

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-21-11)
DONALD SCOTT DAVIS
JULY 28, 2021**

I. GENERAL INFORMATION

A. Project Description

This a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Donald Scott Davis and Jacquelyn Kjensrud, for property located within the Willow Glen Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from *R-5 (Two-Family Residential)* to *B-2 (General Business)*.

B. Application Personnel

1. Owner/Applicant

Donald Scott Davis
448 5th Ave W
Kalispell, MT 59901

2. Owner

Jacquelyn Kjensrud
115 S Cedar Dr
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 August 11, 2021, at 6:00 P.M. in the 2nd Floor Conference Room of the 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. 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 16 Davis Court and 115 South Cedar Drive (see Figure 1 below) and is approximately 1.86 acres. The properties can be legally described as follows:

Parcel 1: Tract 1 of Certificate of Survey No. 21478, Located in the Southwest Quarter of the Southeast Quarter of Section 4, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

Parcel 2: Tracts 1 and 2 of Certificate of Survey No. 21539, Located in the Southeast Quarter of Section 4, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana.

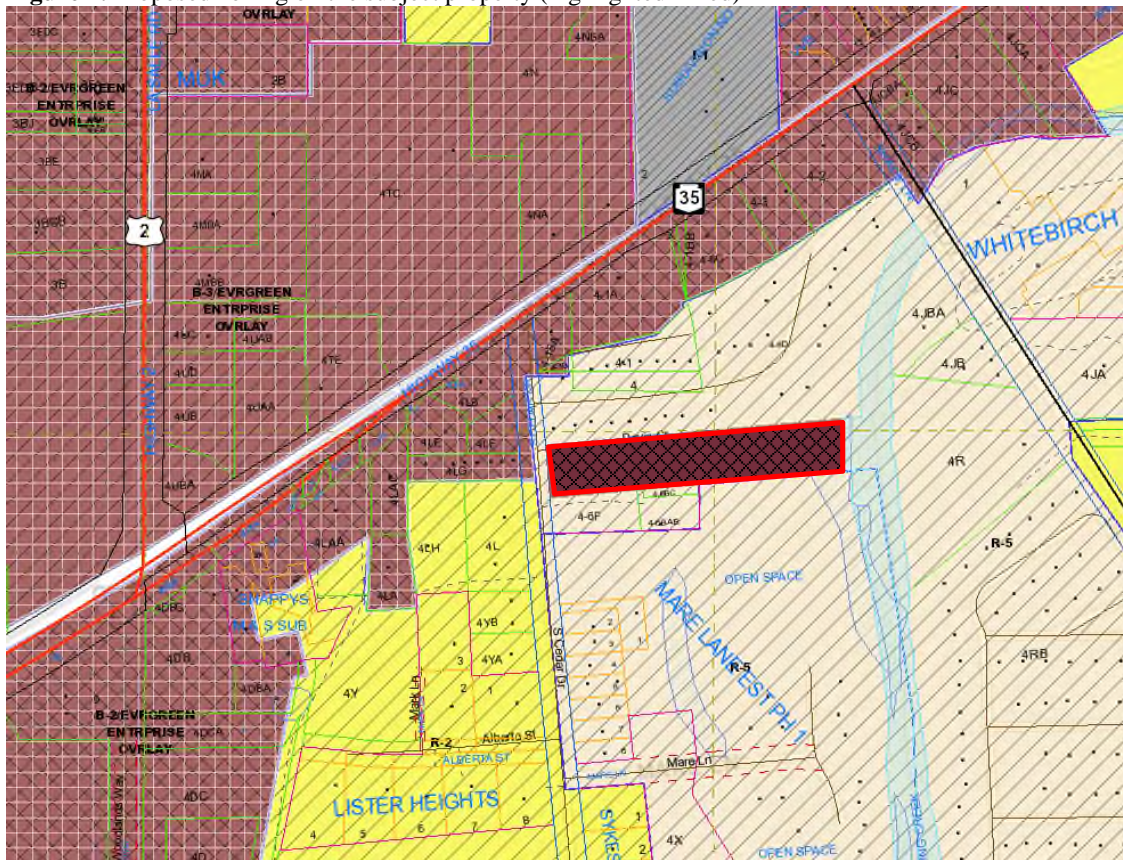
Figure 1: Subject property (outlined in red)



B. General Character of and Reason for Amendment

The property is located on along South Cedar Drive just south of Highway. The property currently contains a house and manufactured homes and is currently a zoning violation. The application states the reason for the request as, “The property is located is an area that is heavily B-2 zoned, the proposed zone change would bring the Davis and Kjensrud properties more inline with the character of the neighborhood.”

