

KALISPELL NORTH TOWN CENTER PH 5

**REQUEST FOR MAJOR SUBDIVISION - STAFF REPORT #KPP-22-04
KALISPELL PLANNING DEPARTMENT
APRIL 6, 2022**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from Stillwater Corporation for major preliminary plat approval of Kalispell North Town Center Phase 5 on a total of approximately 10.6 acres. A public hearing has been scheduled before the Planning Board for April 12, 2022, beginning at 6:00 PM in the Kalispell City Council Chambers. The Planning Board will forward a recommendation to the Kalispell City Council for final action.

BACKGROUND INFORMATION

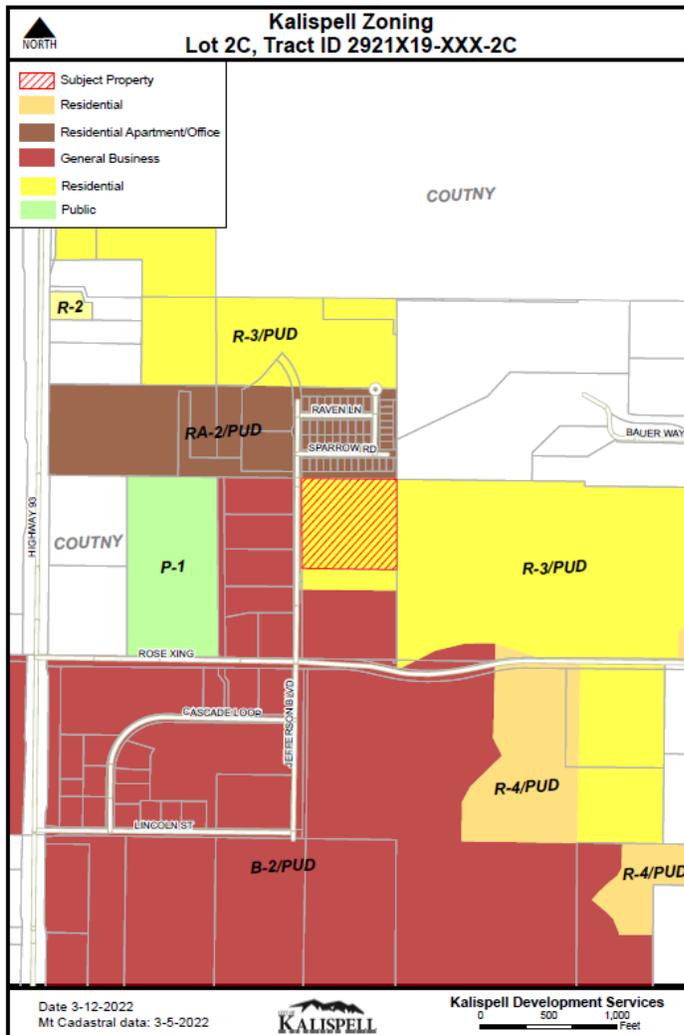
Stillwater Corporation has applied for preliminary plat approval for Kalispell North Town Center Phase 5, a major residential subdivision with 37 lots on approximately 10.6 acres in lots, roads, and common area. The property is zoned R-3 (Residential) with a Planned Unit Development (“PUD”) overlay. The proposed subdivision is part of a larger development project that includes 485.5 acres with four zoning designations: R-3 (single-family residential), R-4 (two-family residential), B-1 (neighborhood business), and B-2 (general business). The subdivision request encompasses a portion of the R-3/single-family component of the PUD.

A: Applicant: Stillwater Corporation
PO Box 7338
Kalispell, MT 59904

B: Location: The property is located on the east side of Jefferson Boulevard and can be described as Tract 9-A of the Amended Plat of Block 3 of Kalispell North Town Center, Phase 2, located in the southwest quarter of Section 19, Township 29 North, Range 21 West, P.M, City of Kalispell, Flathead County, Montana.



C: Existing Land Use and Zoning: The subject property itself is currently vacant. The zoning of the property is R-3 (Residential) with a PUD overlay. The R-3 district is “intended to provide lot areas for urban residential development. This district should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. Development within this district must be served by all public utilities. This zoning district would typically be found in areas designated as suburban residential or urban residential on the Kalispell Growth Policy Future Land Use Map.”



