

DNRC NEIGHBORHOOD PLAN  
SECTION 36  
KALISPELL, MONTANA

A proposed amendment to the:  
Kalispell City-County Master Plan

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## INTRODUCTION

This document is a land use plan to guide the future use and development of School Trust Land generally described as being located within Section 36, Township 29N, Range 22W, P.M.M. The Montana Department of Natural Resources and Conservation (DNRC) is a state agency responsible, in part, for the management of School Trust Lands. Section 36 is located adjacent to the northerly city limits of Kalispell. The DNRC has prepared this plan in consideration of 2 primary objectives: (1) to achieve a public mandate to generate revenue for the state school system and (2) consider issues of neighborhood compatibility and relationships to local land use plans and regulations.

It is the intent of this planning process to integrate with the Kalispell City County Master Plan. This will be accomplished by incorporating the plan for Section 36 into the Kalispell Master Plan via the master planning process identified under Section 76-1-601 et seq, MCA. This will involve public hearings and approval by the Flathead Board of County Commissioners and the City Council of Kalispell. A "state" planning process involving school trust lands that seeks to integrate into the local planning process is a new concept. Under Montana statutes, the DNRC is mandated to .... "seek the highest development of state-owned lands in order that they might be placed to their highest and best use and thereby derive greater revenue for the support of the common schools, the university system, and other institutions benefitting therefrom, and that in so doing the economy of the local community as well as the state is benefitted as a result of the impact of such development," Section 77-1-601, MCA. Other Montana codes essentially exempt state properties from being subject to most zoning (76-2-402, MCA) and subdivision (Section 76-3-205, MCA) provisions. Despite the apparent advantage that some of these exemptions may offer, this Plan is proposing that all development proposals in Section 36 adhere to local planning and zoning regulations. By following this plan, the long term objectives to generate revenue for the school trust fund and promotion of neighborhood compatibility can be achieved.

A "state" neighborhood plan also differs in other respects from other neighborhood plans. Not only does the plan involve lands in state ownership but the plan also anticipates a long term development scenario. Based on a number of considerations and circumstances, this plan is likely to have application over a period of decades as opposed to a traditional time period of less than 10 years. Integral components of the plan include identification of land use pods, phasing of development, and performance standards for development.

## Plan Development Process

### Justification

Section 36 is located on the north side of Kalispell. The SE1/4 of the Section is within the city limits of Kalispell. All but approximately 20 acres of Section 36 is state-owned and managed as school trust land. The property is within the northerly growth pattern of the City. Consideration of this property for future development and expansion of the city limits is essential for a variety of reasons, among which is to minimize leap frog development beyond this property to less desirable locations.

The DNRC has long recognized the need for a land use plan for the property. The north side of Kalispell is experiencing rapid change and development pressures. In the absence of a comprehensive land use plan for the property, decisions on use proposals can be made without understanding the cumulative affects of incremental decision-making relative to such fundamental considerations as transportation, extension of services, and compatibility of uses. Had a plan been in place several years ago, more informed decisions may have been possible concerning such proposals as the city sports complex and routing of the west side bypass, which now greatly influence how the remaining property can be effectively utilized.

In an effort to wisely plan for future growth in Section 36, the DNRC decided to undertake a neighborhood planning process. Although this process was not formerly underway until the spring of 1998, an initial proposal to "master plan" the property was made by the DNRC in 1991 and a formal request for funding was made in 1997 when the West Valley Neighborhood planning process was underway.

