

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
PLANNED UNIT DEVELOPMENT REPORT (#FPPUD-12-02)
RISING MOUNTAINS ASSISTED LIVING OF BIGFORK
MAY 30, 2012**

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 5.25 acres of land. The proposed PUD is located on the north side of Coverdell Road approximately three miles north of Bigfork, within the Bigfork Zoning District.

The Flathead County Planning Board will conduct a public hearing on the proposed PUD on June 13th, 2012 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 Commissioners will also hold a public hearing on the proposed PUD at a date and 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 proposed planned unit development is located within the advisory jurisdiction of the Bigfork Land Use Advisory Council (BLUAC). This space will contain an update regarding the May 31, 2012 review of the proposal by BLUAC.

B. Planning Board

This space will contain an update regarding the June 13, 2012 Flathead County Planning Board review of the proposal.

C. Commission

This space will contain an update regarding the Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Owner

Roman Catholic Diocese of Helena
P.O. Box 1729
Helena, MT 59624

ii. Applicant/Technical Assistance

Bill and Charlene Dale
12036 Rippling Waters
Bigfork, Mt. 59911

Michael Fraser
690 North Meridian, Suite 103
Kalispell, Mt. 59901

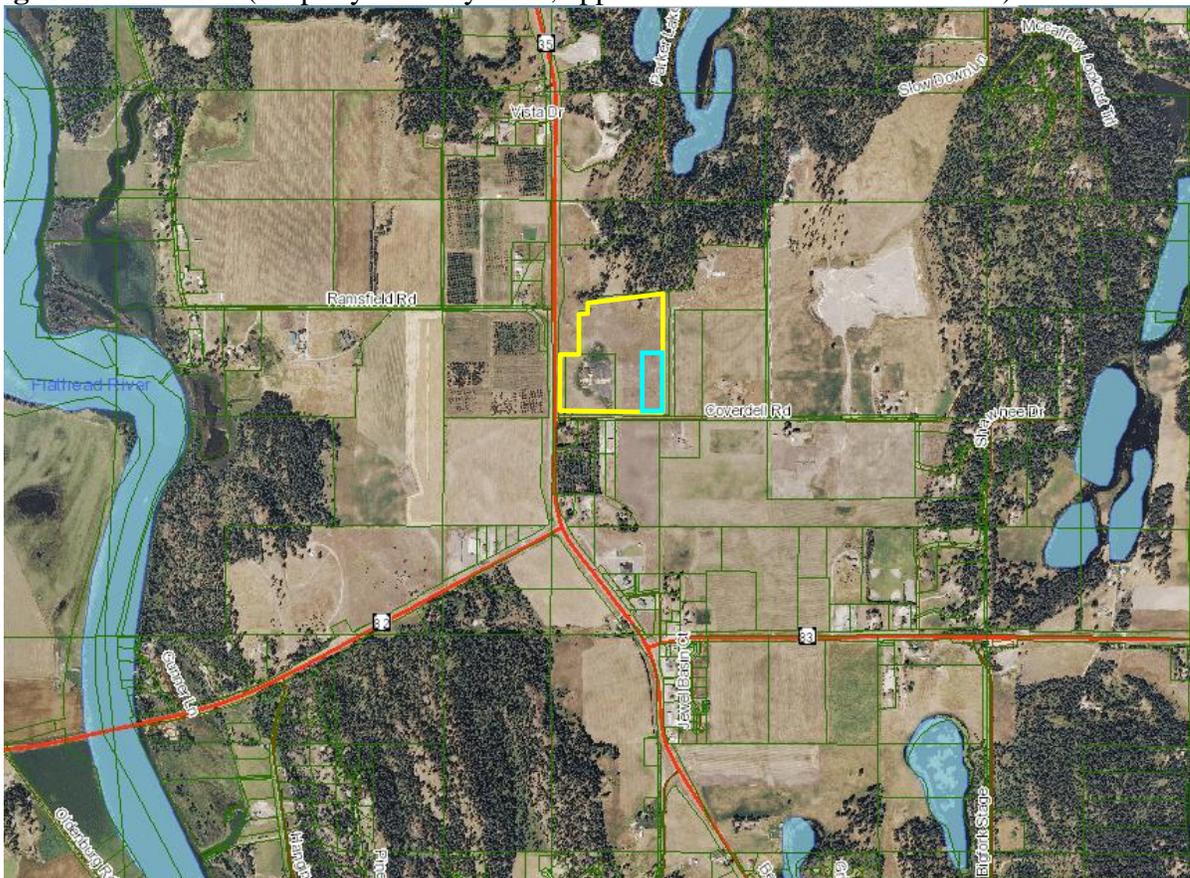
B. Project Description:

