 15 feet. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and 10 foot setback is required from County collector and MDT maintained roads. The BMV zone has no permitted lot coverage or minimum lot width and a maximum height of 39 feet.

xii. 'BSD Business Service District'

'BSD Business Service District' is defined as, *"The business service district is intended to be, as nearly as possible, compatible with the zoning ordinance of the City of Whitefish and to create defined areas that are appropriate for nonretail limited commercial services and light industrial uses in proximity to the City of Whitefish. 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."* The following is a list of permitted uses in a BSD zone:

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.*

The following uses are listed as conditional uses in a 'BSD' zone. An asterisk designates conditional uses that may be reviewed administratively:

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.*

The bulk and dimensional standards under BSD zoning requires 30 foot setback from the boundary line of for the front and side-corner, 15 feet for the rear, and 10 feet side for any structure except when adjacent to a residential or agricultural use or zone the setback would be 30 feet. A 20 foot setback is required from streams. The BSD has a minimum lot area of 1 acre and a minimum lot width of 125 feet.

xiii. 'I-2 Heavy Industrial'

'I-2 Heavy Industrial' is defined as, "A district to provide for industrial uses to accommodate heavy manufacturing, processing, fabrication, and assembly of parts or materials. It is also intended that the encroachment of non-industrial or unspecified commercial uses within the district be prevented." in Section 3.29.010. The following is a list of permitted uses in a I-2 zone:

1. *Automobile repair shop.*
2. *Cellular tower.*
3. *Contractors' yard.*
4. *Manufacturing, fabricating, processing, repairing, packing, or storage facility. Such uses may include:*
 - A. *Boiler work.*

- B. Dry kiln.*
- C. Fuel oil sales and storage.*
- D. Log storage.*
- E. Wood products processing (plywood mill, lumber mill, pulpwood processing, fiberboard plant, etc.).*
- 5. *Parcel delivery services.*
- 6. *Park.*
- 7. *Petroleum products, wholesale and retail.*
- 8. *Railroad yard.*
- 9. *Recycling processing plant.*
- 10. *Uses permitted in I-1.*

The following uses are listed as conditional uses in an ‘I-2’ zone. An asterisk designates conditional uses that may be reviewed administratively:

- 1. *Acid manufacture.*
- 2. *Airport, landing field.*
- 3. *Automobile wrecking yard, junk yard, salvage yard.*
- 4. *Commercial caretaker’s facility in a detached accessory building in conjunction with a business.*
- 5. *Communication tower/mast.*
- 6. *Explosives manufacture.*
- 7. *Extractive industry and ore processing.*
- 8. *Heliport.*
- 9. *Landfill, sanitary for disposal of garbage and trash.*
- 10. *Pesticide manufacture.*
- 11. *Racetrack, motor-vehicle.*
- 12. *Sanitary landfill.*
- 13. *Sewage treatment plant.*
- 14. *Uses conditionally permitted in I-1.*

The bulk and dimensional standards for I-2 zoning requires a setback for all structures of 20 feet from the boundary line or right-of-way for the front, rear and side-corner and 10 feet from the side. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads. The I-2 zoning requires a minimum lot area of 7,500 square feet.

B. Review of Proposed Zoning District (76-2-203 M.C.A.)

i. Whether the proposed zoning regulations are made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning district is located in the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R).

Chapter 10 Part 3: Land Uses Maps of the Growth Policy under the heading Designated Land Use Maps specifically states, “This map depicts areas of Flathead County that are legally designated for particular land uses. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood

plans. Further information on particular land uses in these areas can be obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map.” Staff interprets this to mean the Designated Land Use Map is not a future land use map that implements policies, but rather a reflection of historic land use categories.

The Flathead County Growth Policy Designated Land Uses Map identifies the area as ‘Resort Residential and Commercial Land Use,’ ‘Commercial Land Use,’ ‘Special Commercial Land Use,’ ‘Industrial Land Use,’ ‘Residential Lane Use,’ and ‘Suburban Agricultural Land Use’ The proposed zoning district classifications would appear to comply with the current designations.

Following is a consideration of goals and policies which appear to be applicable to the proposed zone change, to determine if the proposal complies with the Growth Policy:

- ❖ **G.4** – *Preserve and protect the right to farm and harvest as well as the custom, culture, environmental benefits and character of agriculture and forestry in Flathead County while allowing existing landowners flexibility of land uses.*
 - **P.4.2** – *Identify lands most suited to agriculture (appropriate soils, access to water, shape and size of parcels, etc.).*
 - The proposed zoning district will designate previously zoned SAG-10 zoning SAG-5 and R-2.5. The R-2.5 zoning would still allow for agricultural uses.
- ❖ **G.5** – *Adequate industrial land in areas that are close enough to goods and services to be efficient but far enough from other uses to offset objectionable impacts to the human and natural environment.*
 - The proposed district provides for industrial opportunities centrally located within Whitefish that are close to urban facilities and utilities. The industrial zone will be located along the railroad tracks, adjacent to existing Whitefish industrial zoning, near Highway 93 and in areas that were previously zoned for industrial.
 - **P.5.1** – *Match requirements of industrial land uses (such as human resources, adequate water supply, suitable road networks) and areas of Flathead County where those requirements can best be met.*
 - **P.5.2** – *Promote industrial parks and centers that take advantage of infrastructure and minimize impacts to the environment or adjacent land uses.*
 - The proposed zoning district would allow for industrial zoning in an area that has previously been zoned industrial and adjacent to

the railroads tracks in Whitefish. Additional industrial zoning is located near Highway 93.

