

# North Fork Zoning Regulations: Overview of Proposed Text Amendments

## 1. INTRODUCTION

As most people know, we had a couple of situations in 2020 that called our collective attention to the North Fork Zoning Regulations and some problems in them with inconsistencies and ambiguities. Most of us hadn't really paid any attention to the zoning regs before that and a lot of people didn't even know there were any. As a result of actions taken by the Board of Adjustment and communications between the Planning and Zoning Department and the North Fork Land Use Advisory Committee, a subcommittee was formed to draft a text amendment to the North Fork Zoning Regulations to address those problems. As we wrestled with the regs and sought input from the Planning and Zoning Department as to what we could and could not do, it became clear that some of the difficulties arose from a disconnect between the Neighborhood Plan and the Zoning Regulations.

A little history. The first 4 pages of the North Fork Neighborhood Plan (adopted in 2008) provides details of the history of land use planning in the North Fork dating back nearly 70 years. Summarized here, it includes:

- Creation of the North Fork Improvements Association in 1947 (later changed to the NFLA);
- Creation of the North Fork Compact in 1973 which encouraged landowners to voluntarily limit subdivision of their property to 20 acres;
- A Flathead County Zoning process initiated in 1977 to try to establish zoning in the North Fork;
- Establishment of the Land use Planning Committee in 1984;
- Creation of the North Fork Land Use Advisory Committee by the Flathead County Commissioners in 1987; and
- Completion of the first North Fork Neighborhood Plan in 1991.

That original North Fork Neighborhood Plan and subsequent amendments to it provided the basis for the creation of a North Fork Zoning District and adoption of the North Fork Zoning regulations by the Flathead County Commissioners in October, 1998.

Then for the next ten years, a huge effort was undertaken to update the North Fork Neighborhood Plan and to achieve community-wide buy-in to its values, goals and objectives. This Revised North Fork Neighborhood Plan was adopted on June 12, 2008. The idea is to have Zoning Regs which are responsive to the goals and values of the neighborhood plan. But we have a situation in the North Fork where the zoning regs pre-date the Revised Neighborhood Plan by 10 years and so are no longer responsive to it.

The North Fork Neighborhood Plan adopted June 12, 2008 sets forth goals and policies to:

- Preserve low densities and open spaces in the North Fork
- Maintain the remote undeveloped qualities unique to the North Fork
- Maintain and enhance the pristine water and air quality found in the North Fork
- Preserve and enhance the scenic values of the North Fork

The proposed text amendment to the 1998 North Fork Zoning Regulations is intended to clarify and amend the 1998 Zoning Regulations such that they better reflect the goals and policies of the Neighborhood Plan.

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### 2. SUMMARY OF PROPOSED CHANGES TO THE NORTH FORK ZONING REGULATIONS

- A. Section 3.40.010 **“Definition”** has been changed to **“Purpose”** and updated to reflect most recent North Fork planning documents and reworded to include the creation of the North Fork Land Use Advisory Committee (NFLUAC) and a description of its role.
- B. Section 3.40.020 **“Permitted Uses”**. Changes to Permitted Uses are shown below. North Fork-specific definitions are included in Section 3.40.060
- Bed and Breakfast or Hostel has been changed to Bed and Breakfast. Hostel has been moved to a conditional use and defined to reflect North Fork conditions.
  - Guest Cabin has been changed to Guest Accommodation.
  - Post Office has been changed to U.S. Post Office.
  - Recreational Vehicle or Camping (private) has been removed as a separate permitted use and is now included within the Guest Accommodation, permitted use.
  - Residential Business with up to 5 non-family employees has been changed to Home-Occupation with no more than one on-site full time equivalent non-family employee consistent with FCZR
  - Rental Cabins has been changed to Rental Accommodations and is limited in number for a permitted use.
- C. Section 3.40.030 **“Conditional Uses.”** The list of Conditional Uses has been modified as follows. North Fork -specific definitions are provided in Section 3.40.060
- Convenience Store. Convenience Store and Gift/Souvenir Shop have been combined and specific performance standards have been added.
  - Extractive Industries have been removed as a result of the Treaty with Canada and the 2014 North Fork Watershed Protection Act and replaced with Gravel Extraction
  - Gift/Souvenir Shop. Gift/Souvenir Shop has been combined with Convenience Store.
  - Hostel has been added
  - Residential Business with more than five employees has been changed to Home Occupation with more than one on-site FTE non-family employee.
  - Outdoor Recreation Facility has been removed. Activities which are compatible with North Fork performance standards are subsumed under either Camp or Retreat Center or Guest Ranch.
  - Recreational Vehicle Park or Campground (public) has been removed as a separate use and subsumed under Rental Accommodations, conditional use
  - Rental Accommodations has been added as a condition use for rental accommodations which exceed the numbers allowed under permitted uses.
  - Restaurant/Tavern has been combined into a single use rather than separate uses.
  - Work Camp has been added.
- D. Section 3.40.040 **“Development Standards”** are unchanged except for the following:
- Paragraph 3 regarding variances has been corrected in accordance with Flathead County Zoning Regulations Section 2.05.2.

