FLATHEAD COUNTY PLANNING AND ZONING OFFICE
NW DEV GROUP, LLC ZONE CHANGE REQUEST
ZONING MAP AMENDMENT REPORT (#FZC-13-03)
SEPTEMBER 20, 2013

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by NW Dev Group, LLC for a zoning map amendment in the Evergreen Zoning District. The proposed amendment would change the zoning of the subject property from 'SAG-10 Suburban Agricultural' to 'R-4 Two Family Residential.'

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on October 9, 2013 in the 2nd Floor Conference Room of the Earl Bennett Building located at 1035 1st Ave West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will hold a public hearing on the proposed zoning map amendment on November 4, 2013. Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the Earl Bennett Building at 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Flathead County Clerk and Recorders Office at 800 South Main Street in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Planning Board

This space will contain an update regarding the October 9, 2013 Flathead County Planning Board review of the proposal.

B. Commission

This space will contain an update regarding the Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Owner/Applicants

NW Dev Group, LLC
4260 Galewood St. Ste. B
Lake Oswego, OR 97035

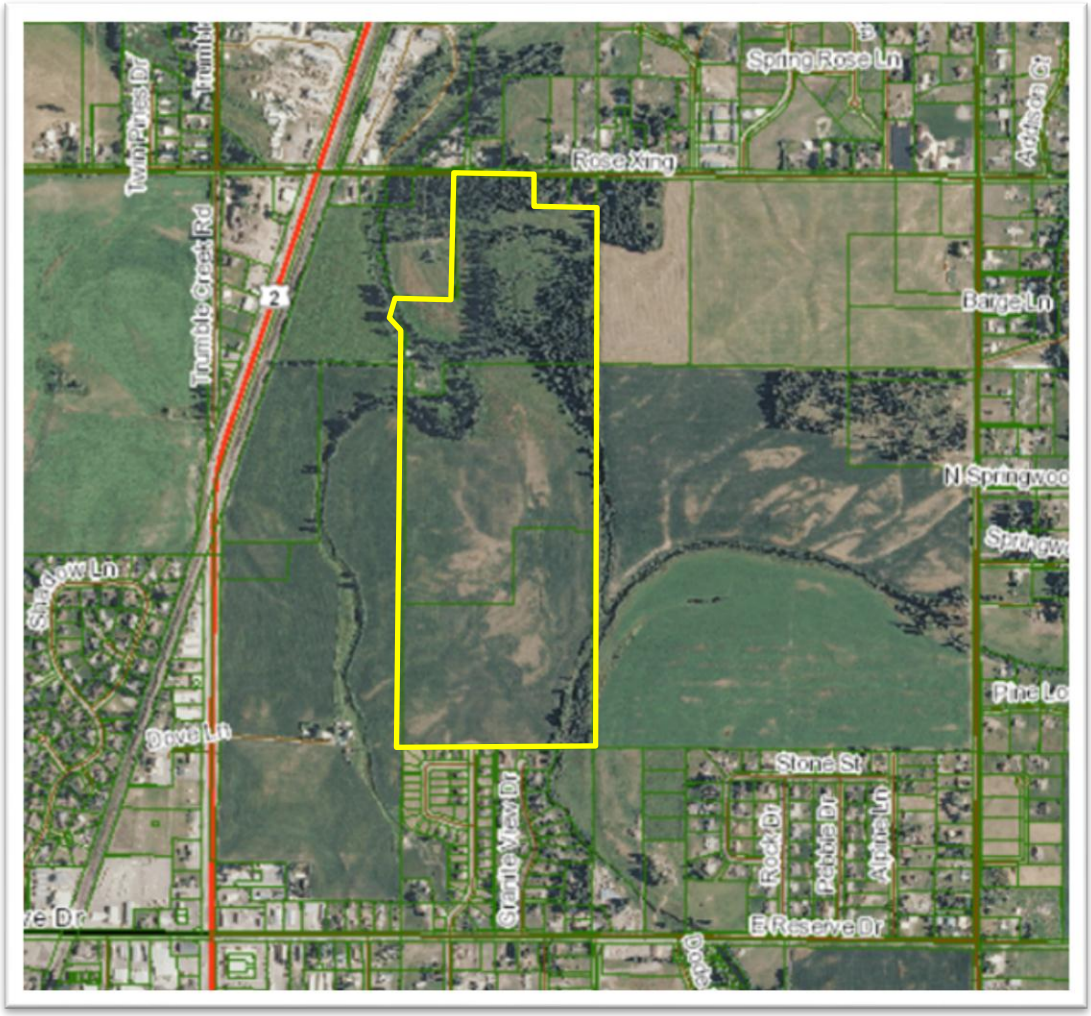
ii. Technical Assistance

Sands Surveying
C/o EricaWirtala
2 Village Loop
Kalispell, MT 59901

B. Subject Property Location and Legal Description

The subject property consists of three tracts totaling 110.24 acres in size and is located south of Rose Xing, approximately ¼ mile north of East Reserve Drive, and less than a ¼ mile east of U.S. Highway 2 (see Figure 1). The property can legally be described as Tract 3A, 3B, and 3BA in Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property highlighted in yellow



C. Proposed Zoning Map Amendment

The subject property is located within the Evergreen Zoning District and is currently zoned 'SAG-10 Suburban Agricultural' (see Figure 2 below). The SAG-10 designation is defined in Section 3.07 of the Flathead County Zoning Regulations (FCZR) as a, '*District to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.'*

As depicted in Figure 3 below, the applicant has requested the zoning map amendment for the property to be zoned 'R-4 Two Family Residential,' defined in Section 3.12 FCZR as a, '*District to provide lot areas for urban residential development. Development within the district will require all public utilities and all community facilities. A duplex is allowed in this district.'*

Figure 2: Current zoning applicable to subject property (highlighted in blue)

