

STILLWATER CROSSING PUD

**REQUEST FOR PLANNED UNIT DEVELOPMENT/REZONING
STAFF REPORT #KPUD-20-01**

**REQUEST FOR MAJOR SUBDIVISION
STAFF REPORT #KPP-20-01**

**KALISPELL PLANNING DEPARTMENT
JULY 8, 2020**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from 430 Stillwater Road, LLC for a Planned Unit Development (PUD), rezoning, and major preliminary plat on 31.45-acres. A public hearing has been scheduled before the Planning Board for July 14, 2020, 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

430 Stillwater Road LLC has submitted a Planned Unit Development (“PUD”) application for a Residential Mixed Use PUD along with applications for rezoning and preliminary plat on approximately 31.45 acres of land within an existing R-3/PUD Zone. The subject property is located at 430 Stillwater Road at the intersection of Stillwater Road and Four Mile Drive, and was part of the now expired Starling PUD covering Section 35. When a PUD expires, the zoning designation becomes a placeholder PUD and requires a new PUD prior to development. The project envisions a mixture of single family residential and multi-family residential uses along with a retail area intended to serve the development and the greater area. The plan includes 83 single family lots, 192 multi-family units, and approximately 1.77 acres of commercial/retail area, along with two clubhouses and approximately 4.15 acres of park areas. The PUD would provide for smaller lot sizes/widths and longer block lengths than typical standards. The proposed rezoning of the property would change the underlying zone from R-3 (Residential) to RA-1 (Residential Apartment) on 28.89 acres and B-1 (Neighborhood Business) on 2.56 acres.

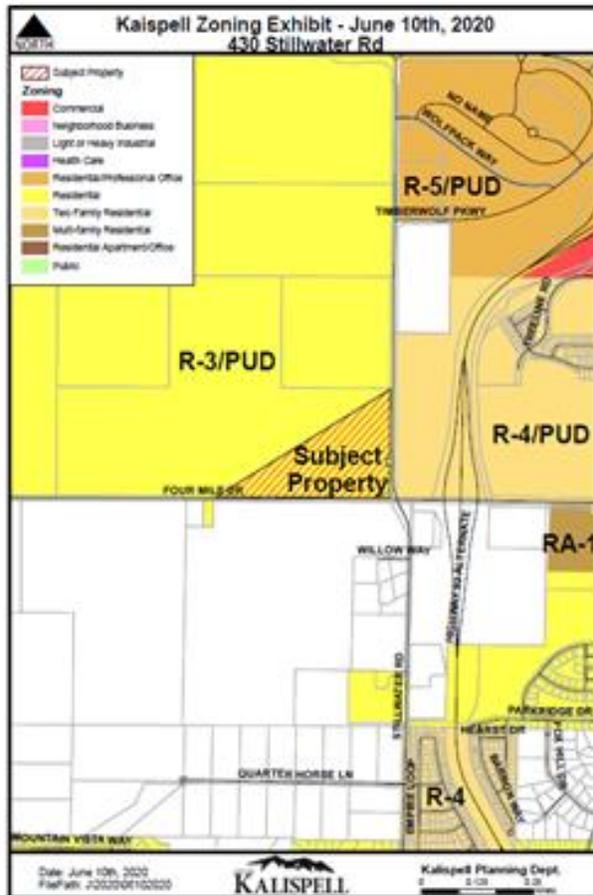
A: Applicant: 430 Stillwater Road LLC
717 W Sprague Ave, Ste 802
Spokane, WA 99201

Technical Assistance: WGM Group
431 1st Ave W
Kalispell, MT 59901

B: Location: The property is located at 430 Stillwater Road and can be described as Tract 1 on Certificate of Survey 21158 in the South ½ of Section 35, Township 29N, Range 22W, P.M.M., Flathead County, Montana.



C: Existing Land Use and Zoning: The subject property currently contains a single-family home and agricultural buildings tied to the historical farming use on the property. The current zoning is R-3/PUD. The R-3 zone 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 the 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.” The PUD overlay on the property was part of the Starling PUD, which has now expired. When a PUD expires, the designation becomes a PUD placeholder, which requires a new PUD prior to development.



D. Size:

The subject property is approximately 31.45 acres.

E: Adjacent Zoning:

North: City R-3/PUD
 East: City R-4/PUD
 South: City R-2 & County SAG-5
 West: City R-3/PUD

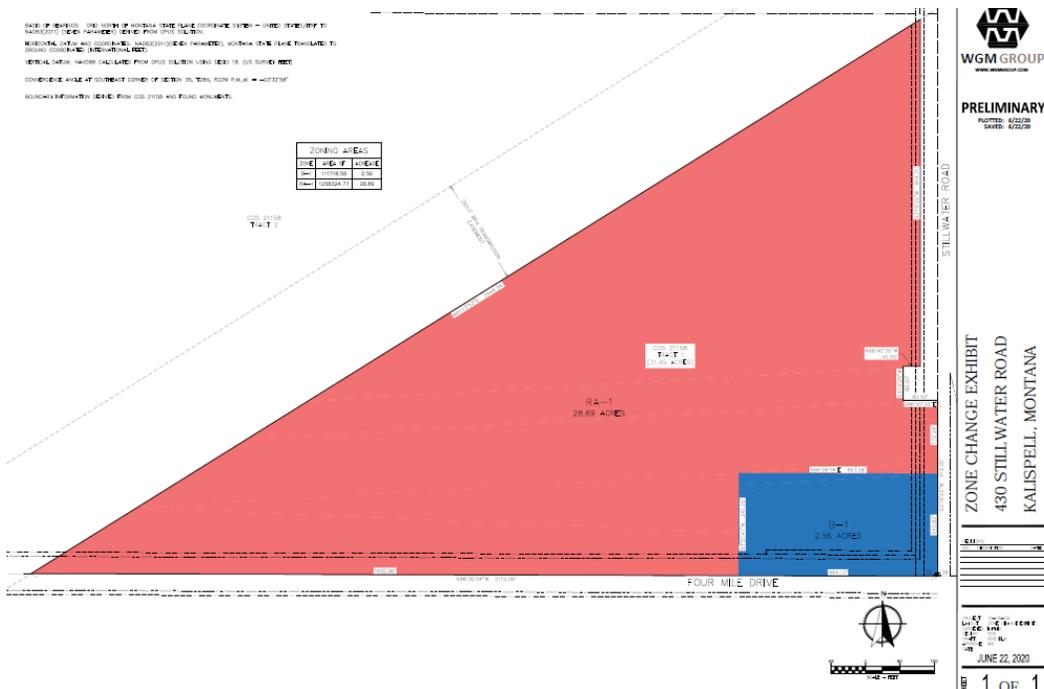
F: Adjacent Land Uses:

North: Undeveloped/agricultural
 East: Undeveloped; multi-family and single-family residential
 South: Undeveloped/agricultural
 West: Undeveloped/agricultural

G. Proposed Zoning: The proposed zoning of the property is RA-1 and B-1 with a PUD overlay. The RA-1 portion, shown below in red, contains 28.89 acres and the B-1 portion, shown in blue, contains 2.56 acres. There is an irrigation well site and strip of property within the right-of-way to the north of the well under separate ownership which is not included within the application. Regardless of that ownership, whenever the frontage on Stillwater Road or the northeastern corner of the property is referenced anywhere in this report, it is intended to extend to the northern tip of the RA-1 area shown on this exhibit and not only to the well site.