- ❖ **G.6** – *Adequate commercial land that is safely accessible and efficiently serviceable.*
 - **P.6.2** – *Restrict commercial development in unsafe, inaccessible, remote rural areas.*
 - **P.6.3** – *Provide ample commercial land designation to promote affordability.*
- ❖ **G.7** – *Consider existing community character in commercial land development.*
 - **P.21.1** – *Provide adequate land area designated for commercial and industrial use to promote affordability, creating entrepreneurialism and/or businesses relocation to Flathead County.*
 - **P.21.6** – *Support the continuation of traditional and existing industries to maintain economic diversity.*
 - The proposed zoning district would allow for the commercial zone in an area that has previously been zoned commercial along Highways 93 and 40 and adjacent to existing commercial zoning.
- ❖ **G.32** – *Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.*
- ❖ **G.33** – *Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.*
 - This report contains discussion on the adequacy of emergency service below.
- ❖ **G.49** – *Growth and development around Whitefish that respects the cultural, geographic and historic heritage of the city while providing essential facilities and services that protect and preserve the health, safety, and welfare of the natural and human environment.*
 - **P.49.2** – *Request comments from the City of Whitefish agencies on subdivision, zoning and other land use issues within 2 miles of city limits and give consideration to those comments during the county review process.*
 - Staff requested comments from the City of Whitefish regarding this proposal, those comment, as well as compatibility with the City of Whitefish’s zoning and Growth Policy, will be addressed below.

Finding #1: The proposed zoning district generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request, the Designated Land Use Map is not a future land use map and zoning would generally match the Designated Land Use Map.

ii. Whether the proposed zoning regulations are designed to:

a. Secure safety from fire and other dangers;

Zoning offers predictability which allows public service providers an apparatus by which to plan for protection needs in a specific area. The

proposed designations are the implementation of the goals, policies and recommendations of the Growth Policy and reflect existing Whitefish zoning designations.

A majority of the proposed zoning district is located within the Wildland Urban Interface (WUI). However most of the area is located within the Whitefish Rural Fire District and the Big Mountain Fire District. The Whitefish Rural Fire Department and Big Mountain Fire Department currently respond and would continue to respond in the event of a fire or medical emergency. The nearest fire stations are located on Flathead Avenue in Whitefish, Northern Light Drive on Big Mountain and at the corner of Hodgson Road and Whitefish Stage south of Whitefish.

Many of the properties are heavily forested however in most places the density will remain the same as it was under the previous Whitefish zoning and the interim zoning district. Two notable exceptions would be Karrow Avenue and Houston Drive neighborhoods. The zoning south of Houston Drive would be changed from an R-1 under the interim zoning to R-2. The total acreage would be about 32 acres and would have the potential to double the density in some areas. A portion of lots are less than 40,000 square feet and could not be further subdivided and many of the properties are currently developed with home it is therefore unlikely that the density would actually double on Houston Drive. The properties on Houston Drive are also located within the Rural Whitefish Fire District.

Some of the zoning on Karrow Avenue would change from SAG-10 to R-2.5 and SAG-5. Approximately 131.7 acres of SAG-10 will be changed to R-2.5 and 219.2 acres will be change to SAG-5. This has the potential to increase density along Karrow Avenue. However, given the proximity to the fire station the proposed change would likely not impact safety from fire and other dangers.

Finding #2 – The proposed zoning district is designed to secure safety because most of the proposed zoning district is located within a fire district, the majority of the densities will not change from previous zoning in the area and areas where the density has the potential to change are located within the Rural Whitefish Fire District.

b. Promote public health, public safety, and general welfare;

Public health, public safety and general welfare are promoted through the imposition of zoning due to the creation of minimum lot sizes, setbacks, height restrictions, and lot coverage requirements. Because of the proximity to Whitefish and the availability of sewer and water for many of the properties, the area may be a desirable location to develop at a greater density than the existing public infrastructure and environmental conditions can support. These considerations factored into the City of Whitefish's decision when zoning the subject area. The designations proposed in this district are intended to mimic the City Zoning with a few notable changes.

As discussed in the previous section, the majority of the area is located within the Wildland Urban Interface (WUI). However most of the area to be zoned is located within the Whitefish Rural Fire District and the Big Mountain Fire District. The Whitefish Rural Fire Department and Big Mountain Fire Department currently respond and would continue to respond in the event of a fire or medical emergency. The nearest fire stations are located on Flathead Avenue in Whitefish, Northern Light Drive on Big Mountain and at the corner of Hodgson Road and Whitefish Stage south of Whitefish.

Any development to a density that may create impacts to off-site roads will trigger the requirements of the Flathead County Subdivision Regulations for off-site improvement. Any subdivision of land, through either an exemption to the Montana Subdivision and Platting Act (such as family transfer) or through review under the act would be required to undergo review for compliance with the Sanitation in Subdivision Act, ensuring protection of public health with regard to water, wastewater and storm water.

The proposed zones have similar uses to that which was previously allowed under the City of Whitefish zoning and currently allowed within the interim zoning district. Even the areas on Karrow Avenue and Houston Drive where the zoning is being change to allow for a higher density allow for similar use to what has previously existed. Most land uses with the greatest potential to impact neighbors are listed as Conditional Uses in the SAG-5 and R-2.5 zoning. Conditional use permits (CUP) are reviewed for impacts of the proposed uses based on the unique attributes of the land and area in which it is proposed. CUP review ensures mitigation of potential negative impacts and may result in the denial of a proposed use if the land is unsuitable for that use.

