

**QUAIL MEADOWS**

**ZONE CHANGE – STAFF REPORT #KZC-22-01  
REQUEST FOR MAJOR SUBDIVISION - STAFF REPORT #KPP-22-02  
KALISPELL PLANNING DEPARTMENT  
MARCH 2, 2022**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from Quail Meadows, LLC for a zone change from R-2 (Residential) to R-3 (Residential) and major preliminary plat approval of Quail Meadows Subdivision on a total of 10.01 acres. A public hearing has been scheduled before the Planning Board for March 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**

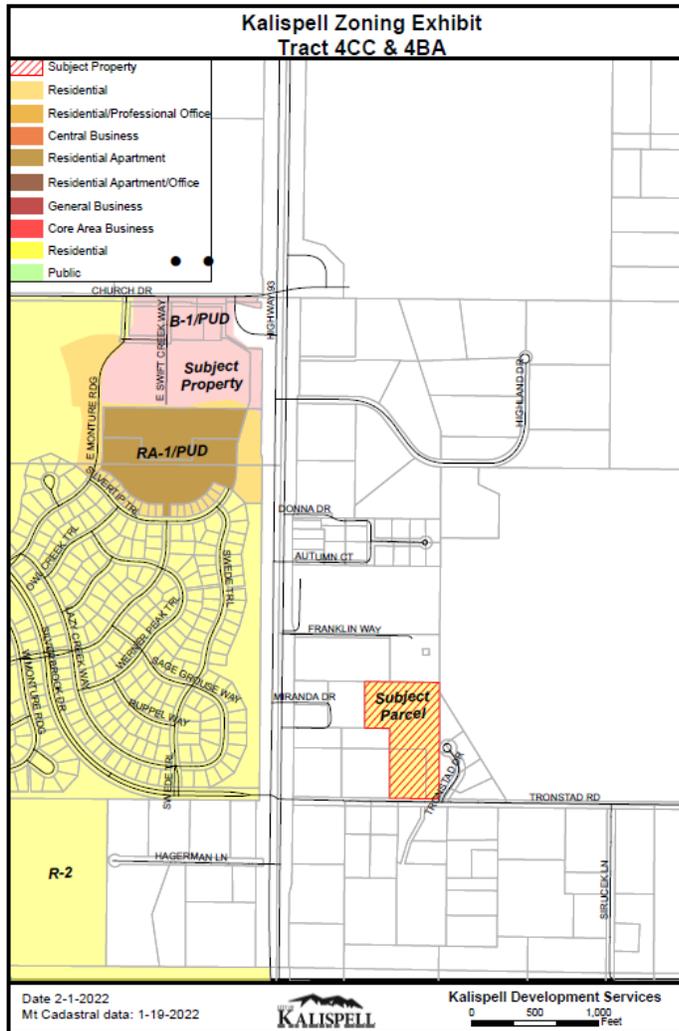
Quail Meadows, LLC, has submitted a request for a zoning map amendment and preliminary plat approval for Quail Meadows Subdivision, a major subdivision containing 39 single-family lots on approximately 10.01 acres including the lots, roads, and open space. The zoning map amendment request would change the zoning from R-2 (Residential) to R-3 (Residential).

**A: Applicant:** Quail Meadows, LLC  
PO Box 206  
Lakeside, MT 59922



**B: Location:** The property is located at 155 Tronstad Road and can be described as a tract of land located in Government Lot 3, Section 18, Township 29 North, Range 21 West, P.M.M., City of Kalispell, Flathead County, Montana, and being more particularly described as Parcel 3 of Certificate of Survey 1500, Records of Flathead County, Montana (Assessors Tracts 4CC and 4BA).

**C: Existing Land Use and Zoning:** The subject property itself is currently vacant. The zoning of the property is R-2 (Residential). 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.”



