

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SOLOMON PEYTON LLC C/O BOB LOVEJOY
REQUEST FOR GROWTH POLICY AMENDMENT
STAFF REPORT #FPMA-09-03
SEPTEMBER 30, 2009**

This report to the Flathead County Planning Board and the Board of County Commissioners regarding a request for amendments to the Two Rivers Master Plan Amendment and Land Use Map. A public hearing has been scheduled before the Flathead County Planning Board for October 14, 2009 beginning at 6:00 PM on the 2nd floor conference room, Earl Bennett Building, 1035 1st Ave West, Kalispell. The Planning Board will forward a recommendation to the Board of County Commissioners for final action. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, Earl Bennett Building, 1035 First Avenue West, in Kalispell.

LUAC UPDATE

The Two Rivers Plan did not recommend or create a Land Use Advisory Committee.

PLANNING BOARD UPDATE

A summary of the Planning Board's recommendation will be written in this space following the Planning Board's decision.

COMMISSION UPDATE

A summary of the Commissioner's decision will be written in this space following the Board's decision.

I. BACKGROUND INFORMATION

A. Applicant:

Solomon/Peyton LLC (c/o Bob Lovejoy)
3800 Whitefish Stage
Kalispell, MT 59901

Technical Assistance:

Sands Surveying
2 Village Loop
Kalispell, MT 59901

B. Location of Property

The property is located on the southwest corner of the intersection of Trumble Creek Road and Rose Crossing northeast of Kalispell, Montana (see figure 1).

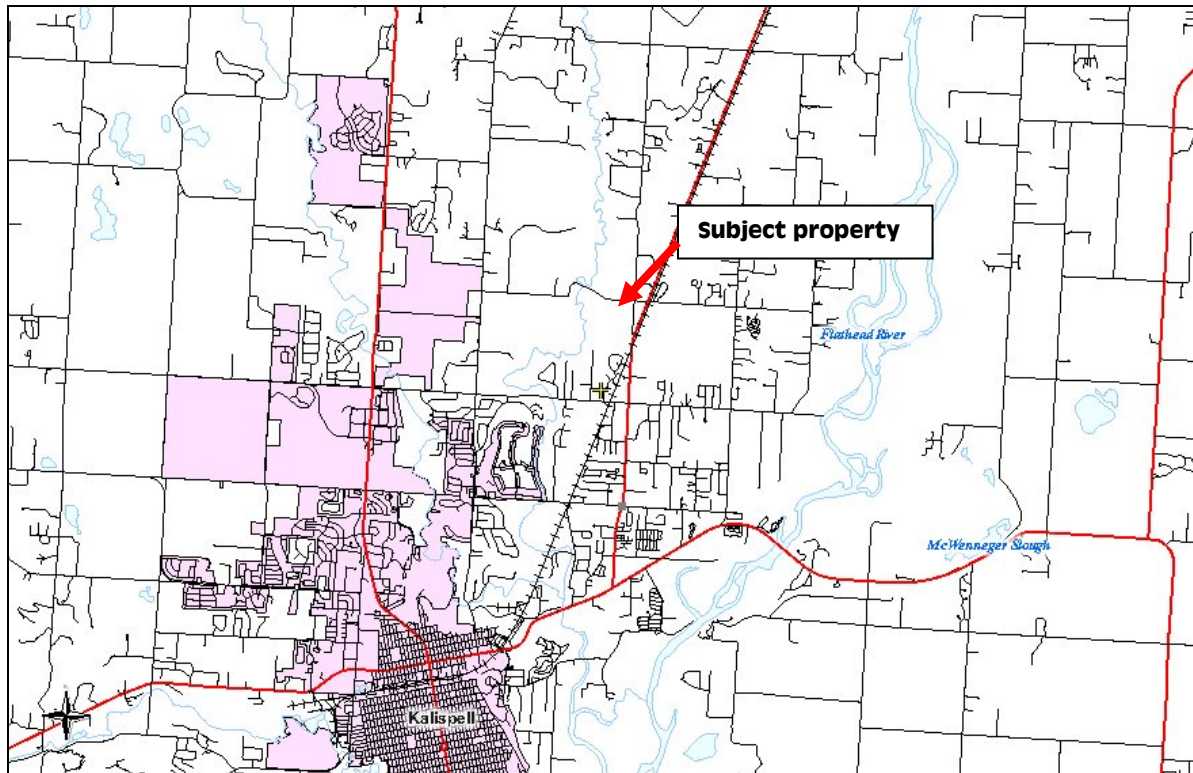


Figure 1: Approximate location of the subject property.

C. Legal Description

The subject property can be legally described as Tract 5 of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County Montana or more particularly as follows:

A tract of land in the Northwest Quarter (NW1/4) of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County Montana (Shown as Tract 1 of Certificate of Survey No. 16455).

