

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
DAVID J. SCHMEECKLE AND SCHMEECKLE BROTHERS, LLC
ZONING MAP AMENDMENT REPORT (#FZC-15-01)
MAY 21, 2015**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Sands Surveying, Inc., on behalf of David J. Schmeeckle and Schmeeckle Brothers, LLC for a zoning map amendment within the Evergreen Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from 'R-5 Two Family Residential' to 'I-1 Light Industrial.'

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on June 10, 2015 at 6:00 P.M. 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.

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 Records Office at 800 South Main Street in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Planning Board

This space will contain an update regarding the June 10, 2015 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. Owner/Applicants

David J. Schmeeckle and Schmeeckle Brothers, LLC
1101 Whitefish Stage
Kalispell, MT 59901

ii. Technical Assistance

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

B. Subject Property Location and Legal Description

The subject property is located at 1101 Whitefish Stage near Kalispell, MT (see Figure 1 below). The property is approximately 2.148 acres in size and at the time of submittal was legally described as Lot 2 of Resubdivision of RJ's Northern Park and beginning at the northwest corner of Lot 1 of Resubdivision of RJ's Northern Park which is a found iron pin at the easterly R/W of Whitefish Stage Road; thence N89°32'39E 101.46 feet to a set iron pin; thence S01°53'00W 229.31 feet to a set iron pin; thence S89°34'11W 101.46 feet to a point on said easterly R/W; thence

along said R/W N01°53'00E 229.26 feet to the point of beginning in Section 05, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana. The applicant has subsequently completed a boundary line adjustment and the subject property can legally be described as Lot 2 of the Amended Plat of Lots 1 and 2 of the Resubdivision of RJ's Northern Park Subdivision in Section 05, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property outlined in yellow



C. Proposed Zoning Map Amendment

The subject property is located within the Evergreen Zoning District and is currently zoned 'R-5 Two Family Residential' (see Figure 2 below). As depicted in Figure 3 below, the applicant has requested the zoning map amendment for the property to zone it 'I-1 Light Industrial.' Per Section 3.13 of the Flathead County Zoning Regulations (FCZR), R-5 is '*A residential district with minimum lot areas. Development within the district will require all public utilities, and all community facilities. A duplex is allowed in this district.*'

The I-1 designation is defined in Section 3.27 FCZR as, '*A district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein.*'

business. After meeting with Planning Staff the landowners discovered that the property is located directly adjacent to industrially zoned property. After considering his options, Mr. Schmeckle decided to request this plan amendment and rezone the property to that of the neighboring properties located to the south.”

The subject property currently contains a non-conforming mini-storage. According to Section 3.27.020(25)(E), “Storage and warehousing such as mini-storage, boat and vehicle storage” is a permitted use within the proposed I-1 zone. If the zone change is approved the applicant would not be required to apply for a conditional use permit when he wants to expand the mini-storage business as it is listed as a permitted use.

Figure 4: Aerial view of subject property (outlined in yellow)

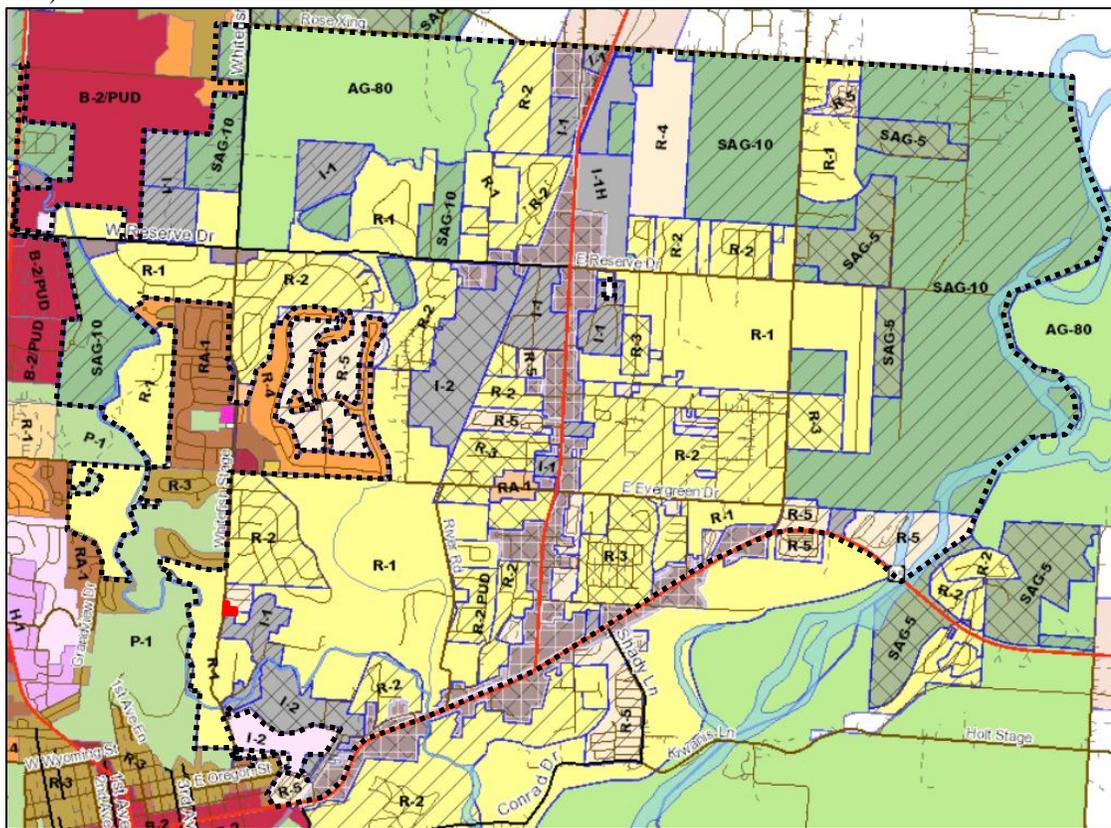


E. Adjacent Zoning and Character of the Overall Zoning District

Adjacent properties are generally developed with a mix of residential and industrial uses. To the south of the property is mini-storage and to the north are two manufactured home parks. To the west of the subject property is single family residential the Stillwater River and a golf course. East of the property is generally single family residential and large lot industrial. The properties to the south are zoned I-1 and R-1 and the properties to the east are zoned I-1, R-1 and R-5. To the west of the property is R-1 zoning and City of Kalispell P-1 zoning. North of the property is similarly zoned R-5.