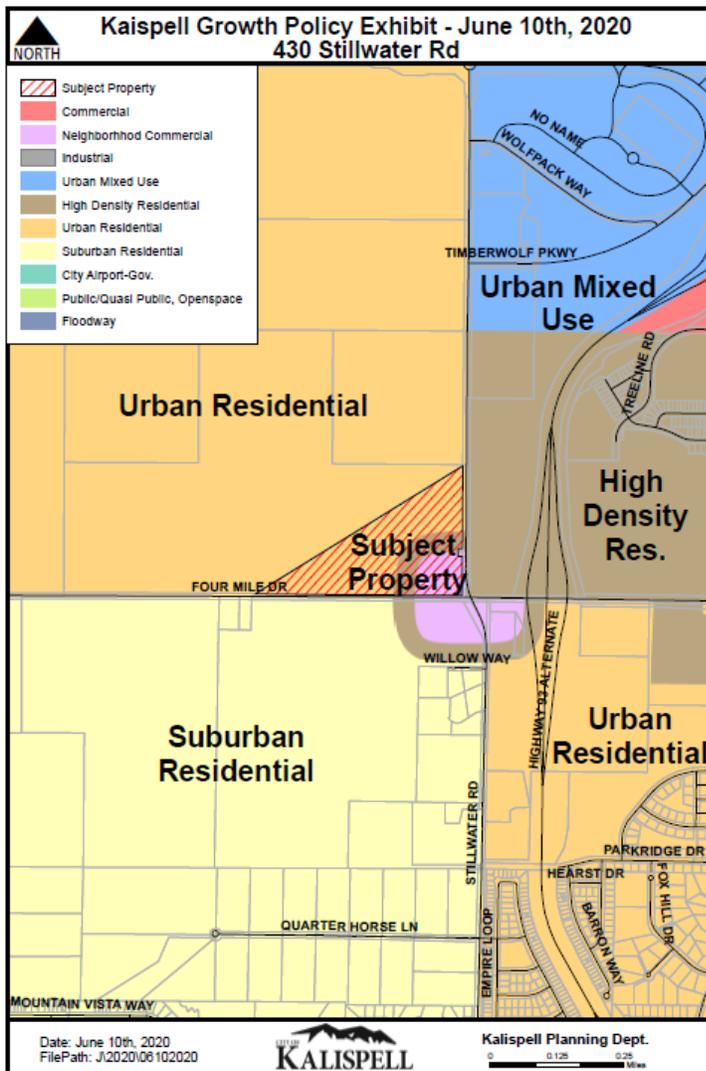
The RA-1 zone is a “residential district intended to provide for urban areas for multi-family use and compatible non-residential uses of medium land use intensity. It should be served with all public utilities and be in close proximity to municipal services, parks, or shopping districts. This zoning district would typically be found in areas designated as urban residential or high density residential on the Kalispell Growth Policy Future Land Use Map.”

The B-1 zone is a “business district intended to provide certain commercial and professional office uses where such uses are compatible with the adjacent residential areas. This district would typically serve as a buffer between residential areas and other commercial districts. Development scale and pedestrian orientation are important elements of this district. This district is also intended to provide goods and services at a neighborhood level. The district is not intended for those businesses that require the outdoor display, sale and/or storage of merchandise, outdoor services or operations to accommodate large-scale commercial operations. This zoning district would typically be found in areas designated as neighborhood commercial or urban mixed use on the Kalispell Growth Policy Future Land Use Map.”



H: General Land Use Character: The subject property is at the corner of Four Mile Drive and Stillwater Road in a general area that has traditionally been agricultural, but has been transitioning to residential. Just to the east of the property is an access to the bypass as well as a new city water line along the east and south of the property. Just to the west is the new Westside Interceptor sanitary sewer main. This infrastructure would tend to continue the trend in the area towards residential development. Additionally, the northern boundary of the property is adjacent to a BPA easement for power lines. Since construction could not occur under the lines, there will be an open space buffer between this property and any development to the north. The land subject to the easement is not part of this property under review.

I: Relation to the Growth Policy: The Kalispell Growth Policy Future Land Use Map designates the subject property as primarily Urban Residential with both High Density Residential and Neighborhood Commercial components.



Residential and Neighborhood Commercial components. The proposed RA-1 zone is supported by both the Urban Residential and High Density Residential designations, while the proposed B-1 zone is supported by the Neighborhood Commercial designation. 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. Chapter 4B on Business and Industry provides for neighborhood commercial areas designed to address the daily needs of the immediate neighborhood. City services including sewer, water and streets are in the vicinity and available to the subject property.

J: Availability of Public Services and Extension of Services: There have been two recent major infrastructure projects in the immediate area. One is the Westside Interceptor sanitary sewer main that runs through Section 35. The other is a new water main that is adjacent to the property on the east within Stillwater Road and to the south within Four Mile Drive. The Highway 93 Bypass lies just to the east of the property with a full interchange access a short distance from the intersection of Stillwater and Four Mile.



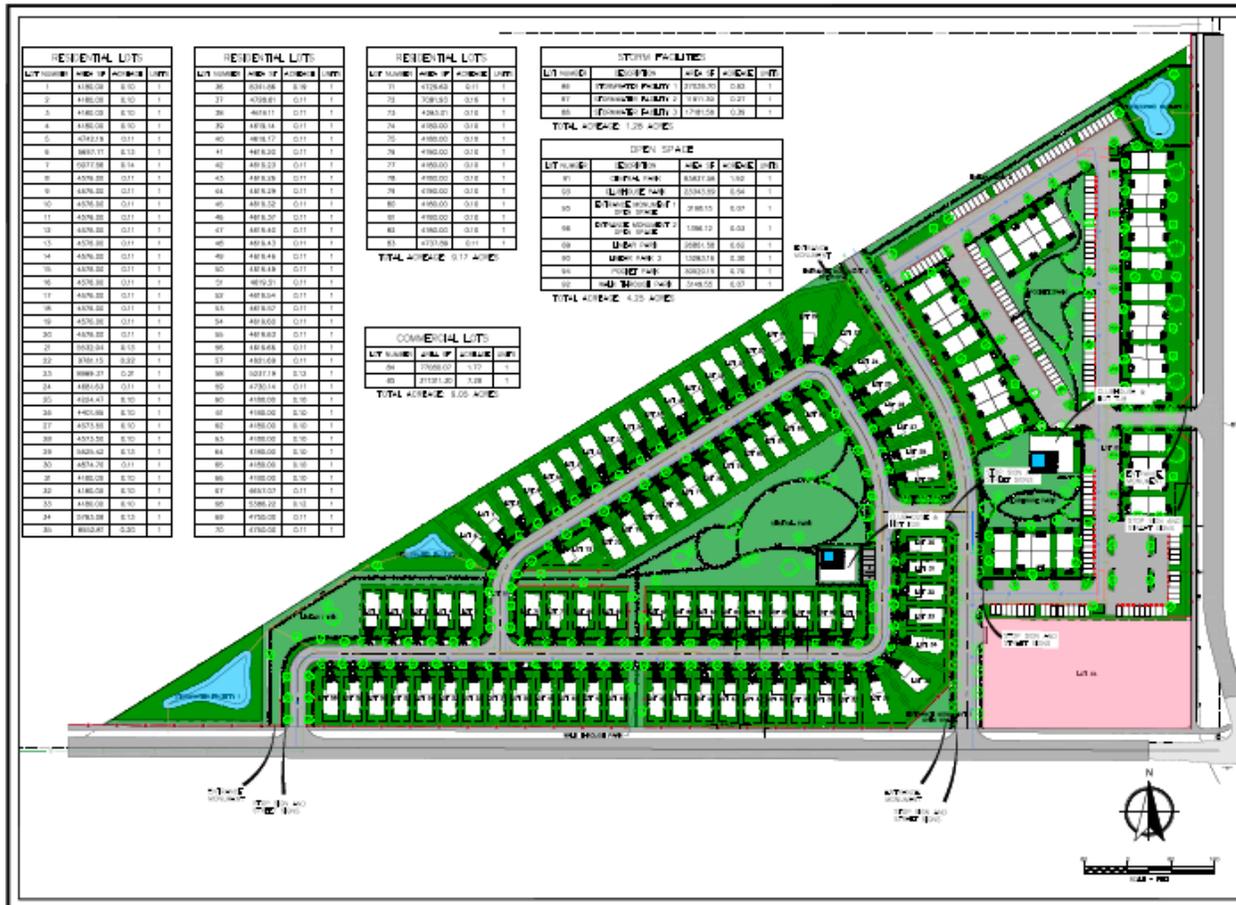
- Sewer: City of Kalispell
- Water: City of Kalispell
- Refuse: City of Kalispell
- Electricity: Flathead Electric Cooperative
- Gas: NorthWestern Energy
- Telephone: CenturyTel
- Schools: School District #1 (West Valley), Glacier High School
- Fire: City of Kalispell
- Police: City of Kalispell

I. EVALUATION OF THE PLANNED UNIT DEVELOPMENT PROPOSAL

The intent of a PUD district is to serve as an overlay zoning district. The district shall function in concert with one or more of the underlying zones to provide a comprehensive, integrated development plan which will serve to modify the underlying zone and, where appropriate, subdivision standards with the intent of providing flexibility of architectural design and density as well as providing the option to mix land uses and densities while preserving and enhancing the integrity and environmental values of an area.

