

**PART III. INFORMATION REQUIRED FOR ENVIRONMENTAL ASSESSMENT UNDER THE SUBDIVISION AND PLATTING**

Information specified in this Part must be provided in addition to that required in Parts I and II of this application form, when the local subdivision regulations require that an environmental assessment be prepared for a subdivision.

**A. GEOLOGY**

1. Locate on a copy of the preliminary plat or on a plat overlay any known hazards affecting the development which could result in property damage or personal injury due to:
  - a. Falls, slides or slumps - soil, rock, mud, snow.
  - b. Seismic activity.

**There are no known geologic hazards on the property. All of western Montana experiences seismic activity periodically and the future residents of this subdivision are not likely to assume an increased risk.**

**In 1987 the Federal Emergency Management Agency (FEMA) made effective Flood Insurance Rate Map number 30047C0015 B, which shows general floodplain boundaries for the portion of Swan Lake, Swan River and Johnson Creek that abut the subject property. The project engineer is currently surveying the property in order to request a revision of the floodplain boundary to FEMA.**

**Three of the most southerly located existing buildings along Swan Lake and a portion of a fourth are situated within the existing FEMA designated 100-year floodplain. The original generator building, built in approximately 1917, is also located within the existing floodplain for Johnson Creek. This 19' x 30' structure is proposed to be restored and used as a museum for a number of the historic artifacts on the property (discussed in detail below). All of These structures have been present since the 1920s and only the generator building along Johnson Creek shows signs of high water, and that only to a minimal degree.**

**All new structures are proposed to be built outside of the 100-year designated floodplain, as required by the Lake County Subdivision Regulations and the Lake County Floodplain Regulations. However, if the 100-year floodplain is amended, the Milhous Group may propose to modify the location of some of the structures in order to make better use of the terrain.**

**B. VEGETATION**

1. Show on a copy of the preliminary plat or on a plat overlay, the location of the major vegetation types such as marsh, grassland, shrub, forest.

**As shown on aerial photographs found in the Lake County Planning Department and United States Geological Survey land cover maps ([http://nris.state.mt.us/gis/gisdatalib/downloads/landcovr\\_Lake.pdf](http://nris.state.mt.us/gis/gisdatalib/downloads/landcovr_Lake.pdf)), the**

southern two-thirds of the property are covered predominantly with evergreen forest vegetation and the northern third is covered with pasture/grassland. The forest canopy consists of a mixture of old-growth Ponderosa Pine, Douglass Fir and White Birch.

The vegetation on much of the property was thinned long ago and is maintained in a park-like condition. However, a healthy vegetative buffer that consists of both large trees and understory vegetation is present along Johnson Creek. Much of the native vegetation is also present on the northern portion of the property along the Swan River shoreline. Along the shore of Swan Lake, the understory vegetation was removed long ago but old-growth trees are able to absorb nutrients through their extensive root system.

Based on the presence of forest vegetation to the south of Johnson Creek and north of the subject property, it appears the pasture/grassland area was mechanically cleared during the Kelly/Evans era of the 1920s and 1930s. A search of the Montana Natural Information System website did not reveal any plant species of special concern in the area.



*The above photograph shows Ponderosa Pine, Douglass Fir and White Birch along the western property boundary on Swan Lake.*

2. Describe measures to be taken to protect trees and vegetative cover (e.g.,

design and location of lots, roads and open spaces).

**Because the old-growth trees help to define the character of the property, the building sites and roadway locations have been selected in order to maintain as many of them as possible. Additionally, the vast majority of the vegetative buffer along Johnson Creek and the Swan River is proposed to be maintained with the exception of clearing for fire protection and walking paths.**

## **C. WILDLIFE**

1. What major species of fish and wildlife use the area to be affected by the proposed subdivision?

**The online fishing guide posted by the Montana Department of Fish, Wildlife and Parks (FWP) (<http://fwp.state.mt.us/fishing/guide/default.aspx>) shows the species present in Swan Lake to include Bull Trout, Kokanee, Lake Trout, Northern Pike, Rainbow Trout, Westslope Cutthroat Trout and Brook Stickleback. Westslope Cutthroat Trout are listed as a species of special concern\* by the FWP and Bull Trout are currently listed as threatened under the Endangered Species Act.**