The property is located southwest of the Hillcrest Subdivision which has an average lot size of approximately 0.58 acres. To the northwest of the subject property is the Fairway Boulevard Townhomes with 87 townhomes which are located on about 7.6 acre lot surrounded by a golf course. North of the subject property are two lots that average approximately 3.42 acres and to the east there is three lots that average approximately 7.96 acres (the smallest being 1.00 acre and the largest being 17.57 acres). To the west of the subject property the lots average about 13.69 acres with the largest lot being in Lawrence Park (89.9 acres). The industrial zoned lots to the southeast average about 1.96 acres. The industrial and residential lots to the south average approximately 0.99 acres. The residential lots to the southwest average about 1.86 acres.

Figure 5: 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 subject property is located adjacent to 'I-1 Light Industrial,' 'R-5 Two-Family Residential' and 'R-1 Suburban Residential' zoning. The applicant is proposing to amend the zoning on the subject property from 'R-5 Two-Family Residential' to 'I-1 Light Industrial.' The uses allowed within the proposed 'I-1 Light Industrial' zone would be similar to the existing uses on the properties to the south and east.

The uses allowed within the proposed zone are similar to the existing uses on the properties to the east and south. Many of the land uses listed as permitted uses in the proposed I-1 zone exist in the area of the subject property, or would not be out of character with the existing uses such as, mini-storage, truck repair, auto repair, and a recycling center.

- ii. *The zoning applies to a small area or benefits a small number of separate landowners.*

The proposed zoning map amendment is for one tract of land which is owned by David J. Schmeckle and Schmeckle Brothers, LLC. Using the County's Interactive Mapping system (IMS), staff was able to determine that the subject property is located within an R-5 district approximately 9.84 acres in size of which approximately 2.148 acres or 21.8% of the district is being proposed for a zoning map amendment. The zoning map amendment would connect the 2.148 acres of the subject property to the neighboring I-1 districts which is currently approximately 45.2 acres. This would make the I-1 district approximately 47.35 acres.

To the south of the subject property is an R-1 district approximately 2.05 acres and to the west is an R-1 district approximately 94.3 acres in size. The I-1 zoning district would connect to an existing I-1 zone directly to the south and the overall acreage for the enlarged I-1 district would be more than the current R-5 zoning, more than the R-1 zoning to the south but less than R-1 zoning to the west. The proposed zone change does not appear to 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.*

Since the zoning map amendment would apply to one tract for the benefit of two owners, this zoning map amendment may appear to be at the expense of the landowners to the north, west and east. As previously stated the uses allowed within the proposed zone are similar to the existing uses on the properties to the east and south. Many of the land uses listed as permitted uses in the proposed I-1 zone exist in the area of the subject property, or would not be out of character with the existing uses such as, mini-storage, truck repair, auto repair, and a recycling center.

The requested map amendment would alter the minimum lot size permissible and the list of permitted and conditional uses. In the event the subject properties were subsequently developed to the greatest build-out possible the 7,500 square feet

minimum lot size would result in a lower density development than currently permitted in the area and on adjacent properties within the R-5 zoning.

In addition to the zoning map amendment the applicant has applied for a Master Plan amendment to change the land use designation to ‘Light Industrial.’ If the Master Plan map amendment being processed in conjunction with the zoning amendment is approved, the zone change would be legislation to comply with the Master 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 does not appear to constitute spot zoning because the proposed zone change would allow for the same uses existing within the I-1 zoning to the south and east, the size of the I-1 zoning district would be comparable to the size of the neighboring R-1 districts and R-5 district and would be compliant with the Kalispell City-County Master Plan map if the master plan map amendment is approved.

F. Public Services and Facilities

- Sewer: Evergreen
- Water: Evergreen
- Electricity: Flathead Electric Cooperative
- Natural Gas: Northwestern Energy
- Telephone: CenturyTel
- Schools: Edgerton 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 zoning 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 May 20, 2015. Legal notice of the Planning Board public hearing on this application was published in the May 17, 2015 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. 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 general character of the proposed change, and 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 April 8, 2015:

- Bonneville Power Administration
 - Reason: BPA has requested that they receive a copy anytime agency referrals are sent.
- City of Kalispell Planning Department
 - Reason: The subject property is located outside of but near the City of Kalispell's planning jurisdiction.
- Edgerton School District
 - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on existing school services.
- Evergreen Water and Sewer District
 - Reason: Potential development resulting from the proposed zoning map amendment has the potential to impact existing water and sewer services.
- 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.
- 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 Road and Bridge 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 services.
- Flathead County Solid Waste
 - Reason: The type and amount of solid waste resulting from uses permitted within the proposed zoning map amendment area 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.
- Montana Fish, Wildlife and Parks

- Reason: Potential development resulting from the proposed zoning map amendment could have an impact on wildlife in the area.
- Montana Department of Natural Resources
 - Reason: Potential development resulting from the proposed zoning map amendment could have an impact on natural resources.

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 June 10, 2015 and/or the Commissioner’s Public Hearing. 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.” Email dated April 13, 2015.
- Evergreen Water and Sewer District
 - Comment: “We have not(sic) objection to this zone change. We do not provide any services to this property.” Email dated April 23, 2015.
- Montana Fish, Wildlife and Parks
 - Comment: “Montana Fish, Wildlife and Parks has no comment regarding David Schmeackle’s zone change request or master plan amendment.” Letter received April 20, 2015.
- Flathead County Weeds and Parks Department
 - Sent an email with a copy of a completed Soil Disturbance – Invasive Plant Management Plan on April 11, 2015.
- Flathead Environmental Health Department
 - Comment: “1. This subdivision was review in 1983. Lot 2 was approved for two single family dwelling units. It appears that the lot has never been re-reviewed for the current use that includes mini-storage and newly proposed U-Haul rentals. The proposed use would require re-review of the Lot under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1). 2. A complaint was received September 16, 2014, alleging the septic system on the property was altered without a valid permit (Complaint #1392). Personnel from this office have been in contact with the owner regarding the complaint. The onsite wastewater treatment system which serves two individual living units must be replaced because the system was altered without a permit. This is still an open complaint.” Letter dated April 29, 2015.

