

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-10-03
SADDLEHORN NO. 11 SUBDIVISION
MARCH 30, 2011

A report to the Flathead County Board of Commissioners regarding a request for preliminary plat approval of Saddlehorn No. 11 Subdivision, a major subdivision that would create twenty residential lots. The subdivision is located approximately 1 mile southeast of Bigfork, Montana. Final action on this proposal by the governing body must be taken prior to the review deadline of May 4, 2011. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposal is located within the advisory area of the Bigfork Land Use Advisory Committee (BLUAC) who will review the application at a publicly noticed meeting Thursday, March 31, 2011 at 4:00 p.m. at the Bethany Lutheran Church, 8559 Highway 35 in Bigfork, MT. The Committee is anticipated to forward a recommendation to the Flathead County Planning Board. This space is reserved for a summary of the Committee's discussion and recommendation.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on April 13, 2011 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

C. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to May 4, 2011 which is the end of the 60 working day statutory review period. This space is reserved for a summary of the Commissioner's discussion and decision.

II. GENERAL INFORMATION

A. Project Personnel

i. Applicant/Owner

Saddlehorn LLC
PO Box 1808
Bigfork, Mt. 59911

ii. Technical Assistance

Fraser Consulting & Management
690 N Meridian, Suite 103
Kalispell, MT 59901

Robert Peccia and Associates (c/o. Ryan Mitchell)
PO Box 5100
Kalispell, MT 59901

B. Project Description

The request is for preliminary plat approval of Saddlehorn No. 11 Subdivision, a proposal which would create twenty single-family residential lots to be served by public water and sewer services of the Bigfork County Water and Sewer District, and which also would adjust the boundary of an existing approved lot within Saddlehorn No.1 Subdivision (Lot 37). The preliminary plat indicates the existing and proposed roads providing legal and physical access to all proposed lots as well as the existing and proposed water and sewer utilities proposed to serve all lots within the subdivision.

The following points are intended to provide background context relevant to the current request:

- The original approved Saddlehorn Subdivision occurs within an approved Planned Unit Development (a SAG-5 PUD) which permits a total of 96 residential units to be established within its current boundaries.
- The properties involved in the current proposal occur in various locations within the exterior boundaries of the original Saddlehorn Subdivision, which has undergone several subsequent amended plats.
- In order to maintain compliance with the PUD density standard of 96 residential units, the proposal includes aggregations of twenty previously approved and undeveloped attached residence townhouse units in four separate locations within the boundaries of the original Plat of Saddlehorn (4 units - Common Area E Saddlehorn Subdivision, 4 units - Common Area A Saddlehorn No.1 Subdivision, 10 units - Common Area D Saddlehorn No.1 Subdivision, and 2 units - Parcel B Saddlehorn No.2 Subdivision). The twenty residential units 'freed-up' by the townhouse aggregations provide the density rationale upon which the current proposal is based.

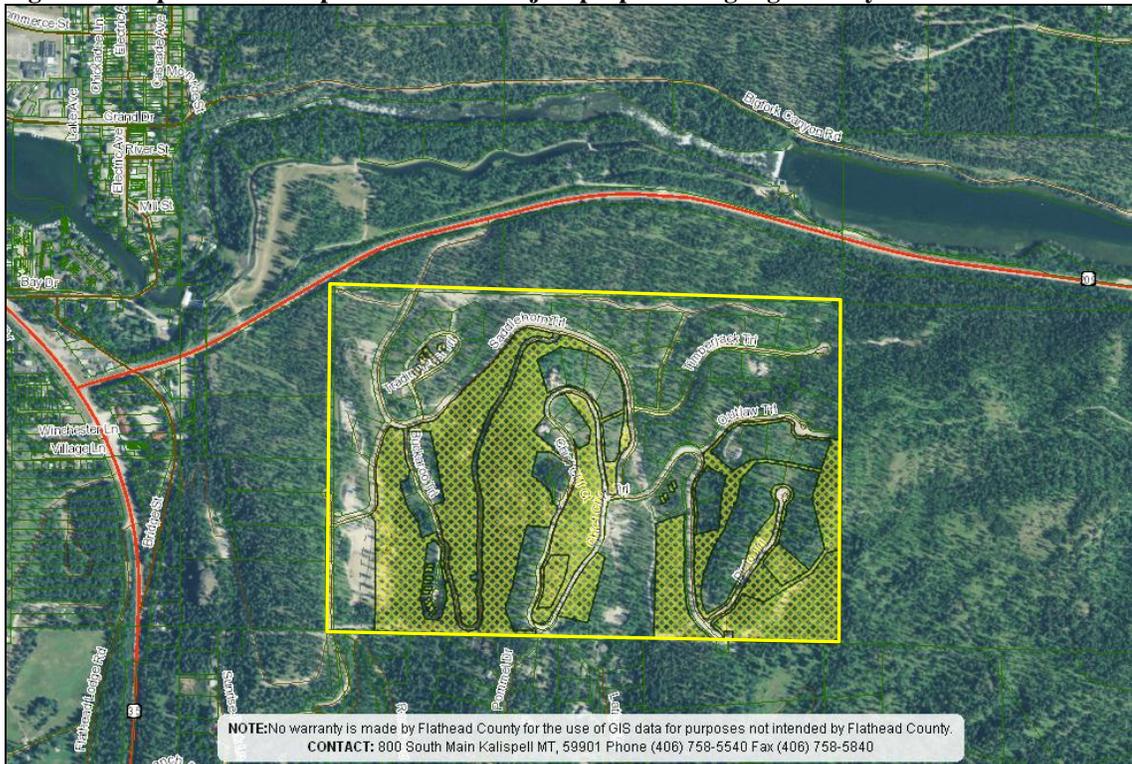
C. Legal Description of Subject Property

The proposal entails thirteen subject properties legally described as Common Area E Saddlehorn Subdivision; Future Residential Development Sites 3-5, Common Area A, Common Area D, and Camp Homesite 37 of Saddlehorn No.1 Subdivision; Parcel B of Saddlehorn No.2 Subdivision; Common Area #3 of Saddlehorn No.5 Subdivision; Common Area #5 of Saddlehorn No.6 Subdivision; Common Area #7 and Future Residential Development Site #7 of Saddlehorn No.8 Subdivision; and Common Area #4 of Saddlehorn No.9 Subdivision, located in the South ½ Southeast ¼ of Section 31, Township 27 North, Range 19 West, P.M.M., Montana.

D. Detailed Location

The proposal is located approximately 1 mile southeast of Bigfork within the boundaries of Saddlehorn Subdivision which is south of Montana Highway 209 and east of Montana Highway 35 (refer to Figure 1).

