

**Flathead County Planning & Zoning Office**  
**1035 First Avenue, West**  
**Kalispell, Montana 59901**

**Phone: (406) 751-8200**  
**Fax: (406) 751-8210**

May 30, 2006

Charles E. Johnson  
Flathead County Road Department  
800 South Main Street  
Kalispell, MT 59901

Dear Charlie:

Re: North Shore Ranch subdivision

Our office has received a request from Kleinhans Farms Estates, LLC for preliminary plat approval of the North Shore Ranch subdivision to create 310 single-family residential lots. The subject property consists of 367.47 acres and is located on the south side of MT Highway 82 to the east of Somers Road. The land is legally described as

- Tracts 3, 3B, 4, 4A, 4C, 5, & 6A in Section 19 of Township 27 North, Range 20 West, P.M.M., Montana
- Tracts 2A, 2BB, 3, & 4 in Section 20 of Township 27 North, Range 20 West, P.M.M., Montana
- Tract 1 in Section 24 of Township 27 North, Range 21 West, P.M.M., Montana

I encourage your comments on this proposal and ask that you please submit them to Flathead County Planning and Zoning in writing or via email to [nlopezstickney@co.flathead.mt.us](mailto:nlopezstickney@co.flathead.mt.us) by June 16, 2006 so that they may be incorporated into the staff report for the Flathead County Planning Board and the Flathead County Commissioners. If you have any questions, feel free to contact me at (406) 751-8200.

Sincerely,

*Nicole Lopez-Stickney*

Nicole Lopez-Stickney  
Planner I

*Refers to TRS study but no  
study included  
Web Bette map*

Attachments: Application  
Preliminary Plat  
Environmental Assessment

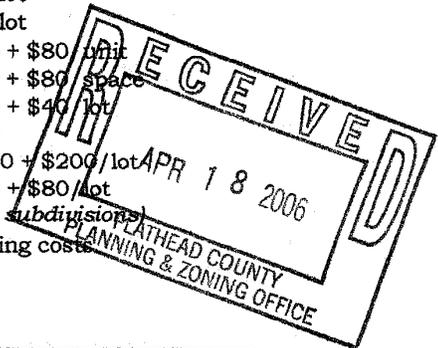
This application shall be submitted, along with all information required by the applicable Subdivision Regulations and the Montana Subdivision and Platting Act, and the appropriate fee to:  
**Flathead County Planning & Zoning Office 1035 First Avenue West**  
**Kalispell, Montana 59901 - Phone: (406) 751-8200 Fax: (406) 751-8210**

**APPLICATION FOR MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL**

**FEE SCHEDULE:**

**FEE ATTACHED \$14,078.00**

- Major Subdivision (6 or more lots)
  - Base Fee.....\$750
  - First 20 lots.....\$80/lot
  - Additional lots above 20.....\$40/lot
- Condominiums (6 or more units) .....\$750 + \$80/unit
- Mobile Home Parks & Campgrounds (6 or more spaces).....\$750 + \$80/space
- Amended Preliminary Plat.....\$300 + \$40/lot
- Subdivision Variance.....\$200
- Commercial/Industrial Subdivision.....\$1000 + \$200/lot
- Subsequent Minor Subdivision.....\$750 + \$80/lot
- \$50 Pre-Application fee is due at the time of meeting (major & commercial subdivisions)
- \* Add \$4 per address (see certified list) to cover adjoining landowner mailing costs



**SUBDIVISION NAME:** North Shore Ranch

**OWNER(S) OF RECORD:**

Name: Kleinhans Farms Estates, LLC Phone: (650)365-4020  
 Mailing Address: 1399 Wisconsin Avenue  
 City, State, Zip Code: Whitefish, MT 59937

**TECHNICAL/PROFESSIONAL PARTICIPANTS (Surveyor/Designer/Engineer, etc):**

Name & Address Sands Surveying, Inc, 2 Village Loop, Kalispell, MT 59901  
 Name & Address Carver Engineering, 1995 3rd Ave East, Kalispell, MT 59901  
 Name & Address Epikos Design, P.O. Box 2490, McCall, ID 83638  
 Name & Address RLK Hydro, Inc, P.O. Box 1579, Kalispell, MT 59901

**LEGAL DESCRIPTION OF PROPERTY:**

City/County Flathead County  
 Street Address MT State Highway 82, Somers  
 Assessor's Tract No.(s) Tracts 2A, 2BB, 4, 3 in Section 20, T27N, R20W, Tracts 5, 3, 3B, 4A, 4C, 6A, 4 in Section 19, T27N, R20W, and Tract 1 in Section 24, T27N, R21W

**GENERAL DESCRIPTION/TYPE OF SUBDIVISION:** 310 Lot, single family subdivision with equestrian facilities and open space.

Number of Lots or Rental Spaces 310 Total Acreage in Subdivision 367.470  
Total Acreage in Lots 172.991 Minimum Size of Lots or Spaces 0.254  
Total Acreage in Streets or Roads 37.484 Maximum Size of Lots or Spaces 1.953  
Total Acreage in Parks, Open Spaces and/or Common Areas 156.995 acres

**PROPOSED USE(S) AND NUMBER OF ASSOCIATED LOTS/SPACES:**

Single Family 310 lots Townhouse \_\_\_\_\_ Mobile Home Park \_\_\_\_\_  
Duplex \_\_\_\_\_ Apartment \_\_\_\_\_ Recreational Vehicle Park \_\_\_\_\_  
Commercial \_\_\_\_\_ Industrial \_\_\_\_\_ Planned Unit Development \_\_\_\_\_  
Condominium \_\_\_\_\_ Multi-Family \_\_\_\_\_ Other \_\_\_\_\_

**APPLICABLE ZONING DESIGNATION & DISTRICT:** Property is not zoned

**ESTIMATE OF MARKET VALUE BEFORE IMPROVEMENTS:** \$14,600/acre

**IMPROVEMENTS TO BE PROVIDED:**

**Roads:** \_\_\_\_\_ Gravel  Paved \_\_\_\_\_ Curb \_\_\_\_\_ Gutter \_\_\_\_\_ Sidewalks \_\_\_\_\_ Alleys \_\_\_\_\_ Other \_\_\_\_\_  
**Water System:** \_\_\_\_\_ Individual \_\_\_\_\_ Multiple User \_\_\_\_\_ Neighborhood  Public \_\_\_\_\_ Other \_\_\_\_\_  
**Sewer System:** \_\_\_\_\_ Individual \_\_\_\_\_ Multiple User \_\_\_\_\_ Neighborhood  Public \_\_\_\_\_ Other \_\_\_\_\_  
**Other Utilities:** \_\_\_\_\_ Cable TV  Telephone  Electric  Gas \_\_\_\_\_ Other \_\_\_\_\_  
**Solid Waste:** \_\_\_\_\_ Home Pick Up \_\_\_\_\_ Central Storage  Contract Hauler \_\_\_\_\_ Owner Haul \_\_\_\_\_  
**Mail Delivery:**  Central \_\_\_\_\_ Individual \_\_\_\_\_ School District: Somers Lakeside #29  
**Fire Protection:** \_\_\_\_\_ Hydrants  Tanker Recharge \_\_\_\_\_ Fire District: Somers Volunteer FD  
**Drainage System:** On-site

**PROPOSED EROSION/SEDIMENTATION CONTROL:** As need with construction following the BMPs

**VARIANCES: ARE ANY VARIANCES REQUESTED?** No (yes/no)  
*(If yes, please complete the information below)*

**SECTION/REGULATION OF REGULATIONS CREATING HARDSHIP:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXPLAIN THE HARDSHIP THAT WOULD BE CREATED WITH STRICT COMPLIANCE OF REGULATIONS:** \_\_\_\_\_  
\_\_\_\_\_

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**PROPOSED ALTERNATIVE(S) TO STRICT COMPLIANCES WITH ABOVE REGULATIONS:**

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**PLEASE ANSWER THE FOLLOWING QUESTIONS IN THE SPACES PROVIDED BELOW:**

1. Will the granting of the variance be detrimental to the public health, safety or general welfare or injurious to other adjoining properties?

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2. Will the variance cause a substantial increase in public costs?

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3. Will the variance affect, in any manner, the provisions of any adopted zoning regulations or Master Plan?

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4. Are there special circumstances related to the physical characteristics of the site (topography, shape, etc.) that create the hardship?

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5. What other conditions are unique to this property that create the need for a variance?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPLICATION CONTENTS:**

1. Completed Preliminary Plat application (If submitting a bound copy of the application materials, please also include one **unbound** copy for replication purposes).
2. 16 folded copies of the preliminary plat.
3. One reproducible set of supplemental information (See Appendix A -Flathead County Subdivision Regulations).
4. Two reduced copies of the preliminary plat:
  - a. one 11" x 17" in size
  - b. one 8 1/2" x 11" in size
5. Application fee.
6. A **Certified** Adjoining Property Owners List.

***ATTENTION:***

***A Certified adjoining landowners list must be included upon submission of your application. The form attached to the back of this application must be filled out, signed by a planner, & then taken to the GIS department (3<sup>rd</sup> floor of Courthouse) to be initiated. The cost is \$75, payable to the GIS office. Your Certified list will be available for pick up **one week from the date ordered** and can be picked up in the Plat Room. You may also get a Certified adjoining landowners list from a title company if you choose.***

***Incomplete applications will not be accepted.***

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I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the F.C.P.Z. staff to be present on the property for routine monitoring and inspection during the approval and development process.

\_\_\_\_\_  
(Applicant Signature)

\_\_\_\_\_  
(Date)



**NORTH SHORE RANCH  
ENVIRONMENTAL ASSESSMENT  
GENERAL INSTRUCTIONS**

This Environmental Assessment format shall be used by the applicant as a guide in compiling a thorough description of the potential impacts for the proposed subdivision. Each question pertinent to the proposal must be addressed in full (both maps and text); those questions not applicable shall be so stated. Incomplete Environmental Assessments will not be accepted. The sources of information for each section of the Assessment shall be identified. All Environmental Assessments shall contain the signature, date of signature and mailing address of the owner of the property and the person, or persons, preparing the report.

**I. GEOLOGY**

A. Locate on a copy of the preliminary plat:

1. Any known hazards affecting the development which could result in property damage or personal injury due to:

There are portions of the subdivision that are located within the 100-year floodplain of Flathead Lake. The Floodplain boundary is depicted on the plat with a cross hatched pattern. All of the building envelopes are located outside of the 100-year floodplain however some of the larger lots have yard area that extends into the floodplain and may be used for keeping a horse or two for short periods of time as the development is equestrian oriented.

a. Falls, slides or slumps - soil, rock, mud, snow.

The subdivision is gently rolling with suitable building sites that meet the County Subdivision Regulations. There are no hazards associated with slides or slumps.

b. Any rock outcropping.

There are no rock outcroppings on the site. The site is made up of sand and clay loams.

B. Describe any proposed measures to prevent or reduce the danger of property damage or personal injury from any of these hazards.

No structure will be constructed in the 100-year floodplain. Propose that as a condition of approval that the 100-year floodplain boundary be staked on each lot fronting on the floodplain and that the floodplain area be designated a no build zone on the face of the final plat.

North Shore Ranch

## II. SURFACE WATER (Locate on a copy of the preliminary plat:)

A. Any natural water systems such as streams, rivers, intermittent streams, lakes or marshes (also indicate the names and sizes of each).

There are no streams located on the property. There are wetland identified on the southeast corner of the project and is hatched on the preliminary plat.

B. Any artificial water systems such as canals, ditches, aqueducts, reservoirs and irrigation systems (also indicate the names, sizes and present uses of each).

There are no water systems such as canals, ditches, aqueducts or reservoirs. There is an irrigation pipe that supplies irrigation water to the property. The source of the water is Flathead Lake. The applicants wish to keep the irrigation rights for providing water to the open space.

C. Any areas subject to flood hazard, or if available, 100-year floodplain maps (using best available information).

The property is mapped in Flood Zone C (Areas of minimal flooding), B (Areas between 100 and 500 year flood) and Zone A (Areas of 100-year flood). The property is located on FIRM Panels 2280E and 2285D. (See attached FIRM Panels). Only the Zone A areas are in the Special Flood Hazard Area and subject to the restrictions of the Flathead County Floodway and Floodplain Regulations.

## III. VEGETATION

A. Locate on a copy of the preliminary plat the major vegetation types within the subdivision (e.g., marsh, grassland, shrub and forest).

The property has been in intensive agricultural production for generations now and is devoid of trees. The dominant vegetation is agricultural crops and a mix of native and pasture grasses and shrubs along the southern boundary of the project. (See Aerial Photo).

B. Describe the amount of vegetation that is to be removed, or cleaned, from the site, and state the reasons for such removal.

As the property is removed form agricultural production, the property will have to be reseeded and planted with a variety of grass and shrubs. The applicant will most likely choose a mix of native and pasture grasses for the open space particularly in the southern open space which will be managed for grazing.

C. Describe any proposed measures to be taken to protect vegetative cover.

With the majority of the site being a wheat field, the whole property will have to be replanted with grasses shrubs and trees to prevent noxious weeds.

North Shore Ranch

#### IV. WILDLIFE (The Wildlife Section prepared by RLK Hydro, Inc)

The Montana Fish, Wildlife and Parks (MFW&P) Geographic Information System (GIS) system and the U.S. Fish and Wildlife Service National Wetlands Inventory were searched to compile data to describe the potential impacts for the proposed subdivision. The issues addressed, as required by the Flathead County Subdivision Regulations, February 2000, are as follows:

A. What major species of fish and wildlife, if any, use the area to be affected by the proposed subdivision?

The MFW&P GIS data indicate that the major species of fish and wildlife that use the area and may be affected by the proposed subdivision include waterfowl, whitetail deer, pheasants, wild turkeys and possibly moose. MFW&P biologists estimate the whitetail deer density at 5 to 15 per square mile for this area, which is similar to the majority of other areas in the Flathead Valley. The present agricultural land is considered good to excellent habitat for pheasants, is occupied by wild turkeys, and is considered a transitional area for moose traveling between summer and winter ranges. Per a phone conversation with Gael Bissell, MFW&P Wildlife Biologist, on April 3, 2006, the agricultural land that the proposed subdivision will be developed on is a major resting and staging area for migratory waterfowl and is habitat for snowy owls. She also stated concern for pet control in the proposed subdivision to keep pets from impacting the habitat and wildlife in the neighboring Flathead Waterfowl Protection Area.

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

The area is not classified as winter range for any species. The area is not considered waterfowl nesting area but does border the Flathead Waterfowl Production Area. The area is not considered habitat for any rare or endangered species.

There are three-wetland areas indicated by the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory within the project. One of these wetlands areas however, is a small wetland described as excavated is a manmade "dugout" used to water livestock. The other two wetlands are described as palustrine, emergent, seasonally flooded, and diked/impounded. Refer to Figure 1 for a map of the wetlands in relation to the proposed subdivision layout. When interpreting the wetland maps, the USFWS suggests that users also consult other information to aid in wetland detection, as the maps are created using aerial photography. Even though the areas are mapped as wetlands, the historical use of this property has been agriculture and has been farmed or used by livestock prior and after the construction of Kerr Dam.



C. State the historical and current agricultural uses which occur adjacent to the site.

Adjacent agricultural uses include wheat, barley and hay fields north of Highway 82 and to the east of the proposed development.

D. Explain any steps which will be taken to avoid or limit development conflicts with adjacent agricultural uses.

The proposed subdivision is developed with a buffer around the outside that varies in width from 50-feet on the east side and 70-feet or greater along the highway. The applicant would not object to a condition on the face of the plat that states the future residents are moving into an area where agricultural practices are prevalent and should expect the associated noise and dust.

E. If the site is timbered, state any timber management recommendations which may have been suggested or implemented by the U.S.D.A. Division of Forestry in the area of this proposal.

The property is not forested and is not adjacent to any USFS lands. There are no USDA timber management recommendations for the site.

## **VI. HISTORICAL, ARCHAEOLOGICAL OR CULTURAL FEATURES**

A. Locate on a copy of the preliminary plat any known or possible historic, archaeological or cultured sites which exist on or near the site.

There are no known Historic, Archaeological or Cultural sites located on the property.

B. Describe any known or possible sites delineated on the preliminary plat. Page 82 - Flathead County Subdivision Regulations

There are no known sites.

C. Describe any measures that will be taken to protect such sites or properties.

See previous.

## **VII. SEWAGE TREATMENT (This Section was prepared by Carver Engineering)**

A. Where individual sewage treatment systems are proposed for each parcel:

Individual sewage treatment systems are not being proposed for North Shore Ranch.

1. Indicate the distance to the nearest public or community sewage treatment system.

The Lakeside Sewer Treatment Facility is located approximately 1.5 miles from the subject subdivision.

2. Provide as attachments:

- a. Two (2) copies of the plat which shows the proposed suitable location on each lot for a subsurface treatment system and a 100% replacement area for the subsurface treatment system. Show the location of neighboring wells and subsurface treatment systems and the distances to each.

N/A

- b. The results of percolation tests performed in representative areas for drainfields in accordance with the most recent Department of Environmental Quality Bulletin. Each percolation test shall be keyed by a number on a copy of the plat with the information and results provided in the report. The number of preliminary percolation tests required shall be one-fourth (1/4) of the total number of proposed lots and these tests shall be performed in the different soil types, or evenly spaced throughout the subdivision in the absence of soil variability.

N/A

- c. A detailed soils description for the area shall be obtained from test holes at least seven (7) feet in depth. The number of test holes will depend upon the variability of the soils. The U.S. Department of Agriculture's "Soils Classification System" shall be used in the descriptions. Information on the internal and surface drainage characteristics shall be included. Each test hole shall be keyed by a number on a copy of the plat with the information provided for in the report.

N/A

- d. A description of the following physical conditions:

- (1) Depth to groundwater at time of year when water table is nearest the surface and how this information was obtained.

N/A

- (2) Minimum depth to bedrock or other impervious material, and how this information was obtained.

N/A

North Shore Ranch

B. For a proposed public or community sewage treatment system:

A new public sewage collection will serve the lots being proposed with treatment provided at the Lakeside Wastewater Treatment Facility.

1. Estimate the average number of gallons of sewage generated per day by the subdivision when fully developed.

Based on a total of 310 single-family lots or dwelling units, and an average daily wastewater flow of 220 gallons per day (gpd) per dwelling unit, the total average daily wastewater flow will be 68,200 gpd. Using a peaking factor of 3.82, the peak hourly flow will be 180.9 gpm.

2. Where an existing system is to be used:

Sewer service to North Shore Ranch will be provided by a new public collection system with treatment provided at the existing Lakeside Wastewater Treatment Facility.

a. Identify the system and the person, firm or agency responsible for its operation and maintenance.

The Lakeside Water & Sewer District is responsible for operation and maintenance of the wastewater treatment facility.

b. Indicate the system's capacity to handle additional use and its distance from the development.

The Lakeside Wastewater Treatment Facility has sufficient reserve capacity to handle the additional wastewater flows from North Shore Ranch. The owners/developers already have an agreement with the District that allows up to 390 service connections.

c. Provide evidence that permission to connect has been granted.

The owners/developers of North Shore Ranch have an agreement with the Lakeside Water & Sewer District that allows up to 390 connections to their system.

3. Where a new system is proposed:

A new public sewage collection is being proposed.

a. Attach a copy of the plat showing the location of all collection lines and the location and identification of the basic components of the treatment system.

The locations of all basic components of the proposed sewage collection system are shown on a copy of the Preliminary Plat. Generally, the new sewage collection will consist of the following:

- 8" PVC sewer mains and 4'Ø concrete manholes to serve Lots 1 – 71, Lots 115 – 140, and Lots 301 – 310.
- A network of 2", 3", 4" & 6" HDPE force mains that serve the remaining lots where each lot will have an individual Environment One grinder pumping system.
- Two (2) duplex sewage lift stations.
- An 8" HDPE force main that conveys all wastewater from North Shore Ranch to the Lakeside Wastewater Treatment Facility.

b. If subsurface treatment of the effluent is proposed, give the results of the preliminary analysis and percolation tests in the area of the treatment site.

Subsurface treatment of wastewater is not being proposed. Treated effluent from the Lakeside Wastewater Treatment Facility is currently applied on the ground surface by spray irrigation.

c. Provide a description of the following physical conditions:

- (1) Depth to groundwater at time of year when water table is nearest the surface and how this information was obtained.

Seasonal high groundwater is at or near the ground surface in the lowest areas of the property (marshy area in southeast portion of site) and varies to about 15' in the higher elevation areas at the west end of the property. A total of 9 test holes were drilled throughout the property on April 13 & 14, 2006. Groundwater levels in these test holes will be monitored.

- (2) Minimum depth to bedrock or other impervious material, and how this information was obtained.

The depth to bedrock in this general area is greater 400', as determined by well logs

North Shore Ranch

d. Indicate who will bear the costs of installation and who will own, operate and maintain the system. Also, indicate the anticipated date of completion.

The owners/developers will be responsible for installing the sewage collection system. After system construction and testing, the sewage collection system, with the exception of the individual grinder pumping systems, will be owned and operated by the Lakeside Water & Sewer District. The individual property owners and the Homeowner's Association will be responsible for the individual grinder pump systems. Construction of the first phase of sewer system improvements will be completed by November, 2007.

4. Where a new system is to be used:

**VIII. WATER SUPPLY (This Section was prepared by Carver Engineering with support from RLK Hydro)**

A. Where an individual water supply system is proposed for each parcel:

Individual water supply systems are not being proposed. A public water system is proposed.

1. If individually drilled wells are to be used, provide evidence as to adequate quantity and quality of the water supply.

N/A

2. If any other method of individual water supply is to be used:

a. Explain why the alternate form of water supply is proposed instead of drilled wells.

N/A

b. Identify the source of water supply and provide evidence that it is of sufficient quantity and quality to serve the development.

N/A

3. Attach two (2) copies of the plat showing the proposed location of each spring, well, cistern, or other water source and indicate the distance to existing or proposed sewage treatment systems.

See water and sewer plats

a. Where a public or community water system is proposed:

(1) Estimate the number of gallons per day required by the development (including irrigation, if applicable).

Based on a total of 310 single-family lots, and an average daily domestic demand of 250 gallons per day (gpd) per lot, the total estimated average daily demand for domestic use will be 77,500 gpd. The estimated maximum daily domestic demand will be 155,000 gpd, with a peak hourly demand of 215 gpm.

