

**FLATHEAD COUNTY PLANNING AND ZONING  
ADDENDUM TO  
ZONING TEXT AMENDMENT REPORT #FZD-15-01  
FLATHEAD COUNTY PLANNING BOARD  
SEPTEMBER 25, 2015**

On September 9, 2015 the Flathead County Planning Board held a public hearing to consider the Rural Whitefish Zoning District. After Public comment was closed the Planning Board decided to postpone board discussion and their recommendation until September 23, 2015 to adequately consider public comment.

Nine Planning Board members were present for the both the public hearing on September 9, 2015 and the meeting on September 23, 2015: Tim Calaway, Jim Heim, Marie Hickey-AuClaire, Mike Horn, Kevin Lake, Jeff Larsen, Ron Schlegel, Dean Sirucek, and Greg Stevens.

Staff presented the staff report to the Planning Board, including its Finding of Facts.

**APPLICANT PRESENTATION:**

- There was no applicant for the proposed text amendment.

At this time the Board opened it up to public comment.

**COMMENTS:**

**Public agency:**

- Dave Taylor (City of Whitefish) – Wanted to make sure his previous comments applied to both.

**Public comment period:**

- Jo-Ann – Houston Drive – Stated Houston Dr. has no water or sewer, and then handed out pics. Photos show R-1 as it exists today, stated R-2 could devalue our properties. She was also unhappy with notification process and stated the R-2 has no support from majority of owners on Houston Dr.
- Don K – Would like to see R-1 not R-2 on his property across from dealership (later clarified R-3 not R-1).
- Ben Cavern – Houston Dr - Tried to tabulate all the neighbors. Got one more vote so different than previous one. Stated he was against changing to R-2, and then he went through his letter.
- Laurel – 1515 Hwy 93 W - Doesn't see zoning similar to WR -1 that allows for vacation rentals. Property is County and surrounded by the City, single family dwelling on the property.
- Travis Tipton – Stated he owns property at 5944 Hwy 93 south.
- Paul McKenzie – Stoltze Lumber – Was concerned with if going back to WA and would have comments and also concerned with blanket expansion of all buffers. Long standing issue mapping area of Stoltze land that appears to have been resolved.
- Harper Baker – 2092 Houston Dr. – Support leaving R-1 in place (Houston Drive).

- Rebecca Norton – Commented on people needing to use the microphone. She had ideas about submitting comments for water quality; City spent about \$100,000 on study and wanted to know how the Planning Board could consider it after public comment closed. Stated national EPA law buffer setbacks all across the nation. Talked to DEQ in Helena. Tons of high (ground?) water around Whitefish.
- Marye Flowers – Wanted to make sure former written comments were part of this record as well. Stated the Board would need to look at infrastructure required for R-2.5 vs SAG-10 and really important to not look just at uses. Also stated this is not the place to do housekeeping as it (housekeeping) is not emergency. Encourage the Board to look at signage. Not sure how we are dealing with PUD part has not been annexed into the City. Concerned about proposed zoning for heavy industrial on Whitefish includes uses that are surrounded by residential.
- Dick – 1365 Voerman Rd. – Comment regarding water, buying hay from guy with 600 acre won't spray out hay because of residuals. Stated that the smaller lots the more concentrated chemicals become, going to have to let them on to city services.

After close of public comment board decided to postpone the file

- Larsen made a motion to continue the file until September 23<sup>rd</sup>. The motion was seconded by Calaway.

✓ **On a roll call vote the motion passed 9-0.**

BOARD DISCUSSION (September 23, 2015):

- The Planning Board voted to determine if everyone had ample time to review public comments.

✓ **On a roll call vote the Board voted 9-0.**

BOARD ACTION:

- A motion was made by Schlegel and seconded by Sirucek to accept staff report FZD-15-01 as findings of fact.

✓ **On a roll call vote the motion passed 9-0.**

- A motion was made by Larsen and seconded by Sirucek to forward a recommendation of approval to the County Commissioners for the zoning district.
  - Larsen went through comments and summarized them, ten written comments on Houston Dr. not in favor of changing zoning, subdivision comments has nothing to do with this, 15 comments that were very repetitive. Stated that replacement of interim with permanent compatible with nearby municipalities. Permanent zoning different than interim went along way to making the district compatible. The proposal would not allow for new commercial development along Hwy 92 and Hwy 40 as that is a separate project. He is not in favor of more zoning districts and he believes that the County sign standards are

compatible with Whitefish. Would like to see what Whitefish comes up with for industrial corridor before changing ours.

