

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT (#FPP-11-01)
PLANNED UNIT DEVELOPMENT REPORT (#FPPUD-11-01)
WHITEFISH HILLS VILLAGE
JUNE 29, 2011

A report to the Flathead County Planning Board and Board of Commissioners regarding a request for a planned unit development (PUD) overlay on 437.86 acres of land and preliminary plat approval of Whitefish Hills Village, a major subdivision that would create 88 single family residential lots on 257.13 of those acres. The proposed subdivision and planned unit development are located between the cities of Kalispell and Whitefish, south of Stelle Lane and west of US Highway 93 North in the Blanchard Lake/Highway 93 North zoning district.

The Flathead County Planning Board will conduct a public hearing on the proposed subdivision and planned unit development on July 13th, 2011 beginning at 6:00 PM in the 2nd Floor Conference Room, 1035 1st Ave West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. Final action on this proposal by the governing body must be taken prior to September 27th, 2011, in accordance with the 80 day review period identified in Section 4.1.4(a)(iv) of the Flathead County Subdivision Regulations (effective April 1, 2011). All documents pertaining to the subdivision and planned unit development are available for public inspection at the Flathead County Planning and Zoning Office in the Earl Bennett Building located at 1035 First Avenue West, in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee

The proposed subdivision and planned unit development is not located within the advisory jurisdiction of a specific local land use advisory committee.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on July 13th, 2011 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, to review the planned unit development and proposed major subdivision request. This space is reserved for a summary of the Flathead County Planning Board's discussion and recommendation following the public hearing.

C. Commission

The Flathead County Commissioners will hold a public hearing on the proposed planned unit development overlay (PUD), as well as a public meeting to review the proposed major subdivision request, at a date and time to be determined following the Planning Board hearing. This space is reserved for a summary of the Commission's discussion and decision.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant/Owner

Whitefish Hills Village, LLC
Attn: Don Murray
P.O. Box 1178
Kalispell, MT 59901

ii. Technical Assistance

Sands Surveying, Inc.
Attn: Eric Mulcahy, AICP
2 Village Loop
Kalispell, MT 59901

WMW Engineering, Inc.
50 West Second Street
Whitefish, MT 59937

Environmental Consulting Services
2 Village Loop
Kalispell, MT 59901

Applied Water Consulting
P.O. Box 7667
Kalispell, MT 59901

B. Project Description:

Both the planned unit development (PUD) overlay and the proposed major subdivision would apply to the subject property in its entirety, totaling 437.861 acres. The PUD proposed would modify the minimum lot size requirements of the underlying “SAG-5 Suburban Agricultural” zoning, allowing lots less than five (5) acres be created as part of the subsequent major subdivision. A total of eighty eight (88) single-family residential lots on approximately 257 acres are proposed as part of the major subdivision, to be developed in five phases and clustered along the internal subdivision roads in an effort to leave roughly 152 acres – or 34% of the property - in permanent open space to be maintained by the Homeowner’s Association. Although the residential lots will be clustered in a way that promotes open space onsite, the applicant is not proposing to utilize a significant amount of additional development density as allowed by the amount of open space set aside. Given the existing zoning and minimum lot size requirements, a 437 acre property would be permitted a total of 87 five (5) acre lots outright; the subdivision application is requesting one additional density unit beyond what is allowed under the applicable zoning. Aside from the variation to minimum lot size, all aspects of the underlying “SAG-5 Suburban Agricultural” zoning would remain the same and continue to apply to the lots within the subdivision, including permitted and conditional uses, bulk and dimensional requirements and other regulatory restrictions.

C. Legal Description:

The proposed subdivision and PUD overlay are comprised of five tracts of land that can be legally described as Tracts 2E, 4 and 5 located in Section 24; Tract 4 in Section 25 and Tract 4 in Section 26, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana (see Figure 1 below).

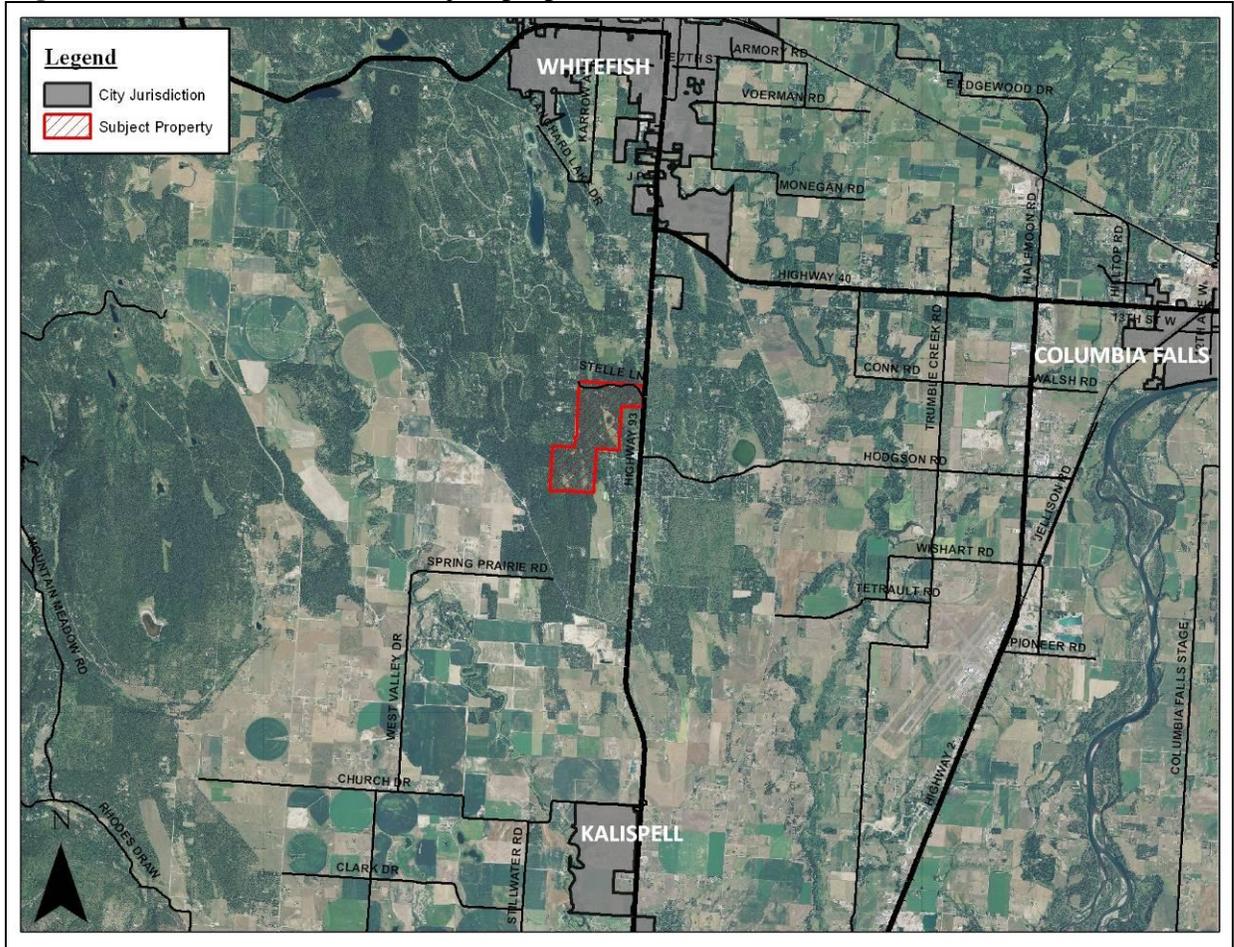
Figure 1: Properties included in subdivision and PUD proposal.



D. Detailed Location

The subject properties are located approximately 4½ miles north of the Kalispell city limits and 2 miles south of the Whitefish city limits, on the south side of Stelle Lane and west of US Highway 93 North.

Figure 2: Detailed location of subject properties (outlined in red).



E. Subdivision Layout Detail

i. Total Subdivision & PUD Acreage	437.861 acres
ii. Acreage in Lots (net)	257.133 acres
iii. Acreage in Streets/Roads (net)	29.143 acres
iv. Park, Common Area and/or Open Space Acreage (net)	
1. Park deeded to Flathead County.....	0.000 acres
2. Homeowner’s Association Park.....	0.000 acres
3. Open Space.....	151.585 acres
4. Common Area.....	0.000 acres
v. Minimum Lot Size	1.796 acres
vi. Maximum Lot Size	7.793 acres
vii. Overall Gross Lot Density	1 DU/4.976 acres
viii. Easements	0.000 acres

The proposed subdivision and PUD will set aside approximately 152 acres of land in open space, in four areas to be known as “Open Space A”, “B”, “C”, and “D”. As stated in the

application, the open space will remain under the ownership and maintenance of the Homeowner's Association for Whitefish Hills Village. A trail system is located within the designated open space and links the areas throughout the subdivision.

F. Administrative Characteristics

i. Current Land Use

All tracts involved in the proposed subdivision and PUD are currently undeveloped, designated "agricultural rural" with a "forest land" classification for timber agriculture according to the Computer Assisted Mass Appraisal (CAMA) Parcel Details Report. The majority of the property is moderately to heavily timbered, with a few open areas encompassing isolated, non-jurisdictional wetlands. A large open area on the eastern portion of Tract 4 in Section 24 has a small pond features and is identified as "Open Space B" on the preliminary plat.

Figure 3: Current land use.



ii. Current Zoning

The subject properties are all currently zoned "SAG-5 Suburban Agricultural" and are located within the Blanchard Lake/Highway 93 North zoning district (see Figures 4 and 5 below).

Figure 4: Existing zoning on the subject property (outlined in red).

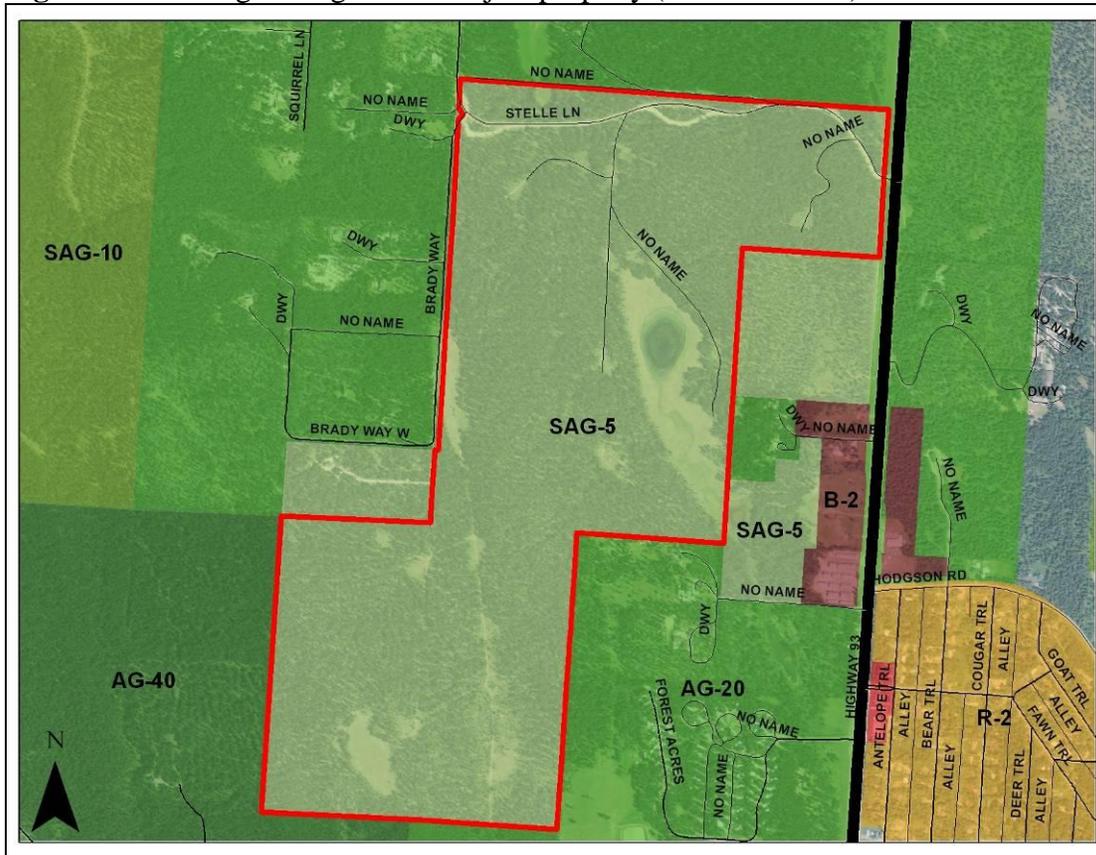


Figure 5: Zoning district applicable to the subject property (outlined in red)



iii. Proposed Land Use:

The applicant is proposing to subdivide the property into 88 single-family residential lots, for a gross density of one dwelling unit per 4.976 acres. The PUD overlay would allow for a reduction in minimum lot size from the current 5 acre requirement, as well as one additional density unit to be utilized in the major subdivision proposed. All other aspects of the underlying “SAG-5 Suburban Agricultural” zoning would be incorporated within the PUD and continue to apply to the proposed subdivision, regulating permitted and conditional uses as well as bulk and dimensional requirements (other than lot size).