Figure 2: Proposed zoning on the subject property (highlighted in red)

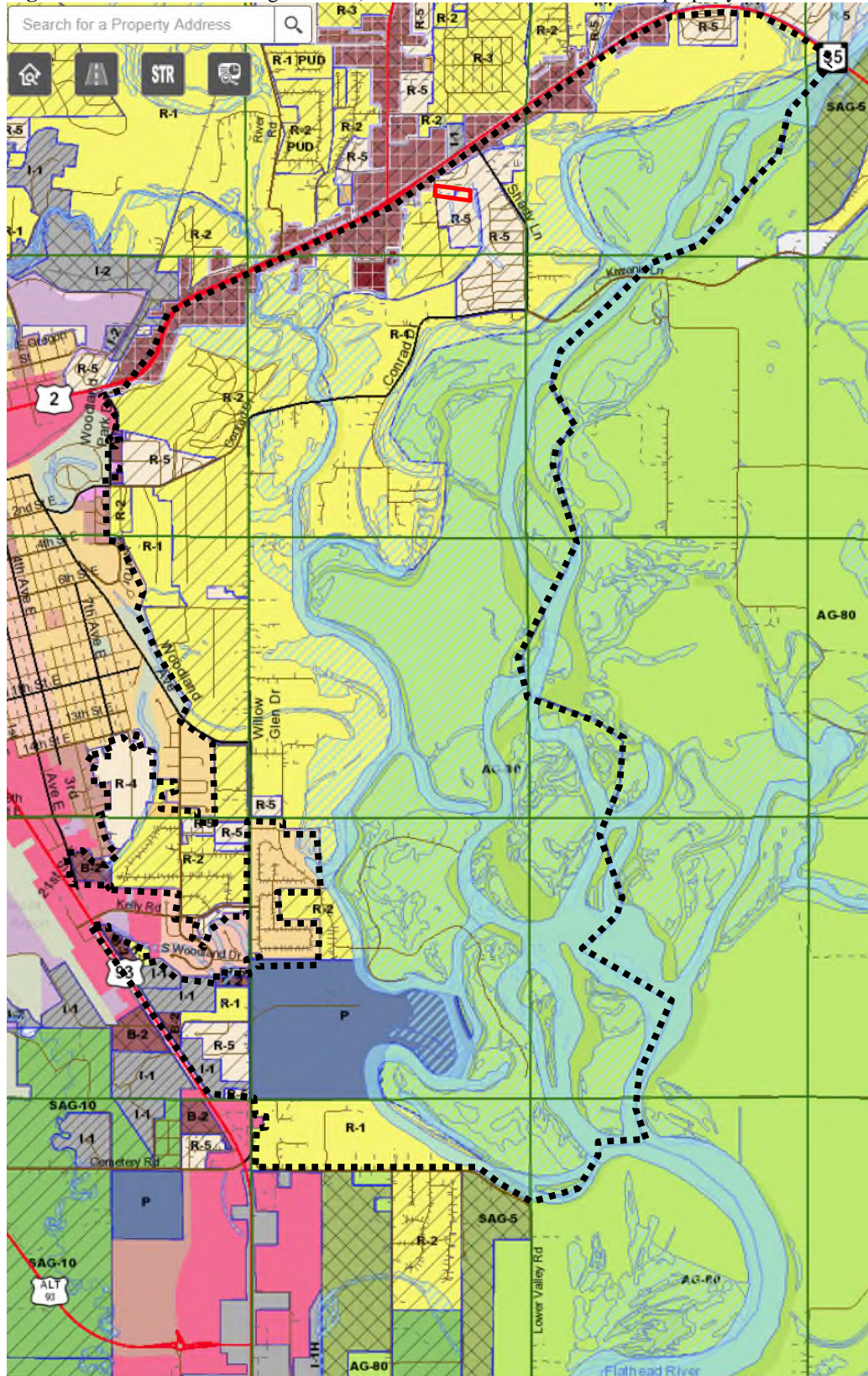


C. Adjacent Zoning and Character of the Overall Zoning District

The property is located within the Willow Glen Zoning District, which is approximately a 3,900-acre zoning district that covers the area east of Kalispell. The properties that surround the subject property are zoned R-5 with both B-2/EEO and R-2 to the west (Figure 2). The general character of the surrounding area is a mix of commercial, residential and manufactured home parks.