**In addition to those species listed above, FWP also cites the presence of Mountain Whitefish, Brook Trout, Central Mud Minnow, Largemouth Bass, Largescale Sucker, Longnose Dace, Longnose Sucker, Peamouth, Pygmy Whitefish, Redside Shiner, Sculpin and Slimy Sculpin in portions of the Swan River. None of these additional species are listed as a species of special concern, threatened or endangered. FWP Fisheries Biologist Scott Rumsey stated in a February 8, 2005 telephone conversation that Rainbow Trout use Johnson Creek for spawning and he suspects Cutthroat Trout may inhabit those waters as well.**

**According to FWP area biologist Thomas R. Litchfield, this portion of the Swan Valley is home to a number of big game species such as white-tailed deer, black bear, mountain lions and grizzly bear. Mule deer, elk and moose could also occur in the area along with the typical complement of smaller native mammals, birds, amphibians and reptiles.**

**While this area of the Swan Valley supports many animal species, the dense vegetative cover necessary to sustain wildlife populations was removed from the property decades ago. The densest cover is located along Johnson Creek and along portions of the eastern property boundary.**

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\* The term "species of concern" includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species. (Source: FWP)

2. Locate on a copy of the preliminary plat or on a plat overlay, any known important wildlife areas, such as big game winter range, waterfowl nesting areas, habitat for rare or endangered species, and wetlands.

**The known important habitat on or adjacent to the property is fish habitat within Swan Lake, the Swan River and Johnson Creek, as well as the riparian habitat/corridor along Johnson Creek.**

3. Describe any proposed measures to protect wildlife habitat or to minimize degradation (e.g., keeping buildings and roads away from shorelines or setting aside marshlands as undeveloped open space).

**Swan Lake is currently listed as “threatened” by the DEQ. According to DEQ’s *Water Quality Protection Plan and TMDLs for the Swan Lake Watershed*, the term “threatened” in this case refers to concern over nutrient loading that can result in elevated dissolved oxygen conditions that can impact fish habitat. Swan Lake water quality is very high - - the lake provides drinking water that meets state and federal standards for many shoreline landowners - - but there is concern about what the future may bring. The above-cited DEQ document mentions timber harvesting, private roads, riparian disturbances, stream encroachment, septic systems and livestock as potential sources of nutrient pollution.**

**In order to maintain the existing water quality and fish habitat along the property, The Milhous Group proposes to construct stormwater retention devices that will trap nutrient-bearing sediments and remove hydrocarbons before they reach surface or groundwater. These devices will be engineered to comply with all adopted standards and must be reviewed and approved by DEQ prior to installation. The road surfaces will be paved and no new stream crossings are proposed. Additionally, during construction the developer will line the water bodies with hay bales and silt fences to ensure stormwater runoff does not degrade water quality.**

**The Milhous Group also plans to build all new structures at least 50 feet from any water body and maintain the existing vegetation within the Johnson Creek and Swan River buffers. Vegetation removal in these areas will only be allowed for fire protection and the clearing of small walking paths. A 50-foot structural setback from the water’s edge, combined with the existing buffer vegetation, is deemed sufficient to protect wildlife/fish habitat and water quality for the following reasons:**

- ✓ **The land is relatively flat along the water bodies, allowing for nutrient bearing stormwater to percolate into the soil before reaching surface water;**
- ✓ **The soils along the shorelines are not exposed and particularly erosion prone;**
- ✓ **The fairly dense mixture of trees and shrubs will help to keep water temperatures cool;**

- ✓ The approximately 80-foot wide buffer along Johnson Creek, which currently allows deer and other wildlife to travel to and from Swan Lake/River under cover, is not proposed to change substantially; and
- ✓ The water quality is currently high.



*The above photograph shows the existing vegetative buffer along the Swan River north of Johnson Creek.*

Perhaps the most significant step The Milhous Group proposes to take to protect water quality is to construct a Level II, nutrient reduction, municipal-type sewer system for this and eventually other properties along the lakeshore. The developers are proposing to build an on-site gravity sewer system with an off-site treatment plant. The sewer mains would leave the property heading south and travel within the Sunburst Drive public right-of-way for approximately 5,000 feet, where a treatment plant/disposal system would be built on Lot 4 of The Ridge subdivision. The owners would then create a Ferndale/Lake County Sewer District to operate and maintain the system.

