

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
PLANNED UNIT DEVELOPMENT REPORT #FPPUD-12-03
ROSEWATER PUD
JANUARY 30, 2013**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request for a SAG-5 Residential Planned Unit Development (PUD) overlay on 154 acres of land. Located between Kalispell and Whitefish, the proposed PUD is on the north side of Rose Crossing 1/4 mile east of Whitefish Stage Road, within the Highway 93 North Zoning District.

The Flathead County Planning Board will conduct a public hearing on the proposed PUD on February 13th, 2013 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. In accordance with Montana law, the Board of Commissioners will also hold a public hearing on the proposed PUD March 25, 2013 at a time yet to be determined. All documents pertaining to the 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 proposal is not located within the advisory area of a Land Use Advisory Council.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on February 13, 2013 and make a recommendation to the Flathead County Board of Commissioners. This space will contain an update regarding the February 13, 2013 Flathead County Planning Board review of the proposal.

C. Commission

The Flathead County Board of Commissioners will hold a public hearing on the proposed subdivision on March 25, 2013. This space will contain an update regarding the March 25, 2013 Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Owner

Score Management, LLC - Attn: Bill Tanner
688 Echo Lake Road
Bigfork, MT 59911

ii. Applicant/Technical Assistance

Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901

Carver Engineering, Inc.
1995 3rd Avenue East
Kalispell, MT 59901

B. Project Description:

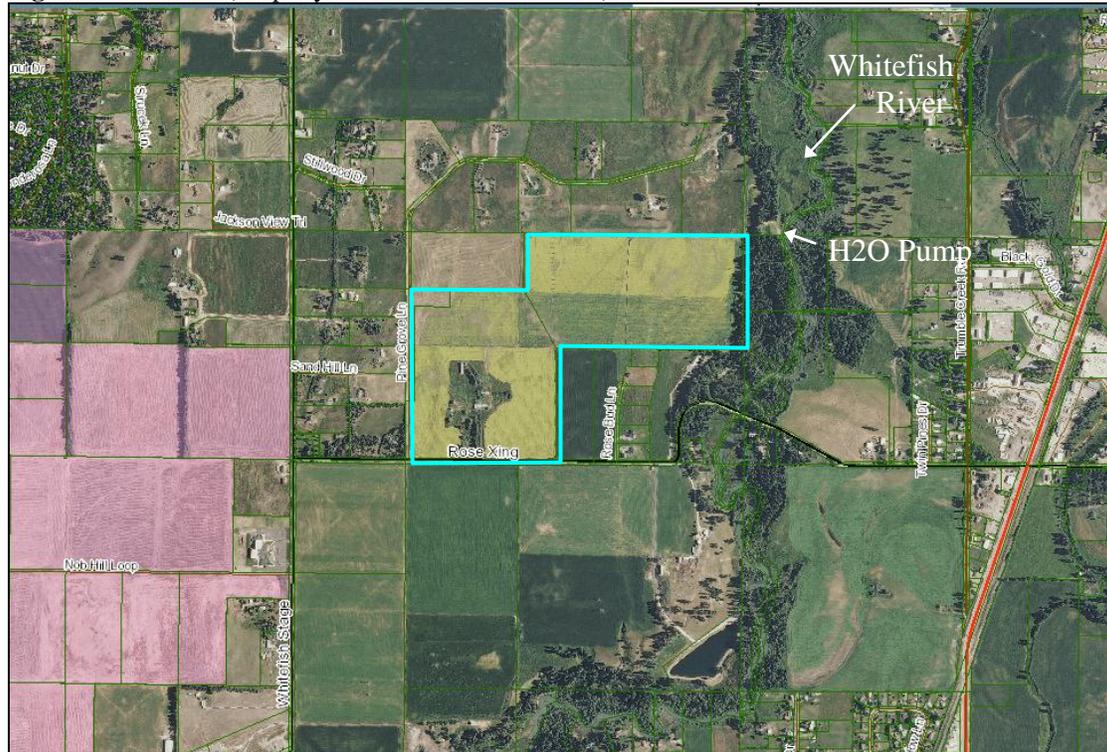
The proposed SAG-5 Residential Planned Unit Development (PUD) overlay would apply to the entire 154 acre subject property, and is proposed in anticipation of Rosewater Subdivision

which would be a 58 lot major subdivision. The PUD is requested specifically to allow the development to deviate from the minimum lots size requirements of the underlying ‘SAG-5 Suburban Agricultural’ zoning designation (see Figure 3 below). The proposed development density would be 1 dwelling unit per 2.65 acres, and all lots are proposed to be served by 5 new onsite multi-user wastewater treatment systems and the public water system of the Evergreen Water and Sewer District. In addition to density, the proposed PUD anticipates three groups of townhouse lots configured with 4 attached townhouses per group. The submitted PUD Plan outlines permitted uses, conditional uses, and bulk-and-dimensional requirements unique to the proposed PUD development which will be addressed in greater detail in Section IV(A) of this report.

C. Legal Description:

The PUD metes-and-bounds legal description, as approved by the Flathead County Clerk and Recorder’s Office, is contained in the application file. The proposed PUD overlay is comprised of the 154.02 acre subject property that can be legally described as Assessor’s Tracts 1, 1A, and 9A located in Section 20 Township 29 North, Range 21 West, P.M.M., Flathead County, Montana (see Figure 1 below).

Figure 1: Location (Property and PUD site shown blue)