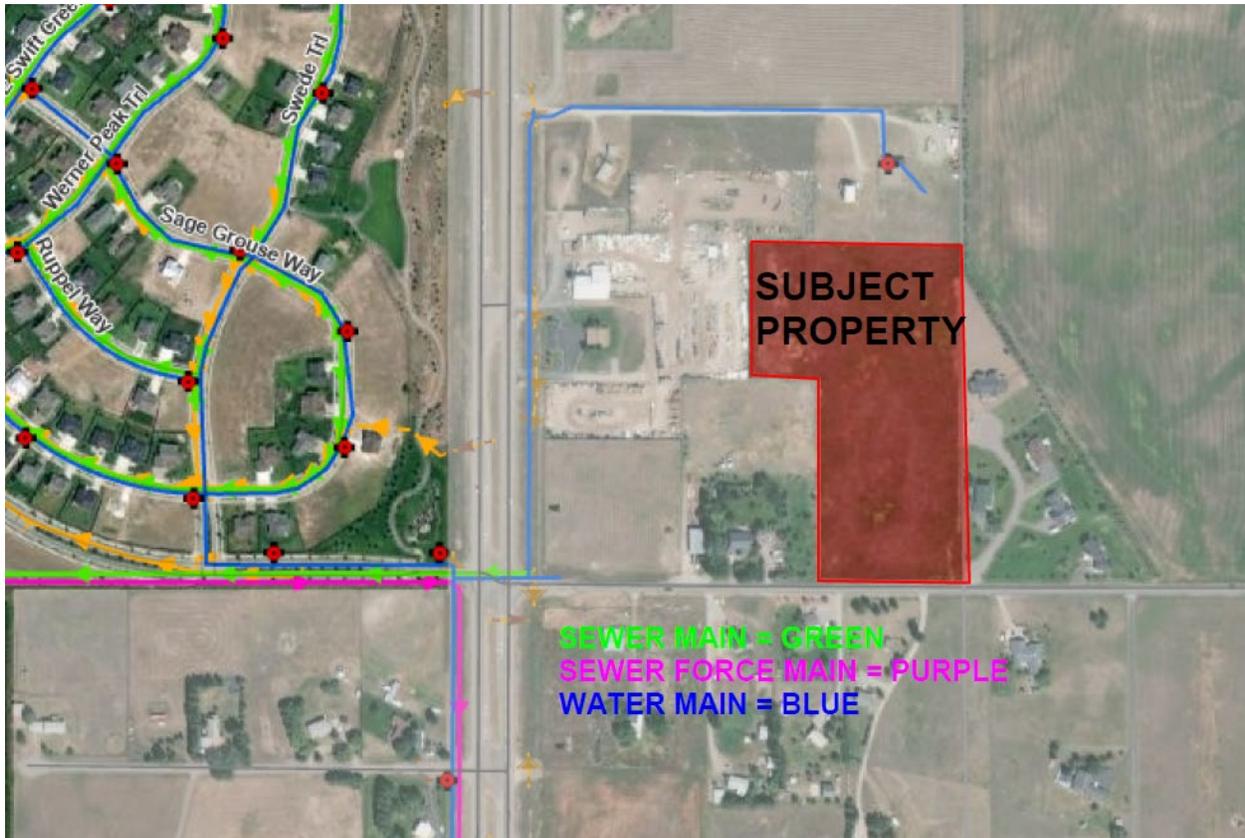
**D. Size:** The subject property is approximately 10.01 acres.

**E: Adjacent Zoning:**  
 North: County SAG-10  
 East: County SAG-5 and R-2.5  
 South: County SAG-10, SAG-5, and B/HO  
 West: County SAG-10

**F: Adjacent Land Uses:**  
 North: Commercial/industrial/  
 single-family residential  
 East: Single-family and  
 agricultural/vacant  
 South: Single-family residential  
 and mini-storage  
 West: Commercial/industrial/  
 Single-family residential

**G: General Land Use Character:** The area contains a mixture of different uses. The predominant use in the immediate vicinity is single-family residential. It also abuts a number of commercial/industrial uses which front on Highway 93 and there is a mini-storage facility on the south side of Tronstad just to the east. Across the highway is a large city subdivision called Silverbrook Estates with contains single-family, multi-family, and commercial components.