The proposed SAG-5 Residential Planned Unit Development (PUD) overlay would apply to a 5.25 acre area located on the eastern portion of the subject property, and is proposed in anticipation of establishing a Class 3 Community Residential Facility which would be an assisted living facility for senior citizens desiring a living situation providing companionship and assistance with day-to-day living needs. Upon issuance of a Conditional Use Permit the current SAG-5 zoning district allows for Class 1 and 2 Community Residential Facilities which are limited to providing care for up to 12 persons. The PUD is requested specifically and solely to allow for a Class 3 Community Residential Facility (facility) to be developed on the site which may provide care for more than 12 persons. The planned facility will initially have 28 beds in apartments of varying size, and will have likely future additions of two wings with 4 rooms each resulting in a 36 bed facility upon project completion. In addition to the inclusion of the Class 3 Community Residential Facility as the only permitted use on the property, the PUD would exclude all other conditional uses which are listed in the underlying SAG-5 zoning, and aside from those specifications the bulk and dimensional requirements of the underlying “SAG-5 Suburban Agricultural” zoning would continue to apply on the property.

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 5.25 acres on the eastern portion of property that can be legally described Parcel A of Certificate of Survey No. 12910 (aka Assessor’s Tract 4) in the NW1/4 of Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana (see Figure 1 below).

Figure 1: Location (Property shown yellow, approximate PUD site shown blue)



D. Detailed Location

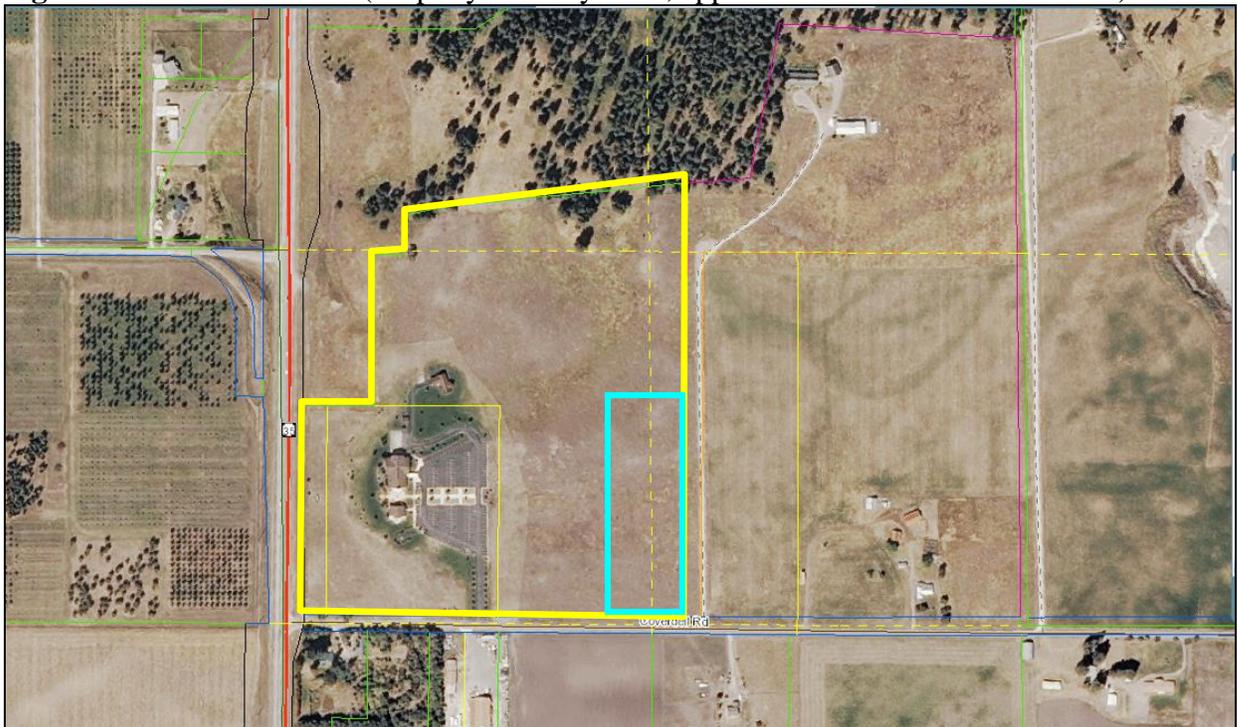
Three miles north of the town of Bigfork and situated east of the existing Catholic Church on the north side of Coverdell Road, the proposed PUD location is approximately ¼ mile east of the intersection of Montana Highway 35 and Coverdell Road (see Figure 1 above).

