

FLATHEAD COUNTY

SUBDIVISION REGULATIONS



Flathead County Planning & Zoning Office

**Earl Bennett Building
1035 1st Avenue West
Kalispell, MT 59901
(406) 751-8200**

Website: www.co.flathead.mt.us/fcpz

**SUBDIVISION REGULATIONS
OF
FLATHEAD COUNTY, MONTANA**

ADOPTED RESOLUTION NO. 503
FEBRUARY 28, 1984
ON FILE
RECORDS OF FLATHEAD COUNTY, MONTANA
AND AS AMENDED

**Flathead County Planning & Zoning Office
Earl Bennett Building
1035 1st Avenue West
Kalispell, MT 59901
(406) 751-8200**

**FLATHEAD COUNTY SUBDIVISION REGULATIONS
AMENDMENTS**

<u>RESOLUTION</u>	<u>ADOPTED</u>	
503A	Delete Sections: 1.3(f), 1.6(a)(d), Amend Sections: 1.4(a), 10.47, 1.6(a)(b), 2.8(a), Add Sections: 10.25, 10.36, 10.53, 3.8(c)	10/7/93
503B	Road design standards/Subdivision Regulations Exemptions	11/29/94
503C	Amend Various Sections, Delete Existing 3.19 Parkland Section and Add New Section 3.19 Parkland	08/30/95
503D	Add Section 1.3(N), Amend Sections: 3.6(F), 3.20(D), 3.21(F) Appendix A, II, B, Appendix C Subsection B, Section III, and Section 2.7.d(2)(c)	06/20/96
503E	Add Section 3.23, Amend Sections: 9.33 and 8.1	03/23/98
503F	Amend Sections 2.4(E)(2), 2.5(C)(2), & 2.4(D)(6)(C), to change the term “days” to “working days”	02/15/00
503G	Amend Section 2.4(A) to change application submittal time from 30 to 45 days.	07/26/00
503H	Amend Section 2.4(A) to change application submittal time and delete Section 2.4(C).	1/10/01
503I	Remove all references to Flathead Regional Development Office and Countywide Administrative Board and replace with Flathead County Planning & Zoning Office and Flathead County Board of Commissioners.	7/19/01
503J	Not Used	
503K	Remove the requirement that the Flathead County Road department approve private roads within a subdivision, Section 3.9B.	10/22/02
503M	Add Section 9.44 to define Special Improvement District, amending Appendix C to require a waiver of protest to appear on the face of plats, and the addition of Appendix D setting forth the form of the waiver of protest to creation of special improvement districts.	05/25/05

TABLE OF CONTENTS

<u>CHAPTER</u>		<u>PAGE</u>
1.	General Provisions.....	1
1.1	Title	1
1.2	Authority.....	1
1.3	Purpose	1
1.4	Applicability	2
1.5	Exemptions	2
1.6	Exempted From Review But Subject To Survey Requirements	3
1.7	Jurisdiction.....	4
1.8	Severability	4
2.	Application Procedure.....	5
2.1	Pre-Application Conference.....	5
2.2	Application and Review Process	5
2.3	Preliminary Plat	5
2.4	Preliminary Plat Process – Major Subdivision	6
2.5	Preliminary Plat Process – Minor Subdivision	11
2.6	Preliminary Plat Process – Minor Subdivision Preliminary Plat Waiver	15
2.7	Final Plat Process	15
2.8	Correcting or Amending Filed Final Plats	20
2.9	Procedure for Subdivisions Created by Lease or Rent (Condominiums, Manufactured Home Parks, Campgrounds	21
3.	Design Standards	22
3.1	Subdivisions to Comply with Design Standards.....	22
3.2	Natural Environment to be Preserved.....	22
3.3	Lands Unsuitable for Subdivision	22
3.4	Planning Considerations.....	23
3.5	Floodplain Provisions	23
3.6	Lots	24
3.7	Blocks	25
3.8	Access.....	26
3.9	Streets and Roads Design Standards.....	27
3.10	Alleys.....	34
3.11	Sidewalks.....	34
3.12	Drainage Facilities	34

3.13	Temporary Erosion and Sedimentation Control	36
3.14	Water Supply System.....	36
3.15	Sewage Treatment Systems.....	36
3.16	Solid Waste.....	37
3.17	Utilities	37
3.18	Easements	37
3.19	Park Land.....	38
3.20	Fire Protection.....	41
3.21	High Fire Hazard Areas – Special Standards.....	41
3.22	Mail Boxes/Facilities	42
3.23	Remainders	43
4.	Manufactured Home Parks, Recreation Vehicle Parks and Campgrounds	44
4.1	Subdivision Created By Rent or Lease Defined.....	44
4.2	Exemption from Survey and Filing Requirements.....	44
4.3	Procedures.....	44
4.4	General Standards for Subdivisions Created by Rent or Lease	45
4.5	Park Land Dedication.....	45
4.6	Additional Fire Protection	46
4.7	Streets	46
4.8	Manufactured Home Park Standards	46
4.9	Recreational Vehicle Park and Campground Standards.....	48
5.	Condominium and Townhouses	50
5.1	Condominium Developments.....	50
5.2	Townhouse Developments	50
5.3	Procedures.....	50
5.4	Standards	51
5.5	Improvements	51
6.	Monumentation.....	52
7.	Administration	54
7.1	Variances	54
7.2	Violation	55
7.3	Penalty for Violation	55
7.4	Schedule of Fees	55
7.5	Amendment Procedure.....	55
7.6	Appeals	56

8. Subdivision Improvements Guarantee	57
8.1 Improvements to be Completed Prior to Approval of the Final Plat	57
8.2 Improvement Standards	57
8.3 Time Limits	57
8.4 Projected Costs	57
8.5 Improvement Agreement.....	58
8.6 Improvement Guarantee.....	58
8.7 Inspection and Certification	58
8.8 Reduction and Release of Guarantee.....	59
8.9 Failure to Satisfactorily Complete Improvements.....	59
8.10 Acceptable Forms of Improvements Guarantees	59

9. Definitions	63
-----------------------------	-----------

APPENDIX.....	75
----------------------	-----------

A. Preliminary Plat.....	75
---------------------------------	-----------

Contents of the Preliminary Plat	75
Supplements to the Preliminary Plat	76

B. Environmental Assement.....	79
---------------------------------------	-----------

Geology	79
Surface Water	79
Vegetation	80
Wildlife	80
Agriculture and Timber Production	80
Historical, Archaeological or Cultural Features	80
Sewage Treatment	81
Water Supply.....	83
Solid Waste	84
Drainage	84
Roads.....	85
Emergency Services.....	85
Schools.....	86
Economic Benefits.....	86
Land Use	87
Park and Recreation Facilities.....	87
Utilities.....	87

C. Final Plat	88
Contents of the Final Plat	88
Certifications on Final Plat	90
Attachments Accompanying Final Plat.....	91
D. Sample Forms and Certifications.....	92
Irrevocable Letter of Credit.....	92
Certificate of Dedication – Final Plat.....	93
Certificate of Surveyor – Final Plat.....	93
Certificate of Final Plat Approval - County	94
Consent to Dedication by Encumbrances, If Any.....	94
Certificate of Examining Land Surveyor Where Required – Final Plat.....	94
Certificate of Waiver of Park Land Dedication and Acceptance of Cash in Lieu Thereof	95
Certificate of Waiver of Park Land Dedication Which Creates Only One Additional Lot	95
Certificate Stating Facts Authorizing the Governing Body Waive Park Dedication Under the Five Acre, Single Family Dwelling Exemption of the Montana Subdivision and Platting Act.....	95
Declaration of Covenant	96
Certificate of Filing by Clerk and Recorder	97
Certificate of County Treasurer	97
Waiver of Protest – Participation in Special Improvement District.....	98
E. Subdivision Improvement Agreement	99
F. Standards for Flood Hazard Evaluation.....	104
G. Defensible Space Standards	105

CHAPTER 1 - GENERAL PROVISIONS

1.1 TITLE:

These Regulations shall be known as the "Subdivision Regulations of Flathead County, Montana".

1.2 AUTHORITY:

Authorization for these Regulations is contained in the "Montana Subdivision and Platting Act" (Title 76, Chapter 3, Montana Codes Annotated).

1.3 PURPOSE:

The purpose of these Regulations is to promote the public health, safety, and general welfare by providing for:

- A. The orderly development of the jurisdictional area;
- B. The coordination of roads within subdivided land with other roads, both existing and planned;
- C. The dedication of land for roadways and for public utility easements;
- D. The improvement of roads;
- E. The provision of open spaces for travel, light, air, and recreation;
- F. The provision of adequate transportation, water, drainage, and sanitary facilities;
- G. The avoidance or minimization of congestion;
- H. The avoidance of subdivision which would involve unnecessary environmental degradation;
- I. The avoidance of danger or injury by reason of natural hazard or the lack of water, drainage, access, transportation, or other public services;
- J. The avoidance of excessive expenditure of public funds for the supply of public services;
- K. The manner and form of making and filing of any plat for subdivided lands;

- L. The administration of these Regulations by defining the powers and duties of approving authorities including procedures for the review and approval of all plats of subdivisions covered by these provisions.
- M. The protection of the rights of property owners.
- N. To promote fair housing as outlined in Section 49-2-305 MCA, entitled: Discrimination in Housing.

1.4 APPLICABILITY:

These Regulations apply to all land developments described as subdivisions under 76-3-103(15), M.C.A., as amended, and include:

- A. Division of land which creates one or more parcels containing less than 160 acres.
- B. Resubdivision of previously subdivided land.
- C. Condominiums, if not on land divided in compliance with these Regulations.
- D. Manufactured home parks.
- E. Recreational vehicle campgrounds.
- F. Townhouse developments.

1.5 EXEMPTIONS:

Unless the method of disposition is adopted for the purpose of evading these regulations, the requirements of these Regulations shall not apply to any division of land which:

- A. Is created by order of any court of record in the State or by operation of law or which, in the absence of agreement between the parties to the sale, could be created by an order of any court in the State of Montana pursuant to the law of eminent domain;
- B. Is created to provide security for construction mortgages, liens or trust indentures;
- C. Creates an interest in oil, gas, minerals, or water which is now or hereafter severed from the surface ownership of real property;
- D. Creates cemetery lots;

- E. Is created by the reservation of a life estate;
- F. Is created by lease or rental for farming and agricultural purposes;
- G. Condominiums constructed on land divided in compliance with these Regulations;
- H. Division of State-owned land, unless the division creates a second or subsequent parcel from a single tract for sale, rent, or lease for residential purposes after July 1, 1974;
- I. Sale, rent, lease or other conveyance of one or more parts of a building, structure and other improvements situated on one or more parcels of land.

1.6 EXEMPTED FROM REVIEW BUT SUBJECT TO SURVEY REQUIREMENTS:

- A. Except as provided in Section 1.6.B, unless the method of disposition is adopted for the purpose of evading these Regulations, the following divisions of land are not under these regulations, but are subject to surveying requirements of Montana Statute 76-3-401, M.C.A.
 - 1. Divisions made outside of platted subdivisions for the purpose of relocation of common boundary lines between adjoining properties;
 - 2. Divisions made outside of platted subdivision for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;
 - 3. Divisions made outside of platted subdivisions by gift, sale or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the County Commissioners and the property owner that the divided land will be used exclusively for agricultural purposes;
 - 4. Relocation of common boundaries and the aggregation of five or fewer lots within a platted subdivision;
 - 5. Divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. Any restriction or requirements on the original platted lot or original unplatted parcel continue to apply to those areas.

B. Notwithstanding the Provisions of Subsection 1.6.A:

1. Within a platted subdivision filed with the County Clerk and Recorder, any division of lots which results in an increase in the number of lots or which redesigns or rearranges six or more lots must be reviewed and approved by the County Commissioners and an amended plat and an amended plat must be filed with the County Clerk and Recorder;
2. Any change in use of the land exempted under Subsection 1.6A(3) for anything other than agricultural purposes subjects the division to the provisions of these Regulations.

1.7 JURISDICTION:

These Regulations apply to the subdivision of land within the jurisdictional area of the Board of County Commissioners of Flathead County.

These Regulations supplement all other Regulations and where they are in conflict with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply.

1.8 SEVERABILITY:

If any portion of these Regulations are held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid portion.

CHAPTER 2 - APPLICATION PROCEDURE

2.1 PRE-APPLICATION CONFERENCE:

Any person intending to subdivide land shall meet and discuss his intentions with the Director (or staff planner) of the Flathead County Planning & Zoning Office. In the meeting, the subdivider shall provide information regarding the location, size, natural features, and existing development of the land to be subdivided as well as the number of lots, type of development, water and sewer systems, and the ingress and egress being considered. Flathead County Planning & Zoning Office staff will advise the landowner about the recommendations of the Master Plan, zoning and any other applicable regulations, availability of public services, access and any site constraints staff may be familiar with and the subdivision application and review procedure.

2.2 APPLICATION AND REVIEW PROCESS:

The subdivision application and review process involves two phases in accordance to Title 76, Chapter 3, M.C.A. These phases are:

- A. Preliminary plat.
- B. Final plat.

2.3 PRELIMINARY PLAT:

Subdivisions are grouped into three categories for review purposes. Each category is described and referenced below:

A. Major Subdivision:

A subdivision containing six (6) or more lots/spaces/units, as well as the second or successive minor subdivision where a cumulative total of six (6) or more lots/spaces/units is proposed from the original tract of record in existence on October 1, 1993. See Section 2.4.

B. Minor Subdivision:

A subdivision containing five (5) or fewer lots/spaces/units where all lots/spaces/units have proper access, no land will be dedicated to public use for parks, and this plat and all previous minor plats proposed from the original tract of record in existence on October 1, 1993, do not exceed a cumulative total of five (5) lots/spaces/units. See Section 2.5.

C. Minor Subdivision - Waiver of Preliminary Plat:

A minor subdivision which, because of its minimal impacts, has preliminary plat requirements waived. See Section 2.6.

2.4 PRELIMINARY PLAT PROCESS - MAJOR SUBDIVISION:

A subdivision containing six (6) or more lots/spaces/units, as well as the second or successive minor subdivision where a cumulative total of six (6) or more lots/spaces/units is proposed from the original tract of land.

A. APPLICATION:

The subdivider shall submit a complete application addressing items 1 - 3 below to the Flathead County Planning & Zoning Office in accordance with the policies established by the Planning Board having jurisdiction over the project.

1. Preliminary plat application (form available at Flathead County Planning & Zoning Office).
2. 16 copies of the preliminary plat and one reproducible set of supplemental information (See Appendix A).
3. One reduced copy of the preliminary plat not to exceed 11" x 17" in size suitable for photocopier use.
4. Application fee as established by the Flathead County Board of Commissioners.

B. ACTION BY THE FLATHEAD COUNTY PLANNING & ZONING STAFF:

Upon receipt of the submitted documents, the Flathead County Planning & Zoning Staff shall review them to determine their completeness. If the application is complete, it shall be date stamped showing the working day it arrived complete. If the submitted documents and information are found to be incomplete or insufficient, the applicant shall be notified of the deficiencies and informed that the application will not be formally accepted for processing until the missing items are submitted. Upon receipt of the completed application, the Flathead County Planning & Zoning Office shall:

1. Distribute copies of the submitted application for review and comment to the appropriate affected rural school district(s) as well as other departments, agencies and utility companies, as deemed necessary by the Planning Director;

2. Set a date for public hearing by the County Planning Board or appropriate City-County Planning Board. The notice of such hearing shall be published in a newspaper of general circulation in the County not less than 15 days prior to the date of the hearing, exclusive of the date of notice and the date of hearing. The subdivider and each property owner of record immediately adjoining the land included in the plat shall also be notified of the hearing by registered or certified mail not less than 15 days prior to the date of the hearing, exclusive of the date of notice and the date of hearing;
3. Review the submitted plat and supplemental information to determine compliance with these Regulations and prepare its report which shall include comments received from other departments, agencies and utility companies, findings of fact and recommendations;
4. Submit the application and staff report to the Planning Board members and submit the staff report with associated agency and public comments to the subdivider at least five days prior to the meeting;
5. Present the application and staff report at the hearing.

C. ACTION BY THE PLANNING BOARD:

The Planning Board shall:

1. Review the application, Flathead County Planning & Zoning Office staff report, comments from other departments and any supplemental information;
2. Hold public hearing(s) and receive public comments;
3. Prepare and adopt written findings of fact. Such findings of fact shall be based on the consideration of the following:
 - a. Effects on agriculture and agricultural water user facilities;
 - b. Effects on local services;
 - c. Effects on the natural environment;
 - d. Effects on wildlife and wildlife habitat;
 - e. Effects on public health and safety;

- f. Conformance with the following:
 - (1) These regulations;
 - (2) Applicable zoning regulations;
 - (3) Applicable Master Plan; and
 - (4) The Montana Subdivision and Platting Act.
- 4. Based on the above findings, make a recommendation to the Board of County Commissioners to approve, conditionally approve or deny the preliminary plat. The Planning Board, at its discretion, may not make a recommendation.
 - a. A positive recommendation may incorporate reasonable conditions of mitigation to reasonably minimize potentially significant adverse impacts identified above;
 - b. When requiring conditions of mitigation, the Board shall consult with the subdivider and shall give due weight and consideration to the expressed preference of the subdivider; and
 - c. A subdivision shall not be denied based solely on its impact on educational services.
- 5. Forward its recommendation or non-recommendation in writing to the County Commissioners along with three copies of the plat signed by the President of the Planning Board;
- 6. Any change in the preliminary plat made by the applicant after Planning Board action, but before County Commission action, will be reviewed by the Planning Director who will determine if the change is insignificant or substantial.
 - a. Insignificant changes have minimal impact either on the scale or scope of the project or on the immediate neighborhood. The Director will note the changes and forward them to the County Commissioners as part of their final action. This does not preclude the Commissioners from concluding that the changes are substantial and warrant Planning Board re-hearing and consideration.
 - b. Substantial changes may impact the scope or scale of the project or

immediate neighborhood. Such changes may include moving ingress-egress points, increasing the number of lots, re-arranging five or more lots, relocation of parking facilities, buildings, etc. The Planning Director shall notify the applicant and return the preliminary plat to the Planning Board for re-hearing and reconsideration.

- c. Any time an applicant proposes substantial changes, the applicant does so with the understanding that he/she is also agreeing to extend the minimum 60 working day review period an additional 60 working days from the date that the Planning Board holds a new public hearing and makes a recommendation.

D. ACTION BY THE BOARD OF COUNTY COMMISSIONERS:

Upon receipt of the Planning Board recommendation, the County Commissioners shall:

1. Review the application, Planning Board recommendation, Flathead County Planning & Zoning Office report, public comments, and other related information, and thereupon, shall adopt the written findings of fact as presented by the Planning Board or make and adopt new written findings of fact. Such findings shall be based on the following:
 - a. Effects on agriculture and agricultural water user facilities;
 - b. Effects on local services;
 - c. Effects on the natural environment;
 - d. Effects on wildlife and wildlife habitat;
 - e. Effects on public health and safety.
 - f. Conformance with the following:
 - (1) These regulations;
 - (2) Applicable zoning regulations;
 - (3) Applicable Master Plan; and
 - (4) The Montana Subdivision and Platting Act.