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

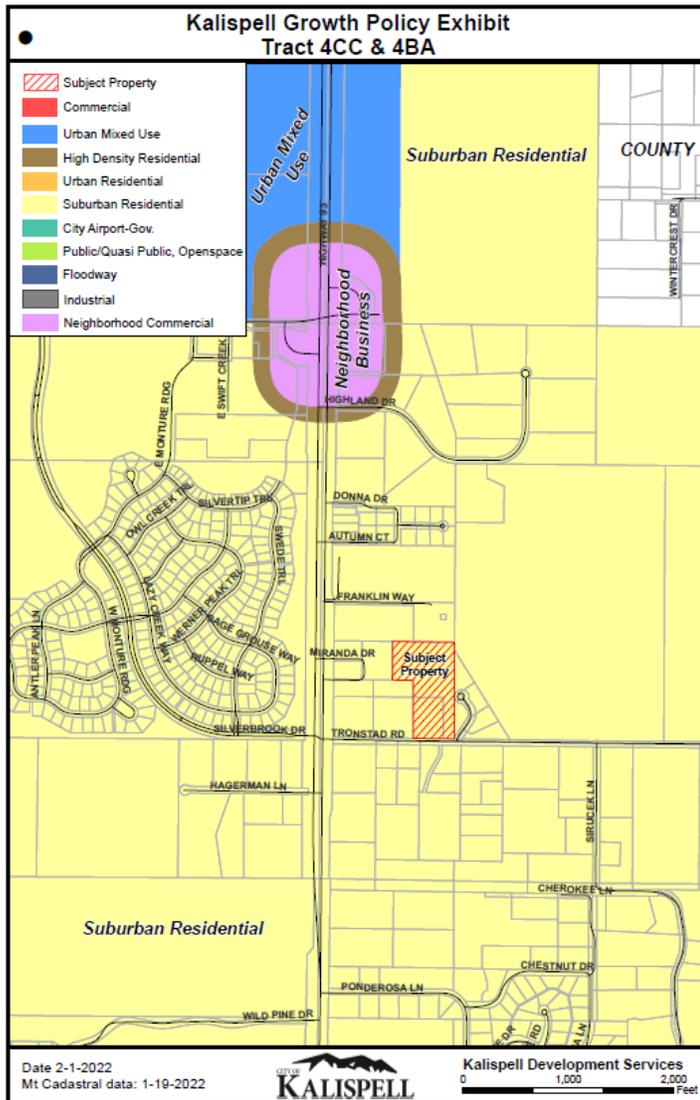


- Sewer: City of Kalispell
- Water: City of Kalispell
- Refuse: City of Kalispell
- Electricity: Flathead Electric Cooperative
- Gas: NorthWestern Energy
- Telephone: CenturyTel
- Schools: School District #5 (Edgerton/Glacier High School)
- Fire: City of Kalispell
- Police: City of Kalispell

**ZONE CHANGE EVALUATION BASED ON STATUTORY CRITERIA**

This report evaluates the zoning map amendment request in accordance with state and local regulations. The statutory basis for reviewing a change in zoning is set forth by Section 27.29.020 of the Kalispell Zoning Ordinance and 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. The subject property is currently zoned R-2 (Residential). The applicant is requesting R-3 (Residential).

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



The Kalispell Growth Policy Future Land Use Map designates the subject property as Suburban Residential, which allows for residential development up to four dwelling units per acre. Section 27.06.010 of the zoning ordinance anticipates the requested R-3 zone in areas with a Suburban Residential 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.

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

The requested zoning of R-3 will have some effect on the motorized and non-motorized transportation system due to the increased density allowed under that zoning. In conjunction with the zone change, there is an application for a major subdivision which includes a traffic impact study to address any required mitigation for impacts on the transportation system. Conditions of a subdivision approval would include frontage improvement to Tronstad, including a pedestrian path on the frontage adjacent to the property.

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

Adequate access and public facilities are available to the property 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/fire protection, water and sewer service are available to the property.

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 classification of R-3 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 reasonable provisions for adequate light and air?

Setback, height, and lot coverage standards for new development in the area of the zone change are established in the Kalispell Zoning Ordinance to ensure adequate light and air is provided. The current zoning has minimum lot sizes of 10,000 square feet and minimum lot width of 70 feet, with setbacks of 20 feet in the front, 10 feet on the side, 20 feet in the rear, and 20 on the side corner, as well as a maximum 35% lot coverage. The R-3 has minimum lot sizes of 6,000 square feet and minimum lot width of 50 feet, with setbacks of 15 feet in the front, 5 feet on the side, 10 feet in the rear, and 15 on the side corner, as well as a maximum 45% lot coverage.