The Stillwater Crossing PUD would provide a layout of 31.45-acres, providing a mixture of single-family, multi-family, and neighborhood commercial development. The PUD will be a

residential mixed-use PUD and function in concert with the proposed RA-1 and B-1 underlying zones.



Sections 27.19.020(4) of the zoning regulations provide that the planning board shall review the PUD application and plan based on the following criteria:

A. The compliance of the proposed PUD with the city growth policy and, in particular, density and use policies of the plan.

The proposed development is located within the Urban Residential, High Density Residential, and Neighborhood Commercial land use categories. The proposed zoning districts fit within those designations.

Section 27.09.010 of the Kalispell Zoning Ordinance states that the RA-1 Zoning District would typically be found in areas designated as Urban Residential or High Density Residential on the Kalispell Growth Policy Future Land Use Map. The Kalispell Growth Policy Plan-IT 2035 and the zoning would contemplate urban residential neighborhoods at densities of between four and twelve dwelling units per acre, with single-family lot sizes as small as 2500 square feet, and high density residential with up to 20 units per acre or more. Both designations provide for some mixed-use opportunities. The density within the residential area of the PUD would be about 9.5 units per acre (275 dwelling units/28.89 acres).

Section 27.12.010 of the Kalispell Zoning Ordinance states that the B-1 Zoning District would typically be found in areas designated as Neighborhood Commercial on the Kalispell Growth Policy Future Land Use Map. The Kalispell Growth Policy Future Land Use Map designates the subject property as Neighborhood Commercial in the area where the proposed B-1 Zone would be located.

The Kalispell Growth Policy Plan-It 2035 also includes the following policies:

Chapter 4, Land Use – Housing (9): On larger tracts of land, creative design and a mix of housing types is encouraged within the overall density requirements to create more dynamic neighborhoods, to provide more open space, and to protect sensitive resource areas.

Chapter 4, Land Use – Housing (14): A variety of housing types and compatible land uses are encouraged in residential areas and should be designed to fit scale and character of the neighborhood. Where necessary, developers should utilize the Planned Unit Development (PUD) process to craft development proposals that are both innovative and creative, while maintaining the integrity and values of the community.

Chapter 4, Land Use – Business and Industry (1a): Establish neighborhood commercial areas designed to provide convenient goods and services that address the daily needs of the immediate neighborhood.

Chapter 4, Land Use – Business and Industry (1b): Neighborhood commercial areas should generally be three to five acres in size and be spaced one-half to one mile apart. Sites should be configured to enable clustering of neighborhood commercial businesses, emphasizing bike and pedestrian access.

Chapter 4 – Business and Industry (Urban Mixed-Use areas, 4a) - Encourage the development of compact, centrally located service and employment areas that provide easy connection between commercial and residential neighborhoods.

Chapter 4 – Business and Industry (Urban Mixed-Use areas, 4b) - A complete system of pedestrian and bike paths is important in mixed use areas.

Chapter 4 – Business and Industry (Urban Mixed-Use areas, 4c) - Expand the depth of the urban highway commercial areas as mixed-use corridors, in order to provide an alternative to continued linear commercial development, concentrate more intensive uses along traffic arterials, improve business district circulation and transportation efficiency areas, by secondary street access, provide flexibility for larger development sites, and expand small business opportunities.

Chapter 4 – Business and Industry (Urban Mixed-Use areas, 4d) - Within these corridor areas, provide for higher-intensity, mixed-use areas roughly two blocks on both sides of urban highways. As distance from the highway increases, create a gradual transition into

the residential neighborhoods by encouraging multi-family, office and other compatible uses as a transition tool with sensitivity to compatible design.

Chapter 4 – Business and Industry (Urban Mixed-Use areas, 4e) - Avoid encroachment into established, intact residential areas

Chapter 4 – Business and Industry (Urban Mixed-Use areas, 4f) - Allow a compatible mix of higher-intensity uses including office as well as some commercial and light industrial; medium and high density residential and public facilities.

The proposal calls for a mix of single-family and multi-family residential uses on 28.89 acres with a neighborhood business node consisting of 2.56 acres. Within the residential area, there are several park areas totaling approximately 4.15 acres with two clubhouses, and pedestrian/bike paths connecting homes with the parks and the larger network of bike paths in the general area, including those along the bypass which provides a connection throughout the community.

The neighborhood business area is slightly under the maximum three-to-five acre size anticipated in the growth policy and is located in the corner of the development next to the intersection of Four Mile Drive and Stillwater Road. The higher-density multi-family residential area is located along Stillwater Road to the north of the neighborhood commercial area. The overall layout of the site allows for a transition of the higher intensity uses, which are focused more near the intersection and along Stillwater, to lower intensity as it moves towards the west away from the main road corridor. The size and scale of the neighborhood business area is intended to serve primarily the needs of the immediate neighborhood and is designed to be incorporated into the overall development plan, although a supplemental PUD should be submitted in order to address the specifics of that portion of the development. The commercial aspect of the development does not encroach into an established residential area.

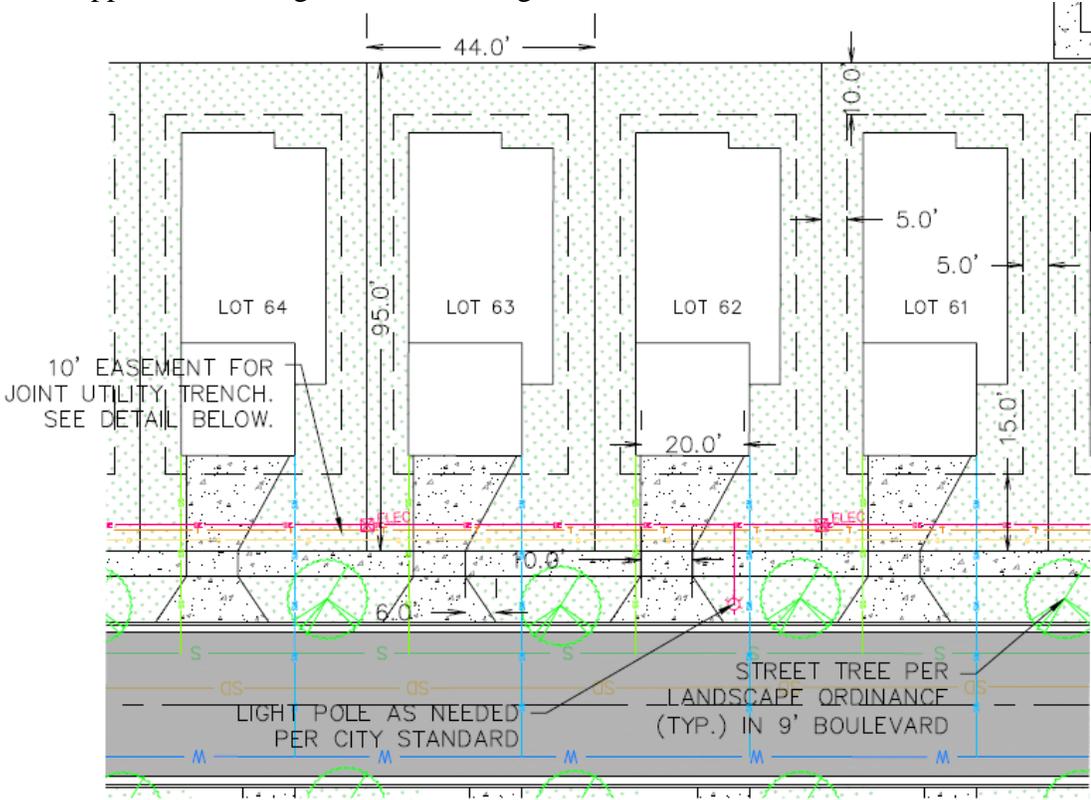
The requested PUD can be found to comply with the Urban Residential, High Density Residential and Neighborhood Commercial land use designations, as well as policies found within the Housing and Business and Industry sections of the Kalispell Growth Policy Plan-It 2035.

