

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
KALISPELL CITY-COUNTY MASTER PLAN YEAR 2010
MASTER PLAN MAP AMENDMENT REPORT (#FPMA-12-01)
SEPTEMBER 25, 2012**

A report to the Flathead County Planning Board and Board of Commissioners regarding a citizen initiated request by Dave Jolly on behalf of Thompson Farms, LLC to amend the Kalispell City-County Master Plan Year 2010, which is an addendum of the Flathead County Growth Policy.

The Flathead County Planning Board will conduct a public hearing on the proposed amendment to the Kalispell City-County Master Plan Year 2010 on October 10, 2012 in the 2nd Floor Conference Room, 1035 1st Ave West, Kalispell. A recommendation from the Planning Board will be forwarded to the Board of Commissioners for their consideration. A copy of the current Kalispell City-County Master Plan Year 2010 as well as the proposed amendment(s) are available for public inspection in the Flathead County Planning and Zoning Office, Earl Bennett Building, 1035 First Avenue West, in Kalispell.

I. AMENDMENT PROCESS UPDATES

A. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed master plan amendment on October 10, 2012, 6:00pm, 2nd Floor Conference Room of the Earl Bennett Building located at 1035 1st Avenue West in Kalispell and make a recommendation by resolution to the Flathead County Commissioners.

This space is reserved for a summary of the Flathead County Planning Board's discussion and recommendation.

B. Commission

The Flathead County Board of Commissioners will consider the proposed neighborhood plan on a date to be determined.

This space is reserved for a summary of the Commission's discussion and decision.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant(s)

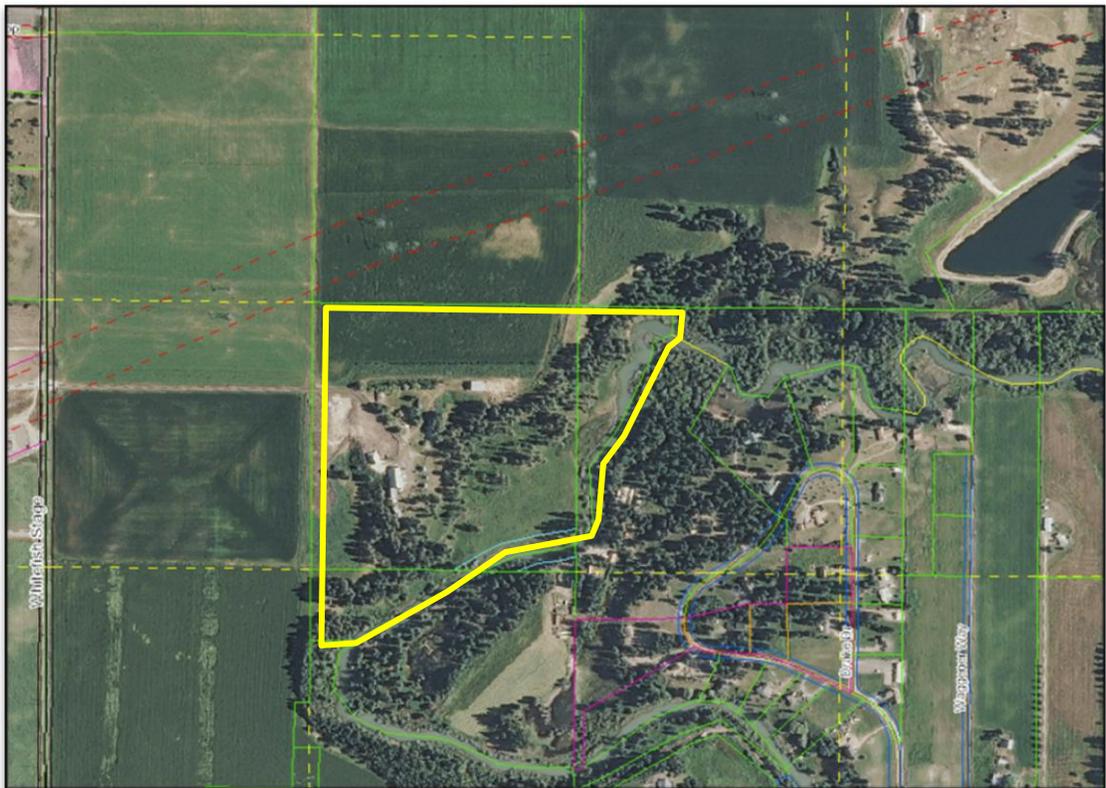
Owner Representative: Dave Jolly
Thompson Farms, LLC.
6 Sunset Plaza
Kalispell, MT 59901

ii. Technical Assistance
Sands Surveying Inc.
2 Village Loop
Kalispell, Mt. 59901

B. Subject Property Location and Legal Description (if a map amendment)

The subject property consists of three adjacent tracts of record located east of Whitefish Stage Road, and north of West Reserve Drive approximately 0.5 miles from the nearest annexed portion of the City of Kalispell. The properties can be legally described as Tracts 2C, 4, and 6A in Section 29, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject properties highlighted in yellow.



