

**SILVERBROOK ESTATES PHASE 3**

**REQUEST FOR MAJOR SUBDIVISION  
STAFF REPORT #KPP-22-01  
KALISPELL PLANNING DEPARTMENT  
FEBRUARY 2, 2022**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from Silvermont Properties, LLLP for major preliminary plat approval of Silverbrook Estates Phase 3 on a total of 22.12 acres. A public hearing has been scheduled before the Planning Board for February 8, 2022, beginning at 6:00 PM in the Kalispell City Council Chambers. The Planning Board will forward a recommendation to the Kalispell City Council for final action.

**BACKGROUND INFORMATION**

Silvermont Properties, LLLP, has submitted a request for preliminary plat approval for Silverbrook Estates Phase 3, a major subdivision containing 12 lots (10 residential and 2 commercial) on approximately 22.12 acres including the lots, roads, and open space. Silverbrook is an existing mixed-use subdivision and planned unit development. The original Silverbrook Estates encompassed 325 acres and was proposed with two main phases. This proposed phase was part of the second phase. Over time, the specific layout of phase two has changed with the course of development, such as the PUD amendment which rezoned a portion of the property to RA-1 in 2018 to allow for the multi-family development which is currently under construction. Due to changes which have resulted in more than five property lines being changed, the subdivision regulations require a new preliminary plat. The new proposed plat also includes roads and utilities which have already been built in conjunction with the multifamily development.

**A: Applicant:** Silvermont Properties, LLLP  
315 Parkway Dr  
Kalispell, MT 59901



**B: Location:** The property is located in the northeast portion of Silverbrook Estates and can be described as a portion of Tract 3 and 4 of Certificate of Survey 15896, on file and of record

in Flathead County, Montana, located in the northeast quarter of Section 13, Township 29 North, Range 22 West, P.M.M., Flathead County, Montana.

**C: Existing Land Use and Zoning:** The subject property itself is currently vacant with developed streets, although it is the next phase of an existing development connecting residential uses to the south and commercial uses to the north. The zoning of the property is R-2 (Residential), R-4 (Residential), and B-1 (Neighborhood Business). The RA-1 zone shown on the map below is adjacent to the subject property.



The R-2 district is “intended to provide adequate lot areas for lower density residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. This development will normally require all public utilities. This zoning district would typically be found in areas designated as suburban residential on the Kalispell Growth Policy Future Land Use Map.”

The R-4 district is “comprised of primarily single-family and duplex dwellings. Development within the district will require all public utilities, and all community facilities. This zoning district would typically be found in areas designated as urban residential on the Kalispell Growth Policy Future Land Use Map.”

The B-1 district 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.”

**D. Size:** The subject property is approximately 22.12 acres.

**E: Adjacent Zoning:** North: B-1/PUD; County B-3/AG-40  
East: County SAG-10

South: RA-1/PUD; R-2/PUD  
West: R-2/PUD

**F: Adjacent Land Uses:** North: Commercial  
East: Highway 93  
South: Single-family and multi-family residential  
West: Vacant

**G: General Land Use Character:** The area is primarily a residential area and is part of the Silverbrook Planned Unit Development, which is a residential mixed-use PUD originally approved by the City Council in 2006 (Ordinance 1597). The PUD encompasses 325 acres of mostly residential development with a neighborhood business component in the northeastern corner. In 2017, there was an amendment to the PUD which limited the total footprint of the commercial buildings to 120,000 square feet with the largest building not exceeding 25,000 square feet, and a limit of two-story construction/maximum of 40 feet (Ordinance 1785). There was also a rezoning of a portion of the northeastern area to RA-1 in 2018 to allow for multi-family development rather than townhomes (Ordinance 1813). The area surrounding Silverbrook includes a mix of commercial, residential, and undeveloped properties.

**H: Availability of Public Services and Extension of Services:** The property is currently located within the City of Kalispell and all services are available to the property.



Sewer: City of Kalispell  
Water: City of Kalispell  
Refuse: City of Kalispell  
Electricity: Flathead Electric Cooperative  
Gas: NorthWestern Energy



Access: The primary access to the subdivision will be provided from the existing streets within the earlier phases of Silverbrook Estates. Two roads in the subdivision extend to the north and connect with Church Drive to the west of the interchange with Highway 93. An update to the traffic impact study for Silverbrook is not required at this time, but may be required for development of the commercial lots at either the time of a building permit or potential further subdivision.