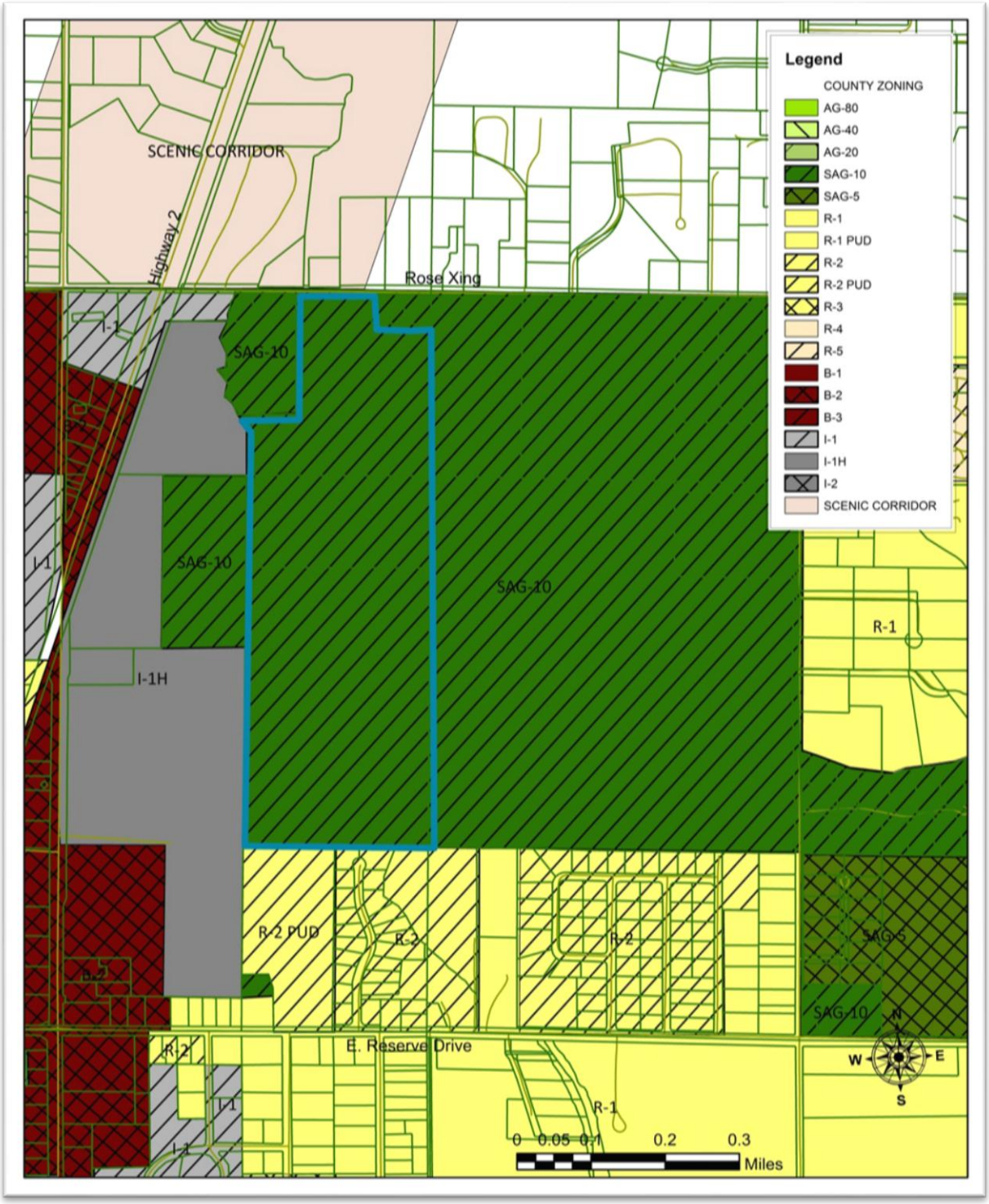
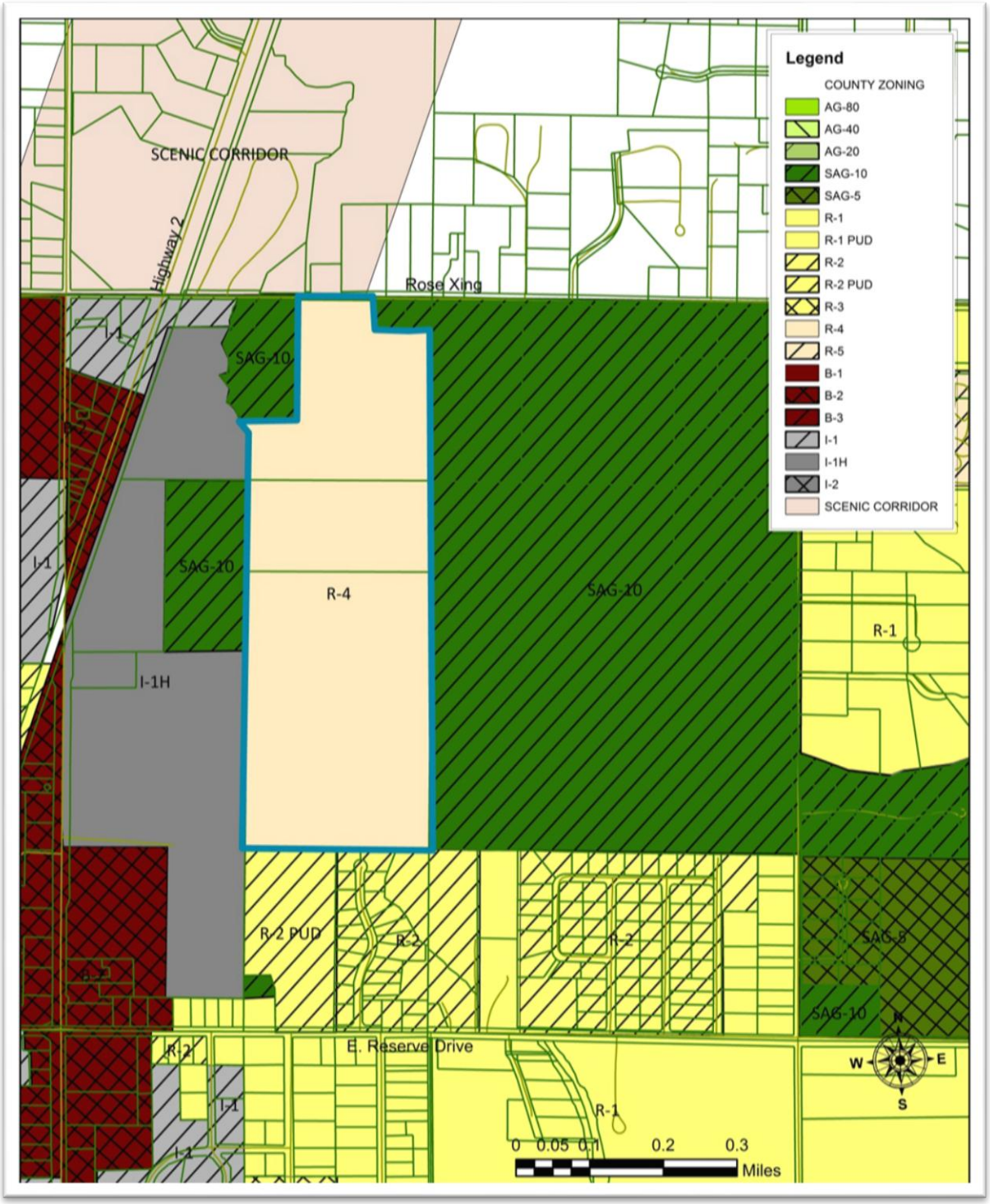


Figure 3: Proposed zoning on the subject property (highlighted in blue).



D. General Character of and Reason for Amendment

The property is relatively flat, with a swale located in the center of the property, and the northern third of the property (Tract 3A) is heavily forested. The southern two tracts (Tracts 3BA and 3B) are currently used for agricultural. A Trumbull Creek

traverses the southeasterner edge of the property before turning west through the southern edge of the northern most tract.

The applicant is requesting the zoning map amendment in anticipation of a future development on the subject property. The applicant has submitted an application to the Flathead County Planning and Zoning Office for a 113 lot subdivision on Tract 3BA, called Trumbull Creek Crossing, Phases 2 through 5 (FPP-13-04). The applicant is planning additional future development on Tracts 3B and 3A is anticipated. The proposed R-4 zoning allows minimum lot sizes and density consistent with the development plans for the property.

Figure 4: Current proposed Preliminary Plat of Trumbull Creek Crossing, Phases 2 through 5

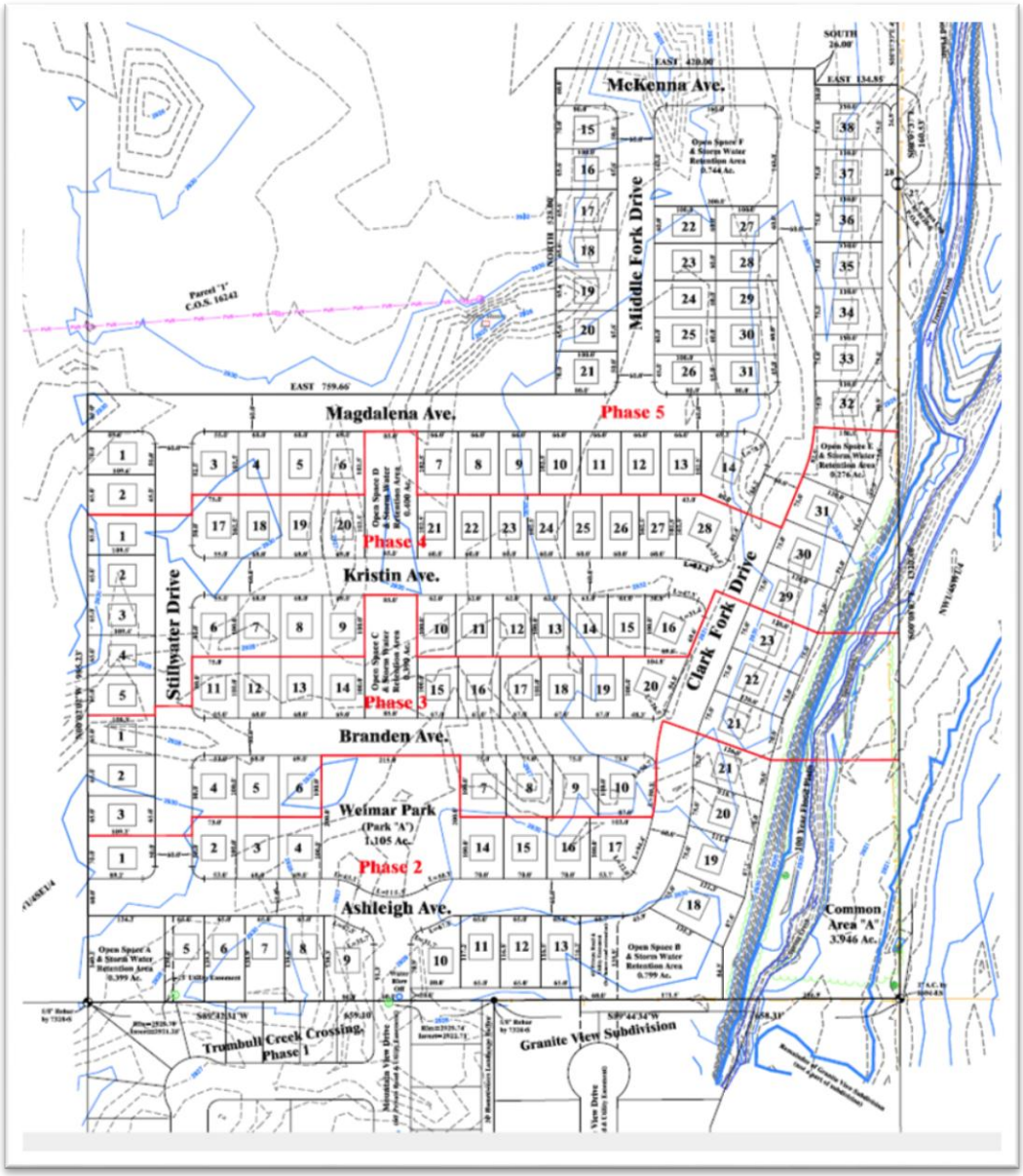


Figure 5: Aerial view of subject property (highlighted in yellow)