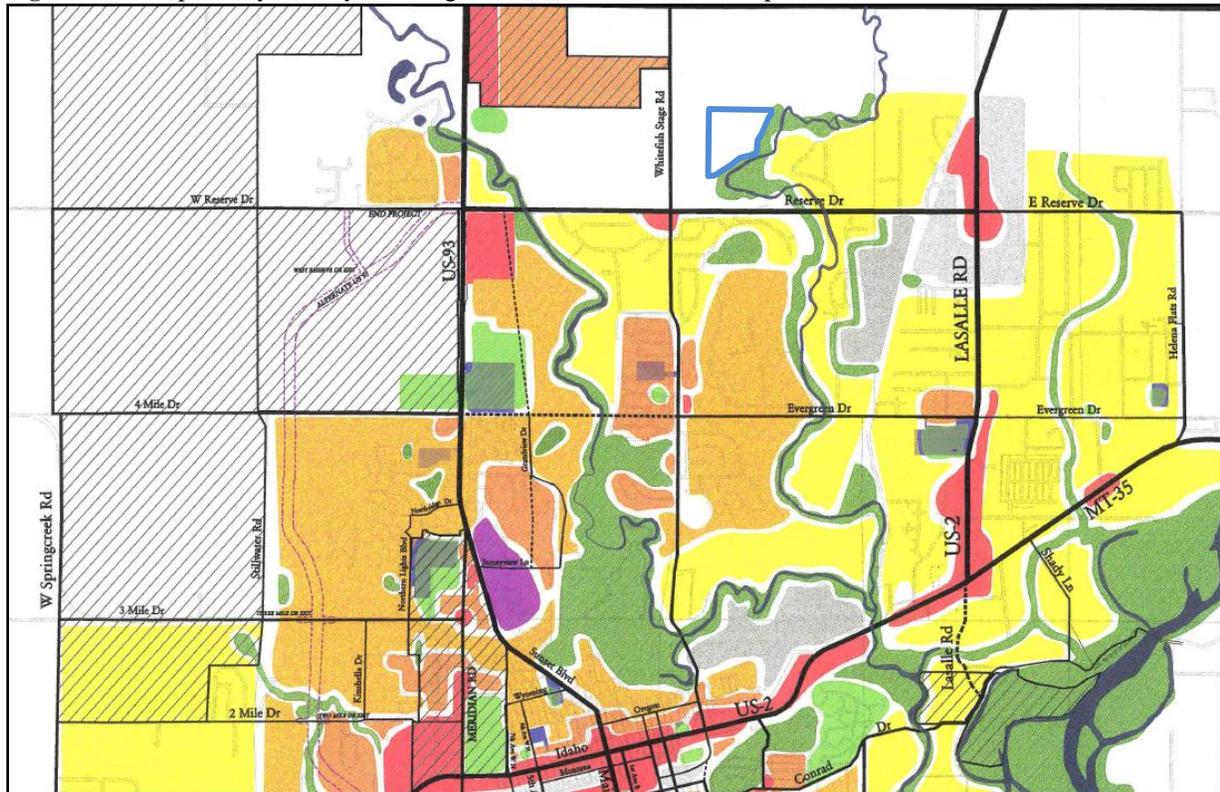
C. Proposed Plan Amendment

The subject property is located within the Planning Jurisdiction of the Kalispell City-County Master Plan Year 2010 (Master Plan) adopted by Resolution #578A on February 6, 1986 and the site is currently designated as *Agriculture/Silviculture*. The boundaries of the planning area encompass the City of Kalispell and vicinity. The Master Plan generally forms a square around the city and is bounded by Rose Crossing to the north and Rocky Cliff Drive to the south and West Valley Drive on the west and Fairmont Road on the east. The Master Plan area is urban with rural areas near the edges. The adoption of the plan was a cooperative effort between the City of Kalispell and Flathead County as a policy guide to decisions concerning the

physical, social, economic, and environmental development of the planning jurisdiction.

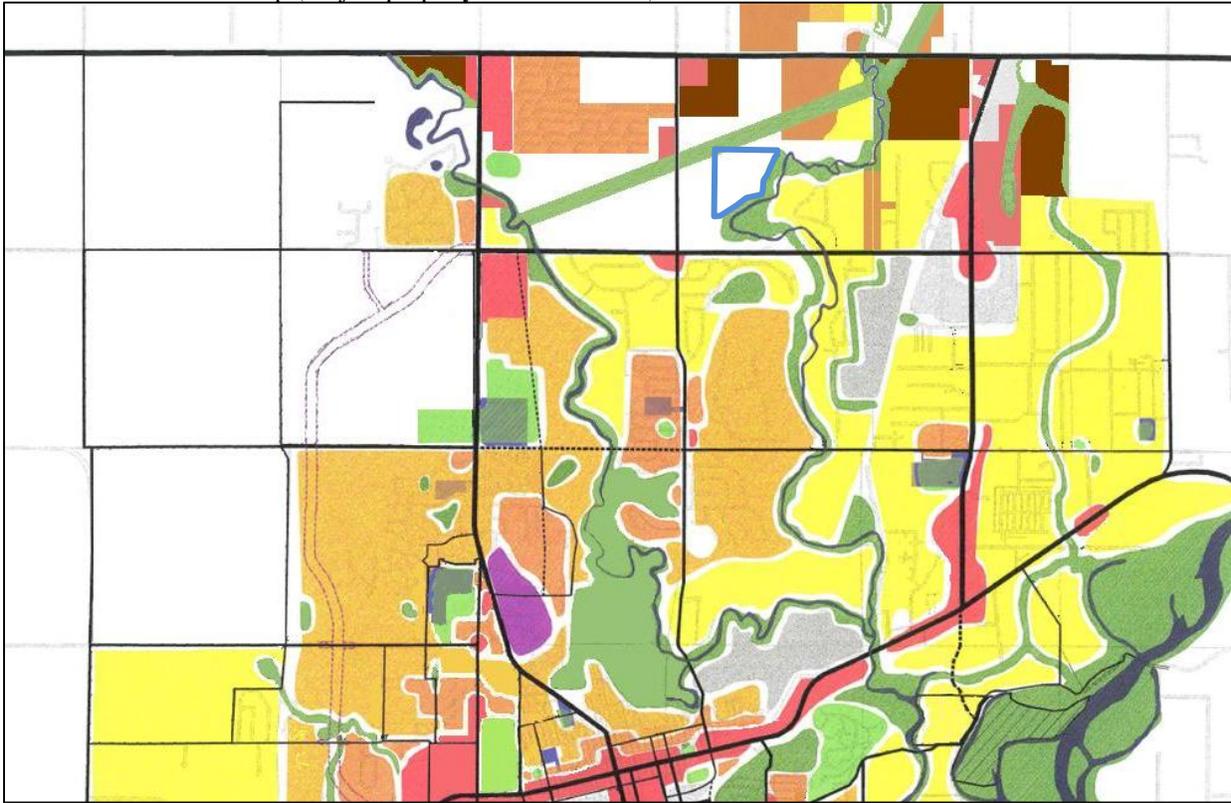
The Kalispell City-County Master Plan Year 2010 currently designates the land use of the subject property as *Agriculture/Silviculture* and the applicant is proposing a change in designation to *Light Industrial*. The Master Plan designates neighboring properties to the north and west as *Agriculture/Silviculture*; properties to the south are designated *Park/Open Space*, and the properties to the east as *Park/Open Space* and *Residential* (see Figure 2).