The property sits less than 300 feet from Montana Highway 35. Along the highway to the west and the north of the property is B-2/EEO. The character of the properties along the highway are generally a mixture of business including a gas station, motel, pawn shop, winery, and furniture store.

Figure 3: Willow Glen Zoning District (outlined with dashed black line & property outlined in red)



D. Public Services and Facilities

Sewer: Evergreen
Water: Evergreen
Electricity: Flathead Electric Cooperative
Natural Gas: Northwestern Energy
Telephone: CenturyTel
Schools: Evergreen School District
Glacier 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 July 6, 2021:

- Flathead County Road Department
- Flathead County Solid Waste
- Evergreen Water and Sewer District
- Flathead City-County Health Department
- Flathead County Weeds & Parks Department
- Montana Department of Transportation
- Bonneville Power Administration
- Montana Fish, Wildlife and Parks
- Flathead High School District
- Evergreen School District
- 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 and Department does not have any comments on this request.” Letter dated July 12, 2021
- Flathead County Solid Waste District
 - Comment: “The District requests that all solid waste generated at the proposed location be hauled by a private hauler. Evergreen Disposal is the licensed (PSC) Public Service Commission licensed hauler in this area.” Letter dated July 15, 2021
- Bonneville Power Administration (BPA)
 - Comment: “At this time, BPA does not object to this request, as the property is located approximately 2.25 miles away from the nearest BPA transmission lines or structures.” Email received July 7, 2021
- Flathead County Environmental Health
 - Comment: “Environmental Health offers no comment regarding this proposed zone change.” Letter dated July 23, 2021

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 July 23, 2021. Legal notice of the Planning Board public hearing on this application was published in the July 25, 2021 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment was 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 scheduled for August 11, 2021 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 R-5 designation is defined in Section 3.14 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 B-2 designation is defined in Section 3.19 FCZR as "*A business district to provide for those retail sales and service functions and operations that are typically characterized by outdoor display, storage, and/or sale of merchandise, by major repair of motor vehicles,*

and by outdoor commercial amusement and recreational activities. This district should also serve the general needs of the tourist and traveler.”

The allowed uses for the proposed and existing zoning contain only a few similarities. The amendment would increase the number of permitted uses from 9 to 38 and decrease the conditional uses from 18 to 12. The two permitted uses allowed in B-2 that are listed as conditional uses in R-5, are as follows:

- Day care center.
- Cellular communications tower.

The six permitted uses allowed in R-5 that are allowed in B-2 are as follows:

- Day care home.
- Duplex.
- Home occupation.
- Park and publicly owned recreational facility.
- Public transportation shelter station.
- Public utility service installation.

The twelve conditional uses allowed in R-5 that are allowed in B-2, are as follows:

- Beauty Salon and Barbershop
- Church and other place of worship.
- Community residential facility
- Dwellings, cluster.
- Dwelling unit, accessory (ADU).
- Electrical distribution station.
- Golf course.
- Mini-storage, RV storage.
- Recreational vehicle park/campground.
- Short term rental housing.
- Temporary building, structure or use.
- Water storage facility.

The current zoning requires a setback of 20 feet from front, rear and side-corner boundary lines, and 5 feet from side boundary line. A setback of 20 feet for the front, and side-corner and 5 feet from the rear and side is required for accessory structures. 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 for both the proposed and current zoning. The maximum building height is 35 feet, and the permitted lot coverage is 40%. The existing zoning has a minimum lot area of 5,400 square feet.