G. Area Characteristics

i. Description of Area Surrounding Proposed Subdivision/Planned Unit Development

The area surrounding the subject property is relatively rural considering there is a major highway corridor lying directly east. Large acreage residential lots are located to the north, west, and south of the subject property, and these properties are heavily timbered with homes set back off the road so as to feel less residential in nature. The terrain in this area is generally hilly, with moderate to thick stands of timber and underbrush intermixed with open meadows and small pockets of wetland. The undeveloped ‘feel’ of the area extends not just along Stelle Lane and Brady Way, but is also noticed when traveling along US Highway 93, as properties fronting the highway between Hodgson Road and Stelle Lane appear less developed and have maintained their forested nature along this section of the corridor.

ii. Average Parcel Acreage

Parcel sizes tend to vary in the area surrounding the subject property. North of Stelle Lane, parcel sizes are generally 40 acres or larger, compliant with the AG-20 zoning in place. Similarly, parcels to the south and southwest of the subject property comply with the AG-20 and AG-40 zoning classifications applicable, ranging between 40 and 140 acres in size. West of the proposed subdivision/PUD along Brady Way, parcel sizes become more diverse, ranging from just below 5 acres to over 20 acres; this area appears the most inconsistent related to the applicable zoning (AG-20). Similar variations occur along US Highway 93 North, where the zoning is mixed and parcels sizes generally reflect this. Lot sizes in this area range from just over one acre to 40 acres in size.

iii. Zoning

As shown by Figure 4 above, the subject property is surrounded predominantly by agricultural and suburban agricultural zoning. To the north and west there is “AG-20 Agricultural” zoning, requiring a minimum lot size of 20 acres. AG-20 zoning is also found located to the south and east of the subject property, adjacent to the southeast corner of the proposed subdivision/PUD. “AG-40 Agricultural” zoning can be found adjacent to the southwest corner of the subject property and requires a minimum lot size of 40 acres for parcels in this area. Small amounts of “AG-20”, “SAG-5 Suburban Agricultural” and “B-2 General Business” zoning are located to the east of the subdivision/PUD, between the subject property and US Highway 93 North. The B-2 zoning present in this area is not immediately adjacent to the subject property, and is limited in its expanse along the highway corridor.

iv. Land Uses

Land uses surrounding the proposed subdivision are predominantly large-acreage rural residential, given the SAG and AG zoning classifications that apply to the general area. The Forest Acres Mobile Home Park and Happy Valley Homesites Subdivision are located further

H. Utilities and Services

i. Water

Public water system proposed onsite

ii. Wastewater

Individual septic systems proposed onsite

iii. Electricity

Flathead Electric Cooperative

iv. Natural Gas

N/A

v. Solid Waste

Contract haul – North Valley Refuse

vi. Telephone Service

CenturyTel

vii. Schools District(s)

Whitefish School District (K-12)

viii. Fire Districts

Whitefish Rural Fire Service Area – Whitefish Fire Department

ix. Police

Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Referrals

In accordance with applicable subdivision review requirements, agency referrals for comments on the proposed subdivision and planned unit development were sent to the following agencies on June 8, 2011:

- Chuck Curry, Flathead County Sheriff
- Dave Prunty, Public Works/Flathead County Road Department
- Jim Chilton, Flathead County Solid Waste
- Glen Gray, Flathead City-County Health Department
- Joe Russell, Flathead City-County Health Department
- Marcia Sheffels, Superintendent of Schools
- Jed Fisher, Flathead County Weeds and Parks Department
- Larry Van Rinsum, Flathead Conservation District
- Flathead County Address Coordinator/GIS Department
- James Freyholtz, Montana Department of Transportation (MDT)
- Jean Crow, Montana Department of Transportation (MDT)
- Jamie Murray, Bonneville Power Authority (BPA)
- AMS, United States Postal Service
- Chris Caye, Montana Fish, Wildlife and Parks (MT FWP)
- Fred Holmes, Montana Department of Natural Resources and Conservation (DNRC)
- Marc Pitman, Department of Natural Resources and Conservation (DNRC)
- Emily Gillespie, DEQ Subdivision Section (MT DEQ)
- Whitefish Fire District
- Whitefish Elementary and High School District(s)
- City of Whitefish Planning Office
- Lynn Verlanic, U.S. Fish and Wildlife Service
- Peter Steele, Flathead County Attorney's Office

As of the date of completion of this staff report, the following comments have been received:

- **Dave Prunty, Flathead County Road and Bridge Department**
 - Requested an agency referral packet be sent to Peter Steele, Deputy County Attorney; road abandonment proposed is an issue.
- **Jim Chilton, Flathead County Solid Waste**
 - The landfill capacity currently available is from 30 to 60 years based upon an average tonnage increase of 8% per year or 2% per year, respectively.
 - The District requests all new subdivisions use a private hauler to bring solid waste to the landfill. Outlying green box sites should not be a primary method of solid waste disposal. North Valley Refuse is the PSC Public Service Commission licensed hauler in this area.
 - After reviewing the project summary, I believe the proposed major subdivision is approaching the issue of solid waste in an appropriate manner.
- **Marcia Sheffels, Superintendent of Schools**
 - The proposed development is located in the Whitefish School District for both elementary and high schools; the Whitefish elementary school applicable to this subdivision will be Muldown.
 - If a major subdivision is three or more miles away from the schools, busing will be required; in this case the developer must set land aside for a bus stop.
 - In locating bus stops, the following should be noted:
 - Buses travel only on County and highway-maintained roads or approved subdivision roads.
 - Bus stops shall be on the same side of the road as the housing area and be a minimum of 20 feet deep and 80 feet long.
 - Bus stops shall be chosen with the principle of safety in mind. Stops shall be selected where motorists approaching from either direction will have a clear view of the bus. Stops shall never be made over the brow of a hill, on the outgoing end of a curve, on a blind curve, at a road intersection, or on a steep grade.
 - Bus turn-arounds must be provided when the stop is the last on the road.
- **Jerry House, Whitefish School District**
 - The Whitefish School District supports the Whitefish Hills subdivision to be developed. This support is for academics, activities and/or other school related purposes as needed.
- **Peggy Weyant, Bonneville Power Authority**
 - In reviewing the proposed plan, we have found this proposal will not impact any BPA transmission line corridors located within this area. BPA does not have any objections to the approval of this request at this time.
- **Marc Pitman, Montana DNRC Water Resources Division**
 - A search of the DNRC water right database indicates that there are no existing water rights appurtenant to the property being proposed to be divided in the five tracts of land legally described as Tracts 2E, 4 and 5 located in Section 34; Tract 4 in Section 25 and Tract 4 in Section 26, Township 30 North, Range 22 West, P.M.M.
 - Your letter regarding the subject subdivision does not state if lots in the proposed subdivision will be served by individual wells or by a PWS. Since lot sizes are 1.7 acres or greater, the proposed lots may be served by individual wells. In that case, the eventual owners of the lots need to obtain either a ground water certificate DNRC Form 602 or a water right permit using DNRC Form

- 600, whichever would be applicable for any beneficial uses of water on the properties.
- The Department of Natural Resources (DNRC) recommends that property owners installing individual wells (no greater than 35 gpm flow rates and 10 acre-feet of volume per year) file for a certificate of water right following the notice of completion (DNRC Form 602) process with the DNRC. Any other diversion of ground water or any diversion of surface water for a beneficial use for the subdivision will require a permit (DNRC Form 600).
 - If lots in the subdivision are to be served by a PWS then a water right permit would most likely be required prior to placing water to a beneficial use.
- **Glen Gray, Flathead County Sanitarian, Flathead City-County Health Department**
 - The proposed subdivision will be served by an on-site public water supply. Plans and specifications for this system will be reviewed by the Department of Environmental Quality (DEQ).
 - Each lot will be served by an on-site sewage treatment system. Each proposed drainfield location will be reviewed on site with all soil characteristics, topography, non-degradation and groundwater information considered. These will be reviewed by the staff of this office.
 - Storm drainage will be required reviewed by DEQ.
 - **John Vore, Wildlife Biologist, Montana Fish, Wildlife and Parks**
 - This property and the surrounding properties are year-round whitetail deer habitat as well as important winter range. Black bears, mountain lions, an occasional grizzly bear or wolf and a host of other species also use the property.
 - However, because the proposed subdivision/PUD is located within the developing Kalispell-Whitefish corridor along US Highway 93, and is relatively close to existing development, do not have the same concerns as if the development were proposed elsewhere in the County.
 - Housing developments have a negative impact on nearly all wildlife species due to habitat loss but also human activities and keeping of domestic animals and pets.
 - New homes within the subdivision will be faced with wildlife conflicts; 11 conditions were suggested to minimize problems future homeowners could have with wildlife.
 - Recommend that future property owners be made aware of potential wildlife conflicts and be given a copy of the information discussed in this letter.
 - **Jarrold Mohr, P.E., DEQ Subdivision Review Section, Kalispell Field Office**
 - MT DEQ will be looking at cumulative effects for nitrate and phosphorous for the non-significance determination of each lots drainfield.
 - Stormwater mitigation is not anticipated to be an issue with the large lots, but MT DEQ will still look at plans for mitigation in addition to the roadways.
 - **Fred Holmes, Fire Supervisor, DNRC Kalispell Unit**
 - After a field review of the Whitefish Hills Village subdivision, the following comments are submitted for consideration regarding Wildland fire protection from the DNRC Kalispell Unit;
 - The proposed subdivision complies with reasonable Wildland fire suppression and access requirements of this Department.
 - **James Freyholtz, P.E., Montana Department of Transportation**
 - The E.A. note that a Traffic Impact Study completed suggested striping changes on US Highway 93 may be desirable. The developer would need to contact

- MDT for approval of any proposed changes to the pavement marking.
- US Highway 93 is scheduled to be resurfaced later this year.
- Since Stelle Lane is an established County road, MDT will not need to issue a new approach permit.
- MDT is supportive of connecting roads to adjoining property, such as to the south and/or west, which would allow a future road network to connect to other public roads such as KM Ranch Road.
- **Peter Steele, Deputy County Attorney**
(verbal comment received June 23rd, 2011)
 - Abandonment of County road easement for Brady Way would be acceptable, but new road alignment should remain designated for public use, at minimum to the spur easement leading to the DNRC School Trust Land to the south.
 - All internal subdivision roads should be shown as public access easements as required under Section 4.7.15(e) of the subdivision regulations.
- **Steve Lorch, Community Planner, DNRC Northwestern Land Office**
(verbal comment received June 28th, 2011)
 - The developer is required to obtain approval from the DNRC prior to utilizing the spur easement to DNRC School Trust Lands as emergency ingress/egress to the development.
 - The DNRC would prefer the subdivision roads be maintained as public easements to ensure access to state trust land as well as promote future connectivity and emergency ingress/egress should lands to the south be developed.
- **Tom Schelling, Acting Fire Marshall, Whitefish Fire Department**
(verbal comment received June 29th, 2011)
 - Following up on agency comment, was sent to wrong P.O. Box and just received in today's mail.
 - Spoke to Doug Loy, Fire Marshall (retiring June 30th, 2011), who reviewed the subdivision initially.
 - Confirmed that the developer has incorporated elements discussed with the Whitefish Fire Department prior to submittal; the fire department is comfortable with what is being proposed.

B. Public Notice

In accordance with Section 4.0.14, adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision and PUD on June 22th, 2011. Legal notice of the public hearing on this application will be published in the June 26th, 2011 edition of the Daily Interlake. Notice of the public hearing was physically posted on the subject property by planning staff on June 22nd, 2011. As of the date of the completion of this staff report, no public comments have been received regarding the proposal. Written public comment will be received until 5:00 PM on July 13th, and will be summarized verbally and entered into the public record during the Planning Board hearing that evening. It is anticipated anyone wishing to provide public comment will do so in person at the Planning Board hearing on July 13th.

IV. EVALUATION OF PUD OVERLAY REQUEST (#FPPUD-10-01)

A Planned Unit Development (PUD) is a zoning overlay meant “to encourage the more efficient use of land and public services by providing a classification which may provide flexibility of architectural design and mixing of land uses while preserving and enhancing the integrity and environmental values of an area” (Section 3.31.010 FCZR). The underlying zoning in place at the time of a PUD application establishes the uses and density allowable in the PUD area.

The applicant has requested a residential PUD overlay that would apply to the five tracts of land proposed to be subdivided. All five tracts are currently zoned “SAG-5 Suburban Agricultural”, a zoning classification that requires a minimum lot size of 5 acres (reference Figure 4 above). The PUD overlay proposed would allow a reduced minimum lot size, enabling the residential lots to be clustered along the internal subdivisions roads and leaving roughly 152 acres in designated open space. Although additional density would be permitted based upon the amount of open space intended to be set aside, the applicant as only requested a slight increase in the development density, to allow one additional lot not permitted under the existing zoning based upon the overall acreage of the subdivision/PUD. By implementing a PUD overlay (as opposed to utilizing the cluster development standards for properties zoned SAG-5 found in Section 5.09 FCZR), the development would not have to adhere to the 2 acre maximum lot size requirement for cluster lots.

It should be noted that the review of a planned unit development differs from a zoning text or map amendment in that specific review criteria found in Section 3.31.020 (2) of the Flathead County Zoning Regulations are used to evaluate the appropriateness of the plan itself. Planned unit developments are also required to meet certain performance standards identified in Section 3.31.030 regarding their location, land area requirements and use regulations. The following is an evaluation of the proposed PUD using the criteria identified:

A. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

The proposed Whitefish Hills Village Planned Unit Development departs from the underlying zoning designation of “SAG-5 Suburban Agricultural” in only one way – minimum lot size requirements. The PUD overlay would enable a total of 88 lots to be clustered along the internal subdivision roads for a total developed area (roads and lots combined) of approximately 286 acres. The remaining land – roughly 152 acres – would be set aside in permanent open space, owned and maintained by the Homeowner’s Association, and intended to preserve and keep development from impacting some of the more sensitive environmental areas onsite.

The plan area encompasses 437.861 acres, and is zoned entirely “SAG-5 Suburban Agricultural”. Based upon the existing zoning designation, a total of 87 lots could be created outright, in accordance with the 5 acre lot size minimum [Section 3.08.040(1) FCZR]. Section 3.31.030(4)(A) of the zoning regulations identify the maximum permissible residential density for a SAG-5 PUD as 2 dwelling units per 5 acres; using these calculations, a total of 174 dwelling units would be permissible with the appropriate amount of open space set aside. The applicant has requested a total of 88 lots as part of the proposed subdivision/PUD; in other words, one additional lot has been proposed beyond what is permitted outright by the zoning in place. However, a total of 152 acres of permanent open space – roughly 34% of the entire project area - will be set aside as part of this proposal. The amount of open space proposed to

be set aside compared to the one additional development unit requested is proportionally in excess of what would reasonably be required were the developer requesting to double the amount of density as part of the planned unit development.