Assuming each lot has an average of 10,000 sq. ft of lawn or landscape area that requires irrigation, at an application rate of 1.0" per week, approximately 276,100 gpd would be needed to meet irrigation demands. Water to irrigate the Open Spaces (Common Areas) will come from the ponds and not from the domestic water supply system.

The proposed water supply system will be designed to provide water for domestic purposes only (consumptive use and lot irrigation). Water for fire protection will come from the ponds with intake lines and "dry" barrel hydrants that can be easily accessed by fire department pumper trucks. Water to irrigate the open spaces or common areas will also come from the ponds. With two (2) or more wells and 200,000 gallons of storage, the water system should provide a dependable supply of water to North Shore Ranch.

(2) Where an existing system is to be used:

An existing public water supply system is not being proposed.

Water to the proposed lots in North Shore Ranch will be provided by a new public water supply system. Generally, the new public water supply system will consist of the following:

- A minimum of two (2) drilled wells with metering manholes.
- A 200,000-gallon concrete reservoir.
- A booster pump station.
- 3", 4" and 6" water mains.
- 1" water services.

(a) Identify the system and the person, firm or agency responsible for its operation and maintenance.

N/A

North Shore Ranch

(b) Indicate the system's capacity to handle additional use and its distance from the development.

N/A

(c) Provide evidence that permission to connect has been granted.

N/A

b. Provide evidence that the water supply is adequate in quantity, quality and dependability.

See accompanying Hydrogeological Report prepared by RLK Hydro, Inc

c. Indicate who will bear the costs of installation, when it will be completed and who will own, operate and maintain the system.

The owners/developers will be responsible for installing the water system. The system will initially be owned, operated and maintained by the owners/developers and later all rights and responsibilities will be transferred to North Shore Ranch Homeowner's Association. The owners/developers will hire an operator, licensed by the State of Montana, to operate the water system. Construction of the first phase of water system improvements will be completed by November, 2007.

d. Attach a copy of the plat showing the proposed location of the water source and all distribution lines.

The locations of all basic components of the proposed water supply system are shown on a copy of the Preliminary Plat.

#### **IX. SOLID WASTE**

A. Describe the proposed method of collecting and disposing of solid waste from the development.

The subdivision will use a contract hauler for refuse collection and hauling.

B. If central collection areas are proposed within the subdivision, show their location on a copy of the preliminary plat.

A central collection system is not proposed.

C. If use of an existing collection system or disposal facility is proposed, indicate the name and location of the facility.

A private contract hauler will collect solid waste from the individual houses and will dispose of the collected waste at the Flathead County Landfill. The landfill is located along U.S. Highway 93 about 6 miles north of Kalispell, and approximately 15 miles from North Shore Ranch.

#### **X. DRAINAGE (This Section prepared by Carver Engineering)**

##### A. Streets and Roads:

1. Describe any proposed measures for disposing of storm run-off from streets and roads.

All of the roadways will be crowned along the centerline to drain water off the roads and into roadside drainage swales or directly onto adjacent lots. Because the area is relatively flat, road elevations generally will be raised so they are 12" to 18" higher than the adjacent land, allowing water to drain from the roads and to vegetated roadside shallow swales or vegetated lawns where the water can be lost to surface infiltration and evapotranspiration. Road grades, as well as adjacent swales and lawn areas, will also be relatively flat so water draining from the roads will do so in a diffuse manner precluding the concentration of runoff water at any given location. At several locations, swales will be constructed to channel runoff water along property lines or where gaps exists between lots, and convey that water to common areas and/or ponds.

A primary focus of the drainage plan will be to spread smaller quantities of runoff water out over large areas with multiple points of discharge. This method of stormwater management, commonly referred to as Low Impact Development (LID) Best Management Practices (BMP's), will be incorporated throughout the site to allow the treatment and disposal of runoff water at or near the source. The conventional design of collecting and conveying large quantities of water to single points of discharge greatly inhibits proper treatment and only complicates the proper disposal of runoff water.

2. Indicate the type of road surface proposed.

All new roads within the subdivision will be paved with hot plant mix asphalt.

3. Describe any proposed facilities for stream or drainage crossing (i.e., culverts, bridges).

There are no existing stream crossings proposed with the development of North Shore Ranch; however, there is a natural drainage or depression near the west end of the development that will be crossed. Culverts will be placed in this and any other drainage crossing.

North Shore Ranch

B. Other areas:

1. Describe how surface run-off will be drained or channeled from lots or common areas.

Runoff from lots will follow existing and finished contours and generally will flow from the roadside or front of the lots to common areas that run along the backs of all proposed lots. Drainage swales will be constructed between some of the lots to channel runoff water to common areas or ponds. Because the area is relatively flat and the soils are well drained, a large percentage of water will be lost to surface infiltration and evapotranspiration on the individual lots. What small amount of runoff water that may exist will be channeled to common areas, buffer strips or ponds.

2. Indicate if storm run-off will be drained or channeled from lots or common areas.

Stormwater runoff will generally be drained from the lots following existing and finished surface slopes; however, some grading or channeling may be necessary to divert water around structures or along property boundaries. Because much of the area is flat, drainage on many lots will be provided by constructing houses with finished floor elevations that are 2 ft. to 3 ft. higher than the natural ground surface and filling around the foundation walls to provide for drainage away from the foundation walls. This grading activity will create drainage swales along the property lines of adjoining lots allowing runoff water to drain to the road or to common areas in back of the lots. Several drainage swales will be constructed along lot lines, during the construction of infrastructure improvements, to convey water to common areas or ponds.

3. Describe any proposed sedimentation and erosion controls to be utilized both during, and after, construction.

Prior to construction of roads and utility improvements, silt fencing will be installed along off-road drainages, along wetland areas and along any other any area where the possible discharge of runoff water could adversely affect water quality or adjacent properties. Silt fencing or straw bale barriers will be installed at the inlet ends of new and existing culverts, and rock riprap will be installed at the outlet ends of these culverts. After completing construction of roads and utilities, all disturbed areas, outside of roadways, will be graded, covered with topsoil, and hydroseeded. In areas where cuts or fills create slopes greater than 15%, such areas will be hydroseeded and then covered with erosion control matting. All erosion and sediment control devices will comply with the MDEQ Sediment and Erosion Control Manual and all temporary sediment and erosion control devices will remain in place until vegetation is established and is capable of mitigating erosion.

4. Attach a copy of the plat showing how drainage on lots, road and other areas will be handled (include sizes and dimensions of ditches, culverts, etc.)

A Drainage Plan is included with the Preliminary Plat.

## **XI. ROADS**

A. Estimate how much daily traffic the development, when fully developed, will generate on existing or proposed roads providing access to the development.

When fully developed, the subdivision could generate approximately 2,967-vehicle trips per day (North Shore Ranch TIS). The attached Traffic Impact Study provides a dispersal pattern for traffic exiting the development.

1. Discuss the capability of existing and proposed roads to safely accommodate this increased traffic (e.g., conditions of the road, surface and right-of-way widths, current traffic flows, etc.).

All roads within North Shore Ranch will be new and will have a 22-ft. paved asphalt surface. All roads will be constructed in accordance with Flathead County Road Design and Construction Standards. The proposed roads will be designed and constructed to safely accommodate projected traffic demands.

2. Describe any increased maintenance problems and costs that will be caused by this increase in volume.

See TIS prepared by Abelin Traffic Services.

B. Indicate who will pay the cost of installing and maintaining dedicated and/or private roadway.

The owners/developers will be responsible for construction of the proposed roads, and following construction and filing of the final plat, the roads will be privately owned and maintained by North Shore Ranch.

C. Describe the soil characteristics, on site, as they relate to road and building construction and measures to be taken to control erosion of ditches, banks and cuts as a result of proposed construction.

The soil characteristics throughout the property generally consist of a fine to medium sandy loam, and are reasonably suitable for road and building construction. The soils do require certain design considerations for proper construction. A road stabilization fabric will be used in areas that show any signs of instability.

All cut and fill slopes be graded, topsoiled and hydroseeded. Roadside swales will be hydroseeded.

North Shore Ranch

D. 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 City, County, State or Federal roads or highways.

Access to all lots will be provided by new roads within the proposed subdivision.

E. 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?

Year-round access by conventional automobiles will be available over legal rights-of-way to all lots in the subdivision.

F. Identify the owners of any private property over which access to the subdivision will be provided.

There are no other private property owners over which access to any of the lots is being proposed.

## XII. EMERGENCY SERVICES

A. Describe the emergency services available to the residents of the proposed subdivision including the number of personnel and number of vehicles and/or type of facilities for:

Somers is a volunteer fire district. According to the Fire Chief, the district has three fire trucks for structure fires, one wild lands fire truck, and two tenders.

1. Fire Protection:

a. Is the proposed subdivision in an urban or rural fire district? If not, will one be formed or extended?

The proposed subdivision is within the Somers Rural Volunteer Fire District. The Fire Hall is located in the Community of Somers approximately 2.5 mile east of the proposed subdivision.

b. In absence of a fire district, what fire protection procedures are planned?

N/A

c. Indicate the type, size and location of any proposed recharge facilities.

I contacted Bobby Kienas, Fire Chief for the Somers Volunteer Fire Department regarding hydrants or tanker recharge facilities. Mr. Kienas stated that tanker recharge could be accomplished by dry hydrants located at the three ponds proposed in the subdivision. The third pond on the Westside of the development is shown on the preliminary plat to provide fire suppression and water storage for that part of the development. The applicant, however, is still looking at the

North Shore Ranch

possibility of sizing the water system to accommodate a wet hydrant system through out the development and this will also work for the Somers Fire Department. Should the wet hydrant system become the favored approach by the developer and the fire department the western most pond may be eliminated in favor of open space. The developer will work with the Somers Volunteer Fire Department to provide a fire suppression system that meets the needs of the future residents and the Fire District.

d. If fire hydrants are proposed, indicate water pressure capabilities and the locations of hydrants.

A dry hydrants system utilizing the three proposed ponds on the property will comprise the fire suppression for the development. The developer will work with the fire district to provide a Fire Tender to help meet the needs of the district if the dry system is used. The developer is still in the process of exploring a wet hydrant system in which case the water line would be up sized slightly and some capacity would be added to the water storage facility to provide the required duration and pressure for fire suppression.

## 2. Police Protection.

The proposed subdivision will be served by the Flathead County Sheriffs Office.

## 3. Ambulance Service.

Ambulance service is provided by the Lakeside Quick Response Unit and the Somers Volunteer Fire Department. Alert service is available and provided by Kalispell Regional Hospital.

## 4. Medical Services.

The proposed subdivision is approximately eleven miles from the Kalispell Regional Medical Center.

B. Can the needs of the proposed subdivision for each of the above services be met by present personnel and facilities?

Fire, ambulance, and police can provide service to this subdivision with existing personnel. At some point in time the cumulative impact of new residences will require an increase in personnel and facilities. Hopefully the increased tax revenue from the new residential lots will off-set some of these costs.

1. If not, what additional expense would be necessary to make these services adequate?

The Somers Volunteer Fire Department will need tanker recharge in the form of dry hydrants or wet hydrants. The developer of the proposed subdivision will work with the Somers Volunteer Fire Department to provide the facilities needed for fire suppression.

2. At whose expense would the necessary improvements be made?

The developer of the North Shore Ranch subdivision will cover the expense for the tanker recharge facility or wet hydrant system.

### **XIII. SCHOOLS**

A. Describe the educational facilities which would serve the subdivision (school facilities, school personnel, bus routes and capabilities, etc.).

The North Shore Ranch Subdivision falls within the Somers Lakeside School District #29 for K – 8 Grades. The subdivision, however, is split in half by the Flathead High School and Bigfork High School with the west half going to Kalispell and the east half going to Bigfork. Students within the Bigfork High School District would have the option of transferring to Flathead and paying tuition and students in the Flathead High School District have the option of transferring to Bigfork with no out of district tuition. The Somers School is located approximately 2 miles west of the proposed subdivision. Bus stops will be placed within the subdivision subject to review and approval by the School Districts. Busing for High School students would not be able to cross District lines.

B. Estimate the number of school children that will be added by the proposed subdivision, and how they will affect existing facilities.

Using County wide average of 0.42 school aged children per residence. (There were 15,042 students recorded with the Flathead County Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2005 school year. The US Census Bureau 2004 American Community Survey projected 36,077 residential units in Flathead County for the year 2004). The proposed subdivision will generate approximately 130 school aged children to the districts.

School District #5 passed a bond to build a second High School on School Trust Lands at Stillwater and Highway 93. The second high school should help with crowding in the upper grades for those students attending Flathead High School.

In communications this past year with Russ Kinser, Superintendent of the Bigfork School District, there is capacity in all grades in the District. Mr. Kinser also stated that in his experience subdivisions that generate housing prices at more than \$250,000.00 (land and home) there has not been much impact to the District from school aged children.

I spoke with Terry Wing, Superintendent of the Somers Lakeside School District on April 11, 2006. Ms. Wing is concerned with the cumulative effect of subdivision within the school district. Any one subdivision by its self would not significantly impact the school district but all the subdivision combined at buildout would require additional facilities and teachers.

#### **XIV. ECONOMIC BENEFITS**

A. Provide the present assessment classifications and range of the total assessed valuation of all land and structures.

All but approximately 4 acres of the 367 acre property are classified as some sort of "tillable non-irrigated or irrigated land – continuously cropped" by Montana CAMA. The other four acres are classified as four separate farmsteads. The 2003 Reappraisal Value for the property is \$520,276.00 for land and structures.

B. Provide the anticipated assessment classification and range of the total assessed valuation of all structures (at 25% and 90% occupancy - also give estimated year of said occupancy).

Once the subdivision is final plated the lots will be assessed as residential property. The anticipated market value of lot and home will range between \$250,000.00 and \$1,000,000.00. The developer expects to be at 25% occupancy in three to five years with a market value of \$19,500,000.00 at the low end of the range. The subdivision might be at 90% occupancy in ten years with a market value of \$71,250,000.00 at the low end of the range.

C. Provide anticipated revenue increases, per unit, from water, sewer and solid waste fees.

The subdivision will have a public water system and there will be a monthly charge to the lot owners for usage, operation, and long term maintenance. Sewer service is the Lakeside Sewer District and there will be a "Plant Investment Fee" charged for hook-ups as well as a monthly charge for service. Solid waste will be contracted and will be paid by the individual lot owners.

#### **XV. LAND USE**

A. Describe the existing historical use of the site.

As stated previously in this report the site is currently and has historically been in agriculture production.

B. Describe any comprehensive plan recommendations and other land use regulations on and adjacent to the site. Is zoning proposed? If located near an incorporated city or town, is annexation proposed?

The property is mapped as Agriculture/Silviculture on the Flathead County Master Plan Map. The lots are semi-clustered with approximately 42% the site in open space and park to address Master Plan concerns. The property is not zoned. The nearest incorporated city is Kalispell, which is approximately six miles from the proposed subdivision. Annexation is not likely in the foreseeable future.

C. Describe the present uses of lands adjacent to or near the proposed development. Describe how the subdivision will affect access to any adjoining land and/or what measures are proposed to provide access.

Lands adjacent to or in close proximity the subdivision consist of agricultural uses to the north. Mackinaw Estates is to the west, and USF&W waterfowl production lands are to the south and east.

D. Describe any health or safety hazards on or near the subdivision (mining activity, high voltage lines, gas lines, agricultural and farm activities, etc.) Any such conditions should be accurately described and their origin and location identified.

Other than agricultural uses, there are no major hazards located adjacent to the subdivision.

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

There are no nuisance causing uses located on-site.

## **XVI. PARKS AND RECREATION FACILITIES**

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

The proposed subdivision is centered on an equestrian facility with trails running through the development and within the open space. Approximately 42% the site is preserved in open space and park. Each lot has direct access to a portion of the open space. In addition to the open space the applicants propose a park in the south east corner of the development to be used for active recreation (soccer and baseball) that will be used by the residents of the development.

B. List other parks and recreation facilities or sites in the area and their approximate distance from the site.

The nearest community parks are located in Bigfork and Kalispell approximately five and seven miles from the site respectively. There is the possibility of a community park that would be developed in the Cooper Farms development for the Somers area.

C. If cash-in-lieu of parkland is proposed, state the purchase price per acre or current market value (values stated must be no more than 12 months old).

Cash-in-lieu of parks is not proposed for the subdivision. The Subdivision Regulations require 11% for lots 0.5 acres or less, 7.5% of the area platted in lots 0.501 acres to 1 acre in size, and 5% of the area platted in lots 1.001 to 3 acres in size be dedicated for parkland. The proposed subdivision has 73.104 acres in lot 0.5 acres or less, 50.553 acres in lots 0.501 to 1 acre in size, and 49.366 acres in lots 1.001 to 3 acres in size. The parkland dedication is  $(0.11 \times 73.104 \text{ acres}) + (0.075 \times 50.553 \text{ acres}) + (0.05 \times 49.366 \text{ acres}) = 16.30 \text{ acres}$ . The proposed subdivision has 156.516 acres in park/open space. The park and open space consists of ball fields, riding arenas, corrals, BBQ areas, pedestrian trails, equestrian trails, ponds, wetlands, and open space. The current market value for the 364 acres is \$5,314,400.00 or \$14,600.00 per acre.

## XVII. UTILITIES

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

Flathead Electrical will provide power, Centurytel will provide communications, and Northwestern Energy will provide natural gas.

B. Has the preliminary plat been submitted to affected utilities for review?

Plans will be submitted to the utility companies once the preliminary plat is granted.

C. Estimate the completion date of each utility installation.

Utilities will be installed for the first phase within one to two years from the approval of preliminary plat.

This Environmental Assessment has been prepared by:

Eric H. Mulcahy

Eric H. Mulcahy  
Sands Surveying, Inc.  
2 Village Loop  
Kalispell, MT 59901  
406/755-6481

4/17/06

DATE

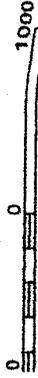
OWNER: Kleinhans Farm Estate, LLC

BY: John D. Lee Senior Manager

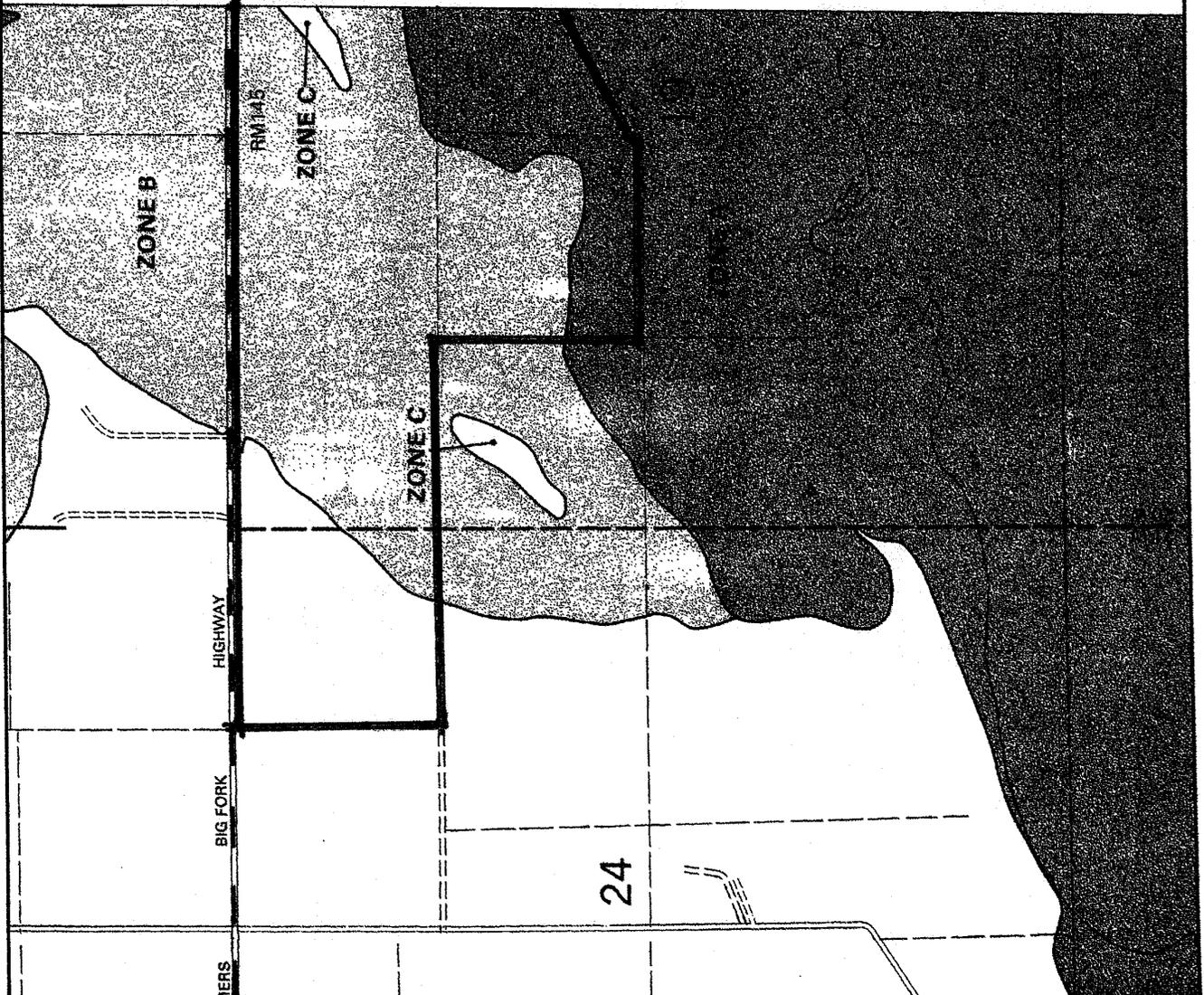
4/17/2006  
DATE



APPROXIMATE SCALE IN FEET



JOINS PANEL 2285



NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP  
FLATHEAD  
COUNTY,  
MONTANA  
(UNINCORPORATED AREAS)

PANEL 2280 OF 3425  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER  
300023 2280 E