E. Administrative Characteristics

i. Current Land Use

The subject property and adjacent parcels tend to be open fields and pasture except for wooded and hilly adjacent parcels to the north. The subject property is primarily used for purposes of the Catholic Church located onsite, and the remainder of the property is vacant open land which appears to be used for limited agricultural purposes.

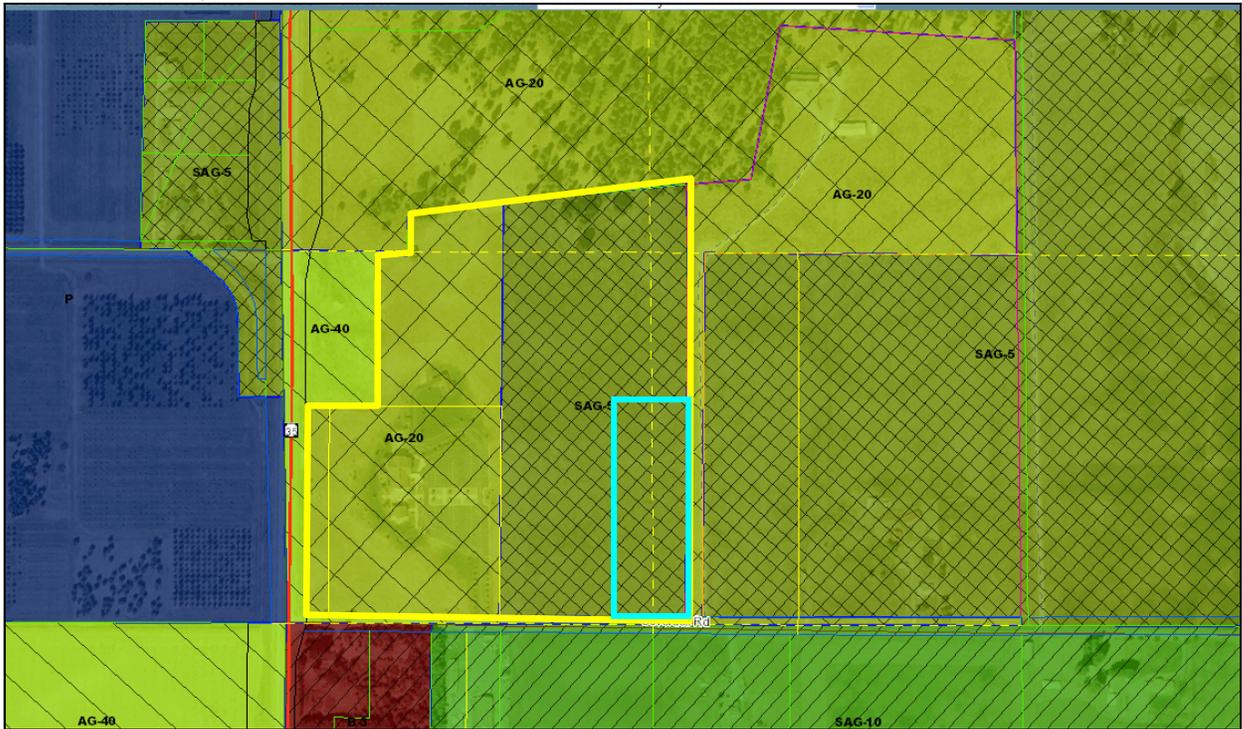
Figure 2: Current land use (Property shown yellow, approximate PUD site shown blue).