2. Based on the above findings, the Commissioners shall then approve, conditionally approve, or deny the preliminary plat within 60 working days of its presentation at the meeting of the Planning Board, unless the subdivider consents to an extension of the review period in writing.

E. PRELIMINARY PLAT APPROVAL:

1. Upon approving the preliminary plat, the County Commissioners shall provide the subdivider with one copy of a dated and signed statements of approval along with one signed copy of the plat. A signed approval statement and a signed copy of the plat shall be returned to the Flathead County Planning & Zoning Office, and the third signed copy of the preliminary plat shall be retained in the file in the Commissioners' office. If conditions are placed on the preliminary plat, the reason for imposition of the condition(s), evidence justifying imposition of the condition(s) and information regarding the appeal process as provided for in Section 7.6 of these regulations shall be provided in writing to the subdivider;
2. A positive recommendation may incorporate reasonable conditions of mitigation to reasonably minimize potentially significant impacts identified above;
3. When requiring conditions of mitigation, the Board shall consult with the subdivider and shall give due weight and consideration to the expressed preference of the subdivider;
4. A subdivider may be required to pay or guarantee payment for part or all of the costs of extending capital facilities related to public health and safety, including but not limited to public roads, sewer lines, water supply lines and storm drains to a subdivision but the costs must reasonably reflect expected impacts attributable to the subdivision.
5. The Board may not require a subdivider to pay or guarantee payment for part or all of the costs of constructing or extending capital facilities related to education.
6. The approval of the preliminary plat shall be in force for not more than three calendar years, nor less than one calendar year. At least 30 days prior to the end of this period, the subdivider may request, in writing, an extension of the approval for no more than one calendar year and the County Commissioners may grant such extension. The total life of a preliminary plat shall not exceed four (4) calendar years.
7. After the preliminary plat is approved, the County Commissioners may not

impose any additional conditions as pre-requisite to final plat approval providing said approval is obtained within the original or extended approval period as provided in Subsection F(2) above;

8. The subdivider shall not proceed with any construction work on the proposed subdivision, including grading and excavation relating to public improvements, until such time that Preliminary Plat Approval is granted by the County Commissioners. Construction may be commenced upon approval of the preliminary plat subject to any required conditions of approval. Upon approval of the preliminary plat, the subdivider may proceed with the preparation and submission of the final plat for approval by the County Commissioners. Prior to final plat approval, lots may not be sold - See Section 2.7(C)

Note: If preliminary plat approved, proceed to Section 2.7, Final Plat Application.

F. PRELIMINARY PLAT DENIAL:

1. If the County Commissioners deny the preliminary plat, the Commissioners shall forward one copy of the plat to the subdivider accompanied by a letter from the Commissioners' Office stating the reason for denial, evidence justifying the denial and information regarding the appeal process provided for in Section 7.6 of these regulations.

A subdivision shall not be denied based solely on its impact on educational services.

2.5 PRELIMINARY PLAT PROCESS - MINOR SUBDIVISION

A subdivision containing five (5) or fewer lots/spaces/units where all lots/spaces/units have proper access, no land will be dedicated to public use for parks, and this plat and all previous minor plats from this tract of land do not exceed a total of five (5) lots/spaces/units shall be considered a minor subdivision.

A. APPLICATION:

The subdivider shall submit the following to the Flathead County Planning & Zoning Office:

1. Preliminary plat application form available at Flathead County Planning & Zoning Office;

2. 6 copies of the preliminary plat and one reproducible set of supplemental information as provided for in Appendix A;
3. One reduced copy of the preliminary plat not to exceed 11" x 17" in size suitable for photocopier use.
4. Application fee as established by the Flathead County Board of Commissioners.

B. ACTION BY THE FLATHEAD COUNTY PLANNING & ZONING OFFICE STAFF:

Upon receipt of the submitted documents, the Flathead County Planning & Zoning Office Staff shall review them to determine their completeness. If the application is complete, it shall be date stamped showing the working day it arrived complete. If the submitted documents and information are found to be incomplete or insufficient, the applicant shall be notified of the deficiencies and informed that the application will not be formally accepted for processing until the missing items are submitted. Upon receipt of the completed application, the Flathead County Planning & Zoning Office shall:

1. Distribute copies of the submitted application for review and comment to the appropriate departments, agencies, and utility companies, as deemed necessary by the Planning Director.
2. Review the submitted plat and supplemental information to determine compliance with these Regulations and prepare its report which shall include comments received from other departments, agencies and utility companies, written findings of fact and a recommendation.
3. Forward the staff report and application materials to County Commissioners with a copy of the report with agency and public comments to the subdivider.

C. ACTION BY BOARD OF COUNTY COMMISSIONERS:

1. The County Commissioners shall review the application, Flathead County Planning & Zoning Office staff report and other related information and, thereupon, shall prepare and adopt written findings of fact. Such findings shall be based on the following criteria:
 - a. Effects on agriculture and agricultural water user facilities;

- b. Effects on local services;
 - c. Effects on the natural environment;
 - d. Effects on wildlife and wildlife habitat;
 - e. Effects on public health and safety.
 - f. Conformance with the following:
 - (1) These regulations;
 - (2) Applicable zoning regulations;
 - (3) Applicable Master Plan; and
 - (4) The Montana Subdivision and Platting Act.
2. Based on the above findings, the County Commissioners shall then approve, conditionally approve or deny the preliminary plat application within 35 working days from the date a completed application was filed with the Flathead County Planning & Zoning Office unless the subdivider consents to an extension of the review period in writing.

D. PRELIMINARY PLAT APPROVAL:

- 1. Upon approving the preliminary plat, the County Commissioners shall provide the subdivider with one copy of a dated and signed statement of approval along with one signed copy of the plat. A signed approval statement and a signed copy of the plat shall be returned to the Flathead County Planning & Zoning Office, and the third signed copy of the preliminary plat shall be retained in the Commissioners' Office. If conditions are placed on the preliminary plat, the reason for imposition of the condition(s), evidence justifying imposition of the condition(s) and information regarding the appeal process as provided for in Section 7.6 of these regulations shall be provided in writing to the subdivider.
- 2. A positive recommendation may incorporate reasonable conditions of mitigation to reasonably minimize potentially significant adverse impacts identified above.
- 3. When requiring conditions of mitigation, the Board shall consult with the

subdivider and shall give due weight and consideration to the expressed preference of the subdivider.

4. A subdivider may be required to pay or guarantee payment for part or all of the costs of extending capital facilities related to public health and safety, including but not limited to public roads, sewer lines, water supply lines and storm drains to a subdivision but the costs must reasonably reflect expected impacts attributable to the subdivision.
5. The Board may not require a subdivider to pay or guarantee payment for part or all of the costs of constructing or extending capital facilities related to education.
6. An approved preliminary plat shall be in force for not more than three calendar years nor less than one calendar year. At least 30 days prior to the end of this period, the subdivider may request, in writing, an extension of the approval for no more than one calendar year and the County Commissioners may grant such extension. The total life of a preliminary plat shall not exceed (4) calendar years.
7. After the preliminary plat is approved, the County Commissioners may not impose any additional conditions as prerequisite to final plat approval providing said approval is obtained within the original or extended approval period as provided above in Subsection D(2);
8. The subdivider shall not proceed with any construction work on the proposed subdivision, including grading and excavation relating to public improvements, until such time that Preliminary Plat Approval is granted by the County Commissioners. Upon approval of the preliminary plat, the subdivider may commence construction subject to any required conditions of approval and may proceed with the preparation and submission of the final plat for approval by the County Commissioners. Prior to final plat approval, lots may not be sold - See Section 2.7(C).

Note: If preliminary plat is approved, proceed to Section 2.7 - Final Plat Application.

E. PRELIMINARY PLAT DENIAL:

1. If the County Commissioners deny the preliminary plat, they shall forward one copy of the plat to the subdivider accompanied by a letter from the Commissioners' Office stating the reason for denial, evidence justifying the denial and information regarding the appeal process provided for in Section

7.6 of these regulations.

A subdivision shall not be denied based solely on its impact on educational services.

2.6 PRELIMINARY PLAT - MINOR SUBDIVISION PRELIMINARY PLAT WAIVER:

A. Based on information at the pre-application conference, the requirement for a preliminary plat may be waived by the Planning Director. The subdivider must request the waiver in writing and the Director must determine:

1. The plat contains five (5) or fewer lots;
2. There is no public dedication of streets or public or private park land;
3. All lots have suitable access conforming to County standards;
4. Each lot has a suitable building site and there are no environmental hazards present;
5. Each lot can support on-site sewer or water services or is already served by public sewer or water;
6. The subdivision complies with these regulations and current zoning regulations;
7. No significant effects are anticipated on agriculture and agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat and the public health and safety.

B. When Preliminary Plat has been waived, the County Commissioners shall adopt findings of fact for approval based on 1-7 above concurrent with final plat approval.

Note: If the preliminary plat is waived, proceed to Section 2.7 - Final Plat Application.

2.7 FINAL PLAT PROCESS:

A. PURPOSE:

The purpose of the final plat is to review the proposed subdivision for proper final engineering and subdivision design, to provide for dedication of lands required for

public use, for the construction of public improvements, and for conformance with the preliminary plat. The final plat shall incorporate all modifications required in its preliminary review.

B. PHASING FINAL PLAT SUBMITTALS:

The applicant, as part of the preliminary plat approval, may propose to delineate on the preliminary plat two or more final plat filing phases and establish the schedules of the preliminary plat review and approval.

1. Each phase must be free-standing, that is, fully capable of functioning with all the required improvements in place in the event the future phases are not completed or completed at a much later time.
2. A phasing plan must be submitted which includes:
 - a. A plat delineating each phase and a general time frame for each phase,
 - b. Public improvements phasing plan showing which improvements will be completed with each phase.
3. The preliminary plat of a phased subdivision shall have time limits:
 - a. If a subdivision is part of an approved planned unit development (PUD) which contains a specific phasing plan complete with time lines, such phasing plan shall be binding.
 - b. For all other subdivisions, upon final plat approval of the first phase, final plats for each successive phase must be filed within two years of the previous final plat approval. Failure to meet this time frame will cause the preliminary plat to void.
4. When phasing was not indicated in the preliminary plat approval, the applicant shall submit to the Flathead County Planning & Zoning Office a phasing plan complying with B(1,2) above and Appendix A, Contents of Preliminary Plat - II(D) Phased Projects. Said phasing plan shall be approved by the Flathead County Planning & Zoning Office (subject to appeal to the County Commissioners) prior to submittal of the Final Plat Application for the first phase.
5. Minor modifications to an approved phasing plan which do not change

impacts on the adjoining property may be approved or denied by the Planning Director.

C. SALE OF LOTS PRIOR TO FINAL PLAT:

1. A final subdivision plat must be approved and filed for record with the County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner, except after the preliminary plat of a subdivision has been approved, the subdivider may enter into contracts to sell lots in the proposed subdivision if all of the following conditions are met:
 - a. That under the terms of the contracts, the purchasers of the lots in the proposed subdivision make any payments to an escrow agent which must be a bank or savings and loan association chartered to do business in the State of Montana;
 - b. That under the terms of the contracts and the escrow agreement, the payments made by purchasers of lots in the proposed subdivision may not be distributed by the escrow agent to the subdivider until the final plat of the subdivision is filed with the County Clerk and Recorder;
 - c. That the contracts and the escrow agreement provide that, if the final plat of the proposed subdivision is not filed with the County Clerk and Recorder within the period of the preliminary plat approval, the escrow agent shall immediately refund to each purchaser any payments made under the contract;
 - d. That the contracts contain the following language conspicuously set out therein: "The real property which is the subject hereof has not been finally platted, and until a final plat identifying the property has been filed with the County Clerk and Recorder, title to the property cannot be transferred in any manner".

D. FINAL PLAT APPLICATION:

1. After receiving preliminary plat approval, the subdivider may proceed with the preparation and submission of the final plat of the proposed subdivision. All required improvements shall either be installed, or the subdivider shall enter into a subdivision improvements agreement with the Board of County Commissioners prior to the filing of the final plat guaranteeing the installation of remaining improvements (See Appendix E, Subdivision Improvements Agreement);

2. A complete application for final plat approval shall be submitted to the Flathead County Planning & Zoning Office at least 60 days prior to the expiration date of the preliminary plat. (Because of processing time, complete final plat applications submitted less than 60 days prior to expiration face the possibility of expiring prior to County Commissioners review and action). The submittal shall include the following:
 - a. Completed final plat application form (available at Flathead County Planning & Zoning Office);
 - b. Application review fee as set by the Flathead County Board of Commissioners;
 - c. One cloth backed or opaque mylar copy, one reproducible copy of the final plat and three blueprint copies of the final plat prepared in accordance with Appendix C;
 - d. All attachments to the final plat as specified in Appendix C.
 - e. Certification by the subdivider indicating which required improvements have been completed on the site or are subject to an attached subdivision improvements agreement in conformance with Appendix E securing the future construction of public improvements to be installed.

E. ACTION BY THE PLANNING OFFICE:

1. The Flathead County Planning & Zoning Office shall review the submitted plat and documents to assure completeness as well as compliance with:
 - a. The approved preliminary plat;
 - b. The preliminary plat conditions of approval.
 - c. The Flathead County Subdivision Regulations;
 - d. The Montana Subdivision and Platting Act.
2. If the Flathead County Planning & Zoning Office determines that the submitted final plat and attachments are complete and in substantial compliance with 1(a-d) above, it will review and make its recommendation to the County Commissioners within 30 days of receipt of a complete

application.

3. The Board must approve the completed final plat application and recommendation prior to actual expiration of the preliminary plat.
4. The final plat must conform to the preliminary plat map and conditions of preliminary plat approval.
 - a. Insignificant changes which have a minimal impact on the scale or scope of the project or immediate neighborhood shall be so noted in the report to the County Commissioners.
 - b. Changes which either the Planning Director or the County Commissioners determine to be substantial shall be returned to the Planning Board for re-hearing and consideration as amendments to the original preliminary plat following procedures outlined in either Sections 2.4 or 2.5. Substantial changes would include moving ingress-egress points; re-arranging five (5) or more lots; increasing the number of lots; significant relocation of buildings, parking facilities or common areas; or requesting a deletion or substantial change to any condition of written approval except when a condition of approval is effectively changed as a result of new or modified governmental regulations.

F. ACTION BY BOARD OF COUNTY COMMISSIONERS:

1. The Commissioners shall approve the final plat if:
 - a. The final plat conforms to:
 - (1) The preliminary plat and conditions of preliminary plat approval;
 - (2) The Montana Subdivision and Platting Act;
 - (3) The Flathead County Subdivision Regulations and in particular Appendix C;
 - b. The subdivider has installed all the required improvements or has entered into a written subdivision improvements agreement with Flathead County pursuant to Appendix E of these Regulations.
2. The County Commissioners may withdraw approval of a plat if they

determine that information provided by the subdivider, and upon which such approval was based, is inaccurate.

3. If the final plat is disapproved, the reasons for disapproval shall be stated in the minutes of the County Commission and a copy forwarded to the subdivider.
4. The acceptance of land dedications shall be made by specific action of the County Commissioners and shall be noted on the plat.
5. The County Commissioners shall approve or deny a final plat application within 30 days after receiving the Flathead County Planning & Zoning Office recommendation, unless the subdivider waives in writing the right to have such a decision within the prescribed time limit. The County Commissioners shall notify in writing the subdivider and the Flathead County Planning & Zoning Office of their approval or denial of the final plat.

G. FINAL PLAT FILING:

The subdivider shall have 30 days from the date of the approval of the final plat to file the approved final plat and documents as described in Appendix C with the County Clerk and Recorder.

2.8 CORRECTING OR AMENDING FILED FINAL PLATS:

A. Correcting Filed Final Plats:

Correction of drafting or surveying errors that in the County Commissioners opinion will not materially alter the plat, its land division, or the improvements to less than the standards contained herein, may be made by the submission of a corrected final plat for the County Commissioners approval. The plat shall be entitled "Corrected Plat of the (name of subdivision) Subdivision" and the reason for the correction shall be stated on the face of the plat.

B. Amending Filed Final Plats:

1. Changes that materially alter the final plat or any portion thereof or its land divisions or improvements shall be made by the filing of an amended plat showing all alterations. Within a platted subdivision, any division of lots which result in an increase in the number of lots, or which redesigns or rearranges six or more lots, must be reviewed and approved by the County Commissioners and an amended plat must be filed with the County Clerk

and Recorder.

2. The relocation of common boundaries and the aggregation of lots within platted subdivision where five (5) or fewer of the original lots are affected are exempt from approval procedures as a subdivision. In such case, an amended plat shall be prepared following the requirements of Appendix C, except that in place of the County Commissioners' approval, the landowner certifies that the approval of the County Commissioners is not required pursuant to Section 76-3-207(1), M.C.A., as amended.
3. The amended plat shall be subject to procedural requirements for major and minor subdivisions (Sections 2.4 through 2.6) and shall be subject to all standards contained in these Regulations.
4. The final amended plat submitted for approval shall comply with the final plat requirements of Section 2.7 and Appendix C with the exception that the title shall include the word "Amended" ("Amended Plat of the [name] Subdivision" or "[Name] Subdivision, Amended").

2.9 PROCEDURE FOR SUBDIVISIONS CREATED BY LEASE OR RENT (CONDOMINIUMS, MANUFACTURED HOME PARKS, CAMPGROUNDS)

- A. Subdivisions created by lease or rent, such as manufactured home and recreational vehicle parks, are exempt from the surveying and filing requirements of the Montana Subdivision and Platting Act, but must be submitted for review and approved by the County Commissioners before portions thereof may be leased or rented.
- B. Manufactured home parks, recreational vehicle campgrounds, and condominium developments comprised of six (6) or more dwelling units, lots, or spaces shall comply with and shall be processed in accordance to the procedure stated in Section 2.4 and Chapter 4 or 5 of these Regulations.
- C. Manufactured home parks, recreational vehicle parks and condominium developments comprised of five (5) or fewer dwelling units, lots, or spaces shall be reviewed under Section 2.5 and Chapters 4 or 5 of these Regulations.

CHAPTER 3 - DESIGN STANDARDS

3.1 SUBDIVISIONS TO COMPLY WITH DESIGN STANDARDS:

All subdivisions shall comply with design standards included in this chapter, unless a variance from any particular section is requested in writing and is granted by the County Commissioners pursuant to Section 7.1 of these Regulations or unless it is a PUD as described in 3.1(A) below. Engineering and survey plans, specifications, design details and reports required by the County shall be prepared by a licensed professional engineer or registered surveyor as their respective license laws allow in accordance with the Montana Subdivision and Platting Act and these Regulations.

A. Planned Unit Developments (PUD):

In areas which are zoned and for which the PUD provisions exist in local zoning regulations, the subdivider shall conform to the procedures and specifications of the zoning regulations. Individual variances to these design standards are not necessary.

3.2 NATURAL ENVIRONMENT TO BE PRESERVED:

The design and development of subdivisions shall contain satisfactory building sites which are properly related to topography and shall preserve the natural terrain, natural drainage, existing top soil, trees, natural vegetation, wildlife and fish habitats to the extent possible. The County Commissioners may impose landscaping requirements on the subdivider or homeowner.