Figure 2: Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010 with amendments



In addition to consideration of the Kalispell City-County Master Plan, the adjacent Two Rivers Neighborhood Plan has relevance on land use designations on adjacent properties. The Two Rivers Neighborhood Plan was adopted by Flathead County pursuant to Resolution #1822A in June 2005. The subject property was originally intended to be included in the Two Rivers Neighborhood Plan but by the time the plan was adopted the subject property had been withdrawn, and remains a part of the Kalispell City-County Master Plan Year 2010. Most of the land within the Two Rivers Neighborhood Plan was originally designated *Agriculture/Silviculture* by the Master Plan, or not included in the Master Plan. Land use designations changed with the adoption of the Two River Neighborhood Plan (see Figure 3) in that properties to the northeast were designated *Urban* and *Rural Residential*, and a swath of land under the power lines, north of the subject property was designated as *Open Space*.

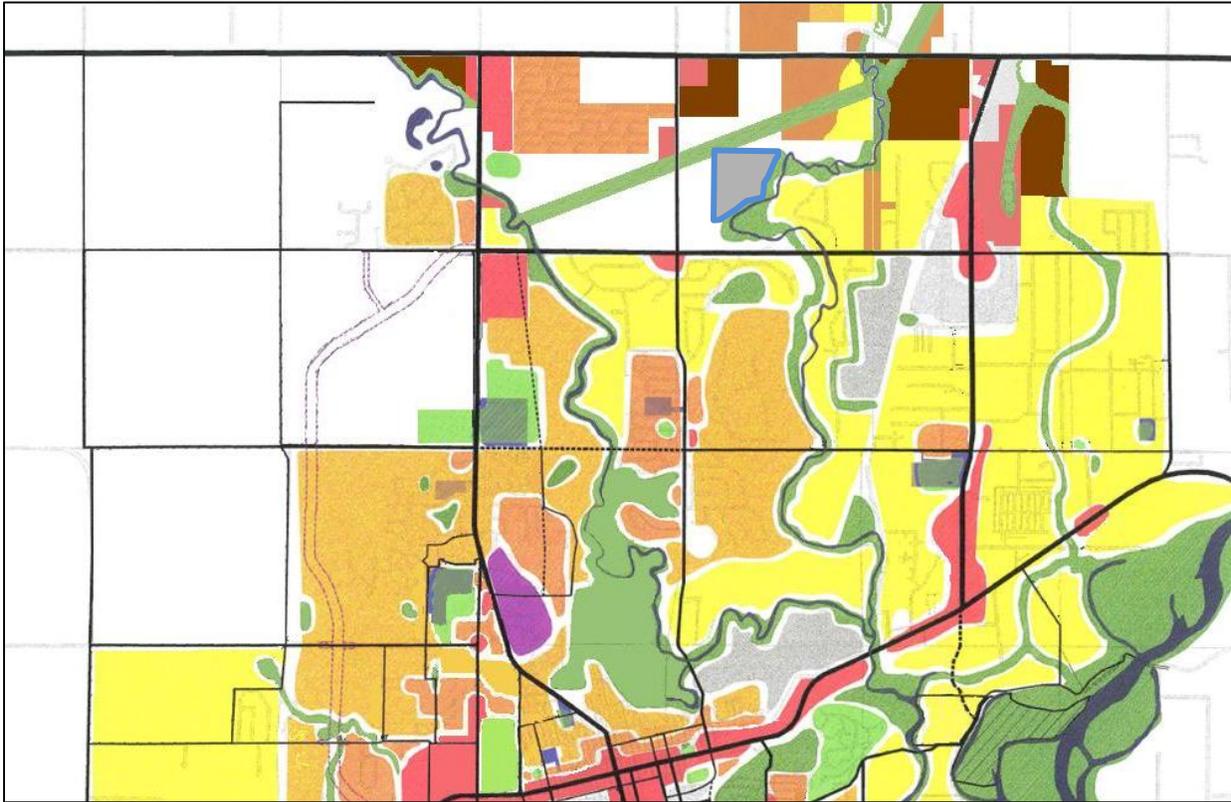
Figure 3: Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010 with amendments and combined with Two Rivers Plan Map (subject property outlined in blue)



The applicant is proposing a Master Plan map amendment in conjunction with a zone change request for the subject property. The subject property is located less than a quarter mile east of Whitefish Stage Road, less than a quarter of a mile north of West Reserve Drive and currently accessed from Whitefish Stage Road. According to the application, the applicant is proposing a map amendment because he is a long time business owner in Flathead County, has previously developed a successful business to the west of the proposed map amendment area and wishes to start a new light manufacturing business on the subject property. In order to facilitate the proposed business the zoning of the subject property must be amended to light industrial; which necessitated this proposed amendment to the Master Plan.

The Kalispell City-County Master Plan Year 2010 asserts that “*industrial development is sorely deficient. The entire Planning Jurisdiction contains only one-half (1/2) and Kalispell contains only one-fifth (1/5) of the industrially developed land normally found in a community of similar size.*” The applicant feels that because of the deficiency of areas designated for industrial uses the map amendment is warranted.

Figure 4: Proposed land use applicable to subject properties (outlined in blue).



D. Criteria for Amendment Review

Amendments to the Flathead County Growth Policy and/or amendments to the plans adopted as elements of the Growth Policy are reviewed for conformance with the amendment criteria found in Part 7 of Chapter 9 of the Flathead County Growth Policy. An evaluation of the proposed map amendment based on the applicable amendment criteria follows on pages 8 through 19 of this report.

E. Compliance With Public Notice Requirements

Adjacent property notification was sent out for the Master Plan map amendment because the zoning map amendment application which was submitted along with the Master Plan map amendment requires it. Therefore adjacent property notification regarding the proposed amendment was mailed to property owners within 150 feet of the subject properties on September 14, 2012. Legal notice of the Planning Board public hearing on this application was published in the September 23, 2012 edition of the Daily Interlake.

F. Agency Referrals

Referrals for comment on the proposed amendment to the Kalispell City-County Master Plan Year 2010 were sent to the following agencies on July 13, 2012:

- Bonneville Power Administration
 - Reason: The subject property is located in close proximity to the transmission lines and increased development as a result of the Master Plan map amendment could necessitate review.