B. The extent to which the PUD departs from the underlying zoning and the reasons why such departures are or are not deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations.

- (1) Minimum lot area: Sec 27.09.040(1) – Minimum lot size in the RA-1 zone is 6000 square feet plus 3000 square feet for each unit beyond a duplex. The request reduces minimum lot area to 4180 square feet for the single-family lots and to 1652 square feet per unit for the multi-family lot. The overall development plan contains less density (about 9.5 units per acre) than the maximum allowed under both zoning (20 units per acre in a PUD with RA-1 zoning) and the growth policy (up to 12 units per acre in an urban residential designation, including lot sizes

down to 2500 square feet). The smaller lot size allows for better design with park area, paths, and clubhouses serving the residents.

- (2) **Minimum lot width:** Sec.27.09.040(2) – Minimum lot width in the RA-1 zone is 50 feet. The request reduces minimum lot width to 44 feet and asks for 30 foot minimums on irregular shaped lots. The reduction to 44 feet is tied to the reduction in lot size and is supported by the same reasons that minimum lot area is appropriate. However, there are other aspects of lot width that need to be considered due to the impact lot width has on the street frontages. Subdivision regulations require alleys when single-family lots are less than 50 feet in width (Sec. 28.3.15). Alleys are not provided in this plan and the applicant is asking for a deviation from that regulation as well. This aspect of the design was discussed at a work session held by the Planning Board based on an exhibit submitted by the applicant showing the street frontages with the 44 foot width.



The narrowing of the driveways allows for approximately 22 feet along the road for parking, street trees, and snow storage. The 22 feet provides space for one parking space. Along irregular shaped lots on the curves in the road, the full 22 feet would not be provided, although that is typically expected due to the geometry of that type of lot which is narrow along the road and then widens into a “pizza” shape. At the work session, the Planning Board was generally comfortable with the proposal based on the exhibit, although the driveway design should be changed to be more of a funnel shape coming to a center point rather than the hard angle from one side.

The second part of this request is related to the irregular shaped lots. While the street dimension is less than 44 feet, the zoning regulations use the width of the lot at the building face rather than the street dimension. By setting houses further back on the lot, the 44 foot dimension can likely be met. As such, the deviation as it relates to the irregular lots is probably not necessary.

C. The extent to which the PUD departs from the subdivision regulations (if subdivision is anticipated) and the public works standards for design and construction applicable to the subject property, the reasons why such departures are deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;

- (1) Block length: Sec 28.3.12(A)(2) – Block lengths must be at least 250 feet, but not more than 600 feet. The applicant is requesting blocks in excess of 600 feet. The regulations provide for pedestrian connections to break up blocks over 600 feet. Most of the stretches that are too long have been broken up with pedestrian connections to Four Mile Drive and to the area to the north under the BPA powerline easement, which will likely be open space as part of any development to the north of this property. There should also be a connection from the planned path in the linear park in the southwest corner of the property to the north. The triangular shape of the property with the BPA easement, Four Mile Drive, and Stillwater Road bounding all three sides of the development also make full compliance with the 600-foot rule difficult. With the path connections, the intent of the regulation is met by providing some measure of connectivity to and through this development.
- (2) Alleys: Sec 28.3.15 – Alleys are typically required for single family lots less than 50 feet in width. Most lots in the development are 44 feet in width. The applicant's design does not include alleys. The purpose of the alley requirement is to provide access to the homes without overburdening the street frontages with driveways that hamper on-street parking, snow storage, boulevard trees, and garbage collection. As noted in the discussion regarding lot width above, the Planning Board discussed this aspect of the development at a work session based on an exhibit submitted by the applicant showing how these street frontages would work. For the reasons outlined in section (I)(B)(2) of this report on lot width, the elimination of alleys can be supported by the driveway design intended to allow for more functional streets

D. The overall internal integrity of the PUD including the appropriate use of internal design elements, the use of buffers between different land uses, the use of transitions between uses of greater and lesser intensity, the use of enhanced design features to provide connectedness for both vehicle and pedestrian traffic throughout the PUD and the use of innovative and traditional design to foster more livable neighborhoods;

The overall layout of the development includes a mix of single-family dwellings, multi-family dwellings, and neighborhood commercial. The higher intensity uses are on the eastern portion of the property with the multi-family use and the neighborhood commercial along Stillwater Road. The single-family portion extends to the west and is separated from the other uses with a collector road dividing the property. The road extends to the northern property line, providing for connectivity with future development. While not a part of this development, the area under the BPA powerline will likely be open space for any future development and would serve as a buffer between these uses and future uses on the adjacent land.

There is a system of bike/pedestrian paths connecting the different uses with each other and the parks and clubhouses offering open space and recreational benefits to the residents. The specific design of the neighborhood commercial area is not known at this time, but will need to be designed to fit the scale and character of the neighborhood and primarily meet the needs of the immediate neighborhood. A supplemental PUD should be submitted prior to development of the B-1 area once more specific details are known.

An important aspect of buffering includes fencing types along the roadways. Mis-matched fences detract from good visual design. Along Four Mile Drive and Stillwater Road, as well as the internal collector street, there should be a consistency of design that allows for both the privacy of the residents as well as consistent aesthetics. A condition should be attached which requires a view-obscuring fence along those frontages to be installed by the developer. The fencing plan should be submitted to the Planning Department and the Architectural Review Committee for review and approval and should include a consistent, aesthetically pleasing design.

Similarly, the stormwater facilities and any fencing around the stormwater ponds should include an elevated design. Given their visible locations, they should be designed in a way that it becomes a visual interest to the development. Chain link fencing surrounding the retention pond as the dominant fixture should not be allowed without mitigation. The developer should work closely with the Parks Department and Public Works to come up with a design that is both visually appealing and meets required safety guidelines. It is intended that when the project is developed the ponds will act as features, particularly along the roadways, rather than a private maintenance utility facility.

In regard to the single-family home design, when lots get smaller, there is often less flexibility in site layout and architectural appearance. The applicant included renderings of proposed single-family homes with the intent to provide “a variety of cost-efficient units while creating a somewhat unique and varied street frontage. The goal is to have a similar floor plan with varied roof configurations and facades. Additionally, house will be staggered to keep frontages somewhat varied throughout the development.” In order to ensure a variety of appearance and implement the applicant’s vision, there should be a condition addressing the provision of multiple home designs and site layouts for the single-family area. Construction in the multi-family and neighborhood commercial areas will be subject to review by the Architectural Review Committee as part of the building permit process.



Conceptual renderings showing architectural character of single-family residential area. Presented by WGM Group, Inc. on behalf of KTG Architecture + Planning.

E. The nature and extent of the common open space in the planned development project, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and function of the open space in terms of the land use, densities and dwelling types proposed in the plan;

The plan includes common open space and park areas totaling 4.25 acres. There is a central park area in the single-family section with a clubhouse and a clubhouse park and pocket part in the multi-family area. There are several linear parks and other bike/pedestrian connections in addition to areas of common open space at entrances to the development. As proposed, these common elements provide a significant amenity for the residents.

The intent of the developer is to operate the development as a rental community and would operate the development in that manner. However, with the creation of the single-family lots, which could potentially be sold, it is important that provisions be made in the covenants providing for maintenance of the common elements of the development. Covenants have not been provided at this time, but will need to be submitted prior to final plat. Additionally, the city requires a note on the final plat indicating a waiver of the right to protest creation of a park maintenance district to cover a situation where a homeowners' association is not maintaining those common elements.

F. The manner in which said plan does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light or air, recreation and visual enjoyment;

Public service facilities and infrastructure are adequate for the development of this site. Any new improvements to the property such as internal roads, storm water retention and water/sewer

connections would be installed in accordance with city policies and standards at the developers' expense. A Traffic Impact Study was completed by the developer and outlined below.