Figure 1- Proposal involves portions of the subject properties highlighted in yellow



E. Subdivision Layout Detail

- i. Total Subdivision Acreage:** 80.61 acres
- ii. Acreage in Lots:** 21.08 acres
- iii. Acreage in Roads:** 1.70 acres
- iv. Total Park/Common Area/Open Space Acreage** 56.83 acres
- v. Minimum Lot Size:** 0.50 acres
- vi. Maximum Lot Size:** 2.34 acres
- vii. Overall Gross Lot Density:** 1 unit per 3.83 acres
- viii. Easements**

The preliminary plat indicates:

- 60-foot wide access and utility easements that contain Saddlehorn Trail and Barn Dance Trail which provide legal and physical access to Saddlehorn;
- 40-foot wide access and utility easements that contain Buckaroo Trail, Chief Cliff Trail, and Pinto Trail; and
- numerous 20 foot wide utility easements containing water, sewer, and other utility infrastructure.

F. Administrative Characteristics

i. Current Land Use

The sloping and forested subject property is currently vacant land with certain road and infrastructure improvements in place as a result of previous subdivision related activities. Conifer trees and native grasses and shrubs are the dominant vegetation, and the terrain is comprised mainly of ridges, small valleys, and hillsides (refer to Figure 2).

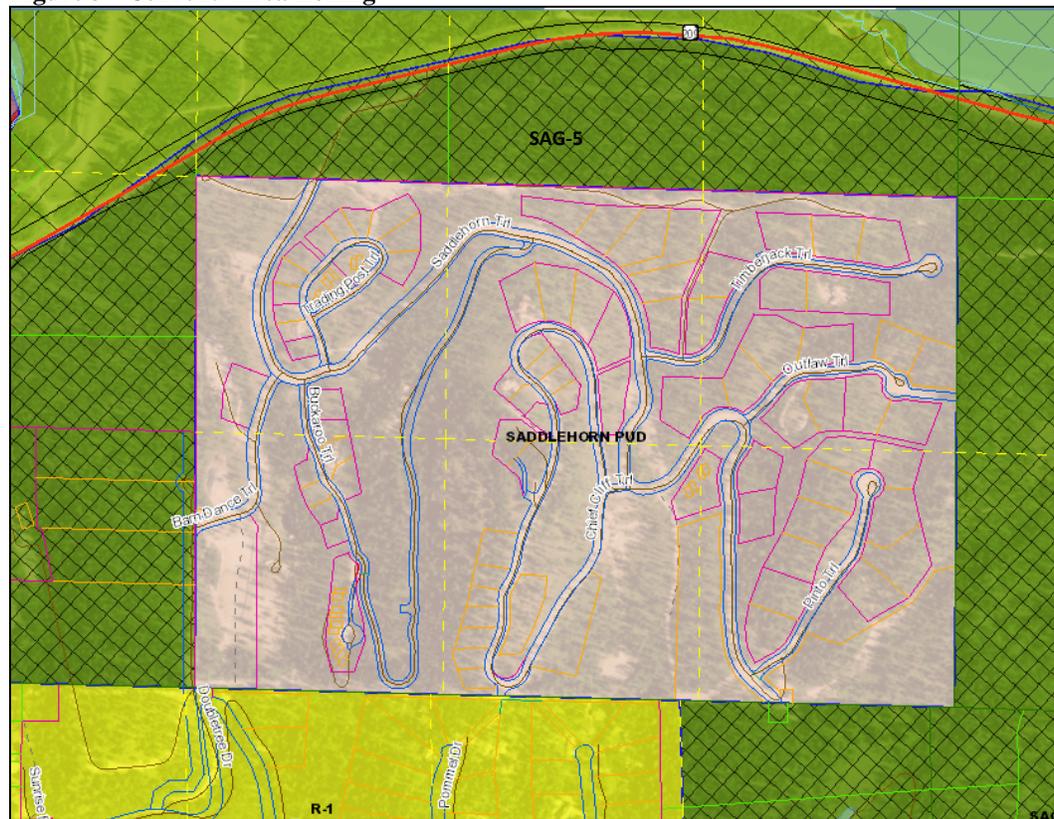
Figure 2 - Current Land Use



ii. Current Zoning

The subject property is currently zoned as a SAG-5 Planned Unit Development (PUD) within the Bigfork zoning district (see Figure 3). The SAG-5 PUD establishes: allowable permitted and conditional uses, maximum density (96 residential units), and minimum open space (30%) requirements within the PUD boundary; unique applicable road design standards (18-foot wide paved driving surface); and, bulk and dimensional requirements including but not limited to: Minimum lot area, Minimum lot width, Setbacks, Maximum height, and Permitted lot coverage.

Figure 3 - Current Area Zoning



iii. Proposed Land Use

All new lots are proposed for single family residential use as either ‘Cabin’ or ‘Camp’ types of residential lots, as defined in the PUD. ‘Cabin’ and ‘Camp’ lot descriptions generally refer to minimum lot size, applicable setbacks, and permitted lot coverage. Seven ‘Cabin’ lots are proposed ranging in size from 0.50-0.74 acres in size. Thirteen ‘Camp’ lots are proposed that would be at least one acre in size. Access to all proposed lots is via individual driveways.

Following is a summary of the proposed development on each site:

- Common Area A of Saddlehorn No.1 Subdivision- aggregation of four previously approved ‘attached townhouse’ units into one ‘Cabin’ lot (C40).
- Parcel B of Saddlehorn No.2 Subdivision- aggregation of two previously approved ‘attached townhouse’ units into one ‘Cabin’ lot (C41).
- Common Area D of Saddlehorn No.1 Subdivision- aggregation of ten previously approved ‘attached townhouse’ units into two ‘Cabin’ lots (C38, C39) and two ‘Camp’ lots (Lots 54 and 55).
- Common Area E Saddlehorn Subdivision- aggregation of four previously approved ‘attached townhouse’ units into one ‘Camp’ lot (Lot 48).
- Common Area #4 of Saddlehorn No.9 Subdivision- extension of Buckaroo Trail with cul-de-sac and creation of ‘Cabin’ lots (C35, C36, C37).

- Future Residential Development Site #3 of Saddlehorn No.1 Subdivision-creation of Lots 51 and 52.
- Future Residential Development Site #4 of Saddlehorn No.1 Subdivision-creation of Lots 49 and 50.
- Future Residential Development Site #5 of Saddlehorn No.1 Subdivision-creation of Lots 44, 45, 46, 47.
- Common Area #7 of Saddlehorn No.8 Subdivision- creation of Lot 43.
- Camp Homesite 37 of Saddlehorn No.1 Subdivision- boundary line adjustment.
- Common Area #3 of Saddlehorn No.5 Subdivision- creation of ‘Camp’ lot (Lot 53) and adjustment to accommodate proposed configuration of Buckaroo Trail extension and Lots 54, 55, C38, and C39.
- Common Area #5 of Saddlehorn No.6 Subdivision- adjustment to accommodate proposed configuration of Lots 51 and 52.
- Future Residential Development Site #7 of Saddlehorn No.8 Subdivision-adjustment to accommodate proposed configuration of Lots 37 and 43

G. Area Characteristics

i. Description of Area Surrounding Proposed Subdivision

The proposal includes various locations within the boundaries of the Saddlehorn 1 Subdivision, and the area surrounding Saddlehorn may be characterized as wooded area developed with rural residential uses to the south and west and generally undeveloped to the east. Undeveloped property owned by Pacificorp Electric Generation Co., Montana Highway 209, and the Swan River are located to the north of Saddlehorn.

