

PETITION FOR ZONING AMENDMENT
Lakeside North Zoning District
Zoning Criteria Analysis

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

This petition designates zoning for a large swath – approximately 1,017 acres – of Lakeside, north of town center, which has remained unzoned despite the Lakeside Neighborhood Plan’s main goal of recommending zoning for the community:

Unzoned Land is unprotected from development incompatible with the Community vision and small town, rural character.

In the development of this Plan, numerous public comments have voiced a frustration that the Lakeside Community’s interests are not being given the desired priority when land use decisions are made at the County level . . . If the Lakeside Community wants to change this situation and have more influence on future land use in the neighborhood, the difficult issue of zoning will have to be confronted . . . [N]eighborhood plans are important and influential, but not regulatory . . . Most land use actions of development in unzoned areas do not require public input and are implemented regardless of impact to the to the community or neighboring properties. . . Zoning assures public input in most land use decisions. The majority of the Lakeside Community is unzoned. For all of the above reasons, this plan recommends a community-wide zoning effort for Lakeside...

Development issues [a]re not going to go away. The Lakeside area offers a unique and highly desirable location. Implementation of zoning now, rather than later, offers the best chance to head off the issues that threaten the Lakeside Vision and to lessen the continuing contentious development review process [or lack thereof].

Lakeside Neighborhood Plan, 123-124 (the “Plan”).

After years of study, analysis and community involvement, the Plan recommended certain zoning designations in order to promote the Lakeside Community Vision:

The Community of Lakeside seeks to be a safe, multi-generational, family-oriented community that has ample lake access and open spaces & parks, clean air and water, scenic views, attractive and well maintained homes and businesses, recreational opportunities, and an interconnected transportation network that provides for safe pedestrian, bicycle, and motorized travel as well as alternatives to Highway 93. Lakeside seeks to retain its small town atmosphere while allowing for inevitable growth and respecting property rights, and also seeks to have greater opportunities for community involvement and a greater role in decisions that affect its future.

Id. at 10.

One of the outcomes the Plan sought to avoid was the abundance of “general/retail/commercial” on Highway 93 due to the fear that the proliferation of commercial development would create a “journey through a commercial canyon” and would detract from the “beauty, rural nature and views along Highway 93 north[.]” *Id.* at 33. The current zoning effort headed by the Upper West Shore Alliance, a community non-profit organization focused on directing growth in the Upper West Shore area to maintain the rural character of the area and support growth that protects and enhances the natural environment, water quality and wildlife, was motivated by recent developments along Highway 93 that directly contradict the Lakeside Community’s vision and goals as expressed in the Plan. Not only do these developments subvert the Plan, they threaten the very safety of the community, which the Plan rates as the number one concern of Lakeside community members. *Id.* at 11.

Thus, the Alliance and the community sought to zone strictly in accordance with the Plan, simply adopting the designations in the Future Land Use Map. *See Id.* at 130. However, after two workshops with Planning Board, numerous meetings with the Planning Staff, and continuous feedback from the community and individual landowners, the Alliance has proposed the zoning in the attached map, which deviates only slightly from the Plan to allow more density where public utilities are available and to reflect the actual density already built out, but maintains the rural and residential nature of the zoned area.

We are proposing zoning 449 parcels with the following zoning designations:

- R-2.5: 61** parcels
- R-1: 95** parcels
- R-2: 60** parcels
- RR-1: 27** parcels
- R-3: 136** parcels
- R-4: 53** parcels
- R-5: 17** parcels

Given the size of the zoning district, this Petition proposes seven different zoning designations ranging from R-2.5 to R-5. As stated above, we either strictly complied with the Plan or deviated slightly as described below.

The area designated R-2.5 is the least dense area given the rural character, the distance from Highway 93 and public utilities connection, the existing neighborhoods, and the general size of the parcels, which are generally two-and-a-half acres or greater.