3.3 LANDS UNSUITABLE FOR SUBDIVISION:

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 are eliminated or will be overcome by approved design and construction plans.

3.4 PLANNING CONSIDERATIONS:

The subdivision design shall take into consideration the following planning considerations:

- A. Particular consideration shall be given to topography in relation to slope stability.
- B. Land subject to flooding shall be set aside for uses which will not aggravate the danger of flood hazard, will not be endangered by flooding, nor endanger the general health, safety and welfare of the residents.
- C. The subdivision plan shall be designed to permit continuation of streets into adjacent subdivisions unless there is justification for an alternate design.
- D. Land area for floodplains, natural or scenic areas, schools, parks, open space, road rights-of-way and easements shall be reserved and located according to good planning practices and principles.
- E. When use or encroachment of agricultural land is included and affected by the subdivision, all agricultural preservation policies of the County Master Plan shall be adhered to.
- F. Multiple land uses within the subdivision must be properly situated within the subdivision to provide the maximum convenience to the residents.
- G. Land subject to hazardous conditions such as land slides, rock falls, possible subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall be identified.
- H. When only a portion of an ownership is to be subdivided and development is contemplated for the remainder, the subdivider shall provide a reasonable development plan indicating the intentions for the remainder. Such a plan shall show in a general fashion: proposed roadways, residential lot location, and parks or common areas.

3.5 FLOODPLAIN PROVISIONS:

Land located in the floodway of a flood of 100 year frequency as defined by Title 76, Chapter 5, M.C.A., or land deemed subject to flooding as delineated by the most current floodplain maps available and adopted by Flathead County, shall not be subdivided for building or residential purposes, or other uses that may increase flood hazard to life, health or property.

If any portion of a proposed subdivision is within 2,000 horizontal feet and 20 vertical feet of a live stream draining an area of 25 square miles or more and no official floodway delineation or floodway studies of the stream have been made, the subdivider shall furnish survey data to the Water Resources Division of the Montana Department of Natural Resources and Conservation. Survey data shall comply with the Standards of Flood Hazard Evaluation as contained in Appendix F of these Regulations. After the Water Resources Division has prepared a report delineating the floodway, the subdivider shall submit it to the Flathead County Planning & Zoning Office along with the Environmental Assessment required for the preliminary plat.

The County Commission shall waive this requirement where the subdivider contacts the Water Resources Division and that agency states in writing that available data indicates that the proposed subdivision is not in a flood hazard area.

3.6 LOTS:

Each lot shall contain a satisfactory building site which is properly located to topography and conforms to Health Department, zoning, floodplain, and these Regulations and the applicable Master Plan. The proposed lots shall meet the following standards:

- A. No single lot shall be divided by a municipal boundary line.
- B. No single lot shall be divided by a public street, road, alley, right-of-way, or access easement.
- C. Each lot shall abut and have access onto a public or private street or road.
- D. Corner lots shall have a driveway access to the same street or road as interior lots and shall have sufficient area to provide acceptable visibility for traffic safety.
- E. Each lot shall have a building site (minimum 40 foot by 40 foot square pad) on existing undisturbed terrain of 30% or less slope and each building site must be able to be accessed by a minimum 12 foot wide drive with a maximum 10% slope. Where such a building site is not obvious, for example, when the average slope of a lot exceeds 15%, minimum two foot ground contour intervals shall be shown on the preliminary plat for the building pad and drive way and a statement shall be placed on the final plat noting the specific lots as enumerated may be subject to steep terrain and that the driveway shall be approved by the local Fire Marshal or Fire Chief as suitable access prior to the start of combustible construction.

- F. Any building pad which exceeds 25% in cross slope may be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval. Said report must find that development of this lot would pose no significant geological hazards to either this lot or neighboring properties and the applicant would be required to comply with the recommendations of said report.
- G. No lot shall have an average depth greater than three times its average width unless the average lot width is more than 200 feet.
- H. Side lot lines shall be substantially right angles to streets or road lines and radial to curved streets or road lines.
- I. All lots in unzoned areas shall have:
 - 1. A minimum average width of 60 feet;
 - 2. Lakeshore and river front lots shall have a minimum average width of 100 feet with a minimum 100 foot of frontage on the river or lake as measured at the high water line.
 - 3. A minimum frontage of 30 feet abutting the primary access road.
- J. Through lots or reverse lots are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages or topography or orientation.
- K. A planting screen easement of a minimum width of 10 feet, across which there shall be no right-of-way access, shall be provided along the line of lots abutting a traffic artery, other disadvantageous situations, or non-compatible use.

3.7 BLOCKS:

- A. Blocks shall be designed to assure traffic safety and ease of traffic control and circulation, to accommodate the special needs of the use contemplated and to take advantage of the limitations and opportunities of the topography.
- B. Block lengths shall be not less than 300 feet nor more than 1,200 feet.
- C. Blocks shall be wide enough to allow for two tiers of lots except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

- D. Right-of-way for pedestrian walks not less than 10 feet wide shall be required where deemed essential to provide access to common facilities such as parks, playgrounds, streams and lakes, or when necessary to break up excessively long blocks.

3.8 ACCESS:

- A. Each lot shall have legal and physical access provided and must abut and have access to a public or private street or road. Alleys and emergency secondary access roads shall not be used to provide the primary means of access to a lot.
- B. Any private street or road providing ingress and egress to a subdivision or to one or more lots within a subdivision shall meet the street design standards and specifications stated in Section 3.9 of these Regulations.
- C. The County Commissioners may require multiple accesses into a subdivision when any of the following are present:
 - 1. Where the primary access road is over 2,500 feet long.
 - 2. Where a primary access road is over 1,500 feet long and it serves at least 20 residential lots/dwelling units/spaces.
 - 3. Where safe and convenient access and emergency vehicle circulation dictate.
- D. The County Commissioners shall require multiple accesses into a subdivision in high hazard fire areas:
 - 1. Where the primary access is over 1,500 feet long or;
 - 2. Where the primary access road is over 1,000 long and it serves 20 residential lots/dwelling units/spaces.
- E. Where more than one access is required into a subdivision and the sole intent of the second or additional access is for emergency access, R/W and travel surface width may be reduced below County Standards for primary roads. Note that such secondary access road can not function now or in the future as a primary access road for existing or proposed development unless upgraded to current County road standards. Secondary emergency access standards shall not be less than:
 - 1. 20 foot gravel improved travel surface;
 - 2. 40 foot right-of-way;

3. 10% grade;

Note: A loop drive with one access point does not qualify as providing additional, secondary or emergency access.

3.9 STREETS AND ROADS - DESIGN STANDARDS:

All roadway improvements including pavement, curbs, gutters and drainage systems shall be constructed in accordance with THE AMERICAN ASSOCIATION OF STATE HIGHWAY TRANSPORTATION OFFICIALS (AASHTO) 1990 EDITION (or as updated) "Policy on Geometric Design of Highways and Streets" and in particular Chapter 5 - Local Roads and Streets unless amended by specific standards within these regulations. Unless otherwise specified, assume a minimum 20 MPH design speed.

- A. In addition to the above AASHTO standards, all streets and roads shall meet the design standards stated in Tables 1 - 2 (Pages 31 and 32) of these Regulations.
- B. All private roads within a proposed subdivision shall be designed by a licensed professional engineer and upon completion of construction shall be certified by a licensed professional engineer that they are in compliance with these regulations.
- C. Residential driveways shall not have direct access to arterial or collector streets or highways.
- D. Local streets shall be designed so as to discourage through traffic. Collector streets shall be designed to afford easy access to arterial or other collector streets or for street continuation to adjoining areas.
- E. When a subdivision abuts or contains a railroad right-of-way or a controlled access highway, a street approximately parallel to and on each side of such right-of-way at a distance suitable for an appropriate use of the intervening land shall be provided. Such distances shall also be determined with regards to the requirements of approach grades and future grade separations.
- F. Dead-end streets are prohibited except with an approved turn-around. Where future street extension is proposed, a temporary cul-de-sac or similar turn around of adequate size shall be provided.
- G. Half streets are prohibited except where essential to the development of the subdivision and where the County Commissioners are assured that it will be possible to require the dedication of the other half of the street when an adjoining property is subdivided.

- H. A clear vision triangle, defined as the triangular area at the intersection of two roadways or a roadway and railroad track created by extending the curb lines (where there are no curb lines - the edge of the travel surface is used) back from the point of intersection a distance of 40 feet, then drawing a line across both ends to close the triangle. The triangular area shall be maintained on the corners of all public and private property within the intersection of roadways or of a roadway and railroad. The clear vision area shall contain no trees, shrubs, or other plantings; fences, walls, signs or other temporary or permanent sight obstructions of any nature exceeding 30 inches in height above the existing centerline elevation of the adjacent roadway, except that trees exceeding 30 inches in height may be permitted if all branches and foliage be removed to a height of nine feet above the existing centerline of the adjacent roadway.
- I. Street intersections shall meet the following requirements:
1. Streets shall intersect at 90° angles, except where topography precludes and in no case shall the angle of intersection be less than 75° . (Such alignment shall be maintained for a distance of 60 feet.)
 2. Two streets meeting a third street from opposite sides shall meet the same point, or their centerlines shall be offset at least 125 feet for local roads and 300 feet for arterials or collectors.
 3. No more than two streets may intersect at one point.
 4. Intersections of local streets with major arterials shall be kept to a minimum.
 5. Hilltop intersections are prohibited, except where no alternatives exist. Intersections on local streets within 100 feet of a hilltop are prohibited. Intersections on arterial or collector streets within 200 feet of a hilltop are prohibited.
 6. Maximum grade of approach to any intersection shall not exceed five percent for a distance of 60 feet as measured from edge of travel ways to provide for adequate starting, stopping and stacking distances.
 7. Names of new streets aligned with existing streets shall be the same as those of existing streets. Proposed street names shall not duplicate or cause confusion with existing street names. All streets shall be named.
 8. Street or road signs and traffic control devices of the size, shape and height as approved by Flathead County shall be placed at all intersections by the

developer. Traffic control devices shall be consistent with the latest edition of "Manual of Uniform Control Devices" available from the Montana Department of Transportation.

9. Location of collector and arterial streets shall comply with the appropriate County or City-County Master Plan as adopted by the Flathead County Commissioners or any other applicable street or highway plan adopted by the County Commissioners.

J. Road and Street Improvements:

1. All roadway improvements including pavement, curbs, gutters, sidewalks and drainage systems shall be constructed in accordance with the specifications and standards prescribed in these Regulations.
2. Where access to the subdivision will be by an easement across privately owned property, the subdivider must provide evidence that the necessary easement has been acquired and that the easement encompasses the nature and intensity of the use which will result from development of the subdivision.
3. All roads or streets within a subdivision, shall be open to public use unless otherwise specifically authorized by the County Commissioners. All such roads or streets within a subdivision shall be maintained by the property owners within the subdivision. Flathead County accepts no responsibility for development or maintenance of such roads. To insure a proper maintenance mechanism is in place, an approved road users agreement or a property owners association shall be formed which will require each property owner to bear their pro-rata share for road maintenance within the subdivision and for any integral access roads lying outside of the subdivision.
4. Existing trees and other vegetation shall be preserved where possible. Plantings may be required for buffering, screening, or soil erosion protection and are subject to approval by the County Commissioners. Both conditions are subject to meeting the Defensible Space standards as found in Appendix G.
5. Street light installations may be required by the County Commissioners on all streets within the subdivision.

TABLE 1

ROAD DESIGN STANDARDS FOR LOCAL SUBDIVISION STREETS

<u>DESIGN STANDARDS</u>	<u>LOCAL STREET</u>
-------------------------	---------------------

Minimum Right of Way	60 feet ¹
----------------------	----------------------

Minimum Travel Surface:

- | | | |
|----|----------------------|----------------------|
| a. | Internal Subdivision | 20 feet ² |
| b. | Primary Access Road | 24 feet ³ |

Cul-de-sac turnaround:

- | | | |
|----|----------------------------|-------------|
| a. | Travel surface radius | 50 feet |
| b. | Minimum outside R/W radius | 55 feet |
| c. | Length | See Table 3 |

¹ Terrain and design constraints may dictate greater right-of-way. All road disturbances must be accommodated within the right-of-way.

² No parking allowed. Where parking required on one side, 28 feet minimum roadway width; where parking required on both sides, 36 feet minimum roadway width.

³ Travel surface may be reduced to 20 feet where access road serves a maximum of 3 lots/tracts and 22 feet where access road serves a maximum of 4 - 10 lots/tracts. In such cases, as future lot/tract development occurs along said primary access road, a condition of plat approval for any future subdivision reviewed under these regulations will be to widen the travel surface to accommodate the increased lot/tract development.

Note: Where density exceeds 4 units/net acre, parking is required on one side of street unless overflow/visitor parking demands are met elsewhere.

TABLE 2

MAXIMUM ROAD GRADE STANDARDS

Maximum Grade, no restrictions	8%
1 foot of entry grade and 1 foot of exit grade at 8% or less for each lineal foot of roadway that exceeds 8%. Each lineal foot = 1 equivalent foot. ¹	8.1 - 9.0%
2 feet of entry grade and 2 feet of exit grade at 8% or less grade for each lineal foot of roadway that exceeds 9%. Each lineal foot = 2 equivalent feet. ¹	9.1 - 10.0%
4 foot of entry grade and 4 foot of exit grade at 8% or less grade for each lineal foot of roadway that exceeds 10%. Each lineal foot = 4 equivalent feet. ¹	10.1 - 11%
Requires local fire district approval.	11.1 - 12%

¹ No stretch of road may exceed 8% grade for a distance in excess of a total of 600 equivalent feet, for example:

A maximum 600 linear feet of 8.1 - 9% road, 300 linear feet of 9.1 - 10% road, or 150 linear feet of 10.1 - 11% grade road way or a combination of any of the three above not to exceed 600 equivalent feet.

Note: Maximum centerline radius shall not exceed 150 feet on any roadway in excess of 8%.

TABLE 3

MINOR STREET STANDARDS

Loop and Cul-de-sac Street Standards

<u>Length</u> ¹	<u>Units</u>	<u>R/W</u>	<u>Loop or Cul-de-sac</u>
0-300'	1 - 3	40' ²	X
0-300'	4 - 10	50' ²	X
0-300'	10 +	60'	X
301-1000'	1 - 3	50' ²	X
301-1000'	4 +	60'	X
1001-1500'	1 - 3	60	X ³

¹ In high hazard fire areas maximum cul-de-sac length is 750'.
² No further development potential for area served (verified by plat restriction) unless required additional R/W is provided.
³ A cul-de-sac turnaround shall be provided generally at the midpoint for cul-de-sac roads/streets.

Note: Length of cul-de-sac shall be measured from the edge of the right-of-way of the intersecting street to the furthest edge of the right-of-way of the turn around.

K. Street Paving Requirements:

1. Definitions:

- a. One Residential dwelling - 10 vehicle trips/day.
- b. Paving includes asphalt, concrete and asphalt surface treatment also known as armor coat or double or triple chip seal.
- c. Primary access road is defined as a privately owned/maintained road extending from the subdivision proper to the nearest public (city, county, state or federal maintained) road or highway.
- d. The most obvious travel route due to convenience or obvious destination will be used for determining traffic flows/counts within a proposed subdivision.

- e. Uneconomic remnants of asphalt paving defined as segments which extend less than 100 feet and do not serve logical areas or connect specific points with existing asphalt may be waived.
2. Roads Within Subdivisions:
- a. If the subdivision abuts a paved public road, at least 50 linear feet of subdivision road per lot measuring back from the public (city, county, state or federal) paved road shall be paved.
 - b. Whenever traffic volumes exceed 50 vehicle trips per day on a segment of road, paving is required from that point to the entrance of the subdivision.
 - c. Notwithstanding, when a subdivision is located within any Air Pollution Control District established by the Flathead City-County Health Department and the Board of County Commissioners, all roads shall be paved.
3. Primary Access Roads:
- a. If the subdivision accesses onto a paved public (city/county/state/federal) road:
 - (1) At least 50 feet of paving per lot of proposed subdivision using the access shall be paved. At the discretion of the County Commissioners, the paving will start either from the county/state/federal road back to the subdivision or from the subdivision entrance back toward the public road.
 - b. If the public road is not paved:
 - (1) No paving required if vehicle trips from the proposed subdivision plus existing traffic does not reach 200 vehicle trips/day.
 - (2) At the point where proposed subdivision traffic and existing access road traffic reaches 200 vehicle trips per day the applicant may either:
 - (a) Pave the access road at the rate of 50 feet per proposed lot (at the discretion of the County

Commissioners, paving will start either at the county/state/federal road back to the subdivision, or at the point of 200 vehicle trips back toward the public road), or

- (b) Pay to the County the equivalent labor and paving costs (determined by engineer) to be used on said road system at a future date in conjunction with a larger project.

3.10 ALLEYS:

- A. Alleys may be required by the County Commissioners.
- B. Alleys shall be at least 20 feet wide and shall be open at both ends.

3.11 SIDEWALKS:

- A. Sidewalks or pedestrian pathways may be required by the County Commissioners.
- B. Regardless of street classification, sidewalks or pathways are strongly encouraged in the following:
 - 1. Commercial subdivisions.
 - 2. Residential developments, duplex or greater density.
 - 3. Any part of a subdivision abutting or within 100 yards of a school, park or other public facility or amenity.
- C. The minimum width of the sidewalk or developed pathway shall be:
 - 1. Four feet if a boulevard separates the sidewalk/path and the street.
 - 2. Five feet if the sidewalk/path abuts the street.

3.12 DRAINAGE FACILITIES:

- A. All drainage system and facilities required for any surface runoff affecting the subdivision or exterior access road system shall be designed by a licensed professional engineer and shall meet the minimum standards of the Montana Department of Health and Environmental Sciences and all regulations adopted pursuant thereto, and are subject to approval by the County Commissioners.

- B. Drainage plans shall be designed so there is no net increase in surface water runoff from a site after development than what naturally occurred before development.
- C. The subdivider shall provide suitable drainage facilities for any surface runoff affecting the subdivision. These facilities shall be located in street rights-of-way or in perpetual easements of appropriate width and are subject to approval by the County Commissioners.
- D. Streets/roads shall be designed to ensure proper drainage.
- E. Curbs and gutters or swales may be required as determined by the County Commissioners according to the character of the area, density of the development and nature of adjoining properties. Curbs and gutters of adjoining properties shall be extended according to specifications of local and state authorities.
- F. Culverts or bridges of adequate size shall be provided and installed by the subdivider where drainage channels intersect any street right-of-way or easement. All culverts shall extend at least across the entire width of the base of the fill; the amount of backfill to be placed over the culvert and a culvert's capacity shall be determined by a licensed professional engineer. This shall include arrangements for driveway culverts.
- G. Each culvert or drainage facility shall be large enough to accommodate potential runoff from up-stream drainage areas.
- H. Drainage systems shall not discharge into any sanitary sewer facility.
- I. If the runoff is to discharge into a stream or lake, it shall meet the Flathead Conservation District Standards and/or the Flathead or Whitefish County Lake and Lakeshore Protection Regulations and comply with State Health Department Water Quality Bureau standards.
- J. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with a plan approved the Flathead County Weed Board.