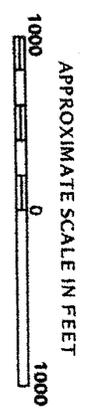
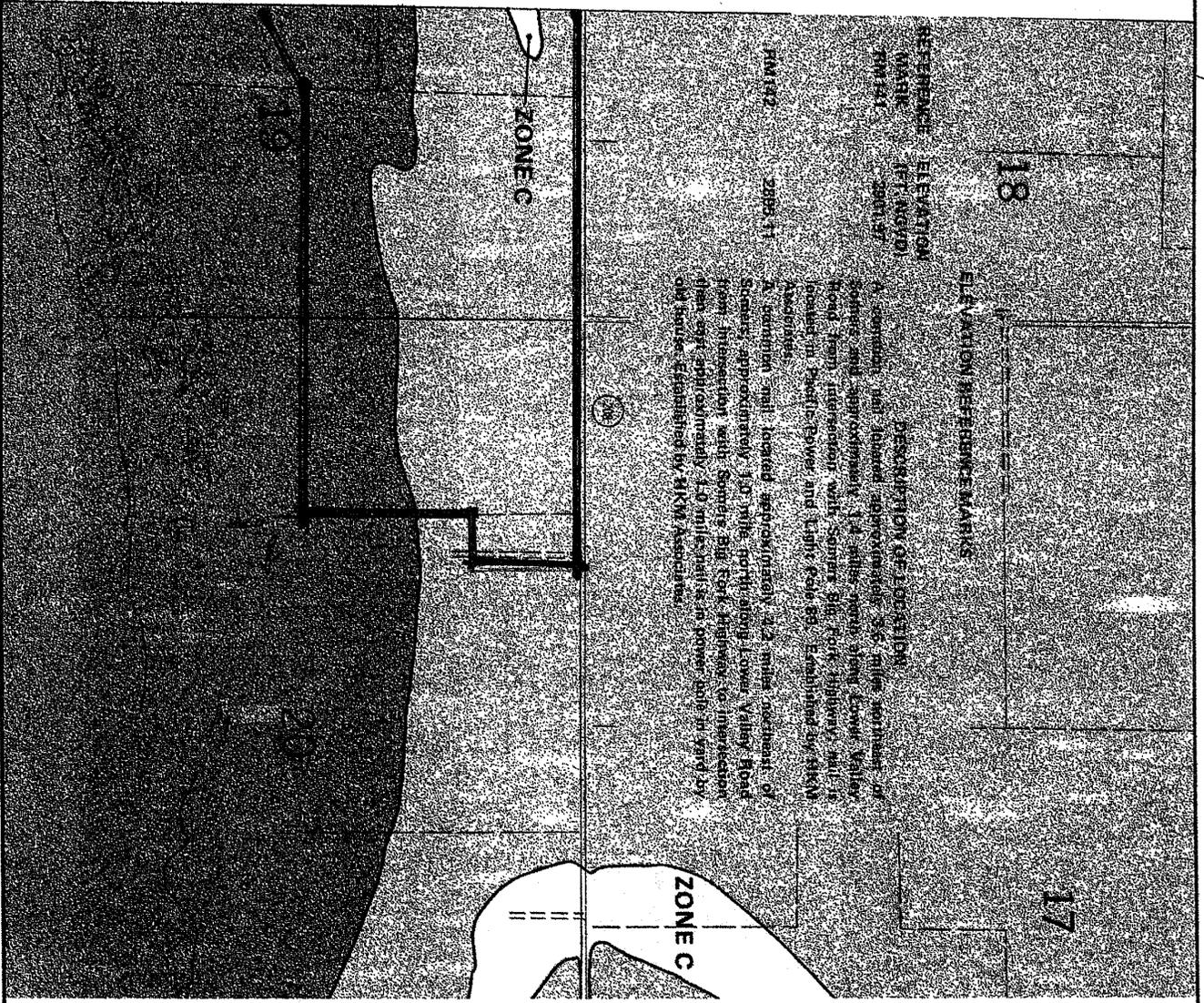
MAP REVISED:  
OCTOBER 16, 1996



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT Version 1.0. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. Further information about National Flood Insurance Program flood hazard maps is available at [www.fema.gov/mifed](http://www.fema.gov/mifed).

Print Date: 3/28/2009 (printed at scale and type A)



**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**

**FLOOD INSURANCE RATE MAP**

**FLATHEAD COUNTY, MONTANA**  
(UNINCORPORATED AREAS)

**PANEL 2285 OF 3425**  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY PANEL NUMBER**  
300023 2285 D

**MAP REVISED:**  
JULY 15, 1988

**Federal Emergency Management Agency**

This is an official copy of a portion of the above referenced flood map. It was extended using F-MIT Version 1.0. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. Further information about National Flood Insurance Program flood hazard maps is available at [www.fema.gov/nifm](http://www.fema.gov/nifm).

By: SANDS SURVEYING, Inc.  
 2 Village Loop  
 Kallispell, MT 59901  
 (406) 755-6481

JOB NO: 284002  
 DATE: April 12, 2006  
 FOR/OWNER: Kleinhaus Farms Estates, LLC

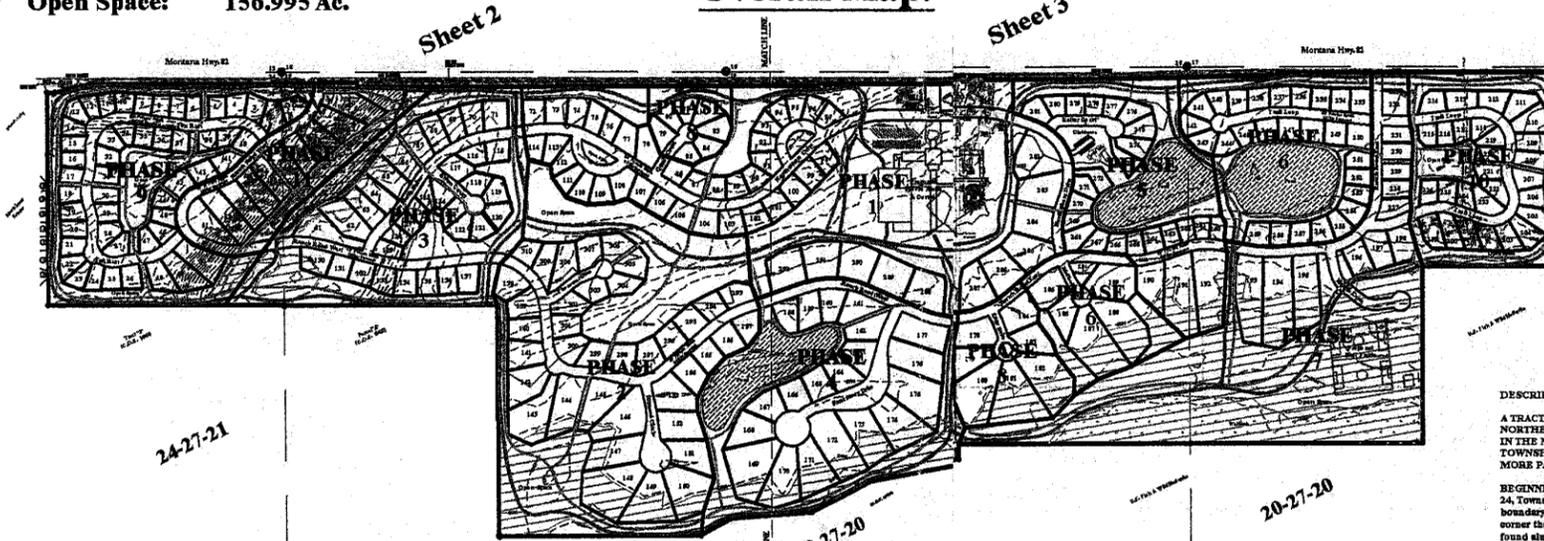
# Preliminary Plat of: North Shore Ranch

Located in the NE1/4NE1/4 of Sec. 24, T.27N., R.21W., N1/2 of  
 Sec. 19 & in the NW1/4 of Sec. 20, T.27N., R.20W., Flathead  
 County, Montana

**NOTES:**  
 VERTICAL DATUM: NGVD29  
 100 YEAR FLOOD PLAIN  
 DETERMINED AS ELEVATION 2892.9  
 PER USGS NGVD29  
 CONTOUR INTERVAL = 1'

**Total Area: 367.470 Ac.**  
**Lots (310): 172.991 Ac.**  
**Roads: 37.484 Ac.**  
**Open Space: 156.995 Ac.**

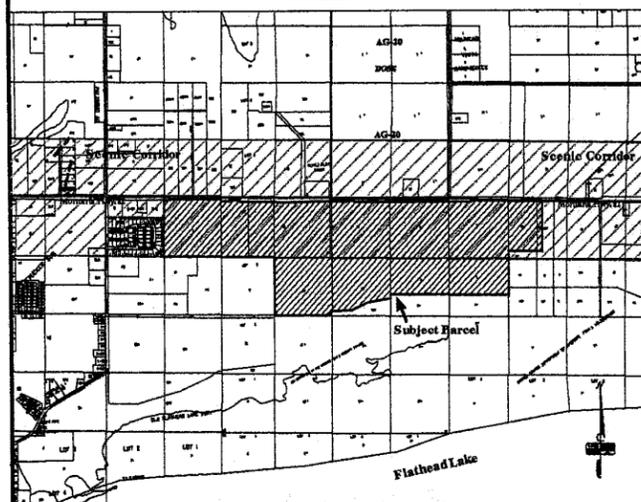
## Overall Map:



**LEGEND:**

- Section Corner (as noted)
- 1/4 Corner (as noted)
- 1/16th Corner (as noted)
- Found (as noted)
- 3 1/4" Aluminum Cap (73185)
- Concrete R/W Monument
- Fence
- 12' Horse Trail
- 6' Pedestrian Walkway
- 100 Year Flood Plain Elev = 2892.9
- Wetlands

Vicinity Map:  
 Not to scale



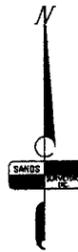
Lot Number	Square Footage	Acreage												
1	1664	0.38	67	2944	0.67	127	2017	0.46	289	1971	0.45	241	1119	0.26
2	1978	0.45	68	2928	0.67	128	2174	0.50	290	2047	0.47	242	1179	0.27
3	1813	0.41	69	2424	0.55	129	2744	0.63	291	2047	0.47	243	1207	0.28
4	1821	0.42	70	2744	0.63	130	2874	0.66	292	2144	0.49	244	1207	0.28
5	1293	0.29	71	2424	0.55	131	2884	0.66	293	1883	0.43	245	1214	0.28
6	1243	0.28	72	2424	0.55	132	2874	0.66	294	1984	0.45	246	1233	0.28
7	1224	0.28	73	2424	0.55	133	2874	0.66	295	1984	0.45	247	1240	0.29
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70	1243	0.28	136	2424	0.55	196	2874	0.66	358	1984	0.45	310	1240	0.29
71	1243	0.28	137	2424	0.55	197	2874	0.66	359	1984	0.45	311	1240	0.29
72	1243	0.28	138	2424	0.55	198	2874	0.66	360	1984	0.45	312	1240	0.29
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83	1243	0.28	149	2424	0.55	209	2874	0.66	371	1984	0.45	323	1240	0.29
84	1243	0.28	150	2424										

By: SANDS SURVEYING, Inc.  
 2 Village Loop  
 Kalspell, MT 59901  
 (406) 755-6481

JOB NO: 284002  
 DATE: April 12, 2006  
 FOR/OWNER: Kleinhans Farms Estates, LLC

# Preliminary Plat of North Shore Ranch

Located in the NE1/4NE1/4 of Sec. 24, T.27N., R.21W., N1/2 of  
 Sec. 19 & in the NW1/4 of Sec. 20, T.27N., R.20W., Flathead  
 County, Montana

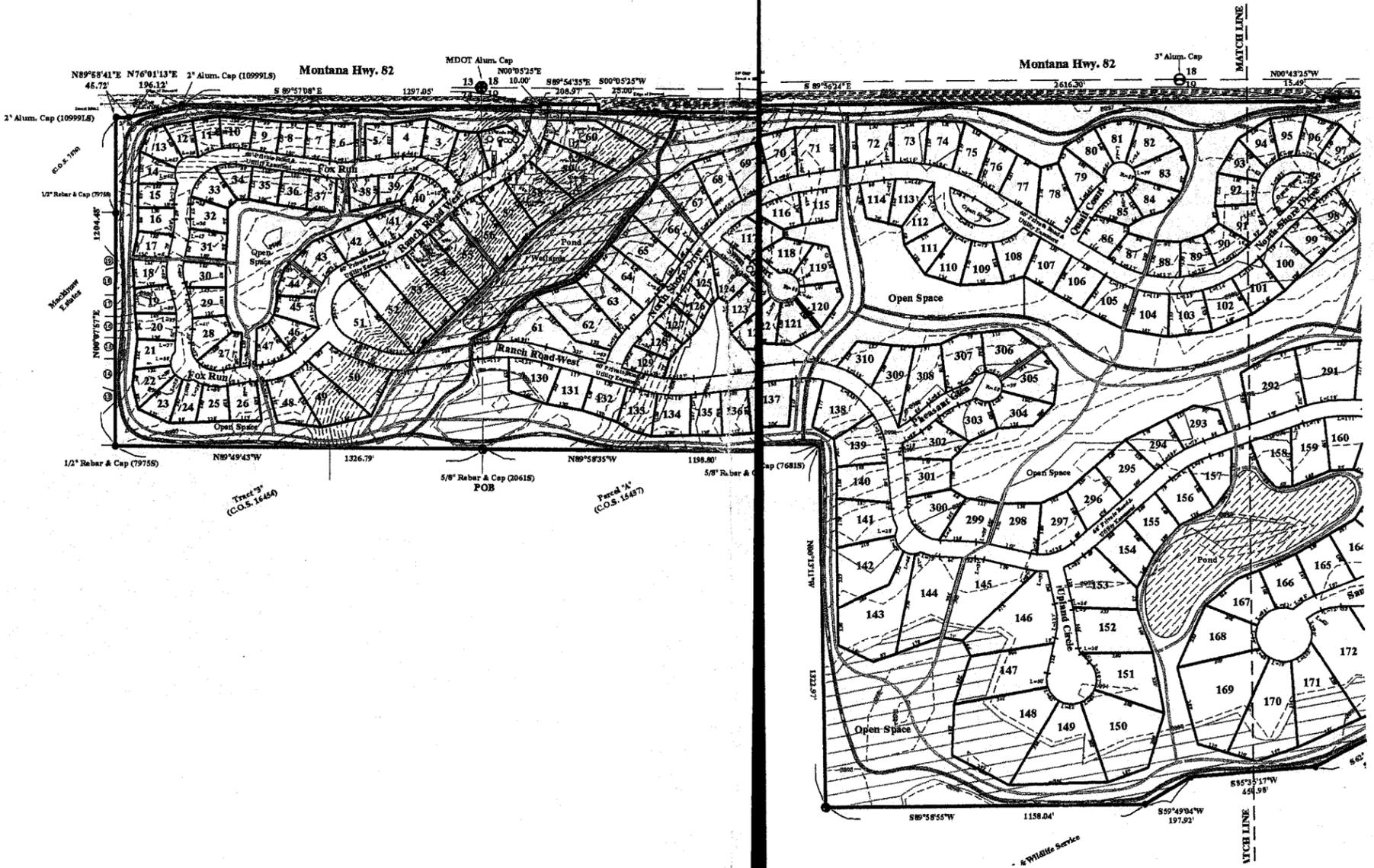


SCALE: 1" = 200'

200' 100' 0 200' 400'

**NOTES:**  
 VERTICAL DATUM: NGVD29  
 100 YEAR FLOOD PLAIN  
 DETERMINED AS ELEVATION 2892.9  
 PER USGS NGVD29  
 CONTOUR INTERVAL = 1'

- LEGEND:**
- Section Corner (as noted)
  - 1/4 Corner (as noted)
  - 1/16th Corner (as noted)
  - Found (as noted)
  - 3 1/4" Aluminum Cap (7319S)
  - Concrete R/W Monument
  - Fences
  - 12" Horse Trail
  - 6" Pedestrian Walkway
  - 100 Year Flood Plain Elev = 2892.9
  - Wetlands



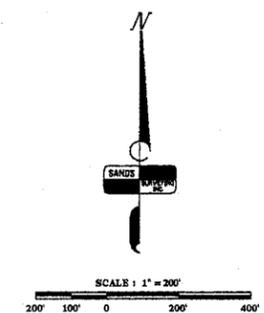
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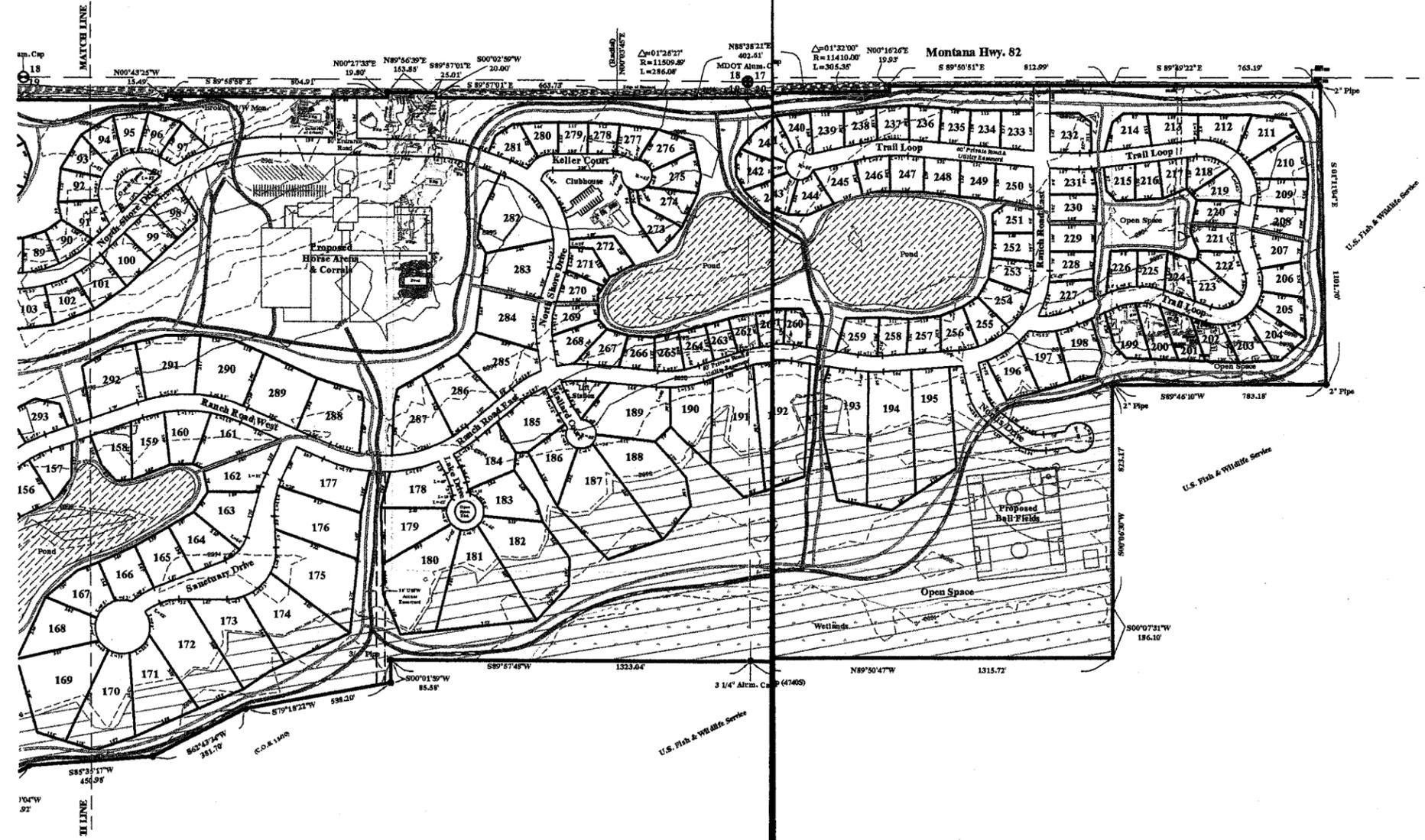
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  - 6" Pedestrian Walkway
  - ▨ 100 Year Flood Plain Elev = 2892.9
  - ▨ Wetlands



**Charlie Johnson**

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**From:** Charlie Johnson  
**Sent:** Tuesday, June 13, 2006 11:58 AM  
**To:** Nicole Lopez-Stickney  
**Cc:** Commissioners  
**Subject:** North Shore Ranch Subdivision

Nicole,

The Flathead County Road Department has reviewed the application for preliminary plat approval of North Shore Ranch Subdivision and it appears to us, from what we can see of the maps that all the traffic will be entering onto Hwy 82. Under the road section it refers to a traffic impact study, this study was not included with this application. In the future we would like to be furnished a copy of the TIS even if it does not include any county roads. Also the maps that are furnished with these applications we find sometimes are inadequate and request larger maps for our review. This subdivision seems to affect MDOT more than it does Flathead County Road Department, therefore all comments should come from them.

Charlie

6/13/2006

**Flathead County Planning & Zoning Office  
1035 First Avenue West  
Kalispell, Montana 59901**

**Phone: (406) 751-8200  
Fax: (406) 751-8210**

October 25, 2007

Guy Foy  
Flathead County Road Department  
800 South Main Street  
Kalispell, MT 59901

Dear Guy:

RE: North Shore Ranch Preliminary Plat

Our office has received a request from Kleinhans Farm Estates, LLC, for preliminary plat approval of North Shore Ranch Subdivision, a 290 lot single-family residential subdivision with equestrian facilities, parks, and open space. The subject property consists of 367.47 acres and is located on the north shore of Flathead Lake, directly east of Mackinaw Estates. The land is described as Tracts 2A, 2BB, 3, and 4 in Section 20, Township 27 North, Range 20 West, Tracts 3, 3B, 4, 4A, 4C, 5, and 6A in Section 19, Township 27 North, Range 20 West, and Tract 1 in Section 24, Township 27 North, Range 21 West, P.M.M., Montana.

I encourage your comments on this proposal and ask that you please submit them to Flathead County Planning and Zoning in writing or via email to [athompson@co.flathead.mt.us](mailto:athompson@co.flathead.mt.us) by November 8, 2007 so that they may be incorporated into the staff report for the Flathead County Planning Board and the Flathead County Commissioners. If you have any questions, feel free to contact me at (406) 751-8200.