As suggested in the "Introduction" section of this Plan, the development of a neighborhood plan on state-owned lands is unique. Why subject state property to specific land use goals and policies when it is exempt from most planning regulations? Section 36 is somewhat unique among state-owned lands. Factors favoring the development of a plan for this particular section include the following:

- ▶ Portion of the property (25%) is already inside the city limits;
- ▶ One mile of frontage (east side) along U.S. Highway 93;
- ▶ Bisection of the property by the proposed West Side Bypass;
- ▶ One mile of frontage (north side) along West Reserve Drive, a minor arterial;
- ▶ One mile of frontage (south side) along Four Mile Drive;
- ▶ One mile of frontage (west side) along Stillwater Road;
- ▶ Industrial and neighborhood commercial uses on the east side of U.S. Highway 93;
- ▶ Moderate to dense residential development to the north of property;
- ▶ Urban scale development to the south of property;
- ▶ Community college on the east side of U.S. Highway 93; and
- ▶ City utility services available for extension to property.

Based upon these and other characteristics, the property can no longer be labeled as "fringe" lands.

The property is best described as "urban-interface" and should be planned accordingly. The difficulty with this label is public perception. State-owned lands are perceived by many as being held in perpetuity as forest or agricultural lands, when in fact, school trust lands, such as Section 36, were granted by the federal government to Montana for the sole purpose of generating revenue for the Montana school system. Section 36 retains an agricultural "appearance" but revenue from the lease of land for agricultural purposes is modest compared to other revenue options so the transition to non-ag uses can and should be expected in the near future. How that transition occurs will be guided by this plan.

## Process

The Kalispell DNRC Office hired a consultant in May 1998 to initiate a planning process for Section 36. The role of the consultant also included representing the interests of the DNRC in the ongoing process by the Kalispell City County Planning Board to update the Kalispell City-County Master Plan.

A Neighborhood Planning process was selected as the preferred strategy for preparing a land use plan for Section 36. This process encourages an active participation by the public, especially those owning property in the immediate vicinity. The planning effort was not constrained or otherwise affected by any preconceived or preferred outcome by DNRC nor was the planning effort spearheaded by any pending actions or proposals on the land. An overall guiding premise was to seek neighborhood compatibility of uses within the constraints of the DNRC's role as a land manager responsible for generating the largest legitimate return of revenue from the leasing of school trust lands. Other underlying premises of the planning effort were that (1) no lands would be sold or conveyed as separate lots, and (2) the DNRC would not directly participate in the development of the land. In other words, all proposed uses would be developed on leased lots and the DNRC would not participate in the development of any structures, roads, infrastructure, or any other improvements.

## Public Involvement

Public involvement was encouraged via several avenues. Initially, a list of potentially interested parties was prepared by the consultant and DNRC personnel, including names of adjoining landowners and/or homeowner associations and public officials. This initial list was used to announce the first in a series of 4 general public meetings. The mailing list was expanded to include all meeting attendees and others showing an interest in the process. Another effort to gain public exposure and input into the process was to attend various homeowner association meetings, meet individually with interested parties, and speak at various club meetings. All public meetings held by the DNRC concerning the planning process were held at the Summit in Kalispell. The scope of each public meeting is briefly outlined below.

Meeting 1. This meeting was held on August 19, 1998. The purpose of this initial meeting was to introduce the planning concept to the public and seek public involvement in the process. A base map

of the property and surrounding area was presented.

Meeting 2. This meeting was held on September 30, 1998. The purpose of this meeting was to present a draft land use map that depicted 4 land use pods. A list of land uses associated with each POD was handed out to the audience and discussed. Attendees were asked to send any comments or suggestions to the consultant. The participants discouraged such uses as the fairgrounds, strip commercial, and casinos.

Meeting 3. This meeting was held on November 17, 1998. The purpose of this meeting was to present the goals and policies of the plan and the draft transportation plan. Overheads were used to discuss the goals and policies. All attendees received copies of the land use map, transportation map, and goals and policies.

Meeting 4. This meeting was held on December 14, 1998. The purpose of this meeting was to address all the issues raised by the public since the start of the process. This was facilitated by handing out an issue/response form. The format of the meeting was question/response. A time schedule for adoption of the plan was also presented.