Finding #3 - The proposed zoning district is designed to promote public health, public safety, and general welfare because future development could require subdivision review or a CUP which could mitigate any potential impacts to public health, safety or general welfare, the majority of the district is located within a fire district and the uses allowed within the proposed zones are similar to what currently exists.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The purpose of zoning is to facilitate the adequate provision of transportation, schools, parks, emergency response, and other public services. Zoning also allows water and sewer service providers to anticipate demand and plan for future conveyance and treatment plant expansion.

The Whitefish area has a comprehensive road network that includes State and Federal Highways and County Collectors these include; Highway 93, Highway 40, Karrow Ave, Edgewood Dr, Big Mountain Rd, E. Lakeshore Dr, Blanchard Lake Rd, Monegan Rd, Dillon Rd, Voerman Rd, and Northwoods Dr. No comments were received from MDT and comments received from the Flathead County Road and Bridge Department indicate no concern with the

proposal. It is anticipated that the proposed zoning district would minimally impact the adequate provision of transportation.

The entire zoning district appears to be located within the Whitefish School District and Whitefish High School District. According to the Flathead County 2014 Statistical Report of Schools, Whitefish Elementary Schools have seen a decrease of 9% in student enrollment over the last ten years. Whitefish High School has seen a decrease of 31% in student enrollment over the last ten years. Additionally, no comments were received from the Whitefish School District or the Whitefish High School District. Any development as a result of this zoning district would likely not impact schools.

Because there are many parks, natural areas and recreational opportunities within a short drive or within the proposed zoning district and are therefore not likely to effect the adequate provision of parkland.

As previously stated, the proposed zones have similar uses and densities to that which was previously allowed under the City of Whitefish zoning and currently allowed within the interim zoning district. Even the areas on Karrow Avenue and Houston Drive where the zoning is being change to allow for a higher density allow for similar use to what has previously existed. Because the densities and uses would be similar to what previously existed in Rural Whitefish it is anticipated that the proposal could facilitate adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Finding #4 – The proposed zoning district is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements because no comment was received from MDT, comments from the Flathead County Road and Bridge Department indicate no concern with the proposal, the school districts have seen a decrease in enrollment over the last ten years, there are many parks located within the area of the proposed district and similar uses and densities that were previously allowed will be allowed within the new zoning district.

iii. In evaluating the proposed zoning regulations, consideration shall be given to:

a. The reasonable provision of adequate light and air;

Providing light and air in rural areas is often a function of impacts created by use and density. Separation of uses to ensure compatibility is one mechanism to provide for light and air. Another is designating densities that are appropriate based on availability to an adequate transportation network. The bulk and dimensional requirements of the proposed zones facilitate the adequate provision of light and air by establishing minimum lot areas, minimum yard setbacks, maximum height requirements, and maximum lot coverage. Minimum lot areas and setbacks prevent the overcrowding of buildings. The creation of this zoning district is an implementation of this plan and provides for adequate light and air.

Finding #5 – The proposed zoning district has given consideration to the reasonable provision of adequate light and air because requirements of minimum lot area, minimum yard setbacks, maximum heights and maximum lot coverage contained in the proposed zoning are all designed to allow the flow of air and light.

b. The effect on motorized and non-motorized transportation systems;

As stated above, the Whitefish area has a comprehensive road network that includes State and Federal Highways and County Collectors including; Highway 93, Highway 40, Karrow Ave, Edgewood Dr., Big Mountain Rd, E. Lakeshore Dr, Blanchard Lake Rd, Monegan Rd, Dillon Rd, Voerman Rd, and Northwoods Dr. No comments were received from MDT and comments received from the Flathead County Road and Bridge Department indicate no concern with the proposal. It is anticipated that the proposed zoning district would likely not impact the motorized transportation system.

The Flathead County Trails Plan Map shows a proposed comprehensive network of trails that will include; Highway 93, Highway 40, Karrow Ave, Edgewood Dr., Big Mountain Rd, E. Lakeshore Dr, Dillon Rd, and Northwoods Dr. Many of these trails are not yet constructed. It is unlikely that the non-motorized transportation system would be impacted by the proposed district.

Finding #6 – The proposed zoning district is not anticipated to have a negative effect on motorized and non-motorized transportation because the Road and Bridge department does not have any concerns regarding this proposal, MDT did not provide comments and there is an already established road network.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The zoning district is located within the Whitefish City-County Growth Policy Future Land Use Map. The Whitefish City-County Growth Policy Future Land Use Map designated the area as “Rural,” “Rural Residential,” “Suburban Residential,” “Urban,” “Resort Residential,” “General Commercial,” “Business Service Center,” “Planned Industrial,” “Planned Resort” and “Public/Semi-Public.”

The proposed zoning district borders the City of Whitefish. The City of Whitefish comments states:

“We commend the county’s efforts to mirror as closely as possible the former Whitefish zoning districts, and we support the creation of all five new zoning districts as proposed. We believe this will make for a smooth transition, and create the least amount of uncertainty for future development. It will also provide the least amount of disruption if any of the properties so zoned opts to annex into the city at some point. It is also very important for the Big Mountain/Whitefish Mountain Resort area, who’s master development plan is tied in with the former Whitefish districts you are replacing.”