D. Summary of Request

The applicant is proposing an amendment to the land use map of the Two Rivers Master Plan Amendment (Exhibit A in Resolution 1822A). This amendment would change the future land use designation from High Density+8 to Commercial on 20 acres, and from Commercial to Industrial on 20 acres impacting a total of 40 acres (see figure 2).

Proposed Changes to Future Land Use Designations

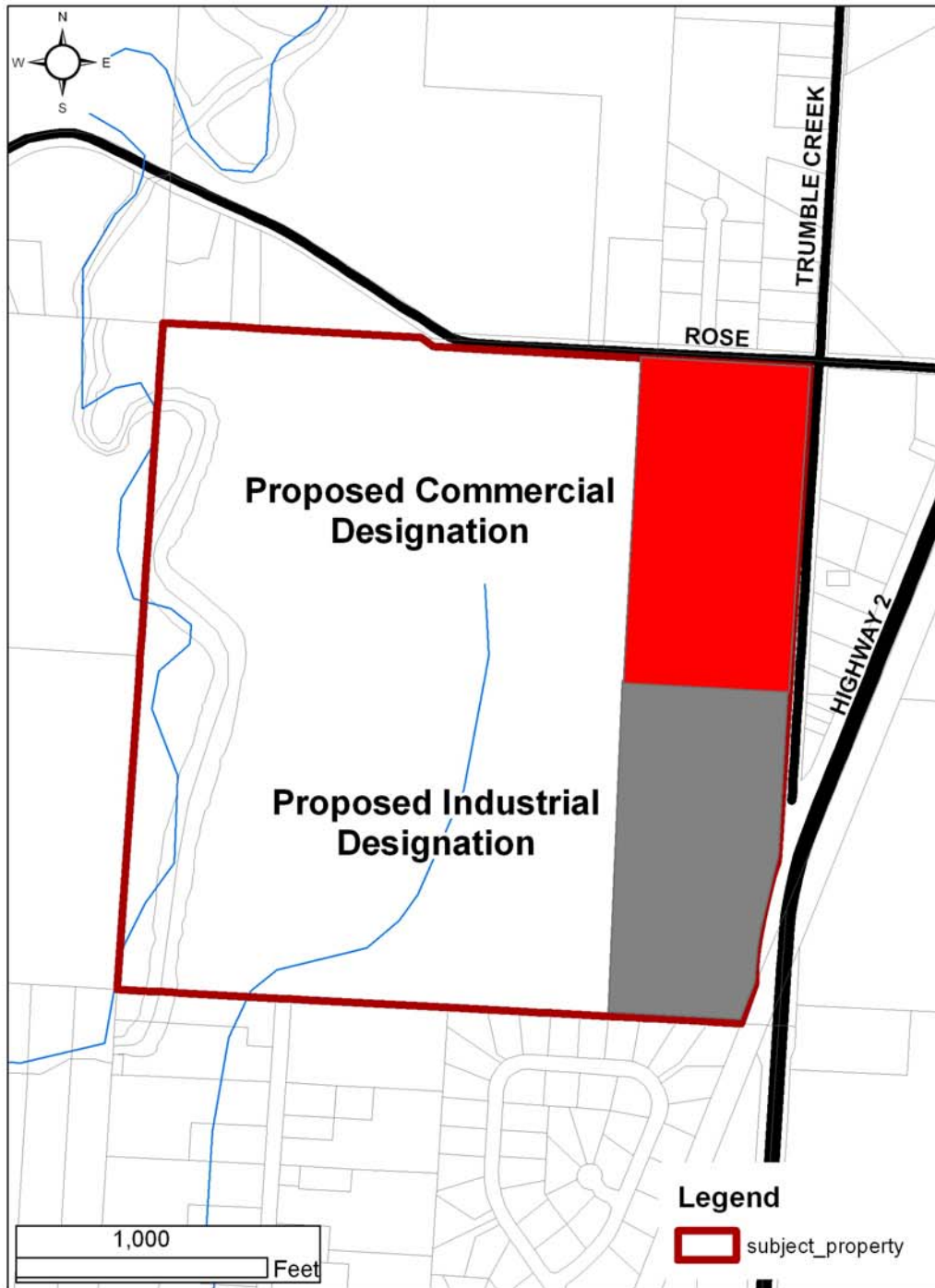


Figure 2: The location of proposed changes on the subject parcel.

E. Designation and Existing Land Use

The land use map (Exhibit A of Resolution 1822A) in the Two Rivers Neighborhood Master Plan Amendment designates a portion of the property as Open Space, a portion of the property as Commercial (approximately 20 acres), and the majority of the property as High Density +8(see figure 3).

