

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
TWO RIVERS MASTER PLAN
MASTER PLAN AMENDMENT REPORT (#FPMA-16-01)
MAY 25, 2016**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Sands Surveying, Inc., on behalf of NW Dev Group, LLC to amend the Two Rivers Master Plan, 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 Two Rivers Master Plan on June 8, 2016 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 Two Rivers Master Plan 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. APPLICATION REVIEW UPDATES

A. Planning Board

This space will contain an update regarding the June 8, 2016 Flathead County Planning Board review of the proposal.

B. Commission

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

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant(s)

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

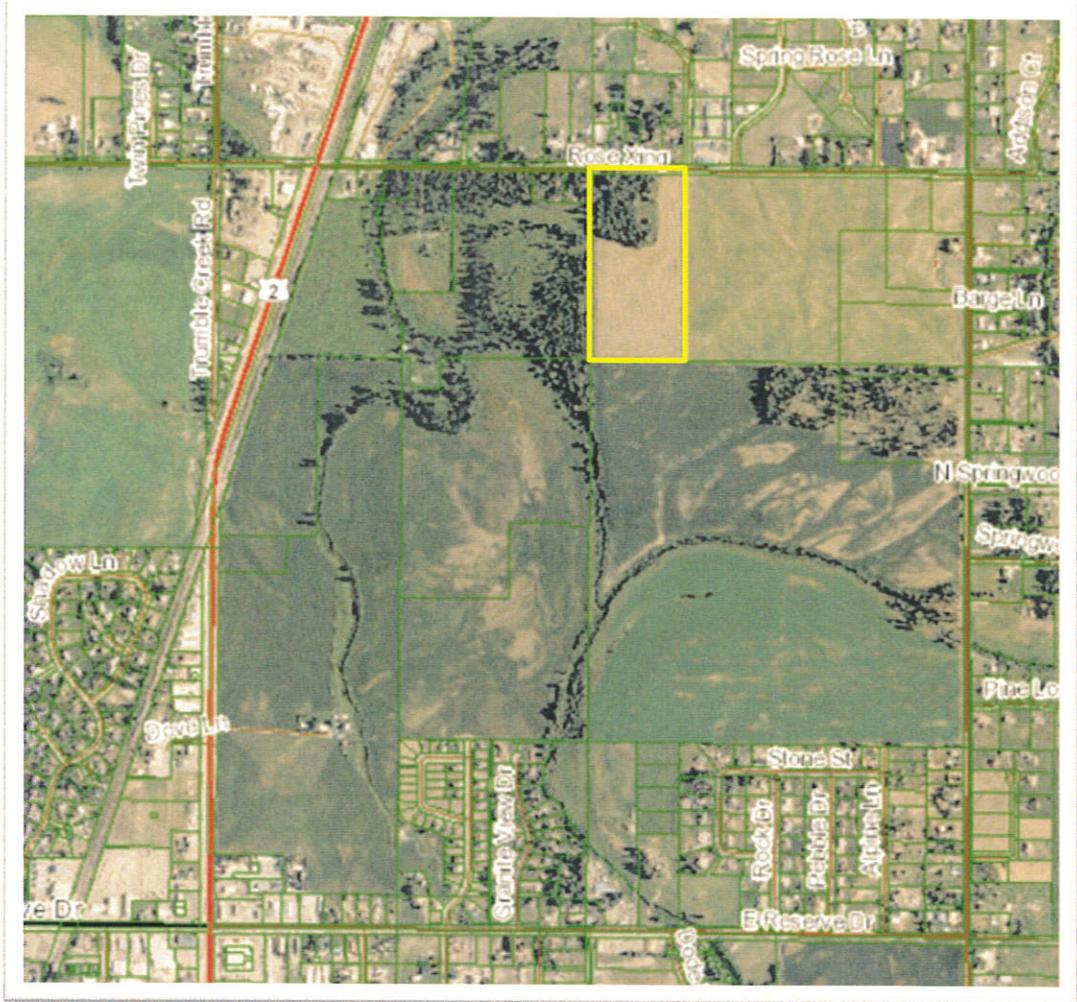
ii. Technical Assistance

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 one tract totaling 19.1 acres in size and is located at 988 Rose Xing, and less than a ¼ mile east of U.S. Highway 2 (see Figure 1). The property can legally be described as The West Half of the Northwest Quarter of the Northwest Quarter of Section 27, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property highlighted in yellow