D. Detailed Location

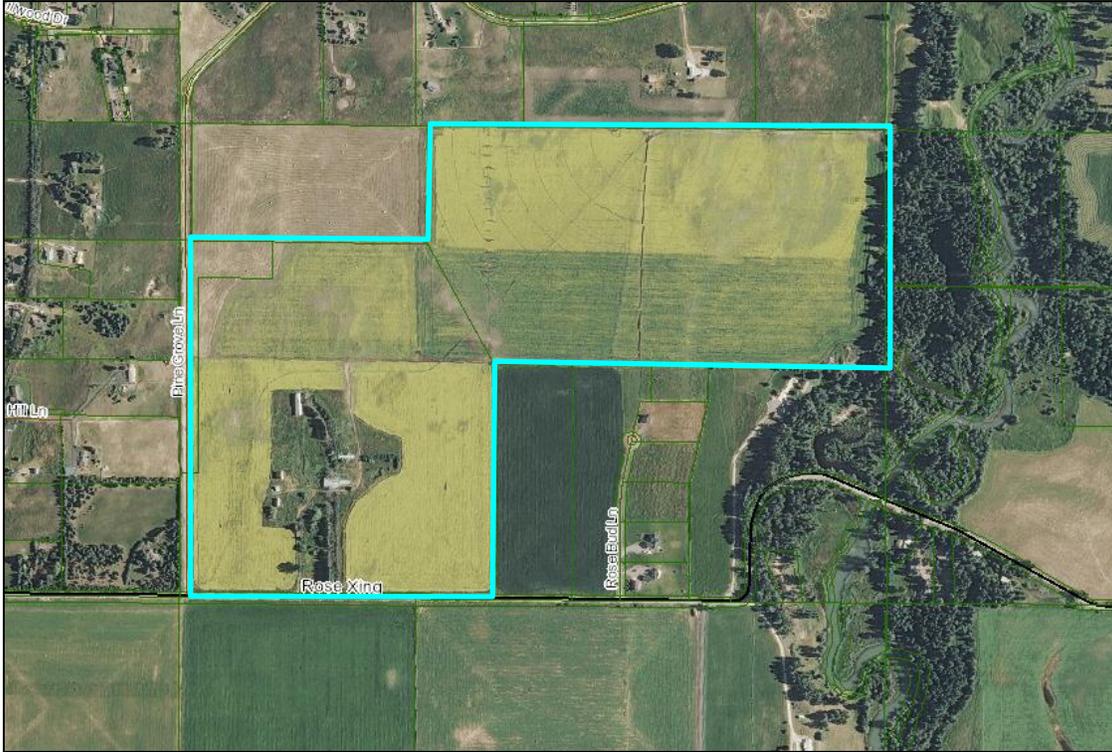
Located at 1535 Rose Crossing, the proposed PUD is situated between the cities of Kalispell and Whitefish, on the north side of Rose Crossing 1/4 mile east of Whitefish Stage Road (see Figure 1 above).

E. Administrative Characteristics

i. Current Land Use

The subject property is comprised of open fields which have been used for agricultural purposes and there is a central area developed with a barn and several agricultural related buildings.

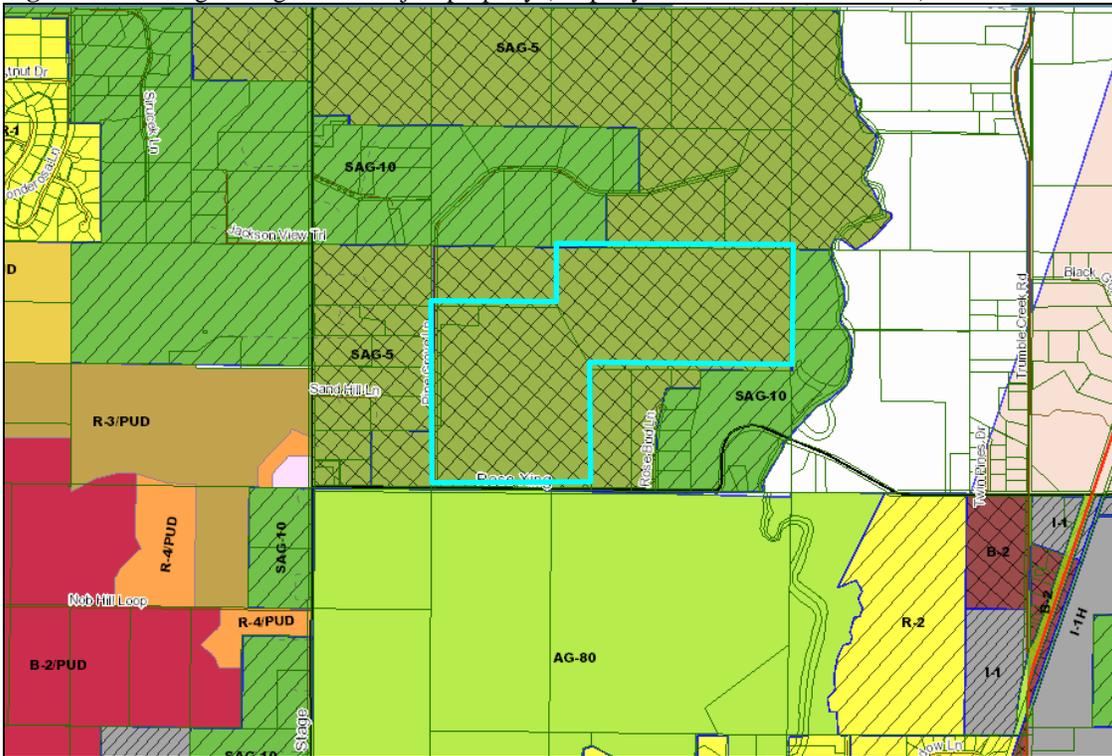
Figure 2: Current land use (Property and PUD site shown blue).



ii. Current Zoning

Located within the Highway 93 North Zoning District, the subject property is currently zoned 'SAG-5 Suburban Agricultural' (see Figure 3 below).

Figure 3: Existing zoning on the subject property (Property and PUD site shown blue).



iii. Proposed Land Use:

The proposed PUD and associated subdivision would create 58 single-family residential lots (46 single-family lots and 12 townhouse lots) on the subject property, with 64 acres set aside as ‘Common Area’. The Rosewater PUD and Subdivision has been designed with recreational amenities including a water-ski/paddling lake and a perimeter walking path. The new lots would be situated along the proposed internal subdivision road and around the proposed 27 acre lake which would be constructed with a specially designed 30-milimeter synthetic liner and intended to be filled from water drawn from the Whitefish River via an existing pump-station with an associated irrigation water right currently established. All lots would be served by a proposed extension of the Evergreen Water & Sewer District’s public water supply system and five proposed onsite multi-user wastewater treatment systems. The subdivision is proposed with a single gated entrance, and the internal loop road would be designed and constructed to meet applicable County road standards.

F. Area Characteristics

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

Located 1 mile north of Reserve Drive between US Highway 93 and US Highway 2, the proposal site is situated on an elevated bench west of the Whitefish River. The terrain in this area is generally flat and gently rolling with cleared agricultural land-cover adjacent to the timbered canyon and bottoms of the Whitefish River.

ii. Zoning

As shown in Figure 3 above, the subject property is located within ‘SAG-5 Suburban Agricultural’ zoning district and surrounded by agricultural and suburban agricultural zoning use designations. The proposed PUD area is bordered to the north, west, and east by areas of ‘SAG-5 Suburban Agricultural’ and ‘SAG-10 Suburban Agricultural’, and to the south by ‘AG-80 Agricultural’ zoning use districts. Beyond the immediate vicinity of the proposal, higher density R-3 PUD, R-4 PUD, and B-2 PUD zoning use districts are established west of Whitefish Stage Road within areas annexed by the City of Kalispell, the nearest point of which occurs 1/4 mile west of the subject property. Not depicted in Figure 3 is an area 1/2 mile south of Rose Crossing and the subject property which was recently amended from AG-80 to ‘I-1 Light Industrial’ zoning use designation.

iii. Land Uses

As shown in Figures 1 and 2 above, the subject property is situated in an area which is prevalently developed with agricultural and relatively low density residential uses. Limited instances of light industrial and commercial uses occur within an approximate one mile radius from the site. The predominant character of the area surrounding the subject property is agricultural and estate-type rural residential, with lot sizes generally ranging from 1.5 to 15 acres on the north side of Rose Crossing and 40 to 150 acres south of Rose Crossing. The subject property and adjacent parcels tend to be open fields and pasture except for wooded riverine area to the east. The mix of agricultural, residential, and light industrial land uses is consistent with the established mixed zoning present in the general area.