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

The property is already within city limits and all public services and facilities are currently available to the property. The requested zone will not alter any of the public requirements, as there are city standards in place to address all the public requirements individually as part of the subdivision request.

7. Will the requested zone promote compatible urban growth?

The R-3 zoning district is primarily a single-family residential zone. The uses allowed in the current R-2 zone are the same with the only difference being the allowable density and development standards relative to setbacks and lot coverage. The residential nature of the zone is consistent with the surrounding area and would promote compatible growth.

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



**A. Effects on Health and Safety:**

Fire: The property is considered to be at low risk of fire. Buildings within the subdivision would be constructed in accordance with the International Fire Code and have access which meets city standards. The area to be built upon does not have steep slopes or woody fuels. Hydrants will be placed in compliance with the requirements of the fire code and approved by the Fire Chief.

Flooding: The subject property is located entirely outside of the 100-year floodplain per the Flood Insurance Rate Map (panel number 30029C1415J, effective date November 4, 2015).

Access: The primary access to the subdivision will be provided from Tronstad Road, which is an existing road connecting Highway 93 and Whitefish Stage. The proposed subdivision layout would include a future connection to the property to the north and the possibility of connections to the property to the west.

**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 was prepared by TD&H Engineering in January 2022. The report contained a number of recommendations relative to infrastructure that should be followed. In addition, soil migration analysis must be performed due to the propensity of fines migration into trench backfill in the area. The applicant will need to submit a utility trench backfill material in accordance with ASTM D-2321 (relates to bedding for utilities) to Public Works for review and approval or provide an acceptable alternative to prevent fines migration.

Also, as it relates to building foundations, the report notes that “additional site investigation is required prior to foundation design and construction to evaluate settlement and collapse potential as well as suitable bearing pressures for use in foundation design.” This limitation is due to the presence of silty sand and sandy silt throughout the site. Silty sand has “the potential to be collapsible when exposed to water and warrant additional evaluation.” The sandy silt is “anticipated to be somewhat compressible; however, testing for soil compressibility was not included” in the report. Based upon the recommendations in the report, a condition of approval for the preliminary plat should require a supplemental Geotech report to be submitted prior to

final plat to be reviewed by the Kalispell Building Department which would establish to their satisfaction that all building sites would be able to meet loading and other requirements detailed in the International Building Code.

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

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

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

**D. Effects on Local Services:**

Water: Water service to the subdivision will be provided by the City of Kalispell from an existing water main to the west of the property that the developer will extend to and throughout the subdivision. The 16-inch main would be extended within the paved portion of Tronstad Road from a connection point near Highway 93 to their eastern property line. The city will either participate in the upsize of the water main beyond the minimum size necessary to serve the development or allow for the creation of a latecomer agreement for the developer to recoup their oversize costs. Internal to the site, the water main within the street connection to the north shall be extended within the roadway of the development to the north property line in accordance with City Standards to allow for future connection and extension. The water system will be reviewed and approved by the Kalispell Public Works Department and Kalispell Fire Department as part of the development for compliance with the City of Kalispell Standards for Design and Construction and the Fire Code. There is adequate capacity within the city's water system to accommodate this development.

Per the subdivision regulations, any water rights associated with the property shall be transferred to the City of Kalispell prior to final plat. The applicant has indicated that there are no water rights associated with the property.

Sewer: Sewer service will be provided by the City of Kalispell with an existing sanitary sewer main extended by the developer to and throughout the subdivision. The sewer main would be extended within the paved portion of Tronstad Road from a connection point near Highway 93 to their eastern property line. Internal to the site, the sewer main within the street connection to the north shall be extended within the roadway of the development to the north property line in accordance with City Standards to allow for future connection and extension. Extension limits will be further analyzed during design and may be shortened if Public Works determines the extension is limited by unknown physical constraints or is otherwise unnecessary for future growth. The sewer system for the subdivision will be reviewed and approved by the Kalispell Public Works Department as part of the development of the subdivision for compliance with the City of Kalispell Standards for Design and Construction. There is adequate capacity within the city's sewer system to accommodate this development.