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- Previous Paragraph 6 (now Paragraph 5 as per note above) related to Grandfathered Uses. The last sentence is changed to read: . . . “the owner is free to expand, modify or rebuild it *in compliance with County provisions for nonconforming uses (2.07.040)*”
- E. Section 3.40.050 “**Performance Standards**” has been added because there were none. These performance standards are derived from the Flathead County Zoning Regulations, the Flathead County Growth Policy and the North Fork Neighborhood Plan and apply to specific permitted and conditional uses in the North Fork Zoning area. These include standards to reduce noise, traffic, congestion, dust, garbage and other waste, interference with wildlife, undue health and safety hazards, and fire danger.
- F. Section 3.40.060 “**Definitions**” The preface to this paragraph in the North Fork Zoning Regulations reads as follows: “The definitions of terms used in these regulations are to be those used in the Flathead County Zoning Regulations, except for terms which have a specific definition set forth below. The definitions stated below shall only apply to this Zoning District.” Therefore, the following types of changes have been made to Definitions.
- Where there was a county definition but no North Fork definition, the county definition has been amended to conform with the unique North Fork context, the North Fork Neighborhood Plan and the North Fork Zoning Regulations Performance Standards (e.g., Agricultural/Timber Operation.)
  - Where there were no definitions for either the county or the North Fork Zoning District, a definition has been provided (e.g., Convenience Store, Hostel, Restaurant).
  - Where there were North Fork definitions which had caused confusion or were outdated, these have been clarified and updated (e.g, “Cabin” is replaced by “Accommodation” and further defined; Residential Business has been replaced by Home Occupation in keeping with other zoning districts in the county).
  - Where there are no North Fork-specific definitions, County definitions in the Flathead County Zoning Regulations apply. (See Appendix below.)

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### Appendix: EXISTING FLATHEAD COUNTY ZONING REGULATIONS INCORPORATED BY REFERENCE

**Bed and Breakfast 8.03.030** – A single-family detached dwelling containing, in addition to living accommodations for the resident manager, individual sleeping rooms without cooking facilities for the purpose of providing to the general public for compensation, lodging, bathroom facilities, and meals only to overnight patrons.

**Community Center Buildings 8.04.115** – A building, structure, facility or use constructed and designed to serve a broad base community need and purpose. Community center buildings are intended to be used for recreational, social, educational, and cultural activities, open to the public, or a designated part of the public, owned and operated by a nonprofit group or agency. This definition specifically excludes any use, structure, building or facility that utilizes an on-premise alcohol consumption license.

**Community Residential Facility, Class One 8.04.120** – A community or group home, which may provide for skilled or intermediate nursing care for developmentally, mentally, or physically disabled persons. Such uses that would be covered by this term include but are not limited to: A youth foster home, youth group home, a halfway house or an adult foster care home, a convalescent home, a family care home, a nursing home, retirement home, or personal care facility. The term does not include boarding houses and similar uses. These facilities must be operated in accordance with regulations and license requirements of the Department of Public Health and Human Services. Per Section 76-2-411, M.C.A., certain types of Class I community residential facilities are conforming residential uses in all residential zoning districts. These uses shall comply with the permit requirements and performance standards of this section and the performance standards of residential uses within the underlying zoning district. There are three tiers of Community Residential Facilities: Class 1: 8 or fewer persons. By Administrative Conditional Use Permit in all Residential Zoning Districts (SAG-5, 10, R-2.5, R-1, 2, 3, 4, and 5, RC-1, and RA-1)

**Dwellings, Single-Family 8.05.100** – A building used for human residential purposes (Includes Accessory Structures per Section 5.01.020 (1) Flathead County Zoning Regulations)

**Guest Ranch 8.08.060** – A centrally managed facility that provides full-service lodging, dining or cooking facilities, and onsite recreational activities for overnight guests or members. A ranch resort shall include an organized program of activities such as hunting, fishing, nature study, arts, Nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking, and pack trips. A guest ranch may also include corporate or religious retreats or conference facilities. Activities shall be provided on-site to the extent possible. Adjacent public lands and waterways may be used to supplement on-site activities if proper licenses and permits are obtained. Guest lodging within a ranch resort shall not be used for long-term residency beyond three (3) months. Hotels and motels are not considered guest ranches. All ranches providing guest services shall contain or have a use agreement for at least one hundred and sixty (160) acres.

**Public School 8.18.015** – Schools established by recognized school districts supported by public funds.

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**Public Utility 8.16.160** – A public service corporative (**sic**) performing some public service and subjected to special governmental regulations, or a government agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, telephone, television cable antennae, gas, fire stations, police stations, quick response units, and transportation for persons and freight.