ii. Average Parcel Acreage

Adjacent parcels are both subdivision and non-subdivision tracts which generally range between one and fifteen acres in size.

iii. Zoning

Areas to the west, north, and east of Saddlehorn Parcels are currently zoned as SAG-5, and areas to the south and southwest are zoned R-1 (refer to Figure 3).

iv. Land Uses

The surrounding area is generally described by the Montana Department of Revenue as rural residential and rural agricultural lands. It appears silviculture is the predominate form of agriculture in the surrounding area and most development in the vicinity of the proposal appears to be single family residential (refer to Figures 1 and 2).

v. Previously Considered Subdivisions in Area

Adjacent properties are a combination of tract land created through Certificate of Survey and properties created through subdivision review. Previously approved residential subdivisions within ¼ mile of the subject property occurring in locations with similar physical and topographic characteristics include several

minor subdivisions with lots averaging 5 acres in size, and The Ranch Subdivision. The Ranch Subdivision was approved in 1976, prior to adoption of the current applicable R-1 zoning, with 32 lots averaging 1-1.5 acres in size. While the current proposal has smaller sized lots with a higher density in comparison to adjacent tract land, the proposal has similar sized lots with a similar density in comparison to the Ranch Subdivision.

H. Utilities and Services

- i. Water**
Existing services of the Bigfork Water and Sewer District
- ii. Wastewater**
Existing services of the Bigfork Water and Sewer District
- iii. Electricity**
Flathead Electric Cooperative
- iv. Natural Gas**
Northwestern Energy
- v. Solid Waste**
Contract Haul- Allied Waste
- vi. Telephone Service**
Century Tel
- vii. School District(s)**
Bigfork School District #38
- viii. Fire District(s)**
Bigfork Fire District
- ix. Police**
Flathead County Sheriff

III. COMMENTS RECEIVED

A. Agency Comments

The subdivision file contains a copy of the agency referral document sent on February 17, 2011.

- Five agency comments have been received as of the date of this report which express no outstanding concerns with the proposal. These comments were submitted by: Bonneville Power Administration (BPA), Montana Fish, Wildlife and Parks (MT FWP), Flathead County Solid Waste District, Flathead City-County Health Department, and Flathead County Road and Bridge Department.
- An agency comment from the Bigfork Fire Department indicates the District has concerns regarding road width, available water flow capacity for residential fire suppression, and wants to ensure district requirements are met prior to the release of bonding collateral in the event the future final plat request for the subdivision includes a Subdivision Improvements Agreement (SIA).

Pertinent agency considerations will be discussed as applicable in specific sections of the following local government review. Comments received subsequent to the date of this report will be verbally summarized at the public hearing on this proposal.

B. Public Comments

In accordance with Section 4.1.10, adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision and notice of the proposal and public hearing was physically posted onsite on March 16, 2011. As of the date of the completion of this staff report, no public comments have been received regarding the proposal. Any written public comment received after March 30, 2011 will be summarized verbally and entered into the public record during the Planning Board hearing on April 13th, 2011. Anyone wishing to provide verbal public comment may do so in person at the Planning Board hearing on April 13th.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed. Definitions of primary review criteria can be found in Section VIII of this report and in Chapter 2 of the Flathead County Development Code.

i. Impact on Agriculture

The subject property is not used for agricultural purposes. Moderately forested with mountainous sloping terrain, the site is not suited for traditional agricultural uses. Adjacent properties to the east appear to have been used for silvicultural purposes, but do not appear to be actively used for timber sales or harvesting.

Finding #1

There would be minimal impact on agriculture as a result of the proposed subdivision because the property is not currently utilized for agricultural purposes, is not located in an area of the County heavily utilized for agricultural, and is not adjacent to lands currently used for agricultural or silvicultural uses.

ii. Impact on Agricultural Water User Facilities

The subject property has no surface waters, is not irrigated for agricultural purposes, has no irrigation infrastructure on site, and is not in an irrigation district or party to any irrigation agreements.

Finding #2

There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.

iii. Impact on Local Services

1. Water and Wastewater

As verified by submitted materials included in Attachment 12 of the application, the proposal is within area annexed by the Bigfork Water and Sewer District, and all lots are proposed to connect to the public water supply and sewer services of

the District. Existing water and sewer mains previously installed and certified by an engineer as improvements associated with Saddlehorn I front the majority of currently proposed lots. In order to establish necessary service to remaining lots, a water main extension of approximately 500 feet would provide water service to lots 53, C35, C36, and C37, and a sewer main extension of approximately 600 feet would provide sewer service to lots C35, C36, C37, C38, and C39. Individual service connections from the water and sewer mains to all lots would average 30 feet in length.

Although solicited, no written comment has been provided from the Bigfork Water and Sewer District regarding the current proposal and its bearing on water flow and availability and system capacity for sewage treatment. As indicated in the Environmental Assessment, Montana Department of Environmental Quality previously approved Saddlehorn I Subdivision and issued a Certificate of Subdivision Approval for 96 residential units. The current proposal essentially maintains the total number of 96 residential units on lands within the boundaries of Saddlehorn I by aggregating previously approved attached residences and redistributing the density to other locations to be established as single family residences.

A March 3, 2011 letter from the Flathead City-County Health department states that the office supports the proposed connections to public water and sewer services and the extensions and the stormwater management plan for the proposed subdivision would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

2. Schools

The subject property is located within the Bigfork School District for both elementary and high school education. Although comment was requested, the District has not provided current comment regarding the proposal. While the proposed subdivision is anticipated to accommodate seasonal residences it is reasonable to anticipate some school-aged children may reside within the subdivision. Information in the Environmental Assessment and a submitted copy of a 2005 Bigfork School District letter indicates the elementary, middle, and high schools within the district each have capacity to serve a substantial number of additional students.

3. Mail Delivery

The application indicates an existing centralized mailbox facility located at the north entrance to Saddlehorn is proposed to serve the lots within the subdivision. The proposal for mail delivery appears reasonable and the applicant should be required to provide a letter of approval from the U.S. Postal Service prior to final plat.

4. Recreation

Preservation of the natural environment and appreciation of scenic beauty are objectives of Saddlehorn, and the Saddlehorn PUD contains approximately 115 acres of permanent open space which is to be developed with a network of

pedestrian and equestrian trails that would serve residents. Additionally, the surrounding area has a multitude of various types of recreational opportunities which are readily accessible for residents and the public

Included within Saddlehorn are natural and recreation open space areas that exceed the requirement for parkland as outlined in Section 4.7.26 of the Flathead County Subdivision Regulations (FCSR). Acknowledging the PUD provides an adequate amount of land permanently set aside for parkland purposes, the applicant is not proposing to dedicate additional lands or pay cash-in-lieu of parkland dedication, pursuant to Section 4.7.26(C)(1) FCSR.