The northern area designated R-1 is closer to Highway 93 and sewer hookup¹, yet still maintains the small town, rural character that the Lakeside Community cherishes and conforms

¹ We measured 1,000 feet from Highway 93 for potential hook-up to Lakeside Sewer and Water pursuant to the Planning Staff’s recommendations.

to the Plan’s designation of “suburban residential.”² The R-1 parcels also provide flexibility for landowners who would like to develop more densely consistent with the Plan – by hooking up to public utilities, and maintaining open space and views through tools such as a PUD. The two larger parcels designated R-1 (south of the R-2.5 area) are adjacent to RR1 and can potentially hook up to public utilities given the proximity of sewer to the south. These parcels are also closer to Lakeside Town Center, which conforms to the Plan by allowing for more density “closer to Town Center but away from Highway 93.” *Plan*, 135.

The R-2 designated area consists mostly of the Lakeview Park Estates neighborhood, which are parcels less than 1 acre. Although the Plan designates this as “suburban residential,” it would not make sense to zone this area R-1 or R-2.5 and create so many non-conforming parcels. R-2 reflects the already built-out nature of this neighborhood and still generally complies with the Plan given that R-2 is for “large tract residential development.”

The RR-1 parcels are designated “low density resort residential.” This is due to the parcels already built-out with rental cabins, the proximity to Lakeside Town Center and the character of the area, which is still low-density and residential. This is consistent with the Plan, which designates this area as “suburban residential.”

The R-3 designated area is mostly comprised of the Mission View Terrace neighborhood. The Plan designates this area as “lakefront residential,” allowing for higher densities “in areas with sewer system availability and paved roads.” Mission View Terrace is hooked up to sewer and does have paved roads. Like the R-2 area, given the size of the parcels, zoning this area R-1 or R-2.5 would result in the entire area being non-conforming. This zoning designation complies with the Plan and accurately reflects what is built-out.

The R-4 designated area also reflects what is actually built out, the Cherry Hill Yacht Club. This development is connected to public utilities, with potential for the few parcels not within Cherry Hill to also connect. Cherry Hill was developed without zoning. Like R-2 and R-3, this area should be zoned to match what is already built-out so as to avoid non-conforming areas.

Lastly, the smallest area we have designated, the R-5 area, is close to Lakeside Town Center, can connect to public utilities, and provides the opportunity for more density within walking distance of town, away from wildlife corridors and sensitive areas. The Plan does not call for this level of density, but also did not foresee the Covid pandemic and the ensuing housing crisis. Lakeside seeks to be inclusive and allowing R-5 in this area where it makes sense allows for more housing and development in a sensible location. See Plan, 105-104 (“Policy 14.1. Provide for a range of housing types with a range of affordability in the Lakeside Community”).

The proposed zoning complies with the entire Plan, but specifically is bolstered by the following goals and policies:

² Note that “suburban residential” in the Plan allows for either the R-1 or R-2.5 zoning designation. *Plan*, 135.

5.1.3. Goal 1	Preserve the rural nature of the community north and south of downtown Lakeside along the Highway 93 Scenic Corridor.
5.5.1.3. Goal 6, Policy 6.2	Encourage the expansion of the LCWSD sewer services along Flathead Lake and eliminate septic systems to maintain water quality.
5.9.3. Goal 11	Balance responsible development and the protection of natural resources within the Lakeside Neighborhood.
5.9.3. Goal 11, Policy 11.2	Direct new growth to areas with a lower potential for impacts to wildlife and wildlife habitat.
5.10.3. Goal 14	Accommodate growth in Lakeside as the market changes.
5.10.3. Goal 14, Policy 14.1	Provide for a range of housing types with a range of affordability in the Lakeside Community.
5.10.3. Goal 14, Policy 14.2	Advocate standards and incentives for the development of housing that continues established patterns such as housing density and style, promotes roadway connectivity, maintains the character of Lakeside, and protects wildlife habitat and water resources.
5.10.3. Goal 14, Policy 14.4	Encourage new development of housing sites less than 5 acres to consider using public or centralized/shared water and sewer systems.
6.3.1. Goal 15	Maintain the small town feeling, family friendly atmosphere, views of mountain and Flathead Lake, and the scenic, rural character of the Lakeside Neighborhood.
6.3.1. Goal 15, Policy 15.3	Higher densities are not encouraged in areas away from the town center that are inaccessible to public or centralized services.
6.3.1. Goal 15, Policy 15.4	Lower densities are encouraged away from the town center where public or centralized services are inaccessible.
6.3.1. Goal 15, Policy 15.8	Protect the scenic rural character and encourage protection of lake, mountain and forest views with appropriate building sizes and spacing, placement of structures, setbacks and limitations on walls and fencing. Zoning is recognized as the effective means to implement such guidelines.
6.3.1. Goal 16, Policy 16.9	Discourage general commercial development outside the Town Center, especially along Highway 93
6.3.1. Goal 16, Policy 16.12	Existing uses should be allowed to continue with grandfathered rights.
6.3.1. Goal 18, Policy 18.6	Encourage connection to the public sewer system.
6.3.1. Goal 21	Improve community involvement in the development review and approval process so that it more effectively addresses the concerns of Lakeside Community by involving the community in a community-wide zoning effort following county processes for zoning.
6.3.1. Goal 21, Policy 21.3	Emphasize the community vision in land use decisions.
6.3.1. Goal 22	Implement community-wide zoning.
6.3.1. Goal 22, Policy 22.1	Implement or facilitate implementation of zoning. Implement this zoning in a coordinated Neighborhood wide project, or if that cannot be achieved, support individual zoning projects as areas express interest.