As proposed, the development density would remain essentially the same as if a subdivision were applied for under the existing SAG-5 zoning. The significant difference will come as a result of the reduction in minimum lot size. Rather than carving up the existing tract land into uniform 5 acre lots, the proposed PUD allows (generally) smaller lots to be clustered along the internal subdivision roads, minimizing the overall acreage that will be developed, providing a buffer between the proposed development and external properties while allowing utilities and service delivery to occur more efficiently throughout the proposed subdivision. While the reduction in minimum lot size has effectively resulted in the lots being ‘clustered’, the proposed subdivision/PUD is not considered a ‘cluster development’ as defined by the zoning regulations. The applicants chose to utilize a PUD overlay instead of implementing the cluster development standards found in Section 5.09 of the regulations due to the fact that the net average lot size in a residential cluster development is restricted to a maximum of 2 acres. Given the PUD’s location in a rural residential area as well as the underlying large-acreage zoning in place, the applicants felt a higher net average lot size would be appropriate coupled with the substantial amount of open space proposed to be set aside.

The following table sets up the applicable development standards for the Whitefish Hills Village PUD. As stated in the application, all provision of the underlying SAG-5 zoning would continue to apply to the proposed subdivision, with the exception of minimum lot size. The draft Codes, Covenants and Restrictions outline additional development standards and architectural controls that will apply to the overall development; however, the applicants have stated this document is not intended to serve as part of the PUD contract zoning. While this may be the case, it is imperative the regulations, as modified and applicable to the proposed subdivision, are clearly identified as part of this PUD proposal; preferably in the CC & R document itself or as a stand-alone zoning contract clearly stating the provision of the Whitefish Hills SAG-5 PUD overlay. This will ensure future property owners have a clear understanding of the zoning applicable to their property, as it will differ slightly from the typical SAG-5 zoning classification.

Table 1: Planned Unit Development Characteristics for Whitefish Hills Village

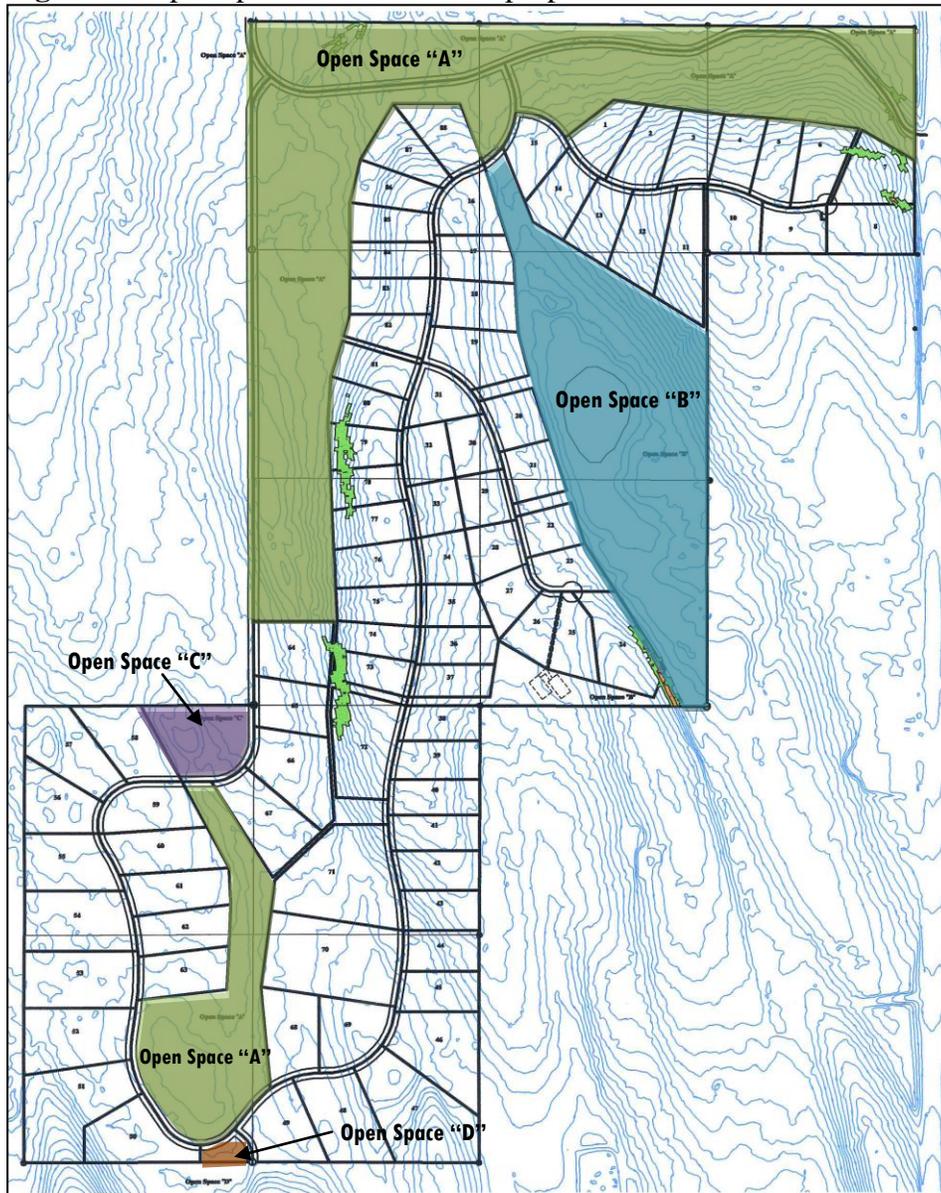
Underlying Zoning	SAG-5 Suburban Agricultural
Minimum Lot Size	5 acres
Proposed Lot Size	1.8 – 7.8 acres
Applicable Permitted Uses	FCZR Section 3.08.020
Applicable Conditional Uses	FCZR Section 3.08.030
Applicable Bulk & Dimensional Requirements	FCZR Section 3.08.040

Finding #1 – As proposed, the Whitefish Hills Village PUD overlay would reduce the minimum lot size requirement of the underlying “SAG-5 Suburban Agricultural” zoning and allow one additional density unit as part of the proposed subdivision; this departure is not anticipated to significantly impact or be of interest to the public because the proposed development density is generally consistent with what would otherwise be allowed under the existing zoning, and because the reduction in minimum lot size would enable the lots to be clustered, creating a buffer between the proposed development and adjacent properties and resulting in a large amount of permanent open space being set aside onsite.

- B. 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.**

As previously discussed, approximately 152 acres of open space divided amongst four designated areas (Open Space “A”, “B”, “C” and “D”) would be permanently set aside as part of the PUD overlay and proposed subdivision (see Figure 7 below). A trail network is proposed to connect each open space area and provide the residents of Whitefish Hills Village additional recreation opportunities.

Figure 7: Open space associated with proposed PUD and subdivision.



As proposed, over 34% of the subject property would be permanently set aside in open space; that open space would be owned and maintained by the Homeowner’s Association for the use and enjoyment of the residents of Whitefish Hills Village. Planned unit developments do not require a specific amount of open space to be set aside for increased development density (such

as that which is required for residential cluster developments in Section 5.09 FCZR). Section 3.31.030(4)(A) of the zoning regulations would allow a maximum development density of 174 units for a SAG-5 planned unit development; however, the applicant has only requested one additional density unit as part of the proposed subdivision/PUD. In addition, the acreage proposed meets the requirements of Sections 4.7.26(c)(i) and (ii) of the Flathead County Subdivision Regulations, which state the parkland dedication requirement (to the County) may be waived by the Commissioners if the proposed subdivision provides for a “planned unit development... with land permanently set aside for parkland sufficient to meet the needs of the residents of the development and equals or exceeds the area of the required parkland dedication pursuant to Subsection (d)” and is maintained by the homeowners association. The exact parkland/open space acreage required through subdivision review will be discussed further in Section VIII.A(iii)(4) below.

As discussed, the mechanism for maintaining and conserving the open space proposed as part of this development plan is the Homeowner’s Association, pursuant to the Codes, Conditions, Restrictions and Reservations to be adopted as part of the planned unit development. *Article XI – Open Space* found on page 33 of the Draft CC&Rs for Whitefish Hills Village designates the proposed open space as being “permanently set aside..... as shown on the final plat duly filed and recorded”. Section 11.2 specifically allows the open space to be placed under conservation easement at some point in the future, under care of a “qualified land trust or other private organization as contemplated in the *Montana Open Space Land & Voluntary Conservation Easement Act*, Section 76-6-101, et seq., MCA.” Monetary assessments to be paid by each homeowner for the care and maintenance of open space within the proposed development are also addressed under Section 11.3.

Finding #2 – Open space associated with the proposed PUD is adequate in both amount and function because approximately 152 acres will be permanently set aside in open space as part of the proposed subdivision/PUD, and will be maintained in perpetuity by the Homeowner’s Association as reviewed herein, or dedicated as conservation easement under the care of a qualified land trust or private organization meeting the requirements of 76-6-101, et seq., MCA.

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

A preliminary plat for the associated Whitefish Hills Village subdivision accompanies the proposed PUD application and provides details on how the plan and subdivision will address the matter of public services and facilities, traffic and recreation components described herein. The subject properties are located within the Whitefish Fire District and would be served by the District as well as the Flathead County Sheriff’s Department in the event of an emergency. A public water system serving the lots proposed within the subdivision, in conjunction with a 120,000 gallon water storage tank will be constructed on the property and maintained by the Homeowner’s Association, pursuant to Article X of the Draft Covenants, Conditions, Restrictions and Reservations. This water system and storage tank will not only provide water service to the residents of the development but will also ensure adequate water capacity and flow in the event of a fire emergency. Water will be dispersed via seven fire hydrants proposed located throughout the subject property, as discussed and agreed upon by the Whitefish Fire Marshall. The Draft CC&R documents further specify development standards and suggest the implementation of residential sprinkling systems in the “Protective Covenants” section on building standards (Article V, Section 5.4). These requirements are further discussed in Section VIII(A), Subsection (vii)(6)

below.

Lots proposed within the subdivision will be served by individual onsite septic facilities, and will all have direct driveway access onto an internal subdivision road network that will be constructed and paved to County Road and Bridge standards. Roughly 152 acres of open space will be dedicated permanently as part of the conditions of the PUD and subdivision approval(s), and will be maintained by the Homeowner's Association for the use and enjoyment of the residents of the development. Lots created through subdivision as part of the PUD will continue to abide by the underlying zoning in place with regard to minimum setbacks, lot coverage and permitted and conditional uses, ensuring the adequate provision of light and air and maintaining public health and safety for the subject property and surrounding area. The proposed development would have very little visual impact on the surrounding area due to the fact that lots are proposed clustered away from most exterior boundaries, creating a natural buffer between the proposed development and adjacent properties.

Finding #3 – The PUD proposed makes adequate provision for public services, vehicular traffic and amenities of light, air and recreational enjoyment because the properties are located within the jurisdiction of local fire and emergency service providers and will be required to adhere to all requests made by public service providers to ensure public health and safety; the PUD has been proposed as part of a subdivision request and will utilize an internal subdivision road with dual access points to safely and effectively direct traffic throughout the property; a significant amount of open space will be set aside for the recreational enjoyment of the residents; lots will be clustered away from the exterior property boundaries to mitigate visual impacts as a result of the proposed development; and the underlying zoning will continue to regulate bulk and dimensional requirements of the development, excepting minimum lot size.

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

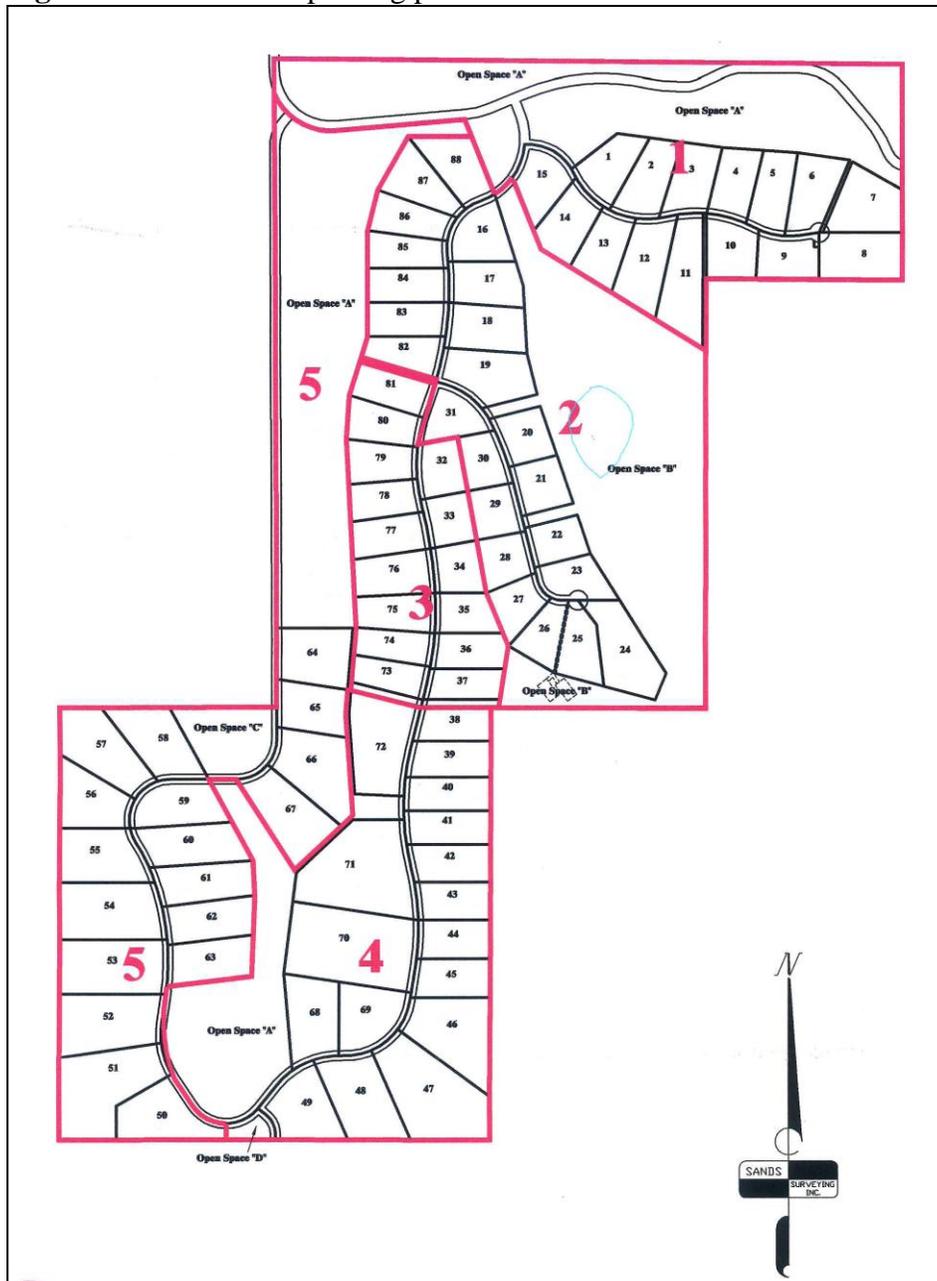
As stated by the applicant in the application materials, the PUD proposed has been laid out in a manner intended to compliment the surrounding character of the area. This has been done by requesting a reduction in the minimum lot size applicable to the area, enabling the lots to be clustered along the internal subdivision roads, away from the property boundaries and existing residential development. The area in which the proposed PUD generally sits is rural residential in character, with relatively large acreage residential lots located to the west and northwest of the property, some of which were created as part of previous Whitefish Hills developments (i.e. Whitefish Hills Forrest, Whitefish Hills Phase I). The layout of the development also preserves some of the more environmentally sensitive habitat onsite, such as the low-lying wetlands and forested riparian areas. The neighborhood surrounding the proposed PUD is similarly forested, with rolling hills and dense foliage buffering much of the existing development from Stelle Lane and Brady Way. The proposed subdivision and PUD plan would encourage a similar development pattern as has occurred/is occurring in the surrounding area, while minimizing impacts to the natural environment as well.