5. Roads

Primary access for the subdivision is from Montana Highway 209 via Saddlehorn Trail, which is constructed to a paved 24-foot width within a 60-foot wide easement. As indicated on the preliminary plat, direct access to all proposed lots is via other internal roads extending from Saddlehorn Trail which are currently constructed to a paved 18-foot width within 40 foot wide easement in compliance with the applicable PUD standard established with the approval of the Final PUD Plan (FFPUD-07-02). An approach permit has been issued by MDT for the approach of Saddlehorn Trail onto Montana Highway 209. All roads within the subdivision will be owned and maintained by the Homeowners' Association.

All roads are currently constructed with the exception of Buckaroo Trail, proposed to be extended by approximately 1400 feet and terminating with a cul-de-sac in order to access Lots 53, C35, C36, and C37. The extension of Buckaroo Trail is proposed to be constructed and paved in compliance with the PUD standard for width (18-feet paved with 1-foot shoulders) and in compliance with applicable Flathead County Road and Bridge Department standards for sub-grade structure and grade. Written comment submitted on March 8, 2011 indicates the Road and Bridge Department finds the proposal is acceptable.

6. Fire/Emergency Medical Services

The site is in the Bigfork Fire District and the fire station is located approximately two driving miles to the Saddlehorn entrance via Highway 209. The Kalispell Regional Medical Center is approximately 20 miles from the proposed subdivision, and the Bigfork Fire District Ambulance Service is available to serve the location.

A March 1, 2011 letter from the Bigfork Fire Department states road grades are acceptable and indicates fire hydrants should be spaced every 400 feet and be located within 7-feet from the asphalt or concrete edge. The letter also expresses concerns which may affect their ability to provide adequate services, including:

- congestion on roadways caused by parking of worker/employee parking
- road widths and construction of drivable shoulders
- fire flow (water) standards related to Bigfork Fire District demands for residential sprinkling
- Subdivision Improvement Agreement (SIA) bonding related to compliance with District requirements

The following are staff perspectives regarding the Department's concerns.

- While issues regarding management of employees and their behavior is not a matter pertinent to subdivision review, the developer may wish to address the issue internally with contractors hired to perform work within the subdivision.
- The letter cites a statement in the Environmental Assessment regarding road construction complying with applicable County Road and Bridge Standards, stating "The current standard calls for 22' to 24' road widths. The current road widths do not meet county standards" and "All roads in the past were to have a 1' drivable shoulder. Most roads within the subdivision have less than a 1' foot shoulder and do not have the 3:1 slope after the 1' gravel shoulder. This creates very hazardous conditions for our emergency vehicles."

Through a legitimate process involving opportunity for public and agency input, the PUD has been approved to allow for 18-foot wide paved roads with 1-foot wide shoulders. The existing roads were constructed in association with Saddlehorn I Subdivision and their construction was certified to comply with applicable standards by an engineer licensed in the state of Montana. On staff's March 17 site visit, numerous random road measurements taken on Trading Post Trail, Buckaroo Trail, Chief Cliff Trail, and Pinto Trail revealed the roads to consistently be constructed with 18-feet of paved surface and minimum 1-foot shoulders.

Upon the Staff site visit, it was noted that down-slope sides of roads do appear steep, but not necessarily steeper than ordinary roads in mountainous settings, and certainly not steeper than the 4:1 grade standard called for in the older 2007 version of the Flathead County Road and Bridge Department's *Minimum Standards For Design and Construction*. The most current version of *Minimum Standards For Design and Construction* does not specify a required maximum grade for road shoulders, instead deferring to applicable AASHTO standards.

- The letter states "The current water system does not meet the fire flows that are required for the size of the buildings constructed, as per the NFPA 1 2003 edition. All buildings that require over 1000 gpm shall have residential sprinklers installed. All sprinklers must be installed in accordance to the current NFPA Residential Sprinkler code."

The application and Environmental Assessment indicate sizing and capacity of the currently proposed water main extensions and the existing waters system infrastructure is designed to provide required domestic flow for 96 single family residences and fire flow of 1000 gallons per minute (gpm) for a two hour duration based upon production of 1,872,000 gallons of water per day from two wells and onsite storage of 180,000 gallons at a tank located at the intersection of Saddlehorn Trail and Pinto Trail.

The letter implies the system design's assumption of 1000 gpm for fire flow is inadequate because that volume is based upon suppression requirements for residential structures which are smaller than those typically being constructed

within the Saddlehorn development. Therefore, the Bigfork Fire District would like to require code-compliant indoor fire sprinkling for future residences which require more than 1000 gpm based on size.

Staff research and consultation with the Flathead County Attorney's Office indicates requiring building code based automatic fire suppression systems for future residences which may require more than 1000 gpm based on size is contrary to state law and inappropriate pursuant to 76-3-504(1)(e) MCA because those systems require routine inspection and maintenance and Flathead County does not have a building department or a building code enforcement officer.

- A standard condition of approval for all subdivisions requires an applicant to comply with reasonable fire suppression and access requirements of the applicable fire district and typically requires a letter of approval from the fire chief to be submitted with the application for Final Plat.

The Department's request stating "In the event there is an SIA bond, all requirements of the Bigfork Fire District should be met before the bond is released" appears reasonable because in the event a final plat application includes an SIA, conditions requiring improvements related to fire district requirements (i.e. access and fire suppression infrastructure) often have not been completed at time of final plat approval, and there is no standard mechanism in place to ensure the improvements meet fire district requirements.

It appears this request could be addressed through a special condition of approval stating 'In the event the applicant is granted an SIA which includes improvements related to fire district requirements, a letter from the fire chief stating that the improvements meet the applicable and reasonable requirements of the fire district shall be submitted prior to release of the bonding collateral.'

The applicant should be required to satisfy reasonable conditions for fire suppression and/or emergency vehicle access as required by the applicable fire district(s) and the Board of County Commissioners.

7. Police Services

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff. Although solicited, the Sheriff's Department has provided no comment. Given existing staffing levels, the size of the County and the dispersed nature of the population, service to this subdivision is anticipated to be consistent with other unincorporated rural areas of Flathead County and delayed response times may be experienced.

8. Solid Waste Disposal

The applicant is proposing contract haul as a mechanism for solid waste disposal. A letter from the Flathead County Solid Waste District supports the proposed method of waste disposal as the District requests that all new subdivisions in Flathead County use a contract hauler to bring solid waste to the landfill.

9. **Other Utilities**

Electric, telephone, natural gas and cable/internet utilities will be placed underground within the proposed 60-foot internal subdivision road and utility easement, to serve the lots within the subdivision. As stated in the application, Flathead Electric will provide electrical power, CenturyTel will provide telephone service, and Northwestern Energy will provide natural gas.

Finding #3

The proposal for connection of all lots to the public water and sewer services of the Bigfork Water and Sewer district appears acceptable because the subject property is annexed into the district and the submitted copy of an applicable 'will-serve' letter from the district indicates adequate capacity in the water and sewer systems to accommodate the number of lots in the proposal.

