

CREEKSIDE COMMONS

**CONDITIONAL USE PERMIT – STAFF REPORT #KCU-22-01
REQUEST FOR MAJOR SUBDIVISION - STAFF REPORT #KPP-22-03
KALISPELL PLANNING DEPARTMENT
APRIL 6, 2022**

A report to the Kalispell City Planning Board and the Kalispell City Council regarding a request from Housing Solutions, Inc, for a conditional use permit for a multi-family residential development and major preliminary plat approval for one additional lot within an existing subdivision. A public hearing has been scheduled before the Planning Board for April 12, 2022, beginning at 6:00 PM in the Kalispell City Council Chambers. The Planning Board will forward a recommendation to the Kalispell City Council for final action.

BACKGROUND INFORMATION

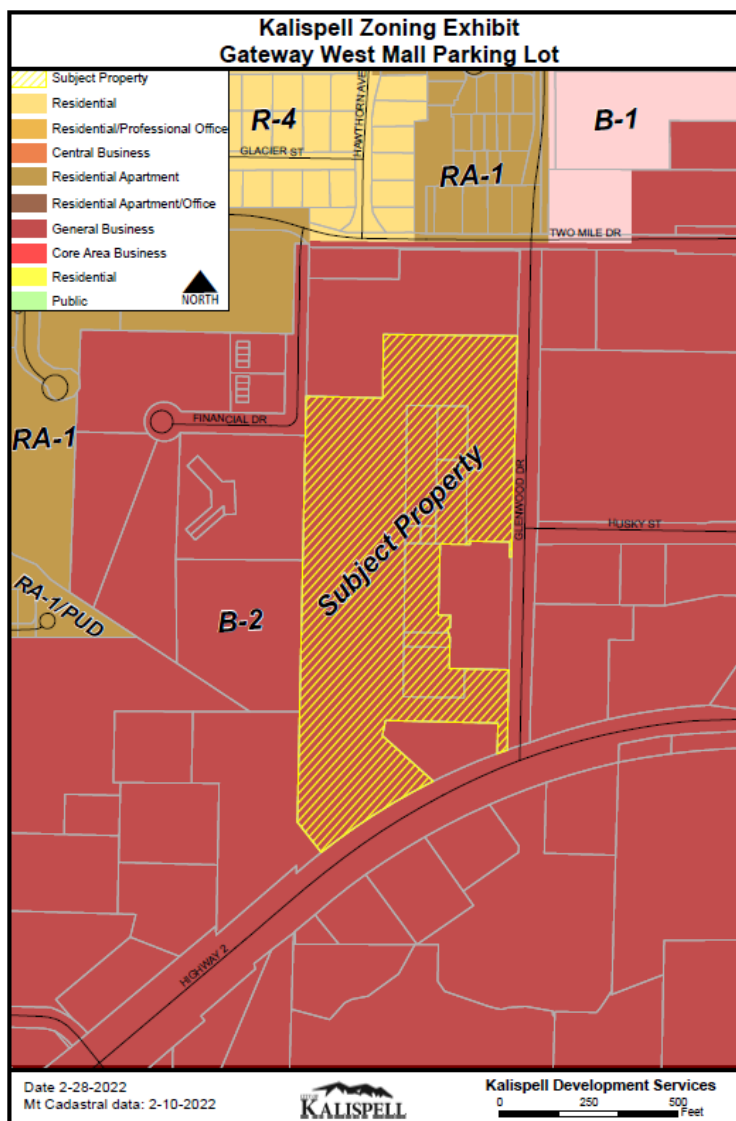
A request from Housing Solutions, Inc, for a conditional use permit for a multi-family residential development and major preliminary plat approval for one additional lot within an existing subdivision. The new lot would contain approximately 1.01 acres to the north of the Gateway Community Center (old Gateway Mall), splitting off a portion of the existing parking lot. The development would include 31 senior housing units which are rent and income restricted for ages 55 and over, supported by tax credits administered through the Montana Board of Housing.