- City of Kalispell Planning Department
 - Reason: The subject property is located in close proximity to the annexed jurisdiction of the city and increased development as a result of the Master Plan map amendment may necessitate annexation into and use of city infrastructure.
- Department of Natural Resources and Conservation
 - Reason: The property is located on along the Whitefish River may impact future supplies of water.
- Evergreen Water and Sewer District
 - Reason: The subject property has been annexed into the Evergreen Water and Sewer District.
- Flathead Conservation District
 - Reason: The subject property is located adjacent to Whitefish River.
- Flathead County Address Coordinator
 - Reason: Increased development resulting from the proposed Master Plan map amendment may impact existing services.
- Flathead County Attorney's Office
 - Reason: Being processed with a zoning map amendment that should be reviewed for spot zoning.
- Flathead City-County Health Department; Environmental Health Services
 - Reason: Increased development as a result of the Master Plan map amendment may necessitate review by the Department.
- Flathead County Public Works/Flathead County Road Department
 - Reason: The map amendment request has the potential to impact County infrastructure, should development occur in the future.
- Flathead County Sheriff
 - Reason: Potential development resulting from the proposed Master Plan map amendment could have an impact on existing public services.
- Flathead County Solid Waste
 - Reason: The type and amount of solid waste resulting from uses permitted within the requested the Master Plan classification could have an impact on existing public services.
- Flathead County Weeds and Parks Department
 - Reason: Potential development resulting from the proposed Master Plan map amendment could have an impact on existing public services.
- Montana Department of Transportation (MDT)
 - Reason: The subject property is located within a quarter mile of a two state secondary roads and the zone change request has the potential to impact MDT infrastructure, should development occur in the future.
- Montana Fish Wildlife and Parks
 - Reason: The subject property is located adjacent to the Whitefish River and in close proximity to a fishing pond.
- West Valley Fire District

- Reason: The subject property is located within the jurisdiction of the local fire district and increased development as a result of the Master Plan map amendment could impact the level of service demands.
- United States Post Office
 - Reason: Increased development resulting from the proposed Master Plan map amendment may impact existing services.

III. COMMENTS RECEIVED

A. Public Comments

As of the date of the completion of this staff report, no public comments have been received regarding the requested Master Plan map amendment. It is anticipated any member of the public wishing to provide comment on the proposed Master Plan map amendment will do so at the Planning Board public hearing scheduled for October 10, 2012. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Director; Flathead County Road & Bridge Department
 - Comment: The County Road Department does not have any comments regarding these proposals.
- Montana Fish, Wildlife and Parks
 - Comment: Montana Fish Wildlife and Parks has no comment regarding this master plan amendment request.
- Flathead County Solid Waste District
 - Comment: The District views no negative impact with solid waste issues at this time. The Districts requests that all solid waste generated at the proposed location be hauled by a licensed hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission licensed hauler in this area. Their business number is 406-257-1739.
- Flathead City County Health Department
 - Comment: Property is proposed to be served by the Evergreen water district. It is located far enough away from public sewerage that connection to sewer will not be required. However, an on-site sewer treatment system will likely be required to be designed by a professional engineer. A site evaluation must be conduct by this office prior to any design work. Also even though the County does not have storm drainage regulations, a storm drainage system should be designed by a professional engineer in compliance with standards established by the Montana Department of Environmental Quality.

- City of Kalispell Planning Department
 - Comment: The Kalispell Planning Department does not have any comments at this time.
- Montana Department of Transportation
 - Comment: As this will be a change in use of an existing access then a new approach permit for access to the property is required to be approved by MDT. The owner’s representatives have already been in contact with MDT regarding this proposal and are in the process of obtaining new approach permits.
- Bonneville Power Administration
 - Comment: BPA has no objection to the proposed change to the Master Plan. However, BPA has concerns about the private road that appears to access the property from Whitefish Stage Road, which passes between two transmission line structures located within BPA’s right-of-way. BPA right-of-way easements are taken with certain restrictions on the underlying land. In order to maintain operation and safety criteria, all activities planned within the BPA right-of-way need to be approved by BPA prior to their occurrence. Activities that block maintenance crews (such as the installation of fences) or safety concerns (such as buildings, public roads, driveways, utilities, small structures) need to be addressed prior to construction in order to avoid later modification, at the landowner’s expense.

IV. EVALUATION OF PROPOSED NEIGHBORHOOD PLAN

A. Primary Plan Amendment Criteria

Pursuant to Chapter 9, Part 7 of the Flathead County Growth Policy, the following criteria shall be used when amending the Growth Policy. Therefore, the same criteria are used to review an amendment to a plan which has been adopted as an element of the Growth Policy per Chapter 10, Part 4 of the Flathead County Growth Policy.

i. Does the amendment effect overall compliance of the growth policy with 76-1-601, M.C.A.?

The Montana Code Annotated (M.C.A) 76-1-601 states in subsections “(2), *the extent to which a growth policy addresses the elements listed in subsection (3) is at the full discretion of the governing body.*” Staff evaluated the effect the proposed map amendment had on overall compliance of the Growth Policy with M.C.A. 76-1-601. Upon review of 76-1-601 M.C.A. staff determined which sections the proposed map amendment would impact. The following subsections of 76-1-601 M.C.A. appear applicable to the requested Master Plan map amendment:

- (3) A growth policy must include
 - (b) Maps and text describing an inventory of existing characteristics and features of the jurisdictional area, including;
 - (i) Land uses;
 - (iv) Economic conditions
 - (v) Local services
 - (vi) Public services
 - (c) Projected trends for the life of the growth policy for each of the following elements:
 - (i) Land uses;
 - (iv) Economic conditions
 - (v) Local services
 - (vi) Public services
 - (d) A description of policies, regulations, and other measures to be implemented in order to achieve the goals and objectives established pursuant to subsections (3)(a)
- (4) A growth policy may:
 - (a) Include one or more neighborhood plans. A neighborhood plan must consist with the growth policy.
 - (c) Establish an infrastructure plan that, at a minimum, includes:
 - (i) Projections, in maps and text, of the jurisdiction's growth in population and number of residential, commercial, and industrial units over the next 20 years;
 - (iii) For a county, a plan of how the county will coordinate infrastructure planning with each of the cities that project growth outside of city boundaries and into the county's jurisdictional area over the next 20 years
 - (v) For cities and counties, a land use map that designates infrastructure planning areas adjacent to cities showing where projected growth will be guided and at what densities;