G. Utilities and Services

i. Water

Connection to public water system proposed (Evergreen Water and Sewer District)

ii. Wastewater

Private onsite multi-user sewer systems proposed (5)

- iii. Electricity**
Flathead Electric Cooperative
- iv. Natural Gas**
Northwestern Energy
- v. Solid Waste**
Contract haul – Evergreen Disposal
- vi. Telephone Service**
CenturyTel
- vii. Schools District(s)**
Kalispell School District 5 (K-12), Flathead High School
- viii. Fire Districts**
West Valley Fire District, City of Kalispell Fire Department via mutual aid agreement
- ix. Police**
Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Referrals

Agency referrals for comments on the proposed PUD were sent to pertinent agencies on December 17, 2012 and January 3, 2013. As of the date of completion of this staff report, the following comments have been received:

- Jim Chilton, Flathead County Solid Waste
 - The District views no negative impact with solid waste issues at this time.
- Dave Prunty, Public Works/Flathead County Road Department
 - Indicated he has no comments or concerns.
- Wendee Jacobs, Flathead City-County Health Department
 - The proposal appears to meet the minimum standards for water supply (to be provided by Evergreen Water and Sewer District), onsite wastewater treatment, and stormwater drainage. Details of overall suitability regarding sewage treatment, water supply, and stormwater drainage will be reviewed by this office and the Subdivision Section of the Department of Environmental Quality when a complete application is received by this office.
- Steve Robinson, Flathead County Weeds and Parks Department
 - Most of the property is presently under management for weeds, roadsides need to be sprayed until competitive vegetation establishes itself. A 3-year weed management plan must be submitted.
- Nathan Holm, Flathead County GIS Department
 - The proposed road name 'Rosewater Lane' is approved by the Flathead County GIS Department and is reserved for a period of three years.
- James Freyholtz, Montana Department of Transportation
 - Comment acknowledges the submitted Traffic Impact Study indicates no improvements are needed to mitigate traffic impacts to the intersections of Whitefish Stage with Rose Crossing and US Highway 2 with Rose Crossing. He has no comments regarding this proposal.
- Marc Pitman, Montana DNRC
 - Comment encourages the developer to meet with Kalispell DNRC Water Resources Staff asap to discuss required criteria for a Change Authorization to water right 76LI

134528 00 Statement of Claim. The comment includes reference to the proper form needed to apply to change an irrigation right. Although not required, applicants are advised to meet with Department staff prior to preparing and submitting the application in order to save time and expense.

- Mark Deleray and John Vore, Montana FWP
 - Indicated the applicant did a good job addressing water and fishery concerns. Comment indicates the potential for impacts to the steep slopes near the Whitefish River is sufficiently addressed within the Environmental Assessment submitted with the preliminary plat application.
- Peggy Weyant, Bonneville Power Administration
 - Indicated the proposals will not impact any BPA transmission line corridors, and BPA has no objections to the approval of the requests.
- Sean Conrad, City of Kalispell Planning Department
 - The comment recognizes an interest in the development standard of the proposed PUD in regard to future development of the immediate area and future growth of the City of Kalispell. Based upon guidance offered by the City's current growth policy, the Kalispell Transportation Plan, and the County's Two Rivers Neighborhood Plan the comment provides discussion and recommendations regarding 1) Rose Crossing, 2) street intersections on Rose Crossing, 3) perimeter treatment along Rose Crossing, 4) sewage disposal, 5) fire protection, and 6) access to adjacent properties.

Following is a brief summary of the City's stated concerns and recommendations accompanied by staff's perspective on applicability and/or feasibility for requiring the recommendations as conditions of approval.

Rose Crossing - The discussion focuses on the likely future connection of Rose Crossing westward to Highway 93 and the traffic impact that would have on the existing portion of Rose Crossing unless the road is expanded to handle anticipated traffic volumes once it connects Highway 93 and Highway 2. Rose Crossing at the proposal location is within the scope of the current Kalispell Transportation Plan which anticipates the future extension of Rose Crossing westward, and which calls for upgrading the road to an 'urban minor arterial street' with associated specifications at that time. Additionally, the Two Rivers Neighborhood Plan anticipates the need to establish a 120-foot easement for the road to accommodate future traffic demands. In order to serve future traffic needs and meet the City's anticipated specifications the City's recommendations regarding Rose Crossing are to: 1) require dedication of 30 feet of right-of-way along the project's frontage of Rose Crossing to accommodate future expansion of the road, and 2) all lots within the subdivision waive their right to protest the creation of a special improvement district to upgrade Rose Crossing to an urban minor arterial standard.

- While the City's comment recognizes their current growth policy and Transportation Plan encompass the area of proposal site, the currently effective Flathead County Growth Policy has not adopted the City's current growth policy of the Kalispell Transportation Plan, but has adopted the Kalispell City-County Master Plan Year 2010 which does not encompass the area of proposal site.
- While the Flathead County Growth Policy has not adopted the City's current growth policy, it is noted the City's current growth policy future land use map plainly states "Future land use designations indicated on this map are only

applicable when property is proposed for annexation, and do not have any effect on lands under county jurisdiction with regard to zoning, density, subdivision or other land use divisions.” Presently there is no indication the City is actively planning to annex the site of the proposed development.