- Flathead County Road & Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on either of these requests.” Letter dated April 13, 2015.

IV. EVALUATION OF PROPOSED AMENDMENT

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis 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 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

The proposed zoning map amendment would change the zoning designation on the subject property from ‘R-5 Suburban Agricultural.’ R-5 is defined in Section 3.13 FCZR as, ‘*A residential district with minimum lot areas. 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-5 zone:

1. *Class A and Class B manufactured home.*
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. (A minimum of five feet of landscaped area shall surround such building or structure.)*

The following uses are listed as conditional uses in an ‘R-5’ zone. An asterisk designates conditional uses that may be reviewed administratively:

1. *Beauty Salon and Barbershop.*
2. *Bed and breakfast establishment.*
3. *Cellular tower.**
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. *Dwelling unit, accessory (ADU).**
10. *Electrical distribution station.*
11. *Golf course.*
12. *Manufactured home park.*
13. *Mini-storage, RV storage.*
14. *Recreational vehicle park/campground.*
15. *School, primary and secondary.*
16. *Temporary building or structure.**
17. *Water storage facility.*

The bulk and dimensional standards under R-5 zoning requires a setback from the boundary line of 20 feet for the front, rear and side-corner and 5 feet for the side boundary line for principal structures. 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 streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials.

The R-5 zoning classification has a 40% permitted lot coverage and a maximum height of 35 feet for a principal structure and 18 feet for an accessory structure. The minimum lot width within R-5 is 50 feet and 25 feet for a sub lot. The R-5 zoning requires a minimum lot area of 5,400 square feet. The subject property totals 2.148 acres and in typical subdivisions 30% of the lot is dedicated to infrastructure leaving approximately 70% of the lot for single family lots. Therefore, approximately 12 single family lots could be created under the existing zoning.

ii. Proposed Zoning

As previously stated, the applicant is proposing ‘I-1 Light Industrial’ zoning. I-1 is defined in Section 3.27.010 FCZR as, ‘*A district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein.*’ The following is a list of permitted uses in an I-1 zone:

1. *Accessory apartments.*
2. *Animal related services such as pet grooming and training, veterinary clinic and animal hospital, taxidermy, aviary and farrier services.*
3. *Art foundry.*
4. *Auction yard, without livestock.*
5. *Automobile, RV, watercraft (new and used) and accessory sales.*
6. *Automobile service station.*
7. *Boat sales, new and used.*
8. *Bus station.*
9. *Car wash.*
10. *Cellular tower.*
11. *Church and other place of worship.*
12. *Contractors’ storage yard and building supply outlet.*

13. *Day care center.*
14. *Direct mailing and telemarketing.*
15. *Farm equipment sales.*
16. *Feed, seed and farm supply, including grain elevators.*
17. *Financial institution.*
18. *Food store, supermarket, and delicatessen.*
19. *Health club.*
20. *Heating, ventilation, air conditioning and plumbing sales, service and repair.*
21. *Heavy equipment sales, rental and service.*
22. *High tech industrial business.*
23. *Hotel, motel.*
24. *Janitorial service.*
25. *Light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic. Examples of such uses would include but are not limited to the following:*
 - A. *Automobile, bus, truck, boat and equipment washing, detailing, repairing, service and storage.*
 - B. *Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment and boat building.*
 - C. *Processing and manufacturing of food such as baked goods, dairy products, alcoholic beverages and beverage manufacturing and bottling.*
 - D. *Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture.*
 - E. *Storage and warehousing such as mini-storage, boat and vehicle storage.*
26. *Lodge and fraternal and social organization, provided that any such establishment shall not be conducted primarily for gain.*
27. *Lumber yard, building materials; storage and sales.*
28. *Manufactured home sales and storage.*
29. *Nursery and landscape materials, wholesale and retail.*
30. *Office.*
31. *Parcel delivery service.*
32. *Park and publicly owned recreational facilities.*
33. *Public transportation shelter station.*
34. *Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)*
35. *Quasi-public building (fire station, government offices, etc.)*
36. *Radio and television broadcast station.*
37. *Recreational facility, high-impact.*

38. *Recreational facility, low-impact.*
39. *Recreational vehicle park.*
40. *Recycling drop-off station.*
41. *Rental store and yard.*
42. *Research laboratory and institution.*
43. *Retail sales and services.*
44. *Restaurant.*
45. *Security guard service.*
46. *Theater, housed in permanent indoor structures.*
47. *Tire recapping and retreading.*
48. *Truck terminal.*
49. *Wholesale trade and warehousing.*

The following uses are listed as conditional uses in an 'I-1' zone. An asterisk designates conditional uses that may be reviewed administratively:

1. *Auction yard, livestock.*
2. *Automobile wrecking yard, junkyard, salvage yard.*
3. *College, business school, trade school, music conservatory, dance school.*
4. *Commercial caretaker's facility in a detached accessory building in conjunction with a business.**
5. *Commercial recreation area.*
6. *Communication tower/mast.*
7. *Convention hall facility.*
8. *Electrical distribution system.*
9. *Golf driving range and putting course.*
10. *Landfill, sanitary for disposal of garbage and trash.*
11. *Mini-storage, RV storage.*
12. *Mortuary.*
13. *Radio and television broadcast station.*
14. *Recycling processing plant.*
15. *Small wood product processing with five (5) or less employees.*
16. *Tavern.*
17. *Temporary building or structure.**
18. *Water storage facility.*

The bulk and dimensional standards under I-1 zoning requires a setback from the boundary line of 20 feet for the front, rear and side-corner and 10 feet for the side for any structure. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials.

The I-1 zone has no permitted lot coverage and a maximum height of 40 feet and a minimum lot width of 75 feet. The I-1 zoning requires a minimum lot area of 7,500 square feet. The subject property totals 2.148 acres and in typical subdivisions 30% of the lot is dedicated to infrastructure leaving approximately 70% of the lot for lots. Therefore, approximately 8 lots could be created under the proposed zoning.