Water: Water to the subdivision will be provided by the City of Kalispell and will tie into a recent water main extension project completed by the City in Stillwater Road and Four Mile Drive. The water system for the subdivision will be reviewed and approved by the Kalispell Public Works Department as part of the development of the subdivision. There is adequate capacity within the city's water system to accommodate this subdivision.

Sewer: Sewer to the subdivision will be provided by the City of Kalispell. The applicant will extend sewer service to the property from the Westside Interceptor that is located to the west of the property. 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. There is adequate capacity within the city's sewer system to accommodate this subdivision.

Solid Waste: Solid waste collection can be provided throughout the subdivision by the City of Kalispell. However, the design of the multi-family component in phase 2 may prove to be problematic for solid waste trucks to make the corners as shown on the plans. The final design, which will be reviewed as part of the building permit at the Site Development Review Committee, may require changes to allow for appropriate access and turning areas.

Access and Roads: The single-family section will have two street accesses off of Four Mile Drive, with the eastern access being a collector road extended to the north to eventually connect with adjoining property. A public road provides circulation within the single-family area. The plan currently shows parking spaces at the clubhouse in that area backing into the roadway, which is not permitted under the zoning ordinance, which only allows that configuration for single-family and duplex uses. The plan should be amended to provide for a protected pull-out area, utilizing standard boulevard and approaches without backing into the street, particularly due to its location near the intersection.

Access to the multi-family section will include an access off of the collector road as well as a driveway access off of Stillwater Road. The B-1 shows its access off of the internal collector road and any direct access onto either Stillwater Road or Four Mile Drive would need to be addressed with the supplemental PUD, but would not appear likely at this time.

Control over vehicular traffic: WGM Group prepared a traffic impact study for the proposed project. The traffic impact study analyzed the full buildout of the proposed development. The traffic study was prepared using standard techniques to forecast traffic volumes and operations at the two approaches onto Four Mile Drive and the approach from Stillwater Road, as well as intersections at (a) Four Mile Drive and Stillwater Road; (b) Three Mile Drive and Stillwater Road; (c) Reserve Drive and Stillwater Road; and (d) Four Mile Drive and Farm to Market Road.

The study concluded that traffic from the development "can be accommodated at the study intersections without the need for improvements to mitigate the site-generated traffic." The study also calls for improvements to Four Mile Drive and Stillwater Road along the lengths of

each frontage. As proposed, the Stillwater Bend Subdivision will not create any new roadway capacity problems, although improvements along both frontages are warranted.

Storm Water: 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. Final design will be approved by Kalispell Public Works Department prior to development. Additionally, prior to development of the subdivision or receiving any building permits, the developer will need to submit a construction storm water management plan to the Public Works Department. This plan will need to show how storm water will be treated and where it will be directed during construction activities.

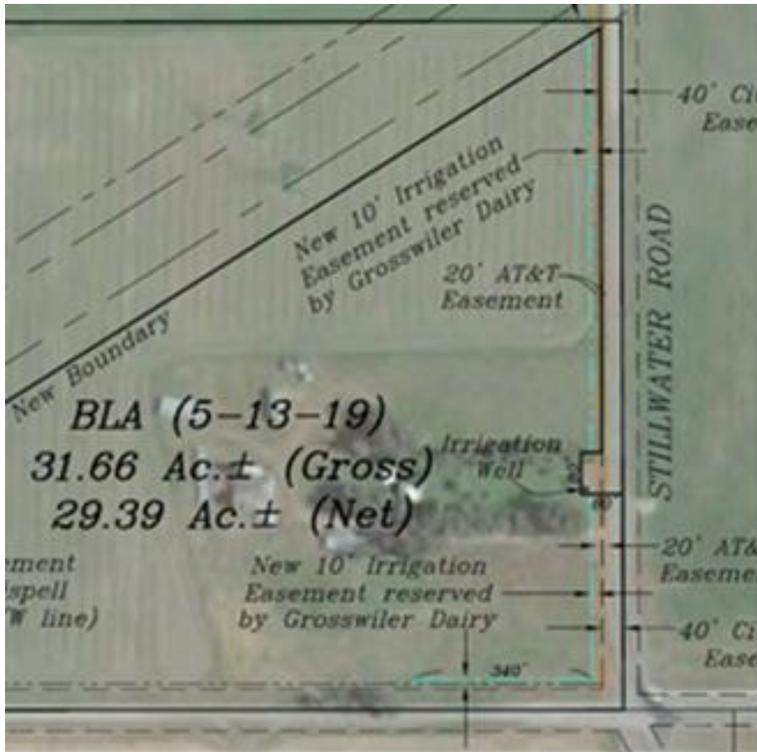
Schools: The property is within the boundaries of School District #1 (West Valley) and Glacier High School. On average, it would be anticipated that there would be about 138 students from the neighborhood at full build-out. Section 76-3-608(1) of the Montana Code Annotated states that the governing body 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 subdivision review and site review for the multi-family and neighborhood commercial areas, fire protection, including fire flow and hydrant location, will be reviewed. As with solid waste collection, access and turning areas within the multi-family phase of the development will need to be reviewed. Fire station 62 is located approximately 1.25 miles away providing good response time.

G. The relationship, beneficial or adverse, of the planned development project upon the neighborhood in which it is proposed to be established;

The subject property is at the corner of Four Mile Drive and Stillwater Road in a general area that has traditionally been agricultural, but has been transitioning to residential. There is recently installed infrastructure in the area, such as water and sewer lines, that would tend to continue the trend in the area towards residential development. It is expected that additional development will occur in the vicinity to the north, west, and south with different projects at various stages of planning which would offer similar types of primarily residential use, and this project would fit within that overall trend.



Along the east side of the property, there is an existing irrigation well. It is important to preserve electrical service to the well and have a means to install pipe from the well to the extent of this project and surrounding developments. Eventually, it will likely be used to irrigate the potential new fields and storm water facility near the corner of West Spring Creek Road and West Reserve Drive. As such, the existing water well on the site shall be protected. Preferably, the well should be transferred to the City or abandoned and replaced in-kind elsewhere in Section 35, with the specific location being at the discretion of the City of Kalispell. However, it is currently under separate ownership and is part of

undeveloped property to the north. It should be addressed either as part of the engineering design for this project or as part of any approval for the property to the north.

H. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan which finding shall be made only after consultation with the city attorney;

There are three phases of the development. The first phase would include the single-family section, the second phase is the multi-family section, and the third phase would be the neighborhood commercial. The application outlines a tentative schedule for the first phase to begin construction in 2020 and the second phase in 2021. The third phase is undetermined and a recommended condition of approval is to require a supplemental PUD for the third phase prior to development. Section 27.19.020(10) of the zoning ordinance outlines procedures for abandonment/expiration to be followed when the PUD fails to comply with a completion schedule.

Part of the requirements of the PUD is that the developer would enter into an agreement with the City of Kalispell to adequately ensure that the overall integrity of the development, the installation of required infrastructure, architectural integrity and proposed amenities, are accomplished as proposed. A recommended condition of approval for the PUD would require this agreement be in place prior to filing the final plat for the first phase of the project.

I. Conformity with all applicable provisions of this chapter.

Section 27.19.030(2)(a)(4) of the zoning ordinance allows for Residential Mixed-Use PUDs in RA-1 and B-1 zones with a minimum of 5 developable acres, with the commercial component not to exceed 35% of the developable area. Density should not exceed 20 dwelling units per acre. The development contains 31.45 acres, only 2.56 acres of which is B-1, or about 8%. Density in the RA-1 is about 9.5 units per acre. The proposal meets those requirements.

Under that section, the predominant land use character of the PUD must be residential. Commercial uses should primarily be sized and located to address the needs of the immediate neighborhood, and incompatible commercial uses are not permitted. Given that specific details for the use and design of the area are not known at this time, a supplemental PUD will be required for the B-1 area to address how it fits within the neighborhood prior to development of that section.

No other specific deviations from the Kalispell Zoning Ordinance or Subdivision Regulations can be identified based upon the information submitted with the application other than those addressed in this report.

II. Rezoning Evaluation Based on Statutory Criteria

The statutory basis for reviewing a change in zoning is set forth by 76-2-303, M.C.A. Findings of fact for the zone change request are discussed relative to the itemized criteria described by 76-2-304, M.C.A. and Section 27.29.020, Kalispell Zoning Ordinance. The site is currently zoned city R-3/PUD. The applicants are requesting city RA-1 and B-1 with a PUD overlay.