The bulk and dimensional requirements within the proposed zoning requires a 20-foot setback from front, and side-corner, 15 feet for the rear, and 5 feet for the side boundary line for principal structures. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 10-foot setback is required from county roads classified as collector or major/minor arterials. The permitted lot coverage is not applicable, and the maximum height is 35 feet. The proposed zoning requires a minimum lot area of 7,500 square feet.

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 Flathead County Growth Policy Designated Land Uses Map identifies the subject property as ‘Suburban Agricultural.’ The proposed B-2 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 goals and policies of the Growth Policy.

Part 6 of Chapter 2 the Growth Policy states, *‘By efficiently locating businesses so as to mitigate the negative impacts on views, traffic, and the identity of the local community, a diverse economy with a positive impact on the local community by providing goods and services where they are needed can be promoted. Inefficiently located businesses can be a high-impact burden to both the human and natural environment, and the cumulative costs to the community can outweigh the benefits.’*

- The proposed zone change is in a well-traveled transportation corridor next to the commercial area of Evergreen.

The Part 6 of the Growth Policy: *‘Commercial land uses are unique for their ability to adapt and blend with other land uses. Mixing uses is especially appropriate when mutually negative impacts are mitigated. When land is visible, accessible and relatively affordable, there are limitless possibilities for commercial uses to match the local community character.’*

- The proposed B-2 zoning consists of a variety of higher density residential and general commercial uses. This potential mixed use provides a transitional zone between the agricultural and rural residential zones to the north and east and the commercial zones along the Highway 35 corridor.

Chapter 5 states, *‘accessible commercial lands, are a critical component of rebuilding and maintaining a diverse economy;’*

- The proposed commercial zoning is located in an easily accessible area along the Highway 35 corridor.

- ❖ **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.6** – *Adequate commercial land that is safely accessible and efficiently serviceable.*
 - The property is located near Highway 35, in the community of Evergreen with primary access via South Cedar Drive, making the property safely accessible and efficiently serviceable.
- **P.6.3** – *Provide ample commercial land designation to promote affordability.*
 - If approved this zoning map amendment would add almost 2.0 acres to the land currently designated commercial in the County.
- ❖ **G.7** – *Consider existing community character in commercial land development.*
 - A discussion of the character of the community can be found below.
- **P.7.3** – *Encourage small-scale, impact-mitigated and compatible commercial developments in accessible, developing rural areas with good access and away from urban areas.*
 - The proposed B-2 zone would allow for commercial development on a larger scale in an urbanized area with good access off Highway 35 via South Cedar Drive.
- ❖ **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 investments.*
 - **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.*
 - Approval of this zoning map amendment would provide additional land area designated for commercial use.
- ❖ **G.31** – *Growth that does not place unreasonable burden on the ability of the school district to provide quality education.*
 - Discussion on how the proposed zoning map amendment furthers the provision of schools and other public requirements can be found below.
- ❖ **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 additional discussion on the adequacy of emergency service below.

Finding #1: The proposed zoning map amendment appears to be made in accordance with the Flathead County Growth Policy because it will provide additional land area designated for commercial use and allow for commercial development in an area with good access off Highway 35 in an urbanized area of the county.

2. 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. The nearest fire and emergency response center is located approximately 1.25 road miles northwest of the property, on U.S. Highway 2. The Evergreen Fire Department, who did not provide comments on this proposal, would respond in the event of a fire or medical emergency. Access to the subject property would be directly from paved two lane road.