2. Is the proposed amendment designed to:
a. Secure safety from fire and other dangers?

Zoning will promote safety from fire and other dangers by restricting the types of uses in each zoning designated area and by implementing standards that are otherwise nonexistent. At this point, the unzoned area can be developed with any use and with any density, and except for *potential* subdivision review, would not undergo review by the County or public comment. The zoning designations proposed with this Petition will result in standards such as setbacks, conditional uses, maximum height, permitted lot coverage, etc. that would inevitably result in a safer community from fire and other dangers. Additionally, public agencies, including local law enforcement and the volunteer fire department will have an opportunity to comment on development proposals within the zoning district that they may not have at this point which would alert to specific, case-by-case safety issues of each application. The same can be said for public comment, which is currently not part of the development process (unless a subdivision application is required, and with the passage of new bills, more and more subdivisions are able to evade review and public comment).

Further, the current unzoned condition could result in very dense housing in inappropriate locations that would lead to enhanced wildfire risk and potentially slower response times from emergency services. This would put the Lakeside Neighborhood at higher risk for serious damage to property or person since a large portion of the zoning district is within the WUI and already has inadequate emergency services infrastructure. This Petition mitigates the wildfire risk and emergency services issues by managing density allowable in each area. Lastly, the proposed zoning fosters safety of travel on Highway 93 as it generally restricts very dense or commercial development, therefore providing managed volume of highway access.

b. Promote public health, public safety and the general welfare?

The proposed zoning will promote the public health, public safety and the general welfare by managing density in the appropriate location and initiating standards that are non-existent in unzoned areas, including permitted and conditional uses, maximum height of buildings, setbacks, permitted lot coverage, etc. The Plan was thorough and thoughtful in analyzing all elements of the Lakeside Community to ultimately recommend zoning designations, and this Petition seeks to implement the Plan. Of utmost concern to the Alliance and the community is safety on Highway 93. This Petition zones the entire district residential, avoiding sprawling commercial development, which if this area remains unzoned would likely continue to develop on Highway 93. Commercial development on Highway 93 leads to more access points and more traffic. This not only imperils the traveling public, but also members of the community who bike, walk and utilize this area of Highway 93 constantly, including children who ride the school bus.

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

As stated above, the public health, public safety and general welfare would be enhanced by this Petition as zoning will implement standards otherwise not required and manages density

by designating each area appropriately depending on numerous factors, including but not limited to distance to Highway 93, potential for public utilities connection, size of already existing parcels and proximity to Town Center. Inasmuch as possible, this Petition seeks to promote connection to Lakeside Water and Sewer, which will best conserve Flathead Lake. Additionally, this Petition, consistent with the Plan, facilitates adequate transportation by disallowing commercial development on Highway 93, the main artery of the Lakeside community, which has seen substantial growth and which has resulted in dangerous conditions for the public and community members. The current situation with no zoning does not place any limits on overall density and development in the area. This Petition will lessen congestion on the streets by reducing the overall number of units permitted to a density consistent with each area. Fewer cars utilizing the substandard streets will lessen congestion and potential vehicular conflicts.

