

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-20-10)
JUMP RESERVE PROPERTIES
JUNE 24, 2020**

I. GENERAL INFORMATION

A. Project Description

This 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 and Jump Reserve Properties, for property located within the Evergreen Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from *I-1H (Light Industrial Highway) and SAG-10 (Suburban Agricultural) to I-1H (Light Industrial Highway) and R-4 (Two Family Residential)*.

B. Application Personnel

1. Owner	2. Applicant	3. Technical Representative
Jump Reserve Properties 687 Scenic Drive Kalispell, MT 59901	NW Dev Group LLC PO Box 1038 Kalispell, MT 59903	Sands Surveying, Inc. 2 Village Loop Kalispell, MT 59901

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

This property is not located within the jurisdiction of a Land Use Advisory Committee.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on July 8, 2020 at 6:00 P.M. in the 2nd Floor Conference Room of South Campus Building located at 40 11th Street West in Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

The Commissioners will hold a public hearing on the proposed zoning map amendment on July 30, 2020. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The property is located at 2651 and 2655 Highway 2, Kalispell, MT (see Figure 1 below) and is approximately 29.08 acres. The property can be legally described as follows:

TWO TRACTS OF LAND, SITUATED, LYING AND BEING IN THE WEST HALF OF THE EAST HALF OF SECTION 28, TOWNSHIP 29 NORTH, RANGE 21 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

PARCEL '1': (Being changed from SAG-10 zoning to I-1H zoning)

Commencing at the northeast corner of the Southwest Quarter of the Northeast Quarter of Section 28, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, which is a found aluminum cap; Thence along the north boundary of said SW1/4NE1/4 S89°45'25"W 219.22 feet to THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBE: Thence S00°01'00"E 315.54 feet; Thence S55°38'45"W 73.66 feet; Thence S45°03'38"W 236.49 feet; Thence S15°36'05"W 76.97 feet; Thence S20°51'15"W 151.52 feet; Thence S07°45'23"W 307.06 feet; Thence S07°35'22"E 70.85 feet; Thence S27°01'38"E 201.66 feet; Thence S14°02'18"E 31.41 feet; Thence S89°39'25"W 124.00 feet; Thence N00°00'57"W 1323.70 feet to the north boundary of said SW1/4NE1/4; Thence along said boundary N89°45'25"E 359.95 feet to the point of beginning and containing 4.883 ACRES; Subject to and together with all appurtenant easements of record.

PARCEL '2': (Being changed from SAG-10 & I-1H zoning to R-4 zoning)

BEGINNING at the northeast corner of the Southwest Quarter of the Northeast Quarter of Section 28, Township 29 North, Range 21 West, P.M.,M., Flathead County, Montana, which is a found aluminum cap; Thence along the east boundary of said SW1/4NE1/4 S00°01'00"E 1322.69 feet to a found aluminum cap and the southeast corner thereof; Thence along the east boundary of the Northwest Quarter of the Southeast Quarter of said Section 28 S00°02'02"E 1318.83 feet to a found iron pin and the southeast corner thereof; Thence along the east boundary of the Southwest Quarter of the Southeast Quarter of said Section 28 S00°01'04"E 534.00 feet; Thence N49°44'08"W 81.87 feet; Thence N29°46'13"W 218.38 feet; Thence N19°33'22"W 108.61 feet; Thence N06°51'36"W 266.48 feet; Thence N08°13'03"W 86.64 feet; Thence N30°39'17"W 182.35 feet; Thence N15°21'44"W 105.32 feet; Thence N07°35'14"W 83.39 feet; Thence N18°23'13"E 240.10 feet; Thence N17°04'25"E 130.91 feet; Thence N03°21'06"E 38.50 feet; Thence N11°53'15"W 236.63 feet; Thence N20°25'41"W 73.92 feet; Thence N39°22'45"W 107.46 feet; Thence N55°41'50"W 53.77 feet; Thence N14°02'18"W 39.94 feet; Thence N27°01'38"W 201.66 feet; Thence N07°35'22"W 70.85 feet; Thence N07°45'23"E 307.06 feet; Thence N20°51'15"E 151.52 feet; Thence N15°36'05"E 76.97 feet; Thence N45°03'38"E 236.49 feet; Thence N55°38'45"E 73.66 feet; Thence N00°01'00"W 315.54 feet; Thence N89°45'25"E 219.22 feet to the point of beginning and containing 24.207 ACRES; Subject to and together with all appurtenant easements of record.