Finding #4

The proposal to extend Buckaroo Trail as an 18-foot wide paved road with 1-foot wide shoulders for approximately 1400 feet to a cul-de-sac is appropriate because the subdivision is located within a Planned Unit Development (PUD) which allows for roads built to that dimension. Construction of the extension of Buckaroo Trail shall comply with the standards outlined in Section 4.7.18 of the Flathead County Subdivision Regulations and the Flathead County Road and Bridge Department's *Minimum Standards For Design and Construction* because the PUD does not include unique structural specifications.

Finding #5

The proposal to not dedicate parkland or pay cash-in-lieu of parkland dedication appears acceptable because the subdivision is within a Planned Unit Development that provides an amount of land permanently set aside for parkland purposes that exceeds the requirement for parkland as outlined in Section 4.7.26 of the Flathead County Subdivision Regulations (FCSR).

Finding #6

The Bigfork Fire Department has indicated the current water system does not meet the fire flow requirements because the system is designed to provide fire flow of only 1000 gallons per minute (gpm), which does not meet the NFPA standard for the size of homes typically being constructed within the Saddlehorn development.

Finding #7

Requiring code-based automatic fire suppression systems for future residences as a condition of approval appears contrary to state law and inappropriate pursuant to 76-3-504(1)(e) MCA because those systems require routine inspection and maintenance and Flathead County does not have a building department or a building code enforcement officer.

Finding #8

Ensuring compliance with reasonable fire suppression and access requirements of applicable fire districts at the time of final plat is impractical when a final plat application includes an SIA which bonds for improvements related to fire district requirements because those improvements will not have been completed at the time of final plat approval, and there is no established mechanism to ensure the improvements will meet applicable and reasonable fire district requirements before the bonding collateral is released. Considering the location and nature of the subdivision, which is situated upon steep mountainous terrain within the Wildland Urban Interface, imposition of a special condition based on FCSR 4.7.28(d) may ensure required subdivision improvements comply with applicable and reasonable fire suppression and access requirements of the Bigfork Fire District.

Finding #9

Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, emergency service providers have adequate access to the subdivision, the area is close to schools which have adequate capacity to accommodate additional students from the subdivision, a compliant mechanism for road maintenance exists, and the proposal would not adversely impact existing public water/wastewater services.

Finding #10

Impact to the other criteria discussed relative to ‘impact on local services’ would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.

iv. Impact on the Natural Environment**1. Water Quality**

According to the submitted Environmental Assessment, the site is underlain by bedrock and glacial till, test holes completed in 2007 indicate no evidence of ground-water, and on-site and nearby wells have not encountered water until a depth of 400 feet.

The site is annexed into the Bigfork Water and Sewer District, and a will-serve letter from the District pertinent to all proposed lots has been included with the application. A March 3, 2011 letter from the Flathead City-County Health department states that the office supports the proposed connections to public water and sewer services and the extensions and the stormwater management plan for the proposed subdivision would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

2. **Air Quality**

The applicant has submitted a “Dust Abatement Plan” compliant with Section 4.7.15 of the Flathead County Subdivision Regulations. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during and after site construction and development activities.

3. **Impact of Noise**

It is anticipated that road construction, utility installation, and the development of residences would generate limited noise impacts during construction which may be temporarily disturbing to wildlife and of character for a rural area of the County. With the exception of the Buckaroo Trail road extension and 500-600 feet of water and sewer main installation, most subdivision infrastructure improvements have been completed, and it is unlikely full build-out of residences (and associated noise) would occur all at once as it is more logical to assume residential construction would be gradual as individual lots are sold and developed. The proposed residential use on both lots is not anticipated to generate permanent continuous impacting noise to area residents or wildlife.

4. **Impact to Flora**

Containing no wetland or riparian areas, the subject property is generally forested with a wide variety of tree species, native grasses, and shrubs. The site has undergone substantial thinning of ground cover and ladder fuels in the interest of fire safety. It is anticipated additional clearing would be done to specifically accommodate future home sites.

Weeds may propagate on cleared areas if disturbed areas are not managed appropriately. The application includes a copy of a 2007 Soil Disturbance and Weed Management Plan associated with the original review of Saddlehorn. Noting the presence of Canadian Thistle on-site, the document also notes the apparent effectiveness of extensive weed management which has been ongoing for years. Pursuant to Section 4.7.27 FCSR the applicant would be required to develop and implement a current weed management plan specific to Saddlehorn No. 11 Subdivision which is approved by the Flathead County Weed Board prior to final plat approval.

5. **Impact to Floodplain**

According to FIRM Panels 2315G and 2320G, the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.

6. **Impact to Riparian/Wetland Areas**

No riparian or wetland areas occur on or adjacent to the subject property and therefore the subdivision would not impact riparian or wetland areas.

7. **Impact to Historical Features**

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property, no man-made structures

existed on the property prior to development of Saddlehorn, and that previous comment (not submitted) from Montana Historical Society indicates no record of historical structures located on the subject property.

Finding #11

Impacts to water quality as a result of the proposed subdivision are anticipated to be minimal because the site is not subject to shallow groundwater, and all lots would be served by public water and sewer systems, the extensions of which will be required to undergo review and receive approval from MDEQ.

Finding #12

Limited impacts to flora are anticipated because the site is heavily vegetated and any development would require the removal of vegetation; however, no plant species of concern have been identified as present on the subject property, completion and adherence to a weed control plan will be a condition of preliminary plat approval, and the open space proposed set aside would serve to offset potential impacts by conserving nearly 50% of the property in its natural state.

Finding #13

No impact to floodplain, wetland or riparian areas is anticipated as a result of the proposed subdivision because none of these features have been identified as existing on the subject property.

Finding #14

Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to mitigate dust and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to ‘impact on the natural environment’ would be minimal and acceptable with the imposition of conditions.

v. Impact on Wildlife

The subject property is vegetated with conifer trees, grasses and low-lying shrubs. Mapping provided by the Montana Department of Fish, Wildlife and Parks and the Environmental Assessment indicates that there is an overall distribution of mule deer, white-tailed deer, elk, and black bear in the area which is not identified as critical winter habitat for these species. The proposal site is approximately 1 mile from the town of Bigfork and the surrounding area, particularly to the west and south has been residentially developed for decades. No endangered or threatened species are known to occupy the subject property or adjacent areas. Montana Fish Wildlife and Parks submitted a written statement that they have no comment regarding the proposal.

Finding #15

Impacts to wildlife as a result of the proposed subdivision are anticipated as with any large scale development; however, impacts of the proposed subdivision on wildlife would be minimal because the property is not designated as a special winter habitat area, the surrounding area is agriculturally and residentially developed, the property and adjacent area is not known to be occupied by endangered or threatened species,

and because a general statement could be placed on the face of the final plat alerting property owners of their rural location and influence on wildlife.

vi. Impact on Wildlife Habitat

Although it may be assumed additional residential development would reduce and impact the quality of wildlife habitat within the subdivision, the applicable SAG-5 PUD will ensure preservation of a substantial amount of undeveloped forested land which may continue to provide cover and habitat for wildlife.