Section (3) of 76-1-601 M.C.A. is addressed in the application, and it appears the proposed amendment would not affect the overall compliance of the Flathead County Growth Policy with 76-1-601, M.C.A. which states that the growth policy must include these topics, and the extent to which a growth policy addresses the elements listed in subsection (3) is at the discretion of the governing body. The proposed map amendment would not amend the Growth Policy Designated Land Uses 2006 map because the Designated Land Uses map is a snap shot of the zoning in place when the plan was completed. While the Master Plan is a component of the Growth Policy, the applicant is seeking a map amendment that

would amend the map for the Kalispell City-County Planning Jurisdiction Master Plan Map Year 2010, essentially altering the inventory of existing characteristics and changing the projected trends for land use, economic conditions, local services and public services within the growth policy. As the Master Plan map is a reflection of trends in land use, the projection of trends has changed since the plans adoption and the proposed map amendment would bring the Master Plan map up to date. It is considered the map amendment would improve the accuracy of projected trends with the addition of industrial designation at the location of the subject property and would not remove any sections of the Growth Policy required by M.C.A.

Section (4) of 76-1-601 M.C.A. lists what a growth policy may contain. The Flathead County Growth Policy contains several neighborhood plans including the Kalispell City-County Master Plan Year 2010, which was incorporated into the Growth Policy upon adoption of the Growth Policy. The Kalispell City-County Master Plan Year 2010 will remain an element of the Growth Policy.

Finding #1: The proposed Master Plan map amendment appears to not affect the overall compliance of the Growth Policy with 76-1-601 M.C.A. because the scope to which a growth policy addresses the elements listed in subsection (3) of 76-1-601 M.C.A. is at the discretion of the governing body, the amendment would improve the accuracy of projected trends, and the Kalispell City-County Master Plan Year 2010 will remain an element of the Growth Policy.

ii. Is the amendment based on existing characteristics and/or projected trends that are substantially different from those presented in the most recent update?

The applicant states “the Kalispell City County Growth Policy adopted in 1986 is for the most part outdated with the exception of the identified deficiency of industrially designated property within the Plan Area. The proposed map amendment is at least in a small part trying to rectify the industrial deficiency. Since the adoption of the original Master Plan, areas to the west have been designated industrial; the Highway 93 strip up to the north side of Reserve has been designated and developed as commercial uses. The City of Kalispell has annexed property north to Church Drive. Flathead County has adopted the Two River Neighborhood plan that surrounds the subject property with urban land use designations. Evergreen has expanded its water and created a sewer district that developed sewer service for the greater Evergreen area. Much has changed in the last 25 years on the northern edge of Kalispell. The proposed land use designation is no longer out of character with its surrounding land use designations and uses.”

Figure 7.1 of the Master Plan, found on page 57a, indicates 1,680 average daily trips of traffic (ADT) in 1991 along Whitefish Stage Road north of West Reserve Drive and 3,080 ADT south of West Reserve Drive. Projections for the year 2015 found on page 58a Figure 7.4 illustrate average daily traffic to be 12,000 on Whitefish Stage Road. Traffic counts taken by the Montana Department of Transportation (MDT) for Whitefish Stage Road in 2009 indicate annual average

daily traffic to be 3,550 vehicle trips per day north of West Reserve Drive and 5,730 south of West Reserve Drive.¹ The current ADT along Whitefish Stage Road is far less than the Master Plan's projected ADT for 2015.

Figure 7.1 of the Master Plan indicates 6,710 for ADT in 1991 along West Reserve Drive west of Whitefish Stage Road and 5,460 ADT east of Whitefish Stage Road. Projections for the year 2015 in Figure 7.4 estimate 20,000 ADT along West Reserve Drive west of Whitefish Stage Road and 22,000 ADT east of Whitefish Stage Road. Current available data from 2009 traffic counts taken by the Montana Department of Transportation (MDT) for West Reserve Drive indicate annual average daily traffic was 16,530 vehicle trips per day west of Whitefish Stage Road and 12,670 east of Whitefish Stage Road. The current ADT along Whitefish Stage Road is far less than the projected ADT for 2015.

Many of the projections from the Master Plan appear to be outdated including traffic counts for roads that will likely be impacted by the proposed Master Plan amendment. The fact that the Master Plan projects traffic counts for 2015 that exceed the most recent counts done in 2009, indicate the current trends are substantially different.

Portions of the text in the Master Plan appear to support the proposed map amendment to industrial because text in Chapter 5 of the Master Plan reads, "*industrial development is sorely deficient. The entire Planning Jurisdiction contains only one-half (1/2) and Kalispell contains only one-fifth (1/5) of the industrially developed land normally found in a community of similar size.*" The plan also states that, "*By the year 2010, approximately 500 additional acres are projected to be needed to address anticipated growth. A major emphasis is to be placed on light industrial development which will not compromise the outstanding air and water quality for which the Flathead Valley is known.*" Since the Master Plan was adopted the County's population has risen from approximately 52,000 in 1980 to 91,000 residents in 2010, according to U.S. Census data. Based on data obtained with use of GIS software, the area zoned industrial within the Master Plan planning jurisdiction has increased to approximately 900 acres today from approximately 500 acres in 1986. It appears that approximately only 400 acres of industrial zoned acreage has been created since the Master Plan was adopted, about 100 acres less than anticipated by the Master Plan.

Finding #2: It appears the amendment is based on both existing characteristics and projected trends that are substantially different from the most recent update of the Master Plan because the plan identifies a deficiency of industrially designated properties, the industrial acreage has not grown at the anticipated rate to address growth, and most current 2009 traffic counts are far less than those projected by the Master Plan, for the year 2015.

¹ Montana Department of Transportation "Traffic Data Collection and Analysis"
<http://www.mdt.mt.gov/publications/datastats/statewide_traffic.shtml> (September 6, 2012).

iii. Does the amendment create inconsistencies within the document?

Staff evaluated the Master Plan to determine if the proposed map amendment would create inconsistencies with the Master Plan. Upon review of the Master Plan staff determined which text, goals and objectives the proposed map amendment may impact.