In summary, the requested zone change from R-5 to I-1 has the potential to decrease density through subsequent division in the future. The bulk and dimensional requirements vary from R-5 to I-1 and the zoning map amendment would introduce uses to the subject property but not the general area that are typical of industrial zoning districts. The uses would be similar to uses allowed under the zoning designations to the south and east but not existing residential zoning on the property.

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 Kalispell City-County Master Plan 2010, adopted on February 6, 1986 by the Flathead County Commissioners (Resolution #578A) and the City of Kalispell on April 7, 1986 (Resolution #3641).

1. Flathead County Growth Policy

The Flathead County Growth Policy Designated Land Uses Map identifies the subject property as ‘Suburban Residential’ and ‘Urban Residential.’ The proposed ‘I-1 Light Industrial’ zoning classification would appear to contrast with the current designations. 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 land uses. 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 plans. 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.” 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 applicable 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.5** – Adequate industrial land in areas that are close enough to goods and services to be efficient but far enough from other uses to offset objectionable impacts to the human and natural environment.
 - The applicant is proposing an industrial zone along Whitefish Stage just outside of the City of Kalispell, adjacent to existing industrial zoning.
- **P.5.1** – Match requirements of industrial land uses (such as human resources, adequate water supply, suitable road networks) and areas of Flathead County where those requirements can best be met.
- **P.5.2** – Promote industrial parks and centers that take advantage of infrastructure and minimize impacts to the environment or adjacent land uses.
 - The applicant is proposing an industrial zone adjacent to an existing industrial zone and just outside the city limits of Kalispell. The property is located on Whitefish Stage which is classified as a collector and located within the Evergreen Water and Sewer District.
- **P.5.3** – Identify trends in industrial land uses and determine the amount of land needed in the future at a variety of growth rates. Utilize these figures when determining land use regulations.
 - The subject property is located adjacent to an area that has seen several zone changes to I-1 from residential since the creation of the Evergreen Zoning District most recently in 2004 (FZC-04-11). The zone change in 2004 was directly south of the property and was from R-1 to I-1.
- **P.5.5** – Restrict industrial uses that cannot be mitigated near incompatible uses such as residential, schools, environmentally sensitive areas such as wetlands, floodplains, riparian areas, areas of shallow groundwater, etc.
 - The applicant is proposing an industrial zone adjacent to industrial uses and residential. The property is not located within in an environmentally sensitive area and not located next to a school.
- ❖ **G.21** – A healthy and vibrant Flathead County economy that provides diversity and living-wage job opportunities and is comprised of sustainable economic activities and private sector investment.
 - **P.21.1** – Provide adequate land area designated for commercial and industrial use to promote affordability, creating entrepreneurialism and/or businesses relocation to Flathead County.
 - The proposed industrial zoning has the potential to allow for the expansion of an existing locally owned industrial use which has the potential to create living-wage jobs.
 - **P.22.2** – Promote business centers and industrial parks in areas served by sufficient infrastructure with consideration to proximity to population densities.

- The proposed industrial zoning is located outside of the city limits of Kalispell and is adjacent to existing Industrial zoning and near the City of Kalispell industrial park.
- ❖ **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.
 - This report contains discussion on the adequacy of emergency service below.
- ❖ **G.46** – Honor the integrity and purpose of existing neighborhood plans respecting the time and effort of the community involvement that has taken place.
 - The application states, “Should the Amendment to the Kalispell City-County Master Plan – 2010 Map be approved, the proposed zoning map amendment will be in compliance with the Growth Policy Map Designation.” This report contains discussion on the Kalispell City-County Master Plan below and the applicant has also applied for a Master Plan amendment to change the land use designation to ‘Light Industrial.’

Finding #2: The proposed zoning map amendment to I-1 from R-5 generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request, the Designated Land Use Map is not a future land use map and the ‘Suburban Residential’ and ‘Urban Residential’ designations identified by the Designated Land Use Map portrays only zoning which was established at the time the map was created.

2. Kalispell City-County Master Plan

The Kalispell City-County Master Plan Map (Master Plan) serves as a localized planning tool for the area surrounding the City of Kalispell. The Master Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. The Master Plan is composed of three major components, the text, the map and the goals and objectives. According to the Master Plan, “Relying on only one component will not always give a clear picture of the broad community concepts or the spirit of the Plan.” Therefore, this report contains discussion on compliance with all three components of the Master Plan.

The applicant has applied for a map amendment to the Master Plan for the subject property to ensure compliance with the Master Plan (FPMA-15-01). The Kalispell City-County Master Plan Year 2010 currently designates the land use of the subject property as Suburban Residential and Urban Residential and the applicant is proposing to amend the designation to Light Industrial. Chapter 5 Land Uses of the Master Plan defines light industrial as, “*A district which includes manufacturing, fabricating, processing, storage, and transportation uses that do not create nuisances such as noise, dust, heat,*

odor, smoke, vibrations, etc. Districts should have immediate access to air, rail, and arterial or collector streets. Community water and sewer accessibility is important. Districts should not be located adjacent to residential or light intensity commercial districts. If so located, adequate buffering and setbacks must be incorporated. Direct ingress-egress into residential neighborhoods must be avoided.” If the Master Plan Amendment is approved the zoning map amendment would comply with the Master Plan map as the subject property would be designated as ‘Light Industrial’ and the proposed zone would comply with the Master Plan map.

The property is located between residential to the north, east and west and industrial to the south. The property will not have direct access into a residential neighborhood. The property is located within the Evergreen Water and Sewer District but no services are provided to the property by the water and sewer district and is located on Whitefish Stage which is classified as a county collector.

Portions of the text in the Master Plan appear to support the proposed map amendment to industrial because text in Chapter 5 of the Master Plan reads, *“industrial development is sorely deficient. The entire Planning Jurisdiction contains only one-half (1/2) and Kalispell contains only one-fifth (1/5) of the industrially developed land normally found in a community of similar size.”* The plan also states that, *“By the year 2010, approximately 500 additional acres are projected to be needed to address anticipated growth. A major emphasis is to be placed on light industrial development which will not compromise the outstanding air and water quality for which the Flathead Valley is known.”*

The Master Plan also discusses locations for light industrial districts as, *“Planned for adjacent to the municipal airport, adjacent, to the Burlington Northern tracks in uptown Kalispell and on the northern fringes of the Kalispell Planning Jurisdiction at the Highway 93- West Reserve Drive intersection and the Highway 2 – Reserve Drive intersection.”*

The City of Kalispell is undergoing an effort to remove the railroad tracks from town and build an industrial park on the east side of town in the vicinity of the subject property. Since the adoption of the Master Plan the area around the intersection of West Reserve Drive and Highway 93 has been developed with commercial uses and residential apartments. The proposed industrial zoning is located on Whitefish Stage and adjacent to land zoned industrial but not an area specifically mentioned in the Master Plan.