D. Size: The subject property is approximately 10.6 acres.

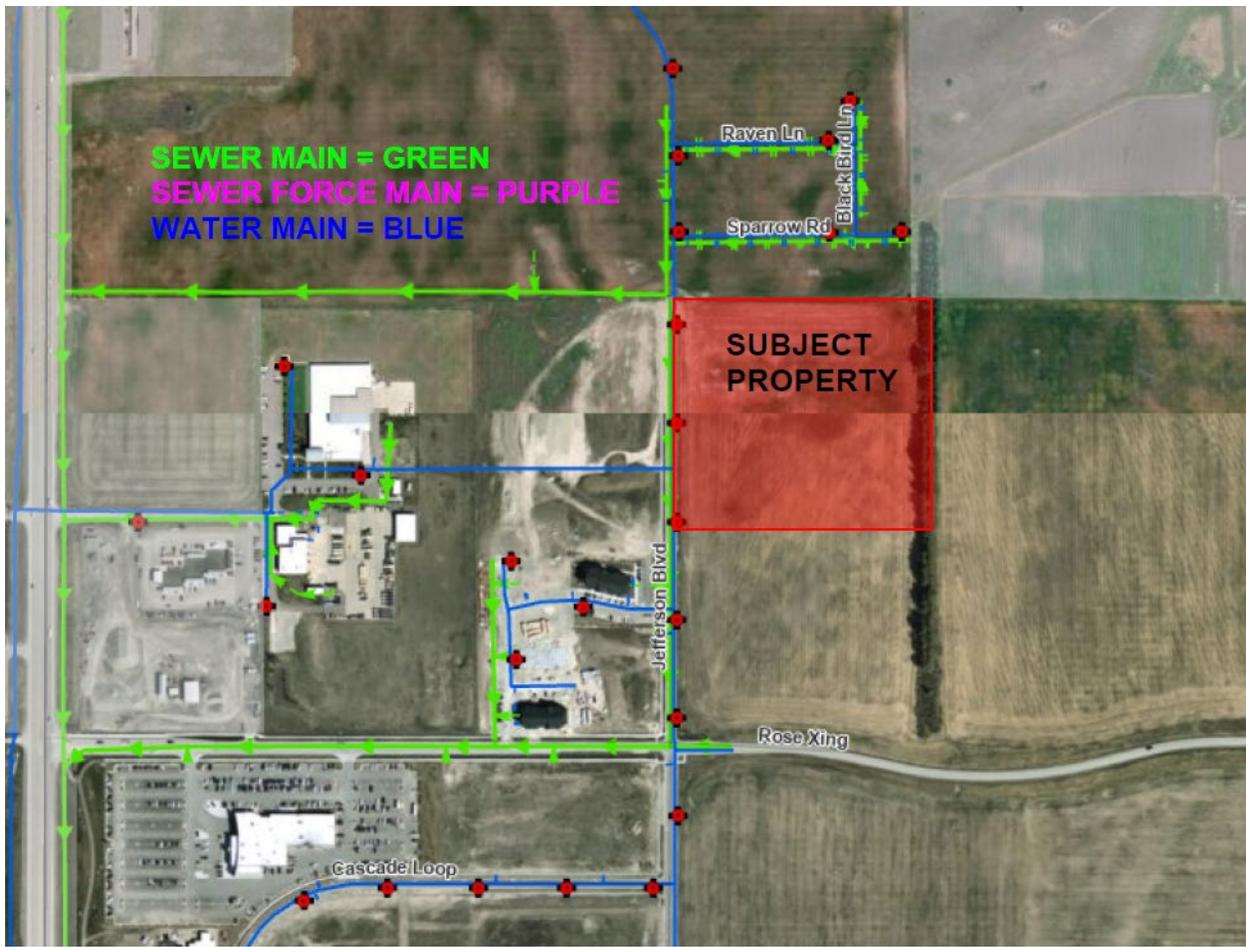
E: Adjacent Zoning:
 North: City RA-2/PUD;
 County R-2.5
 East: City R-3/PUD
 South: City R-3/PUD;
 City B-2/PUD
 West: City B-2/PUD

F: Adjacent Land Uses:
 North: Single-family residential
 East: Vacant (residential)
 South: Vacant (commercial)
 West: Multi-family residential

G: General Land Use Character: The area contains a mixture of different uses. It is in the northern part of Kalispell North Town Center, which is a 485-acre PUD with commercial and residential uses. This specific portion of the PUD transitions from a multi-family residential project that is under development to the west to single-family to the north (part of Eagle Valley Ranch) and projected single-family development on vacant land to the east.