Finding #4 – The proposed PUD would appear to generally be of benefit the surrounding neighborhood because the reduction in lot size would allow residential development to be clustered along internal roadways and away from external property boundaries, providing a visual buffer between the subdivision and adjacent property owners as well as directing proposed development away from the environmentally sensitive areas onsite.

E. In the case of a plan that 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 County Attorney.

The proposed subdivision accompanying the planned unit development application will be developed over five separate phases (see Figure 8 below). The phasing plan would not apply to the proposed PUD, as the final PUD plan will be required to undergo review and receive approval prior to an application for a final subdivision plat. This will ensure the integrity of the plan is met and the subdivision is constructed according to the applicable regulations and as presented and approved through this review.

Figure 8: Subdivision phasing plan.



As with any phased subdivision, the initial development phase is required to undergo final plat review and receive approval within the standard three year period; there is the potential to

request a one year extension to this review period, and the subdivider may also utilize a Subdivision Improvements Agreement (SIA) should additional time be necessary to complete the required improvements conditioned through subdivision approval. Following final plat approval of the initial subdivision phase, each subsequent phase will be required to undergo review and receive approval within three years of the previously approved final plat, with the possibility of one year extension for each subsequent phase. Should the subdivider request a one year extension to any phase during the preliminary plat timeframe established, a revised phasing plan must accompany the extension request [Section 4.4.2(d) FCSR]. The phasing plan has been described in the application materials and has been structured to ensure all utilities and infrastructure is in place to serve the proposed development at the time it is implemented. The applicant has also identified in the phasing which open space areas will be formally ‘dedicated’ with each development phase approved. To ensure the integrity of the preliminary PUD reviewed, the total acreage of open space proposed will be required shown on the face of the final plan when submitted for review and final approval. When discussed with the County Attorney, the proposed phasing was deemed acceptable so long as the final PUD plan for the entire development area was reviewed and approved prior to final plat submittal for Phase I of the proposed subdivision.

Finding #5 – Following review and consultation with the Flathead County Attorney, the phasing plan proposed and included with the subdivision application materials would be acceptable because the PUD final plan would not follow the phasing plan but would undergo review and receive approval as a single plan applicable to the subject property in its entirety; and because the phased development will occur in accordance with the timeline and requirements set forth in the Flathead County Subdivision Regulations.

F. Conformity with all applicable provisions of this chapter.

A proposed PUD must be reviewed for conformance and consistency with the provisions of Section 3.31.030 of the Flathead County Zoning Regulations regarding “Standards for Planned Unit Development District”. The following criteria are applicable to the proposal:

- 1. Location of PUD** - The proposed subdivision/PUD is located in an area of the County where public and/or private facilities and services are available - or will become available - to meet the needs of the proposed development. The subject property is located within the Whitefish Rural Fire District, the Whitefish Public School District and will be served by the Flathead County Sheriff’s Department. Lots within the subdivision will be served by individual septic systems located onsite, and a public water system (PWS) will be established to serve all 88 home sites.
- 2. Land Area Requirement** - The proposed PUD encompasses five separate tracts of land totaling 437.861 acres, which is well in excess of the 2 acre minimum land area required to make an application to the Planning and Zoning Office. All five tracts are under the same ownership.
- 3. Establishment of PUD Districts** - The proposed PUD meets the establishment requirements governing the type of PUD that may be reviewed and approved by the Commissioners. The application submitted is for a “Residential PUD”, and all five tracts of land involved in the proposed PUD and subdivision to follow are currently zoned “SAG-5 Suburban Agricultural”.
- 4. Use Regulations** - The PUD proposed would not alter the underlying SAG-5 zoning with regard to permitted and conditional uses or bulk and dimensional requirements,

with the exception of reducing the minimum lot size requirement. This reduction in lot size would enable future development to be clustered along the internal subdivision roads, streamlining the provision of utilities and services and protecting environmentally sensitive areas onsite. The applicant is not requesting increased density to the extent identified in Section 3.31.030(4)(A), but has asked for one additional density unit/lot to be permitted in the development of the subdivision.

- 5. PUD Preliminary Plan-** The PUD Preliminary Plan application contains the elements required in this section of the regulations to allow for the review of the proposed PUD, with a few noted exceptions. The application states that architectural elevations showing standard development type(s) and perimeter treatments have not been included because there will be no ‘typical’ elevations, given the homes will be custom built. Architectural design standards have been addressed in Article V of the draft CC&Rs, to be adopted as part of the final PUD. Much of the perimeter of the development will be maintained in open space, preserving the native vegetation, and perimeter treatments surrounding the homes will be professionally landscaped and limited in their extent. The preliminary PUD does not identify a clubhouse structure or common facilities onsite, other than the proposed open space and associated maintenance building (to be located in “Open Space A”).

Regarding compliance with the provisions of this section, *Article IX – Reservation of Road, Trail and Utility Easements* in the CC&R document identifies all roads within the proposed PUD (outside of designated County road right-of-way) as being “private in all respects and the easements hereby reserved and retained...”; while the roads internal to the PUD will be maintained by the Homeowners Association pursuant to this agreement, it is important to note that the PUD is also involves the subdivision of land, and therefore must also meet the requirements of the Flathead County Subdivision Regulations and the Montana Subdivision and Platting Act [Section 3.31.030(5)(L) FCSR]. As will be discussed in later sections of this report, the current subdivision regulations require internal subdivision roads be designated public easements, pursuant to Section 4.7.15(e) FCSR. Language within the CC&R document should similarly reflect these provisions of the regulations.

Finding #6 – The proposed Whitefish Hills Village PUD conforms with the provisions of the Zoning Regulations by being located within an area of the county where adequate public and private services and facilities are available, being larger than two acres, meeting the establishment criteria for a residential PUD district, conforming with the applicable use regulations for a residential PUD, containing all applicable elements necessary for review, and by complying with all applicable regulations as a result of the associated subdivision review.

V. SUMMARY OF FINDINGS FOR PROPOSED PUD

1. As proposed, the Whitefish Hills Village PUD overlay would reduce the minimum lot size requirement of the underlying “SAG-5 Suburban Agricultural” zoning and allow one additional density unit as part of the proposed subdivision; this departure is not anticipated to significantly impact or be of interest to the public because the proposed development density is generally consistent with what would otherwise be allowed under the existing zoning, and because the reduction in minimum lot size would enable the lots to be clustered, creating a buffer between the proposed development and adjacent properties and resulting in a large amount of permanent open space being set aside onsite.
2. Open space associated with the proposed PUD is adequate in both amount and function because

approximately 152 acres will be permanently set aside in open space as part of the proposed subdivision/PUD, and will be maintained in perpetuity by the Homeowner's Association as reviewed herein, or dedicated as conservation easement under the care of a qualified land trust or private organization meeting the requirements of 76-6-101, et seq., MCA.

3. The PUD proposed makes adequate provision for public services, vehicular traffic and amenities of light, air and recreational enjoyment because the properties are located within the jurisdiction of local fire and emergency service providers and will be required to adhere to all requests made by public service providers to ensure public health and safety; the PUD has been proposed as part of a subdivision request and will utilize an internal subdivision road with dual access points to safely and effectively direct traffic throughout the property; a significant amount of open space will be set aside for the recreational enjoyment of the residents; lots will be clustered away from the exterior property boundaries to mitigate visual impacts as a result of the proposed development; and the underlying zoning will continue to regulate bulk and dimensional requirements of the development, excepting minimum lot size.
4. The proposed PUD would appear to generally be of benefit the surrounding neighborhood because the reduction in lot size would allow residential development to be clustered along internal roadways and away from external property boundaries, providing a visual buffer between the subdivision and adjacent property owners as well as directing proposed development away from the environmentally sensitive areas onsite.
5. Following review and consultation with the Flathead County Attorney, the phasing plan proposed and included with the subdivision application materials would be acceptable because the PUD final plan would not follow the phasing plan but would undergo review and receive approval as a single plan applicable to the subject property in its entirety; and because the phased development will occur in accordance with the timeline and requirements set forth in the Flathead County Subdivision Regulations.
6. The proposed Whitefish Hills Village PUD conforms with the provisions of the Zoning Regulations by being located within an area of the county where adequate public and private services and facilities are available, being larger than two acres, meeting the establishment criteria for a residential PUD district, conforming with the applicable use regulations for a residential PUD, containing all applicable elements necessary for review, and by complying with all applicable regulations as a result of the associated subdivision review.

VI. CONCLUSION

Per Section 3.31.020 of the Flathead County Zoning Regulations (FCZR), a review and evaluation of the proposed planned unit development has been completed by the staff of the Planning Board in accordance with the process and criteria for review found in Section 3.31.020(2) FCZR. Said review has found the proposal generally complies with the established review criteria, based upon the 6 Findings of Fact cited above and with the imposition of conditions of approval.

VII. CONDITIONS OF PUD FINAL PLAN

Should the PUD Preliminary Plan for Whitefish Hills Village be approved based upon analysis completed above and the Findings of Fact presented, the applicant shall submit a PUD Final Plan in accordance with Sections 3.31.030(6) and 3.31.020 (3) of the Flathead County Zoning Regulations, and pursuant to the conditions below:

1. The Whitefish Hills Village Planned Unit Development has been reviewed and approved as a zoning overlay to the underlying "SAG-5 Suburban Agricultural" zoning designation, to allow a reduction in minimum lot size and the addition of one development unit to allow the creation of eighty-eight (88) single family residential lots. Any changes to the PUD plan as reviewed will

be required to undergo review by the Flathead County Planning Office and Flathead County Planning Board, and receive approval from the Flathead County Commissioners.

2. The Declaration of Covenants, Conditions, Restrictions and Reservations (CCRs) for Whitefish Hills Village PUD shall be modified as needed to reflect the standards outlined in the PUD preliminary plan evaluated above, or as required below. Specific modifications related to *Article IX - Reservation of Road, Trail and Utility Easements* should be made to accurately reflect the applicable requirements of the current subdivision regulations that will apply to the proposed subdivision reviewed as part of this development plan.
3. Permitted and conditional uses as well as bulk and dimensional requirements of the proposed Whitefish Hills Village SAG-5 PUD overlay should be clearly identified, incorporated and/or referenced within the CC&R documents to inform future landowners of the unique zoning classification applicable to their property as a result of this plan review (pursuant to Table 1 above).
4. The following statement shall be placed on the face of the final plan:
 - a. *Excepting minimum lot size requirements, all other development standards (permitted and conditional uses, bulk and dimensional requirements) of the underlying "SAG-5 Suburban Agricultural" zoning designation shall apply to the development and use of property.*
5. As required by Section 3.31.030(6)(B), the following statement shall be placed on the face of the final plan:
 - a. *I, _____, owner and developer of the property set forth above, do hereby agree that I will develop the above property as a Planned Unit Development in accordance to the submitted PUD Plan.*

Signature Property Owner/Developer

Approved this _____ day of _____, 20 __, by the Flathead County Commissioners.

Attest: _____

Clerk & Recorder
6. One hundred fifty two (152) acres of the subject property shall be permanently set aside in open space onsite, as proposed by the applicant and as shown on the preliminary PUD plan. The open space shall be maintained by the Homeowner's Association in conformance with the applicable section(s) of the Draft Codes, Covenants, Restriction and Reservations reviewed herein. The open space shall be designated accordingly on the face of the final plan.
7. The applicant shall submit the PUD Final Plan application pursuant to Section 3.31.030(6) of the Flathead County Zoning Regulations, meeting all applicable requirements therein.
8. The final plan shall clearly identify and justify the proposed phasing of the subdivision development associated with the PUD, and shall provide a detailed schedule of the phased development, pursuant to Section 3.31.030(6) FCZR.

9. The Whitefish Hills Village PUD Final Plan shall receive approval from the Flathead County Commissioner prior to submitting an application for final plat review of development Phase I of the proposed Whitefish Hills Village Subdivision.

VIII. EVALUATION OF SUBDIVISION PRELIMINARY PLAT (#FPP-11-01)

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed. Definitions of primary review criteria can be found in Chapter 2 of the Flathead County Development Code.

i. Impact on Agriculture

Currently undeveloped, the subject property is in a moderately to heavily forested region of the County, is not contiguous to an urbanized area and does not appear to have ever been utilized for traditional agricultural uses or practices. There are no agricultural uses currently operating adjacent to the property or in the vicinity of the proposed subdivision, although some of the neighboring properties do graze livestock (primarily cattle and/or horses).