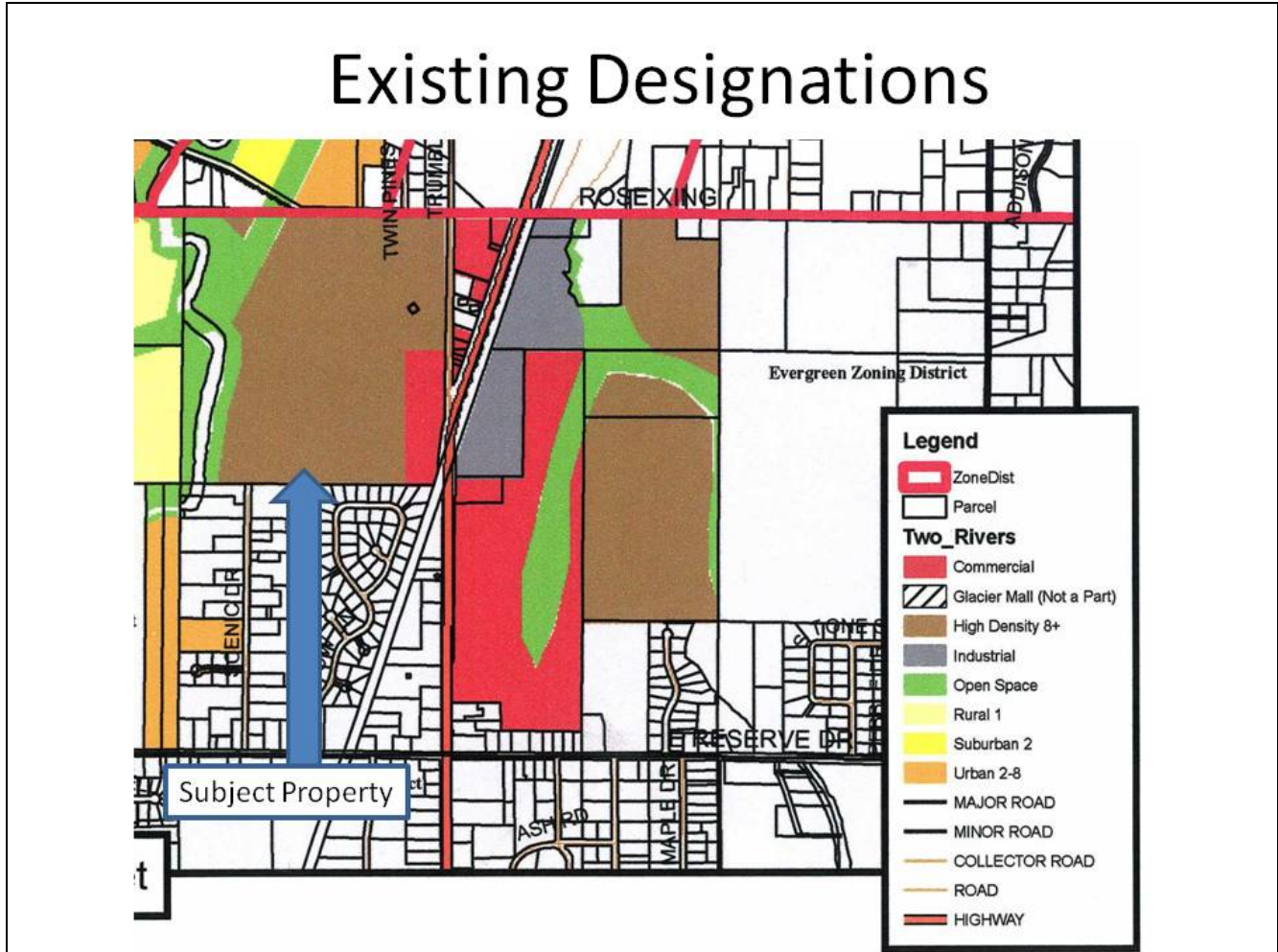


Figure 3: The existing land use designations.

F. Adjacent Designation and Existing Land Uses

The Two Rivers Neighborhood Plan does not have a continuous planning area. As a result, there are lands adjacent to the subject property that are not within the Two Rivers planning jurisdiction but within the jurisdiction of the Kalispell City-County Master Plan, or are not within the jurisdiction of a neighborhood plan at all. The following is a list of land use designations on properties adjacent to the subject parcel:

North: Two Rivers Master Plan Amendment Designation
Urban 2-8
Open Space

There are a number of properties to the north not within a neighborhood plan jurisdiction.

South: Kalispell City-County Master Plan Designation
Suburban Residential

- East:** Two Rivers Master Plan Amendment Designation
Commercial
Industrial
- Kalispell City-County Master Plan Designation
Commercial
Light Industrial
- West:** Two Rivers Master Plan Amendment Designation
Open Space
Rural 1

G. Utilities and Public Services

- Sewer: The subject property is adjacent to the Evergreen Water and Sewer District
- Water: The subject property is adjacent to the Evergreen Water and Sewer District
- Electricity: Flathead Electric Cooperative
- Gas: Northwest Energy
- Telephone: CenturyTel
- Schools: Helena Flats
Flathead High Schools
- Fire: Evergreen
- Police: Flathead County Sheriff’s Office