Access and Roads: The property fronts Tronstad Road for the full width of the subdivision. The frontage will need to be improved in accordance with the Transportation Plan and city design standards. Tronstad Road has a proposed classification as a major collector according to the Transportation Plan. Full width improvements are required on the development side of the street including, but not necessarily limited to, curb and gutter, street signage, striping, sidewalk, street lighting, and landscaping. Minimum improvements on the eastbound lane of Tronstad Road shall include the full lane width and a shoulder. Future development will be required to complete the street widening and other right-of-way improvements on their side of the roadway. Improvements will need to be completed in such a manner as to accommodate full road improvements centered in the right-of-way. It appears a 10-foot right-of-way dedication will be required on the north/development side of the road to accommodate the full 80-foot right-of-way required for a major collector.

The developer submitted a Traffic Impact Study ("TIS") prepared by Abelin Traffic Services dated January 2022. City standards require that a developer maintain or improve the level of service at relevant intersections. The TIS concludes that the project would not create any roadway capacity problems, and notes that the level of service at the Tronstad Road/Highway 93 intersection will see a decrease in the level of service by full buildout of the project. The TIS recognizes that the intersection has been identified in the Transportation Plan as a  $\frac{3}{4}$  movement approach, but recommends deferring implementation of the mitigation until improvements are made to Reserve Drive.

Public Works has reviewed the TIS and has commented that the developer should mitigate the drop in level of service as required by city standards without waiting for future off-site roadway improvements. Besides needing to mitigate the impact pursuant to city standards, the intersection at Whitefish Stage and Reserve is signalized and the current issues at the intersection are largely dictated by the northbound traffic at the intersection. The Montana Department of Transportation ("MDT") has already studied and identified improvements for this intersection. Additionally, the TIS does not take into account the traffic signal scheduled to be installed at Rose Crossing and Highway 93. Once it is installed, a distribution split for Whitefish Stage southbound traffic should be

expected between Rose Crossing and Reserve Drive. There may be other methods of mitigating the impact on the Tronstad/Highway 93 intersection other than a ¾ movement that may potentially be reviewed and accepted by Public Works and MDT, but the mitigation should be completed with this project.

Within the subdivision, all streets will be constructed to a local street standard detailed in the subdivision regulations and the City of Kalispell Standards for Design and Construction. Improvements would include, but would not necessarily be limited to, curb and gutter, landscape boulevard, street lights, and sidewalks.

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

Schools: The property is within the boundaries of School District #5 (Edgerton/Glacier High School). On average, it would be anticipated that there would be about 20 students at full build-out. Section 76-3-608(1) of the Montana Code Annotated states that the governing body may not deny approval of a proposed subdivision based solely on the subdivision’s impacts on educational services.

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

Fire Protection: Fire protection services will be provided by the Kalispell Fire Department. The department can adequately provide service to this development. Additionally, the road network to the subdivision provides adequate access for fire protection. As part of the review of the engineering plans for the subdivision, fire protection, including access, fire flow and hydrant location, will be reviewed. Fire station 62 is located approximately 2.8 miles away providing good response time. In addition, there is a future fire station site at Silverbrook across the highway about 1 mile away.

Parks and Recreation: Under the subdivision regulations, 0.03 acres of parkland is required for each dwelling unit, which would equate to 1.17 acres. The preliminary plat includes open space along Tronstad Road (2 areas totaling 11,000 square feet which are 40 feet wide) and a 2665 square foot pocket park with a pickleball court. Under Section 28.3.22 of the subdivision regulations, park land shall be usable and of an appropriate shape or size. It is not simply open space. The pocket park would count towards the parkland requirement, but the buffer/stormwater area along the roadway would not. The difference will be provided with a cash-in-lieu payment. The amount of the payment will be established at the time of final plat, typically with an appraisal provided by the developer or something similar.

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 4.0 miles from the site.

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

At one point in time, the property may have been used for agricultural purposes. The NRCS classification from 2007 does not appear to show the property as prime farmland, even 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.