A: Applicant: Housing Solutions, LLC
PO Box 2099
Missoula, MT 59806

B: Location: The property is located at 1203 Highway 2 West (Gateway Community Center/Gateway West Mall) with the project to be located in the northern portion of the property. The property can be described as Lot 1A of Gateway Community Center, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana, excepting therefrom Parcel A of Glenwood West, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.



C: Existing Land Use and Zoning: The subject property as a whole contains the old Gateway West Mall, which has been converted to the Gateway Community Center. The Center houses United Way, the Food Bank, and a number of other non-profit entities. Additionally, a portion of the old mall building was converted to TeleTech, which is a technical support call center. The area proposed to be developed is a portion of the northern parking lot. The zoning of the property is B-2 (General Business). The B-2 district “provides for a variety of sales and service establishments to serve both the residents of the area and the traveling public. This district depends on the proximity to major streets and arterials and should be located in business corridors or in islands. This zoning district would typically be found in areas designated as commercial and urban mixed use on the Kalispell Growth Policy Future Land Use Map.” Multi-family residential is a conditionally permitted use in the district.



D. Size: The subject property is approximately 1.01 acres.

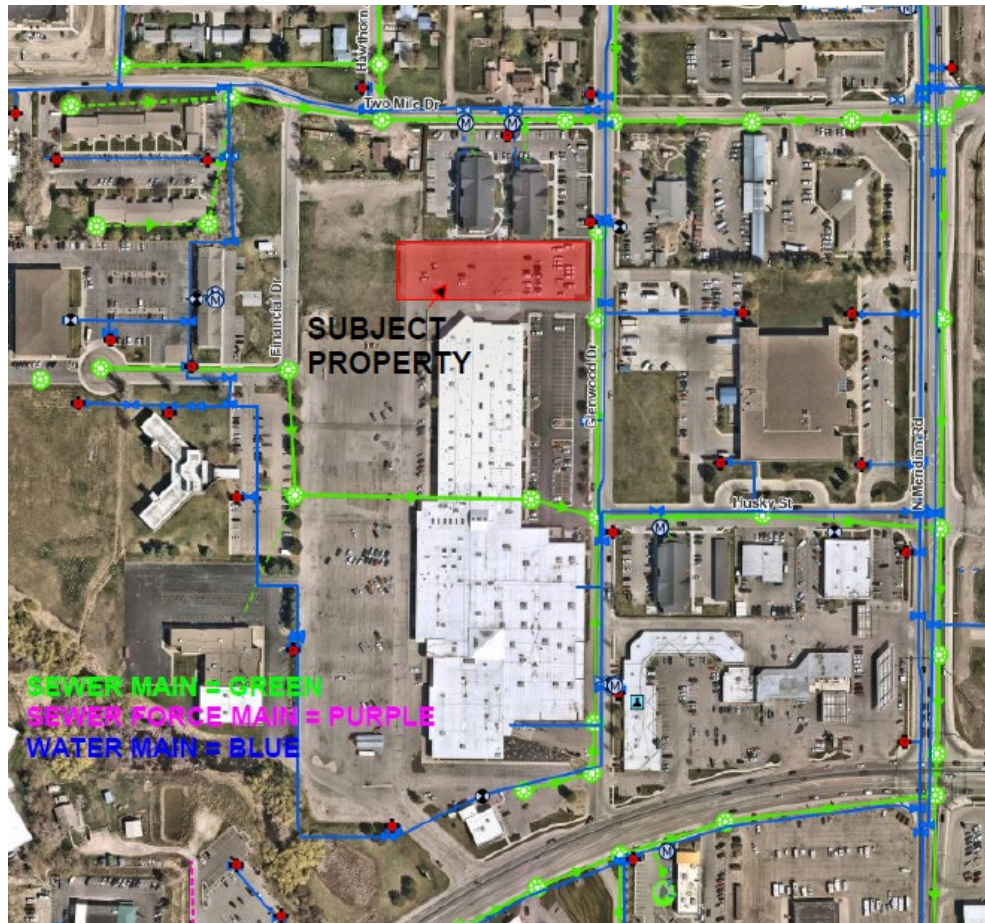
E: Adjacent Zoning:

- North: B-2
- East: B-2
- South: B-2
- West: B-2

F: Adjacent Land Uses:

- North: Multi-family and single-family residential
- East: Office/commercial
- South: Commercial/office
- West: Multi-family residential; office

- G: General Land Use Character:** The area contains a mixture of different uses as part of one of the primary commercial zones in the city. The subject property itself used to be a retail mall that was converted into the Gateway Community Center. The surrounding area includes retail, offices, restaurants, multi-family residential, the post office, and the fairgrounds. On the north side of Two Mile, just to the north of the proposed use, the commercial character transitions into single-family and townhomes.
- 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 onto the site by the developer.

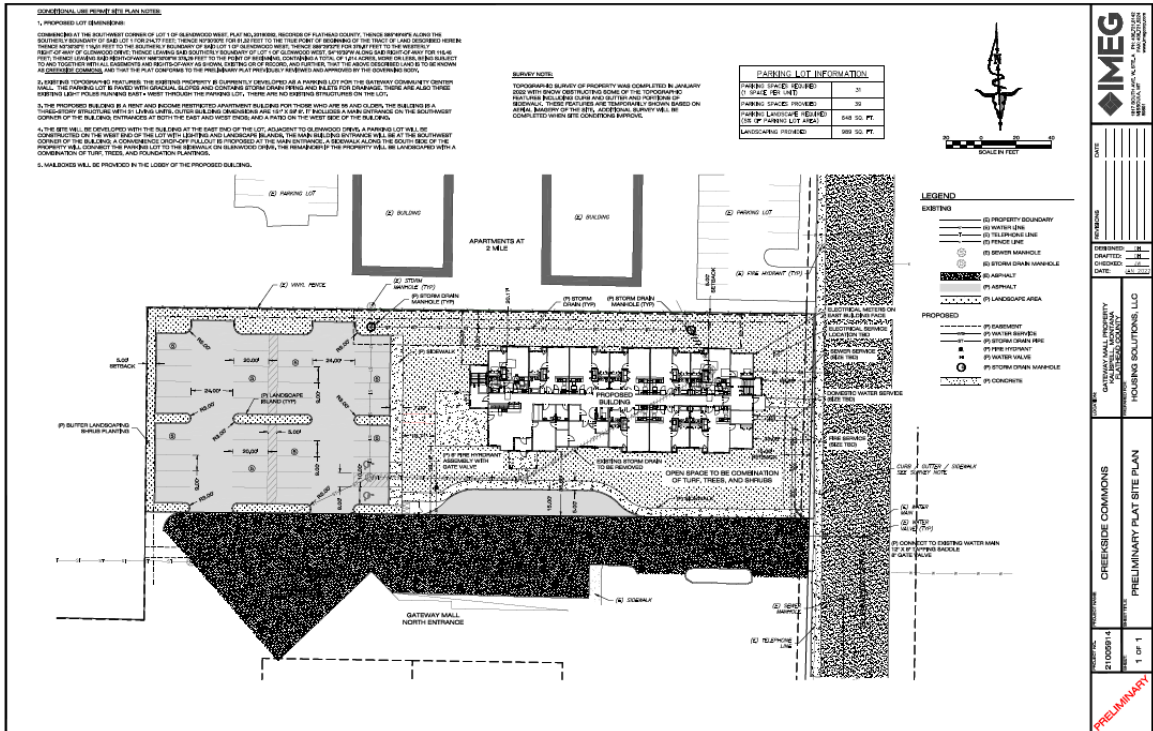


Sewer:	City of Kalispell
Water:	City of Kalispell
Refuse:	City of Kalispell
Electricity:	Flathead Electric Cooperative
Gas:	NorthWestern Energy
Telephone:	CenturyTel
Schools:	School District #5 (Peterson Elementary/Glacier High School)
Fire:	City of Kalispell
Police:	City of Kalispell

EVALUATION OF THE CONDITIONAL USE PERMIT REQUEST

This application has been reviewed in accordance with the conditional use review criteria in the Kalispell Zoning Ordinance. A conditional use permit may be granted only if the proposal, as submitted, conforms to all of the following general conditional use permit criteria, as well as to all other applicable criteria that may be requested.