ii. Current Zoning

Located within the Bigfork Zoning District, the subject properties is currently zoned “AG-20 Agricultural” on the westerly portion and “SAG-5 Suburban Agricultural” on the easterly portion, (see Figure 3 below).

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



iii. Proposed Land Use:

The proposed land use within the PUD will be dedicated solely to the proposed assisted living facility which would be classified as a Class 3 Community Residential Facility. No other land uses are anticipated within the PUD because the PUD Plan would specifically exclude all other types of uses within the Plan boundaries. So the planned assisted living facility would be situated as a single use on its own tract of land, the applicant is concurrently undergoing subdivision review to divide the 5.25 acre portion of land which will be overlaid by the PUD from the subject property, and the preliminary plat is being reviewed administratively pursuant to Section 4.2.3 of the Flathead County Subdivision Regulations.

F. Area Characteristics

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

The area surrounding the subject property is relatively rural considering there is a major highway corridor lying directly west. Large acreage residential lots are typical in all directions around the subject property. The terrain in this area is generally flat with some hills and vegetation tends to be either pastured grassland or sparsely timbered.

ii. Zoning

As shown by Figure 3 above, the subject property is located within the Bigfork Zoning District and surrounded by agricultural, suburban agricultural, business, and public zoning use designations. The proposed PUD area is bordered to the north, west, and east by ‘SAG-5 Suburban Agricultural’ zoning and to the south by ‘SAG-10 Suburban Agricultural’ Beyond the immediate vicinity of the proposal, agricultural and suburban agricultural zoning are prevalent among the established zoning use districts.

iii. Land Uses

The predominant character of the area surrounding the subject property is agricultural and

estate-type rural residential, with lot sizes generally ranging from ten to fifty acres along both sides of Coverdell Road and Highway 35. The subject property and adjacent parcels tend to be open fields and pasture except for wooded and hilly adjacent parcels to the north. In addition to agricultural and single family estate-type residential uses, there are some smaller parcels used for commercial businesses on the south side of Coverdell Road and a commercial gravel operation located approximately 2000 feet east of the subject property on the north side of Coverdell Road. The mix of agricultural, residential, and business land uses is consistent with the established mixed zoning present in the general area.

G. Utilities and Services

i. Water

Public water system proposed onsite (Bigfork Water and Sewer District)

ii. Wastewater

Public sewer system proposed onsite (Bigfork Water and Sewer District)

iii. Electricity

Flathead Electric Cooperative

iv. Natural Gas

Northwestern Energy

v. Solid Waste

Contract haul – Allied Waste

vi. Telephone Service

CenturyTel

vii. Schools District(s)

Bigfork School District (K-12)

viii. Fire Districts

Bigfork Fire District

ix. Police

Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Referrals

Agency referrals for comments on the proposed PUD were sent to the following agencies on April 25, 2012:

- Chuck Curry, Flathead County Sheriff
- Dave Prunty, Public Works/Flathead County Road Department
- Jim Chilton, Flathead County Solid Waste
- Glen Gray, Flathead City-County Health Department
- Joe Russell, Flathead City-County Health Department
- Jed Fisher, Flathead County Weeds and Parks Department
- Flathead County Address Coordinator/GIS Department
- Emily Gillespie, DEQ Subdivision Section (MT DEQ)
- Bigfork Fire District
- Bigfork Water and Sewer District