- As Rose Crossing is a county road situated on a 60-ft easement, it would not be appropriate to require “dedication of ‘right-of-way’ along the project’s frontage of Rose Crossing”, but it may be appropriate to require additional easement be reserved along the project’s frontage of Rose Crossing if the development’s subdivision review finds it to be warranted based upon applicable regulations and the statutory review criteria.
- Regarding recommendation #2 asking the developer to “waive their right to protest the creation of a special improvement district to upgrade Rose Crossing to an urban minor arterial standard”, the County Public Works Director and MDT’s Kalispell Area Traffic Engineer have reviewed the proposal and have expressed no concerns. Additionally, the proposal triggered applicability of a traffic impact study (TIS) which found no offsite road improvements to be needed as a result of traffic attributable to the proposed development. MCA 76-3-608(7) states “A governing body may not require as a condition of subdivision approval that a property owner waive a right to protest the creation of a special improvement district or a rural improvement district for capital improvement projects that does not identify the specific capital improvements for which protest is being waived.” It appears infeasible and inappropriate to require the developer to “waive their right to protest the creation of a special improvement district to upgrade Rose Crossing to an urban minor arterial standard” based solely upon the City’s recommendation because there is no capital improvement project that identifies any specific capital improvements for which protest would be waived.

Street intersections on Rose Crossing

Considering the City’s current growth policy and future land use map indicates a future collector or minor arterial street should be located in the vicinity of the proposed subdivision, and the County’s Two Rivers Neighborhood Plan anticipates suburban and urban densities of single family residences north and south of Rose Crossing, the discussion indicates the city’s concern that the proposed new road approach onto Rose Crossing “may create potential problems in the future of the functionality of the road currently and in the future”. The City’s recommendations regarding street intersections on Rose Crossing are to: 1) relocate the main access of the development off of Pine Grove Lane, and 2) the proposed access could be used now as a full movement access, but require that in the future the use of the access be reduced to allow only right-in and right-out traffic circulation.

- The City’s recommendations appear to be based on potential future concerns which may or may not materialize, and are not based upon impacts directly attributable to the proposed development in consideration of existing road/traffic conditions and area characteristics.
- The proposed location of the new road approach onto Rose Crossing is 660 feet east of Pine Grove Lane and 1730 feet west of Rose Bud Lane, and these road offsets comply with applicable County road standards.
- Appropriateness of the proposed new road and approach and access will be

considered in relation to applicable regulations and the statutory review criteria in the development's subdivision review.

Perimeter treatment along Rose Crossing

The discussion expresses concerns with location and aesthetics of the proposed private storage units which would be situated in the southeast corner of Common Area I. Specifically, the comment complains the proposal “does not provide specifics as to the building height, building design, colors or specific landscaping features along the south and east sides of the mini-storage facility as indicated on the preliminary plat.” The City's recommendations are to: 1) move the storage units north outside the view shed of Rose Crossing into Common Area A or H, and 2) Alternatively, if the storage units remain in Common Area I, they should be moved further north, outside of the additional right-of-way dedication for Rose Crossing and screened as follows:

An earth berm a minimum height of half the height of the building constructed along the south and east sides of the mini-storage building for the length of the building. In addition to the earth berm, landscaping in the form of evergreen and deciduous bushes and trees to provide further screening of the mini-storage facility along Rose Crossing and the east side of the mini-storage facility.

- The applicant has addressed sections 3.31.030.5.B and 3.31.030.5.D of the Flathead County Zoning Regulations (FCZR) in that the PUD Plan map and preliminary plat identify locations of proposed residential and non-residential structures and uses and a submitted schematic example of the typical Rosewater Storage Building is an elevation drawing demonstrating the general architectural features of the storage structures and their perimeter landscaping treatments.
- It is noted the storage facility would be private for use by owners of lots within the development, and as such would constitute an ‘accessory structure’ in regard to applicable zoning regulations. The storage facility would be akin to a private garage and would not be subject to conditional use or performance standards associated with ‘mini-storage’.
- As depicted on the preliminary plat the proposed storage facility is set back 60 feet from the edge of the existing Rose Crossing easement which complies with applicable setback requirements for detached accessory structures pursuant to Section 3.08.040(3)(B&D).

Sewage disposal

The comment indicates the subdivision site lies within the annexation policy boundary for the City of Kalispell and suggests the City might seek to annex the subject property at some point in the future. The discussion expresses concerns with the life-span of the proposed on-site public Level 2 wastewater treatment systems and long-term compatibility of the development's wastewater treatment with the City's wastewater infrastructure in the event the site is annexed by the City in the future. Citing Section 4.7.21(e) of the Flathead County Subdivision Regulations (FCSR) which states, “The Commission may require sewer lines to be installed in anticipation of an expansion of a municipal sewer system prior to final plat approval.”, the City's comment recommends “... the waste water system designs should include the installation of sewer mains allowing for the subdivision's connection to the Kalispell sewer system or Evergreen sewer system. This would alleviate some of the expense for future residents of the subdivision once the on-site treatment system's life has run its course.”

- While the nearest area annexed by the City of Kalispell is 1/4 mile westward of

the subject property the location is not currently developed with any municipal water or sewer services.

- While certain property 1/2 mile south of the subject property is currently in the process of establishing water service by the Evergreen Water and Sewer District, the nearest areas situated on the higher bench between the Stillwater River and Whitefish River which are currently developed with municipal water or sewer services of the Evergreen Water and Sewer District are located 1 mile from the subject property.
- Appropriateness of the proposed method for wastewater treatment will be considered in relation to applicable regulations and the statutory review criteria in the development's subdivision review.

Fire protection

The comment acknowledges the proposal site is within 1 mile of the corporate limits of the City of Kalispell, and cites Section 4.7.26 FCSR which indicates:

- a. Subdivisions with a public or community water system that are within the five year service area of a city or within one mile from the corporate limits of a city, if no such service area has been established, shall be designed in accordance with the adopted standards of that city and the water distribution system shall be designed for fire suppression flow capabilities as required by that city;

Due to the location of the development the comment indicates the Kalispell Fire Chief will also need to provide a review and recommendations on the subdivision in addition to those of the West Valley Fire District.

- An agency referral was sent to Dave Dedman of the Kalispell Fire Department on January 3, 2013 and he responded in writing on January 8, 2013. Consideration of the Chief's comments will be discussed below.

Access to adjacent properties

Citing guidance provided by the Two Rivers Neighborhood Plan, the City's discussion on this matter strongly recommends the requirement of several 60-foot wide access easements to adjoining properties in addition to moving the main entrance to Pine Grove Lane. Concerned with how the proposed development will integrate into the fabric of the city as the city expands in the coming decades, the City's recommendations aim to and create "a better street grid system in an area proposed for increased residential or commercial densities to provide important alternative means into and out of the area."

- While the Two Rivers Neighborhood Plan is a guidance document applicable to the area in which the proposed development is located, it is also recognized that a neighborhood plan is not regulatory.
 - Appropriateness of the proposed access will be considered in relation to applicable regulations and the statutory review criteria in the development's subdivision review.
- Dave Dedman, Kalispell Fire Department
 - Comment expresses the development should meet all applicable fire specifications of the International Fire Code 2009, and continues with specifications regarding spacing of fire hydrants and fire department access roads including specifications regarding a requirement for a secondary emergency access.