3. Does the proposed amendment consider:

a. The reasonable provision of adequate light and air?

This Petition proposes zoning consistent with the Plan. Besides the already-developed areas in R-2, R-3 and R-4 (which account for over half of the parcels in this proposal, but less than 1/3 of the acreage), the Petition designates one acre or greater zoning for most of the area of this proposed district. This amount of density reasonably provides adequate light and air. The R-5 area is close to Town Center and also provides reasonable light and air for the proximity to town.

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

As explained throughout this Petition, one of the purposes of this zoning initiative was due to the commercial build out on Highway 93, which leads to unsafe transportation, increased collisions and sadly, lives lost. The zoning proposed herein will contribute to less demand on Highway 93 than without zoning due to managed density and the restriction of new commercial development. This will lead to safer transportation systems, both motorized and non-motorized. The RR-1 and R-5 designations, due to the proximity to Town Center, encourage walking and biking, which will lead to less demand on the motorized transportation systems.

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

Some of the area around the proposed zoning district is already zoned. These zoning designations range from Town Center to the south, R-4 and R-2 to the east along the lakeshore, and R-1 northeast along the lakeshore and north of the proposed zoning district. These zoning districts are compatible with the proposed district as they are similar to the ones proposed herein.

d. The character of the district and its peculiar suitability for particular uses?

This Petition has been developed to respond to the character of the district. The character of the district is summarized in the Plan, which this Petition seeks to implement. The Plan discourages commercial uses outside of Town Center. *Plan*, 39. This Petition designates all parcels as residential. The Plan emphasizes the rural, small-town feel of the area and this Petition

implements that vision by zoning most of the acreage as R-1 or R-2.5, except for the already built-out parcels and the parcels closest to Town Center that could appropriately have more density or allow for resort type uses. *Plan*, 31, 116. The Plan also emphasizes the need to protect Flathead Lake and encourage connection to Lakeside Water and Sewer. *Plan*, 60. This Petition seeks to zone the district appropriately to encourage this connection.

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

Existing homesites in the district will be given the protection of zoning. The creation of a zoning district where none exists will increase predictability in the area, which will serve to protect property and building values. The Petition encourages the most appropriate use of land throughout the jurisdictional area by implementing the Plan's recommendation for zoning and zoning the already built-out developments to ensure the least amount of non-conforming parcels. The proposed zoning will ensure that infill development is appropriate for each particular neighborhood, the road network and the natural environment. The Petition designates R-5 for only a small area close to Town Center to encourage density close to town with the ability to connect to Lakeside Water and Sewer. All property within the district is zoned residential which is the most appropriate use of land.

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The closest municipality with zoning ordinances is Kalispell, which is hard to compare to considering the fragile ecosystem and unique rural character of Lakeside. Generally, however, the zoning ordinances of nearby municipalities are compatible as dense residential zoning and commercial zoning are close to town, whereas rural residential zoning is in place further from town.

Exhibit List

- 1. Map of Proposed Zoning**
- 2. Map of Proposed Zoning with Sewer Overlay**
- 3. Aerial Image of Proposed Zoning**
- 4. Public Outreach Summary**
- 5. Signed Statements from the Public**

Exhibit 1
Map of Proposed Zoning

Lakeside Future Land Use Designations

Flathead County, Montana



Flathead County
GIS Department

Map Production Date:
June 30, 2023

The areas depicted on these maps herein are for illustrative purposes only and do not necessarily meet mapping, surveying, or engineering standards. Deriving conclusions from this map is done at the user's assumed risk.