The areas proposed to be zoned BSD as part of this zoning district are designated as “*Business Service Center*,” by the Whitefish City-County Growth Policy Future Land Use Map. The Whitefish City-County Growth Policy states “*Business Service Center*,” “*is a non-retail service commercial and light industrial designation. Major uses would be distribution, light manufacturing and component assembly, office-warehouse-showroom types of operations, contractors, building and material suppliers, wholesale trades, mini-storage, and other commercial services of a destination nature. Suitable locations would be adjacent to arterial or collector streets or a highway. Structures would be of moderate to high architectural quality, and clearly not “industrial” in appearance. Landscaping will be extensive with good quality and effective screening and buffering.*” The BSD zone would appear to generally comply with the “*Business Service Center*” designation as it allows for uses similar to what s described.

The areas of the district proposed to be zoned B-2A are located south Whitefish and north of the Highway 93 and Highway 40 intersection. The proposed B-2A is generally shown as being designated as “*General/Highway Commercial*.” The proposed B-2A is similar to the Whitefish WB-2 zoning. The Whitefish Growth Policy defines “*General/Highway Commercial*” as, “*Generally applied to the Hwy 93 corridor north of the Highway 40 intersection, this designation is defined by auto-oriented commercial and service uses. Specific land uses include retail, restaurants of all types and quality ranges (including those with drive-up facilities), professional offices, auto sales and services, hotels/motels, supermarkets, shopping centers or clusters, and convenience shopping, including the dispensing of motor fuels. Primary access is by automobile with ample parking provided on site. Development sites are properly landscaped to screen parking and drive areas and to provide a high-quality visual image. Zoning is generally WB-2, but higher density residential with WR-3 zoning, and mixed use development may also be appropriate in this area.*” B-2A because it was created to mimic the WB-2 Whitefish zone would generally be compatible with urban growth around Whitefish.

The Whitefish Growth Policy defines “*Planned Industrial*” as, “*Vital industries need to be provided for in areas where they will not compete against commercial development for land, but also where they will not impact residential neighborhoods with intense industrial activities and truck and rail traffic. Industrial uses tend to centers of employment, generate far less traffic than commercial, and do not generally depend on drive by traffic for clientele. [...].*” The areas designated “*Planned Industrial*” outside the City limits will be zoned I-2 and located adjacent to Whitefish industrial zoning along Highway and railroad tracks. The I-2 designations would general comply with the Whitefish City-County Growth Policy Future Lane Use Map.

The Whitefish City-County Growth Policy defines “*Planned Resort*” as, “*This designation is for a master planned, dense, mixed and multi-use destination resort complex. The Planned Resort center is highly walkable and*

is pedestrian and bicycle oriented. Architecture and streetscapes are of very high quality. Parking is generally in on-site structures or lots that do not interfere with trails, paths, and walkways. Land uses include accommodations of all kinds, resort retail, eating and drinking establishments, and spas and fitness centers. Residential uses are generally medium to high density and are clustered around open space and other resort amenities. Zoning is generally WPR (Whitefish Planned Resort).” The areas designated “Planned Resort” will be zoned BMV and BMRR which would appear to comply with the designation.

The proposed RR-1 is generally shown as being designated as “Resort Residential” and is similar to the Whitefish WRR-1 zoning. The Growth Policy defines “Resort Residential” as, “resort residential development of all types and densities (in accordance with specific zoning). Included are one and two-family residential, rental cabins, vacation cottages, condominiums, and town homes. Commercial hotels and motels are not a part of this designation, but limited resort commercial is allowed. Zoning is generally WRR-1 and WRR-2.” The locations of the proposed RR-1 zones would generally comply with the Whitefish Growth Policy.

The proposed R-2.5 zone is located in areas designated as “Rural” and “Rural Residential,” R-1 and R-2 zones are located in areas designated as “Rural Residential” and “Suburban Residential,” R-3 zones are located in areas designated as “Rural Residential” and “Suburban Residential,” and R-4 zones are located in areas designated as “Urban” and “Suburban Residential,” by the Whitefish City-County Growth Policy Future Land Use Map.

According to the Whitefish City-County Growth Policy the “Rural” land use designation is defined as, “Open lands with decidedly rural character, including farmlands, pasture lands, timber harvesting and management areas, and forest lands generally fall under this designation. Agricultural and timber management are generally allowed, but residential densities are extremely low. This designation includes “important farmlands” as defined by National Resources Conservation Service criteria. Zoning is mainly WA-10 and WA-20.”

The “Rural Residential” land use designation is defined as, “The rural residential designation is intended primarily for areas that are already divided into lots of 2 ½ to 10 acres in size. Its intent is to preserve rural character while allowing existing large-lot residential areas to continue without becoming non-conforming as to minimum lot size. Applicable zoning districts include WCR and WA-10. Rural residential is not seen as a desirable future development option, and this Growth Policy does not advocate designating additional areas for rural residential beyond what is already depicted on the Future Land Use Map.”

The “Suburban Residential” land use designation is defined as, “Lower density residential areas at the periphery of the urban service area generally fall under this designation on the Future Land Use Map. The residential product type is predominantly single-family, but cluster homes and low-

density town homes that preserve significant open space are also appropriate. Densities range from one unit per 2 ½ acres to 2.5 units per acre, but could be higher through the PUD. Zoning districts include WCR, WER, and WSR. Cluster residential that preserves considerable open space, allows for limited agriculture, maintains wildlife habitat is encouraged.”

