



# Flathead County

## Planning & Zoning

40 11<sup>th</sup> Street West, Suite 220 Kalispell, MT 59901  
Telephone 406.751.8200

### PETITION FOR ZONING AMENDMENT

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

**FEE ATTACHED \$** 722.10

#### **APPLICANT/OWNER:**

1. Name: MONTARISE DEVELOPMENTS, LLC Phone: (918) 779-9181
2. Mail Address: 704 E.13TH STREET, Suite 200
3. City/State/Zip: WHITEFISH, MT 59937
4. Interest in property: OWNER

#### **Check which applies:**



Map Amendment



Text Amendment:

#### **TECHNICAL/PROFESSIONAL PARTICIPANTS:**

Name: APEC Engineering, Inc. Phone: (406) 393-2127  
 Mailing Address: 75 Somers Road  
 City, State, Zip: Somer, MT 59932  
 Email: marc@appec-mt.com / tamara@appec-mt.com

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

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

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

- A. Address of the property: KM Ranch Road & US Highway 93, Whitefish, MT

- B. Legal Description: Tract 2,1C & 4F  
(Lot/Block of Subdivision or Tract #)

36 - 30N - 22W  
 Section Township Range (Attach sheet for metes and bounds)

- C. Total acreage: 155.9 acres

- D. Zoning District: Flathead County

- E. The present zoning of the above property is: SAG-5

- F. The proposed zoning of the above property is: R-2.5

- G. State the changed or changing conditions that make the proposed amendment necessary: The changing conditions are a recent sharp increase in population growth in the Flathead Valley, bringing with it an increase in demand for additional housing units, which has created a significant increase in the cost of the existing residential inventory. The owner is seeking to

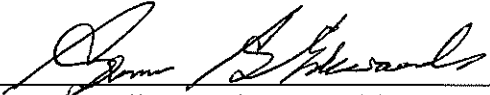
provide additional housing inventory, and proposes a zone change from 5-acre minimum lot sizes  
to 2.5-acre minimum lot sizes, applying a residential mixed-use PUD for additional density, at a  
location convenient to the transportation network and to the community's service areas.

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

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

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

  
\_\_\_\_\_  
Owner/Applicant Signature(s)

  
\_\_\_\_\_  
Date



## APPLICATION FOR ZONING MAP AMENDMENT

For:

**MONTARISE DEVELOPMENTS, LLC**

**KM Ranch Road and US Highway 93, Whitefish, MT 59901**

**S 36, T 30N, R 22W, Tract 2, 1C & 4F, Flathead County, P.M.M.**

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

*The Current Zoning is: SAG-5 (Flathead County):*

The only differences between the existing SAG-5 zoning and the proposed R-2.5 zoning is density, their permitted uses are the same (with a different version of cluster development). The proposed R-2.5 zoning has several fewer conditional uses than SAG-5. "Vet Clinic, Extractive Industry, Commercial Kennel, Recreational Facility, RV Park, Riding Academy and Rodeo Arena" are not permitted in R-2.5. The Bulk and Dimensional Requirements are the same, except for the minimum lot size, where R-2.5 creates twice the density of SAG-5.

### **The Proposed Amended Zoning: to R-2.5 Zoning:**

The owner proposes a map amendment to **R-2.5 zoning** to this **155.9-acre** property located **4 miles south** of Whitefish city limits, and **2.3 miles north** of Kalispell city limits. This **10 mile stretch of highway corridor**, characterized as "**mixed-use**," is experiencing continual commercial and industrial development between the existing residential neighborhoods adjacent to the highway. This specific location of the proposed zone change, between existing R-2 and SAG-5 zoning, is best suited as a continuation of the surrounding residential use and will function as a transition between the SAG-5 (5-acre) and R-2 (0.5 acre) densities. **R-2.5 zoning with a Residential-use PUD overlay allows for a much more functional, efficient, and economical use of the 155.9 acre property at a location that has ready access to transportation networks and services.**

### ***1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan? (also found in the PUD Overlay Application):***

*Land Uses:*

**Goal: 7 "Consider existing community character in commercial land development."**

**And the Policy of 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 commercial-type residential use, which are the recreational cabins for rent and the residential-scale hospice care homes, are both small scale and low impact to the surrounding residential neighborhood. The Montarise Village PUD plan provides vegetation buffers at all lot setbacks, and increases the east/highway vegetation buffer to minimize the visual impact on the US-93 corridor. The concept plan layout, specifically the road development, utilizes the existing landforms and site circulation (logging roadbeds) for less site disturbance, preserving the existing character of the site and therefore the community character. All local public services are available at this location.