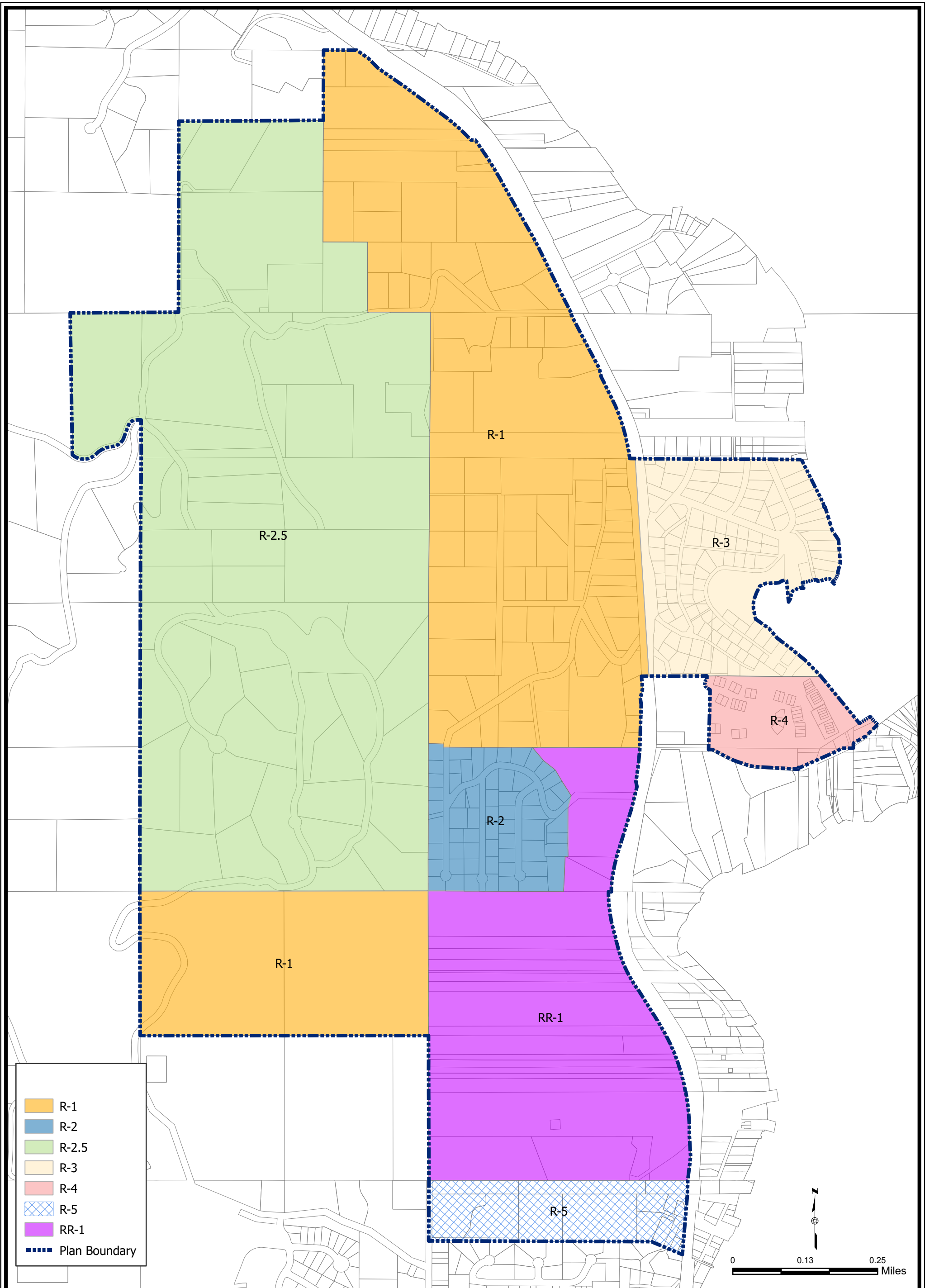


Exhibit 2
Map of Proposed Zoning with Sewer Overlay

Lakeside Future Land Use Designations