H. Comments Received

Legal notice of the proposed Growth Policy Amendment application and the public hearing before the Flathead County Planning Board was published in the September 27, 2009 edition of the Daily Interlake. Adjoining property owners were notified by mail on September 18, 2009. Requests for agency comment were sent on September 2, 2009. The following comments have been received:

- Flathead County Water and Sewer District #1 – Evergreen
 - The area is outside of RSID# 132, the service area for this district
 - In order to get sewer service, the developer would have to receive permission from the City of Kalispell through an inter-local agreement between the City and the District for wastewater.
 - In the event the City agreed the District could transport wastewater from this property to the City Treatment Plan and if the District agreed to do it, significant upgrades to the Districts existing collection system would be required. Upgrades can’t be determined until the District can determine anticipate the flows.
 - The district could provide water service to the property and the improvements will be done to District standards and at the developer’s expense.
- Flathead County Road and Bridge Department
 - The requested growth policy amendment is acceptable. Specific request will be made at time of subdivision.
- City of Kalispell Planning Department
 - Additional policy language could be added to provide for additional setbacks, landscaping, fencing, and other language to provide a buffer between industrial land uses and residential land uses. Policy statements could be added to avoid a

- linear strip development.
- The developer should be aware the property is outside the Evergreen Water and Sewer District. If the developer intends to request sewer service the Kalispell City Council passed Resolution 5301 which approved 100,000 gallons of sewage per day for lands outside of the Evergreen district to be conveyed through Evergreen sewer lines and treated at the Kalispell City Wastewater Treatment Plant. The developer must agree to the following:
 - Construct the sewer infrastructure in compliance with city and Evergreen standards and with necessary stub-out facilities to meet future Connection requirements.
 - Execute waivers of right to protest annexation for all parcels.
 - Enter into a developer's agreement with the City of Kalispell in which the parties agree that the subdivision shall be developed to City of Kalispell Urban Construction and Design Standards.
- Flathead County Solid Waste District
 - The district would request that contract haul be used if the proposal is approved. The district does not see any issues with solid waste at this time.
- Montana Fish Wildlife and Parks
 - No Comment
- Flathead City County Environmental Health Services
 - Public water and sewer is available immediately south of the subject property
 - DEQ regulations require any subdivision less than 20 acres in size connect to a sewer if it is within 500feet of service.
 - Flathead County Sewage Treatment System Regulations require a property to connect if it is subdivided less than 20 acres and is within 200 feet.
 - It should not be assumed that on-site systems would be permitted.
- Department of Energy, Bonneville Power Administration
 - The proposal will not impact the transmission line corridor at this time.
 - BPA would like to review the preliminary plat when it is submitted.

II. EVALUATION OF THE GROWTH POLICY MAP AMENDMENT REQUEST

A. Relationship to the applicable neighborhood plan:

The applicant is proposing to change the land use designation on a total of 40 acres on the Two Rivers Master Plan Map. The proposal is to change approximately 20 acres from High Density 8+ to commercial, and to change about 20 acres from commercial to industrial.

1. Is the proposal consistent with criteria established for proposed amendments within the applicable neighborhood plan?

The Two Rivers Master Plan Amendment does not have established criteria for reviewing an amendment. The proposal will undergo a process that includes a public hearing before the Flathead County Planning Board, an adoption of a resolution of intent by the Board of Commissioners, and an adoption of a final resolution by the Board of Commissioners.

2. Is the proposal consistent with the Vision, Goals, and Policies established in the applicable neighborhood plan?

The Two Rivers Neighborhood Plan was approved by the Flathead County

Commissioners by Resolution 1822A and consists of a land use map and 12 policy statements/guidelines. The plan did not establish a Vision, Goals, or polices. The 12 policy statements/guidelines are:

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 for development. No urban services will be required for rural area designations.*

Directly to the south of the subject property is the Evergreen Sewer and Water District. Given the right conditions service could potentially be extended to the subject property. The City of Kalispell, by Resolution 5103, has approved 100,000 gallons of sewage per day for lands outside of Evergreen's jurisdiction within the county. For the subject property to access public sewer, the developer would need to acquire capacity from the City of Kalispell and comply with conditions of the City of Kalispell per the resolution. The conditions are; extend the system to Evergreens standards, execute waivers of right to protest annexation for all parcels, enter into an agreement with the City of Kalispell to design the development to City of Kalispell Urban Construction and Design Standards. According to Evergreen, improvements to the system may be "substantial" depending upon the intensity of the development.

2. *It is encouraged that a specific development plan be proposed at the time any part of the 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 is proposing to amend the land use map in the Two Rivers Master Plan Amendment. Amending the land use map allows the applicant to apply for the zoning map amendment proposed in FCZ-09-04 Solomon Peyton LLC, and available for public inspection at the Flathead County Planning and Zoning Office. This policy statement/guideline is not directly applicable to the review of an amendment, but is applicable to the associated proposed zoning map amendment. The applicant has submitted a development plan in the form of a 5 lot minor.