As noted previously, various agency officials were also invited to participate in the process. Among those was the chair of the Kalispell City-County Planning Board, City Manager and Mayor of Kalispell, and Flathead County Board of Commissioners. In an effort to more adequately inform these governing bodies of the process and progress, work sessions were held with the Commissioners and with the Planning Board in January 1999.

## State School Section 36 Kalispell, Montana

**PLANNING STATEMENT:** *It is in the best interest and to the great advantage of the state of Montana to seek the highest development of state-owned lands in order that they might be placed to their highest and best use and thereby derive greater revenue for the support of the common schools, the university system, and other institutions benefitting therefrom, and that in so doing the economy of the local community as well as the state is benefitted as a result of the impact of such development (77-1-601, M.C.A.).*

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- NEIGHBORHOOD GOALS:**
- ① To establish a framework for the review of land use options and proposals
  
  - ② To provide for a systematic and logical development pattern by considering phasing and priority of development between land use pods and within land use pods
  
  - ③ To recognize the preference of the State of Montana to "lease" rather than to "sell" land

④ To maintain a pleasing highway corridor entrance to the city of Kalispell

⑤ To consider issues related to the proposed west side bypass alignment and power line corridor that bisect the property

⑥ To seek a compatible mix of land uses within the property and with that of the surrounding area

⑦ To identify an integrated internal transportation system that serves to link land use pods and minimize approaches onto public roads

⑧ To seek a "level of services" consistent with the rate, amount, type, and location of development

⑨ To identify acceptable criteria for development

The land use plan for Section 36 is guided by these general Neighborhood goals and by the goals and policies of four (4) distinct land use PODS. The land use pods were identified based on a variety of parameters including scale, type, and density of nearby land uses; associated transportation network; compatibility of uses; and other considerations, such as public comment. For example, the mixed residential pod is located away from the highway, abuts other residential areas, and is more

"remote" in terms of access. The mixed professional pod is bounded by the alternate route for U.S. Highway 93 (bypass) on the south and by West Reserve Drive on the north, a minor arterial. Most types of retail commercial uses in this area were contrary to neighborhood opinion. The proposed uses in the professional pod provide an excellent transition of uses between the proposed highway uses and the "suburban" area located on the north side of West Reserve Drive. The identification of the mixed commercial pod adjacent to the highway is appropriate given the highway and bypass influences. Phasing policies of this plan establish additional safeguards to the logical development pattern of the property. Refer to the Land Use Map (MAP Exhibit A) for the locations of the PODS. Uses appropriate to each POD are listed in Text Exhibit A.

## **MIXED COMMERCIAL**

The Mixed Commercial POD is located on the west side of U.S. Highway 93. The development strategy for this POD is to provide a suitable location for commercial uses at an urban scale density without creating a strip commercial appearance. Certain commercial uses are restricted and highway adjacent landscaping is required. This area is expected to be annexed and provided with a full range of city services. Development of this POD has priority over the development of the other land use PODS.

### **GOALS:**

- ① To identify the appropriate location for commercial uses
- ② To minimize the appearance of highway strip development
- ③ To identify appropriate commercial uses
- ④ To identify appropriate development standards

### **Policies:**

1. Retail commercial development should have convenient access onto U.S. Highway 93 via no more than 2 controlled access intersections;
2. Individual commercial uses should not have direct access onto the highway but should be served by a secondary internal road system;
3. Uses should not have a highway orientation and lease lot boundaries should