Figure 1: Area proposed for zone change

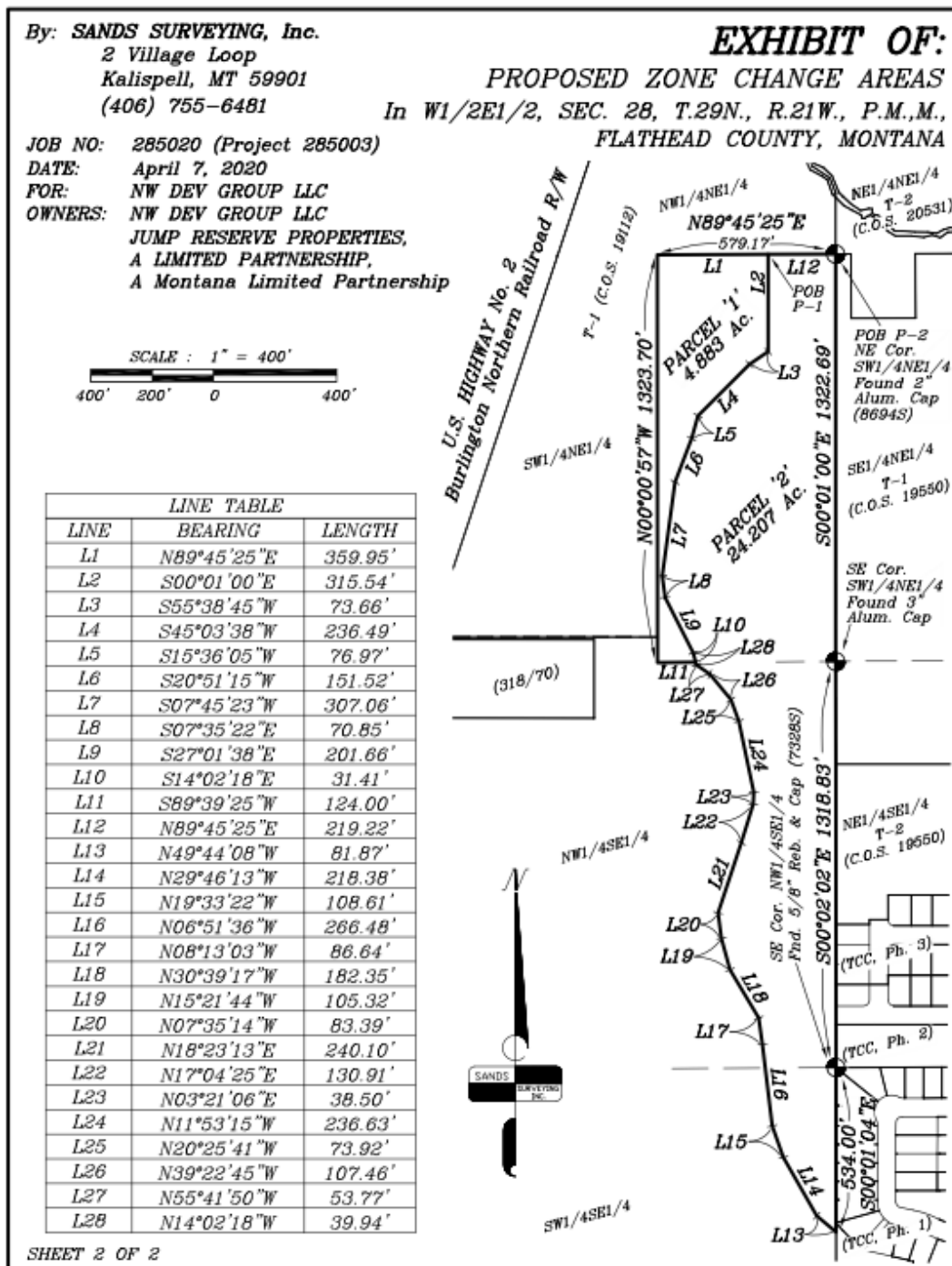
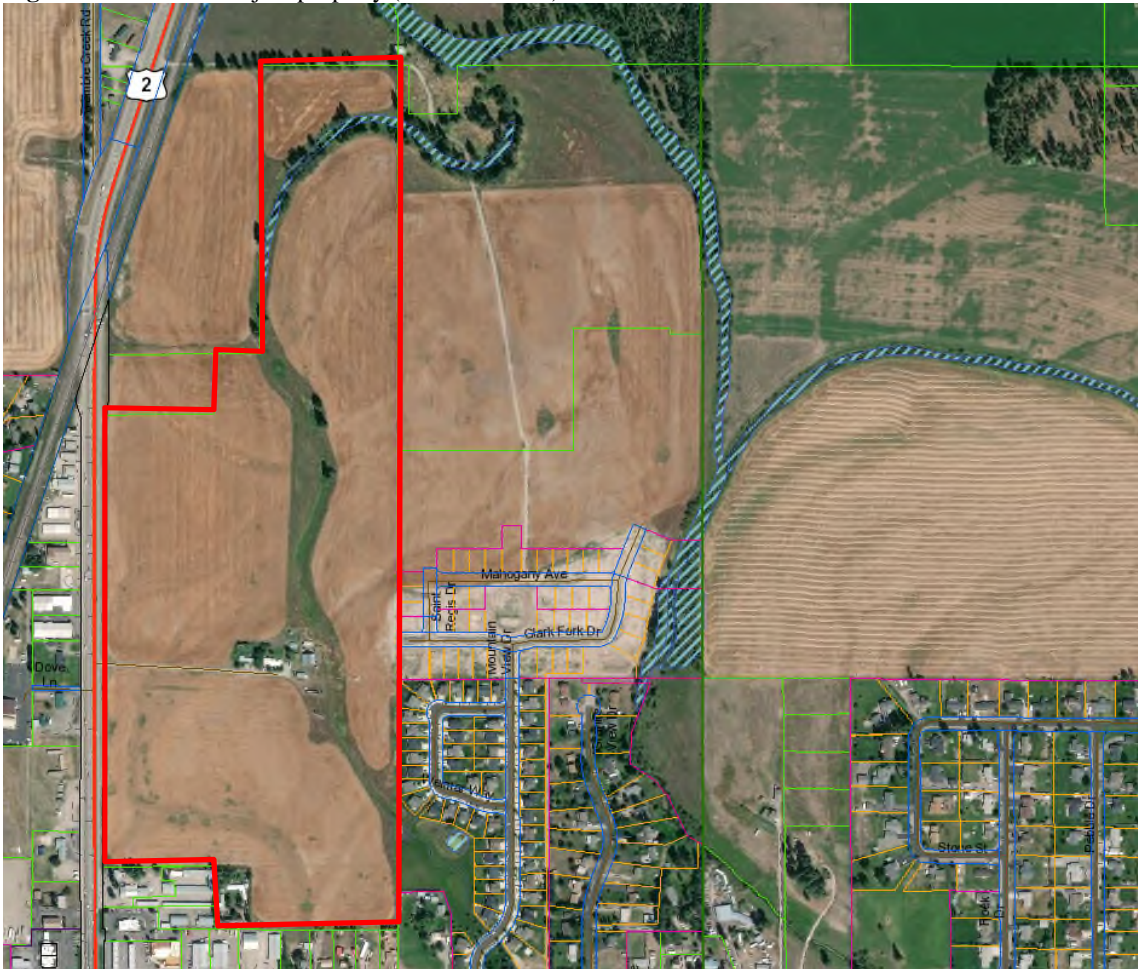


