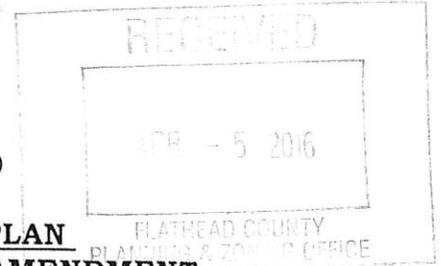




Flathead County Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



GROWTH POLICY/NEIGHBORHOOD PLAN **APPLICATION FOR "PRIVATELY INITIATED" AMENDMENT**

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 1,753.50

APPLICANT(S):

1. Name: NW Dev C/o Michael Anders Phone: 503/620-3100
2. Mail Address: 4260 Galewood Street, Ste B
3. City/State/Zip: Lake Oswego, OR 97035
4. Email: michael@teleport.com
5. Interest in property (if map amendment): Owner

LANDOWNER(S) (if proposing to amend a map):

1. Name: Same as above Phone: _____
2. Mailing Address: _____
3. City, State, Zip: _____
4. Email: _____

TECHNICAL/PROFESSIONAL PARTICIPANTS:

1. Name: Sands Surveying, C/o Erica Wirtala Phone: 406/249-9774
2. Mailing Address: 2 Village Loop
3. City, State, Zip: Kalispell, MT 59901
4. Email: erica@sandssurveying.com

IF THE PROPOSED AMENDMENT IS TO A MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address(es) of the property: 998 Rose Crossing, Kalispell
- B. Legal Description: Tract 3C in Section 27-29-21
(Lot/Block of Subdivision or Tract #)

Section Township Range *(Attach sheet for metes and bounds)*
- C. Total acreage: 19.1

INFORMATION ABOUT THE PROPOSED AMENDMENT(S)

- A. Please list the plan within which an amendment is being proposed, as well as the corresponding section(s) of the plan:

The subject property is adjacent to property contained within the Two Rivers Master Plan. The proposal is to extend the boundary of the Two Rivers Plan to include this additional piece.

The adjoining property is designated for an urban density of 8+units per acre. With the extension of sewer and water services, and the project built to city standards, this would be a good match.

- B. Please provide the exact text and/or maps showing the proposed amendment(s).

See attached vicinity map.

- C. Please describe the reason(s) for the amendment(s).

This property was purchased by the NW Dev company to incorporate it into their large development known as "Trumbull Creek Crossing" As this property is located near the entry of the project, it is important that it retains the same flavor/look as the entire project. It would be served with similar amenities as seen in the overall plan of TCC.

