

Return to and Surveying
20 Village Loop
Kalispell, MT 59901

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Fees: \$21.00
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Paula Robinson, Flathead County MT by JL

WHISPER RIDGE - PUD OVERLAY ZONING

0473325

Definition: A Planned Unit Development consisting of 48 lots with townhome or single family home lots on Bigfork Water and Sewer located off of Sunset Drive on 14.048 acres.

Permitted Uses:

1. Dwellings, single-family detached
2. Townhomes, zero lot line
3. Limited home occupations as per the Whisper Ridge HOA/CCR definition of such

Bulk and Dimensional Requirements:

1. Minimum Lot Area:

Townhome lots - minimum lot size is 4700.00 square feet for both lots combined
2500.00 square feet of individual TH lots

Single family lots - 4000.00 square feet

2. Setbacks:

Front: 10 feet
Side: 5 feet
Side Corner: 10 feet
Rear: 10 feet

3. Lot coverage: 40%

4. Maximum Height:

Principal Structure: 35 feet
Accessory structure: 18 feet

5. No further subdivision of any lot shall be allowed. Any of the lots may aggregated to create a larger lot. Townhome construction is limited to the lots designated as such. Two townhome lots may be aggregated for a single family residence.

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Special considerations of the Whisper Ridge PUD: Whisper Ridge Drive exceeds the Flathead County requirements for length. To mitigate the excess length, a mid-point turn-around was installed at the request of the Bigfork Fire Chief and fire hydrants are installed at prescribed distances.

The Right-of-way for Whisper Ridge Drive has been reduced from the Flathead County Road Standard Regulation of 60 feet to a 50 feet ROW.

Open Space: The Open Space is integral to the design of the PUD and the noted acreage will not be reduced, nor will it be subdivided. Homeowner Association Documents/CCR's create an assessment schedule for maintenance of the Open Spaces within the Whisper Ridge development, which includes landscaping, weed control, the entry signage/lighting, irrigation and mowing. The assessment schedule also covers the maintenance/upkeep of the roadway, Whisper Ridge Drive, including snow plowing.

Signage: No signs, advertising billboards or adverting structures of any kind shall be erected, used or maintained on any residential property, except for the purpose of advertising for sale or rent of the property upon which it is erected. No For Sale or For Rent sign shall be larger than six square feet. Any sign for business or professional use must be in keeping with the zoning bylaws and must be approved by the Architectural Review Committee.

Phasing: There is/was no incremental phasing of the project. It is proposed to be completed in one singular phase.

Architectural Review: Submitted with the original PUD application were conceptual drawings of townhouses and single family homes. These were adopted as an overall vision of the development and not necessarily as definitive construction documents. The ARC (Architectural Review Committee) has the authority to create additional standards by which to review construction plans and determine as to if they meet the aesthetic goals set forth by the original applicants of the PUD.

Amendment Policy: It may be necessary to review the Architectural Review Standards from time to time during the lifetime of the PUD and revise those standards against the original Whisper Ridge Plan to allow for technological advances in construction techniques/materials, market demand for style/appearance/costs and suitability to the site. The Review Standards would be revised and approved by majority vote of the Homeowners/Declarant and project submittals would then be reviewed by the ARC with the new design guidelines as adopted.

The Plan itself can also be amended by a majority vote of the Homeowner Association and/or the Declarant in terms of other constraints from the zoning such as use, minimum lot size, density, building height or other considerations. The proposal(s) should be brought to the Flathead County Planning and Zoning Office for determination if the changes are significant or deemed non-significant changes to the plan. Should the



proposal be minor in nature, the Plan should be altered via an administrative action by the Planning Director. If the proposed amendment is considered significant, an approval by the Board of Commissioners would be appropriate.

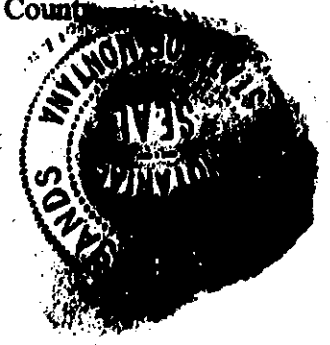
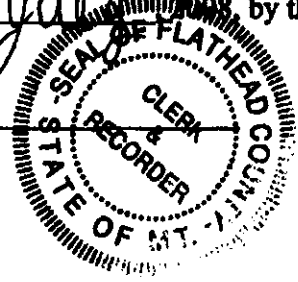
Expiration of the PUD: As infrastructure (roads and utilities) has been completed as part of the filing of the Final Plat, which is integral to the Plan, the Plan does not expire. Non-attainment of full-build-out does not constitute expiration or abandonment of the Plan.

I, Robert J. Cherot, as 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]
Signature Property Owner/Developer

Approved this 2nd day of July, 2008 by the Board of Flathead County Commissioners.

Attest: [Signature]
Clerk and Recorder



State of Montana)
 :ss.
County of Flathead)

On this 2nd day of July, 2008 before me a Notary Public for the State of Montana, personally appeared Robert J. Cherot, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

[Signature]
Notary Public for the State of Montana
Thomas E. Sands
Residing at Columbia Falls, MT
My Commission Expires 8-01-2010