Flathead County, Montana



Flathead County
GIS Department

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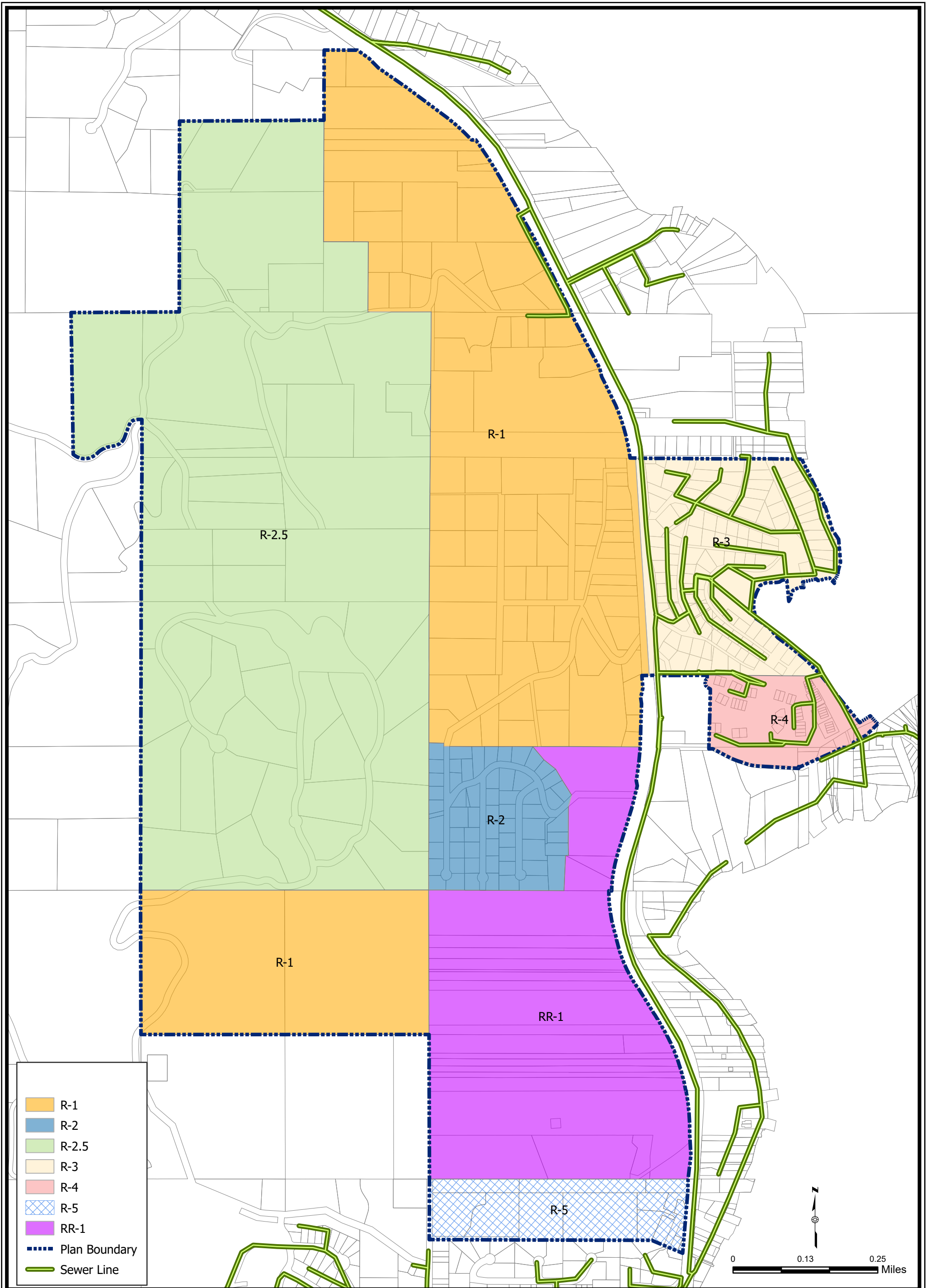