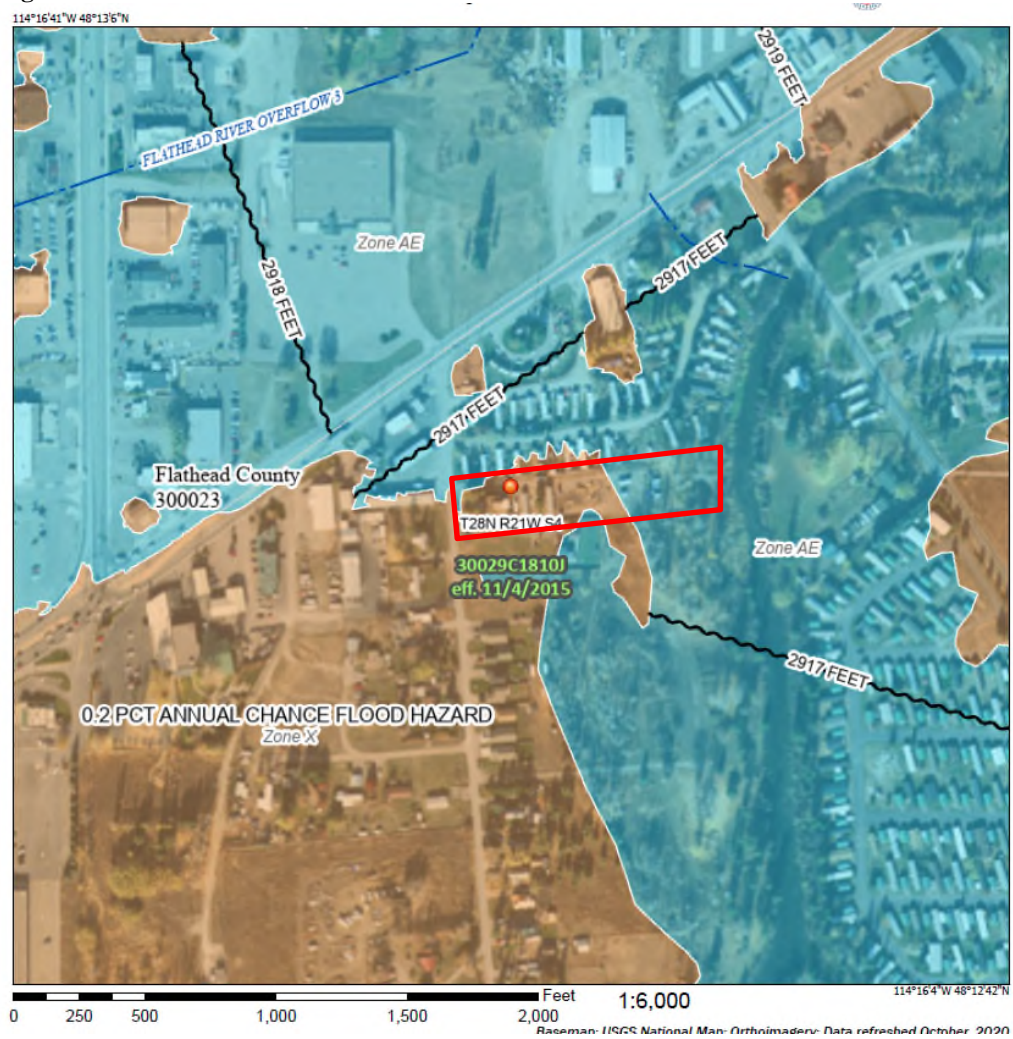
The subject property is not located in the Wildlife Urban Interface and County Wide Priority Area. The aerial imagery shows that the trees around the edges of the property and the applicant is not proposing to construct any new buildings.

The subject property is located on relatively flat land and according to FEMA FIRM panel 30029C1810J is situated in a Zone AE, which is classified as an area inside the 100-year floodplain and a shaded Zone X, which is classified as 500-year floodplain. Additionally, there are wetlands and a creek located on the rear of the subject property.

The applicant has previously obtained a permit for the placement of fill in the floodplain. Any new development in the rear of the property located in the floodplain would require a floodplain permit. Any commercial structure built in the floodplain would be required to be floodproofed above the Base Flood Elevation.

Finding #2: The proposed map amendment could potentially impact safety from fire and other danger because even though the property is located in the WUI, it is approximately 1.25 miles from the nearest fire station, a portion of the property is located within the 100-year floodplain which would require floodplain development permit for construction in the floodplain.

Figure 4: FEMA FIRM Panel 30029C1810J



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 property is within 300 feet of Highway 35 and has access via South Cedar Drive. Both roads would provide adequate ingress and egress for emergency vehicles which would help to ensure adequate public health and safety. Permitted and conditional uses in B-2 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.