The ‘Saddlehorn Design Guidelines’, intended to promote Saddlehorn’s vision and commitment to environmental sustainability, include a section regarding wildlife to lessen the potential for negative human/wildlife encounters and degradation of wildlife habitat. Additionally, owners of the lots would be subject to wildlife-specific provisions of Article XV of the Declaration of Covenants, Conditions, and Restrictions for Saddlehorn (#200700025576) that are intended to minimize the potential for negative encounters between humans and wildlife and to minimize effects on wildlife and wildlife habitat.

Finding #16

Effects of the proposed subdivision on wildlife habitat is anticipated to be minimal because the applicable Saddlehorn PUD will ensure a substantial amount of undeveloped forested land within the subdivision boundaries which may continue to provide cover and habitat for wildlife, and the proposal is an anticipated element of a development plan intended to maintain open space and the wilderness character of the surrounding area.

vii. Impact on Public Health and Safety

1. Flood Risk

The subject property has no streams, wetlands or lakes and according to FEMA FIRM Panels 2315G and 2320G is in an area designated as Zone X - outside of the 0.2% annual chance floodplain. Therefore the proposal would not introduce adverse impacts to public health and safety in regard to flooding.

2. Water and Wastewater Treatment

All proposed lots would be served by the public water and sewer services of the Bigfork Water and Sewer District. Documentation submitted with the application indicates the District water system has adequate water capacity and the District sewer infrastructure can adequately manage the anticipated volume of wastewater. A March 3, 2011 letter from the Flathead City-County Health department states that the office supports the proposed connections to public water and sewer services and the extensions and the stormwater management plan for the proposed subdivision would be required to be reviewed and approved by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

3. Stormwater

Saddlehorn No. 11 is proposed to adhere to strict water conservation guidelines, including the harvest and re-use of rainwater. A conceptual plan for the

management of stormwater has been submitted and appears to adequately manage stormwater on site through absorption within soil, and collection and absorption in roadside swales and the various stormwater retention ponds indicated on the preliminary plat. The plan indicates much of the stormwater system was installed and certified with the approval of Saddlehorn I.

4. Road Network

Legal and physical access will be provided to each lot from the proposed internal subdivision road network which includes either loops or a cul-de-sacs designed and constructed in compliance with applicable PUD standards. As indicated on the plat, the road system approaches onto Mt Highway 209 and Mt Highway 35. All roads have been or will be built and paved to applicable county and PUD standards. A March 3, 2011 letter from the Flathead County Road and Bridge Department states the Department finds the applicants approach to road issues acceptable.

5. High Voltage Electric Lines/High Pressure Gas Lines

There are no exposed high voltage electric lines or high pressure gas lines on the subject property.

6. Fire and Emergency Services

The site is in the Bigfork Fire District and the fire station is located approximately two driving miles to the Saddlehorn entrance via Highway 209. The Kalispell Regional Medical Center is approximately 20 miles from the proposed subdivision, and the Bigfork Fire District Ambulance Service is available to serve the location.

The property is forested rolling terrain which is mapped as being within the Wildland Urban Interface and is identified as being in a high priority area for wildfire fuels reduction and mitigation as part of the Flathead County Community Wildfire Fuels Reduction/Mitigation Plan. The applicant has submitted a Fire Prevention Control and Fuels Reduction Plan in accordance with, and meeting the applicable requirements of Section 4.7.29 FCSR. The plan indicates the site has undergone active fire-wise management practices, and addresses water availability from a combination of 1000 gpm fire flow, water storage, and Saddlehorn's own pumper/tender trucks and personnel which can be used in the event of fire within the subdivision. There is an available gated secondary emergency ingress/egress located off of Chief Cliff Trail onto Pommel Drive through the Ranch subdivision in compliance with 4.7.29(a)(ii) FCSR. Statements required placed on the face of the final plat will ensure future property owners are aware of the requirements for development within the WUI.

Sheets 4a-4e of the preliminary plat address building pads and driveway layouts of specific lots with proposed driveway accesses which don't appear to comply with the maximum slope standard of 10% as outlined in 4.7.7(e) FCSR. Sheets 4f-4h of the preliminary plat are driveway profiles indicating that lots may be developed with compliant driveways using cut-and-fill techniques. Pursuant to 4.7.7(g) FCSR a note should be required to be placed on the final plat noting lots C38, C39, 43, 44,47, and 55 may be subject to steep terrain and that the driveways

shall be approved by the local Fire Marshal or Fire Chief as suitable access prior to the start of combustible construction.

Figure 4 - Subject Property post-thinning



7. Geologic Hazards

Sheet 4 of the preliminary plat indicates slope characteristics across the proposal site. A large number of proposed lots have representative 40'x40' building pads which are located on 25% slopes. Representative 40'x40' building pads on Lots C35, C38, 44, 47, 54, and 55 are located on slopes exceeding 25 percent. Pursuant to 4.7.7(h) FCSR, these lots should be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. The required analysis should prove that development of the lot would pose no significant geological hazards to either the lot or neighboring properties, and the applicant is required to comply with the recommendations of the analysis.

8. Avalanche Hazards

The subdivision is not located in an area of the County considered to be prone to avalanche hazards.

9. Airport Influence Areas

The subject property is not located within an airport influence area.

10. Soils

As indicated in submitted application materials, soils on the subject property are generally comprised of a variety of gravelly and silty loam soils, which generally are described as having low shrink-swell potential. It is anticipated soils on site would not pose a risk for health and safety, as other area properties similarly situated appear to be safely developed with stable residences.

Finding #17

Although the subject property is located in a ‘High Priority’ area of the Wildland Urban Interface, impacts of this proposed subdivision on public health and safety are acceptable because adequate emergency services are available for the subdivision, fire fuels reduction activities have occurred, a Fire Prevention Control and Fuels Reduction Plan has been submitted, there is adequate secondary emergency ingress/egress established and available off of Chief Cliff Trail onto Pommel Drive through the Ranch subdivision, adequate physical and legal access to the subdivision ensures safe access to and from the subdivision by residents and emergency service providers.

Finding #18

Based on topographic data submitted with the preliminary plat, proposed driveway accesses to Lots C38, C39, 43, 44, 47, and 55 may be unsafe for future residents and emergency service providers because they appear to exceed maximum slope standard of 10% as outlined in Section 4.7.7(e) FCSR. Impact of steep slopes on public health and safety may be minimized and acceptable with the imposition of conditions.

Finding #19

Based on topographic data submitted with the preliminary plat, terrain of Lots C35, C38, 44, 47, 54, and 55 may pose a geologic hazard, and pursuant to 4.7.7(h) FCSR, development of those lots may be unsafe for future residents and structures because representative 40’x40’ building pads appear to be located on slopes exceeding 25 percent. Impact of steep slopes on public health and safety may be minimized and acceptable with the imposition of conditions.

Finding #20

Impact to the other criteria discussed relative to ‘public health and safety’ would be minimal and acceptable with the imposition of conditions because the site is not located in a special flood hazard area; the proposal for water, sanitation, and stormwater will be required to be reviewed and approved prior to installation of the proposed new facilities, and; there are no hazards associated avalanche, or airport influence areas.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #21

The preliminary plat will conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which will be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations

Finding #22

No variances are requested or required. No Phasing plan has been proposed or requested. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective January 15, 2009 as compliant legal and physical

access would be provided and potential impacts to the primary review criteria are able to be adequately addressed by conditions.