The Kalispell City-County Master Plan Year 2010 serves as a localized planning tool for the area surrounding the City of Kalispell, and the Master Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. The Kalispell City-County Master Plan Year 2010 states, *“The Master Plan is composed of three major components –The Text, the Master Plan Map, and Goals and Objectives. All three of these components are equally important and must be equally weighed. To adequately interpret and implement the Plan, all three must be consulted for insight and direction. Relying on only one component will not always give a clear picture of the broad community concepts or the spirit of the Plan. Or worse, it may lead to a twisting or manipulation of the Plan.”*

It appears the proposed map amendment is supported by the text of the Master Plan. Text in Chapter 5 of the Kalispell City-County Master Plan Year 2010 reads *“industrial development is sorely deficient. The entire Planning Jurisdiction contains only one-half (1/2) and Kalispell contains only one-fifth (1/5) of the industrially developed land normally found in a community of similar size.”* The plan also states that, *“a major emphasis is to be placed on light industrial development which will not compromise the outstanding air and water quality for which the Flathead Valley is known and provides,”* and *“industrial land and development provides a twofold benefit to an area. First, industrial land is a major component of the local tax base. Typically, industrial lands pay a far greater proportion in taxes than are received back in services. Second, industrial developments are a major source of employment and usually create additional local employment via the multiplier effect. Industrial development on the average is responsible for creating 1.5 to 2 additional local supports, service or retail jobs (non-basic) for each industrial (basic) job in a given area.”*

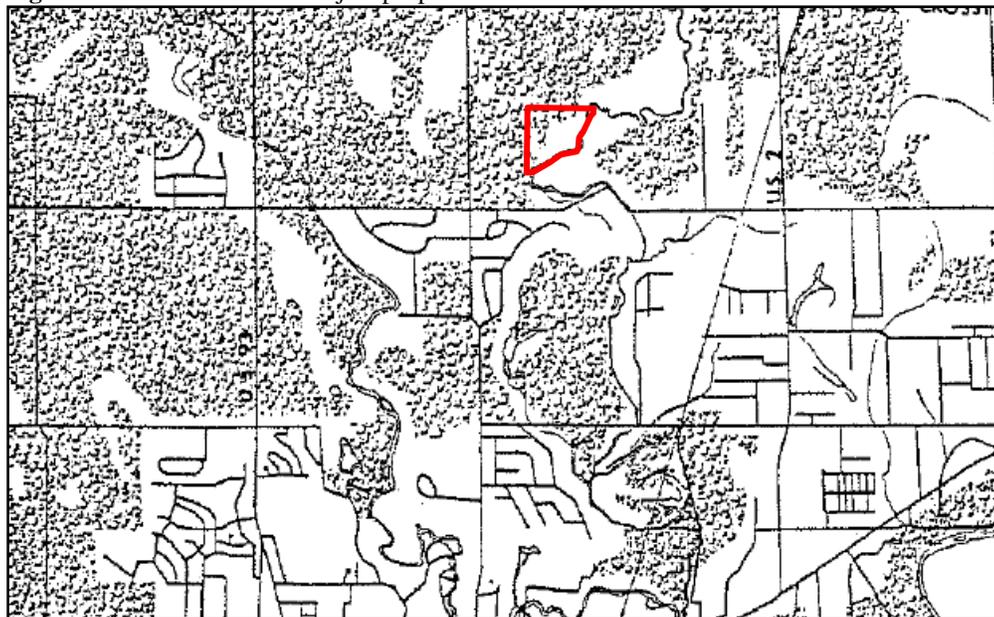
Chapter 5 Land Uses of the Master Plan defines light industrial as, *“a district which includes manufacturing, fabricating, processing, storage, and transportation uses that do not create nuisances such as noise, dust, heat, odor, smoke, vibrations, etc. Districts should have immediate access to air, rail, and arterial or collector streets. Community water and sewer accessibility is important. Districts should not be located adjacent to residential or light intensity commercial districts. If so located, adequate buffering and setbacks must be incorporated. Direct ingress-egress into residential neighborhoods must be avoided.”* The Master Plan also discusses locations for light industrial districts as, *“planned for adjacent to the municipal airport, adjacent, to the Burlington*

Northern tracks in uptown Kalispell and on the northern fringes of the Kalispell Planning Jurisdiction at the Highway 93- West Reserve Drive intersection and the Highway 2 – Reserve Drive intersection.”

The location of the proposed industrial land uses designation is on the northern fringes of the Kalispell Planning Jurisdiction, northeast of the intersection of West Reserve Drive and Whitefish Stage Road but not an area specifically mentioned in the Master Plan. The property is serviced with water by Evergreen Water and Sewer District, and has been annexed into the Evergreen Water and Sewer District. The property is adjacent to residential and agricultural uses but is buffered from the residential by the Whitefish River and open space. Ingress and egress to the subject property would be off two arterial roads, Whitefish Stage Road and West Reserve Drive and would not traverse directly through residential neighborhoods.

Addressing environmental considerations for new growth within the plan area, Figure 6 of the plan shows growth deterrents including floodplain, steep slopes and unfavorable soils and Figure 6A of the Master Plan illustrates areas of prime farmland within the Kalispell City-County Planning Jurisdiction. It appears that the southeastern side of the property along the Whitefish River is located in an area where growth is deterred and shown as a floodplain. The Flathead County Floodplain and Floodway Management Regulations regulate development in a floodplain. However the applicant has indicated the development would occur on higher ground outside the floodplain and it appears the majority of subject property is located outside the area designated as prime farmland as shown in Figure 5 below.

Figure 5: Prime Farmland subject properties outlined in red.



Finding #3: The proposed map amendment does not specifically comply with the Master Plan's designated locations for light industrial because the area being proposed for a change in land use is not specifically listed in the text on page 47 in Chapter 5.

Finding #4: The proposed Master Plan map amendment appears to comply with the overall text of Master Plan that states the attributes of where light industrial should be located because the Master Plan notes a deficiency in industrial uses within the planning jurisdiction, the proposal would add industrial acreage, the subject property is serviced with public water, buffered from residential uses by the Whitefish River and open space and ingress/egress would be off two arterial roads, and not traverse directly through residential neighborhoods.