Sincerely,

*Annie Thompson*

Annie Thompson  
Planner II

Attachments: Application  
Preliminary Plat  
Environmental Assessment

This application shall be submitted, along with all information required by the applicable Subdivision Regulations and the Montana Subdivision and Platting Act, and the appropriate fee to:  
**Flathead County Planning & Zoning Office 1035 First Avenue West**  
**Kalispell, Montana 59901 - Phone: (406) 751-8200 Fax: (406) 751-8210**

**APPLICATION FOR MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL**

**FEE SCHEDULE:**

**FEE ATTACHED \$13,254.00**

- Major Subdivision (6 or more lots)
  - Base Fee..... \$750
  - First 20 lots..... \$80/lot
  - Additional lots above 20..... \$40/lot
- Condominiums (6 or more units)..... \$750 + \$80/unit
- Mobile Home Parks & Campgrounds (6 or more spaces)..... \$750 + \$80/space
- Amended Preliminary Plat..... \$300 + \$40/lot
- Subdivision Variance..... \$200
- Commercial/Industrial Subdivision..... \$1000 + \$200/lot
- Subsequent Minor Subdivision..... \$750 + \$80/lot
- \$50 Pre-Application fee is due at the time of meeting (major & commercial subdivisions)
- \* Add \$4 per address (see certified list) to cover adjoining landowner mailing costs.

*1/2 fees due per JH.  
\$6627.00*

**SUBDIVISION NAME:** North Shore Ranch

**OWNER(S) OF RECORD:**

Name: Kleinhans Farms Estates, LLC Phone: (650)365-4020  
 Mailing Address: 1399 Wisconsin Avenue  
 City, State, Zip Code: Whitefish, MT 59937

**TECHNICAL/PROFESSIONAL PARTICIPANTS (Surveyor/Designer/Engineer, etc):**

Name & Address Sands Surveying, Inc, 2 Village Loop, Kalispell, MT 59901  
 Name & Address Carver Engineering, 1995 3rd Ave East, Kalispell, MT 59901  
 Name & Address Epikos Design, P.O. Box 2490, McCall, ID 83638  
 Name & Address RLK Hydro, Inc, P.O. Box 1579, Kalispell, MT 59901

**LEGAL DESCRIPTION OF PROPERTY:**

City/County Flathead County  
 Street Address MT State Highway 82, Somers  
 Assessor's Tract No.(s) Tracts 2A, 2BB, 4, 3 in Section 20, T27N, R20W, Tracts 5, 3, 3B, 4A, 4C, 6A, 4 in Section 19, T27N, R20W, and Tract 1 in Section 24, T27N, R21W

**GENERAL DESCRIPTION/TYPE OF SUBDIVISION:** 290 Lot, single family subdivision with equestrian facilities, parks, and open space.

Number of Lots or Rental Spaces 290 Total Acreage in Subdivision 367.470  
Total Acreage in Lots 150.838 Minimum Size of Lots or Spaces 0.270  
Total Acreage in Streets or Roads 36.729 Maximum Size of Lots or Spaces 1.600  
Total Acreage in Parks, Open Spaces and/or Common Areas 179.903 acres

**PROPOSED USE(S) AND NUMBER OF ASSOCIATED LOTS/SPACES:**

Single Family 290 lots Townhouse \_\_\_\_\_ Mobile Home Park \_\_\_\_\_  
Duplex \_\_\_\_\_ Apartment \_\_\_\_\_ Recreational Vehicle Park \_\_\_\_\_  
Commercial \_\_\_\_\_ Industrial \_\_\_\_\_ Planned Unit Development \_\_\_\_\_  
Condominium \_\_\_\_\_ Multi-Family \_\_\_\_\_ Other \_\_\_\_\_

**APPLICABLE ZONING DESIGNATION & DISTRICT:** Property is not zoned

**ESTIMATE OF MARKET VALUE BEFORE IMPROVEMENTS:** \$14,600/acre

**IMPROVEMENTS TO BE PROVIDED:**

**Roads:** \_\_\_\_\_ Gravel  Paved \_\_\_\_\_ Curb \_\_\_\_\_ Gutter \_\_\_\_\_ Sidewalks \_\_\_\_\_ Alleys \_\_\_\_\_ Other \_\_\_\_\_  
**Water System:** \_\_\_\_\_ Individual \_\_\_\_\_ Multiple User \_\_\_\_\_ Neighborhood  Public \_\_\_\_\_ Other \_\_\_\_\_  
**Sewer System:** \_\_\_\_\_ Individual \_\_\_\_\_ Multiple User \_\_\_\_\_ Neighborhood  Public \_\_\_\_\_ Other \_\_\_\_\_  
**Other Utilities:** \_\_\_\_\_ Cable TV  Telephone  Electric  Gas \_\_\_\_\_ Other \_\_\_\_\_  
**Solid Waste:** \_\_\_\_\_ Home Pick Up \_\_\_\_\_ Central Storage  Contract Hauler \_\_\_\_\_ Owner Haul \_\_\_\_\_  
**Mail Delivery:**  Central \_\_\_\_\_ Individual \_\_\_\_\_ School District: Somers Lakeside #29  
**Fire Protection:** \_\_\_\_\_ Hydrants  Tanker Recharge \_\_\_\_\_ Fire District: Somers Volunteer FD  
**Drainage System:** On-site

**PROPOSED EROSION/SEDIMENTATION CONTROL:** As need with construction following the BMPs

**VARIANCES: ARE ANY VARIANCES REQUESTED?** No (yes/no)  
*(If yes, please complete the information below)*

**SECTION/REGULATION OF REGULATIONS CREATING HARDSHIP:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXPLAIN THE HARDSHIP THAT WOULD BE CREATED WITH STRICT COMPLIANCE OF REGULATIONS:** \_\_\_\_\_  
\_\_\_\_\_

AUG 17 2010

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**PROPOSED ALTERNATIVE(S) TO STRICT COMPLIANCES WITH ABOVE  
REGULATIONS:**

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**PLEASE ANSWER THE FOLLOWING QUESTIONS IN THE SPACES PROVIDED BELOW:**

1. Will the granting of the variance be detrimental to the public health, safety or general welfare or injurious to other adjoining properties?

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2. Will the variance cause a substantial increase in public costs?

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3. Will the variance affect, in any manner, the provisions of any adopted zoning regulations or Master Plan?

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4. Are there special circumstances related to the physical characteristics of the site (topography, shape, etc.) that create the hardship?

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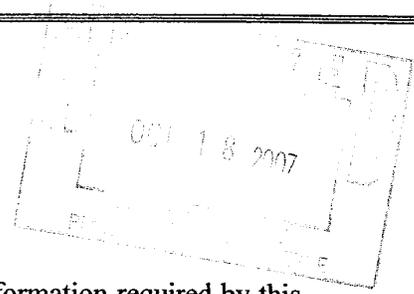
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5. What other conditions are unique to this property that create the need for a variance?

AUG 17 2004

## North Shore Ranch Environmental Assessment



### **General Instructions**

It shall be the responsibility of the subdivider to submit the information required by this Section with the preliminary plat. This Environmental Assessment format shall be used by the applicant in compiling a thorough description of the potential impacts for the proposed subdivision. Each question pertinent to the proposal must be addressed in a full comprehensive and systematic fashion (both maps and text). Incomplete Environmental Assessments will not be accepted.

The Environmental Assessment will be objectively measured to assure that all mandatory elements are included and that, based upon objective standards, all prospective impacts are adequately addressed. If, at any time during the application process, material information comes to light that is not addressed in the Environmental Assessment, the subdivider shall be required to amend the environmental Assessment to adequately address the issue. In the event the 60 working day review period is suspended and will not resume until the revised Environmental Assessment has been submitted and reviewed to the same stage in the application process that the original application was at the point the additional information came to light.

### **Environmental Assessment Contents**

There are three major sections to the Environmental Assessment (76-3-603, MCA). The sources of information for each section of the Assessment shall be identified. All Environmental Assessments shall contain the signature, date of signature and mailing address of the owner of the property and the person, or persons, preparing the report and citation and a copy of all supporting information.

### **Section 1 – Resource Assessment**

#### a. Surface Water:

- i. Locate on the preliminary plat all surface water and the delineated 100 year floodplains which may affect or be affected by the proposed subdivision including:

See the attached preliminary plat for the location of wetland areas and floodplain boundaries.

- A. All natural water systems such as perennial and intermittent streams, lakes and ponds, rivers, or marshes.

There are no streams located on the property. There one jurisdictional wetland area identified in the Wetland Delineation prepared by Oasis Environmental. The wetland is 11.66 acres in size and is located in the southeast corner of the project and is

hatched on the preliminary plat. The 11.66 acre wetland is part of the open space and is included in a 70 acre area intended for preservation through a conservation easement. There is also a small (0.017 acre stock pond that was constructed years ago and holds water most of the year. Please refer to the Wetland Delineation, North Shore Ranch, prepared by Oasis Environmental which is attached as Appendices to this EA and is a part of the EA.

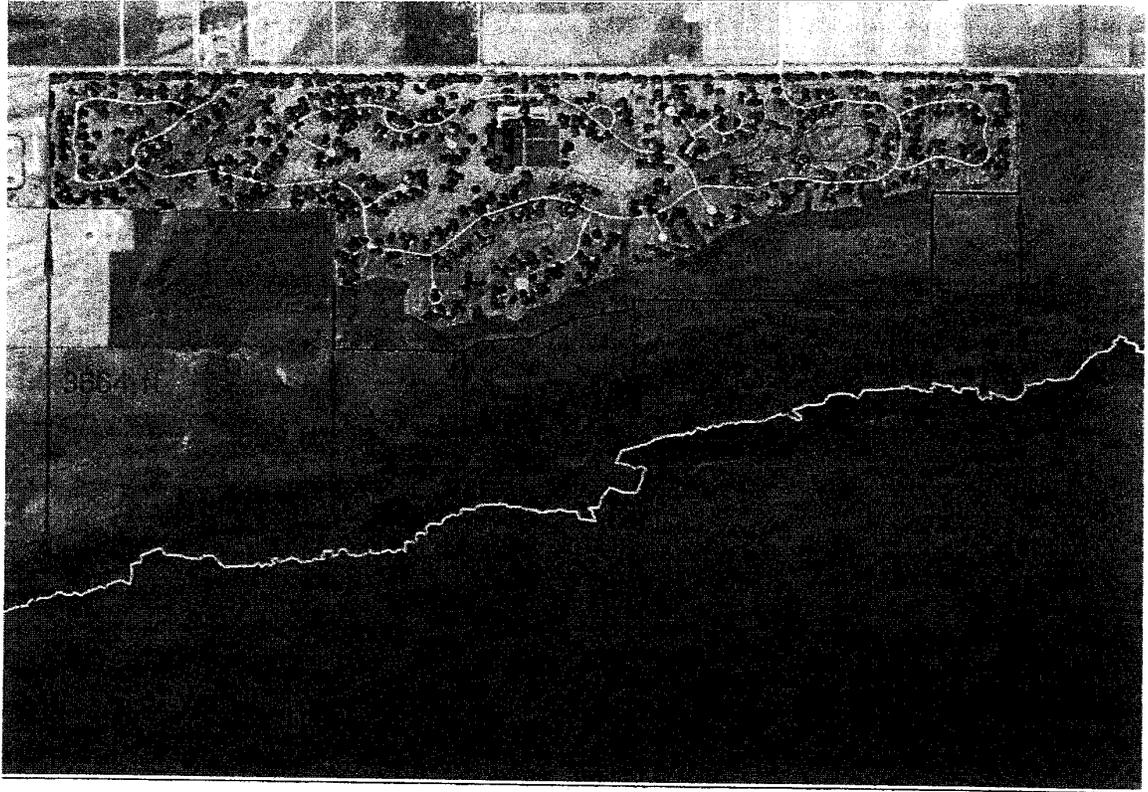
- B. All artificial water systems such as canals, ditches, aqueducts, reservoirs, irrigation or drainage systems.

There are no water systems such as canals, ditches, aqueducts or reservoirs (Sands Surveying, Inc.). There is the small manmade stock pond mentioned above and there is an irrigation pipe that supplies irrigation water to the property. The source of the water is Flathead Lake. The applicants will keep the irrigation rights for providing water to the open space and transfer the water rights to the HOA if the subdivision is approved.

- ii. Describe all surface waters which may affect or be affected by the proposed subdivision including name, approximate size, present use, and time of year when water is present and proximity of proposed construction (e.g. buildings, sewer systems, roads) to surface waters.

Flathead Lake is located south of the proposed subdivision and is separated by the Federal Water Fowl Production Area. (See Figure 1). RLK Hydo prepared a Hydrogeological Analysis for the proposed subdivision. The Analysis studied both the shallow and deep water aquifers. The analysis used a number of test wells on the site to determine the existing quality, quantity, and direction of flow of the groundwater. The shallow aquifer flows in a north and easterly direction (See Figure 5 of the Hydrogeological Analysis). The Analysis also determines that there is no connection between ground water fluctuations and the elevation of Flathead Lake. For example when the groundwater is dropping in late spring and early summer, the Lake level is being elevated to full pool for hydroelectric generation and recreation.

Figure 1: Distance between North Shore Ranch and Flathead Lake



- iii. Describe any existing or proposed stream bank or shoreline alterations or any proposed construction or modification of lake beds or stream channels. Provide information on location, extent, and purpose of alteration. If any construction or changes is are proposed which require a 310 Permit from the Flathead County Conservation District the subdivider shall acknowledge that the permit is required and will be obtained prior to final plat.

There are no streams or rivers located within the North Shore Ranch Property. Therefore, there will be no alterations to streams or rivers.

- iv. If wetlands are present, the subdivider shall provide a wetlands investigation completed by a qualified consultant, using the most current U.S. Army Corps of Engineers' Wetlands Delineation Manual. If the investigation indicates the presence of jurisdictional wetlands, a wetland delineation shall be shown on the preliminary and final plats. If any construction or changes are proposed which require a 404 Permit, the subdivider shall acknowledge that the permit is required and will be obtained.

There is one jurisdictional wetland area identified in the Wetland Delineation prepared by Oasis Environmental. The wetland is 11.66 acres in size and is located in the southeast corner of the project and is hatched on the preliminary plat. The 11.66 acre wetland is part of the open space and is included in a 70 acre area intended for preservation through a conservation easement. As there will not be any alteration of the wetland and it will be completely protected, a 404 permit will not be required. Hydrologists investigated three other areas that had a potential for wetland classification but after analysis using the Army Corps of Engineers Wetlands Determination Manual only the area in the southeast portion of the property was determined jurisdictional wetland. Please refer to the North Shore Flathead Lake Wetland Delineation, prepared by Oasis Environmental which is attached as Appendices to this EA and is a part of the EA.

b. Ground Water:

- i. Establish the seasonal minimum and maximum depth to water table, dates on which these depths were determined, and the location and depth of all known aquifers which may be affected by the proposed subdivision. The high water table shall be determined from tests taken during the period of the highest groundwater elevations, typically spring and early summer. Any area of high groundwater within eight feet of the surface shall be located on the preliminary plat.

Please refer to the attached Hydrogeological Analysis prepared by RLK Hydro for groundwater depths.

- ii. Describe any steps necessary to avoid the degradation of ground water and ground water recharge areas.

To avoid any contamination of groundwater as a result of the proposed North Shore Development, a stormwater management plan has been prepared by RLK Hydro and is included as part of the EA.

c. Geology/Soils:

- i. Locate on the preliminary plat any known geologic hazards affecting the subdivision which could result in property damage or personal injury due to rock falls or slides, mud, snow; surface subsidence (e.g., settling or sinking); and seismic activity.

The subdivision is gently rolling with suitable building sites that meet the County Subdivision Regulations. There are no rock out croppings located on the property and there are no slopes in excess of 10% grade. There are no hazards associated with slides or slumps. (Site visits by Eric Mulcahy

AICP and topographic survey information prepared by Sands Surveying)  
The property is not mapped on any Fault Lines (Flathead county GIS  
Geologic Fault Map)

- ii. Explain what measures will be taken to prevent or materially lessen the danger of future property damage or personal injury due to any of the hazards referred to above.

As there are no known geological hazards associated with the proposed North Shore Ranch development, no mitigation measures are proposed.

- iii. Explain any unusual soil, topographic or geologic conditions on the property which limit the capability for building or excavation using ordinary and reasonable construction techniques. The explanation should address conditions such as shallow bedrock, high water table, unstable or expansive soil conditions, and slope. On the preliminary plat identify any slopes in excess of 25 percent.

The soils are not unusual for the Lower Valley area. According to the NRCS Web Soils Survey the soils where development will occur are not limiting or may be somewhat limiting for construction however, conventional construction techniques should be adequate. In areas where the seasonal high groundwater is within 2.5 ft. of the natural ground surface, buildings will be constructed using a reinforced slab on grade supported by helical screw piles. There will be no footings and foundation walls, and therefore no crawl spaces, at these building sites. The shallow groundwater areas are identified within the Hydrogeological Analysis prepared by RLK Hydro.

- iv. Identify any soils constraints, including expansive soils, hydric soils, or any soils which limit sanitary facilities. Explain special design considerations and methods needed to overcome the soil limitations.

There are no on-site sanitary facilities such as septic systems and drainfields proposed with this development. Wastewater from the proposed development will be piped via wastewater mains to the Lakeside Wastewater Treatment Facilities north west of the development (See Part 3.b.) Figure 3 and 4 of the Wetland Delineation, prepared by Oasis Environmental, and identified areas of wetland and/or hydric soils. As depicted and explained further in the text of the Delineation, these areas with the exception of the manmade stock pond with be retained in open space and should pose no threat to future residents of the proposed subdivision.

- v. Describe the location and amount of any cut or fill three or more feet in depth. These cuts and fills should be indicated on a plat overlay or sketch

map. Where cuts or fills are necessary, describe any plans to prevent erosion and to promote re-vegetation such as replacement of topsoil and grading.

Fill depths of approximately 3 to 4 ft. will be required for road construction across the "wet area" in the west end of North Shore Ranch, generally between the southeast corner of Lot A39 and the southwest corner of Lot B11. Fill slopes will be graded no steeper than 3 to 1 and will be covered with 4" of topsoil and hydroseeded. The hydroseeded slopes will be covered with erosion control matting (BonTerra CS2 or equal). These cut and fill areas would be difficult to show with any precision at this point as the roads have not gone through detailed design and engineering which typically occur once preliminary plat has been granted.

d. Vegetation:

- i. On a sketch map indicate the distribution of the major vegetation types such as marsh, grassland, shrub, coniferous forest, deciduous forest, mixed forest, including critical plant communities such as stream bank or shore line vegetation; vegetation on steep, unstable slopes; vegetation on soils highly susceptible to wind or water erosion.

The deciduous trees are identified on the Preliminary Plat Map. The trees are located primarily around the existing residences. Much of the remaining acreage is under intensive agricultural production and has been for generations now and is devoid of trees. The dominant vegetation is agricultural crops (Spring wheat and fallow grass this past spring) and a mix of native and pasture grasses and shrubs along the southern boundary of the project (Eric Mulcahy, AICP, Sands Surveying, Inc.). The proposed subdivision site is absent of riparian vegetation as there is no water front on the property. There is the 11.66 acre wetland in the southeast corner of the property with wetland plants. (See Aerial Photo).

- ii. Identify and sketch map any locations of noxious weeds and identify the species of weeds and explain measures to control weed invasion.

As the property is actively managed for agricultural purposes the property is under constant weed management. As is standard with all subdivisions, the applicants will enter into a weed management plan for the development to eradicate noxious weeds as they appear during the construction of infrastructure and building sites. Ultimately, the site will be completely revegetation with native grasses in the open space and more manicured landscape around the homes and along the Highway buffer. The revegetation of the site will not only address weeds but also prevent erosion of soils from the site. There are so few weeds and they are

dispersed over the property it is not practical to map the specific areas of weed infestation.

- iii. Describe any protective measures to preserve trees and critical plant communities (e.g., design and location of roads, lots and open spaces).

The only critical plant communities that exist on the property occur in the southeast corner of the development which is identified as a wetland in the Wetland Determination prepared by Oasis Environmental. This entire 11.66 acre wetland will be preserved within a larger 70 acre open space located along the southern boundary of the development. The applicants have prepared a Wildlife and Vegetation Management Plan prepared by Joe C Elliott Ph.D. and John Beaver which states specifically how the open space area around the wetland will be protected and enhanced.

- e. Wildlife:

A Wildlife Report is attached to this EA and was prepared by Joe C. Elliott Ph. D Ecological Consultant and RLK Hydro, Inc. The Wildlife Report and Response letter are considered part of this EA.

- i. Describe species of fish and wildlife which use the area affected by the proposed subdivision.

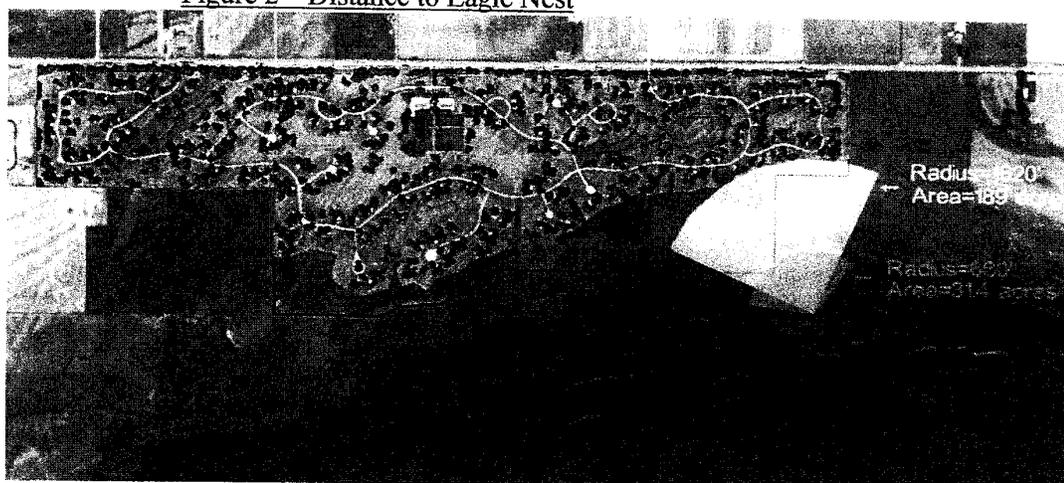
According to the Wildlife Report prepared by Dr. Elliott, wildlife species in the project area are predominately those that occupy riparian/wetland complexes adjacent agricultural and other developed lands in Western Montana. Approximately 34 acres of the project is an uncultivated pasture, meadow and wetlands that have been grazed for the past 60 years. This supports a number of species including whitetail deer, sand hill cranes, pheasant, great blue heron, eagle, osprey, northern harrier, red tail hawk, nesting water fowl, red fox, skunk, mink, raccoon, coyote, small mammals, and a diversity of passerine birds.

