

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 \$ 4446.00

DEVELOPMENT NAME: Swan Peak Homestead

OWNER(S) OF RECORD:

1. Name: A & C Horn Trust, c/o American Capital Companies Phone: (805) 682-5551
2. Mail Address: 10960 Wilshire Boulevard, Suite 1225
3. City/State/Zip: Los Angeles, CA 90024
4. Email: _____
5. Current zoning: R-1, SAG-5, & SAG-10 PUD overlay requested: Yes
6. Type of PUD: Residential Commercial Industrial Marina Mixed use

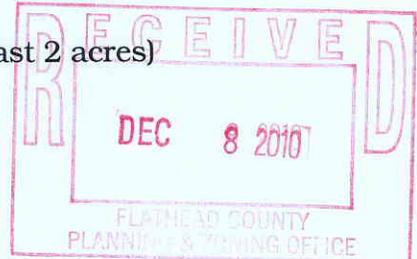
APPLICANT/TECHNICAL/PROFESSIONAL PARTICIPANTS:

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: 1055 Bigfork Stage Road
- B. Legal Description: Assessor's Tracts 4BAA, 4BA, 2C, & 5
 [Lot and Block of Subdivision or Tract #(s)]
29 & 30- 27 - 19
 Section Township Range (Attach sheet for metes and bounds)
- C. Total acreage: 123.8 (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 development proposes to use on-site sewer and water services after a lengthy exploration into extending Bigfork Sewer and Water service into the development. Presently the property is not located within the Bigfork Sewer and Water District and the District has no plans to extend services this direction on their own.
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- E. Is the property under single ownership? Yes

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

- A. Promoting the Growth Policy: _____

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.6.2 Suburban residential densities should be located in areas with paved roads, convenient access to commercial services, public services and facilities, and should have minimal environmental constraints.
P.8.2. Encourage lot size and configuration in rural areas that promote open space and scenic views, while maintaining the character of these areas and supporting agricultural operations
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.
P.8.5 Advocate incentives for clustered housing and related open space in and around existing population centers.

Residential Development

- G.17 Accommodate increased growth through development that harmonizes with and enhances the natural environment, and protect the wildlife habitat.

P.17.8 All developments should provide alternative fire exit routes.

P.18.1 Encourage developers to provide open space within residential developments.

P.19.2 Flathead County, acting through the Planning Department and the BLUAC, should encourage Planned Unit Developments.

G.20 Promote cluster developments, using existing county zoning as a tool, to provide attractive residential communities that leave significant, commonly accessible open space, paying particular attention to natural features and constraints.

P.23.1 Development should encourage preservation of natural mountain, ridgeline, or other prominent topographical horizons.

P.24.8 Developers should remove and thin all overgrown, dead and dying timber, and other fuels by prescribed guideline to mitigate fire potential.

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 proposed Swan Peak Homestead PUD departs from the underling R-1, SAG-5 and SAG-10 zoning classification in only one way and that is the Minimum Lot Size. Although the applications provide draft CC&R's and a "sample" set of Architectural Review Guidelines, these documents are **not** intended to be part of the PUD contract zoning. Except for the minimum lot zone request, the provisions provided in the underlying zoning classifications of the Flathead County Zoning Regulations will prevail as the land use rule for Swan Peak Homestead.

The applicants chose the PUD mechanism in order to cluster lots, provide open area in the front of the development in what was historically the Eva Gates pasture and a larger area that is subject to a MOU with the Montana Land Reliance for a conservation easement that also abuts another 120 acre parcel owned by the developers that is already in a conservation easement. The developers also chose the PUD provision as opposed to the Cluster Standards in Section 4.05 and 5.09 of the zoning ordinance in order to create slightly larger lots than the prescribed 2.00 acre net maximum. The Eva Gates development has a 2.99 acre net average and 49.9% open space (net). The PUD provisions suit the attributes of this particular property.

The developers of Swan Peak Homestead are not partaking in the PUD bonus density which would allow twice the density as proposed.

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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 applicants currently own 243 plus acres of land (123 acres in the Swan Peak Homestead PUD and another 120 acres in a conservation easement with the Montana Land Reliance adjacent and to the Southeast). The applicants have cared for both properties over the last five years including logging for wildfire fire prevention and spraying for noxious weeds. The owners have taken particular interest in the old Eva Gates buildings that were located on the property. They salvaged what they could and reconstructed the buildings in the historic style and scale of the original buildings. The goal of the Swan Peak Homestead development is to keep the front 6.5 acres of open space in the Eva Gates HOA and preclude development in that area. The applicants have entered into an MOU for another conservation easement on the 53 acres of land that is called out in the PUD plan. The conservation area will be managed in a similar fashion to the 120 acres adjacent and to the southeast.