3. *The residential areas within the Two River Master Plan Amendment should be designated to provide a residential density of up to four dwelling units per acre with a higher density being allowed with a provision for ht open space and/or park areas as part of an integrated development plan.*

The proposal maintains the balance between residential designations and open space. The proposed amendment does not change the density of the residential designation on the property. The residential designation on the subject property is High Density 8+. The proposal does not affect the open space designation as shown on the Master Plan Map.

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 map amendment will decrease the acreage of residential designation by about 20 acres. However, given the size of the residential

designation on the property (about 77 acres), any development proposal could incorporate one or more of the types of housing listed in this policy statement/guideline.

5. *Urban standard 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.*

The proposed growth policy amendment will not affect any development of urban 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.*

The proposed growth policy amendment will not affect any open space designation on the master plan map. The amendment will not impact the use of open space on a regional, community, or neighborhood level.

7. *The area at the southeast corner of Whitefish Stage Road and Rose Crossing be designated as Neighborhood Commercial and it would be anticipated that the uses and services offered in this area would be within the scale and character of the neighborhood in which it is located.*

The intersection mentioned in this policy statement/guideline is not a part of the proposed growth policy amendment.

8. *During the review of specific development proposals, an adequate provision be made for the future expansion and connection of roadways in the areas to insure that a grid street system can be established and that adequate upgrades to existing roads such as Rose Crossing and Whitefish Stage Road are made or can be made in the future, including provisions for a 120' right of way on Whitefish Stage Road, a 120' right of way on Rose Crossing and an 80' right of way on all other roads in the plan area.*

The proposed growth policy amendment will not have an impact on the ability of a governing body such as Flathead County from requiring appropriate easements or rights of way at the time of development.

9. *It is recognized that as this area grows there will be additional impacts on fire and police services and those impacts must be mitigated by the users. The need for future fire station and police substation in the area will be addressed through the use of waivers to the creation of a special improvements district, special improvement district, impact fees or other mutually agreeable measures.*

The proposed growth policy amendment will not have an impact on the ability of a governing body such as Flathead County from requiring waivers or reaching an agreement with future developers.

10. *Some of the properties within the Two River 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 of the County.*

The proposed growth policy amendment will have no impact on identifying and mitigating impacts of environmentally sensitive areas on the subject property.

11. *A grid system and road designation shown on the attached map, shall be established across the plan by recommendation of the County Road Supervisor, Flathead County Planning Board and Staff, and the Long Range Planning Task Force.*

The proposed growth policy amendment will have no impact on providing for a grid system on the subject property.

12. *A 50 foot minimum setback shall be required from the High Water Mark of waterways for any structure.*

The proposed amendment does not impact the green space designation on the Master Plan Map and will have no impact on the ability of a governing body such as Flathead County from requiring a 50 foot buffer from the high water mark of any waterway.

Finding 1. The proposed growth policy amendment is consistent with the 12 policy statements/guidelines in the Two Rivers Plan because the subject property is adjacent to sewer and water services and those services may be able to expand to serve the subject property, the subject property has access to a transportation system that includes a major and minor arterial and a rail line, and the proposal does not amend the open space designation which is in place to mitigate impacts to floodplain and wetlands.

B. Relationship to amendment criteria established in the Flathead County Growth Policy:

1. **Does the amendment affect overall compliance of the growth policy with 76-1-601, M.C.A.?**

The Two Rivers Master Plan Amendment was not written to the requirements of 76-1-601 M.C.A. This proposal will not have an effect on the compliance of the Two Rivers Master Plan Amendment with 76-1-601 M.C.A.

2. **Is the amendment based on existing characteristics and/or projected trends that are substantially different from those presented in the most recent update?**

Since the Two Rivers Master Plan Amendment was written, the applicant has analyzed the existing infrastructure and has decided the original concept of development for the property may pose significant infrastructure obstacles. The proposed changes come as a result of extensive analysis of traffic, groundwater, soils, engineering, political, and market conditions.

3. **Does the amendment create inconsistencies within the document**

- i. **Is the proposed amendment consistent with the Goals and Policies established within the Flathead County Growth Policy?**

The Implementation Plan found in the Flathead County Growth Policy Appendix C identifies how policies are to be implemented. The Implementation Plan separates policies into separate categories by how they are to be implemented. The categories are:

Policy: A specific but non-regulatory statement that directly guides a community

towards meeting an established goal regarding the promotion of public health, safety, welfare and efficiency in the process of community development. Growth-related policies are frequently directly implemented with regulatory mechanisms.

Action Item: A statement providing guidance for future planning efforts and requiring a follow-up action such as creation of a subsequent, more detailed plan or educational outreach effort. Implementation of an action item (i.e. creation of an additional plan) can result in detailed policies regarding a specific issue.

Neither: The “policy” as stated in the Flathead County Growth Policy provides no specific growth guidance or direction for future planning efforts.