*And the Policy of P.7.5:*

*“Encourage commercial development that is visually and functionally desirable.”*

Both commercial-type residential uses, with full-time onsite management, are incorporated into the whole Montarise Village design concept, to blend in as a continuation of the surrounding proposed residences.

Impact is further mitigated by the inclusion of these two facilities (and the homeowner common storage and clubhouse facilities) within the quality standards of the Montarise Village “Development Rules and Design Review Guide.”

*Goal: 11 “Protection of scenic resources available to both residents and visitors.”*

*And the Policy of P.11.4:*

*“Create incentives for developments that consider the scenic settings, incorporate design and construction standards that harmonize and complement the local views, and where possible, provide incentives for excellent architectural design.”*

This location on the edge of the US Highway 93 corridor is somewhat urbanized, with the mixed uses of other residential, commercial, and industrial located nearby.

The proposed PUD plan layout preserves open space and the natural terrain and native vegetation buffers between the dwelling units with Montarise Village, and at the perimeter of the development, maintaining separation from the surrounding neighborhoods, which protects the scenic resources. The PUD is an efficient use of land resources, where a lower density is located at these critical north and west perimeter boundaries minimizing the impact to these neighbors. The higher density of multi-family and commercial-type residential use are located closer to the highway corridor, and placed within the natural terrain and vegetation.

The Montarise Village “Development Rules and Design Review Guide” establishes a standard of development quality within the PUD.

*Goal: 14 “Solid waste collection facility operation and landfill expansion free from land use conflicts with adjacent property owners.”*

*And the Policy of P.14.1:*

*“Identify a 1,320 foot buffer surrounding the landfill and designate this area only for those land uses compatible with current and future landfill activities. Compatible use types such as industrial should be encouraged in this buffer.”*

The proposed Montarise Village layout incorporates this recommended 1320' distance from the designated landfill operations to the beginning of the residential neighborhood and the hospice care dwelling units (see aerial map). In addition, a vegetative buffer will be retained within the subdivision property's 100' setback. Resident-use RV storage structure(s) beyond this buffer, and preserved tree cover throughout the property provide additional mitigation from landfill activities. The landfill itself incorporates a 150' tree buffer along their north property boundary (negotiated in the past with property owners to the north).

Jim Chilton, Director of Flathead County Landfill operations explains that future expansion is moving south, away from the proposed subdivision site (and the existing north operations boundary is moving south in an estimated 8 to 10 years). He also refers to this north landfill entrance as merely a service entrance, for maintenance on the gas plant and for occasional dump truck access to dirt or rock in the "borrow area." Please refer to their Strategic Plan maps for detail. Because of past planning and agreements with the neighbors to the north, this recommended 1320' buffer has been met.

*Goal: 16 "Safe housing that is available, accessible, and affordable for all sectors of the population."*

*And the Policy of P.16.4:*

*Consider the locational needs of various types of housing with regard to proximity of employment, access to transportation and availability of public services.*

In addition to the housing descriptions (see item #3-a), this PUD proposal focuses residential density at a location where routes to school and employment, access to the transportation network (US-93) for all other amenities, and the availability of public/emergency services are all within a reasonable distance and travel time.

*Goal:19 "To create partnerships with common interest groups and the people within our community."*

*And the Policy of P.19.3:*

*"Support "pocket parks" which are owned and maintained by home owner groups and Associations."*

Open space has been created within the development planning, with eventual homeowner association management. This includes smaller specific-use parks, a sports field, walking trail connections, and an indoor club house facility providing recreation opportunities for these PUD neighborhoods. A 15' wide trail easement is located at the edge of the highway right-of-way to connect with future links to the Flathead County Trail System.