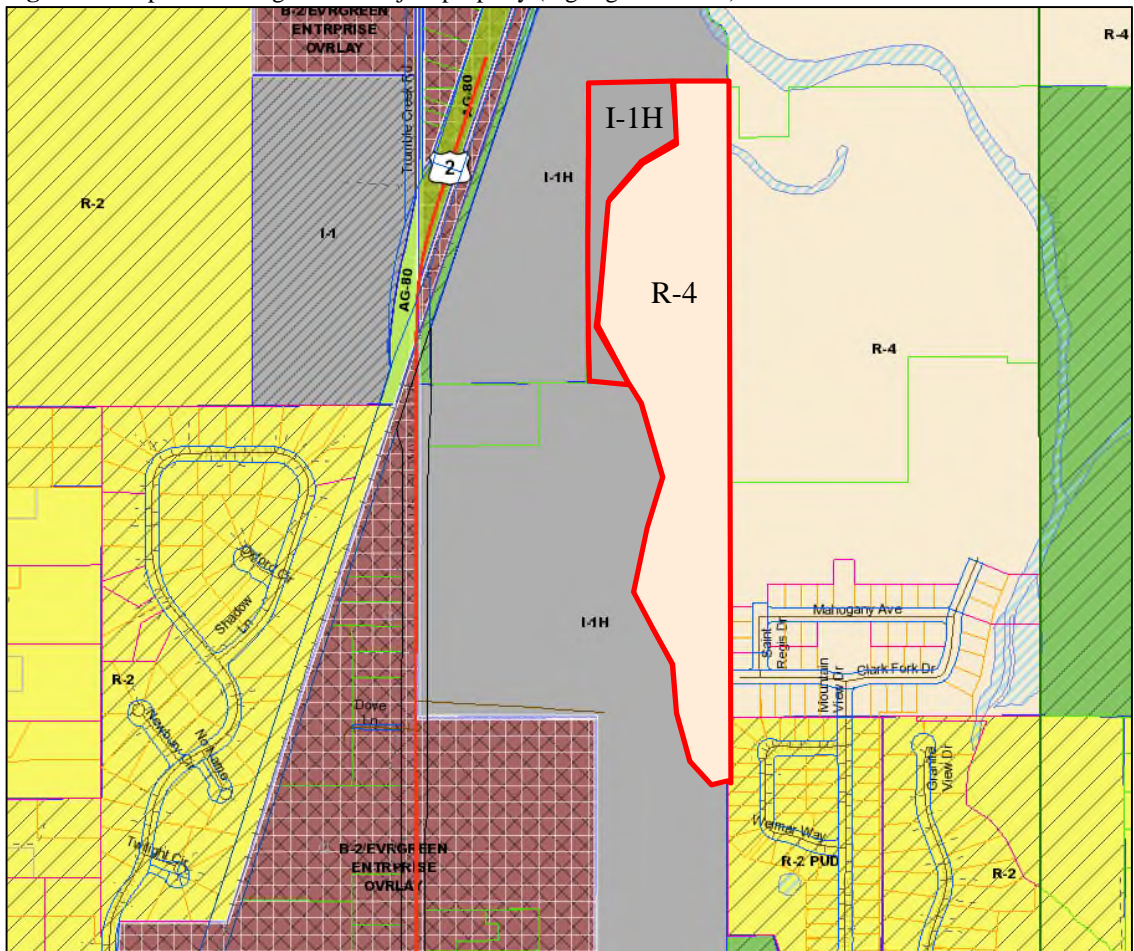
Figure 2: Aerial of subject property (outlined in red)



B. General Character of and Reason for Amendment

The property is located a tenth of a mile west of Highway 2 and two-tenths of a mile north of Reserve Drive. The portion of the property subject to the zone change is currently used for agriculture and the old meander of the creek generally divides it from the remainder of the property not included in the zone change. The application states the reason for the request as, “NW Dev Group and Jump Reserve Properties have an agreement to make a land swap if the zoning can be amended. NW Dev Group is the developer of Trumbull Creek Crossing, a residential subdivision in its fourth phase and located directly adjacent to the Jump property. All of the Trumbull Creek Crossing property is zoned R-4 or R-2(PUD). The Jumps have a large holding of property that is mostly zoned I-1H with the exception of approximately 17.5 acres zoned SAG-10. The SAG-10 is completely surrounded by either Industrial zoning or R-4 zoning. The proposed zone change would allow NW Dev Group to expand and buffer Trumbull Creek Crossing along the eastern edge of the old creek channel. At the same time the zone change would allow the Jump Reserve Properties to move the I-1H zoning to the western edge of the old meander which means the Jumps will not develop light industrial uses on the east side of the creek and directly adjacent to a number of homes. The zone change protects both land owners from incompatible land uses adjacent to their current holdings.”

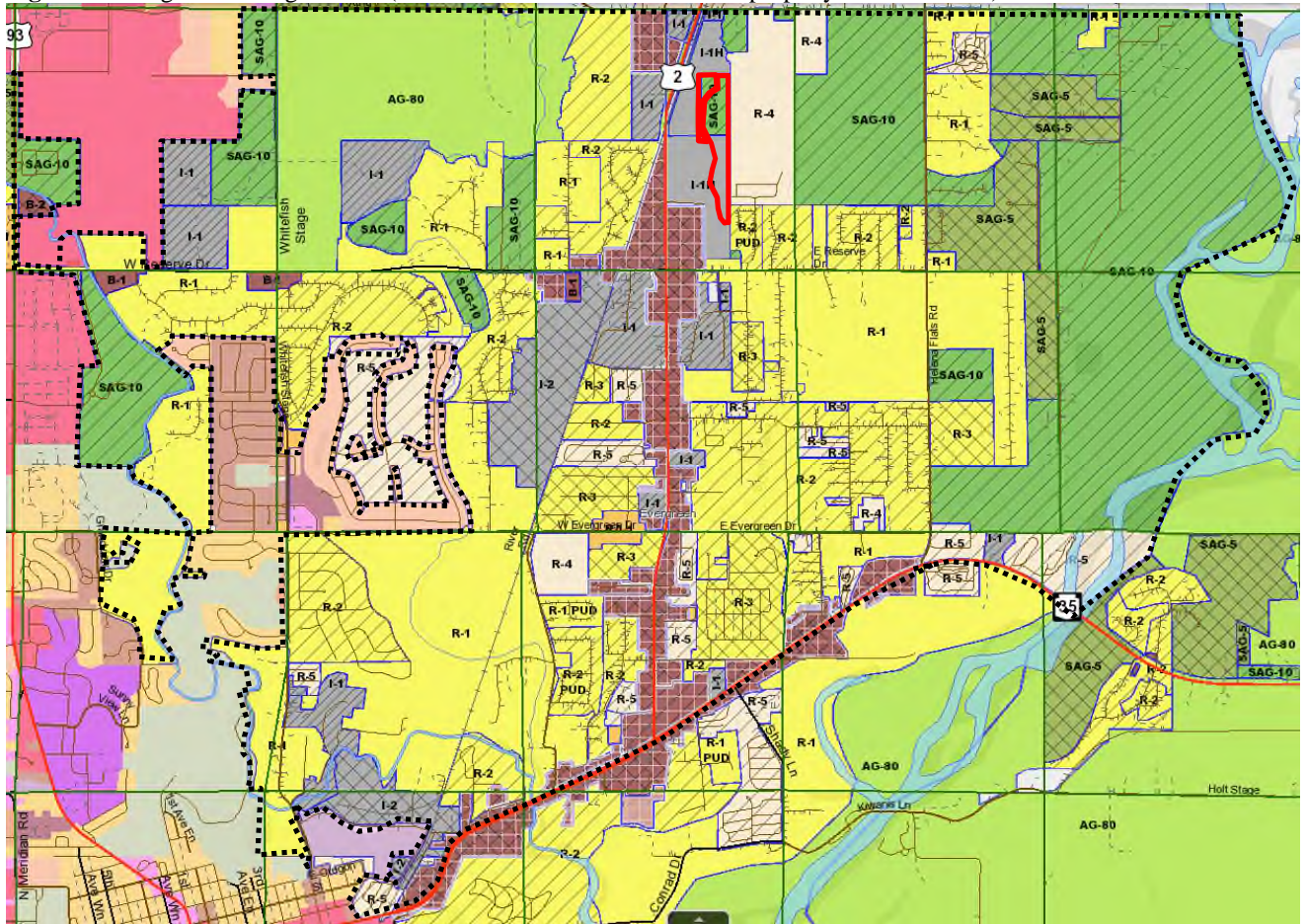
Figure 3: Proposed zoning on the subject property (highlighted in red)



C. Adjacent Zoning and Character of the Overall Zoning District

The property is located within the Evergreen Zoning District, which is a 7,900-acre zoning district that covers the area directly east of Kalispell. Looking at the zoning within a mile of the subject property the character of the area is generally a mixture of business, industrial, and residential zoning. Directly adjacent to the property is generally residential uses which are zoned R-4 and R-2/PUD, with I-1H and B-2/EEO zoning located to the west along Highway 2.