- A 1/14/13 telephone conversation between Staff and Mr. Dedman clarified the Department's request, specifically regarding capability for entrance through the main entrance gate and a secondary emergency access. Mr. Dedman acknowledged that while a portion of the International Fire Code 2009 addresses residential sprinklers he understands the limitations on sprinkler requirements based on state statute requirements for inspection and maintenance of such systems; indicated a siren-activated gate mechanism is preferred over a password or swipe card-activated mechanism for electric gates; indicated a secondary emergency access is needed and indicated that a secondary access off Pine Grove Lane would be acceptable if it was constructed to accommodate the weight and size of emergency vehicles, and; indicated that a chain gate would be acceptable for an emergency access.
- Appropriateness of the proposed measures for fire protection and emergency access will be considered in relation to applicable regulations and the statutory review criteria in the development's subdivision review.

B. Public Notice

Adjacent property notification regarding the proposed PUD was mailed to property owners within 150 feet of the subject properties on January 14, 2013. Legal notice of the Planning Board public hearing on this application was published in the January 27, 2013 edition of the Daily Interlake.

Following the Planning Board hearing on February 13, 2013, public notice of the proposed PUD will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 M.C.A. Notice will be published once a week for two weeks prior to the March 25, 2013 Board of Commissioners public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the date, time and location of the public hearing before the Board of Commissioners on the requested zoning map amendment.

As of the date of the completion of this staff report, no written public comments had been received regarding the proposal. However, after preparation of this report, five written public comments were received regarding the proposal which mainly express concerns pertaining to potential environmental impacts associated with the proposed lake. The new comments are addressed within the staff report of the associated proposed Rosewater Subdivision in regard to the relevant statutory review criteria. Additional written public comment will be received until 5:00 PM on February 13th, and will be summarized verbally and entered into the public record during the Planning Board hearing that evening. Anyone wishing to provide public comment may do so in person at the Planning Board hearing on February 13, 2013 and the Board of Commissioners public hearing on March 25, 2013.

IV. EVALUATION OF PUD OVERLAY REQUEST

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 unless otherwise specified by the approved PUD plan.

The applicant has requested a residential PUD overlay that would apply to the entire subject property proposed for the PUD, and which is also undergoing subdivision review concurrently with

this proposal (refer to FPP-12-02). The subject property is currently zoned “SAG-5 Suburban Agricultural”, a zoning classification that requires a minimum lot size of 5 acres. The proposed PUD overlay would allow the developer to deviate from the standard minimum lot area requirement of the underlying ‘SAG-5’ zoning by using the permissible density provision for a SAG-5 Residential PUD as outlined in Section 3.31.030(4)(A) of the Flathead County Zoning Regulations (FCZR) which allows up to 2 dwelling units per 5 acres within a SAG-5 Residential PUD. The proposed development density would be 1 dwelling unit per 2.65 acres, and all lots are proposed to be served by 5 new onsite septic systems and the public water system of the Evergreen Water and Sewer District. The PUD overlay proposed would allow a reduced minimum lot size, enabling the 58 residential lots to be situated around the proposed lake and along the internal subdivision road, leaving 62 acres in designated ‘common area’.

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 Rosewater PUD departs from the underlying zoning designation of ‘SAG-5 Suburban Agricultural’ by establishing modifications to types of permitted and conditional uses, and modifying the bulk and dimensional requirements including changes to minimum lot area, minimum lot width, setbacks, permitted lot coverage, and maximum fence height. The PUD overlay would enable a total of 58 lots (46 single-family lots and 12 townhouse lots) to be situated around the proposed lake and along the internal subdivision road for a total developed area (roads and lots combined) of approximately 63 acres (excluding area encompassed by storage facility). The remaining land – roughly 64 acres of common area and the 27 acre artificial lake – would be set aside as permanent Common Area, owned and maintained by the Homeowner’s Association, and intended to accommodate onsite wastewater treatment while preserving open space and keeping development from impacting adjacent residences and the environmentally sensitive Whitefish River.

Permitted and Conditional Uses

The submitted draft PUD Plan indicates proposed modifications to the permitted and conditional uses of the underlying SAG-5 zoning as follows:

- The PUD would not include Class A and Class B manufactured homes, Cluster housing, Nurseries landscaping materials, or Produce stands as permitted uses.
- In addition to the permitted uses allowed in the underlying SAG-5 district, excluding those mentioned above, the PUD would include (5) Dwellings, Multi-family Townhouse Fourplex or smaller, (8) Homeowners Clubhouse and/or Boathouse, (12) Waterski/ wakeboard/ paddling lake, and (13) Private storage, mini-storage, and maintenance structures for Rosewater owners as permitted uses.
- The PUD would exclude several conditional uses of the underlying SAG-5 zoning to result in a list of 7 types conditional uses as shown on the draft PUD plan.

The proposed permitted and conditional uses appear to be in the public interest because the Rosewater PUD plan area is proposed as a private development whereby the sole users would be owners of property within the development and the types of uses included as permitted and

conditional uses are limited to those which would be practical for owners and the types of omitted uses are those which would typically serve the general public.

Minimum Lot Area/Density

The plan area encompasses 154.023 acres, and is zoned entirely 'SAG-5 Suburban Agricultural'. Based upon the existing zoning designation, a total of 30 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 61 dwelling units would be permissible. The applicant has requested a total of 58 lots as part of the proposed subdivision/PUD with 12 of these being attached townhouse dwelling units arranged in three groups of 4 attached townhouse dwelling units (Lots 47-50, Lots 51-54, and Lots 55-58); in other words, twenty eight additional dwelling units have been proposed beyond what is permitted by the standard SAG-5 zoning currently in place. Where the minimum lot area of the underlying zoning is 5 acres, single family dwelling lots within Rosewater PUD would range from 0.72 to 1.79 acres in size, and attached townhouse lots within Rosewater PUD would range from 0.174 to 0.237 acres in size. There would little or no change in the lots at time of final PUD approval from the depicted configuration and sizes shown on the Rosewater preliminary plat, and the draft PUD plan indicates there could be no further division of any lot.

The proposed minimum lot area and overall density appear to be in the public interest because a substantial area, 91 acres or roughly 59% of the entire project area (including the lake and Common Areas A through I), would be set aside as permanent open space providing buffers to adjacent land uses.