The “Urban” land use designation is defined as, “This is generally a residential designation that defines the traditional neighborhoods near downtown Whitefish, but it has also been applied to a second tier of neighborhoods both east of the river and in the State Park Road area. Residential unit types are mostly one and two-family, but town homes and lower density apartments and condominiums are also acceptable in appropriate locations using the PUD. Densities generally range from 2 to 12 units per acre. Limited neighborhood commercial located along arterial or collector streets are also included in this designation. Zoning includes WLR, WR-1, and WR-2.”

The WCR is similar to the proposed R-2.5 zoning district in that it allows for 2.5 acre lot minimums. The areas zoned R-2.5 would generally not comply with the “Rural” designation but would generally comply with the “Rural Residential” land use designation. The minimum lot size within the R-1 and R-2 zone is 1 acre and 20,000 square feet respectively. The R-1 and R-2 zones would generally comply with the densities set forth in the Whitefish Growth Policy “Suburban Residential” designation but not with the “Rural Residential” as that designation calls for one unit per 2.5 to 10 acres. The minimum lot size within the R-3 zone is 10,000 square feet. The R-3 zone would generally comply with the densities set forth in the Whitefish Growth Policy “Urban” designation and potentially “Suburban Residential” designation if infrastructure is calculated into the density but not with the “Rural Residential” designation. As previously discussed the minimum lot size within the R-4 zone is 6,000 square feet for single-family dwellings and 7,500 square feet for duplexes and all other uses. The R-4 zone would generally comply with the densities set forth in the Whitefish Growth Policy “Urban” designation but not with the “Suburban Residential” designation.

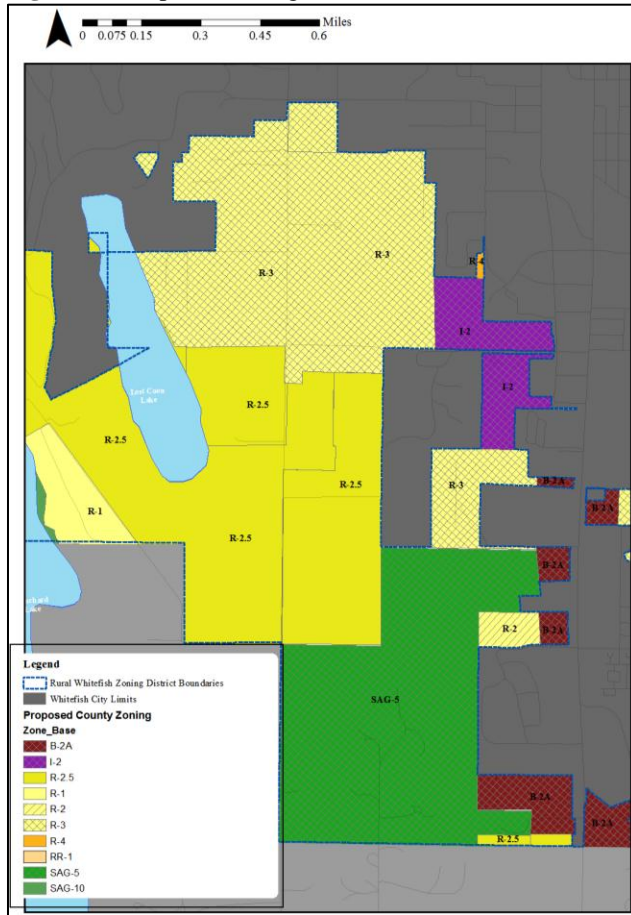
The proposed SAG-5 zone is located in areas designated as “Rural” and “Suburban Residential” and SAG-10 zones are located in areas designated as “Rural,” “Rural Residential” and “Suburban Residential.” The proposed SAG-5 zoning district allows for 5 acre lot minimums. The SAG-5 designation is rural as it would provide and preserve smaller farmlands, pasture lands, timber harvesting and provide a buffer between urban and unlimited agricultural uses. The proposed SAG-5 is located adjacent to existing SAG-5 zoning to the south SAG-10 to the west and higher density residential to the east and north thus providing a buffer. The SAG-5 would be a lower density than what is called for with the “Suburban Residential” designation. Areas zoned SAG-10 would generally comply with the “Rural” and “Rural Residential” designation and the SAG-10 would be a lower density than what is called for with the “Suburban Residential” designation.

The City of Whitefish comments continue:

“[...]. The only concern we have is the application of 2.5 acre and 5 acre zoning to areas around Lost Coon Lake and Karrow Avenue that previously had 15 acre zoning. Density smaller than 10 acres/dwelling unit on the east side of Karrow from just south of Lund Lane to where Karrow would intersect with Highway 40 if Highway 40 were extended due west from its intersection with Highway 93 is contrary to Whitefish’s 2007 City County Growth Policy Future Land Use Map, which calls for a Rural Future Land Use with a 10 acre minimum. The City strongly objects to any changes in zoning inconsistent with our Growth Policy. That is a significant density change, and we hope that the county reconsiders that. If the Planning Board chooses to proceed, we hope you properly vet the proposed changes with the neighborhood affected. Several years back we had a very large turnout (Wendy said 50+ people) in opposition of a proposed change for an island of lots on Lost Coon Lake from 15 acre to 2.5, and it was denied by Council. [...]”

