

MONTARISE

COMMENTS – ZONING MAP AMENDMENT REPORT

P2

Re “in response to a sharp increase in housing demand” – yes, but mostly for affordable/workforce housing, and there is no commitment from the developer to do that.

P3

I see that the project is within the Prairie View Zoning District. Is there anything about that zoning district that would be problematic for this development?

P4

The project will require services from both the Whitefish School District and the Whitefish Rural Fire District, both of which are at or above capacity.

P5

How can they “not have any concerns” if they are “interested” in seeing the traffic study and that the daily trip count is “sizeable increase to the road network”? It would seem that this issue is impactful enough to raise it to the level of “we must have”, rather than “we are interested”, and the approval or disapproval of the zoning request should be contingent upon completion and review of that traffic study.

They note that they won’t know about potential impacts on KM until they “see the traffic using KM Ranch”. Does that mean that they’re going to wait until after the development is completed to determine if the impact on KM is significant?

The Flathead City-County Health Department “offers no comment”. How can they offer no comment when the additional dust from increased traffic on KM would pose a significant health hazard?

Is the “notification” of property owners within 150 feet applicable when the zoning in the area is SAG5 and SAG10? It would seem to be appropriate for a dense urban area, but certainly not for an area with this type of zoning, where only the properties that directly abut the project would be in the 150 foot area.

Public notice of the Commissioners public hearing has to be physically posted according to the requirement of Section 76-2-205. What is that requirement? We should make sure that this requirement is honored.

Re “Public Comments Received”, it would seem to me that we should be urging people to make comments prior to the hearing in order to make sure that all of our objections are considered. It’s much more efficient to do it that way than to rely on all of our comments being made in person during the hearing. Your thoughts?

P6

Re “Build-Out Analysis: the document states that “Without a build-out analysis...there is no way to estimate...the proposed changes to neighbors, the environment, future demands for public services...” and “impact to transportation systems”. Since these are all very critical issues, shouldn’t the approval/disapproval process be contingent upon that build-out analysis being completed, especially when “build-out analyses are simply establishing the meaning of the zoning map amendment...to allow for the best possible review”?

It states that SAG5 is “to provide and preserve smaller agricultural and to *provide a buffer between urban and unlimited agricultural uses*”. Has the need for that changed in the subject area?

It states that “recreational vehicle park” is NOT a permitted or conditional use in R-1”.

Re the above, it states that “The requested zone change..amendment would *reduce* the number of permitted and conditional uses...”

It states that “Staff interprets this to mean the Designated Land Use Map is not a future land use map but rather a reflection of historic land use categories.” Do we agree with that interpretation?

P8

“The proposed zoning would allow for both agriculture and silviculture on the property.” How does it do that?

“However, residential development at a density *that is not compatible* with...existing neighborhood character is likely to be contentious.” There must be a reason for that.

Re “Capacity...of the road...”, “...once the capacity is exceeded, public safety suffers”, and that “medium or high density land uses on low capacity roads *create problems* (italics are theirs). How can they know if the capacity is exceeded or not without the traffic study?

P9

The first paragraph states that “the property is located in a relatively urbanized area of the County...”. Really?

They refer to P.4.3, noting the need for preserving the agricultural character of the community.

They refer to G.8, noting that the rezoning should “protect the health, safety, and welfare of neighbors...”. This would have the opposite effect on all 3 issues.

They refer to P.8.2, noting that “One characteristic that residents of Flathead County cherish is the view”, and that “Scenic resources are valued throughout the County. They go on to state “The proposed zone change would likely have *minimal impact* on views.” How is that when the “view” will change from beautiful forest lands to high density residential development?

They state that “The vision states, “The cost of living and home ownership should be affordable to the median income”. That number needs to be defined and the developer should commit to and guarantee that, with a penalty should that type of housing ultimately not be provided.

P11

They refer to G.31, noting “Growth that does not place unreasonable burden on the school district...”. This development could place a substantial burden on the Whitefish School district (we might want to flesh this out).

Finding #1 – Again, how does it allow for agricultural and silvicultural uses?

Under 2.a, it states that KM Ranch road is a paved, two-lane country road. That is not correct.