C. Proposed Plan Amendment

The applicant is proposing a Master Plan amendment in conjunction with a zone change request (FZC-16-03) for the subject property. The applicant is proposing to add the subject property to the Two Rivers Master Plan (Master Plan), adopted by Resolution #1822A on June 28, 2005, and designate the property as 'High Density 8+.' The current boundaries of the Master Plan encompass a hodgepodge of properties to the north of the City of Kalispell and primarily bound by W. Reserve Drive to the south (See Figure 2 below). The adoption of the plan was a cooperative effort between Flathead County and Two Rivers Land Development, LLC as a guide to decisions concerning the physical, social, economic, and environmental development of the planning jurisdiction. The subject property is currently not located within the boundaries of the Master Plan.

According to the application, the applicant is proposing the amendment because, "The subject property is adjacent to property contained within the Two Rivers Master Plan. The proposal is to extend the boundary of the Two Rivers Plan to include this additional piece. The adjoining property is designated for an urban density of 8+

units per acre. With the extension of sewer and water services, and the project built to city standards, this would be a good match.”

Figure 2: Current Two Rivers Master Plan boundaries

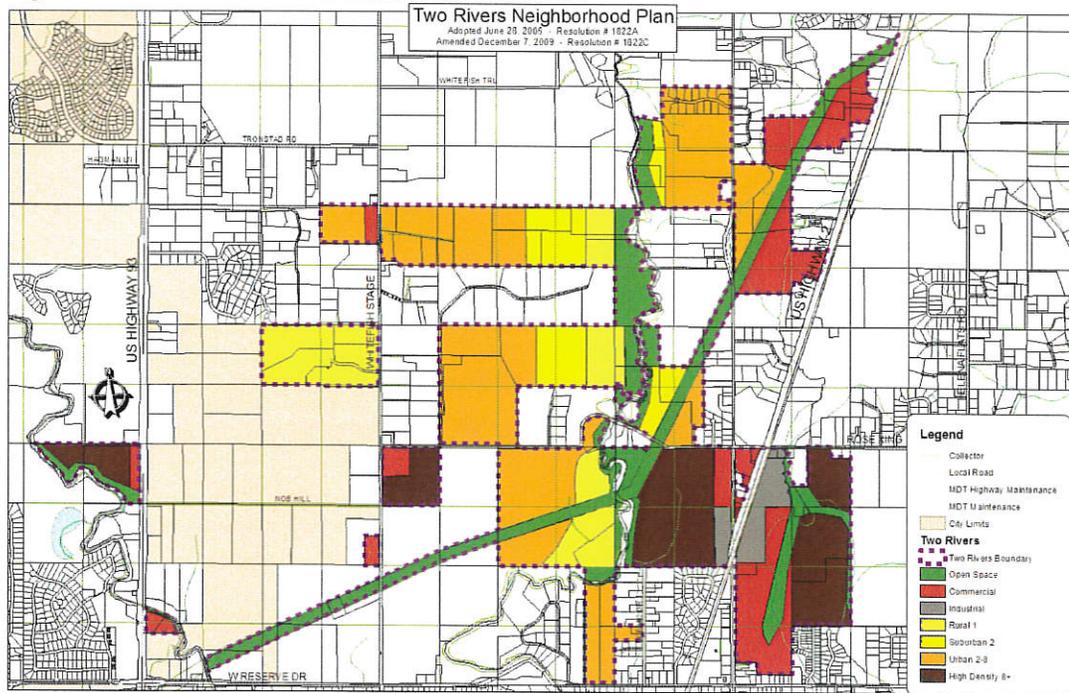
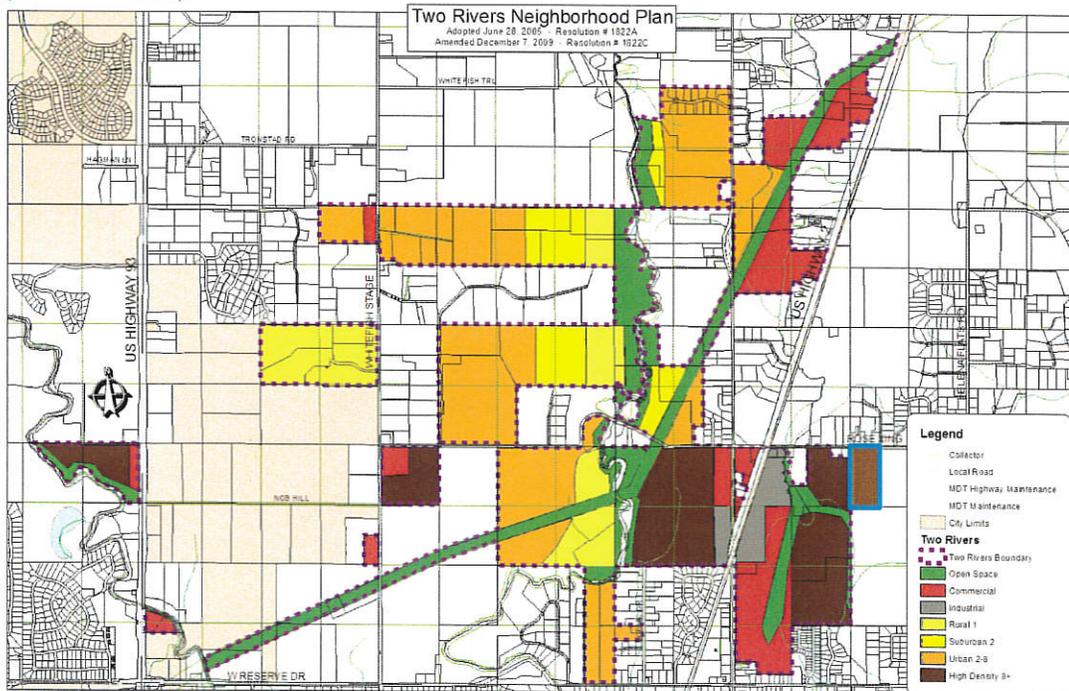