Figure 4: Evergreen Zoning District (outlined with dashed black line & property outlined in red)



D. Public Services and Facilities

- Sewer: N/a
- Water: N/a
- Electricity: Flathead Electric Cooperative
- Natural Gas: Northwestern Energy
- Telephone: CenturyTel
- Schools: Helena Flats School District
Flathead High School District
- Fire: Evergreen Fire District
- Police: Flathead County Sheriff

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on May 12, 2020:
 - Flathead County Road Department
 - Montana Department of Transportation
 - Flathead County Solid Waste

- Flathead City-County Health Department
 - Flathead County Weeds & Parks Department
 - Bonneville Power Administration
 - City of Kalispell Planning Department
 - Helena Flats School District
 - Flathead High School District
 - Evergreen Water and Sewer District
 - Montana DNRC
 - Montana Fish, Wildlife and Parks
 - Evergreen Fire District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Flathead County Road & Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated May 18, 2020
 - Flathead County Solid Waste District
 - Comment: “The District requests that all solid waste generated at the proposed location be hauled by a private licensed hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated May 15, 2020
 - City of Kalispell
 - Comment: “[...] the property lies outside the Evergreen Sewer District. In order to access that system, the Kalispell City Council would need to approve extending service to the property. In the past for similar properties, if the Council has agreed to extend service, it has included conditions that the property be developed to city standards. Trumble Creek Crossing, I believe, developed in this manner. Again this doesn’t necessarily impact the zone change itself, but is something that everyone should be aware of prior to beginning development of the property.” Email Received May 19, 2020.
 - BPA
 - Comment: “At this time, BPA does not object to this request, as the property is located 0.50 miles away from the nearest BPA transmission lines or structures.” Email received May 14, 2020.
 - DNRC
 - Comment: “[...] this does not fall under DNRC fire protection, but is within Evergreen VFD protection.” Email received May 28, 2020

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on June 17, 2020. Legal notice of the Planning Board public hearing on this application was published in the June 21, 2020 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 zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

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 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).

IV. 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.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are 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.

The SAG-10 designation is defined in Section 3.07 FCZR as, *“A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.”*

The R-4 designation is defined in Section 3.13 FCZR as, *‘A district to provide lot areas for urban residential development. Development within the district will require all public utilities and all community facilities. A duplex is allowed in this district.’*

The I-1H designation is defined in Section 3.31 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 nonindustrial or non-specified commercial uses within the district be prevented other than those listed herein. This district is intended for*

industrial areas which are located along state and federal highways and contain greater levels of performance and mitigation utilizing increased setbacks, landscape buffering, access control and signage restriction for the purpose of protecting the County's major travel ways from unnecessary encroachments, limiting access points to encourage improved traffic flows and to preserve scenic corridors and entrance ways to major communities.'

The permitted uses and conditional uses for the proposed and existing zoning are very different with only a few overlapping uses between the I-1H and SAG-10 and I-1H and R-4 while the R-4 and SAG-10 have more overlapping uses. The I-1H zone has 50 permitted uses and 15 conditional uses, the SAG-10 has 21 permitted uses and 23 conditional uses and the R-4 has 9 permitted uses and 17 conditional uses

A public transportation facility and public utility service installations are permitted in all three zones and an electrical distribution station and water storage facility are allowed as a conditional use in all zones. The SAG-10 and I-1H also allow for accessory apartments, cellular communications towers, nursery and landscape materials, wholesale and retail as permitted uses and a golf driving range as a conditional use. A caretaker's facility is a permitted use in SAG-10 but a conditional use in I-1H. All but one permitted use (duplex) in the R-4 is a permitted use in the SAG-10.

The four additional conditional uses allowed in R-4 but permitted in I-1H, are as follows:

- Cellular communication tower.
- Church and other place of worship.
- Day care center
- Mini-storage, RV storage.

The additional conditional uses allowed in SAG-10 but permitted in I-1H, are as follows:

- Animal hospital, veterinary clinic.
- Contractor's storage yard.
- Recreational facility.

The additional conditional uses allowed in SAG-10 and R-4, are as follows:

- Bed and breakfast establishment.
- Community center building operated by a non-profit.
- Community residential facility.
- Golf course.
- Manufactured home park.
- School, primary and secondary.
- Short term rental housing.

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

major/minor arterials. The maximum allowable building height is 35 feet for all structures, and the permitted lot coverage is 20%.

The bulk and dimensional standards under R-4 zoning requires a setback for the principal structure of 20 feet for the front, rear and side-corner, and 5 feet from the side. The minimum setback requirement for accessory structures is 20 feet for the front and side-corner and 5 feet from the rear and side. A 20 foot setback is required from a stream, river and unprotected lake which do not serve as property boundaries. An additional 20 foot setback is required from county roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures and the permitted lot coverage is 40%.

The bulk and dimensional standards under I-1H zoning require a minimum yard requirement of 20 feet from the front, rear and side-corner yards, and 10 feet from the side. When a property abuts the following features, the abutting setback shall be increased to the following: direct highway access is 100 feet, highway with no access 35 feet, direct access on county road 50 feet and 50 feet from the high water mark of a stream. The property is not adjacent to the highway and does not currently have direct access from the highway. The maximum allowable building height is 40 feet for all structures and there is no restricted lot coverage in I-1H.

The portion of subject property zoned SAG-10 is approximately 17 acres. A minimum lot size of 10 acres in SAG-10 zoning would allow for the creation of no additional lots. The minimum lot size in an R-4 zone is 6,000 square feet for single family dwellings and 7,500 square feet for duplexes and all other uses. The subject property to be zoned R-4 is approximately 24.2 acres. However development standards anticipate approximately 30% of the total land area being allocated to infrastructure. The R-4 area could potentially be divided in a manner resulting in approximately 123 single family lots or 98 duplex lots.