**B. Effects on Wildlife and Wildlife Habitat:**

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

**C. Effects on the Natural Environment:**

Topography, Geology and Soils: The overall site is generally flat. There are not any topographic features or slopes that would impact this development. A Geotech report is not necessary at this time given the improvements that are in place, but will be required as part of the development of the commercial lots.

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

Drainage: Curbs and gutters have been installed as part of a storm management plan to address the runoff from the site. There is an existing city storm conveyance system within the rights-of-way with the ponds and other facilities maintained and managed as a private system. The system is designed to handle storm water for the development.

A homeowner's association has been created for the maintenance of the open space and storm water management. At the time of final plat, provisions for maintenance of common facilities is to be provided under the subdivision regulations. A waiver of right to protest the creation of a Special Improvement District ("SID") for stormwater maintenance shall be included on the final plat as part of those maintenance provisions. The SID would only be implemented in the event that stormwater facilities are not maintained in a manner consistent with the approved drainage plan.

**D. Effects on Local Services:**

Water: Water service to the subdivision would be provided by the City of Kalispell from an existing water main that the developer has extended throughout the subdivision. The water system was reviewed and approved by the Kalispell Public Works Department and Kalispell Fire Department as part of the development for compliance with the City of Kalispell Standards for Design and Construction and the Fire Code. There is adequate

capacity within the city's water system to accommodate this development. Curb stops may need to be installed prior to final plat. In addition, an easement for the main to the east of East Swift Creek Way will need to be provided to the City. Per the subdivision regulations, any water rights associated with the property shall be transferred to the City of Kalispell prior to final plat.

Sewer: Sewer service will be provided by the City of Kalispell with an existing sanitary sewer main extended by the developer within the subdivision. The sewer system for the subdivision was reviewed and approved by the Kalispell Public Works Department as part of the development of the subdivision for compliance with the City of Kalispell Standards for Design and Construction. There is adequate capacity within the city's sewer system to accommodate this development. As with water, sewer connections may need to be installed prior to final plat and an easement will need to be provided to the City for the main to the east of East Swift Creek Way.

Access and Roads: All roads associated with the subdivision have been reviewed and constructed. Boulevard areas, including street trees, will need to be installed or bonded for (street trees may also be part of a cash-in-lieu agreement).

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

Schools: The property is within the boundaries of School District #44 (Whitefish/Whitefish High School). A portion of the southwestern corner of the subdivision is within School District #5 (Edgerton/Glacier High School). On average, it would be anticipated that there would be about 5 students at full build-out. Section 76-3-608(1) of the Montana Code Annotated states that the governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services.

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

Fire Protection: Fire protection services will be provided by the Kalispell Fire Department. The department can adequately provide service to this development. Additionally, the road network to the subdivision provides adequate access for fire protection. As part of the review of the engineering plans for the subdivision, fire protection, including access, fire flow and hydrant location, have been reviewed and also will be reviewed in conjunction with the development of the commercial lots. Fire station 62 is located approximately 3.4 miles away providing good response time.

Parks and Recreation: Under the subdivision regulations, 0.03 acres of parkland is required for each dwelling unit, which would equate to 0.3 acres. The preliminary plat does not include any park areas, although there are existing homeowners' parks which could support the project. The applicant will need to provide a detailed breakdown of existing parks facilities and valuations prior to final plat. If deficient, additional park amenities or a cash-in-lieu payment will be required.

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

Solid Waste: Solid waste will be handled by the City of Kalispell. There is sufficient capacity within the landfill to accommodate 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 4.5 miles from the site.