## ***2. Is the proposed amendment designed to address:***

### ***a. Secure safety from fire and other dangers?***

The subject property is located within the Wildlife Urban Interface, but bordered by the highway corridor and adjacent development and open "agricultural-use" land.

The subdivision site is forested, as are the neighboring properties to the west and north.

The owner proposes preserving and managing the vegetative buffers at the property perimeter and homeowner management within each lot (with recommendations from the local fire department). The subdivision CCRs incorporate the FireWise guidelines for residential neighborhoods.

The site is located 3.4 miles from Fire Station #22, east of US Highway on Hodgson Road, and 5.5 miles from the Whitefish Fire Station #21 for structural protection and emergency medical response. (See Item #b for more detail).

The property has both immediate and adjacent access to US Highway 93. In addition, the proposed R-2.5 PUD concept plan shows a looped road layout to the two primary access locations.

*b. Promote public health, public safety and the general welfare?*

The subdivision property is located within a very small area recently annexed into the Whitefish Fire Service Area, served by the City of Whitefish and adjacent to the West Valley service area. The Whitefish City Fire Chief Joe Page, has stated his and the surrounding fire departments' commitment for "All Hazard" response.

Flathead County's Sheriff's Department provides police services to this location. All emergency services, public school buses, USPS delivery and residents are given two primary access routes to the proposed subdivision. The proposed PUD subdivision is conveniently located adjacent to the transportation network, for the timely delivery of these services.

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

**Transportation:**

This site location is served by KM Ranch Road, a county paved road, and US Highway 93, public roads which are designated to serve the large surrounding area. The increase in traffic from all phases of development is estimated at 741 daily trips.

Preliminary trip generation numbers are based upon 33 single family lots, 32 multifamily "adult bungalow" dwelling units, 26 recreation cabin units and 12 hospice care dwelling units.

A residential PUD subdivision planned at this location had already generated approach planning and acquisition from the former owner for adjustments to the highway right-of-way. ("The Tree Farm at Whitefish" with preliminary plat approval in 2007). Updated MDT approach permits are in process and this revised proposal will be added to their review already underway. Any improvements to the two highway intersections will be determined by the System Impact specialists with MDT.

Flathead County granted an approach permit for KM Ranch Road (November 2021) for this location; the permit will be revised to this new approach location.

**Water:**

Community public water service will be provided by community wells. The existing large volume well has undergone recent "predicted drawdown in neighboring wells"

testing that determined “the available water column for each well is anticipated to be relatively unimpacted by the proposed development.”

**Sewer:**

Individual (or a combination) septic systems are proposed for the 68 residential-use lots, Both water and sewer service will be provided as approved by MT DNRC and MT DEQ.

**Schools:**

The project site will provide safe bus route drop-off/pick-up for residents sending children to the Whitefish School District #44, approximately 6.5 miles away. Using the current statistic of “0.34 children per household,” potentially 19 school-age children could be living within this completed subdivision.

**Parkland/Open Space:**

The parkland requirement does not apply to the PUD standards for development, but Open Space is comprised of common facilities:

7.96 acres for a clubhouse/fitness center and sports field;

24.32 Green Space acres, which includes community trails connecting residences with common facilities.

Please refer to the PUD Plan for locations of all green spaces and common facilities within the Montarise Village concept plan.

**3. Does the proposed amendment consider:**

*a. The reasonable provision of adequate light and air?*

The owner has planned an efficient looped road layout for shared access to all dwelling units, utilizing existing road beds to minimize construction disturbance, which preserves more original terrain, vegetation, and Open Space.

The proposed 33 single family lots averaging 2 acres in size, and the multi-family “adult bungalows” average a density of 2 dwelling units per acre, with the hospice care dwelling units averaging 1 unit per acre. The recreational cabins, located closer to the highway, are less than 2 units per acre in density.

Open Space and vegetative buffers provide perimeter and intermediate separation between dwelling units for adequate space, light and air between structures.

The flexibility permitted within the PUD overlay allows for more vegetation and land form to be preserved, where the natural conditions dictate.

These proposed dwelling units will be well under the permitted lot coverage of 25%.