The MFW&P GIS data indicate that the major species of fish and wildlife that use the area and may be affected by the proposed subdivision include waterfowl, whitetail deer, pheasants, wild turkeys and possibly moose. MFW&P biologists estimate the whitetail deer density at 5 to 15 per square mile for this area, which is similar to the majority of other areas in the Flathead Valley. The present agricultural land is considered good to excellent habitat for pheasants, is occupied by wild turkeys, and is considered a transitional area for moose traveling between summer and winter ranges. Per a phone conversation with Gael Bissell, MFW&P Wildlife Biologist, on April 3, 2006, the agricultural land that the proposed subdivision will develop is a resting and staging area for migratory waterfowl and is potential habitat for snowy owls. She also

stated concern for pet control in the proposed subdivision to keep pets from impacting the habitat and wildlife in the neighboring Flathead Waterfowl Protection Area.

The Bald Eagle may hunt or forage on the site and there is an Eagle nest located on the WPA property 660 feet southeast of the North Shore Ranch property boundary. The eagle nest is 1,620 feet from the nearest lot boundary (See Figure 2). The Bald Eagle is listed as threatened under the Endangered Species Act. There are two species listed Montana Species of Concern, the Long Billed Curlew and the Bobolink. These species do not have protected status on private property however the proposed subdivision is designed to protect their habitat which is the wet meadow area in the southeast corner of the project.

Figure 2 – Distance to Eagle Nest



- ii. Identify on the preliminary plat any known critical or "key" wildlife areas, such as big game winter range, waterfowl nesting areas, habitat for rare or endangered species, or wetlands.

Searches conducted by Dr. Elliott of the MFW&P website did not identify any critically important seasonal habitats or migration corridors for big game animals such as mule deer, whitetail deer, elk, or moose. As the majority of the property is under intense agricultural production with disking, cultivation, spraying, and harvesting, the property has not been a productive nesting area for bird species. The Wildlife Report addresses the southern boundary of the property particularly the wetland as an area that may be used for waterfowl nesting and habitat for species of concern. See the Wild Life report for specific comments on endangered species and species of concern.

There is one jurisdictional wetland and two non-jurisdictional wet areas indicated by the Wetland Delineation prepared by Oasis Environmental dated September 6, 2007 within the project. One of the non-jurisdictional wet areas is an excavated, manmade "dugout" used to water livestock of approximately 0.017 acres. The other non-jurisdictional wetland is 1.36 acres located in a depression on the west side of the development. The depression is part of a larger propped open space area which will be preserved in a natural state. The jurisdictional wetland is described as palustrine, emergent, seasonally flooded area of 11.66 acres. Refer to Figure 3 of the Wetlands Delineation for a map of the wetlands in relation to the proposed subdivision layout

The 11.66 acre wetland is located on the southeast corner of the development and designated on the preliminary plat with a brown sprout hatching.

- iii. Describe any proposed measures to protect or enhance wildlife habitat or to minimize degradation (e.g., keeping building and roads back from shorelines; setting aside marshland as undeveloped open space).

Out of the 367 total acres of proposed development, 179.24 acres (48.7% of the property) will be open area including the 11.66 acre wetland and will be managed as a refuge area. This will help protect wildlife habitat and increase natural habitat. The open area will include parks, ponds, and trails. This will provide habitat for species to rest and forage in, as well as travel through. Aquatic vegetation will be established in and around the ponds to provide a source of food and cover for waterfowl, as well as other species. The open areas throughout the property and along the trails will be planted with a selection of trees, shrubs, forbs, and grasses that will satisfy the needs of wildlife for food and cover.

Covenants that will be implemented with the development include:

- Prohibiting access of the North Shore Ranch residents to the WPA through the subdivision.
- Access to the WPA would be limited to designated and established entrances.
- No fireworks allowed.
- Providing designated paths within the open space and prohibiting leaving said paths.
- Including "Living with Wildlife" Standards

All of the proposed development will occur on lands cultivated for agriculture that receive regular applications of herbicides, fertilizers and pesticides. The use of herbicides, fertilizers and pesticides will greatly decrease as a result of the proposed subdivision. Where currently runoff

from the existing agricultural field run in a southward direction to the WPA and Flathead Lake, drainage within the proposed subdivision will utilize Low Impact Design (LID) methods of filtering and controlling run-off through the use of Bio-swales and detention ponds. See the Stormwater Management Plan prepared by RLK Hydro.

- iv. It is recommended that the subdivider discuss the impact of the proposed development on fish and wildlife with the Department of Fish, Wildlife and Parks (FWP) and incorporate any recommendations from the agency to mitigate wildlife impacts.

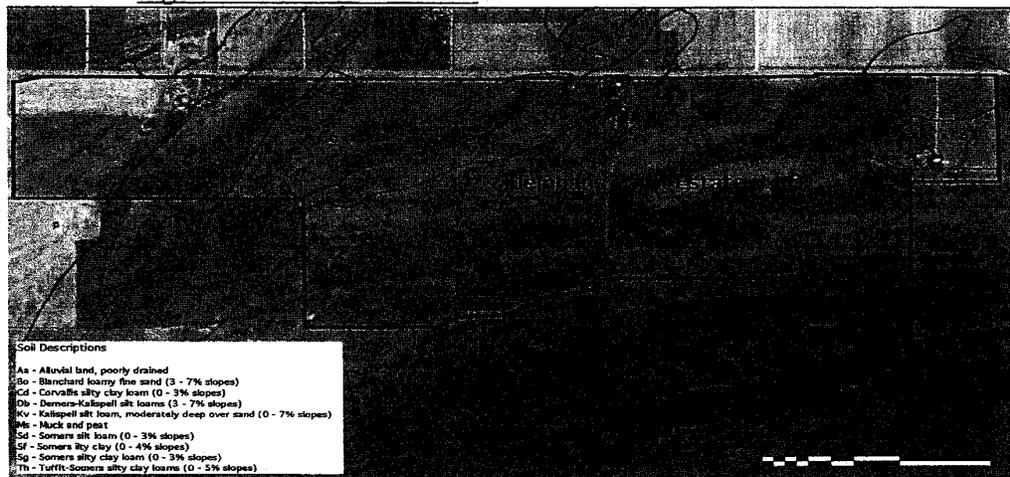
Both developer and the Ecological Consultant Joe Elliott Ph. D have consulted with the Montana Department of Fish Wildlife and Parks and the Department of US Fish and Wildlife regarding the proposed subdivision. Their suggestions have been incorporated into the proposed Covenants and the subdivision design.

f. Agriculture and Timber Production:

- i. On a sketch map locate the acreage, type and agricultural classifications of soils.

Of the 367 acres of property within the North Shore Ranch development approximately 300 acres are in agricultural production/rotation. This past year the site was planted in spring wheat, summer fallow, and grass land. According to the upper Flathead Valley Areas Soils Survey, 1960, the soils types are Somers Silty, Clay Loam with a Class IIw-1 capability, Somers Silty Clay with a Class IIe-1, and Blanchard Loamy Fine Sand with a Class IVes-1 capability. (See Figure 3)

Figure 3: Soils Classifications



- ii. Identify and explain the history of any agricultural production of the by crop type and yield.

According to the Soils Survey, the Somers soils can produce between 15 and 32 bushels of winter wheat per acre and the Blanchard soils can produce between 20 and 32 bushels of Barley depending on management practices. This past year (2006) the property had 165 acres in spring wheat, 135 acres in summer fallow, and the remainder in grass. The spring wheat came in at 15 bushels/acre at \$4.00 per bushel for \$60.00 per acre gross profit. There was \$93.00 per acre spent on fertilizers, chemicals, and seed. There was \$50.00 per acre spent in labor and equipment for the tillage and combining. The net income was actually a loss of \$83.00 per acre.

- iii. Describe the historical and current agricultural uses which occur adjacent to the proposed subdivision and explain any measures which will be taken to avoid or limit development conflicts with adjacent agricultural uses.

Adjacent agricultural uses include wheat, barley and hay fields north of Highway 82 and to the east of the proposed development. The proposed subdivision is designed with a buffer around the outside of the development that varies in width from 50-feet on the east side and 200-feet or greater along the highway. As with most subdivision on the urban/rural fringe there will be some impact to agricultural practices adjacent to the development. To help off-set potential impacts the applicant proposed a condition on the face of the plat that states the future residents are moving into an area where agricultural practices are prevalent and should expect the associated noise and dust.

- v. If timbered, identify and describe any timber management recommendations which may have been suggested or implemented by the U.S. Forest Service in the area of this proposal.

The proposed subdivision property is not timbered as it has been in agricultural production for years. (Eric H. Mulcahy, AICP, Sands Surveying Inc.)

- g. Historical Features:

- i. Describe and locate on a plat overlay or sketch map any known or possible historic, paleontological, archeological or cultural sites, structures, or objects which may be affected by the proposed subdivision.

The State Historic Preservation Office (SHPO) was contacted regarding any cultural or historic features within the North Shore Ranch development. SHPO responded (Project # 2007040902) stating that a

search of their records did not show any Historic, Archaeological or Cultural sites located on the property.

- ii. Describe any plans to protect such sites or properties.

There is an old farm house and a grainery located on the site and indicated on the site plan (Located northeast of Lot F4). Up until recently, the house was occupied by Mr. Keller through a life estate on the property. The intent is to convert the farm buildings into a park area preserving the structures into the future. The old grainery was constructed in the early 1920's by Francis Keller's father. The grainery is all original except that the conveyor motor was converted to electric in more recent times.

- iii. Describe the impact of the proposed subdivision on any historic features, and the need for inventory, study and/or preservation and consultation with the State Historic Preservation Office (SHPO).

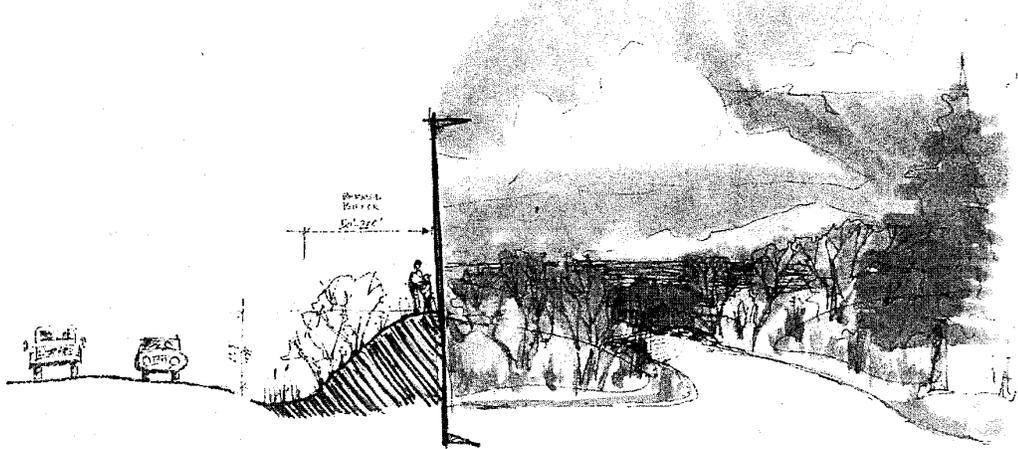
Other than what is described previously, there are no other historic structures on the property. With the proposed protection of the farm buildings on the Keller property, there should be no impact by the subdivision on historic features.

- h. Visual Impact:

- i. Describe any efforts to visually blend development activities with the existing environment (e.g., provisions for appropriate building materials, colors, road design, and underground utilities and re-vegetation or earthworks).

The North Shore Ranch is developed as a "cluster" or "conservation" subdivision. Each lot within the development backs up and touches open space. Of the 367.47 acres on the property 179.244 acres is in park or open space. The subdivision incorporates a landscape buffer (Figure 4) along the Highway 82 that varies in width from 50-feet to 200-feet with a pedestrian path running the length of the development. The roads within the within the subdivision will be paved with Low Impact Design Bio Swales providing drainage. There are public pedestrian trails throughout the development that link the homesites to the open space, recreation facilities and clubhouse.

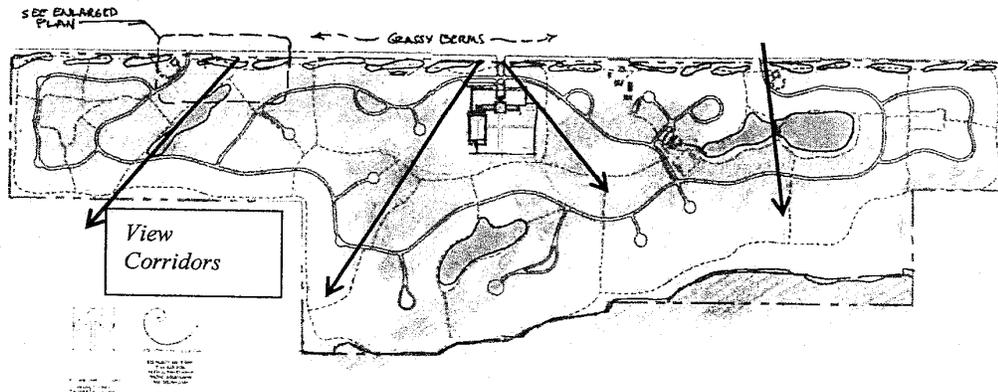
Figure 4: Highway Berming Detail



- ii. Describe and locate on a sketch map areas of important view sheds (e.g. slopes greater than 25 percent) and methods to preserve the aesthetic values of these areas.

The view shed is primarily through the property to Flathead Lake (Figure 5). The berming and landscaping along Highway 82 is designed to provide some view corridors through the development and landscaping to lake.

Figure 5: View Corridors



i. Air Quality:

- i. Describe any anticipated impact to air quality caused from dust or other air pollutants and any means to mitigate the impact to air quality.

There may be some short term dust issues during construction of the infrastructure and residences. For the infrastructure, the applicants will water the disturbed areas on a regular basis during the dry times. Tracking pads will be installed at the entrance to the development during construction to manage fugitive dirt being tracked on to the paved road surfaces. All roads within the subdivision will be paved to County Standards and Highway 82 which provides the primary access to the development is a State maintained paved highway.

j. Area Hazards

- i. Describe and locate on a plat overlay or sketch map any hazardous concerns or circumstances associated with the proposed subdivision site, including, but not limited to:

The property is mapped in Flood Zone C (Areas of minimal flooding), B (Areas between 100 and 500 year flood) and Zone A (Areas of 100-year flood). The property is located on FIRM Panels 2280E and 2285D. (See attached FIRM Panels). Only the Zone A areas are in the Special Flood Hazard Area and subject to the restrictions of the Flathead County Floodway and Floodplain Regulations. A 100-year flood elevation of 2,892.9 (2,893.9' - 1.0' for Somers Datum) was used to delineate the floodplain as specified in the Flood Insurance Study, Flathead County, Montana, revised 10/16/96. All of the proposed lots are located outside of the 100-year floodplain. The 100-year floodplain is delineated on the preliminary plat. There are no other known hazards associated with the project.

- A. Any part of the proposed subdivision that is located within a "High or Extreme Fire Hazard Area".

The subject property is currently a series of fairly flat agricultural fields. The property is located within the Somers Volunteer Fire District and the developer proposes to install a public water system with fire hydrants throughout. The property is not mapped on the Flathead county GIS site as an extreme or high fire hazard area.

- B. Any potential hazardous materials contained on site. In some cases a "Environmental Site Assessment" may be required.

There are no hazardous materials other than those typically found in active agricultural production such as fertilizers, herbicides, pesticides, and machinery fuel (Eric Mulcahy, AICP, Sands Surveying, Inc.)

## Section 2 - Impact Criteria Report

### a. Impacts on Agriculture:

- i. Proposed subdivisions that are contiguous to urbanized areas are presumed to have a minimal impact on agriculture.

North Shore Ranch is contiguous to Mackinaw Estates a 55 lot subdivision on approximately 30 acres developed to urban standards with public sewer and water. North Shore Ranch is also in close proximity to the Community of Somers.

- ii. Proposed subdivisions located on prime farmland are presumed to have an impact on agriculture. Describe the impact(s) and measures to mitigate the impact(s) or a statement of why no impact is anticipated and provide documentation to support the statement.

If Class I through IV soils are considered prime agricultural soils than the subdivision is located on prime farmland (Upper Flathead Valley Areas Soils Survey, 1960). The subdivision however has an urban neighbor to the west. The southern and western neighbors are the Water Fowl Production areas which are not managed for agricultural purposes and the northern neighbor is Highway 82. There are contiguous farm lands to the southwest. The North Shore Ranch project has open space buffers along all of the perimeter boundaries which will be managed and maintained by the North Shore Ranch Home Owners Association. These buffers will provide areas to actively manage noxious weed to prevent spreading into neighboring properties. The buffer will also allow the neighboring property owners to spray weed on their property without worrying about overspray impacting ornamental landscaping within the yards of North Shore Ranch property owners.

As with most subdivisions on the urban/rural fringe there will be some impact to agricultural practices adjacent to the development. To help offset potential impacts the applicant proposed a condition on the face of the plat that states the future residents are moving into an area where agricultural practices are prevalent and should expect the associated noise and dust.

b. Impact on Agricultural Water User Facilities:

- i. Proposed subdivisions located on land with agricultural water user facilities or adjoining an agricultural water use facility are presumed to have an impact on agricultural water user facilities. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

The North Shore Ranch is not part of an Irrigation District, Irrigation Ditch or Canal District or any other shared Irrigation Water User District (DNRC Water Resources Division). The applicant does have individual surface water rights and a diversion point to Flathead Lake. The Developer will retain these rights and transfer them to the subdivision for irrigation of the open space and recreation areas. The Water Rights are attached in the appendices of the Hydrogeological Analysis which is part of this EA.

- ii. Proposed subdivisions that involves the abandonment or transfer of water rights from the property being subdivided, or that involving the abandonment or removal of agricultural water user facilities are presumed to have an impact on agricultural water user facilities. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

The developer will not abandon or transfer the existing water rights off site. There are no shared water user facilities within the project site and the property is not part of an irrigation district.

- iii. Proposed subdivisions that will alter access or maintenance of agricultural water user facilities are presumed to have an impact on agricultural water user facilities. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

As stated in Section b.i., there is not a agricultural users facility/district on the North Shore Ranch property. Therefore, the proposed subdivision will not alter access to a water user facility.

- iv. Proposed subdivisions that will alter the movement or availability of water are presumed to have an impact on agricultural water user facilities. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

The proposed subdivision will not alter movement or availability of water. See Hydrogeological Analysis prepared by RLK Hydro for pump tests the analysis of both the shallow and deep aquifers.

c. Impact on Local Services:

- i. Proposed subdivisions that will use existing public utilities are presumed to have a minimal impact on local services.

The subdivision will utilize public services such as schools, fire services, sheriffs protection, and sewer service

- ii. Proposed subdivisions that require the extension of public facilities are presumed to have an impact on local services. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

Sewer service will be extended to the development and a water system will be developed on site and transferred to the Lakeside Water and Sewer District for maintenance and operation. See Part 3 of this EA for discussion of impacts and mitigations.

d. Impact on Natural Environment:

- i. Proposed subdivisions that will use existing utilities are presumed to have a minimal impact on the natural environment except as otherwise provided in subsection (v) below. If an impact exists pursuant to subsection (v) describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

The proposed subdivision will utilize existing utilities. All utilities extended into the site will be underground to eliminate the visual impact of power and telephone poles/lines. The utility providers have indicated in writing that they have the ability and capacity to serve the project.

- ii. Proposed subdivisions in locations with riparian areas, rivers, streams, lakes, or other natural surface waters are presumed to have an impact on the natural environment. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

As stated in this section there is the presumption that there is an impact to the wetland located in the southwest corner of the property. The wetland in fact has been grazed by livestock for decades. The developer of the North Shore Ranch has removed livestock from the wetland area which

has benefited the wetland plant community. The open space buffers which vary from a low of 250-feet to 750-feet from the edge of the nearest lot to the closest edge of the wetland will also enhance and protect the wetland. (Eric Mulcahy, AICP, Sands Surveying)

There is one jurisdictional wetlands area identified in the Wetland Delineation prepared by Oasis Environmental. The wetland is 11.66 acres in size and is located in the southeast corner of the project and is hatched on the preliminary plat. The 11.66 acre wetland is part of the open space and is included in a 70 acre area intended for preservation through a conservation easement. As the wetland will not be disturbed as it has in the past by livestock grazing, the proposed subdivision will actually enhance the wetland area. Please refer to the North Shore Wetland Delineation, prepared by Oasis Environmental which is attached as Appendices to this EA and is a part of the EA. Also see the wildlife and Vegetation Management Plan.

Flathead Lake is located one quarter mile south of the proposed subdivision and is separated by the Federal Water Fowl Production Area. (See Figure 1 of this EA). RLK Hydo prepared a Hydrogeological Analysis for the proposed subdivision. The Analysis studied both the shallow and deep water aquifers. The analysis used a number of test wells on the site to determine the existing quality, quantity, and direction of flow of the groundwater. The shallow aquifer flows in a north and easterly direction (See Figure 5 of the Hydrogeological Analysis). The Analysis also determines that there is no connection between ground water fluctuations and the elevation of Flathead Lake. For example when the groundwater is dropping in late spring and early summer, the Lake level is being elevated to full pool for hydroelectric generation and recreation.

- iii. Proposed subdivision on land with a high water table eight feet or less from the surface), wetlands, or groundwater recharge areas are presumed to have an impact on the natural environment. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

There are areas of high groundwater within the subdivision. Please refer to the attached Hydrogeological Analysis prepared by RLK Hydo for groundwater depths. As stated in the new Flathead County Growth Policy in areas of ground water less than eight feet to the surface, proposed subdivisions should connect to Public Waste Water Treatment facilities which North Shore Ranch proposes.