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

- **Dave Prunty, Flathead County Road and Bridge Department**
 - Indicated he has no comments or concerns.
- **Jim Chilton, Flathead County Solid Waste**

- The District views no negative impact with solid waste issues at this time.
- **Glen Gray, Flathead County Sanitarian, Flathead City-County Health Department**
 - The proposed subdivision will be served by public water and sewer service provided by the Bigfork Water and Sewer District. Any main extension is subject to review by DEQ.
- **Julie Spencer, Bigfork Water and Sewer District**
 - The District has received a request for service on the subject property (of the PUD) which has not been annexed into the boundaries of the District. Upon annexation, paying the appropriate fees, and the extension of a water main to serve this property, BFCWSD will approve this additional water and sewer demand placed on the District. Services must be installed according to District Rules and Regulations, Department of Environmental Quality standards, and any other County or State building requirement.
- **Jarrold Mohr, P.E., DEQ Subdivision Review Section, Kalispell Field Office**
 - Re: Stormwater; it appears 3 retention areas are proposed. The design must ensure conveyance is adequate for efficient use of the proposed areas. A PE may be needed for the design if the requirements of ARM 17.36.310(3) aren't met.
- **Wayne Loeffler, Bigfork Fire District**
 - Bigfork fire Department approves of the request for a Planned Unit Development at 195 Coverdell Road

B. Public Notice

Adjacent property notification regarding the proposed PUD was mailed to property owners within 150 feet of the subject properties on May 23, 2012. Legal notice of the Planning Board public hearing on this application will be published in the May 27, 2012 edition of the Daily Interlake.

Following the Planning Board hearing on June 13, 2012, 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 also be published once a week for two weeks prior to the 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 Flathead County Commissioners on the requested zoning map amendment.

As of the date of the completion of this staff report, no public comments have been received regarding the proposal. Written public comment will be received until 5:00 PM on June 13th, and will be summarized verbally and entered into the public record during the Planning Board hearing that evening. It is anticipated anyone wishing to provide public comment will do so in person at the Planning Board hearing on June 13th, 2012.

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, and the proposed PUD would clearly establish a Class 3 Community Residential Facility, which serves more people than a Class 1 or 2 facility, as the permitted use on the subject property within the PUD plan area.

The applicant has requested a residential PUD overlay that would apply to the portion of the subject property proposed for the PUD, and which is also undergoing subdivision review concurrently with this proposal. The subject property is currently zoned “SAG-5 Suburban Agricultural”, a zoning classification that requires a minimum lot size of 5 acres. The PUD overlay proposed would allow a Class 3 Community Residential Facility to be established on the property as a permitted use, and the PUD Plan would exclude all other types of uses within the Plan boundaries. By implementing a PUD overlay the applicant would be permitted to establish the anticipated 36-bed assisted living facility on the subject property within the PUD boundaries.

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 Rising Mountains Assisted Living of Bigfork PUD departs from the underlying zoning designation of “SAG-5 Suburban Agricultural” by establishing the allowance for a single Class 3 Community Residential Facility and by excluding all other types of permitted and conditional uses listed in Sections 3.08.020 and 3.08.030 FCZR. The PUD would not change allowable density or bulk and dimensional requirements of the underlying zoning.

Whereas the underlying zoning only lists Class 1 & 2 Community Residential Facilities as conditional uses, the Class 1 & 2 facilities may only serve a maximum of 8 and 12 persons respectively, and the proposed PUD overlay would enable a 36-bed assisted living facility to be developed on the subject property. The applicants are seeking the PUD allowing the higher capacity Class 3 facility due to the need and demand for such a facility to serve the needs of aging residents in the vicinity Bigfork and the fact that the site is well suited to the use in regard to location and available space, and availability of public water and sewer services which are rarely established and available in rural residential and agricultural areas.