D. Compliance with the Flathead County Subdivision Review Procedure

- i. Pre-application Conference Date**
November 17, 2010
- ii. Application Deadline Date**
May 17, 2011
- iii. Completeness Date**
December 23, 2010
- iv. Sufficiency Date**
February 8, 2011
- v. Agency Referral Requests Mailing Date**
February 17, 2011
- vi. Adjacent Property Notification Mailing Date**
March 16, 2011
- vii. Legal Notice Publication Date**
March 27, 2011
- viii. On-site Posting of Public Hearing Date**
March 16, 2011

Finding #23

The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective January 15, 2009.

E. Provision of Easements for the Location and Installation of Planned Utilities

Finding #24

The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

F. Provision of Legal and Physical Access to Each Parcel

Finding #25

Montana Highway 209 provides legal and physical access to the subdivision, and the privately maintained internal subdivision roads would provide legal and physical access to the individual lots. Internal roads occur within 60 foot and 40 foot wide access and utility easements in compliance with applicable county and approved PUD standards.

G. Review of Applicable Plans

76-1-605(2)(b) M.C.A. states that “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is

provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

i. Neighborhood Plan

The Flathead County Commission approved the Quarter Circle Ranch LA Neighborhood Plan as an amendment to the Bigfork Area Land Use Plan in October 2005. The plan was adopted as an addendum to the Flathead County Master Plan of 1987 which has subsequently been superseded by the Flathead County Growth Policy, effective March 19, 2007.

The Quarter Circle Ranch LA Neighborhood Plan encompasses an 800-acre area, including the proposal area. The plan includes provisions for clustering development, preserving natural resources, limiting the impact to the natural environment, and establishing a development theme. The proposal is intended to implement the goals of the plan.

ii. Flathead County Growth Policy

In addition to the Quarter Circle Ranch LA Neighborhood Plan, the subject property is also under the jurisdiction of the Flathead County Growth Policy. The Growth Policy, adopted on March 19, 2007, is a general policy document meeting the requirements of 76-1-601 M.C.A. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

H. Compliance with Local Zoning

The property occurs in an area zoned as a SAG-5 PUD. Saddlehorn No. 11 complies with the PUD standards, originally established to implement the Quarter Circle Ranch LA Neighborhood Plan. Specifically, the proposal would maintain the density standard of the SAG-5 PUD by not exceeding 96 residential units within the boundaries of the PUD area and by maintaining no less than 30% of the gross PUD area as natural open space/common area which promotes residential recreation and preservation of the natural environment.

V. SUMMARY OF FINDINGS

1. There would be minimal impact on agriculture as a result of the proposed subdivision because the property is not currently utilized for agricultural purposes, is not located in an area of the County heavily utilized for agricultural, and is not adjacent to lands currently used for agricultural or silvicultural uses.
2. There would be no impact to agricultural water user facilities because the subject property is not irrigated for agricultural purposes, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.
3. The proposal for connection of all lots to the public water and sewer services of the Bigfork Water and Sewer district appears acceptable because the subject property is

annexed into the district and the submitted copy of an applicable 'will-serve' letter from the district indicates adequate capacity in the water and sewer systems to accommodate the number of lots in the proposal.

4. The proposal to extend Buckaroo Trail as an 18-foot wide paved road with 1-foot wide shoulders for approximately 1400 feet to a cul-de-sac is appropriate because the subdivision is located within a Planned Unit Development (PUD) which allows for roads built to that dimension. Construction of the extension of Buckaroo Trail shall comply with the standards outlined in Section 4.7.18 of the Flathead County Subdivision Regulations and the Flathead County Road and Bridge Department's *Minimum Standards For Design and Construction* because the PUD does not include unique structural specifications.
5. The proposal to not dedicate parkland or pay cash-in-lieu of parkland dedication appears acceptable because the subdivision is within a Planned Unit Development that provides an amount of land permanently set aside for parkland purposes that exceeds the requirement for parkland as outlined in Section 4.7.26 of the Flathead County Subdivision Regulations (FCSR).
6. The Bigfork Fire Department has indicated the current water system does not meet the fire flow requirements because the system is designed to provide fire flow of only 1000 gallons per minute (gpm), which does not meet the NFPA standard for the size of homes typically being constructed within the Saddlehorn development.
7. Requiring code based automatic fire suppression systems for future residences as a condition of approval appears contrary to state law and inappropriate pursuant to 76-3-504(1)(e) MCA because those systems require routine inspection and maintenance and Flathead County does not have a building department or a building code enforcement officer.
8. Ensuring compliance with reasonable fire suppression and access requirements of applicable fire districts at the time of final plat is impractical when a final plat application includes an SIA which bonds for improvements related to fire district requirements because those improvements will not have been completed at the time of final plat approval, and there is no established mechanism to ensure the improvements will meet applicable and reasonable fire district requirements before the bonding collateral is released. Considering the location and nature of the subdivision, which is situated upon steep mountainous terrain within the Wildland Urban Interface, imposition of a special condition based on FCSR 4.7.28(d) may ensure required subdivision improvements comply with applicable and reasonable fire suppression and access requirements of the Bigfork Fire District.

9. Impact to the other criteria discussed relative to 'impact on local services' would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.
10. Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, emergency service providers have adequate access to the subdivision, the area is close to schools which have adequate capacity to accommodate additional students from the subdivision, a compliant mechanism for road maintenance exists, and the proposal would not adversely impact existing public water/wastewater services.
11. Impacts to water quality as a result of the proposed subdivision are anticipated to be minimal because the site is not subject to shallow groundwater, and all lots would be served by public water and sewer systems, the extensions of which will be required to undergo review and receive approval from MDEQ.
12. Limited impacts to flora are anticipated because the site is heavily vegetated and any development would require the removal of vegetation; however, no plant species of concern have been identified as present on the subject property, completion and adherence to a weed control plan will be a condition of preliminary plat approval, and the open space proposed set aside would serve to offset potential impacts by conserving nearly 50% of the property in its natural state.
13. No impact to floodplain, wetland or riparian areas is anticipated as a result of the proposed subdivision because none of these features have been identified as existing on the subject property.
14. Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions requiring the developer to mitigate dust and to take necessary steps to manage noxious weeds on site. Impact to the other criteria discussed relative to 'impact on the natural environment' would be minimal and acceptable with the imposition of conditions.
15. Impacts to wildlife as a result of the proposed subdivision are anticipated as with any large scale development; however, impacts of the proposed subdivision on wildlife would be minimal because the property is not designated as a special winter habitat area, the surrounding area is agriculturally and residentially developed, the property and adjacent area is not known to be occupied by endangered or threatened species, and because a general statement could be placed on the face of the final plat alerting property owners of their rural location and influence on wildlife.