All of the roadways will be crowned along the centerline to drain water off the roads and into roadside drainage swales or directly onto adjacent lots. Because the area is relatively flat, road elevations generally will be raised

so they are 12" to 18" higher than the adjacent land, allowing water to drain from the roads and to vegetated roadside shallow swales or vegetated lawns where the water can be lost to surface infiltration and evapotranspiration. Road grades, as well as adjacent swales and lawn areas, will also be relatively flat so water draining from the roads will do so in a diffuse manner precluding the concentration of runoff water at any given location. At several locations, swales will be constructed to channel runoff water along property lines or where gaps exist between lots, and convey that water to common areas and/or ponds constructed on site.

A primary focus of the drainage plan will be to spread smaller quantities of runoff water out over large areas with multiple points of discharge. This method of stormwater management commonly referred to as Low Impact Development (LID) Best Management Practices (BMP's), will be incorporated throughout the site to allow the treatment and disposal of runoff water at or near the source. The conventional design of collecting and conveying large quantities of water to single points of discharge greatly inhibits proper treatment and only complicates the proper disposal of runoff water.

Stormwater runoff will generally be drained from the lots following existing and finished surface slopes; however, some grading or channeling may be necessary to divert water around structures or along property boundaries. Because much of the area is flat, drainage on many lots will be provided by constructing houses with finished floor elevations that are 2 ft. to 2.5 ft. higher than the natural ground surface and filling around the building envelope to provide for drainage away from the structure. This grading activity will create drainage swales along the property lines of adjoining lots allowing runoff water to drain to the road or to common areas in back of the lots. Several drainage swales will be constructed along lot lines, during the construction of infrastructure improvements, to convey water to common areas or ponds.

Prior to construction of roads and utility improvements, silt fencing will be installed along off-road drainages, along wetland area and along any other area where the possible discharge of runoff water could adversely affect water quality or adjacent properties. Silt fencing or straw bale barriers will be installed at the inlet ends of new and existing culverts, and rock riprap will be installed at the outlet ends of these culverts. After completing construction of roads and utilities, all disturbed areas, outside of roadways, will be graded, covered with topsoil, and hydroseeded. In areas where cuts or fills create slopes greater than 15%, such areas will be hydroseeded and then covered with erosion control matting. All erosion and sediment control devices will comply with the MDEQ Sediment and Erosion Control Manual and all temporary sediment and erosion control

devices will remain in place until vegetation is established and is capable of mitigating erosion.

- iv. Proposed subdivisions in locations with evidence of soils with building or site development limitations as defined by the soil survey, or are proposed on slopes greater than 25 percent are presumed to have an impact on the natural environment. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

There are no slopes within the subdivision that exceed 25%. See the topographic survey information provide on the preliminary plat. According to the NRCS Web Soils Survey the soils where development will occur are not limiting or may be somewhat limiting for construction however, conventional construction techniques should be adequate.

- v. Proposed subdivisions on land with historical, cultural, archeological, or paleontological features are presumed to have an impact on the natural environment. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

See discussion in Section 1 (g) for discussion of Historic features, mitigation, and response from the State Historic Preservation Office.

e. Impacts on Wildlife and Habitat:

- i. Proposed subdivisions that are contiguous to urbanized areas are presumed to have a minimal impact on wildlife and wildlife habitat.

North Shore Ranch is contiguous to Mackinaw Estates a 55 lot subdivision on approximately 30 acres developed to urban standards with public sewer and water. However, North Shore Ranch is also contiguous to the North Shore Water Fowl Production Area. Therefore, a reconnaissance survey of the project area was conducted by Dr. Elliott on June 20, 2006 and records were obtained from the Montana Natural Heritage Program for special status species. The full Wildlife Report is attached to this EA as part of the analysis. In addition, the Montana Fish, Wildlife and Parks (MFW&P) Geographic Information System (GIS) system and the U.S. Fish and Wildlife Service National Wetlands Inventory were searched to compile data to describe the potential impacts for the proposed subdivision.

As stated throughout this EA, wildlife habitat is a major consideration in the design of this subdivision. The wetlands on site are protected from development with the open space designation. Extensive setback have

been granted to the on-site wetland and the adjacent WPA wetland areas. Covenants have been proposed through coordination with FW&P to limit any potential impact on wildlife from domesticated pets, trespass on WPA lands and through management of the proposed open space.

- ii. Proposed subdivisions in locations with riparian areas, wetlands, rivers, streams, lakes, or other natural surface waters are presumed to have an impact on wildlife and wildlife habitat. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

There is one jurisdictional wetland area identified in the Wetland Delineation prepared by Oasis Environmental and attached to the EA as part of the record. The wetland is described as palustrine, emergent, seasonally flooded, and diked/impounded. Refer to Figure 3 of the Wetland Delineation and the preliminary plat for maps of the wetlands in relation to the proposed subdivision layout. The wetland is located in the southeast corner of the site consisting of 11.66 acres which is included in a larger 70 acre open space area proposed with the North Shore Ranch development. It is worth noting that the southeast wetland had been used continuously by the previous landowner for grazing. It was only within the last year and a half under the current landowner direction that grazing of stock in the wetland area was eliminated. Therefore the wetland will be protected through the open space designation and through some sort of conservation easement/deed restriction and livestock will be prevented from grazing in this areas as they have previously done for the past 60 years.

- iii. Proposed subdivisions in an area with rare or endangered species, as identified by state or federal agencies, are presumed to have an impact on wildlife. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

According to the Wildlife Report prepared by Dr. Elliott, wildlife species in the project area are predominately those that occupy riparian/wetland complexes adjacent agricultural and other developed lands in Western Montana. Approximately 34 acres of the project is an uncultivated pasture, meadow and wetlands that have been grazed for the past 60 years. This area supports a number of species including whitetail deer, sand hill cranes, pheasant, great blue heron, eagle, osprey, northern harrier, red tail hawk, nesting water fowl, red fox, skunk, mink, raccoon, coyote, small mammals, and a diversity of passerine birds. See Section 1e for more information on protecting critical wildlife and wildlife habitat. See the Wildlife and Vegetation Management Plan for specifics on enhancing the wetland area.

The MFW&P GIS data indicate that the major species of fish and wildlife that use the area and may be affected by the proposed subdivision include waterfowl, whitetail deer, pheasants, wild turkeys and possibly moose. MFW&P biologists estimate the whitetail deer density at 5 to 15 per square mile for this area, which is similar to the majority of other areas in the Flathead Valley. The present agricultural land is considered good to excellent habitat for pheasants, is occupied by wild turkeys, and is considered a transitional area for moose traveling between summer and winter ranges. Per a phone conversation with Gael Bissell, MFW&P Wildlife Biologist, on April 3, 2006, the agricultural land that the proposed subdivision will be developed on is a resting and staging area for migratory waterfowl and is potential habitat for snowy owls. She also stated concern for pet control in the proposed subdivision to keep pets from impacting the habitat and wildlife in the neighboring Flathead Waterfowl Protection Area.

The Bald Eagle may hunt or forage on the site and there is an Eagle nest located on the WPA property 660 feet southeast of the North Shore Ranch property boundary. The eagle nest is 1,620 feet from the nearest lot boundary (See Figure 2). The Bald Eagle is listed as threatened under the Endangered Species Act. There are two species listed Montana Species of Concern, the Long Billed Curlew and the Bobolink. These species do not have protected status on private property however the proposed subdivision is designed to protect their habitat which is the wet meadow area in the southeast portion of the development (Sources Joe C. Elliott Ph. D Ecological Consultant and RLK Hydro, Inc. The Wildlife Report is part of this EA)

Including the wetland area, approximately half the subdivision site will be maintained in open space. Much of the open space, areas not used for active recreation and pedestrian/equestrian paths, will be maintained in native grasses and managed as habitat. This abundant open space should help limit impacts to wildlife and habitat. See Wildlife Report for other mitigation measures.

- iv. Proposed subdivisions on and or adjacent to land identified by state or federal agencies as critical habitat are presumed to have an impact on wildlife and wildlife habitat. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

North Shore Ranch abuts the Federally managed Water Fowl Production area on the south and east boundaries. The development has a 70 acre buffer along the southern border with the WPA which provides a setback

of 100-feet at the narrowest point up to 850 feet near the eastern edge of the subdivision as show on the subdivision plat.

Setback/buffers are being proposed by FW&P, Conservation Groups, and local governments as ways to mitigate impacts to wildlife resources such as rivers, lakes, streams, and wetland areas. The North Shore Ranch development is proposing large buffers along the wetland area and the WPA as a way to protect the wildlife resources. It should be pointed out that setbacks along other areas of Flathead Lake are only 20-feet from the highwater mark (Flathead County Lake and Lakeshore Protection Regulations).

f. Impacts on Public Health and Safety

- i. Proposed subdivisions that are contiguous to urbanized areas and utilize available public facilities are presumed to have a minimal impact on public health and safety.

North Shore Ranch is contiguous to Mackinaw Estates a 55 lot subdivision on approximately 30 acres developed to urban standards with public sewer and water. North Shore Ranch is also in close proximity to the Community of Somers. North Shore Ranch will utilize Lakeside Waste Water service and develop a public water system that will be turned over to Lakeside Water and Sewer District.

- ii. Proposed subdivisions located in an area identified as an extreme or high fire hazard area by a fire district are presumed to have an impact on public health and safety. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation supporting the statement.

The subject property is currently a series of fairly flat agricultural fields. The property is located within the Somers Volunteer Fire District and the developer proposes to install a public water system with fire hydrants throughout. The North Shore Ranch property is not mapped as an extreme or high fire hazard area on the Flathead County GIS web site.

- iii. Proposed subdivisions on land with high pressure gas lines or high voltage lines are presumed to have an impact on public health and safety. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

There are no high pressure gas lines or high voltage transmission lines on the North Shore Ranch property. (Researched by and surveyed by Sands Surveying, Inc)

- iv. Proposed subdivisions on land or adjacent to Superfund or hazardous waste sites are presumed to have an impact on public health and safety. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

There are no super fund sites or hazardous waste sites on or adjacent to the North Shore Ranch property. There is a Super Fund Site located in Somers approximately a mile away which was the result of the old tie plant that existed in Somers for years. The Somers Tie Plant did contaminate ground water and was the subject of the resulting Super Fund Site, however the water sampling completed on the North Shore Ranch site as documented in the Hydrogeological Report does not show any of the contamination that was reported in the Somers Townsite area.

- v. Proposed subdivisions on or adjacent to abandoned landfills, gravel pits, mines, wells, waste sites, or sewage treatment plants are presumed to have an impact on public health and safety. Describe the impact(s) and measures to mitigate the impact(s) or a statement why no impact is anticipated and provide documentation to support the statement.

The site has been in agricultural production for decades. There are no abandoned landfills, gravel pits, mines wells, waste sites or sewage treatment plants located on or adjacent to the proposed subdivision. Eric H. Mulcahy, AICP, Sands Surveying, Inc.)

### **Part 3 - Community Impact Report**

a. **Water Supply: (The source for this Section is Tom Cowan, PE, Carver Engineering)**

- i. Describe how water will be provided for household use and fire protection and the number of gallons needed to meet the needs of the anticipated final population.

Water to the proposed lots in North Shore Ranch will be provided by a new public water supply system. Generally, the new public water supply system will consist of the following:

- A minimum of two (2) drilled wells.
- A 300,000-gallon concrete reservoir.
- A booster pump station.
- 8" & 10" water mains.
- 1" water services.

Based on a total of 290 single-family lots, and an average daily domestic demand of 250 gallons per day (gpd) per lot, the total estimated average daily demand for domestic use will be 72,500 gpd. The estimated maximum daily domestic demand will be 145,000 gpd, with a peak hourly demand of 201 gpm.

Assuming each lot has an average of 10,000 sq. ft of lawn or landscape area that requires irrigation, at an application rate of 1.0" per week, approximately 258,270 gpd would be needed to meet irrigation demands. Water to irrigate the Open Spaces (Common Areas) will come from the ponds and not from the domestic water supply system.

The proposed water supply system will be designed to provide water for domestic, lot irrigation and fire protection purposes. Water to irrigate the open spaces or common areas will come from the ponds. With a minimum of two (2) drilled wells and 300,000 gallons of storage, the water system will provide a dependable supply of water to North Shore Ranch.

- ii. Indicate whether the plans for water supply meet state standards for quality, quantity and construction criteria.

The water does meet the state standards for quality and quantity. Please refer to the North Shore Ranch Hydrogeological Analysis for specifics on quantity and quality of water.

- iii. If the subdivider proposes to connect to an existing water system:

An existing public water supply system is not being proposed. Connection to, and extension of, the existing Somers Water System was seriously considered and even desired; however, it was decided to construct a new public water supply system for the following reasons:

- With only 100,000 gallons of storage, the existing Somers water system does not have sufficient capacity to meet the minimum allowable storage requirements of Circular DEQ 1, with the additional water use demands projected from North Shore Ranch, nor does it have sufficient capacity to provide fire flows to North Shore Ranch, in accordance with the requirements of the Uniform Fire Code (UFC) or the International Fire Code (IFC).

Circular DEQ 1, Section 7.0.1. b. states, "The minimum allowable storage must be equal to the average daily demand for a 24-hour period plus fire flow demand where fire protection is provided. ..." With approximately 250 current and "approved to connect" users on

the Somers water system, plus 290 single-family lots proposed in North Shore Ranch, the average daily domestic demand would be 135,000 gpd, based an average daily demand of 250 gpd/dwelling unit. The fire flow requirements for single-family houses less that 3,600 ft<sup>2</sup> in size is 1,000 gpm for a period of 2 hours. Therefore, the minimum allowable storage capacity would be 255,000 gallons (135,000 gal. + 120,000 gal.).

- The agreement with the Lakeside Water & Sewer District, for sewer service to North Shore Ranch, requires that the water system serving North Shore Ranch be either owned and operated by the Lakeside Sewer & Water District or by the North Shore Homeowner's Assoc. The District will not provide sewer service if the water system is owned and operated by a third party, which in this case would be the Somers Water & Sewer District.

A. Identify and describe that system.

N/A

B. Provide written evidence that permission to connect to that system has been obtained.

N/A

C. State the approximate distance to the nearest main or connection point.

N/A

D. State the cost of extending or improving the existing water to service the proposed development.

N/A

E. Show that the existing water system is adequate to serve the proposed subdivision.

N/A

iv. If a public water system is to be installed, discuss:

A. Who is to install that system and when it will be completed?

The owners/developers will be responsible for installing the water system. After system construction and testing the water system

will be owned, operated and maintained by the Lakeside Water & Sewer District. Construction of the first phase of water system improvements will be completed by November, 2008.

- B. Who will administer and maintain the system at the beginning of subdivision development and when subdivision is completed.

After system construction and testing the water system will be owned, operated and maintained by the Lakeside Water & Sewer District.

- C. Provision of evidence that the water supply is adequate in, quality, and dependability (75-6-102 MCA).

The water does meet the state standards for quality and quantity. Please refer to the North Shore Ranch Hydrogeological Analysis for specifics on quantity and quality of water.

- v. If individual water systems are to be provided, describe the adequacy of supply of the ground water for individual wells or cisterns and how this was determined.

Individual water systems are not proposed.

- b. Sewage Disposal: **(The source for this Section is Tom Cowan, PE, Carver Engineering)**

- i. Describe the proposed method of sewage disposal.

The owners/developers of North Shore Ranch have an agreement with the Lakeside Water & Sewer District that allows up to 390 connections to their system. The locations of all basic components of the proposed sewage collection system are shown on a copy of the Preliminary Plat. Generally, the new sewage collection will consist of the following:

- 8" PVC sewer mains, 4'Ø concrete manholes, and gravity sewer services will serve Lots A1 – A48, Lots B1 – B31, Lots D1 – D10 & Lots D36 – D38. A total of 92 lots.
- A network of 2", 3", 4" & 6" HDPE force mains that serve the remaining lots where each lot will have an individual Environment One grinder pumping system. A total of 198 lots.
- Two (2) duplex sewage lift stations.

- An 8" HDPE force main that conveys all wastewater from North Shore Ranch to the Lakeside Wastewater Treatment Facility.

- ii. Indicate the number of gallons of effluent per day which will be generated by the proposed subdivision at its full occupancy, whether the proposed method of sewage disposal is sufficient to meet the anticipated final needs of the subdivision and whether it meets state standards.

Based on a total of 290 single-family lots or dwelling units, and an average daily wastewater flow of 220 gallons per day (gpd) per dwelling unit, the total average daily wastewater flow will be 63,800 gpd. Using a peaking factor of 3.84, the peak hourly flow will be 170 gpm. The developer has an agreement with Lakeside County Water and Sewer District for up to 390 homes (See Appendix F for Agreement). According to the agreement, Lakeside County Water and Sewer District has the reserve capacity to serve the needs of the subdivision.

- iii. If the development will be connected to an existing public sewer system, include:

- A. A description of that system and approximate distance from the nearest main or connection point to the proposed subdivision.

The Lakeside Wastewater Treatment Facility is located approximately 1.5 miles from the subject subdivision. The nearest gravity sewer main is located approximately 200 feet from the west end property line in Mackinaw Estates; however, this sewer main is on the Somers Water & Sewer District public sewer system. The Somers Water & Sewer District's system does not have sufficient capacity to serve North Shore Ranch. The nearest Lakeside Water & Sewer District force main is in School Addition Rd. approximately 3/4 mile west of the northwest corner of North Shore Ranch; however, the Lakeside Water & Sewer District has requested that wastewater from North Shore Ranch be pumped directly to their treatment facility to save capacity in their existing force main.

- B. Written evidence that permission to connect to that system has been obtained.

The developer has entered into an agreement with the Lakeside Water and Sewer District for service. See attached agreement.

- iv. If a new public sewage disposal system, as defined under 75-6-102 MCA, is to be installed, discuss:

- A. When the system will be completed, and how it will be financed.

The owners/developers will be responsible for installing the sewage collection system. The construction of the entire infrastructure will be financed by the developer. It is also important to note that the Lakeside Water and Sewer District charges "Plant Investment Fees" for all new connections to their facilities. The Plant Investment Fees are a form of impact fee which are used to fund future expansions and updates of the wastewater facility thereby off-setting the use of capacity paid for by the previous wastewater rate payers.

- B. Who is to administer and maintain the proposed system at the beginning of subdivision development and when development is completed.

After system construction and testing, the sewage collection system, with the exception of the individual grinder pumping systems, will be owned and operated by the Lakeside Water & Sewer District. The individual property owners and the Homeowner's Association will be responsible for the individual grinder pump systems

c. Solid Waste Disposal:

- i. Describe the proposed system of solid waste collection and disposal for the subdivision including:

The subdivision will use a contract hauler for refuse collection and hauling. Allied Waste Services has provided a letter included with this EA stating that they can provide solid waste services. Allied Waste Services will collect solid waste from the individual houses and will dispose of the collected waste at the Flathead County Landfill. The landfill is located along U.S. Highway 93 about 6 miles north of Kalispell, and approximately 15 miles from North Shore Ranch.

- A. Evidence that existing systems for collection and facilities for disposal are available and can handle the anticipated additional.

The Flathead County Growth Policy provides Solid Waste projection in Chapter 7. According to the Growth Policy, the landfill has a capacity for current and future needs of 29 years if the increase in waste stream grows at 8% annually and 57 years if the waste stream grows at 2%. However if the 19% waste stream growth of 2004-2005 becomes the norm than the landfill life would be reduced to 11 years. Expanded recycling programs could be

instituted within the County to increase the life expectancy of the landfill.

- B. A description of the proposed alternative where no existing system is available.

N/A

- C. Whether the proposed method of solid waste disposal meets solid waste standards.

Providing a contract refuse hauler transporting solid waste to the licensed Flathead County Landfill is an acceptable method for meeting the needs of the development.

- d. **Roads: (The sources for this Section of the Report are Tom Cowan, PE of Carver Engineering with supporting information prepared by Bob Abelin, PE of Abelin Traffic Services. The North Shore Ranch TIS is considered a part of this EA)**

- i. Describe any proposed new public or private access roads or substantial improvements of existing public or private access roads.

North Shore Ranch proposes a series of internal subdivision road to provide access to the proposed lots. The roads will be built to County Standards with 22 feet of pavement width and two foot shoulders. The cul-de-sacs meet the standards and no subdivision variances are requested.

The North Shore Ranch development will construct a series of Subdivision Roads to provide access to all of the lots within the project. The Roads will be constructed to County Standards as defined in the County Subdivision Regulations. The applicant is not requesting any variances to the road standards. Access to the subdivision is via three approaches onto Highway 82. The applicant contracted with Abelin Traffic Services who conducted a Traffic Impact Study (TIS) as required by the MDOT. The consultant and developer have worked with the MDOT on the approaches and have designed the three approaches to meet the requirements outline in the MDOT letter dated December 1, 2006. The TIS and MDOT letters are included with this EA.

The Traffic Impact Study has a number of recommendations to address impacts of the proposed subdivision on traffic along Highway 82 which the developer proposes to meet. A significant recommendation is for a contribution to install a traffic signal at Highway 82 and Highway 93 that is proportionate to the North Shore Ranch projected use. The developer of North Shore Ranch is in agreement with this recommendation.

- ii. Discuss whether any of the individual lots or tracts have access directly to arterial or collector roads; and if so, the reason access was not provided by means of a road within the subdivision.

All access to the subdivision lots are from internal subdivision roads, there is no direct access from any subdivision lot to Highway 82.

- iii. Explain any proposed closure or modification of existing roads.

There are no closures of existing roads as a result of the proposed subdivision.

- iv. Describe provisions considered for dust control on roads.

All roads within the subdivision will be paved and the internal subdivision roads will access onto Highway 82 which is paved.

- v. Indicate who will pay the cost of installing and maintaining dedicated and private roadways.

The owners/developers will be responsible for construction of the proposed roads, and following construction and filing of the final plat, the roads will be privately owned and maintained by North Shore Ranch Home Owners Association.

- vi. Discuss how much daily traffic will be generated on existing local and neighborhood roads and main arterial, when the subdivision is fully.

When fully developed, the subdivision could generate approximately 2,967-vehicle trips per day (North Shore Ranch TIS). The attached Traffic Impact Study provides a dispersal pattern for traffic exiting the development. This estimate is high as the study was based on 310 dwelling units rather than the 290 residential units proposed with this application.

- vii. Indicate the capacity of existing and proposed roads to safely handle any increased traffic. Describe any anticipated increased maintenance that will be necessary due to increased traffic and who will pay the cost of maintenance.