Minimum Lot Width, Setbacks, Permitted Lot Coverage, and Maximum Fence Height

- While the minimum lot width of the underlying SAG-5 zoning is based on a depth to width ratio, the submitted draft PUD Plan indicates single family dwelling lots within the Rosewater PUD would have a 100-foot minimum lot width and townhouse lots would have a 30-foot minimum lot width.
- The draft PUD plan indicates a proposed 10-foot side setback for principal structures compared to the 20-foot side setback of the underlying SAG-5 zoning. The draft PUD plan also indicates boathouses may be at water's edge in regard to rear setbacks. As the draft PUD plan lacks setback details specific to attached Townhouse lots, it is presumed the proposed attached Townhouse lots would have zero lot-line setbacks on the interior common attached boundaries, and the exterior front, side, and rear setbacks would be as listed on the draft PUD plan. As a condition of preliminary PUD approval this clarification of permitted applicable setbacks for Townhouse lots should be made clear on the Final PUD Plan.
- While the underlying SAG-5 zoning allows 25% permitted lot coverage, the submitted draft PUD Plan indicates the lots within the PUD would be allowed up to 40% permitted lot coverage. While the proposed permitted lot coverage appears applicable to the single family dwelling lots, it does not appear to be intentionally applicable to the attached Townhouse lots. Regarding permitted lot coverage for Townhouse lots, it is presumed there would be 70% permitted lot coverage for the three proposed attached townhouse lot groups as the townhouses would be attached as a single structure anticipated to occupy the majority of each townhouse group constrained in size solely by compliance with setback requirements (i.e. a typical group of 4 townhouse lots is approximately 180-ft X 180-ft, and if the attached 4-unit structure met front side and rear setbacks it would be approximately 160-ft

X 140-ft in size, equivalent to approximately 70% of the area of the 32,400 ft² typical townhouse group). As a condition of preliminary PUD approval clarification of permitted lot coverage for Townhouse lots should be made clear on the Final PUD Plan.

- While the underlying SAG-5 zoning allows 6-foot high fences on all sides, the submitted draft PUD Plan indicates the lots within the PUD would be allowed fences 4-feet in height for front and 6-feet in height for side and rear.

The proposed bulk and dimensional requirements appear to be in the public interest because they enable a design which allows the development to be situated within the central area of the PUD boundary which results in preservation of open space on the perimeters which equals or surpasses the standard setback requirements of the underlying SAG-5 zoning.

Table 1: General Characteristics for Rosewater PUD (Refer to Rosewater PUD Plan for specifics)

Underlying Zoning	SAG-5 Suburban Agricultural
Standard Minimum Lot Size	5 acres
Proposed PUD Minimum Lot Size	.72 acres single family, .174 acres townhouse
Applicable Permitted Uses	FCZR Section 3.08.020 modified (see plan)
Applicable Conditional Uses	FCZR Section 3.08.030 modified (see plan)
Applicable Bulk & Dimensional Requirements	FCZR Section 3.08.040 modified (see plan)

Finding #1 - As proposed the draft PUD plan does not provide clarity regarding appropriate permitted setbacks or permitted lot coverage for Townhouse lots.

Finding #2 - As proposed, the Rosewater PUD overlay would modify permitted and conditional uses and modify applicable bulk and dimensional requirements of the underlying ‘SAG-5 Suburban Agricultural’ zoning and allow a total of 58 residential dwelling units within the proposed subdivision of the development. This departure appears to be in the public interest (positively) because the proposed development would have a density consistent with what is allowed under the PUD allowances for a SAG-5 Residential PUD, and because the modification of bulk and dimensional requirements would enable the lots to be centrally situated, creating a buffer between the proposed development and adjacent properties and environmentally sensitive areas, 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 91 acres of the project area (including the lake and Common Areas ‘A’ through ‘I’) would be permanently set aside as part of the PUD overlay and proposed subdivision (refer to preliminary plat). Aside from being open common area, each Common Area serves a specific function: Common Area ‘A’ is situated near the main entrance of the development and is planned to have recreational amenities including tennis and volleyball courts, guest parking, and a pavilion area; Common Areas ‘B’, ‘C’, and ‘D’ are situated on the shores of the lake for as common gathering/viewing areas; Common Area ‘E’ encompasses the elongated island element connected at each end with utility/pedestrian bridges integral to a perimeter trail network connecting each Common Area and providing the residents

of Rosewater additional recreation opportunities; Common Areas 'F', 'G', 'H', and 'I' serve to provide open space and to accommodate wastewater treatment for the development with wastewater systems A-E and their respective replacement drainfields being situated upon them, and; Common Area 'I' would also contain storage units for the benefit of lot owners and a maintenance facility for the development.

As proposed, roughly 59% 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 Rosewater. 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) FCZR would allow a maximum development density of 61 units for a SAG-5 Residential PUD, and the applicant has requested 58 dwelling units as part of the proposed subdivision/PUD. In addition, the acreage proposed meets the requirements of Sections 4.7.24(d)(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 (e)" and is maintained by the homeowners association. The exact parkland/open space acreage required through subdivision review will be discussed in the associated Rosewater Preliminary Plat staff report.

As mentioned above, the mechanism for maintaining and conserving the open space proposed as part of this development plan is the Rosewater Homeowner's Association, pursuant to the Codes, Conditions, Restrictions and Reservations to be adopted as part of the planned unit development. *Article IV – Common Area* found on page 5 of the Draft CC&Rs for Rosewater states "the Homeowner's Association shall have jurisdiction and control over the Common Areas" and Section 7.24 of *Article VII – Protective Covenants* found on page 15 of the Draft CC&Rs for Rosewater address maintenance of the Common Landscaped Areas. Monetary assessments to be paid by each homeowner for the care and maintenance of Common areas within the proposed development are addressed under Section 6.2 of *Article VI – Assessments* found on page 15 of the Draft CC&Rs for Rosewater.

Finding #3 - Open space associated with the proposed PUD is adequate in both amount and function because approximately 59% of the 154 acre site would be preserved as Common Area as part of the proposed subdivision/PUD, and will be maintained in perpetuity by the Homeowner's Association as reviewed herein.

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.

The subject property is located within the jurisdiction of the West Valley Fire District and would be served by the District as well as the Kalispell Fire Department through a mutual aid agreement, and the Flathead County Sheriff's Department in the event of an emergency. A preliminary plat application for the associated Rosewater 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 proposal's impact on public services and transportation/access matters will be considered in relation to applicable regulations and the statutory review criteria in the development's subdivision review.