Figure 3: Proposed amendment to plan with proposed land use applicable to subject property (outlined in blue)



The application goes on to say, “The property was purchased by the NW Dev company to incorporate it into their large development known as ‘Trumbull Creek Crossing.’ As this property is located near the entry of the project, it is important that

it retains the same flavor/look as the entire project. It would be served with similar amenities as seen in the overall plan of TCC.”

D. Criteria for Amendment Review

Amendments to the Flathead County Growth Policy and/or amendments to the plans adopted as addendas of the Growth Policy are reviewed for conformance with the amendment criteria found in Part 7 of Chapter 10 of the Flathead County Growth Policy.

E. Compliance With Public Notice Requirements

Adjacent property notification regarding the proposed amendment was mailed to property owners within 150 feet of the subject property on May 20, 2016. Legal notice of the Planning Board public hearing on this application was published in the May 22, 2016 edition of the Daily Interlake.

F. Agency Referrals

Referrals for comment on the proposed amendment to the Two Rivers Master Plan were sent to the following agencies on April 5, 2016:

- Bonneville Power Administration
- City of Kalispell Planning Department
- Montana Fish, Wildlife, and Parks
- Flathead City-County Health Department; Environmental Health Services
- Flathead County Public Works/Flathead County Road Department
- Flathead County Sheriff
- Flathead County Solid Waste
- Flathead County Weeds and Parks Department
- Flathead High School District
- Helena Flats School District
- Montana DNRC
- Montana Department of Transportation (MDT)
- Evergreen Water and Sewer
- Evergreen Fire District

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 amendment. It is anticipated any member of the public wishing to provide comment on the proposed Master Plan amendment will do so at the Planning Board public hearing scheduled for June 8, 2016. 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:

- Bonneville Power Administration
 - Comment: “BPA does not have any objections to the approval of this request at this time.” Email dated April 12, 2016.