H: Availability of Public Services and Extension of Services: The property is currently located within the City of Kalispell and all services are available to the property. Provision of services will entail an extension of existing utilities within the site by the developer.

- Sewer: City of Kalispell
- Water: City of Kalispell
- Refuse: City of Kalispell
- Electricity: Flathead Electric Cooperative
- Gas: NorthWestern Energy
- Telephone: CenturyTel
- Schools: School District #5 (Edgerton/Glacier High School)
- Fire: City of Kalispell
- Police: City of Kalispell



proposed subdivision layout would include future connections to the property to the east and south.

B. Effects on Wildlife and Wildlife Habitat:

There are no water features which would provide aquatic or riparian habitat. There also does not appear to be any significant wildlife impacts. The Resources and Analysis Section of the Kalispell Growth Policy includes information from the Montana Department of Fish, Wildlife and Parks relating to deer, elk and moose habitat. As with the majority of the Kalispell area outside of the core downtown, the maps show a whitetail deer density of 5 to 30 per square mile, but no significant elk or moose habitat.

C. Effects on the Natural Environment:

Topography, Geology and Soils: The overall site is generally flat. There are not any topographic features or slopes that would impact this development. A specific Geotech report was not prepared by the developer. While there have been several Geotech studies in the immediate vicinity that have not indicated any substantial issues, the developer plans to bring up to four feet of fill onto the property. Between any existing conditions and the fill, both infrastructure and building construction could potentially be impacted. As such, a condition of approval for the preliminary plat should require a Geotech report to be submitted prior to final plat to be reviewed by the Kalispell Building and Public Works Departments which would establish to their satisfaction that both infrastructure and all building sites would be able to meet loading and other requirements.

Surface and Groundwater: This subdivision will be served by public water and sewer thereby minimizing any potential impacts to the groundwater. No surface water creates concerns regarding this development. There is no floodplain in the area or on the property.

Drainage: Roadways will be paved and curb/gutter will channel runoff to designed low points, where storm water will be collected and routed to storm water ponds. Storm water runoff from the site shall be managed and constructed per the City of Kalispell Standards for Design and Construction and storm water management program.

Phases 1-3 of Kalispell North Town Center included certain infrastructure related to Phase 5. However, the regional detention pond that was constructed did not account for the post-development condition of Phase 5. It is anticipated that the flow control and water quality treatment will be addressed adjacent to Phase 5 with the potential to integrate the system into a larger drainage network with future phases. Final design will be approved by the Kalispell Public Works Department prior to development.

A homeowner's association will be created for the maintenance of the open space and storm water management. At the time of final plat, provisions for maintenance of common facilities are to be provided under the subdivision regulations. A waiver of right to protest the creation of a Special Improvement District ("SID") for stormwater maintenance shall be included on the final plat as part of those maintenance provisions.

The SID would only be implemented in the event that stormwater facilities are not maintained in a manner consistent with the approved drainage plan.

D. Effects on Local Services:

Water: Water service to the subdivision will be provided by the City of Kalispell from an existing water main to the west of the property within Jefferson Boulevard that the developer will extend to and throughout the subdivision. The water system will be reviewed and approved by the Kalispell Public Works Department and Kalispell Fire Department as part of the development for compliance with the City of Kalispell Standards for Design and Construction and the Fire Code. There is adequate capacity within the city's water system to accommodate this development. Per the subdivision regulations, any water rights associated with the property shall be transferred to the City of Kalispell prior to final plat.

Sewer: Sewer service will be provided by the City of Kalispell with an existing sanitary sewer main located in Jefferson Boulevard that will be extended by the developer to and throughout the subdivision. The sewer system for the subdivision will be reviewed and approved by the Kalispell Public Works Department as part of the development of the subdivision for compliance with the City of Kalispell Standards for Design and Construction. There is adequate capacity within the city's sewer system to accommodate this development.

Access and Roads: The property fronts Jefferson Boulevard for the full width of the subdivision. While the roadway itself was recently constructed, the frontage will need to be improved with a landscape boulevard, street trees, street lights, and sidewalk. Within the subdivision, all streets will be constructed to a local street standard detailed in the subdivision regulations and the City of Kalispell Standards for Design and Construction. Improvements would include, but would not necessarily be limited to, curb and gutter, landscape boulevard, street lights, and sidewalks.