As stated in the Environmental Assessment, the property was formerly owned by a combination of timber companies and loggers over the years, and was utilized as part of an overall timber management plan. Soils identified in the area by the Upper Flathead Valley Area Soils Survey (1960) classify the types of soils present as only moderately productive for the types of timber found on site – specifically Western larch, Douglas fir and Lodgepole pine. While the subject property was utilized for timber production in the past, the value of the land itself has since exceeded the value of the timber that can be produced from that land. There are no Forest Service lands currently managed for timber located adjacent to, or in the area of, the proposed development.

Finding #1 – There would be minimal impact on agriculture and silvicultural activities as a result of the proposed subdivision because the property is not currently utilized for agricultural purposes and has no history of agricultural use onsite; and because although the property has been logged in the past, the land values have exceeded the value of the timber that can be produced and the property is no longer under active timber management.

ii. Impact on Agricultural Water User Facilities

There are no existing water user facilities on the subject property, as it has no history of agricultural use. A search for water rights associated with the subject property was conducted by staff, and comment was received from the DNRC Water Resources Division that there are no existing agricultural water rights that would be abandoned or negatively impacted by the proposed development.

Finding #2 – There would be no impact on agricultural water user facilities as a result of the proposed subdivision because no such facilities are located onsite, and because there are no existing water rights for agricultural use associated with the subject property.

iii. Impact on Local Services

1. Water and Wastewater

The subject property is not located within a public water and sewer district, or in an area of the County where public services are currently available. The Happy Valley Public Water and Sewer District is located less than one mile south of the proposed development, on the east side of US Highway 93 North. The Forest Hills Mobile Home Park also has a public water and sewer system to the south of the proposed development. At present there are no plans to expand either service district, nor are there plans to expand the Whitefish Public Water & Sewer System (located 4 miles north) in the near future.

The applicant is therefore proposing a public water system to serve the proposed development via two onsite wells. A total of twenty four (24) well logs from adjacent

properties along Highway 93, Stelle Lane and Brady Way were submitted by the applicant showing there is adequate well capacity present in the area to serve the proposed subdivision. This information was supplemented by a Water Availability Assessment completed by Roger Noble of Applied Water Consulting, LLC, indicating wells in the vicinity are of a quantity and quality available to serve the subdivision proposed. The capacity of each of the two wells will be designed to provide 148 gallons per minute based upon the maximum daily demand anticipated from the domestic and irrigation uses for each of the 88 lots. There will also be an onsite water storage tank with a capacity of 120,000 gallons, to provide water for fire suppression via seven (7) individual hydrants located throughout the subdivision. The storage tank is also intended to provide capacity to serve residential sprinkling systems if future lot owners choose to install them, and will provide a buffer to accommodate peak water demands of the subdivision.

Lots within the subdivision are proposed to be served by individual septic drainfields, based upon available acreage. Proposed water and wastewater facilities will require review and approval by the Montana Department of Environmental Quality's Subdivision Section, as well as the Flathead City County Health Department prior to final plat approval. The public water system will also require the acquisition of a water right prior to utilization of the water source.

2. Schools

An average of 0.42 school-aged children per household has been used to determine the impacts to a particular school district anticipated as a result of development, based upon the number of students recorded in the Flathead school system(s) and the total number of households in Flathead County. Using these calculations, an additional 37 school-aged children are anticipated as a result of the proposed development. The subject property is located within the Whitefish School District and residents of the proposed subdivision would be served by Muldown Elementary School, the Whitefish Middle School and Whitefish High School which are all located at 600 East 2nd Street in Whitefish. Comment received from Jerry House, Superintendent of the Whitefish School District, indicated the district has capacity to serve the proposed subdivision.

The location of the school building is over four miles north of the subject property, and comment received from Marcia Sheffels, School Superintendent, indicated major subdivisions located more than three miles from a school will require bus service. In this case, the developer is required to set aside land for a bus stop meeting the standards of the school district. For instance, school buses are permitted to travel only along County and highway-maintained roads, or approved subdivision roads. Stops must be a minimum of 20 feet deep and 80 feet wide, and their location must be chosen with safety in mind. It would appear, based upon the preliminary site plan reviewed, that the proposed subdivision has adequate space along Stelle Lane to accommodate a bus stop; the location and dimensions of the bus stop required should be shown on the face of the final plat.

3. Mail Delivery

The applicant is proposing a centralized mailbox to serve the 88 lots proposed through subdivision. It is anticipated the placement of this mailbox will be at the intersection of Stelle Lane and US Highway 93 North, where a ganged mailbox is currently located. However, the final location of the centralized mail facility serving the proposed subdivision shall require review and written approval from the local postmaster as a condition of final plat approval.

4. Recreation

The proposed subdivision would create 88 new single family residential lots ranging from 1.8 acres to 7.8 acres in size. Section 4.7.24 of the Subdivision Regulations identifies parkland dedication for most subdivisions based upon applicable calculations found under Item (e). A land donation of 5% of the combined gross area of land proposed to be subdivided into lots between 1 and 3 acres in size, and 2.5% of the combined gross area of land proposed to be subdivided into lots between 3 and 5 acres in size is required. Lots over 5 acres in size are not included in the parkland requirement calculations. Of the 88 lots proposed, 54 lots have a lot area between 1 and 3 acres, for a combined total of 127.629 acres (gross). 25 lots have a lot area between 3 and 5 acres for a combined total of 91.774 acres (gross). Applying the percentage formulas identified above, a total of 8.68 acres of land would be necessary to meet the parkland dedication requirements of the Subdivision Regulations. The developer has proposed to set aside 151.149 acres in permanent open space as part of the proposed subdivision and planned unit development, to be maintained by the Homeowner's Association as opposed to being dedicated as parkland to the County. This acreage is roughly 17 times the amount of open space required through subdivision review. Sections 4.7.24(d)(i) and (ii) of the Flathead County Subdivision Regulations state the parkland dedication requirement (to the County) may be waived by the Commissioners if the proposed subdivision provides for a "planned unit development... with land permanently set aside for parkland sufficient to meet the needs of the residents of the development and equals or exceeds the area of the required parkland dedication pursuant to Subsection (d)" and is maintained by the homeowners association. This substantial amount of open space will be available for residents of the subdivision and planned unit development to recreate, and will be connected by a series of trails proposed throughout the entire development. In addition, a bike and pedestrian easement will be required along Stelle Lane in accordance with FCSR Section 4.7.19, to be located within proposed Open Space "A".

5. Transportation Network

Primary access to the proposed subdivision will be from Stelle Lane, a public County road that is privately maintained and has been constructed and paved to County Road and Bridge Department standards. The road was brought up to standard and paved as a result of a previous subdivision (Whitefish Hills Forest), and accesses directly onto US Highway 93 via an existing, approved approach. All lots within the subdivision will be accessed using a network of paved, internal subdivision roads, identified as Hills Lookout Court, Meadow View Court and Whitefish Village Drive transitioning to Brady Way, a dedicated County road. These internal subdivision roads would create a looped network, enabling circulation throughout the proposed development and resulting in two means of ingress/egress.

Currently, Brady Way sits within a 60 foot dedicated public road and utility easement and is gravel for its entire length, although the condition of the travel surface deteriorates significantly as one travels from the north end of the subject property to the south. After approximately half a mile, Brady Way transitions to Brady Way West, making a 90-degree turn west to serve the adjacent properties. However, the road easement alignment for Brady Way proper continues to the south, traversing the proposed subdivision along the section line between Tract 4 in Section 25 and Tract 4 in Section 26. This is problematic in that the current alignment of the public easement would split proposed lots 49 and 67, and may impact one of the smaller wetland areas (designated "Wetland #2) located in Open Space "A". The developer is therefore proposing the abandonment of the current road and utility easement for Brady Way in order to realign the right-of-way in a manner that better suits the proposed development, as well as the natural environment onsite. Verbal comment received

from Steve Lorch at the DNRC (June 28th, 2011) indicated it was desirable that the realignment of Brady Way continue to provide public access to the DNRC School Trust Lands located south of the proposed development, to ensure connectivity should future development of those lands occur. Verbal comment provided by the County Attorney (June 23rd, 2011) also indicated the realignment of Brady Way should continue to be dedicated as a public road and utility easement to ensure continued access to both the neighboring property owners to the west as well as the adjacent trust land to the south. He also noted that all internal subdivision roads proposed as part of the Whitefish Hills Village development should be designated public access easements and shown as such on the face of the final plat, pursuant to Section 4.7.15(e) of the subdivision regulations. Following realignment and as part of the subdivision approval, the full length of Brady Way will be constructed and paved to County Road and Bridge standards, from the intersection with Stelle Lane south.

Figures 9 & 10: Brady Way heading north.



As proposed, the subdivision will add an additional 880 vehicle trips per day to Stelle Lane and subsequently, US Highway 93 based upon standard trip generation formulas for a residential subdivision (10 trips per day per household). A Traffic Impact Study was completed in anticipation of this significant amount of traffic, and in accordance with Section 4.7.17(h) of the Flathead County Subdivision Regulations. The study found that overall, the proposed subdivision would have a minimal impact on the traffic conditions in the area, specifically along Stelle Lane and US Highway 93 North. This finding was based upon level of service assessments for the area. Currently, the intersection of Stelle Lane and US Highway 93 is operating at an LOS level 'B'; with the addition of the Whitefish Hills Village Development, this LOS level is anticipated to drop to a 'C'. The report states there are no specific mitigation measures necessary at this intersection to improve the LOS rating and accommodate the proposed development; however, a dedicated left turn lane onto Stelle Lane from US Highway 93 was suggested as an improvement, to accommodate present and future vehicle traffic both safely and effectively. Comment received from the Montana

Department of Transportation indicates that because Stelle Lane is a County Road, the developer would not be required to obtain a new approach permit for the road onto US Highway 93; however, should the developer wish to implement the restriping measures suggested in the Traffic Impact Study, they would need to first speak with MDT to obtain the appropriate permits to do so.

6. Fire/Emergency Medical Services

The proposed subdivision is located within the Whitefish Rural Fire Service Area, and there are fire stations located on Flathead Avenue in Whitefish (approximately 3 miles north of the subject property) and at the corner of Hodgson Road and Whitefish Stage (approximately 2 miles east of the subject property). A letter from Doug Low, Assistant Fire Chief/Fire Marshall, indicates the district is aware of and has the ability to provide service to the proposed subdivision. Ambulance service would be provided by the Whitefish Fire Department, and response times in the event of a fire or medical emergency are anticipated to be between 20 and 30 minutes depending on the time of day and the season. For time-sensitive medical emergencies, ALERT service is available and would be provided by the Kalispell Regional Medical Center, located 10 miles south of the property on US Highway 93.

7. Police Services

The proposed subdivision is located in an area of Flathead County that is still considered fairly rural, and would be served by the Flathead County Sheriff's Department. Although solicited, no comment was received from the Sheriff's Department regarding the proposed subdivision. Given existing staffing levels and shift rotations, the size of the county and the dispersed nature of the population, delayed response times in the event of an emergency may be anticipated. However, the proposed development is located adjacent to US Highway 93 between the cities of Kalispell and Whitefish, and response times to the property may be quicker than in most rural areas of the County due to this available access.

8. Solid Waste Disposal

The applicant has indicated contract haul will be the mechanism for solid waste disposal for the proposed subdivision. Comment from the Flathead County Solid Waste District indicated North Valley Refuse is the Public Service Commission licensed hauler for this area, and that the proposed subdivision is approaching the issue of solid waste in an appropriate manner. The proposed subdivision is located in a rural area of Flathead County where interactions with wildlife should be anticipated, if not expected. Comment received from Montana Fish, Wildlife and Parks suggested trash bins and other refuse containers should be animal proof, secured and kept in a centralized location to limit potential conflicts with wildlife.

9. Other Utilities

Electric and telephone utilities will be placed underground within the proposed 60-foot internal subdivision road and utility easements, to serve all lots within the proposed subdivision. As stated in the application, Flathead Electric will provide electrical power and CenturyTel will provide telephone service. These utilities currently exist and are located alongside Stelle Lane, within the road and utility easement traversing Tracts 2E and 5 along the north side of the proposed subdivision.

Finding #3- Impacts on local services would be acceptable with the imposition of standard conditions because lots within the proposed subdivision will be served by a newly created public water system and individual septic facilities onsite, will utilize public haul services and a centralized mail delivery location, will be served by the Whitefish Fire District and

Flathead County Sheriff's Department in the event of an emergency, and will have access to phone and electric utilities extended underground in conformance with the applicable regulations.

Finding #4 – Impacts to the Whitefish School District are anticipated but will be acceptable because comment from the superintendent indicates there is capacity to serve the additional 37 children anticipated as a result of the proposed development, bus service will be provided because the development is over three miles from the school building(s) and an approved bus stop will be required located along Stelle Road in conformance with the requirements of the school district.

Finding #5 – Impacts to recreation are not anticipated as a result of the proposed subdivision, and in many ways recreational opportunities would improve as a result of the development because the applicant has proposed to set aside roughly 152 acres of land in permanent open space for the recreation and enjoyment of the future residents, well in excess of the acreage required by parkland dedication through the subdivision regulations.

Finding #6 – Minimal impacts to the existing transportation network are anticipated because the addition of 880 vehicle trips per day has the potential to lower the Level of service (LOS) capacity of the intersection at Stelle Lane and US Highway 93; however, these limited impacts are considered acceptable based upon the Traffic Impact Study submitted, and because a left turn lane onto Stelle Lane could be clearly delineated on US Highway 93 to better direct and control traffic movements at this intersection following approval from MDT.

