



Flathead County Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



PLANNED UNIT DEVELOPMENT OVERLAY APPLICATION

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 1,334.30

DEVELOPMENT NAME: Eagle Rock Subdivision

OWNER(S) OF RECORD:

1. Name: Michael Brooks Phone: (949) 533-4817

2. Mail Address: 415 North Star Lane

3. City/State/Zip: Newport Beach, CA 92660

4. Email: _____

5. Current zoning: R-2 PUD PUD overlay requested: We propose to remove the existing PUD overlay.

6. Type of PUD: Residential ___ Commercial ___ Industrial ___ Marina ___ Mixed use

APPLICANT/TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Sands Surveying, Inc, Attn: Eric Mulcahy Phone: (406) 755-6481

Mailing Address: 2 Village Loop

City, State, Zip: Kalispell, MT 59901

Email: eric@sandssurveying.com

Name: Carver Engineering, Inc, Attn: Tom Cowan Phone: (406) 257-6202

Mailing Address: 1995 3rd Avenue East

City, State, Zip: Kalispell, MT 59901

Email: chappie@carvereng.com

PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT THE PROPERTY UPON WHICH THE PUD OVERLAY DISTRICT IS REQUESTED:

A. Address of the property: Fox Run Court & Eagle Rock Drive

B. Legal Description: Lots 1 - 17 of Eagle Rock
[Lot and Block of Subdivision or Tract #(s)]

23 and 26 - 27 - 20
Section Township Range (Attach sheet for metes and bounds)

C. Total acreage: 17.814 (must contain at least 2 acres)

D. Is the PUD located where public and private facilities and services are available or will become available by the time development reaches the stage where they will be required? The Eagle Rock development is developed and connected to the Bigfork water and sewer service. The applicant secured all approvals from the District and MDEQ however the applicant will need to secure new approvals for the amended plat.

E. Is the property under single ownership? Yes

PLEASE DISCUSS THE PROPOSAL IN RELATIONS TO THE FOLLOWING REVIEW CRITERIA:

A. Promoting the Growth Policy: _____

This is an unusual PUD application in that the applicant currently has a PUD overlay on the property and the request is to remove the PUD overlay. Typically when a project proposes a PUD overlay, the goal is to secure flexibility in zoning standards to create a better subdivision design and protect resources. In the case of Eagle Rock, the applicants did not request or receive deviations to the underlying R-2 zoning classification. All of the lots meet the minimum lot size, minimum setback standard, lot widths, height requirements, etc. The PUD overlay does not provide any benefit to the applicant and since the subdivision is developed to a high level with water features, open spaces, decorative street lights and paved streets with rolled curb, the community at large already knows what to expect.

The Flathead County Board of Commissioners on June 2nd, 2009 adopted a new Bigfork Neighborhood Plan that is Growth Policy compliant. The Bigfork Neighborhood Plan establishes a number of Goals and Policies designed to positively influence growth and development into the future. The following Goals and Policies extracted for the Bigfork Neighborhood Plan support the proposed subdivision:

Population and Economic Goals and Policies

G.2 Support growth and development in the Bigfork Planning Area (BPA) in a way that protects the character

P.2.1 Encourage open space conservation to maintain the rural character of the BPA and protect resource quality and wildlife habitat.

Housing Goals and Policies

G.6 Encourage and support residential development densities which are appropriate to existing and planned public facilities and services, which are absent of environmental constraints, and which enhance the character of the community.

P.6.1 Urban residential densities should be located in areas with paved roads, convenient access to commercial services, public services, such as schools, libraries, fire services, and commercial services, all in areas with minimal environmental constraints.

P.8.3 Encourage new development of housing sites less than five acres, to consider utilizing public water and sewer. Require mandatory installation of underground utilities, where technically and economically feasible, and recommend that developers pay for exterior access road improvements.

Residential Development

- G.17 Accommodate increased growth through development that harmonizes with and enhances the natural environment, and protect the wildlife habitat.
P.18.1 Encourage developers to provide open space within residential developments.
P.23.1 Development should encourage preservation of natural mountain, ridgeline, or other prominent topographical horizons.
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B. Extent to which the plan departs from the underlying zone and the subdivision regulations including but not limited to density, bulk and use, and the reasons why such departures are not detrimental to the public interest: _____

The Eagle Rock PUD does not depart from the underlying R-2 zoning classification. The existing subdivision and the proposed amended plat of Eagle Rock comply with all R-2 zoning standards. For this reason, the applicant is requesting the removal of the PUD overlay.