See TIS prepared by Abelin Traffic Services along with the proposed recommendations. The Traffic Impact Study has a number of recommendations to address impacts of the proposed subdivision on traffic along Highway 82. A significant recommendation is for a contribution to install a traffic signal at Highway 82 and Highway 93 that

is proportionate to the North Shore Ranch projected use. The developer of North Shore Ranch is in agreement with this recommendation.

- viii. Explain whether year round access by conventional automobile will be available over legal rights of way to the subdivision and to all lots and common facilities within the subdivision.

Access to all lots will be provided by new roads within the proposed subdivision as indicated on the plat. The roads will meet county standard, the HOA will provide year-round maintenance of the road system.

e. Utilities:

- i. Include a description of:

- A. The method of furnishing electric, natural gas or telephone service, where provided.

Flathead Electrical will provide power, Centurytel will provide communications, and Northwestern Energy will provide natural gas.

- B. The extent to which these utilities will be placed underground.

All utilities will be installed underground.

- C. Estimated completion of each utility installation.

Utilities will be installed for the first phase within one to two years from the approval of preliminary plat. Utilities will be extended for to serve each additional phase.

- D. The subdivider shall provide a written statement from the companies that the proposed subdivision can be provided with service.

The Flathead Electric Coop and CenturyTel have indicated through an email response attached to this EA they have the facilities and capacity to serve the proposed subdivision.

f. Emergency Services:

i. Describe the emergency services available to the subdivision such as:

- A. 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?

The proposed subdivision is within the Somers Rural Volunteer Fire District. The Fire Hall is located in the Community of Somers approximately 1.5 miles southwest of the proposed subdivision. According to the Fire Chief, Bob Kienas, the district has three fire trucks for structure fires, one wild lands fire truck, and two tenders.

- B. Police protection.

The proposed subdivision will be served by the Flathead County Sheriff's Office. Appendix A of the Flathead county Growth Policy states that the Sheriff's Office has six divisions with 118 employees of which 48 are "on the ground" law enforcement officers responsible for the unincorporated portions of the County. The Sheriff's Office runs three shifts in a 24 hour period with 4 to 6 officers on duty each shift. One of the officers is deployed to the Somers/Lakeside area for each shift.

- C. Ambulance service/Medical services.

Ambulance service is provided by the Lakeside Quick Response Unit and the Somers Volunteer Fire Department. Alert service is available and provided by Kalispell Regional Hospital.

- D. Give the estimated response time of the above services.

The fire station is relatively close to the proposed subdivision and response times should be within the acceptable range of the Districts CRS rating (Bob Kienas, Fire Chief, Somers VFD). The Sheriff's Office is located in Kalispell and response times will depend on whether or not there is a deputy in the area or if one needs to come down from Kalispell. Ambulance service is located in Lakeside and response times will be similar to those in eth Somers Townsite.

- E. Can the needs of the proposed subdivision for each of the above services are met by present personnel and facilities?

Fire, ambulance, and police can provide service to this subdivision with existing personnel. At some point in time the cumulative impact of new residences will require an increase in personnel and facilities. Hopefully the increased tax revenue from the new residential lots will off-set some of these costs. However if calls to emergency services increases at a rate greater than the growth in populations than the burden to provide additional personnel/equipment is spread over all the tax payers.

g. Schools:

- i. Identify the School Districts and describe the available educational facilities which would service this subdivision.

The North Shore Ranch Subdivision falls within the Somers Lakeside School District #29 for K – 8 Grades. The subdivision, however, is split in half by the Flathead High School and Bigfork High School with the west half going to Kalispell and the east half going to Bigfork. Students within the Bigfork High School District would have the option of transferring to Flathead and paying tuition and students in the Flathead High School District have the option of transferring to Bigfork with no out of district tuition. The Somers School is located approximately 2 miles west of the proposed subdivision. A bus stop will be placed within the subdivision subject to review and approval by the School Districts. Busing for High School students would not be able to cross District lines. Although this is not the most desirable situation to have the development split by two High School District it is a geographical fact and the School Districts most likely will not relinquish potential students to another District.

- ii. Estimate the number of school children that will be generated from the proposed subdivision.

Using County wide average of 0.42 school aged children per residence. (There were 15,042 students recorded with the Flathead County Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2005 school year. The US Census Bureau 2004 American Community Survey projected 36,077 residential units in Flathead County for the year 2004). The proposed subdivision will generate approximately 130 school aged children to the districts.

- iii. The subdivider shall discuss the impact of the proposed development on the provision of educational services with the administrator(s) of the school system(s). The subdivider shall provide a written outlining whether

the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system, any recommendations of the administrator(s), and any mitigation planned to overcome any adverse impacts of the proposed development on the provision of educational services.

School District #5 passed a bond and is nearing completion of the new Glacier High School on School Trust Lands at Stillwater and Highway 93. The second high school should help with crowding in the upper grades for those students attending Flathead High School. I spoke with Chuck Cassidy, Director of Facilities and Transportation for Kalispell Public Schools (Flathead High School) regarding the proposed subdivision. Mr Cassidy stated that he thought there would be minimal impact from the proposed development on the school district.

In communications this past year with Russ Kinser, Superintendent of the Bigfork School District, there is capacity in all grades in the District. Mr. Kinser also stated that in his experience subdivisions that generate housing prices at more than \$250,000.00 (land and home) there has not been much impact to the District from school aged children.

Terry Wing, Superintendent of the Somers Lakeside School District, commented by phone on the development April 11, 2006. Ms. Wing is concerned with the cumulative effect of subdivisions within the school district. Any one subdivision by its self would not significantly impact the school district but all the subdivision combined at buildout would require additional facilities and teachers. The developer of the North Shore Ranch has committed \$310,000.00 to the Somers/Lakeside School District to offset any impact that may result for the new students generated by the development.

h. Land Use:

- i. Describe comprehensive planning and/or land use regulations covering the proposed subdivision or adjacent land and if located near the jurisdictional area of an incorporated city or town, whether annexation is proposed.

The property is mapped as "Unzoned" on the new Flathead County Growth Policy Land Use Map. The lots are semi-clustered with approximately 49% the site in open space and park to address Growth Policy concerns. The property is not zoned. The nearest incorporated city is Kalispell, which is approximately six miles from the proposed subdivision. Annexation is not likely in the foreseeable future.

### Growth Policy Statements

Policy 3.3 Maintain flexibility of land use options to forest and agriculture land owners by focusing on mitigating the negative impacts of development.

Policy 3.4 Develop equitable and predictable impact mitigation for converting rural timber and agricultural lands to residential real estate.

Policy 4.4 Identify and encourage subdivision layouts that retain value of land without negatively impact the rural character and agricultural uses.

Policy 11.2 Identify impacts of development that threatens gateway areas and develops land use guidelines that mitigate these impacts without prohibiting development. Create incentives for developments that consider the scenic settings, incorporate design and construction standards that harmonize and complement the local views, and where possible, provide incentives for excellent architectural design.

Policy 11.5 Develop guidelines to ensure that lighting should not destroy the reasonable enjoyment by all residents of the night skies.

Vegetative Buffers 20 meters are encouraged (page 18 and Figures 2.2 and 2.4 of the Growth Policy) *The North Shore Ranch development is proposing a vegetated buffer of 50 to 200-feet in width along the highway frontage of the development. A buffer of 100 to 1050 feet is proposed along the southern boundary of the development for WPA lands.*

As stated in the Growth Policy (page 19): "There are a variety of factors contributing to this conversion (Agriculture to residential). Current Landowners are interested in farming as long as it is economically viable but increasing costs of farming (land, machinery, fuel, labor. Etc.) combined with stagnant crop revenues impacts viability. Farmers in Flathead County are also aging, and although there is great interest in agricultural practices among the younger population, none can afford to buy land when competing with residential developers." *This is the case with Mr. Klinehans as he retired from farming and placed his property on the market. The property set for more than two years before the current land owner assembled the parcels for the proposed development.*

Policy 23.10 Restrict access from private properties onto the Montana State highways and require frontage roads where needed and internal vehicle circulation roads for all developments outside urban areas. *The North Shore Ranch development proposes an interior circulation system with all lot accessing internally. The applicant has commissioned and*

Traffic Impact Study and worked with the MDOT on the three approaches onto Highway 82.

Policy 24.3 Require development projects to design local road systems that complement planned land uses and maintain mobility on arterial roads and highways.

Goal 28 Efficient and effective waste water treatment and drinking water delivery.

Policy 28.1 Encourage high density development in areas that will be served by community sewer systems that treat to municipal standards. The applicants propose to use and have commitment from the Lakeside Sewer District for service.

Policy 28.5 Work to engage water and sewer districts in the county development process. The Lakeside Water and Sewer District has been engaged early on in the planning process of North Shore Ranch.

Policy 28.9 Land division resulting in residential densities greater than an average of one dwelling unit per five acres should be discouraged in areas of high groundwater of eight feet below ground surface or less which are not served by a public sewer district.

Goal 29 Improve, protect, and maintain drinking water resources.

Policy 29.1 In compliance with state regulations developers should provide evidence that drinking water of sufficient quantity and quality is available in areas of proposed development. The applicant has submitted a report prepared by RLK Hydo as an addendum to this EA that addresses the quality and quantity of the water available to the proposed subdivision. To supply the data in the report, the applicant drilled a test well on the property.

Policy 29.2 Promote the installation of community sewer and/or water systems in areas where the quantity and quality of drinking water resources are threatened. The applicant is proposing both public sewer and water facilities for the proposed North Shore Ranch development.

Policy 29.4 Land use and subdivision activities should not threaten drinking water sources. The applicant is proposing public services for sewer and water. Drainage for the development will incorporate Low Impact Design BMP's and treat run-off on-site.

Goal 31 Growth that does not place unreasonable burden on the ability of the school district to provide quality education.

Policy 31.1 Consider a school districts ability to accommodate new students as part of the proposed subdivision review process. To address both short term and long term impacts to the school the developer is proposing a self imposed impact fee to the school district of \$310,000.00 or \$1068 per proposed unit. The developer has met on several occasions with the Somers Lakeside School District to come up with the impact fee.

Goal 32 Maintain consistently high level of fire, ambulance, and emergency 911 response services in Flathead County.

Policy 32.1 Require new subdivisions to have adequate on-site water capacity and recharge for fire suppression. The applicant has met with the Somers Rural Volunteer Fire Chief on a number of occasions and has committed to working with the Chief to install a series wet hydrants.

Goal 36 Protect water quality in lakes, rivers, aquifers, and streams from existing potential pollution sources. The North Shore Ranch development proposes utilizing the Lakeside Sewer System and LID BMP's for stormwater management. According to the Growth Policy (Page 117-120) lake impairments comes from point source such as sewerage treatment facilities and feed lots and non-point source pollution such as agricultural and forestry activities, construction projects, unregulated stormwater discharges and individual septic systems. The conversion of the property to residential and open space use should reduce the amount of fertilizers and herbicides used on the property and hopefully reducing the amount of non-point source pollutants. Erosion control measures will be implemented during construction and the stormwater system will be designed by a professional engineer, approved by the MDEQ, and constructed to prevent discharge into state waters. The development will utilize the Lakeside Waste Water Treatment Plant rather than individual septic systems.

Goal 37 Prevent untreated stormwater from entering into any surface water, stream, river, lake, or shallow aquifer. The use of Low Impact Design BMP's were created to treat run-off close to the source through constructed vegetative swales that discharge into detention and retention areas for additional treatment, rather than channeling it by pipe or gutter untreated to a large detention facilities or direct discharge. See the drainage section of the EA report for more details on the concept. (Policies 37.1 – 37.4)

Goal 38 Preserve and protect floodplains to ensure the safety of residents from flood hazards and to prevent the degradation of water quality and critical wildlife habitat. All of the lots with the North Shore Ranch stop short of the 100-year floodplain elevation boundary. The floodplain areas

with the North Shore Ranch development are protected within open space and wildlife preserves.

Policy 40.2 Promote development into areas with public facilities or appropriate depth to groundwater to preserve water quality and water supply. The North Shore Ranch development will utilize public sewer and water systems and an environmentally sensitive stormwater management system.

Goal 40 Prevent the degradation of wildlife habitat and the displacement of wildlife species to preserve the areas unique outdoor amenities and quality of life. North Shore Ranch is providing 179.24 acres of open space, 70 acres of which is contiguous and adjacent to the WPA. The wetlands and floodplain have been identified and protected in the open space.

There are no zoning regulations for this area which would govern land use, density, and/or setbacks.

- ii. Describe how the subdivision will affect access to any public lands. Where public lands are adjacent to or near the proposed development, describe present and anticipated uses for those lands; (e.g., grazing, logging, recreation, etc.).

The North Shore Ranch abuts the federally managed Water Fowl Production Area on the south and east boundaries. There is no public access from the North Shore Ranch property into the WPA. The US Fish and Wildlife Service who is responsible for the management of the WPA has gone on record stating that they do not want additional public or private access into the WPA as it is closed at certain times of the year for wildlife resting and nesting. All access to the WPA will be from existing access points established by USF&W and the North Shore Ranch will not affect these access points.

- iii. Describe the effect of the subdivision on adjacent land use.

Lands adjacent to or in close proximity the subdivision consist of agricultural uses to the north. Mackinaw Estates is to the west, and USF&W waterfowl production lands are to the south and east. There is a small, 7.5 acre conservation easement on land owned by Burlington Northern between the North Shore Ranch Subdivision and the WPA lands. Access along the traditional easement is preserved by the subdivision to the conservation easement.

Of the neighboring property owners the WPA is the most sensitive. To address potential impacts, the 70 acre open space has been established

along the southern border of the development to provide a buffer to the WPA. In addition a Wildlife Report has been commissioned by the developer to address potential impacts of the development with recommendations to limit identified impacts. The Wildlife Report is provided as part of the EA.

The effect of the subdivision on agricultural lands north of the highway should be minimal as there is a State highway separating the uses, discouraging trespass, and creating a physical barrier. The effect of the subdivision on agricultural lands to the southwest should be minimal as the uses are separated by an open space buffer that varies in width from 40 feet to 150 feet. not be affected by the development. The effect of the subdivision on Mackinaw Estates should be minimal as the gross density is less in the proposed North Shore Ranch than that of Mackinaw Estates. As the trails within the North Shore Ranch are open to the public, neighboring properties would be able to use these for recreation.

- iv. Describe any health or safety hazards on or near the subdivision, such as mining activity or potential subsidence, high pressure gas lines, dilapidated structures or high voltage power lines. Any such conditions should be accurately described and their origin and location identified. List any provisions that will be made to mitigate these hazards.

There are no such hazards located on or near the proposed North Shore Ranch subdivision. However, noise from Highway 82 could be considered a health issue. To reduce the impact of Highway noise on the proposed subdivision residents, the developer has included a buffer of at least 50 feet and up to 200 feet from the Highway right-of-way. The buffer will be bermed and landscaped to reduce the effects of traffic noise in the development (Eric H. Mulcahy, AICP, Sands Surveying, Inc..

i. Housing:

- i. Indicate the proposed use(s) and number of lots or spaces in each:

- A. For residential indicate the type of dwelling unit.

The subdivision proposed 290 single family residential lots on 151.497 acres.

- B. For all other uses the type and intensity of use (e.g. industrial, commercial, etc.).

There is a 40 stall horse barn and arena proposed within the center of the project. There is clubhouse proposed for use by the North

Shore Ranch home owners. No commercial or industrial use is proposed within the development.

j. Parks and Recreation Facilities:

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

The proposed subdivision is centered on an equestrian facility with trails running through the development and within the open space. Approximately 49% the site is preserved in open space and park. Each lot has direct access to a portion of the open space and trail network. The trail network will be open to the public with maintenance provided by the North Shore Ranch HOA provided the public does not abuse or vandalize the trail system. In addition to the open space the applicants propose a clubhouse facility, a soccer field, a basketball court, equestrian arena, and numerous pocket parks.

Cash-in-lieu of parks is not proposed for the subdivision. The Subdivision Regulations require 11% for lots 0.5 acres or less, 7.5% of the area platted in lots 0.501 acres to 1 acre in size, and 5% of the area platted in lots 1.001 to 3 acres in size be dedicated for parkland. The proposed subdivision has 69.876 acres in lots 0.5 acres or less, 68.188 acres in lots 0.501 to 1 acre in size, and 13.43 acres in lots 1.001 to 3 acres in size. The parkland dedication is  $(0.11 \times 69.876 \text{ acres}) + (0.075 \times 68.188 \text{ acres}) + (0.05 \times 13.433 \text{ acres}) = 13.47 \text{ acres}$ . The proposed subdivision has 179.24 acres in park/open space. The park and open space consists of ball fields, basketball court, riding arenas, corrals, BBQ areas, pedestrian trails, equestrian trails, ponds, wetlands, and open space.

The FW&P boat ramp in Somers will most likely provide lake access for residents of the development. Park facilities in the City of Kalispell would provide access to facilities such as the swimming pool. Youth Sports programs around the County will provide organized sports opportunities for the future residents.

Prepared By: \_\_\_\_\_  
Eric H. Mulcahy AICP  
Sands Surveying, Inc.  
2 Village Loop  
Kalispell, MT 59901  
(406) 755-6481

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_  
Keith Simon  
Klienmans Farms Estates, LLC  
1399 Wisconsin Avenue  
Whitefish, MT 59937

Date: \_\_\_\_\_

## EA APPENDICIES

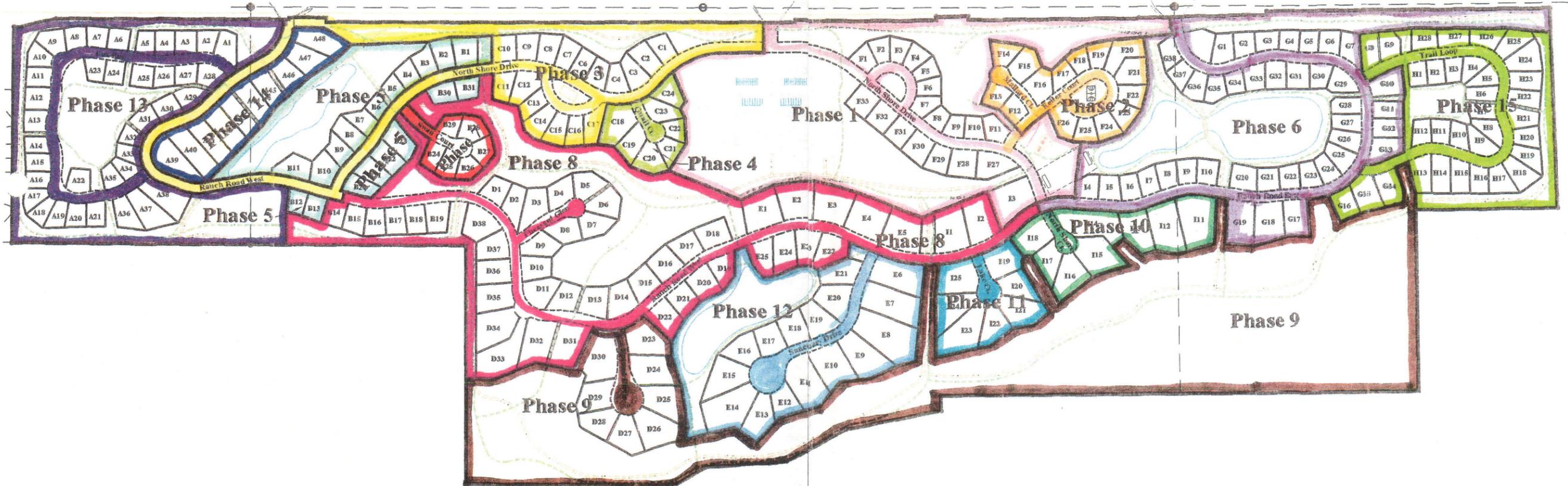
- A. Wetlands Delineation, North Shore Flathead Lake, September 7, 2007, Oasis Environmental
- B. Hydrogeological Analysis, North Shore Ranch, June 2007, RLK Hydro
- C. Wildlife Report, North Shore Ranch Subdivision, June 2006, Joe C. Elliott Ph.D. Ecological Consultant and letter from Joe C. Elliott, August 20, 2006 and Wildlife and Vegetation Management Plan, North Shore Ranch Subdivision, Joe C. Elliott Ph.D., Ecological Consultant and John Beaver, Westech Environmental Services Inc.
- D. Stormwater Management Plan, North Shore Ranch, July 2007, RLK Hydro
- E. Email, Montana Historical Society, State Historic Preservation Office, April 9, 2007
- F. Lakeside Water and Sewer Agreement
- G. Traffic Impact Study, North Shore Ranch, April 2006, Abelin Traffic Services; North Shore Ranch Traffic Impact Study, October 6, 2006, Abelin Traffic Services; Letter – MDOT, July 18, 2006; and Letter – MDOT, December 1, 2006
- H. Agreement – Somers School District #29, May 24, 2006
- I. Email – Will serve documents from CenturyTel and Flathead Electric Coop

By: SANDS SURVEYING, Inc.  
2 Village Loop  
Kalispell, MT 59901  
(406) 755-6481

JOB NO: 284002  
DATE: July 31, 2007  
FOR/OWNER: Kleinhans Farms Estates, LLC

### Phasing Plan for: North Shore Ranch

Located in the NE1/4NE1/4 of Sec. 24, T.27N., R.21W., N1/2  
of Sec. 19 & in the NW1/4 of Sec. 20, T.27N., R.20W.,  
Flathead County, Montana



WEDNESDAY, APRIL 23, 2008  
(Continued)

**PRELIMINARY PLAT: NORTH SHORE RANCH**

10:18:19 AM

Members present:

Chairman Gary D. Hall  
Commissioner Joseph D. Brenneman  
Commissioner Dale W. Lauman

Others present:

Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Deputy County Attorney Jonathan Smith, County Attorney Ed Corrigan, Eric Mulcahy, Sean Averill, Stacey Averill, Heidi Rauch, Dan Leatzow, Marilyn Wood, Stacy Allen, Dawn Tacke, Cheryl Lee, Megan McRae, Mahar Mohn, Robin Steinkraus, Mike Wazton, Rachel Klempel, Susannah Casey, Tom Cowan, Ed Kenfey, Josh Smith, Alex Strickland, Bruce Young, Ardis Larsen, Gary Winship, Pat Arnone, Lynn Pearce, Larry Cutrone, Rose Cutrone, Kurt Hafferman, Nick Fucci, Francis VanRinsum, John VanRinsum, Mitch Booth, R. A. Fraser, Linda Christensen, Tom Sands, Ken Kalvig, Sharon Treweck, Jeannie Sattler, Jim Clark, Jane Senter, Randy Oursby, Bruce Gryniewski, John MacDonald, Robert Rosso, Tamara Tanberg, Keith Simon, Marc Spratt, Mayre Flowers, Roger Sibley, Larry Brosten, Paul Hein, Marcy Mahr, Eric Hummel, Ed Blackler, Randy Overton, Suzy Williams, Harry Woll, Bill VanCanagan, Keith Simon, Clerk Kile

Planner Grieve noted that Staff Report FPP 07-32 had been previously submitted to each of the Commissioners for their review and did not review the entire application. He did state the Planning Board held a public hearing on North Shore Ranch on March 26, 2008 at which time 32 citizens had public comment. Public comment was then followed by applicant rebuttal to address the public comments, and after the public hearing was closed the Planning Board moved to reconvene on April 2, 2008 for consideration, discussion and recommendation, at which time a recommendation of approval of North Shore Ranch on a 5-1 roll call vote was passed.