Finding #7 – The proposed subdivision may have a positive impact on the existing and proposed infrastructure because the requested abandonment and realignment of Brady Way will result in significant improvements to this public right of way, and because the internal subdivision roads will be paved and constructed to County Road and Bridge standards while being dedicated to public use in compliance with the applicable subdivision regulations.

iv. Impact on the Natural Environment

1. Water Quality

As discussed in previous sections of this report, the subject property is a mix of densely forested areas, open meadows and wetland riparian areas. There are five isolated, non-jurisdictional wetlands that encompass 24.8 acres onsite, according to the Environmental Assessment and supplemental reports included with the application materials. The wetlands range in size between ¼ of an acre to just under 20 acres, and one of these wetlands – Wetland #1 – includes a small pond of approximately 3.6 acres in size (surface area). The applicant has proposed that each wetland identified be contained within designated open space, to ensure these areas remain in their natural state and experience less impact as a result of the subdivision. The Department of Environmental Quality completed a ‘Determination of Significance’ for the proposed subdivision, concluding that the extent of the development is not anticipated to degrade state waters. There are no other surface waters apparent onsite, in the form of intermittent or seasonal ponds or streams, which would be affected by the proposed development

The existence of wetland on a subject property often indicates the potential for high groundwater; however, monitoring logs submitted with the application materials indicate that high groundwater is not an issue for the proposed subdivision. A total of 88 test holes were dug across the proposed subdivision, on or very near each of the proposed lots and their respective drain fields. Monitoring of these test pits occurred during the 2008

monitoring seasons (March 15 through June 30) and again in 2010. During this time, twenty of the 88 test pits measured depth to groundwater less than eight feet from the surface, generally between 7 and 8 feet from the established grade. However, none of the test pits exhibited groundwater less than 4 feet from the surface, which is the standard when determining whether land is suitable for development and/or wastewater treatment systems onsite [pursuant to Section 4.7.12 FCSR]. Upon visit to the site on June 22nd, 2011, staff observed three of the five designated wetland areas as generally marshy and wet, with some standing water present (in addition to the pond previously discussed). The Environmental Assessment clearly addresses these seasonal fluctuations in groundwater onsite, stating this as one reason the wetlands and surrounding areas have been preserved in open space and will preclude development.

Analysis of drinking water quality based on well log data and water quality samples collected from the Happy Valley Homesites Subdivision public well source indicate drinking water in the surrounding area is of high quality and acceptable with regard to maximum contaminant and nitrate loading. A non-degradation analysis on phosphorous breakthrough and nitrate sensitivity confirmed that even under the worst case scenario, impacts to existing water quality are not anticipated given the density of development, layout of the septic drainfield sites, site specific hydrogeology and ground water flow affecting the proposed subdivision. Profiles submitted from the test hole reports further indicate soils onsite are well-draining and suited for septic drainfields, as proposed. Both the phosphorous breakthrough and nitrate sensitivity analysis appear to exceed the requirements of MDEQ according to supplemental information submitted by the applicant and discussed at length in the Environmental Assessment. The proposed subdivision will be required to adhere to such standards when reviewed by the MDEQ and the City-County Health Department to ensure impacts to water quality have been adequately addressed.

2. Air Quality

The dust control plan submitted with the application materials identifies dust mitigation measures for all on-site construction activities associated with the proposed subdivision. All internal subdivision roads (Hills Lookout Court, Meadow View Court and Whitefish Hills Drive) proposed as part of this development will be paved and constructed to the County Road and Bridge Department's "Minimum Standards for Design and Construction Manual", in accordance with Sections 4.7.16 and 4.7.17(a) of the Flathead County Subdivision Regulations. Additionally, following the realignment of Brady Way, the road will be required constructed and paved to the above standards, as proposed by the developer.

3. Impact of Noise

Noise associated with construction and development activities can be anticipated should this subdivision receive approval. Noise levels may be temporarily out of character for a rural area of the County, and impacts to wildlife as well as the immediate neighbors to the west along Brady Way could occur. However, the clustered layout of the subdivision, coupled with the proposed phasing of the development would mitigate these potential impacts to adjoining properties. Full build-out is anticipated to occur over the course of many years, and with the exception of infrastructure improvements, will be sporadic in nature dependent on the development plans of each individual lot owner.

4. Impact to Flora

The subject property is heavily forested, intermixed with open meadows and grassland as well as the wetland areas previously discussed. According to the Environmental Assessment, the forested portion of the property consists of a mix of species including pine,

fir and larch. While the property was previously logged, no significant amount of clearing has occurred onsite in the last 20 years, and the property is in need of thinning. Thinning is generally proposed to occur uniformly across the property as a whole, to ensure ground and ladder fuels reduction is complete in conformance with the proposed Wildfire Fuels Reduction and Control Plan submitted.

The lot configuration and layout of the proposed development prevents significant impacts to the wetland areas delineated on the subject property. Each of the five wetlands identified will be placed within permanent open space to be maintained by the Homeowner's Association. Although some fuels reduction may be necessary in these areas, the flora located within and specific to wetland and riparian environments will generally be protected as a result of the dedicated open space. Approximately 1/3 of the acreage involved in the proposed subdivision will be maintained in open space, conserving the flora located within.

The property is currently being managed for noxious weeds by the developer, and will be required to submit and adhere to a weed control management plan applicable to all lots as a condition of final plat approval.

5. Impact to Floodplain

According to FIRM Panel 1405G, the subject property has been identified as having a small amount of designated flood hazard area (otherwise referred to as 100-year floodplain) located within the established subdivision boundaries. This floodplain is identified as "Zone A" according to the FIRM panel, meaning no base flood elevation has been established for this area. As shown, the floodplain identified onsite is consistent with the extent of Wetland #1, which has been proposed set aside in permanent open space ('B') to prevent impacts to the sensitive environment as well as impacts to the proposed development. Lots 18 through 24 are located to the immediate west of this designated floodplain/wetland area, and the lots have been arranged so as not to encroach into the flood hazard area delineated on the plat. Similarly, septic drainfields associated with each of the seven lots have been located on higher ground, away from the floodplain and in accordance with provisions established by the Montana Department of Environmental Quality.

6. Impact to Riparian/Wetland Areas

As previously discussed, there are five isolated, non-jurisdictional wetlands located on the property proposed to be subdivided, as identified by the Department of the Army Corps of Engineers in their letter dated March 17, 2010. As non-jurisdictional wetlands, impacts to them would not require any permitting through the Corps; however, the development proposed would mitigate impacts by arranging the subdivision lots around the existing wetlands so as not to encroach into these sensitive areas. Totalling nearly 25 acres total, these wetlands range in size from ¼ of an acre to just under 20 acres, and are each located within designated open space that will be set aside permanently and maintained by the Homeowner's Association as part of the development proposal.

7. Impact to Historical Features

A cultural resource file search was conducted for the subject property through the State Historic Preservation Office. According to the records available, no previously recorded historic sites were located in the area. Based upon this information and the undeveloped nature of the property, it would appear unlikely the proposed subdivision would be of impact to any cultural resources or artifacts.

Finding #8 – Impacts to water quality as a result of the proposed subdivision are anticipated to be minimal because analysis of existing wells in the surrounding area currently exhibit

excellent water quality; because groundwater monitoring data conducted over the course of two monitoring seasons showed no indication of high groundwater onsite; because a determination of significance was made by MDEQ stating the proposal would not cause the degradation of state waters; because the proposed public water system will be required to undergo review and receive approval from MDEQ as well as adhere to monitoring standards established by the state; and because the proposed septic systems will be required to undergo review and receive approval from both MDEQ as well as the City-County Health Department to ensure the systems proposed will not degrade existing water quality.

Finding #9 – Impacts to designated flood hazard areas and non-jurisdictional wetlands located on the subject property are anticipated to be minimal because the subdivision has proposed development to be clustered away from these natural features by placing them within permanent open space to be maintained by the Homeowner’s Association in perpetuity.

Finding #10 – Limited impacts to flora are anticipated because the site is heavily vegetated and proposed development will require removal of some vegetation as well as significant thinning to promote Firewise standards; however, no plant species of concern have been identified as being present on the subject property, completion and adherence to a weed control plan will be a condition of preliminary plat approval, and 34% of the subject property will remain in a relatively natural state as dedicated permanent open space.

Finding #11 – Minimal impacts to adjacent properties may be anticipated as a result of the proposed subdivision because future construction onsite may result in some noise created; however, these impacts would be limited in duration and mitigated by the open space buffer surrounding most of the developable lots as well as the phased development plan staggering construction activities onsite.

Finding #12 – There would be no impact to historic or cultural features as a result of the proposed subdivision because no such features have been identified on or near the subject property.

v. Impact on Wildlife

Given the rural location and heavily forested nature of the subject property, some level of impact to wildlife can be expected as a result of the proposed subdivision. Based upon information provided in the Environmental Assessment and reiterated in agency comments made by Montana Fish, Wildlife and Parks, the area of the County in which the subdivision is located is year-round white-tailed deer habitat as well as important winter range; there are also black bears, mountain lions, an occasional grizzly bear and other species such as migratory waterfowl and other bird types that have habitat or range in the general area and may utilize the subject property. Consultation with the Montana Natural Heritage Species of Concern Program indicated two species of concern - the bull trout and gray wolf – present in the general area of the proposed subdivision. Bull trout are specifically located in the Stillwater River that runs west of the subject property, and does not traverse its boundary. Since there are no tributaries or surface waters connected to the Stillwater found on the subject property, it is unlikely the bull trout will be impacted as a result of the proposed subdivision. Additionally, and as noted in the Environmental Assessment, the gray wolf was removed from the Endangered Species list in the spring of 2011 by the United States Fish & Wildlife Service (for the Montana and Idaho regions).

Any type and scale of development can be expected to have an impact on wildlife in some way, particularly when it is a development of this size, located in a densely forested area of the County. The presence of humans, their daily activities and the keeping of domestic pets have a direct impact

on wildlife, as noted in the comment provided by Montana Fish Wildlife and Parks. Ensuring the future lots owners are aware of their surroundings and the presence of wildlife in and around the subject property would help to mitigate potential conflicts, and could be addressed by adding statements to the face of the final plat as well as include mitigation measures in the Codes, Covenants, Restrictions and Reservations document applicable to the proposed subdivision. The property's proximity to a major highway and to the existing development along this corridor moderates the subdivision's impact on wildlife compared to what those impacts could be were the subdivision located in a less developed area of the County. The proposed clustering of the 88 lots, as well as the amount of open space that will be set aside as part of the proposed subdivision/PUD will also help to offset the impacts to wildlife that are anticipated, particularly since the open space will be interconnected throughout the subdivision, providing linked corridors (however small) for wildlife to pass.

Finding #13 – Impacts to wildlife as a result of the proposed subdivision are anticipated as with any large scale development; however, impacts would be offset because the proposed development has been clustered along internal subdivision roads and a large amount of interconnected open space has been proposed as part of the development; because the subject property is located adjacent to a major highway and existing development; and because future property owners could be made aware of the presence of wildlife and potential conflicts by adding statements to the face of the final plat or including mitigation measures in the Codes, Covenants, Restrictions and Reservations document.

vi. Impact on Wildlife Habitat

As previously described, the subject property is predominantly forested with areas of open meadow and designated wetland. A small, 3.6 acre pond is located in the northeast portion of the subdivision and incorporated into designated Wetland #1. Wetland and riparian areas are typically identified as “key” habitat for a variety of species, and as such each of the five wetlands identified on the subject property have been placed in permanent open space to protect and preserve these environmentally significant areas and provide habitat for the animal species that frequent them. Whitefish Hills Village intends to cluster subdivision lots along infrastructure within the development, leaving a large amount of acreage in permanent open space to be maintained by the Homeowner's Association. Although the site has been classified as important winter range according to comments received from Montana Fish, Wildlife and Parks, the property's location adjacent to a major highway and existing development has resulted in a fragmented ecosystem. While large acreage tracks are present in the surrounding area, they are interspersed with smaller, developed tract land and subdivision lots. The proposed open space will help preserve existing habitat surrounding the wetland areas onsite, but the fragmented nature of the general area makes it less likely to serve as key habitat or winter range for the mammal species listed in the section above.

Finding #14 – Minimal impacts to wildlife habitat as a result of the proposed subdivision are anticipated because agency comment indicates any scale and intensity of development has the potential to affect a wide-ranging habitat; however, impacts anticipated would be limited because the subject property does not exhibit areas traditionally thought of as ‘key’ wildlife habitat, and because development will be clustered on the west half of the property while the east half will be placed under permanent conservation easement, contiguous to existing, preserved open space and creating un-fragmented habitat.

vii. Impact on Public Health and Safety

Findings in this part of the staff report are applicable to the impacts of the proposed subdivision on public health and safety.

1. Flood Risk

The majority of the property is located outside of designated flood hazard areas, with the exception of the area within and surrounding Wetland #1 in Open Space 'B'. According to the FEMA FIRM Panel #1405G, a limited area classified as Zone 'A' (having no base floodplain established) is present on the subject property. The wetland area as well as the extent of the designated flood hazard area has been placed in permanent open space, to limit the potential flood risk to the proposed development onsite. None of the 88 lots proposed are shown within this designated flood hazard area, and proposed septic drainfields have been designed and located away from the floodplain on higher ground, in compliance with distance requirements established by MDEQ.

The subject property was monitored for the presence of seasonal high groundwater during the 2008 and 2010 monitoring seasons (March 15th - June 30th); these monitoring results were submitted with the subdivision application materials and discussed in the Environmental Assessment. Neither set of data indicated the presence of groundwater within 4 ft. of the surface. Staff's visit to the property in June 2011 confirmed the wetland areas to be wet and marshy, particularly in and around Wetland #1. However, the layout of the subdivision intentionally placed these areas that appear prone to seasonal high groundwater within designated open space, to prevent impacts related to seasonal flooding as a high(er) water table.

2. Water and Wastewater Treatment

As previously stated, lots within the proposed subdivision will utilize a public water system served by two large-capacity wells. Public water systems are required to undergo frequent testing to ensure the water quality and capacity meets the standards and requirements set forth at the state level, thereby ensuring the health and safety of the residents utilizing the water from this system. Each lot within the subdivision will also be served by individual septic drainfields designed and constructed onsite for single-family residential use. Each primary and replacement drainfield location will be required to meet the standards set forth by the Montana Department of Environmental Quality and Flathead City-County Health Department with regard to slope restrictions and non-degradation analysis. Groundwater monitoring conducted in 2008 and 2010 indicates an appropriate depth to groundwater to accommodate the placement of individual drainfields on most of the lots within the proposed subdivision. Proposed Lots 20 and 21 are located closest to Wetland #1 and the designated floodplain, and their primary and replacement drainfields have been moved to the end of Meadow View Court, south of proposed lots 25 and 26, to ensure adequate separation distances and prevent potential impacts to water quality as a result. On-site testing and soils analysis submitted with the application materials generally indicate the soils onsite are "well-drained... and silty, containing gravel and underlain by gray, calcareous till"; according to Environmental Consulting, these soils would be well-suited to sub-surface sewage treatment systems.