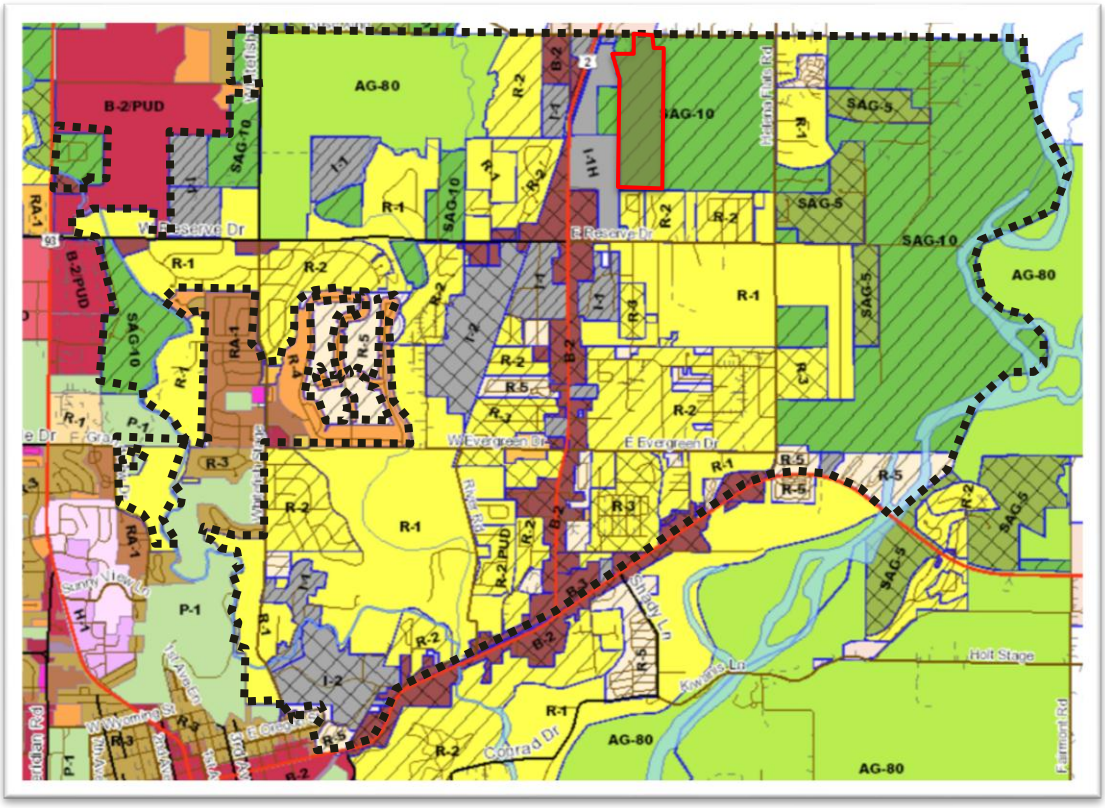
E. Adjacent Zoning and Character of the Overall Zoning District

The subject property is located within the Evergreen Zoning District and surrounded by suburban agricultural, industrial, commercial, residential, scenic corridor zones and un-zoned areas (see Figure 2). The subject property is bordered to the west by 'I-1H Light Industrial - Highway,' and 'SAG-10 Suburban Agricultural.' East of the subject property is 'SAG-10 Suburban Agricultural' zoning and south is 'R-2 One Family Limited Residential' zoning. North of the property is 'SC Scenic Corridor' and un-zoned property.

The character of the overall zoning district is a mixture of residential, agricultural, industrial and commercial. Directly south of the property is Trumbull Creek Crossing, Phase 1, a residential subdivision with an average lot size of 0.198 acres. Also to the south of the subject property is the Granite View Subdivision, with

residential lots that average approximately ½ acre in size. North of the subject property is residential and agriculture. East and west of the subject property are agricultural fields.

Figure 6: Evergreen Zoning District (outlined with dashed black line & subject property outlined in red.)



When an application appears to have the potential for spot zoning, the "three part test" established by legal precedent in the case of *Little v. Board of County Commissioners* is reviewed specific to the requested map amendment. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a brief review of the three-part test in relation to this application.

i. The Zoning Allows A Use That Differs Significantly From The Prevailing Use In The Area.

The intent of the currently existing 'SAG-10 Suburban Agricultural' zone is to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural use. The proposed 'R-4 Two Family Residential' zone is intended to provide lot areas for urban residential development. A substantial difference between the existing and proposed zoning regards the applicable bulk and dimensional requirements, minimum lot size in the proposed R-4 zoning is 6,000 square feet for single family dwellings and 7,500 square feet for duplexes

and all other uses, in comparison to the 10 acre minimum lot size of the current zoning.

The character of the area surrounding the subject property is a mixture of residential, agricultural commercial and industrial. Directly to the south of the subject property are two residential subdivisions with lots ranging in size from 5,915 square feet to 38,400 square feet. Trumbull Creek Crossing, Phase 1 Subdivision has lots ranging in size from 5,195 square feet to 19,687 square feet, with the majority of the lots between 6,000 and 8,100 square feet. The minimum lot size permitted within the R-4 district is similar to the smaller lot sizes in the adjacent subdivisions to the south. The permitted uses within the R-4 are very similar to the permitted uses in the R-2 zones to the south.

ii. The Zoning Applies To A Small Area Or Benefits A Small Number Of Separate Landowners.

The zoning map amendment would apply to three tracts of land owned by only one landowner. Using standard ArcGIS software the subject property is located within an approximately 401.2 acre SAG-10 district. Approximately 110.24 acres (27.5%) of the SAG-10 district is being proposed for a zoning map amendment. To the south of the subject property are two R-2 districts one approximately 49.1 acres and the other 46.7 acres. Also to the south of the subject property is an R-1 district approximately 372.0 acres in size. To the west of the subject property along Highway 2 is an I-1H district approximately 88.2 acres in size and an I-1 zone 12.2 acres. North of the subject property is an un-zoned area and Scenic Corridor zoning. The Scenic Corridor zoning is approximately 2982.5 acres in size. East of the property is two R-1 districts one approximately 61.9 acres and the other 23.4 acres in size. While the proposed R-4 zoning district would apply to one landowner, the new zoning district would be a similar size to the existing surrounding districts, and therefore the proposal does not apply to a small area.

iii. The Zoning Is Designed To Benefit Only One Or A Few Landowners At The Expense Of The Surrounding Landowners Or The General Public And, Thus, Is In The Nature Of Special Legislation.

The property that is being proposed for the zone change is owned by a single owner. However, the subject property is located within the Two Rivers Plan and is designated as 'High Density 8+" and 'Open Space' on the Land Use Map. The Two Rivers Plan does not provide details on the land uses shown on the future land use map. A density of 8 dwelling units per acre would be an average lot size of 5,445 square feet. The minimum lot size within the R-4 designation is 6,000 square feet for single family dwellings and 7,500 square feet for duplexes and all other uses. Directly to the south of the subject property are two residential subdivisions with lots ranging in size from 5,900 square feet to 38,400 square feet. Trumbull Creek Crossing, Phase 1 Subdivision has lots ranging in size from 5,195 square feet to 19,687 square feet, with the majority of the lots between 6,000 and 8,100 square feet. The minimum lot size permitted within the R-4 district is similar to the smaller lot sizes in the existing subdivisions to the south.

The proposed R-4 designation appears to comply with the Two Rivers Plan land use designation. Further, the proposed zone change is not considered to be

special legislation designed to benefit only one landowner at the expense of the surrounding landowners or general public because the proposed zone change complies with the adopted neighborhood plan.

In summary, all three criteria must be met for the application to potentially be considered spot zoning. The proposed zoning map amendment does not appear to be at risk of spot zoning, as it does not appear to meet all three of the criteria.

Finding #1: The proposed zoning map amendment from SAG-10 to R-4 does not appear to constitute spot zoning because the Two Rivers Plan supports the zoning map amendment, the proposed district would be comparable in size to other surrounding zoning districts, the minimum lot size in R-4 is similar to existing lot sizes to the south and the use does not significantly differ from prevailing uses in the area.

F. Public Services and Facilities

Sewer:	Evergreen Water and Sewer District
Water:	Evergreen Water and Sewer District
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Helena Flats School District
	Flathead High School District
Fire:	Evergreen Fire District
Police:	Flathead County Sheriff's Office

G. Criteria Used for Evaluation of Proposed Amendment

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

H. Compliance With Public Notice Requirements

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on September 16, 2013. Legal notice of the Planning Board public hearing on this application was published in the September 22, 2013 edition of the Daily Interlake.

Public notice of the November 4, 2013 Board of County Commissioners public hearing regarding the zoning map amendment was physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A] on September 12, 2013. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the date, time and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

I. Agency Referrals

Referrals were sent to the following agencies on August 9, 2013:

- Bonneville Power Administration

    - Reason: BPA has requested that anytime agency referrals are sent they receive a copy.

- City of Kalispell Planning Department
    - Reason: The subject property is located 1.25 miles northeast of the City of Kalispell.

