

## **Addendum to Lund Text Amendment Application**

The text amendment application requires a discussion of the applicability of this amendment to State Law and this is included below. We precede this with a narrative detailing why we are making the request for a text amendment.

The current height limit in an RA-1 zone is 35' and this most commonly is a function of the ability of the local fire department to fight a fire above this height. In this case the Evergreen Fire chief has noted that his department has a 75' ladder truck which would be more than capable of fighting a fire above 35' so long as adequate access is provided close to the building.

While it is technically feasible to construct a 3 story building under 35' in height this restriction would generally result in a boxy flat roof type structure. With the ability to go to 45' we anticipate the buildings being more aesthetically pleasing, through the use of a pitched roof with multiple hips, thereby complimenting the stepped elevations. A sketch is attached showing two possible building footprints.

We therefore request an increase in the maximum allowable height of a structure in RA-1 zoning from 35' to 45'. This increase will allow for a more aesthetically pleasing, residential style, affordable apartment building which is still accessible by modern firefighting equipment currently employed by the Evergreen Fire Department.

### **1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?**

*The subject property is located along US Hwy 2 in Evergreen and straddles the commercial and residential land uses as depicted on the County Growth Policy Map. The East portion of the property is included in the B-2 Evergreen Enterprise Overlay and the remainder is currently zoned R-5 Two Family Residential.*

*The growth policy states that high density residential developments are appropriate where access to emergency services and transportation networks are good. The Evergreen Fire Department is located one half mile north of the site and access is provided by the 5 lane US Hwy 2 running along the west property line. The growth policy further notes that the sprawl created by low density subdivision is using up valuable agricultural and recreational land. High density affordable housing can mitigate this sprawl.*

*The growth policy identifies a need for "affordable housing" that is close to transportation networks. This development satisfies both of these dictates.*

*This high density residential development meets the requirements of the growth policy by providing safe, affordable accommodation with good transportation access and minimizes the amount of land that would be required to house a similar number of residents in low density subdivisions.*

**2. Is the proposed amendment designed to:**

**a. Secure safety from fire and other dangers?**

*The subject property is located 1/2 mile south of Evergreen Fire Station 81. Development plans provide for sufficient access for emergency vehicles and would be required to comply with any requirements of the Evergreen Fire District at the time of development. Setbacks required by RA-1 zoning and generous use of open space would allow for safe development of the property without negatively impacting surrounding properties. The development is located in the flood fringe as depicted on FIRM maps however the development plans will address this potential risk by ensuring that the buildings are constructed at least 2 feet above the Base Flood Elevation and that internal access roads will be passable during a 100 year flood event.*

**b. Promote public health, public safety and the general welfare?**

*The property is served by US Hwy 2 allowing for emergency responders, utility companies, mail deliveries and other service providers to access the property safely. Emergency services are in the immediate area and will have excellent response times.*

*The proposed development includes a walking path around the entire perimeter to encourage health and general welfare. Any future development on the property would require approval of water, sewer and storm drainage facilities from the County and State. Future development would meet County subdivision regulations and therefore would further address public health, safety and the general welfare.*

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

*The subject property is served by US Hwy 2 which has adequate capacity to safely handle the increased use on completion of the future development. Internal roads and parking would be designed and constructed to meet Flathead County standards.*

*Sewer and water is available to the site and Evergreen Sewer and Water District have indicated the ability to serve the anticipated capacity. Discussions with the City of Kalispell have indicated a capacity for treatment of the waste water generated by this development.*

*The future development is expected to have an impact on local schools and parks however the Evergreen School District has indicated that capacity is available within Evergreen schools. The development would increase the tax base for the district.*

*The proposed development is bounded by R-3 residential to the East, RA-1 residential to the South, B-2 Business (with the Evergreen Enterprise Overlay) to the South West, West and North West and R-5 Residential to the North East. This R-5 zone runs north and includes the East Evergreen Mobile Manor development. The proposal to develop as RA-1 is consistent with the neighborhood and which currently includes a property already zoned RA-1.*

**3. Does the proposed amendment consider:**

**a. The reasonable provision of adequate light and air?**

*The RA-1 zone has building height restrictions, minimum building setbacks and maximum fence height requirements that will provide for adequate light and air.*

**b. The effect on motorized and non-motorized transportation systems?**

*The property is served by US Hwy 2 with adequate capacity to serve this development. A walking path is planned for the perimeter of the site in order to promote health and welfare and access to a non-motorized transport system.*

**c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?**

*This proposal is compatible with the urban growth in the area . Both the City of Kalispell and Evergreen have made a welcome return to growth and this development is a considered addition to this burgeoning pattern.*

**d. The character of the district and its peculiar suitability for particular uses?**

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*The accessibility to major transportation corridors, proximity to emergency services, and the surrounding similar type uses in the general area make this site a suitable location for an affordable residential development.*

**e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?**

*Approval of this zoning amendment would conserve the value of buildings in the area and the proposed use would provide the most appropriate use of land by supplying safe, affordable and accessible residential living.*

**4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?**

*The City of Kalispell zoning ordinance has an RA-1 Residential Apartment zone which is very similar to the County RA-1 zone. The allowed uses, conditional uses and development standards are all comparable.*

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