The RA-1 zone is a “residential district intended to provide for urban areas for multi-family use and compatible non-residential uses of medium land use intensity. It should be served with all public utilities and be in close proximity to municipal services, parks, or shopping districts. This zoning district would typically be found in areas designated as urban residential or high density residential on the Kalispell Growth Policy Future Land Use Map.”

The B-1 zone is a “business district intended to provide certain commercial and professional office uses where such uses are compatible with the adjacent residential areas. This district would typically serve as a buffer between residential areas and other commercial districts. Development scale and pedestrian orientation are important elements of this district. This district is also intended to provide goods and services at a neighborhood level. The district is not intended for those businesses that require the outdoor display, sale and/or storage of merchandise, outdoor services or operations to accommodate large-scale commercial operations. This zoning district would typically be found in areas designated as neighborhood commercial or urban mixed use on the Kalispell Growth Policy Future Land Use Map.”

1. Does the requested zone comply with the growth policy?

See Section I(A) above.

2. Will the requested zone have an effect on motorized and non-motorized transportation systems?

WGM Group prepared a traffic impact study for the proposed project. The traffic impact study analyzed the full buildout of the proposed development. The traffic study was prepared using standard techniques to forecast traffic volumes and operations at the two approaches onto Four Mile Drive and the approach from Stillwater Road, as well as intersections at (a) Four Mile Drive and Stillwater Road; (b) Three Mile Drive and Stillwater Road; (c) Reserve Drive and Stillwater Road; and (d) Four Mile Drive and Farm to Market Road.

The study concluded that traffic from the development “can be accommodated at the study intersections without the need for improvements to mitigate the site-generated traffic.” The study also calls for improvements to Four Mile Drive and Stillwater Road along the lengths of each frontage.

3. Will the requested zone secure safety from fire, panic, and other dangers?

Adequate access and public facilities are available to the site in the case of an emergency. There are no features related to the property which would compromise the safety of the public. All municipal services including police and fire protection, water and sewer service are currently available to the area.

4. Will the requested zone promote the public health, safety and general welfare?

As with safety from fire and other dangers, the general health, safety, and welfare of the public will be promoted through general city regulations designed to regulate allowable uses when the property is developed. In this case, the requested zoning classifications or RA-1 and B-1, particularly in conjunction with the PUD overlay, will promote the health and general welfare by restricting land uses to those that would be compatible with the adjoining properties and those in the vicinity.

5. Will the requested zone provide for adequate light and air?

Setback, height, and lot coverage standards for development occurring on this site are established in the Kalispell Zoning Ordinance and PUD to ensure adequate light and air is provided.

6. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?

All public services and facilities are available to the property. Specific details for provision of services will be addressed when the property develops.

7. Will the requested zone promote compatible urban growth?

The subject property is at the corner of Four Mile Drive and Stillwater Road in a general area that has traditionally been agricultural, but has been transitioning to residential. There is recently installed infrastructure in the area, such as water and sewer lines, that would tend to continue the trend in the area towards residential development. It is expected that additional development will occur in the vicinity to the north, west, and south with different projects at various stages of planning which would offer similar types of primarily residential use, and this project would fit within that overall trend.

8. Does the requested zone give consideration to the character of the district and its particular suitability for particular uses?

The proposed RA-1 and B-1 zoning districts are consistent with the development trends of the area. It also gives due consideration of the suitability of this property for the allowed uses in the zoning district, such as proximity of city services. Specific aspects of any future development on the property will be reviewed at the time of development consistent with regulations then in effect.

9. Will the proposed zone conserve the value of buildings?

Value of the buildings in the area will be conserved because the RA-1 and B-1 zones will promote compatible and like uses on this property as are likely to develop on other properties in the area. Future development in the area will be reviewed for compliance with the dimensional standards and design review criteria to ensure its appropriateness for the area and compatibility with the surrounding neighborhoods as they develop.

10. Will the requested zone encourage the most appropriate use of the land throughout the municipality?

Urban scale development should be encouraged in areas where services and facilities are available. In this case, sanitary sewer is nearby and water is located within the public rights-of-way adjacent to the property. The proposed zoning is consistent with the proposed growth policy future land use designation and is compatible with current zoning in the immediate area.

Access to the multi-family section will include an access off of the collector road as well as a driveway access off of Stillwater Road. The B-1 shows its access off of the internal collector road and any direct access onto either Stillwater Road or Four Mile Drive would need to be addressed with the supplemental PUD, but would not appear likely at this time.

Geology: The overall site is generally flat without significant topography or slopes. A preliminary geotechnical investigation for the overall Starling Meadows PUD (now expired) was submitted in 2007. The report was based on a similar type of development pattern with both residential and commercial lots. While it is not anticipated that there are any significant changes, a final geotechnical report should be submitted prior to submitting any plans for review related to either the subdivision or building permits. The report is necessary for Public Works to review engineering designs for proposed infrastructure within the subdivision and for the Building Department to review foundation details.

The 2007 report found that “site soils are suitable for development,” although “significant moisture conditioning of the near surface soils will be necessary to achieve adequate compaction.” The report included recommendations for site preparation based on the moisture sensitive fine-grained soils present, as well as further study relating to groundwater levels and how it may affect basements or crawl spaces.

The report concluded that the recommendations represented a preliminary review, and “in order for these recommendations to be properly incorporated in the subsequent design and construction stage, [they] recommend that a final geotechnical investigation be completed for each project phase. This will likely consist of more subsurface explorations and possibly settlement analysis in large fill areas.”

BPA easement: Along the length of the north/west section of the property, there are BPA powerlines and a powerline easement. The easement is not located on this property, but it is adjacent to the property. Development is very limited under the powerlines with no structures that can be built. The easement will likely include open space and paths as part of the next project to the north and there are provisions in this plan to connect to that area.

In the environmental assessment submitted by the applicant, they state that “safety concerns have been discussed with BPA and the main concern is that development underneath the lines be limited in nature and limit long term exposure to electromagnetic fields (“EMF”). There are no concerns about EMFs outside the BPA easement depicted on the plans.”

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. The area does not appear to include significant habitat for other species. The property contains a minimal amount of existing trees, which primarily have been planted as part of the existing farmhouse site.

C. Effects on the Natural Environment:

Surface and groundwater: The subdivision will be served by public water and sewer thereby minimizing any potential impacts to groundwater. There are some questions raised in the preliminary geotechnical report about potential water infiltration into basements that should be addressed as part of the final report. In the environmental review submitted by the applicant, it is stated that static groundwater is 125 feet or more below the surface based on well depth.

Drainage: Curbs and gutters will be installed and a storm management plan will have to be developed to address the runoff from the site. A preliminary plat includes common area storm water lots where storm water ponds will be constructed. The drainage plan will have to comply with the City of Kalispell standards and designed by a professional engineer. Stormwater discharges to the south or west shall not exceed the lesser of either the pre-development flow rate or 0.036 cfs/acre.

A condition of approval requires that a property owners' association be created for the maintenance of the common area which would include the common area drainage easements. As part of the storm easement areas the association will be required to mow the area to reduce fire hazard and reduce spread of noxious weeds. Lastly, the developer is required to submit for review to the Kalispell Public Works Department an erosion/sediment control plan for review and approval. These plans provide for managing storm water on the site and include stabilizing the construction site through an approved revegetation plan after site grading is completed.

D. Effects on Local Services:

Water: Water to the subdivision will be provided by the City of Kalispell. The applicant will extend water service to the property from the new mains in Four Mile Drive and Stillwater Road. The water system for the subdivision will be reviewed and approved by the Kalispell Public Works Department as part of the development of the subdivision. There is adequate capacity within the city's water system to accommodate this subdivision. Proportionate water rights shall be dedicated to the City of Kalispell per Section 28.3.08 of the subdivision regulations.

Public Works included two specific comments related to the water service. First, water services shall come off of internal water mains and not the transmission main. Second, the water main in Savannah (the main north-south collector road) needs to be a 12-inch main.