3.13 TEMPORARY EROSION AND SEDIMENTATION CONTROL:

During the construction of improvements in the subdivision, the subdivider shall be responsible for installing temporary erosion and sedimentation control facilities to control surface runoff. No silt laden water or excess shall flow to downstream areas or lakes. Such controls shall be in accordance to the Flathead Conservation District Standards, the Flathead or Whitefish County Lake and Lakeshore Protection Regulations and the State Health Department, Water Quality Bureau.

3.14 WATER SUPPLY SYSTEM:

- A. All water supply systems shall meet the minimum standards of Flathead County, the Flathead City-County Health Department, and Montana Department of Health and Environmental Sciences.
- B. The source of water supply shall be subject to approval by the County Commissioners, which may also require that any proposed system provide adequate and accessible water for fire protection.
- C. Where the subdivision is within the service area of a public water supply system, the subdivider shall install complete water system facilities in accordance to the requirements of the water district or adjacent City involved, the Montana Department of Health and Environmental Sciences and Flathead County.
- D. Where a proposed subdivision is outside of the immediate service area of a water district or an adjacent City but within five (5) years of filing of the final plat said area will be served by a public water system, then any proposed water system must be designed to be compatible with and designed to the same standards as the public water system so as to allow for the future extension of and connection to said public water system.

3.15 SEWAGE TREATMENT SYSTEMS:

- A. All sewage treatment systems shall meet the minimum standards of Flathead County, the Flathead City-County Health Department, and the Montana Department of Health and Environmental Sciences.
- B. For those lots which range in size from 20 acres to 160 acres in size and Health Department approval (on-site sewer and water facilities) is not sought at this time, a disclaimer shall be placed on the face of the final plat stating this plat has not been reviewed or approved for individual sewer or water facilities or for building site placement.

- C. Where the subdivision is within the service area of a public or community sewer system, the subdivider shall install complete sanitary sewer system facilities in accordance to the City or appropriate Sewer District and the Montana Department of Health and Environmental Sciences.
- D. Where a proposed subdivision is outside the immediate service area of a public sewer system, but within five years of the filing of the final plat said area will be served by public sewer, then the subdivider shall install sewer lines designed to serve the entire subdivision in anticipation of the impending extension of a public sewage disposal system.

3.16 SOLID WASTE:

- A. The subdivider shall assure the provisions for collection and disposal of solid waste meet the minimum requirements of Flathead County and the Montana Department of Health and Environmental Sciences.
- B. If solid waste disposal is not to be the responsibility of individual lot or dwelling owners within the subdivision, the subdivider shall provide an off-street area for solid waste collections which will be aesthetically screened from general public view and conveniently accessible to collection vehicles.

3.17 UTILITIES:

- A. All new utilities shall be placed underground. Except for sewer and water lines, underground utilities, if placed in the street right-of-way, shall be located between the roadway and the right-of-way line to simplify location and repair of lines. Such underground facilities shall be installed after the street has been brought to grade and before it is surfaced, to eliminate so far as practicable the necessity for disturbing such surfacing for the connection of individual services.
- B. Utility lines shall be designed by utility firms in cooperation with the subdivider, subject, however, to all applicable laws and all rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities.

3.18 EASEMENTS:

- A. Where required by the County Commissioners, easements shall be provided for utilities, drainage and vehicular or pedestrian access.
- B. Utility easements shall be located along side and rear lot lines wherever necessary and, if placed in the street right-of-way, be located between roadway and the right-of-way line, or as otherwise requested by the utility company involved.

- C. Utility easements shall be 15 feet wide unless otherwise specified by a utility company or the County Commissioners.
- D. Where a utility is to be located in an existing, dedicated right-of-way, a notice of utility occupancy must be obtained from the appropriate public agency administering the right-of-way.
- E. Where a subdivision is traversed by a watercourse drainage way, channel, ditch or stream, easements or rights-of-way may be required to parallel the lines of such watercourse at a sufficient width to allow for maintenance. A minimum width of 10 feet is required on each side of drainage canals or streams for maintenance purposes.
- F. In addition to showing the location of the utility easement on the plat with dashed lines, the following statement shall appear on the final plat:

"The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as "Utility Easement to have and to hold forever."
- G. Where portions of a subdivision abut a river, stream or lake, all abutting areas which contain slopes of 30% or greater shall be protected via the placement of a conservation easement. The purpose of the easement is to maintain these areas in their natural undisturbed condition and shall prohibit the construction of any dwellings, buildings or other structures, road work or major vegetative clearance.

3.19 PARK LAND:

- A. Park Dedication Requirements:
 - 1. A subdivider shall dedicate to the Board of County Commissioners a cash or land dedication equal to:
 - a. 11% of the combined area of all land to be divided into lots 1/2 acre and smaller
 - b. 7.5% of the combined area of all land to be divided into lots above 1/2 acre to one acre in size;
 - c. 5% of the combined area of all land to be divided into lots above 1 acre to 3 acres in size;

- d. 2.5% of the combined area of all land to be divided into lots above 3 acre to 5 acres in size:
2. The Commissioners, Planning Board and Park Board, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation or a combination of both. When a combination of land and cash donation is required, the cash donation may not exceed the proportional amount covered by the land donation.

B. Exceptions to Park Dedication:

1. Park dedication shall not be required for:
 - a. Minor subdivisions;
 - b. Lots created greater than five acres in size;
 - c. Non-residential lots;
 - d. A subdivision where lots are not created except when that subdivision provides permanent multiple spaces for recreational camping vehicles, manufactured homes or condominiums.
 - e. The creation of only one additional lot.
 - f. Planned Unit Developments or other developments which propose lands permanently set aside for park and recreation purposes to meet the needs of the persons who ultimately reside in the development and equals or exceeds the dedication requirements of Subsection A above;
 - g. Where a subdivision provides for long term protection of critical wildlife habitat; cultural, historical or natural resources, agricultural interests or aesthetic values and said area equals or exceeds the dedication requirements of Subsection A above.

C. Criteria For Park Land Dedication:

1. The Board of County Commissioners, in consultation with the Planning Board, County Park Board and the subdivider, may determine suitable locations for parks and playgrounds.

2. Land dedicated for park or playground purposes shall be useable land, shall serve residents of the entire subdivision, shall be of appropriate shape and size and shall have convenient access by public or private roads meeting Flathead County standards and specifications. The following lands shall not be considered appropriate for park purposes:
 - a. Average cross slope of the park site is greater than 20% and more than 10% of the park site has a cross slope greater than 25%;
 - b. More than 10% of the park site is swampy or marshy;
 - c. Is less than two acres in size;
 - d. Is an undeveloped open space area within a subdivision which does not have appropriate size, dimensions, or access to serve as a park;
 - e. Commercial or for-fee recreational facilities such as golf courses, athletic clubs, etc., unless the residents of the affected development are offered substantially reduced fees or free use and access.

D. Cash In Lieu Of Park Land:

1. Where, because of size, topography, shape, location, or other circumstances, the dedication of land for parks and playgrounds is undesirable, the County Commissioners may, for good cause shown, make an order to be endorsed and certified on the plat accepting a cash donation in lieu of the dedication of land that would have been dedicated. For the purpose of this section, the fair market value is the value of undivided, unimproved land.
2. It shall be the responsibility of the subdivider to provide satisfactory evidence of the fair market value. When the subdivider and the County Commissioners are unable to agree upon the fair market value, the County Commissioners may require that the fair market value be established by an appraisal done by a qualified real estate appraiser of its choosing. The appraisal fee shall be the responsibility of the subdivider.
3. The governing body may use the dedicated money to acquire, develop or maintain within its jurisdiction parks or recreational areas or for the purchase of public open space or conservation easements only if:
 - a. The park, recreational area, open space or conservation easement is within a reasonably close proximity to the proposed subdivision;

- b. The County Commissioners have formally adopted a park plan that establishes the needs and procedures for use of the money.
- 4. The County Commissioners may not use more than 50% of the dedicated money for park maintenance.

3.20 FIRE PROTECTION:

- A. All subdivisions shall be planned, designed, constructed, and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.
- B. Subdivisions with a public water system that are within the five year service area of a city or within one mile from the corporate limits of a city, if no such service area has been established, shall be designed in accordance with the adopted standards of that city and the distribution system shall be designed for fire flow capabilities as required by that city.
- C. In subdivisions containing more than 5 lots, fire protection requirements as deemed necessary by the local fire district or local fire authority shall be incorporated into the subdivision. Such measures may include but are not limited to the provision of adequate on-site water supply/storage. Typically when on-site storage is required, at a minimum a tanker recharge facility or its equivalent would be required with a capacity based on the ratio of 2500 gallons per unit/lot. Said facility would be located near a street intersection or cul-d-sac within easy access. Such facility would be maintained entirely and kept in a constant state of readiness by the local subdivision.
- D. A note on the final plat shall be included which states: "All house numbers will be visible from the road, either at the driveway entrance or on the house".
- E. The County Commissioners may impose additional fire protection requirements which it may deem necessary based on the consideration of size, location, density, and nature of the subdivision.

3.21 HIGH FIRE HAZARD AREAS - SPECIAL STANDARDS:

High fire hazard areas include heads of draws, excessive slopes, dense forest growth, or other hazardous wildfire components. For subdivisions proposed in areas subject to moderate or high wildfire hazard as determined by the U.S. Forest Service or the Montana Department of State Lands, the following standards shall apply:

- A. Secondary access requirements as provided for in section 3.8(D) of these regulations.

- B. Road right-of-way shall be cleared of slash as described in Appendix G.
- C. Building sites shall be prohibited on any slope that exceeds 30% when located in areas where the general slope characteristic exceeds 30% and at the apex of "fire chimneys" (topographic features, usually drainage ways or swales, which tend to funnel or otherwise concentrate fire toward the top of steep slopes).
- D. Open space, park land and recreation areas (including green belts, riding or hiking trails) should be located, where appropriate, to separate residences and other buildings from densely forested areas.
- E. A water supply of sufficient volume for effective fire control shall be provided in accordance to the following standards:
 - 1. A minimum of 500 gallons per minute for lots one acre or larger.
 - 2. A minimum of 750 gallons per minute for higher densities.
 - 3. Where no central water system exists, the local fire chief may recommend other solutions including but not limited to the provision of tanker recharge facilities and the sprinkling of individual buildings.
- F. The following statements shall be placed on the Final Plat:
 - 1. Only Class A and Class B fire-rated roofing materials are allowed.
 - 2. Defensible Space Standards shall be incorporated around all primary structures, as described in Appendix G of these Regulations.

3.22 MAIL BOXES/FACILITIES:

- A. A common mail delivery site shall be provided with the design and location to be approved by the local post master of the U.S. Postal Service. The roadside face of such facility shall be offset from the edge of the traveled roadway a minimum of eight feet and a minimum pull off area for at least one vehicle shall be provided.
- B. Where a common mail box facility will prove to be impractical individual mail boxes shall be allowed as follows:
 - 1. Mail boxes are to be located on the right hand side of the roadway in the direction of the delivery route. The bottom of the box shall be 40" above the roadway surface.
 - 2. When located at an intersecting road, it shall be placed a minimum of 100

feet beyond the center of the intersecting road in the direction of the delivery route. This distance shall increase to 200 feet when the average daily traffic of a road exceeds 400 vehicle trips per day.

3. Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route.

3.23 REMAINDERS

- A. A remainder is defined as a parcel created by the segregation of a subdivision from a larger original tract. A subdivision may not create more than one remainder parcel.
- B. To qualify as a remainder, a parcel must not have been created for the purpose of transfer and must be retained by the owner (see Attorney General Letter Opinion to Robert M. McCarthy, April 22, 1987). The Planning Director or designee shall determine during the preapplication process whether or not a proposed remainder meets this qualification, that it is not being created for the purpose of transfer. The determination shall be based on demonstration by the subdivider that one or more of the following criteria are met: the remainder parcel is 160 acres or larger in size; the subdivider resides on the remainder parcel; the subdivider has substantial investment in an ongoing agricultural or business operation on the remainder parcel; the remainder is part of a phased development in which the phasing plan has been approved by the Board of Commissioners; the remainder has minimal relation to the subdivision lots in regard to size, parcel configuration, road access, common facilities, or covenants. The subdivider may submit an appeal of the determination by the Planning Director or designee with the preliminary plat application. If an appeal is submitted, the Board of Commissioners shall make the final determination as to whether or not a proposed remainder is being created for the purpose of transfer, giving consideration to the criteria noted above and all surrounding circumstances.
- C. Prior to transfer of an unsurveyed remainder parcel to another party, it shall be surveyed and the survey filed with the Clerk and Recorder unless it can be described as a 1/4 or larger aliquot part a U.S. Government section or a U.S. Government lot (see 76-3-401 MCA).

CHAPTER 4 - MANUFACTURED HOME PARKS, RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

4.1 SUBDIVISION CREATED BY RENT OR LEASE DEFINED:

A subdivision created by rent or lease, such as manufactured home parks, recreation vehicle parks, or campgrounds, is any tract of land divided by renting or leasing portions thereof. It is owned, however, as one parcel under single ownership.

4.2 EXEMPTION FROM SURVEY AND FILING REQUIREMENTS:

Manufactured home parks, recreation vehicle parks and campgrounds are exempt from the surveying and filing requirements of the Montana Subdivision and Platting Act but must be submitted for review and approved by the County Commissioners before portions thereof may be rented or leased. Approval shall be based upon the criteria and standards included in these Regulations.

4.3 PROCEDURES:

- A. Manufactured home parks, recreational vehicle parks and campgrounds comprised of six or more spaces, units or lots, shall comply with and shall be processed in accordance to the procedures stated in Section 2.4 of these Regulations.
- B. Manufactured home parks, recreational vehicle parks and campgrounds comprised of five or less spaces, units or lots, shall comply with the processing requirements stated in Sections 2.5 or 2.6.
- C. Before any portion of a rental or lease subdivision may be rented or leased, the subdivider shall have installed all required improvements. In case of a phased development, unit spaces in each phase shall be rented or leased only after all improvements pertaining to that phase are completed. Preliminary plans, profiles, tentative grades and specifications for proposed improvements shall be submitted to the Flathead County Planning & Zoning Office for review and approval by the County Commissioners. The County Commissioners may provide for inspection of all required improvements in order to assure conformance with the approved construction plans and specifications.
- D. In lieu of filing a final plat, the subdivider shall submit to the Flathead County Planning & Zoning Office four blue line copies and one reproducible mylar copy of a plat conforming to the requirements for preliminary plats contained in Appendix A along with supplemental information. The plan shall show the lot layout and the typical location of the manufactured home, recreational vehicle, or other unit on the lot. The layout plan shall also show all existing and proposed buildings and

structures, streets, parking and recreational area. The plan shall be reviewed to assure that it conforms to the approved preliminary plat and the conditions of approval of the preliminary plat. The approved plan shall be maintained in the Flathead County Planning & Zoning Office and in the Office of the County Commissioners.

- E. Manufactured home parks, recreational vehicle parks and campgrounds are required to be licensed by the Montana Department of Health and Environmental Sciences.

4.4 GENERAL STANDARDS FOR SUBDIVISIONS CREATED BY RENT OR LEASE:

- A. Subdivisions created by rent or lease shall comply with all applicable provisions of Chapter 3, Design Standards, except for Sections 3.6 Lots, 3.7 Blocks and 3.10 Alleys.
- B. The County Commissioners may require:
 - 1. Storage facilities on the lot or in compounds located within a reasonable distance.
 - 2. A central area storage for parking of boats, trailers or other recreational vehicles.
 - 3. Landscaping to serve as a buffer between the development and adjacent properties.
 - 4. An off-street area for mail delivery.
 - 5. Sidewalks or paths.
 - 6. Curbs and gutters.
 - 7. Street lighting.
 - 8. Management regulations.

4.5 PARK LAND DEDICATION:

The County Commissioners may waive park land dedication and cash donation requirements if the subdivider agrees to develop at least one-ninth of the area of the development as park or playground.

4.6 ADDITIONAL FIRE PROTECTION:

The development shall be equipped at all times with fire control equipment in good working order of such type, size and number and so located within the development as prescribed by the appropriate fire department.

4.7 STREETS:

- A. No parking shall be permitted on the entrance street for a distance of 100 feet from the point of entrance.
- B. Streets within the subdivision shall be private unless otherwise required by the County Commissioners and shall comply with the street design standards in Section 3.9.
- C. Rights-of-way in excess of the roadway width shall not be required for private streets.

4.8 MANUFACTURED HOME PARK STANDARDS:

- A. Lot requirements:
 - 1. All lots of manufactured home spaces in a manufactured home park shall meet the following requirements:
 - a. Manufactured home lots shall be arranged to permit the safe and practical placement and removal of manufactured homes.
 - b. The minimum lot width shall not be less than 50 feet and the minimum lot area shall be 5,000 square feet for single-wide manufactured homes and 6,000 square feet for double-wide manufactured homes.
- B. Minimum standards:
 - 1. All manufactured homes shall be located at least 25 feet from any property boundary line abutting upon a public street or highway right-of-way and at least 15 feet from the other outer boundaries of the park.
 - 2. All buildings, structures and manufactured homes shall be located at least 10 feet from the street providing access to it.

C. Lot coverage:

A manufactured home shall not occupy more than one-third of the lot area. The total area occupied by a manufactured home and its roofed accessory buildings and structures shall not exceed two-thirds of the area of the lot.

D. Distance between manufactured homes:

No manufactured home nor its attached structures, such as awnings or carports, shall be located within 20 feet of any other manufactured home or its attached structures.

E. Detached accessory structures:

No detached structure, such as a storage shed, shall be located within five feet of any manufactured home or its attached structures.

F. Parking spaces required:

A minimum of two parking spaces shall be provided for each manufactured home lot. In addition, guest parking at the ratio of one space for each five lots and vehicle storage parking at the ratio of one space per each 10 lots shall be provided. Each parking space shall measure 9 feet by 20 feet.

G. Marking of manufactured home lots:

The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means. Location of lot limits on the ground shall be approximately the same as shown on the approved plans.

H. Manufactured homes to be skirted:

Each manufactured home shall be skirted within 60 days after it is moved upon a lot within the manufactured home park. Said skirting shall be of a fire resistant material complementary to that of which the manufactured home exterior is constructed.

I. Electrical systems:

All electrical lines serving the subdivision shall be buried underground and shall be designed and constructed in accordance to the most recent edition of the "National Electrical Code".

J. Oil or propane gas heating:

Where oil or propane gas heating of a manufactured home is necessary, a fuel storage facility shall be provided on the manufactured home site not to exceed a three hundred (300) gallon capacity. Said storage facility shall extend no higher than six feet above ground level and shall be located and screened so that it will blend with its surroundings.

K. Gas systems:

All gas systems serving the subdivision shall be designed and constructed in accordance to the most recent edition of the "National Fuel Gas Code" and the "Standard for the Storage and Handling of Liquefied Petroleum Gases".

1. A readily accessible and identifiable shutoff valve controlling the flow of gas to the entire gas piping system shall be installed near the point of connection of the liquefied petroleum gas container.
2. Each manufactured home lot shall have an accessible, listed gas shutoff installed. Said valve shall not be located under a manufactured home. Whenever a manufactured home lot outlet is not in use, the shutoff valve shall be plugged to prevent accidental discharge.