- Following Larsen's comment the board held a lengthy discussion on septic systems. Larsen read article from Interlake in 2006 septic far better than Lakeside sewer system.
- Board was in agreement that they are not dealing with commercial zoning on Hwy 40 & 93 at this time
- The Board discussed the comment from Don "K" but ultimately decide not take action on the issue as they felt he would need to annex into City to develop with 10,000 square foot lots.
- Board held a discussion on how the proposed SAG-10 and R-2.5 is very compatible with WA zone. And discussed how the first criterion in M.C.A. is to be in accordance with Growth Policy (accordance with Flathead County Growth Policy not City of Whitefish). Board seems to be in agreement.
  - Stevens paraphrase comment from public talking about maintaining the rural setting and atmosphere. Big parcels owned by Ed Luke and Nelsons own the smaller parcels. If they rural character is where they live, is 2-3 acres.
  - Schlegel stated even stuff to west is ten acre parcels.
  - Larsen stated that the R-2.5, SAG-10 & SAG-5 are very compatible, uses very compatible with each other. Perfectly happy with what Board did.
- Sirucek stated that FWP comments have to do with water quality and wildlife cover, transfer areas. Mixing apples and oranges. The Board then held a discussion regarding the FWP setback request.
- The Board held a discussion regarding the proposed I-2, BNSF land, through the City.
- Larsen asked about the sewer agreement and stated it would be too complicated to put into a zoning district. Stevens agreed.
- A secondary motion was made by Larsen and seconded by Sirucek and Calaway to zone property at 3122x14-WLH-1 and 3122x14-WLH-2 all R-1.
  - ✓ **On a roll call vote the motion passed 9-0.**
- A secondary motion was made by Calaway and seconded by Larsen to leave zoning on Houston Point as is under the interim zoning with R-1 and R-2.
  - ✓ **On a roll call vote the motion passed 9-0.**
- ✓ **On a roll call vote the primary motion passed 9-0.**

#### SUMMARY OF FINDINGS:

Changes made by the Planning Board are highlighted. New language is shown in *italics*. Removed language is shown with a ~~strikethrough~~.

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.

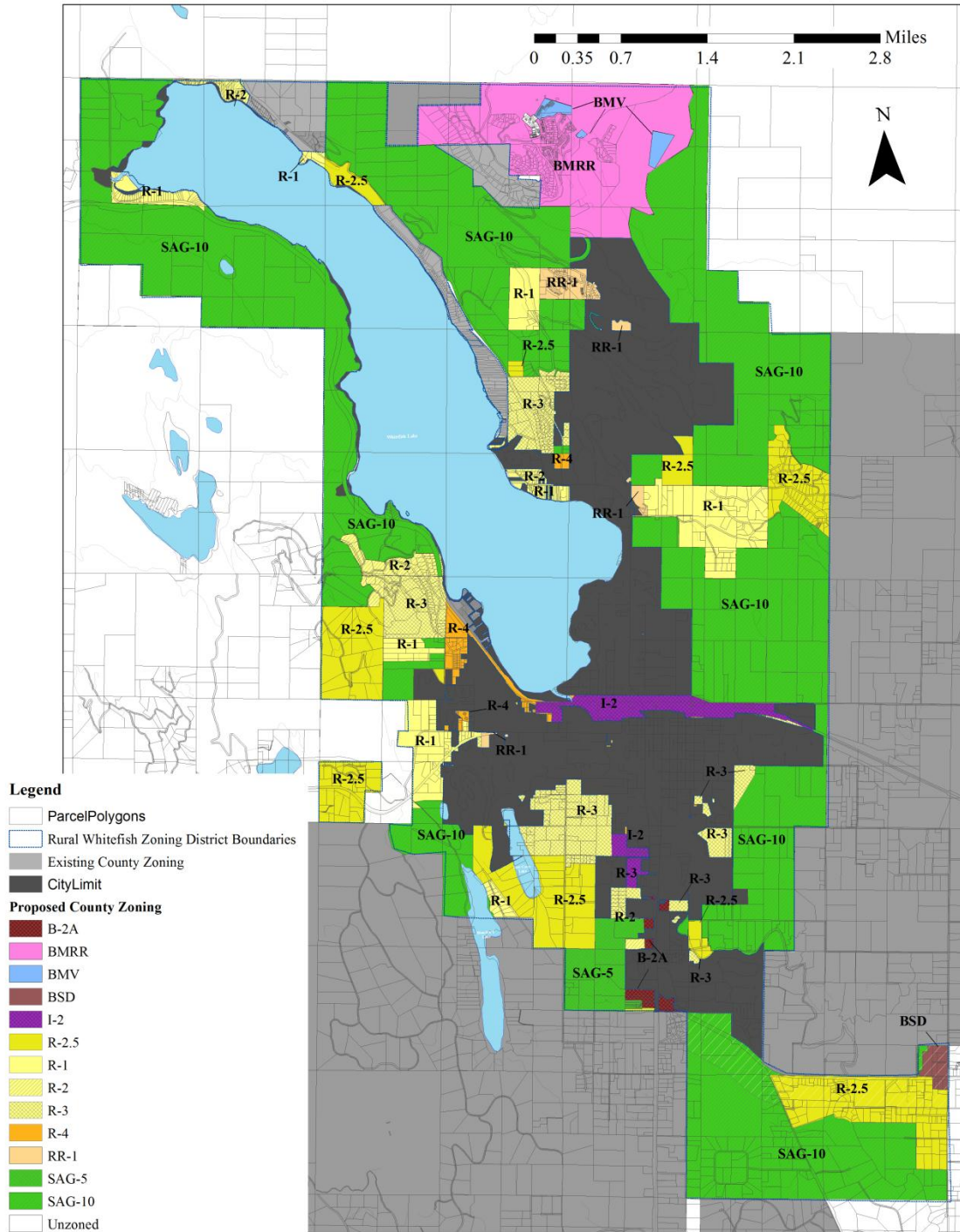
2. The proposed zoning district is designed to secure safety because most of the proposed zoning district is located within a fire district, the majority of the densities will not change from previous zoning in the area and areas where the density has the potential to change are located within the Rural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

PROPOSED MAP AMENDMENT (as approved by the Planning Board):

DRAFT RURAL WHITEFISH  
ZONING DISTRICT (RWZD) 9.25.15



Planner: EKM