Sewer: Sanitary sewer to the subdivision will be provided by the City of Kalispell and will connect to the new Westside Interceptor located to the west of the property. The applicant will extend sewer service from the west to the property and will need to extend the sewer to the east in Four Mile Drive and north in Stillwater Road for future connections and extensions pursuant to the subdivision regulations (Sec 28.3.21) and other city policies. 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. There is adequate capacity within the city's sewer system to accommodate this subdivision. Sewer within Lot 85 for the multi-family development will need to be private until the point of connection in Savannah Road.

Access and Roads: The single-family section will have two street accesses off of Four Mile Drive, with the eastern access being a collector road (Savannah Road) extended to the north to eventually connect with adjoining property. A public road provides circulation within the single-family area.

Access to the multi-family section will include an access off of Savannah as well as a driveway access off of Stillwater Road. The B-1 shows its access off of the internal collector road and any direct access onto either Stillwater Road or Four Mile Drive would need to be addressed with the supplemental PUD, but would not appear likely at this time.

The development has frontage along Four Mile Drive for the full length of the southern property line and along Stillwater Road on the east. There is an irrigation well site along Stillwater Road and strip of property within the right-of-way to the north of the well that is under separate ownership and not included within the application. Regardless of that ownership, whenever the frontage on Stillwater Road or the northeastern corner of the property is referenced anywhere in this report, it is intended to extend to the northern tip of the development and not only to the well site.

Both frontages shall be improved pursuant to Section 28.3.14 of the subdivision regulations. The frontage of Stillwater Road shall be improved to an urban standard for a minor arterial. The approach on Stillwater Road shall include a center turn lane. The frontage of Four Mile Drive shall be improved to a rural standard for a minor arterial. Approaches on Four Mile Drive shall include center turn lanes and standard street intersection requirements (ADA ramps, crosswalks, lighting, etc.). The intersection of Stillwater Road and Four Mile Drive shall be improved to provide for left-hand turn lanes on the south and west legs to match the existing left-hand turns on the north and east legs. The intersection shall also include sidewalks. Additionally, on the west side of the western approach onto Four Mile Drive, a pedestrian actuated rapid flashing beacon for a crosswalk needs to be installed with no midblock crossing on Four Mile Drive. Any required additional right-of-way necessary for the improvements shall be dedicated to the City of Kalispell.

The typical ownership situation with county roads is that ownership of the private property extends to the center of the right-of-way with a county road easement covering

the right-of-way. In city development, the city typically owns the right-of-way. While the county normally quitclaims its interest to the city, that only conveys the interest in the easement. The fee interest in the rights-of-way for Four Mile Drive and Stillwater Road should be dedicated to the City of Kalispell.

Savannah Road will be serving as a collector road and shall be designed to meet the minimum design standards for a collector street. It is intended to eventually connect to future development to the north. The current plans show a dead-end road. Until such time as there is a connection, there needs to be an appropriate temporary turn-around area and provisions for snow storage. There should not be individual driveway approaches onto Savannah from the single-family area on the west, and only limited shared approaches from the multi-family and neighborhood commercial area on the east side of the road.

The interior local streets shown on the proposed plat as Lolo Lane and Kinners Lane would serve as access to the single-family homes and would be constructed to standards for a local street. Typically, lots less than 50 feet in width would be served by an alley due, in part, to the impact driveways have on the street frontage relative to on-street parking, snow storage, garbage collection, and aesthetics. The proposal includes narrowing driveways to achieve a minimal amount of street frontage not impacted by driveways. In order to help maintain that frontage, driveway widths shall not exceed ten feet plus the appropriate flares provided in the construction and design standards.

The name of the interior street will need to be modified due to its function as a looped road. As shown, Kinners Land and Lolo Lane are a continuous road on the east side. The entire interior road system from the western intersection with Four Mile Drive to the intersection with Savannah Road will need to be under a single name. Also, Public Works included a comment that T-intersections shall include ADA ramps on all legs.

Phasing for the right-of-way improvements would include all improvements in Four Mile Drive and Savannah Road, plus the internal local road, as part of Phase 1, and all of the right-of-way improvements in Stillwater Road would be part of Phase 2. Improvements related to the intersection of Four Mile Drive and Stillwater Road would be included with Phase 1 improvements.

Schools: The property is within the boundaries of School District #1 (West Valley) and Glacier High School. On average, it would be anticipated that there would be about 138 students from the neighborhood 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 subdivision review and site review for the multi-family and neighborhood commercial areas, fire protection, including access, fire flow and hydrant location, will be reviewed. Fire station 62 is located approximately 1.25 miles away providing good response time.

Parks and Recreation: The plan includes common open space and park areas totaling 4.25 acres. There is a central park area in the single-family section with a clubhouse and a clubhouse park and pocket part in the multi-family area. There are several linear parks and other bike/pedestrian connections in addition to areas of common open space at entrances to the development. As proposed, these common elements provide a significant amenity for the residents.

The intent of the developer is to operate the development as a rental community and would operate the development in that manner. However, with the creation of the single-family lots, which could potentially be sold, it is important that provisions be made in the covenants providing for maintenance of the common elements of the development. Covenants have not been provided at this time, but will need to be submitted prior to final plat.

It is imperative that these areas be well maintained for the visual aspect of the project from adjacent properties and the adjacent roads, the safety of the pedestrian paths and the on-going functionality of the storm water facilities. Therefore, staff recommends that 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.

Solid Waste: Solid waste will be handled by the City of Kalispell. There is sufficient capacity within the landfill to accommodate this 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 1.5 miles from the site.

E. Effects on Agriculture and agricultural water user facilities:

The site has been traditionally used for agricultural uses. According to the Kalispell Growth Policy Resources and Analysis Section, "Important Farmlands" map, the project includes some farmland classification of "prime farmland" when irrigated. It has been used to grow alfalfa and has been associated with a dairy operation.

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.

The subject property is entirely within city limits. By allowing higher density development within the city’s growth policy area, it can 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.

F. Relation to the Kalispell Growth Policy:

See Section I(A) above.

G. Compliance with Zoning:

The request is in compliance with the RA-1 and B-1 zoning regulations, provided the lot size and width deviation requests are granted.

H. Compliance with the Kalispell Subdivision Regulations:

This request complies with provisions of the Kalispell Subdivision Regulations, provided the block length and alley deviations requests are granted.

RECOMMENDATIONS

- I.** Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KPUD-20-01 as findings of fact and recommend to the Kalispell City Council that the PUD for Stillwater Crossing be approved subject to the conditions listed below:
- II.** It is recommended that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KPUD-20-01 as findings of fact and recommend to the Kalispell City Council that the subject property zoned R-3 (Residential) be rezoned to RA-1 (Residential Apartment) and B-1 (Neighborhood Business).
- III.** Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt staff report #KPP-20-01 as findings of fact and recommend to the Kalispell City Council that the preliminary plat for Stillwater Crossing be approved subject to the conditions listed below:

CONDITIONS OF APPROVAL

- 1. The Planned Unit Development for Stillwater Crossing allows the following deviations from the Zoning Regulations:

- (a) Minimum lot area: Kalispell Zoning Ordinance Sec 27.09.040(1) – Minimum lot size in the RA-1 zone is 6000 square feet plus 3000 square feet for each unit beyond a duplex. This deviation reduces minimum lot area to 4180 square feet for the single-family lots and to 1652 square feet per unit for the multi-family lot.
 - (b) Minimum lot width: Kalispell Zoning Ordinance Sec.27.09.040(2) – The minimum lot width in the RA-1 zone is reduced from 50 feet to 44 feet.
2. The Planned Unit Development for Stillwater Bend allows the following deviations from the Kalispell Subdivision Regulations:
 - (1) Block length: Kalispell Subdivision Regulations Sec 28.3.12(A)(2) – Block lengths must be at least 250 feet, but not more than 600 feet. This deviation would allow blocks in excess of 600 feet provided that pedestrian connections are included per the submitted plans plus an additional connection from the linear park in the southwest corner of the development
 - (2) Alleys: Kalispell Subdivision Regulations Sec 28.3.15 – Alleys are typically required for single family lots less than 50 feet in width. This deviation would eliminate the requirement for alleys provided that the property is developed per the submitted plans.
 3. The B-1 (Neighborhood Business) zone on the property shall be designated as a PUD Placeholder and a separate PUD application shall be submitted for review and approval prior to any development within that zone.
 4. 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.
 5. A development agreement shall be drafted by the Kalispell City Attorney between the City of Kalispell and the developer outlining and formalizing the terms, conditions and provisions of approval. The final plan as approved, together with the conditions and restrictions imposed, shall constitute the Planned Unit Development (PUD) zoning for the site that shall be completed and signed by the city and owner prior to the issuance of a building permit.
 6. Upon approval of the preliminary PUD by the City Council, the property owner shall proceed with the preparation of the final PUD plan as provided in Section 27.19.020(7) of the Kalispell Zoning Ordinance.
 7. As a PUD with an associated preliminary plat application, the abandonment or expiration of the PUD is governed by Section 27.19.020(10) of the Kalispell Zoning Ordinance.