They note that “No comment was received from the local fire district regarding this proposal.” It would seem to me that because it’s an issue that’s so critical to public safety, that they should require comment from the local fire district before proceeding with the approve/disapprove process.

Re Finding #2, how can they make that statement without “comment” from the local fire district?

They note that “The R-1 zoning classification would allow for similar uses to what already exists in the area”. That is certainly not the case.

Finding #3 – Again, how can they make that statement without comments from the local fire district?

Again, they state that “... future development would comply with the permitted uses...which are similar to the existing surrounding uses.” That is inaccurate.

2.c. This is a lengthy section, and all of the comments in this section are based upon a significantly outdated and inaccurate traffic study, rendering this entire section inadequate. Since this seems to be such an important item, the Board should consider postponing their decision until a current and accurate traffic study is completed.

The language goes on to state that the lots that are created will be served by community public water and community sewer systems. Whether this is feasible or practical should be determined prior to approval/disapproval.

In the second paragraph on page 13, the staff comments about items relating to the number of housing units and the number of students in the Flathead. This is based on the 2019 census, which is so outdated as to be useless. It notes “154 additional lots”. That is incorrect. The developer is proposing over 250 lots plus 70-some additional lots for the RV park. Maybe by “additional”, they mean over and above what’s being permitted already in the SAG5. That would be 30 lots, so their math is still way off.

They note that the Whitefish School District did not comment on this proposal. Since they’re making statements such as “...the schools would have capacity should any residential growth occur...”. They should not be making that statement without a thorough consultation – with a statement in writing – that

the Whitefish school would, indeed, have capacity. The Whitefish schools might, in fact, tell them that they can “handle” that many additional students, but they should make sure that the district makes it clear if by “handling”, they mean that they can do that, but only with additional physical capacity, which would involve a bond issue and potentially increased property taxes. Those bond issues require a vote. The bond for the high school was voted against twice before it was approved. So, I do not think that anybody can make assumptions on being able to handle that many additional student.

I’m not sure how they arrive at 54 additional students. Just back-of-the-napkin calculations say 265 new housing units = maybe one third of them have kids = the third that have kids have 1 ½ kids = 132 additional students!

Finding #4:

Again, this number of a 120% increase in traffic is based upon ancient history and is not at all pertinent.

Finding #5:

Again, their calculation of 54 additional students is flawed.

3.b. Again, the comments in this section are based upon inaccurate traffic counts and are unusable.

They continue to refer to KM Ranch Road as “paved”. Only a small percentage of the road is, in fact, paved. The staff comments do not consider that a significant amount of traffic is likely to use KM Ranch Road as a preferred route to Whitefish, preferred because the left turn from KM to 93 is both difficult and dangerous. In fact, the developer notes that it’s likely that KM Ranch Road will be used for that purpose.

One item that’s missing anywhere in this document is that the staff clearly needs to study the impact that additional traffic on the narrow, dirt KM Ranch Road for safety, health of the residents on that road due to a substantially increased amount of dust, etc. The Board should require such study, just as they should require an update of the traffic study that relates to Hwy 93.

In fact, the staff notes, referring to traffic that will use KM, that “85% of the traffic would end up on Highway 93”. That implies that 15% the traffic will end up on KM Ranch Road. That is way too much traffic for a narrow dirt road.

The staff repeats that they “don’t have any concerns” about this issue, but how can they not have any concerns when they’re input is outdated and inaccurate. They again note that they are “interested” to see the Traffic Impact Study. They should be more than “interested”. It should be “required”.

On page 16, item iii, the staff states that “Although the proposal only includes one landowner, it would not result in special legislation at the expense of the but the proposal clearly differs from the existing uses of the “surrounding landowners”.

Finding #10 states that “...the proposed zoning does not allow uses that differ significantly from the prevailing use in the area.” That is simply not accurate. In fact, paragraph “e” states that “The adjacent properties primarily contain rural residential, open space...”.

Finding 11: Again, the report states that “...the R-1 designation allows for similar us to the surrounding zones...”, and again, that is inaccurate.

Summary Of Findings: this entire section is N/A due to the inaccuracies and flawed assumptions noted in the body of this memo. The “Conclusion” is, likewise, N/A.