Finding #3: The proposed zoning map amendment appears to comply with the text and map of the Kalispell City-County Master Plan because if the Master Plan map amendment is approved the proposed zoning would be in compliance with the Master Plan Map, the subject property is adjacent to other industrial zoning, and located on a county collector.

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

3. **Environment** – *Air, water, open space and scenic vistas unhindered by pollution, blight or other factors.*
 - a. *Establish strict standards for all development which occurs in environmentally sensitive or critical areas such as floodplains, lakeshores, drainage ways or excessive slope areas.*
 - b. *Where appropriate, preserve areas within the 100 year floodplain in a natural state as parkland, wildlife habitat, open space or agriculture.*
 - The subject property is not located within the 100-year floodplain, Wildland Urban Interface, does not contain steep slopes and currently developed with mini-storage.

5. **Economy**
 - g. *Promote the location of business and clean light industrial so as to provide job opportunities and maintain Kalispell’s position as a retail shopping center for northwest Montana.*
 - The applicant states, “The proposed map amendment is in proximity to lands already zoned Light Industrial. In addition, the City of Kalispell is in the process of converting the old McElroy Site on Whitefish Stage as a new industrial park.”
 - The proposed amendment would promote clean light industrial because it would allow for additional acreage zoned I-1 and the definition of the I-1 zone states, “A district to provide areas of light industrial uses and services that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein” [Section 3.27 FCZR].

6. **Land Use** – *The orderly development of the planning jurisdiction with ample space for future growth while, at the same time, ensuring compatibility of adjacent land uses.*
 - The subject property is located adjacent to existing I-1 zoning and the property currently contains a use that is permitted within the proposed I-1 zoning. The application states, “The proposed Plan Amendment will expand the neighboring light industrial designation and also recognize the existing uses located on a portion of the site.”
 - e. *Establish additional areas for light industrial expansion within or directly adjacent to the city. Target clean light industrial uses around the airport away from height restricted areas to serve as a buffer for adjacent land uses and to take advantage of airport transportation services.*
 - The application states, “Although not directly adjacent to the City, the property is located along a major collector road with light

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

8. **Public Facilities** – *An economical, balanced distribution of public facilities and services throughout the planning jurisdiction for present and anticipated future residents.*

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

- o This report contains discussion on the adequacy of emergency service and public facilities below. The application states, “Like the neighboring properties, the site is within the Evergreen Fire District and served by Flathead County Sheriff Office. The sites are currently served by on-site are currently served by on-site sewer and water.”

Finding #4: The proposed zoning map amendment appears to comply with the goals and objectives of the Kalispell City-County Master Plan because the property is in the vicinity of the new City of Kalispell Industrial Park, the property is not located within the floodplain, the property currently contains a use that is permitted within the proposed I-1 zoning, it would establish additional areas for light industrial near annexed areas of the city and the property is located within the Evergreen Water and Sewer District.

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 2.2 road miles northeast of the property on U.S. Highway 2. The Evergreen Fire Department would respond in the event of a fire or medical emergency. The Evergreen Fire Department did not provide comments on this proposal.

The subject property is not located within the Wildland Urban Interface WUI or within a fire district priority area and as previously stated, the proposed I-1 zoning will not increase the potential density as the minimum lot size in the proposed I-1 zoning is greater than the minimum lot size of the existing zoning. The application states, “The subject property is not mapped within the Wildland Urban Interface (Flathead County GIS).”

The application states, “The property is not mapped within the 100-year floodplain or even the 500-year floodplain (FRIM(sic) Panel 1810G). ” According to FEMA FIRM Panel 30029C1810H, the property is located within an unshaded Zone X an area determined to be outside the 0.2% annual chance floodplain. There is a low chance of flooding on the subject property.

The subject property is located on Whitefish Stage which is classified as a 24 foot wide county collector within a 60 foot easement. The road appears adequate to provide ingress and egress for emergency services.

Finding #5: The proposed map amendment will not impact safety from fire and other danger because the property is not located in the WUI, will not allow for additional density, is located approximately 2.2 road miles from the nearest fire station, is located on a county collector and is not in the 100 year floodplain.

2. Promote public health, public safety, and general welfare;

The property is located within the Evergreen Fire District and about 2.2 miles southwest of the nearest fire and emergency response center which is located on U.S. Highway 2. The Evergreen Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Department provides police services to the subject property. Whitefish Stage appears adequate to provide ingress and egress for emergency services which would help to ensure adequate public health and safety.

The applicant has stated the proposed use will be a clean light manufacturing business consistent with the proposed light industrial zoning classification. I-1 Light industrial is defined as a district to provide areas for light industrial uses and service uses the typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors some etc.), per Section 3.27.010 FCZR as such the proposal is not anticipated to adversely impact public health, safety or general welfare.

Finding #6: The proposed zoning map amendment would not have a negative impact on public health, safety and general welfare because the property is served by the Evergreen Fire Department, Flathead County Sheriff, and future development would comply with the allowed uses in an I-1 zone which do not produce objectionable by-products per the definition.

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

Primary access to the property is currently off Whitefish Stage. Whitefish Stage is a 24-foot wide two-lane paved county collector road within 60 foot easement. The Flathead County Road Department comments indicate no concerns regarding this proposal.

Using standard trip generation, residential uses generate traffic at typically 10 vehicle trips per dwelling for single family. The property is approximately 93,566.88 square feet in size and the minimum lot size for the current R-5 zone is 5,400 square feet. Generally 30% of a subdivision is dedicated to infrastructure leaving approximately 70% of the lot for single family lots. Therefore, approximately 12 single family homes could be constructed on the subject, which would generate 120 average daily trips.