- be setback from the highway right-of-way to provide for a continuous and commonly held highway landscape corridor;
4. Use allowances should allow for a mix of commercial and professional office opportunities but "strip-type" uses characterized by substantial outdoor storage and display of products, such as car lots and trailer sales should be avoided;
  5. Taverns and gaming/gambling uses are inappropriate;
  6. A village or cluster concept of development is encouraged versus a linear orientation of uses;
  7. A common landscape philosophy should include street trees and plantings associated with parking lots and buildings;
  8. Exterior lighting should be low profile and direct light inward and downward;
  9. Signage should be low profile by permitting only ground and wall signs. Freestanding (pole) signs should not be permitted;
  10. Exterior appearance of walls and/or roofs of commercial buildings visible from the Highway should contain architectural elements found on the "front" portions of the buildings. Walls and surface planes should be broken up in such a manner as to create a visual interest, avoiding monotony. Applied finishes of buildings should be predominantly earth tones.
  11. Buildings having a footprint size greater than 60,000 sq ft shall be located a minimum of 300 feet from the highway right of way; and
  12. All portions of the lot area lying outside the building footprints and parking lot(s) shall be landscaped and irrigated.

## MIXED PROFESSIONAL

The Mixed Professional POD is generally located between the alternate route for U.S. Highway 93 (bypass) and West Reserve Drive. The land use theme is more "office" rather than retail commercial. Development priority and intensity of use is from east to west to provide a gradual transition into the more rural landscape to the west. Development is expected to be at a "suburban" density. The need for city services and annexation will be evaluated as development interests become more apparent. This POD is identified for Phase II development priority.

### GOALS:

① To identify an area suitable for transitional commercial uses, such as offices and other similar and compatible uses

② To establish use priorities and phasing of development

③ To seek neighborhood compatibility via establishment of performance criteria for all new development

### Policies:

1. Offices are preferred uses. Retail commercial uses should be discouraged except for small convenience retail as normally permitted in a neighborhood business zoning classification;
2. Restrict development of non-agricultural uses to less than 20% of the pod until

at least 50% of the Mixed Commercial pod is leased for development. This 20% allowance shall not permit freestanding retail or convenience commercial uses. This limitation would not apply to school or equestrian facilities.

3. Promote a generous green space requirement around all structures, including the provision of common pedestrian trails;
4. Open space and a low density pattern of development can be promoted, if appropriate and desirable, by providing on-site treatment of sewage;
5. Structures should not exceed 35 feet in height and should have natural earth tones as the primary exterior color;
6. Uses should have an inward orientation with no direct frontage onto any public road;
7. Agricultural uses and activities are acceptable;
8. Exterior lighting should be low profile and direct light inward and downward;
9. Signage should be low profile by specifically excluding freestanding signs other than ground signs; and
10. Landscaping adjacent to roadways and parking lots will be encouraged. All portions of lots lying outside the building footprints or paved surfaces shall be landscaped and irrigated.

## **MIXED RESIDENTIAL**

The Mixed Residential POD is generally described as being located in the SW1/4 of Section 36. The transportation plan suggests a realignment of Four Mile Drive to improve traffic circulation in the area. The primary land use theme is "residential" but other compatible uses are also permitted. This POD is identified as Phase III in terms of development priority. As with the Mixed Professional POD, development priority and intensity is from east to west, such that the lowest density of development would occur near Stillwater road. The need for city services will depend on the type and intensity of uses that develop within the POD. Apartments, dormitories, or a large office complex are examples of uses that would benefit from city services.

### **GOALS:**

① To identify an area for transitional residential uses that may include a mix of residential, quasi-residential, and office uses

② To recognize roadway access limitations from Four Mile Drive

③ To seek neighborhood compatibility through establishment of performance criteria, development priorities, and phasing

### **Policies:**

1. Restrict development of non-residential and non-agricultural uses to less than

20% of the pod until at least 50% of the Mixed professional pod is leased for development or 50% of this pod is occupied by residential uses, whichever comes first. This limitation would not apply to public facilities.

2. Promote a generous green space requirement around all structures, including the provision of common pedestrian trails;
3. Open space and a low density pattern of development can be promoted by providing on-site treatment of sewage, whenever appropriate, desirable, and feasible;
4. Structures should not exceed 35 feet in height and should have natural earth tones as the primary exterior color;
5. Uses should have an inward orientation with no direct frontage onto any public road;
6. Agricultural uses are acceptable;
7. Exterior lighting should be low profile and direct light inward and downward;
8. Signage should be low profile by specifically excluding freestanding signs other than ground signs; and
9. Landscaping adjacent to roadways and parking lots will be encouraged. All portions of lots lying outside the building footprints or paved surfaces shall be landscaped and irrigated.