The requested conditional use permit would allow a multi-family residential development with up to 31 dwelling units. The units would be in one three-story building and the site would include parking and landscaping. The proposed layout is shown below.



1. Site Suitability:

- a. Adequate Useable Space: The subject property is approximately 1.01 acres. The majority of the project site is relatively flat with no significant impediments. Design standards in the zoning ordinance would apply setbacks and lot coverage standards, which can be met. Parking design will be reviewed as part of the building permit and site review process to ensure compliance with the zoning ordinance.
- b. Height, bulk and location of the building: The proposed multi-family project meets the required setbacks and there is no maximum allowed lot coverage applicable in this zone. The B-2 zone also limits the maximum height to 60 feet and the proposed buildings are about 38 feet tall. Verification of all these standards would occur during building permit review and site review.
- c. Adequate Access: The primary access for the development will be Glenwood Drive, which is an existing city street which connects with the overall transportation system, including Highway 2 located to the south and Two Mile Drive to the north. The development also has a second access through the Gateway parking lot, which connects to Financial Drive and Highway 2. Based on the type of use and projected number of trips generated, a Traffic Impact Study (“TIS”) is not required.
- d. Environmental Constraints: There are no known environmental constraints, such as streams, floodplains, or wetlands on the area of the property proposed for development which could affect the proposed use.

2. Appropriate Design:

- a. Parking Scheme/Loading Areas: The off-street parking requirement for multi-family dwellings with senior housing units as provided in this situation is one space per two dwelling units. With 31 units, the requirement under the zoning ordinance would be 16. The submitted site plan provides for 39 parking spaces. Site review will review the parking design as part of the building permit process.
- b. Lighting: Chapter 27.26 of the Kalispell Zoning Ordinance sets standards for all outdoor lighting on commercial or residential structures. Exterior lighting installed in conjunction with the development will be reviewed for compliance with the zoning ordinance during site development review.
- c. Traffic Circulation: As noted above, the primary access will be from Glenwood Drive with a secondary access through the Gateway parking lot to Financial Drive and Highway 2. On-site traffic circulates through parking facilities that will need to be designed to meet city standards.
- d. Open Space: There are no specific open space requirements, although open space is provided. Under the zoning ordinance, 500 square feet of land with recreational value per unit or the equivalent value in amenities shall be provided, which would be

a total of 0.36 acres. The proposal does not include outdoor amenities and relies on an exercise room on the second floor and a game room on the third floor. The specific plans for the recreational component will be reviewed during the building permit and site review processes.

- e. Fencing/Screening/Landscaping: The site plan provides landscaping in regard to parking, buffering, and open space. To ensure the property is fully landscaped and is compatible with the surrounding neighborhood, a final landscape plan should be submitted along with the building permit. The landscape plan shall be approved by the Parks and Recreation Department as well as the Architectural Review Committee prior to issuance of the building permit.
- f. Signage: The development shall comply with all of the sign standards as set forth in Chapter 27.22 of the Kalispell Zoning Ordinance.

3. Availability of Public Services/Facilities:

- a. Police: Police protection will be provided by the Kalispell Police Department. No unusual impacts or needs are anticipated from the project.
- b. Fire Protection: Fire protection will be provided by the Kalispell Fire Department. Fire hydrant(s) will be located as required by the Fire Chief. There is adequate access to the property from the public road system. The building will be constructed to meet current building and fire safety code standards. Station 61 is approximately 1.2 miles from the subject property giving good response time.
- c. Water: City water is available and would serve the property. There is an existing main within Glenwood Drive across the front of the property. There would be an extension of the water main to provide for fire protection. The location of the hydrant(s) will be determined by the Fire Chief. The main would be located in an easement that would be south of the newly created lot within the adjacent driving aisle.
- d. Sewer: There is an existing sewer main within Glenwood Drive that would serve the property.
- e. Storm Water Drainage: Storm water runoff from the site shall be managed and constructed per the City of Kalispell Standards for Design and Construction. Final design will be approved by Kalispell Public Works Department prior to building permit issuance. The design will need to address stormwater quality treatment and will also involve relocation of existing storm lines within the development site. Prior to receiving a building permit, the developer will also 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.