*b. The effect on motorized and non-motorized transportation systems?*

The proposed Montarise Village Subdivision has two primary access connections to US Highway 93, where the main entry is the direct highway access at the intersection with Bowdish Road, and the other access from KM Ranch Road, approximately 0.39 miles from the US Highway intersection, located at an open, visible section of KM Ranch

**Road.** Both highway approach intersections have existing left turn lane improvements on this divided stretch of US Highway 93.

With the above-described proposed dwelling types, the estimated trip generation is 741 ADT, comparable to the previously approved (Bowdish Family, LLC) 2007 subdivision with 57 residential-use lots (varying sizes) and 3 commercial-use lots.

As stated before, this project is already in the process of review from MDT for these approach locations, which may include recommendations for improvements to these two intersections.

The east boundary portion proposes a 15' wide trail easement (approximately 1390' in length) along US Highway 93, as part of the Flathead County Trail System, and the green spaces are well connected by means of the interior looped subdivision roads and access trails.

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

This proposed zoning map amendment is compatible with the growth occurring along the highway corridor, and growth happening in both of the Whitefish and Kalispell communities, concentrated in locations such as this one, less impactful to agricultural lands, surface water resources and prime scenic locations within the valley. The R-2.5 Residential-use PUD proposal permits higher density, but providing more amenities within this density, at a location already considered for this type of residential PUD development. ("The Tree Farm at Whitefish," a 60-lot residential-use PUD). Continued growth has created an increasing demand for housing options more conveniently located to both Whitefish and Kalispell. This location, and this Planned Unit Development proposal which provides more dwelling units in a range of cost and size, fit the current goals for these communities.

*d. The character of the district and its peculiar suitability for particular uses?*

The 155.9-acre site is currently SAG-5, within adjacent zoning of SAG-5, SAG-10, and AG-40, where the adjacent AG-40 designation applies mostly to the county landfill or public lands, not private ownership (see zoning map detail.)

Several smaller parcels zoned B-2 (business use including a restaurant, a yoga studio). I-1H (includes an RV sales and service, self-storage units, and dog boarding) are located within the highway corridor. To the south, is the county landfill property.

The surrounding zoning includes two SAG-5 PUD subdivisions, Whitefish Hills Village and Timbers at Whitefish.

Happy Valley Homesites, a 567-lot residential subdivision with R-2 zoning is located across US Highway 93 and northwest of the proposed site.

In recent public comments received for a previous Petition for Zoning Amendment, the surrounding neighbors referenced the prior (2007) PUD subdivision approval for the current SAG-5 zoning. So, it is accurate to say that this type of residential development has been anticipated at this location for at least that many years.



**The proposed R-2.5 Residential-use PUD subdivision does fit within the character of the existing mix of uses in the US Highway 93 corridor.**

*e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?*

**The surrounding properties within the immediate vicinity of the proposed subdivision that are residential use are buffered by tree cover.**

**The few commercial or industrial uses contain minimal structures; elsewhere is vacant land. The proposed Montarise Village residential-use R-2.5 PUD proposal has reserved a 100' green space buffers at the south and west perimeters, where vegetation is preserved, providing additional screening (shown on the concept map). The proposed types of dwelling units are keeping within the character of a quiet neighborhood. The residential lots with greater density are located closer to US-93 and the KM Ranch Road perimeters, away from the established residential neighborhood to the west and north.**

**The grade change from the highway surface and the existing trees within the property provide containment and separation from view of the highway. These expansive proposed setbacks and the development layout within the existing varied terrain do conserve the value of buildings and makes this proposal an appropriate land use at this location.**

*4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?*

**Although outside of the boundaries of both municipalities, this specific R-2.5, residential-use PUD proposal follows the current objectives in both Whitefish and Kalispell, to add more housing options, at locations close to transportation networks and services (and not in areas of prime farm land or environmentally sensitive areas). The residential-use PUD proposal contains native vegetation and hilly terrain which provide a screen from view of highway travelers, and is a continuation of these surrounding residential neighborhoods that contain natural forested vegetation. The PUD layout minimizes the impact of the increased density associated with the zone change. This proposal offers additional housing options, and is located on a major travel route between Whitefish and Kalispell and connected to the essential service networks.**