4.9 RECREATIONAL VEHICLE PARK AND CAMPGROUND STANDARDS:

A. Roadway width:

1. A minimum 12 feet roadway width shall be provided for one-way streets or roads within the park/campground, provided such street:
 - a. Does not exceed 500 feet in length;
 - b. Has no on-street parking;
 - c. Serves 25 or less spaces.
2. Otherwise the following shall apply:
 - a. 20 feet if no on-street parking is proposed;
 - b. 28 feet if parking is proposed on one side of the street;
 - c. 36 feet if parking is proposed on both sides of the street.
 - d. Minimum centerline curvature radius of 45 feet.

B. Recreational vehicle space:

The recreation vehicle spaces shall meet the following standards:

1. Minimum lot (space) width = 25 feet.
2. Minimum lot (space) area = 1,500 square feet.

D. Distance between recreational vehicles:

The distance between the recreational vehicles shall not be less than 15 feet. This includes any fold-out or pop-out portion or awnings attached to the vehicle.

E. Parkland/recreational site requirements:

At least one private functional recreational area shall be provided and developed with at least a minimum level of tot lot amenities for children as approved by the County Parks Director. The minimum size of the site shall be based on 165 sq. ft. (1/9 of the minimum 1,500 sq. ft. R.V. space) of recreational area per R.V. space but not less than 5,000 sq. feet.

CHAPTER 5 - CONDOMINIUMS AND TOWNHOUSES

5.1 CONDOMINIUM DEVELOPMENTS:

All condominium developments are subdivisions subject to the terms of the Montana Subdivision and Platting Act, except those described in Paragraphs A and B below.

- A. The construction of condominium buildings or installation of related improvements is not subject to subdivision review and approval procedures if the condominiums or improvements are to be constructed in a subdivision approved and filed after July 1, 1973, and if the approval of the subdivision was based on the anticipated construction of the condominium and improvements.
- B. Conversion of existing structures into condominiums where the conversion is not intended to circumvent the review and approval process and where no alterations and additions are made to existing structures to accommodate conversion of existing units into condominiums.

5.2 TOWNHOUSE DEVELOPMENTS:

All townhouse developments are subject to the terms of the Montana Subdivision and Platting Act.

5.3 PROCEDURES:

- A. Preliminary approval:
 - 1. If the proposal contains six (6) or more dwelling units, it shall be reviewed under the procedures contained in Section 2.4 of these Regulations.
 - 2. If the proposal contains five (5) or fewer dwelling units, it shall be reviewed in accordance to either Section 2.5 or 2.6 of these Regulations.
- B. Final approval:
 - 1. Where no division of land takes place in a condominium development, in lieu of filing of a final plat, the subdivider shall submit to the Flathead County Planning & Zoning Office four blue line copies and one reproducible mylar copy of a plan conforming to the requirements for preliminary plat contained in Appendix A of these Regulations. The plan shall be reviewed to assure that it conforms to the approved preliminary plat and the conditions of approval of the preliminary plat. The approved plat shall be maintained in the Flathead County Planning & Zoning Office and in

the Office of the County Commissioners.

2. When division of land takes place in a condominium development, the proposal shall be reviewed under procedures contained in Section 2.9 of these Regulations.

5.4 STANDARDS:

- A. Condominium and townhouse developments shall comply with those standards contained in Chapter 3, Design and Improvement Standards, which the County Commissioners deem applicable.
- B. Condominium and townhouse developments shall meet the minimum standards of the Montana Department of Health and Environmental Sciences and Flathead City-County Health Department.
- C. Condominium developments shall comply with all the provisions of the Unit Ownership Act, Sections 70-23-102 through 70-23-703, M.C.A., as amended.
- D. In unzoned areas, all buildings and structures in a condominium or townhouse project shall be located at least 20 feet from a road right-of-way or at least 15 feet from all other site boundaries. In addition, no detached primary structure shall be located closer than 15 feet to another detached primary structure. (Note: All distances are measured from the roof line or farthest projecting point of the building or structure.)

5.5 IMPROVEMENTS:

- A. All required improvements shall be completed in place or an improvement guarantee in accordance to Chapter 8 of these Regulations shall be provided by the subdivider, prior to the approval of the final plat by the County Commissioners.
- B. No construction of dwelling units shall start until all required improvements are in place or an improvement guarantee is provided in accordance to procedures contained in Chapter 8 of these Regulations.

CHAPTER 6 - MONUMENTATION

- 6.1 The terms "Monument" and "Permanent Monument", as used in these Regulations, shall mean any structure of masonry, metal or other permanent material placed in the ground, which is exclusively "identifiable" as a monument to a survey point, expressly placed for surveying reference.
- 6.2 All permanent control monuments set to control or mark the boundaries of any division shall be not less than one-half inch diameter by 24 inches in length with a cap not less than one and one-quarter inch diameter marked in a permanent manner with the name and/or registration number of the registered land surveyor in charge of the survey. A cap of the above dimensions may be set firmly in concrete.
- 6.3 Prior to filing any subdivision plat or certificate of survey for record, the land surveyor shall confirm the location of sufficient monuments to reasonably assure the perpetuation or re-establishment of any corner or boundary of retracement of the survey. The surveyor shall clearly identify on the face of the plat or certificate of survey, all monuments used in the survey, and the description shall be sufficient to identify the monuments without reference to another record of survey.
- 6.4 All monuments must be set prior to filing a plat or certificate of survey except those monuments which will be disturbed by the installation of improvements. Such monuments may be set subsequent to filing if the surveyor certifies that they will be set before a specified date.
- 6.5 The plat or certificate shall clearly show the relationship of all adjacent monuments of record and the relationship of the monuments of record to monuments set after filing.
- 6.6 Monuments not less than three-eighths inch in diameter and 18 inches in length and marked with the name and/or registration number of the registered land surveyor in charge of the survey, shall be set at the following locations:
 - A. At each corner and angle point of all lots, blocks or parcels of land created.
 - B. At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line.
 - C. At every point of curve, point of tangency, point of reversed curve, or point of compounded curve on each right-of-way line established.

- 6.7 When the placement of a required monument at its proper location is impractical, the surveyor may set a reference monument near that point. Such a reference monument has the same status as other monuments of record if its location is properly shown. Where any point requiring monumentation shall be confirmed by the land surveyor if used, and if so confirmed, shall likewise be considered a monument of record when properly shown and described on the certificate or plat filed.
- 6.8 If the land surveyor uses any previously established monument, he must confirm the location of the monument. If properly confirmed and shown and described on the filed certificate or plat, such a monument shall be considered a monument of record.

CHAPTER 7 - ADMINISTRATION

7.1 VARIANCES:

A. Hardship:

Where the County Commissioners find that extraordinary hardships or practical difficulties may result from strict compliance with these Regulations, and/or the purpose of these Regulations may be served to a greater extent by an alternative proposal, it may approve variances from these Regulations. Such variances shall not have the effect of nullifying the intent and purpose of these Regulations, and the County Commissioners shall not approve variances unless they make findings based upon the evidence in each specific case that:

1. The granting of the variance(s) will not be detrimental to the public health, safety or general welfare or injurious to other adjoining properties;
2. The conditions on which the request for a variance(s) is based are unique to the property on which the variance is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished by a mere inconvenience, if the strict letter of these Regulations is enforced;
4. The variance(s) will not cause a substantial increase in public costs; and
5. The variance(s) will not, in any manner, vary the provisions of any adopted zoning regulations, or Master Plan.

B. Procedure:

The subdivider shall include with the submission of the preliminary plat, a written statement describing the requested variance and the facts of hardship upon which the request is based. The planning board and County Commissioners shall consider each requested variance at the public meeting or hearing on the preliminary plat.

C. Conditions:

In granting variances, the County Commissioners may require such conditions as will, in its judgment, secure substantially the objectives of these Regulations.

D. Statement of facts:

When any such variance is granted, the motion of approval of the proposed subdivision shall contain a statement describing the variance(s) and the facts and conditions upon which the issuance of the variance(s) is based.

7.2 VIOLATION:

The final plat shall be filed for record with the County Clerk and Recorder before title to the subdivided land can be sold or transferred in any manner or offered for sale or transfer. If illegal transfers or offers of any manner are made, the County Commissioners shall commence action to enjoin further sales, transfers, or offers of sale or transfer and compel compliance with all provisions of the Montana Subdivision and Platting Act and these Regulations. The cost of such action shall be imposed against the person transferring or offering to transfer the property.

7.3 PENALTY FOR VIOLATION:

Any person who shall violate any of the provisions of the Montana Subdivision and Platting Act or these Regulations is guilty of a misdemeanor and punishable by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment in jail for not more than three months or by both fine and imprisonment. Each sale, lease or transfer of each separate parcel of land in violation of any provision of the Montana Subdivision and Platting Act or these Regulations shall be deemed a separate and distinct offense.

7.4 SCHEDULE OF FEES:

In order to cover costs of reviewing plans, advertising, holding public hearings, and other expenses incidental to the approval of a subdivision, the subdivider shall pay a non-refundable fee at the time of application. The fee schedule will be established by the Flathead County Board of Commissioners.

7.5 AMENDMENT PROCEDURE:

Before the County Commissioners amend these Regulations, they shall hold a public hearing and shall give public notice of their intent to amend these Regulations and of the public hearing by publication of notice of the time and place of the hearing in a newspaper of general circulation in the county not less than 15 days nor more than 30 days prior to the date of the hearing.

7.6 APPEALS:

Any final action, decision, or order of the governing body or a regulation adopted pursuant to these regulations that is arbitrary or capricious is subject to appeal to District Court. (See Section 76-3 M.C.A.)

CHAPTER 8 - SUBDIVISION IMPROVEMENTS GUARANTEE

8.1 IMPROVEMENTS TO BE COMPLETED PRIOR TO APPROVAL OF THE FINAL PLAT:

All public improvements required under these regulations and the conditions imposed by the County Commissioners at the time of approval of the preliminary plat shall be completed prior to the approval of the final plat or the County Commissioners shall at the subdivider's option allow the subdivider to enter into a subdivision improvements agreement guaranteeing the completion of all such improvements. The following procedures and requirements shall apply, if the completion of improvements is deferred.

8.2 IMPROVEMENT STANDARDS:

The subdivision improvements agreement shall specify all improvements that shall be completed after the final plat is approved. The County Commissioners shall specify that the improvements must be constructed to standards included in these Regulations and the other standards the County Commissioners may adopt. Those improvements may include streets, roads, bridges, culverts, curbs, gutters, drainage water systems, sewage systems, sidewalks, walkways, street lights, street signs, road right-of-way clearings, solid waste facilities, park and recreational facilities, utilities, and other improvements as required by the County Commissioners.

8.3 TIME LIMITS:

All public improvements shall be completed within the time schedule approved by the County Commissioners and stated in the subdivision improvement agreement. However, in no case shall this period exceed 18 months from the date of approval of the final plat by the County Commissioners.

8.4 PROJECTED COSTS:

The subdivider shall submit plans, specifications, and cost estimates of completing the improvements be prepared by a registered professional engineer. Bids from at least two licensed contractors may be substituted for the engineers estimate, with approval by the County Commissioners. The projected improvements cost shall be 125% of the current costs for completing the improvements. The County Commissioners, at their discretion, may require the submitted plans, specifications and projected costs be reviewed by another registered professional engineer acceptable to both parties. The costs for such review shall be borne by the subdivider.

8.5 IMPROVEMENT AGREEMENT:

The subdivider shall enter into an improvements agreement with the County Commissioners. (Appendix E.) The improvements agreement shall include:

- A. A commitment to complete the improvements within the specified time;
- B. The projected costs of the improvements as approved by the County Commissioners;
- C. A guarantee acceptable to the County Commissioners and in a value equal to the approved projected costs (125% of current cost) of the improvements; and
- D. A warranty against defects in the improvements for a period of one year from the date of completion and the County Commissioners acceptance.

8.6 IMPROVEMENT GUARANTEE:

The subdivider shall provide a guarantee that the improvements will be satisfactorily completed. The guarantee shall have a value equal to the projected costs (125% of current cost) of completing the improvements, as stated in Section 8.4 of this Chapter. The guarantee shall specify procedures for the County Commissioners to obtain the funds, should the subdivider fail to satisfactorily complete the improvements. The types of guarantees acceptable to the County Commissioners are described in Section 8.10. The method of guarantee shall be subject to approval of the County Commissioners.

8.7 INSPECTION AND CERTIFICATION:

Upon completion of required improvements, the subdivider shall file with the County Commissioners a statement certifying that:

- A. All required improvements are complete;
- B. The improvements are in compliance with the minimum standards specified by the County Commissioners;
- C. The subdivider knows of no defects in these improvements;
- D. The improvements are free and clear of any encumbrance or liens;
- E. A schedule of actual construction costs has been filed with the County Commissioners; and

F. All applicable fees and surcharges have been paid.

The subdivider shall file with the County Commissioners copies of final construction plans, road profiles, proposed grades, and specifications for improvements as well as copies of final as-built plans, profiles, grades and specifications for improvements.

The subdivider will provide for inspection of all required public improvements by a registered professional engineer before final plat approval when installation is a condition of approval, or before the County Commissioners release the subdivider from the subdivision improvements agreement.

Upon completion of the inspection, the inspecting engineer shall file with the County Commissioners a statement either certifying that the improvements have been completed in the required manner or listing the defect in those improvements.

Should the subdivider fail to meet the requirements of this section, the County Commissioners may provide for such inspection and the cost shall be borne by the subdivider.

8.8 REDUCTION AND RELEASE OF GUARANTEE:

Only after the inspecting engineer certifies that improvements are complete and free from defect, and after receipt of other statements detailed above, the County Commissioners shall release the subdivider from the subdivision improvements agreement.

8.9 FAILURE TO SATISFACTORILY COMPLETE IMPROVEMENTS:

If the County Commissioners determine that any improvements are not constructed in compliance with the specifications, it shall furnish the subdivider with a list of specific deficiencies and may withhold collateral sufficient to ensure proper completion. If the County Commissioners determine that the subdivider will not construct any or all improvements to required specifications, or within the time limits, it may withdraw collateral and use these funds to construct the improvements and correct any deficiencies to meet specifications. Unused portions of these funds shall be returned to the subdivider or crediting institution.

8.10 ACCEPTABLE FORMS OF IMPROVEMENTS GUARANTEES:

The subdivider shall provide one or more of the following financial guarantees, as approved and accepted by the County Commissioners. The financial guarantee shall equal the amount of the projected cost of installing all required improvements as described in Section 8.4. The governing body shall reduce bond requirements commensurate with the completion of improvements.

A. Escrow Account:

The subdivider shall deposit cash, or collateral readily convertible to cash at face value, either with the County Commissioners or in escrow with a bank. The use of collateral other than cash, and the selection of the bank where the funds are to be deposited must be approved by the County Commissioners.

Where an escrow account is to be used, the subdivider shall give the County Commissioners an agreement with the bank guaranteeing the following:

1. That the funds in the escrow account are to be held in trust until released by the County Commissioners and may not be used or pledged by the subdivider as security for any other obligation during that period.
2. That should the subdivider fail to complete the required improvements, the bank shall immediately make the funds in escrow available to the County Commissioners for completing these improvements.

B. Letter of Credit:

Subject to County Commissioners approval, the subdivider shall provide the County Commissioners with a letter of credit from a bank or other reputable institution or individual certifying the following:

1. That the creditor guarantees funds in an amount equal to the projected cost, as approved by the County Commissioners, of completing all required improvements;
2. That if the subdivider fails to complete the specified improvements within the required period, the creditor will immediately pay to Flathead County upon presentation of a sight draft without further action, an amount of cash necessary to finance the completion of those improvements, up to the limit of credit stated in the letter;
3. That the letter of credit may not be withdrawn or reduced in amount until released by the County Commissioners.

C. Property Escrow:

The subdivider may offer, as a guarantee, land or other property including corporate stocks or bonds. The value of any real property to be used, to account for the possibility of a decline in its value during the guarantee period, shall be established by a licensed real estate appraiser at the subdivider's expense. The County

Commissioners may reject the use of property as a collateral when the property value is unstable, when the property may be difficult to sell, or when other factors exist which will inhibit the exchange of the property for an amount of money sufficient to complete the required improvements.

When property is offered as an improvement guarantee, the subdivider shall:

1. Make an agreement with an escrow agent, instructing the agent to release the property to the County Commissioners in the case of default. The agreement shall be placed on file with the County Clerk and Recorder.
2. Provide the County Commissioners a title policy affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be put in escrow.
3. Execute and file with the County Commissioners an agreement stating the property to be placed in escrow as an improvement guarantee will not be used for any other purpose or pledged as a security for any other matter until it is released by the County Commissioners.

D. Sequential Development:

The County Commissioners may approve an incremental payment or guarantee plan. The improvements in a prior increment must be completed or the payment or guarantee of payment for the costs of the improvements incurred in a prior increment must be satisfied before development of future increments.

E. Special Improvement District:

The County Commissioners may enter into an agreement with the subdivider, and the owners of the property proposed for subdivision if other than the subdivider, that the installation of required improvements will be financed through a special improvement district created pursuant to Title 7, Chapter 12, M.C.A. The agreement must provide that no lots within the subdivision will be sold, rented or leased, and no contract for the sale of lots executed before the improvement district has been created.

The subdivider, or other owners of the property involved, must also petition the County Commissioners to create a rural special improvement district, which constitutes a waiver by the subdivider or the other owners of the property of the right to protest or petition against the creation of the district under either Section 7-12-2109 or Section 7-12-4110, M.C.A. This waiver must be filed with the County Clerk and Recorder and will be deemed to run with the land.

F. Surety Performance Bond:

The bond shall be executed by a surety company authorized to do business in the State of Montana and acceptable as a surety to the County Commissioners and countersigned by a Montana agent. The bond shall be payable to the County Commissioners, Flathead County. The bond shall be in effect until the completed improvements are accepted by the County Commissioners.

G. Other Acceptable Guarantee(s):

The County Commissioners, at their discretion, may accept any other reasonable guarantee not stated herein, to ensure satisfactory completion of the improvements.

CHAPTER 9 - DEFINITIONS

Whenever the following words and phrases appear in these Regulations, they shall be given meaning attributed to them by this Section. When not inconsistent with the context, words used in the present tense shall include the future, the singular shall include the plural and the plural the singular, the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making a decision.

9.1 BLOCK:

A group of lots, tracts or parcels bounded by public streets, railroads, natural features, platted or unplatted lands or a combination thereof.

9.2 CERTIFICATE OF SURVEY:

A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations.

9.3 CITY:

The applicable incorporated city in Flathead County, Montana.

9.4 CLERK AND RECORDER:

The Clerk and Recorder for Flathead County, Montana.

9.5 COMPREHENSIVE PLAN:

See Master Plan definition.

9.6 CONDOMINIUM:

A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.

9.7 COUNTY:

Flathead County, Montana.

9.8 COUNTY COMMISSIONERS:

The Board of County Commissioners of Flathead County, Montana.

9.9 COVENANT:

An agreement, in writing, of two or more parties by which any one of the parties pledges to the others that something is done or shall be done.

9.10 DEDICATION:

The deliberate appropriation of land by an owner for any general and public use, reserving no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been donated.