The minimum lot size in the I-1H zone is 1 acre. Thus under the proposed zoning on 4.88 acres could be divided in a manner resulting in a total of 4 individual industrial lots. The current 12 acres zoned I-1H could be divided in a manner resulting in a total of 12 individual industrial lots. Further, the subject property could potentially be independently divided, through various means including subdivision process and multiple principal uses may be allowed on a single lot in an I-1H zoning district upon the issuance of a Conditional Use Permit, per Section 3.03.020(3).

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

1. 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). The property is located within the Two Rivers Neighborhood Plan, adopted on December 7, 2009 by the Flathead County Commissioners (Resolution #1822C).

The Two Rivers Neighborhood Plan (Neighborhood Plan) serves as a planning tool for the area northeast of the City of Kalispell. The Neighborhood 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 Neighborhood Plan currently designates the land use of the subject property as 'Commercial' and 'Open Space.' The proposed R-4 and I-1H zoning is not compatible with the land use designations.

The following policy statements and guidelines of the Neighborhood Plan appear applicable to the proposed map amendment:

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 area designations.*
 - The property is located adjacent to the Evergreen Water and Sewer District and would required annexation into the district to be serviced by public water and sewer. Further discussion on the adequacy public facilities can be found below.
2. *It is encouraged that a specific development plan be proposed at the time any part of this area is rezoned. The proposal plan would include urban scale development and improvements and would identify the service providers. If the area is to be annexed, a development plan and petition to annex would have been filed.*
 - The applicant has not provided a development plan.
4. *Special consideration and opportunities should be provided to allow the creation of a variety of housing options that include single family, two family, multi-family and mobile home parks as part of an overall development plan.*
 - The proposed R-4 zoning would allow for a mixture of housing options including single family, duplexes and manufactured homes.
5. *Urban standards be developed within the County that are consistent with the development standards used by the City of Kalispell that includes adequate right-of-way, paved roads, pedestrian access and storm water management plans.*
 - According to comments from the City of Kalispell, "In the past for similar properties, if the Council has agreed to extend service, it has included conditions that the property be developed to city standards."
6. *As development in this area occurs an adequate provision be made for parks, recreation and open space areas that can be used on a regional, community or neighborhood level.*
 - If a subdivision is developed at the R-4 density parkland dedication or cash-in-lieu would be required but developments in the I-1H zone would not require parkland dedication. Further discussion on the adequacy of parkland requirements can be found below.
10. *Some of the properties within the Two Rivers Plan amendment area are environmentally sensitive and will require special consideration in order to mitigate potential impacts to groundwater, surface water and the scenic environment. Those mitigation measures shall be identified and made part of the project review process and specific development proposals are considered either by the City or the County.*

- The property is located adjacent to the old creek channel which are mapped as 100-year floodplain (see Figure 5). The Two Rivers Plan designates those areas open space. These areas will likely be left as open space similar to what was done by the same applicant in the Trumbull Creek Crossing Subdivision. For new subdivisions each lot is required to have a building site outside the 100-year floodplain, and improvements within the floodplain are subject to applicable permitting requirements.

Finding #1: The proposed zoning map amendment appears to generally comply with the Two Rivers Plan because the property could be annexed by the Evergreen Water and Sewer District, the property is served by the Evergreen Fire Department, could be developed to the City of Kalispell standards and parkland dedication or cash-in-lieu would be required during subdivision review.

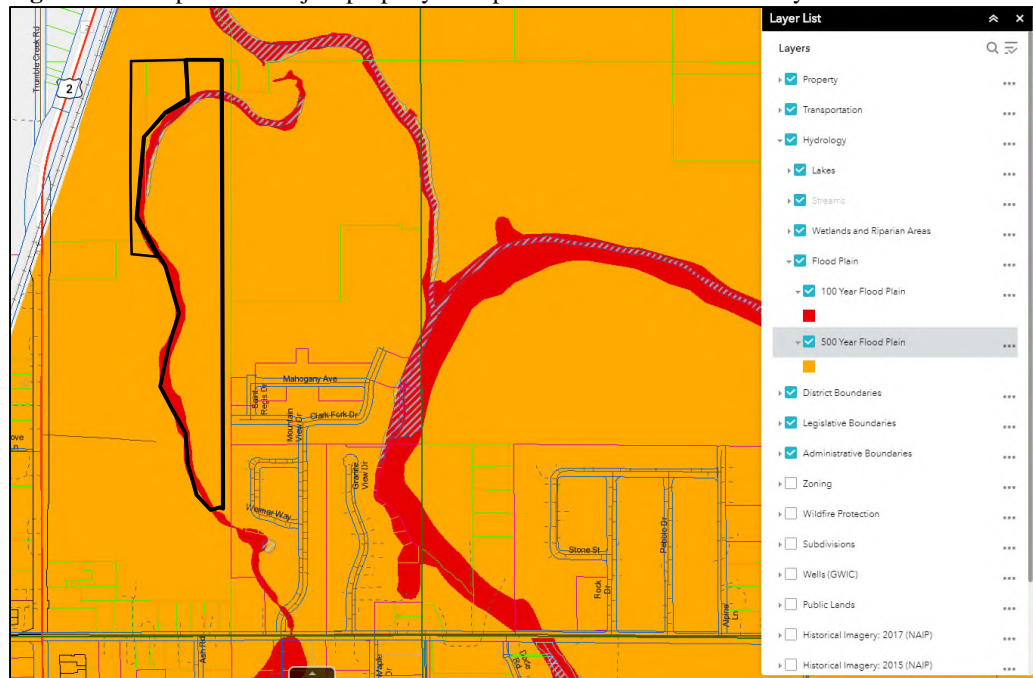
3. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject property is located within the Evergreen Fire District and the nearest fire and emergency response center is located approximately 1.4 miles southeast of the property on U.S. Highway 2 just north of West Evergreen Drive. The Evergreen Fire Department would respond in the event of a fire or medical emergency.

The subject property does not appear to be located within the Wildland Urban Interface (WUI). The subject property is not open space and has historically been used for agriculture and is not located adjacent to wooded areas.

Figure 5: Floodplain on subject property as depicted on the Flathead County IMA



The subject property appears to be mapped as both Zone X, areas determined to be inside the 0.2% annual chance floodplain and Zone A, areas subject to inundation

by the 1% annual chance flood, with no base flood elevation determined on FEMA FIRM Panel 30029C1420H and 30029C1810H. Figure 5 above shows the area of the property within the Zone A as red and the area within Zone X as yellow. The floodplain areas correspond to the area designated as open space by the Two Rivers Plan. The floodplain generally follows old creek channel at the boundary between the proposed R-4 and existing and proposed I-1H zoning.

