



Flathead County Planning & Zoning

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

PETITION FOR ZONING 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 \$ 4,207.20

APPLICANT/OWNER:

1. Name: NW Dev Group, LLC Phone: 503/260-4484
2. Mail Address: 4260 Galewood St. Suite B
3. City/State/Zip: Lake Oswego, OR 97035
4. Interest in property: Owner

Check which applies: Map Amendment Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Sands Surveying, Inc. C/o Erica Wirtala Phone: 406/755-6481
 Mailing Address: 2 Village Loop
 City, State, Zip: Kalispell, MT 59901
 Email: erica@sandssurveying.com

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

- A. What is the proposed zoning text/map amendment?
- _____
- _____
- _____

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: _____
- B. Legal Description: Tracts 3A, 3B, and 3BA
(Lot/Block of Subdivision or Tract #)

28 - 29N - 21W
 Section Township Range *(Attach sheet for metes and bounds)*

- C. Total acreage: 110.24 acres
- D. Zoning District: Evergreen
- E. The present zoning of the above property is: SAG-10
- F. The proposed zoning of the above property is: R-4



G. State the changed or changing conditions that make the proposed amendment necessary: _____

The boundary of the Evergreen Water and Sewer District has been removed, allowing higher density subdivisions to exist on public water and sewer.

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.

Michael W Andrus
Owner/Applicant Signature(s)

8/2/13
Date

Petition for Zoning Amendment

(Continued from Page 2 of the application....)

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?? *The Flathead County Growth Policy, adopted in March of 2007, then updated in October of 2012, contains within its jurisdiction, the Two Rivers Master Plan, which was adopted in June of 2005. When looking at the "Designated Land Use Map" which is incorporated into the Growth Policy, the subject property is designated as "Suburban Agricultural Land Use", however, this is because the Designated Land Use Map was mapped based on existing zoning, not on Master Plan designations or use.*

The subject parcel, which was included in the Two Rivers Master Plan, proposes an R-4 zone, is in accordance with the Two Rivers Master Plan designating the property use as "High Density Residential". As the proposal is in compliance with the Two Rivers Master Plan, then accordingly, it is in compliance with the Flathead County Growth Policy.

2. Is the proposed amendment designed to;

a. Secure safety from fire and other dangers? *Yes, the proposed zoning amendment will be consistent with flat topography, the availability of emergency services, the lack of combustible vegetation and the ability to install fire hydrants. The subject property and general location of the property are ideal for this zoning proposal.*

b. Promote public health, public safety and the general welfare? *Yes, in addition to the reasons indicated above, this is a flat parcel of land, containing stable soils, away from the risk of avalanches, slumps, slides, earthquakes and combined with the availability of public water and sewer, make it a good candidate for high density residential living.*

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements? *The subject property is centrally located in Flathead County, with easy access to State highways and County roads. There is an ample public water supply, an existing Interlocal Agreement to provide public sewer, and an elementary school located nearby. Glacier National Park is about a half-hour drive away, with other County parks and recreational opportunities available within a short distance.*

3. Does the proposed amendment consider:

a. The reasonable provision of adequate light and air? *The R-4 zone allows for minimum lot sizes, setbacks, fencing standards and a maximum building height, thereby ensuring that adequate light and air are guaranteed to potential homeowners.*

b. The effect on motorized and non-motorized transportation systems? *The R-4 zone is an urban-density zone. In order to access Kalispell's Sewage Treatment Plant facilities, it is required by the City of Kalispell that improvements/infrastructure be built to their standards. Therefore, to ensure the availability of public sewer, infrastructure within this proposal's subject property will contain roads that have curb, gutter, sidewalks, street lighting and street trees.*

A high-density zone proposal such as this requires that services, employment, transportation, schools and emergency personnel are all easily accessible. The subject property is at the hub of transportation options. Highway 2 is less than half a mile from the property, allowing northbound travelers a quick gateway to Glacier International Airport, Glacier National Park, Columbia Falls and Whitefish. Southbound travelers on Highway 2 (Idaho) are in the Evergreen commercial district within minutes, and downtown Kalispell shortly thereafter. West Reserve is a State Secondary Highway and also allows for an easy route to the "Big Box Stores" at the Reserve/Highway 93 intersection.

The adoption of this proposal will allow for consideration of a concurrently-submitted preliminary plat application. Included within the subdivision application is a proposal for a north/south ped/bike trail that will connect to Trumbull Creek Crossing, Phase 1 ped/bike paths, as well as established bike paths along East Reserve and Helena Flats. Eventually, with the completion of the entire project, a contiguous ped/bike path will exist from East Reserve to Rose Crossing, meandering throughout the Trumbull Creek site.

c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities? *As the subject property is flanked by a rail line and a five-lane highway on the western boundary, identical residential growth to the immediate south, and is in the general vicinity of similarly-dense developments, this does not appear to be significantly out-of-character. This proposal is approximately two miles from the boundary of Kalispell's "Annexation Policy" map, and an Annexation request to the City of Kalispell has been firmly denied based on that particular policy map. Trumbull Creek Crossing Phase 1 was developed to the same density utilizing an underlying R-2 zone and a PUD overlay. Phases 2-5 match that same density pattern.*

d. The character of the district and its peculiar suitability for particular uses? *As noted above, the proposed zone change from SAG-10 to an R-4 is well-suited for this specific parcel of land. The Evergreen Zoning District is a mix of agricultural, suburban-agricultural, residential, commercial and industrial zoning designations. This zoning designation is well-suited to the Evergreen District, especially with the availability of water and sewer resources.*

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area? *Trumbull Creek Crossing, Phases 2-5 will only serve to increase the value of the buildings in the general area as seen by the popularity and desirability to live in Trumbull Creek Crossing, Phase 1. There are no buildings on the subject parcel at this time as it is in agricultural production. This proposal will provide a bike path paralleling the eastern boundary, providing a much-needed connector between existing bike paths and the elementary school.*

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities? *This is a Map Amendment and not a Text Amendment, so when comparing the County R-4 zone to the R-4 zoning designations of Kalispell, Columbia Falls and Whitefish, they are all similar in dimensional and use requirements.*