3. Stormwater

A drainage report prepared by WMW Engineering and submitted with the application materials indicates none of the houses, well sites or drainfield sites will be inundated during a 100-year storm event, and that the culverts proposed to direct and manage drainage onsite will be adequately constructed to handle 10 year storm events (based upon accompanying calculations and modeling scenarios). Pre and post construction scenarios were utilized to ensure stormwater on the property and leaving the property was managed appropriately. Given the size of the subject property it appears most stormwater created by the proposed development can be

managed onsite through a series of drainage swales and culverts, through infiltration and by directing run-off toward the low-lying areas within the proposed open space, outside the boundaries of the proposed lots. The Department of the Army Corps of Engineers indicated in their letter to the applicant that these low-lying wetland areas are 'non-jurisdictional', therefore impacts would not require authorization and/or permitting through the Corps. However, the amount of disturbance set to occur on the subject property will certainly necessitate a Stormwater Pollution Prevention Plan be submitted to, review and approved by the state Department of Environmental Quality to ensure stormwater discharge is managed in accordance with the regulations imposed by state statute.

4. Traffic Safety

Traffic created by the proposed subdivision will utilize a network of internal subdivision roads to direct vehicles out onto Stelle Lane and, most likely, onto US Highway 93 North. The intersection of Stelle Lane and US Highway 93 is currently uncontrolled and unrestricted, having a stop sign directing traffic entering the highway and allowing both right and left-hand turns. The highway in this location is straight with good sight distances; although solicited, no comment was received from the Montana Department of Transportation regarding the proposed subdivision and existing road access onto US Highway 93. According to the Traffic Impact Study conducted as part of the required subdivision review, the current level of service (LOS) for this intersection is identified as 'B'; after full build-out of the subdivision, this LOS rating is anticipated to drop to a 'C', which is noted in the report as still being able to function at an acceptable level of service with only minimal increase in overall delay expected for traffic turning onto the highway from Stelle Lane.

Whitefish Village Drive will serve as the primary internal subdivision road, intersecting Stelle Lane approximately ½ miles west of US Highway 93. Whitefish Village Drive then loops through the subdivision and connects into Brady Way, an existing sub-standard County gravel road that is proposed to be realigned, constructed and paved to County standards as a result of the proposed subdivision. Brady Way currently runs along the western boundary of Tracts 4 and 5 in Section 24 and continues along the section line between Tract 4 in Section 25 and Tract 4 in Section 26. As a designated County road, it currently provides access to a handful of private residences located west of the proposed subdivision. The realignment would occur on the south end of Brady Way and would only impact the subject property; the existing alignment along the western property boundary would remain in its current configuration, only the road easement width, travel surface and construction of the road will be improved to County Road & Bridge standards. All internal subdivision roads shall be paved, located within 60-foot right of way easements and be open and available for public use pursuant to the applicable regulations. An existing stop sign is located at the intersection of Brady Way and Stelle Lane and shall remain following the road improvements proposed. Stop signs should be installed following completion of Whitefish Village Drive at the intersection with Stelle Lane, as well as the intersections of Meadow View Court and Whitefish Village Drive and Hills Lookout Court and Whitefish Village Drive, to ensure safe and efficient traffic flow to, from and within the proposed subdivision.

5. High Voltage Electric Lines/High Pressure Gas Lines

There are no high voltage electric lines or high pressure gas lines traversing the subject property or in the vicinity of the proposed subdivision. Comment received from Peggy Weyant with the Bonneville Power Authority (BPA) indicated the proposed subdivision would have no impact on any existing transmission lines.

6. Fire and Emergency Services

As previously discussed, the proposed subdivision is located within the jurisdiction of the Whitefish Fire District and would be served by the Flathead County Sheriff's Department in the

event of an emergency. The Whitefish Fire Department also provides ambulance service, and has brand-new, state of the art fire station located in downtown Whitefish as well as a rural station located at the corner of Hodgson and Whitefish Stage Roads. Doug Loy indicated response times from the new fire station would be around 10 minutes, as this station will be staffed 24 hours a day, seven days a week. The property's location along US Highway 93 and the internal infrastructure proposed as part of the subdivision will also aide in the emergency responder's ability to access properties within the development quickly and efficiently. All lots located within the proposed subdivision will have direct access onto paved internal subdivision roads designed and constructed to meet the requirements of the Flathead County Subdivision Regulations and the Flathead County Road and Bridge Departments "Minimum Standards for Design and Construction".

The subject property is located in a "High Priority Area" of the Wildland Urban Interface (WUI). As such, the applicant has submitted a Fire Prevention Control and Fuels Reduction Plan in accordance with, and meeting the applicable requirements of Section 4.7.27(b) of the Subdivision Regulations. Whitefish Village Drive provides a looped circulation route through the subdivision, with two separate ingress and egress points onto Stelle Lane and Brady Way. According to the Plan submitted, in the event of an emergency Stelle Lane would provide access through the Whitefish Hills development to the north and west of the subject property. Although this through road is gated, it has been equipped with 'yelp' gates on either end for emergency responders.

As the property is densely forested and in need of thinning, the applicant has proposed a phased combination of pre-commercial thinning followed by commercial thinning, in accordance with the phased development plan submitted with the application materials. Should the market for commercial timber recover, the fuels thinning onsite may speed up to accommodate the demand. Statements as required by Section 4.7.27(a)(ii) shall be placed on the face of the final plat, and may be incorporated in the CC & R documents as well, identifying appropriate mitigation measures to be taken by lot owners and to make them aware of the potential for wildfires in this area of the County.

The applicant has proposed a public water system to serve the lots within the subdivision, and this water system will include a 120,000 gallon storage tank providing water service to seven fire hydrants located throughout the subdivision. The public water system and storage tank proposed will be maintained by the Homeowner's Association in accordance with Article X of the Draft Codes, Covenants, Restrictions and Reservations submitted with the application materials and pursuant to Section 4.7.27(d)(iv) of the Flathead County Subdivision Regulations. As proposed, the storage tank appears to meet the minimum capacity requirements identified in Section 4.7.27(d)(iii) for a subdivision having 88 lots.

In addition to the storage tank and hydrant system, comment received from the Whitefish Fire Marshall and incorporated within the Plan suggested the subdivider encourage future home builders to install residential fire suppression sprinklers within their homes. Since the County does not have a building department, and houses are not under construction at the time of final plat approval, it would be impossible for the Planning and Zoning Office to guarantee that future development onsite incorporate residential sprinkling systems as a mean to mitigate potential fire risk. However, as this was only a suggestion made by the fire marshal and not a requirement of the district, the developer has included language within the CC & R documents strongly encouraging residents to install sprinklers in their homes as an additional measure of fire safety.

7. Geologic Hazards

There are very few instances of terrain exceeding 25% slope on the subject property, and terrain exceeding 40% slope is even more limited, contained entirely to the eastern property boundary of proposed lot 24. According to the Environmental Assessment submitted with the application materials confirmed by staff upon visit to the site, there is no evidence of unstable soils, rock outcroppings, falls or slides on the subject property that would indicate significant geologic hazards.

8. Avalanche Hazards

The subdivision is not located in an area of the County considered prone to avalanche hazards, and there is minimal terrain in excess of 40% slopes present on the subject property. This area is limited to the very eastern property boundary of proposed Lot 24, and would not pose a risk to development or public health and safety as a result.

9. Airport Influence Areas

The subject properties are not located in an area of the County identified as an airport influence area. Glacier International Airport is located 5 miles to the south and east of the subject property (as the crow flies), and the proposed subdivision would not impact – nor be affected – by the airports location or flight patterns. The Happy Valley Homesites Development dedicated a small private airstrip to Flathead County at some previous juncture, but the extent to which this airstrip accommodates air traffic or activities of any kind is unknown at this time.

10. Soils

The subject property is not mapped on any fault lines according to data on geologic faults prepared and maintained by the Flathead County GIS Department. As indicated by the application materials and supporting documentation, soils appear generally comprised of cobbly silt loams (Wt) with slopes of 12-20%, gravelly silt loams (Wv) with slopes of 0-7% and Radnor silt loams with slopes of 0-3%. The cobbly and gravelly loams appear to indicate areas of gently rolling to slightly steep terrain, but are typically well-drained. It is anticipated soils onsite would not pose a risk to public health and safety.

Finding #15 – Minimal risks to public health and safety are anticipated because the proposed subdivision is not located in an area of Flathead County subject to avalanche hazards or negatively affected by airports or air traffic; there are no high voltage electric or high pressure gas lines on or around the subject property; there is no evidence of rock falls, slides or other geologic hazards on the subject property; the subdivision is not mapped on any fault lines and soils are generally classified as well-drained.

Finding #16 – Minimal risk to public health and safety is anticipated as a result of the proposed subdivision because although there is a FEMA designated flood hazard area located within the proposed development, this area has been placed in open space and none of the proposed lots or developable areas upon or are any part of this designated floodplain; and because wetland areas prone to limited seasonal high groundwater and/or flooding have also been placed in open space to prevent impacts to development as a result of these types of events.

Finding #17 – Stormwater run-off resulting from the proposed subdivision will not pose undue risk to public health and safety because calculations provided in the drainage plan accompanying this application indicate the amounts and rates of run-off can be adequately accommodated both onsite and offsite; because the majority of stormwater will be managed onsite using infiltration techniques and drainage swales and culverts to direct run-off toward low-lying wetland areas located in designated open-space and away from developable lots; and because stormwater directed offsite will require permitting and compliance through the Montana Department of Environmental Quality.

Finding #18 – Impacts resulting from traffic generated by the proposed subdivision would not pose an undo threat to public health and safety because the Traffic Impact Study indicates that although the level of service rating for the Stelle Lane/Highway 93 intersection will be reduced, the intersection will still operate at an acceptable level to serve the proposed development; and because all internal subdivision roads will be constructed and paved to County road standards, be open to the public pursuant to the applicable subdivision regulations, and require stop signs be placed at appropriate intersections to ensure traffic flows are accommodated safely and effectively.

Finding #19 – Impacts related to public health and safety as a result of the proposed subdivision can be effectively mitigated because although the subject property is located in a “High Priority” area of the Wildland Urban Interface, the development is within the jurisdiction of the Whitefish Fire District; the applicant has submitted a Fire Prevention Control and Fuels Reduction Plan that details pre-commercial and commercial thinning techniques to be completed on the subject property prior to final plat approval for each phase of development; the subdivision will maintain a water storage tank supplied by the public water system that will be constructed to meet the minimum requirements of both the fire district and MDEQ; the subdivision has two points of ingress/egress in the event of an emergency; and because statements placed, at minimum, on the face of the final plat will alert homeowners to the risk of wildfire and what prevention measures will be required.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #20 - The preliminary plat will conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which will be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations

No variances to the requirements of the Flathead County Subdivision Regulations have been requested as part of this application.

D. Compliance with the Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

Initial Pre-Application Meeting: March 8, 2010

Subsequent Pre-Application Meeting: March 17, 2011

ii. Application Deadline Date

Deadline: Monday, April 18, 2011

iii. Completeness Date

Incomplete: April 25, 2011

Complete: April 29, 2011

iv. Sufficiency Date

Insufficient: May 19, 2011

Sufficient: June 6, 2011

v. Agency Referral Requests Mailing Date

Sent: June 8, 2011

vi. Adjacent Property Notification Mailing Date

Sent: June 22, 2011

vii. Legal Notice Publication Date

Noticed: June 26, 2011

viii. On-site Posting of Public Hearing Date

Posted: June 22, 2011

Finding #21 - The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective April 1, 2011.

E. Provision of Easements for the Location and Installation of Planned Utilities

Finding # 22 - The preliminary plat identifies existing electrical and telephone utilities within the Stelle Lane road and utility easement; existing utilities would be extended within and along the designated internal subdivision road and utility easements (Whitefish Village Drive, Hills Lookout Court, Meadow View Court and Brady Way), to be available and adequately serve all lots within the proposed subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly identified on the face of the final plat to satisfy all applicable requirements of the Montana Subdivision and Platting Acts and the Flathead County Subdivision Regulations.

F. Provision of Legal and Physical Access to Each Parcel

Finding #23 – Each of the 88 lots within the proposed subdivision will have legal and physical access because they will be served by Whitefish Village Drive, Hills Lookout Court, Meadow View Court and Brady Way which are all proposed internal subdivision roads and utility easements made open and available to public use pursuant to the applicable subdivision regulations.

G. Review of Applicable Plans

Section 76-1-605(2)(b) M.C.A states that “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

Neighborhood Plan

The proposed subdivision is located within an area of the County guided by the Whitefish City/County Master Plan 2020. The plan was adopted by the Flathead County Commissioners on February 6, 1996 by Resolution #677-G; it was later incorporated into the Flathead County Growth Policy as a recognized neighborhood plan document serving this area of the County. The Designated Land Use Map adopted as part of the plan document designates appropriate land use on the subject property as “Limited Rural Residential”, and described as generally supporting residential densities of one unit per 20 acres; characterized by rural residential uses or by scattered farming, grazing or timber lands; intended to provide lands for limited development which avoids inefficient and inadequate provisions of public services and infrastructure and densities incompatible with the surrounding area; and avoiding the extension of water or sewer utilities to prevent premature development (Whitefish City/County Master Plan 2020; Chapter II, Section 8). With the exception of the density provision, the proposed development appears to meet the intent of the other criteria for a limited rural residential area. The subject property was zoned by the County as “SAG-5 Suburban Agricultural”, a designation that would technically be non-compliant with the plan. The subdivision proposed, and accompanying planned unit development does not deviate significantly from the five acre minimum density requirement set forth by the zoning regulations. The zoning in place at the time of development takes precedence over the density

provisions of a neighborhood planning document due to the fact that the applicable zoning is regulatory, whereas neighborhood plans and/or growth policy documents are not.