Finding #2: The proposed map amendment would secure safety from fire and other dangers because the subject property is located within the Evergreen Fire District approximately 1.4 road miles from the nearest fire station, the subject property can be accessed via Highway 2 and Clark Fork Drive, new subdivisions require each lot to have a building site outside the 100-year floodplain, improvements within the floodplain are subject to applicable permitting requirements, and the property is not located in the WUI.

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

As previously stated, the subject property is located within the Evergreen Fire District. 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. The portion of the property subject to the zoning map amendment can be access via Clark Fork Drive and Highway 2. Both roads provide adequate ingress and egress for emergency vehicles which would help to ensure public health and safety.

I-1H designation per Section 3.28.010 FCZR 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.) which extend beyond the lot lines.*" Permitted and conditional uses in R-4 and I-1H zone would serve to protect and promote public health, safety and general welfare.

Finding #3: The proposed zoning map amendment appears to have minimal negative impacts on public health, safety and general welfare because permitted and conditional uses would be similar to uses already existing in the area and the property is served by the Flathead County Sheriff and the Evergreen Fire Department.

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

According to the applicant if the zone change is approved a boundary line adjustment would be completed and the portion zone I-1H would accessed via Highway 2 and the area zoned R-4 would be accessed through the Trumbull Creek Crossing subdivision from Clark Fork Drive via Mountain View Drive, East Reserve Drive and possibly Rose Xing, as an internal subdivision road would be extended to Rose Xing as part of a future phase of Trumbull Creek Crossing. Mountain View Drive is a two lane paved local private road with a 60 foot easement.

The most recent traffic counts from East Reserve Drive east of Highway 2 is 6,742 ADT. East Reserve Drive is paved county collector road within a 60 foot easement. The most recent traffic counts from Rose Xing east of Highway 2 is 2,545 ADT.

Rose Xing is paved county collector road within a 60 foot easement. Staff calculated estimated average daily traffic (ADT) using a standard trip generation of 9.51 trips per single family dwelling. Assuming 75% of traffic would travel onto East Reserve Drive and 25% onto Rose Xing, the proposed zone change could contribute to an increase of 293 ADT or 11.5% on Rose Xing and an increase 877 ADT or 13.0% on East Reserve Drive if the subject property was subdivided into single family residential lots at the highest possible density and more if it is divided into duplex lots. The Road and Bridge Department had no concerns with this proposal.

All 1,170 ADT would travel onto existing internal subdivision roads of Trumbull Creek Crossing. It is anticipated that even though all the subdivision roads are built to county standards, maximum subdivision build-out may adversely impact the level of service on the internal roads without future improvements such as, additional access. Additional future development on the property could occur if this zone change is approved and impacts on transportation would need to be mitigated as appropriate at such a time.

The most recent traffic counts from Highway 2 north of Reserve Drive is 15,874 ADT Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for the industrial zoning. According to the Trip Manual the average trip generation rate for general light industrial is 51.80 trips per acre. This could lead to an increase of 253 ADT on the 4.88 acres of industrial. This would be an increase of 1.6% on Highway 2.

The property is not located within the Evergreen Water and Sewer District but would likely require annexation into the district if the property is developed as R-4 densities would likely require public water and sewer. Comments from the City of Kalispell state, “[...] the property lies outside the Evergreen Sewer District. In order to access that system, the Kalispell City Council would need to approve extending service to the property. In the past for similar properties, if the Council has agreed to extend service, it has included conditions that the property be developed to city standards. Trumble Creek Crossing, I believe, developed in this manner. Again this doesn’t necessarily impact the zone change itself, but is something that everyone should be aware of prior to beginning development of the property.”

If the property was subdivided in the future, it would require review from the Flathead City-County Environmental Health and Montana Department of Environmental Quality.

The subject property is located within the Evergreen and Flathead School Districts. Evergreen School have seen a decrease of 8% in student enrollment over the last ten years and decrease of 8% between the 2018 and 2019 school years. The Flathead High School District has increased 5% in student enrollment over the last ten years and a decrease of 1% between 2018 and 2019. The school districts did not provide comment regarding this proposal.

According to the 2017 Census Data there are 48,741 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2018 states there are 16,473 students enrolled in public, private and home schools. The total students

(16,473) divided by the total households (48,741) equals approximately 0.34 students per household. Therefore, 123 units could generate approximately 42 school age children. It is anticipated that the school would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

There are several other parks within a short drive of the subject property. Any proposed subdivision would require to provide parkland or provide cash in lieu. The subdivision regulations require 11% of the combined gross area of the land proposed to be subdivided into parcels of 1/2 acre and smaller to be dedicated as parkland or cash-in-lieu.

Finding #4: The proposed amendment appears to facilitate the adequate provision of transportation because even though the proposal would increase traffic and could affect the level of service on some area roads, development on a large scale would require subdivision review through which traffic impacts would be mitigated.

Finding #5: The proposed amendment appears to facilitate the adequate provision of water, sewerage, schools and parks because the property would undergo review through the Flathead County Environmental Health if the property is subdivided, the property would likely annex into the Evergreen Water and Sewer District, subdivision review could require parkland dedication or cash-in-lieu and no comments were received from either school district.

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

a. The reasonable provision of adequate light and air;

The bulk and dimensional requirements, which includes setbacks, have been established to provide for a reasonable provision of light and air. The SAG-10 zoning requires a minimum lot area of 10 acres and no additional lots could be created in the existing SAG-10. The I-1H requires a minimum lot size of 1 acre. Thus under the proposed zoning on 4.88 acres could be divided in a manner resulting in a total of 4 individual industrial lots. The current 12 acres zoned I-1H could be divided in a manner resulting in a total of 12 individual industrial lots. The proposed R-4 zoning has a minimum lot area of 7,500 square feet for duplexes and 6,000 square feet for single family dwellings. As previously discussed the R-4 zoning has the potential to be divided in a manner resulting in approximately 123 single family lots or 98 duplex lots.

The maximum building height within the I-1H is 40 feet, 35 feet in the R-4 and SAG-10 zones for principal structures. The R-4 zone requires a maximum height of 18 feet for accessory structures. The permitted lot coverage is 20% in the SAG-10 zone, 40% in the proposed R-4 zone and not applicable in the I-1H zone.

The bulk and dimensional standards under SAG-10 zoning require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures. The bulk and dimensional standards under R-4 zoning requires a setback for the principal structure of 20 feet for the front, rear and side-corner, and 5 feet from the side. The bulk and dimensional standards under I-1H zoning require a minimum yard requirement of 20 feet from the front, rear and side-corner yards, and 10 feet from the side. When a property in the I-1H abuts the

following features, the abutting setback shall be increased to the following: direct highway access is 100 feet, highway with no access 35 feet, direct access on county road 50 feet and 50 feet from the high water mark of a stream.