C. The nature and extent of the common open space in the PUD project, the reliability of the plans for maintenance and conservation of open space, and the adequacy of the amount and function of the open space: _____

The existing Eagle Rock development and PUD consists of 17.814 acres of which, 3.758 acres (21%) were devoted to open space. A significant portion of the open space was placed in buffer strips between the lots which creates a maintenance headache for future lot owners as these narrow strips would need to be maintained by the association. The proposed amended plat of Eagle Rock II will eliminate the open space between lots and increase the open space on the southern edge of the subdivision and the tree grove by the new entrance. The R-2 sideyard setbacks will create the separation between structures just like any other subdivision.

The proposed Eagle Rock II which amends lots 9 – 17 of the original Eagle Rock will have 1.864 acres of Open Space while the remaining Lots 1 – 8 of Eagle Rock contain 1.541 acres of Open Space for a total of 3.405 acres. The PUD provisions of the Flathead County Zoning Regulations do not have a minimum requirement for open space; however, the Flathead County Subdivision Regulations do establish minimum dedications as follows: 7.5% of the gross area divided into lots of 0.51 acres to 1.00 acres and 5% of the gross area divided into lots of 1.01 acres to 3.00 acres. The proposed Eagle Rock II plat has six lots between 0.51 and 1.00 acres totaling 4.484 acres. There are two lots between 1.01 and 3.00 acres totaling 2.077 acres. The parkland dedication per the Flathead county Subdivision Regulations for Eagle Rock II is $.075(4.484 \text{ ac}) + .05(2.077 \text{ ac}) = 0.44 \text{ acres}$. The parkland dedication for Lots 1-8 of Eagle Rock is $.075(4.720 \text{ ac}) = 0.354 \text{ acres}$ as all of the lots in the original are between 0.51 acres and 1.00 acres. Therefore the open space in the proposed Eagle Rock II (1.864

acres) and the remaining Lots 1-8 of Eagle Rock (1.541 acres) both exceed the parkland and open space standards of the Flathead County Subdivision Regulations.

As witnessed by the finished Eagle Rock Subdivision, there is a Homeowners Association in place with the sole member being the applicant, Michael Brooks. The open space and all of the lots are well maintained with the grass mowed, weeds sprayed and additional trees planted within the open space.

Eliminating the PUD overlay will not effect the required parkland dedication or impact the maintenance of the open space.

D. The adequacy of the proposals provision for public services, control over vehicle traffic and amenities of light or air, recreation, and visual enjoyment: _____

The goal of this request is to eliminate the Eagle Rock PUD which was approved by the Flathead County Board of Commissioners on October 31, 2005. The subdivision of Eagle Rock received final plat from the County Commissioners in August of 2006 where all services, utilities and amenities where reviewed and shown to be installed and available to the 17 lots.

The proposed Eagle Rock II Preliminary Plat application which amends Lots 9 - 17 will continue to provide public services, amenities, light and air, recreation, visual enjoyment, and not increase traffic over what was approved in 2005 and 2006. The preliminary plat application of Eagle Rock II has as it's supporting documentation, an Environmental Assessment (EA) that addresses public services, traffic, recreation dedication, and visual impacts. We submit that the information included in the preliminary plat application is also part of this Planned Unit Development Application and that they are to be reviewed as a package. To provide a conclusion statement to the EA, however, the assessment concludes that the development does adequately and in most cases exceeds the provisions for services, access, amenities, and recreational enjoyment.

E. The relationship of the planned development project to the neighborhood in which it is proposed: _____

The Eagle Rock PUD Overlay as it currently exists does not provide any deviations to the underlying R-2 zoning district and therefore is not of any benefit to the applicant. As Eagle Rock is a developed subdivision with all of the amenities installed, there is no benefit of keeping the PUD to the community at large. Changes proposed to Lots 9-17 with the proposed Eagle Rock II preliminary plat retains all infrastructure, significant open space, and

water features. What is different about the proposed Eagle Rock II plat is the access which will come from the west rather than the shared approach from the north. The proposed change will still fit with the character of the neighborhood. Eliminating the PUD overlay will not change the character or the review and compliance with the Flathead County Subdivision Regulations.

F. 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: The Existing Eagle Rock PUD did not place any unique conditions on the plat that would not or could not have been placed by the Flathead County Subdivision Regulations or the enforcement provisions of the R-2 zoning requirements of the Flathead County Zoning Regulations.

The Eagle Rock subdivision has been platted now for five years with no homes constructed on any of the lots. The infrastructure, open space, and water features have been well cared for over this period and there is no reason to believe that the would change with the elimination of the PUD overlay.

G. Conformity with the applicable provisions of this chapter: (specifically 3.31.030 4. Use Regulations and 5. PUD Preliminary Plan) The original Eagle Rock PUD overlay is a single family residential development with no commercial or industrial uses. The PUD did not take advantage of any PUD density bonuses or deviations to the underlying R-2 zoning requirements.