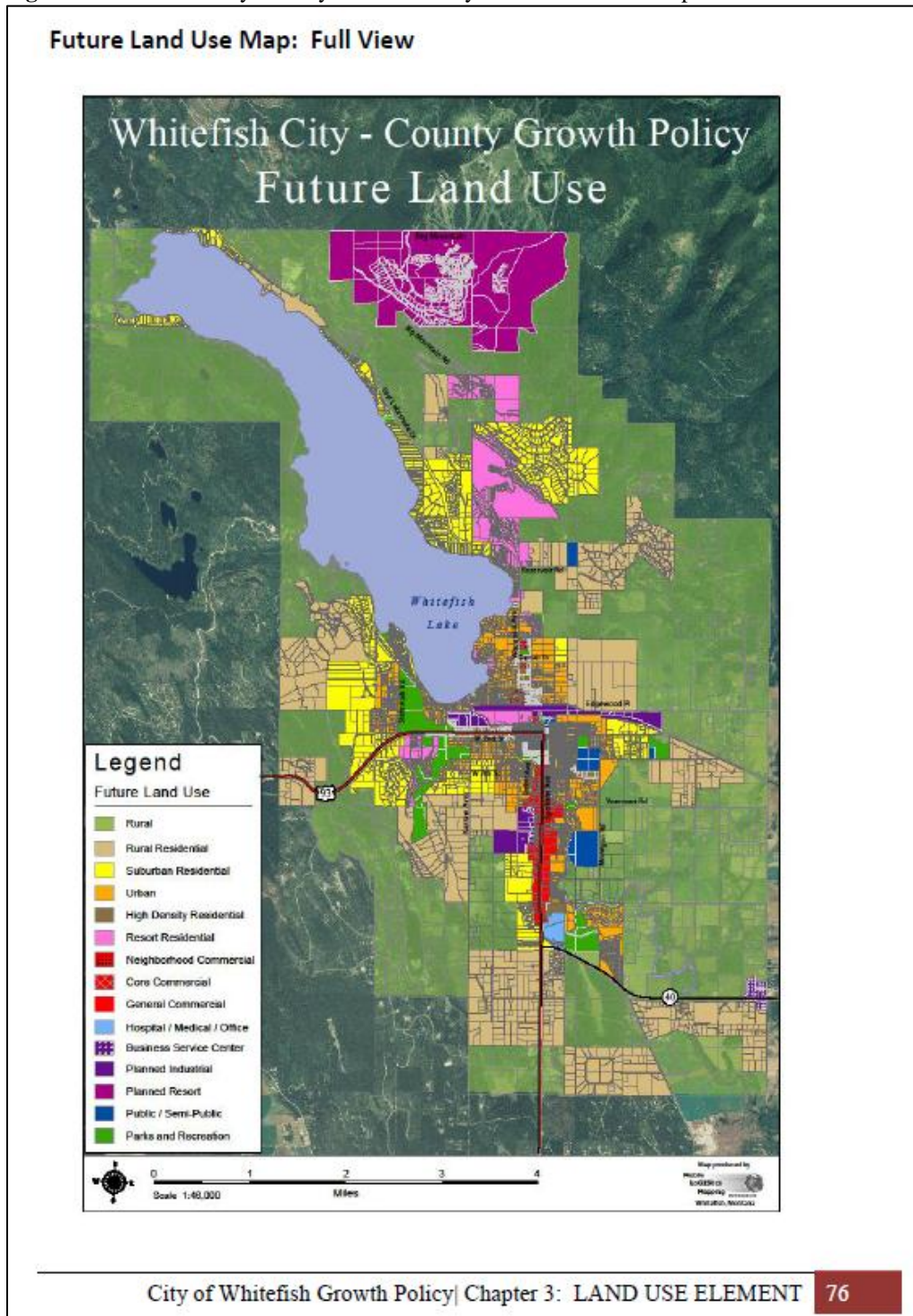
The comments from the City are in regards to the proposed SAG-5 and R-2.5 zoning on Karrow Avenue which would be a change from previous Whitefish WA zoning. A portion of the acreage to be zoned R-2.5 is designated as “*Rural Residential*” and a portion of the area proposed to be SAG-5 is designated as “*Suburban Residential*” as shown in Figures 2 and 3 below. The remaining area is designated as “*Rural*” and the R-2.5 zoning would generally not comply with the “*Rural*” designation but the SAG-5 could comply with the “*Rural*” designation. The Planning Board has held a series of workshops regarding the proposed zoning district and at those workshops and after many comments were received from residents of Karrow Avenue expressing an interest in having similar zoning on both side of the street.

Figure 2: Proposed zoning on Karrow Avenue



Finding #7 – The proposed zoning district has given consideration to compatible urban growth in the vicinity of cities and towns because many of the proposed zoning use districts are similar in density and allowed uses to the previous Whitefish zoning, the County went through the Whitefish zoning ordinance and the Flathead County Zoning Regulations to determine the most compatible zones and created five new use districts to mirror previous Whitefish zoning.

Figure 3: Whitefish City-County Growth Policy Future Land Use Map



d. The character of the district(s) and its peculiar suitability for particular uses;

The proposed zoning district is relatively large, covering much of the area around Whitefish and will include many zoning classifications and areas with unique land-use characteristics. The land uses range from rural agricultural

and silvicultural to various densities of residential uses to commercial and industrial land uses. The area is bordered by unzoned areas, agricultural, suburban agricultural, residential, business, and industrial zoning. The character of the area is a mixture of rural and urban land uses and densities in and around Whitefish. Rural land uses are generally large agricultural fields and active farming operations or large forested properties with interspersed residential land uses at varying densities. Urban residential densities occur within the city limits of Whitefish.