A number of the policies in the Implementation Plan are intended to be implemented through the use of Neighborhood Plans. “Policy” can be implemented through tools that are available today. An “Action Item” may require an additional planning effort. Below is a list of policies listed as “Policy” to be implemented through the use of a neighborhood plans and a discussion on how this proposal complies with the policy.

P.5.1 Match requirements of industrial land uses (such as human resources, adequate water supply, suitable road network) and areas of Flathead County where those requirements can best be met.

The proposed industrial designation is located along the eastern portion of the subject property and will have direct access onto Trumble Creek Road. Trumble Creek Road intersects Rose Crossing, a minor arterial as defined by the Flathead County Road and Bridge Department. This intersection is a few hundred yards from the intersection of Rose Crossing and US Highway 2. Furthermore, the subject property is adjacent to a railway. The existing transportation system may need to be upgraded depending upon the type and intensity of use to occur on this portion of the subject property.

P.5.2 Promote industrial parks and centers that take advantage of infrastructure and minimize impacts to the environment or adjacent land uses.

The type of road ways available to the subject property may suitable but the roadways themselves may need upgrades depending upon the type and intensity of use. The industrial designation is adjacent to a residential zoning designation which is not ideal. The zoning regulations require buffers when re-zoning property as industrial that is adjacent to residential zones. Potential impacts to adjacent uses could be minimized if the protections in the zoning regulations are required during development.

P.5.5 Restrict industrial uses that cannot be mitigated near incompatible uses such as residential, schools, environmentally sensitive areas such as wetlands, floodplains, riparian areas, areas of shallow groundwater, etc.

Residential uses are on the subject property and shallow groundwater may be present. Impacts to residential areas could be mitigated through use of a green space buffer, and impacts to groundwater could be mitigated by the expansion of sewer adjacent to the property.

P.6.1 Require internal, interconnected roads for commercial developments and frontage roads where appropriate.

The proposed commercial designation on the subject property will have direct

access onto a local road, not a minor or major arterial. The amount of land available facilitates the interconnectedness of roads if appropriate.

P.6.2 Restrict commercial development in unsafe, inaccessible, remote rural areas.

This area is transitioning from a rural area to a suburban and urban area. The properties adjacent to the east are zoned commercial and industrial, and have commercial and industrial uses. The properties to the south are zoned residential at 1 dwelling unit per acre and 2 dwelling units per acre. The subject property has access to major and minor arterial roadways.

P.6.5 Conserve resources and minimize transportation demand by encouraging redevelopment and infill of existing commercial areas in the county.

To the north of the subject property, the area has rural characteristics; to the south the area has characteristics of a suburban or urban area. While the proposed designations would not be considered infill, they are not in far flung locations within the county that will require abnormal demands on the transportation system.

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 acreage of the area designated commercial will not change. Currently the plan calls for 20 acres on this property; all the applicant is proposing to do is move the designation to the corner of Rose Crossing and Trumble Creek.

P.10.1 Discourage high density development within the 500-year floodplain.

According to FEMA Firm Panel# 1420G the location of the proposed map amendment on the subject property appears to be in Zone X, areas determined to be outside the 0.2% annual chance floodplain. The proposed map amendment does not appear to be in the 500-year floodplain.

P.10.4 Restrict development directly on lands with (30%) steep slopes.

There are no areas on the subject property with slopes over 30%.

P.10.7 On lands that contain areas both suitable and unsuitable for development, encourage open space development design techniques to cluster dwellings away from hazardous and/or unsafe areas.

The proposal will not alter the open space designation along the Whitefish River. The proposal intends to avoid development in the floodplain and wetland habitats.

P.13.4 Encourage the development of an airport-appropriate industrial/business center to provide convenient access to Glacier International Airport and serve a growing economy.

This proposal does not implement this policy.

P.14.1 A 1,320 foot buffer surrounding the landfill should be identified, and the buffer should be designated for only those land uses compatible with current and future landfill activities. Compatible use types such as industrial should be encouraged in this buffer.

A landfill is not present within 1,320 feet of the subject property.

P.16.3 Promote the development of affordable single and multi-family housing in areas of adequate service networks.

The proposed map amendment will reduce the area of the residential designation by 20 acres. However, about 77 acres will remain designated residential and will not preclude affordable homeownership.

P.17.3 Encourage mobile home parks as a form of affordable homeownership in areas with access to public sewer and water.

The proposed map amendment will reduce the area of the residential designation by 20 acres. However, about 77 acres will remain designated residential and will not preclude affordable homeownership.

P.21.1 Provide adequate land area designated for commercial and industrial use to promote affordability, creating entrepreneurialism and/or businesses relocation to Flathead County.

The proposal will designate an additional 20 acres as industrial. The property is vacant and may promote affordable land for development.

P.22.2 Promote business centers and industrial parks in areas served by sufficient infrastructure with consideration to proximity to population densities.

The subject property is on the northern edge of Evergreen and a few miles by car from Kalispell. The property is accessible by a major arterial travelling north-south, and a minor arterial traveling east-west. Some improvements to roadways may be necessary depending upon the type and intensity of use but, overall the site is near populated areas and has sufficient infrastructure.