According to the ITE Trip Generation Manual 5th Edition "General Light Industrial" generates approximately 51.80 average daily trips per acre for a weekday. The subject property is approximately 2.148 acres therefore the property has the potential to generate 111 average daily trips. The average daily trips for light industrial would be slightly less than if the property was developed with residential.

The application states that the subject property is currently serviced by on-site sewer and water systems and Evergreen Water and Sewer mains are located approximately ¼ mile to the north. Comments from Environmental Health state, “1. This subdivision was review (sic) in 1983. Lot 2 was approved for two single family dwelling units. It appears that the lot has never been re-reviewed for the current use that includes mini-storage and newly proposed U-Haul rentals. The proposed use would require re-review of the Lot under the Sanitation in Subdivisions Act (Title 76, Chapter 4, Part 1). 2. A complaint was received September 16, 2014, alleging the septic system on the property was altered without a valid permit (Complaint #1392). Personnel from this office have been in contact with the owner regarding the complaint. The onsite wastewater treatment system which serves two individual living units must be replaced because the system was altered without a permit. This is still an open complaint.” The applicant will be required to work with Flathead City-County Health Department to resolve any outstanding issues regardless if this proposed amendment is approved or not.

While the subject property is located within the Flathead High School District and Edgerton Elementary School District, it is noted the proposed industrial use would not generate any school children. The zoning map amendment would not impact the existing park system because minimal demand on existing parks would be created.

Finding #7: The proposed amendment would facilitate the adequate provision of transportation, schools, parks, and other public requirements because the County Road Department had no comments regarding this proposal the proposed I-1 designation would generate slightly less traffic than the existing zoning at full build-out and there would be minimal impact on schools and parks as a result of this proposal.

Finding #8: The proposed amendment may not facilitate the adequate provision of water and sewer because comments from the Flathead County Environmental Health office indicate that the property was originally approved for two single family dwelling units, has never been reviewed for the current use and the septic system was altered without a permit.

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

1. The reasonable provision of adequate light and air;

The application states, “The property is currently developed with a large shop building, mini-storage structures, and two residences. In addition, the proposed I-1 zoning classification has its own setbacks and height restrictions to provide for adequate light and air.”

The minimum lot area for the proposed I-1 zone is 7,500 square feet and the minimum lot area for the existing R-5 zone is 5,400 square feet. The density allowed within the I-1 zone is less than the density allowed within the current R-5 zone. The maximum building height within the proposed I-1 zone is 40 feet and the maximum height for the existing R-5 zone is 35 feet. The permitted lot coverage is 40% for the R-5 zone and is not applicable for the

proposed I-1 zone. More of the 2.148 acres could be covered by structure under the proposed I-1 zone despite the larger lot sizes because there is no applicable lot coverage in the I-1 zone.

The bulk and dimensional requirements in the existing R-5 zone require a setback from the boundary line of 20 feet for the front, rear and side-corner and 5 feet from the side for the principal structure. A separate minimum setback is required for accessory structures of 20 feet from the front and side corner and 10 feet from the rear and side property line. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials.

The bulk and dimensional requirements in the I-1 zone require a setback from the boundary line of 20 feet for the front, rear and side-corner and 10 feet from the side for the structure. There is not a separate setback requirement for accessory structures as is the case in the existing zone. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials.

The setbacks for the proposed zone are greater than those of the current zoning while greater areas of the lot can be covered in the I-1 zone. The bulk and dimensional requirements for the I-1 designation have been established to provide for a reasonable provision of light and air.

Finding #9: The proposed zoning map amendment would appear to provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements within the proposed I-1 designation and the setbacks in the proposed I-1 zone are greater than the setbacks in the existing zone.

2. The effect on motorized and non-motorized transportation systems;

As previously stated, primary access to the property is via Whitefish Stage which is a 24-foot wide two-lane paved county collector road within a 60 foot easement. Comments from the Flathead County Road and Bridge Department indicate no concerns with this proposal. The application states, “The property subject to the zoning map amendment currently has three driveways onto Whitefish Stage serving the existing uses on the property.”

Using standard trip generation, residential uses generate traffic at typically 10 vehicle trips per dwelling for single family. The property is approximately 93,566.88 square feet in size and the minimum lot size for the current R-5 zone is 5,400 square feet. Generally 30% of a subdivision is dedicated to infrastructure leaving approximately 70% of the lot for single family lots. Therefore, approximately 12 single family homes could be constructed on the subject, which would generate 120 average daily trips.

According to the ITE Trip Generation Manual 5th Edition “General Light Industrial” generates approximately 51.80 average daily trips per acre for a

weekday. The subject property is approximately 2.148 acres therefore the property has the potential to generate 111 average daily trips. The average daily trips for light industrial would be slightly less than if the property was developed with residential.

Additional comment from the applicant states, “There is a bike/ped path on the west side of Whitefish Stage connecting Lawrence Park on the south with Reserve Drive on the north. Because of the existing use, the proposed zone change should have very little impact on Whitefish Stage and the Pedestrian path.”

Staff has confirmed that there is an existing bike/pedestrian facilities currently located along Whitefish Stage on the west side of the road. The Flathead County Trails Plan identifies Whitefish Stage as an arterial bike/pedestrian trail. It is anticipated that there will be minimal impact on non-motorized traffic because the proposed industrial zoning would reduce the impact on the trail and because the trail is already in place.