Table 1: PUD Characteristics for Rising Mountains Assisted Living of Bigfork

Underlying Zoning	SAG-5 Suburban Agricultural
Minimum Lot Size	5 acres
Proposed Lot Size	5.25 acres
Applicable Permitted Uses	(1) Class 3 Community Residential Facility
Applicable Conditional Uses	None
Applicable Bulk & Dimensional Requirements	FCZR Section 3.08.040

Finding #1 – As proposed, the Rising Mountains Assisted Living of Bigfork PUD overlay would establish the allowance for a single Class 3 Community Residential Facility within the PUD area on the subject property and exclude all other types of permitted and conditional uses typically included in the underlying “SAG-5 Suburban Agricultural” zoning; this departure is anticipated to be in the of interest of the public because there would be no change to the density

and bulk and dimensional requirements of the underlying zoning, and because the PUD would enable the establishment of an assisted living facility to serve aging residents.

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.

The underlying SAG-5 zoning permits 25% lot coverage, defined as the portion of a lot which is occupied by a building or structure. As indicated in the submitted application and shown on Sheets 2-4 of the submitted site plan, the sole use of the subject property within the PUD boundary would be the proposed assisted living facility, and the building would cover approximately 27,700 ft² which is less than half of the permitted lot coverage of the 5.25 acre subject property. The functional area of the whole facility would encompass approximately 56,000 square feet of improvements, including full build-out of the facility building, driveway, and parking areas. Approximately 3.9 acres would be undisturbed and would be maintained as open area. Disturbed areas around the building would be planted with sod and a variety of native shrubs, conifers, and deciduous trees. A weed management plan would be implemented on the site and maintenance would be the responsibility of the owners of the facility.

Finding #2 – Open space associated with the proposed PUD is adequate in both amount and function because approximately 76% of the 5.25 acre site would be preserved as open space and would be maintained by the facility owner.

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 proposed PUD application provides details on how the PUD plan and the proposed facility is addressing the matter of public services, utilities, and traffic. The subject property is located within the Bigfork Fire District and would be served by the District as well as the Flathead County Sheriff's Department in the event of an emergency. The subject property is located within the service area of the Bigfork Water and Sewer District; however the specific site is not yet annexed into the District. Public water and sewer services of the Bigfork Water and Sewer District would serve the facility after the subject property satisfies annexation and utility extension requirements of the District.

The subject property is accessed by Coverdell Road, which is a public county road constructed and paved 24 feet in width. Based on available 2009 data, average daily traffic on Coverdell Road was 264 vehicle trips per day, and based on the *ITE Trip Generation Manual 8th Addition* it is anticipated the proposed facility would generate 127 vehicle trips per day onto Coverdell Road. The submitted application and site plan indicate the proposed access road to serve the facility would be designed to be 24 feet in width and constructed and paved to applicable County standards, and an approach permit from the Flathead county Road and Bridge Department would be required to be obtained for the location where the proposed access road approaches onto Coverdell Road. No service providers or agencies have expressed concern regarding the access to the facility or impact the facility would have on existing roads and traffic infrastructure.

Development of the subject property within the PUD area will continue to abide by the underlying zoning in place with regard to minimum setbacks and permitted lot coverage ensuring the adequate provision of light and air and maintaining public health and safety for the subject

property and surrounding area. Although the proposed facility would comply with applicable bulk and dimensional requirements, the facility may have a visual impact on the surrounding residences as the proposed structure is rather large in comparison with a typical residence, the surrounding area is sparsely developed, and the flat topography and open grassy land-cover offers little natural screening between the proposed development and adjacent properties.

Finding #3 – The PUD proposed makes adequate provision for public services, vehicular traffic and amenities of light, air and recreational enjoyment because the properties are located within the jurisdiction of local fire and emergency service providers and will be required to adhere to all requests made by public service providers to ensure public health and safety; the PUD 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 facility will be situated away from the exterior property boundaries to mitigate visual impacts as a result of the proposed development; and the underlying zoning will continue to regulate bulk and dimensional requirements of the development.