- f. Solid Waste: Solid waste pick-up will be provided by the City. The application indicates a screened trash enclosure will be installed along the south property line and accessed by the shared driving aisle. Care should be taken to ensure that the gate does not interfere with traffic in the driving aisle. Prior to building permit issuance, the enclosure will need to be approved by Public Works as well as the Architectural and Site Review Committees.
- g. Streets: The development would front on Glenwood Drive and would access the street via a shared driveway approach with Gateway Community Center. The street is already developed to the appropriate standard other than the landscape boulevard and trees. No right-of-way improvements are required other than the boulevard and trees, which would involve an alternative design given the existing location of the sidewalk on the curb.
- h. Sidewalks: The zoning ordinance requires a pedestrian connection to the public sidewalk for multi-family dwellings. A connection to the existing public sidewalk is provided from both the east and west ends of the building.
- i. Schools: This site is within the boundaries of School District #5. A limited impact to the district may be anticipated from the proposed development depending on the demographics of the residents. On average, 16 students (K-12) would be anticipated from 31 dwelling units, although the actual number in this situation would be much less, possibly none, given the senior living (55 and over) aspect.
- j. Parks and Recreation: Section 27.34.060 of the Kalispell Zoning Ordinance requires 0.36 acres of land or the equivalent value of improvements as recreational amenities for the 31-unit development based on a ratio of 500 square feet of usable land per dwelling unit. The proposal includes an exercise room on the second floor and a game room on the third floor. The specific plans for the recreational component will be reviewed during the building permit and site review processes.

4. Neighborhood impacts:

- a. Traffic: Based on the type of use and projected number of trips generated, a Traffic Impact Study (“TIS”) is not required. It could be expected that the majority of traffic would access Glenwood Drive, which would then connect to both Two Mile and the traffic light at Meridian to the north as well as Highway 2 to the south.
- b. Noise and Vibration: The development of the property as multi-family residential will create minimal additional noise and vibration. While any development of the property from vacant land will increase the amount of noise, the expected level would be consistent with the surrounding neighborhood.
- c. Dust, Glare, and Heat: The use of the property as multi-family residential would not generate any unreasonable dust, glare, and heat other than during construction.

A. Effects on Health and Safety:

Fire: The property is considered to be at low risk of fire. The building within the subdivision would be constructed in accordance with the International Fire Code and has 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 30029C1805J, effective date November 4, 2015).

Access: The primary access to the subdivision will be provided from Glenwood Drive, which is an existing road connecting Highway 2 and Two Mile Drive, by way of an easement providing common access with the Gateway property. The proposed lot would also have access through the Gateway parking lot to Financial Drive and Highway 2. Additionally, it should be noted that the development of this proposed lot would remove current parking associated with the Gateway Community Center and Teletech. There are current parking agreements involving both entities as well as the River Church. Prior to final plat, the applicant should demonstrate that the elimination of the parking spaces does not create any zoning issues related to required parking spaces or impact any private parking agreements.

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 Alpine Geotechnical in February 2022. The report contained a number of recommendations relative to construction on the site that should be followed.

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. The Geotech report noted groundwater at depths of 9.3 to 11 feet below the surface.

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. The design will need to address stormwater quality treatment and will also involve relocation of existing storm lines within the development site. The developer will also 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.

