Flathead County

Planning & Zoning

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

RECEIVED
APR 30 2015

PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED $ 3,595.00

APPLICANT/OWNER:

1. Name: Edward and Lisa Wolfe Phone: 406/250-5595
2. Mail Address: PO Box 396
3. City/State/Zip: Bigfork, MT 59911
4. Interest in property: Owner

Check which applies: ☑ Map Amendment ☐ Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

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

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

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

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

A. Address of the property: The property is not addressed at this time.

B. Legal Description: Tracts 6, 6B, 4A, 4AE, 4AC
(Lot/Block of Subdivision or Tract #)

12 - 29W - 22N
Section Township Range *(Attach sheet for metes and bounds)*

C. Total acreage: 78

D. Zoning District: Highway 93 North

E. The present zoning of the above property is: AG-40

F. The proposed zoning of the above property is: SAG-5

G. State the changed or changing conditions that make the proposed amendment necessary: The current zone limits the minimum lot size to 40 acres. The owner would like to create some smaller lots at some point in the future.

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

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

* *

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

[signature] 4-6-15

Owner/Applicant Signature(s) Date

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Addendum to Wolfe Zoning Application:

1. Is the proposed amendment is accordance with the Growth Policy/Neighborhood Plan?

The subject property of the proposed map amendment falls within the Riverdale Neighborhood Plan, which is included within the Flathead Growth Policy. The property is designated on Map 2 "Existing Land Types" as "Rural Residential". The Riverdale Neighborhood Plan then goes on to note in its Section 3, Riverdale Land Use Categories a definition for the residential use: "Residential – Suburban (from 1du/2.5ac to a max 1du/5ac) (Growth Policy Residential – Large Parcel) The Residential Suburban land use category allows a range of one (1) single family residential dwelling unit per 2.5 acres to one single family residential dwelling unit per 5 acres. This land use category is intended to promote low single family residential densities. Multiple family dwellings, commercial, industrial or mineral extraction land uses are not appropriate. Public infrastructure and service availability affect the intensity and density within this land use category. Limited Agricultural uses are compatible within this category as well as local supporting public facility uses such as parks, fire stations and schools. Residential development within this category typically utilizes individual domestic wells and septic wastewater disposal systems. Single Family residential clustering and Planned Unit Development density bonuses are appropriate for this category. A maximum density of one dwelling unit per five acre lots is appropriate if located within 1,320 feet of the landfill. If and when a zone change is requested for Residential Suburban (2.5-5 acres/DU) within 1,320 feet of the landfill, it will be determined at that time whether 2.5 or 5 acres is appropriate. The existing zoning district that is consistent with the Residential - Suburban land use category is SAG-5. This plan recommends that an additional residential zoning district be created to allow for one dwelling unit per 2.5 acres. *Under this definition, it appears that the proposed zoning map amendment from AG-40 to SAG-5 is in accordance with the Neighborhood Plan.*

2. Is the proposed amendment designed to:
    a. Secure safety from fire and other dangers? *The property is located within the West Valley Volunteer Fire District, which has two stations located off of Farm to Market Road. One is at the intersection of West Reserve and the other is located just south of the turn-off for Lore Lake Road. Both are within a few short minutes drive of the subject property. There is a fire station planned but not yet constructed at this time, within the Stillwater development, which is also just moments away in response time. The subject properties are generally flat, or gently rolling, without any dangers of avalanche, or slumping. Floodplain is limited to the immediate vicinity of the Stillwater River and does not affect the remainder of the property.*
    b. Promote public health, public safety and the general welfare? *There are paved and gravel county roads that access the subject properties, allowing for fire, ambulance, police, mail and other services to the property safely. Future development will require upgrading of the roads/access/utilities to potential lots. Emergency services are in the*