16. Effects of the proposed subdivision on wildlife habitat is anticipated to be minimal because the applicable Saddlehorn PUD will ensure a substantial amount of undeveloped forested land within the subdivision boundaries which may continue to provide cover and habitat for wildlife, and the proposal is an anticipated element of a development plan intended to maintain open space and the wilderness character of the surrounding area.
17. Although the subject property is located in a 'High Priority' area of the Wildland Urban Interface, impacts of this proposed subdivision on public health and safety are acceptable because adequate emergency services are available for the subdivision, fire fuels reduction activities have occurred, a Fire Prevention Control and Fuels Reduction Plan has been submitted, there is adequate secondary emergency ingress/egress established and available off of Chief Cliff Trail onto Pommel Drive through the Ranch subdivision, adequate physical and legal access to the subdivision ensures safe access to and from the subdivision by residents and emergency service providers.
18. Based on topographic data submitted with the preliminary plat, proposed driveway accesses to Lots C38, C39, 43, 44, 47, and 55 may be unsafe for future residents and emergency service providers because they appear to exceed maximum slope standard of 10% as outlined in Section 4.7.7(e) FCSR. Impact of steep slopes on public health and safety may be minimized and acceptable with the imposition of conditions.
19. Based on topographic data submitted with the preliminary plat, terrain of Lots C35, C38, 44, 47, 54, and 55 may pose a geologic hazard, and pursuant to 4.7.7(h) FCSR, development of those lots may be unsafe for future residents and structures because representative 40'x40' building pads appear to be located on slopes exceeding 25 percent. Impact of steep slopes on public health and safety may be minimized and acceptable with the imposition of conditions.
20. No variances are requested or required. No Phasing plan has been proposed or requested. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective January 15, 2009 as compliant legal and physical access would be provided and potential impacts to the primary review criteria are able to be adequately addressed by conditions.
21. The preliminary plat will conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which will be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

22. Impact to the other criteria discussed relative to 'public health and safety' would be minimal and acceptable with the imposition of conditions because the site is not located in a special flood hazard area; the proposal for water, sanitation, and stormwater will be required to be reviewed and approved prior to installation of the proposed new facilities, and; there are no hazards associated avalanche, or airport influence areas.
23. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective January 15, 2009.
24. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.
25. Montana Highway 209 provides legal and physical access to the subdivision, and the privately maintained internal subdivision roads would provide legal and physical access to the individual lots. Internal roads occur within 60 foot and 40 foot wide access and utility easements in compliance with applicable county and approved PUD standards.

VI. CONCLUSION

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to Findings of Fact stated above. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

VII. CONDITIONS

A. Standard Conditions

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626B. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.18(g)(iv), 4.7.28(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the the Montana Department of Transportation for the approach of Saddlehorn Trail onto Mt Highway 209 indicating the approach has been built and received final inspection and final approval. [Section 4.7.18, FCSR]
3. The applicant shall comply with reasonable fire suppression and access requirements of the Bigfork Fire District. A letter from the fire chief stating that the plat meets the

- requirements of the fire district shall be submitted with the application for Final Plat. [Section 4.7.28(b), FCSR]
4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.27, FCSR]
 5. All internal subdivision roads (Buckaroo Trail) shall be certified by a licensed engineer and constructed and paved at least 18-feet wide with drivable 1-foot wide shoulders in accordance with approved PUD specifications and the Flathead County Minimum Standards for Design and Construction, as applicable. [Sections 4.7.18, 4.7.19 FCSR]
 6. With the application for final plat, the applicant shall provide a Road Users' Agreement which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.17(e), FCSR]
 7. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.25, FCSR]
 8. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.14, 4.7.22, 4.7.23 FCSR]
 9. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.30, FCSR]
 10. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.24, FCSR]
 11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.28(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.25, FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.15, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.24, FCSR]

- e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.27, FCSR]
 12. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
 13. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.15, FCSR]
 14. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.28(c), FCSR]
 15. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
 16. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.4.27, FCSR]
 17. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.4.22, FCSR]
 18. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. [Section 4.4.20, FCSR]
- B. Project-Specific Conditions
19. The Fire Prevention Control and Fuels Reduction Plan submitted with the preliminary plat application shall be implemented before approval of the final subdivision plat, and the local/reviewing fire authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been completed as proposed. [Section 4.7.29(f)]
 20. In the event the applicant is granted an SIA which includes improvements related to fire district requirements, a letter from the fire chief stating that the improvements meet the applicable and reasonable requirements of the fire district shall be submitted prior to release of the bonding collateral. [Section 4.7.28(d), FCSR]
 21. The proposed extensions of the public water and wastewater systems shall comply with the standards and requirements of the Bigfork Water and Sewer District. A letter from the district stating that the water and sewer improvements meet the district requirements shall be submitted with the application for Final Plat. [Sections 4.7.22, 4.7.23 FCSR]

22. Lots C35, C38, 44, 47, 54, and 55 shall be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. The soils analysis must prove that development of this lot would pose no significant geological hazards to either this lot or neighboring properties. The applicant is required to comply with the recommendations of the analysis. [Sections 4.7.7(h) FCSR]
23. The following statements shall be shown on the face of the final plat:
 - f. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.27, FCSR]
 - g. This subdivision is located in the Wildland Urban Interface wildfire priority area where wildfires can and do occur. [Section 4.7.29 (g), FCSR]
 - h. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.29 (g), FCSR]
 - i. Fire-Wise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.29 (g), FCSR]
 - j. Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, wildlife friendly fencing, and removing food sources.
 - k. Lots C38, C39, 43, 44, 47, and 55 may be subject to steep terrain and the driveways shall be approved by the local Fire Chief as suitable access prior to the start of combustible construction. [Section 4.7.7(g) FCSR]

Planner: AH

Filepath: S:\FCPZ\CURRENT PLANNING\SUBDIVISION AND ZONING REPORTS\FPP\2010\FPP-10-03
Saddlehorn No. 11

VIII. DEFINITIONS (From Chapter 2 of the Flathead County Development Code)

A. Agriculture

All aspects of farming, including the cultivation and tillage of the soil; dairying; and the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, including commodities defined as agricultural commodities in the federal Agricultural Marketing Act [12 U.S.C. 1141j(g)]. The raising of livestock, bees, fur-bearing animals, or poultry; and any practices, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal/poultry husbandry, performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market or delivery to storage, to market, or to carriers for transportation to market.

B. Agricultural Water User Facilities

Those facilities which provide water for agricultural land as defined in 15-7-202, MCA, or which provide water for the production of agricultural products as defined in 15-1-101, MCA, including, but not limited to, ditches, pipes, and head gates.

C. Local Services

Any and all services or facilities that local government entities are authorized to provide.

D. Natural Environment

The physical and biological conditions which exist within a given area, including land, air, water, mineral, flora, fauna, noise, human, and object of historic or aesthetic significance.

E. Public Health and Safety

A condition of well-being, free from danger, risk or injury for a community at large, or for all people, not merely for the welfare of a specific individual or a small class of persons.

F. Wildlife

Living animals which are neither human nor domesticated.

G. Wildlife Habitat

A place frequented by wildlife or site where wildlife naturally lives.