The Milhous Group intends to build at least 10 percent excess capacity into the system for landowners along Swan Lake to tap into. At present, 48 other lots border the proposed force main and many of the very small lots along Swan Lake could tap into the system. Some of these and other nearby lots currently contain septic systems of questionable function. By building a well

constructed and maintained sewage treatment and disposal system, and by allowing nearby small-lot landowners to tap into the system, The Milhous Group will be taking a major step to improve water quality and providing important infrastructure to the citizens of Lake County.



*The above photograph shows the existing buffer along Johnson Creek and the small generator building that is proposed to be restored and used to display historic artifacts from the property.*

**Other proposed measures to protect wildlife and wildlife habitat include statements in the CC&Rs prohibiting attractants such as salt licks and bird feeders, no feeding of wild animals, requiring the indoor storage of pet food, keeping all pets contained or on leashes and requiring all garbage to be stored in wildlife resistant containers.**

#### **D. HISTORICAL FEATURES**

1. Describe and locate on a copy of the preliminary plat or on a plat overlay any known or possible historic, archaeological or cultural sites which may be affected by the proposed subdivision.

**The property was developed and used as a seasonal retreat by Anaconda Mining Company executives Cornelius Kelly and Orvis Evans and their families from the early 1900s through the 1920s. In 1921 the two families constructed a 14,000 square foot lodge designed by noted Spokane architect**

**Kirkland Cutter. The result was a luxurious summer retreat which was used to entertain business associates and corporate executives. At its peak, the Lodge was a local landmark, visited by the rich and famous, and a significant source of local economic activity. After the stock market crash and the death of Orvis Evans in 1931, the use of the retreat declined and was all but abandoned after Mr. Kelly died in 1957. Over the subsequent years a number of owners have occupied the property on a seasonal basis and a few commercial undertakings have been initiated. (Please see the Lake County Planning Department file for the Kootenai Lodge Planned Unit Development project as an example.) Over the years some of the existing structures have also been restored and are in good condition, despite prolonged periods of relatively little use.**

**The property is only one of two in Lake County listed on the National Register of Historic Places. It contains 24 structures in various stages of repair. Most of the buildings were built in the Adirondack camp style of the 1920s. Enclosed is the National Register of Historic Places Inventory---Nomination Form, which provides a great deal of detail on the property history and architecture, including a map showing all of the existing structures.**



*The above photo of the Florman Building, located toward the southern end of the property, shows a stone terrace and curvilinear roof projection that are present on many of the structures.*

2. Describe any plans to protect such sites or properties.

**The Milhous Group intends to restore 10 of the existing buildings and**

**construct new ones in accordance with design guidelines (first draft included in the CC&Rs) that maintain the history and character of the property. The project team is soliciting guidance from the Montana State Historic Preservation Office to develop the site while maintaining its historic character.**

**Please note that the buildings will be modified, but because the historic value of the buildings is one of their greatest allures, the owners would like to maintain the character of the buildings to a large extent. Development of the site will meet all state and federal historic preservation requirements.**

**Many of the existing buildings also contain historic artifacts including the original bed linen, china, fireplace implements and some furniture. The Milhous Group would like to preserve these artifacts and put them on display in the generator building (after it is restored) just north of Johnson Creek.**

#### **E. ROADS**

1. Describe any required construction of new public or private access roads or substantial improvements to existing public or private access roads.

**The preliminary plat shows the proposed internal roadway network. All internal roads are proposed to meet Lake County construction specifications and be dedicated to the public. No gates that restrict access are proposed and the internal roads are proposed to be maintained by a condominium unit owners association.**

2. Describe the proposed closure or modification of any existing roads.

**The anticipated sewer lines leading from the subject property to the treatment and disposal site on Lot 4 of The Ridge subdivision are proposed to be located within the 60-foot right-of-way for Sunburst Drive. Lake County Road Supervisor Bob Smith stated in his January 24, 2005 letter of review that widening and paving Sunburst Drive should be considered in conjunction with the sewer line installation. The Milhous Group is willing to contribute a proportionate share for any public improvements to Sunburst Drive that Lake County wishes to undertake. It should be noted that the current property owners, who use the area as a seasonal retreat, contributed over \$4,000 to a 1991 Road Improvement District while most of the other contributions ranged from \$100 to \$300.**

3. Explain why access was not provided by means of a road within the subdivision, if access to any of the individual lots is directly from arterial streets or roads.