Based on the existing character of the district and the area around the subject property, the proposed zoning district would allow for uses that are suitable to the area. As discussed earlier in this report, many of the most potentially impactful land uses in the SAG-5 and R-2.5 on Karrow Avenue and the R-2 on Houston Drive require site specific review through the CUP process. This review process ensures that land uses are suitable at a specific location and offers a significant level of public participation to determine if a proposed use will unacceptably alter the character of a district. This process helps to ensure that uses that are generally suited for the character of the overall district are in fact also suited for a particular property at the time and in the manner that they are proposed.

Finding #8 – The proposed zoning district has given consideration to the character of the district and its suitability of particular uses because the district would allow for uses that currently exist in and around Whitefish and a CUP could mitigate any potential uses that would not serve to protect the character of the district.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The value of buildings is conserved by establishing a zoning district that offers predictability and certainty to landowners. In an unzoned area, there is no assurance that an appropriate use will take place on an adjoining parcel. Where unzoned land appears to offer unlimited development potential free of minimum lot size requirements, environmental constraints and public service needs still must be evaluated. Zoning offers guidelines as to the number and type of dwellings or business that could ultimately be developed, offering a measure of security that a developer or landowner will receive a reasonable return on the investment.

The zoning district is proposed to mimic the previous City of Whitefish zoning with two exceptions. The proposed changes from a previous WA/SAG-10 zone to R-2.5 and SAG-5, and WSR/R-1 zone to R-2 would increase density but allow for uses that already exist on those properties and in the area. Because the zoning district will replace previous Whitefish zoning with similar County zoning the uses permitted will remain similar and thus conserve the value of buildings and encourage the most appropriate use of the area.

Finding #9 – The proposed zoning district would conserve the value of buildings and encourage the most appropriate use of land because the zoning use districts are proposed to mimic the previous City of Whitefish, the zoning district will replace previous Whitefish zoning with similar County zoning the uses permitted will remain similar and density will be similar to that which currently exist.

iv. Whether the proposed zoning regulations are, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The proposed zoning district borders the City of Whitefish and was previously zoned under the City of Whitefish Zoning Ordinance. What follows is a discussion on how the proposed County zoning compares to the previous Whitefish zoning for the same area. The City of Whitefish Planning Department was sent an agency referral and provided comment about the proposed zoning district. The proposed zoning district borders the City of Whitefish. The City of Whitefish comments states:

“We commend the county’s efforts to mirror as closely as possible the former Whitefish zoning districts, and we support the creation of all five new zoning districts as proposed. We believe this will make for a smooth transition, and create the least amount of uncertainty for future development. It will also provide the least amount of disruption if any of the properties so zoned opts to annex into the city at some point. It is also very important for the Big Mountain/Whitefish Mountain Resort area, who’s master development plan is tied in with the former Whitefish districts you are replacing.”

Five of the proposed zoning use districts were created to replicate the City of Whitefish zoning they replaced as nearly as possible. The permitted uses and conditional uses are very similar and use slightly different terminology and the bulk and dimensional requirements are the same as what previously existed under Whitefish.

The proposed I-2 zoning is similar to the previous WI Whitefish zoning. According to Section 11-2R-1 of the Whitefish Zoning Ordinance the WI district is, *‘The WI district is intended for light industrial purposes and to provide for light industrial and service uses in which a reasonable degree of control is desirable for the general well being of the community area.’* The minimum lot size of I-1 zones is 1 acre and there is no minimum lot size for the WI zone. The proposed I-2 zone allows for more permitted and conditional uses than the previous WI zoning. The I-2 zone accommodates heavy manufacturing, processing, fabrication, and assembly of parts as a permitted use and the WI zone would allow for it with the issuance of a conditional use permit. Other conditional uses within the I-2 zone not allowed within the WI including pesticide manufacturing, explosives manufacturing, etc.

The proposed R-1 zoning is similar to the previous WR-1 Whitefish zoning. The list of permitted and conditional uses are similar between the two zones. According to Section 11-2C-1 of the Whitefish Zoning Ordinance the WR-1 district is, *‘The WSR district is intended for single-family homes in an estate type*

setting and is designed to maintain, protect and preserve a character of development characterized by uses of a residential purpose and with no more than one dwelling unit and customary accessory buildings on one lot.’ The minimum lot size of both the WSR and R-1 zones is 1 acre.

The proposed R-2 zoning is similar to the previous WER Whitefish zoning. The list of permitted and conditional uses are similar between the proposed R-2 zones and Whitefish WER zones. According to Section 11-2D-1 of the Whitefish Zoning Ordinance the WER district is, *‘A residential district to provide for single-family, large tract or estate development. These areas will typically be found in suburban areas, generally served by municipal sewer and water lines.’* The minimum lot size in WER is 20,000 square feet and the minimum lot size for the R-2 zone is 20,000 square feet.