9.11 DEFENSIBLE SPACE:

A designated area around a home or other structure the size of which is dependent on the vegetation, proximity of tree crowns, slope and distance to adjacent buildings. Within this area all weeds, dry grass, slash, flammable debris and flammable fuel is removed. This managed buffer surrounding buildings and structures is designed to reduce the chances of a fire spreading to or from the buildings or structures.

9.12 DEVELOPER:

Same as Subdivider.

9.13 DIVISION OF LAND:

The segregation of one or more parcels of land from a larger tract or held in single or undivided ownership by transferring, or contracting to transfer, title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcel(s) pursuant to the Montana Subdivision and Platting Act. Provided that where required by the Act, the land upon which an improvement is situated has been subdivided in compliance with the Act, the sale, rent, lease or other conveyance of one or more parts of a building, structure, or other improvement situated on one or more parcels of land is not a division of land and is not subject to the terms of the Act.

9.14 DWELLING UNIT:

One or more rooms designed for or occupied by one family for living or sleeping purposes with stays of 30 days or longer. A dwelling unit must contain a kitchen and bathroom facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

9.15 EASEMENT:

A right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner.

9.16 ENGINEER (REGISTERED PROFESSIONAL ENGINEER):

A person licensed in conformance with the Montana Professional Engineer Registration Act (Title 37, Chapter 67, M.C.A.) to practice engineering in the State of Montana.

9.17 EXAMINING LAND SURVEYOR:

A registered land surveyor duly appointed by the governing body to review surveys and plats submitted for filing.

9.18 FLATHEAD COUNTY PLANNING & ZONING OFFICE:

The planning organization and technical planning staff for Flathead County.

9.19 FLOODPLAIN:

The area adjoining a watercourse or drain way which would be covered by the flood water of a flood of 100 year frequency. A 100 year flood can be expected to recur on the average of once every 100 years, i.e., a flood of such magnitude has a one percent change of occurring in any given year.

9.20 FLOODWAY:

The channel of a watercourse or drain way and those portions of a floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse or drain way.

9.21 GOVERNING BODY:

The Board of County Commissioners of Flathead County, Montana.

9.22 IMPROVEMENTS:

Any structure or facility (including substantial grading in preparation of such) constructed to serve common use by the residents of a subdivision or the general public. The improvements may include parks, streets and roads, parking areas, sidewalks, curbs and gutters, street lighting, utilities and systems for water supply, sewage disposal and drainage.

9.23 LEGAL ACCESS:

Where the subdivision abuts a public (city, county or state road) or where the subdivider has obtained adequate and appropriate easements across all necessary properties from a public road to the subdivision.

9.24 LOT:

A parcel, space or other land area created by subdivision for sale, rent, lease or other purpose.

9.25 LOT MEASUREMENT:

- A. Lot Depth: The depth (or length) of a lot shall be:
 - 1. If the front and rear lines are parallel, the shortest distance between the lines.
 - 2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
 - 3. If the lot is triangular, the shortest distance between the front lot line and a line parallel to the front lot line, not less than 10 feet long lying along the rear of the lot but still wholly within the lot.

- B. Lot Rear: The rear property line of a lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line then the rear property line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

- C. Lot Front: The front property line of a lot shall be determined as follows:
 - 1. Corner Lot: The front property line of a corner lot shall be the shorter of the

two lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both.

2. Interior Lot: The front property line of an interior lot shall be the line bounding the street frontage.
 3. Through Lot: The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of other buildings in the block. Where such front property line is not obviously evident, the Zoning Administrator shall determine the front property line. Such a lot over 200 feet deep shall be considered, for the purpose of this definition, as two lots, each with its own frontage.
- D. Lot Area: The total horizontal area within the confines of the boundary lines of a lot. Where street easements are located within or bordering a parcel, lot area computation shall not include that area contained within the easement.
- E. Lot Side: The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

9.26 LOT TYPES:

- A. Corner Lot: A lot located at the intersection of two or more intersecting streets.
- B. Interior Lot: A lot with frontage on only one street.
- C. Irregular Lot (Flag Lot): An irregularly shaped lot typified by being almost entirely land-locked and having limited access and/or no direct frontage. Access to a public or private street is typically by an extended strip of land either deeded or by easement.
- D. Irregular Lot (Pie Lot): An irregularly shaped lot which at the front lot line contains minimal frontage and a substandard lot width but as the depth increases, side lot lines rapidly expand to a legal width.
- E. Reverse Lot: A lot in which the frontage is reversed from the general pattern of the area. A reversed frontage lot may also be a corner lot or an interior lot.
- F. Through Lot: A lot with double frontage where the front lot line faces one public street and the rear lot line faces another public street.

9.27 MANUFACTURED HOME:

Housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities. May also be commonly referred to as "mobile home" or "modular home".

9.28 MANUFACTURED HOME LOT:

A designated portion of a manufactured home park designed for the accommodation of one manufactured home and its accessory buildings or structures for the exclusive use of the occupants.

9.29 MANUFACTURED HOME PARK:

An area designed for and occupied by two or more manufactured homes for lease or rent to the general public and which may be utilized for living purposes either permanent, seasonal or both.

9.30 MASTER PLAN:

A general long-range plan officially adopted in Flathead County under Sections 76-1-601 through 76-1-606 M.C.A. as Amended.

9.31 MODULAR HOME:

A structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which carries a Uniform Building Code (UBC) Seal of Approval and is designed to be used as a dwelling unit on a permanent foundation, connected to the required utilities.

9.32 MONUMENT (PERMANENT MONUMENT):

A structure of masonry, metal or other permanent material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

9.33 OPEN SPACE:

A portion of a development set aside to remain open in character while building density is shifted to another part of the development site, typically through residential cluster or planned unit development process. Permitted primary uses, which are considered to be open in character, are limited to agricultural/ horticultural/ silvicultural uses, recreational space, a single-family dwelling on open-space area 20 acres or larger, and utilities. Accessory uses to these primary uses are also permitted. Examples of permitted structures or uses include, but are not limited to, barns, corrals, stables, mint stills, granaries, hay sheds, farm or logging machinery storage buildings, golf courses, playgrounds, swimming pools and courtyards. Open space calculation shall exclude road easements and road rights-of-way.

9.34 OVERALL DEVELOPMENT PLAN:

The plan for a subdivision design for a single tract proposed to be subdivided in stages.

9.35 PHYSICAL ACCESS:

A constructed road that conforms to the local subdivision standards providing access from a public (city, county or state) road to the subdivision.

9.36 PLANNED UNIT DEVELOPMENT (PUD):

A tract of land developed as an integrated unit. The development is unique and is based on a plan which allows for flexibility of use, design, setting and density not otherwise possible under the prevailing regulations.

9.37 PLANNING BOARD:

The Flathead County Planning Board or appropriate City-County Planning Board, formed pursuant to Title 76, Chapter 1, M.C.A.

9.38 PLAT:

A graphic representation of a subdivision prepared by a licensed Montana surveyor showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications:

A. Preliminary plat:

A neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision which furnishes a basis for

review by the governing body.

B. Final plat:

The final drawing of the subdivision and dedication required to be prepared for filing for record with the County Clerk and Recorder and containing all elements and requirements set forth in these Regulations and the Montana Subdivision and Platting Act (Title 76, Chapter 3, M.C.A.).

C. Amended plat:

The final drawing of any change to a platted subdivision filed with the County Clerk and Recorder required to be prepared for filing for record with the County Clerk and Recorder and containing all elements and requirements set forth in these Regulations and the Montana Subdivision and Platting Act (Title 76, Chapter 3, M.C.A.).

D. Vacation of plat:

A plat which has been vacated either in whole or in part as provided by 7-5-2501, 7-5-2502, subsections (1) and (2) of 7-14-2616, 7-14-2617, subsections (1) and (2) of 7-214-4114, and 7-14-4115.

9.39 RECREATIONAL VEHICLE PARK:

A place used for public camping where persons can rent space to park individual camping trailers, pick-up campers, motor homes, travel trailers, or automobiles for transient dwelling purposes.

9.40 RECREATIONAL VEHICLE SPACE:

A designated portion of a recreational vehicle park designed for placement of a single recreational vehicle and the exclusive use of its occupants.

9.41 REGISTERED LAND SURVEYOR:

A person licensed in conformance with the Montana Professional Engineers' Registration Act (Title 37, Chapter 67, M.C.A.) to practice surveying in the State of Montana.

9.42 RIGHT-OF-WAY:

A strip of land dedicated or acquired for use as a public way.

9.43 SIDEWALK:

A paved walkway designed to provide for safe and convenient circulation of pedestrians.

9.44 SPECIAL IMPROVEMENT DISTRICT:

A district created by the County Commissioners for the purpose of building, constructing, or acquiring by purchase one or more of the improvements of the kind described in 7-12-4102 M.C.A., in or for the benefit of the special improvement district.

9.45 STATE:

State of Montana.

9.46 STREET TYPES:

For purposes of these Regulations, street types are defined as follows:

A. Alley:

A service way, open to public travel and dedicated to public use, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

B. Arterial:

A street or road having the primary function of moving traffic and the secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two to four lanes of traffic and provide limited access to abutting property.

C. Collector:

A street or road having the equally important functions of moving traffic and providing access to adjacent land. Collector streets have two traffic lanes and two parking lanes.

D. Cul-de-Sac:

A street having only one outlet for vehicular traffic and terminating in a turn-around area.

E. Dead End Street:

A street having only one outlet for vehicular traffic.

F. Frontage Access (Service Road):

A local or collector street, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.

G. Half-Street:

A portion of the width of a street, usually along the outside perimeter of a subdivision, where the remaining portion of the street must be located on adjacent property.

H. Local Streets:

A street or road having the primary function of providing access to abutting properties, and the secondary function of moving traffic. Local streets having two traffic lanes may have one or two parking lanes.

I. Loop:

A local street which begins and ends on the same street, generally used for access to properties.

J. Primary Access Street/Road:

A privately owned/maintained road extending from the subdivision proper to the nearest public (city street, county road or state or federal highway) maintained and intended for year round use.

K. Private:

A street or road which provides primary access to a lot or property but is not owned or maintained by a government agency.

L. Secondary Access/Emergency Access Road:

A local road whose primary function is to serve as an alternate access in or out of a development in emergency situation for both emergency vehicles and the public. Such roads may be built to a lesser standard than typically required for subdivision roads, but if constructed to a lesser standard, it does not qualify as a primary access road or as providing legal access to a lot.

9.47 SUBDIVIDER:

Any person, firm or corporation, or other entity who causes land to be subdivided or who proposes a subdivision of land. Also referred to as developer or applicant.

9.48 SUBDIVISION:

A division of land or land so divided, which creates one or more parcels containing less than 160 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased or otherwise conveyed, and shall include any resubdivision and shall further include any condominium or area, regardless of its size, which provides or will provide multiple space for recreational camping vehicles, or manufactured homes. A subdivision shall comprise only those parcels less than 160 acres which have been segregated from the original tract, and the plat thereof shall show all such parcels whether contiguous or not. Provided, however, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the Act.

9.49 SWALE:

A drainage channel or shallow depression designed to direct surface water flow.

9.50 TOWNHOUSE:

A building or structure that has two or more dwelling units erected in a row as a single building, and where the owner of each unit may exclusively own the land underneath the unit in addition to jointly owning the common areas in the development.

9.51 TRACT OF RECORD:

A parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's Office.

9.52 VICINITY SKETCH:

A map at a scale suitable to locate the proposed subdivision, showing the boundary lines of all adjacent properties and streets and other information necessary to determine the general location of the proposed subdivision.

APPENDIX A

I. CONTENTS OF THE PRELIMINARY PLAT:

The preliminary plat may be comprised of one (1) or more sheets. Each sheet shall be either 18" x 24" or 24" x 36" in size and shall be drawn to a scale not less than 200 feet to an inch. The following information shall be shown on the face of the preliminary plat:

- A. Name and location of the subdivision, scale and northpoint;
- B. Location of all section corners or subdivision corners pertinent to the subdivision boundary;
- C. Exterior boundaries of the tract to be subdivided including bearings and distances sufficient to locate the exact area proposed for subdivision;
- D. All lots and blocks designated by numbers, approximate dimensions scaled to the nearest foot, and the area of each lot estimated to the nearest 0.1 acre;
- E. Ground contours for the tract in accordance to the following requirements:

<u>Where the Average Slope of the Entire Site Is</u>	<u>Contour Intervals for the Entire Plat Shall Be</u>
Under 10%	Two (2) feet
10% - 15%	Five (5) feet
Over 15%	Ten (10) feet

If a uniform contour interval is not practical, the contour interval may be changed for steep areas, if such a change is clearly identifiable through shading or other appropriate graphic technique;

- F. All existing and adjoining streets and alleys, avenues, roads and highway, and width of the right-of-way with existing and proposed street names and access points from the nearest public roads;
- G. Any existing and proposed utilities, utility easements and right-of-way easements located or proposed to be located on or adjacent to the tract, including description of their width and purpose;
- H. Location, boundaries, dimensions and areas of any parks or areas dedicated for common or public use;
- I. Location and size of existing buildings, structures and improvements, if to be retained;

- J. Designated one hundred year (100-year) floodway and/or floodplain area, if any;
- K. Location and size of all natural and environmental features on the site including rivers, streams, springs, ponds, and lakes.
- L. For each lot where the obvious buildable area is in question (general topography of the lot or immediate topography adjacent to the primary access road exceeds 30 %) show:
 - a. A typical building pad (measuring a minimum 40 foot square) on undisturbed soil of 30% or less slope.
 - b. The building pad must be able to be accessed by a minimum 10 foot wide private drive with a maximum developed grade of 10%. Note that the initial 20 feet of driveway surface shall not exceed 5% slope.
 - c. The driveway and building pad shall be identified on the preliminary plat using minimum 2 foot contour intervals for clarity.
 - d. Any building pad which exceeds 25% in cross slope shall be required to receive a favorable report and comply with the recommendations of a geo-technical soils analysis conducted by a licensed engineer prior to final plat approval.
 - e. Any lot failing to comply with standards a - c is considered unbuildable.

II. SUPPLEMENTS TO THE PRELIMINARY PLAT:

- A. VICINITY MAP(S):
One or more vicinity map(s) showing:
 - 1. Ingress and egress to the subdivision from the adjoining or nearest public roads;
 - 2. Any rivers, streams or creeks adjoining or in the vicinity of the proposed subdivision;
 - 3. All tracts, lots or land parcels adjoining the proposed subdivision together with the name and address of the owner of each tract, lot or land parcel verified by the County Clerk and Recorder or a title company. Where the subdivision abuts a public right-of-way, or water course less than 150 feet in width, the properties across such right-of-way or water course shall be considered as adjacent.

4. Names of any adjoining platted subdivisions and/or numbers of adjoining Certificates of Survey on record in the Office of the Clerk and Recorder.
5. Location of any buildings, railroads, power lines, towers, roads, and other land uses.
6. Any existing or proposed zoning.

B. MAINTENANCE AGREEMENTS:

Any proposed restrictions to be included in Deed or Contract for Sale. If common property and/or facilities within the subdivision is to be maintained by an association of the property owners, the subdivider shall submit a draft of restrictions which will govern the association. These restrictions shall, at a minimum, provide that:

1. The property owners association will be formed prior to sale of any lots within the subdivision;
2. Membership is mandatory for all property owners in the subdivision;
3. The association is responsible for any liability insurance, payment of taxes on common property and maintenance of common use areas and facilities;
4. Any amendment to the agreement shall be done only with the approval of the County Commissioners.

C. ENVIRONMENTAL ASSESSMENT:

An environmental assessment report shall accompany the preliminary plat, unless exempted pursuant to subsections 1, 2 and 3 of this section. Appendix "B" of these Regulations provides the format of and the considerations and criteria to be address in the environmental assessment.

The requirement for submittal of the "environmental assessment" shall be waived when the proposed subdivision is:

1. Totally within a master planning area adopted pursuant to Title 76, Chapter 1, M.C.A., wherein zoning regulations have been adopted pursuant to Part 2 of Chapter 2, Title 76 (or 76-2-201), M.C.A. and a long range development program of public works projects pursuant to 76-1-601, M.C.A., has been adopted;

2. The first minor subdivision created from a tract of record;
3. In an area for which a master plan has been adopted pursuant to Chapter 1, Title 76, M.C.A., and the proposed subdivision is in compliance with the plan, or if the subdivision contains fewer than ten (10) parcels and less than 20 acres, the Planning Director may exempt the subdivider from the completion of all or any portion of the environment assessment. When such an exemption is granted, the Planning Director shall prepare and certify a written statement of the reasons for granting the exemption. A copy of the statement shall accompany the preliminary plat of the subdivision when it is submitted for review.

D. PHASED PROJECTS:

The applicant, as part of the preliminary plat approval, may propose to delineate on the preliminary plat two or more final plat filing phases and establish the schedules of the preliminary plat review and approval.

1. Each phase must be free-standing, that is, fully capable of functioning with all the required improvements in place in the event the future phases are not completed or completed at a much latter time.
2. A phasing plan must be submitted which includes:
 - a. A preliminary plat that clearly numbers and shows each individual phase,
 - b. A time frame for the development of each phase,
 - c. A street and utility extension plan for each phase. Said plan is premised on the understanding that each phase is intended to be free standing on its on merits should additional phases not occur.
 - (1) As such, certain streets and utility extensions may be required to be extended beyond a particular phase for safety and service purposes.
 - (2) Temporary dead end streets are not allowed. Where a street temporarily dead ends, a temporary cul-de-sac may be required. If said street exceeds cul-de-sac standards for length or is critical to the traffic flow of the area, it may be required to be extended beyond the immediate phase.

APPENDIX B
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:

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

b. Any rock outcropping.

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

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).

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

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

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).
- B. Describe the amount of vegetation that is to be removed, or cleaned, from the site, and state the reasons for such removal.
- C. Describe any proposed measures to be taken to protect vegetative cover.

IV. WILDLIFE

- A. What major species of fish and wildlife, if any, use the area to be affected by the proposed subdivision?
- 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.
- C. Describe any proposed measures to protect wildlife habitat or to minimize habitat degradation.

V. AGRICULTURE AND TIMBER PRODUCTION

- A. State the acreage, type and agricultural classifications of soils on the site.
- B. State the history of production of this site by crop type and yield.
- C. State the historical and current agricultural uses which occur adjacent to the site.
- D. Explain any steps which will be taken to avoid or limit development conflicts with adjacent agricultural uses.
- 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.

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.
- B. Describe any known or possible sites delineated on the preliminary plat.

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

VII. SEWAGE TREATMENT

- A. Where individual sewage treatment systems are proposed for each parcel:
 - 1. Indicate the distance to the nearest public or community sewage treatment system.
 - 2. Provide as attachments:
 - a. Two (2) copies of the plat which show 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.
 - 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.
 - 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.
 - 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.
 - (2) Minimum depth to bedrock or other impervious material, and how this information was obtained.