**Not applicable.**

4. Indicate who will pay the cost of installing and maintaining dedicated and/or private roadways.

**The Milhous Group will pay the costs of constructing all internal roadways and the condominiums unit owners association will pay the costs of**

**maintaining the internal roadways.**

5. Estimate how much daily traffic the development, when fully developed, will generate on existing streets and arterials.
  - a. Discuss the capability of existing and proposed roads to safely accommodate this increased traffic.
  - b. Describe any increased maintenance problems and cost that will be caused by this increase in volume.

**In the 7<sup>th</sup> edition of *Trip Generation*, published by the Institute of Transportation Engineers, single-family detached dwellings are estimated to produce an average of 9.57 vehicle trips per day on weekdays and 10.1 vehicle trips per day on Saturdays. The text states the typical site that was surveyed to produce these figures was a suburban residential subdivision. *Trip Generation* also provides figures for recreational homes, with 3.16 vehicle trips on an average weekday and 3.07 vehicle trips on an average Saturday.**

**The proposed use of the property is to continue its heritage as a seasonal recreational retreat. Typical future owners are those people seeking a Montana getaway from their busy daily lives elsewhere. As such, most of the homes are likely to only be occupied only during select portions of the year such as July and August, big game hunting season and perhaps Christmas time. It seems safe to assume that no more than 50 percent of the homes will be occupied on a year-round basis and at least 50 percent will be occupied only occasionally by recreational property owners.**

**Based on these assumptions, if at full build out all of the units were occupied at a given time, 33 of the units were full-time residences and 32 of the units were seasonal residences, on such a weekday there could be an additional 417 vehicle trips and on such a Saturday there could be an additional 432 vehicle trips. However, it seems unlikely that all of the residences would be occupied on a given day so the above figures are likely to be exaggerated.**

**Based on road width, right-of-way width and surfacing materials, Sunburst Drive, South Ferndale Drive, Montana Highway 83 and the other public roadways in the vicinity of this subdivision are some of the better roads in Lake County. In a January 26, 2005 letter of review, Montana Department of Transportation Maintenance Superintendent Ken Lambeth stated, "This subdivision as proposed will not require systems impact review and will not have significant impact on MT 83 although any subdivision of this size does impact (it) to some degree."**

**The area county roads are surfaced with chip-seal pavement and are generally aligned to allow for smooth travel at moderate speeds. However, the typical road width in this area is closer to 20 feet than 26, which is the adopted road width standard. It is anticipated that construction equipment and increased use as a result of the additional vehicle trips associated with this project will necessitate some degree of additional maintenance. As stated above, the**

**Milhou Group is willing to contribute to roadway improvements so long as the assessed dollar figure is proportionate to the anticipated impacts (Please see *Dolan v. City of Tigard* and *Nollan v. California Coastal Commission* for the U.S. Supreme Court's decisions supporting this concept.) It should also be noted that the high-value homes are likely to generate substantial tax revenues for Lake County and because a large portion of them are likely to be seasonal, the owners may not require as much in the way of public expenditures for school facilities, road maintenance, etc. as they contribute to the tax base.**

6. Is year-round access by conventional automobile over legal rights-of-way available to the subdivision and to all lots and common facilities within the subdivision?

**Yes.**

7. Identify the owners of any private property over which access to the subdivision will be provided. Have easements for access been obtained from the affected landowners?

**Not applicable.**

#### **F. UTILITIES**

1. Indicate the utility companies involved in providing electrical power, natural gas, or telephone service. To what extent will these utilities be placed underground?

**In his January 19, 2005 letter of review, Project Engineer Stan Pluid of Flathead Electric Cooperative, Inc. stated distribution lines already exist along Sunburst Drive that can be extended to the subdivision. Similarly, on January 21, 2005, CenturyTel's OSP Engineer Tony Hirsch stated he would propose to extend fiber optic telecommunications infrastructure to the units. All utilities are proposed to be placed underground.**

2. Has the preliminary plat been submitted for review?

**Yes.**

3. Estimate the completion date of each utility installation.

**The Milhou Group estimates utility installation will be complete by April 1, 2009 at the latest.**

#### **G. EMERGENCY SERVICES**

1. Describe the emergency services available to the residents of the proposed subdivision, including number of personnel, number of vehicles or type of facilities, and road distance to facilities for:

- a. Fire protection-Is the proposed subdivision in an urban or rural fire district? If not, will one be formed or extended? In absence of a fire district, what fire

- protection procedures are planned?
- b. Police protection.
  - c. Ambulance service.
  - d. Medical services.