**E. Effects on Agriculture and agricultural water user facilities:**

At one point in time, the property was used for agricultural purposes, although over the last 15 years has been under development for residential and commercial uses. The NRCS classification from 2007 shows some portions of the property as prime farmland if irrigated. Current policies in the Kalispell Growth Policy Plan-It 2035, Chapter 5, Land Use: Natural Environment, state the following:

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

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





2. The preliminary plat approval shall be valid for a period of three years from the date of approval.
3. All conditions of the Silverbrook Estates Planned Unit Development (Ordinances 1597 and 1785) shall apply.
4. New infrastructure required to serve the subdivision shall be designed and constructed in accordance with the City of Kalispell's Standards for Design and Construction. All design work shall be reviewed and approved in writing by the Kalispell Public Works Department prior to construction. This infrastructure shall include, but not be limited to, streets, street lighting, street signage, curb, gutter, boulevard and sidewalks.
5. Water and sewer main extensions shall be designed and constructed in accordance with the City of Kalispell's Standards for Design and Construction and in compliance with the city's facilities update and extensions of services plans. The water and sewer main extension plans shall be reviewed and approved by the Kalispell Public Works Department. Prior to final plat, a certification shall be submitted to the Public Works Department stating that the water and sewer mains have been built and tested as designed and approved.
6. The developer shall submit water and sanitary sewer plans, applicable specifications, and design reports to the Kalispell Public Works Department and the Montana Department of Environmental Quality for concurrent review, with approval of both required prior to construction.
7. Curb stops and service connections for the water and sewer services shall be installed prior to final plat if required by the Public Works Department.
8. An easement for the utility mains to the east of East Swift Creek Way shall be provided to the City.
9. Any water rights associated with the property shall be transferred to the City of Kalispell prior to final plat.
10. 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.
11. 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.

12. Boulevard areas, including street trees, shall be installed or bonded for. Street trees may also be part of a cash-in-lieu agreement.
13. A letter from the Kalispell Public Works Department shall be submitted stating that all new infrastructure has been accepted by the City of Kalispell, any private infrastructure has been constructed per city standards, and a proper bond has been accepted for unfinished work.
14. All easements and/or rights-of-way shall be indicated on the face of the final plat. Utility easements for City water and sewer shall be provided to allow for the logical extension of utilities from this subdivision to adjoining properties. A letter from the Kalispell Public Works Department shall be obtained stating that the required easements are being shown on the final plat.
15. All streets within the subdivision will be constructed to the appropriate city standards as detailed in the subdivision regulations and the City of Kalispell Standards for Design and Construction for local streets.
16. A letter from the Kalispell Fire Department approving the access, placement of the fire hydrants and fire flows within the subdivision shall be submitted prior to final plat and shall comply with the fire code.
17. 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."

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Developer's Signature

18. 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.
19. A letter shall be obtained from the Kalispell Parks and Recreation Director approving a landscape plan for the placement of trees and landscaping materials within the landscape boulevards of the streets serving the subdivision. The approved landscape plan shall be implemented or a cash in lieu payment for installation of the street trees and groundcover be provided to the Kalispell Parks and Recreation Department.

20. A parks plan shall be approved by the Parks and Recreation Director. A minimum of 0.3 acres for this phase is required. The park shall meet the standards under Section 28.3.22 and the plan shall show that the parkland dedication requirement is met for this phase. A cash-in-lieu payment may be made pursuant to the subdivision regulations. The applicant shall provide a detailed breakdown of existing parks facilities and valuations relating to this phase and all prior phases prior to final plat. If deficient, additional park amenities or a cash-in-lieu payment will be required.
21. 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.
22. A note shall be placed on the final plat indicating a waiver of the right to protest creation of a stormwater maintenance district. This district shall only be activated in the event that the property owner(s) default on the maintenance of the approved stormwater facilities. The taxes levied within the maintenance district shall be determined by the Public Works Department with approvals by the Kalispell City Council.
23. A note shall be placed on the final plat indicating a waiver of the right to protest creation of a Special Improvement District for roadway improvements in adjacent areas stating "The owners hereby waive the right to protest the creation of an SID for the purpose of financing improvements to area roads which will specifically benefit this subdivision."
24. A homeowner's association (HOA) shall be formed and established to provide for the maintenance of all common areas and facilities.
25. A minimum of two-thirds of the necessary infrastructure for the subdivision shall be completed prior to final plat submittal.
26. All utilities shall be placed underground and in locations that are approved by the Kalispell Public Works Department in accordance with the Kalispell Standards for Design and Construction.
27. All areas disturbed during development shall be re-vegetated with a weed-free mix immediately after development.