- Montana Fish, Wildlife, and Parks
    - Reason: Increased development as a result of the zoning map amendment may impact wildlife in the area.

- Flathead City-County Health Department; Environmental Health Services
    - Reason: Increased development as a result of the zoning map amendment may necessitate review by the Department.

- Flathead County Public Works/Flathead County Road Department
    - Reason: The zone change request has the potential to impact County infrastructure.

- Flathead County Sheriff
    - Reason: Potential development resulting from the proposed zoning 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 zoning classification could have an impact on existing public services.

- Flathead County Weeds and Parks Department
    - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing public services.

- Flathead High School District
    - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing school services.

- Helena Flats School District
    - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing school services.

- Montana DNRC
    - Reason: Increased development as a result of the zoning map amendment may impact natural resources in the area.

- Montana Department of Transportation (MDT)
    - Reason: The zone change request has the potential to impact MDT infrastructure.

- Evergreen Water and Sewer
    - Reason: The subject property is located within the jurisdiction of the Evergreen Water and Sewer District and increased development as a result of the zoning map amendment could impact the level of service available.

- Evergreen Fire District
    - Reason: The subject property is located within the jurisdiction of the local fire district and increased development as a result of the zoning map amendment could impact the level of service available.

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 zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing scheduled for October 9, 2013 and/or the Commissioner's Public Hearing scheduled November 4, 2013. 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(s).

B. Agency Comments

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

- Bonneville Power Administration
    - Comment: "BPA does not have any objections to the approval of this request at this time." Letter dated 08/21/13.
- Flathead City-County Health Department
    - Comment: "The proposed development may require further sanitation review depending on the proposed property use. Water and sewer service is provided by Evergreen Water and Sewer District. Solid waste and stormwater drainage must also be addressed through the Sanitation in Subdivision Act by subdivision review." Letter dated 09/04/13.
- Flathead County Water and Sewer District #1 – Evergreen
    - Comment: "In order for the district to provide services to this property it must be annexed into the District. Water and Sewer services will be extended at the developer's expense and in compliance with all District specifications and policies, and upon approval by the District's Board of Directors after the plans have been reviewed and deemed approvable. Placement and number of fire hydrants will have to be approved by Evergreen Volunteer Fire Department. Since the described property is located outside of RSID 132, the boundary defined in the District's Interlocal Agreement with the City of Kalispell as the area that can be served by the District's wastewater collection system, permission must be obtained from the City of Kalispell to connect to the District's wastewater collection. The District will approve the connection to the sewer system only after the City of Kalispell provides written verification to the District that all of their requirements will be satisfied." Letter dated 08/15/13.

- Flathead County Road & Bridge Department
  - Comment: "The County Road Department does not have any comments regarding these (this) proposal." Letter dated 08/14/13.
- Kalispell Public Schools
  - Comment: "The high school students in this plat would be zoned for the Glacier High School. The proposed project would have limited impact on Glacier High School." Letter received 08/21/13.
- Montana Fish, Wildlife and Parks
  - Comment: "Montana Fish Wildlife and Parks has no comment regarding the above zone change request."
    Letter received 08/27/13.
- Montana Department of Transportation
  - Comment: "A Traffic Impact Study (TIS) was completed in 2007 for subdividing this property. Since the previous TIS is 6 years old, an updated TIS should be done to account for any changes and to accurately identify any impacts to the transportation system from the proposed development." Email dated 08/24/13.

IV. EVALUATION OF PROPOSED AMENDMENT

A. Build Out Analysis

Once a specific zoning designation is applied in a certain area, landowners have certain land uses that are allowed "by-right." A build-out analysis is performed to examine the maximum potential impacts of full build-out of those "by-right" uses. It is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not "best-case" or "worst case" scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

i. Current Zoning

As previously stated, the subject property is currently zoned 'SAG-10 Suburban Agricultural' district is defined in Section 3.07.010 of the Flathead County Zoning Regulations (FCZR) as a, "*District to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*"
The following is a list of permitted uses in an SAG-10 zone:

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home.
4. Cluster housing.
5. Dairy products processing, bottling, and distribution.
6. Day care home.

7. Dwelling, single-family.
8. Guest house.
9. Home occupation.
10. Homeowners park and beaches.
11. Nursery, landscaping materials.
12. Park and publicly owned recreational facility.
13. Produce stand.
14. Public transportation shelter station.
15. Public utility service installation.
16. Ranch employee housing.
17. Stable, riding academy, rodeo arena.

The following uses are listed as conditional uses in an 'SAG-10' zone. An asterisk designates conditional uses that may be reviewed administratively:

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center.
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Community center building operated by a non-profit agency.
10. Community residential facility.**
11. Contractor's storage yard.*
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Extractive industry.
15. Golf course.
16. Golf driving range.
17. Kennel, commercial.*
18. Manufactured home park.
19. Recreational facility, low-impact.
20. School, primary and secondary.
21. Temporary building or structure.*
22. Water and sewage treatment plant.
23. Water storage facility.

Bulk and dimensional standards under SAG-10 zoning require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures, while accessory structures require 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additionally there are provisions for smaller setbacks for non-conforming lots when the width of the lot is less than 200 feet and 150 feet. Setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and an additional setback of 20 feet is required

from county roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures, and the permitted lot coverage is 20%.

The three tracts of the subject property total 110 acres with a minimum lot size of 10 acres under SAG-10 zoning, which would allow for the creation of 11 lots.

ii. Proposed Zoning

The proposed zoning map amendment would change the zoning designation on the subject property to 'R-4 Two Family Residential.' R-4 is defined in Section 3.12 FCZR as a, '*District to provide lot areas for urban residential development. Development within the district will require all public utilities and all community facilities. A duplex is allowed in this district.'* The following is a list of permitted uses in an 'R-4 Two Family Residential' zone:

1. Class A and Class B manufactured homes.
2. Day care home.
3. Dwelling, single-family.
4. Duplex.
5. Home occupation.
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation.

The following uses are listed as conditional uses in an 'R-4 Two Family Residential' zone. An asterisk designates conditional uses that may be reviewed administratively:

1. Beauty Salon and Barbershop.
2. Bed and breakfast establishment.
3. Cellular antenna & monopole.
4. Church and other place of worship.
5. Community center building operated by a non-profit agency.
6. Community residential facility.*
7. Day care center.
8. Dwellings, cluster development
9. Electrical distribution station.
10. Golf course.
11. Manufactured home park.
12. Mini-storage, RV storage.
13. School, primary and secondary.
14. Temporary building or structure.*
15. Water storage facility.

The bulk and dimensional standards under R-4 zoning requires a setback for the principal structure of 20 feet for the front, rear and side-corner, and 5 feet from the side. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet from the rear and side. A 20 foot setback is required from a stream, river and unprotected lake which do not serve as property

boundaries. An additional 20 foot setback is required from county roads classified as collector or major/minor arterials.

The maximum allowable building height is 35 feet for all structures and the permitted lot coverage is 40%. The minimum lot size in an R-4 zone is 6,000 square feet for single family dwellings and 7,500 square feet for duplexes and all other uses. Development standards anticipate approximately 30% of the total land area being allocated to infrastructure. Thus under the proposed zoning the subject property could potentially be divided in a manner resulting in approximately 560 single family lots or 448 duplex lots. However environmental constraints and subdivision requirements may preclude that number of units from actually being able to be developed.

In summary, the requested zone change from SAG-10 to R-4 has the potential to increase density, by approximately 500%, through subsequent division in the future. The bulk and dimensional requirements vary slightly from SAG-10 to R-4 and the zoning map amendment would allow uses that are typical of residential zoning districts and similar to uses that are allowed under the existing suburban agricultural zoning on the property and residential zoning of the surrounding areas.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

i. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R). Additionally, the property is located within the Two Rivers Plan, adopted on June 28, 2005 by the Flathead County Commissioners (Resolution #1822A).

1. Flathead County Growth Policy

The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as 'Suburban Agricultural.' The proposed Two-Family Residential zoning classification would appear to contrast with the current Agricultural designation. However, Chapter 10 Part 3: Land Uses Maps of the Growth Policy under the heading Designated Land Use Maps specifically states, "This map depicts areas of Flathead County that are legally designated for particular use. This is a map which depicts existing conditions. The areas include zoning districts which are lumped together by general use rather than each specific zone and neighborhood plan. Further information on particular land uses in these areas can be obtained by consulting the appropriate zoning regulations or neighborhood plan document. The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map." Therefore, staff interprets this to mean the Designated Land Use Map is not a future land use map that implements policies, but

rather a reflection of historic land use categories. If the zoning map amendment is approved the Designated Land Use Map can be updated by staff to reflect changes made by the County Commissioners based on policies, rather than maps in the document.

Following is a consideration of goals and policies which appear to be pertinent to the proposed zone change, to determine if the proposal complies with the Growth Policy

- ❖ G.2 – Preserve the rights of property owners to the use, enjoyment and value of their property and protect the same rights for all property owners.
- ❖ G.8 – Safe, healthy residential land use densities that preserve the character of Flathead County, protect the rights of landowners to develop land, protect the health, safety, and welfare of neighbors and efficiently provide local services.
    - o The R-4 designation would allow for densities of about 7.3 dwelling units per acre for single family and 11.6 dwelling unit per acre for duplexes, that density would likely require public services.