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immediate area and have adequate response times. Soils are compatible with those required for proper functioning of individual septic systems. There appears to be an adequate supply of water resources to access for individual wells.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements? *As noted above, there is a network of county paved and gravel roads that access the subject properties (Church Drive and Prairie View Road). Should the property owner decide to pursue additional development (i.e., subdivision), there is a potential that access will have to be upgrade to meet Flathead County Development standards. A review of existing well logs in the area indicate that an abundance of water exists for potential homeowners to drill private wells. Soils exist on the properties that are conducive to the construction of individual septic drainfields. The subject properties lie within the Whitefish School District, which has just undergone some significant expansions/upgrades to their High School and Middle School. Individual homeowners would have to contact the Whitefish School's Transportation department to inquire about the location/times for school bus pick up and delivery. There are no publically owned/ maintained parks within the Riverdale Plan or in the general surrounding area, however, the very nature of the land within the vicinity is open rural landscape. Children can take advantage of growing up in this paradise to ride bikes or horses, swim, fish, build tree forts or play in the mud. There is Glacier National Park within an hours' drive, and many county and city parks can be driven to within minutes, including Kidsports, the soccer, baseball, softball, football recreational mecca. At some point, the bike path that will connect Whitefish to Kalispell will be completed and allow walkers and bikers the ability to shop and recreate without getting into their car first.*

3. Does the proposed amendment consider:

a. The reasonable provision of adequate light and air? *Yes, as the proposed zone change is to a 5-acre minimum lot size, there will be significant provisions for adequate light and air. Setbacks and lot coverages as called out by the Flathead County Zoning Regulations also work to insure that there is adequate amounts of light and air available.*

b. The effect on motorized and non-motorized transportation systems? *Mr. Wolfe's property encompasses 78 acres. If this were to be strictly divided by the 5 acre minimum lot size, that would give you a grand total of 15 lots. Once you take into consideration roads and infrastructure requirements, this will result in the loss of several of those lots which will reduce the total number. Even if a potential subdivision were to be "clustered", allowing a greater density of homes but setting aside a greater portion of open space, (60% of the total property) the maximum number of lots that could be created would be 22. A typical estimate of vehicle trips per day is to estimate 10 car trips per household. So a worst-case scenario would be220 trips per day, coming from this general area. As Church Drive has recently been overlaid with new asphalt, and has a very low existing traffic volume, there will be minimal effect of traffic on this road system. Additionally, as Highway 93 is within a short mile and a half drive, with a newly constructed interchange, growth of this nature was anticipated in this area.*

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c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities? *The Kalispell Annexation Policy boundary is in close proximity to the boundaries of the Riverdale Plan, which indicates that Kalispell does not have the political will nor infrastructure resources to venture further out in the county. Kalispell supports their denser residential areas within their Master Plan and the subject property is well outside of those boundaries. Kalispell has no reason not to support large residential lots on private septic systems and wells if the property is outside of their planning jurisdiction. These properties are not within the newly acquired "doughnut" area of Flathead County jurisdiction.*

d. The character of the district and its peculiar suitability for particular uses? *Yes, for all of the reasons noted above, the landscape, soils, water availability, location to emergency services, schools, public roads, highways and recreation, this proposal is within the character of the district and is well-suited for large-lot residential living. There appears to be a market demand for these types of lots and the Riverdale Master Plan has anticipated this use.*

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area? *Yes, by approving this zone change proposal, the value of the existing buildings will be preserved. This proposal brings back vitality to the area where growth and development has not been successful for some time. The proposal is consistent with the surrounding neighborhood and will be a benefit to the community. The Riverdale Plan supported and encouraged just this type of project.*

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities? *The City of Kalispell does not have any zoning designations for properties larger than a one-acre minimum. (R-1) and is generally supportive of all development hooking into public water and sewer services. The City of Whitefish does have the Whitefish Agricultural (WA) zone, which has a 15-acre minimum lot size and the Whitefish Country Residential zone,(WCR) which allows for a 2 ½ acre minimum lot size and homes within these designated zones are typical on private services. The proposed zoning map amendment does not appear to be contradictory to either of the nearby municipalities zoning regulations.*

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