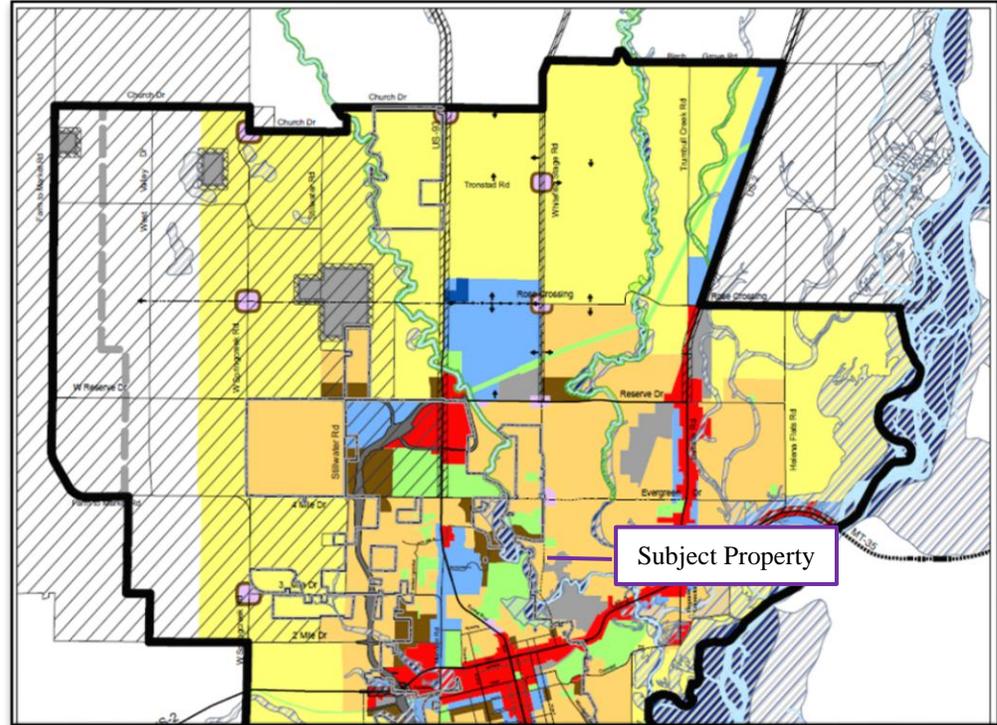
Finding #10: Effects on motorized and non-motorized transportation systems will be minimal because the County Road and Bridge Department had no concerns with this proposal, the traffic generated by the proposed zoning has the potential to be less than traffic of the existing use and a pedestrian/bike trail already exists in the vicinity of the subject property.

3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

Kalispell is the nearest municipality to the subject property and is located approximately a tenth of a mile west and a tenth of a mile north of the property. The property is located within the boundary of the Kalispell Growth Policy. An agency referral was sent to the Kalispell planning department on April 8, 2015 but staff has not received any comments from the City at this time. According to the application, “In communication with the Kalispell Planning Director Tom Jentz, the subject property is within the area of future annexation but the city has no plans in the next twenty years to extend services into this neighborhood.”

The subject property is included within the City of Kalispell Growth Policy Future Land Use Map, adopted by the City of Kalispell in 2003. The Kalispell Growth Policy Planning Area Map designated the property as “Urban Residential.” According to the Kalispell Growth Policy the “Urban Residential” is classified as, “*a. Urban residential areas shown on the plan map should be encouraged to be developed when adequate services and facilities are available. b. Typical densities are four to twelve dwellings per gross acre. c. Single-family houses are the primary housing type, but duplexes, guest houses, accessory apartments, and small dispersed areas of multi-family housing are also anticipated.*” The designation of ‘Urban Residential’ would generally not comply with the proposed I-1 light industrial zoning. Properties directly south of the subject property are designated as ‘Industrial’ by the Kalispell Growth Policy Future Land Use Map.

Figure 6: Northern portion of City of Kalispell Growth Policy Future Land Use Map (Property outlined in purple)



Finding #11: The property is located within the extent of the City of Kalispell Growth Policy Future Land Use Map and the proposal does not appear to be compatible with urban growth in the vicinity of Kalispell because even though the City has no plans to annex the property within the next 20 years and the property is adjacent to industrial zoning, the Kalispell Growth Policy designates the land as ‘Urban Residential.’

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

The application states, “The property currently has a large shop building, mini-storage use, and two residences, one of which is owner’s residence/office for the mini storage and trailer park. Directly south of the applicants property are several parcels zoned industrial already a site of mini-storage, u-haul rental, tow truck business, auto repair, and cell tower. The zone change will recognize the existing uses on the property.”

The subject property is located adjacent to properties that are zoned ‘I-1 Light Industrial,’ ‘R-5 Two-Family Residential’ and ‘R-1 Suburban Residential.’ The applicant is proposing to amend the zoning on the subject property from R-5 to I-1. The uses allowed within the proposed I-1 zone would be similar to the existing uses on the properties to the south and east. The character of the area around the property is a mixture of urban residential uses, parkland and industrial. In addition to single family dwellings to the west, there are manufactured home parks to the north of the subject property. Industrial land

to the south and east including mini-storage and a gravel pit and the City of Kalispell's new industrial park.

As previously stated, the subject property is located adjacent to an area that has seen several zone changes to I-1 from residential since the creation of the Evergreen Zoning District most recently in 2004 (FZC-04-11). The zone change in 2004 was directly south of the property and was from R-1 to I-1. Based on the existing character and trends of the district and the area around the subject property, the proposed I-1 zoning allows uses that are suitable.

Finding #12: The character of the proposed zoning map amendment appears suitable for the particular district because the uses permitted and conditionally permitted within the I-1 zoning are similar uses to what exist in the vicinity of the property and the trend in the immediate vicinity of the subject property has been to rezone residential lots to industrial since the Evergreen Zoning District was adopted.

5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The subject property is located within the Evergreen Zoning District and surrounded by residential and industrial zones (see Figure 2). The application states, "The proposed zoning will recognize the existing land use and match the light industrial zone that adjoins neighboring the property. Other adjacent land uses include two mobile home parks on the north and single family residences across the road to the west."

Previous sections of this report have detailed the differences between permitted and conditional uses in the existing R-5 zoning and the proposed I-1 zoning. The uses allowed in the proposed zoning are similar to the existing uses on the properties to the east and south. Conserving the value of buildings throughout the jurisdictional area is a function of allowing land uses that are appropriate and reasonable. Many of the land uses listed as permitted uses in the proposed I-1 zone exist in the vicinity of the subject property such as; mini-storage, truck repair, auto repair, and a recycling center. The permitted and conditional uses would likely not impact the value of buildings and would be appropriate land uses throughout the area of the proposed zone change because they already exist in the area.

The land uses listed in the proposed zoning that have the highest potential to impact neighbors and the value of buildings if not developed appropriately are on the list of conditional uses requiring public review through the Conditional Use Permit (CUP) process such as, landfill, recycling processing plant, and automobile salvage yards. The CUP review process ensures the mitigation of negative impacts, or potentially the outright denial of a proposed land use if it is deemed by the Board of Adjustment to be noncompliant with the criteria for review.