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 a portion of property which is developed with a church, and the area encompassed by the PUD is anticipated to be divided through subdivision so the proposed facility will be on a discreet and separate tract of record. In addition to the church and the predominant agricultural and single family estate-type residential uses in the vicinity of the proposed PUD, there are some commercial businesses on the south side of Coverdell Road and a commercial gravel operation located approximately 2000 feet east of the subject property on the north side of Coverdell Road.

The proposed PUD and assisted living facility is not anticipated to introduce adverse impacts to the neighborhood because the facility would not generate impacting noise or objectionable by-products or traffic which cannot be efficiently accommodated by area roads and intersections, and development and operation of the facility would minimize impacts to the natural environment by using the available public water and sewer services. In terms of relationship to the neighborhood, the proposal would appear to compliment the church and area residents through tasteful design and function which is intended to provide a needed service to the aging segment of the local population.

Finding #4 – The proposed PUD and facility would appear to generally be of benefit the surrounding neighborhood because the development would be in character with the neighborhood, would not introduce adverse impacts in terms of noise, objectionable by-products, or traffic which cannot be efficiently accommodated by area roads, and the facility is intended to provide a service to aging persons which is needed within the community in which it is proposed.

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 PUD does not include a phasing plan which requires County Attorney review. The proposed facility is designed in a manner in which the facility will originally serve 26 persons, and two future additions of approximately 4,000 ft² each may be added to each wing of the building based upon demand for additional capacity, ultimately enabling the facility to serve up to 36 persons. A final PUD plan will be required to undergo review and receive approval prior to construction of the facility. This will ensure the integrity of the plan is met and the

facility is constructed according to the applicable regulations and as presented and approved through this review.

Finding #5 – The proposed PUD does not include a phasing plan which will necessarily require development over a period of years, and therefore does not require County Attorney review of the phasing element. As proposed, development of the Class 3 Community Residential Facility within the PUD boundary would be acceptable in terms of protecting and maintaining the integrity of the plan because the PUD final plan would not entail phasing, but would undergo review and receive approval as a single plan applicable to the subject property in its entirety.

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 facilities and services are available to meet the needs of the proposed development. The subject property is located within the Bigfork Fire District, the Bigfork Public School District and will be served by the Flathead County Sheriff’s Department. The Class 3 Community Residential Facility within the PUD boundary will be served by the public water and sewer services of the Bigfork Water and Sewer District.
- 2. Land Area Requirement** - The proposed PUD encompasses 5.25 acres intended to be divided from the parent tract upon which the PUD would be overlaid, and this is compliant with the 2 acre minimum land area required for a PUD application. The subject property is under single 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** - While the proposed SAG-5 Residential PUD would not alter the underlying SAG-5 zoning with regard to bulk and dimensional requirements, it does specify that only one use, a Class 3 Community Residential Facility, is permitted within the PUD plan area, and permitted and conditional uses listed under SAG-5 zoning are excluded, not allowed, within the PUD plan area. This allowance for a Class 3 Community Residential Facility would specifically enable development of a 36-bed assisted living facility on the subject property within the PUD plan area.
- 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. 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 #6 – The proposed Rising Mountains Assisted Living of Bigfork PUD conforms with the provisions of the Zoning Regulations by being located within an area of the county where adequate public and private services and facilities are available, being larger than two acres, meeting the establishment criteria for a residential PUD district, conforming with the applicable use regulations for a residential PUD, containing all applicable elements necessary for review, and by complying with all applicable regulations as a result of the associated subdivision review.