The Rosewater PUD and Subdivision would be served by a proposed extension of the Evergreen

Water & Sewer District's public water supply system and five proposed onsite multi-user wastewater treatment systems. The subdivision entrance is proposed to be gated, and the internal road would be designed and constructed to meet applicable County road standards. The submitted Preliminary Water and Sewer sheet of the preliminary plat indicates an 8-inch water main would provide domestic and fire-flow water supply and the sheet indicates proposed locations for approximately 18 fire hydrants spaced at 450-foot intervals.

Lots proposed within the PUD and Subdivision would have direct driveway access onto the internal subdivision road that will be constructed and paved to County Road and Bridge standards. Roughly 91 acres of open Common Area will be dedicated permanently as part of the conditions of the PUD and subdivision approval(s), and will be maintained by the Rosewater Homeowner's Association for the use and enjoyment of the residents of the development. Lots created through subdivision as part of the PUD would continue to abide by the underlying zoning in place except as modified by the PUD plan, 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 would be centrally situated on the 154 acre subject property away from most exterior boundaries creating a natural buffer between the proposed development and adjacent properties. Landscaping of the entrance area and berming and landscaping around the south and east perimeters of the proposed storage/maintenance facility on Common Area 'I' would serve to minimize visual impacts from the proposed facility to adjoining properties and motorists travelling on Rose Crossing.

Finding #4 - The proposed PUD 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 reasonable requests made by public service providers to ensure public health and safety. The PUD will utilize an internal road 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. The proposed lots will be situated away from the exterior property boundaries and the storage facility would have perimeter treatment including berms and vegetative plantings to mitigate visual impacts as a result of the proposed development, and the underlying zoning and PUD standards will continue to regulate bulk and dimensional requirements of the development.

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

The PUD is proposed on property which has been developed for agriculture, and the PUD area is anticipated to be divided through subdivision. Located within close proximity to the subject property are two residential subdivisions - The Plat of Rose Crossing with five 2-acre lots and Morning View Meadows with five 10-acre lots. In addition to the predominant agricultural and single family estate-type residential uses in the vicinity of the proposed PUD, there are instances of light industrial uses occurring within 0.75 miles from the subject property (south of Rose Crossing and west of Whitefish Stage Road).

- While the subject property is presently equipped with center pivot irrigation infrastructure, the pivot and associated water lines are planned to be removed. The plan to remove irrigation from the subject property is not anticipated to introduce adverse impacts to the agricultural aspects of the neighborhood because the irrigation serves only the subject property and is not part of a shared irrigation system.
- The proposed Rosewater PUD and Subdivision is not anticipated to introduce adverse impacts to the neighborhood in regard to transportation and demand on public utilities

because the development would not generate traffic which cannot be efficiently accommodated by area roads and intersections.

- The development would minimize impacts to the natural environment by using public water services and five separate multi-user Level 2 wastewater treatment systems and by situating open Common Areas between the proposed residential lots and adjacent residences and environmentally sensitive areas.
- The proposed 27 acre artificial lake would be filled with water drawn from the Whitefish River via an existing pump station and 10-inch waterline, and it is presumed this would not impact area residents or the natural environment if the use of the water is required to be properly permitted with an appropriate water right. The submitted application materials include a geotechnical report that indicates the proposed artificial lake is located and designed suitably in relation to the steep slopes and sensitive natural conditions of the Whitefish River and its environs.
- The Rosewater development has been planned around the theme of waterskiing and other forms of water recreation, and the proposed Rosewater PUD and Subdivision may introduce adverse impacts to the neighborhood in regard to noise and objectionable by products related to watercraft used on the proposed 27 acre artificial lake. While the lake would be centrally located and buffered from the external PUD and subdivision boundaries by surrounding residential lots and sheer size it is still anticipated that there will audible noise from boats and other motorized craft which will extend beyond the boundaries of the development and which may be disturbing and annoying to nearby area residents. Although the subject property is large and the area surrounding the subject property is currently sparsely populated, it would appear logical that the population density will increase through time and the waterskiing activities may present noise impacts which cannot be reasonably minimized because Flathead County has no noise ordinance and limiting hours of operation is only effective during night-time hours and is impractical to effectively enforce.
- It is anticipated that applicability of the PUD plan and Zoning Regulations in regard to things such as lighting, signage, landscaping, and bulk and dimensional requirements would minimize visual impacts of the planned development upon the surrounding neighborhood.

Finding #5 - The proposed Rosewater Planned Unit development may create objectionable noise impacts to the surrounding neighborhood because the development has been planned around the theme of waterskiing and other forms of water recreation and it is anticipated that audible noise from boats and other motorized craft will extend beyond the boundaries of the development.

Finding #6 - With the exception of potential noise impacts which may be somewhat minimized through conditions limiting hours of motorized watercraft operation, the proposed PUD would appear to generally be of benefit to the surrounding neighborhood because the reduction in lot size would allow residential development to be situated around the proposed lake and along the internal roadway and away from external property boundaries, providing a buffer between the subdivision and adjacent property owners as well as directing proposed development away from the environmentally sensitive areas of the adjacent Whitefish River.

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 Rosewater Subdivision accompanying the PUD application would be developed over multiple phases necessary to fully implement the PUD plan. However, the phasing plan applies specifically to the proposed subdivision and not directly 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 Plat of Phase 1. Although the phasing plan is not directly tied to the PUD, the County Attorney has reviewed the terms and conditions of the proposed PUD Plan, phasing plan, and associated draft Covenants, Codes & Restrictions of Rosewater (CC&R's) because the plan provides the basis for the Rosewater Subdivision, and development of the subdivision and its associated improvements would occur over a period of years.

The submitted 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. As no concerns regarding the sufficiency of the proposed PUD plan and CC&R's have been identified, the proposed PUD plan, phasing plan and arrangements to be established through the associated CC&R's appear sufficient to 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.