Primary access to the property is via Highway 35 and the owner could provide an easement to South Cedar Drive. South Cedar Drive is a 2-lane paved local road with a 60 foot easement. No recent traffic counts exist for South Cedar Drive. Staff utilized the Trip Generation Manual to estimate approximately 700 average daily trips (ADT) on South Cedar Drive. Highway 35 is a three-lane state maintained highway. The 2019 MDT Traffic Flow Map indicates 11,306 ADT for Highway 35.

Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for the commercial uses. According to the Trip Manual the average trip generation rate on a Saturday for hotel is 8.17 trips per occupied hotel room (Saturday would generate the most traffic). A hotel estimating roughly 40 units, would account for an ADT of approximately 327. An office park could generate 195.11 ADT per acre. The proposal could generate 343 ADT if all the acreage is utilized for an office park. An apartment complex could generate 6.65 ADT per dwelling unit. Assuming 24 units per acre the property could contain 43 dwelling units this could lead to 287 ADT. Given the wide range of uses the property could be utilized for it is hard to determine the exact ADT generated by the proposal.

Comment from Flathead County Road & Bridge Department states, “At this point the County Road and Department does not have any comments on this request.”

The property is located within the Evergreen Water and Sewer District and would be served by the district if the property is redeveloped because development at B-2 densities would likely require public water and sewer. 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 12% in student enrollment over the last ten years and decrease of 5% between the 2019 and 2020 school years. The Flathead High School District has increased 4% in student enrollment over the last ten years and an increase of 8% between 2019 and 2020. The school districts did not provide comment regarding this proposal. It is anticipated that the school would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

The proposed amendment from R-5 to B-2 would increase the 5,400 square foot lot size to 7,500 square feet. It is anticipated subsequent future development would require review and park area required would be determined at that time. There are numerous parks, natural areas, and recreational opportunities accessible in the vicinity of the proposal.

Finding #4: The proposed amendment appears to facilitate the adequate provision of transportation because the Flathead County Road and Bridge Department had no comment, the Montana Department of Transportation did not respond to comment, and the property is accessed via South Cedar Drive from Montana Highway 35.

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 were subdivided, sewer and water would be obtained through the Evergreen Water and Sewer District, and subdivision review could require parkland dedication and no comments were received from either school district.

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

a. The reasonable provision of adequate light and air;

While the proposed zoning map amendment has the potential to increase development density on the subject property, any additional lots created would be required to meet the bulk and dimensional requirements of the B-2 zoning classification.

The bulk and dimensional requirements within the proposed zoning requires a 20-foot setback from front, and side-corner, 15 feet for the rear, and 5 feet for the side boundary line for principal structures. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 10-foot setback is required from county roads classified as collector or major/minor arterials. The permitted lot coverage is not applicable, and the maximum height is 35 feet. These bulk and dimensional requirements within the B-2 designation have been established to ensure a reasonable provision of light and air.

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 B-2 designation.

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

As previously stated, primary access to the property is via South Cedar Drive off Highway 35. Staff utilized the Institute of Transportation Engineers Trip Generation Manual to determine the average daily trip (ADT) generation for the commercial uses. According to the Trip Manual the average trip generation rate on a Saturday for hotel is 8.17 trips per occupied hotel room (Saturday would generate the most traffic). A hotel estimating roughly 40 units, would account for an ADT of approximately 327. An office park could generate 195.11 ADT per acre. The proposal could generate 343 ADT if all the acreage is utilized for an office park. An apartment complex could generate 6.65 ADT per dwelling unit. Assuming 24 units per acre the property could contain 43 dwelling units this could lead to 287 ADT. Given the wide range of uses the property could be utilized for it is hard to determine the exact ADT generated by the proposal.

The Flathead County Trails Plan identifies Highway 35 as a future bike/pedestrian trail but no future trail is shown on South Cedar Street.

Finding #7: Effects on motorized and non-motorized transportation systems will be minimal because the Flathead County Road and Bridge Department had no comment, the Montana Department of Transportation did not respond to comment,

the property is accessed via South Cedar Drive from Montana Highway 35 and a bike and pedestrian easement is not required along South Cedar Street.