A Traffic Impact Study ("TIS") was prepared by CTA Architects & Engineers for the overall development in 2012 and updated in 2016. That TIS addressed the impacts relating to traffic and included a number of recommendations for mitigation of the development's impact. This phase generally fits within that overall study, but the TIS should be updated to include known modifications to final platted areas within Kalispell North Town Center, as well as background data from adjacent approved developments. The updated TIS would be reviewed and approved by the Public Works Department, and any recommendations should be implemented.

Additionally, Section 28.3.25 of the subdivision regulations requires a waiver of the right to protest a Special Improvement District ("SID") for roadway improvements in adjacent areas. On the face of the final plat, there shall be a note stating: "The owners hereby waive the right to protest the creation of an SID for the purpose of financing improvements to area roads which will specifically benefit this subdivision."

Schools: The property is within the boundaries of School District #5 (Edgerton/Glacier High School). On average, it would be anticipated that there would be about 18 students at full build-out. Section 76-3-608(1) of the Montana Code Annotated states that the governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services.

Police: Police services will be provided by the Kalispell Police Department. The department can adequately provide service to this subdivision.

Fire Protection: Fire protection services will be provided by the Kalispell Fire Department. The department can adequately provide service to this development. Additionally, the road network to the subdivision provides adequate access for fire protection. As part of the review of the engineering plans for the subdivision, fire protection, including access, fire flow and hydrant location, will be reviewed. Fire station 62 is located approximately 1.8 miles away providing good response time.

Parks and Recreation: Under the subdivision regulations, 0.03 acres of parkland is required for each dwelling unit, which would equate to 1.11 acres. The preliminary plat does not include any park areas, although there are existing homeowners' parks which could support the project. The applicant will need to provide a detailed breakdown of existing parks facilities and valuations prior to final plat. If deficient, additional park amenities or a cash-in-lieu payment will be required. The amount of the payment will be established at the time of final plat, typically with an appraisal provided by the developer or something similar. As a note, the PUD plan calls for open space and a trail to the east of the phase boundary (including the treeline) that will need to be developed and maintained as development progresses.

Additionally, as a homeowners' park with common maintenance responsibilities, provisions for maintenance shall be submitted and reviewed at the time of final plat pursuant to the subdivision regulations. As part of those provisions, a waiver of protest of the creation of a parks maintenance district shall be included on the face of the final plat, which would only be created if necessary if those maintenance obligations are not fulfilled.

Solid Waste: Solid waste will be handled by the City of Kalispell. There is sufficient capacity within the landfill to accommodate the additional solid waste generated from this subdivision.

Medical Services: Ambulance service is available from the fire department and ALERT helicopter service. Kalispell Regional Medical Center is approximately 3.0 miles from the site.

E. Effects on Agriculture and agricultural water user facilities:

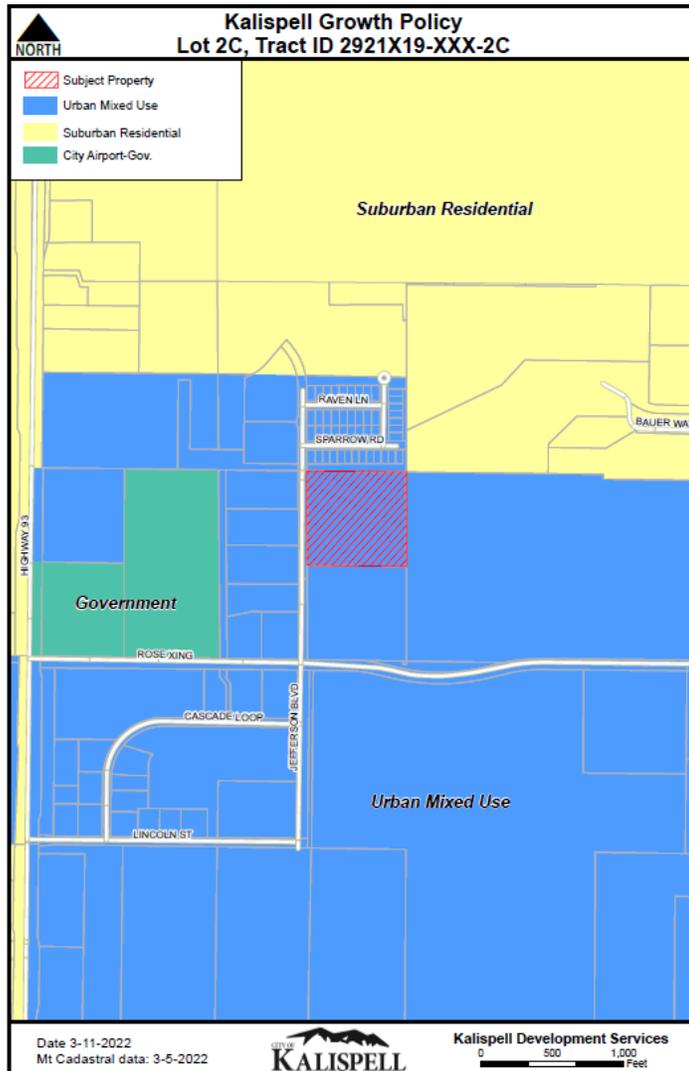
At one point in time, the property was used for agricultural purposes, but is now vacant land that is part of a larger overall development. The NRCS classification from 2007