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 proposed Swan Peak Homestead PUD accompanies the Swan Peak Homestead Preliminary Plat application. The preliminary plat application has as its 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 the Planned Unit Development Application and that they are to be reviewed as a package. To provide a conclusion statement to the EA, the Swan Peak Homestead development 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 proposed Swan Peak Homestead PUD is designed to accommodate the neighboring character. The development is clustered to provide additional lands in conservation easement. However, the applicants are not utilizing any density bonus that would be permitted for providing the open space in the PUD. The open space along Bigfork Stage is provided to preserve the rural character and the outstanding setting created with the work on

the Eva Gates homestead buildings. This open space not only benefits the development but it benefits the neighboring property owners and their view.

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 applicants are not proposing to phase the development. The applicants will construct the project in a single phase and the standard three year approval with the potential for a one year extension and the use of the SIA option will suffice for the development.

G. Conformity with the applicable provisions of this chapter: (specifically 3.31.030 4. Use Regulations and 5. PUD Preliminary Plan)
The proposed Swan Peak Homestead PUD and subdivision is a single family residential development only. The applicants do not propose commercial, industrial, or high impact recreational uses on the property.

As the proposed PUD is also accompanied by a preliminary plat application, the PUD and Plat plans are very similar with the exception of the existing Eva Gates homestead that is included in the PUD but is not included in the subdivision proposal. The reasoning for holding the homestead property out of the plat application is the property is an existing tract with all applicable services provided. As the developers are proposing a development for upper end custom built homes, there are no typical house elevations which can be provided that would have any bearing on what would actually be constructed. We are however, providing a "sample" set of architectural standards the developers have used for another project in a mountainous setting. The "sample" set of architectural standards are similar to what the applicant will produce for the Swan Peak Homestead if the PUD and Preliminary Plat are approved. The landscaping is primary intended to be natural or native with the potential for small professionally landscaped areas around the future residential structures otherwise everything will be left as it is. The development is not proposing a recreation center or community building and therefore we have no building plans for such a use.

As stated previously in this application, the EA which is a required element of the preliminary plat and 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.

A+C Horn Trust [Signature]
Applicant Signature

10/4/10
Date

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DESCRIPTION: PUD EVA GATES (PERIMETER DESCRIPTION)

TRACTS OF LAND, SITUATED, LYING AND BEING IN THE NORTH HALF OF THE SOUTH HALF OF SECTION 30 and IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 27 NORTH, RANGE 19 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING at the northwest corner of the Northwest Quarter of the Southwest Quarter of Section 29, Township 27 North, Range 19 West, P.M.,M., Flathead County, Montana, which is a found copperweld; Thence along the north boundary of said NW1/4SW1/4 S88°44'32"E 333.85 feet to a found pipe; Thence S00°26'22"W 1326.16 feet to a found pipe on the south boundary of said NW1/4SW1/4; Thence along said boundary N89°03'27"W 332.83 feet to the southeast corner of the North Half of the South Half of Section 30 of said Township 27 North, Range 19 West; Thence along the south boundary of said N1/2S1/2 the following four courses: N88°50'34"W 1320.03 feet to a found iron pin; N88°54'33"W 1320.94 feet to a found iron pin; N88°43'21"W 1318.74 feet to a found iron pin; N88°44'55"W 798.61 feet to a found iron pin on the easterly R/W of a county road known as Bigfork Stage; Thence along said easterly R/W the following five courses: N06°13'31"W 249.39 feet to a found iron pin; N05°45'20"W 11.58 feet to a found iron pin and the P.C. of a 1111.60 foot radius curve, concave southwesterly (radial bearing S83°46'37"W); northwesterly along said curve through a central angle of 11°05'37" an arc length 215.23 feet to a found iron pin; N17°17'49"W 63.21 feet to a found iron pin to the P.C. of a 416.25 foot radius curve, concave southwesterly (radial bearing S72°40'40"W); northwesterly along said curve through a central angle of 21°19'02" an arc length of 154.87 feet to a found iron pin; Thence leaving said R/W S88°48'04"E 453.74 feet to a found iron pin; Thence S88°47'45"E 1830.91 feet to a found iron pin; Thence N00°24'52"E 665.38 feet to a found pipe and the northwest corner of the Southeast Quarter of said Section 30; Thence along the north boundary of said SE1/4 S88°49'28"E 1816.47 feet to a found iron pin; Thence continuing along said boundary S88°49'21"E 824.68 feet to the point of beginning and containing 123.806 ACRES; Subject to and together with all appurtenant easements of record.

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