The proposed R-3 zoning is similar to the previous WLR Whitefish zoning. The list of permitted and conditional uses are similar. According to Section 11-2E-1 of the Whitefish Zoning Ordinance the WLR district is, *‘The WLR district is intended for residential purposes to provide for single-family homes in a low density setting, connected to municipal utilities and services.’* The minimum lot size in WLR is 15,000 square feet and the minimum lot size for the R-3 zone is 10,000 square feet, so the WLR would be less dense than the proposed R-3 zoning. The proposed R-3 zoning is similar to the previous WR-1 Whitefish zoning. According to Section 11-2F-1 of the Whitefish Zoning Ordinance the WR-1 district is, *‘The WR-1 district is intended for residential purposes to provide for single-family dwellings in an urban setting connected to all municipal utilities and services.’* The minimum lot size in WR-1 is 10,000 square feet and the minimum lot size for the R-3 zone is 10,000 square feet. The list of permitted and conditional uses are relatively similar between the two zones.

The proposed R-4 zoning is similar to the previous WR-2 Whitefish zoning. According to Section 11-2G-1 of the Whitefish Zoning Ordinance the WR-2 district is, *‘A district is intended for residential purposes to provide for one-family and two-family homes in an urban setting connected to all municipal utilities and services.’* The minimum lot size in WR-2 is 6,000 square feet for a single family dwelling and 7,200 square feet for a two-family dwelling. As previously stated, the minimum lot size for the for the R-4 zone is 6,000 square feet for a single family dwelling and 7,500 square feet for duplexes or other uses. Additionally, the list of permitted and conditional uses are fairly similar between the two zones.

The WA zone which allows for agricultural uses has a minimum lot size of 15 acres. According to Section 11-2A-1 of the Whitefish Zoning Ordinance the WA district is, *“The district is intended for areas for silviculture, agricultural functions, outdoor recreation purposes, open spaces or future development, and for detached single-family homes with customary farm and/or accessory buildings situated in a setting conducive to a rural lifestyle.”* The permitted and conditional uses within the City’s WA zone allows for many of the uses that are permitted and conditionally permitted within the SAG-5 and SAG-10 zones. The main difference being that the proposed SAG-5 and SAG-10 zones have a minimum lot size requirement less than the minimum lot size of the WA zones at 5 to 10 acres.

The City of Whitefish does not have a zoning district with a 10 or 5 acre minimum lot size.

The proposed R-2.5 would replace WA and WCR zoning from when the area was under Whitefish control. The WCR zone is defined as, “*The WCR district is intended for detached single-family homes together with farm and/or accessory buildings situated in a setting conducive to a rural lifestyle,*” per Section 11-2B-2. The minimum lot size within the WCR is 2.5 acres which is the same as R-2.5. The minimum lot area for the WA is 15 acres much greater than the minimum lot area of the proposed R-2.5 zone.

Finding #10 – The proposed district has given consideration to the zoning ordinances of nearby municipalities because many of the proposed zoning use districts are similar in density and allowed uses to the previous Whitefish zoning, the County went through the Whitefish zoning ordinance and the Flathead County Zoning Regulations to determine the most compatible zones and created five new use district to mirror previous Whitefish zoning.

IV. SUMMARY OF FINDINGS

1. The proposed zoning district generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request, the Designated Land Use Map is not a future land use map and zoning would generally match the Designated Land Use Map.
2. The proposed zoning district is designed to secure safety because most of the proposed zoning district is located within a fire district, the majority of the densities will not change from previous zoning in the area and areas where the density has the potential to change are located within the Rural Whitefish Fire District.
3. The proposed zoning district is designed to promote public health, public safety, and general welfare because future development could require subdivision review or a CUP which could mitigate any potential impacts to public health, safety or general welfare, the majority of the district is located within a fire district and the uses allowed within the proposed zones are similar to what currently exists.
4. The proposed zoning district is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements because no comment was received from MDT, comments from the Flathead County Road and Bridge Department indicate no concern with the proposal, the school districts have seen a decrease in enrollment over the last ten years, there are many parks located within the area of the proposed district and similar uses and densities that were previously allowed will be allowed within the new zoning district.
5. The proposed zoning district has given consideration to the reasonable provision of adequate light and air because requirements of minimum lot area, minimum yard setbacks, maximum heights and maximum lot coverage contained in the proposed zoning are all designed to allow the flow of air and light.
6. The proposed zoning district is not anticipated to have a negative effect on motorized and non-motorized transportation because the Road and Bridge

department does not have any concerns regarding this proposal, MDT did not provide comments and there is an already established road network.

7. The proposed zoning district has given consideration to compatible urban growth in the vicinity of cities and towns because many of the proposed zoning use districts are similar in density and allowed uses to the previous Whitefish zoning, the County went through the Whitefish zoning ordinance and the Flathead County Zoning Regulations to determine the most compatible zones and created five new use districts to mirror previous Whitefish zoning.
8. The proposed zoning district has given consideration to the character of the district and its suitability of particular uses because the district would allow for uses that currently exist in and around Whitefish and a CUP could mitigate any potential uses that would not serve to protect the character of the district.
9. The proposed zoning district would conserve the value of buildings and encourage the most appropriate use of land because the zoning use districts are proposed to mimic the previous City of Whitefish, the zoning district will replace previous Whitefish zoning with similar County zoning the uses permitted will remain similar and density will be similar to that which currently exist.
10. The proposed district has given consideration to the zoning ordinances of nearby municipalities because many of the proposed zoning use districts are similar in density and allowed uses to the previous Whitefish zoning, the County went through the Whitefish zoning ordinance and the Flathead County Zoning Regulations to determine the most compatible zones and created five new use district to mirror previous Whitefish zoning.

V. SUMMARY

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning district amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with most of the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EKM