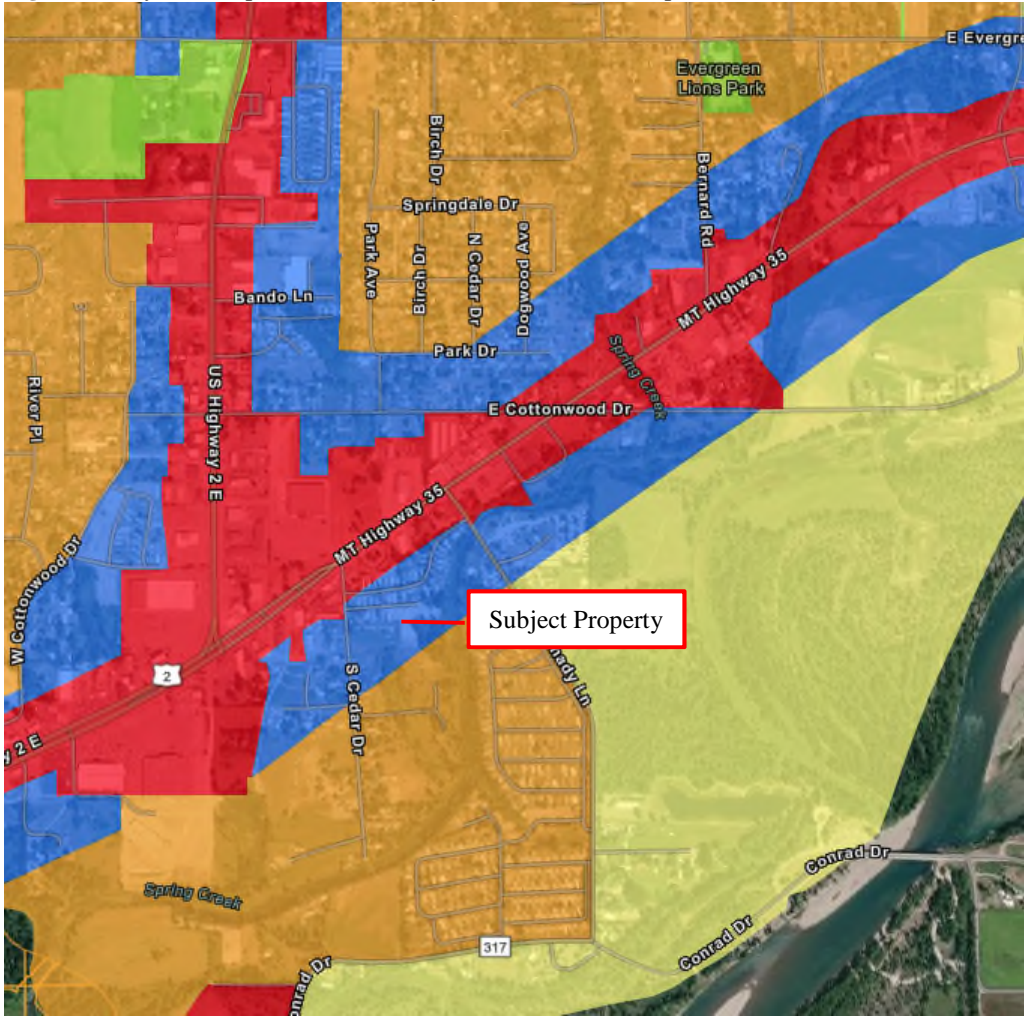
c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

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 ‘*Urban Mixed Use.*’

The Urban Mixed Use is defined as, “*Encourage the development of compact, centrally located service and employment areas that provide easy connections between existing commercial and residential neighborhoods. [...]. Expand the depth of urban highway commercial areas as mixed-use corridors, in order to provide an alternative to linear commercial development, concentrate more intensive uses along traffic arterials, improve business district circulation and transportation efficiency areas, by secondary street access, provide flexibility for larger development sites, and expand small business opportunities. d. Within these corridor areas, provide for higher-intensity, mixed-use areas roughly two blocks on both sides of urban highways. As distance from the highway increases, create a gradual transition into the residential neighborhoods by encouraging multi-family, offices and other compatible uses as a transition tool with sensitivity to compatible design. e. Avoid encroachment into established, intact residential areas. f. Allow a compatible mix of higher-intensity uses including office as well as some commercial and light industrial; medium and high-density residential and public facilities.*”

The B-2 zone allows for a variety of commercial uses, it also allows for duplexes and multi-family dwellings as permitted uses. The proposal would allow for both commercial and high-density residential uses.