Exhibit 3
Aerial Image of Proposed Zoning

Lakeside Future Land Use Designations

Flathead County, Montana



Flathead County
GIS Department

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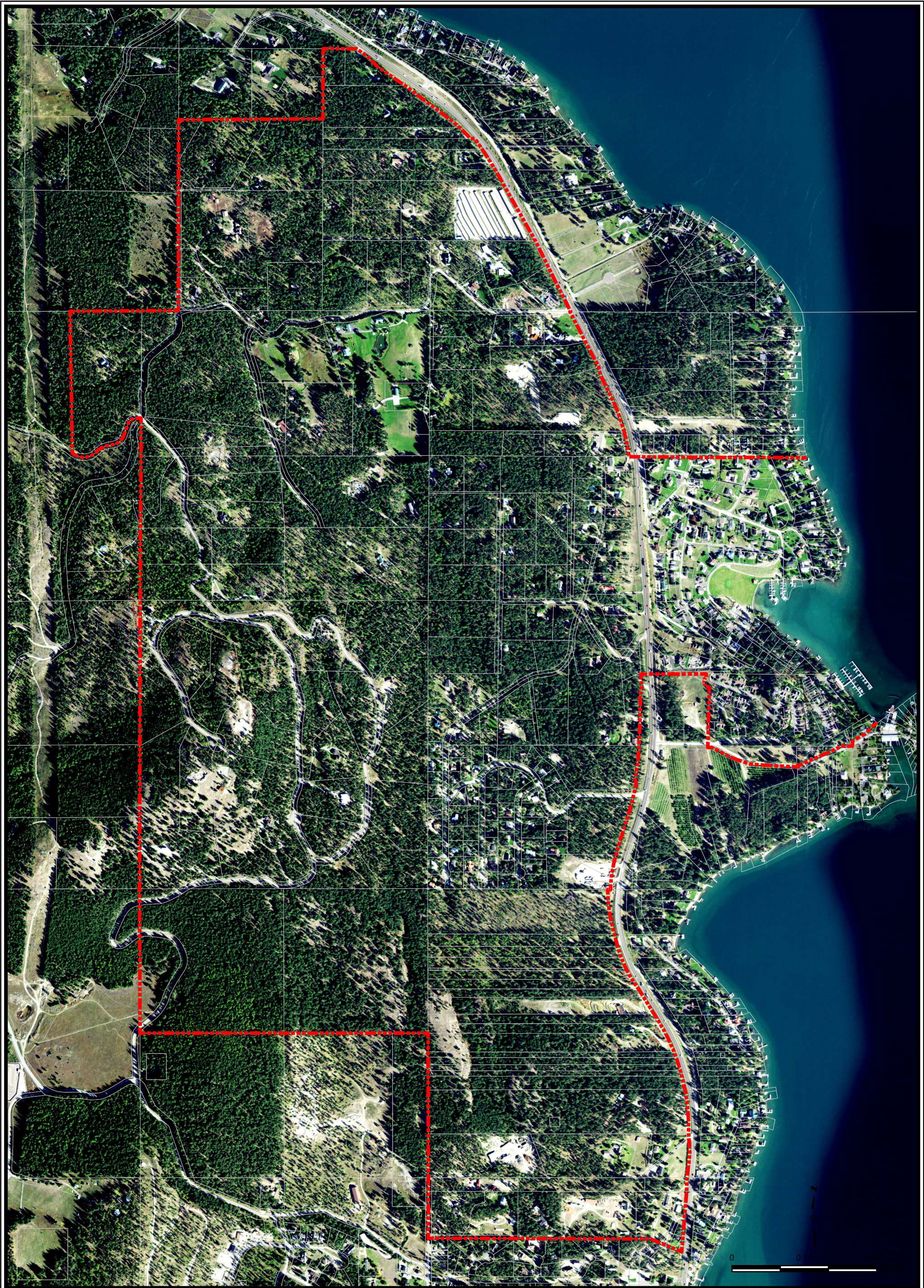


Exhibit 4
Public Outreach Summary

Public Outreach Summary

Public outreach efforts include the following:

- A community meeting hosted by the Alliance to explore the community's interest in zoning – Fall 2022
- Alliance meeting with Planning Staff to chart path forward to zoning – Fall 2022
- Planning Board Meeting – Fall 2022 – Alliance asked to be put on agenda for workshop; provided documentation of community support of zoning, in file
- Dozens of small group meetings with core group to share feedback and collaborate on effective avenues for outreach – Fall 2022 to present
- Two workshops with the Planning Board with Alliance and community members – 2023
- Large community meeting in Lakeside with Planning Staff in attendance – April, 2023
- Community meeting in Kalispell at Flathead County facilities to accommodate residents working in Kalispell; Planning Staff in attendance – May, 2023
- Door-to-door outreach by Alliance and community members, including phone and email – 2022 – 2023
- To date, we have received letters of support from 63.5% of parcel owners in the proposed district (258 parcels)

* All community meetings were advertised on the Alliance's website, Facebook and Instagram accounts and were sent in email to the Alliance's distribution list

* Notices were also posted on Lakeside Somers Concerned Citizens Facebook

Exhibit 5
Signed Statements from Public
(separated file)