Accessory structures in SAG-10 and R-4 require 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and an additional setback of 20 feet is required from county roads classified as collector or major/minor arterials in both SAG-10 and R-4. The SAG-10 has provisions for smaller setbacks for non-conforming lots when the width of the lot is less than 200 feet and 150 feet.

Finding #6: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the I-1H and R-4 designations.

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

According to the application, “A major reason for the zone change proposal is to address potential impacts from traffic. With current land ownership pattern and zoning, should the Jumps develop the I-1H lands on the east side of the creek, truck traffic would flow through the residential subdivision for access or bridges would need to be developed to cross the creek. With the zoning and land swap, NW Dev Group trades all of its land on the west side of the creek to the Jumps and the Jumps trade all of their lands on the east side of the creek to NW Dev Group. The Jumps already have access from Highway 2 into their industrial lands on the west side of the creek. NW Dev has access to the residential lands on the east side of the creek from East Reserve and Rose Crossing. The proposed zone change facilitates appropriate access for the appropriate land use.”

Primary access to the area to be zoned R-4 is currently via Mountain View Drive via East Reserve Drive and Rose Xing, as an internal subdivision road would be extended to Rose Xing as part of a future phase of Trumbull Creek Crossing. Mountain View Drive is a two lane paved local private road with a 60 foot easement. Access to the I-1H will be from Highway 2.

The most recent traffic counts from East Reserve Drive east of Highway 2 is 6,742 ADT. East Reserve Drive is paved county collector road within a 60 foot easement. The most recent traffic counts from Rose Xing east of Highway 2 is 2,545 ADT. Rose Xing is paved county collector road within a 60 foot easement. Staff calculated estimated average daily traffic (ADT) using a standard trip generation of 9.51 trips per single family dwelling. Assuming 75% of traffic would travel onto East Reserve Drive and 25% onto Rose Xing, the proposed zone change could contribute to an increase of 293 ADT or 11.5% on Rose Xing and an increase 877 ADT or 13.0% on East Reserve Drive if the subject property was subdivided into single family residential lots at the highest possible density and more if it is divided into duplex lots. The Road and Bridge Department had no concerns with this proposal.

All 1,170 ADT would travel onto existing internal subdivision roads of Trumbull Creek Crossing. It is anticipated that even though all the subdivision roads are built

to county standards, maximum subdivision build-out may adversely impact the level of service on the internal roads without future improvements such as, additional access. Additional future development on the property could occur if this zone change is approved and impacts on transportation would need to be mitigated as appropriate at such a time.

The most recent traffic counts from Highway 2 north of Reserve Drive is 15,874 ADT Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for the industrial zoning. According to the Trip Manual the average trip generation rate for general light industrial is 51.80 trips per acre. This could lead to an increase of 253 ADT on the 4.88 acres of industrial. This would be an increase of 1.6% on Highway 2.

The portion of the property subject to the zoning map amendment does not abut a road identified by the Flathead County Trails Plan as a future bike/pedestrian trail. It is anticipated that there will be minimal impact on non-motorized traffic.

Finding #7: Effects on motorized transportation systems appears acceptable because even though the proposal would increase traffic and could affect the level of service on some area roads, development on a large scale would require subdivision review through which traffic impacts would be mitigated.

Finding #8: Impacts to non-motorized transportation systems are not anticipated because the property does not abut a road designated as a future bicycle/pedestrian easement in the Flathead County Trails Plan.

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

The subject property is located within the Kalispell Growth Policy Map, but not annexation policy boundary. The City of Kalispell Growth Policy designated the property as ‘*Industrial.*’

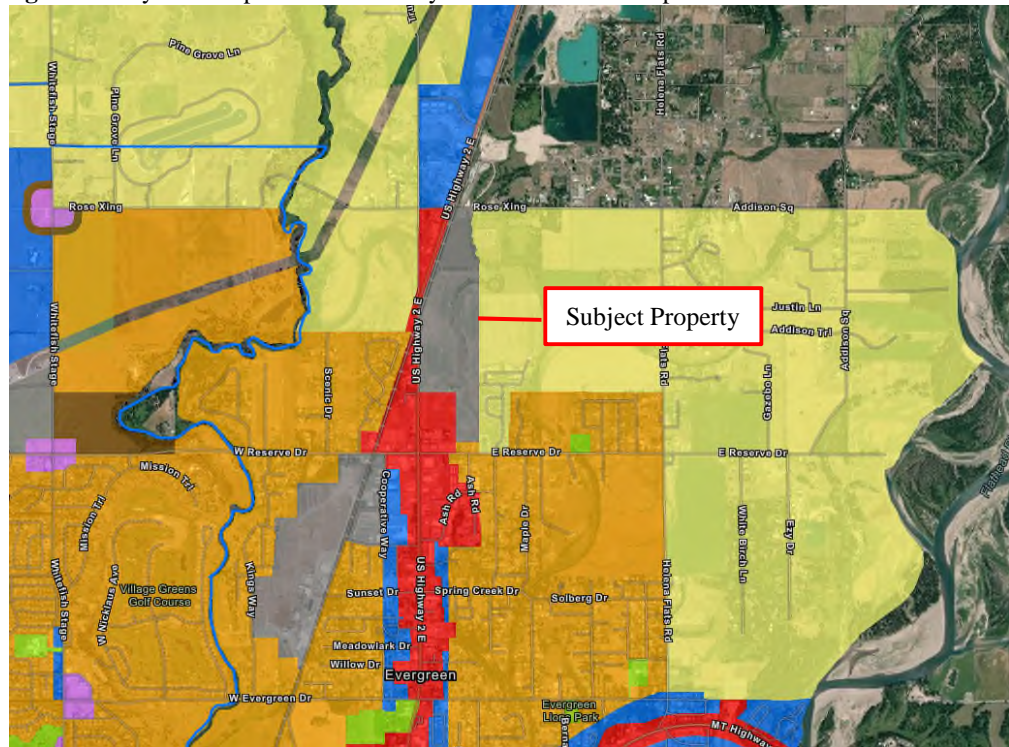
The Industrial use is described in the Kalispell Growth Policy as, “*Designate adequate and suitable areas for industrial uses. Should have adequate access to transportation infrastructure and be sufficient in size to allow for future expansion. Avoid encroachment into established, intact residential areas.*” The proposal I-1H zoning would be compatible with the industrial designation as it is located in an area with rail service and next to Highway 2.

The proposed R-4 location is adjacent to land classified as ‘*Suburban Residential.*’ The Kalispell Growth Policy states, “*Low-density residential (suburban) neighborhoods should be developed at a density that does not exceed 4 dwelling units per acre on an overall site basis. An integrated development plan within a suburban neighborhood could include: Single-family homes on lots down to 5,000 square feet.*” The proposed R-4 would allow for lots of 6,000 square feet but approximately 5 dwelling units per acre.