Figure 5: City of Kalispell Growth Policy Future Land Use Map



Finding #8: The proposal appears to be compatibility with the City of Kalispell’s urban growth because the City designates the property as ‘Urban Mixed Use’ and the proposed zoning would allow for both commercial and high-density residential uses.

- 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.*

There is over 500 acres of business zoning in the Willow Glen and Evergreen zoning districts along Highway 35 and Highway 2. The subject property abuts the B-2 zone to the west. The proposed zoning would not allow for uses that differs significantly from the prevailing use in the area.

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

The zoning map amendment would apply to two tract of land which is owned by two landowners. As previously stated, the proposed B-2 would connect to existing B-2 zoning. The neighboring business zones are over 500 acres, if approved the property would add 1.86 acres. The proposal would not benefit a small area as it would connect to existing B-2 zoning.

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 immediate vicinity, the proposal would likely not be special legislation at the expense of the surrounding landowners or the general public.

Finding #9: 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 connect to exiting B-2 zoning which has similar uses in place to what is allowed in the proposed zoning.

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 Willow Glen Zoning District, surrounded by residential zones and commercial zones (see Figure 2). The application states, “The proposed use of this land will make a good transitional buffer between the commercial development of the area and the residential outlying areas.”

The property is adjacent to B-2/EEO and R-5 zoning. Also in the vicinity is R-2 zoning to the west. The area is generally a mixture of business and residential zoning. The uses allowed within the proposed zoning would be similar to the uses allowed and existing within the neighboring business areas and would likely not impact the value of buildings.

Finding #10: This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this location because the uses allowed for within the proposed zone would be similar to those allowed in the neighboring residential zones in the vicinity of the property.

4. **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 mile west of the property. No comments were received from the City of Kalispell.

The closest City zoning to the subject property is a City RA-1, R-3, I-2 and B-2. The City's R-3 and RA-1 zone are residential in nature both allow for attached townhomes with a conditional use permit but neither allows for commercial uses typical of the County's B-2 zoning. The proposed B-2 zone would be more compatible with the City's B-2 zones which has similar permitted and conditional uses than the neighboring residential zones.

Finding #11: The proposal appears to be compatible the City of Kalispell's zoning because the nearest City business zones allow for similar uses to the proposed B-2, and the B-2 allows for multi-family residential similar to the nearest City zoning.

IV. SUMMARY OF FINDINGS

1. The proposed zoning map amendment appears to be made in accordance with the Flathead County Growth Policy because it will provide additional land area designated for commercial use and allow for commercial development in an area with good access off Highway 35 in an urbanized area of the county.
2. The proposed map amendment could potentially impact safety from fire and other danger because even though the property is located in the WUI, it is approximately 1.25 miles from the nearest fire station, a portion of the property is located within the 100-year floodplain which would require floodplain development permit for construction in the floodplain.
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 the Flathead County Road and Bridge Department had no comment, the Montana Department of Transportation did not respond to comment, and the property is accessed via South Cedar Drive from Montana Highway 35.
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 were subdivided, sewer and water would be obtained through the Evergreen Water and Sewer District, and subdivision review could require parkland dedication 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 B-2 designation.
7. Effects on motorized and non-motorized transportation systems will be minimal because the Flathead County Road and Bridge Department had no comment, the Montana Department of Transportation did not respond to comment, the property is accessed via South Cedar Drive from Montana Highway 35 and a bike and pedestrian easement is not required along South Cedar Street.

8. The proposal appears to be compatibility with the City of Kalispell's urban growth because the City designates the property as '*Urban Mixed Use*' and the proposed zoning would allow for both commercial and high-density residential uses.
9. 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 connect to exiting B-2 zoning which has similar uses in place to what is allowed in the proposed zoning.
10. This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this location because the uses allowed for within the proposed zone would be similar to those allowed in the neighboring residential zones in the vicinity of the property.
11. The proposal appears to be compatibility the City of Kalispell's zoning because the nearest City business zones allow for similar uses to the proposed B-2, and the B-2 allows for multi-family residential similar to the nearest City zoning.

V. 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