Finding #13: This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the I-1 designation allows for similar uses to the

existing uses on the I-1 zoned properties to the east and south such as, mini-storage, truck repair, auto repair, and a recycling center.

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 a tenth of mile to east and a tenth of mile to the north of the subject property. The downtown core of the City of Kalispell is located approximately 1 road mile away, to the south. As previously stated, the subject property is included within the City of Kalispell Growth Policy Future Land Use Map, adopted by the City of Kalispell in 2003. The Kalispell Growth Policy Planning Area Map designated the property as “Urban Residential.” According to the Kalispell Growth Policy the “Urban Residential” is classified as, “*a. Urban residential areas shown on the plan map should be encouraged to be developed when adequate services and facilities are available. b. Typical densities are four to twelve dwellings per gross acre. c. Single-family houses are the primary housing type, but duplexes, guest houses, accessory apartments, and small dispersed areas of multi-family housing are also anticipated.*” The designation of “Urban Residential” would generally not comply with the proposed I-1 light industrial zoning. Properties directly south of the subject property the Kalispell Growth Policy Future Land Use Map are designated as “*Industrial.*”

The nearest City of Kalispell zoning is P-1 and R-3, and to the south is the industrial park which is zoned I-2. The Kalispell R-3 zone is a residential zone that allows for single family residential on 6,000 square foot lots and is more compatible with the existing county R-5 zone. The P-1 zone is a public zone and allows for such uses as a park, fairgrounds, schools and a hospital. The property zoned P-1 is a city park. The nearby I-2 zone is a heavy industrial district and allows for uses similar to the proposed I-1 zone such as auctions without livestock, automobile sales, car wash, light assembly, feed and seed supply stores, janitorial services, light manufacturing, etc. as permitted uses. The conditional uses allowed within the Kalispell I-2 zone are also similar to the proposed zoning including; auctions with livestock, auto wrecking and storage yards, recycling processing plants, etc.

Finding #14: The proposed map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because even though the existing County R-5 zone is more compatible with the nearby City R-3 zoning, the proposed I-1 zone would connect to an existing industrial area in which the City has annexed land zoned I-2 and the City I-2 zone allows for similar uses to the proposed I-1 zone.

V. SUMMARY OF FINDINGS

- 1) The proposed zoning map amendment does not appear to constitute spot zoning because the proposed zone change would allow for the same uses existing within the I-1 zoning to the south and east, the size of the I-1 zoning district would be comparable to the size of the neighboring R-1 districts and R-5 district and would be

compliant with the Kalispell City-County Master Plan map if the master plan map amendment is approved.

- 2) The proposed zoning map amendment to I-1 from R-5 generally complies with the Flathead County Growth Policy because applicable goals, policies and text appear to generally support the request, the Designated Land Use Map is not a future land use map and the 'Suburban Residential' and 'Urban Residential' designations 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 appears to comply with the text and map of the Kalispell City-County Master Plan because if the Master Plan map amendment is approved the proposed zoning would be in compliance with the Master Plan Map, the subject property is adjacent to other industrial zoning, and located on a county collector.
- 4) The proposed zoning map amendment appears to comply with the goals and objectives of the Kalispell City-County Master Plan because the property is in the vicinity of the new City of Kalispell Industrial Park, the property is not located within the floodplain, the property currently contains a use that is permitted within the proposed I-1 zoning, it would establish additional areas for light industrial near annexed areas of the city and the property is located within the Evergreen Water and Sewer District.
- 5) The proposed map amendment will not impact safety from fire and other danger because the property is not located in the WUI, will not allow for additional density, is located approximately 2.2 road miles from the nearest fire station, is located on a county collector and is not in the 100 year floodplain.
- 6) The proposed zoning map amendment would not have a negative impact on public health, safety and general welfare because the property is served by the Evergreen Fire Department, Flathead County Sheriff, and future development would comply with the allowed uses in an I-1 zone which do not produce objectionable by-products per the definition.
- 7) The proposed amendment would facilitate the adequate provision of transportation, schools, parks, and other public requirements because the County Road Department had no comments regarding this proposal the proposed I-1 designation would generate slightly less traffic than the existing zoning at full build-out and there would be minimal impact on schools and parks as a result of this proposal.
- 8) The proposed amendment may not facilitate the adequate provision of water and sewer because comments from the Flathead County Environmental Health office indicate that the property was originally approved for two single family dwelling units, has never been reviewed for the current use and the septic system was altered without a permit.
- 9) The proposed zoning map amendment would appear to provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements within the proposed I-1 designation and the setbacks in the proposed I-1 zone are greater than the setbacks in the existing zone.

- 10) Effects on motorized and non-motorized transportation systems will be minimal because the County Road and Bridge Department had no concerns with this proposal, the traffic generated by the proposed zoning has the potential to be less than traffic of the existing use and a pedestrian/bike trail already exists in the vicinity of the subject property.
- 11) The property is located within the extent of the City of Kalispell Growth Policy Future Land Use Map and the proposal does not appear to be compatible with urban growth in the vicinity of Kalispell because even though the City has no plans to annex the property within the next 20 years and the property is adjacent to industrial zoning, the Kalispell Growth Policy designates the land as 'Urban Residential.'
- 12) The character of the proposed zoning map amendment appears suitable for the particular district because the uses permitted and conditionally permitted within the I-1 zoning are similar uses to what exist in the vicinity of the property and the trend in the immediate vicinity of the subject property has been to rezone residential lots to industrial since the Evergreen Zoning District was adopted.
- 13) This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this particular location because the I-1 designation allows for similar uses to the existing uses on the I-1 zoned properties to the east and south such as, mini-storage, truck repair, auto repair, and a recycling center.
- 14) The proposed map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because even though the existing County R-5 zone is more compatible with the nearby City R-3 zoning, the proposed I-1 zone would connect to an existing industrial area in which the City has annexed land zoned I-2 and the City I-2 zone allows for similar uses to the proposed I-1 zone.

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 most of the review criteria, based upon the 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.

Planner: EKM