V. SUMMARY OF FINDINGS FOR PROPOSED PUD

1. As proposed, the Rising Mountains Assisted Living of Bigfork PUD overlay would establish the allowance for a single Class 3 Community Residential Facility within the PUD area on the subject property and exclude all other types of permitted and conditional uses typically included in the underlying “SAG-5 Suburban Agricultural” zoning; this departure is anticipated to be in the of interest of the public because there would be no change to the density and bulk and dimensional requirements of the underlying zoning, and because the PUD would enable the establishment of an assisted living facility to serve aging residents.
2. Open space associated with the proposed PUD is adequate in both amount and function because approximately 76% of the 5.25 acre site would be preserved as open space and would be maintained by the facility owner.
3. The PUD proposed makes adequate provision for public services, vehicular traffic and amenities of light, air and recreational enjoyment because the properties are located within the jurisdiction of local fire and emergency service providers and will be required to adhere to all requests made by public service providers to ensure public health and safety; the PUD 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 facility will be situated away from the exterior property boundaries to mitigate visual impacts as a result of the proposed development; and the underlying zoning will continue to regulate bulk and dimensional requirements of the development.
4. The proposed PUD and facility would appear to generally be of benefit the surrounding neighborhood because the development would be in character with the neighborhood, would not introduce adverse impacts in terms of noise, objectionable by-products, or traffic which cannot be efficiently accommodated by area roads, and the facility is intended to provide a service to aging persons which is needed within the community in which it is proposed.
5. The proposed PUD does not include a phasing plan which will necessarily require development over a period of years, and therefore does not require County Attorney review of the phasing element. As proposed, development of the Class 3 Community Residential Facility within the PUD boundary would be acceptable in terms of protecting and maintaining the integrity of the plan because the PUD final plan would not entail phasing, but would undergo review and receive approval as a single plan applicable to the subject property in its entirety.
6. The proposed Rising Mountains Assisted Living of Bigfork PUD conforms with the provisions of the Zoning Regulations by being located within an area of the county where adequate public and private services and facilities are available, being larger than two acres, meeting the establishment criteria for a residential PUD district, conforming with the applicable use regulations for a residential PUD, containing all applicable elements necessary for review, and by complying with all applicable regulations as a result of the associated subdivision review.

VI. CONCLUSION

Per Section 3.31.020 of the Flathead County Zoning Regulations (FCZR), a review and evaluation of the proposed planned unit development has been completed by the staff of the Planning Board in

accordance with the process and criteria for review found in Section 3.31.020(2) FCZR. Said review has found the proposal generally complies with the established review criteria, based upon the 6 Findings of Fact cited above and with the imposition of conditions of approval.

VII. CONDITIONS OF PUD FINAL PLAN

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

1. The Rising Mountains Assisted Living of Bigfork Planned Unit Development (PUD) has been reviewed and approved as a zoning overlay to the underlying “SAG-5 Suburban Agricultural” zoning designation, to allow for a single Class 3 Community Residential Facility (a 36-bed assisted living facility) within the PUD area on the subject property and exclude all other types of permitted and conditional uses typically included in the underlying “SAG-5 Suburban Agricultural” zoning. Any changes to the PUD plan as reviewed will be required to undergo review by the Flathead County Planning Office and Flathead County Planning Board, and receive approval from the Flathead County Commissioners.
2. The permitted use as well as bulk and dimensional requirements of the proposed Rising Mountains Assisted Living of Bigfork SAG-5 PUD overlay 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 Table 1 above).
3. The following statement shall be placed on the face of the final plan:
 - a. *The only permitted use within the PUD plan area is a Class 3 Community Residential Facility. With the exclusion of all listed permitted and conditional uses, all other development standards and bulk and dimensional requirements) of the underlying “SAG-5 Suburban Agricultural” zoning designation shall apply to the development and use of the property.*
4. As required by Section 3.31.030(6)(B), the following statement shall be placed on the face of the final plan:
 - a. *I, _____, owner and developer of the property set forth above, do hereby agree that I will develop the above property as a Planned Unit Development in accordance to the submitted PUD Plan.*

Signature Property Owner/Developer

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

*Attest: _____
Clerk & Recorder*

5. 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.
6. The Rising Mountains Assisted Living of Bigfork PUD Final Plan shall receive approval from the Flathead County Commissioner prior to operation of the Class 3 Community Residential Facility.