- P.10.2 – Discourage development within the 100-year floodplain that displaces floodwaters to neighboring properties.
    - o A portion of the property is located within the 100-year floodplain. For new subdivisions each lot is required to have a building site outside the 100-year floodplain, and improvements within the floodplain are subject to applicable permitting requirements. Additionally in the proposed Trumbull Creek Crossing, Phases 2-5 Subdivision (FPP-13-04), the applicant is proposing to leave the floodplain as open space.

- P.10.5 – Protect wetlands and riparian areas.
    - o The subject property contains areas designated as wetlands. The proposed Trumbull Creek Crossing, Phases 2-5 Subdivision, would necessitate limited work in the proximity of the wetlands and the work is subject to compliance with permitting requirements.

- ❖ G.15 – Promote a diverse demographic of residents.
    - Encourage housing, employment, education and recreation to attract, support and maintain young families.
        - o The R-4 zone would allow for duplexes, single family dwellings and manufactured homes.

- ❖ G.16 – Safe housing that is available, accessible, and affordable for all sectors of the population.
    - P.16.4 – Consider the locational needs of various types of housing with regard to proximity of employment, access to transportation and availability of public services.

    - The R-4 zone would allow for duplexes, single family dwellings and manufactured homes and the proposed zone change is located within a ¼ mile from U.S. Highway 2.

  - P.23.6 – Support land use patterns along transit corridors that reduce vehicle dependency and protect public safety.
    - The proposed zone change is located within a ¼ mile from U.S. Highway 2.

- G.31 – Growth that does not place unreasonable burden on the school district to provide quality education.
    - The subject property is located within the Helena Flats and Flathead High School Districts; the proposed residential use would generate many school children at full build-out and has the potential to impact both school districts. Comments received from Kalispell Public Schools states, "The high school students in this plat would be zoned for the Glacier High School. The proposed project would have limited impact on Glacier High School." No comments were received from the Helena Flats School District. Therefore it appears the proposal would not adversely impact area school districts.

- G.32 – Maintain consistently high level of fire, ambulance and emergency 911 response services in Flathead County as growth occurs.

- G.33 – Maintain a consistently high level of law enforcement services in Flathead County as growth occurs.

- G.38 – Preserve and protect floodplains to ensure the safety of residents from flood hazards and to prevent the degradation of water quality and critical wildlife habitat.
  - P.38.3 – Discourage development in floodway and floodway fringe that may result in a net increase in the floodplain area.
  - P.38.5 – Discourage development that displaces floodwaters within the 100-year floodplain.
    - A portion of the property is located within the 100-year floodplain. For new subdivisions each lot is required to have a building site outside the 100-year floodplain, and improvements within the floodplain are subject to applicable permitting requirements. Additionally in the proposed Trumbull Creek Crossing, Phases 2-5 Subdivision (FPP-13-04), the applicant is proposing to leave the floodplain as open space.

- G.39 – Preserve and protect wetlands and riparian areas to prevent degradation of natural resources, including but not limited to water quality and critical wildlife habitat.
    - The subject property contains areas designated as wetlands. The proposed Trumbull Creek Crossing, Phases 2-5 Subdivision, would necessitate limited work in the proximity of the wetlands

and the work is subject to compliance with permitting requirements.

- ❖ G.46 – Honor the integrity and purpose of existing neighborhood plans respecting the time and effort of the community involvement that has taken place.
    - o The Two Rivers Plan identifies the subject property as 'High Density 8+' on the Land Use Map. The R-4 designation would allow for a density of about 7.3 dwelling units per acre for single family and 11.6 dwelling unit per acre for duplexes when factoring in lot size and public infrastructure. This report contains further discussion on the Two Rivers Plan below.

The proposed zoning amendment would allow for densities that require public services and the property is contains floodplain and wetlands, which the applicant is proposing to leave as open space. The school districts are not concerned with proposed map amendment and therefore staff has concluded the proposal would not create an unreasonable burden on the ability of the school district to provide quality education. This proposal would likely allow for emergency service providers to maintain a consistently high level of fire, ambulance and police services.

Finding #2: The proposed zoning map amendment to R-4 from SAG-10 generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the 'Suburban Agriculture' land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created.

2. Two Rivers Plan

The subject property is located within the Two Rivers Plan (Plan) which is composed of policies and a land use map. The Plan serves as a localized planning tool for the Two Rivers area, and the 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 Two Rivers Plan Map identifies the subject property as 'High Density 8+' and 'Open Space' on the Land Use Map. Development standards anticipate approximately 30% of the total land area being allocated to infrastructure. Thus under the proposed zoning the density on the subject property could be 7.3 dwelling units per acre for single family and 11.6 dwelling units per acre for duplexes. Part of the property is designated as open space by the plan

- ❖ Policy 1 – The Two Rivers Master Plan Amendment area is 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. No urban services will be required for rural designations.
    - o The proposed R-4 designation is intended to provide lot areas for urban residential development and the applicant will work with

Evergreen Water and Sewer to obtain public water and wastewater.

- Policy 2 – It is encouraged that a specific development plan be proposed at the time any part of this area is rezoned. The proposal plan would include urban scale development and improvements and would identify the service providers. If the area is to be annexed, a development plan and petition to annex would have been filed.
    - The zone change request was submitted with a subdivision application for the southern third of the subject property. The proposed subdivision would include 113 lots averaging approximately 7,300 square feet, with urban infrastructure. The applicant has stated they will be requesting annexation into the Evergreen Water and Sewer District.
- Policy 3 – The residential areas within the Two Rivers Master Plan Amendment 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.
    - This policy seems to conflict with the adopted land use maps because the area where the subject property is located allows for 8 plus dwelling units per acre per the plan map. A portion of the property is designated as open space on the Two River Plan Future Land Use Map. The applicant is proposing maintain open space within the open space within the proposed Trumbull Creek Crossing, Phases 2-5 Subdivision.
- Policy 4 – Special consideration and opportunities should be provided to allow the creation of a variety of housing options that include single-family, two family, multi-family, and mobile home parks as part of an overall development plan.
    - The proposed R-4 zone allows for single family and duplex as a permitted use and mobile home parks as a conditional use. The applicant is currently proposing a subdivision that would include single family lots.
- Policy 6 – As development in this area occurs an adequate provision be made for parks, recreation and open space areas that can be used on a regional, community or neighborhood level.
    - The R-4 zone allows for parks as a permitted use and it is likely that future development on the property would include neighborhood parks, similar to what is being proposed in the subdivision (FPP-13-04).
- Policy 10 – Some of the properties within the Two Rivers Plan amendment area are environmentally sensitive and will require special consideration in order to mitigate potential impacts to groundwater, surface water and the scenic environment. Those mitigation measures

shall be identified and made part of the project review process and specific development proposals are considered either by the City or the County.

- The property is located adjacent to Trumbull Creek, Spring Creek which are mapped as 100-year floodplain (see Figure 7). The Two Rivers Plan designates those areas open space. These areas will likely be left as open space similar to what is being proposed in the subdivision (FPP-13-04). For new subdivisions each lot is required to have a building site outside the 100-year floodplain, and improvements within the floodplain are subject to applicable permitting requirements.

Finding #3: The proposed zoning map amendment to R-4 from SAG-10 appears to comply with the Two Rivers Plan because the proposed residential development is compatible with the future land use map designation of 'High Density 8+' and the policies of the Plan.

ii. Whether the proposed map amendment is designed to:

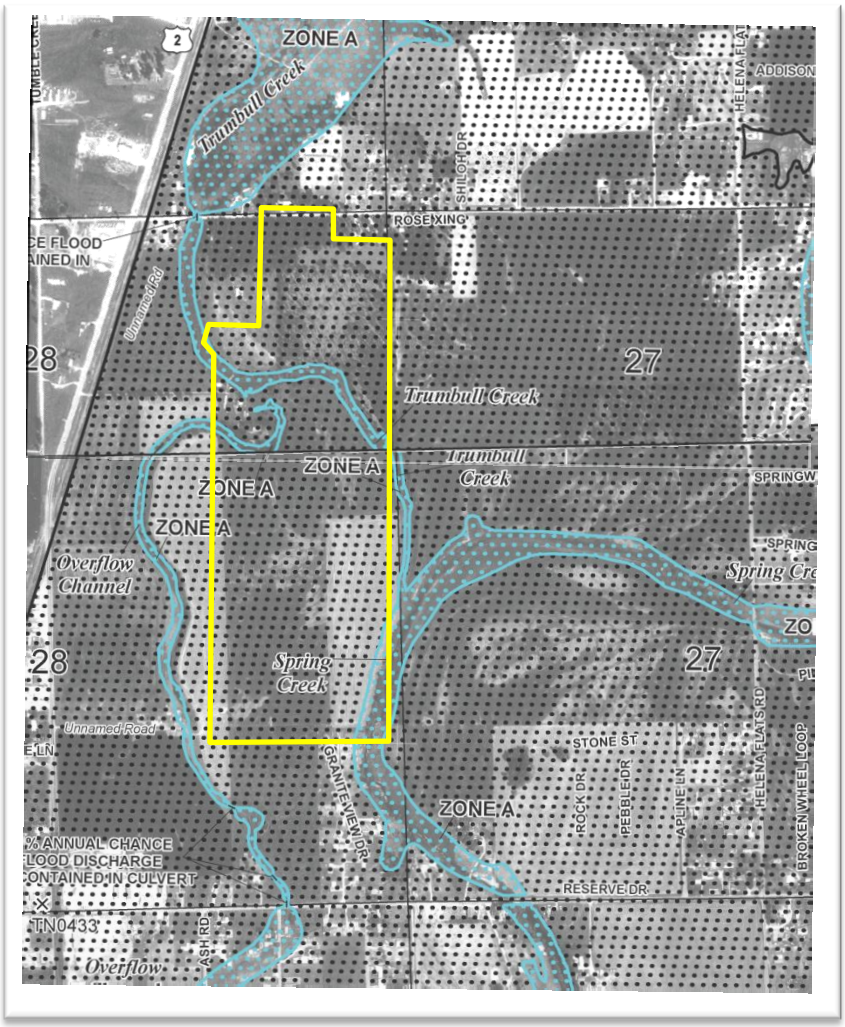
1. Secure safety from fire and other dangers;