- Flathead City-County Health Department
 - Comment: “No comment for FPMA 16-01.” Email received April 19, 2016.
- Flathead County Solid Waste
 - Comment: “If the master plan to extend the Two Rivers Neighborhood Plan is granted and solid waste generated at the proposed location will need to be hauled by a private licensed hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission private hauler in this area.” Letter dated April 22, 2016.
- Flathead County Road & Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated April 11, 2016.
- City of Kalispell Planning Department
 - Comment: “We don’t have any comments regarding the zoning; however, please be aware of the following. The subject property lies outside of the Evergreen Sewer District boundary. Per the recently approved Sanitary Sewer Treatment Agreement (attached) between the City of Kalispell and Evergreen Sewer District, consent is required by the Kalispell City Council in order for the boundary to be expanded. The current Evergreen sewer boundary is located approximately ½ mile south the subject property. This new agreement supersedes the previous agreement which allowed for expansion of the boundary for usage of up to a total of 100,000 gallons per day within the Trumble Creek Development. If Council were to determine that they did not want to expand the boundary it could affect the future density of the subject property that is allowed with R-4 Zoning.” Email dated April 14, 2016.
- Montana Fish, Wildlife and Parks
 - Comment: “Montana Fish, Wildlife & Parks has no comment with regard to the two requests for comment as listed above for the property at 998 Rose Crossing.” Letter received April 28, 2016.
- Montana Department of Transportation
 - Comment: “We do not have any comments regarding these proposals.” Email dated April 22, 2016.

IV. EVALUATION OF PROPOSED NEIGHBORHOOD PLAN

A. Primary Plan Amendment Criteria

Pursuant to Chapter 10, 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 addenda of the Growth Policy per Chapter 11, Part 4 of the Flathead County Growth Policy.

i. Does the amendment affect 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 affect the proposed 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 amendment would impact. The following subsections of 76-1-601 M.C.A. appear applicable to the requested Master Plan 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 be consist with the growth policy.

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 amendment would not amend the Growth Policy Designated Land Use 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 amendment that would add the property to the Master Plan and amend the map for the Two Rivers Master Plan Map, 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.

The subject property is located adjacent to an area that has recently seen a similar zone changes to R-4 from SAG-10 in 2013 (FZC-13-03). Additionally the City of Kalispell Growth Policy Future Land Use Map which dated on May 6, 2009 designates the property as 'Suburban Residential' which would have a density of two to four dwellings units per acre. The trend in the vicinity of the subject property has been a conversion of agricultural use to residential use.

Section (4) of 76-1-601 M.C.A. lists what a growth policy may contain. The Flathead County Growth Policy contains a list of existing neighborhood, local and regional land use plans including the Two Rivers Master Plan, which was incorporated into the Growth Policy upon adoption of the Growth Policy. The Two Rivers Master Plan will remain an addendum of the Growth Policy and the proposed amendment will have no impact on Section (4) of 76-1-601 M.C.A.

Finding #1: The proposed Master Plan 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 Two Rivers Master Plan will remain an addendum 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 biggest change to the general area in which the Growth Policy Amendment is proposed is that the gallonage constraints of the Evergreen Sewer District boundary have been lifted and now there is the potential for public sewer systems to be extended into this area where previously this wasn't possible. [...]. Furthermore, the subject property has been annexed into the Evergreen Water and Sewer District as per a Petition of Annexation submitted on 1/15/14, and adopted by Ordinance by the Board of Directors of Flathead County Water District #1 on 1/15/14 as well."

Comments from the City of Kalispell states, "The subject property lies outside of the Evergreen Sewer District boundary. Per the recently approved Sanitary Sewer Treatment Agreement (attached) between the City of Kalispell and Evergreen Sewer District, consent is required by the Kalispell City Council in order for the boundary to be expanded. The current Evergreen sewer boundary is located approximately ½ mile south the subject property. This new agreement supersedes the previous agreement which allowed for expansion of the boundary for usage of up to a total of 100,000 gallons per day within the Trumble Creek Development. If Council were to determine that they did not want to expand the boundary it could affect the future density of the subject property that is allowed with R-4 Zoning."

The new agreement between the City of Kalispell and the Evergreen Water and Sewer District removes the gallonage restrictions for the Evergreen Sewer

District, which allows for the possibility of the subject property obtaining public sewerage. The property is located adjacent to property that was annexed into the Evergreen Water and Sewer District on January 15, 2014, also owned by the applicant.