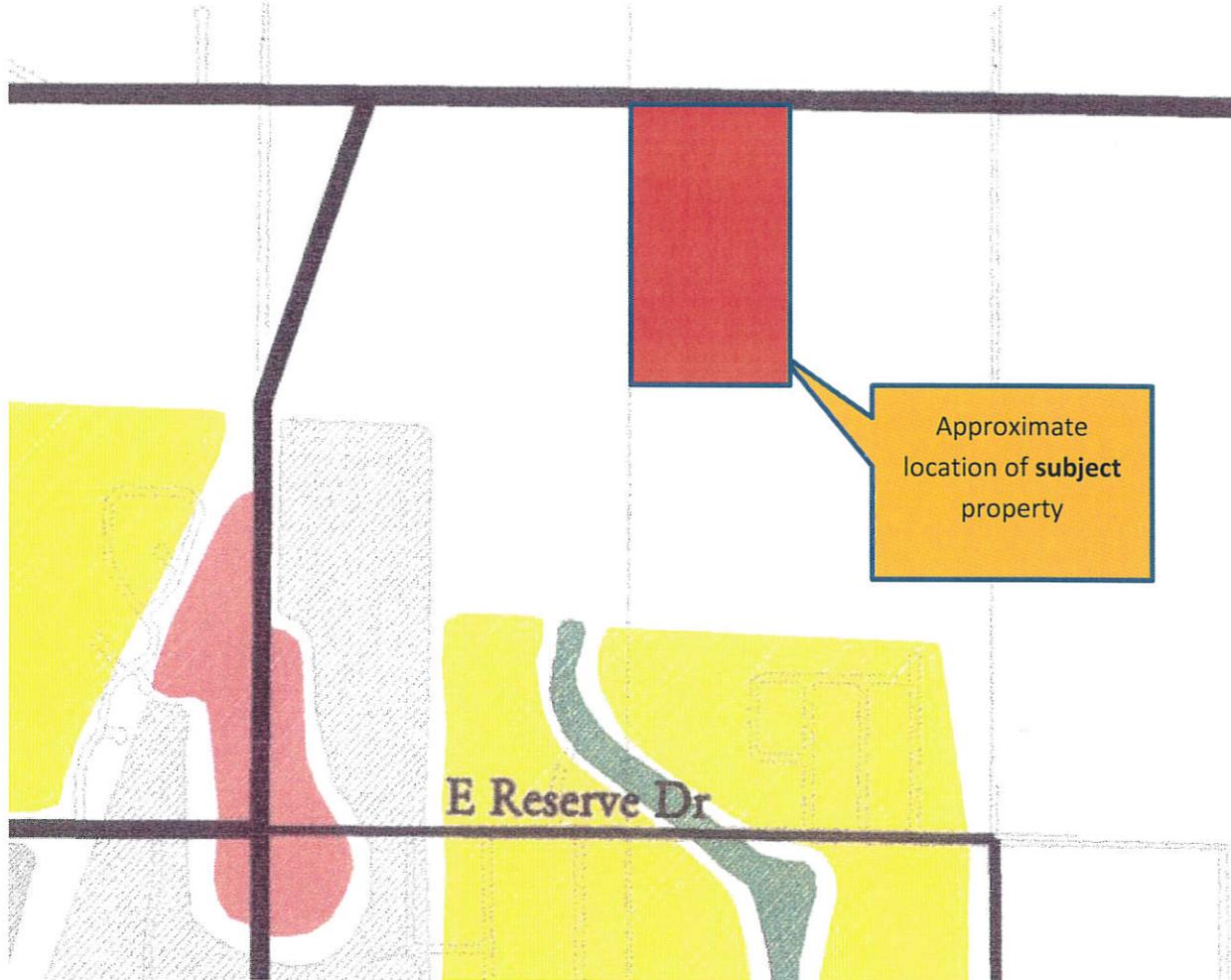
CRITERIA FOR REVIEW:

Part 7 of Chapter 10 of the Flathead County Growth Policy establishes criteria for Growth Policy Amendments. Additionally, per Part 4 of Chapter 11 of the Flathead County Growth Policy, Neighborhood Plans are elements of the Growth Policy.

Therefore, proposed amendments to *all* plans must address the following criteria:

- A. In Montana, Growth Policies must comply with the requirements of 76-1-601, M.C.A. (attached). Explain how the proposed amendment affects the overall compliance of the Growth Policy and, if applicable, the Neighborhood Plan, with 76-1-601, M.C.A.
- B. Explain the existing characteristics and/or projected trends in the community that are substantially different from those presented in the most recent plan update and upon which the proposed amendment is based.

Kalispell City-County Master Plan: (Existing designation on property)



***White areas designate "Agriculture" or "Silvacultural"**

CRITERIA FOR REVIEW – GROWTH POLICY AMENDMENT

Part 7 of Chapter 10 of the Flathead County Growth Policy establishes criteria for Growth Policy amendments. Additionally, per part 4 of Chapter 11 of the Flathead County Growth Policy, Neighborhood Plans are elements of the Growth Policy. Therefore, proposed amendments to *all* plans must address the following criteria:

- A. In Montana, Growth Policies must comply with the requirements of 76-1-601, M.C.A. Explain how the proposed amendment affects the overall compliance of the Growth Policy and, if applicable the Neighborhood Plan, with 76-1-01, M.C.A.