The subject property is located within the Evergreen Fire District and the nearest fire and emergency response center is located approximately 1.4 miles southeast of the property on U.S. Highway 2 just north of West Evergreen Drive. The Evergreen Fire Department would respond in the event of a fire or medical emergency. The subject property is not located in the Wildland Urban Interface (WUI) or designated as County Wide Priority Area. The northern tract is heavily forested but appears to be easily accessible from Rose Xing.

Primary access to the property is currently via Mountain View Drive and Rose Xing. Mountain View Drive is a paved two lane private street within a 60 foot easement. Rose Xing is a paved two lane county collector within a 60 foot easement. Mountain View Drive currently has approximately 540 average daily trips (ADT) based on standard trip generation of 10 trips per single family dwelling. Traffic counts taken by the Road and Bridge Department for Rose Xing in 2010 indicate a stable average of 1,447 vehicle trips per day east of U.S. Highway 2. Comment received from the Flathead County Road and Bridge Department stated, "After completing our review, the County Road Department does not have any comments regarding these (this) proposal."

The subject property appears to be mapped as both Zone X, areas determined to be inside the 0.2% annual chance floodplain and Zone A, areas subject to inundation by the 1% annual chance flood, with no base flood elevation determined on FEMA FIRM Panel 30029C1420H and 30029C1810H. The floodplain areas correspond to the area designated as open space by the Two Rivers Plan.

Figure 7: FEMA FIRM Panels 30029C1810H and 30029C1420H (Subject Property in yellow)



Finding #4: The proposed map amendment would secure safety from fire and other dangers because the subject properties are located within the Evergreen Fire District approximately 1.4 road miles from the nearest fire station, the subject property can be accessed via Rose Xing or Mountain View Drive, new subdivisions require each lot to have a building site outside the 100-year floodplain, improvements within the floodplain are subject to applicable permitting requirements, and the property is not located in the WUI.

2. **Promote public health, public safety, and general welfare;**
The subject property is located within the Evergreen Fire District and the nearest fire and emergency response center is located approximately 1.4 miles southeast of the property on U.S. Highway 2 just north of West Evergreen Drive. The Evergreen Fire Department would respond in the event of a fire or medical emergency. R-4 zoning would allow for similar uses to what already exist in the area and more restrictive land use in terms of permitted uses than the current SAG-10 designation therefore it is not anticipated to adversely impact public health, safety or general welfare.

The applicant has stated the property would be used for residential, subject to subdivision review and approval, and as such it is not anticipated to adversely impact public health, safety or general welfare. If the applicant does not complete the anticipated subdivisions, applicability of permitted and conditional uses in the R-4 zone and the Flathead County Floodplain and Floodway Management Regulations would serve to protect and promote public health, safety and general welfare.

Finding #5: The proposed zoning map amendment from 'SAG-10 Suburban Agricultural' to 'R-4 Rural Residential' would not have a negative impact on public health, safety and general welfare because the property is served by the Whitefish Rural Fire Department, Flathead County Sheriff, future development would be similar to uses already in the area, and other applicable regulations are in place to protect and promote health and safety.

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

It is anticipated that actual future development would include subdivision review, at which time specific impacts to transportation, water and sewer services, would be considered and mitigated as determined to be appropriate. However, this zone change request is also an opportunity to assess if the property and public infrastructure could handle impacts associated with the proposed zone change.

Primary access to the property is currently via Mountain View Drive and Rose Xing. Mountain View Drive ends at East Reserve Drive. And Rose Xing intersects with U.S Highway 2 to the east and Helena Flats Road to the west. Mountain View Drive is a paved two lane private street within a 60 foot easement. Rose Xing is a paved two lane county collector within a 60 foot easement.

Mountain View Drive currently has approximately 540 vehicle trips based on standard trip generation of 10 ADT per single family dwelling. Traffic counts taken by the Road and Bridge Department for Rose Xing in 2010 indicate an average of 1,447 vehicle trips per day east of U.S. Highway 2.

Typical subdivisions use on average 30% of the lot area for public infrastructure such as roads, therefore at full build-out approximately 560 single family homes or 896 duplexes seem feasible. Based on projected land uses arising from the proposed zone change could likely generate an additional 5,600 ADT. The majority of the traffic will likely flow south onto Mountain View Drive and then onto Reserve Drive, while less traffic would head north on to Rose Xing and the elementary school. Assuming 75% of traffic would travel onto Mountain View Drive and 25% onto Rose Xing, the proposed zone change could contribute to an increase of 96.8% ADT on Rose Xing and 777.8% increase on Mountain View Drive if the subject property was subdivided into single family residential lots at the highest possible density and more if it is divided into duplex lots.

It is anticipated that even though Rose Xing is paved two-lane county collector maximum subdivision build-out may adversely impact the level of service on the road without future improvements such as, turn lanes and signaled or controlled intersections. The applicant has submitted a TIS with the current subdivision application (FPP-13-04) which addresses impacts to the transportation system, and the TIS indicates no improvements are needed in relation to traffic generated from the current subdivision proposal. Additional future development on the property could still occur if this zone change is approved and impacts on transportation would need to be mitigated as appropriate at such a time. Comment received from the Flathead County Road and Bridge Department stated, "After completing our review, the County Road Department does not have any comments regarding these (this) proposal." It appears that an increase of traffic by 777.8% on Mountain View Drive would strain the infrastructure and improvements might be required to facilitate future build-out.

The applicant has stated that the subject property will be serviced by public water and sewer from Evergreen Water and Sewer District. Currently the property is located adjacent to the Evergreen Water and Sewer District, but would need to be annexed. Comments received from Evergreen Water and Sewer state, "In order for the district to provide services to this property it must be annexed into the District. Water and Sewer services will be extended at the developer's expense and in compliance with all District specifications and policies, and upon approval by the District's Board of Directors after the plans have been reviewed and deemed approvable. Placement and number of fire hydrants will have to be approved by Evergreen Volunteer Fire Department. Since the described property is located outside of RSID 132, the boundary defined in the District's Interlocal Agreement with the City of Kalispell as the area that can be served by the District's wastewater collection system, permission must be obtained from the City of Kalispell to connect to the District's wastewater collection. The District will approve the connection to the sewer system only after the City of Kalispell provides written verification to the District that all of their requirements will be satisfied." The R-4 district requires public utilities if developed to R-4 densities and community facilities wells and therefore would need to be annexed into the Evergreen Water and Sewer District prior to any development of the property at such as scale.

While the subject property is located within the Helena Flats and Flathead High School Districts, the proposed residential use would generate many school children and has the potential to impact both school districts. Comments received from Kalispell Public Schools states, "The high school students in this plat would be zoned for the Glacier High School. The proposed project would have limited impact on Glacier High School." No comments were received from the Helena Flats School District. Therefore it appears the proposal would not adversely impact area school districts.

The zoning map amendment from 'SAG-10 Suburban Agricultural' to 'R-4 Two Family Residential' may impact the existing public park system because greater demand on existing parks may be created. According to the applicant, "Glacier National Park is a half-hour drive away, with other County parks and recreational opportunities available within a short distance." The nearest county park is located less than a half mile away one East Reserve Drive southeast of the subject property. There are several other parks within a short drive of the subject property. The proposed subdivision (FPP-13-04) includes neighborhood parks and open space and it appears likely that any other future development would be required to provide parkland or provide cash in lieu.

Finding #6: While the proposal could result in a substantial increase of traffic on area roads, the proposed zoned change appears to facilitate the adequate provision of transportation because any subsequent development on a large scale would require subdivision review through which traffic impacts would be mitigated as appropriate for the impacts attributed to the subdivision and it is adjacent to existing county roads and Highway 2.