**The subject property is located within Ferndale Fire District. Assistant Chief Marvin L. Eaves stated the department has about 15 active volunteer members. According to Flathead County Office of Emergency Services staff, in addition to fire protection, the Ferndale Fire department also has first responders trained to assess, stabilize and transport injured patients.**



*The Ferndale Fire Hall, shown at left, is located approximately 4 miles from the Kootenai Lodge property.*

**Police protection would be provided primarily by the Lake County Sheriff's Office, with mutual aid support from the Montana Highway Patrol and Flathead County. In his January 11, 2005 letter of review, Sheriff Bill Barron stated his office typically provides two deputies per shift to serve all of Lake County. These deputies are based in Polson approximately 40 miles from the subject property.**

**The Bigfork Fire and Ambulance Service provides emergency medical transport and in-route patient care in the Ferndale area. According to Flathead County Office of Emergency Services staff, this agency is one of the best trained and equipped in the state of Montana. The Bigfork Fire and Ambulance Service is made up of mostly volunteers, but has some paid shifts during summer days when many of the volunteers are at work in Kalispell. The fire and ambulance station is located approximately eight road miles from the subject property in Bigfork.**

**Medical services will generally be provided by Kalispell Regional Medical Center (KRMC) and smaller service providers in the Bigfork area. The KRMC is located approximately 27 miles from the subject property. The administrator recently stated that the KRMC has adequate personnel and resources available to serve the future residents of this subdivision.**

2. Can the needs of the proposed subdivision for each of the above services be met by present personnel and facilities?
  - a. If not, what additional expense would be necessary to make these services adequate?
  - b. At whose expense would the necessary improvements be made?

**Ferndale Fire Department Assistant Chief Marvin Eaves requested the Milhous Group install two 2.5-inch water supply pipes to provide fire protection service to the future residents. One stand pipe would be installed in Johnson Creek where the stream enters the subject property and the other would be located in Johnson Creek where it is crossed by the internal subdivision bridge. Mr. Eaves also requested a 2.5-inch connection to the subdivision water system for refilling fire trucks. The Milhous Group plans to oblige these requests.**

**Mr. Eaves also stated that the property is located at the far south end of the fire district and requested the Milhous Group provide a site on Lot 4 of The Ridge subdivision for a satellite fire station after 50 percent of the units are sold. At this time The Milhous Group has no objection to providing the land for a fire station but must examine the covenants for the property and other issue before being able to make such a commitment.**

**In Sheriff Barron's January 11, 2005 letter of review, he stated his office "faces a major challenge in providing adequate law enforcement coverage to this proposed subdivision." He went on to write that his office's resources are currently stretched thin, calls have to be prioritized and some non-emergency calls may not be addressed for up to one week. The Sheriff's statements are not unique to this subdivision: Bill Barron has been issuing a version of this letter in response to subdivision requests since the summer of 2003. At this point it is not clear what expense would be necessary to provide "adequate" law enforcement service to this subdivision. It must be noted that in November of 2004 the Lake County voters rejected a public safety bond that would have provided increased resources for law enforcement.**

**As of February 8, 2005, the Bigfork Fire and Ambulance Service had not responded to a request for comments on the proposed subdivision. This environmental assessment will be updated when their comments are received. The Milhous Group has stated they are willing to contribute a proportionate, equitable share to community agencies and resources that the future residents of this subdivision will be likely to impact.**

## **H. SCHOOLS**

1. Describe the available public educational facilities which would serve this subdivision, and the road distance to each.

**Publicly educated grade school children would attend the Swan River School. This school is located approximately eight miles from the subject property at 1205 Swan Highway in Flathead County. According to Principal Peter Loyda,**

**the school does not provide bus service and parents transport their children to and from school.**

**High school students would attend Bigfork High School, which is located approximately eight miles to the northwest in Bigfork. School buses currently pick up students along Sunburst Drive.**

2. Estimate the number of school children that will be added by the proposed subdivision. Provide a statement from the administrator of the appropriate public school system indicating whether the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system.