- B. For a proposed public or community sewage treatment system:
1. Estimate the average number of gallons of sewage generated per day by the subdivision when fully developed.
 2. Where an existing system is to be used:
 - a. Identify the system and the person, firm or agency responsible for its operation and maintenance.
 - b. Indicate the system's capacity to handle additional use and its distance from the development.
 - c. Provide evidence that permission to connect has been granted.
 3. Where a new system is 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.
 - 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.
 - 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.
 - (2) Minimum depth to bedrock or other impervious material, and how this information was obtained.
 - 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.

VIII. WATER SUPPLY

- A. Where an individual water supply system is proposed for each parcel:
1. If individually drilled wells are to be used, provide evidence as to adequate quantity and quality of the water supply.
 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.
 - b. Identify the source of water supply and provide evidence that it is of sufficient quantity and quality to serve the development.
 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.
- B. 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).
 2. Where an existing system is to be used:
 - a. Identify the system and the person, firm or agency responsible for its operation and maintenance.
 - b. Indicate the system's capacity to handle additional use and its distance from the development.
 - c. Provide evidence that permission to connect has been granted.
 3. Where a new system is to be used:
 - a. Provide evidence that the water supply is adequate in quantity, quality and dependability.
 - b. Indicate who will bear the costs of installation, when it will be completed and who will own, operate and maintain the system.

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

IX. SOLID WASTE

- A. Describe the proposed method of collecting and disposing of solid waste from the development.
- B. If central collection areas are proposed within the subdivision, show their location on a copy of the preliminary plat.
- C. If use of an existing collection system or disposal facility is proposed, indicate the name and location of the facility.

X. DRAINAGE

- A. Streets and Roads:
 1. Describe any proposed measures for disposing of storm run-off from streets and roads.
 2. Indicate the type of road surface proposed.
 3. Describe any proposed facilities for stream or drainage crossing (i.e., culverts, bridges).
- B. Other areas:
 1. Describe how surface run-off will be drained or channeled from lots or common areas.
 2. Indicate if storm run-off will be drained or channeled from lots or common areas.
 3. Describe any proposed sedimentation and erosion controls to be utilized both during, and after, construction.
 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.)

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.
 - 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.).
 - 2. Describe any increased maintenance problems and costs that will be caused by this increase in volume.
- B. Indicate who will pay the cost of installing and maintaining dedicated and/or private roadway.
- 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.
- 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.
- 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?
- F. Identify the owners of any private property over which access to the subdivision will be provided.

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

- c. Indicate the type, size and location of any proposed recharge facilities.
 - d. If fire hydrants are proposed, indicate water pressure capabilities and the locations of hydrants.
 - 2. Police Protection.
 - 3. Ambulance Service.
 - 4. Medical Services.
- B. Can the needs of the proposed subdivision for each of the above services be met by present personnel and facilities?
 - 1. If not, what additional expense would be necessary to make these services adequate?
 - 2. At whose expense would the necessary improvements be made?

XIII. SCHOOLS

- A. Describe the educational facilities which would serve the subdivision (school facilities, school personnel, bus routes and capabilities, etc.).
- B. Estimate the number of school children that will be added by the proposed subdivision, and how they will affect existing facilities.

XIV. ECONOMIC BENEFITS

- A. Provide the present assessment classifications and range of the total assessed valuation of all 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).
- C. Provide anticipated revenue increases, per unit, from water, sewer and solid waste fees.

XV. LAND USE

- A. Describe the existing historical use of the site.
- 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?
- 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.
- 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.
- 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.

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

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?
- B. Has the preliminary plat been submitted to affected utilities for review?
- C. Estimate the completion date of each utility installation.

APPENDIX C

I. CONTENTS OF THE FINAL PLAT:

- A. The final plat submitted for approval shall conform to the preliminary plat previously reviewed and approved by the County Commissioners and shall incorporate all conditions imposed by the County Commissioners at the time of approving or conditionally approving the preliminary plat.

A final plat may not be approved by the County Commissioners nor filed by the County Clerk and Recorder unless it complies with the following requirements:

1. Final plats shall be legibly drawn with permanent ink or printed or reproduced by a process guaranteeing a permanent record and shall be 24 inches by 36 inches and shall include a 1-1/2 inch margin on the binding side;
 2. Whenever more than one sheet must be used to accurately portray the land subdivided, each sheet must show the number of that sheet and the total number of sheets included. All certifications shall be shown or referenced on one sheet.
- B. The final plat submitted for approval shall show or contain, on its face or on separate sheets, referenced on the plat:
1. A title block indicating the quarter sections, section, township, range, principal meridian and county of the subdivision. The title plat shall contain the words "plat" and subdivision";
 2. Name(s) of the owner(s) of the land surveyed and the names of any adjoining platted subdivisions and numbers of any adjoining certificates of survey previously recorded and tied thereto;
 3. North point;
 4. Scale bar (scale shall be sufficient to legibly represent the required data on the plat submitted for filing);
 5. All monuments found, set, reset, replaced or removed describing their kind, size, location and giving other data relating thereto;
 6. Witness monuments, basis for bearing, bearings and length of lines;
 7. The bearings, distance and curve data of all perimeter boundary lines shall

be indicated. When the subdivision is bounded by an irregular shoreline or body of water, the bearings and distances of a meander traverse shall be given;

8. Data on all curves sufficient to enable the re-establishment of the curves on the ground. This data shall include:
 - a. Radius of curve;
 - b. Arc length;
 - c. Notation of non-tangent curves.
9. Lengths of all lines shall be shown to at least tenths of a foot, and all angles and bearings shown to at least the nearest minute;
10. The location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary;
11. All lots and blocks in the subdivision, designated by number, the dimensions of each lot and block, the area of each lot (gross and net) and the total acreage of all lots. (excepted parcels marked "Not included in this Subdivision" or "Not included in this Plat" as appropriate, and the boundary completely indicated by bearings and distances.
12. All easements, streets, alleys, avenues, roads and highways; their widths, bearings, the width and purpose of all rights-of-way and the names of all streets, roads, and highways;
13. The location, dimensions and areas of all parks, common areas and all other grounds dedicated for public or common use. Where cash has been accepted in lieu of land dedications, it shall be so stated on the final plat and the amount of cash donated stated thereon;
14. Gross and net acreage of the subdivision;
15. A legal description of the perimeter boundary of the tract surveyed;
16. All monuments to be of record must be adequately described and clearly identified on the plat. Where additional monuments are to be set subsequent to the filing of the plat, the location of such additional monuments shall be shown by a distinct symbol noted on the plat. All monuments or other evidence found during retracements that would influence the positions of

any corner or boundary indicated on the plat must be clearly shown;

17. The signature and seal of the registered land surveyor responsible for the survey. The affixing of his/her seal constitutes a certification by the surveyor that the final plat has been prepared in conformance with the Montana Subdivision and Platting Act (Sections 76-3-101 through 76-3-614, M.C.A.), and the regulations adopted pursuant thereto;
18. Memorandum of oaths administered pursuant to Section 76-3-405 M.C.A., has been filed with the County Clerk and Recorder;
19. House numbers (addresses) shall be assigned and shall be so indicated on each lot.

II. CERTIFICATIONS ON FINAL PLAT:

- A. The following certifications shall appear on the face of the final plat:
 1. Certification by the subdivider dedicating streets, parks or playground, or other public improvements, or stating cash donations in lieu of dedication, when applicable;
 2. Certification by the subdivider allowing usage of the easements for the purpose designated on the plat;
 3. Certification by the licensed land surveyor who prepared the final plat and related documents;
 4. Certification of examining land surveyor where applicable;
 5. Certification by the County Commissioners expressly accepting any dedicated land and improvements. Acceptance of dedication shall be ineffective without such certification;
 6. Certification by the County Attorney;
 7. Certification by the County Commissioners that the final subdivision plat is approved, except where the plat shows changes to a filed subdivision plat which are exempt from local government review under Section 76-3-207(1)(e), M.C.A. Where an amended plat qualifies for such a waiver the plat must contain a statement that pursuant to Section 76-3-207(1)(e), M.C.A., approval by the local governing body is not required for relocation of common boundary lines or aggregation of lots.
 8. Waiver of right to protest participation in Special Improvement District (See Appendix D, Sample Forms and Certifications).

III. ATTACHMENTS ACCOMPANYING FINAL PLAT

The following original documents shall be submitted (signed and notarized where appropriate) when applicable, to the County as part of the final plat application process. Said original documents must accompany the approved final plat when filed with the County Clerk and Recorder:

- A. Certification by a licensed title abstractor showing the names of the owners of record of land to be subdivided and the names of any lien holders or claimants of record against the land and the written consent to the subdivision by the owners of the land, if other than the subdivider, and any lien holders or claimants of record against the land (must not be over 90 days old at time of Flathead County Planning & Zoning Office final plat application acceptance).
- B. Copies of any deed restrictions relating to public improvements.
- C. Certification by the Montana Department of Health and Environmental Sciences that it has approved the plans and specifications for sanitary facilities.
- D. Copies of articles of incorporation and by-laws for any property owners' association.
- E. Certification by the subdivider indicating which required public improvements have been installed and a copy of any subdivision improvements agreement securing the future construction of any additional public improvements to be installed.
- F. Copies of final plans, profiles, grades and specifications for improvements, including a complete grading and drainage plan, with the certification of a registered professional engineer that all required improvements which have been installed are in conformance with the attached plans.
- G. Copy of the state highway permit when a new street or road access will intersect with a state highway.
- H. A certification from the County Treasurer's Office stating that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

APPENDIX D

SAMPLE FORMS AND CERTIFICATIONS

I. Irrevocable Letter of Credit:

Letter of Credit No. _____
Dated: _____
Expiration Date: _____
Amount: _____

Board of Commissioners
Flathead County
800 South Main
Kalispell MT 59901

We hereby establish in your favor an irrevocable letter of credit up to the aggregate amount of \$ _____ at the request of (Name of Subdivider).

If (Name of Subdivider) fails to complete the specified improvements in the (Name of Subdivision) within the time period set forth in the attached Improvements Agreement, we will pay on demand your draft or drafts for such funds, to the limit of credit set forth herein, as are required to complete said improvements. All drafts must indicate the number and date of this letter of credit and be accompanied by a signed statement of an authorized official that the amount is drawn to install improvements not installed in conformance with the Improvements Agreement and specifying the default or defect in question.

All drafts must be presented prior to the expiration date stated above, and this letter of credit must accompany the final draft for payment.

This letter may not be withdrawn or reduced in any amount prior to its expiration date except by your draft or written release.

(Name of Lending Institution)

(Signature and Title of Authorized Official)

++++++

IV. Certificate of Final Plat Approval - County:

The County Commission of Flathead County, Montana, does hereby certify that it has examined this subdivision plat and, having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this _____ day of _____, 20____ at o'clock.

Signature of Clerk and Recorder
Seal of County

Signature of Chairman County Commissioner

+++++++

V. Consent to Dedication by Encumbrances, If Any:

(I) (We), the undersigned encumbrancer(s), do hereby join in and consent to the annexed plat and release (my) (our) respective liens, claims and encumbrances as to any portion of said lands shown on such plat as being dedicated to the use of the public forever.

Dated this _____ day of _____, 20 ____.

(Acknowledged and notarized signatures of all encumbrances of record.)

+++++++

VI. Certificate of Examining Land Surveyor Where Required - Final Plat:

I, (Name of Examining Land Surveyor), acting as an Examining Land Surveyor for Flathead County, Montana, do hereby certify that I have examined the final plat of (Name of Subdivision) and find that the survey data shown thereon meet the conditions set forth by or pursuant to Title 76, Chapter 3, Part 4, M.C.A.

Dated this _____ day of _____, 20 ____.

(Seal of Examining Land Surveyor)

(Signature)
(Name of Surveyor)
Registration No. _____
Flathead County

+++++++

VII. Certificate of Waiver of Park Land Dedication and Acceptance of Cash in Lieu Thereof:

I, (Clerk and Recorder), of Flathead County, Montana, do certify that the following order was made by the Flathead County Board of Commissioners at a meeting thereof held on the ___ day of _____, 20___, and entered into the proceedings of said Body to-wit: "Inasmuch as the dedication of park land within the platted area of (Name of Subdivision) is undesirable for the reasons set forth in the minutes of this meeting, it is hereby ordered by the Flathead County Board of Commissioners that land dedication for park purposes be waived and cash in lieu of park land in the amount of _____dollars (\$) be accepted in accordance with the provisions of 76-3-606, M.C.A."

In witness whereof, I have hereunto affixed the seal of Flathead County, Montana this _____ day of _____, 20__.

(Seal)

(Signature of Clerk)

++++++

VIII. Certificate of Waiver of Park Land Dedication Which Creates Only One Additional Lot:

I (Name of Clerk and Recorder), Flathead County, Montana, do certify that the following order was made by the Flathead County Board of Commissioners at a meeting thereof held on the _____day of _____, 20 __, and entered into the proceedings of said body to wit: "The park land dedication and cash in lieu of land requirements do not apply to this division of land as it creates only one (1) additional lot, in accordance with 76-3-606 M.C.A."

IX. Certificate Stating Facts Authorizing the Governing Body Waive Park Dedication Under the Five Acre, Single Family Dwelling Exemption of the Montana Subdivision and Platting Act:

(Name of Subdivider), referred to herein as the subdivider, hereby certifies that all of the parcels within (Name of Subdivision) contain five acres or more and that the Subdivider will enter into a covenant to run with the land and revocable only by mutual consent of the owners of the parcels in question and the governing body of Flathead County, that the parcels in the subdivision will never be subdivided into parcels of less than five (5) acres and that only single family dwelling and associated outbuildings will be constructed on any single lot or parcel within the boundaries of the subdivision. A copy of this covenant is attached hereto:

(Date)

(Notarized Signature of Subdivider)

- X. **Declaration of Covenant:** (To be shown on or filed with final plat where the five acre, single family dwelling exemption applies.)

THIS DECLARATION made on the date hereafter set forth, by (Name of Subdivider).

W I T N E S E T H

THAT WHEREAS, Declarant is the owner of certain property known as (Name of Subdivision) in Flathead County, State of Montana, which is more particularly described in attached Exhibit A.

NOW, THEREFORE, (Name of Subdivider) hereby declares that all of the properties described above shall be held, sold, and conveyed subject to the following covenant which shall run with the real property and be binding on all parties having any right, title, or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall bind each owner thereof. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Flathead County.

TO WIT:

No parcels within (Name of Subdivision) may be resubdivided into parcels containing less than five acres and only single family dwellings and their associated out-buildings may be constructed within the boundaries of the subdivision, and only one such dwelling may be constructed on any present or future parcel or lot within the constructed subdivision. For the purpose of this restriction "single family dwelling" shall mean a building under roof designed and intended for use and occupancy as a residence by a single family.

The governing body of Flathead County is deemed to be a party to and may enforce this covenant.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands this (date) day of (month), (year).

(Signature of Subdivider)
Acknowledgement and notarization
of signature

++++++

XI. Certificate of Filing by Clerk and Recorder:

STATE OF MONTANA)
) ss.
County of _____)

File for record this _____ day of _____, 20 __, at _____ o'clock.

(Signature of Clerk and Recorder)
County Clerk and Recorder
_____, Montana

++++++

XII. Certificate of County Treasurer:

I hereby certify, pursuant to Section 76-3-611(1)(b), M.C.A., that no real property taxes and special assessments assessed and levied on the land described below and encompassed by the proposed (Name of Subdivision) are delinquent:

(legal description of land)

Dated this _____ day of _____, 20 __.

(seal)

(Signature of County Treasurer)
Treasurer

County,
Montana

++++++

XIII. Waiver of Protest – Participation in Special Improvement District

_____ (Owner) hereby waives any and all right to protest which it may have in regards to any attempt to be made by a local governmental entity, to initiate a Special Improvement District which includes _____ Subdivision, shown on the plat therefore, for any of the purposes set forth in Sections 7-12-2102 and 7-12-4102, M.C.A.; provided however that _____ understands that (he/she/it/they) retains the ability to object to the amount of assessment imposed as a result of the formation of a Special Improvement District.

_____ agrees that this covenant shall run to, with and be binding on the title of the real property described above and shall be binding on the heirs, assigns, successors in interest, purchasers, and any and all subsequent holders or owners of the real property shown on the subdivision plat for _____ Subdivision.

++++++

APPENDIX E

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between the FLATHEAD COUNTY BOARD OF COMMISSIONERS of Flathead County, Montana, Party of the First Part and hereinafter referred to as the COUNTY, and

(Name of Developer)

a _____
(Individual, Company or Corporation)

located at _____,
(Street Address/P. O. Box) (City, County, State, Zip)

Party of the Second Part and hereinafter referred to as DEVELOPER.

WITNESSETH:

THAT WHEREAS, the Developer is the owner and developer of a new subdivision known as _____

(Name of Subdivision)

located at _____
(Location of Subdivision)

and,

WHEREAS, the County has conditioned it's approval of the final plat of _____, upon the conditions as set forth

(Name of Subdivision)

in the Preliminary Plat of the Subdivision being completed and all improvements, as cited in "Exhibit A" have not been completed at this time, and the Developer wishes to bond for the completion of those improvements set forth in "Exhibit A"; and

WHEREAS, the County's Subdivision Regulations require that a subdivider shall provide a financial security of 125% of the estimated total cost of construction of said improvements as evidenced by an estimate prepared by a licensed public engineer included herewith as "Exhibit B"; and

WHEREAS, the estimated total cost of construction of said improvements is the sum of \$ _____.

NOW THEREFORE, in consideration of the approval of the final plat of said Subdivision by the County, the Developer hereby agrees as follows:

1. The Developer shall deposit as collateral with the County a Letter of Credit, or other acceptable collateral as determined by the Flathead County Board of Commissioners, in the amount

of \$_____. Said Letter of Credit or other collateral shall have an expiration date of at least sixty (60) days following the date set for completion of the improvements, certifying the following:

a. That the creditor guarantees funds in the sum of \$_____ the estimated cost of completing the required improvements in _____.
(Name of Subdivision)

b. That if the Developer fails to complete the specified improvements within the required period, the creditor will pay to the County immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limited of credit stated in the letter;

2. That said required improvements shall be fully completed by _____, 20_____.

3. That upon completion of the required improvements, the Developer shall cause to be filed with the County a statement certifying that:

a. All required improvements are complete;

b. That the improvements are in compliance with the minimum standards specified by the County for their construction and that the Developer warrants said improvements against any and all defects for a period of one (1) year from the date of acceptance of the completion of those improvements by the County;

c. That the Developer knows of no defects in those improvements;

d. That these improvements are free and clear of any encumbrances or liens;

e. That a schedule of actual construction costs has been filed with the County;
and,

f. All applicable fees and surcharges have been paid.

4. The Developer shall cause to be filed with the County copies of final plans, profiles, grades and specifications of said improvements, with the certification of the registered professional engineer responsible for their preparation that all required improvements have been installed in conformance with said specifications.

IT IS ALSO AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS,
TO-WIT:

That the Developer shall provide for inspection of all required improvements by a registered professional engineer before the Developer shall be released from the Subdivision Improvement Agreement.

That if the County determines that any improvements are not constructed in compliance with the specifications, it shall furnish the Developer with a list of specific deficiencies and may withhold collateral sufficient to insure such compliance. If the County determines that the Developer will not construct any or all of the improvements in accordance with the specifications, or within the required time limits, it may withdraw the collateral and employ such funds as may be necessary to construct the improvement or improvements in accordance with the specifications. The unused portions of the collateral shall be returned to the Developer or the crediting institution, as is appropriate.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals the day and year herein before written.