A property owners' association will need to be created for the maintenance of the common access and for 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 in Glenwood Drive that runs across the full frontage of the property. There would be an extension of the water main to provide for fire protection that would be installed as part of the conditional use permit and building permit. It is not required for the subdivision and the creation of the lot itself. The location of the hydrant(s) will be determined by the Fire Chief. The main would be located in an easement that would be south of the newly created lot within the adjacent driving aisle. The water system will be reviewed and approved by the Kalispell Public Works Department and Kalispell Fire Department as part of the development for compliance with the City of Kalispell Standards for Design and Construction and the Fire Code. There is adequate capacity within the city's water system to accommodate this development. Per the subdivision regulations, any water rights associated with the property shall be transferred to the City of Kalispell prior to final plat.

Sewer: Sewer service will be provided by the City of Kalispell with an existing sanitary sewer main in Glenwood Drive that runs across the full frontage of the property. No extensions are necessary. There is adequate capacity within the city's sewer system to accommodate this development.

Access and Roads: The property fronts Glenwood Drive for the full width of the subdivision. Glenwood is an existing city street which meets the appropriate design standards other than the landscape boulevard and trees. No right-of-way improvements are required other than the boulevard and trees, which would involve an alternative design given the existing location of the sidewalk on the curb. Based on the type of use and projected number of trips generated, a Traffic Impact Study ("TIS") is not required.

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 (Peterson/Glacier High School). On average, it would be anticipated that there would be about 16 students at full build-out, although it is likely that, in this instance, the number would be much less, possibly zero, due to the senior living (55 or older) nature of the project. 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 61 is located approximately 1.2 miles away providing good response time.

Parks and Recreation: For subdivisions involving multi-family dwellings, the amount of parkland/recreational amenities is based on Section 27.34.060 of the Kalispell Zoning Ordinance, which would require 0.36 acres of land or the equivalent value of improvements as recreational amenities for the 31-unit development based on a ratio of 500 square feet of usable land per dwelling unit. The proposal includes an exercise room on the second floor and a game room on the third floor. The specific plans for the recreational component will be reviewed during the building permit and site review processes. Additionally, as part of those plans, 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 obligations are not fulfilled.

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

Medical Services: Ambulance service is available from the fire department and ALERT helicopter service. Kalispell Regional Medical Center is approximately 1.0 miles from the site.

E. Effects on Agriculture and agricultural water user facilities:

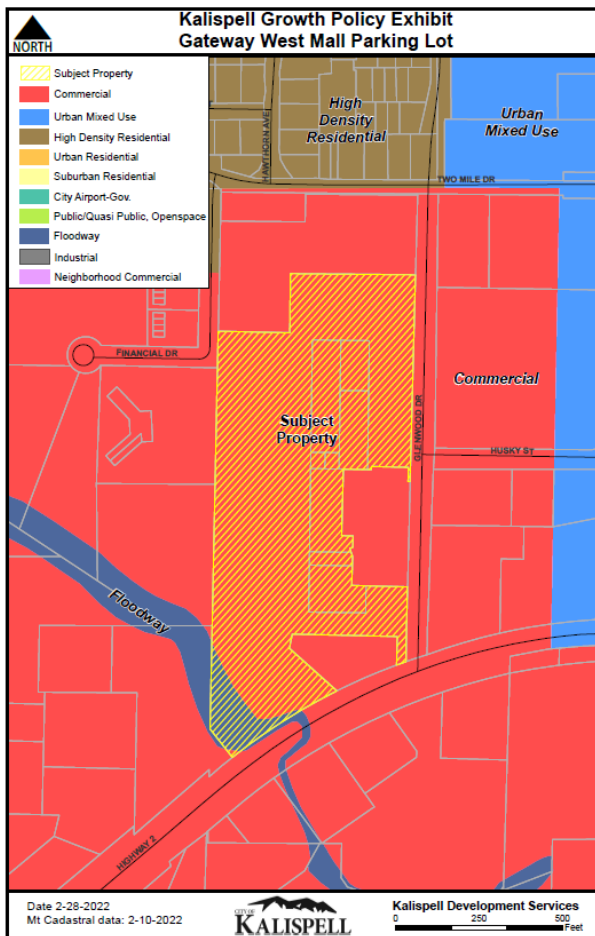
At one point in time, the property may have been used for agricultural purposes, although it has been developed and used as a parking lot for an extended time and is surrounded by urban development. The NRCS classification from 2007 appears to show the property as

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.