**F: Relation to the Growth Policy:** The Kalispell Growth Policy Future Land Use Map designates the subject property as Suburban Residential, which anticipates up to four units per acre. The proposed zoning is consistent with the growth policy and the proposed density of 3.9 units per acre does not exceed the density limits of the land use 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. The proposed subdivision can be found to be in compliance with the Kalispell Growth Policy and its goals and policies.

**G. Compliance with Zoning:** The request complies with the R-3 zoning regulations, including minimum lot size and width requirements.

- H. Compliance with the Kalispell Subdivision Regulations:** This request complies with provisions of the Kalispell Subdivision Regulations.

**RECOMMENDATION**

- (1) Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KZC-21-01 as findings of fact and recommend to the Kalispell City Council that the subject properties currently zoned R-2 (Residential) be rezoned to R-3 (Residential).
- (2) Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt staff report #KPP-22-02 as findings of fact and recommend to the Kalispell City Council that the preliminary plat for Quail Meadows be approved subject to the conditions listed below:

**CONDITIONS OF APPROVAL**

1. The development of the site shall be in substantial compliance with the application submitted, the site plan, materials and other specifications as well as any additional conditions associated with the preliminary plat as approved by the city council.
2. The preliminary plat approval shall be valid for a period of three years from the date of approval.
3. New infrastructure required to serve the subdivision shall be designed and constructed in accordance with the City of Kalispell's Standards for Design and Construction. All design work shall be reviewed and approved in writing by the Kalispell Public Works Department prior to construction. This infrastructure shall include, but not be limited to, water, sewer, storm drainage, streets, street lighting, street signage, curb, gutter, boulevard and sidewalks.
4. 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.
5. 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.
6. The existing water main shall be extended within the paved portion of Tronstad Road from a connection point near Highway 93 to the development's eastern property line. The

city will either participate in the upsize of the water main beyond the minimum size necessary to serve the development or allow for the creation of a latecomer agreement for the developer to recoup the oversize costs.

7. The water main within the street connection to the north shall be extended within the roadway of the development to the north property line in accordance with City Standards to allow for future connection and extension.
8. Any water rights associated with the property shall be transferred to the City of Kalispell prior to final plat.
9. The existing sewer main shall be extended within the paved portion of Tronstad Road from a connection point near Highway 93 to the development's eastern property line.
10. The sewer main within the street connection to the north shall be extended within the roadway of the development to the north property line in accordance with City Standards to allow for future connection and extension, unless otherwise determined by Public Works.
11. 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.
12. 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.
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. The property frontage along Tronstad Road shall be improved to a major collector standard in accordance with the Transportation Plan and city design standards. Full width improvements are required on the development side of the street including, but not necessarily limited to, curb and gutter, street signage, striping, sidewalk, street lighting, and landscaping. Minimum improvements on the eastbound lane of Tronstad Road shall

include the full lane width and a shoulder. Improvement to a major collector shall include a dedication of ten (10) additional feet of right-of-way along the frontage in order to install the improvements.

16. Based on the submitted Traffic Impact Study prepared by Abelin Traffic Services dated January 2022 and city standards requiring that a developer maintain or improve the level of service at relevant intersections, a  $\frac{3}{4}$  movement approach (or other mitigation acceptable to Public Works and the Montana Department of Transportation) shall be installed at the intersection of Tronstad Road and Highway 93.
17. 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.
18. 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.
19. Recommendations contained in the Geotech report prepared by TD&H Engineering in January 2022 shall be followed. In addition, soil migration analysis must be performed due to the propensity of fines migration into trench backfill in the area. The applicant shall submit a utility trench backfill material in accordance with ASTM D-2321 to Public Works for review and approval or provide an acceptable alternative to prevent fines migration.
20. Based upon the recommendations in the Geotech report, a supplemental Geotech report shall be submitted prior to final plat to be reviewed by the Kalispell Building Department to establish to their satisfaction that all building sites would be able to meet loading and other requirements detailed in the International Building Code.
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."

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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. 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.
24. 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.
25. 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.
26. 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.
27. 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."
28. A homeowner's association (HOA) shall be formed and established to provide for the maintenance of all common areas and facilities.
29. A minimum of two-thirds of the necessary infrastructure for the subdivision shall be completed prior to final plat submittal.
30. 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.
31. All areas disturbed during development shall be re-vegetated with a weed-free mix immediately after development.