8. Architectural renderings are required to be submitted to the Kalispell Architectural Review Committee for review and approval prior to issuance of a building permit for any structure other than the single-family dwellings. Building design shall be provided as listed below:
 - a. Four-sided architecture is required for all structures and buildings. Large, rectangular masses should be avoided by incorporating offsets in the wall and roof. A change in the plane of the walls, changing the direction or providing some variety in the roof form gives diversity and visual interest.
 - b. All roof mounted equipment, i.e. HVAC, and any utility services should be shielded from all views.
9. Signage shall be allowed as provided for RA-1 zones within the sign regulations contained in the Kalispell Zoning Ordinance.
10. The storm water ponds shall be designed in a way that they become a visual interest to the development. Chain link fencing surrounding the retention pond as the dominant fixture shall not be allowed without mitigation. The developer shall work closely with the Parks Department and Public Works to come up with a design that is both visually appealing and meets the required safety guidelines. It is intended that when the project is developed the ponds will act as features, particularly along the roadways, rather than a private maintenance utility facility.
11. In order to ensure unique and varied street frontage with varied roof configurations and facades with staggered locations on each parcel, the applicant shall prepare a plan calling out an appropriate mix of multiple home designs and site layouts for the single-family area, to be reviewed and approved by the Kalispell Planning Department. This plan shall be submitted prior to any building permit approvals within the single-family phase of the development.
12. A view-obscuring fence along Four Mile Drive, Stillwater Road, and Savannah Road shall be installed by the developer. The fencing plan shall be submitted to the Planning Department and the Architectural Review Committee for review and approval and shall include a consistent, aesthetically pleasing design.
13. The preliminary plat approval shall be valid for a period of three years from the date of approval.
14. 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.
15. 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.

16. 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.
17. The developer shall submit the street design to the Kalispell Public Works Department for review and approval prior to construction. Street designs shall meet the city standards for design and construction.
18. Prior to final plat, a letter from the Kalispell Public Works Department shall be submitted stating that all new infrastructure has been accepted by the City of Kalispell or a proper bond has been accepted for unfinished work.
19. Prior to final plat all mitigation required as part of the approved traffic impact study shall be completed. All improvements shall be reviewed and approved by the Public Works Department. A letter from the Kalispell Public Works Department shall be submitted stating that all new infrastructure has been accepted by the City of Kalispell or State of Montana. If infrastructure work has not been accepted, a letter stating that a proper bond has been accepted for the unfinished work by the appropriate agency is required.
20. All existing and proposed easements shall be indicated on the face of the final plat. A letter from the Kalispell Public Works Department shall be obtained stating that the required easements are being shown on the final plat.
21. 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

22. 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.

23. While the development is planned as a rental community with a maintenance plan administered by the lessor, the subdivision creating separate lots necessitates provisions for a common area maintenance plan administered by a homeowners' association (HOA), which shall be provided for prior to final plat. The HOA should include provisions for the maintenance of all common areas in recorded covenants including, but not limited to, storm drainage facilities, open space, park areas, and clubhouses. As part of the storm drainage facilities, the association will be required to mow the area to reduce fire hazard and reduce spread of noxious weeds.
24. 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.
25. A letter shall be obtained from the 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, common area, and adjoining rights-of-way, including Four Mile Drive and Stillwater Road.
26. A park plan shall be created and approved by the Parks and Recreation Director prior to final plat of Phase 1.
27. 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.
28. A minimum of two-thirds of the necessary infrastructure for the subdivision shall be completed prior to final plat submittal.
29. All utilities shall be installed underground.
30. All areas disturbed during development shall be re-vegetated with a weed-free mix immediately after development.
31. Any water rights associated with the property shall be transferred to the City of Kalispell. The water rights shall be allocated proportionally for each phase of the development prior to final plat.
32. The existing irrigation well along Stillwater Road shall be protected by preserving electrical service to the well and having a means to install pipe from the well to the extent of this project and surrounding developments. Preferably, the well should be transferred to the City or abandoned and replaced in-kind elsewhere in Section 35, with the specific location being at the discretion of the City of Kalispell. However, it is currently under separate ownership and is part of undeveloped property to the north. It should be addressed either as part of the engineering design for this project or as part of any approval for the property to the north.

33. The parking spaces at the clubhouse in the single-family phase shall be amended to provide for a protected pull-out area, utilizing standard boulevard and approaches without backing into the street.
34. A final geotechnical report shall be prepared and submitted to the Public Works Department for review prior to engineering design for the subdivision. It shall also be submitted to the Building Department prior to issuance of any building permits within the development.
35. In designing the water system for the subdivision, water services shall come off of internal water mains and not the transmission main. The water main in Savannah Road shall be a 12-inch main.
36. Any publicly owned mains within Phase 2 shall be located within drive aisles and an easement dedicated to the City.
37. The applicant will extend sewer service from the west to the property and will need to extend the sewer to the east in Four Mile Drive and north in Stillwater Road to the northeastern corner of the development.
38. Sewer within Lot 85 for the multi-family development will need to be private until the point of connection in Savannah Road.
39. Phasing for the right-of-way improvements would include all improvements in Four Mile Drive and Savannah Road, plus the internal local road, as part of Phase 1 and all of the right-of-way improvements in Stillwater Road from the intersection with Four Mile Drive to the northeastern corner of the development would be part of Phase 2. Improvements related to the intersection of Four Mile Drive and Stillwater Road shall be included with Phase 1 improvements.
40. Savannah Road shall be designed as a collector street and extend to the subdivision's northern property boundary. A temporary turnaround shall be constructed along with provisions for snow storage until such time as the street connects to the north. There shall not be individual driveway approaches onto Savannah from the single-family area on the west, and only limited shared approaches from the multi-family and neighborhood commercial area on the east side of the road.
41. The full frontage of Stillwater Road shall be improved to an urban standard for a minor arterial from the intersection with Four Mile Drive to the northeastern corner of the development. The approach on Stillwater Road shall include a center turn lane.
42. The frontage of Four Mile Drive shall be improved to a rural standard for a minor arterial. Approaches on Four Mile Drive shall include center turn lanes and standard street intersection requirements (ADA ramps, crosswalks, lighting, etc.).

43. The intersection of Stillwater Road and Four Mile Drive shall be improved to provide for left-hand turn lanes on the south and west legs to match the existing left-hand turns on the north and east legs. The intersection shall also include sidewalks.
44. On the west side of the western approach onto Four Mile Drive, a pedestrian actuated rapid flashing beacon for a crosswalk needs to be installed with no midblock crossing on Four Mile Drive.
45. Any required additional right-of-way necessary for the improvements shall be dedicated to the City of Kalispell. Additionally, the fee interest in the rights-of-way for Four Mile Drive and Stillwater Road shall be dedicated to the City of Kalispell.
46. The interior local streets shown on the proposed plat as Lolo Lane and Kinners Lane would serve as access to the single-family homes and would be constructed to standards for a local street.
47. Driveway widths shall not exceed ten feet plus the appropriate flares provided in the City of Kalispell Standards for Design and Construction.
48. The name of the interior street shall be modified so that the entire interior road system from the western intersection with Four Mile Drive to the intersection with Savannah Road will be under a single name.
49. T-intersections shall include ADA ramps on all legs.