Finding #7 – Following review and consultation with the Flathead County Attorney, the proposed PUD plan, phasing plan, and associated draft Covenants, Codes & Restrictions of Rosewater would be acceptable because the PUD final plan would undergo review and receive approval as a single plan applicable to the subject property in its entirety prior to final platting of Phase 1 of the subdivision; because the phased development of the subdivision 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 water services are anticipated to become available to meet the needs of the proposed development. The subject property is located within the West Valley Fire District, the Kalispell Public School District and will be served by the Flathead County Sheriff's Department. Lots within the subdivision will be served by multi-user wastewater treatment systems located onsite, and the public water services of the Evergreen Water and Sewer District to serve all 58 dwelling units.
- 2. Land Area Requirement** - The proposed PUD encompasses three separate tracts of land totaling 154.023 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 three 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 the land involved in the proposed PUD and subdivision to follow are currently zoned ‘SAG-5 Suburban Agricultural’.
4. **Use Regulations** - The submitted preliminary PUD application proposes certain modifications to the underlying SAG-5 zoning with regard to permitted and conditional uses and permitted and conditional uses and bulk and dimensional requirements as discussed above in Section IV(A) of this report. The proposed permitted and conditional uses as modified would promote clarity in regard to interpretation and administration of the applicable zoning within the PUD boundary. The applicant has requested increased density within the allowable range of maximum permissible density for a SAG-5 PUD as identified in Section 3.31.030(4)(A), and the proposed bulk and dimensional requirements would enable lots to be situated and developed as proposed around the internal lake and along the internal subdivision road, accommodating efficient design for utilities and services while buffering adjacent environmentally sensitive areas and residences from the developed areas 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. Much of the perimeter and interior of the development would be established as Common Areas A-I intended to preserve open space and accommodate certain non-residential functions such as wastewater infrastructure, recreational amenities, lake access sites and guest parking. The application includes an elevation drawing for the proposed storage/maintenance structures. Additionally the application materials indicate the potential for a HOA clubhouse within Common Area A, and its design and height would be in conformity with the bulk and dimensional requirements of the approved final PUD plan and the architectural design standards of the Rosewater CC&R’s. Regarding compliance with all of the provisions of this section, it is important to note that the PUD also involves the subdivision of the land overlaid by the PUD from the current tract of record. Requirements of this section regarding CC&R’s, maintenance of roads and other infrastructure, and weed management would be met through conformance of the preliminary plat, concurrently under review, with the Flathead County Subdivision Regulations and the Montana Subdivision and Platting Act [Section 3.31.030(5)(L)].

Finding #8 – The proposed Rosewater 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 or will be available to serve the development; being larger than two acres; meeting the establishment criteria for a residential PUD district; conforming with the applicable use regulations for a SAG-5 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 draft PUD plan does not provide clarity regarding appropriate permitted setbacks or permitted lot coverage for Townhouse lots.
2. As proposed, the Rosewater PUD overlay would modify permitted and conditional uses and

modify applicable bulk and dimensional requirements of the underlying ‘SAG-5 Suburban Agricultural’ zoning and allow a total of 58 residential dwelling units within the proposed subdivision of the development. This departure appears to be in the public interest (positively) because the proposed development would have a density consistent with what is allowed under the PUD allowances for a SAG-5 Residential PUD, and because the modification of bulk and dimensional requirements would enable the lots to be centrally situated, creating a buffer between the proposed development and adjacent properties and environmentally sensitive areas, and resulting in a large amount of permanent open space being set aside onsite.

3. Open space associated with the proposed PUD is adequate in both amount and function because approximately 59% of the 154 acre site would be preserved as Common Area as part of the proposed subdivision/PUD, and will be maintained in perpetuity by the Homeowner’s Association as reviewed herein.
4. The proposed PUD 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 reasonable requests made by public service providers to ensure public health and safety. The PUD will utilize an internal road 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. The proposed lots will be situated away from the exterior property boundaries and the storage facility would have perimeter treatment including berms and vegetative plantings to mitigate visual impacts as a result of the proposed development, and the underlying zoning and PUD standards will continue to regulate bulk and dimensional requirements of the development.
5. The proposed Rosewater PUD may create objectionable noise impacts to the surrounding neighborhood because the development has been planned around the theme of waterskiing and other forms of water recreation and it is anticipated that audible noise from boats and other motorized craft will extend beyond the boundaries of the development.
6. With the exception of potential noise impacts which may be somewhat minimized through conditions limiting hours of motorized watercraft operation, the proposed PUD would appear to generally be of benefit to the surrounding neighborhood because the reduction in lot size would allow residential development to be situated around the proposed lake and along the internal roadway and away from external property boundaries, providing a buffer between the subdivision and adjacent property owners as well as directing proposed development away from the environmentally sensitive areas of the adjacent Whitefish River.
7. Following review and consultation with the Flathead County Attorney, the proposed PUD plan, phasing plan, and associated draft Covenants, Codes & Restrictions of Rosewater would be acceptable because the PUD final plan would undergo review and receive approval as a single plan applicable to the subject property in its entirety prior to final platting of Phase 1 of the subdivision; because the phased development of the subdivision will occur in accordance with the timeline and requirements set forth in the Flathead County Subdivision Regulations.
8. The proposed Rosewater 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 or will be available to serve the development; being larger than two acres; meeting the establishment criteria for a residential PUD district; conforming with the applicable use regulations for a SAG-5 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 8 Findings of Fact cited above and with the imposition of conditions of approval.

VII. CONDITIONS OF PUD FINAL PLAN

Should the Rosewater Preliminary PUD Plan be approved based upon analysis completed above and the Findings of Fact presented, the applicant shall submit a Final PUD 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 Rosewater Planned Unit Development (PUD) 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 additional development units to allow the creation of fifty-eight (58) residential lots (46 single family dwelling units, 12 attached townhouse dwelling units distributed among three townhouse groups). 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. Applicable setbacks for Townhouse lots should be made clear within the Bulk and Dimensional Requirements section of the Final PUD Plan, specifically clarifying zero lot line setbacks for common interior townhouse lot boundaries where overlain by multi-family structures.
3. Applicable Permitted Lot Coverage for Townhouse lots, not to exceed 70%, should be made clear on the Final PUD Plan.
4. The permitted and conditional uses as well as bulk and dimensional requirements of the proposed Rosewater SAG-5 PUD overlay, as modified by these conditions, should be clearly identified, incorporated and/or referenced within future documents pertaining to the subject property and the subsequent subdivision to inform the public and future landowners of the unique zoning classification applicable to the property as a result of this plan review (pursuant to the approved final Rosewater PUD Plan and Table 1 above).
5. The following statement shall be placed on the face of the final plan:
 - a. *Permitted uses, Conditional uses, and Bulk and dimensional requirements of the approved Rosewater final PUD Plan shall apply to the development and use of the entire property.*
6. As required by Section 3.31.030(6)(B), the following statement shall be placed on the face of the final plan:
 - b. *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

7. Ninety one (91.253) 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 as Common Areas A-I (64.29 acres) and Lake (27.004 acres). The open space shall be maintained by the Homeowner's Association in conformance with the applicable section(s) of the Draft Declaration of Covenants, Codes, and Restrictions of Rosewater reviewed herein. The open space shall be designated accordingly on the face of the final plan and on the face of the final plat(s) for Rosewood Subdivision.
8. 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.
9. The Rosewater Final Plan shall receive approval from the Flathead County Board of Commissioners prior to submitting an application for final plat review of Phase I of the proposed Rosewater Subdivision.