P.23.4 Areas in proximity to employment and retail centers should be recognized as more suitable for higher residential densities and mixed use development.

The majority of the subject property is designated High Density 8+. This designation implies a potential residential density of 8 units per acre. Having commercial designations adjacent to this type of density is the intent of this policy.

P.23.5 To protect public safety and allow safe travel, restrict development in areas without adequate road improvements.

The roads in the area have paved travel surface and are maintained by MDOT and Flathead County. Some improvements may be necessary depending upon the type and intensity of uses, but there does not appear to be any significant safety factor that warrants restricting development.

P.25.1 Encourage developments that provide functional alternative modes of travel such as bicycle and pedestrian paths.

The proposed growth policy amendment will not preclude the development of alternative modes of travel.

P.28.1 Encourage high density development in areas that will be served by community sewer systems that treat to municipal standards.

Sewer and water service are adjacent to the subject property. There is the

potential the services could be expanded to the subject property.

P.28.2 Areas not conducive to individual on-site sewage disposal systems because of flooding, ponding, seasonal high water tables, bedrock conditions, severe slope conditions and no access to a community sewage system should be discouraged from development.

Portions of the subject property are known to have seasonal high ground water tables. To achieve the minimum lot sizes in a commercial or industrial zone, it may be required to have a sewer and water system. These systems are available on adjacent properties and could potentially be extended to the subject property.

P.28.8 Implement scientifically defensible protection zones for aquifers susceptible to potential contamination and limit land uses to low intensity development in these zones.

The applicant has conducted a hydrological analysis and performed a LOMA for the property. These studies have identified areas on the property that may be environmentally sensitive. The areas that may be environmentally sensitive are designated as open space.

P.28.9 Land division resulting in residential densities greater than an average of one dwelling unit per five acres should be discouraged in areas of high groundwater of eight feet below ground surface or less which are not served by a public sewer district.

Some portions of the subject property have high groundwater less than 8 feet to the surface. To achieve densities greater than one dwelling unit per 5 acres, sewer may be required to service the property. Sewer and water services are available adjacent to the subject property to the south. There is the potential sewer service may be extended to the property.

P.31.4 Support multi-use of schools/parks and other community meeting places.

The proposed map amendment does not amend the boundaries of the open space designation.

P.32.6 Encourage subdivisions to either mitigate the impacts of delayed ambulance response times or limit density of development in identified rural areas.

Emergency services are located in Evergreen and on the north end of Kalispell. Emergency Services can access the property by paved collector and arterial roads maintained by the City of Kalispell, State of Montana, and Flathead County. The subject property is about 1.8 miles from the Evergreen fire station, and about 5.5 miles from Kalispell Regional Medical Center.

P.34.3 Promote land use patterns that permit logical, predictable and effective extension and integration of utilities.

The subject property is adjacent to sewer and water facilities, adjacent to minor and major arterials, has utilities such as natural gas and electricity to the property, and is adjacent to a rail line.

P.36.5 Identify and encourage land development practices that do not contribute to increases in Total Maximum Daily Loads.

The proposed growth policy amendment does not change the boundaries of the area designated as open space. The open space designation is intended to protect the surface water from pollution.

P.36.6 Support non-point source pollution reduction within the Flathead Basin watershed.

The proposed growth policy amendment does not change the boundaries of the area designated as open space. The open space designation is intended to protect the surface water from pollution.

P.40.2 Promote development into areas with public facilities or appropriate depth to groundwater to preserve water quality and water supply.

Some portions of the subject property have high groundwater less than 8 feet to the surface. To achieve densities greater than one dwelling unit per 5 acres, sewer may be required to service the property. Sewer and water services are available adjacent to the subject property to the south. There is the potential sewer services may be extended to the property.

P.40.3 Encourage rural residential densities at an average of one dwelling unit per five acres and/or community wastewater treatment systems on sites where the groundwater is less than eight feet unless scientific evidence shows that a greater or lesser density is appropriate.

Some portions of the subject property have high groundwater less than 8 feet to the surface. To achieve densities greater than one dwelling unit per 5 acres, sewer may have to service the property. Sewer and water services are available adjacent to the subject property to the south. There is the potential sewer services may be extended to the property.

P.40.4 Encourage rural low-intensity land uses in areas where the groundwater is less than eight feet unless scientific evidence shows that a higher or lower intensity of land use is appropriate.

Some portions of the subject property have high groundwater less than 8 feet to the surface. To achieve densities greater than one dwelling unit per 5 acres, sewer may have to service the property. Sewer and water services are available at the subdivision adjacent to the subject property to the south. There is the potential sewer services may be extended to the property.

P.50.4 Consider relevant state and federal planning documents when reviewing development proposals that will impact federal or state lands.

This growth policy amendment is not adjacent or in the vicinity of any federal lands. The property does have frontage on US Highway 2. The State of Montana Department of Transportation owns the right of way for the highway. The applicant will be required to contact MDOT and follow all of the applicable regulations set forth by that agency.