## **SPORT FIELDS**

The City of Kalispell has entered into a 40 year lease with the DNRC for most of the SE1/4 of Section 36. The property is being developed as a sport field complex. This plan recognizes this existing lease and does not intend to modify any provisions of that existing lease. Any change to the lease agreement that would anticipate alternative land uses or mode of operation would be subject to an amendment to the Kalispell City County Master Plan.

### **GOALS:**

- ① To recognize an existing lease arrangement with the City of Kalispell for a sports field complex
- ② To provide linkages to the sports fields from other land use pods
- ③ To consider appropriate land uses adjacent to the sport fields

### **Policies:**

1. Consider opportunities to provide pedestrian pathway and roadway connections between the sports fields and other land use pods;
2. Provide a land use transition buffer, if appropriate, between the sports complex and other land use pods; and
3. Encourage the development of support services for tourists and visitors to the sports fields, primarily in the adjoining Mixed Commercial pod.

## TRANSPORTATION

The State school trust section is approximately 1 mile square. The property is bordered on the east by U.S. Highway 93, on the north by West Reserve Drive, on the west by Stillwater Road, and on the south by Four Mile Drive. The proposed alternate route (bypass) of U.S. Highway 93 bisects much of the property. It is the intent of this plan to minimize the number of new approaches onto these existing transportation corridors. Map Exhibit A identifies a primary internal transportation system for the property. The map is meant to depict the general locations of these collector roads. The exact locations and alignments will be determined upon further review by regulatory agencies, engineering evaluations, and land development considerations. Not shown are the secondary roads that would provide more immediate access to individual developed lease sites.

### GOALS:

- ① To minimize the number of approaches onto the existing public transportation system
- ② To identify the general alignment of the internal collector roads
- ③ To recognize the proposed alignment of the alternate U.S. Highway 93 (bypass) through the property

### Policies:

1. Attempt to limit the number of approaches onto the county roads as shown on

- the Land Use Map or to a spacing of no less than 1,300 feet;
2. Prohibit direct access of any individual use onto any of the perimeter public roads;
  3. Attempt to coordinate approach alignments, whenever possible, with those on opposite sides of the highway/county roads;
  4. Consider the realignment [and related abandonment] of Four Mile Drive as shown on the Land Use Map;
  5. Provide for an internal connection between land use pods including a crossing of the highway bypass near the center of the Section and as shown on the Land Use Map;
  6. Coordinate the development of the road system with phasing of development;
  7. Attempt to identify opportunities for a coordinated system of pedestrian trails in conjunction with development proposals;
  8. Provide landscaping adjacent to all developed roads;
  9. Clearly define lessee responsibility for roadway improvements and proportionate share of maintenance; and
  10. Minimize the intrusion of structural facilities within the proposed highway bypass alignment.

## IMPLEMENTATION

The DNRC agrees to voluntarily adhere to the provisions of this plan and to any zoning regulations adopted pursuant to this plan. As such, the DNRC and lease proposals will be subject to the same level of plan and zoning review as any other non-government entity. Amendments to this Plan and subsequent zoning requests will follow the procedures set forth by state statutes as applicable to the private sector. The purpose of this self regulation is to enhance public confidence in this plan and to promote a well planned community entrance to Kalispell.