Finding #7: The proposed zoning map amendment may facilitate the adequate provision of water and sewerage because R-4 designation requires public utilities for large scale development and although the property is not currently within the boundaries of Evergreen Water, the subject property is directly adjacent to the Evergreen Water and Sewer District and the applicant is working with Evergreen Water and Sewer for annexation into the district and services.

Finding #8: The proposed zoning map amendment would facilitate the adequate provision of schools and parks and other public requirements because the Kalispell School District provided comment the proposed project would have limited impact on the school district, and parkland dedication would be required, as applicable, for future subdivision of the subject property.

iii. In evaluating the proposed map amendment, consideration shall be given to:

1. The reasonable provision of adequate light and air;

The subject property is currently is undeveloped with no buildings or structures. The proposed zoning map amendment toR-4 from SAG-10 has the potential to increase development density on the subject property. Any additional lots created would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot size requirements of the R-4 zoning classification.

All buildings will be under the maximum building height requirement of 35 feet for R-4. Permitted lot coverage within the R-4 designation is 40% and the minimum lot area is 6,000 square feet for single family dwellings and 7,500 square feet for duplexes and all other uses. The bulk and dimensional standards under R-4 require a minimum yard requirement of 20 feet from the front, rear and side-corner yards, and 5 feet from the side, for principal structures. A minimum yard requirement for accessory structures within the

R-4 designation is 20 feet from the front and side-corner yards, and 5 feet from the side and rear. Bulk and dimensional requirements within the R-4 designation would provide for reasonable provision of light and air.

Finding #9: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the R-4 designation.

2. **The effect on motorized and non-motorized transportation systems;**
Primary access to the property is currently via Mountain View Drive via East Reserve Drive and Rose Xing. East Reserve Drive and Rose Xing intersect with U.S Highway 2 to the west and it is presumed that ingress and egress would generally use Highway 2. Mountain View Drive is a paved two lane private street within a 60 foot easement. Rose Xing is a paved two lane county collector within a 60 foot easement.

Mountain View Drive currently has approximately 540 vehicle trips based on standard trip generation of 10 ADT per single family dwelling. Traffic counts taken by the Road and Bridge Department for Rose Xing in 2010 indicate an average of 1,447 vehicle trips per day east of U.S. Highway 2.

Typical subdivisions use on average 30% of the lot area for public infrastructure such as roads, therefore at full build-out approximately 560 single family homes or 896 duplexes seem feasible. Based on projected land uses arising from the proposed zone change could likely generate an additional 5,600 ADT. The majority of the traffic will likely flow south onto Mountain View Drive and then onto Reserve Drive, while less traffic would head north on to Rose Xing and the elementary school. Assuming 75% of traffic would travel onto Mountain View Drive and 25% onto Rose Xing, the proposed zone change could contribute to an increase of 96.8% ADT on Rose Xing and 777.8% increase on Mountain View Drive if the subject property was subdivided into single family residential lots at the highest possible density and more if it is divided into duplex lots.

It is anticipated that even though Rose Xing is paved two-lane county collector maximum subdivision build-out may adversely impact the level of service on the road without future improvements such as, turn lanes and signaled or controlled intersections. The applicant has submitted a TIS with the current subdivision application (FPP-13-04) which addresses impacts to the transportation system, and the TIS indicates no improvements are needed in relation to traffic generated from the current subdivision proposal. Additional future development on the property could still occur if this zone change is approved and impacts on transportation would need to be mitigated as appropriate at such a time. Comment received from the Flathead County Road and Bridge Department stated, “After completing our review, the County Road Department does not have any comments regarding these (this) proposal.” It appears that an increase of traffic by 777.8% on Mountain View

Drive would strain the infrastructure and improvements might be required to facilitate future build-out.

There is an existing bike/pedestrian facilities located along Rose Xing adjacent to the subject property that extends from U.S. Highway 2 to Helena Flats Road. The property does not border any other roads that are identified as future bicycle trails, by the Flathead County Trails Plan. The applicant states, "The adoption of this proposal will allow for consideration of a concurrently – submitted preliminary plat application. Included within this 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 Trumbull Creek site." If the applicant were to build-out the proposed bike/pedestrian facilities as proposed it would be more than what is called for in the Flathead County Trails Plan.

Finding #10: Effects on motorized transportation systems appears acceptable because even though the proposal would increase traffic and affect the level of service on area roads development on a large scale would require subdivision review through which traffic impacts would be mitigated.

Finding #11: Impacts to non-motorized transportation systems are not anticipated because the property abuts an established public bike/pedestrian facility along Rose Xing and the proposed bike/pedestrian facility through the subject property would exceed what is called for in the Flathead County Trails Plan.

3. **Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);**
The property is not located directly adjacent to the City of Kalispell, and the nearest annexed area of Kalispell is located 1.25 miles from the subject property.

While the City of Kalispell's Annexation Policy Map adopt on March 7, 2011 does not include the subject property, the Kalispell Growth Policy Future Land Use Map, adopted by the City of Kalispell in 2009, designates the subject property as 'Suburban Residential' and '100 Year Floodplain' and surrounding property as 'Urban Residential,' 'Suburban Residential,' 'Industrial,' and '100 Year Floodplain' (see Figure 8). Staff discussed the discrepancy between the Future Land Use Map and Annexation Policy Map with the City and determined that the Future Land Use Map is a long term map meant for 50 year projections and the Annexation Policy Map is short term map meant for 5 year projections. Therefore, the property is not anticipated to be annexed by Kalispell in the immediate future.

According to a disclaimer on the Kalispell Growth Policy Future Land Use Map, "*Land use designations indicated on this map are only applicable when the property is proposed for annexation, and do not have any effect on lands*

under county jurisdiction with regard to zoning, density, subdivision or other land use decisions."

'Suburban Residential' is not defined within the Growth Policy however; Policy 9 in Chapter 3 discusses Suburban Housing which references the 'Suburban Residential' land use.

Policy 9 Suburban Housing states,

"a. Densities should be appropriate to the limitations of the particular site, and should not exceed two to four dwellings per gross acre.

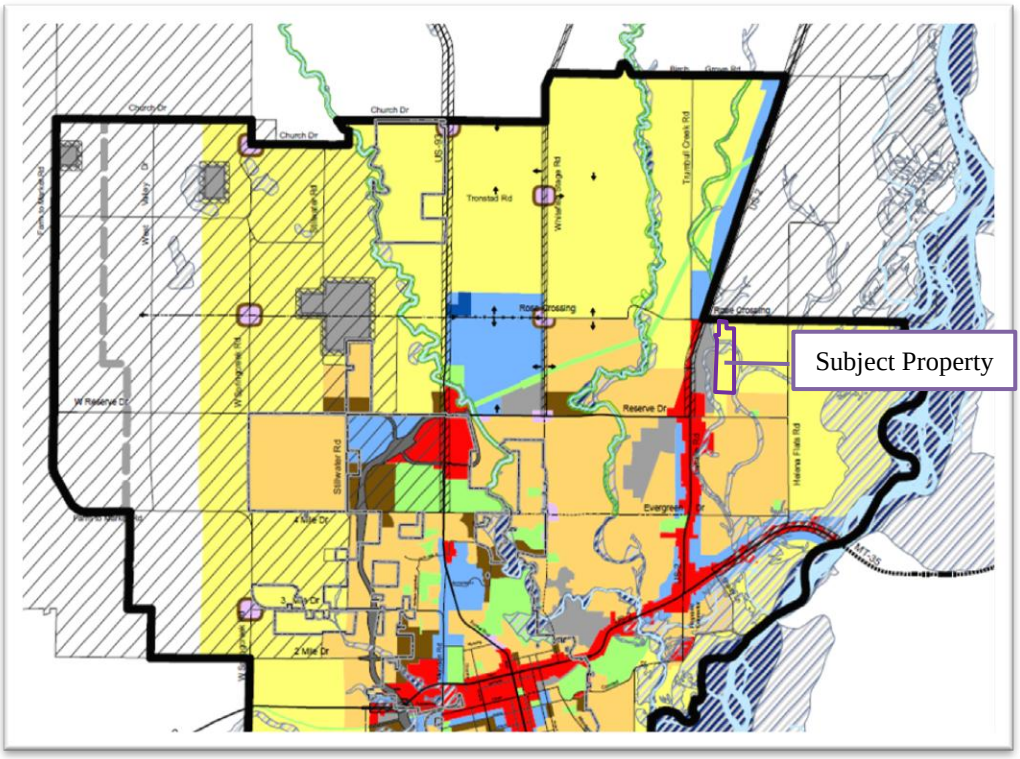
b. The suburban residential designation is intended to reduce density and development impacts in sensitive areas and existing rural neighborhoods.

c. Single-family houses are the primary housing type.

d. These areas should have paved streets, public sewer and water and access to services. New subdivisions located in or near Kalispell should generally include sidewalks where appropriate and installation of low intensity street lighting appropriate to the area."