For the record the application was submitted by Kleinhans Farm Estates with technical assistance from Sands Surveying, Carver Engineering, Epikos Design and RLK Hydro for preliminary plat approval of North Shore Ranch Subdivision; a proposal to create 290 single family residential lots on 367.470 acres, creating a gross project density of 1 unit per 1.27 acres. Approximately 179.9 acres of the project will be designated as open space in the form of parks, ponds and trails with residential clustering on the remaining 187.57 acres. The lots will be served by a public water system to be constructed by the development and owned, operated and maintained by the Lakeside County Water and Sewer District. This project borders approximately 1.6 miles of the south side of Hwy 82 beginning approximately .25 miles east of Somers Road and extending east to a point approximately .6 miles west of the intersection with Lower Valley Road. All of the subject property within .25 miles of Hwy 82 is within the scenic corridor zoning overlay and land outside of this overlay is unzoned. Access to the lots is from a proposed internal subdivision road system, which includes a main horseshoe road, four loop roads and eight cul-de-sacs. The internal subdivision road system will connect to Hwy 82 at 3 locations.

Commissioner Brenneman questioned a document prepared by RLK Hydro, in which Mark Spratt stated the document was prepared by his company.

Mark Spratt then added that he has a Masters Degree in Ground Water Quality and a Bachelors Degree in Forest Water Shed Management, Randy Overton has a Degree in Forest Water Shed Management and 30 years experience and Dr. Leatzow has a PhD in Chemical Engineering along with several other degrees. Spratt then named a couple of other individuals that were involved as Greg Davis who has a degree in Geological Engineering and Mical Siemens an Environmental Engineer.

Commissioner Brenneman then asked if this group would be described as Engineers.

Mark Spratt noted that they would be considered Scientists and Engineers.

Commissioner Brenneman then asked what the instructions are on how to do a hydro analysis.

Mark Spratt said in this particular case they were to find out how this particular site operates and there were no sideboards in terms of what questions they were suppose to answer, or how they were suppose to go about doing it. He then added what they tried to figure out is what questions the planning process was attempting to address, and they then made recommendations to the owners on how they thought it best to go about doing that, and were given unrestricted authorization to address the questions.

Commissioner Brenneman then asked if when they were doing the analysis if it is required that everything discovered or observed is put in the report, or if it is possible to only put in the things that are important for the planning process.

Mark Spratt said that everything they collected in terms of data, and every analysis that they ran is in the report. He then added they did not select information that they thought was most useful for the project.

Commissioner Brenneman then said that you then would be willing to take this report to a scientific body and say we did this report on this ground and this is what is there.

Mark Spratt replied with absolutely; that they do a significant amount of public policy work and litigation, and frankly their ability to do that is in part because they try to produce unbiased scientific opinion. It was stated that if you ask any scientist they will tell you they never have enough data. Spratt added that their ability to continue doing work depends on their work being able to withstand critical review.

Commissioner Brenneman asked those that worked on the project if they could find something that would indicate that the project would not be good for the piece of property, in which Brenneman stated that he could not find one.

Mark Spratt then asked if he was asking the question from a hydrological point of view, in which he added that he doesn't believe there is any scientific evidence that says the project is not appropriate for this particular parcel.

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Commissioner Brenneman then asked if not a single thing, in which Spratt stated not based on hydrology. Brenneman said that you do a fair amount of work with fertilizer and the possibility of ground water contamination, and asked if his conclusion would be that there would probably be less likelihood of contamination by a residential development than what exists through agricultural practices.

Mark Spratt said based on the best available information or best ability to estimate what the future use might be, it appears from a nutrient point of view they would be putting an equal amount or more likely a less amount of nutrients on site, and because of the characteristic of the shallow ground water system it appears that anything that might be placed on the ground is going to stay on site, and most of it will get digested or in some fashion immobilized in terms of contaminates.

Commissioner Brenneman then referred to a chart on page 21 (Fertilizer Content Application:Rate) that references fertilizing content application rates that the data used came from.

Dan Leatzow noted that the calculation rate he used is what is suggested from the manufacturer.

General discussion was held relative to the application rate of lawn fertilizer.

Dan Leatzow stated that in his professional opinion that over time we would not see an increase in contamination of shallow ground water.

General discussion was also held relative to ground water and root systems.

Commissioner Brenneman asked if he poured water into the ground and none of it evaporated where it would go to.

Mark Spratt said that it does evaporate to some extent, and that is why you see some of the salt deposits scattered around the wetlands that carbonate and have a white color to them. He further said that what seems to happen on this particular site is that the bulk of the water that enters the ground water system is either evaporated directly which is common in confined aquifers, or it is pumped out by the plants, and that is where most of the water from that site goes.

Commissioner Brenneman questioned the phrase confined aquifer.

Mark Spratt explained that the top of the aquifer is open to the atmosphere, which means there are pores in the soil that extend from the ground surface down to the saturated layer.

Commissioner Brenneman then questioned the statement that the ground water is affected by rising or lowering of Flathead River and the Lake.

Mark Spratt stated on the peripheral of the area modeled they measured no correlation; the nearest level they had to the lake was near the southern border of the project, and it was about 1,800 feet from the actual lake surface, and there was no correlation between the water level in that well, and the water level in the lake. He then noted when the ground water came up the lake went down, and when the ground water went down the lake came up, which is consistent with all prior research that started in 1925. He then spoke about wells close to the river that are 300 - 400 feet up to the maximum of ½ mile, where the water levels in the well fluctuate with the river or the lake. When you get beyond that point there is no correlation what so ever with lake level and ground water elevation. Spratt then stated that Randy Overton and Greg David spent a very long time creating a digital model trying to figure out how this could be true, and what they ended up with was a ground water basin that moves up and down with the climate, and on the very edge of the model right next to the lake they have what is part of the WPA; a trough that seasonally forms, and in essence there seems to be very little if any exchange of water between the lake and the ground water system, which is consistent with all prior research that has been done.

Commissioner Lauman spoke about a reference on page 43 in regards to a northerly flow in the direction of ground water in that it fluctuates, in which Mark Spratt stated that it is correct.

Mark Spratt then stated that all the detail, modeling and prior work that has been done seems to give the same answer in that the ground water flow on the site is controlled by climate, (basically snow melt) and flows either parallel to the lakeshore right next to WPA, and at most of the site it actually flows more to the north east and even east, but it is away from the lake and not towards the lake.

Commissioner Brenneman then said that you have described the land as being held basically in a bowl, and questioned if that is where alkali flats come from. He further said when you irrigate and there is no place for the water to go it tends to migrate across until it comes up and then it evaporates, and leaves behind all the things that produce the soil toxicity in alkali flats.

Mark Spratt stated that in general terms that is correct. He then explained that it is ground water that migrates to the surface and evaporates, and as the ground water moves to the surface it brings minerals with it, hits the surface and evaporates and you either end up with white or black deposits.

Commissioner Brenneman then asked Dan Leatzow if he factored in the increased rate in which people tend to irrigate their lawns as compared to agricultural irrigation in his model.

Dan Leatzow explained that the one used for water application was for a typical precipitation profile.

Commissioner Brenneman asked if a calculation was made for extra irrigation to lawns.

Dan Leatzow said in terms of water application that it was not included since there was not any basis for it. He then said in terms of further research it certainly is possible, and in terms of the kinetics or rates at which nutrients disappear, and the activity of the soils in terms of chemistry, that it is unlikely to have a substantial impact.

Commissioner Lauman asked Mark Spratt if he knew the depth of Mr. Klinatz's deep water well that was used for irrigation.

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Mark Spratt stated that his irrigation came out of Flathead Lake, but that they did drill a well that was approximately 715 feet. He then noted they didn't hit anything until 695 feet which came as a shock, because on either end Mr. Dedman's well was more like in the vicinity of 400 feet. Also noted is that they drilled through lake deposit clay all the way to 695 feet, and the water level in the well as of a month ago is actually above the ground surface about a foot; with it being a confined system protected by 300 to 400 feet of clay.

Commissioner Brenneman then asked about subsidiary motion #6 that states: PP&L currently owns a flood easement that includes lands within the proposed North Shore Ranch Subdivision.

Planner Grieve explained that to the best of his knowledge when Kerr Dam was built, the owners (Montana Power Company) went around the lake and negotiated easements on properties that they felt if they were to raise or lower the lake level could be flooded; these were flood easements. He then noted they have copies of these flood easements. Grieve stated that he received a phone call from PP&L's attorney in Missoula to notify him that the easements existed, and that there were three possible ways the lands around the lake could be flooded. When he called Kerr Dam to ask about the operation of the Dam he was told they have a federal energy regulatory commission license, which prevents them from exceeding 2893 feet above sea level on the Somers datum. He was told in the event the Army Corp of Engineers were to come and tell them differently that they are only held to the FERC license, not to the Army Corp of Engineers. The Army Corp of Engineers has the authority to do what they deem necessary for their mandate. PP&L is interested in keeping the flood easements, because if they are instructed by the Army Corp of Engineers to allow the lake level to rise they still hold the easements; even though their FERC license says they cannot rise about 2,893 if they do or it happens beyond their control, they cannot be sued by the people where the easements exist for flooding their property. He then stated the Planning Office and County Attorney's have reviewed the easements submitted, and have determined they are legal and that they do say the land can be flooded; there has been discussion as to what elevation the land can be flooded and there is a FERC license that says Kerr Dam can not be raised. He further added there are hydrological issues such as the presence of Hungry Horse Dam that controls the South Fork, and since Hungry Horse Dam and Kerr Dam have become hydro logically functional, there has only been one event that raised the elevation of Flathead Lake above base flood elevation (which is set by FEMA) 2893.9 and the 1964 flood amounted to 2894.29 (above FEMA by .33 feet).

Commissioner Lauman said if they raised the lake to higher flood elevations that would also include North Shore Harbor and the low lying areas on the Bigfork side, and that it would be unlikely they would raise the lake with all the high end housing development. He then noted that he realizes the easements are there and that it is possible. He then noted they each have done a lot of work in reading all the input that has been put forth to them on North Shore Ranch. Lauman then referred to a letter from the US Department of Interior Fish Wildlife & Service, dated April 22, 2008 in which he read:

Ideally the service does not support additional development next to water fowl production areas, however, we do support the individual rights of private property owners. The goal of our office is to minimize impacts to wildlife and other natural resources while working cooperatively with local developers.

Commissioner Lauman continued with he feels this is a huge statement from the national level, in that they realize there are private property rights involved. He then said from reading all the information there is concern in regards to hunting and doesn't feel hunters would hunt the flatland with big game rifles. He further noted they have created a buffer along the water fowl production area and doesn't feel domestic animals would be a problem if addressed with covenants. Lauman stated there are a lot of emotional issues with North Shore Ranch, but in reality you need to sort the emotional issues from the factual issues and they need to judge their decision based on the facts. Also noted was he would be more concerned if the proposed development was not on a sewer system.

Commissioner Brenneman stated that he agreed with the findings of fact and could live with all the findings proposed by the Planning Board with the development having some really good things in it; but he doesn't feel as a matter of policy that they could approve a preliminary plat on a piece of property that has flood easements on it. He then added with findings of fact 39, 43 and 48 proposed by the Planning Board if they were to adopt them that...

Planner Grieve then noted that finding of fact 39 was based on inaccurate data and has since been corrected. The 2.1 foot higher value was based on an inaccurate data point given to him by the Flathead Biological Station and has been revised.

Commissioner Brenneman then said that even as the Planning Board changed that the finding of fact states this is an area of property that has a 100% chance of flooding within 500 years, and for those reasons he cannot support the preliminary plat, but can support the findings of fact.

Chairman Hall stated that he respected the amount of scientific evidence that has been gathered and feels the design team has done a fabulous job and have gone above and beyond. He then said that as he reviewed the project it didn't take him long to find specific issues that he has a problem with, which included: impact on wildlife, seismic issues and flood easements. Hall then read a portion of MCA 76-3-608 with states:

- (1) The basis for the governing body's decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrates that development of the proposed subdivision meets the requirements of this chapter. A governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services.
- (2) The governing body shall issue written findings of fact that weigh the criteria in subsection (3), as applicable.
- (3) A subdivision proposal must undergo review for the following primary criteria:
  - (a) except when the governing body has established an exemption pursuant to subsection (6) of this section or except as provided in 76-3-509, 76-3-609 (2) or (4), or 76-3-616, the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety;

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Chairman Hall continued with this is what drives them at this level in their decision making process. He then noted that Kerr Dam can actually override FERC (which is the Federal Energy Regulatory Commission) and if we have an event, which we will; it is only a matter of time then the Army Corp of Engineers can over ride Kerr Dam who can only raise the water level so high, and FERC can come in any time and flood the area; that is why the flood easements are in place, which is a health and safety issue that we can't ignore. He then added that basically why they have the flood easements is so PP&L will not be liable for plaintiffs property over and above the level set, and it says no where that a county would be exempt from litigation for approving a subdivision where there are flood easements.

Eric Mulcahy then explained that the flood easements are all around the lake and on most of the properties. He then added that surveyors in his office run across them in their chain of title searches all the time. He further explained the easements state that they can flood to 2893 based on the Somers datum as Grieve previously stated. If you look at the flood plain elevation and compare apples to apples it is 2893.9, which is the 100 year flood plain as determined by FEMA, which they have placed on their plat. If that is compared to the 29 datum which their survey is in the 100 year flood plain is 2892.9 and the high water that the dam can be held at it 2892. They are the same water elevations, just 2 different numbers based on 2 different datum's. He continued with Grieve went on to state in his report that the only event since the implementation of the dams they have on record is the 1964 flood event which exceeded the 500 year flood, which was 3.3 tenths of a foot above the base flood elevation. They are proposing that the homes be elevated 2 feet above the natural ground level for stability and other issues. The flood easement is a catch all for any event unforeseen in that your property can be flooded above the 2893 in perpetuity, which seems no different than having property in Evergreen or anywhere along a lake or river which is subject to flooding. When you return to the health and safety issue basically Flathead County regulates to the 100 year floodplain, which has been addressed and as some communities around the country have regulated to the 500 year flood plain. Mulcahy then said as Commissioner Lauman stated there will be a lot of properties susceptible to flooding around the community.

Chairman Hall then noted that would not justify them approving a subdivision in harms way.

Eric Mulcahy stated that it would only be in harms way if we were to have an unforeseen event. He then added that the same event could be applied to portions of Bigfork, Lakeside, Evergreen, Columbia Falls and countless subdivisions that have been approved over the years that are more susceptible to flooding than North Shore Ranch Subdivision, and to him the easement is not an issue, and is covered by the regulations which you are allowed to review subdivisions under.

Chairman Hall then spoke about seismic events (liquefaction) and read from the Flathead County Subdivision Regulations Chapter 4.7.4 that states:

Lands on which there is evidence of hazards such as flooding, snow avalanches, rock falls, land slides, steep slopes in excess of 30% or more grade, subsidence, high hazard fire areas, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, air or vehicular traffic hazards or congestion, or other features which may be detrimental to the health, safety or general welfare of existing or future residents, or where development would place unreasonable burdens on the general public including the requirements of excessive expenditure of public funds or environmental degradation shall not be subdivided for building or residential purposes, unless the hazards or eliminates will be overcome by approved design and construction plans.

Chairman Hall continued with saying that Montana is one of the most seismic active states in the United States. He then reviewed statistics of seismic events in Montana and stated that we in the Flathead are past due for a significant earthquake with a magnitude of 6.5 or greater. In the geotechnical assessment of the subject property performed by CMG Engineering and submitted with the application, the Engineer states that the potential of liquefaction during the design level of an earthquake is one of a variety of listed typical concerns with residential construction on the type of soils present on this subject property. Hall then said according to the USGS Website that liquefaction can be defined as a physical process which can occur during an earthquake when clay free soil temporarily loses strength resulting in ground failure. Liquefaction occurring beneath buildings and other structures can cause major damage during earthquakes; although earthquakes in Flathead County are uncommon and relatively minor in recent history and the risk proposed by liquefaction seems remote at this time, it seems irresponsible for staff to ignore. Hall then read project specific conditions #20 (d) that states:

Residents are advised that according to the geotechnical assessment that was conducted on the subject property, liquefaction on the subject property during a seismic event is a typical concern associated with the soil type and depth to groundwater on the subject property. As a result, structures should be designed by an engineer and built accordingly.

Chairman Hall then added that once this gets to final plat there is no way for them to require that an engineer design the structure. He then suggested that it be changed to: As a result, structures shall be designed by an engineer and built accordingly.

Josh Smith with CMG Engineering said that 9 borings were done on the property and that liquefaction is a concern in the upper 50 to 100 feet of soil, and once it is below that it is determined that it doesn't really happen. He then noted that in a residential neighborhood it would not swallow up the homes, however, if it is not mitigated they would end up with settlement.

Chairman Hall said that then with his understanding that it would turn into "jello" liquefaction if not designed right, which would require putting pillars down in the ground until you hit bedrock and then building on that. If it is not built that way and a seismic event happens then the foundation would sink down to where it settles.

Josh Smith said in the design level earthquake with that type of soil it could settle a couple of inches; however, you can mitigate that by stiffening up foundations.

Chairman Hall then said for the record you stated it could settle a couple of inches and I question that when you have that depth of that type of soil.

Josh Smith replied that it is a matter of how the soil is sitting there now and that it is a percentage thing. He then explained it as thinking about a bucket of rocks; when you hit the side of it when they are all the same size it settles down a little bit.

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Chairman Hall then said that his concern is if the subdivision is approved and there is a seismic event, and the homes all settle between two to six inches then all of a sudden you have litigation.

Josh Smith noted that what is being proposed is that in the CC&R's that a geotechnical analysis be signed off by a Geotechnical Engineer having visited each site.

Chairman Hall then spoke about wildlife and wildlife habitat as defined in Chapter 2 of the Flathead County Development Code as "Living animals which are neither human nor domesticated" and "A place frequented by wildlife or site where wildlife naturally lives". He then noted the subject property borders 2,370 acres of the Flathead Waterfowl Production Area that is managed by USFWS to provide wildlife habitat and recreational opportunities for visitors and to maintain healthy native vegetation of wetlands and upland areas for ecological purposes.

Planner Grieve noted for the record the above definition was taken off the USFWS Website and during the public hearing a representative from FWS corrected the definition.

Chairman Hall added that agencies have had plenty of time in working with land trusts in striking a deal and have not come forward with a deal and questions why. He then said finding of fact #32 states:

The proposed subdivision will have a negative impact on some species of wildlife on adjacent federal lands, because both the wildlife report submitted by the applicant and agency comments from Montana Fish, Wildlife and Parks state some species that are sensitive to the presence of humans would be displaced by the proposed subdivision and development.

Chairman Hall noted that a subsidiary motion #9 was made to add a new finding of fact #57 which states:

During the public hearing on March 26, 2008 Montana Fish Wildlife and Parks provided additional relevant information related to findings of fact #32 through #36 related to wildlife and wildlife habitat significant.

Chairman Hall then proposed to change finding of fact #32 to state:

The proposed subdivision will have an **unacceptable** negative impact on some species of wildlife on adjacent federal lands, because both the wildlife report submitted by the applicant and agency comments from MFWP state some species that are sensitive to the presence of humans would be displaced by the proposed subdivision and development.

Commissioner Lauman noted that he lives in a development north of Lakeside with 102 homes and 1,500 feet of lakeshore and the geese seem to hatch very well in their development. He then said that he would like FWP to come to his development and address their goose problem.

Chairman Hall stated that they need to have language in their findings to support denial if they decide to go that way.

Commissioner Brenneman noted that there is such language presently existing in the findings if the amendments from the Planning Board are included. He then added that he would not support a change in findings of fact #32.

Eric Mulcahy stated the Wildlife Biologist on the team was out of State and noted that they did take very seriously the wildlife issue with part of the team meeting with FWP on many occasions and thought they had many issues resolved through them, and the night of the public hearing they saw other issues raised. He further said that they have placed almost half of this project in open space that will be managed in a number of different ways; 5 acres will be used for food plots, some of it manicured for ball fields and a lot of it re-vegetated in native grasses. Mulcahy then explained the buffer areas, so hunting with shotguns could continue, and added that they will probably end up providing more habitat for bird species with the development than there currently is under the farming practice. He also discussed domestic animals that will be covered in CC&R's.

Chairman Hall then stated that his major issues are still the same with the impact to wildlife, seismic issues and flooding.

Commissioner Brenneman made a **motion** to adopt Staff Report FPP 07-32 as Findings of Fact with amended conditions as proposed by the Planning Board. Commissioner Lauman **seconded** the motion. **Aye** - Hall, Brenneman and Lauman. Motion carried unanimously.

Commissioner Brenneman noted that despite efforts by the developers there are adverse impacts that cannot be mitigated and the fact that as a matter of policy we cannot approve a subdivision on lands that they have a legal easement to flood and as was pointed out by Chairman Hall earlier there is no guarantee that Flathead County would not be sued if the land were to be flooded.

Commissioner Brenneman made a **motion** to deny preliminary plat of North Shore Ranch. Chairman Hall **seconded** the motion. **Aye** - Hall and Brenneman. **Opposed** - Lauman. Motion carried by quorum.

Chairman Hall stated that he hoped the agencies that have been interested in purchasing the property would not take this as a sign that they should stop their efforts. He then noted that the effort that went into the project was phenomenal.

11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on April 24, 2008.

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