The property is currently within the Kalispell City-County Master Plan Year 2010. According to the applicant, “The Kalispell City-County Master Plan was adopted in 1986 and has frankly, become an outdated document as the City has developed outward. [...]. The surrounding area of this particular parcel has significantly changed in character since the adoption of the Kalispell City-County Master Plan with the approval and completion of Trumbull Creek Crossing Phase 1 and the approval and beginning of construction of Trumbull Creek Crossing Phases 2-5, which bring on additional single family residential homes to the immediate south of the properties.” The Two Rivers Master Plan is currently a mishmash of tracts scattered throughout the North Kalispell area and encompasses properties that were at one time part of the Kalispell City-County Master Plan. The Two Rivers Plan was adopted in 2005 and is more current than the Kalispell City-County Master Plan. The Two Rivers Plan designates property in the area as ‘*High Density 8+*’

Finding #2: It appears the amendment is based on both existing characteristics and projected trends that are different from the most recent update of the Kalispell City-County Master Plan and the Two Rivers Plan because a new agreement between the City of Kalispell and the Evergreen Water and Sewer District supersedes the previous agreement which allowed for expansion of the boundary for usage of up to a total of 100,000 gallons per day and the character of the area around the subject property has changed since the adoption of the Kalispell City-County Master Plan in 1986.

iii. Does the amendment create inconsistencies within the document?

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

The application states, “As this parcel will be integral to the Trumbull Creek Crossing development, which has built out Phase 1, and Phase 2 is under construction as there is preliminary approval of Phases 2-5. Phases 2-5 are part of a ‘Master Plan’ specific to the entire holdings of the NW Dev Group LLC which could include considerable Open Space and Parkland.”

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

- ❖ *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.*

- The applicant is proposing 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.*
 - No specific development plan is being proposed for the property at this time.
- ❖ **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 ‘High Density 8+’ allows for 8 plus dwelling units per acre per the plan map.
- ❖ **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 applicant is proposing single family and duplex development in the future on this property.

Finding #3: The proposed Master Plan amendment does not appear to create any inconsistencies within the Two Rivers Master Plan because the property has the potential to be served by the Evergreen Water and Sewer District and the applicant would likely develop the property with single family and duplex residential.

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. The applicant is proposing a zone change in addition to the master plan amendment. The zone change would allow for a higher density than what is currently permitted on the property. Any additional lots created would be required to meet the bulk, dimensional, permitted lot coverage and minimum lot size requirements of the proposed R-4 zoning classification. According to the application, “Residential homes are limited to 35 feet in height by regulations. This land is flat or gently rolling, so with proper house siting, a homeowner’s view will not be impaired.”

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. An additional 20 foot setback is required from county roads classified as collector or major/minor arterials. Because the land is relatively flat and 40 foot setback required from Rose Xing, the bulk and dimensional requirements within the R-4 designation could serve to protect the views within a future development on the property.

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 growth policy goes on to say, "*The cost of living and home ownership should be affordable to the median income.*" The application states, "A diverse housing market allows for a diverse economy. This will be part of the Trumbull Creek Crossing community, which has a vision for a variety of housing types. Within the Master Plan, there are affordable single family homes, perhaps some larger estate homes along the creek and duplex housing options. This allows for a diversity of residents as well...working families, single parents, retirees, etc."

3. Manage Transportation

Primary access to the property is currently via Rose Xing. Rose Xing is a paved two lane county collector within a 60 foot easement. 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.

The applicant states, "Vehicle trips per day generated from this one parcel will not be overwhelming. In addition, with future entitlements, NW Dev Group LLC will be required to submit a traffic impact study."

Typical subdivisions use on average 30% of the lot area for public infrastructure such as roads, therefore at full build-out approximately 97 single family homes or 155 duplexes could be feasible. Based on projected land uses arising from the proposed zone change could likely generate a minimum of 970 ADT. The proposed zone change could contribute to an increase of 67.0% ADT on Rose Xing if the subject property was subdivided into single family residential lots 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 previously submitted a Traffic Impact Study (TIS) with the approved 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

previous subdivision proposal. It is unclear if a new TIS for this property would indicate whether or not improvements are needed in relation to traffic generated. Comment received from the Flathead County Road and Bridge Department stated, "At this point the County Road Department does not have any comments on this proposal."