The following goals and objectives of the Master Plan appear applicable to the proposed Master Plan map amendment, and generally indicate consistency with the proposal:

- 1 Growth Management – A comprehensive, effective growth management program which provides for all the needs of the community is adaptable to changing trends and is attuned to the overall public welfare.
3. Environment – Air, water, open space and scenic vistas unhindered by pollution, blight or other factors.
 - a. Establish strict standards for all development which occurs in environmentally sensitive or critical areas such as floodplains, lakeshores, drainage ways or excessive slope areas.
 - b. Where appropriate, preserve areas within the 100 year floodplain in a natural state as parkland, wildlife habitat, open space or agriculture.
 - The applicant is not proposing to build in the 100 year floodplain or on the slope area on the southeastern side of the property, but instead proposing to preserve it as open space. The Flathead County Floodplain and Floodway Management Regulations would regulate any development that occurred in a floodplain as a result of this Master Plan map amendment.
5. Economy
 - b. Identify and conserve prime farm lands in order to retain farming as a viable sector of the economy.
 - The northern and western edges of the property are designated as Prime Farmlands in the Kalispell City-County Master Plan Year 2010, see Figure 5 above. While this may seem inconsistent, the aerial photograph and site plan show the existing structures and proposed structure located outside the area designated as prime farmland. The applicant has stated that a ring of agriculture shall be preserved around the subject property. The industrial use could potentially provide a

funding source to maintain agricultural production on the surrounding property.

- g. Promote the location of business and clean light industrial so as to provide job opportunities and maintain Kalispell's position as a retail shopping center for northwest Montana.

- The applicant has stated that the proposed Master Plan map amendment would allow for a light industrial use consistent with the definition of 'I-1 Light Industrial,' *"a district to provide areas of light industrial uses and services that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein"* [Section 3.27 FCZR].

6. Land Use – The orderly development of the planning jurisdiction with ample space for future growth while, at the same time, ensuring compatibility of adjacent land uses.

- e. Establish additional areas for light industrial expansion within or directly adjacent to the city. Target clean light industrial uses around the airport away from height restricted areas to serve as a buffer for adjacent land uses and to take advantage of airport transportation services.

- The proposed map amendment would establish additional areas for light industrial near annexed areas of the city.

8. Public Facilities

- a. Designate areas of future development which are already serviced or area in areas which can be economically serviced by water and sewer, police and fire protection, etc.

- The property is not located directly adjacent to the City of Kalispell, but it is less than a half mile from the city limits and the city is annexing west of the subject property. The area directly to the south is built to urban densities and serviced by the Evergreen Water and Sewer District. The subject property is serviced by a main water extension from Evergreen Water and Sewer District and has been annexed into the Evergreen Water and Sewer District. The application states it will be serviced by on-site sewer.
- The property is within West Valley Fire District and served by the Flathead County Sherriff's office. It appears that the subject property can be economically serviced by water and sewer, police and fire protection.

12. Agriculture

- d. Recognize that this resource should be protected by allowing the limited conversion of agricultural lands only if those areas which are not

productive agricultural lands or where these lands are needed for proper urban expansion.

- The applicant owns approximately 250 acres adjacent to the subject property all of which the applicant has stated will remain in agriculture production, thus limiting the conversion of agricultural lands and conserving farmlands to retain farming as a viable sector of the economy.
- i. Direct growth to already established urban areas and rural areas which area not environmentally sensitive or productive agricultural lands.
 - The area being proposed for development is currently not being used for growing crops and is near established urban areas.
 - k. Avoid extending municipal services and roads into agricultural lands which would result in the premature development of such areas.
 - It appears that the extension of water lines would not result in premature development of agricultural lands for several reasons. The subject property has been annexed into the Evergreen Water and Sewer District and the City of Kalispell has annexed land within a half mile of the subject property. The proposed map amendment will make up for a deficiency in industrial designated land addressed in the Master Plan. It appears that the subject property can be economically serviced by water and sewer, police and fire protection. Additionally the applicant is proposing to keep the surrounding land in agricultural production to provide a land use buffer between the proposed use and adjacent areas.

Finding #5: The proposed Master Plan map amendment appears to generally comply with the goals and objectives of Kalispell City-County Master Plan Year 2010, because the applicant is not proposing to build in the 100 year floodplain or on steep slopes, would establish a clean light industrial use, is serviced by Evergreen Water, by on-site sewer, West Valley Fire District and the Flathead County Sherriff's office, is near established urban areas, and would limit the conversion of prime agricultural lands by preserving the agriculture buffer.

iv. Does the amendment further protect and comply with the seven elements of the public's vision for the future of Flathead County?

1. Protect the Views

According to the Flathead County Growth Policy a characteristic that residents cherish is views of open space. Located a quarter mile east of Whitefish Stage Road and north of West Reserve Drive, the subject property is currently developed with a single family dwelling, a barn, grain bins and various other buildings. The property is screened when viewed from West Reserve Drive by mature trees and buffered from Whitefish Stage Road by an agricultural field.

Figure 6: View of the property from Whitefish Stage Road



2. Promote a Diverse Economy

The Growth Policy states that residents desire a diverse economy that respects the heritage as a primary producer of the county and promotes development of other sectors of the economy not traditionally found in rural Montana. The applicant states the proposed change will promote a diverse economy by providing good paying jobs for the Flathead Valley. The proposed Master Plan map amendment will allow for the creation of up to 100 new jobs in the county and the map amendment may allow for the development of a light manufacturing company that is not traditionally found in rural Montana.

3. Manage Transportation

According to the Growth Policy, residents documented how increasing traffic reminded them of a growing suburban community and how a Growth Policy should address traffic volume, flow and safety. The subject property is located northeast of the intersection of Whitefish Stage Road and West Reserve Drive, Whitefish Stage Road and West Reserve Drive are classified as arterials by the Flathead Growth Policy.

Staff conducted research to find the best available data regarding the current level of service (LOS) for both Whitefish Stage Road and West Reserve Drive. Upon searching the Montana Department of Transportation (MDT) website staff found a study done by City of Kalispell, MDT and Federal Highway Administration, which was incorporated into the Kalispell Area

Transportation Plan (2006 Update)². The intersection of West Reserve Drive and Whitefish Stage Road is shown to have an AM and PM Peak LOS of ‘C’ considered to be good, operating at or near free-flow. The use anticipated as a result of the proposed map amendment may contribute more traffic to the already congested intersection of Whitefish Stage Road and West Reserve Drive, although the exact amount is difficult to estimate at this time. It is anticipated that MDT could better handle the changes in traffic volume and access to both Whitefish Stage Road and West Reserve Drive.

