

**PLANNING & BUILDING DEPARTMENT**  
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Flathead County Commissioners  
800 South Main  
Kalispell, MT 59912

December 10, 2015

**RE: Rural Whitefish Zoning Text Amendments**

Flathead County Commissioners,

The City of Whitefish has compiled comments related to your consideration of Text Amendments to create new compatible zones for the Whitefish Rural Zoning District. We appreciate your efforts to create permanent new zones that closely mirror the development requirements and allowed land uses that those properties previously had under Whitefish's jurisdiction. We think that will help facilitate a smooth transition for property owners, and will help alleviate issues as those properties that are adjacent to our city limits choose to annex when they require public utilities. We do have some concerns that we would like you to consider.

The new zoning districts proposed are nearly identical to the former Whitefish zones they are replacing. However, there are a few minor differences that have raised some local concern that we ask you to address:

1. In the permitted uses of the proposed B-2A zone, the Whitefish WB-2 lists 'antique stores and auction barns' but the B-2A lists 'antique, gift, and card retail sales'. We ask that you make the language in the B-2A the same as the WB-2 for that use. Whitefish has unique zoning in that the code calls for the majority of small retail uses to remain downtown, while the in the secondary business district (the Highway 93 South strip) the primary retail is for larger items or businesses that need large amounts of parking. Gift and card sales is fairly open ended (what is a gift, exactly? it could be anything), and goes contrary to Whitefish's zoning that prohibits sale of small retail items outside of the downtown.
2. On the list of permitted uses in the B-2A is 'convenience stores', which the draft shows as a stand-alone use. In the WB-2, 'convenience stores' are only allowed as an accessory use to 'automotive service stations'. The city feels it is important that the B-2A be consistent with the WB-2 on that item.

3. We appreciate that the County Planning Board made a recommendation in the B-2A to remove 'vendors' as an allowed use under number 38. While the Whitefish WB-2 lists that use the same, the Whitefish code refers to a special provision that only allows mobile food vendors with a special use permit, but prohibits vending retail goods such as trinkets and Elvis blankets. We thank you for eliminating 'vendors' entirely to avoid confusion.
4. The City of Whitefish is concerned that the proposed new zones don't include a 15-acre rural agricultural zone that mirrors the Whitefish WA (15 acre) zone, which you are proposing to replace with SAG-10. Changing fifteen acre zoning to a ten acre minimum adds significant density to rural agricultural areas.
5. The City also has deep concerns with minimal stream side setbacks shown for the BMRR, Big Mountain Resort Residential. First, Second, and Third Creeks, major tributaries of Haskill Creek, all originate in property zoned BMRR. Second Creek is the City of Whitefish's primary source of municipal drinking water. Development that is allowed to occur with only a 20' setback from those streams would have a severe impact on the water quality of City residents. This could incur significant additional expense for city taxpayers to treat the water and/or find an alternative source. Whitefish concurs with comments you received from Montana Fish, Wildlife, and Parks with regard to increased vegetative buffers along streams and lakes. Whitefish asks that you require a much bigger buffer than 20' in the Big Mountain Resort Residential zone in order to protect our municipalities' drinking water. Under Whitefish City Code Section 11-3-29-C.b, the City required a 200' buffer from the ordinary high water mark for Second Creek upstream of the City's water supply intake. Protecting Second Street is vital to the City's infrastructure.
6. The County's sign code allows for signage that is significantly different than Whitefish's code. We ask that you consider amending your sign regulations so that future signs in the B-2A or along Highways 93 or 40 are more consistent with Whitefish's sign regulations, especially with regard to a prohibition on internally illuminated signs.

In light of these comments, you may wish to reconsider your Finding #10 for FZTA 15-01, which states, "...comments from Whitefish indicate support for the creation of all five new zoning districts as proposed", as we would like you to consider the above changes. Thank you for due consideration to our comments.



Dave Taylor, AICP, Planning Director