Chapter 3 Policy 2 of the Kalispell Growth Policy states, "*Encourage the development of urban residential neighborhoods as the primary residential land use pattern in the growth policy area by allowing urban residential densities in areas designated as suburban residential provided the development is consistent with the character of the area and public services are adequate*." The R-4 designation would allow for a density of about 7.3 dwelling units per acre for single family residential and 11.6 dwelling unit per acre for duplexes when factoring in lot size and public infrastructure. This density is slightly above the two to four dwelling units per acre called for in the Growth Policy. The 'Urban Residential' classification allows for densities between four and twelve dwellings per acre. Policy 2 would seem to support the proposed zone change because the R-4 designation would allow for urban residential densities, which is an allowed residential density within suburban residential when public services are adequate. The area directly to the south is built to urban densities and serviced by the Evergreen Water and Sewer District which the applicant is proposing for this property.

Figure 8: Northern portion of City of Kalispell Growth Policy Future Land Use Map (Property outlined in purple)



Finding #12: The proposed amendment appears to be compatible with the Kalispell Growth Policy Land Use Map because it designates the property as 'Suburban Residential' and neighboring properties are 'Urban Residential' and 'Suburban Residential,' according to the language on the map the land use designations do not have any effect on lands under county jurisdiction, and the Kalispell Growth Policy specifically contemplates allowing urban residential densities in areas designated as suburban residential when serviced by public utilities.

4. **The character of the district(s) and its peculiar suitability for particular uses;**

The application states, "The proposed zone change from SAG-10 to 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." The subject property is bordered to the south by 'R-2 One Family Limited Residential' to the east and west by 'SAG-10 Suburban Agricultural.' West of the subject property is I-1H and I-1 zoning. North is 'SC Scenic Corridor' and un-zoned land. The character of the area surrounding the subject property is a mixture of residential, agricultural commercial and industrial.

The property is currently used for agricultural purposes and much of the surrounding properties to the east and west are agricultural. Areas north of the subject property are developed with smaller residential lots with some agricultural uses. Directly to the south of the subject property are two residential subdivisions with lots ranging in size from 5,900 square feet to 38,400 square feet. The proposed zoning map amendment would allow for the future division of the subject properties, with the potential to create lots with a minimum size of 6,000 for single family dwellings and 7,500 square feet for duplexes and all other uses. The minimum lot size permitted within the R-4 district is very similar to the smaller lot sizes in the existing subdivisions to the south. Smaller lots would be consistent with the character of the immediate vicinity of the subject property.

The permitted uses within the R-4 are very similar to the permitted uses in the R-2 zone to the south. The permitted and conditional uses found under the proposed 'R-4 Two-Family Residential' zoning are similar to those listed under the existing 'SAG-10' zoning, and the Two Rivers Plan identifies the area as 'High Density 8+.' The proposed zoning would allow for the division of the subject properties in the future with the potential to create approximately 560 single family lots or 896 duplexes lots. While the smaller lots would not be consistent with the character of the current zoning designation, they would be similar to the existing lots to the south of the subject property.

Properties to the north of the subject property are un-zoned and zoned 'Scenic Corridor,' these properties have no minimum lot size. The properties in the un-zoned and Scenic Corridor area vary in size anywhere from 0.7 acres up to 42.5 acres. Additionally, a few of the properties north of the subject property zoned SAG-10 are currently non-conforming in size. The properties to the east and west are currently used for agriculture, and contain large tracts of land 20 plus acres in size.

Finding #13: The character of the district where the proposed zone change would occur appears suitable for the uses in an R-4 zone because the property is located adjacent to other residential zones with similar lot sizes and is compatible with the Two Rivers Plan future land use designation of 'High Density 8+.'

5. **Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.**
According to the applicant, "Trumbull Creek Crossing Phase 2-5 will only 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." The properties are currently undeveloped and used for agriculture. The proposed 'R-4 Two-Family Residential' zoning designation would not affect the value of the existing homes or accessory buildings and improvements throughout the jurisdiction because the proposed zone does not include permitted or conditional uses which are incompatible with existing adjacent residential uses.

Directly east and west of the subject property is land currently in agricultural production. And north and south of the subject properties are developed with single family residence and accessory structures.

Within the area of the subject property there is zoning of I-1, I-1H, SAG-10, R-2, R-1, SC and un-zoned areas. The uses permitted within the 'R-4' designation are similar to what is permitted and what currently exists in the surrounding R-2, R-1 and SAG-10 designations. Un-zoned areas include a variety of land uses similar to those within the R-4 designation.

Finding #14: This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the R-4 designation allows for similar uses to the existing zoning and uses within the R-2 directly to the south.

iv. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The location of the proposed zoning map amendment is not directly adjacent to any city. The nearest municipality is the City of Kalispell, the city limits of which are located about 1.25 miles east of the property and the proposal site is located within the City of Kalispell's Growth Policy. The Kalispell Growth Policy Future Land Use Map, adopted by the City of Kalispell in 2009 shows the subject property as 'Suburban Residential,' and the nearest annexed areas are designated by the city as R-4. According to the Kalispell Zoning Ordinance, a R-4 Residential District, *"This district is comprised of primarily single-family and duplex dwellings. Development within the district will require all public utilities, and all community facilities. This zoning district would typically be found in areas designated as urban residential on the Kalispell Growth Policy Future Land Use Map."* The proposed R-4 designation allows for uses similar to that of the City of Kalispell's R-4 district. The City of Kalispell Planning Department was sent an agency referral but has not provided comment on this proposal.

Finding #15: The proposed map amendment appears to be compatible with the zoning ordinance of the City of Kalispell because the provisions of the proposed R-4 district are similar to the provisions of Kalispell's R-4 district which is the municipal zoning designation nearest to the subject property.

V. SUMMARY OF FINDINGS

1) The proposed zoning map amendment from SAG-10 to R-4 does not appear to be at risk of spot zoning because the Two Rivers Plan supports the zoning map amendment, the proposed district would be comparable in size to other surrounding zoning districts, the minimum lot size in R-4 is similar to existing lots in to the south and the use does not significantly differ from prevailing uses in the area.

2) The proposed zoning map amendment to R-4 from SAG-10 generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request and the 'Suburban Agriculture' land use designation identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created.

3) The proposed zoning map amendment to R-4 from SAG-10 appears to comply with the Two Rivers Plan because the proposed residential development is compatible with the future land use map designation of 'High Density 8+' and the policies of the Plan.

4) The proposed map amendment would secure safety from fire and other dangers because the subject properties are located within the Evergreen Fire District approximately 1.4 road miles from the nearest fire station, the subject property can be accessed via Rose Xing or Mountain View Drive, new subdivisions require each lot to have a building site outside the 100-year floodplain, improvements within the floodplain are subject to applicable permitting requirements, and the property is not located in the WUI.

5) The proposed zoning map amendment from 'SAG-10 Suburban Agricultural' to 'R-4 Rural Residential' would not have a negative impact on public health, safety and general welfare because the property is served by the Whitefish Rural Fire Department, Flathead County Sheriff, future development would be similar to uses already in the area, and other applicable regulations are in place to protect and promote health and safety.

6) While the proposal could result in a substantial increase of traffic on area roads, the proposed zoned change appears to facilitate the adequate provision of transportation because any subsequent development on a large scale would require subdivision review through which traffic impacts would be mitigated as appropriate for the impacts attributed to the subdivision and it is adjacent to existing county roads and Highway 2.

7) The proposed zoning map amendment may facilitate the adequate provision of water and sewerage because R-4 designation requires public utilities for large scale development and although the property is not currently within the boundaries of Evergreen Water, the subject property is directly adjacent to the Evergreen Water and Sewer District and the applicant is working with Evergreen Water and Sewer for annexation into the district and services.

8) The proposed zoning map amendment would facilitate the adequate provision of schools and parks and other public requirements because the Kalispell School District provided comment the proposed project would have limited impact on the school district, and parkland dedication would be required, as applicable, for future subdivision of the subject property.

9) The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional, setbacks and lot coverage requirements within the R-4 designation.

10) Effects on motorized transportation systems appears acceptable because even though the proposal would increase traffic and affect the level of service on area roads development on a large scale would require subdivision review through which traffic impacts would be mitigated.

11) Impacts to non-motorized transportation systems are not anticipated because the property abuts an established public bike/pedestrian facility along Rose Xing and the proposed bike/pedestrian facility through the subject property would exceed what is called for in the Flathead County Trails Plan.

12) The proposed amendment appears to be compatible with the Kalispell Growth Policy Land Use Map because it designates the property as 'Suburban Residential' and

neighboring properties are 'Urban Residential' and 'Suburban Residential,' according to the language on the map the land use designations do not have any effect on lands under county jurisdiction, and the Kalispell Growth Policy specifically contemplates allowing urban residential densities in areas designated as suburban residential when serviced by public utilities.

13) The character of the district where the proposed zone change would occur appears suitable for the uses in an R-4 zone because the property is located adjacent to other residential zones with similar lot sizes and is compatible with the Two Rivers Plan future land use designation of 'High Density 8+.'

14) This zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the R-4 designation allows for similar uses to the existing zoning and uses within the R-2 directly to the south.

15) The proposed map amendment appears to be compatible with the zoning ordinance of the City of Kalispell because the provisions of the proposed R-4 district are similar to the provisions of Kalispell's R-4 district which is the municipal zoning designation nearest to the subject property.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with all the review criteria, based upon the 15 draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.