4. Maintain the Identity of Rural Communities

The vision to maintain the identity of the rural communities set forth in the Growth Policy is defined as the ability to live “the simple life” and own land in a safe, quiet, environmentally pristine neighborhood away from cities by residents of the county. The applicant states that the proposed map amendment will not detract from the identity and rural nature of the Flathead Valley, because of the location on the urban edge of the Kalispell area. The property is located less than a half mile from the city limits of Kalispell. Since the Master Plan was adopted the Reserve Drive corridor has seen steady growth and the majority of that growth has occurred south of Reserve Drive.

5. Protect Access to and Interaction with Parks and Recreation

The Growth Policy states a concern raised by residents was continued access to public lands and water bodies. The application states that the proposed map amendment will not impact access to, or interaction with any park or recreational activities. The nearest county park to the subject property is over a half mile away. The property is located adjacent to the Whitefish River but the applicant states that the proposed land use will not impair movement up or down the river by recreationalists. There is a fishing pond located about 3/10 of a mile away, however, the access to the pond is at Rose Crossing over a half a mile away from the subject property, and it does not appear likely that the proposed map amendment will affect access to the pond.

6. Properly Manage and Protect the Natural and Human Environment

According to the Growth Policy a theme commonly expressed by residents was responsible management of the natural and human environment. Many residents expressed a desire to protect the lakes, rivers, ponds, groundwater and air quality. According to the application the subject property of the proposed map amendment will be managed to protect the Natural and Human Environment. There are regulations for development along the river and within a floodplain that would serve to protect the natural environment. The applicant has stated that the proposed map amendment will allow for a clean, light industrial use.

7. Preserve the Rights of Private Property Owners

² Robert Peccia and Associates (2008). *Kalispell Area Transportation Plan (2006 Update)*.

The Growth Policy seeks to achieve balance by respecting the cultural heritage of private property ownership in Montana and protecting the same rights of all residents. The proposed map amendment appears to not infringe on neighboring properties, while maintaining the property rights of the applicant because it is buffered on three sides by the applicants own property and by the Whitefish River on the other.

Finding #6: The map amendment appears to predominantly protect and comply with the seven elements of the public's vision for the county because existing agriculture and existing foliage provides a visual buffer, the amendment would allow for increased light manufacturing, traffic is at or near free-flow, the property is in close proximity to Kalispell, would not alter the access of residents to public lands or water bodies, and would protect the rights of private property owners.

v. Has the proposed amendment undergone a sufficient process of county-wide, public participation and review?

Adjacent property notification was sent out for the Master Plan map amendment because the zoning map amendment application which was submitted along with the Master Plan Map amendment requires it. Therefore adjacent property notification regarding the proposed amendment was mailed to property owners within 150 feet of the subject properties on September 14, 2012. Legal notice of the Planning Board public hearing on this application was published in the September 23, 2012 edition of the Daily Interlake.

Finding #7: The proposed Master Plan map amendment will undergo a sufficient process of county-wide public participation and review because, adjacent property owners were notified, legal notice of the Planning Board Public hearing was posted in the Daily Interlake and the public will be given a chance to comment during the public hearing.

B. Secondary Plan Amendment Criteria

The Master Plan does anticipate that the plan would require periodic review and revision, because the various recommendations delineated in this study are based upon prevailing needs or deficiencies and past trends, as social and economic conditions vary, the needs and desires as well as the deficiencies of the Kalispell area will vary. However the Kalispell City-County Master Plan Year 2010 does not establish unique amendment criteria.

V. SUMMARY OF FINDINGS

Finding #1: The proposed Master Plan map amendment appears to not affect the overall compliance of the Growth Policy with 76-1-601 M.C.A. because the scope to which a growth policy addresses the elements listed in subsection (3) of 76-1-601 M.C.A. is at the discretion of the governing body, the amendment would improve the accuracy of projected trends, and the Kalispell City-County Master Plan Year 2010 will remain an element of the Growth Policy.

Finding #2: It appears the amendment is based on both existing characteristics and projected trends that are substantially different from the most recent update of the Master Plan because the plan identifies a deficiency of industrially designated properties, the industrial acreage has not grown at the anticipated rate to address growth, and most current 2009 traffic counts are far less than those projected by the Master Plan, for the year 2015.

Finding #3: The proposed map amendment does not specifically comply with the Master Plan's designated locations for light industrial because the area being proposed for a change in land use is not specifically listed in the text on page 47 in Chapter 5.

Finding #4: The proposed Master Plan map amendment appears to comply with the overall text of Master Plan that states the attributes of where light industrial should be located because the Master Plan notes a deficiency in industrial uses within the planning jurisdiction, the proposal would add industrial acreage, the subject property is serviced with public water, buffered from residential uses by the Whitefish River and open space and ingress/egress would be off two arterial roads, and not traverse directly through residential neighborhoods.

Finding #5: The proposed Master Plan map amendment appears to generally comply with the goals and objectives of Kalispell City-County Master Plan Year 2010, because the applicant is not proposing to build in the 100 year floodplain or on steep slopes, would establish a clean light industrial use, is serviced by Evergreen Water, by on-site sewer, West Valley Fire District and the Flathead County Sheriff's office, is near established urban areas, and would limit the conversion of prime agricultural lands by preserving the agriculture buffer.

Finding #6: The map amendment appears to predominantly protect and comply with the seven elements of the public's vision for the county because existing agriculture and existing foliage provides a visual buffer, the amendment would allow for increased light manufacturing, traffic is at or near free-flow, the property is in close proximity to Kalispell, would not alter the access of residents to public lands or water bodies, and would protect the rights of private property owners.

Finding #7: The proposed Master Plan map amendment will undergo a sufficient process of county-wide public participation and review because, adjacent property owners were notified, legal notice of the Planning Board Public hearing was posted in the Daily Interlake and the public will be given a chance to comment during the public hearing.

VI. SUMMARY

Per Chapter 10 Part 4 of the Flathead County Growth Policy existing neighborhood plans previously adopted by Flathead County were incorporated into the Growth Policy as addenda upon adoption of the Flathead County Growth Policy. As such the review and evaluation by the staff of the Planning Board comparing the proposed Kalispell City-County Master Plan Map Year 2010 amendment to the criteria for evaluation of

amendment requests found in Chapter 9 Part 7 of the Flathead County Growth Policy has found the proposal to generally comply with the review criteria, based upon the 7 Findings of Fact cited above.