**The target market for the proposed homes consists primarily of baby boomers and empty nesters looking for a seasonal Montana retreat. It is likely that less than 50 percent of the units will be occupied full-time, and of those only a very small percentage of the residents are likely to have school-age children. Due to the demographics of the target market, it seems likely that no more than a handful of students will be living in the subdivision at full build out. However, to be conservative, if the average household size in Lake County is 2.54 persons (U.S. Census Bureau, 2000) and 33 of the units are occupied full time, there could be an additional 18 students ( $0.54 \times 33 = 17.82$ , rounded to 18).**

**According to Swan River School Principal Peter Loyda, he discussed the proposal with the school board and the board members did not see any problems with serving the potential future students. As a result, Mr. Loyda stated in a February 7, 2005 telephone conversation he did not reply in writing to a request for comment.**

**Similarly, during a February 8, 2005 telephone conversation with Bigfork School District Superintendent Russell Kinzer, he stated that despite all of the recent subdivision activity in the Bigfork area, there has been little impact to the schools. He attributed this to the relatively high cost of land in the area that typical families with children cannot afford. He stated that if the units in this subdivision cost more than \$300,000, there would likely be little impact on the school district. Unit prices in this subdivision are expected to be above \$300,000.**

## **I. LAND USE**

1. Describe land uses on lands adjacent to the subdivision.

**Lands surrounding this subdivision are used as residences on a permanent and seasonal basis.**

2. Describe any comprehensive plan or other land use regulations covering the area proposed for subdivision or adjacent land. If located near an incorporated city or town, is annexation proposed?

**The Kootenai Lodge property is surrounded by the Swan Sites Zoning District**

but was intentionally excluded when the regulations were developed and adopted. The *Lake County Growth Policy* and *Lake County Subdivision Regulations* have authority in this area. The *Growth Policy* is a general policy document with little regulatory effect, but that lays out the goals and objectives for future growth of Lake County. A few of the goals and objectives of the *Growth Policy* that are pertinent to this proposal are:

**Chapter 1, Goal 2.**

**Aid the formation and expansion of public infrastructure so that facilities are available for population growth and economic development to take place in a cost-effective manner.**

**Chapter 1, Goal 3.**

**Capitalize on and protect Lake County's natural resources in order to attract and guide high quality development.**

**Chapter 4, Objective 1.A.**

**Encourage the formation, development and expansion of public sewer and water systems...around the perimeter of area lakes and in the Ferndale area.**

**With the exception of the enclosed variance request for the internal bridge and southern entrance gate widths, this subdivision is proposed to comply with all aspects of the Lake County Subdivision Regulations.**

3. Where public lands are adjacent to or near the proposed development, describe the present and anticipated uses of those lands, e.g., grazing, logging, recreation. Describe how the subdivision will affect access to any public lands.

**This subdivision is not located in the immediate vicinity of any public lands but has public water bodies along its western border. This subdivision will not add any impediments to the access or use of Swan Lake or the Swan River.**

4. Describe any health or safety hazards on or near the subdivision, such as: mining activity, high pressure gas lines, dilapidated structures, high voltage power lines or irrigation ditches. Any such conditions should be accurately described and their origin and location identified.

**No known health or safety hazards are located on or near the subdivision with the potential exception of floodplains. As stated previously, no new structures are proposed to be located in any 100-year floodplain and a re-evaluation of the FEMA 100-year floodplain is currently underway.**

5. Describe any on-site uses creating a nuisance, such as unpleasant odor, unusual noises, dust or smoke. Any such conditions should be accurately described and their origin and location identified.

**No known nuisances are present or anticipated.**

**J. PARKS AND RECREATION FACILITIES**

1. Describe park and recreation facilities to be provided within the proposed subdivision and other recreational facilities which will serve the subdivision.

**The property boasts approximately 2,400 feet of Swan Lake and Swan River shoreline that will provide opportunities for swimming, boating and fishing. The Milhous Group intends to build a clubhouse, an Olympic size swimming pool and refurbish the tennis courts on the property. Additionally, the curvaceous road network is designed to compel relatively slow vehicle speeds in order to provide a safe and attractive walking area for pedestrians. Finally, approximately 70 percent of the property will be managed in common by the condominium unit owners association. That land can be used by all unit owners for recreational purposes.**

**The Milhous Group asks the governing body to waive the parkland dedication requirement as set forth in Section IV-A-16.1.f for the following reasons:**

- a.) **The land and facilities to be managed as common area will be more than sufficient to meet the needs of the future residents; and**
- b.) **The area facilities to be managed as common area vastly exceed the area required to be dedicated; and**
- c.) **The preliminary plat application and CC&Rs provide long term protection of wildlife habitat, natural, cultural and historical resources; and,**
- d.) **The area of land to be subdivided is reduced by an amount equal to or exceeding the area of the dedication required under the Lake County Subdivision Regulations and the Montana Subdivision and Platting Act.**