### GOALS:

① To use this plan by the DNRC and land use regulatory agencies as a "blueprint" for the wise use and development of the State School Trust land

② To seek adoption of this Plan as an official amendment to the Kalispell City-County Master Plan

③ To identify responsibilities for development of common elements by individual lease holders

④ To adhere to local zoning regulations adopted pursuant to the provisions of this plan

### Policies:

1. Individual lease holders shall be responsible for the development of all the

- infrastructure, including roads, water supply, sewage treatment, electricity, telephone, and landscaping necessary to serve the use;
2. All utility extensions shall be underground;
  3. Encourage orderly development by promoting an east to west infill pattern in the Mixed Professional and Mixed Residential land use pods. The Land Use Map indicates a "Green" buffer on the west side of the Section that is not intended to be developed for any non agricultural use until at least the year 2010;
  4. Common or shared service and landscape elements will be subject to special assessments for the care and maintenance of those elements;
  5. Lease agreements with individual lease holders should include reference to the adopted plan and identify individual responsibilities of development, including consideration of architecture, open space, landscaping, travel ways, and extension of services;
  6. The proposed west side highway bypass alignment may be considered for non-structural uses pending actual securement of the right-of-way by the appropriate federal/state authorities;
  7. The DNRC should adhere to the provisions of this plan when particular uses or activities are proposed for the property;
  8. A Montana Environmental Policy Act (MEPA) review and analysis will be prepared for each proposed lease consistent with state law;
  9. Seek a cooperative process between the DNRC and the Flathead Regional Development Office (FRDO) to check compliance with the goals and policies of this plan whenever a particular use is proposed; and
  10. Attempt to adopt zoning regulations as a mechanism to assist in the

implementation of this plan, especially relative to such aspects as the type and location of uses. A Memorandum of Agreement shall be sought with the affected governing bodies to ensure state compliance with the adopted zoning regulations.

## TEXT EXHIBIT A

### MIXED COMMERCIAL

Assembly halls, coliseums, stadiums  
Beverage shops, coffee or wine  
Car wash  
Churches  
Community meeting halls  
Convenience stores  
Convention center  
Cultural facilities (museums, theaters, libraries, etc)  
Day care homes or centers  
Delicatessens  
Educational facilities (private and public schools, colleges, and universities; trade schools, music, dance, theater lessons)  
Equestrian facilities  
Farming of crops  
Financial services and institutions  
Food stores  
Gardens and horticultural facilities including nurseries  
Gas stations  
Health clubs  
Light Industrial (No outside storage or outside assembly, no stack emissions)  
Medical and dental facilities  
Motels  
Offices, private or public  
Parks, private or public  
Personal care facilities (massage, barber/beauty, tanning)  
Public or quasi public buildings (fire stations, chamber of commerce facilities, etc)  
Radio or television broadcast stations  
Recreational facilities, outdoor or indoor (tennis courts, bowling alley, golf course, ice skating arenas, swimming pool, etc)  
Recreational theme parks (zoos, aquariums)  
Recreational vehicle parks  
Retail facilities (e.g., baked goods, clothing, gifts, drug, pharmacies, furniture, hobby, flowers, art, music, shoes, antiques, candy, sporting goods)  
Restaurants (no liquor sales - beer and wine only)  
Travel agencies

Day care homes or centers  
Dormitories (college)  
Dwellings, single or multifamily  
Educational facilities (private and public schools , colleges, and universities; trade schools, music, dance, theater lessons)  
Equestrian facilities  
Farming of crops  
Gardens and horticultural facilities including nurseries  
Manufactured home park (class "A" only)  
Nursing homes and elder care  
Offices, professional  
Parks, private or public  
Public or quasi public buildings (fire stations, chamber of commerce facilities, etc)  
Recreational facilities, outdoor or indoor (tennis courts, golf course, ice skating arenas, swimming pool, etc)  
Residential care facilities (nursing, assisted care, independent, retirement)

#### SPORTS FIELDS

Ball fields (e.g. soccer, football, baseball, softball, tennis, volleyball)  
Skating rink (public only)  
Concession stands (accessory only)

Map Exhibit A  
**State Lands Neighborhood Plan**  
 Land Use Map