Finding 2. The proposed growth policy amendment is consistent with the applicable policies in the Flathead County Growth Policy because the subject property is adjacent to sewer and water services and those services may potentially be expanded to serve the subject property, the subject property has access to a transportation system that includes a major and minor arterial and a rail line, the proposal potentially increases opportunities for economic development, the proposal may potentially mitigate impacts to adjacent non-compatible residential uses through use of buffers, and the proposal

does not amend the open space designation which is in place to mitigate impacts to floodplain and wetlands.

4. Does the amendment further protect and comply with the seven elements of the public's vision for the future of Flathead County?

The seven elements of the public's vision are:

1. Protect the Views

The proposed Growth Policy Amendment is not in an identified view shed or within the Scenic Corridor. Sign Regulations are and will remain embedded in the underlining zoning if the property is to be rezoned.

2. Promote a Diverse Economy

The proposed Growth Policy Amendment will increase the available area for industrial use by 20 acres.

3. Manage Transportation

The subject property is adjacent to a major and minor arterial road and will have proposed commercial and industrial areas with direct access to a local road. In addition the property abuts a rail line.

4. Maintain the Identity of Rural Communities

The subject property is in an area of the county transitioning from a rural to suburban or urban area. It is not located in an area that is predominately rural.

5. Protect Access to and Interaction with Parks and Recreation

The proposal will not interfere with access to parks or areas of recreation value.

6. Properly Manage and Protect the Natural and Human Environment

Environmental constraints on the property may be avoided with proper services such as sewer and water and designation of open space.

7. Preserve the Rights of Private Property Owners

By implementing buffers within the proposed commercial and industrial designations, potential impacts created from conflicting uses with the existing residential neighborhoods adjacent to the subject property can be mitigated. This action can protect the property values in the residential neighborhood and preserving the rights of property owners as well as allowing responsible development of industrial and commercial uses in the future. Processing the amendment gives the public the right to comment and gives due process to landowners.

Finding 3. The proposal is consistent with the seven elements of the public's vision because views can be protected, the proposal may potentially increase economic opportunities, the proposal has access to a transportation system that includes a major and minor arterial and a rail line, the proposal is not in a predominantly rural area, the proposal does not amend the open space designation providing for parks and mitigating impacts to the floodplain and wetlands, and the proposal potentially preserves private property rights by mitigating impacts of non-compatible uses through the use of proper buffers

and gives due process to landowners.

5. Has the proposed amendment undergone a sufficient process of county-wide, public participation and review?

The proposed amendment will follow the appropriate legal requirements for notification and public comment including a public hearing.

Finding 4. The proposal has undergone a sufficient process of county-wide public participation and review because no amendment procedure has been established in the Two Rivers Plan, and it will follow the appropriate legal requirements for notification and public comment including a public hearing.

II. SUMMARY OF FINDINGS

Finding 1. The proposed growth policy amendment is consistent with the 12 policy statements/guidelines in the Two Rivers Plan because the subject property is adjacent to sewer and water services and those services may be able to expand to serve the subject property, the subject property has access to a transportation system that includes a major and minor arterial and a rail line, and the proposal does not amend the open space designation which is in place to mitigate impacts to floodplain and wetlands.

Finding 2. The proposed growth policy amendment is consistent with the applicable policies in the Flathead County Growth Policy because the subject property is adjacent to sewer and water services and those services may potentially be expanded to serve the subject property, the subject property has access to a transportation system that includes a major and minor arterial and a rail line, the proposal potentially increases opportunities for economic development, the proposal may potentially mitigate impacts to adjacent non-compatible residential uses through use of buffers, and the proposal does not amend the open space designation which is in place to mitigate impacts to floodplain and wetlands.

Finding 3. The proposal is consistent with the seven elements of the public's vision because views can be protected, the proposal may potentially increase economic opportunities, the proposal has access to a transportation system that includes a major and minor arterial and a rail line, the proposal is not in a predominantly rural area, the proposal does not amend the open space designation providing for parks and mitigating impacts to the floodplain and wetlands, and the proposal potentially preserves private property rights by mitigating impacts of non-compatible uses through the use of proper buffers and gives due process to landowners.

Finding 4. The proposal has undergone a sufficient process of county-wide public participation and review because no amendment procedure has been established in the Two Rivers Plan, and it will follow the appropriate legal requirements for notification and public comment including a public hearing.

IV. RECOMMENDATION

In summary, by evaluating the proposed growth policy amendment for consistency with the policies and seven elements of the public vision established in the Flathead County Growth Policy and the Policy Statements/Guidelines established in Exhibit B of Resolution 1822A, Staff recommends the Flathead County Planning Board and Flathead County Commission adopt staff report FPMA-09-03

as findings of fact and recommends approval of the Solomon Peyton LLC map amendment to the Two Rivers Plan to the County Commissioners.