The City of Kalispell comment states, “[...] the property lies outside the Evergreen Sewer District. In order to access that system, the Kalispell City Council would need to approve extending service to the property. In the past for similar properties, if the Council has agreed to extend service, it has included conditions that the

property be developed to city standards. Trumble Creek Crossing, I believe, developed in this manner. Again this doesn't necessarily impact the zone change itself, but is something that everyone should be aware of prior to beginning development of the property.”

Figure 6: City of Kalispell Growth Policy Future Land Use Map



Finding #9: The proposal appears to be compatibility, as nearly as possible, with the City of Kalispell’s urban growth because the City designates the property ‘Industrial’ which the I-1H would comply with, the adjacent designation ‘Suburban Residential’ requests similar residential densities to the proposed R-4 and the property is outside of Kalispell’s annexation policy.

- d. The character of the district(s) and its peculiar suitability for particular uses;** The character of the district and its peculiar suitability for particular uses can best be addressed using the “three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. 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 review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

- i. ***The zoning allows a use that differs significantly from the prevailing use in the area.***

The property is located adjacent to R-4 and I-1H zone so that the proposed I-1H will be connected to the existing I-1H and the R-4 will connect to the

existing R-4. The proposed uses in the R-4 and I-1H zones would be similar to what exist in the vicinity.

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

According to the application, “The proposed zone change applies to approximately 29 acres of which approximately 12 acres is I-1H and the other 17 acres is SAG-10. The subject zone change adjoins approximately 77 acres of I-1H and 121 acres of R-4. The zoning will match that of neighboring lands and is not a small area.”

iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

The proposal would benefit two landowners, however given the nature of the neighborhood and zoning in the immediate vicinity to what is proposed zoning would likely not be special legislation at the expense of the surrounding landowners or the general public.

Finding #10: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would add acreage to the neighboring R-4 and I-1H zones while removing an island of SAG-10 zoning and the allowed uses on the I-1H and R-4 would be compatible with existing uses on adjacent properties.

e. **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, surrounded by residential and industrial zones with commercial zones also nearby (see Figure 3). The application states, “The intent of the zoning change amendment is to line up zoning with the creek boundary which provides a natural buffer between the light industrial zoning on the west and the urban residential use to the east. It also removes an island of SAG-10 zoning which has nothing in common with the neighboring industrial and residential use.”

Properties in the vicinity are zoned R-4 and I-1H, additionally in the area are several B-2/EEO, R-2 SAG-10 and SC zoning. The uses allowed within the proposed zoning would be similar to the uses allowed and existing within the neighboring residential and industrial areas. The proposed zoning map amendment conserve the value of buildings and encouraging the most appropriate use of land throughout the area.

Finding #11: 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 uses allowed for within the proposed zones would be similar to those allowed in the neighboring residential and industrial zones within the vicinity of the property.

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

Kalispell is the nearest municipality to the subject property which is located approximately one and a quarter miles west of the property. Comments received from the City of Kalispell do not address zoning but discuss water and sewer services and building to City standards. According to the application, “[...]. Jarod Nygren, Planning Director for the City of Kalispell was consulted on the proposed zone change on April 7, 2020 by telephone. Mr. Nygren stated that he had no comment as this property falls outside the City future annexation boundary.”

The closest City zoning to the subject property is a City R-4. The City’s R-4 has a 6,000 square foot minimum lots size which would be a smaller lot size than the proposed R-4. The conditional and permitted uses within the City’s R-4 are similar to the conditional and permitted uses within the proposed R-4 zone. The nearest City industrial zoning is approximately 3 miles to the southwest.

Finding #12: The proposed map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the proposed zone would be compatible with the City’s R-4 zone, which is the nearest City zoning, and the City of Kalispell had no concerns as the property is located outside their annexation boundary.

V. SUMMARY OF FINDINGS

1. The proposed zoning map amendment appears to generally comply with the Two Rivers Plan because the property could be annexed by the Evergreen Water and Sewer District, the property is served by the Evergreen Fire Department, could be developed to the City of Kalispell standards and parkland dedication or cash-in-lieu would be required during subdivision review.
2. The proposed map amendment would secure safety from fire and other dangers because the subject property is located within the Evergreen Fire District approximately 1.4 road miles from the nearest fire station, the subject property can be accessed via Highway 2 and Clark Fork Drive, new subdivisions require each lot to have a building site outside the 100-year floodplain, improvements within the floodplain are subject to applicable permitting requirements, and the property is not located in the WUI.
3. The proposed zoning map amendment appears to have minimal negative impacts on public health, safety and general welfare because permitted and conditional uses would be similar to uses already existing in the area and the property is served by the Flathead County Sheriff and the Evergreen Fire Department.
4. The proposed amendment appears to facilitate the adequate provision of transportation because even though the proposal would increase traffic and could affect the level of service on some area roads, development on a large scale would require subdivision review through which traffic impacts would be mitigated.
5. The proposed amendment appears to facilitate the adequate provision of water, sewerage, schools and parks because the property would undergo review through the Flathead County Environmental Health if the property is subdivided, the property would likely annex into

the Evergreen Water and Sewer District, subdivision review could require parkland dedication or cash-in-lieu and no comments were received from either school district.

6. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the I-1H and R-4 designations.
7. Effects on motorized transportation systems appears acceptable because even though the proposal would increase traffic and could affect the level of service on some area roads, development on a large scale would require subdivision review through which traffic impacts would be mitigated.
8. Impacts to non-motorized transportation systems are not anticipated because the property does not abut a road designated as a future bicycle/pedestrian easement in the Flathead County Trails Plan.
9. The proposal appears to be compatibility, as nearly as possible, with the City of Kalispell's urban growth because the City designates the property '*Industrial*' which the I-1H would comply with, the adjacent designation '*Suburban Residential*' requests similar residential densities to the proposed R-4 and the property is outside of Kalispell's annexation policy.
10. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would add acreage to the neighboring R-4 and I-1H zones while removing an island of SAG-10 zoning and the allowed uses on the I-1H and R-4 would be compatible with existing uses on adjacent properties.
11. 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 uses allowed for within the proposed zones would be similar to those allowed in the neighboring residential and industrial zones within the vicinity of the property.
12. The proposed map amendment appears to be, as nearly as possible, compatible with the zoning ordinance of Kalispell because the proposed zone would be compatible with the City's R-4 zone, which is the nearest City zoning, and the City of Kalispell had no concerns as the property is located outside their annexation boundary.

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 in Section 2.08.040 FCZR has found the proposal does generally comply with all 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