(Name of Subdivision/Developer/Firm)

by _____

(Title)

STATE OF MONTANA
COUNTY OF _____

On this _____ day of _____, 20____, before me, a Notary Public for the State of Montana, personally appeared _____, known to me to be the _____ of _____, whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this day and year first above written.

Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

FLATHEAD COUNTY BOARD OF COMMISSIONERS ATTEST:

Paula Robinson
Clerk and Recorder

By: _____
Chairperson

By: _____
Deputy

++++++

EXHIBIT A

Conditions of approval as fixed to the preliminary plat by the Flathead County Board of Commissioners.

EXHIBIT B

This agreement specifically includes the following improvements, their projected construction completion date and estimated construction costs.

IMPROVEMENTS	CHECK APPROPRIATE BOX	CONSTRUCTION COMPLETION DATE	ESTIMATED CONSTRUCTION COSTS
<hr/>			
Street Grading/Paving			
Street Base			
Sidewalks			
Curbs and Gutters			
Sanitary Sewers			
Mains			
Other ()			
On-Site Sewage			
Facilities			
Water Systems			
Mains			
Other ()			
On-Site Water Supply			
Water Storage Tanks			
Fire Hydrants			
Storm Sewer or			
Drainage Facilities			
Street Signs			
Street Lighting			
Street Monuments			
Survey Monument Boxes			
Landscaping			
Other ()			
<hr/>			
			SUBTOTAL _____
			FEES _____
			TOTALS COSTS _____
		TOTAL COLLATERAL (TOTALS COSTS X 125%)	_____

APPENDIX F

STANDARDS FOR FLOOD HAZARD EVALUATION

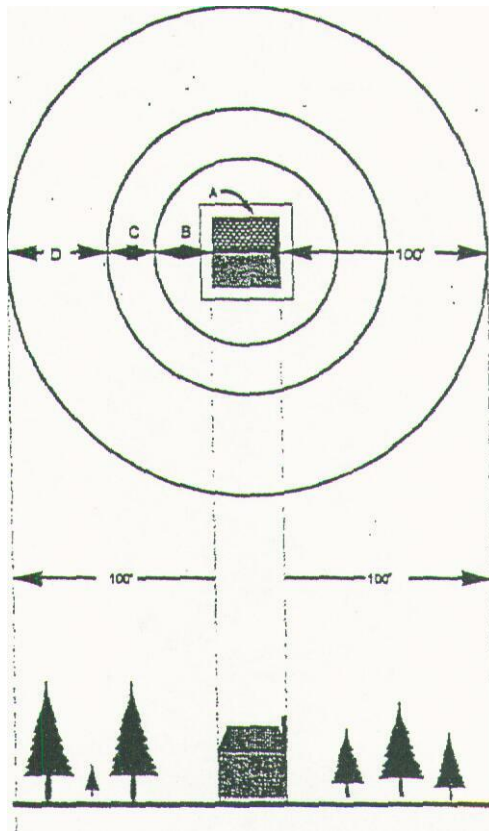
Where the subdivider is required by the governing body to provide data for use in defining the 100 year floodway of a stream subject to flooding, the following information shall be submitted to the Floodplain Management Section of the Water Resources Division, Montana Department of Natural Resources and Conservation.

- A. A copy of the plat showing contour intervals of no greater than five feet.
- B. The location and elevation of a temporary benchmark established with the subdivision and referenced to mean sea level with appropriate elevation adjustment.
- C. A minimum of four surveyed valley cross sections of the stream according to the following requirements:
 - 1. Cross sections shall include the stream channel and floodplain on both banks and shall be normal to direction of flow.
 - 2. At least one cross section shall be taken at a point on the stream from which it could be extended through the subdivision.
 - 3. Three cross sections shall be taken downstream from the subdivision, no more than 1,000 feet apart, but in no case may vertical drop between cross sections exceed 5.0 feet. The cross section farthest downstream should be located at a natural constriction or bridge crossing if possible. Cross sections shall be taken at any location between the subdivision and lowest cross section.
 - 4. Distances between cross sections are to be determined by stadia and these distances and locations of cross sections shall be shown on the location map.
 - 5. The overbank cross sections are to be extended to obtain a vertical rise of 15 feet above the water surface.
- D. If a U.S. Geological Survey gauging station is within the reach of the stream under study, the elevation of any convenient foot mark shall be surveyed and clearly indicated on the location map.
- E. Descriptions and sketches of all bridges within the reach, showing unobstructed waterway opening and elevations.
- F. Color photographs clearly depicting the vegetation of both overbanks and the material composition of the banks and channel bottom shall be submitted for each cross section.
- G. Cross sections plotted on cross section paper of ten divisions to the inch using any convenient, identified scale for vertical and horizontal distance. The water surface at

the time of survey shall be plotted on each cross section.

- H. A profile sheet prepared on cross section paper at ten divisions to the inch showing the observed water surface profile, location of cross sections, subdivision boundaries, riverbank profile and thalweg (lowest point of the channel bottom).
 - 1. A location map, such as U.S. Geological Survey seven and one-half (7-1/2) minute quad or similar map, showing the proposed subdivision, the locations or the valley cross sections and any gauging stations.
- I. These requirements may vary, so the Supervisor of the Floodplain Management Section of the Water Resources Division of the Montana Department of Natural Resources and Conservation should be contacted.

APPENDIX G
VEGETATION REDUCTION GUIDELINES
0% TO 10% SLOPE



A = THE FIRST 3 FEET OF B

-Maintain an area of non-combustible material - flowers, plants, concrete, gravel, mineral soil, etc.

B = 10 FEET

-Remove all trees and downed woody fuels.

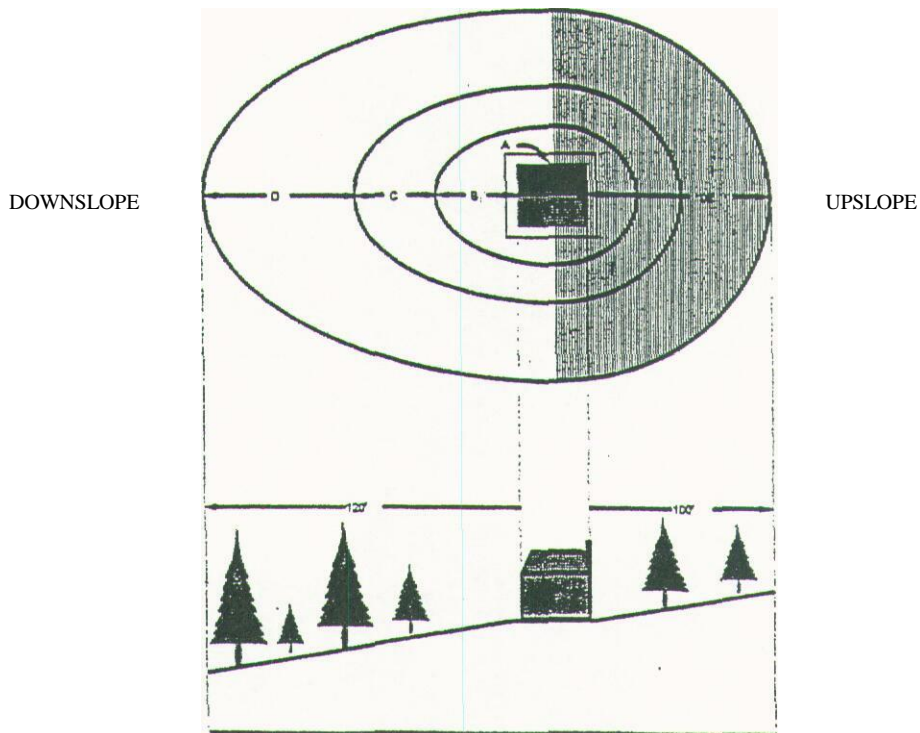
C = 20 FEET

-Thin trees to 10 feet between crowns.
-Prune limbs of all remaining trees to 15 feet or one-third the total live crown height, whichever is less.
-Maintain surface vegetation at 3 inches or less.
-Remove all downed woody fuels.

D = 70 FEET

-Thin trees to 10 feet between crowns.
-Prune limbs of all remaining trees to 15 feet or one-third the total live crown height, whichever is less.
-Remove all downed woody fuels more than 3 inches in diameter.

VEGETATION REDUCTION GUIDELINES 10% TO 20% SLOPE



The shaded areas (unshaded) of B, C, & D remain a constant distance of 10', 20', and 70' respectively. The shaded area begins from the mid-section of a structure. The unshaded areas (downslope) of B, C, & D increase with slope as detailed below:

A = THE FIRST 3 FEET OF B

- Maintain an area of non-combustible material - flowers, plants, concrete, gravel, mineral soil, etc.

B = 15 FEET

- Remove all trees and downed woody fuels.

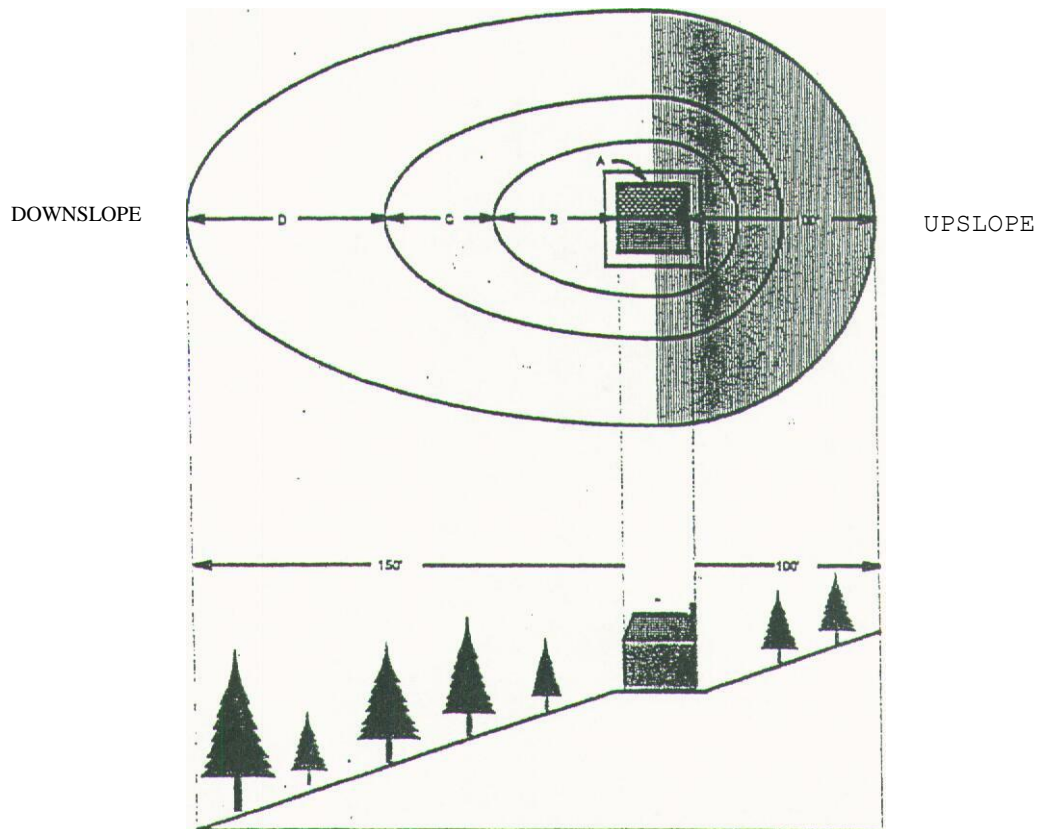
C = 25 FEET

- Thin trees to 10 feet between crowns.
- Prune limbs of all remaining trees to 15 feet or one-third the total live crown height, whichever is less.
- Maintain surface vegetation at 3 inches or less.
- Remove all downed woody fuels.

D = 80 FEET

- Thin trees to 10 feet between crowns.
- Prune limbs of all remaining trees to 15 feet or one-third the total live crown height, whichever is less.
- Remove all downed woody fuels more than 3 inches in diameter.

VEGETATION REDUCTION GUIDELINES 20% TO 30% SLOPE



The shaded areas (upslope) of B, C, & D remain a constant distance of 10', 20', and 70' respectively- The shaded area begins from the mid-section of a structure. The unshaded areas (downslope) of B, C, & D increase with slope as detailed below:

A = THE FIRST 3 FEET OF B

-Maintain an area of non-combustible material - flowers, plants, concrete, gravel, mineral soil, etc.

B = 20 FEET

-Remove all trees and downed woody fuels.

C = 30 FEET

-Thin trees to 10 feet between crowns.

-Prune limbs of all remaining trees to 15 feet or one-third the total live crown height, whichever is less.

-Maintain surface vegetation at 3 inches or less.

-Remove all downed woody fuels.

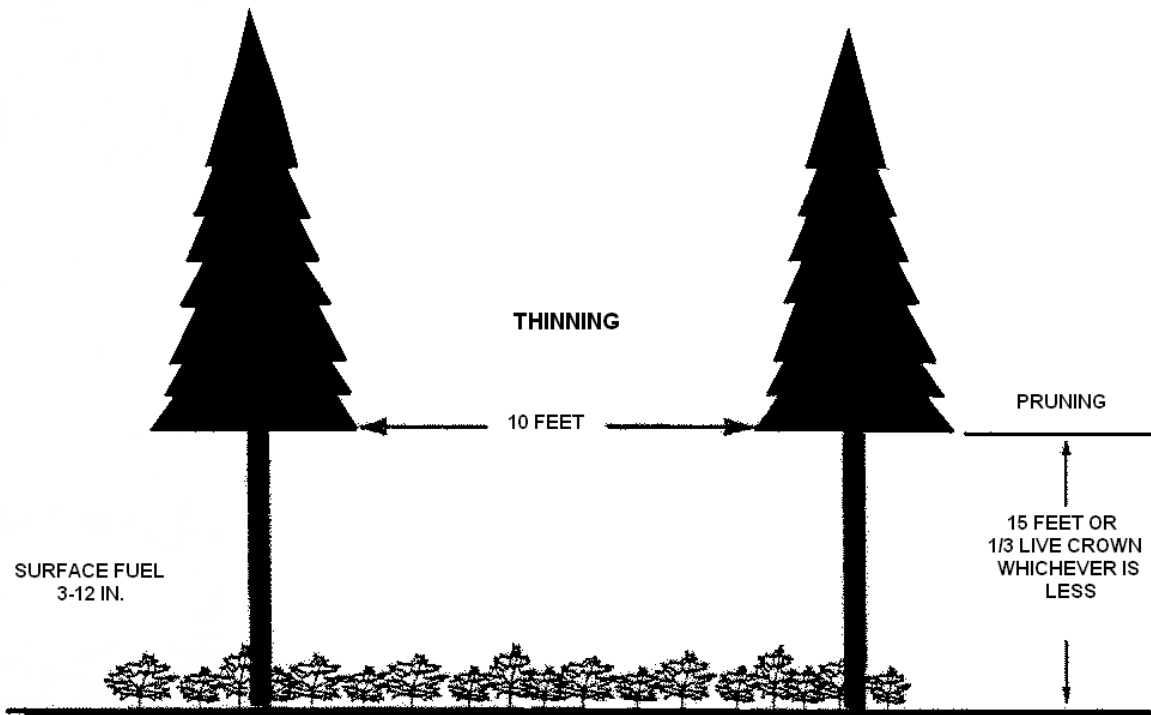
D = 100 FEET

-Thin trees to 10 feet between crowns,

-Prune limbs of all remaining trees to 15 feet or one-third the total live crown height, whichever is less.

-Remove all downed woody fuels more than 3 inches in diameter.

VEGETATION REDUCTION GUIDELINES THINNING AND PRUNING



In areas where vegetation modification is prescribed, use the following guidelines:

A. THINNING

-Thin trees to 10 feet between crowns.

B. PRUNING

-Prune the limbs of all remaining trees to 15 feet or one-third the total live crown height, whichever is less.

C. SURFACE VEGETATION

-Maintain surface vegetation at 3" to 12" as detailed.

Roadside Vegetation:

Maintain roadside vegetation to protect roads from radiant heat, so they can be used both as escape routes and fire breaks (Figure 1). Local conditions will dictate how much vegetation to clear. It is suggested that developers, landowners, and local officials:

- A. Thin trees to 10 feet between crowns.
- B. Remove ladder fuels and prune tree limbs up to 15 feet, or one-third of the live crown of the tree, whichever is less.
- C. Remove dead vegetation, logs, snags, etc. Remove snags to a distance that prevents them from falling into cleared right-of-way or on roads.
- D. In the clear zone and where practical, reduce brush, grass, and other vegetation and maintain it at a maximum of 12 inches high.

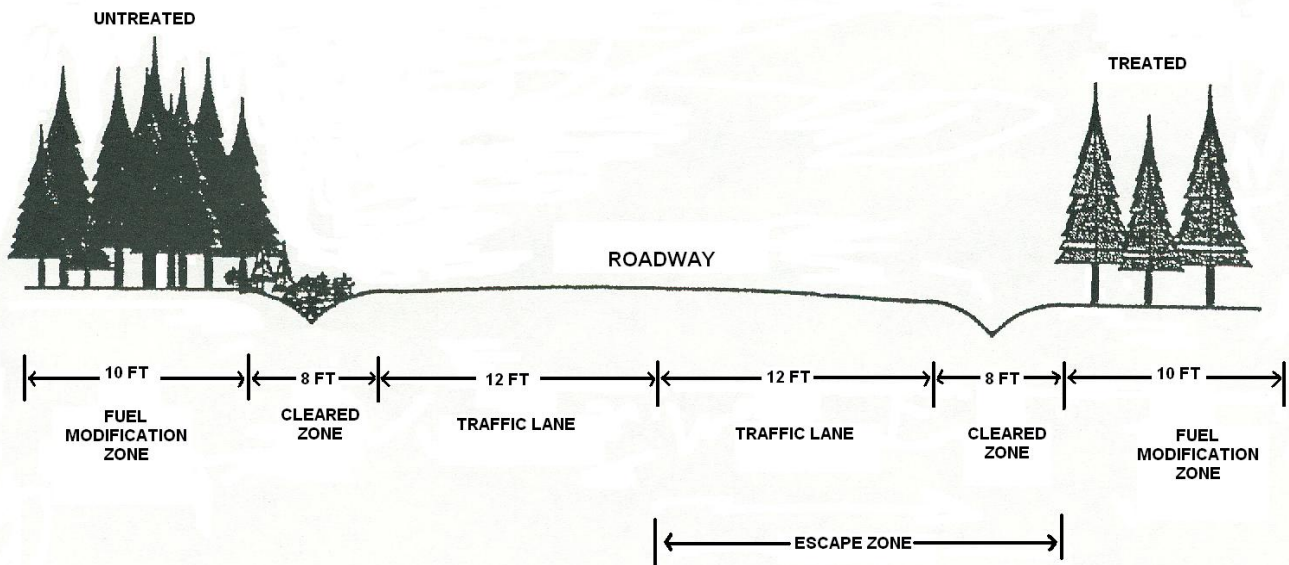


Figure 1 – Recommended treatment for roadside vegetation.