shows that a portion of the subject property may include prime farmland if irrigated. Current policies in the Kalispell Growth Policy Plan-It 2035, Chapter 5, Land Use: Natural Environment, state the following:

Policy – Encourage urban growth only on agriculture lands entirely within the city’s annexation policy boundary.

By providing a growth area boundary, the city can encourage the extension of city water and sewer service, as well as other city services, which enables more growth to come into the City of Kalispell with higher density. By allowing higher density development within the city’s growth policy area, it could reasonably be expected that more farmland could be conserved because the availability of residential and commercial lots within the Kalispell Growth Policy boundary, limiting sprawl/leapfrog development. In this particular case, the land is already located within the city limits and partially developed with adjacent infrastructure.

F: Relation to the Growth Policy: The Kalispell Growth Policy Future Land Use Map



designates the subject property as Urban Mixed Use, which anticipates a wide range of residential and commercial development. The City of Kalispell Growth Policy Plan-It 2035, Chapter 4A on Housing, encourages a variety of residential development that provides housing for all sectors and income levels within the community. The proposed subdivision can be found to be in compliance with the Kalispell Growth Policy and its goals and policies.

- G. Compliance with Zoning:** The request complies with the R-3 and Kalispell North Town Center PUD zoning regulations, including minimum lot size and width requirements.
- H. Compliance with the Kalispell Subdivision Regulations:** This request complies with provisions of the Kalispell Subdivision Regulations.

RECOMMENDATION

Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt staff report #KPP-22-04 as findings of fact and recommend to the Kalispell City Council that the preliminary plat for Kalispell North Town Center Phase 5 be approved subject to the conditions listed below:

CONDITIONS OF APPROVAL

1. The development of the site shall be in substantial compliance with the application submitted, the site plan, materials and other specifications as well as any additional conditions associated with the preliminary plat as approved by the city council.
2. All applicable conditions within Ordinance 1630 (Kalispell North Town Center PUD) shall apply.
3. The preliminary plat approval shall be valid for a period of three years from the date of approval.
4. New infrastructure required to serve the subdivision shall be designed and constructed in accordance with the City of Kalispell's Standards for Design and Construction. All design work shall be reviewed and approved in writing by the Kalispell Public Works Department prior to construction. This infrastructure shall include, but not be limited to, water, sewer, storm drainage, streets, street lighting, street signage, curb, gutter, boulevard and sidewalks.
5. Water and sewer main extensions shall be designed and constructed in accordance with the City of Kalispell's Standards for Design and Construction and in compliance with the city's facilities update and extensions of services plans. The water and sewer main extension plans shall be reviewed and approved by the Kalispell Public Works Department. Prior to final plat, a certification shall be submitted to the Public Works Department stating that the water and sewer mains have been built and tested as designed and approved.
6. The developer shall submit water and sanitary sewer plans, applicable specifications, and design reports to the Kalispell Public Works Department and the Montana Department of Environmental Quality for concurrent review, with approval of both required prior to construction.

