

To: Commissioners Pam Holmquist (Chairperson), Brad Abell, and Randy Brodehl  
CC: Erik Mack, Director, Flathead County Planning and Zoning  
From: North Fork Land Use Advisory Committee  
Re: Commissioner's Public Hearing – November 1, 2022  
Date: September 27, 2022

The North Fork Land Use Advisory Committee (“NFLUAC”) would like to notify the Flathead County Commissioners of its intention to present our proposed 2022 text amendment, attached hereto, to the North Fork Zoning Regulations to the County Commissioners despite receiving a negative recommendation from the Flathead County Planning Board at the August 10, 2022 Planning Board hearing. We have chosen this option because:

1. The North Fork Zoning Regulations were adopted in 1998 and are now out-of-date, inconsistent with the Neighborhood Plan, which was adopted 10 years later in 2008, and wholly inadequate in the context of growth and population pressures throughout the County and State. Most notably, **the 1998 North Fork Zoning Regulations had no performance standards whatsoever for any uses and lacked definitions for most of those uses**, resulting in misinterpretations, misunderstandings, and acrimony, and even more importantly, significantly increasing risks to the health and safety of residents and visitors to the North Fork.
2. The NF community is overwhelmingly in support of updating the zoning regulations as evidenced by the letters and statements of support provided at two separate public hearings over the past 1.5 years (June 2021 and August 2022).
3. As a result of input from the Planning Board hearing in 2021 and subsequent meetings with Jeff Larsen, Chairman of the Planning Board, Erik Mack, Director of the Planning and Zoning Department and a workshop with the entire Planning Board, concerns about performance measures and individual property rights were addressed and resolved by basing performance measures on existing State and County regulations and codes and focusing them toward public health and safety. All overall performance standards for permitted uses were omitted to address concerns about limiting individual property rights.
4. The Staff Report was unambiguous in its support of the revised text amendment with no negative findings of fact. At the August 10, 2022 Planning Board meeting, the Planning Board voted to accept the findings of fact in the staff report without discussion. Only five items in the text amendment were raised by the planning board and discussed during the hearing. Each item was addressed and resolved during the meeting. These items are summarized below along with references to where they can be found in the accompanying text amendment. They are listed in the order in which they were raised during the hearing:
  - **Setbacks:** These had not been changed from our current zoning of over 25 years and were not part of the text amendment – see yellow highlighting on page 2 of text amendment
  - **DEQ circular:** This is a Montana State requirement and was included to inform CUP applicants of standards for non-public water supplies serving licensed establishments – see yellow highlighting page 4.
  - **Subdivision plat requirement for RV or Tent spaces:** This is a Montana State requirement – see yellow highlighting page 7.

- **Use of “adequate” in regard to fencing:** “adequate” is used in a similar manner nearly 30 times elsewhere in the Flathead County Zoning Regulations (“FCZR”). The CUP process provides adequate opportunity to refine and define specific requirements for each application – see yellow highlighting page 3.
- **Buffer zones:** These are detailed in performance standards for several conditional use applications based on the County Wildfire Protection Plan approved by commissioners – see yellow highlighting page 3.

5. The Planning Board voted to forward our text amendment to the Commissioners with a negative recommendation. However, no specific reasons for denial were given.

Accompanying this letter is a copy of the 2022 proposed text amendment. The sections that have **not** been changed from the existing NF Zoning Regulations are shown in *italics*, and the sections that were raised for discussion during the August 10, 2022 Planning Board hearing are highlighted in yellow.

The NFLUAC, in its advisory role to the Flathead County Commissioners, unanimously recommends and requests, on behalf of the landowners and residents of the North Fork, the County Commissioners approve the text amendment as drafted.

Sincerely,

North Fork Land Use Advisory Committee:

Randy Kenyon, Chair

Steve Berg

Flannery Coates

Richard Hildner

Jack McFarland

Karina Petty

Jim Rittenburg

Don Sullivan

John Zardis