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 and prevent communities from growing together. The property is located on the east side of Evergreen and would not impact Evergreen growing into another community, as Kalispell is located on the west side of Evergreen and Evergreen and Kalispell have already grown together.

The applicant states that, "Once a rural area, the area now has industrial parks, new residential subdivisions, new commercial developments, and pedestrian paths with easy access to the Helena Flats Elementary School." The property is located in the community of Evergreen and Evergreen is an increasingly urbanized area of the County.

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

Any subdivision done on the property would likely require park land dedication. The Flathead County Subdivision Regulations would require 11% of the combined gross area of the land proposed to be divided into lots ½ acre or less to be dedicated as parkland. If the applicant chooses not to dedicate parkland the commissioners may accept cash donation in lieu of parkland.

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. The subject property is not located along a river, lake or pond. The applicant states, "The parcel is not in an area of critical wildlife habitat or breeding grounds. The site is currently improved with a single family home, a small barn and is being farmed." It appears that the proposed amendment would not negatively impact the natural and human environment.

7. **Preserve the Rights of Private Property Owners**

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 amendment appears to protect the rights of private property owners because the owner would be able to develop the property at densities similar to densities in the area. The master plan amendment would likely not impact the properties to the west because they currently designated and zoned for densities greater than the current SAG-10 and Agricultural designation.

The application states, “The applicant has participated in the public process and through that process, they will be legally noticed if they live within 150’ of the property boundary by mail. Notice of the application will also be referenced in the local newspaper...” Neighboring property owners have the right to be included in the master plan amendment process as well as the general public. The following sections contain a discussion on the county-wide public participation process.

Finding #4: The amendment appears to predominantly protect and comply with the seven elements of the public’s vision for the county because it would allow for a public process, the proposal is not an environmentally sensitive area, future development could provide for a mixture of housing opportunities and additional parkland, Evergreen is an urbanized area adjacent to Kalispell, would likely not impact views and if the property is developed a Traffic Impact Study would likely be required.

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 amendment along with the zoning amendment application which was submitted along with the Master Plan amendment. Therefore adjacent property notification regarding the proposed amendment was mailed to property owners within 150 feet of the subject properties on May 20, 2016. Legal notice of the Planning Board public hearing on this application was published in the May 22, 2016 edition of the Daily Interlake. It is anticipated any member of the public wishing to provide comment on the proposed amendment may do so at the Planning Board public hearing scheduled for June 8, 2016.

Finding #5: The proposed Master Plan 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 and a public hearing will be held on June 8, 2016.

B. Secondary Plan Amendment Criteria

The Two Rivers Master Plan does not establish unique amendment criteria.

V. SUMMARY OF FINDINGS

1. The proposed Master Plan 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 Two Rivers Master Plan will remain an addendum of the Growth Policy.

2. It appears the amendment is based on both existing characteristics and projected trends that are different from the most recent update of the Kalispell City-County Master Plan and the Two Rivers Plan because a new agreement between the City of Kalispell and the Evergreen Water and Sewer District supersedes the previous agreement which allowed for expansion of the boundary for usage of up to a total of 100,000 gallons per day and the character of the area around the subject property has changed since the adoption of the Kalispell City-County Master Plan in 1986.
3. The proposed Master Plan amendment does not appear to create any inconsistencies within the Two Rivers Master Plan because the property has the potential to be served by the Evergreen Water and Sewer District and the applicant would likely develop the property with single family and duplex residential.
4. The amendment appears to predominantly protect and comply with the seven elements of the public's vision for the county because it would allow for a public process, the proposal is not an environmentally sensitive area, future development could provide for a mixture of housing opportunities and additional parkland, Evergreen is an urbanized area adjacent to Kalispell, would likely not impact views and if the property is developed a Traffic Impact Study would likely be required.
5. The proposed Master Plan 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 and a public hearing will be held on June 8, 2016.

VI. SUMMARY

Per Chapter 11 Part 4 of the Flathead County Growth Policy existing 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 Two Rivers Master Plan amendment to the criteria for evaluation of amendment requests found in Chapter 10 Part 7 of the Flathead County Growth Policy has found the proposal to generally comply with the review criteria, based upon the Findings of Fact cited above.

Planner: EKM