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



designates the subject property as commercial, which anticipates higher density uses, including multi-family, without specific density limitations. 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 B-2 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.

RECOMMENDATIONS

- (1) Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt staff report #KCU-22-01 as findings of fact and recommend to the Kalispell City Council that the conditional use permit be approved subject to the following conditions:
- (2) Staff recommends that the Kalispell City Planning Board and Zoning Commission adopt staff report #KPP-22-03 as findings of fact and recommend to the Kalispell City Council that the preliminary plat for Creekside Commons be approved subject to the conditions listed below:

CONDITIONS OF APPROVAL (CONDITIONAL USE PERMIT)

1. That commencement of the approved activity must begin within 18 months from the date of authorization or that a continuous good faith effort is made to bring the project to completion.
2. That the development of the site shall be in substantial conformance with the submitted application and architectural/site plan drawings.
3. Architectural renderings are required to be submitted to the Kalispell Architectural Review Committee for review and approval prior to issuance of a building permit.
4. To ensure the traffic flow and access comply with Kalispell Design and Construction Standards, as well as compliance with other site development standards, the development shall receive Site Review Committee approval prior to issuance of the building permit.
5. To ensure the property is fully landscaped and is compatible with the surrounding neighborhood, a landscape plan shall be submitted along with the building permit. The landscape plan shall be in substantial compliance with the submitted application and approved by the Parks and Recreation Director prior to issuance of the building permit.
6. A minimum of 500 square feet of land per unit which has recreational value as determined by the Kalispell Parks and Recreation Director, or recreational amenities equivalent to the fair market value of 500 square feet of land shall be provided on-site.
7. 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 City of Kalispell Construction and Design Standards and shall include, but necessarily be limited to, stormwater quality treatment and relocation of existing storm lines.
8. Prior to construction, the developer shall submit to the Kalispell Public Works Department an erosion/sediment control plan for review and approval, as well as a copy

of all documents submitted to Montana Department of Environmental Quality for the General Permit for Storm Water Discharge Associated with Construction Activities.

9. Access to the property shall meet fire code as determined by the City of Kalispell Fire Chief.
10. The garbage enclosure shall be sized and placed in a location acceptable to the Kalispell Public Works Department, the Site Development Review Committee, and the Architectural Review Committee.
11. A sidewalk connection from the building to the public right-of-way shall be provided.
12. The water main extension 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 main extension plans shall be reviewed and approved by the Kalispell Public Works Department. Prior to certificate of occupancy, a certification shall be submitted to the Public Works Department stating that the water main has been built and tested as designed and approved.
13. The developer shall submit water 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.

CONDITIONS OF APPROVAL (PRELIMINARY PLAT)

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.
4. Any water rights associated with the property shall be transferred to the City of Kalispell prior to final plat.
5. 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 and shall include, but necessarily be limited to, stormwater quality treatment and relocation of existing storm lines. 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, or that drainage will otherwise be addressed as part of the building permit.

6. 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.
7. 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.
8. 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.
9. 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.
10. Prior to final plat, the applicant shall demonstrate that the elimination of the parking spaces does not create any zoning issues related to required parking spaces or impact any private parking agreements.
11. The recommendations in the Geotech report prepared by Alpine Geotechnical in February 2022 relative to construction on the site shall be followed.
12. 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

13. 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.

14. 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 boulevard for Glenwood Drive. 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.
15. 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 recreational 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.
16. 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.
17. 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."
18. A property owners' association shall be formed and established to provide for the maintenance of all common areas, access and facilities shared with the adjoining lots.
19. A minimum of two-thirds of the necessary infrastructure for the subdivision shall be completed prior to final plat submittal.
20. 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.
21. All areas disturbed during development shall be re-vegetated with a weed-free mix immediately after development.