Flathead County Growth Policy

In addition to the Whitefish City/County Master Plan Map 2020, the subject property is also under the jurisdiction of the Flathead County Growth Policy. The Growth Policy, adopted on March 19, 2007, is a general policy document meeting the requirements of 76-1-601 M.C.A. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

H. Compliance with Local Zoning

The proposed subdivision has been submitted as a component of the Whitefish Hills Village Planned Unit Development (#FPPUD-11-01), reviewed in Section IV above. The properties involved in the subdivision request are currently zoned “SAG-5 Suburban Agricultural” and provisions of the PUD require that lots created through the subdivision proposed continue to adhere to all elements of the underlying SAG-5 zoning in place, with the exception of minimum lot size requirements. The proposed subdivision would comply with the local zoning regulations so long as the PUD, as proposed and reviewed in Section IV, is also approved in conjunction with this request.

Finding #24 – The proposed subdivision would comply with the Flathead County Zoning Regulations if the Whitefish Hills Village Planned Unit Development (#FPPUD-11-01) is approved in conjunction with the subdivision request.

IX. SUMMARY OF FINDINGS

1. There would be minimal impact on agriculture and silvicultural activities as a result of the proposed subdivision because the property is not currently utilized for agricultural purposes and has no history of agricultural use onsite; and because although the property has been logged in the past, the land values have exceeded the value of the timber that can be produced and the property is no longer under active timber management.
2. There would be no impact on agricultural water user facilities as a result of the proposed subdivision because no such facilities are located onsite, and because there are no existing water rights for agricultural use associated with the subject property.
3. Impacts on local services would be acceptable with the imposition of standard conditions because lots within the proposed subdivision will be served by a newly created public water system and individual septic facilities onsite, will utilize public haul services and a centralized mail delivery location, will be served by the Whitefish Fire District and Flathead County Sheriff’s Department in the event of an emergency, and will have access to phone and electric utilities extended underground in conformance with the applicable regulations.
4. Impacts to the Whitefish School District are anticipated but will be acceptable because comment from the superintendent indicates there is capacity to serve the additional 37 children anticipated as a result of the proposed development, bus service will be provided because the development is over three miles from the school building(s) and an approved bus stop will be required located along Stelle Road in conformance with the requirements of the school district.
5. Impacts to recreation are not anticipated as a result of the proposed subdivision, and in many ways recreational opportunities would improve as a result of the development because

the applicant has proposed to set aside roughly 152 acres of land in permanent open space for the recreation and enjoyment of the future residents, well in excess of the acreage required by parkland dedication through the subdivision regulations.

6. Minimal impacts to the existing transportation network are anticipated because the addition of 880 vehicle trips per day has the potential to lower the Level of service (LOS) capacity of the intersection at Stelle Lane and US Highway 93; however, these limited impacts are considered acceptable based upon the Traffic Impact Study submitted, and because a left turn lane onto Stelle Lane could be clearly delineated on US Highway 93 to better direct and control traffic movements at this intersection following approval from MDT.
7. The proposed subdivision may have a positive impact on the existing and proposed infrastructure because the requested abandonment and realignment of Brady Way will result in significant improvements to this public right of way, and because the internal subdivision roads will be paved and constructed to County Road and Bridge standards while being dedicated to public use in compliance with the applicable subdivision regulations.
8. Impacts to water quality as a result of the proposed subdivision are anticipated to be minimal because analysis of existing wells in the surrounding area currently exhibit excellent water quality; because groundwater monitoring data conducted over the course of two monitoring seasons showed no indication of high groundwater onsite; because a determination of significance was made by MDEQ stating the proposal would not cause the degradation of state waters; because the proposed public water system will be required to undergo review and receive approval from MDEQ as well as adhere to monitoring standards established by the state; and because the proposed septic systems will be required to undergo review and receive approval from both MDEQ as well as the City-County Health Department to ensure the systems proposed will not degrade existing water quality.
9. Impacts to designated flood hazard areas and non-jurisdictional wetlands located on the subject property are anticipated to be minimal because the subdivision has proposed development to be clustered away from these natural features by placing them within permanent open space to be maintained by the Homeowner's Association in perpetuity.
10. Limited impacts to flora are anticipated because the site is heavily vegetated and proposed development will require removal of some vegetation as well as significant thinning to promote Firewise standards; however, no plant species of concern have been identified as being present on the subject property, completion and adherence to a weed control plan will be a condition of preliminary plat approval, and 34% of the subject property will remain in a relatively natural state as dedicated permanent open space.
11. Minimal impacts to adjacent properties may be anticipated as a result of the proposed subdivision because future construction onsite may result in some noise created; however, these impacts would be limited in duration and mitigated by the open space buffer surrounding most of the developable lots as well as the phased development plan staggering construction activities onsite.
12. There would be no impact to historic or cultural features as a result of the proposed subdivision because no such features have been identified on or near the subject property.
13. Impacts to wildlife as a result of the proposed subdivision are anticipated as with any large scale development; however, impacts would be offset because the proposed development has been clustered along internal subdivision roads and a large amount of interconnected open space has been proposed as part of the development; because the subject property is located adjacent to a major highway and existing development; and because future property

owners could be made aware of the presence of wildlife and potential conflicts by adding statements to the face of the final plat or including mitigation measures in the Codes, Covenants, Restrictions and Reservations document.

14. Minimal impacts to wildlife habitat as a result of the proposed subdivision are anticipated because agency comment indicates any scale and intensity of development has the potential to affect a wide-ranging habitat; however, impacts anticipated would be limited because the subject property does not exhibit areas traditionally thought of as ‘key’ wildlife habitat, and because development will be clustered on the west half of the property while the east half will be placed under permanent conservation easement, contiguous to existing, preserved open space and creating un-fragmented habitat.
15. Minimal risks to public health and safety are anticipated because the proposed subdivision is not located in an area of Flathead County subject to avalanche hazards or negatively affected by airports or air traffic; there are no high voltage electric or high pressure gas lines on or around the subject property; there is no evidence of rock falls, slides or other geologic hazards on the subject property; the subdivision is not mapped on any fault lines and soils are generally classified as well-drained.
16. Minimal risk to public health and safety is anticipated as a result of the proposed subdivision because although there is a FEMA designated flood hazard area located within the proposed development, this area has been placed in open space and none of the proposed lots or developable areas upon or are any part of this designated floodplain; and because wetland areas prone to limited seasonal high groundwater and/or flooding have also been placed in open space to prevent impacts to development as a result of these types of events.
17. Stormwater run-off resulting from the proposed subdivision will not pose undue risk to public health and safety because calculations provided in the drainage plan accompanying this application indicate the amounts and rates of run-off can be adequately accommodated both onsite and offsite; because the majority of stormwater will be managed onsite using infiltration techniques and drainage swales and culverts to direct run-off toward low-lying wetland areas located in designated open-space and away from developable lots; and because stormwater directed offsite will require permitting and compliance through the Montana Department of Environmental Quality.
18. Impacts resulting from traffic generated by the proposed subdivision would not pose an undo threat to public health and safety because the Traffic Impact Study indicates that although the level of service rating for the Stelle Lane/Highway 93 intersection will be reduced, the intersection will still operate at an acceptable level to serve the proposed development; and because all internal subdivision roads will be constructed and paved to County road standards, be open to the public pursuant to the applicable subdivision regulations, and require stop signs be placed at appropriate intersections to ensure traffic flows are accommodated safely and effectively.
19. Impacts related to public health and safety as a result of the proposed subdivision can be effectively mitigated because although the subject property is located in a “High Priority” area of the Wildland Urban Interface, the development is within the jurisdiction of the Whitefish Fire District; the applicant has submitted a Fire Prevention Control and Fuels Reduction Plan that details pre-commercial and commercial thinning techniques to be completed on the subject property prior to final plat approval for each phase of development; the subdivision will maintain a water storage tank supplied by the public water system that will be constructed to meet the minimum requirements of both the fire

district and MDEQ; the subdivision has two points of ingress/egress in the event of an emergency; and because statements placed, at minimum, on the face of the final plat will alert homeowners to the risk of wildfire and what prevention measures will be required.

20. The preliminary plat will conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which will be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.
21. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective April 1, 2011.
22. The preliminary plat identifies existing electrical and telephone utilities within the Stelle Lane road and utility easement; existing utilities would be extended within and along the designated internal subdivision road and utility easements (Whitefish Village Drive, Hills Lookout Court, Meadow View Court and Brady Way), to be available and adequately serve all lots within the proposed subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly identified on the face of the final plat to satisfy all applicable requirements of the Montana Subdivision and Platting Acts and the Flathead County Subdivision Regulations.
23. Each of the 88 lots within the proposed subdivision will have legal and physical access because they will be served by Whitefish Village Drive, Hills Lookout Court, Meadow View Court and Brady Way which are all proposed internal subdivision roads and utility easements made open and available to public use pursuant to the applicable subdivision regulations.
24. The proposed subdivision would comply with the Flathead County Zoning Regulations if the Whitefish Hills Village Planned Unit Development (#FPPUD-11-01) is approved in conjunction with the subdivision request.

X. CONCLUSION

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to the 24 Findings of Fact stated above. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation:

XI. CONDITIONS

A. Standard Conditions

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626B. All road names shall appear on the final plat. Street addressing shall be approved by Flathead County. [Section 4.7.18(g)(iv), 4.7.28(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department indicating the approach for Whitefish Village Drive onto Stelle Lane has been built and received final inspection and final approval. [Section 4.7.16, FCSR]

3. The applicant shall comply with all reasonable fire suppression and access requirements of the Whitefish Fire District. A letter from the fire chief stating the plat meets the applicable requirements of the district and verifying the implementation of the approved Fire Prevention, Control and Fuels Reduction Plan shall be submitted with the application for final plat. [Section 4.7.27(b)(iii), FCSR]
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.13(g) and 4.7.25, FCSR]
5. All internal subdivision roads shall be designed and constructed in accordance with the Flathead County Road and Bridge Department's "Minimum Standards for Design and Construction"; construction plans and "As-Built" drawings for all roads shall be designed and certified by a licensed engineer and provided to the Road and Bridge Department prior to final plat application. [Section 4.7.16, FCSR]
6. With the application for final plat, the applicant shall provide a mechanism for the long-term maintenance of the internal subdivision roads proposed, either by establishing an approved Road Users' Agreement or a Property Owner's Association as part of Conditions, Covenants and restrictions (CC & Rs), requiring each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, 4.7.20, 4.7.22 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
9. A bus stop shall be provided along Stelle Lane, the location and construction of which shall meet the requirements of the District as specified herein. The location of the bus stop shall be shown on the face of the final plat, and a letter from the district stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
10. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision and stipulating whether pickup will be curbside or at a centralized location within the subdivision, and if so, designating where that centralized area will be located and how it will meet the screening and wildlife standards outlined in the applicable regulations [Section 4.7.22, FCSR]
11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. *All utilities shall be placed underground. [Section 4.7.23, FCSR]*
 - b. *Solid waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]*
 - c. *Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]*

d. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]

12. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.27(d), FCSR]
13. All utilities shall be placed underground. [Section 4.7.23, FCSR]
14. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
15. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
16. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
17. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
18. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]
19. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

20. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 of the Flathead County Subdivision Regulations; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase.
21. Prior to final plat approval of Whitefish Hills Village, the applicant shall provide evidence that all applicable permit requirements of the Department of Natural Resources Water Resources Division for the public water supply proposed have been met.
22. A 10 foot bike/pedestrian easement shall be shown on the face of the final plat along both sides of Stelle Lane in accordance with the applicable regulations. [Section 4.7.19 FCSR]
23. A total of 151 acres (minimum) of land shall be dedicated as open space and maintained by the Homeowner's Association in accordance with the provisions of Section 4.7.24(d)(i)

and (ii) FCSR, and shall be designated on the face of the final plat. The dedication of open space may be made over the course of five phases of development, in accordance with the proposed phasing plan submitted with the application materials.

24. The existing County road easement for Brady Way shall be abandoned along the boundary between Tract 4 in Section 25 and Tract 4 in Section 26 and realigned as shown on the preliminary plat and proposed by the applicant. Brady Way shall be required constructed to County Road and Bridge standards and paved in accordance with the subdivision regulations, from the intersection of Brady Way and Stelle Lane south the boundary between Section 23 and Section 25, Township 30 North, Range 22 West, as proposed by the applicant. All subdivision roads, including the realignment of Brady Way, shall be designated public access easements as required by the Flathead County Subdivision Regulations. [Section 4.7.15(e) FCSR]
25. The Fire Prevention Control and Fuels Reduction Plan submitted with the preliminary plat application shall be implemented prior to the approval of the final subdivision plat, in accordance with the phasing plan proposed. The local/reviewing fire authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been completed as proposed for each phase of development. [Section 4.7.27(b)(iii) FCSR]
26. The proposed water supply for fire suppression onsite shall meet all applicable requirements set forth in Section 4.7.27(d) of the Flathead County Subdivision Regulations.
27. Stops signs shall be installed at the intersection of Whitefish Village Drive and Stelle Lane; at the intersection of Meadow View Court and Whitefish Village Drive; and at the intersection of Hills Lookout Court and Whitefish Village Drive, to ensure safe and efficient traffic flow to, from and within the proposed subdivision.
28. Trash bins and other refuse containers should be wildlife (bear) proof, secured and kept in a centralized location to limit potential conflicts with wildlife. [Section 4.7.22(c) FCSR]
29. The following statements shall be shown on the face of the final plat:
 - f) *This subdivision is located in the Wildland Urban Interface wildfire priority area where wildfires can and do occur. [Section 4.7.27(a)(ii)(A) FCSR]*
 - g) *Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27(a)(ii)(B) FCSR]*
 - h) *Fire-Wise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27(a)(ii)(C) FCSR]*
 - i) *All road names are assigned by the Flathead County Address Coordinator. House numbers shall be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in height. [Section 4.7.27(a)(ii)(D)]*
30. The following statement shall be placed on the face of the final plat:
 - j) *Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, wildlife friendly fencing, and removing food sources.*