The application does not change the existing Growth Policy; the proposal will change the map, which in turn, changes the applicable plan, not the overall Growth Policy. The attached application proposes to amend the Two Rivers Master Plan to extend out to include this property, while at the same time, vacating the Kalispell City County Master Plan. Both of which comply with the overall requirements of MCA 76-1-601. The application is simply to allow for an extension of a newer, more current plan rather than to remain with the existing, older, out-of-date plan. The subject property's future development will be guided by the goals and policies of the adopted Two Rivers Master Plan, which has been incorporated into the adopted Flathead County Growth Policy. The Two Rivers Master Plan was approved and adopted in 2005 while the Kalispell City County Master Plan was approved and adopted in 1986. The differences between the two Plans is that the Kalispell City County Master Plan anticipates that this land will be in agricultural production while the Two Rivers Plan calls for a more intensive residential land use.

- B. Explain the existing characteristics and/or projected trends in the community that are substantially different from those presented in the most recent plan update and upon which the proposed amendment is based.

The biggest change to the general area in which the Growth Policy Amendment is proposed is that the gallonage constraints of the Evergreen Sewer District boundary have been lifted and now there is the potential for public sewer systems to be extended into this area where previously this wasn't possible. The old designation of Agricultural Land for the subject property can be lifted due to the fact that public sewer is now available in places where perhaps multitudes of individual septic systems should be discouraged. The RSID that initially paid for the sewer infrastructure has been paid in full, therefore, the hard line that once limited development outside of the District boundaries is no longer in existence. Furthermore, the subject property has been annexed into the Evergreen Water and Sewer District as per a Petition of Annexation submitted on 1/15/14, and adopted by Ordinance by the Board of Directors of Flathead County Water District #1 on 1/15/14 as well. (See attached documentation)

- C. Explain how the proposed amendment impacts both consistency within the plan proposed to be amended and consistency with other plans (For example, if the proposed amendment is to a Neighborhood Plan, how does the proposed amendment impact the consistency of the text, goals and policies and maps within the plan, but also consistency with the provisions of the Growth Policy?)

There are twelve components that make up the Two Rivers Master Plan that was adopted in 2005. Many of the components are not applicable to this application, however, the first component reads: "The Two Rivers Master Plan is in an area appropriate for urban expansion and development. Urban services and utilities will be identified by the County and be required to be available at the time of the first phase of development...". Component 3 reads: "The residential areas within the Two Rivers Master Plan should be designated to provide a residential density of up to four dwelling units per acre with a higher density being allowed with a provision for the open space and/or park areas as part of an integrated development plan." Component 2 encourages that a specific development plan be submitted at the same time as the zoning map was amended, which would include urban scale development and improvements as well as identifying the service providers. (There is an existing home on the subject parcel and the immediate plans are to subdivide it into a stand-alone parcel to sell, and then develop a small-scale residential subdivision on the remainder of the property.) As this parcel will be integral to the Trumbull Creek Crossing development, which has built out Phase 1, and Phase 2 is under construction as there is preliminary plat approval for Phases 2-5. Phases 2-5 is part of a "Master Plan" specific to the entire holdings of the NW Dev Group LLC which could include considerable Open Space and Parkland throughout the 180 acre development site. The Kalispell City-County Master Plan was adopted in 1986 and has frankly, become an outdated document as the City has developed outward. There has been an update to the 1986 Plan, completed in 2010, however the Land Use Policy designations have not changed in this area. Furthermore, the County has been able to utilize the sewage treatment plant to develop some urban-density neighborhoods. The surrounding area of this particular parcel has significantly changed in character since the adoption of the Kalispell City-County Master Plan with the approval and completion of Trumbull Creek Crossing Phase 1 and the approval and beginning of construction of Trumbull Creek Crossing Phases 2-5, which bring on additional single family residential homes to the immediate south of the property.

- D. Explain how the proposed amendment further protects and complies with the seven elements of the public's vision for the future of Flathead County. The Seven Elements of the Public's Vision for the future of Flathead County are: 1. Protect Views, 2. Promote a Diverse Economy, 3. Manage Transportation, 4. Maintain the Identity of Rural Communities, 5. Protect Access to and Interaction with Parks and Recreation, 6. Properly Manage and Protect Natural and Human Environments, 7. Preserve the rights of Private Property Owners.

Item 1: This application to amend the Growth Policy to allow for more residential density on a 19.1 acre parcel of land will not significantly impact the viewshed. Residential homes are limited to 35 feet in

height by zoning regulations. This land is fairly flat or gently rolling, so with proper house siting, a homeowner's view will not be impaired.