As this current application is requesting the elimination of the standing PUD overlay, we are not proposing any special considerations for architecture, infrastructure or other provisions outlined I Section 3.31.030.5 of the County PUD Regulations. We cannot find any advantage to having the PUD overlay for both the applicant and the public. The Flathead County Subdivision Regulations provide the means to review the proposed Eagle Rock II preliminary Plat for impacts to the environment, wildlife, wildlife habitat, agricultural use, public services, and access. The County's R-2 Zoning Regulations provide the regulatory tool to ensure land use, setbacks, bulk, and dimensional standards.

As stated previously in this application, the Eagle Rock II EA provides much detail on the environment, access, infrastructure, sewer and water facilities, public services such as police, fire, and schools, and health and safety issues.

The signing of this application signifies approval for FCPZ staff to be present on the property for routine monitoring and inspection during approval process.



Applicant Signature

26-JAN-2011

Date

APPLICATION PROCESS

APPLICABLE TO ALL PUD OVERLAY DISTRICT APPLICATIONS:

A. Pre-Application Meeting:

A discussion with the Planning Director or designated member of staff must precede filing of this application. Among topics to be discussed are: compatibility with the Growth Policy, conformance to PUD review criteria, and the application procedure.

B. Application Submittal, including:

1. Completed PUD Overlay District Application form and completed subdivision preliminary plat application where applicable. *(If submitting a bound copy of the application materials, please also include one **unbound** copy for replication purposes).*
2. A map showing the location and boundaries of the property.
3. A **Certified** Adjoining Property Owners List must be submitted with the application *(see forms below)*. The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
 - *(The buffer should be 150 ft. for all areas with the following exceptions: Administrative Conditional Use Permits, standard Conditional Use Permits, and Planned Unit Development (PUD) applications within the Lakeside Zoning District require a 300 ft. buffer.)*
4. 16 copies of PUD preliminary plan (See Section 3.31.030 5 of Flathead County Zoning Regulations).
5. A Title Report of the subject property.
6. Application fee per schedule, made payable to the Flathead County Flathead Planning & Zoning Office (FCPZ).

FEB - 1 2012

Metes and Bounds Description of PUD

DESCRIPTION: PLAT OF EAGLE ROCK

A TRACT OF LAND, SITUATED, LYING AND BEING IN GOV'T LOTS 5 & 6, SECTION 23 and IN THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 27 NORTH, RANGE 20 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

Commencing at the northeast corner of the Northeast Quarter of the Northwest Quarter of Section 26, Township 27 North, Range 20 West, P.M.,M., Flathead County, Montana which is a found railroad spike; Thence along the north boundary of said NE1/4NW1/4 S89°46'05"W 420.45 feet to a found iron pin and **THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED:** Thence S38°51'25"W 208.47 feet to a found iron pin; Thence S49°23'19"E 199.39 feet to a found concrete nail; Thence S00°05'35"E 248.71 feet to a found iron pin; Thence S51°11'58"E 142.61 feet to a found iron pin; Thence S50°42'59"W 268.46 feet to a found iron pin; Thence S79°39'28"W 154.36 feet to a found iron pin; Thence N75°25'27"W 14.74 feet to a found iron pin; Thence N73°33'42"W 51.16 feet to a found iron pin; Thence N48°48'39"W 121.63 feet to a found iron pin; Thence N38°26'17"W 315.72 feet to a found iron pin; Thence N58°45'22"W 274.04 feet to a found iron pin; Thence N89°07'42"W 138.53 feet to the centerline of a county road known as Holt Drive; Thence along said centerline N00°36'09"W 333.36 feet; Thence N89°43'00"E 6.61 feet; Thence N01°19'43"W 395.08 feet; Thence S69°36'05"E 445.59 feet to the P.C. of a 500.00 foot radius curve, concave northeasterly, having a central angle of 11°46'44"; Thence along an arc length of 102.79 feet to the P.R.C. of a 700.00 foot radius reverse curve, concave southwesterly (radial bearing S08°37'11"W); Thence southeasterly along said curve through a central angle of 23°40'29" an arc length of 289.24 feet to the P.R.C. of a 500.00 foot radius curve, concave northeasterly (radial bearing N32°17'40"E); Thence southeasterly along said curve through a central angle of 07°33'04" an arc length of 65.90 feet; Thence S65°15'24"E 89.60 feet; Thence S64°39'55"E 46.24 feet; Thence leaving said centerline S25°20'05"W 22.32 feet to the point of beginning and containing 17.814 ACRES; Subject to and together with a 60 foot county road as shown hereon; Subject to and together with all appurtenant easements of record.