7. Any water rights associated with the property shall be transferred to the City of Kalispell prior to final plat.
8. The developer shall submit to the Kalispell Public Works Department for review and approval a storm water report and an engineered drainage plan that meets the requirements of the current city standards for design and construction. Prior to final plat, a certification shall be submitted to the public works department stating that the drainage plan for the subdivision has been installed as designed and approved.
9. The developer shall submit to the Kalispell Public Works Department prior to construction an erosion/sediment control plan for review and approval and a copy of all documents submitted to Montana Department of Environmental Quality for the General Permit for Storm Water Discharge Associated with Construction Activities.
10. A letter from the Kalispell Public Works Department shall be submitted stating that all new infrastructure has been accepted by the City of Kalispell, any private infrastructure has been constructed per city standards, and a proper bond has been accepted for unfinished work.
11. All easements and/or rights-of-way shall be indicated on the face of the final plat. Utility easements for City water and sewer shall be provided to allow for the logical extension of utilities from this subdivision to adjoining properties. A letter from the Kalispell Public Works Department shall be obtained stating that the required easements are being shown on the final plat.
12. A Geotech report shall be submitted prior to final plat to be reviewed by the Kalispell Building and Public Works Departments which would establish to their satisfaction that both infrastructure and all building sites would be able to meet loading and other requirements.
13. The Traffic Impact Study shall be updated to include known modifications to final platted areas within Kalispell North Town Center, as well as background data from adjacent approved developments. The updated TIS shall be reviewed and approved by the Public Works Department, and any recommendations shall be implemented.
14. All streets within the subdivision will be constructed to the appropriate city standards as detailed in the subdivision regulations and the City of Kalispell Standards for Design and Construction for local streets.
15. A letter from the Kalispell Fire Department approving the access, placement of the fire hydrants and fire flows within the subdivision shall be submitted prior to final plat and shall comply with the fire code.
16. The following statement shall appear on the final plat: "The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or

offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as "Utility Easement" to have and to hold forever."

Developer's Signature

17. Prior to filing the final plat, a letter from the US Postal Service shall be included stating the Service has reviewed and approved of the design and location of the mail delivery site. The mail delivery site shall be installed or bonded for prior to final plat. In addition, the mail delivery site and improvements shall also be included in the preliminary and final engineering plans to be reviewed by the Public Works Department. The mail delivery site shall not impact a sidewalk or proposed boulevard area.
18. A letter shall be obtained from the Kalispell Parks and Recreation Director approving a landscape plan for the placement of trees and landscaping materials within the landscape boulevards of the streets serving the subdivision. The approved landscape plan shall be implemented or a cash in lieu payment for installation of the street trees and groundcover be provided to the Kalispell Parks and Recreation Department.
19. A parks plan shall be approved by the Parks and Recreation Director. A minimum of 0.3 acres for this phase is required. The park shall meet the standards under Section 28.3.22 and the plan shall show that the parkland dedication requirement is met for this phase. The applicant will need to provide a detailed breakdown of existing parks facilities and valuations prior to final plat. If deficient, additional park amenities or a cash-in-lieu payment will be required. The amount of the payment will be established at the time of final plat, with an appraisal provided by the developer or by a similar method.
20. A note shall be placed on the final plat indicating a waiver of the right to protest creation of a park maintenance district. This district shall only be activated in the event that the property owners' association defaults on their park and open space amenity conditions. The taxes levied within the maintenance district shall be determined by the Parks and Recreation Department with approvals by the Kalispell City Council.
21. A note shall be placed on the final plat indicating a waiver of the right to protest creation of a stormwater maintenance district. This district shall only be activated in the event that the property owner(s) default on the maintenance of the approved stormwater facilities. The taxes levied within the maintenance district shall be determined by the Public Works Department with approvals by the Kalispell City Council.
22. A note shall be placed on the final plat indicating a waiver of the right to protest creation of a Special Improvement District for roadway improvements in adjacent areas stating "The owners hereby waive the right to protest the creation of an SID for the purpose of financing improvements to area roads which will specifically benefit this subdivision."

23. A homeowner's association (HOA) shall be formed and established to provide for the maintenance of all common areas and facilities.
24. A minimum of two-thirds of the necessary infrastructure for the subdivision shall be completed prior to final plat submittal.
25. All utilities shall be placed underground and in locations that are approved by the Kalispell Public Works Department in accordance with the Kalispell Standards for Design and Construction.
26. All areas disturbed during development shall be re-vegetated with a weed-free mix immediately after development.