Item 2: A diverse housing market allows for a diverse economy. This will be part of the Trumbull Creek Crossing community, which has a vision for a variety of housing types. Within their Master Plan, there are affordable single family homes, perhaps some larger estate homes along the creek and duplex housing options. This allows for a diversity of residents as well...working families, single parents, retired, etc.

Item 3: This parcel is adjacent to a major transportation route (Highway 2), and access to a paved County road (Rose Crossing). Vehicle trips per day generated from this one parcel will not be overwhelming. In addition, with future entitlements, NW Dev Group LLC will be required to submit a traffic impact study.

Item 4: The Rose Crossing area is an area of transition. Once a rural area, the area now has industrial parks, new residential subdivisions, new commercial developments, and pedestrian paths with easy access to the Helena Flats Elementary school. The area is becoming ripe for future residential growth. Adding the 19 acres to the Trumbull Creek Crossing community and the Two Rivers Plan will not detract from the existing setting, but blend in with the surrounding properties.

Item 5: Once developed, the residents of this property will be incorporated into the Trumbull Creek Crossing development with access to the parks and open space that is integral to the site. There is a County park just east of the Trumbull Creek community and future residents will have access to the area's pedestrian path located adjacent to the property. It is the intent that the area's path system will eventually connect to East Reserve Drive through the applicant's community, Trumbull Creek Crossing.

Item 6: This parcel is not in an area of critical wildlife habitat or breeding grounds. The site is currently improved with a single family home, a small barn and is being farmed. There are no bodies of water, wetlands or other significant resources for wildlife habitat.

Item 7: By approving this Growth Policy Amendment, the rights of the owner of the property are protected and by going through the public process, the rights of the neighbors are being recognized as they are allowed to comment and make their concerns known. The applicant has participated in the public process and through that process, they will be legally noticed if they live within 150' of the property boundary by mail. Notice of the application will also be referenced in the local newspaper before the two public hearings. There will be a public hearing on the second Wednesday evening of the month at a regularly scheduled Flathead County Planning Board Meeting, and a second public hearing will be held typically in the morning hours at the Flathead County Courthouse in the Commissioner's Chambers at a date/time to be announced in the paper and on the Commissioner's website. As the project area is relatively small, there have not been any neighborhood meetings scheduled or proposed.

- E. Explain the process of public participation and review that the proposed amendment has undergone and/or will undergo and discuss the sufficiency of this in the context of the proposed amendment.

As this application addresses an extension of an existing Master Plan adopted within the Flathead County Growth Policy, and there is a minimal amount of land involved, there has not been any neighborhood meetings outside of the public process required by state statutes. The application has been submitted according to a timeline that allows for legal notice in local papers as well as to all property owners within 150' of the boundaries of the subject parcel. The Flathead County Planning Board will hold a public hearing to accept comments via writing, email or in person. At that same Planning Board meeting, the staff from the Flathead County Planning and Zoning Office will present a report to the Board for their consideration. The applicant and/or their representative will be allowed to speak to the project. The Planning Board will take a vote to recommend approval of the application or to deny it. The recommendation, as well as any public comment, and the staff report, will all be forwarded to the Flathead County Commissioners for a second public hearing. After a second round of legal notices has occurred, the County Commissioners will hold their public hearing and continue to take comments via written, electronic or in person. After consideration of the Findings of Facts presented in the staff report, the public comments submitted and the recommendation of the Planning Board, the County Commissioners, as the appropriate governing body, will render their decision. Should the applicant not agree with the decision, their alternative is to appeal the decision to District Court within 30 days. Should a member of the public dis-agree with the decision of the County Commissioners, they have the same alternative.

- F. If the proposed amendment is to a Neighborhood Plan and that plan has unique amendment criteria, please list the criteria and explain how the proposed amendment addresses each criteria.

There is no unique amendment criteria within the Two Rivers Master Plan (Neighborhood Plan) regarding proposed amendments to the Plan. There are 12 components to the Two Rivers Master Plan, but none of the components specifically addresses anything unique in terms of requesting an expansion or removal of a Two Rivers land use designation.